

By: Representatives Reynolds, Paden, Hudson, Karriem, Rosebud, Mickens To: Agriculture; Drug Policy

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1208

1 AN ACT TO AUTHORIZE AND LEGALIZE THE CULTIVATION, PROCESSING
2 AND TRANSPORTATION OF HEMP; TO DEFINE CERTAIN TERMS; TO DEVELOP A
3 STATE PLAN TO MONITOR AND REGULATE THE CULTIVATION, TRANSPORTATION
4 AND PROCESSING OF HEMP IN THIS STATE AND COMPLY WITH ALL FEDERAL
5 LAWS AND UNITED STATES DEPARTMENT OF AGRICULTURE PLANS; TO REQUIRE
6 THE LICENSING AND/OR REGISTRATION OF HEMP GROWERS AND PROCESSORS
7 BY THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE; TO
8 REQUIRE RECORD KEEPING AND INSPECTIONS; TO PROVIDE FOR FEES FOR
9 LICENSING AND/OR REGISTRATION PROCESS; TO PROVIDE FOR THE
10 REVOCATION OF LICENSES AND/OR REGISTRATION AND IMPOSITION OF CIVIL
11 PENALTIES FOR VIOLATIONS OF THIS ACT; TO REQUIRE PERSONS GROWING
12 OR PROCESSING HEMP TO GIVE BOND TO THE COMMISSIONER OF AGRICULTURE
13 AND COMMERCE AS A CONDITION OF LICENSURE; TO AUTHORIZE THE
14 COMMISSIONER TO ESTABLISH THE AMOUNT OF THE BOND, AND TO
15 PROMULGATE ANY RULES AND REGULATIONS FOR THE ISSUANCE OF SUCH
16 BONDS AND IN COMPLIANCE WITH ANY FEDERAL LAW OR REGULATION; TO
17 AMEND SECTIONS 69-25-51, 41-29-113, 41-29-105 and 41-29-136,
18 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;
19 AND FOR RELATED PURPOSES.

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

21 SECTION 1. Short title; exclusivity. This act shall be
22 known as the "Mississippi Hemp Cultivation Act." The regulation
23 of hemp cultivation and processing shall be governed exclusively
24 by the provisions of the Mississippi Hemp Cultivation Act. A
25 municipality, county or other political subdivision of this state
26 shall not enact, adopt or enforce a rule, ordinance, order,



27 resolution or other regulation that allows, prohibits or penalizes
28 the cultivation, production or processing of hemp in this state.

29 **SECTION 2. Definitions.** For purposes of this act, the
30 following words and phrases shall have the meanings set forth
31 below unless the context clearly indicates otherwise:

32 (a) "Bureau of Plant Industry" means a division of the
33 Mississippi Department of Agriculture and Commerce created under
34 the provision of Section 69-25-3.

35 (b) "Business entity" means a nonnatural person and
36 includes nonprofit and for profit corporations, partnerships,
37 limited liability corporations, and other legal entities
38 recognized by law.

39 (c) "Commissioner" means the Commissioner of
40 Agriculture and Commerce of the State of Mississippi. Where
41 applicable under the provisions of this act, "commissioner" shall
42 include the commissioner's designee.

43 (d) "Delta-9-tetrahydrocannabinol" means the sum of the
44 percentage by weight of tetrahydrocannabinol acid multiplied by
45 eight hundred seventy-seven thousandths (0.877) plus the
46 percentage by weight of delta-9-tetrahydrocannabinol.

47 (e) "Department" means the Mississippi Department of
48 Agriculture and Commerce.

49 (f) "Grower" means a person, business entity, joint
50 venture or cooperative that cultivates, grows or harvests hemp.



51 (g) "Hemp" means the plant Cannabis sativa L. and any
52 part of that plant, including the seeds thereof and all
53 derivatives, extracts, cannabinoids, isomers, acids, salts and
54 salts of isomers, whether growing or not, with a
55 delta-9-tetrahydrocannabinol (THC) concentration of not more than
56 three-tenths percent (0.3%) on a dry weight basis that is grown or
57 processed under Sections 1 through 11 of this act.

58 (h) "Legal description of land" means Global Position
59 System coordinates and shall also include the metes and bounds to
60 include township, range, and section for the location in which
61 hemp is grown.

62 (i) "Person" means any person, firm, association,
63 corporation or business entity.

64 (j) "Processor" means a person, business entity, joint
65 venture or cooperative that receives hemp for processing into
66 commodities, products or hemp seed. A processor also includes any
67 such entity that brokers and/or stores hemp.

68 (k) "State plan" means the plan contemplated by 7
69 C.F.R. Part 990 Subpart B that a state must file for approval with
70 the United States Secretary of Agriculture.

71 (l) "USDA" means The United States Department of
72 Agriculture.

73 **SECTION 3. Special fund.** There shall be established in the
74 State Treasury a special fund for the department to administer the
75 State Plan. The fund shall consist of amounts received from



76 appropriations, and any other proceeds from gifts, grants, federal
77 funds, application fees, registration fees, and any other funds,
78 both public and private, made available for the purposes of this
79 chapter. The fund shall be administered by the department.
80 Unexpended monies remaining in the fund at the end of a fiscal
81 year shall not lapse into the State General Fund, and any interest
82 earned or investment earnings on amounts in the fund shall be
83 deposited into the fund.

84 **SECTION 4. Licensing and registration.** (1) Pursuant to the
85 provisions of this act, cultivation and processing of hemp, as
86 defined in Section 2 of this act, are authorized in this state.
87 Cultivation and processing of hemp are subject to regulation by
88 the department and may only be performed by persons or business
89 entities that hold a valid license or registration issued
90 hereunder.

91 (2) The commissioner shall create a State Plan for
92 submission to and approval by the United States Department of
93 Agriculture and the United States Secretary of Agriculture. The
94 commissioner and department shall promulgate such reasonable
95 regulations as necessary to implement the State Plan and
96 provisions of this act. The commissioner and the department shall
97 be authorized to promulgate any rule or regulation deemed
98 necessary for the administration of the provisions of this act in
99 compliance with any federal law, rule or regulation promulgated by
100 the United States Department of Agriculture.



101 (3) The department is authorized to accept applications, and
102 issue licenses and/or registrations for all hemp growers and hemp
103 processors. The department shall adopt and enforce all rules and
104 regulations related to those licenses and/or registrations.

105 (4) All hemp growers must be licensed by the department.

106 (5) All hemp processors must register with the department.

107 (6) All licensed holders and registered processors shall
108 keep and maintain crop and/or processing records in accordance
109 with rules and regulations adopted and enforced by the department.
110 The department may subject the required records to inspection.
111 The department may make an inspection for the purpose of ensuring
112 compliance with:

113 (a) USDA guidelines;

114 (b) Provisions of this act;

115 (c) Department rules and regulations;

116 (d) Any terms or conditions of a license issued
117 hereunder;

118 (e) Registration with the department; or

119 (f) A final department order directed to the grower's
120 or processor's hemp operations or activities.

