

By: Senator(s) Simmons (12th), Dawkins

To: Public Health and  
Welfare; Judiciary, Division  
B

SENATE BILL NO. 2358

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) Furanyl Fentanyl,
- 235 N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide;
- 236 (32) Furethidine;
- 237 (33) Hydroxypethidine;
- 238 (34) Ketobemidone;
- 239 (35) Levomoramide;
- 240 (36) Levophenacymorphan;
- 241 (37) 3-methylfentanyl;
- 242 (38) 3-methylthiofentanyl;



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



268 (58) Thiofentanyl;  
269 (59) Tilidine;  
270 (60) Trimeperidine;  
271 (61) U-47700,  
272 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide.

273 (b) **Opium derivatives.** Any of the following opium  
274 derivatives, their salts, isomers and salts of isomers, unless  
275 specifically excepted, whenever the existence of these salts,  
276 isomers and salts of isomers is possible within the specific  
277 chemical designation:

- 278 (1) Acetorphine;
- 279 (2) Acetyldihydrocodeine;
- 280 (3) Benzylmorphine;
- 281 (4) Codeine methylbromide;
- 282 (5) Codeine-N-Oxide;
- 283 (6) Cyprenorphine;
- 284 (7) Desomorphine;
- 285 (8) Dihydromorphine;
- 286 (9) Drotebanol;
- 287 (10) Etorphine (except hydrochloride salt);
- 288 (11) Heroin;
- 289 (12) Hydromorphenol;
- 290 (13) Methyldesorphine;
- 291 (14) Methyldihydromorphine;
- 292 (15) Monoacetylmorphine;



- 293 (16) Morphine methylbromide;  
294 (17) Morphine methylsulfonate;  
295 (18) Morphine-N-Oxide;  
296 (19) Myrophine;  
297 (20) Nicocodeine;  
298 (21) Nicomorphine;  
299 (22) Normorphine;  
300 (23) Pholcodine;  
301 (24) Thebacon.

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

- 309 (1) Alpha-ethyltryptamine;  
310 (2) 4-bromo-2,5-dimethoxy-amphetamine;  
311 (3) 4-bromo-2,5-dimethoxyphenethylamine;  
312 (4) 2,5-dimethoxyamphetamine;  
313 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);  
314 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine  
315 2C-T-7);  
316 (7) 4-methoxyamphetamine;  
317 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;



- 318 (9) 4-methyl-2,5-dimethoxy-amphetamine;
- 319 (10) 3,4-methylenedioxy amphetamine;
- 320 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 321 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known  
322 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl  
323 MDA, MDE, MDEA);
- 324 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also  
325 known as N-hydroxy MDA, N-OHMDA, and  
326 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);
- 327 (14) 3,4,5-trimethoxy amphetamine;
- 328 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 329 (16) Alpha-methyltryptamine (also known as AMT);
- 330 (17) Bufotenine;
- 331 (18) Diethyltryptamine;
- 332 (19) Dimethyltryptamine;
- 333 (20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 334 (21) Ibogaine;
- 335 (22) Lysergic acid diethylamide (LSD);

336 \* \* \*

- 337 ( \* \* \*23) Mescaline;
- 338 ( \* \* \*24) Parahexyl;
- 339 ( \* \* \*25) Peyote;
- 340 ( \* \* \*26) N-ethyl-3-piperidyl benzilate;
- 341 ( \* \* \*27) N-methyl-3-piperidyl benzilate;
- 342 ( \* \* \*28) Psilocybin;



343 ( \* \* \*29) Psilocyn;

344 ( \* \* \*30) Tetrahydrocannabinols, meaning

345 tetrahydrocannabinols contained in a plant of the genus Cannabis

346 (cannabis plant), as well as the synthetic equivalents of the

347 substances contained in the cannabis plant, or in the resinous

348 extractives of such plant, and/or synthetic substances,

349 derivatives, and their isomers with similar chemical structure and

350 pharmacological activity to those substances contained in the

351 plant such as the following:

352 (A) 1 cis or trans tetrahydrocannabinol;

353 (B) 6 cis or trans tetrahydrocannabinol;

354 (C) 3,4 cis or trans tetrahydrocannabinol.

355 (Since nomenclature of these substances is not

356 internationally standardized, compounds of these structures,

357 regardless of atomic positions are covered.)

