

By: Representatives Brown, Sykes, Henley

To: Medicaid

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 881

1 AN ACT TO BE KNOWN AS THE "OPIOID CRISIS INTERVENTION ACT";
2 TO AMEND SECTION 41-29-149.1, MISSISSIPPI CODE OF 1972, TO EXPAND
3 THE TYPES OF DRUG VIOLATIONS FOR WHICH A PERSON MAY NOT BE
4 PROSECUTED WHEN COMPLYING WITH THE MISSISSIPPI MEDICAL EMERGENCY
5 GOOD SAMARITAN ACT; TO AMEND SECTION 41-127-1, MISSISSIPPI CODE OF
6 1972, TO AUTHORIZE TELEMEDICINE PROVIDERS TO PROVIDE TREATMENT FOR
7 SUBSTANCE USE DISORDERS, INCLUDING MEDICATION ASSISTED TREATMENT;
8 TO AUTHORIZE MUNICIPALITIES, COUNTIES AND PUBLIC OR PRIVATE
9 EDUCATIONAL INSTITUTIONS TO ADOPT A PRE-ARREST DIVERSION PROGRAM
10 TO WHICH LAW ENFORCEMENT OFFICERS MAY DIVERT ADULTS WHO COMMIT A
11 NONVIOLENT OFFENSE; TO REQUIRE ADULTS WHO ARE DIVERTED TO BE
12 PROVIDED APPROPRIATE ASSESSMENT, INTERVENTION, EDUCATION AND
13 BEHAVIORAL HEALTH CARE SERVICES; TO AUTHORIZE THE LAW ENFORCEMENT
14 AGENCY TO CRIMINALLY CHARGE THE ADULT FOR THE ORIGINAL OFFENSE AND
15 REFER THE CASE TO THE APPROPRIATE PROSECUTING AGENCY IF THE ADULT
16 DOES NOT PARTICIPATE IN THE PRE-ARREST DIVERSION PROGRAM; TO
17 PROHIBIT AN ARREST RECORD FROM BEING ASSOCIATED WITH THE OFFENSE
18 IF THE ADULT SUCCESSFULLY COMPLETES THE DIVERSION PROGRAM; TO
19 AMEND SECTION 63-1-53, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
20 AFTER CERTAIN NOTICE IS GIVEN TO A PERSON FAILING TO TIMELY PAY
21 ANY FINES, FEES AND ASSESSMENTS RELATING TO A TRAFFIC VIOLATION
22 WITHIN 90 DAYS OF RECEIVING THE NOTICE, THE PERSON IS SUBJECT TO
23 HAVING THE FINES, FEES AND ASSESSMENTS COLLECTED BY A COURT RATHER
24 THAN HAVING HIS OR HER LICENSE SUSPENDED; TO AMEND SECTION
25 63-1-52, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
26 SECTION; TO AMEND SECTION 63-1-71, MISSISSIPPI CODE OF 1972, TO
27 DELETE THE REQUIREMENT THAT A PERSON'S LICENSE BE SUSPENDED FOR A
28 CONTROLLED SUBSTANCE VIOLATION THAT IS UNRELATED TO OPERATING A
29 MOTOR VEHICLE; TO AMEND SECTION 63-1-51, MISSISSIPPI CODE OF 1972,
30 TO DELETE THE OFFENSE OF CONTEMPT FOR FAILURE TO PAY A FINE OR FEE
31 OR FAILURE TO RESPOND TO A SUMMONS OR CITATION RELATING TO A
32 TRAFFIC VIOLATION AS A GROUNDS FOR REVOKING A PERSON'S LICENSE; TO
33 AMEND SECTION 9-23-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A
34 JUDGE TO ALLOW A PERSON TO BE ELIGIBLE FOR ALTERNATIVE SENTENCING