121 (7) All hemp growers and processors shall be subject to a
122 background investigation conducted by the Department of Public
123 Safety, which shall include both a state and federal background
124 check.



125 **SECTION 5. Transport of hemp.** Hemp growers must keep a copy
126 of their hemp grower's license in all vehicles used to transport
127 hemp under normal cultivation activities. Any person transporting
128 or delivering hemp for commerce purposes shall have a dated
129 invoice, bill of lading, or manifest in his or her possession
130 during the entire time he or she is transporting or delivering
131 hemp. The invoice, bill of lading, or manifest shall include the
132 following information:

133 (a) The seller's and the purchaser's license and/or
134 registration number, name and address;

135 (b) The specific origin and destination of the hemp
136 being transported;

137 (c) The quantity of hemp being transported; and

138 (d) Any additional information and/or documentation
139 required by the department.

140 **SECTION 6. Enforcement.** (1) (a) The commissioner or the
141 commissioner's designee may enter, at reasonable times, upon any
142 public or private property at which hemp is being cultivated or
143 processed for the purpose of determining compliance with this
144 chapter and rules adopted under it. The Director of the Bureau of
145 Plant Industry may apply for, and any judge of a court of
146 competent jurisdiction, may issue a search warrant as is necessary
147 to achieve the purposes of this chapter relating to things,
148 property or places within the court's territorial jurisdiction.



149 (b) If the commissioner or the commissioner's designee
150 determines that emergency conditions exist requiring immediate
151 action necessary to protect public health or safety of the
152 environment, the commissioner or the commissioner's designee may
153 issue an order stating the existence of such conditions and
154 requiring specific actions be taken to mitigate those conditions
155 without providing prior notice or an adjudication hearing.

156 (c) Any person to whom such an order is issued shall
157 immediately comply with that order, and may apply to the Director
158 of the Bureau of Plant Industry for an adjudication hearing. Upon
159 receiving an application for an adjudication hearing, the director
160 shall hold the hearing as soon as practicable and not later than
161 thirty (30) days after receipt of the application. On the basis
162 of the hearing, the director shall continue the order in effect,
163 revoke it, or modify it.

164 (d) In addition to any other available remedies, the
165 commissioner or the Mississippi Attorney General may apply to the
166 circuit court in the county where any provision of this chapter or
167 an order issued under paragraph (b) of this subsection is being
168 violated for an injunction restraining any person from continuing
169 the violation.

170 (e) An employee of the state or any division, agency,
171 institution thereof involved in the administration and/or
172 enforcement of this act, shall not be subject to prosecution for
173 violations related to possession or transportation of hemp or



174 cannabis in conjunction with the employee's duties arising under
175 this chapter.

176 (2) In addition to any other liability or penalty provided
177 by law, the department may revoke or refuse to issue or renew a
178 hemp grower license or hemp processor registration and may impose
179 a civil penalty for violations of:

- 180 (a) A license or registration requirement;
- 181 (b) License or registration terms or conditions;
- 182 (c) Department rules and regulations relating to
183 growing or processing hemp; or
- 184 (d) A final order of the department that is
185 specifically directed to the grower's or processor's hemp
186 operations or activities.

187 (3) The department may impose administrative penalties for
188 violations under this section in accordance with Section 69-25-51.

189 **SECTION 7. Negligent violations.** (1) Upon a determination
190 by the commissioner or the commissioner's designee, the following
191 may constitute negligent violations:

- 192 (a) Failing to provide a legal description of land on
193 which the grower produces hemp;
- 194 (b) Failing to obtain a license or other required
195 authorization from the department;
- 196 (c) Failing to register with the department;



197 (d) Producing Cannabis sativa L. with a
198 delta-9-tetrahydrocannabinol concentration of more than
199 five-tenths percent (0.5%) on a dry weight basis; or

200 (e) Any other violation of the State Plan, including
201 any rules and regulations set forth by the department.

202 (2) **Corrective action plan.** (a) A hemp grower shall comply
203 with a plan established by the commissioner or the commissioner's
204 designee to correct the negligent violation, including:

205 (i) A reasonable date by which the hemp grower
206 shall correct the negligent violation; and

207 (ii) A requirement that the hemp grower shall
208 periodically report to the commissioner or the commissioner's
209 designee regarding the compliance with the corrective plan for a
210 period of not less than the next two (2) calendar years.

211 (b) The department shall notify the Mississippi Bureau
212 of Narcotics of all corrective action plans implemented by the
213 commissioner or the commissioner's designee.

214 (3) **Result of negligent violation.** A hemp grower that
215 negligently violates the State Plan shall not, as a result of that
216 violation, be subject to any criminal enforcement action by a
217 state, county or local government entity.

218 (4) **Repeat violations.** A hemp grower that negligently
219 violates the State Plan three (3) times in a five-year period
220 shall be ineligible to produce hemp for a period of five (5) years
221 beginning on the date of the third violation.



222 **SECTION 8. Nonnegligent violations.** If a hemp grower
223 violates the State Plan, including growing hemp containing a
224 delta-9-tetrahydrocannabinol (THC) concentration that exceeds
225 three-tenths percent (0.3%) on a dry mass basis or a tolerance
226 range as specified by USDA, with a culpable mental state greater
227 than negligence as determined by the department, the commissioner
228 shall immediately report the violation and the hemp grower to the
229 United States Attorney General, the Mississippi Attorney General
230 and the Mississippi Public Safety Commissioner. Such violations
231 shall also be referred to the Mississippi Bureau of Narcotics for
232 investigation. The Bureau of Narcotics may detain, seize and/or
233 destroy the crop and may initiate a criminal case for any
234 violation of this act or the Mississippi Uniform Controlled
235 Substances Law. The Mississippi Attorney General shall, in person
236 or by his or her designee, prosecute all criminal actions related
237 to violations arising under this chapter relating to hemp, on
238 behalf of the State. Violations of the State Plan that involve
239 culpability greater than negligence must be reported to the United
240 States Attorney General and the Mississippi Attorney General. The
241 provisions of Section 7 of this act shall not apply to
242 nonnegligent violations.

243 **SECTION 9. Prohibitions.** (1) It shall be unlawful for any
244 person or business entity to:

245 (a) Violate this chapter or any rules or regulations
246 promulgated under this chapter;



247 (b) Fail to comply with a corrective action plan issued
248 by the commissioner under Section 7(2) of this act;

249 (c) Transport hemp or hemp materials in violation of
250 Section 5 of this act or rules or regulations adopted under this
251 chapter; or

252 (d) Cultivate or grow hemp with a
253 delta-9-tetrahydrocannabinol (THC) concentration of more than
254 three-tenths percent (0.3%) on a dry weight basis.

