MISSISSIPPI LEGISLATURE  REGULAR SESSION 2020

By: Representatives Lamar, Powell  To: Rules

HOUSE CONCURRENT RESOLUTION NO.  39

A CONCURRENT RESOLUTION PROPOSING TO CREATE NEW ARTICLE 16,
SECTION 290 OF THE MISSISSIPPI CONSTITUTION OF 1890, OFFERED BY
THE MISSISSIPPI LEGISLATURE AS AN ALTERNATIVE TO INITIATIVE
MEASURE NO. 65, TO ESTABLISH A PROGRAM TO ALLOW THE MEDICAL USE OF
MARIJUANA PRODUCTS BY QUALIFIED PERSONS WITH DEBILITATING MEDICAL
CONDITIONS; AND FOR RELATED PURPOSES.

WHEREAS, under Section 273 of the Mississippi Constitution of
1890, the people have the power to propose and enact
constitutional amendments by initiative, and the procedure for
doing so is set forth in Chapter 17, Title 23, Mississippi Code of
1972.

WHEREAS, following those provisions, the people have proposed
Initiative Measure No. 65, which has a subject matter stated to be
"medical marijuana for qualified persons with debilitating medical
conditions," and this initiative measure will be presented to the
qualified electors at the November 2020 election.

WHEREAS, when an initiative measure is proposed under this
procedure, the Legislature may submit an alternative measure for
the original initiative measure, which must be presented to the
qualified electors at the same election at which the original
measure is proposed, and under Section 23-17-29, Mississippi Code of 1972, such a constitutional initiative may be adopted or amended by a majority vote of each house of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That the following amendment to the Mississippi Constitution of 1890 is proposed to the qualified electors of the state at the November 2020 election, as an alternative to the amendment proposed by Initiative Measure No. 65:

Article 16, Section 290, Mississippi Constitution of 1890, is created to read as follows:

"Section 290. There is established a program in the State of Mississippi to allow the medical use of marijuana products by qualified persons. The program shall be structured to include, at a minimum, the following conditions and requirements:

(a) The program shall be based on sound medical principles;

(b) The program shall be administered by an appropriate state agency;

(c) The administering state agency shall seek the input of health professionals to help design the program;

(d) The program shall be limited to qualified persons with debilitating medical conditions as certified by health practitioners who are licensed under state law;"
(e) Marijuana products that are used by qualified persons in the program shall be of suitable pharmaceutical quality and prepared by state-licensed manufacturers;

(f) Treatment of qualified persons in the program shall be carried out by physicians, nurses and pharmacists who are licensed under state law;

(g) The program shall provide for limited categories of marijuana preparation of suitable and verified quality standards for oral administration;

(h) The smoking of marijuana products shall be restricted to the treatment of qualified persons who have terminal medical conditions as certified by health practitioners who are licensed under state law;

(i) The program shall provide for a limited number of state-licensed manufacturers of marijuana products;

(j) The program shall have a patient registry for program enrollment, patient tracking, and treatment outcomes assessment; and

(k) The program shall provide for reporting requirements that include research, analysis, and outcomes assessment."

BE IT FURTHER RESOLVED, That the amendment proposed in this resolution as a legislative alternative to Initiative Measure No. 65 shall be submitted by the Secretary of State to the qualified electors at an election to be held on the first Tuesday after the
first Monday of November 2020, in the manner prescribed by Section 273 of the Constitution and by Chapter 17, Title 23, Mississippi Code of 1972.

BE IT FURTHER RESOLVED, That the ballot title for this amendment is proposed to read as follows: "Shall Mississippi establish a program to allow the medical use of marijuana products by qualified persons with debilitating medical conditions?"

BE IT FURTHER RESOLVED, That the explanation of this proposed amendment for the ballot shall read as follows: "This constitutional amendment is proposed as a legislative alternative measure to Initiative Measure No. 65 and would establish a program to allow the medical use of marijuana products by qualified persons with debilitating medical conditions."