35 THROUGH A DRUG COURT IF HE OR SHE HAS BEEN CONVICTED OF BURGLARY
36 OF AN UNOCCUPIED DWELLING; IF THE OWNER OF THE DWELLING THAT WAS
37 BURGLARIZED CONSENTS TO SUCH ALTERNATIVE SENTENCING; TO AMEND
38 SECTION 9-23-13, MISSISSIPPI CODE OF 1972, TO REQUIRE DRUG COURTS
39 TO ALLOW PARTICIPANTS TO USE MEDICATION ASSISTED TREATMENT WHILE
40 PARTICIPATING IN A DRUG COURT PROGRAM; TO AUTHORIZE MEDICAL
41 DIRECTORS OF HOSPICES TO PRESCRIBE CONTROLLED SUBSTANCES FOR
42 PATIENTS OF THE HOSPICE FOR TERMINAL DISEASE PAIN WITHOUT HAVING
43 AN IN-PERSON FACE-TO-FACE VISIT WITH A PATIENT BEFORE ISSUING A
44 PRESCRIPTION; AND FOR RELATED PURPOSES.

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

46 **SECTION 1.** This act shall be known and may be cited as the
47 "Opioid Crisis Intervention Act."

48 **SECTION 2.** Section 41-29-149.1, Mississippi Code of 1972, is
49 amended as follows:

50 41-29-149.1. (1) This section shall be known as the
51 "Mississippi Medical Emergency Good Samaritan Act."

52 (2) As used in this section, the following words shall have
53 the meanings ascribed:

54 (a) "Drug overdose" means an acute condition,
55 including, but not limited to, extreme physical illness, decreased
56 level of consciousness, respiratory depression, coma, mania, or
57 death, resulting from the consumption or use of a controlled
58 substance or dangerous drug in violation of this chapter or that a
59 layperson would reasonably believe to be resulting from the
60 consumption or use of a controlled substance or dangerous drug for
61 which medical assistance is required.

62 (b) "Drug violation" means * * * a violation of:
63 Section 41-29-139 * * *, except for trafficking in controlled



64 substances as provided in Section 41-29-139(f); or Section
65 41-29-144, 41-29-145, 67-1-17, 67-1-81(2), 67-3-13 or 67-3-70.

66 (c) "Medical assistance" means aid provided to a person
67 experiencing or believed to be experiencing a drug overdose by a
68 health care professional who is licensed, registered, or certified
69 under the laws of this state and who, acting within the lawful
70 scope of practice, may provide diagnosis, treatment, or emergency
71 services relative to the overdose.

72 (d) "Seeks medical assistance" means accesses or
73 assists in accessing the E-911 system or otherwise contacts or
74 assists in contacting law enforcement or a poison control center
75 or provides care to a person experiencing or believed to be
76 experiencing a drug overdose while awaiting the arrival of medical
77 assistance to aid the person.

78 (3) (a) Any person who in good faith seeks medical
79 assistance for someone who is experiencing a drug overdose, or is
80 in the proximity of someone seeking medical assistance, shall not
81 be arrested, charged, or prosecuted for a drug violation if there
82 is evidence that the person is under the influence of a controlled
83 substance or in possession of a controlled substance as referenced
84 in subsection (2) (b) of this section.

85 (b) Any person who is experiencing a drug overdose and,
86 in good faith, seeks medical assistance, or is in the proximity of
87 someone seeking medical assistance, or is the subject of a request
88 for medical assistance, shall not be arrested, charged, or



89 prosecuted for a drug violation if there is evidence that the
90 person is under the influence of a controlled substance or in
91 possession of a controlled substance as referenced in subsection
92 (2)(b) of this section.

93 (c) A person shall also not be subject to, if related
94 to the seeking of medical assistance:

95 (i) Penalties for a violation of a permanent or
96 temporary protective order or restraining order;

97 (ii) Sanctions for a violation of a condition of
98 pretrial release, condition of probation, or condition of parole
99 based on a drug violation; or

100 (iii) Forfeiture of property pursuant to Section
101 41-29-153 or 41-29-176 for a drug violation, except that prima
102 facie contraband shall be subject to forfeiture.