255 (2) Any person or business entity that purposely, knowingly
256 or recklessly violates this provision of this chapter relating to
257 hemp production or processing shall be guilty of a misdemeanor
258 and, upon conviction of the violation, shall be fined in an amount
259 not to exceed Five Thousand Dollars (\$5,000.00), or sentenced to
260 imprisonment in the county jail for not more than one (1) year, or
261 both such fine and imprisonment.

262 (3) Notwithstanding subsection (2) of this section, if any
263 person or entity purposely, recklessly or knowingly cultivates or
264 grows hemp with a delta-9-tetrahydrocannabinol (THC) concentration
265 of more than one percent (1%) on a dry weight basis that person or
266 entity shall be guilty of a felony punishable by imprisonment for
267 not more than five (5) years, or a fine of not more than Ten
268 Thousand Dollars (\$10,000.00), or both such fine and imprisonment.

269 (4) For purposes of this section, the terms "purposely",
270 "knowingly" and "recklessly" have the following meanings:



271 (a) "Purposefully" means a person acts purposely with
272 respect to a material element of an offense if:

273 (i) The element involves the nature of his or her
274 conduct or a result thereof, it is his or her conscious object to
275 engage in conduct of that nature or to cause such a result; and

276 (ii) The element involves the attendant
277 circumstances, he or she is aware of the existence of such
278 circumstances or he or she believes or hopes that they exist.

279 (b) "Knowingly" means a person acts knowingly with
280 respect to a material element of an offense if:

281 (i) The element involves the nature of his or her
282 conduct or the attendant circumstances, he or she is aware that
283 his or her conduct is of that nature or that such circumstances
284 exist; and

285 (ii) The element involves a result of his or her
286 conduct, he or she is aware that it is practically certain that
287 his or her conduct will cause such a result.

288 (c) "Recklessly" means a person acts recklessly with
289 respect to a material element of an offense when he or she
290 consciously disregards a substantial and unjustifiable risk that
291 the material element exists or will result from his or her
292 conduct. The risk must be of such a nature and degree that,
293 considering the nature and purpose of the actor's conduct and the
294 circumstances known to him or her, its disregard involves a gross



295 deviation from the standard of conduct that a law-abiding person
296 would observe in the actor's situation.

297 **SECTION 10. General provisions.** (1) Any person convicted
298 of a felony relating to a controlled substance under state or
299 federal law before, on or after the date of enactment of this act
300 shall be ineligible, during the ten-year period following the date
301 of the conviction and post-release upon completion of any period
302 of incarceration and any additional probationary or parole
303 requirements, to participate in the program established under this
304 act and to produce hemp under any regulations or guidelines issued
305 under this act.

306 (2) Any person who materially falsifies any information
307 contained in an application to participate in the State Plan
308 established under this act shall be ineligible to participate in
309 the State Plan.

310 (3) In addition to any inspection conducted, the department
311 may inspect any hemp crop at any time and take a representative
312 composite sample for analysis. It shall be the duty of the
313 department to take such samples and deliver them to the State
314 chemist for examination and analysis. It shall be the duty of the
315 State Chemist to cause as many analyses to be made of samples
316 delivered to him or her by the department as may be necessary to
317 properly carry into effect the intent of this act. The State
318 Chemist shall make report of such analyses to the department.



319 (4) The department shall charge growers and processors a fee
320 or fees as determined by the department in a sufficient amount to
321 cover the costs required to administer and enforce the provisions
322 of this chapter.

323 **SECTION 11. Necessity of surety bond.** No person shall
324 operate as a hemp processor without first having secured a surety
325 bond pursuant to this section. The commissioner shall promulgate
326 rules and regulations as necessary to require hemp processors to
327 secure a surety bond. A hemp processor may file with the
328 department, in lieu of a surety bond, a certificate of deposit or
329 irrevocable letter of credit from any bank or banking corporation
330 insured by the Federal Deposit Insurance Corporation. Rules and
331 regulations required for certificates of deposit and irrevocable
332 letters of credit shall be promulgated by the commissioner.

333 **SECTION 12.** Section 69-25-51, Mississippi Code of 1972, is
334 amended as follows:

335 69-25-51. (1) When any administrative allegation or charge
336 is made against a person for violating the rules and regulations
337 of the Bureau of Plant Industry of the Mississippi Department of
338 Agriculture and Commerce or the laws under Sections 69-3-1 through
339 69-3-29, Sections 69-19-1 through 69-19-15, Sections 69-21-101
340 through 69-21-128, Sections 69-23-1 through 69-23-135, Sections
341 69-25-1 through 69-25-47 or Sections 69-25-101 through 69-25-109,
342 Mississippi Code of 1972, or Sections 1 through 11 of House Bill
343 No. _____, 2020 Regular Session, the Director of the Bureau of



344 Plant Industry, or his designee, shall act as the reviewing
345 officer. The complaint must be in writing, signed by the person
346 making the charge, and filed in the Office of the Bureau of Plant
347 Industry. The department shall send a copy of the complaint and
348 any supporting documents to the person accused along with a
349 summons requiring the accused to respond to the allegations within
350 thirty (30) days. The notification shall be accomplished by any
351 of the methods provided for in Rule 4 of the Mississippi Rules of
352 Civil Procedure or by certified mail. If the accused does not
353 respond within the thirty-day period, he shall be considered to be
354 in default. Upon receipt of the response and any supporting
355 documents from the accused, the reviewing officer shall determine
356 the merits of the complaint. The reviewing officer may meet
357 informally with the accused and discuss the alleged violation with
358 him.

359 (2) If the reviewing officer determines that the complaint
360 lacks merit, he may dismiss the complaint.

361 (3) If the reviewing officer determines that there is
362 substantial evidence that a violation has occurred or if the
363 accused admits to the truth of the allegations upon which the
364 complaint is based, the reviewing officer may impose an
365 appropriate penalty on the accused, which may be any or all of the
366 following:

367 (a) Issue a warning letter.



368 (b) Suspend, modify, deny, cancel or revoke any license
369 or permit granted by the department to the accused.

370 (c) Issue a stop sale order with regard to any
371 pesticide, plant or other material regulated by the department
372 that is mislabeled or otherwise not in compliance with applicable
373 law or regulations.

374 (d) Require the accused to relabel any pesticide, plant
375 or other material regulated by the department that is mislabeled.

376 (e) Seize any pesticide, plant or other material
377 regulated by the department and sell, destroy or otherwise dispose
378 of the material and apply the proceeds of the sale to the state's
379 expenses and any fees or penalties levied under this article.

380 (f) Refuse to register, cancel or suspend the
381 registration of a pesticide, plant or other material that is not
382 in compliance with any applicable law or regulation.

383 (g) Levy a civil penalty in an amount not to exceed
384 Five Thousand Dollars (\$5,000.00) for each violation.

