

By: Representative Hines

To: Drug Policy

HOUSE BILL NO. 1204

1 AN ACT TO AUTHORIZE ALCORN STATE UNIVERSITY TO ESTABLISH A  
 2 PROGRAM OF COOPERATIVE FARMING FOR THE CULTIVATION OF MARIJUANA  
 3 FOR DISTRIBUTION TO OUT-OF-STATE VENDORS LEGALLY AUTHORIZED TO  
 4 DISPENSE MARIJUANA FOR MEDICAL PURPOSES; TO DEFINE CERTAIN TERMS;  
 5 TO PRESCRIBE CERTAIN PROVISIONS REGARDING THE CULTIVATION OF  
 6 MARIJUANA FOR MEDICAL PURPOSES WHICH MUST BE INCLUDED IN A  
 7 MEMORANDUM OF UNDERSTANDING BETWEEN A LOCAL FARMER AND ALCORN  
 8 STATE UNIVERSITY; TO CREATE THE MEDICAL MARIJUANA LOCAL FARMERS  
 9 SPECIAL FUND IN THE STATE TREASURY FOR THE DEPOSIT OF CERTAIN  
 10 MONEYS COLLECTED IN CONNECTION WITH THE CULTIVATION OF MARIJUANA;  
 11 TO AUTHORIZE LOCAL JURISDICTIONS TO ENACT ORDINANCES RESTRICTING  
 12 FARMS FOR THE CULTIVATION OF MARIJUANA FOR MEDICAL PURPOSES UNDER  
 13 THIS ACT; TO AMEND SECTIONS 41-29-125, 41-29-127, 41-29-136,  
 14 41-29-137, 41-29-139, 41-29-141 AND 41-29-143, MISSISSIPPI CODE OF  
 15 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
 16 PURPOSES.

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

18 **SECTION 1.** (1) For the purposes of this section, the  
 19 following words and phrases have the meanings ascribed in this  
 20 subsection unless the context clearly indicates otherwise:

21 (a) "Local farmer" means the owner or operator of a  
 22 farm in Mississippi who is a legal resident of the state and who  
 23 is a natural person. The term "local farmer" does not include any  
 24 corporation, partnership, company or any other legally recognized  
 25 business entity.



26 (b) "Medical marijuana" means marijuana used  
27 exclusively under the prescription of a licensed medical doctor  
28 who is authorized to prescribe marijuana for the treatment of a  
29 medical condition.

30 (c) "Vendor" means a medical provider outside the State  
31 of Mississippi who is authorized in the state in which the medical  
32 provider practices to dispense marijuana for medical purposes.

33 (2) Alcorn State University may establish a program of  
34 cooperative farming for the cultivation of marijuana strictly for  
35 distribution to legal vendors of medical marijuana outside the  
36 State of Mississippi. Under the program, the university may enter  
37 into a memorandum of understanding with an approved local farmer  
38 or group of farmers working together authorizing the farmer or  
39 farmers to grow a specified amount a marijuana to be distributed  
40 exclusively to out-of-state vendors legally authorized to dispense  
41 medical marijuana.

42 (3) A local farmer who grows marijuana in strict accordance  
43 with the terms of this act and the memorandum of understanding  
44 entered into with Alcorn State University may not be considered to  
45 be in violation of state laws prohibiting the cultivation,  
46 possession, sale or distribution of marijuana.

47 (4) Alcorn State University shall develop rules and  
48 regulations for medical marijuana cultivation farmers entering  
49 into a memorandum of understanding with the university. The rules  
50 and regulations must address no less than the following:



51 (a) Limitations on ownership interests in a medical  
52 marijuana cultivation farm;

53 (b) The maximum allowable total marijuana that may be  
54 cultivated by the number of plants, surface area used for  
55 cultivation or output by weight for a medical marijuana  
56 cultivation farm;

57 (c) Regulations governing the legal procurement of  
58 seeds for the cultivation of marijuana for medical purposes;

59 (d) Requirements for a seed to sale tracking system  
60 that requires all farmers of marijuana cultivated for medical  
61 purposes to ensure the appropriate track and trace of all  
62 marijuana cultivated, sold and distributed to out-of-state medical  
63 marijuana vendors;

64 (e) Requirements for securing the premises of the  
65 medical marijuana cultivation farm from invasion or theft;

66 (f) The procedures to be followed by a farmer in filing  
67 a report with law enforcement officials if there is a suspicion  
68 that the premises of the marijuana crop have been trespassed or  
69 that a theft on the premises has occurred;

70 (g) Strict accountability measures under which a farmer  
71 is able to document that one hundred percent (100%) of the medical  
72 marijuana crop has either been distributed to a legal vendor of  
73 medical marijuana outside Mississippi or has been destroyed in  
74 such a manner that the marijuana may not be used in any way for  
75 recreational purposes;



76 (h) The manner in which marijuana sold to an  
77 out-of-state vendor for dispensing as medical marijuana may be  
78 transported securely from the farm to the vendor;

79 (i) The oversight authority of Alcorn State University  
80 in assuring that the marijuana cultivation farmer is in strict  
81 compliance with all state laws, agency rules and regulations and  
82 the memorandum of understanding regarding the cultivation and  
83 distribution of medical marijuana and the power to cause audits  
84 and investigations of records and the premises of the farmer; and

85 (j) Fees that are payable to and collected by Alcorn  
86 State University for the support of the Medical Marijuana Local  
87 Farmers Special Fund established under Section 2 of this act.

88 **SECTION 2.** (a) There is created in the State Treasury a  
89 special fund to be known as the Medical Marijuana Local Farmers  
90 Special Fund. All monies collected by Alcorn State University  
91 through a memorandum of understanding entered into pursuant to  
92 Section 1 of this act, less three percent (3%) which may be  
93 retained to help defray the cost of administering the memorandum  
94 of understanding, must be transmitted to the State Treasurer, who  
95 shall credit the same to the Medical Marijuana Local Farmers  
96 Special Fund. The fund consists of:

97 (i) Monies collected by Alcorn State University;

98 (ii) Any additional general fund monies

99 appropriated to the fund which are necessary for the regulation of  
100 the farms cultivating marijuana for medical purposes; and



101 (iii) Any penalties that may be assessed against a  
102 local farmer for violations of this act or the memorandum of  
103 understanding.