358 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)

359 However, the following products are exempted from control:

360 (i) THC-containing industrial products made

361 from cannabis stalks (e.g., paper, rope and clothing);

362 (ii) Processed cannabis plant materials used

363 for industrial purposes, such as fiber retted from cannabis stalks

364 for use in manufacturing textiles or rope;

365 (iii) Animal feed mixtures that contain

366 sterilized cannabis seeds and other ingredients (not derived from



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

369 (iv) Personal care products that contain oil  
370 from sterilized cannabis seeds, such as shampoos, soaps, and body  
371 lotions (if the products do not cause THC to enter the human  
372 body); and

373 (v) Processed cannabis plant extract, oil or  
374 resin with a minimum ratio of twenty-to-one cannabidiol to  
375 tetrahydrocannabinol (20:1 cannabidiol:tetrahydrocannabinol), and  
376 diluted so as to contain at least fifty (50) milligrams of  
377 cannabidiol per milliliter, with not more than two and one-half  
378 (2.5) milligrams of tetrahydrocannabinol per milliliter;

379 ( \* \* \*31) Phencyclidine;

380 ( \* \* \*32) Ethylamine analog of phencyclidine (PCE);

381 ( \* \* \*33) Pyrrolidine analog of phencyclidine (PHP,  
382 PCPy);

383 ( \* \* \*34) Thiophene analog of phencyclidine;

384 ( \* \* \*35) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine  
385 (TCPy);

386 ( \* \* \*36) 4-methylmethcathinone (mephedrone);

387 ( \* \* \*37) 3,4-methylenedioxypropylvalerone (MDPV);

388 ( \* \* \*38) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine  
389 (2C-E);

390 ( \* \* \*39) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine  
391 (2C-D);





392 ( \* \* \*40) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine  
393 (2C-C);  
394 ( \* \* \*41) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine  
395 (2C-I); or 2,5-dimethoxy-4-iodophenethylamine;  
396 ( \* \* \*42)  
397 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);  
398 ( \* \* \*43)  
399 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);  
400 ( \* \* \*44) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);  
401 ( \* \* \*45) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine  
402 (2C-N);  
403 ( \* \* \*46)  
404 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);  
405 ( \* \* \*47)  
406 3,4-methylenedioxy-N-methylcathinone (methydone);  
407 ( \* \* \*48)  
408 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine  
409 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);  
410 ( \* \* \*49)  
411 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine  
412 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);  
413 ( \* \* \*50)  
414 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or  
415 N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;  
416 Cimbi-5);



417 ( \* \* \*51) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,  
418 4-benzodiazepin-2-one (also known as Phenazepam);

419 ( \* \* \*52)  
420 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,  
421 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene  
422 (also known as Etizolam);

423 ( \* \* \*53) Salvia divinorum;

424 ( \* \* \*54) Synthetic cannabinoids. Unless specifically  
425 excepted or unless listed in another schedule, any material,  
426 compound, mixture, or preparation which contains any quantity of a  
427 synthetic cannabinoid found in any of the following chemical  
428 groups, whether or not substituted to any extent, or any of those  
429 groups which contain any synthetic cannabinoid salts, isomers, or  
430 salts of isomers, whenever the existence of such salts, isomers,  
431 or salts of isomers is possible within the specific chemical  
432 designation, including all synthetic cannabinoid chemical  
433 analogues in such groups:

434 (A) (6aR,10aR)-9-(hydroxymethyl)-6,  
435 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
436 chromen-1-ol (also known as HU-210 or  
437 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

438 (B) Naphthoylindoles and naphthylmethylindoles,  
439 being any compound structurally derived from 3-(1-naphthoyl)indole  
440 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted



441 in the indole ring to any extent, or in the naphthyl ring to any  
442 extent;

443 (C) Naphthoylpyrroles, being any compound  
444 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not  
445 substituted in the pyrrole ring to any extent, or in the naphthyl  
446 ring to any extent;

447 (D) Naphthylmethylindenes, being any compound  
448 structurally derived from 1-(1-naphthylmethyl)indene, whether or  
449 not substituted in the indene ring to any extent or in the  
450 naphthyl ring to any extent;

451 (E) Phenylacetylindoles, being any compound  
452 structurally derived from 3-phenylacetylindole, whether or not  
453 substituted in the indole ring to any extent or in the phenyl ring  
454 to any extent;

455 (F) Cyclohexylphenols, being any compound  
456 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether  
457 or not substituted in the cyclohexyl ring to any extent or in the  
458 phenolic ring to any extent;

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

461 (H) Adamantoylindoles, whether or not substituted  
462 in the indole ring to any extent or in the adamantoyl ring system  
463 to any extent;



464 (I) Tetrahydro derivatives of cannabinal and  
465 3-alkyl homologues of cannabinal or of its tetrahydro derivatives,  
466 except where contained in cannabis or cannabis resin;

