

By: Senator(s) Simmons (12th)

To: Public Health and  
Welfare; Judiciary, Division  
B

SENATE BILL NO. 2261

1 AN ACT TO AUTHORIZE THE MEDICAL USE OF MARIJUANA BY SERIOUSLY  
2 ILL PATIENTS UNDER A PHYSICIAN'S SUPERVISION; TO DEFINE CERTAIN  
3 TERMS; TO PROVIDE AN EXEMPTION FROM CRIMINAL AND CIVIL PENALTIES  
4 FOR THE MEDICAL USE OF MARIJUANA; TO PROVIDE LIMITATIONS ON THE  
5 MEDICAL USE OF MARIJUANA; TO PROVIDE A LEGAL DEFENSE FOR PATIENTS  
6 AND PRIMARY CAREGIVERS; TO AMEND SECTIONS 41-29-113 AND 41-29-115,  
7 MISSISSIPPI CODE OF 1972, TO TRANSFER MARIJUANA FROM SCHEDULE I TO  
8 SCHEDULE II UNDER THE CONTROLLED SUBSTANCES LAW; TO AMEND SECTION  
9 41-29-139, MISSISSIPPI CODE OF 1972, TO EXEMPT THE MEDICAL USE OF  
10 MARIJUANA FROM CRIMINAL PENALTIES UNDER THE CONTROLLED SUBSTANCES  
11 LAW; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) (a) The Legislature does not intend to make  
14 marijuana legally available for other than medical purposes.

15 (b) The state is not required to enforce federal law or  
16 prosecute people for engaging in activities prohibited by federal  
17 law. Therefore, compliance with this act does not put the state  
18 in violation of federal law.

19 (c) State law should make a distinction between the  
20 medical and nonmedical use of marijuana. Therefore, the purpose  
21 of this act is to ensure that physicians are not penalized for  
22 discussing marijuana as a treatment option with their patients,



23 and that seriously ill people who engage in the medical use of  
24 marijuana upon their physicians' advice are not arrested and  
25 incarcerated for using marijuana for medical purposes.

26 (2) The following words and phrases shall have the meanings  
27 ascribed in this section, unless the context clearly indicates  
28 otherwise:

29 (a) "Adequate supply" means an amount of marijuana  
30 collectively possessed between the qualifying patient and the  
31 qualifying patient's primary caregivers that is not more than is  
32 reasonably necessary to ensure the uninterrupted availability of  
33 marijuana for the purpose of alleviating the symptoms or effects  
34 of a qualifying patient's debilitating medical condition; however,  
35 an "adequate supply" shall not exceed three (3) mature marijuana  
36 plants, four (4) immature marijuana plants and thirty (30) grams  
37 of usable marijuana per each mature plant. "Usable marijuana"  
38 means the dried leaves and flowers of marijuana, and any mixture  
39 or preparation thereof, that are appropriate for the medical use  
40 of marijuana, and does not include the seeds, stalks and roots of  
41 the plant.

42 (b) "Debilitating medical condition" means:

43 (i) Cancer, glaucoma, positive status for human  
44 immunodeficiency virus (HIV), acquired immune deficiency syndrome  
45 (AIDS), post-traumatic stress disorder (PTSD) when diagnosed in a  
46 member of the military or military veteran if the PTSD is a



47 service-connected disability, or the treatment of these  
48 conditions;

49 (ii) A chronic or debilitating disease or medical  
50 condition or its treatment that produces one or more of the  
51 following: cachexia or wasting syndrome; severe pain; severe  
52 nausea; seizures, including those characteristic of epilepsy; or  
53 severe and persistent muscle spasms including those characteristic  
54 of multiple sclerosis or Crohn's disease; or

55 (iii) Any other medical condition or its treatment  
56 approved by the department, as provided for as follows: Not later  
57 than ninety (90) days after the effective date of this act, the  
58 State Board of Health shall promulgate regulations governing the  
59 manner in which the department will consider petitions from the  
60 public to add debilitating medical conditions to those  
61 specifically included in this paragraph (b). In considering those  
62 petitions, the department shall include public notice of, and an  
63 opportunity to comment in a public hearing upon, the petitions.  
64 The department shall, after hearing, approve or deny those  
65 petitions within one hundred eighty (180) days of submission. The  
66 approval or denial of such a petition shall be considered a final  
67 agency action, subject to judicial review.

68 (c) "Department" means the State Department of Health.

69 (d) "Marijuana" has the meaning as defined in Section  
70 41-29-105.



71           (e) "Medical use" means the acquisition, possession,  
72 cultivation, use, transfer or transportation of marijuana or  
73 paraphernalia relating to the administration of marijuana to  
74 alleviate the symptoms or effects of a qualifying patient's  
75 debilitating medical condition. For the purposes of "medical  
76 use," the term "transfer" is limited to the transfer of marijuana  
77 and paraphernalia between primary caregivers and qualifying  
78 patients.

79           (f) "Physician" means a person who is licensed under  
80 Section 73-25-1 et seq.

81           (g) "Primary caregiver" means a person who is at least  
82 eighteen (18) years old and who has agreed to undertake  
83 responsibility for managing the well-being of a person with  
84 respect to the medical use of marijuana.

85           (h) "Qualifying patient" means a person who has been  
86 diagnosed by a physician as having a debilitating medical  
87 condition.

88           (i) "Written certification" means the qualifying  
89 patient's medical records or a statement signed by a physician,  
90 stating that in the physician's professional opinion, after having  
91 completed a full assessment of the qualifying patient's medical  
92 history and current medical condition made in the course of a bona  
93 fide physician-patient relationship, the qualifying patient has a  
94 debilitating medical condition and the potential benefits of the



95 medical use of marijuana would likely outweigh the health risks  
96 for the qualifying patient.

97 (3) (a) A qualifying patient who has in the patient's  
98 possession written certification shall not be subject to arrest,  
99 prosecution or penalty in any manner for the medical use of  
100 marijuana, provided the quantity of marijuana does not exceed an  
101 adequate supply.