104 (b) Monies in the fund are subject to annual  
105 appropriation by the Legislature to the state institutions of  
106 higher learning for the purposes of attracting students to  
107 professions in which a documented shortage of licensed  
108 professionals in the state exists, including, but not limited to,  
109 teachers, nurses and social workers.

110 (c) Any monies in the Medical Marijuana Local Farmers  
111 Special Fund not expended for these purposes may be invested by  
112 the State Treasurer as provided by law. All interest and income  
113 derived from the investment and deposit of monies in the fund must  
114 be credited to the fund. Any unexpended and unencumbered monies  
115 remaining in the fund at the end of a fiscal year shall remain in  
116 the fund and may not be credited or transferred to the general  
117 fund or another fund.

118 **SECTION 3.** (1) A local jurisdiction may enact ordinances or  
119 regulations governing the manner and number of medical marijuana  
120 farms that may be operated in that jurisdiction or may prohibit  
121 the operation of medical marijuana farms through the enactment of  
122 an ordinance or regulation.

123 (2) This act sets forth the exclusive means by which  
124 cultivation, sale and distribution of medical marijuana by local  
125 farmers may occur in the State of Mississippi.



126           **SECTION 4.** Before January 1, 2020, and each year thereafter,  
127 Alcorn State University shall submit a report to the Legislature  
128 which contains the following information:

129           (a) An overview of the local farmers engaged in the  
130 cultivation of medical marijuana for out-of-state vendors under a  
131 memorandum of understanding with the university;

132           (b) Details of the amount of revenue generated by the  
133 medical marijuana farming operations; and

134           (c) The enforcement measures required to be taken  
135 against local farmers authorized to cultivate marijuana pursuant  
136 to this act for violations of the act and a memorandum of  
137 understanding entered into pursuant to this act.

138           **SECTION 5.** Section 41-29-125, Mississippi Code of 1972, is  
139 amended as follows:

140           41-29-125. (1) The State Board of Pharmacy may promulgate  
141 rules and regulations relating to the registration and control of  
142 the manufacture, distribution and dispensing of controlled  
143 substances within this state and the distribution and dispensing  
144 of controlled substances into this state from an out-of-state  
145 location.

146           (a) Every person who manufactures, distributes or  
147 dispenses any controlled substance within this state or who  
148 distributes or dispenses any controlled substance into this state  
149 from an out-of-state location, or who proposes to engage in the  
150 manufacture, distribution or dispensing of any controlled



151 substance within this state or the distribution or dispensing of  
152 any controlled substance into this state from an out-of-state  
153 location, must obtain a registration issued by the State Board of  
154 Pharmacy, the State Board of Medical Licensure, the State Board of  
155 Dental Examiners, the Mississippi Board of Nursing or the  
156 Mississippi Board of Veterinary Medicine, as appropriate, in  
157 accordance with its rules and the law of this state. Such  
158 registration shall be obtained annually or biennially, as  
159 specified by the issuing board, and a reasonable fee may be  
160 charged by the issuing board for such registration.

161 (b) Persons registered by the State Board of Pharmacy,  
162 with the consent of the United States Drug Enforcement  
163 Administration and the State Board of Medical Licensure, the State  
164 Board of Dental Examiners, the Mississippi Board of Nursing or the  
165 Mississippi Board of Veterinary Medicine to manufacture,  
166 distribute, dispense or conduct research with controlled  
167 substances may possess, manufacture, distribute, dispense or  
168 conduct research with those substances to the extent authorized by  
169 their registration and in conformity with the other provisions of  
170 this article.

171 (c) The following persons need not register and may  
172 lawfully possess controlled substances under this article:

173 (1) An agent or employee of any registered  
174 manufacturer, distributor or dispenser of any controlled substance  
175 if he is acting in the usual course of his business or employment;



176                   (2) A common or contract carrier or warehouse, or  
177 an employee thereof, whose possession of any controlled substance  
178 is in the usual course of business or employment;

179                   (3) An ultimate user or a person in possession of  
180 any controlled substance pursuant to a valid prescription or in  
181 lawful possession of a Schedule V substance as defined in Section  
182 41-29-121.

183                   (d) The State Board of Pharmacy may waive by rule the  
184 requirement for registration of certain manufacturers,  
185 distributors or dispensers if it finds it consistent with the  
186 public health and safety.

187                   (e) A separate registration is required at each  
188 principal place of business or professional practice where an  
189 applicant within the state manufactures, distributes or dispenses  
190 controlled substances and for each principal place of business or  
191 professional practice located out-of-state from which controlled  
192 substances are distributed or dispensed into the state.

193                   (f) The State Board of Pharmacy, the Mississippi Bureau  
194 of Narcotics, the State Board of Medical Licensure, the State  
195 Board of Dental Examiners, the Mississippi Board of Nursing and  
196 the Mississippi Board of Veterinary Medicine may inspect the  
197 establishment of a registrant or applicant for registration in  
198 accordance with the regulations of these agencies as approved by  
199 the board.





200 (2) Whenever a pharmacy ships, mails or delivers any  
201 Schedule II controlled substance listed in Section 41-29-115 to a  
202 private residence in this state, the pharmacy shall arrange with  
203 the entity that will actually deliver the controlled substance to  
204 a recipient in this state that the entity will: (a) deliver the  
205 controlled substance only to a person who is eighteen (18) years  
206 of age or older; and (b) obtain the signature of that person  
207 before delivering the controlled substance. The requirements of  
208 this subsection shall not apply to a pharmacy serving a nursing  
209 facility or to a pharmacy owned and/or operated by a hospital,  
210 nursing facility or clinic to which the general public does not  
211 have access to purchase pharmaceuticals on a retail basis.