467 (J) 3-Cyclopropylmethanone indole or  
468 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by  
469 substitution at the nitrogen atom of the indole ring, whether or  
470 not further substituted in the indole ring to any extent, whether  
471 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl  
472 rings to any extent;

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

477 (L) 3-carboxamide-1H-indazoles, whether or not  
478 substituted in the indazole ring to any extent and substituted to  
479 any degree on the carboxamide nitrogen and  
480 3-carboxamide-1H-indoles, whether or not substituted in the indole  
481 ring to any extent and substituted to any degree on the  
482 carboxamide nitrogen;

483 (M) Cycloalkanemethanone Indoles, whether or not  
484 substituted at the nitrogen atom on the indole ring, whether or  
485 not further substituted in the indole ring to any extent, whether  
486 or not substituted on the cycloalkane ring to any extent.

487 (d) **Depressants.** Unless specifically excepted or unless  
488 listed in another schedule, any material, compound, mixture, or



489 preparation which contains any quantity of the following  
490 substances having a depressant effect on the central nervous  
491 system, including their salts, isomers, and salts of isomers,  
492 whenever the existence of such salts, isomers, and salts of  
493 isomers is possible within the specific chemical designation:

494 (1) Gamma-hydroxybutyric acid (other names include:  
495 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic  
496 acid; sodium oxybate; sodium oxybutyrate);

497 (2) Mecloqualone;

498 (3) Methaqualone.

499 (e) **Stimulants.** Any material, compound, mixture or  
500 preparation which contains any quantity of the following central  
501 nervous system stimulants including optical salts, isomers and  
502 salts of isomers unless specifically excepted or unless listed in  
503 another schedule:

504 (1) Aminorex;

505 (2) N-benzylpiperazine (also known as BZP \* \* \* and  
506 1-benzylpiperazine);

507 (3) Cathinone;

508 (4) Fenethylamine;

509 (5) Methcathinone;

510 (6) 4-methylaminorex (also known as  
511 2-amino-4-methyl-5-phenyl-2-oxazoline);

512 (7) N-ethylamphetamine;



513 (8) Any material, compound, mixture or preparation  
514 which contains any quantity of N,N-dimethylamphetamine. (Other  
515 names include: N,N,-alpha-trimethyl-benzeneethanamine \* \* \* and  
516 N,N-alphatrimethylphenethylamine);

517 (9) **Synthetic cathinones.** (A) Unless listed in  
518 another schedule, any compound other than bupropion that is  
519 structurally derived from 2-Amino-1-phenyl-1-propanone by  
520 modification in any of the following ways:

521 (i) By substitution in the phenyl ring to any  
522 extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide  
523 substituents, whether or not further substituted in the phenyl  
524 ring by one or more other univalent substituents;

525 (ii) By substitution at the 3-position with  
526 an alkyl substituent;

527 (iii) By substitution at the nitrogen atom  
528 with alkyl or dialkyl groups, or by inclusion of the nitrogen atom  
529 in a cyclic structure.

530 (B) The compounds covered in this paragraph (9)  
531 include, but are not limited to, any material compound, mixture or  
532 preparation which contains any quantity of a synthetic cathinone  
533 found in any of the following compounds, whether or not  
534 substituted to any extent, or any of these compounds which contain  
535 any synthetic cathinone, or salts, isomers, or salts of isomers,  
536 whenever the existence of such salts, isomers or salts of isomers



537 is possible, unless specifically excepted or listed in another  
538 schedule:

539 (i) 4-methyl-N-ethylcathinone ("4-MEC");  
540 (ii) 4-methyl-alpha-pyrrolidinopropiophenone  
541 ("4-MePPP");  
542 (iii) Alpha-pyrrolidinopentiophenone  
543 (" $\alpha$ -PVP");  
544 (iv)  
545 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");  
546 (v) 2-(methylamino)-1-phenylpentan-1-one  
547 ("pentedrone");  
548 (vi)  
549 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one  
550 ("pentylone");  
551 (vii) 4-fluoro-N-methylcathinone ("4-FMC");  
552 (viii) 3-fluoro-N-methylcathinone ("3-FMC");  
553 (ix)  
554 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");  
555 and  
556 (x) Alpha-pyrrolidinobutiophenone (" $\alpha$ -PBP").

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

559 41-29-115. (A) The controlled substances listed in this  
560 section are included in Schedule II.

