

By: Senator(s) Simmons (12th)

To: Public Health and
Welfare; Judiciary, Division
B

SENATE BILL NO. 2497

1 AN ACT TO AMEND SECTION 41-29-113, MISSISSIPPI CODE OF 1972,
2 TO REMOVE MARIJUANA FROM THE LIST OF SCHEDULE I CONTROLLED
3 SUBSTANCES; TO AMEND SECTION 41-29-139, MISSISSIPPI CODE OF 1972,
4 TO CONFORM THE PENALTY FOR POSSESSION OF CONTROLLED SUBSTANCES
5 OTHER THAN MARIJUANA; TO AMEND SECTION 41-29-105, MISSISSIPPI CODE
6 OF 1972, TO CONFORM DEFINITIONS FOR THE UNIFORM CONTROLLED
7 SUBSTANCES ACT; TO AMEND SECTIONS 41-29-136, 41-29-147,
8 41-29-149.1, 41-29-150 AND 33-13-520, MISSISSIPPI CODE OF 1972, TO
9 CONFORM; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 41-29-113, Mississippi Code of 1972, is
12 amended as follows:

13 41-29-113.

14 **SCHEDULE I**

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

18 (b) **Opiates.** Unless specifically excepted or unless listed
19 in another schedule, any of the following opiates, including their
20 isomers, esters, ethers, salts and salts of isomers, esters and



21 ethers, whenever the existence of these isomers, esters, ethers
22 and salts is possible within the specific chemical designation:

23 (1) Acetyl-alpha-methylfentanyl;

24 (2) Acetyl Fentanyl

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

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

28 (4) Acetylmethadol;

29 (5) Allylprodine;

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

32 (7) Alphameprodine;

33 (8) Alphamethadol;

34 (9) Alpha-methylfentanyl;

35 (10) Alpha-methylthiofentanyl;

36 (11) Benzethidine;

37 (12) Betacetylmethadol;

38 (13) Beta-hydroxyfentanyl;

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

40 (15) Betameprodine;

41 (16) Betamethadol;

42 (17) Betaprodine;

43 (18) Butyrl fentanyl

44 (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);

45 (19) Clonitazene;



- 46 (20) Dextromoramide;
- 47 (21) Diampromide;
- 48 (22) Diethylthiambutene;
- 49 (23) DifenoXin;
- 50 (24) Dimenoxadol;
- 51 (25) Dimepheptanol;
- 52 (26) Dimethylthiambutene;
- 53 (27) Dioxaphetyl butyrate;
- 54 (28) Dipipanone;
- 55 (29) Ethylmethylthiambutene;
- 56 (30) Etonitazene;
- 57 (31) EtoXeridine;
- 58 (32) Fentanyl-related substances, meaning any substance
- 59 not otherwise listed under another schedule and for which no
- 60 exemption or approval is in effect under Section 505 of the
- 61 Federal Food, Drug, and Cosmetic Act [21 USC 355] that is
- 62 structurally related to fentanyl by one or more of the following
- 63 modifications:
- 64 (A) Replacement of the phenyl portion of the
- 65 phenethyl group by any monocycle, whether or not further
- 66 substituted in or on the monocycle;
- 67 (B) Substitution in or on the phenethyl group with
- 68 alkyl, alkenyl, alkoXyl, hydroXyl, halo, haloalkyl, amino or nitro
- 69 groups;



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

73 (D) Replacement of the aniline ring with any
74 aromatic monocycle whether or not further substituted in or on the
75 aromatic monocycle; and/or

76 (E) Replacement of the N-propionyl group by
77 another acyl group.

78 Fentanyl-related substances include, but are not limited to,
79 cyclopropyl fentanyl,

80 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);

81 Furanyl-Fentanyl,

82 (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);

83 valeryl fentanyl,

84 (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide);

85 para-fluorobutyryl fentanyl,

86 (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

87 para-methoxybutyryl fentanyl,

88 (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

89 para-chloroisobutyryl fentanyl,

90 (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

91 isobutyryl fentanyl,

92 (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);



93 cyclopentyl fentanyl,
94 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
95 and
96 ocfentanil,
97 (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetami
98 de);
99 (33) Furethidine;
100 (34) Hydroxypethidine;
101 (35) Ketobemidone (including the optical and geometric
102 isomers);
103 (36) Levomoramide;
104 (37) Levophenacylmorphane;
105 (38) 3-methylfentanyl;
106 (39) 3-methylthiofentanyl;
107 (40) Morpheridine;
108 (41) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
109 (42)
110 N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpro
111 pionamide, its isomers, esters, ethers, salts and salts of
112 isomers, esters and ethers (other names:
113 beta-hydroxythiofentanyl);
114 (43) Noracymethadol;
115 (44) Norlevorphanol;
116 (45) Normethadone;
117 (46) Norpipanone;



- 118 (47) Para-fluorofentanyl;
119 (48) PEPAP
120 (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
121 (49) Phenadoxone;
122 (50) Phenampromide;
123 (51) Phenomorphan;
124 (52) Phenoperidine;
125 (53) Piritramide;
126 (54) Proheptazine;
127 (55) Properidine;
128 (56) Propiram;
129 (57) Racemoramide;
130 (58) Thiofentanyl;
131 (59) Tilidine;
132 (60) Trimeperidine;
133 (61) U-47700,
134 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide.

135 (c) **Opium derivatives.** Unless specifically excepted or
136 unless listed in another schedule, any of the following opium
137 derivatives, their salts, isomers and salts of isomers, whenever
138 the existence of these salts, isomers and salts of isomers is
139 possible within the specific chemical designation:

- 140 (1) Acetorphine;
141 (2) Acetyldihydrocodeine;
142 (3) Benzylmorphine;



- 143 (4) Codeine methylbromide;
144 (5) Codeine-N-Oxide;
145 (6) Cyprenorphine;
146 (7) Desomorphine;
147 (8) Dihydromorphine;
148 (9) Drotebanol;
149 (10) Etorphine (except hydrochloride salt);
150 (11) Heroin;
151 (12) Hydromorphanol;
152 (13) Methyldesorphine;
153 (14) Methyldihydromorphine;
154 (15) Monoacetylmorphine;
155 (16) Morphine methylbromide;
156 (17) Morphine methylsulfonate;
157 (18) Morphine-N-Oxide;
158 (19) Myrophine;
159 (20) Nicocodeine;
160 (21) Nicomorphine;
161 (22) Normorphine;
162 (23) Pholcodine;
163 (24) Thebacon.