212 (3) This section does not apply to any of the actions  
213 regarding the cultivation, sale and distribution of marijuana by  
214 local farmers to licensed out-of-state vendors of medical  
215 marijuana under the provisions of this act.

216 **SECTION 6.** Section 41-29-127, Mississippi Code of 1972, is  
217 amended as follows:

218 41-29-127. (a) The State Board of Pharmacy shall register  
219 an applicant to manufacture or distribute controlled substances  
220 included in Sections 41-29-113 through 41-29-121 unless it  
221 determines that the issuance of that registration would be  
222 inconsistent with the public interest. In determining the public  
223 interest, the State Board of Pharmacy shall consider the following  
224 factors:



225 (1) Maintenance of effective controls against diversion  
226 of controlled substances into other than legitimate medical,  
227 scientific, or industrial channels;

228 (2) Compliance with applicable state and local law;

229 (3) Any convictions of the applicant under any federal  
230 and state laws relating to any controlled substance;

231 (4) Past experience in the manufacture or distribution  
232 of controlled substances and the existence in the applicant's  
233 establishment of effective controls against diversion;

234 (5) Furnishing by the applicant of false or fraudulent  
235 material in any application filed under this article;

236 (6) Suspension or revocation of the applicant's federal  
237 registration to manufacture, distribute, or dispense controlled  
238 substances as authorized by federal law; and

239 (7) Any other factors relevant to and consistent with  
240 the public health and safety.

241 (b) Registration under subsection (a) does not entitle a  
242 registrant to manufacture and distribute controlled substances in  
243 Schedule I or II, as set out in Sections 41-29-113 and 41-29-115,  
244 other than those specified in the registration.

245 (c) Practitioners must be registered to dispense any  
246 controlled substances or to conduct research with controlled  
247 substances in Schedules II through V, as set out in Sections  
248 41-29-115 through 41-29-121, if they are authorized to dispense or  
249 conduct research under the law of this state. The State Board of



250 Pharmacy need not require separate registration under this section  
251 for practitioners engaging in research with nonnarcotic controlled  
252 substances in the said Schedules II through V where the registrant  
253 is already registered therein in another capacity. Practitioners  
254 registered under federal law to conduct research with Schedule I  
255 substances, as set out in Section 41-29-113, may conduct research  
256 with Schedule I substances within this state upon furnishing the  
257 State Board of Health evidence of that federal registration.

258 (d) Compliance by manufacturers and distributors with the  
259 provisions of the federal law respecting registration (excluding  
260 fees) entitles them to be registered under this article.

261 (e) This section does not apply to any of the actions  
262 regarding the cultivation, sale and distribution of marijuana by  
263 local farmers to licensed out-of-state vendors of medical  
264 marijuana under the provisions of this act.

265 **SECTION 7.** Section 41-29-136, Mississippi Code of 1972, is  
266 amended as follows:

267 41-29-136. (1) "CBD solution" means a pharmaceutical  
268 preparation consisting of processed cannabis plant extract in oil  
269 or other suitable vehicle.

270 (2) (a) CBD solution prepared from Cannabis plant extract  
271 that is provided by the National Center for Natural Products  
272 Research at the University of Mississippi under appropriate  
273 federal and state regulatory approvals may be dispensed by the  
274 Department of Pharmacy Services at the University of Mississippi



275 Medical Center (UMMC Pharmacy) after mixing the extract with a  
276 suitable vehicle. The CBD solution may be prepared by the UMMC  
277 Pharmacy or by another pharmacy or laboratory in the state under  
278 appropriate federal and state regulatory approvals and  
279 registrations. For the purposes of clinical trials under this  
280 section, CBD solution must meet the standard of exemption from  
281 control under Section 41-29-113.

282 (b) The patient or the patient's parent, guardian or  
283 custodian must execute a hold-harmless agreement that releases  
284 from liability the state and any division, agency, institution or  
285 employee thereof involved in the research, cultivation,  
286 processing, formulating, dispensing, prescribing or administration  
287 of CBD solution obtained from entities authorized under this  
288 section to produce or possess cannabidiol for research under  
289 appropriate federal and state regulatory approvals and  
290 registrations.

291 (c) The National Center for Natural Products Research  
292 at the University of Mississippi and the Mississippi Agricultural  
293 and Forestry Experiment Station at Mississippi State University  
294 are the only entities authorized to produce cannabis plants for  
295 cannabidiol research.

296 (d) Research of CBD solution under this section must  
297 comply with the provisions of Section 41-29-125 regarding lawful  
298 possession of controlled substances, of Section 41-29-137  
299 regarding record-keeping requirements relative to the dispensing,



300 use or administration of controlled substances, and of Section  
301 41-29-133 regarding inventory requirements, insofar as they are  
302 applicable. Authorized entities may enter into public-private  
303 partnerships to facilitate research.

304 (3) (a) In a prosecution for the unlawful possession of  
305 marijuana under the laws of this state, it is an affirmative and  
306 complete defense to prosecution that:

307 (i) The defendant suffered from a debilitating  
308 epileptic condition or related illness and the use or possession  
309 of CBD solution was pursuant to the order of a physician as  
310 authorized under this section; or

311 (ii) The defendant is the parent, guardian or  
312 custodian of an individual who suffered from a debilitating  
313 epileptic condition or related illness and the use or possession  
314 of CBD solution was pursuant to the order of a physician as  
315 authorized under this section.

316 (b) An agency of this state or a political subdivision  
317 thereof, including any law enforcement agency, may not initiate  
318 proceedings to remove a child from the home based solely upon the  
319 possession or use of CBD solution by the child or parent, guardian  
320 or custodian of the child as authorized under this section.