561 **SCHEDULE II**



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

563 Any of the following substances, except those narcotic drugs  
564 listed in other schedules, whether produced directly or indirectly  
565 by extraction from substances of vegetable origin, or  
566 independently by means of chemical synthesis, or by combination of  
567 extraction and chemical synthesis:

568 (1) Opium and opiate, and any salt, compound,  
569 derivative, or preparation of opium or opiate, excluding  
570 apomorphine, thebaine-derived butorphanol, dextrorphan,  
571 nalbuphine, nalmefene, naloxegol, naloxone and naltrexone, but  
572 including the following:

- 573 (i) Codeine;
- 574 (ii) Dihydroetorphine;
- 575 (iii) Ethylmorphine;
- 576 (iv) Etorphine hydrochloride;
- 577 (v) Granulated opium;
- 578 (vi) Hydrocodone, whether alone or in  
579 combination with any material, compound, mixture or preparation;
- 580 (vii) Hydromorphone;
- 581 (viii) Metopon;
- 582 (ix) Morphine;
- 583 (x) Opium extracts;
- 584 (xi) Opium fluid extracts;
- 585 (xii) Oripavine;
- 586 (xiii) Oxycodone;





587 (xiv) Oxymorphone;  
588 (xv) Powdered opium;  
589 (xvi) Raw opium;  
590 (xvii) Thebaine;  
591 (xviii) Tincture of opium \* \* \*;  
592 (2) Any salt, compound, isomer, derivative, or  
593 preparation thereof which is chemically equivalent or identical  
594 with any of the substances referred to in paragraph (1), but not  
595 including the isoquinoline alkaloids of opium;  
596 (3) Opium poppy and poppy straw;  
597 (4) Coca leaves and any salt, compound,  
598 derivative, or preparation of cocaine or coca leaves, including  
599 cocaine and ecgonine and any salt, compound, derivative, isomer,  
600 or preparation thereof which is chemically equivalent or identical  
601 with any of these substances, but not including:  
602 (i) Decocainized coca leaves or extraction of  
603 coca leaves, which extractions do not contain cocaine or ecgonine;  
604 or  
605 (ii) Ioflupane;  
606 (5) Concentrate of poppy straw (the crude extract  
607 of poppy straw in either liquid, solid or powder form which  
608 contains the phenanthrene alkaloids of the opium poppy) \* \* \*;  
609 (6) (i) Marijuana;  
610 (ii) Tetrahydrocannabinols, meaning  
611 tetrahydrocannabinols contained in a plant of the genus Cannabis



612 (cannabis plant), as well as the synthetic equivalents of the  
613 substances contained in the cannabis plant, or in the resinous  
614 extractives of such plant, and/or synthetic substances,  
615 derivatives, and their isomers with similar chemical structure and  
616 pharmacological activity to those substances contained in the  
617 plant such as the following:

- 618 (A) 1 cis or trans tetrahydrocannabinol;  
619 (B) 6 cis or trans tetrahydrocannabinol;  
620 (C) 3,4 cis or trans  
621 tetrahydrocannabinol.

622 (Since nomenclature of these substances is not  
623 internationally standardized, compounds of these structures,  
624 regardless of atomic positions are covered.)

625 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)

626 However, the following products are exempted from control:

- 627 (i) THC-containing industrial products made  
628 from cannabis stalks (e.g., paper, rope and clothing);  
629 (ii) Processed cannabis plant materials used  
630 for industrial purposes, such as fiber retted from cannabis stalks  
631 for use in manufacturing textiles or rope;  
632 (iii) Animal feed mixtures that contain  
633 sterilized cannabis seeds and other ingredients (not derived from  
634 the cannabis plant) in a formula designed, marketed and  
635 distributed for nonhuman consumption;



636                    (iv) Personal care products that contain oil  
637 from sterilized cannabis seeds, such as shampoos, soaps, and body  
638 lotions (if the products do not cause THC to enter the human  
639 body); and

640                    (v) Processed cannabis plant extract, oil or  
641 resin with a minimum ratio of twenty-to-one cannabidiol to  
642 tetrahydrocannabinol (20:1 cannabidiol:tetrahydrocannabinol), and  
643 diluted so as to contain at least fifty (50) milligrams of  
644 cannabidiol per milliliter, with not more than two and one-half  
645 (2.5) milligrams of tetrahydrocannabinol per milliliter.