102 (b) Paragraph (a) of this subsection shall not apply to  
103 a qualifying patient under the age of eighteen (18) years, unless:

104 (i) The qualifying patient's physician has  
105 explained the potential risks and benefits of the medical use of  
106 marijuana to the qualifying patient and to a parent, guardian or  
107 person having legal custody of the qualifying patient; and

108 (ii) A parent, guardian or person having legal  
109 custody consents in writing to:

110 1. Allow the qualifying patient's medical use  
111 of marijuana;

112 2. Serve as the qualifying patient's primary  
113 caregiver; and

114 3. Control the acquisition of the marijuana,  
115 the dosage and the frequency of the medical use of marijuana by  
116 the qualifying patient.

117 (c) When the acquisition, possession, cultivation,  
118 transportation or administration of marijuana by a qualifying  
119 patient is not practicable, the legal protections established by



120 this act for a qualifying patient shall extend to the qualifying  
121 patient's primary caregivers, provided that the primary  
122 caregivers' actions are necessary for the qualifying patient's  
123 medical use of marijuana.

124 (d) A physician shall not be subject to arrest or  
125 prosecution, penalized in any manner or denied any right or  
126 privilege for providing written certification for the medical use  
127 of marijuana to qualifying patients.

128 (e) Any property interest that is possessed, owned or  
129 used in connection with the medical use of marijuana, or acts  
130 incidental to that use, shall not be harmed, neglected, injured or  
131 destroyed while in the possession of state or local law  
132 enforcement officials, provided that law enforcement agencies  
133 seizing live plants as evidence shall not be responsible for the  
134 care and maintenance of marijuana plants. Any such property  
135 interest shall not be forfeited under any provision of state or  
136 local law providing for the forfeiture of property other than as a  
137 sentence imposed after conviction of a criminal offense or entry  
138 of a plea of guilty to a criminal offense. Marijuana,  
139 paraphernalia or other property seized from a qualifying patient  
140 or primary caregivers in connection with the claimed medical use  
141 of marijuana shall be returned immediately upon the determination  
142 by a court or prosecutor that the qualifying patient or primary  
143 caregivers are entitled to the protections of this act, as may be



144 evidenced by a decision not to prosecute, the dismissal of charges  
145 or an acquittal.

146 (f) No person shall be subject to arrest or prosecution  
147 for "constructive possession," "conspiracy" or any other offense  
148 for simply being in the presence or vicinity of the medical use of  
149 marijuana as permitted under this act.

150 (4) (a) The authorization for the medical use of marijuana  
151 in this act shall not apply to:

152 (i) The medical use of marijuana that endangers  
153 the health or well-being of another person, such as driving or  
154 operating heavy machinery while under the influence of marijuana;

155 (ii) The smoking of marijuana:

156 1. In a school bus, public bus or other  
157 public vehicle;

158 2. In the workplace of one's employment;

159 3. On any school grounds;

160 4. In any correctional facility; or

161 5. At any public park, public beach, public  
162 recreation center or youth center; and

163 (iii) The use of marijuana by a qualifying  
164 patient, primary caregiver or any other person for purposes other  
165 than medical use permitted by this act.

166 (b) Insurance companies shall not be required to cover  
167 the medical use of marijuana.



168 (c) Notwithstanding any law to the contrary, fraudulent  
169 representation to a law enforcement official of any fact or  
170 circumstance relating to the medical use of marijuana to avoid  
171 arrest or prosecution shall be a misdemeanor and subject to a fine  
172 of Five Hundred Dollars (\$500.00). This penalty shall be in  
173 addition to any other penalties that may apply for the nonmedical  
174 use of marijuana.

175 (5) A person and a person's primary caregivers may assert  
176 the medical use of marijuana as a defense to any prosecution  
177 involving marijuana, and that defense shall be presumed valid  
178 where the evidence shows that:

179 (a) The person's medical records indicate, or a  
180 physician has stated that, in the physician's professional  
181 opinion, after having completed a full assessment of the person's  
182 medical history and current medical condition made in the course  
183 of a bona fide physician-patient relationship, the potential  
184 benefits of the medical use of marijuana would likely outweigh the  
185 health risks for the person; and

186 (b) The person and the person's primary caregivers were  
187 collectively in possession of a quantity of marijuana that was not  
188 more than was reasonably necessary to ensure the uninterrupted  
189 availability of marijuana for the purpose of alleviating the  
190 symptoms or effects of the person's medical condition.

191 **SECTION 2.** Section 41-29-113, Mississippi Code of 1972, is  
192 amended as follows:





193 41-29-113. The controlled substances listed in this section  
194 are included in Schedule I.

195 **SCHEDULE I**

196 (a) **Opiates.** Any of the following opiates, including their  
197 isomers, esters, ethers, salts and salts of isomers, esters and  
198 ethers, unless specifically excepted, whenever the existence of  
199 these isomers, esters, ethers and salts is possible within the  
200 specific chemical designation:

201 (1) Acetyl-alpha-methylfentanyl;

202 (2) Acetyl Fentanyl

203 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide;

204 (3) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)  
205 cyclohexylmethyl]benzamide);

206 (4) Acetylmethadol;

207 (5) Allylprodine;

208 (6) Alphacetylmethadol, except levo-alphacetylmethadol  
209 (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

210 (7) Alphameprodine;

211 (8) Alphamethadol;

212 (9) Alpha-methylfentanyl;

213 (10) Alpha-methylthiofentanyl;

214 (11) Benzethidine;

215 (12) Betacetylmethadol;

216 (13) Beta-hydroxyfentanyl;

217 (14) Beta-hydroxy-3-methylfentanyl;