385 In determining the amount of the penalty, the reviewing
386 officer shall consider the appropriateness of the penalty for the
387 particular violation, the effect of the penalty on the person's
388 ability to continue in business and the gravity of the violation.

389 (4) If the accused requests a hearing with the department,
390 in writing, within thirty (30) days from receipt of the decision
391 of the reviewing officer, the commissioner shall appoint three (3)
392 members of the advisory board to the Bureau of Plant Industry to



393 act as a hearing committee and a hearing shall be scheduled. If
394 the accused fails to request a hearing within the thirty-day
395 period, the decision of the reviewing officer is final.

396 **SECTION 13.** Section 41-29-113, Mississippi Code of 1972, is
397 amended as follows:

398 41-29-113.

399 **SCHEDULE I**

400 (a) Schedule I consists of the drugs and other substances,
401 by whatever official name, common or usual name, chemical name, or
402 brand name designated, that is listed in this section.

403 (b) **Opiates.** Unless specifically excepted or unless listed
404 in another schedule, any of the following opiates, including their
405 isomers, esters, ethers, salts and salts of isomers, esters and
406 ethers, whenever the existence of these isomers, esters, ethers
407 and salts is possible within the specific chemical designation:

408 (1) Acetyl-alpha-methylfentanyl;

409 (2) Acetyl Fentanyl

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

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

413 (4) Acetylmethadol;

414 (5) Allylprodine;

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

417 (7) Alphameprodine;



- 418 (8) Alphamethadol;
- 419 (9) Alpha-methylfentanyl;
- 420 (10) Alpha-methylthiofentanyl;
- 421 (11) Benzethidine;
- 422 (12) Betacetylmethadol;
- 423 (13) Beta-hydroxyfentanyl;
- 424 (14) Beta-hydroxy-3-methylfentanyl;
- 425 (15) Betameprodine;
- 426 (16) Betamethadol;
- 427 (17) Betaprodine;
- 428 (18) Butyrl fentanyl
- 429 (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide);
- 430 (19) Clonitazene;
- 431 (20) Dextromoramide;
- 432 (21) Diampromide;
- 433 (22) Diethylthiambutene;
- 434 (23) Difenoquin;
- 435 (24) Dimenoxadol;
- 436 (25) Dimepseptanol;
- 437 (26) Dimethylthiambutene;
- 438 (27) Dioxaphetyl butyrate;
- 439 (28) Dipipanone;
- 440 (29) Ethylmethylthiambutene;
- 441 (30) Etonitazene;
- 442 (31) Etoxadine;



443 (32) Fentanyl-related substances, meaning any substance
444 not otherwise listed under another schedule and for which no
445 exemption or approval is in effect under Section 505 of the
446 Federal Food, Drug, and Cosmetic Act [21 USC 355] that is
447 structurally related to fentanyl by one or more of the following
448 modifications:

449 (A) Replacement of the phenyl portion of the
450 phenethyl group by any monocycle, whether or not further
451 substituted in or on the monocycle;

452 (B) Substitution in or on the phenethyl group with
453 alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro
454 groups;

455 (C) Substitution in or on the piperidine ring with
456 alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl,
457 amino or nitro groups;

458 (D) Replacement of the aniline ring with any
459 aromatic monocycle whether or not further substituted in or on the
460 aromatic monocycle; and/or

461 (E) Replacement of the N-propionyl group by
462 another acyl group.

463 Fentanyl-related substances include, but are not limited to,
464 cyclopropyl fentanyl,
465 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
466 Furanyl-Fentanyl,



467 (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
468 valeryl fentanyl,
469 (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide);
470 para-fluorobutyryl fentanyl,
471 (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
472 para-methoxybutyryl fentanyl,
473 (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
474 para-chloroisobutyryl fentanyl,
475 (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
476 isobutyryl fentanyl,
477 (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);
478 cyclopentyl fentanyl,
479 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
480 and
481 ocfentanil,
482 (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetami
483 de);
484 (33) Furethidine;
485 (34) Hydroxypethidine;
486 (35) Ketobemidone (including the optical and geometric
487 isomers);
488 (36) Levomoramide;
489 (37) Levophenacylmorphane;
490 (38) 3-methylfentanyl;
491 (39) 3-methylthiofentanyl;



- 492 (40) Morpheridine;
- 493 (41) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 494 (42)
- 495 *N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpro
496 pionamide, its isomers, esters, ethers, salts and salts of
497 isomers, esters and ethers (other names:
498 beta-hydroxythiofentanyl);
- 499 (43) Noracymethadol;
- 500 (44) Norlevorphanol;
- 501 (45) Normethadone;
- 502 (46) Norpipanone;
- 503 (47) Para-fluorofentanyl;
- 504 (48) PEPAP
505 (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 506 (49) Phenadoxone;
- 507 (50) Phenampromide;
- 508 (51) Phenomorphan;
- 509 (52) Phenoperidine;
- 510 (53) Piritramide;
- 511 (54) Proheptazine;
- 512 (55) Properidine;
- 513 (56) Propiram;
- 514 (57) Racemoramide;
- 515 (58) Thiofentanyl;
- 516 (59) Tilidine;



517 (60) Trimeperidine;
518 (61) U-47700,
519 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide.

520 (c) **Opium derivatives.** Unless specifically excepted or
521 unless listed in another schedule, any of the following opium
522 derivatives, their salts, isomers and salts of isomers, whenever
523 the existence of these salts, isomers and salts of isomers is
524 possible within the specific chemical designation:

- 525 (1) Acetorphine;
- 526 (2) Acetyldihydrocodeine;
- 527 (3) Benzylmorphine;
- 528 (4) Codeine methylbromide;
- 529 (5) Codeine-N-Oxide;
- 530 (6) Cyprenorphine;
- 531 (7) Desomorphine;
- 532 (8) Dihydromorphine;
- 533 (9) Drotebanol;
- 534 (10) Etorphine (except hydrochloride salt);
- 535 (11) Heroin;
- 536 (12) Hydromorphanol;
- 537 (13) Methyldesorphine;
- 538 (14) Methyldihydromorphine;
- 539 (15) Monoacetylmorphine;
- 540 (16) Morphine methylbromide;
- 541 (17) Morphine methylsulfonate;



542 (18) Morphine-N-Oxide;

543 (19) Myrophine;

544 (20) Nicocodeine;

545 (21) Nicomorphine;

546 (22) Normorphine;

547 (23) Pholcodine;

548 (24) Thebacon.