164 (d) **Hallucinogenic substances.** Unless specifically excepted
165 or unless listed in another schedule, any material, compound,
166 mixture or preparation which contains any quantity of the
167 following substances, their salts, isomers (whether optical,



168 positional, or geometric) and salts of isomers, whenever the
169 existence of these salts, isomers and salts of isomers is possible
170 within the specific chemical designation:

- 171 (1) Alpha-ethyltryptamine;
- 172 (2) 4-bromo-2,5-dimethoxy-amphetamine;
- 173 (3) 4-bromo-2,5-dimethoxyphenethylamine;
- 174 (4) 2,5-dimethoxyamphetamine;
- 175 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 176 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine
177 (2C-T-7);
- 178 (7) 4-methoxyamphetamine;
- 179 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 180 (9) 4-methyl-2,5-dimethoxy-amphetamine;
- 181 (10) 3,4-methylenedioxy amphetamine;
- 182 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 183 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
184 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl
185 MDA, MDE, MDEA);
- 186 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also
187 known as N-hydroxy MDA, N-OHMDA, and
188 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);
- 189 (14) 3,4,5-trimethoxy amphetamine;
- 190 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 191 (16) Alpha-methyltryptamine (also known as AMT);
- 192 (17) Bufotenine;



- 193 (18) Diethyltryptamine;
194 (19) Dimethyltryptamine;
195 (20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
196 (21) Ibogaine;
197 (22) Lysergic acid diethylamide (LSD);

198 * * *

- 199 (* * *23) Mescaline;
200 (* * *24) Parahexyl;
201 (* * *25) Peyote;
202 (* * *26) N-ethyl-3-piperidyl benzilate;
203 (* * *27) N-methyl-3-piperidyl benzilate;
204 (* * *28) Psilocybin;
205 (* * *29) Psilocyn;
206 (* * *30) Tetrahydrocannabinols, meaning
207 tetrahydrocannabinols contained in a plant of the genus Cannabis
208 (cannabis plant), as well as the synthetic equivalents of the
209 substances contained in the cannabis plant, or in the resinous
210 extractives of such plant, and/or synthetic substances,
211 derivatives, and their isomers with similar chemical structure and
212 pharmacological activity to those substances contained in the
213 plant such as the following:
214 (A) 1 cis or trans tetrahydrocannabinol;
215 (B) 6 cis or trans tetrahydrocannabinol;
216 (C) 3,4 cis or trans tetrahydrocannabinol.



217 (Since nomenclature of these substances is not
218 internationally standardized, compounds of these structures,
219 regardless of atomic positions, are covered.)

220 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)

221 However, the following products are exempted from control:

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

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

227 (iii) Animal feed mixtures that contain
228 sterilized cannabis seeds and other ingredients (not derived from
229 the cannabis plant) in a formula designed, marketed and
230 distributed for nonhuman consumption;

231 (iv) Personal care products that contain oil
232 from sterilized cannabis seeds, such as shampoos, soaps, and body
233 lotions (if the products do not cause THC to enter the human
234 body); and

235 (v) Processed cannabis plant extract, oil or
236 resin with a minimum ratio of twenty-to-one cannabidiol to
237 tetrahydrocannabinol (20:1 cannabidiol:tetrahydrocannabinol), and
238 diluted so as to contain at least fifty (50) milligrams of
239 cannabidiol per milliliter, with not more than two and one-half
240 (2.5) milligrams of tetrahydrocannabinol per milliliter;

241 (* * * 31) Phencyclidine;



242 (* * *32) Ethylamine analog of phencyclidine (PCE);
243 (* * *33) Pyrrolidine analog of phencyclidine (PHP,
244 PCPy);
245 (* * *34) Thiophene analog of phencyclidine;
246 (* * *35) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine
247 (TCPy);
248 (* * *36) 4-methylmethcathinone (mephedrone);
249 (* * *37) 3,4-methylenedioxypropylamphetamine (MDPV);
250 (* * *38) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine
251 (2C-E);
252 (* * *39) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine
253 (2C-D);
254 (* * *40) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine
255 (2C-C);
256 (* * *41) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine
257 (2C-I); or 2,5-dimethoxy-4-iodophenethylamine;
258 (* * *42)
259 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
260 (* * *43)
261 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
262 (* * *44) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);
263 (* * *45) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine
264 (2C-N);
265 (* * *46)
266 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);



267 (* * *47)
268 3,4-methylenedioxy-N-methylcathinone (methydone);
269 (* * *48)
270 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
271 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);
272 (* * *49)
273 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
274 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);
275 (* * *50)
276 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or
277 N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;
278 Cimbi-5);
279 (* * *51) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,
280 4-benzodiazepin-2-one (also known as Phenazepam);
281 (* * *52)
282 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,
283 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene
284 (also known as Etizolam);
285 (* * *53) Salvia divinorum;
286 (* * *54) Synthetic cannabinoids. Unless specifically
287 excepted or unless listed in another schedule, any material,
288 compound, mixture, or preparation which contains any quantity of a
289 synthetic cannabinoid found in any of the following chemical
290 groups, whether or not substituted to any extent, or any of those
291 groups which contain any synthetic cannabinoid salts, isomers, or



292 salts of isomers, whenever the existence of such salts, isomers,
293 or salts of isomers is possible within the specific chemical
294 designation, including all synthetic cannabinoid chemical
295 analogues in such groups:

296 (A) (6aR,10aR)-9-(hydroxymethyl)-6,
297 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
298 chromen-1-ol (also known as HU-210 or
299 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

300 (B) Naphthoylindoles and naphthylmethylindoles,
301 being any compound structurally derived from 3-(1-naphthoyl)indole
302 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted
303 in the indole ring to any extent, or in the naphthyl ring to any
304 extent;

305 (C) Naphthoylpyrroles, being any compound
306 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not
307 substituted in the pyrrole ring to any extent, or in the naphthyl
308 ring to any extent;

309 (D) Naphthylmethylindenes, being any compound
310 structurally derived from 1-(1-naphthylmethyl)indene, whether or
311 not substituted in the indene ring to any extent or in the
312 naphthyl ring to any extent;

313 (E) Phenylacetylindoles, being any compound
314 structurally derived from 3-phenylacetylindole, whether or not
315 substituted in the indole ring to any extent or in the phenyl ring
316 to any extent;



317 (F) Cyclohexylphenols, being any compound
318 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether
319 or not substituted in the cyclohexyl ring to any extent or in the
320 phenolic ring to any extent;

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

323 (H) Adamantoylindoles, whether or not substituted
324 in the indole ring to any extent or in the adamantoyl ring system
325 to any extent;

326 (I) Tetrahydro derivatives of cannabinal and
327 3-alkyl homologues of cannabinal or of its tetrahydro derivatives,
328 except where contained in cannabis or cannabis resin;

329 (J) 3-Cyclopropylmethanone indole or
330 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by
331 substitution at the nitrogen atom of the indole ring, whether or
332 not further substituted in the indole ring to any extent, whether
333 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl
334 rings to any extent;

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

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



342 3-carboxamide-1H-indoles, whether or not substituted in the indole
343 ring to any extent and substituted to any degree on the
344 carboxamide nitrogen;

345 (M) Cycloalkanemethanone Indoles, whether or not
346 substituted at the nitrogen atom on the indole ring, whether or
347 not further substituted in the indole ring to any extent, whether
348 or not substituted on the cycloalkane ring to any extent.