- 218 (15) Betameprodine;
- 219 (16) Betamethadol;
- 220 (17) Betaprodine;
- 221 (18) Clonitazene;
- 222 (19) Dextromoramide;
- 223 (20) Diampromide;
- 224 (21) Diethylthiambutene;
- 225 (22) Difenoquin;
- 226 (23) Dimenoxadol;
- 227 (24) Dimepheptanol;
- 228 (25) Dimethylthiambutene;
- 229 (26) Dioxaphetyl butyrate;
- 230 (27) Dipipanone;
- 231 (28) Ethylmethylthiambutene;
- 232 (29) Etonitazene;
- 233 (30) Etoxadine;
- 234 (31) Furethidine;
- 235 (32) Hydroxypethidine;
- 236 (33) Ketobemidone;
- 237 (34) Levomoramide;
- 238 (35) Levophenacymorphan;
- 239 (36) 3-methylfentanyl;
- 240 (37) 3-methylthiofentanyl;
- 241 (38) Morpheridine;
- 242 (39) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);



243 (40) *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide,  
244 its isomers, esters, ethers, salts and salts of isomers, esters  
245 and ethers (other names: Butyryl fentanyl);  
246 (41)  
247 *N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylprop  
248 ionamide, its isomers, esters, ethers, salts and salts of isomers,  
249 esters and ethers (other names: beta-hydroxythiofentanyl);  
250 (42) Noracymethadol;  
251 (43) Norlevorphanol;  
252 (44) Normethadone;  
253 (45) Norpipanone;  
254 (46) Para-fluorofentanyl;  
255 (47) PEPAP  
256 (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
257 (48) Phenadoxone;  
258 (49) Phenampromide;  
259 (50) Phenomorphan;  
260 (51) Phenoperidine;  
261 (52) Piritramide;  
262 (53) Proheptazine;  
263 (54) Properidine;  
264 (55) Propiram;  
265 (56) Racemoramide;  
266 (57) Thiofentanyl;  
267 (58) Tilidine;



268 (59) Trimeperidine.

269 (b) **Opiate derivatives.** Any of the following opium  
270 derivatives, their salts, isomers and salts of isomers, unless  
271 specifically excepted, whenever the existence of these salts,  
272 isomers and salts of isomers is possible within the specific  
273 chemical designation:

- 274 (1) Acetorphine;
- 275 (2) Acetyldihydrocodeine;
- 276 (3) Benzylmorphine;
- 277 (4) Codeine methylbromide;
- 278 (5) Codeine-N-Oxide;
- 279 (6) Cyprenorphine;
- 280 (7) Desomorphine;
- 281 (8) Dihydromorphine;
- 282 (9) Drotebanol;
- 283 (10) Etorphine \* \* \* (except hydrochloride salt);
- 284 (11) Heroin;
- 285 (12) Hydromorphinol;
- 286 (13) Methyldesorphine;
- 287 (14) Methyldihydromorphine;
- 288 (15) Monoacetylmorphine;
- 289 (16) Morphine methylbromide;
- 290 (17) Morphine methylsulfonate;
- 291 (18) Morphine-N-Oxide;
- 292 (19) Myrophine;



- 293 (20) Nicocodeine;  
294 (21) Nicomorphine;  
295 (22) Normorphine;  
296 (23) Pholcodine;  
297 (24) Thebacon.

298 (c) **Hallucinogenic substances.** Any material, compound,  
299 mixture or preparation which contains any quantity of the  
300 following substances, their salts, isomers (whether optical,  
301 positional, or geometric) and salts of isomers, unless  
302 specifically excepted, whenever the existence of these salts,  
303 isomers and salts of isomers is possible within the specific  
304 chemical designation:

- 305 (1) Alpha-ethyltryptamine;  
306 (2) 4-bromo-2,5-dimethoxy-amphetamine;  
307 (3) 4-bromo-2,5-dimethoxyphenethylamine;  
308 (4) 2,5-dimethoxyamphetamine;  
309 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);  
310 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine  
311 (2C-T-7);  
312 (7) 4-methoxyamphetamine;  
313 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;  
314 (9) 4-methyl-2,5-dimethoxy-amphetamine;  
315 (10) 3,4-methylenedioxy amphetamine;  
316 (11) 3,4-methylenedioxymethamphetamine (MDMA);



317 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known  
318 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl  
319 MDA, MDE, MDEA);

320 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also  
321 known as N-hydroxy MDA, N-OHMDA, and  
322 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);

323 (14) 3,4,5-trimethoxy amphetamine;

324 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

325 (16) Alpha-methyltryptamine (also known as AMT);

326 (17) Bufotenine;

327 (18) Diethyltryptamine;

328 (19) Dimethyltryptamine;

329 (20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

330 (21) Ibogaine;

331 (22) Lysergic acid diethylamide (LSD);

332 \* \* \*

333 ( \* \* \*23) Mescaline;

334 ( \* \* \*24) Parahexyl;

335 ( \* \* \*25) Peyote;

336 ( \* \* \*26) N-ethyl-3-piperidyl benzilate;

337 ( \* \* \*27) N-methyl-3-piperidyl benzilate;

338 ( \* \* \*28) Psilocybin;

339 ( \* \* \*29) Psilocyn;

340 \* \* \*

341 ( \* \* \*30) Phencyclidine;



342 ( \* \* \*31) Ethylamine analog of phencyclidine (PCE);  
343 ( \* \* \*32) Pyrrolidine analog of phencyclidine (PHP,  
344 PCPy);  
345 ( \* \* \*33) Thiophene analog of phencyclidine;  
346 ( \* \* \*34) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine  
347 (TCPy);  
348 ( \* \* \*35) 4-methylmethcathinone (mephedrone);  
349 ( \* \* \*36) 3,4-methylenedioxypropylamphetamine (MDPV);  
350 ( \* \* \*37) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine  
351 (2C-E);  
352 ( \* \* \*38) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine  
353 (2C-D);  
354 ( \* \* \*39) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine  
355 (2C-C);  
356 ( \* \* \*40) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine  
357 (2C-I); or 2,5-dimethoxy-4-iodophenethylamine;  
358 ( \* \* \*41)  
359 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);  
360 ( \* \* \*42)  
361 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);  
362 ( \* \* \*43) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);  
363 ( \* \* \*44) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine  
364 (2C-N);  
365 ( \* \* \*45)  
366 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);