103 (4) Nothing in this section shall be construed:

104 (a) To limit the admissibility of any evidence in
105 connection with the investigation or prosecution of a crime with
106 regard to a defendant who does not qualify for the protections of
107 subsection (3) of this section or with regard to other crimes
108 committed by a person who otherwise qualifies for protection
109 pursuant to subsection (3) of this section;

110 (b) To limit any seizure of evidence or contraband
111 otherwise permitted by law; and

112 (c) To limit or abridge the authority of a law
113 enforcement officer to detain or take into custody a person in the



114 course of an investigation or to effectuate an arrest for any
115 offense except as provided in subsection (3) of this section.

116 **SECTION 3.** Section 41-127-1, Mississippi Code of 1972, is
117 amended as follows:

118 41-127-1. Subject to the limitations of the license under
119 which the individual is practicing, a health care practitioner
120 licensed in this state may prescribe, dispense, or administer
121 drugs or medical supplies, or otherwise provide treatment
122 recommendations to a patient after having performed an appropriate
123 examination of the patient either in person or by the use of
124 instrumentation and diagnostic equipment through which images and
125 medical records may be transmitted electronically. Treatment
126 recommendations made via electronic means, including issuing a
127 prescription via electronic means, shall be held to the same
128 standards of appropriate practice as those in traditional
129 provider-patient settings.

130 Notwithstanding any other provision of law, rule or
131 regulation, telemedicine providers are authorized to provide
132 treatment for substance use disorders, including medication
133 assisted treatment.

134 **SECTION 4.** (1) (a) A municipality, county or public or
135 private educational institution may adopt a pre-arrest diversion
136 program in which law enforcement officers of the entity, at their
137 sole discretion, may divert adults who commit a nonviolent
138 offense. An adult who is diverted shall report for intake as



139 required by the pre-arrest diversion program and shall be provided
140 appropriate assessment, intervention, education and behavioral
141 health care services. If the adult does not participate in the
142 pre-arrest diversion program, the law enforcement agency may
143 criminally charge the adult for the original offense and refer the
144 case to the appropriate prosecuting agency to determine if
145 prosecution is appropriate. If the adult successfully completes
146 the program, an arrest record may not be associated with the
147 offense.

148 (b) A municipality, county or public or private
149 educational institution that adopts a pre-arrest diversion program
150 shall create a steering committee to develop policies and
151 procedures for the program, including, but not limited to,
152 eligibility criteria, program implementation and operation, and
153 the fee to be paid by adults participating in the program. At a
154 minimum, the steering committee must be composed of
155 representatives of the law enforcement agencies participating in
156 the program, a representative of the program services provider, a
157 public defender or his or her designee, a prosecuting attorney or
158 his or her designee, a clerk of the circuit court or his or her
159 designee, and other interested stakeholders.

160 (2) This section does not preempt a county or municipality
161 from enacting noncriminal sanctions for a violation of an
162 ordinance or other violation and does not preempt a county,
163 municipality or public or private educational institution from



164 creating its own model for a pre-arrest diversion program for
165 adults.

166 **SECTION 5.** Section 63-1-53, Mississippi Code of 1972, is
167 amended as follows:

168 63-1-53. (1) Upon * * * failure of any person to pay timely
169 any fine, fee or assessment levied as a result of any violation of
170 this title, the clerk of the court shall give written notice to
171 such person by United States first-class mail at his last known
172 address advising such person that, if within * * * ninety (90)
173 days after such notice is deposited in the mail, the person has
174 not * * * paid the entire amount of all fines, fees and
175 assessments levied, then the court will * * * pursue collection as
176 for any other delinquent payment and will be entitled to
177 collection of all additional fees in accordance with subsection
178 (4) of this section.