349 (e) **Depressants.** Unless specifically excepted or unless
350 listed in another schedule, any material, compound, mixture, or
351 preparation which contains any quantity of the following
352 substances having a depressant effect on the central nervous
353 system, including their salts, isomers, and salts of isomers,
354 whenever the existence of such salts, isomers, and salts of
355 isomers is possible within the specific chemical designation:

356 (1) Gamma-hydroxybutyric acid (other names include:
357 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic
358 acid; sodium oxybate; sodium oxybutyrate);

359 (2) Mecloqualone;

360 (3) Methaqualone.

361 (f) **Stimulants.** Any material, compound, mixture or
362 preparation which contains any quantity of the following central
363 nervous system stimulants including optical salts, isomers and
364 salts of isomers unless specifically excepted or unless listed in
365 another schedule:

366 (1) Aminorex;



- 367 (2) N-benzylpiperazine (also known as BZP and
368 1-benzylpiperazine);
- 369 (3) Cathinone;
- 370 (4) Fenethylamine;
- 371 (5) Methcathinone;
- 372 (6) 4-methylaminorex (also known as
373 2-amino-4-methyl-5-phenyl-2-oxazoline);
- 374 (7) N-ethylamphetamine;
- 375 (8) Any material, compound, mixture or preparation
376 which contains any quantity of N,N-dimethylamphetamine. (Other
377 names include: N,N,-alpha-trimethyl-benzeneethanamine and
378 N,N-alpha-trimethylphenethylamine);
- 379 (9) **Synthetic cathinones.** (A) Unless listed in
380 another schedule, any compound other than bupropion that is
381 structurally derived from 2-Amino-1-phenyl-1-propanone by
382 modification in any of the following ways:
- 383 (i) By substitution in the phenyl ring to any
384 extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide
385 substituents, whether or not further substituted in the phenyl
386 ring by one or more other univalent substituents;
- 387 (ii) By substitution at the 3-position with
388 an alkyl substituent;
- 389 (iii) By substitution at the nitrogen atom
390 with alkyl or dialkyl groups, or by inclusion of the nitrogen atom
391 in a cyclic structure.



392 (B) The compounds covered in this paragraph (9)
393 include, but are not limited to, any material, compound, mixture
394 or preparation which contains any quantity of a synthetic
395 cathinone found in any of the following compounds, whether or not
396 substituted to any extent, or any of these compounds which contain
397 any synthetic cathinone, or salts, isomers, or salts of isomers,
398 whenever the existence of such salts, isomers or salts of isomers
399 is possible, unless specifically excepted or listed in another
400 schedule:

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

402 (ii) 4-methyl-alpha-pyrrolidinopropiophenone
403 ("4-MePPP");

404 (iii) Alpha-pyrrolidinopentiophenone
405 (" α -PVP");

406 (iv)
407 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");
408 (v) 2-(methylamino)-1-phenylpentan-1-one
409 ("pentedrone");

410 (vi)
411 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one
412 ("pentylone");

413 (vii) 4-fluoro-N-methylcathinone ("4-FMC");

414 (viii) 3-fluoro-N-methylcathinone ("3-FMC");

415 (ix)

416 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");



417 (x) Alpha-pyrrolidinobutiophenone ("α-PBP");

418 and

419 (xi)

420 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one

421 (N-ethylpentylone, ephylone).

422 **SECTION 2.** Section 41-29-139, Mississippi Code of 1972, is
423 amended as follows:

424 41-29-139. (a) **Transfer and possession with intent to**
425 **transfer.** Except as authorized by this article, it is unlawful
426 for any person knowingly or intentionally:

427 (1) To sell, barter, transfer, manufacture, distribute,
428 dispense or possess with intent to sell, barter, transfer,
429 manufacture, distribute or dispense, a controlled substance; or

430 (2) To create, sell, barter, transfer, distribute,
431 dispense or possess with intent to create, sell, barter, transfer,
432 distribute or dispense, a counterfeit substance.

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

437 (1) For controlled substances classified in Schedule I
438 or II, as set out in Sections 41-29-113 and 41-29-115, other
439 than * * * synthetic cannabinoids:



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

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

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

453 (2) * * * For synthetic cannabinoids:

454 * * * (A) If ten (10) grams or less, by
455 imprisonment for not more than three (3) years or a fine of not
456 more than Three Thousand Dollars (\$3,000.00), or both;

457 * * * (B) If more than ten (10) grams but less
458 than twenty (20) grams, by imprisonment for not more than five (5)
459 years or a fine of not more than Five Thousand Dollars
460 (\$5,000.00), or both;

461 * * * (C) If twenty (20) or more grams but less
462 than forty (40) grams, by imprisonment for not less than three (3)
463 years nor more than ten (10) years or a fine of not more than
464 Fifteen Thousand Dollars (\$15,000.00), or both;



465 * * * (D) If forty (40) or more grams but less
466 than two hundred (200) grams, by imprisonment for not less than
467 five (5) years nor more than twenty (20) years or a fine of not
468 more than Twenty Thousand Dollars (\$20,000.00), or both.

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

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

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

478 (C) If ten (10) or more grams or twenty (20) or
479 more dosage units, but less than thirty (30) grams or forty (40)
480 dosage units, by imprisonment for not more than fifteen (15) years
481 or a fine of not more than One Hundred Thousand Dollars
482 (\$100,000.00), or both;

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

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



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

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

497 (C) If ten (10) or more grams or twenty (20) or
498 more dosage units, but less than thirty (30) grams or forty (40)
499 dosage units, by imprisonment for not more than ten (10) years or
500 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or
501 both;

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

507 (c) **Simple possession.** It is unlawful for any person
508 knowingly or intentionally to possess any controlled substance
509 unless the substance was obtained directly from, or pursuant to, a
510 valid prescription or order of a practitioner while acting in the
511 course of his professional practice, or except as otherwise
512 authorized by this article. The penalties for any violation of
513 this subsection (c) with respect to a controlled substance
514 classified in Schedules I, II, III, IV or V, as set out in Section



515 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121,
516 including * * * synthetic cannabinoids, shall be based on dosage
517 unit as defined herein or the weight of the controlled substance
518 as set forth herein as appropriate:

519 "Dosage unit (d.u.)" means a tablet or capsule, or in the
520 case of a liquid solution, one (1) milliliter. In the case of
521 lysergic acid diethylamide (LSD) the term, "dosage unit" means a
522 stamp, square, dot, microdot, tablet or capsule of a controlled
523 substance.

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

527 The weight set forth refers to the entire weight of any
528 mixture or substance containing a detectable amount of the
529 controlled substance.

530 If a mixture or substance contains more than one (1)
531 controlled substance, the weight of the mixture or substance is
532 assigned to the controlled substance that results in the greater
533 punishment.