367 ( \* \* \*46)

368 3,4-methylenedioxy-N-methylcathinone (methydone);

369 ( \* \* \*47)

370 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine

371 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);

372 ( \* \* \*48)

373 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine

374 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);

375 ( \* \* \*49)

376 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or

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

378 Cimbi-5);

379 ( \* \* \*50) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,

380 4-benzodiazepin-2-one (also known as Phenazepam);

381 ( \* \* \*51)

382 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,

383 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene

384 (also known as Etizolam);

385 ( \* \* \*52) Salvia divinorum;

386 ( \* \* \*53) Synthetic cannabinoids. Unless specifically

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

388 compound, mixture, or preparation which contains any quantity of a

389 synthetic cannabinoid found in any of the following chemical

390 groups, whether or not substituted to any extent, or any of those

391 groups which contain any synthetic cannabinoid salts, isomers, or





392 salts of isomers, whenever the existence of such salts, isomers,  
393 or salts of isomers is possible within the specific chemical  
394 designation, including all synthetic cannabinoid chemical  
395 analogues in such groups:

396 (A) (6aR,10aR)-9-(hydroxymethyl)-6,  
397 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
398 chromen-1-ol (also known as HU-210 or  
399 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

400 (B) Naphthoylindoles and naphthylmethylindoles,  
401 being any compound structurally derived from 3-(1-naphthoyl)indole  
402 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted  
403 in the indole ring to any extent, or in the naphthyl ring to any  
404 extent;

405 (C) Naphthoylpyrroles, being any compound  
406 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not  
407 substituted in the pyrrole ring to any extent, or in the naphthyl  
408 ring to any extent;

409 (D) Naphthylmethylindenes, being any compound  
410 structurally derived from 1-(1-naphthylmethyl)indene, whether or  
411 not substituted in the indene ring to any extent or in the  
412 naphthyl ring to any extent;

413 (E) Phenylacetylindoles, being any compound  
414 structurally derived from 3-phenylacetylindole, whether or not  
415 substituted in the indole ring to any extent or in the phenyl ring  
416 to any extent;



417 (F) Cyclohexylphenols, being any compound  
418 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether  
419 or not substituted in the cyclohexyl ring to any extent or in the  
420 phenolic ring to any extent;

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

423 (H) Adamantoylindoles, whether or not substituted  
424 in the indole ring to any extent or in the adamantoyl ring system  
425 to any extent;

426 (I) Tetrahydro derivatives of cannabinal and  
427 3-alkyl homologues of cannabinal or of its tetrahydro derivatives,  
428 except where contained in cannabis or cannabis resin;

429 (J) 3-Cyclopropylmethanone indole or  
430 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by  
431 substitution at the nitrogen atom of the indole ring, whether or  
432 not further substituted in the indole ring to any extent, whether  
433 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl  
434 rings to any extent;

435 (K) Quinoliny ester indoles, being any compound  
436 structurally derived from 1H-indole-3carboxylic acid-8-quinoliny  
437 ester, whether or not substituted in the indole ring to any extent  
438 or the quinolone ring to any extent;

439 (L) 3-carboxamide-1H-indazoles, whether or not  
440 substituted in the indazole ring to any extent and substituted to  
441 any degree on the carboxamide nitrogen and



442 3-carboxamide-1H-indoles, whether or not substituted in the indole  
443 ring to any extent and substituted to any degree on the  
444 carboxamide nitrogen;

445 (M) Cycloalkanemethanone Indoles, whether or not  
446 substituted at the nitrogen atom on the indole ring, whether or  
447 not further substituted in the indole ring to any extent, whether  
448 or not substituted on the cycloalkane ring to any extent.

449 (d) **Depressants.** Unless specifically excepted or unless  
450 listed in another schedule, any material, compound, mixture, or  
451 preparation which contains any quantity of the following  
452 substances having a depressant effect on the central nervous  
453 system, including their salts, isomers, and salts of isomers,  
454 whenever the existence of such salts, isomers, and salts of  
455 isomers is possible within the specific chemical designation:

456 (1) Gamma-hydroxybutyric acid (other names include:  
457 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic  
458 acid; sodium oxybate; sodium oxybutyrate);

459 (2) Mecloqualone;

460 (3) Methaqualone.

461 (e) **Stimulants.** Any material, compound, mixture or  
462 preparation which contains any quantity of the following central  
463 nervous system stimulants including optical salts, isomers and  
464 salts of isomers unless specifically excepted or unless listed in  
465 another schedule:

466 (1) Aminorex;



467 (2) N-benzylpiperazine (also known as BZP;  
468 1-benzylpiperazine);  
469 (3) Cathinone;  
470 (4) Fenethylamine;  
471 (5) Methcathinone;  
472 (6) 4-methylaminorex (also known as  
473 2-amino-4-methyl-5-phenyl-2-oxazoline);  
474 (7) N-ethylamphetamine;  
475 (8) Any material, compound, mixture or preparation  
476 which contains any quantity of N,N-dimethylamphetamine. (Other  
477 names include: N,N,-alpha-trimethyl-benzeneethanamine, and  
478 N,N-alpha-trimethylphenethylamine);  
479 (9) **Synthetic cathinones.** (A) Unless listed in  
480 another schedule, any compound other than bupropion that is  
481 structurally derived from 2-Amino-1-phenyl-1-propanone by  
482 modification in any of the following ways:  
483 (i) By substitution in the phenyl ring to any  
484 extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide  
485 substituents, whether or not further substituted in the phenyl  
486 ring by one or more other univalent substituents;  
487 (ii) By substitution at the 3-position with  
488 an alkyl substituent;  
489 (iii) By substitution at the nitrogen atom  
490 with alkyl or dialkyl groups, or by inclusion of the nitrogen atom  
491 in a cyclic structure.