321 (c) An employee of the state or any division, agency,  
322 institution thereof involved in the research, cultivation,  
323 processing, formulation, dispensing, prescribing or administration  
324 of CBD solution shall not be subject to prosecution for unlawful



325 possession, use, distribution or prescription of marijuana under  
326 the laws of this state for activities arising from or related to  
327 the use of CBD solution in the treatment of individuals diagnosed  
328 with a debilitating epileptic condition.

329 ( \* \* \*4) This section shall be known as "Harper Grace's  
330 Law."

331 (5) This section does not apply to any of the actions  
332 regarding the cultivation, sale and distribution of marijuana by  
333 local farmers to licensed out-of-state vendors of medical  
334 marijuana under the provisions of this act.

335 (6) This section shall stand repealed from and after July 1,  
336 2021.

337 **SECTION 8.** Section 41-29-137, Mississippi Code of 1972, is  
338 amended as follows:

339 41-29-137. (a) (1) Except when dispensed directly by a  
340 practitioner, other than a pharmacy, to an ultimate user, no  
341 controlled substance in Schedule II, as set out in Section  
342 41-29-115, may be dispensed without the written valid prescription  
343 of a practitioner. A practitioner shall keep a record of all  
344 controlled substances in Schedule I, II and III administered,  
345 dispensed or professionally used by him otherwise than by  
346 prescription.

347 (2) In emergency situations, as defined by rule of the  
348 State Board of Pharmacy, Schedule II drugs may be dispensed upon  
349 the oral valid prescription of a practitioner, reduced promptly to



350 writing and filed by the pharmacy. Prescriptions shall be  
351 retained in conformity with the requirements of Section 41-29-133.  
352 No prescription for a Schedule II substance may be refilled unless  
353 renewed by prescription issued by a licensed medical doctor.

354 (b) Except when dispensed directly by a practitioner, other  
355 than a pharmacy, to an ultimate user, a controlled substance  
356 included in Schedule III or IV, as set out in Sections 41-29-117  
357 and 41-29-119, shall not be dispensed without a written or oral  
358 valid prescription of a practitioner. The prescription shall not  
359 be filled or refilled more than six (6) months after the date  
360 thereof or be refilled more than five (5) times, unless renewed by  
361 the practitioner.

362 (c) A controlled substance included in Schedule V, as set  
363 out in Section 41-29-121, shall not be distributed or dispensed  
364 other than for a medical purpose.

365 (d) An optometrist certified to prescribe and use  
366 therapeutic pharmaceutical agents under Sections 73-19-153 through  
367 73-19-165 shall be authorized to prescribe oral analgesic  
368 controlled substances in Schedule IV or V, as pertains to  
369 treatment and management of eye disease by written prescription  
370 only.

371 (e) Administration by injection of any pharmaceutical  
372 product authorized in this section is expressly prohibited except  
373 when dispensed directly by a practitioner other than a pharmacy.



374 (f) (1) For the purposes of this article, Title 73, Chapter  
375 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it  
376 pertains to prescriptions for controlled substances, a "valid  
377 prescription" means a prescription that is issued for a legitimate  
378 medical purpose in the usual course of professional practice by:

379 (A) A practitioner who has conducted at least one  
380 (1) in-person medical evaluation of the patient; or

381 (B) A covering practitioner.

382 (2) (A) "In-person medical evaluation" means a medical  
383 evaluation that is conducted with the patient in the physical  
384 presence of the practitioner, without regard to whether portions  
385 of the evaluation are conducted by other health professionals.

386 (B) "Covering practitioner" means a practitioner  
387 who conducts a medical evaluation other than an in-person medical  
388 evaluation at the request of a practitioner who has conducted at  
389 least one (1) in-person medical evaluation of the patient or an  
390 evaluation of the patient through the practice of telemedicine  
391 within the previous twenty-four (24) months and who is temporarily  
392 unavailable to conduct the evaluation of the patient.

393 (3) A prescription for a controlled substance based  
394 solely on a consumer's completion of an online medical  
395 questionnaire is not a valid prescription.

396 (4) Nothing in this subsection ( \* \* \*f) shall apply  
397 to:





398 (A) A prescription issued by a practitioner  
399 engaged in the practice of telemedicine as authorized under state  
400 or federal law; or

401 (B) The dispensing or selling of a controlled  
402 substance pursuant to practices as determined by the United States  
403 Attorney General by regulation.

404 (5) This section does not apply to any of the actions  
405 regarding the cultivation, sale and distribution of marijuana by  
406 local farmers to licensed out-of-state vendors of medical  
407 marijuana under the provisions of this act.

408 **SECTION 9.** Section 41-29-139, Mississippi Code of 1972, is  
409 amended as follows:

410 41-29-139. (a) **Transfer and possession with intent to**  
411 **transfer.** Except as authorized by this article, it is unlawful  
412 for any person knowingly or intentionally:

413 (1) To sell, barter, transfer, manufacture, distribute,  
414 dispense or possess with intent to sell, barter, transfer,  
415 manufacture, distribute or dispense, a controlled substance; or

416 (2) To create, sell, barter, transfer, distribute,  
417 dispense or possess with intent to create, sell, barter, transfer,  
418 distribute or dispense, a counterfeit substance.

419 (b) **Punishment for transfer and possession with intent to**  
420 **transfer.** Except as otherwise provided in Section 41-29-142, any  
421 person who violates subsection (a) of this section shall be, if  
422 convicted, sentenced as follows:



423 (1) For controlled substances classified in Schedule I  
424 or II, as set out in Sections 41-29-113 and 41-29-115, other than  
425 marijuana or synthetic cannabinoids:

426 (A) If less than two (2) grams or ten (10) dosage  
427 units, by imprisonment for not more than eight (8) years or a fine  
428 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

429 (B) If two (2) or more grams or ten (10) or more  
430 dosage units, but less than ten (10) grams or twenty (20) dosage  
431 units, by imprisonment for not less than three (3) years nor more  
432 than twenty (20) years or a fine of not more than Two Hundred  
433 Fifty Thousand Dollars (\$250,000.00), or both.