179 (2) The commissioner is hereby authorized to suspend the
180 license of an operator without preliminary hearing upon a showing
181 by his records or other sufficient evidence that the licensee:

182 (a) Has committed an offense for which mandatory
183 revocation of license is required upon conviction except under the
184 provisions of the Mississippi Implied Consent Law;

185 (b) Has been involved as a driver in any accident
186 resulting in the death or personal injury of another or serious
187 property damage;



188 (c) Is an habitually reckless or negligent driver of a
189 motor vehicle;

190 (d) Has been convicted with such frequency of serious
191 offenses against traffic regulations governing the movement of
192 vehicles as to indicate a disrespect for traffic laws and a
193 disregard for the safety of other persons on the highways;

194 (e) Is incompetent to drive a motor vehicle;

195 (f) Has permitted an unlawful or fraudulent use of such
196 license;

197 (g) Has committed an offense in another state which if
198 committed in this state would be grounds for suspension or
199 revocation; or

200 (h) * * * Has committed a violation for which mandatory
201 revocation of license is required upon conviction, entering a plea
202 of nolo contendere to, or adjudication of delinquency, pursuant to
203 the provisions of subsection (1) of Section 63-1-71.

204 (3) Notice that a person's license is suspended or will be
205 suspended under subsection (2) of this section shall be given by
206 the commissioner in the manner and at the time provided for under
207 Section 63-1-52, and upon such person's request, he shall be
208 afforded an opportunity for a hearing as early as practicable, but
209 not to exceed twenty (20) days after receipt of such request in
210 the county wherein the licensee resides unless the department and
211 the licensee agree that such hearing may be held in some other
212 county. Upon such hearing the commissioner, or his duly



213 authorized agent, may administer oaths and may issue subpoenas for
214 the attendance of witnesses and the production of relevant books
215 and papers and may require a reexamination of the licensee. Upon
216 such hearing the commissioner shall either rescind any order of
217 suspension or, good cause appearing therefor, may extend any
218 suspension of such license or revoke such license.

219 (4) If a licensee has not paid all cash appearance bonds
220 authorized under Section 99-19-3 or all fines, fees or other
221 assessments levied as a result of a violation of this title within
222 ninety (90) days * * * of receiving notice of the licensee's
223 failure to pay all fines, fees or other assessments as provided in
224 subsection * * * (1) of this section, the court is authorized to
225 pursue collection under Section 21-17-1(6) or 19-3-41(2) as for
226 any other delinquent payment, and shall be entitled to collection
227 of all additional fees authorized under those sections.

228 **SECTION 6.** Section 63-1-52, Mississippi Code of 1972, is
229 amended as follows:

230 63-1-52. (1) Whenever the Commissioner of Public Safety
231 suspends, cancels or revokes the driver's license or driving
232 privileges of any person, notice of the suspension, cancellation
233 or revocation shall be given to such person by the commissioner,
234 or his duly authorized agent, in the manner provided in subsection
235 (2) of this section and at the time provided in subsection (3) of
236 this section or in the manner and at the time provided in
237 subsection (4) of this section.



238 (2) Notice shall be given in the following manner:

239 (a) In writing, (i) by United States Certificate of
240 Mail; or (ii) by personal service at the person's address as it
241 appears on the driving record maintained by the Department of
242 Public Safety or at the person's last-known address; or (iii) by
243 personal notice being given by any law enforcement officer of this
244 state or any duly authorized agent of the Commissioner of Public
245 Safety on forms prescribed and furnished by the Commissioner of
246 Public Safety; whenever a person's driver's license or driving
247 privileges are suspended, revoked or cancelled in accordance with
248 the Mississippi Driver License Compact Law, the Mississippi
249 Implied Consent Law, the Mississippi Motor Vehicle Safety
250 Responsibility Law or * * * subsection (2) (c), (2) (d), (2) (e) or
251 (2) (f) of Section 63-1-53.