492 (B) The compounds covered in this paragraph (9)  
493 include, but are not limited to, any material compound, mixture or  
494 preparation which contains any quantity of a synthetic cathinone  
495 found in any of the following compounds, whether or not  
496 substituted to any extent, or any of these compounds which contain  
497 any synthetic cathinone, or salts, isomers, or salts of isomers,  
498 whenever the existence of such salts, isomers or salts of isomers  
499 is possible, unless specifically excepted or listed in another  
500 schedule:

- 501 (i) 4-methyl-N-ethylcathinone ("4-MEC");  
502 (ii) 4-methyl-alpha-pyrrolidinopropiophenone  
503 ("4-MePPP");  
504 (iii) Alpha-pyrrolidinopentiophenone  
505 ("α-PVP");  
506 (iv)  
507 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");  
508 (v) 2-(methylamino)-1-phenylpentan-1-one  
509 ("pentedrone");  
510 (vi)  
511 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one  
512 ("pentylone");  
513 (vii) 4-fluoro-N-methylcathinone ("4-FMC");  
514 (viii) 3-fluoro-N-methylcathinone ("3-FMC");



515 (ix)  
516 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");  
517 and

518 (x) Alpha-pyrrolidinobutiophenone ("α-PBP").

519 **SECTION 3.** Section 41-29-115, Mississippi Code of 1972, is  
520 amended as follows:

521 41-29-115. (A) The controlled substances listed in this  
522 section are included in Schedule II.

523 **SCHEDULE II**

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

525 Any of the following substances, except those narcotic drugs  
526 listed in other schedules, whether produced directly or indirectly  
527 by extraction from substances of vegetable origin, or  
528 independently by means of chemical synthesis, or by combination of  
529 extraction and chemical synthesis:

530 (1) Opium and opiate, and any salt, compound,  
531 derivative, or preparation of opium or opiate, excluding  
532 apomorphine, thebaine-derived butorphanol, dextrorphan,  
533 nalbuphine, nalmefene, naloxegol, naloxone and naltrexone, but  
534 including the following:

- 535 (i) Codeine;  
536 (ii) Dihydroetorphine;  
537 (iii) Ethylmorphine;  
538 (iv) Etorphine hydrochloride;  
539 (v) Granulated opium;



540 (vi) Hydrocodone, whether alone or in  
541 combination with any material, compound, mixture or preparation;  
542 (vii) Hydromorphone;  
543 (viii) Metopon;  
544 (ix) Morphine;  
545 (x) Opium extracts;  
546 (xi) Opium fluid extracts;  
547 (xii) Oripavine;  
548 (xiii) Oxycodone;  
549 (xiv) Oxymorphone;  
550 (xv) Powdered opium;  
551 (xvi) Raw opium;  
552 (xvii) Thebaine;  
553 (xviii) Tincture of opium \* \* \*;  
554 (2) Any salt, compound, isomer, derivative, or  
555 preparation thereof which is chemically equivalent or identical  
556 with any of the substances referred to in paragraph (1), but not  
557 including the isoquinoline alkaloids of opium;  
558 (3) Opium poppy and poppy straw;  
559 (4) Coca leaves and any salt, compound,  
560 derivative, or preparation of cocaine or coca leaves, including  
561 cocaine and ecgonine and any salt, compound, derivative, isomer,  
562 or preparation thereof which is chemically equivalent or identical  
563 with any of these substances, but not including:



564 (i) Decocainized coca leaves or extraction of  
565 coca leaves, which extractions do not contain cocaine or ecgonine;  
566 or

567 (ii) Ioflupane;

568 (5) Concentrate of poppy straw (the crude extract  
569 of poppy straw in either liquid, solid or powder form which  
570 contains the phenanthrene alkaloids of the opium poppy) \* \* \*;

571 (6) (i) Marijuana;

572 (ii) Tetrahydrocannabinols, meaning  
573 tetrahydrocannabinols contained in a plant of the genus Cannabis  
574 (cannabis plant), as well as the synthetic equivalents of the  
575 substances contained in the cannabis plant, or in the resinous  
576 extractives of such plant, and/or synthetic substances,  
577 derivatives, and their isomers with similar chemical structure and  
578 pharmacological activity to those substances contained in the  
579 plant such as the following:

580 (A) 1 cis or trans tetrahydrocannabinol;

581 (B) 6 cis or trans tetrahydrocannabinol;

582 (C) 3,4 cis or trans

583 tetrahydrocannabinol.

584 (Since nomenclature of these substances is not  
585 internationally standardized, compounds of these structures,  
586 regardless of atomic positions are covered.)

587 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)

588 However, the following products are exempted from control:





589                   (i) THC-containing industrial products made  
590 from cannabis stalks (e.g., paper, rope and clothing);  
591                   (ii) Processed cannabis plant materials used  
592 for industrial purposes, such as fiber retted from cannabis stalks  
593 for use in manufacturing textiles or rope;  
594                   (iii) Animal feed mixtures that contain  
595 sterilized cannabis seeds and other ingredients (not derived from  
596 the cannabis plant) in a formula designed, marketed and  
597 distributed for nonhuman consumption;  
598                   (iv) Personal care products that contain oil  
599 from sterilized cannabis seeds, such as shampoos, soaps, and body  
600 lotions (if the products do not cause THC to enter the human  
601 body); and  
602                   (v) Processed cannabis plant extract, oil or  
603 resin with a minimum ratio of twenty-to-one cannabidiol to  
604 tetrahydrocannabinol (20:1 cannabidiol:tetrahydrocannabinol), and  
605 diluted so as to contain at least fifty (50) milligrams of  
606 cannabidiol per milliliter, with not more than two and one-half  
607 (2.5) milligrams of tetrahydrocannabinol per milliliter.