434 (C) If ten (10) or more grams or twenty (20) or  
435 more dosage units, but less than thirty (30) grams or forty (40)  
436 dosage units, by imprisonment for not less than five (5) years nor  
437 more than thirty (30) years or a fine of not more than Five  
438 Hundred Thousand Dollars (\$500,000.00), or both.

439 (2) (A) For marijuana:

440 1. If thirty (30) grams or less, by  
441 imprisonment for not more than three (3) years or a fine of not  
442 more than Three Thousand Dollars (\$3,000.00), or both;

443 2. If more than thirty (30) grams but less  
444 than two hundred fifty (250) grams, by imprisonment for not more  
445 than five (5) years or a fine of not more than Five Thousand  
446 Dollars (\$5,000.00), or both;



447                   3. If two hundred fifty (250) or more grams  
448 but less than five hundred (500) grams, by imprisonment for not  
449 less than three (3) years nor more than ten (10) years or a fine  
450 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

451                   4. If five hundred (500) or more grams but  
452 less than one (1) kilogram, by imprisonment for not less than five  
453 (5) years nor more than twenty (20) years or a fine of not more  
454 than Twenty Thousand Dollars (\$20,000.00), or both.

455                   (B) For synthetic cannabinoids:

456                   1. If ten (10) grams or less, by imprisonment  
457 for not more than three (3) years or a fine of not more than Three  
458 Thousand Dollars (\$3,000.00), or both;

459                   2. If more than ten (10) grams but less than  
460 twenty (20) grams, by imprisonment for not more than five (5)  
461 years or a fine of not more than Five Thousand Dollars  
462 (\$5,000.00), or both;

463                   3. If twenty (20) or more grams but less than  
464 forty (40) grams, by imprisonment for not less than three (3)  
465 years nor more than ten (10) years or a fine of not more than  
466 Fifteen Thousand Dollars (\$15,000.00), or both;

467                   4. If forty (40) or more grams but less than  
468 two hundred (200) grams, by imprisonment for not less than five  
469 (5) years nor more than twenty (20) years or a fine of not more  
470 than Twenty Thousand Dollars (\$20,000.00), or both.



471 (3) For controlled substances classified in Schedules  
472 III and IV, as set out in Sections 41-29-117 and 41-29-119:

473 (A) If less than two (2) grams or ten (10) dosage  
474 units, by imprisonment for not more than five (5) years or a fine  
475 of not more than Five Thousand Dollars (\$5,000.00), or both;

476 (B) If two (2) or more grams or ten (10) or more  
477 dosage units, but less than ten (10) grams or twenty (20) dosage  
478 units, by imprisonment for not more than eight (8) years or a fine  
479 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

480 (C) If ten (10) or more grams or twenty (20) or  
481 more dosage units, but less than thirty (30) grams or forty (40)  
482 dosage units, by imprisonment for not more than fifteen (15) years  
483 or a fine of not more than One Hundred Thousand Dollars  
484 (\$100,000.00), or both;

485 (D) If thirty (30) or more grams or forty (40) or  
486 more dosage units, but less than five hundred (500) grams or two  
487 thousand five hundred (2,500) dosage units, by imprisonment for  
488 not more than twenty (20) years or a fine of not more than Two  
489 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

490 (4) For controlled substances classified in Schedule V,  
491 as set out in Section 41-29-121:

492 (A) If less than two (2) grams or ten (10) dosage  
493 units, by imprisonment for not more than one (1) year or a fine of  
494 not more than Five Thousand Dollars (\$5,000.00), or both;



495 (B) If two (2) or more grams or ten (10) or more  
496 dosage units, but less than ten (10) grams or twenty (20) dosage  
497 units, by imprisonment for not more than five (5) years or a fine  
498 of not more than Ten Thousand Dollars (\$10,000.00), or both;

499 (C) If ten (10) or more grams or twenty (20) or  
500 more dosage units, but less than thirty (30) grams or forty (40)  
501 dosage units, by imprisonment for not more than ten (10) years or  
502 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
503 both;

504 (D) For thirty (30) or more grams or forty (40) or  
505 more dosage units, but less than five hundred (500) grams or two  
506 thousand five hundred (2,500) dosage units, by imprisonment for  
507 not more than fifteen (15) years or a fine of not more than Fifty  
508 Thousand Dollars (\$50,000.00), or both.

509 (c) **Simple possession.** It is unlawful for any person  
510 knowingly or intentionally to possess any controlled substance  
511 unless the substance was obtained directly from, or pursuant to, a  
512 valid prescription or order of a practitioner while acting in the  
513 course of his professional practice, or except as otherwise  
514 authorized by this article. The penalties for any violation of  
515 this subsection (c) with respect to a controlled substance  
516 classified in Schedules I, II, III, IV or V, as set out in Section  
517 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including  
518 marijuana or synthetic cannabinoids, shall be based on dosage unit



519 as defined herein or the weight of the controlled substance as set  
520 forth herein as appropriate:

521 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
522 case of a liquid solution, one (1) milliliter. In the case of  
523 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
524 stamp, square, dot, microdot, tablet or capsule of a controlled  
525 substance.

526 For any controlled substance that does not fall within the  
527 definition of the term "dosage unit," the penalties shall be based  
528 upon the weight of the controlled substance.

529 The weight set forth refers to the entire weight of any  
530 mixture or substance containing a detectable amount of the  
531 controlled substance.

532 If a mixture or substance contains more than one (1)  
533 controlled substance, the weight of the mixture or substance is  
534 assigned to the controlled substance that results in the greater  
535 punishment.