549 (d) **Hallucinogenic substances.** Unless specifically excepted
550 or unless listed in another schedule, any material, compound,
551 mixture or preparation which contains any quantity of the
552 following substances, their salts, isomers (whether optical,
553 positional, or geometric) and salts of isomers, whenever the
554 existence of these salts, isomers and salts of isomers is possible
555 within the specific chemical designation:

556 (1) Alpha-ethyltryptamine;

557 (2) 4-bromo-2,5-dimethoxy-amphetamine;

558 (3) 4-bromo-2,5-dimethoxyphenethylamine;

559 (4) 2,5-dimethoxyamphetamine;

560 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

561 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine

562 (2C-T-7);

563 (7) 4-methoxyamphetamine;

564 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

565 (9) 4-methyl-2,5-dimethoxy-amphetamine;

566 (10) 3,4-methylenedioxy amphetamine;



- 567 (11) 3,4-methylenedioxyamphetamine (MDMA);
- 568 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
569 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl
570 MDA, MDE, MDEA);
- 571 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also
572 known as N-hydroxy MDA, N-OHMDA, and
573 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);
- 574 (14) 3,4,5-trimethoxy amphetamine;
- 575 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 576 (16) Alpha-methyltryptamine (also known as AMT);
- 577 (17) Bufotenine;
- 578 (18) Diethyltryptamine;
- 579 (19) Dimethyltryptamine;
- 580 (20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 581 (21) Ibogaine;
- 582 (22) Lysergic acid diethylamide (LSD);
- 583 (23) (A) Marijuana (Hemp as defined and regulated
584 under Sections 1 through 11 of this act and Cannabidiol contained
585 in a legend drug product approved by the Federal Food and Drug
586 Administration or obtained under Section 41-29-136 * * * are
587 exempt under Schedule I);
- 588 (B) Hashish;
- 589 (24) Mescaline;
- 590 (25) Parahexyl;
- 591 (26) Peyote;



592 (27) N-ethyl-3-piperidyl benzilate;
593 (28) N-methyl-3-piperidyl benzilate;
594 (29) Psilocybin;
595 (30) Psilocyn;
596 (31) Tetrahydrocannabinols, meaning
597 tetrahydrocannabinols contained in a plant of the genus Cannabis
598 (cannabis plant), as well as the synthetic equivalents of the
599 substances contained in the cannabis plant, or in the resinous
600 extractives of such plant, and/or synthetic substances,
601 derivatives, and their isomers with similar chemical structure and
602 pharmacological activity to those substances contained in the
603 plant such as the following:

- 604 (A) 1 cis or trans tetrahydrocannabinol;
605 (B) 6 cis or trans tetrahydrocannabinol;
606 (C) 3,4 cis or trans tetrahydrocannabinol.

607 (Since nomenclature of these substances is not
608 internationally standardized, compounds of these structures,
609 regardless of atomic positions, are covered.)

610 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)
611 For purposes of this paragraph, tetrahydrocannabinols do not
612 include hemp or hemp products regulated under Sections 1 through
613 11 of this act.

614 However, the following products are exempted from control:

- 615 (i) THC-containing industrial products made
616 from cannabis stalks (e.g., paper, rope and clothing);



617 (ii) Processed cannabis plant materials used
618 for industrial purposes, such as fiber retted from cannabis stalks
619 for use in manufacturing textiles or rope;

620 (iii) Animal feed mixtures that contain
621 sterilized cannabis seeds and other ingredients (not derived from
622 the cannabis plant) in a formula designed, marketed and
623 distributed for nonhuman consumption;

624 (iv) Personal care products that contain oil
625 from sterilized cannabis seeds, such as shampoos, soaps, and body
626 lotions (if the products do not cause THC to enter the human
627 body); * * *

628 (v) * * * Hemp as regulated under Sections 1
629 through 11 of this act; and

630 (vi) Any product derived from the hemp plant
631 designed for human ingestion and/or consumption that is approved
632 by the United States Food and Drug Administration.

633 (32) Phencyclidine;

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

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

636 (35) Thiophene analog of phencyclidine;

637 (36) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);

638 (37) 4-methylmethcathinone (mephedrone);

639 (38) 3,4-methylenedioxypropylvalerone (MDPV);

640 (39) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E);

641 (40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);



642 (41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
643 (42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
644 or 2,5-dimethoxy-4-iodophenethylamine;
645 (43) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine
646 (2C-T-2);
647 (44)
648 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
649 (45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);
650 (46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
651 (47) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine
652 (2C-P);
653 (48) 3,4-methylenedioxy-N-methylcathinone (methylone);
654 (49)
655 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
656 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);
657 (50)
658 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
659 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);
660 (51)
661 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or
662 N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;
663 Cimbi-5);
664 (52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,
665 4-benzodiazepin-2-one (also known as Phenazepam);



666 (53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,
667 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene
668 (also known as Etizolam);

669 (54) Salvia divinorum;

670 (55) Synthetic cannabinoids. Unless specifically
671 excepted or unless listed in another schedule, any material,
672 compound, mixture, or preparation which contains any quantity of a
673 synthetic cannabinoid found in any of the following chemical
674 groups, whether or not substituted to any extent, or any of those
675 groups which contain any synthetic cannabinoid salts, isomers, or
676 salts of isomers, whenever the existence of such salts, isomers,
677 or salts of isomers is possible within the specific chemical
678 designation, including all synthetic cannabinoid chemical
679 analogues in such groups:

680 (A) (6aR,10aR)-9-(hydroxymethyl)-6,
681 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
682 chromen-1-ol (also known as HU-210 or
683 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

684 (B) Naphthoylindoles and naphthylmethylinindoles,
685 being any compound structurally derived from 3-(1-naphthoyl)indole
686 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted
687 in the indole ring to any extent, or in the naphthyl ring to any
688 extent;

689 (C) Naphthoylpyrroles, being any compound
690 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not



691 substituted in the pyrrole ring to any extent, or in the naphthyl
692 ring to any extent;

693 (D) Naphthylmethylindenes, being any compound
694 structurally derived from 1-(1-naphthylmethyl)indene, whether or
695 not substituted in the indene ring to any extent or in the
696 naphthyl ring to any extent;

697 (E) Phenylacetylindoles, being any compound
698 structurally derived from 3-phenylacetylindole, whether or not
699 substituted in the indole ring to any extent or in the phenyl ring
700 to any extent;

701 (F) Cyclohexylphenols, being any compound
702 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether
703 or not substituted in the cyclohexyl ring to any extent or in the
704 phenolic ring to any extent;

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

707 (H) Adamantoylindoles, whether or not substituted
708 in the indole ring to any extent or in the adamantoyl ring system
709 to any extent;

710 (I) Tetrahydro derivatives of cannabinal and
711 3-alkyl homologues of cannabinal or of its tetrahydro derivatives,
712 except where contained in cannabis or cannabis resin;

713 (J) 3-Cyclopropylmethanone indole or
714 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by
715 substitution at the nitrogen atom of the indole ring, whether or



716 not further substituted in the indole ring to any extent, whether
717 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl
718 rings to any extent;

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

723 (L) 3-carboxamide-1H-indazoles, whether or not
724 substituted in the indazole ring to any extent and substituted to
725 any degree on the carboxamide nitrogen and
726 3-carboxamide-1H-indoles, whether or not substituted in the indole
727 ring to any extent and substituted to any degree on the
728 carboxamide nitrogen;

729 (M) Cycloalkanemethanone Indoles, whether or not
730 substituted at the nitrogen atom on the indole ring, whether or
731 not further substituted in the indole ring to any extent, whether
732 or not substituted on the cycloalkane ring to any extent.