608                   (b) **Opiates.** Any of the following opiates, including  
609 their isomers, esters, ethers, salts, and salts of isomers,  
610 whenever the existence of these isomers, esters, ethers and salts  
611 is possible within the specified chemical designation, dextrorphan  
612 and levopropoxyphene excepted:

613                   (1) Alfentanil;



614 (2) Alphaprodine;  
615 (3) Anileridine;  
616 (4) Bezitramide;  
617 (5) Bulk dextropropoxyphene (nondosage forms);  
618 (6) Carfentanil;  
619 (7) Dihydrocodeine;  
620 (8) Diphenoxylate;  
621 (9) Fentanyl;  
622 (10) Isomethadone;  
623 (11) Levo-alpha-acetylmethadol  
624 (levo-alpha-acetylmethadol, levomethadyl acetate, LAAM);  
625 (12) Levomethorphan;  
626 (13) Levorphanol;  
627 (14) Metazocine;  
628 (15) Methadone;  
629 (16) Methadone-intermediate,  
630 4-cyano-2-dimethylamino-4,4-diphenyl butane;  
631 (17) Moramide-intermediate,  
632 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;  
633 (18) Pethidine (meperidine);  
634 (19) Pethidine-Intermediate-A,  
635 4-cyano-1-methyl-4-phenylpiperidine;  
636 (20) Pethidine-Intermediate-B,  
637 ethyl-4-phenylpiperidine-4-carboxylate;



638 (21) Pethidine-Intermediate-C,  
639 1-methyl-4-phenylpiperidine-4-carboxylic acid;

640 (22) Phenazocine;

641 (23) Piminodine;

642 (24) Racemethorphan;

643 (25) Racemorphan;

644 (26) Remifentanil;

645 (27) Sufentanil;

646 (28) Tapentadol.

647 (c) **Stimulants.** Any material, compound, mixture, or  
648 preparation which contains any quantity of the following  
649 substances:

650 (1) Amphetamine, its salts, optical isomers, and  
651 salts of its optical isomers;

652 (2) Phenmetrazine and its salts;

653 (3) Any substance which contains any quantity of  
654 methamphetamine, including its salts, isomers, and salts of  
655 isomers;

656 (4) Methylphenidate and its salts;

657 (5) Lisdexamfetamine, its salts, isomers and salts  
658 of isomers.

659 (d) **Depressants.** Unless listed in another schedule,  
660 any material, compound, mixture, or preparation which contains any  
661 quantity of the following substances:

662 (1) Amobarbital;



663 (2) Secobarbital;

664 (3) Pentobarbital;

665 (4) Glutethimide.

666 (e) **Hallucinogenic substances.** Nabilone [other names  
667 include: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-  
668 hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one].

669 (f) **Immediate precursors.** Unless specifically excepted  
670 or unless listed in another schedule, any material, compound,  
671 mixture, or preparation which contains any quantity of the  
672 following substances:

673 (1) Amphetamine and methamphetamine immediate  
674 precursor: Phenylacetone (other names include:  
675 phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl  
676 ketone);

677 (2) Phencyclidine immediate precursors:

678 (i) 1-phenylcyclohexylamine;

679 (ii) 1-piperidinocyclohexanecarbonitrile  
680 (PCC);

681 (3) Fentanyl immediate precursor:

682 4-anilino-N-phenethyl-4-piperidine (ANPP).

683 (B) Any material, compound, mixture or preparation which  
684 contains any quantity of a Schedule II controlled substance and is  
685 listed as an exempt substance in 21 CFR, Section 1308.24 or  
686 1308.32, shall be exempted from the provisions of the Uniform  
687 Controlled Substances Law.



688           **SECTION 4.** Section 41-29-139, Mississippi Code of 1972, is  
689 amended as follows:

690           41-29-139. (a) **Transfer and possession with intent to**  
691 **transfer.** Except as authorized by this article, it is unlawful  
692 for any person knowingly or intentionally:

693                   (1) To sell, barter, transfer, manufacture, distribute,  
694 dispense or possess with intent to sell, barter, transfer,  
695 manufacture, distribute or dispense, a controlled substance; or

696                   (2) To create, sell, barter, transfer, distribute,  
697 dispense or possess with intent to create, sell, barter, transfer,  
698 distribute or dispense, a counterfeit substance.

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

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

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

709                           (B) If two (2) or more grams or ten (10) or more  
710 dosage units, but less than ten (10) grams or twenty (20) dosage  
711 units, by imprisonment for not less than three (3) years nor more



712 than twenty (20) years or a fine of not more than Two Hundred  
713 Fifty Thousand Dollars (\$250,000.00), or both.

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

719 (2) (A) For marijuana:

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

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

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

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

735 (B) For synthetic cannabinoids:



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

739                   2. If more than ten (10) grams but less than  
740 twenty (20) grams, by imprisonment for not more than five (5)  
741 years or a fine of not more than Five Thousand Dollars  
742 (\$5,000.00), or both;

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

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

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

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

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



760 (C) If ten (10) or more grams or twenty (20) or  
761 more dosage units, but less than thirty (30) grams or forty (40)  
762 dosage units, by imprisonment for not more than fifteen (15) years  
763 or a fine of not more than One Hundred Thousand Dollars  
764 (\$100,000.00), or both;

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

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

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

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

779 (C) If ten (10) or more grams or twenty (20) or  
780 more dosage units, but less than thirty (30) grams or forty (40)  
781 dosage units, by imprisonment for not more than ten (10) years or  
782 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
783 both;





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

789 (c) **Simple possession.** It is unlawful for any person  
790 knowingly or intentionally to possess any controlled substance  
791 unless the substance was obtained directly from, or pursuant to, a  
792 valid prescription or order of a practitioner while acting in the  
793 course of his professional practice, or except as otherwise  
794 authorized by this article. The penalties for any violation of  
795 this subsection (c) with respect to a controlled substance  
796 classified in Schedules I, II, III, IV or V, as set out in Section  
797 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including  
798 marijuana or synthetic cannabinoids, shall be based on dosage unit  
799 as defined herein or the weight of the controlled substance as set  
800 forth herein as appropriate:

801 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
802 case of a liquid solution, one (1) milliliter. In the case of  
803 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
804 stamp, square, dot, microdot, tablet or capsule of a controlled  
805 substance.