536 A person shall be charged and sentenced as follows for a  
537 violation of this subsection with respect to:

538 (1) A controlled substance classified in Schedule I or  
539 II, except marijuana and synthetic cannabinoids:

540 (A) If less than one-tenth (0.1) gram or two (2)  
541 dosage units, the violation is a misdemeanor and punishable by  
542 imprisonment for not more than one (1) year or a fine of not more  
543 than One Thousand Dollars (\$1,000.00), or both.



544 (B) If one-tenth (0.1) gram or more or two (2) or  
545 more dosage units, but less than two (2) grams or ten (10) dosage  
546 units, by imprisonment for not more than three (3) years or a fine  
547 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

548 (C) If two (2) or more grams or ten (10) or more  
549 dosage units, but less than ten (10) grams or twenty (20) dosage  
550 units, by imprisonment for not more than eight (8) years or a fine  
551 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),  
552 or both.

553 (D) If ten (10) or more grams or twenty (20) or  
554 more dosage units, but less than thirty (30) grams or forty (40)  
555 dosage units, by imprisonment for not less than three (3) years  
556 nor more than twenty (20) years or a fine of not more than Five  
557 Hundred Thousand Dollars (\$500,000.00), or both.

558 (2) (A) Marijuana and synthetic cannabinoids:

559 1. If thirty (30) grams or less of marijuana  
560 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
561 not less than One Hundred Dollars (\$100.00) nor more than Two  
562 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph  
563 (2) (A) may be enforceable by summons if the offender provides  
564 proof of identity satisfactory to the arresting officer and gives  
565 written promise to appear in court satisfactory to the arresting  
566 officer, as directed by the summons. A second conviction under  
567 this section within two (2) years is a misdemeanor punishable by a  
568 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty



569 (60) days in the county jail, and mandatory participation in a  
570 drug education program approved by the Division of Alcohol and  
571 Drug Abuse of the State Department of Mental Health, unless the  
572 court enters a written finding that a drug education program is  
573 inappropriate. A third or subsequent conviction under this  
574 paragraph (2) (A) within two (2) years is a misdemeanor punishable  
575 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor  
576 more than One Thousand Dollars (\$1,000.00) and confinement for not  
577 more than six (6) months in the county jail.

578       Upon a first or second conviction under this paragraph  
579 (2) (A), the courts shall forward a report of the conviction to the  
580 Mississippi Bureau of Narcotics which shall make and maintain a  
581 private, nonpublic record for a period not to exceed two (2) years  
582 from the date of conviction. The private, nonpublic record shall  
583 be solely for the use of the courts in determining the penalties  
584 which attach upon conviction under this paragraph (2) (A) and shall  
585 not constitute a criminal record for the purpose of private or  
586 administrative inquiry and the record of each conviction shall be  
587 expunged at the end of the period of two (2) years following the  
588 date of such conviction;

589               2. Additionally, a person who is the operator  
590 of a motor vehicle, who possesses on his person or knowingly keeps  
591 or allows to be kept in a motor vehicle within the area of the  
592 vehicle normally occupied by the driver or passengers, more than  
593 one (1) gram, but not more than thirty (30) grams of marijuana or





594 not more than ten (10) grams of synthetic cannabinoids is guilty  
595 of a misdemeanor and, upon conviction, may be fined not more than  
596 One Thousand Dollars (\$1,000.00) or confined for not more than  
597 ninety (90) days in the county jail, or both. For the purposes of  
598 this subsection, such area of the vehicle shall not include the  
599 trunk of the motor vehicle or the areas not normally occupied by  
600 the driver or passengers if the vehicle is not equipped with a  
601 trunk. A utility or glove compartment shall be deemed to be  
602 within the area occupied by the driver and passengers;

603 (B) Marijuana:

604 1. If more than thirty (30) grams but less  
605 than two hundred fifty (250) grams, by a fine of not more than One  
606 Thousand Dollars (\$1,000.00), or confinement in the county jail  
607 for not more than one (1) year, or both; or by a fine of not more  
608 than Three Thousand Dollars (\$3,000.00), or imprisonment in the  
609 custody of the Department of Corrections for not more than three  
610 (3) years, or both;

611 2. If two hundred fifty (250) or more grams  
612 but less than five hundred (500) grams, by imprisonment for not  
613 less than two (2) years nor more than eight (8) years or by a fine  
614 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

615 3. If five hundred (500) or more grams but  
616 less than one (1) kilogram, by imprisonment for not less than four  
617 (4) years nor more than sixteen (16) years or a fine of not more  
618 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;



619                   4. If one (1) kilogram or more but less than  
620 five (5) kilograms, by imprisonment for not less than six (6)  
621 years nor more than twenty-four (24) years or a fine of not more  
622 than Five Hundred Thousand Dollars (\$500,000.00), or both;

623                   5. If five (5) kilograms or more, by  
624 imprisonment for not less than ten (10) years nor more than thirty  
625 (30) years or a fine of not more than One Million Dollars  
626 (\$1,000,000.00), or both.

627                   (C) Synthetic cannabinoids:

628                   1. If more than ten (10) grams but less than  
629 twenty (20) grams, by a fine of not more than One Thousand Dollars  
630 (\$1,000.00), or confinement in the county jail for not more than  
631 one (1) year, or both; or by a fine of not more than Three  
632 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
633 the Department of Corrections for not more than three (3) years,  
634 or both;

635                   2. If twenty (20) or more grams but less than  
636 forty (40) grams, by imprisonment for not less than two (2) years  
637 nor more than eight (8) years or by a fine of not more than Fifty  
638 Thousand Dollars (\$50,000.00), or both;

639                   3. If forty (40) or more grams but less than  
640 two hundred (200) grams, by imprisonment for not less than four  
641 (4) years nor more than sixteen (16) years or a fine of not more  
642 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;



643                   4. If two hundred (200) or more grams, by  
644 imprisonment for not less than six (6) years nor more than  
645 twenty-four (24) years or a fine of not more than Five Hundred  
646 Thousand Dollars (\$500,000.00), or both.