252 (b) In writing, by United States first class mail,
253 whenever a person's driver's license or driving privileges are
254 suspended, revoked or cancelled in accordance with the Mississippi
255 Commercial Driver's License Law, the Youth Court Law, Chapter 23
256 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section
257 63-1-51, * * * subsection (2) (g) * * * of Section 63-1-53 or
258 Section 63-9-25.

259 (3) Notice shall be given at the following time:

260 (a) Before suspension, revocation or cancellation,
261 whenever a person's driver's license or driving privileges are
262 suspended, revoked or cancelled in accordance with the Mississippi



263 Driver License Compact Law, the Mississippi Motor Vehicle Safety
264 Responsibility Law or * * * subsection (2) (c), (2) (d), (2) (e) or
265 (2) (f) of Section 63-1-53.

266 (b) Unless otherwise specifically provided for by law,
267 at the time of suspension, revocation or cancellation, whenever a
268 person's driver's license or driving privileges are suspended,
269 revoked or cancelled in accordance with the Mississippi Commercial
270 Driver's License Law, the Mississippi Implied Consent Law, the
271 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,
272 Section 63-1-45, Section 63-1-51, * * * subsection (2) (g) * * * of
273 Section 63-1-53 or Section 63-9-25.

274 (4) Whenever the Commissioner of Public Safety suspends,
275 revokes or cancels the driver's license or driving privileges of
276 any person in accordance with some provision of law other than a
277 provision of law referred to in subsections (2) and (3) of this
278 section, and the manner and time for giving notice is not provided
279 for in such law, then notice of such suspension, revocation or
280 cancellation shall be given in the manner and at the time provided
281 for under * * * subsections (2) (b) and (3) (b) of this section.

282 **SECTION 7.** Section 63-1-71, Mississippi Code of 1972, is
283 amended as follows:

284 63-1-71. (1) * * * Notwithstanding the provisions of
285 Section 63-11-30(2) (a) and in addition to any penalty authorized
286 by the Uniform Controlled Substances Law or any other statute
287 indicating the dispositions that can be ordered for an



288 adjudication of delinquency, every person convicted of driving
289 under the influence of a controlled substance, or entering a plea
290 of nolo contendere thereto, or adjudicated delinquent therefor, in
291 a court of this state, and every person convicted of driving under
292 the influence of a controlled substance, or entering a plea of
293 nolo contendere thereto, or adjudicated delinquent therefor, under
294 the laws of the United States, another state, a territory or
295 possession of the United States, the District of Columbia or the
296 Commonwealth of Puerto Rico, shall forthwith forfeit his right to
297 operate a motor vehicle over the highways of this state for a
298 period of not less than six (6) months. In the case of any person
299 who at the time of the imposition of sentence does not have a
300 driver's license or is less than fifteen (15) years of age, the
301 period of the suspension of driving privileges authorized herein
302 shall commence on the day the sentence is imposed and shall run
303 for a period of not less than six (6) months after the day the
304 person obtains a driver's license or reaches the age of fifteen
305 (15) years. If the driving privilege of any person is under
306 revocation or suspension at the time of any conviction or
307 adjudication of delinquency for * * * driving under the influence
308 of a controlled substance, the revocation or suspension period
309 imposed herein shall commence as of the date of termination of the
310 existing revocation or suspension.

311 (2) The court in this state before whom any person is
312 convicted of or adjudicated delinquent for * * * driving under the