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



809           The weight set forth refers to the entire weight of any  
810 mixture or substance containing a detectable amount of the  
811 controlled substance.

812           If a mixture or substance contains more than one (1)  
813 controlled substance, the weight of the mixture or substance is  
814 assigned to the controlled substance that results in the greater  
815 punishment.

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

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

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

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

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



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

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

839 1. If thirty (30) grams or less of marijuana  
840 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
841 not less than One Hundred Dollars (\$100.00) nor more than Two  
842 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph  
843 (2) (A) may be enforceable by summons if the offender provides  
844 proof of identity satisfactory to the arresting officer and gives  
845 written promise to appear in court satisfactory to the arresting  
846 officer, as directed by the summons. A second conviction under  
847 this section within two (2) years is a misdemeanor punishable by a  
848 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty  
849 (60) days in the county jail, and mandatory participation in a  
850 drug education program approved by the Division of Alcohol and  
851 Drug Abuse of the State Department of Mental Health, unless the  
852 court enters a written finding that a drug education program is  
853 inappropriate. A third or subsequent conviction under this  
854 paragraph (2) (A) within two (2) years is a misdemeanor punishable  
855 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor  
856 more than One Thousand Dollars (\$1,000.00) and confinement for not  
857 more than six (6) months in the county jail.



858           Upon a first or second conviction under this paragraph  
859   (2) (A), the courts shall forward a report of the conviction to the  
860   Mississippi Bureau of Narcotics which shall make and maintain a  
861   private, nonpublic record for a period not to exceed two (2) years  
862   from the date of conviction. The private, nonpublic record shall  
863   be solely for the use of the courts in determining the penalties  
864   which attach upon conviction under this paragraph (2) (A) and shall  
865   not constitute a criminal record for the purpose of private or  
866   administrative inquiry and the record of each conviction shall be  
867   expunged at the end of the period of two (2) years following the  
868   date of such conviction;

869                   2. Additionally, a person who is the operator  
870   of a motor vehicle, who possesses on his person or knowingly keeps  
871   or allows to be kept in a motor vehicle within the area of the  
872   vehicle normally occupied by the driver or passengers, more than  
873   one (1) gram, but not more than thirty (30) grams of marijuana or  
874   not more than ten (10) grams of synthetic cannabinoids is guilty  
875   of a misdemeanor and, upon conviction, may be fined not more than  
876   One Thousand Dollars (\$1,000.00) or confined for not more than  
877   ninety (90) days in the county jail, or both. For the purposes of  
878   this subsection, such area of the vehicle shall not include the  
879   trunk of the motor vehicle or the areas not normally occupied by  
880   the driver or passengers if the vehicle is not equipped with a  
881   trunk. A utility or glove compartment shall be deemed to be  
882   within the area occupied by the driver and passengers;



883 (B) Marijuana:

884 1. If more than thirty (30) grams but less  
885 than two hundred fifty (250) grams, by a fine of not more than One  
886 Thousand Dollars (\$1,000.00), or confinement in the county jail  
887 for not more than one (1) year, or both; or by a fine of not more  
888 than Three Thousand Dollars (\$3,000.00), or imprisonment in the  
889 custody of the Department of Corrections for not more than three  
890 (3) years, or both;

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

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

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

903 5. If five (5) kilograms or more, by  
904 imprisonment for not less than ten (10) years nor more than thirty  
905 (30) years or a fine of not more than One Million Dollars  
906 (\$1,000,000.00), or both.

907 (C) Synthetic cannabinoids:



908                   1. If more than ten (10) grams but less than  
909 twenty (20) grams, by a fine of not more than One Thousand Dollars  
910 (\$1,000.00), or confinement in the county jail for not more than  
911 one (1) year, or both; or by a fine of not more than Three  
912 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
913 the Department of Corrections for not more than three (3) years,  
914 or both;

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

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

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

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

930                   (A) If less than fifty (50) grams or less than one  
931 hundred (100) dosage units, the offense is a misdemeanor and



932 punishable by not more than one (1) year or a fine of not more  
933 than One Thousand Dollars (\$1,000.00), or both.

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

939 (C) If one hundred fifty (150) or more grams or  
940 five hundred (500) or more dosage units, but less than three  
941 hundred (300) grams or one thousand (1,000) dosage units, by  
942 imprisonment for not less than two (2) years nor more than eight  
943 (8) years or a fine of not more than Fifty Thousand Dollars  
944 (\$50,000.00), or both.

945 (D) If three hundred (300) or more grams or one  
946 thousand (1,000) or more dosage units, but less than five hundred  
947 (500) grams or two thousand five hundred (2,500) dosage units, by  
948 imprisonment for not less than four (4) years nor more than  
949 sixteen (16) years or a fine of not more than Two Hundred Fifty  
950 Thousand Dollars (\$250,000.00), or both.

951 (d) **Paraphernalia.** (1) It is unlawful for a person who is  
952 not authorized by the State Board of Medical Licensure, State  
953 Board of Pharmacy, or other lawful authority to use, or to possess  
954 with intent to use, paraphernalia to plant, propagate, cultivate,  
955 grow, harvest, manufacture, compound, convert, produce, process,  
956 prepare, test, analyze, pack, repack, store, contain, conceal,



957 inject, ingest, inhale or otherwise introduce into the human body  
958 a controlled substance in violation of the Uniform Controlled  
959 Substances Law. Any person who violates this subsection (d)(1) is  
960 guilty of a misdemeanor and, upon conviction, may be confined in  
961 the county jail for not more than six (6) months, or fined not  
962 more than Five Hundred Dollars (\$500.00), or both; however, no  
963 person shall be charged with a violation of this subsection when  
964 such person is also charged with the possession of thirty (30)  
965 grams or less of marijuana under subsection (c)(2)(A) of this  
966 section.