646                    (b) **Opiates.** Any of the following opiates, including  
647 their isomers, esters, ethers, salts, and salts of isomers,  
648 whenever the existence of these isomers, esters, ethers and salts  
649 is possible within the specified chemical designation, dextrorphan  
650 and levopropoxyphene excepted:

- 651                    (1) Alfentanil;  
652                    (2) Alphaprodine;  
653                    (3) Anileridine;  
654                    (4) Bezitramide;  
655                    (5) Bulk dextropropoxyphene (nondosage forms);  
656                    (6) Carfentanil;  
657                    (7) Dihydrocodeine;  
658                    (8) Diphenoxylate;  
659                    (9) Fentanyl;  
660                    (10) Isomethadone;



661 (11) Levo-alpha-acetylmethadol  
662 (levo-alpha-acetylmethadol, levomethadyl acetate, LAAM);  
663 (12) Levomethorphan;  
664 (13) Levorphanol;  
665 (14) Metazocine;  
666 (15) Methadone;  
667 (16) Methadone-intermediate,  
668 4-cyano-2-dimethylamino-4,4-diphenyl butane;  
669 (17) Moramide-intermediate,  
670 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;  
671 (18) Pethidine (meperidine);  
672 (19) Pethidine-Intermediate-A,  
673 4-cyano-1-methyl-4-phenylpiperidine;  
674 (20) Pethidine-Intermediate-B,  
675 ethyl-4-phenylpiperidine-4-carboxylate;  
676 (21) Pethidine-Intermediate-C,  
677 1-methyl-4-phenylpiperidine-4-carboxylic acid;  
678 (22) Phenazocine;  
679 (23) Piminodine;  
680 (24) Racemethorphan;  
681 (25) Racemorphan;  
682 (26) Remifentanil;  
683 (27) Sufentanil;  
684 (28) Tapentadol;



685 (29) Thiafentanil,  
686 4-(methoxycarbonyl)-4-(N-phenmethoxyacetamido)-1-[2-(thienyl)ethyl  
687 ]piperidine.

688 (c) **Stimulants.** Any material, compound, mixture, or  
689 preparation which contains any quantity of the following  
690 substances:

691 (1) Amphetamine, its salts, optical isomers, and  
692 salts of its optical isomers;

693 (2) Phenmetrazine and its salts;

694 (3) Any substance which contains any quantity of  
695 methamphetamine, including its salts, isomers, and salts of  
696 isomers;

697 (4) Methylphenidate and its salts;

698 (5) Lisdexamfetamine, its salts, isomers and salts  
699 of isomers.

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

703 (1) Amobarbital;

704 (2) Secobarbital;

705 (3) Pentobarbital;

706 (4) Glutethimide.

707 (e) **Hallucinogenic substances.**

708 (1) Dronabinol oral solution

709 [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)];



710 (2) Nabilone [other names include:  
711 (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-  
712 hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one].

713 (f) **Immediate precursors.** Unless specifically excepted  
714 or unless listed in another schedule, any material, compound,  
715 mixture, or preparation which contains any quantity of the  
716 following substances:

717 (1) Amphetamine and methamphetamine immediate  
718 precursor: Phenylacetone (other names include:  
719 phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl  
720 ketone);

721 (2) Phencyclidine immediate precursors:  
722 (i) 1-phenylcyclohexylamine;  
723 (ii) 1-piperidinocyclohexanecarbonitrile  
724 (PCC);

725 (3) Fentanyl immediate precursor:  
726 4-anilino-N-phenethyl-4-piperidine (ANPP).

727 (B) Any material, compound, mixture or preparation which  
728 contains any quantity of a Schedule II controlled substance and is  
729 listed as an exempt substance in 21 CFR, Section 1308.24 or  
730 1308.32, shall be exempted from the provisions of the Uniform  
731 Controlled Substances Law.

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



734 41-29-139. (a) **Transfer and possession with intent to**  
735 **transfer.** Except as authorized by this article, it is unlawful  
736 for any person knowingly or intentionally:

737 (1) To sell, barter, transfer, manufacture, distribute,  
738 dispense or possess with intent to sell, barter, transfer,  
739 manufacture, distribute or dispense, a controlled substance; or

740 (2) To create, sell, barter, transfer, distribute,  
741 dispense or possess with intent to create, sell, barter, transfer,  
742 distribute or dispense, a counterfeit substance.

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

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

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

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



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

763 (2) (A) For marijuana:

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

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

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

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

779 (B) For synthetic cannabinoids:

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





783                   2. If more than ten (10) grams but less than  
784 twenty (20) grams, by imprisonment for not more than five (5)  
785 years or a fine of not more than Five Thousand Dollars  
786 (\$5,000.00), or both;

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

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

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

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

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

804                   (C) If ten (10) or more grams or twenty (20) or  
805 more dosage units, but less than thirty (30) grams or forty (40)  
806 dosage units, by imprisonment for not more than fifteen (15) years



807 or a fine of not more than One Hundred Thousand Dollars  
808 (\$100,000.00), or both;

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

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

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

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

823 (C) If ten (10) or more grams or twenty (20) or  
824 more dosage units, but less than thirty (30) grams or forty (40)  
825 dosage units, by imprisonment for not more than ten (10) years or  
826 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
827 both;

828 (D) For thirty (30) or more grams or forty (40) or  
829 more dosage units, but less than five hundred (500) grams or two  
830 thousand five hundred (2,500) dosage units, by imprisonment for



831 not more than fifteen (15) years or a fine of not more than Fifty  
832 Thousand Dollars (\$50,000.00), or both.