313 influence of a controlled substance shall collect forthwith the
314 Mississippi driver's license of the person and forward such
315 license to the Department of Public Safety along with a report
316 indicating the first and last day of the suspension or revocation
317 period imposed pursuant to this section. If the court is for any
318 reason unable to collect the license of the person, the court
319 shall cause a report of the conviction or adjudication of
320 delinquency to be filed with the Commissioner of Public Safety.
321 That report shall include the complete name, address, date of
322 birth, eye color and sex of the person and shall indicate the
323 first and last day of the suspension or revocation period imposed
324 by the court pursuant to this section. The court shall inform the
325 person orally and in writing that if the person is convicted of
326 personally operating a motor vehicle during the period of license
327 suspension or revocation imposed pursuant to this section, the
328 person shall, upon conviction, be subject to the penalties set
329 forth in Section 63-11-40. A person shall be required to
330 acknowledge receipt of the written notice in writing. Failure to
331 receive a written notice or failure to acknowledge in writing the
332 receipt of a written notice shall not be a defense to a subsequent
333 charge of a violation of Section 63-11-40. If the person is the
334 holder of a driver's license from another jurisdiction, the court
335 shall not collect the license but shall notify forthwith the
336 Commissioner of Public Safety who shall notify the appropriate
337 officials in the licensing jurisdiction. The court shall,



338 however, in accordance with the provisions of this section, revoke
339 the person's nonresident driving privilege in this state.

340 (3) The county court or circuit court having jurisdiction,
341 on petition, may reduce the suspension of driving privileges under
342 this section if the denial of which would constitute a hardship on
343 the offender. When the petition is filed, such person shall pay
344 to the circuit clerk of the court where the petition is filed a
345 fee of Twenty Dollars (\$20.00) for each year, or portion thereof,
346 of license revocation or suspension remaining under the original
347 sentence, which shall be deposited into the State General Fund to
348 the credit of a special fund hereby created in the State Treasury
349 to be used for alcohol or drug abuse treatment and education, upon
350 appropriation by the Legislature. This fee shall be in addition
351 to any other court costs or fees required for the filing of
352 petitions.

353 **SECTION 8.** Section 63-1-51, Mississippi Code of 1972, is
354 amended as follows:

355 63-1-51. (1) It shall be the duty of the court clerk, upon
356 conviction of any person holding a license issued pursuant to this
357 article where the penalty for a traffic violation is as much as
358 Ten Dollars (\$10.00), to mail a copy of abstract of the court
359 record or provide an electronically or computer generated copy of
360 abstract of the court record immediately to the commissioner at
361 Jackson, Mississippi, showing the date of conviction, penalty,
362 etc., so that a record of same may be made by the Department of



363 Public Safety. The commissioner shall forthwith revoke the
364 license of any person for a period of one (1) year upon receiving
365 a duly certified record of each person's convictions of any of the
366 following offenses when such conviction has become final:

367 (a) Manslaughter or negligent homicide resulting from
368 the operation of a motor vehicle;

369 (b) Any felony in the commission of which a motor
370 vehicle is used;

371 (c) Failure to stop and render aid as required under
372 the laws of this state in event of a motor vehicle accident
373 resulting in the death or personal injury of another;

374 (d) Perjury or the willful making of a false affidavit
375 or statement under oath to the department under this article or
376 under any other law relating to the ownership or operation of
377 motor vehicles;

378 (e) Conviction, or forfeiture of bail not vacated, upon
379 three (3) charges of reckless driving committed within a period of
380 twelve (12) months * * *.

381 (2) The commissioner shall revoke the license issued
382 pursuant to this article of any person convicted of negligent
383 homicide, in addition to any penalty now provided by law.

384 (3) In addition to the reasons specified in this section,
385 the commissioner shall be authorized to suspend the license issued
386 to any person pursuant to this article for being out of compliance
387 with an order for support, as defined in Section 93-11-153. The



388 procedure for suspension of a license for being out of compliance
389 with an order for support, and the procedure for the reissuance or
390 reinstatement of a license suspended for that purpose, and the
391 payment of any fees for the reissuance or reinstatement of a
392 license suspended for that purpose, shall be governed by Section
393 93-11-157 or 93-11-163, as the case may be. If there is any
394 conflict between any provision of Section 93-11-157 or 93-11-163
395 and any provision of this article, the provisions of Section
396 93-11-157 or 93-11-163, as the case may be, shall control.