647                   (3) A controlled substance classified in Schedule III,  
648 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
649 conviction, may be punished as follows:

650                   (A) If less than fifty (50) grams or less than one  
651 hundred (100) dosage units, the offense is a misdemeanor and  
652 punishable by not more than one (1) year or a fine of not more  
653 than One Thousand Dollars (\$1,000.00), or both.

654                   (B) If fifty (50) or more grams or one hundred  
655 (100) or more dosage units, but less than one hundred fifty (150)  
656 grams or five hundred (500) dosage units, by imprisonment for not  
657 less than one (1) year nor more than four (4) years or a fine of  
658 not more than Ten Thousand Dollars (\$10,000.00), or both.

659                   (C) If one hundred fifty (150) or more grams or  
660 five hundred (500) or more dosage units, but less than three  
661 hundred (300) grams or one thousand (1,000) dosage units, by  
662 imprisonment for not less than two (2) years nor more than eight  
663 (8) years or a fine of not more than Fifty Thousand Dollars  
664 (\$50,000.00), or both.

665                   (D) If three hundred (300) or more grams or one  
666 thousand (1,000) or more dosage units, but less than five hundred  
667 (500) grams or two thousand five hundred (2,500) dosage units, by



668 imprisonment for not less than four (4) years nor more than  
669 sixteen (16) years or a fine of not more than Two Hundred Fifty  
670 Thousand Dollars (\$250,000.00), or both.

671 (d) **Paraphernalia.** (1) It is unlawful for a person who is  
672 not authorized by the State Board of Medical Licensure, State  
673 Board of Pharmacy, or other lawful authority to use, or to possess  
674 with intent to use, paraphernalia to plant, propagate, cultivate,  
675 grow, harvest, manufacture, compound, convert, produce, process,  
676 prepare, test, analyze, pack, repack, store, contain, conceal,  
677 inject, ingest, inhale or otherwise introduce into the human body  
678 a controlled substance in violation of the Uniform Controlled  
679 Substances Law. Any person who violates this subsection (d)(1) is  
680 guilty of a misdemeanor and, upon conviction, may be confined in  
681 the county jail for not more than six (6) months, or fined not  
682 more than Five Hundred Dollars (\$500.00), or both; however, no  
683 person shall be charged with a violation of this subsection when  
684 such person is also charged with the possession of thirty (30)  
685 grams or less of marijuana under subsection (c)(2)(A) of this  
686 section.

687 (2) It is unlawful for any person to deliver, sell,  
688 possess with intent to deliver or sell, or manufacture with intent  
689 to deliver or sell, paraphernalia, knowing, or under circumstances  
690 where one reasonably should know, that it will be used to plant,  
691 propagate, cultivate, grow, harvest, manufacture, compound,  
692 convert, produce, process, prepare, test, analyze, pack, repack,



693 store, contain, conceal, inject, ingest, inhale, or otherwise  
694 introduce into the human body a controlled substance in violation  
695 of the Uniform Controlled Substances Law. Except as provided in  
696 subsection (d) (3), a person who violates this subsection (d) (2) is  
697 guilty of a misdemeanor and, upon conviction, may be confined in  
698 the county jail for not more than six (6) months, or fined not  
699 more than Five Hundred Dollars (\$500.00), or both.

700 (3) Any person eighteen (18) years of age or over who  
701 violates subsection (d) (2) of this section by delivering or  
702 selling paraphernalia to a person under eighteen (18) years of age  
703 who is at least three (3) years his junior is guilty of a  
704 misdemeanor and, upon conviction, may be confined in the county  
705 jail for not more than one (1) year, or fined not more than One  
706 Thousand Dollars (\$1,000.00), or both.

707 (4) It is unlawful for any person to place in any  
708 newspaper, magazine, handbill, or other publication any  
709 advertisement, knowing, or under circumstances where one  
710 reasonably should know, that the purpose of the advertisement, in  
711 whole or in part, is to promote the sale of objects designed or  
712 intended for use as paraphernalia. Any person who violates this  
713 subsection is guilty of a misdemeanor and, upon conviction, may be  
714 confined in the county jail for not more than six (6) months, or  
715 fined not more than Five Hundred Dollars (\$500.00), or both.

716 (e) It shall be unlawful for any physician practicing  
717 medicine in this state to prescribe, dispense or administer any



718 amphetamine or amphetamine-like anorectics and/or central nervous  
719 system stimulants classified in Schedule II, pursuant to Section  
720 41-29-115, for the exclusive treatment of obesity, weight control  
721 or weight loss. Any person who violates this subsection, upon  
722 conviction, is guilty of a misdemeanor and may be confined for a  
723 period not to exceed six (6) months, or fined not more than One  
724 Thousand Dollars (\$1,000.00), or both.

725 (f) **Trafficking.** (1) Any person trafficking in controlled  
726 substances shall be guilty of a felony and, upon conviction, shall  
727 be imprisoned for a term of not less than ten (10) years nor more  
728 than forty (40) years and shall be fined not less than Five  
729 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
730 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
731 reduced or suspended. The person shall not be eligible for  
732 probation or parole, the provisions of Sections 41-29-149,  
733 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

734 (2) "Trafficking in controlled substances" as used  
735 herein means:

736 (A) A violation of subsection (a) of this section  
737 involving thirty (30) or more grams or forty (40) or more dosage  
738 units of a Schedule I or II controlled substance except marijuana  
739 and synthetic cannabinoids;

740 (B) A violation of subsection (a) of this section  
741 involving five hundred (500) or more grams or two thousand five



742 hundred (2,500) or more dosage units of a Schedule III, IV or V  
743 controlled substance;

744 (C) A violation of subsection (c) of this section  
745 involving thirty (30) or more grams or forty (40) or more dosage  
746 units of a Schedule I or II controlled substance except marijuana  
747 and synthetic cannabinoids;

748 (D) A violation of subsection (c) of this section  
749 involving five hundred (500) or more grams or two thousand five  
750 hundred (2,500) or more dosage units of a Schedule III, IV or V  
751 controlled substance; or

752 (E) A violation of subsection (a) of this section  
753 involving one (1) kilogram or more of marijuana or two hundred  
754 (200) grams or more of synthetic cannabinoids.