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

536 (1) A controlled substance classified in Schedule I or
537 II, except * * * synthetic cannabinoids:

538 (A) If less than one-tenth (0.1) gram or two (2)
539 dosage units, the violation is a misdemeanor and punishable by



540 imprisonment for not more than one (1) year or a fine of not more
541 than One Thousand Dollars (\$1,000.00), or both.

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

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

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

556 (2) (A) * * * Synthetic cannabinoids:

557 1. If * * * ten (10) grams or less of
558 synthetic cannabinoids, by a fine of not less than One Hundred
559 Dollars (\$100.00) nor more than Two Hundred Fifty Dollars
560 (\$250.00). The provisions of this paragraph (2)(A) may be
561 enforceable by summons if the offender provides proof of identity
562 satisfactory to the arresting officer and gives written promise to
563 appear in court satisfactory to the arresting officer, as directed
564 by the summons. A second conviction under this section within two



565 (2) years is a misdemeanor punishable by a fine of Two Hundred
566 Fifty Dollars (\$250.00), not more than sixty (60) days in the
567 county jail, and mandatory participation in a drug education
568 program approved by the Division of Alcohol and Drug Abuse of the
569 State Department of Mental Health, unless the court enters a
570 written finding that a drug education program is inappropriate. A
571 third or subsequent conviction under this paragraph (2) (A) within
572 two (2) years is a misdemeanor punishable by a fine of not less
573 than Two Hundred Fifty Dollars (\$250.00) nor more than One
574 Thousand Dollars (\$1,000.00) and confinement for not more than six
575 (6) months in the county jail.

576 Upon a first or second conviction under this paragraph
577 (2) (A), the courts shall forward a report of the conviction to the
578 Mississippi Bureau of Narcotics which shall make and maintain a
579 private, nonpublic record for a period not to exceed two (2) years
580 from the date of conviction. The private, nonpublic record shall
581 be solely for the use of the courts in determining the penalties
582 which attach upon conviction under this paragraph (2) (A) and shall
583 not constitute a criminal record for the purpose of private or
584 administrative inquiry and the record of each conviction shall be
585 expunged at the end of the period of two (2) years following the
586 date of such conviction;

587 2. Additionally, a person who is the operator
588 of a motor vehicle, who possesses on his person or knowingly keeps
589 or allows to be kept in a motor vehicle within the area of the



590 vehicle normally occupied by the driver or passengers, more than
591 one (1) gram, but * * * not more than ten (10) grams of synthetic
592 cannabinoids is guilty of a misdemeanor and, upon conviction, may
593 be fined not more than One Thousand Dollars (\$1,000.00) or
594 confined for not more than ninety (90) days in the county jail, or
595 both. For the purposes of this subsection, such area of the
596 vehicle shall not include the trunk of the motor vehicle or the
597 areas not normally occupied by the driver or passengers if the
598 vehicle is not equipped with a trunk. A utility or glove
599 compartment shall be deemed to be within the area occupied by the
600 driver and passengers;

601 * * *

602 (* * *B) Synthetic cannabinoids:

603 1. If more than ten (10) grams but less than
604 twenty (20) grams, by a fine of not more than One Thousand Dollars
605 (\$1,000.00), or confinement in the county jail for not more than
606 one (1) year, or both; or by a fine of not more than Three
607 Thousand Dollars (\$3,000.00), or imprisonment in the custody of
608 the Department of Corrections for not more than three (3) years,
609 or both;

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



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

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

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

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

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

634 (C) If one hundred fifty (150) or more grams or
635 five hundred (500) or more dosage units, but less than three
636 hundred (300) grams or one thousand (1,000) dosage units, by
637 imprisonment for not less than two (2) years nor more than eight



638 (8) years or a fine of not more than Fifty Thousand Dollars
639 (\$50,000.00), or both.

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

646 (d) **Paraphernalia.** (1) It is unlawful for a person who is
647 not authorized by the State Board of Medical Licensure, State
648 Board of Pharmacy, or other lawful authority to use, or to possess
649 with intent to use, paraphernalia to plant, propagate, cultivate,
650 grow, harvest, manufacture, compound, convert, produce, process,
651 prepare, test, analyze, pack, repack, store, contain, conceal,
652 inject, ingest, inhale or otherwise introduce into the human body
653 a controlled substance in violation of the Uniform Controlled
654 Substances Law. Any person who violates this subsection (d)(1) is
655 guilty of a misdemeanor and, upon conviction, may be confined in
656 the county jail for not more than six (6) months, or fined not
657 more than Five Hundred Dollars (\$500.00), or both * * *.

658 (2) It is unlawful for any person to deliver, sell,
659 possess with intent to deliver or sell, or manufacture with intent
660 to deliver or sell, paraphernalia, knowing, or under circumstances
661 where one reasonably should know, that it will be used to plant,
662 propagate, cultivate, grow, harvest, manufacture, compound,



663 convert, produce, process, prepare, test, analyze, pack, repack,
664 store, contain, conceal, inject, ingest, inhale, or otherwise
665 introduce into the human body a controlled substance in violation
666 of the Uniform Controlled Substances Law. Except as provided in
667 subsection (d) (3), a person who violates this subsection (d) (2) is
668 guilty of a misdemeanor and, upon conviction, may be confined in
669 the county jail for not more than six (6) months, or fined not
670 more than Five Hundred Dollars (\$500.00), or both.

671 (3) Any person eighteen (18) years of age or over who
672 violates subsection (d) (2) of this section by delivering or
673 selling paraphernalia to a person under eighteen (18) years of age
674 who is at least three (3) years his junior is guilty of a
675 misdemeanor and, upon conviction, may be confined in the county
676 jail for not more than one (1) year, or fined not more than One
677 Thousand Dollars (\$1,000.00), or both.

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



687 (e) It shall be unlawful for any physician practicing
688 medicine in this state to prescribe, dispense or administer any
689 amphetamine or amphetamine-like anorectics and/or central nervous
690 system stimulants classified in Schedule II, pursuant to Section
691 41-29-115, for the exclusive treatment of obesity, weight control
692 or weight loss. Any person who violates this subsection, upon
693 conviction, is guilty of a misdemeanor and may be confined for a
694 period not to exceed six (6) months, or fined not more than One
695 Thousand Dollars (\$1,000.00), or both.