833 (c) **Simple possession.** It is unlawful for any person  
834 knowingly or intentionally to possess any controlled substance  
835 unless the substance was obtained directly from, or pursuant to, a  
836 valid prescription or order of a practitioner while acting in the  
837 course of his professional practice, or except as otherwise  
838 authorized by this article. The penalties for any violation of  
839 this subsection (c) with respect to a controlled substance  
840 classified in Schedules I, II, III, IV or V, as set out in Section  
841 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including  
842 marijuana or synthetic cannabinoids, shall be based on dosage unit  
843 as defined herein or the weight of the controlled substance as set  
844 forth herein as appropriate:

845 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
846 case of a liquid solution, one (1) milliliter. In the case of  
847 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
848 stamp, square, dot, microdot, tablet or capsule of a controlled  
849 substance.

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

853 The weight set forth refers to the entire weight of any  
854 mixture or substance containing a detectable amount of the  
855 controlled substance.



856           If a mixture or substance contains more than one (1)  
857 controlled substance, the weight of the mixture or substance is  
858 assigned to the controlled substance that results in the greater  
859 punishment.

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

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

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

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

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

877                           (D) If ten (10) or more grams or twenty (20) or  
878 more dosage units, but less than thirty (30) grams or forty (40)  
879 dosage units, by imprisonment for not less than three (3) years



880 nor more than twenty (20) years or a fine of not more than Five  
881 Hundred Thousand Dollars (\$500,000.00), or both.

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

883 1. If thirty (30) grams or less of marijuana  
884 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
885 not less than One Hundred Dollars (\$100.00) nor more than Two  
886 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph  
887 (2) (A) may be enforceable by summons if the offender provides  
888 proof of identity satisfactory to the arresting officer and gives  
889 written promise to appear in court satisfactory to the arresting  
890 officer, as directed by the summons. A second conviction under  
891 this section within two (2) years is a misdemeanor punishable by a  
892 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty  
893 (60) days in the county jail, and mandatory participation in a  
894 drug education program approved by the Division of Alcohol and  
895 Drug Abuse of the State Department of Mental Health, unless the  
896 court enters a written finding that a drug education program is  
897 inappropriate. A third or subsequent conviction under this  
898 paragraph (2) (A) within two (2) years is a misdemeanor punishable  
899 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor  
900 more than One Thousand Dollars (\$1,000.00) and confinement for not  
901 more than six (6) months in the county jail.

902 Upon a first or second conviction under this paragraph  
903 (2) (A), the courts shall forward a report of the conviction to the  
904 Mississippi Bureau of Narcotics which shall make and maintain a



905 private, nonpublic record for a period not to exceed two (2) years  
906 from the date of conviction. The private, nonpublic record shall  
907 be solely for the use of the courts in determining the penalties  
908 which attach upon conviction under this paragraph (2)(A) and shall  
909 not constitute a criminal record for the purpose of private or  
910 administrative inquiry and the record of each conviction shall be  
911 expunged at the end of the period of two (2) years following the  
912 date of such conviction;

913                   2. Additionally, a person who is the operator  
914 of a motor vehicle, who possesses on his person or knowingly keeps  
915 or allows to be kept in a motor vehicle within the area of the  
916 vehicle normally occupied by the driver or passengers, more than  
917 one (1) gram, but not more than thirty (30) grams of marijuana or  
918 not more than ten (10) grams of synthetic cannabinoids is guilty  
919 of a misdemeanor and, upon conviction, may be fined not more than  
920 One Thousand Dollars (\$1,000.00) or confined for not more than  
921 ninety (90) days in the county jail, or both. For the purposes of  
922 this subsection, such area of the vehicle shall not include the  
923 trunk of the motor vehicle or the areas not normally occupied by  
924 the driver or passengers if the vehicle is not equipped with a  
925 trunk. A utility or glove compartment shall be deemed to be  
926 within the area occupied by the driver and passengers;

927                   (B) Marijuana:

928                   1. If more than thirty (30) grams but less  
929 than two hundred fifty (250) grams, by a fine of not more than One



930 Thousand Dollars (\$1,000.00), or confinement in the county jail  
931 for not more than one (1) year, or both; or by a fine of not more  
932 than Three Thousand Dollars (\$3,000.00), or imprisonment in the  
933 custody of the Department of Corrections for not more than three  
934 (3) years, or both;

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

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

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

947                   5. If five (5) kilograms or more, by  
948 imprisonment for not less than ten (10) years nor more than thirty  
949 (30) years or a fine of not more than One Million Dollars  
950 (\$1,000,000.00), or both.