733 (e) **Depressants.** Unless specifically excepted or unless
734 listed in another schedule, any material, compound, mixture, or
735 preparation which contains any quantity of the following
736 substances having a depressant effect on the central nervous
737 system, including their salts, isomers, and salts of isomers,
738 whenever the existence of such salts, isomers, and salts of
739 isomers is possible within the specific chemical designation:



740 (1) Gamma-hydroxybutyric acid (other names include:
741 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic
742 acid; sodium oxybate; sodium oxybutyrate);

743 (2) Mecloqualone;

744 (3) Methaqualone.

745 (f) **Stimulants.** Any material, compound, mixture or
746 preparation which contains any quantity of the following central
747 nervous system stimulants including optical salts, isomers and
748 salts of isomers unless specifically excepted or unless listed in
749 another schedule:

750 (1) Aminorex;

751 (2) N-benzylpiperazine (also known as BZP and
752 1-benzylpiperazine);

753 (3) Cathinone;

754 (4) Fenethylamine;

755 (5) Methcathinone;

756 (6) 4-methylaminorex (also known as
757 2-amino-4-methyl-5-phenyl-2-oxazoline);

758 (7) N-ethylamphetamine;

759 (8) Any material, compound, mixture or preparation
760 which contains any quantity of N,N-dimethylamphetamine. (Other
761 names include: N,N,-alpha-trimethyl-benzeneethanamine and
762 N,N-alpha-trimethylphenethylamine);

763 (9) **Synthetic cathinones.** (A) Unless listed in
764 another schedule, any compound other than bupropion that is



765 structurally derived from 2-Amino-1-phenyl-1-propanone by
766 modification in any of the following ways:

767 (i) By substitution in the phenyl ring to any
768 extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide
769 substituents, whether or not further substituted in the phenyl
770 ring by one or more other univalent substituents;

771 (ii) By substitution at the 3-position with
772 an alkyl substituent;

773 (iii) By substitution at the nitrogen atom
774 with alkyl or dialkyl groups, or by inclusion of the nitrogen atom
775 in a cyclic structure.

776 (B) The compounds covered in this paragraph (9)
777 include, but are not limited to, any material, compound, mixture
778 or preparation which contains any quantity of a synthetic
779 cathinone found in any of the following compounds, whether or not
780 substituted to any extent, or any of these compounds which contain
781 any synthetic cathinone, or salts, isomers, or salts of isomers,
782 whenever the existence of such salts, isomers or salts of isomers
783 is possible, unless specifically excepted or listed in another
784 schedule:

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

786 (ii) 4-methyl-alpha-pyrrolidinopropiophenone
787 ("4-MePPP");

788 (iii) Alpha-pyrrolidinopentiophenone
789 ("α-PVP");



790 (iv)
791 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");
792 (v) 2-(methylamino)-1-phenylpentan-1-one
793 ("pentedrone");
794 (vi)
795 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one
796 ("pentylone");
797 (vii) 4-fluoro-N-methylcathinone ("4-FMC");
798 (viii) 3-fluoro-N-methylcathinone ("3-FMC");
799 (ix)
800 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");
801 (x) Alpha-pyrrolidinobutiophenone ("α-PBP");
802 and
803 (xi)
804 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one
805 (N-ethylpentylone, ephylone).

806 **SECTION 14.** Section 41-29-105, Mississippi Code of 1972, is
807 amended as follows:

808 41-29-105. The following words and phrases, as used in this
809 article, shall have the following meanings, unless the context
810 otherwise requires:

811 (a) "Administer" means the direct application of a
812 controlled substance, whether by injection, inhalation, ingestion
813 or any other means, to the body of a patient or research subject
814 by:



815 (* * *i) A practitioner (or, in his presence, by
816 his authorized agent); or

817 (* * *ii) The patient or research subject at the
818 direction and in the presence of the practitioner.

819 (b) "Agent" means an authorized person who acts on
820 behalf of or at the direction of a manufacturer, distributor or
821 dispenser. Such word does not include a common or contract
822 carrier, public warehouseman or employee of the carrier or
823 warehouseman. This definition shall not be applied to the term
824 "agent" when such term clearly designates a member or officer of
825 the Bureau of Narcotics or other law enforcement organization.

826 (c) "Board" means the Mississippi State Board of
827 Medical Licensure.

828 (d) "Bureau" means the Mississippi Bureau of Narcotics.
829 However, where the title "Bureau of Drug Enforcement" occurs, that
830 term shall also refer to the Mississippi Bureau of Narcotics.

831 (e) "Commissioner" means the Commissioner of the
832 Department of Public Safety.

833 (f) "Controlled substance" means a drug, substance or
834 immediate precursor in Schedules I through V of Sections 41-29-113
835 through 41-29-121.

836 (g) "Counterfeit substance" means a controlled
837 substance which, or the container or labeling of which, without
838 authorization, bears the trademark, trade name, or other
839 identifying mark, imprint, number or device, or any likeness



840 thereof, of a manufacturer, distributor or dispenser other than
841 the person who in fact manufactured, distributed or dispensed the
842 substance.

843 (h) "Deliver" or "delivery" means the actual,
844 constructive, or attempted transfer from one person to another of
845 a controlled substance, whether or not there is an agency
846 relationship.

847 (i) "Director" means the Director of the Bureau of
848 Narcotics.

849 (j) "Dispense" means to deliver a controlled substance
850 to an ultimate user or research subject by or pursuant to the
851 lawful order of a practitioner, including the prescribing,
852 administering, packaging, labeling or compounding necessary to
853 prepare the substance for that delivery.

854 (k) "Dispenser" means a practitioner who dispenses.

855 (l) "Distribute" means to deliver other than by
856 administering or dispensing a controlled substance.

857 (m) "Distributor" means a person who distributes.

858 (n) "Drug" means (* * *i) a substance recognized as a
859 drug in the official United States Pharmacopoeia, official
860 Homeopathic Pharmacopoeia of the United States, or official
861 National Formulary, or any supplement to any of them; (* * *ii) a
862 substance intended for use in the diagnosis, cure, mitigation,
863 treatment, or prevention of disease in man or animals; (* * *iii)
864 a substance (other than food) intended to affect the structure or



865 any function of the body of man or animals; and (* * *iv) a
866 substance intended for use as a component of any article specified
867 in this paragraph. Such word does not include devices or their
868 components, parts, or accessories.