967 (2) It is unlawful for any person to deliver, sell,  
968 possess with intent to deliver or sell, or manufacture with intent  
969 to deliver or sell, paraphernalia, knowing, or under circumstances  
970 where one reasonably should know, that it will be used to plant,  
971 propagate, cultivate, grow, harvest, manufacture, compound,  
972 convert, produce, process, prepare, test, analyze, pack, repack,  
973 store, contain, conceal, inject, ingest, inhale, or otherwise  
974 introduce into the human body a controlled substance in violation  
975 of the Uniform Controlled Substances Law. Except as provided in  
976 subsection (d)(3), a person who violates this subsection (d)(2) is  
977 guilty of a misdemeanor and, upon conviction, may be confined in  
978 the county jail for not more than six (6) months, or fined not  
979 more than Five Hundred Dollars (\$500.00), or both.

980 (3) Any person eighteen (18) years of age or over who  
981 violates subsection (d)(2) of this section by delivering or





982 selling paraphernalia to a person under eighteen (18) years of age  
983 who is at least three (3) years his junior is guilty of a  
984 misdemeanor and, upon conviction, may be confined in the county  
985 jail for not more than one (1) year, or fined not more than One  
986 Thousand Dollars (\$1,000.00), or both.

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

996 (e) It shall be unlawful for any physician practicing  
997 medicine in this state to prescribe, dispense or administer any  
998 amphetamine or amphetamine-like anorectics and/or central nervous  
999 system stimulants classified in Schedule II, pursuant to Section  
1000 41-29-115, for the exclusive treatment of obesity, weight control  
1001 or weight loss. Any person who violates this subsection, upon  
1002 conviction, is guilty of a misdemeanor and may be confined for a  
1003 period not to exceed six (6) months, or fined not more than One  
1004 Thousand Dollars (\$1,000.00), or both.

1005 (f) **Trafficking.** (1) Any person trafficking in controlled  
1006 substances shall be guilty of a felony and, upon conviction, shall



1007 be imprisoned for a term of not less than ten (10) years nor more  
1008 than forty (40) years and shall be fined not less than Five  
1009 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
1010 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
1011 reduced or suspended. The person shall not be eligible for  
1012 probation or parole, the provisions of Sections 41-29-149,  
1013 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

1014 (2) "Trafficking in controlled substances" as used  
1015 herein means:

1016 (A) A violation of subsection (a) of this section  
1017 involving thirty (30) or more grams or forty (40) or more dosage  
1018 units of a Schedule I or II controlled substance except marijuana  
1019 and synthetic cannabinoids;

1020 (B) A violation of subsection (a) of this section  
1021 involving five hundred (500) or more grams or two thousand five  
1022 hundred (2,500) or more dosage units of a Schedule III, IV or V  
1023 controlled substance;

1024 (C) A violation of subsection (c) of this section  
1025 involving thirty (30) or more grams or forty (40) or more dosage  
1026 units of a Schedule I or II controlled substance except marijuana  
1027 and synthetic cannabinoids;

1028 (D) A violation of subsection (c) of this section  
1029 involving five hundred (500) or more grams or two thousand five  
1030 hundred (2,500) or more dosage units of a Schedule III, IV or V  
1031 controlled substance; or



1032 (E) A violation of subsection (a) of this section  
1033 involving one (1) kilogram or more of marijuana or two hundred  
1034 (200) grams or more of synthetic cannabinoids.

1035 (g) **Aggravated trafficking.** Any person trafficking in  
1036 Schedule I or II controlled substances, except marijuana and  
1037 synthetic cannabinoids, of two hundred (200) grams or more shall  
1038 be guilty of aggravated trafficking and, upon conviction, shall be  
1039 sentenced to a term of not less than twenty-five (25) years nor  
1040 more than life in prison and shall be fined not less than Five  
1041 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
1042 (\$1,000,000.00). The twenty-five-year sentence shall be a  
1043 mandatory sentence and shall not be reduced or suspended. The  
1044 person shall not be eligible for probation or parole, the  
1045 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
1046 the contrary notwithstanding.

1047 (h) **Sentence mitigation.** (1) Notwithstanding any provision  
1048 of this section, a person who has been convicted of an offense  
1049 under this section that requires the judge to impose a prison  
1050 sentence which cannot be suspended or reduced and is ineligible  
1051 for probation or parole may, at the discretion of the court,  
1052 receive a sentence of imprisonment that is no less than  
1053 twenty-five percent (25%) of the sentence prescribed by the  
1054 applicable statute. In considering whether to apply the departure  
1055 from the sentence prescribed, the court shall conclude that:



1056 (A) The offender was not a leader of the criminal  
1057 enterprise;

1058 (B) The offender did not use violence or a weapon  
1059 during the crime;

1060 (C) The offense did not result in a death or  
1061 serious bodily injury of a person not a party to the criminal  
1062 enterprise; and

1063 (D) The interests of justice are not served by the  
1064 imposition of the prescribed mandatory sentence.

1065 The court may also consider whether information and  
1066 assistance were furnished to a law enforcement agency, or its  
1067 designee, which, in the opinion of the trial judge, objectively  
1068 should or would have aided in the arrest or prosecution of others  
1069 who violate this subsection. The accused shall have adequate  
1070 opportunity to develop and make a record of all information and  
1071 assistance so furnished.

1072 (2) If the court reduces the prescribed sentence  
1073 pursuant to this subsection, it must specify on the record the  
1074 circumstances warranting the departure.

1075 (i) The medical use of marijuana as authorized by Section 1  
1076 of this act shall not constitute a violation of this section.

1077 **SECTION 5.** If any provision of this act or the application  
1078 thereof to any person or circumstance is held invalid, the  
1079 invalidity does not affect other provisions or applications of the  
1080 act which can be given effect without the invalid provision or



1081 application, and to this end the provisions of this act are  
1082 severable.

1083           **SECTION 6.** Section 1 of this act shall be codified within  
1084 Title 41, Chapter 29, Mississippi Code of 1972.

1085           **SECTION 7.** This act shall take effect and be in force from  
1086 and after July 1, 2018.