696 (f) **Trafficking.** (1) Any person trafficking in controlled
697 substances shall be guilty of a felony and, upon conviction, shall
698 be imprisoned for a term of not less than ten (10) years nor more
699 than forty (40) years and shall be fined not less than Five
700 Thousand Dollars (\$5,000.00) nor more than One Million Dollars
701 (\$1,000,000.00). The ten-year mandatory sentence shall not be
702 reduced or suspended. The person shall not be eligible for
703 probation or parole, the provisions of Sections 41-29-149,
704 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

705 (2) "Trafficking in controlled substances" as used
706 herein means:

707 (A) A violation of subsection (a) of this section
708 involving thirty (30) or more grams or forty (40) or more dosage
709 units of a Schedule I or II controlled substance except * * *
710 synthetic cannabinoids;



711 (B) A violation of subsection (a) of this section
712 involving five hundred (500) or more grams or two thousand five
713 hundred (2,500) or more dosage units of a Schedule III, IV or V
714 controlled substance;

715 (C) A violation of subsection (c) of this section
716 involving thirty (30) or more grams or forty (40) or more dosage
717 units of a Schedule I or II controlled substance except * * *
718 synthetic cannabinoids;

719 (D) A violation of subsection (c) of this section
720 involving five hundred (500) or more grams or two thousand five
721 hundred (2,500) or more dosage units of a Schedule III, IV or V
722 controlled substance; or

723 (E) A violation of subsection (a) of this section
724 involving * * * two hundred (200) grams or more of synthetic
725 cannabinoids.

726 (g) **Aggravated trafficking.** Any person trafficking in
727 Schedule I or II controlled substances, except * * * synthetic
728 cannabinoids, of two hundred (200) grams or more shall be guilty
729 of aggravated trafficking and, upon conviction, shall be sentenced
730 to a term of not less than twenty-five (25) years nor more than
731 life in prison and shall be fined not less than Five Thousand
732 Dollars (\$5,000.00) nor more than One Million Dollars
733 (\$1,000,000.00). The twenty-five-year sentence shall be a
734 mandatory sentence and shall not be reduced or suspended. The
735 person shall not be eligible for probation or parole, the



736 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to
737 the contrary notwithstanding.

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

747 (A) The offender was not a leader of the criminal
748 enterprise;

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

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

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

756 The court may also consider whether information and
757 assistance were furnished to a law enforcement agency, or its
758 designee, which, in the opinion of the trial judge, objectively
759 should or would have aided in the arrest or prosecution of others
760 who violate this subsection. The accused shall have adequate



761 opportunity to develop and make a record of all information and
762 assistance so furnished.

763 (2) If the court reduces the prescribed sentence
764 pursuant to this subsection, it must specify on the record the
765 circumstances warranting the departure.

766 **SECTION 3.** Section 41-29-105, Mississippi Code of 1972, is
767 amended as follows:

768 41-29-105. The following words and phrases, as used in this
769 article, shall have the following meanings, unless the context
770 otherwise requires:

771 (a) "Administer" means the direct application of a
772 controlled substance, whether by injection, inhalation, ingestion
773 or any other means, to the body of a patient or research subject
774 by:

775 (* * *i) A practitioner (or, in his presence, by
776 his authorized agent); or

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

779 (b) "Agent" means an authorized person who acts on
780 behalf of or at the direction of a manufacturer, distributor or
781 dispenser. Such word does not include a common or contract
782 carrier, public warehouseman or employee of the carrier or
783 warehouseman. This definition shall not be applied to the term
784 "agent" when such term clearly designates a member or officer of
785 the Bureau of Narcotics or other law enforcement organization.



786 (c) "Board" means the Mississippi State Board of
787 Medical Licensure.

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

791 (e) "Commissioner" means the Commissioner of the
792 Department of Public Safety.

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

796 (g) "Counterfeit substance" means a controlled
797 substance which, or the container or labeling of which, without
798 authorization, bears the trademark, trade name, or other
799 identifying mark, imprint, number or device, or any likeness
800 thereof, of a manufacturer, distributor or dispenser other than
801 the person who in fact manufactured, distributed or dispensed the
802 substance.

803 (h) "Deliver" or "delivery" means the actual,
804 constructive, or attempted transfer from one person to another of
805 a controlled substance, whether or not there is an agency
806 relationship.

807 (i) "Director" means the Director of the Bureau of
808 Narcotics.

809 (j) "Dispense" means to deliver a controlled substance
810 to an ultimate user or research subject by or pursuant to the



811 lawful order of a practitioner, including the prescribing,
812 administering, packaging, labeling or compounding necessary to
813 prepare the substance for that delivery.

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

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

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

818 (n) "Drug" means (* * *i) a substance recognized as a
819 drug in the official United States Pharmacopoeia, official
820 Homeopathic Pharmacopoeia of the United States, or official
821 National Formulary, or any supplement to any of them; (* * *ii) a
822 substance intended for use in the diagnosis, cure, mitigation,
823 treatment, or prevention of disease in man or animals; (* * *iii)
824 a substance (other than food) intended to affect the structure or
825 any function of the body of man or animals; and (* * *iv) a
826 substance intended for use as a component of any article specified
827 in this paragraph. Such word does not include devices or their
828 components, parts, or accessories.

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

832 (p) "Immediate precursor" means a substance which the
833 board has found to be and by rule designates as being the
834 principal compound commonly used or produced primarily for use,
835 and which is an immediate chemical intermediary used or likely to



836 be used in the manufacture of a controlled substance, the control
837 of which is necessary to prevent, curtail, or limit manufacture.

838 (q) "Manufacture" means the production, preparation,
839 propagation, compounding, conversion or processing of a controlled
840 substance, either directly or indirectly, by extraction from
841 substances of natural origin, or independently by means of
842 chemical synthesis, or by a combination of extraction and chemical
843 synthesis, and includes any packaging or repackaging of the
844 substance or labeling or relabeling of its container. The term
845 "manufacture" does not include the preparation, compounding,
846 packaging or labeling of a controlled substance in conformity with
847 applicable state and local law:

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

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

854 * * *

855 (* * *r) "Narcotic drug" means any of the following,
856 whether produced directly or indirectly by extraction from
857 substances of vegetable origin, or independently by means of
858 chemical synthesis, or by a combination of extraction and chemical
859 synthesis:



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

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

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

867 (* * *iv) Cocaine, coca leaves and any salt,
868 compound, derivative or preparation of cocaine, coca leaves, and
869 any salt, compound, isomer, derivative or preparation thereof
870 which is chemically equivalent or identical with any of these
871 substances, but not including decocainized coca leaves or
872 extractions of coca leaves which do not contain cocaine or
873 ecgonine.

874 (* * *s) "Opiate" means any substance having an
875 addiction-forming or addiction-sustaining liability similar to
876 morphine or being capable of conversion into a drug having
877 addiction-forming or addiction-sustaining liability. It does not
878 include, unless specifically designated as controlled under
879 Section 41-29-111, the dextrorotatory isomer of
880 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
881 Such word does include its racemic and levorotatory forms.

882 (* * *t) "Opium poppy" means the plant of the species
883 *Papaver somniferum* L., except its seeds.