869 (o) "Hashish" means the resin extracted from any part
870 of the plants of the genus Cannabis and all species thereof or any
871 preparation, mixture or derivative made from or with that resin.

872 (p) "Immediate precursor" means a substance which the
873 board has found to be and by rule designates as being the
874 principal compound commonly used or produced primarily for use,
875 and which is an immediate chemical intermediary used or likely to
876 be used in the manufacture of a controlled substance, the control
877 of which is necessary to prevent, curtail, or limit manufacture.

878 (q) "Manufacture" means the production, preparation,
879 propagation, compounding, conversion or processing of a controlled
880 substance, either directly or indirectly, by extraction from
881 substances of natural origin, or independently by means of
882 chemical synthesis, or by a combination of extraction and chemical
883 synthesis, and includes any packaging or repackaging of the
884 substance or labeling or relabeling of its container. The term
885 "manufacture" does not include the preparation, compounding,
886 packaging or labeling of a controlled substance in conformity with
887 applicable state and local law:



888 (* * *i) By a practitioner as an incident to his
889 administering or dispensing of a controlled substance in the
890 course of his professional practice; or

891 (* * *ii) By a practitioner, or by his authorized
892 agent under his supervision, for the purpose of, or as an incident
893 to, research, teaching or chemical analysis and not for sale.

894 (r) " * * * Marijuana" means all parts of the plant of
895 the genus Cannabis and all species thereof, whether growing or
896 not, the seeds thereof, and every compound, manufacture, salt,
897 derivative, mixture or preparation of the plant or its seeds,
898 excluding hashish.

899 The term "marijuana" does not include "hemp" as defined in
900 and regulated by Sections 1 through 11 of this act.

901 (s) "Narcotic drug" means any of the following, whether
902 produced directly or indirectly by extraction from substances of
903 vegetable origin, or independently by means of chemical synthesis,
904 or by a combination of extraction and chemical synthesis:

905 (* * *i) Opium and opiate, and any salt,
906 compound, derivative or preparation of opium or opiate;

907 (* * *ii) Any salt, compound, isomer, derivative
908 or preparation thereof which is chemically equivalent or identical
909 with any of the substances referred to in clause 1, but not
910 including the isoquinoline alkaloids of opium;

911 (* * *iii) Opium poppy and poppy straw; and



912 (* * *iv) Cocaine, coca leaves and any salt,
913 compound, derivative or preparation of cocaine, coca leaves, and
914 any salt, compound, isomer, derivative or preparation thereof
915 which is chemically equivalent or identical with any of these
916 substances, but not including decocainized coca leaves or
917 extractions of coca leaves which do not contain cocaine or
918 ecgonine.

919 (t) "Opiate" means any substance having an
920 addiction-forming or addiction-sustaining liability similar to
921 morphine or being capable of conversion into a drug having
922 addiction-forming or addiction-sustaining liability. It does not
923 include, unless specifically designated as controlled under
924 Section 41-29-111, the dextrorotatory isomer of
925 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
926 Such word does include its racemic and levorotatory forms.

927 (u) "Opium poppy" means the plant of the species
928 *Papaver somniferum* L., except its seeds.

929 (v) (i) "Paraphernalia" means all equipment, products
930 and materials of any kind which are used, intended for use, or
931 designed for use, in planting, propagating, cultivating, growing,
932 harvesting, manufacturing, compounding, converting, producing,
933 processing, preparing, testing, analyzing, packaging, repackaging,
934 storing, containing, concealing, injecting, ingesting, inhaling or
935 otherwise introducing into the human body a controlled substance



936 in violation of the Uniform Controlled Substances Law. It
937 includes, but is not limited to:

938 * * *1. Kits used, intended for use, or
939 designed for use in planting, propagating, cultivating, growing or
940 harvesting of any species of plant which is a controlled substance
941 or from which a controlled substance can be derived;

942 * * *2. Kits used, intended for use, or
943 designed for use in manufacturing, compounding, converting,
944 producing, processing or preparing controlled substances;

945 * * *3. Isomerization devices used, intended
946 for use or designed for use in increasing the potency of any
947 species of plant which is a controlled substance;

948 * * *4. Testing equipment used, intended for
949 use, or designed for use in identifying or in analyzing the
950 strength, effectiveness or purity of controlled substances;

951 * * *5. Scales and balances used, intended
952 for use or designed for use in weighing or measuring controlled
953 substances;

954 * * *6. Diluents and adulterants, such as
955 quinine hydrochloride, mannitol, mannite, dextrose and lactose,
956 used, intended for use or designed for use in cutting controlled
957 substances;

958 * * *7. Separation gins and sifters used,
959 intended for use or designed for use in removing twigs and seeds
960 from, or in otherwise cleaning or refining, * * * marijuana;



961 * * *8. Blenders, bowls, containers, spoons
962 and mixing devices used, intended for use or designed for use in
963 compounding controlled substances;

964 * * *9. Capsules, balloons, envelopes and
965 other containers used, intended for use or designed for use in
966 packaging small quantities of controlled substances;

967 * * *10. Containers and other objects used,
968 intended for use or designed for use in storing or concealing
969 controlled substances;

970 * * *11. Hypodermic syringes, needles and
971 other objects used, intended for use or designed for use in
972 parenterally injecting controlled substances into the human body;

973 * * *12. Objects used, intended for use or
974 designed for use in ingesting, inhaling or otherwise
975 introducing * * * marijuana, cocaine, hashish or hashish oil into
976 the human body, such as:

977 * * *a. Metal, wooden, acrylic, glass,
978 stone, plastic or ceramic pipes with or without screens, permanent
979 screens, hashish heads or punctured metal bowls;

980 * * *b. Water pipes;

981 * * *c. Carburetion tubes and devices;

982 * * *d. Smoking and carburetion masks;

983 * * *e. Roach clips, meaning objects
984 used to hold burning material, such as a * * * marijuana



985 cigarette, that has become too small or too short to be held in
986 the hand;

987 * * *f. Miniature cocaine spoons and
988 cocaine vials;

989 * * *g. Chamber pipes;

990 * * *h. Carburetor pipes;

991 * * *i. Electric pipes;

992 * * *j. Air-driven pipes;

993 * * *k. Chillums;

994 * * *l. Bonges; and

995 * * *m. Ice pipes or chillers.