951                   (C) Synthetic cannabinoids:

952                   1. If more than ten (10) grams but less than  
953 twenty (20) grams, by a fine of not more than One Thousand Dollars  
954 (\$1,000.00), or confinement in the county jail for not more than



955 one (1) year, or both; or by a fine of not more than Three  
956 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
957 the Department of Corrections for not more than three (3) years,  
958 or both;

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

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

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

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

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

978                   (B) If fifty (50) or more grams or one hundred  
979 (100) or more dosage units, but less than one hundred fifty (150)





980 grams or five hundred (500) dosage units, by imprisonment for not  
981 less than one (1) year nor more than four (4) years or a fine of  
982 not more than Ten Thousand Dollars (\$10,000.00), or both.

983 (C) If one hundred fifty (150) or more grams or  
984 five hundred (500) or more dosage units, but less than three  
985 hundred (300) grams or one thousand (1,000) dosage units, by  
986 imprisonment for not less than two (2) years nor more than eight  
987 (8) years or a fine of not more than Fifty Thousand Dollars  
988 (\$50,000.00), or both.

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

995 (d) **Paraphernalia.** (1) It is unlawful for a person who is  
996 not authorized by the State Board of Medical Licensure, State  
997 Board of Pharmacy, or other lawful authority to use, or to possess  
998 with intent to use, paraphernalia to plant, propagate, cultivate,  
999 grow, harvest, manufacture, compound, convert, produce, process,  
1000 prepare, test, analyze, pack, repack, store, contain, conceal,  
1001 inject, ingest, inhale or otherwise introduce into the human body  
1002 a controlled substance in violation of the Uniform Controlled  
1003 Substances Law. Any person who violates this subsection (d)(1) is  
1004 guilty of a misdemeanor and, upon conviction, may be confined in



1005 the county jail for not more than six (6) months, or fined not  
1006 more than Five Hundred Dollars (\$500.00), or both; however, no  
1007 person shall be charged with a violation of this subsection when  
1008 such person is also charged with the possession of thirty (30)  
1009 grams or less of marijuana under subsection (c) (2) (A) of this  
1010 section.

1011 (2) It is unlawful for any person to deliver, sell,  
1012 possess with intent to deliver or sell, or manufacture with intent  
1013 to deliver or sell, paraphernalia, knowing, or under circumstances  
1014 where one reasonably should know, that it will be used to plant,  
1015 propagate, cultivate, grow, harvest, manufacture, compound,  
1016 convert, produce, process, prepare, test, analyze, pack, repack,  
1017 store, contain, conceal, inject, ingest, inhale, or otherwise  
1018 introduce into the human body a controlled substance in violation  
1019 of the Uniform Controlled Substances Law. Except as provided in  
1020 subsection (d) (3), a person who violates this subsection (d) (2) is  
1021 guilty of a misdemeanor and, upon conviction, may be confined in  
1022 the county jail for not more than six (6) months, or fined not  
1023 more than Five Hundred Dollars (\$500.00), or both.

1024 (3) Any person eighteen (18) years of age or over who  
1025 violates subsection (d) (2) of this section by delivering or  
1026 selling paraphernalia to a person under eighteen (18) years of age  
1027 who is at least three (3) years his junior is guilty of a  
1028 misdemeanor and, upon conviction, may be confined in the county



1029 jail for not more than one (1) year, or fined not more than One  
1030 Thousand Dollars (\$1,000.00), or both.

1031 (4) It is unlawful for any person to place in any  
1032 newspaper, magazine, handbill, or other publication any  
1033 advertisement, knowing, or under circumstances where one  
1034 reasonably should know, that the purpose of the advertisement, in  
1035 whole or in part, is to promote the sale of objects designed or  
1036 intended for use as paraphernalia. Any person who violates this  
1037 subsection is guilty of a misdemeanor and, upon conviction, may be  
1038 confined in the county jail for not more than six (6) months, or  
1039 fined not more than Five Hundred Dollars (\$500.00), or both.

1040 (e) It shall be unlawful for any physician practicing  
1041 medicine in this state to prescribe, dispense or administer any  
1042 amphetamine or amphetamine-like anorectics and/or central nervous  
1043 system stimulants classified in Schedule II, pursuant to Section  
1044 41-29-115, for the exclusive treatment of obesity, weight control  
1045 or weight loss. Any person who violates this subsection, upon  
1046 conviction, is guilty of a misdemeanor and may be confined for a  
1047 period not to exceed six (6) months, or fined not more than One  
1048 Thousand Dollars (\$1,000.00), or both.