884 (* * *u) (i) "Paraphernalia" means all equipment,
885 products and materials of any kind which are used, intended for
886 use, or designed for use, in planting, propagating, cultivating,
887 growing, harvesting, manufacturing, compounding, converting,
888 producing, processing, preparing, testing, analyzing, packaging,
889 repackaging, storing, containing, concealing, injecting,
890 ingesting, inhaling or otherwise introducing into the human body a
891 controlled substance in violation of the Uniform Controlled
892 Substances Law. It includes, but is not limited to:

893 * * *1. Kits used, intended for use, or
894 designed for use in planting, propagating, cultivating, growing or
895 harvesting of any species of plant which is a controlled substance
896 or from which a controlled substance can be derived;

897 * * *2. Kits used, intended for use, or
898 designed for use in manufacturing, compounding, converting,
899 producing, processing or preparing controlled substances;

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

903 * * *4. Testing equipment used, intended for
904 use, or designed for use in identifying or in analyzing the
905 strength, effectiveness or purity of controlled substances;

906 * * *5. Scales and balances used, intended
907 for use or designed for use in weighing or measuring controlled
908 substances;



909 * * *6. Diluents and adulterants, such as
910 quinine hydrochloride, mannitol, mannite, dextrose and lactose,
911 used, intended for use or designed for use in cutting controlled
912 substances;

913 * * *

914 * * *7. Blenders, bowls, containers, spoons
915 and mixing devices used, intended for use or designed for use in
916 compounding controlled substances;

917 * * *8. Capsules, balloons, envelopes and
918 other containers used, intended for use or designed for use in
919 packaging small quantities of controlled substances;

920 * * *9. Containers and other objects used,
921 intended for use or designed for use in storing or concealing
922 controlled substances;

923 * * *10. Hypodermic syringes, needles and
924 other objects used, intended for use or designed for use in
925 parenterally injecting controlled substances into the human body;

926 * * *11. Objects used, intended for use or
927 designed for use in ingesting, inhaling or otherwise
928 introducing * * * cocaine * * * into the human body, such as:

929 * * *a. Metal, wooden, acrylic, glass,
930 stone, plastic or ceramic pipes with or without screens, permanent
931 screens, hashish heads or punctured metal bowls;

932 * * *b. Water pipes;

933 * * *c. Carburetion tubes and devices;



934 * * *d. Smoking and carburetion masks;
935 * * *
936 * * *e. Miniature cocaine spoons and
937 cocaine vials;
938 * * *f. Chamber pipes;
939 * * *g. Carburetor pipes;
940 * * *h. Electric pipes;
941 * * *i. Air-driven pipes;
942 * * *j. Chillums;
943 * * *k. Bonges; and
944 * * *l. Ice pipes or chillers.

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

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

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

953 * * *3. The proximity of the object, in time
954 and space, to a direct violation of the Uniform Controlled
955 Substances Law;

956 * * *4. The proximity of the object to
957 controlled substances;



958 * * *5. The existence of any residue of
959 controlled substances on the object;

960 * * *6. Direct or circumstantial evidence of
961 the intent of an owner, or of anyone in control of the object, to
962 deliver it to persons whom he knows, or should reasonably know,
963 intend to use the object to facilitate a violation of the Uniform
964 Controlled Substances Law; the innocence of an owner, or of anyone
965 in control of the object, as to a direct violation of the Uniform
966 Controlled Substances Law shall not prevent a finding that the
967 object is intended for use, or designed for use as paraphernalia;

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

970 * * *8. Descriptive materials accompanying
971 the object which explain or depict its use;

972 * * *9. National and local advertising
973 concerning its use;

974 * * *10. The manner in which the object is
975 displayed for sale;

976 * * *11. Whether the owner or anyone in
977 control of the object is a legitimate supplier of like or related
978 items to the community, such as a licensed distributor or dealer
979 of tobacco products;

980 * * *12. Direct or circumstantial evidence
981 of the ratio of sales of the object(s) to the total sales of the
982 business enterprise;



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

985 * * *14. Expert testimony concerning its
986 use.

987 (* * *y) "Person" means individual, corporation,
988 government or governmental subdivision or agency, business trust,
989 estate, trust, partnership or association, or any other legal
990 entity.

991 (* * *w) "Poppy straw" means all parts, except the
992 seeds, of the opium poppy, after mowing.

993 (* * *x) "Practitioner" means:

994 (* * *i) A physician, dentist, veterinarian,
995 scientific investigator, optometrist certified to prescribe and
996 use therapeutic pharmaceutical agents under Sections 73-19-153
997 through 73-19-165, or other person licensed, registered or
998 otherwise permitted to distribute, dispense, conduct research with
999 respect to or to administer a controlled substance in the course
1000 of professional practice or research in this state; and

1001 (* * *ii) A pharmacy, hospital or other
1002 institution licensed, registered, or otherwise permitted to
1003 distribute, dispense, conduct research with respect to or to
1004 administer a controlled substance in the course of professional
1005 practice or research in this state.



1006 (* * *y) "Production" includes the manufacture,
1007 planting, cultivation, growing or harvesting of a controlled
1008 substance.

1009 (* * *z) "Sale," "sell" or "selling" means the actual,
1010 constructive or attempted transfer or delivery of a controlled
1011 substance for remuneration, whether in money or other
1012 consideration.

1013 (* * *aa) "State," when applied to a part of the
1014 United States, includes any state, district, commonwealth,
1015 territory, insular possession thereof, and any area subject to the
1016 legal authority of the United States of America.

1017 (* * *bb) "Ultimate user" means a person who lawfully
1018 possesses a controlled substance for his own use or for the use of
1019 a member of his household or for administering to an animal owned
1020 by him or by a member of his household.

1021 **SECTION 4.** Section 41-29-136, Mississippi Code of 1972, is
1022 amended as follows:

1023 41-29-136. (1) "CBD solution" means a pharmaceutical
1024 preparation consisting of processed cannabis plant extract in oil
1025 or other suitable vehicle.

1026 (2) (a) CBD solution prepared from Cannabis plant extract
1027 that is provided by the National Center for Natural Products
1028 Research at the University of Mississippi under appropriate
1029 federal and state regulatory approvals may be dispensed by the
1030 Department of Pharmacy Services at the University of Mississippi



1031 Medical Center (UMMC Pharmacy) after mixing the extract with a
1032 suitable vehicle. The CBD solution may be prepared by the UMMC
1033 Pharmacy or by another pharmacy or laboratory in the state under
1034 appropriate federal and state regulatory approvals and
1035 registrations. For the purposes of clinical trials under this
1036 section, CBD solution must meet the standard of exemption from
1037 control under Section 41-29-113.

1038 (b) The patient or the patient's parent, guardian or
1039 custodian must execute a hold-harmless agreement that releases
1040 from liability the state and any division, agency, institution or
1041 employee thereof involved in the research, cultivation,
1042 processing, formulating, dispensing, prescribing or administration
1043 of CBD solution obtained from entities authorized under this
1044 section to produce or possess cannabidiol for research under
1045 appropriate federal and state regulatory approvals and
1046 registrations.

1047 (c) The National Center for Natural Products Research
1048 at the University of Mississippi and the Mississippi Agricultural
1049 and Forestry Experiment Station at Mississippi State University
1050 are the only entities authorized to produce cannabis plants for
1051 cannabidiol research.