755 (g) **Aggravated trafficking.** Any person trafficking in  
756 Schedule I or II controlled substances, except marijuana and  
757 synthetic cannabinoids, of two hundred (200) grams or more shall  
758 be guilty of aggravated trafficking and, upon conviction, shall be  
759 sentenced to a term of not less than twenty-five (25) years nor  
760 more than life in prison and shall be fined not less than Five  
761 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
762 (\$1,000,000.00). The twenty-five-year sentence shall be a  
763 mandatory sentence and shall not be reduced or suspended. The  
764 person shall not be eligible for probation or parole, the  
765 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
766 the contrary notwithstanding.



767           (h) **Sentence mitigation.** (1) Notwithstanding any provision  
768 of this section, a person who has been convicted of an offense  
769 under this section that requires the judge to impose a prison  
770 sentence which cannot be suspended or reduced and is ineligible  
771 for probation or parole may, at the discretion of the court,  
772 receive a sentence of imprisonment that is no less than  
773 twenty-five percent (25%) of the sentence prescribed by the  
774 applicable statute. In considering whether to apply the departure  
775 from the sentence prescribed, the court shall conclude that:

776                           (A) The offender was not a leader of the criminal  
777 enterprise;

778                           (B) The offender did not use violence or a weapon  
779 during the crime;

780                           (C) The offense did not result in a death or  
781 serious bodily injury of a person not a party to the criminal  
782 enterprise; and

783                           (D) The interests of justice are not served by the  
784 imposition of the prescribed mandatory sentence.

785           The court may also consider whether information and  
786 assistance were furnished to a law enforcement agency, or its  
787 designee, which, in the opinion of the trial judge, objectively  
788 should or would have aided in the arrest or prosecution of others  
789 who violate this subsection. The accused shall have adequate  
790 opportunity to develop and make a record of all information and  
791 assistance so furnished.





792 (2) If the court reduces the prescribed sentence  
793 pursuant to this subsection, it must specify on the record the  
794 circumstances warranting the departure.

795 (i) This section does not apply to any of the actions  
796 regarding the cultivation, sale and distribution of marijuana by  
797 local farmers to licensed out-of-state vendors of medical  
798 marijuana under the provisions of this act.

799 **SECTION 10.** Section 41-29-141, Mississippi Code of 1972, is  
800 amended as follows:

801 41-29-141. It is unlawful for any person:

802 (1) Who is subject to Section 41-29-125 to distribute  
803 or dispense a controlled substance in violation of Section  
804 41-29-137;

805 (2) Who is a registrant under Section 41-29-125 to  
806 manufacture a controlled substance not authorized by his  
807 registration, or to distribute or dispense a controlled substance  
808 not authorized by his registration to another registrant or other  
809 authorized person;

810 (3) To refuse or fail to make, keep or furnish any  
811 record, notification, order form, statement, invoice or  
812 information required under this article;

813 (4) To refuse a lawful entry into any premises for any  
814 inspection authorized by this article; or

815 (5) Knowingly to keep or maintain any store, shop,  
816 warehouse, dwelling, building, vehicle, boat, aircraft, or other



817 structure or place, which is resorted to by persons using  
818 controlled substances in violation of this article for the purpose  
819 of using these substances, or which is used for keeping or selling  
820 them in violation of this article.

821 Any person who violates this section shall, with respect to  
822 such violation, be subject to a civil penalty payable to the State  
823 of Mississippi of not more than Twenty-five Thousand Dollars  
824 (\$25,000.00).

825 In addition to the civil penalty provided in the preceding  
826 paragraph, any person who knowingly or intentionally violates this  
827 section shall be guilty of a crime and upon conviction thereof may  
828 be confined for a period of not more than one (1) year or fined  
829 not more than One Thousand Dollars (\$1,000.00), or both.

830 This section does not apply to any of the actions regarding  
831 the cultivation, sale and distribution of marijuana by local  
832 farmers to licensed out-of-state vendors of medical marijuana  
833 under the provisions of this act.

834 **SECTION 11.** Section 41-29-143, Mississippi Code of 1972, is  
835 amended as follows:

836 41-29-143. It is unlawful for any person knowingly or  
837 intentionally:

838 (1) To distribute as a registrant a controlled  
839 substance classified in Schedule I or II, as set out in Sections  
840 41-29-113 and 41-29-115, except pursuant to an order form as  
841 required by Section 41-29-135;



842 (2) To use in the course of the manufacture or  
843 distribution of a controlled substance a registration number which  
844 is fictitious, revoked, suspended, or issued to another  
845 person \* \* \*;

846 (3) To furnish false or fraudulent material information  
847 in, or omit any material information from, any application,  
848 report, or other document required to be kept or filed under this  
849 article, or any record required to be kept by this article; or

850 (4) To make, distribute, or possess any punch, die,  
851 plate, stone, or other thing designed to print, imprint, or  
852 reproduce the trademark, trade name, or other identifying mark,  
853 imprint or device of another or any likeness of any of the  
854 foregoing upon any drug or container or labeling thereof so as to  
855 render the drug a counterfeit substance.

856 Any person who violates this section is guilty of a crime and  
857 upon conviction may be confined for not more than one (1) year or  
858 fined not more than One Thousand Dollars (\$1,000.00) or both.

859 This section does not apply to any of the actions regarding  
860 the cultivation, sale and distribution of marijuana by local  
861 farmers to licensed out-of-state vendors of medical marijuana  
862 under the provisions of this act.

863 **SECTION 12.** This act shall take effect and be in force from  
864 and after July 1, 2018.