397 **SECTION 9.** Section 9-23-15, Mississippi Code of 1972, is
398 amended as follows:

399 9-23-15. (1) (a) In order to be eligible for alternative
400 sentencing through a local drug court, the participant must
401 satisfy each of the following criteria:

402 (* * *i) Except as otherwise provided in
403 paragraph (b) of this subsection, the participant cannot have any
404 felony convictions for any offenses that are crimes of violence as
405 defined in Section 97-3-2 within the previous ten (10) years.

406 (* * *ii) Except as otherwise provided in
407 paragraph (b) of this subsection, the crime before the court
408 cannot be a crime of violence as defined in Section 97-3-2.

409 (* * *iii) Other criminal proceedings alleging
410 commission of a crime of violence cannot be pending against the
411 participant.



412 (* * *iv) The participant cannot be currently
413 charged with burglary of a dwelling under Section 97-17-23(2) or
414 97-17-37.

415 (* * *y) The crime before the court cannot be a
416 charge of driving under the influence of alcohol or any other drug
417 or drugs that resulted in the death of a person.

418 (* * *vi) The crime charged cannot be one of
419 trafficking in controlled substances under Section 41-29-139(f),
420 nor can the participant have a prior conviction for same.

421 (b) A judge, in his or her discretion, may authorize a
422 person who has been charged, convicted or who is before the court
423 for burglary of an unoccupied dwelling under Section 97-17-23(1)
424 for eligible participation for alternative sentencing through a
425 local drug court if the owner of the dwelling that was burglarized
426 consents in writing to the person participating in such
427 alternative sentencing.

428 (2) Participation in the services of an alcohol and drug
429 intervention component shall be open only to the individuals over
430 whom the court has jurisdiction, except that the court may agree
431 to provide the services for individuals referred from another drug
432 court. In cases transferred from another jurisdiction, the
433 receiving judge shall act as a special master and make
434 recommendations to the sentencing judge.

435 (3) (a) As a condition of participation in a drug court, a
436 participant may be required to undergo a chemical test or a series



437 of chemical tests as specified by the drug court. A participant
438 is liable for the costs of all chemical tests required under this
439 section, regardless of whether the costs are paid to the drug
440 court or the laboratory; however, if testing is available from
441 other sources or the program itself, the judge may waive any fees
442 for testing.

443 (b) A laboratory that performs a chemical test under
444 this section shall report the results of the test to the drug
445 court.

446 (4) A person does not have a right to participate in drug
447 court under this chapter. The court having jurisdiction over a
448 person for a matter before the court shall have the final
449 determination about whether the person may participate in drug
450 court under this chapter.

451 **SECTION 10.** Section 9-23-13, Mississippi Code of 1972, is
452 amended as follows:

453 9-23-13. (1) A drug court's alcohol and drug intervention
454 component shall provide for eligible individuals, either directly
455 or through referrals, a range of necessary court intervention
456 services, including, but not limited to, the following:

457 (a) Screening using a valid and reliable assessment
458 tool effective for identifying alcohol and drug dependent persons
459 for eligibility and appropriate services;

460 (b) Clinical assessment;

461 (c) Education;



462 (d) Referral;
463 (e) Service coordination and case management; and
464 (f) Counseling and rehabilitative care.
465 (2) Any inpatient treatment or inpatient detoxification
466 program ordered by the court shall be certified by the Department
467 of Mental Health, other appropriate state agency or the equivalent
468 agency of another state.

469 (3) In accordance with the recommendations of the National
470 Drug Court Institute to combat the opioid epidemic, all drug
471 courts shall allow participants to use medication assisted
472 treatment while participating in the drug court program.

473 **SECTION 11.** The medical director of a licensed hospice, in
474 his discretion, may prescribe controlled substances for a patient
475 of the hospice for terminal disease pain without having an
476 in-person face-to-face visit with the patient before issuing the
477 prescription. This section supersedes the provisions of any rule
478 or regulation of a licensing agency to the contrary.

479 **SECTION 12.** This act shall take effect and be in force from
480 and after its passage.