1052 (d) Research of CBD solution under this section must
1053 comply with the provisions of Section 41-29-125 regarding lawful
1054 possession of controlled substances, of Section 41-29-137
1055 regarding record-keeping requirements relative to the dispensing,



1056 use or administration of controlled substances, and of Section
1057 41-29-133 regarding inventory requirements, insofar as they are
1058 applicable. Authorized entities may enter into public-private
1059 partnerships to facilitate research.

1060 (3) (a) In a prosecution for the unlawful possession of
1061 marijuana under the laws of this state, it is an affirmative and
1062 complete defense to prosecution that:

1063 (i) The defendant suffered from a debilitating
1064 epileptic condition or related illness and the use or possession
1065 of CBD solution was pursuant to the order of a physician as
1066 authorized under this section; or

1067 (ii) The defendant is the parent, guardian or
1068 custodian of an individual who suffered from a debilitating
1069 epileptic condition or related illness and the use or possession
1070 of CBD solution was pursuant to the order of a physician as
1071 authorized under this section.

1072 (b) An agency of this state or a political subdivision
1073 thereof, including any law enforcement agency, may not initiate
1074 proceedings to remove a child from the home based solely upon the
1075 possession or use of CBD solution by the child or parent, guardian
1076 or custodian of the child as authorized under this section.

1077 (c) An employee of the state or any division, agency,
1078 institution thereof involved in the research, cultivation,
1079 processing, formulation, dispensing, prescribing or administration
1080 of CBD solution shall not be subject to prosecution for unlawful



1081 possession, use, distribution or prescription of marijuana under
1082 the laws of this state for activities arising from or related to
1083 the use of CBD solution in the treatment of individuals diagnosed
1084 with a debilitating epileptic condition.

1085 (4) This section shall be known as "Harper Grace's Law."

1086 (5) This section shall stand repealed from and after July 1,
1087 2021.

1088 **SECTION 5.** Section 41-29-147, Mississippi Code of 1972, is
1089 amended as follows:

1090 41-29-147. Except as otherwise provided in Section
1091 41-29-142, any person convicted of a second or subsequent offense
1092 under this article may be imprisoned for a term up to twice the
1093 term otherwise authorized, fined an amount up to twice that
1094 otherwise authorized, or both.

1095 For purposes of this section, an offense is considered a
1096 second or subsequent offense, if, prior to his conviction of the
1097 offense, the offender has at any time been convicted under this
1098 article or under any statute of the United States or of any state
1099 relating to narcotic drugs, * * * depressant, stimulant or
1100 hallucinogenic drugs.

1101 **SECTION 6.** Section 41-29-149.1, Mississippi Code of 1972, is
1102 amended as follows:

1103 41-29-149.1. (1) This section shall be known as the
1104 "Mississippi Medical Emergency Good Samaritan Act."



1105 (2) As used in this section, the following words shall have
1106 the meanings ascribed:

1107 (a) "Drug overdose" means an acute condition,
1108 including, but not limited to, extreme physical illness, decreased
1109 level of consciousness, respiratory depression, coma, mania, or
1110 death, resulting from the consumption or use of a controlled
1111 substance or dangerous drug in violation of this chapter or that a
1112 layperson would reasonably believe to be resulting from the
1113 consumption or use of a controlled substance or dangerous drug for
1114 which medical assistance is required.

1115 (b) "Drug violation" means:

1116 (i) A violation of Section 41-29-139 for
1117 possession of a controlled substance if the aggregate weight,
1118 including any mixture, is less than four (4) grams of a solid
1119 substance, less than twenty (20) dosage units, less than one (1)
1120 milliliter of liquid substance, or, if the substance is placed
1121 onto a secondary medium, has a combined weight of less than four
1122 (4) grams;

1123 (ii) A violation of Section 41-29-139 for
1124 possession of * * * ten (10) grams or less of synthetic
1125 cannabinoids; or

1126 (iii) A violation of Section 41-29-139(d) (2)
1127 relating to possession and use of paraphernalia.

1128 (c) "Medical assistance" means aid provided to a person
1129 experiencing or believed to be experiencing a drug overdose by a



1130 health care professional who is licensed, registered, or certified
1131 under the laws of this state and who, acting within the lawful
1132 scope of practice, may provide diagnosis, treatment, or emergency
1133 services relative to the overdose.

1134 (d) "Seeks medical assistance" means accesses or
1135 assists in accessing the E-911 system or otherwise contacts or
1136 assists in contacting law enforcement or a poison control center
1137 or provides care to a person experiencing or believed to be
1138 experiencing a drug overdose while awaiting the arrival of medical
1139 assistance to aid the person.

1140 (3) (a) Any person who in good faith seeks medical
1141 assistance for someone who is experiencing a drug overdose shall
1142 not be arrested, charged, or prosecuted for a drug violation if
1143 there is evidence that the person is under the influence of a
1144 controlled substance or in possession of a controlled substance as
1145 referenced in subsection (2)(b) of this section.

1146 (b) Any person who is experiencing a drug overdose and,
1147 in good faith, seeks medical assistance or is the subject of a
1148 request for medical assistance shall not be arrested, charged, or
1149 prosecuted for a drug violation if there is evidence that the
1150 person is under the influence of a controlled substance or in
1151 possession of a controlled substance as referenced in subsection
1152 (2)(b) of this section.

1153 (c) A person shall also not be subject to, if related
1154 to the seeking of medical assistance:



1155 (i) Penalties for a violation of a permanent or
1156 temporary protective order or restraining order;

1157 (ii) Sanctions for a violation of a condition of
1158 pretrial release, condition of probation, or condition of parole
1159 based on a drug violation; or

1160 (iii) Forfeiture of property pursuant to Section
1161 41-29-153 or 41-29-176 for a drug violation, except that prima
1162 facie contraband shall be subject to forfeiture.

1163 (4) Nothing in this section shall be construed:

1164 (a) To limit the admissibility of any evidence in
1165 connection with the investigation or prosecution of a crime with
1166 regard to a defendant who does not qualify for the protections of
1167 subsection (3) of this section or with regard to other crimes
1168 committed by a person who otherwise qualifies for protection
1169 pursuant to subsection (3) of this section;

1170 (b) To limit any seizure of evidence or contraband
1171 otherwise permitted by law; and

1172 (c) To limit or abridge the authority of a law
1173 enforcement officer to detain or take into custody a person in the
1174 course of an investigation or to effectuate an arrest for any
1175 offense except as provided in subsection (3) of this section.

1176 **SECTION 7.** Section 41-29-150, Mississippi Code of 1972, is
1177 amended as follows:

1178 41-29-150. (a) Any person convicted under Section 41-29-139
1179 may be required, in the discretion of the court, as a part of the



1180 sentence otherwise imposed, or in lieu of imprisonment in cases of
1181 probation or suspension of sentence, to attend a course of
1182 instruction conducted by the bureau, the State Board of Health, or
1183 any similar agency, on the effects, medically, psychologically and
1184 socially, of the misuse of controlled substances. The course may
1185 be conducted at any correctional institution, detention center or
1186 hospital, or at any center or treatment facility established for
1187 the purpose of education and rehabilitation of those persons
1188 committed because of abuse of controlled substances.