1049 (f) **Trafficking.** (1) Any person trafficking in controlled  
1050 substances shall be guilty of a felony and, upon conviction, shall  
1051 be imprisoned for a term of not less than ten (10) years nor more  
1052 than forty (40) years and shall be fined not less than Five  
1053 Thousand Dollars (\$5,000.00) nor more than One Million Dollars



1054 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
1055 reduced or suspended. The person shall not be eligible for  
1056 probation or parole, the provisions of Sections 41-29-149,  
1057 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

1058 (2) "Trafficking in controlled substances" as used  
1059 herein means:

1060 (A) A violation of subsection (a) of this section  
1061 involving thirty (30) or more grams or forty (40) or more dosage  
1062 units of a Schedule I or II controlled substance except marijuana  
1063 and synthetic cannabinoids;

1064 (B) A violation of subsection (a) of this section  
1065 involving five hundred (500) or more grams or two thousand five  
1066 hundred (2,500) or more dosage units of a Schedule III, IV or V  
1067 controlled substance;

1068 (C) A violation of subsection (c) of this section  
1069 involving thirty (30) or more grams or forty (40) or more dosage  
1070 units of a Schedule I or II controlled substance except marijuana  
1071 and synthetic cannabinoids;

1072 (D) A violation of subsection (c) of this section  
1073 involving five hundred (500) or more grams or two thousand five  
1074 hundred (2,500) or more dosage units of a Schedule III, IV or V  
1075 controlled substance; or

1076 (E) A violation of subsection (a) of this section  
1077 involving one (1) kilogram or more of marijuana or two hundred  
1078 (200) grams or more of synthetic cannabinoids.



1079           (g) **Aggravated trafficking.** Any person trafficking in  
1080 Schedule I or II controlled substances, except marijuana and  
1081 synthetic cannabinoids, of two hundred (200) grams or more shall  
1082 be guilty of aggravated trafficking and, upon conviction, shall be  
1083 sentenced to a term of not less than twenty-five (25) years nor  
1084 more than life in prison and shall be fined not less than Five  
1085 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
1086 (\$1,000,000.00). The twenty-five-year sentence shall be a  
1087 mandatory sentence and shall not be reduced or suspended. The  
1088 person shall not be eligible for probation or parole, the  
1089 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
1090 the contrary notwithstanding.

1091           (h) **Sentence mitigation.** (1) Notwithstanding any provision  
1092 of this section, a person who has been convicted of an offense  
1093 under this section that requires the judge to impose a prison  
1094 sentence which cannot be suspended or reduced and is ineligible  
1095 for probation or parole may, at the discretion of the court,  
1096 receive a sentence of imprisonment that is no less than  
1097 twenty-five percent (25%) of the sentence prescribed by the  
1098 applicable statute. In considering whether to apply the departure  
1099 from the sentence prescribed, the court shall conclude that:

1100                           (A) The offender was not a leader of the criminal  
1101 enterprise;

1102                           (B) The offender did not use violence or a weapon  
1103 during the crime;



1104 (C) The offense did not result in a death or  
1105 serious bodily injury of a person not a party to the criminal  
1106 enterprise; and

1107 (D) The interests of justice are not served by the  
1108 imposition of the prescribed mandatory sentence.

1109 The court may also consider whether information and  
1110 assistance were furnished to a law enforcement agency, or its  
1111 designee, which, in the opinion of the trial judge, objectively  
1112 should or would have aided in the arrest or prosecution of others  
1113 who violate this subsection. The accused shall have adequate  
1114 opportunity to develop and make a record of all information and  
1115 assistance so furnished.

1116 (2) If the court reduces the prescribed sentence  
1117 pursuant to this subsection, it must specify on the record the  
1118 circumstances warranting the departure.

1119 (i) The medical use of marijuana as authorized by Section 1  
1120 of this act shall not constitute a violation of this section.

1121 **SECTION 5.** If any provision of this act or the application  
1122 thereof to any person or circumstance is held invalid, the  
1123 invalidity does not affect other provisions or applications of the  
1124 act which can be given effect without the invalid provision or  
1125 application, and to this end the provisions of this act are  
1126 severable.

1127 **SECTION 6.** Section 1 of this act shall be codified within  
1128 Title 41, Chapter 29, Mississippi Code of 1972.



1129           **SECTION 7.** This act shall take effect and be in force from  
1130 and after July 1, 2019.