996 (ii) In determining whether an object is
997 paraphernalia, a court or other authority should consider, in
998 addition to all other logically relevant factors, the following:

999 * * *1. Statements by an owner or by anyone
1000 in control of the object concerning its use;

1001 * * *2. Prior convictions, if any, of an
1002 owner, or of anyone in control of the object, under any state or
1003 federal law relating to any controlled substance;

1004 * * *3. The proximity of the object, in time
1005 and space, to a direct violation of the Uniform Controlled
1006 Substances Law;

1007 * * *4. The proximity of the object to
1008 controlled substances;



1009 * * *5. The existence of any residue of
1010 controlled substances on the object;

1011 * * *6. Direct or circumstantial evidence of
1012 the intent of an owner, or of anyone in control of the object, to
1013 deliver it to persons whom he knows, or should reasonably know,
1014 intend to use the object to facilitate a violation of the Uniform
1015 Controlled Substances Law; the innocence of an owner, or of anyone
1016 in control of the object, as to a direct violation of the Uniform
1017 Controlled Substances Law shall not prevent a finding that the
1018 object is intended for use, or designed for use as paraphernalia;

1019 * * *7. Instructions, oral or written,
1020 provided with the object concerning its use;

1021 * * *8. Descriptive materials accompanying
1022 the object which explain or depict its use;

1023 * * *9. National and local advertising
1024 concerning its use;

1025 * * *10. The manner in which the object is
1026 displayed for sale;

1027 * * *11. Whether the owner or anyone in
1028 control of the object is a legitimate supplier of like or related
1029 items to the community, such as a licensed distributor or dealer
1030 of tobacco products;

1031 * * *12. Direct or circumstantial evidence
1032 of the ratio of sales of the object(s) to the total sales of the
1033 business enterprise;



1034 * * *13. The existence and scope of
1035 legitimate uses for the object in the community;

1036 * * *14. Expert testimony concerning its
1037 use.

1038 (w) "Person" means individual, corporation, government
1039 or governmental subdivision or agency, business trust, estate,
1040 trust, partnership or association, or any other legal entity.

1041 (x) "Poppy straw" means all parts, except the seeds, of
1042 the opium poppy, after mowing.

1043 (y) "Practitioner" means:

1044 (* * *i) A physician, dentist, veterinarian,
1045 scientific investigator, optometrist certified to prescribe and
1046 use therapeutic pharmaceutical agents under Sections 73-19-153
1047 through 73-19-165, or other person licensed, registered or
1048 otherwise permitted to distribute, dispense, conduct research with
1049 respect to or to administer a controlled substance in the course
1050 of professional practice or research in this state; and

1051 (* * *ii) A pharmacy, hospital or other
1052 institution licensed, registered, or otherwise permitted to
1053 distribute, dispense, conduct research with respect to or to
1054 administer a controlled substance in the course of professional
1055 practice or research in this state.

1056 (z) "Production" includes the manufacture, planting,
1057 cultivation, growing or harvesting of a controlled substance.



1058 (aa) "Sale," "sell" or "selling" means the actual,
1059 constructive or attempted transfer or delivery of a controlled
1060 substance for remuneration, whether in money or other
1061 consideration.

1062 (bb) "State," when applied to a part of the United
1063 States, includes any state, district, commonwealth, territory,
1064 insular possession thereof, and any area subject to the legal
1065 authority of the United States of America.

1066 (cc) "Ultimate user" means a person who lawfully
1067 possesses a controlled substance for his own use or for the use of
1068 a member of his household or for administering to an animal owned
1069 by him or by a member of his household.

1070 **SECTION 15.** Section 41-29-136, Mississippi Code of 1972, is
1071 amended as follows:

1072 41-29-136. (1) "CBD solution" means a pharmaceutical
1073 preparation consisting of processed cannabis plant extract in oil
1074 or other suitable vehicle.

1075 (2) (a) CBD solution prepared from (i) Cannabis plant
1076 extract that is provided by the National Center for Natural
1077 Products Research at the University of Mississippi under
1078 appropriate federal and state regulatory approvals, or (ii)
1079 Cannabis extract from hemp produced pursuant to Sections 1 through
1080 11 of this act, which is prepared and tested to meet compliance
1081 with regulatory specifications, may be dispensed by the Department
1082 of Pharmacy Services at the University of Mississippi Medical



1083 Center (UMMC Pharmacy) after mixing the extract with a suitable
1084 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or
1085 by another pharmacy or laboratory in the state under appropriate
1086 federal and state regulatory approvals and registrations. * * *

1087 (b) The patient or the patient's parent, guardian or
1088 custodian must execute a hold-harmless agreement that releases
1089 from liability the state and any division, agency, institution or
1090 employee thereof involved in the research, cultivation,
1091 processing, formulating, dispensing, prescribing or administration
1092 of CBD solution obtained from entities authorized under this
1093 section to produce or possess cannabidiol for research under
1094 appropriate federal and state regulatory approvals and
1095 registrations.

1096 (c) The National Center for Natural Products Research
1097 at the University of Mississippi and the Mississippi Agricultural
1098 and Forestry Experiment Station at Mississippi State University
1099 are the only entities authorized to produce cannabis plants for
1100 cannabidiol research.

1101 (d) Research of CBD solution under this section must
1102 comply with the provisions of Section 41-29-125 regarding lawful
1103 possession of controlled substances, of Section 41-29-137
1104 regarding record-keeping requirements relative to the dispensing,
1105 use or administration of controlled substances, and of Section
1106 41-29-133 regarding inventory requirements, insofar as they are



1107 applicable. Authorized entities may enter into public-private
1108 partnerships to facilitate research.

1109 (3) (a) In a prosecution for the unlawful possession of
1110 marijuana under the laws of this state, it is an affirmative and
1111 complete defense to prosecution that:

1112 (i) The defendant suffered from a debilitating
1113 epileptic condition or related illness and the use or possession
1114 of CBD solution was pursuant to the order of a physician as
1115 authorized under this section; or

1116 (ii) The defendant is the parent, guardian or
1117 custodian of an individual who suffered from a debilitating
1118 epileptic condition or related illness and the use or possession
1119 of CBD solution was pursuant to the order of a physician as
1120 authorized under this section.

1121 (b) An agency of this state or a political subdivision
1122 thereof, including any law enforcement agency, may not initiate
1123 proceedings to remove a child from the home based solely upon the
1124 possession or use of CBD solution by the child or parent, guardian
1125 or custodian of the child as authorized under this section.

1126 (c) An employee of the state or any division, agency,
1127 institution thereof involved in the research, cultivation,
1128 processing, formulation, dispensing, prescribing or administration
1129 of CBD solution shall not be subject to prosecution for unlawful
1130 possession, use, distribution or prescription of marijuana under
1131 the laws of this state for activities arising from or related to



1132 the use of CBD solution in the treatment of individuals diagnosed
1133 with a debilitating epileptic condition.

1134 (4) This section shall be known as "Harper Grace's Law."

1135 (5) This section shall stand repealed from and after July 1,
1136 2021.

1137 **SECTION 16.** Sections 1 through 11 of this act shall be
1138 codified in Chapter 25, Title 69, Mississippi Code of 1972.

1139 **SECTION 17.** This act shall take effect and be in force from
1140 and after its passage.