1189 (b) Any person convicted under Section 41-29-139 who is
1190 found to be dependent upon or addicted to any controlled substance
1191 shall be required, as a part of the sentence otherwise imposed, or
1192 in lieu of imprisonment in cases of parole, probation or
1193 suspension of sentence, to receive medical treatment for such
1194 dependency or addiction. The regimen of medical treatment may
1195 include confinement in a medical facility of any correctional
1196 institution, detention center or hospital, or at any center or
1197 facility established for treatment of those persons committed
1198 because of a dependence or addiction to controlled substances.

1199 (c) Those persons previously convicted of a felony under
1200 Section 41-29-139 and who are now confined at the Mississippi
1201 State Hospital at Whitfield, Mississippi, or at the East
1202 Mississippi State Hospital at Meridian, Mississippi, for the term
1203 of their sentence shall remain under the jurisdiction of the
1204 Mississippi Department of Corrections and shall be required to



1205 abide by all reasonable rules and regulations promulgated by the
1206 director and staff of said institutions and of the Department of
1207 Corrections. Any persons so confined who shall refuse to abide by
1208 said rules or who attempt an escape or who shall escape shall be
1209 transferred to the State Penitentiary or to a county jail, where
1210 appropriate, to serve the remainder of the term of imprisonment;
1211 this provision shall not preclude prosecution and conviction for
1212 escape from said institutions.

1213 (d) (1) If any person who has not previously been convicted
1214 of violating Section 41-29-139, or the laws of the United States
1215 or of another state relating to narcotic drugs, stimulant or
1216 depressant substances * * * or other controlled substances * * *
1217 is found to be guilty of a violation of subsection (c) or (d) of
1218 Section 41-29-139, after trial or upon a plea of guilty, the court
1219 may, without entering a judgment of guilty and with the consent of
1220 such person, defer further proceedings and place him on probation
1221 upon such reasonable conditions as it may require and for such
1222 period, not to exceed three (3) years, as the court may prescribe.
1223 Upon violation of a condition of the probation, the court may
1224 enter an adjudication of guilt and proceed as otherwise provided.
1225 The court may, in its discretion, dismiss the proceedings against
1226 such person and discharge him from probation before the expiration
1227 of the maximum period prescribed for such person's probation. If
1228 during the period of his probation such person does not violate
1229 any of the conditions of the probation, then upon expiration of



1230 such period the court shall discharge such person and dismiss the
1231 proceedings against him. Discharge and dismissal under this
1232 subsection shall be without court adjudication of guilt, but a
1233 nonpublic record thereof shall be retained by the bureau solely
1234 for the purpose of use by the courts in determining whether or
1235 not, in subsequent proceedings, such person qualifies under this
1236 subsection. Such discharge or dismissal shall not be deemed a
1237 conviction for purposes of disqualifications or disabilities
1238 imposed by law upon conviction of a crime, including the penalties
1239 prescribed under this article for second or subsequent conviction,
1240 or for any other purpose. Discharge and dismissal under this
1241 subsection may occur only once with respect to any person; and
1242 (2) Upon the dismissal of a person and discharge of
1243 proceedings against him under paragraph (1) of this subsection,
1244 the person may apply to the court for an order to expunge from all
1245 official records, other than the nonpublic records to be retained
1246 by the bureau under paragraph (1) of this subsection, all
1247 recordation relating to his arrest, indictment, trial, finding of
1248 guilt, and dismissal and discharge pursuant to this section. If
1249 the court determines, after hearing, that such person was
1250 dismissed and the proceedings against him discharged, or that the
1251 person had satisfactorily served his sentence or period of
1252 probation and parole, it shall enter an order of expunction. The
1253 effect of the order shall be to restore the person, in the
1254 contemplation of the law, to the status he occupied before such



1255 arrest or indictment. No person as to whom such an order has been
1256 entered shall be held thereafter under any provision of any law to
1257 be guilty of perjury or otherwise giving a false statement by
1258 reason of his failures to recite or acknowledge such arrest,
1259 indictment or trial in response to any inquiry made of him for any
1260 purpose. A person as to whom an order has been entered, upon
1261 request, shall be required to advise the court, in camera, of the
1262 previous conviction and expunction in any legal proceeding wherein
1263 the person has been called as a prospective juror. The court
1264 shall thereafter and before the selection of the jury advise the
1265 attorneys representing the parties of the previous conviction and
1266 expunction.

1267 (e) Every person who has been or may hereafter be convicted
1268 of a felony offense under Section 41-29-139 and sentenced under
1269 Section 41-29-150(c) shall be under the jurisdiction of the
1270 Mississippi Department of Corrections.

1271 (f) It shall be unlawful for any person confined under the
1272 provisions of subsection (b) or (c) of this section to escape or
1273 attempt to escape from said institution, and, upon conviction,
1274 said person shall be guilty of a felony and shall be imprisoned
1275 for a term not to exceed two (2) years.

1276 (g) It is the intent and purpose of the Legislature to
1277 promote the rehabilitation of persons convicted of offenses under
1278 the Uniform Controlled Substances Law.



1279 **SECTION 8.** Section 33-13-520, Mississippi Code of 1972, is
1280 amended as follows:

1281 33-13-520. (1) Any person subject to this code who uses,
1282 while on duty, any controlled substance listed in the Uniform
1283 Controlled Substances Law, not legally prescribed, or is found, by
1284 a chemical analysis of such person's blood or urine, to have in
1285 his blood, while on duty, any controlled substance described in
1286 subsection (3), not legally prescribed, shall be punished as a
1287 court-martial may direct.

1288 (2) Any person subject to this code who wrongfully uses,
1289 possesses, manufactures, distributes, imports into the customs
1290 territory of the United States, exports from the United States, or
1291 introduces into an installation, vessel, vehicle or aircraft used
1292 by or under the control of the state military forces a substance
1293 described in subsection (3) shall be punished as a court-martial
1294 may direct.

1295 (3) The substances referred to in subsections (1) and (2)
1296 are the following:

1297 (a) Opium, heroin, cocaine, amphetamine, lysergic acid
1298 diethylamide, methamphetamine, phencyclidine * * * and barbituric
1299 acid * * * and any compound or derivative of any such substance.

1300 (b) Any substance not specified in paragraph (a) that
1301 is listed on a schedule of controlled substance prescribed by the
1302 President for the purposes of the federal Uniform Code of Military
1303 Justice.



1304 (c) Any other substance not specified in paragraph (a)
1305 or contained on a list prescribed by the President under paragraph
1306 (b) that is listed in Schedules I through V of Section 202 of the
1307 federal Controlled Substances Act (21 USCS 812).

1308 **SECTION 9.** This act shall take effect and be in force from
1309 and after July 1, 2020.

