

By: Senator(s) Younger

To: Agriculture

SENATE BILL NO. 2725

1 AN ACT TO CREATE THE MISSISSIPPI HEMP CULTIVATION ACT; TO
 2 AUTHORIZE AND LEGALIZE THE CULTIVATION, PROCESSING,
 3 TRANSPORTATION, AND HANDLING OF HEMP; TO DEFINE CERTAIN TERMS; TO
 4 DEVELOP A STATE PLAN TO MONITOR AND REGULATE THE CULTIVATION,
 5 TRANSPORTATION AND PROCESSING OF HEMP IN THIS STATE AND COMPLY
 6 WITH ALL FEDERAL LAWS AND UNITED STATES DEPARTMENT OF AGRICULTURE
 7 PLANS; TO REQUIRE THE LICENSING AND/OR REGISTRATION OF HEMP
 8 GROWERS AND SEED GROWERS BY THE MISSISSIPPI DEPARTMENT OF
 9 AGRICULTURE COMMERCE; TO REQUIRE RECORD KEEPING, SEED RETENTION
 10 AND INSPECTIONS; TO PROVIDE FOR FEES FOR LICENSING AND/OR
 11 REGISTRATION PROCESS; TO PROVIDE FOR THE REVOCATION OF LICENSE
 12 AND/OR REGISTRATION AND IMPOSITION OF CIVIL PENALTIES FOR
 13 VIOLATIONS OF THIS ACT; TO AMEND SECTIONS 69-25-51, 41-29-113,
 14 41-29-105 AND 41-29-136, MISSISSIPPI CODE OF 1972, TO CONFORM TO
 15 THE PRECEDING PROVISIONS; TO INCLUDE GENERAL PROVISIONS MAKING
 16 CERTAIN INDIVIDUALS INELIGIBLE TO PARTICIPATE, TO AUTHORIZE THE
 17 DEPARTMENT TO TAKE SAMPLES, TO AUTHORIZE THE STATE CHEMIST TO
 18 ANALYZE SAMPLES AND MAKE REPORTS AND TO AUTHORIZE THE DEPARTMENT
 19 TO CHARGE FEES FOR ADMINISTRATION OF CHAPTER; TO REQUIRE BOND FOR
 20 HEMP PROCESSORS; AND FOR RELATED PURPOSES.

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

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



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

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

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

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

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

44 (d) "Delta-9 tetrahydrocannabinol" means the sum of the
45 percentage by weight of tetrahydrocannabinol acid multiplied by
46 0.877 plus the percentage by weight of delta-9
47 tetrahydrocannabinol.

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

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



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

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

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

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

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

72 (l) "USDA" means the United States Department of
73 Agriculture.

74 **SECTION 3. Special fund.** There is established in the State
75 Treasury a special fund for the department to administer the state
76 plan. The fund consists of amounts received from appropriations,



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

85 **SECTION 4. Licensing and registration.** (1) Under the
86 provisions of this act, cultivation and processing of hemp, are
87 authorized in this state. Cultivation and processing of hemp are
88 subject to regulation by the department and may only be performed
89 by persons or business entities that hold a valid license or
90 registration issued hereunder. The commissioner must perform the
91 duties required under this act.

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



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

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

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

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

114 (a) USDA guidelines;

115 (b) A provision of this act;

116 (c) Department rules and regulations;

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

119 (e) Registration with the department;

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

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



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

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

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

138 (c) The quantity of hemp being transported;

139 (d) Any additional information or documentation
140 required by the department.

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



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

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

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

171 (e) An employee of the state or any division, agency,
172 institution thereof involved in the administration or enforcement
173 of this act is not subject to prosecution for violations related



174 to possession or transportation of hemp or cannabis in conjunction
175 with the employees' duties arising under this act.

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 violation 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 (2) The department may impose administrative penalties for
188 violations under this act in accordance with Section 69-25-51.

189 **SECTION 7. Negligent violations.** (1) Upon determination by
190 the commissioner or the commissioner's designee, the following may
191 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 delta-9
198 tetrahydrocannabinol concentration of more than five-tenths
199 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 hemp grower must comply with
203 a plan established by the commissioner or the commissioner's
204 designee to correct the negligent violation, including:

205 (a) A reasonable date by which the hemp grower must
206 correct the negligent violation;

207 (b) A requirement that the hemp grower must
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; and

211 (c) The department must 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 other governmental entity.

218 (4) Repeat violations. A hemp grower that negligently
219 violates the state plan three (3) times in a five-year period is
220 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 must 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, 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, must prosecute all criminal actions
237 related to violations arising under this act 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.
241 This section does not apply to nonnegligent violations.

242 **SECTION 9. Prohibitions.** (1) It is unlawful for any person
243 or business entity to:

244 (a) Violate this act or any rules or regulations
245 promulgated under this act;



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

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

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

254 (2) A person or business entity that purposely, knowingly or
255 recklessly violates Section 7 of this act relating to hemp
256 production or processing is guilty of a misdemeanor and, upon
257 conviction of the violation, shall be fined in an amount not to
258 exceed Five Thousand Dollars (\$5,000.00), sentenced to
259 imprisonment in the county jail for not more than one (1) year, or
260 both.

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

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



270 (a) Purposely. A person acts purposely with respect to
271 a material element of an offense when:

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

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

278 (b) Knowingly. A person acts knowingly with respect to
279 a material element of an offense when:

280 (i) If the element involves the nature of his
281 conduct or the attendant circumstances, he is aware that his
282 conduct is of that nature or that such circumstances exist; and

283 (ii) If the element involves a result of his
284 conduct, he is aware that it is practically certain that his
285 conduct will cause such a result.

286 (c) Recklessly. A person acts recklessly with respect
287 to a material element of an offense when he consciously disregards
288 a substantial and unjustifiable risk that the material element
289 exists or will result from his conduct. The risk must be of such
290 a nature and degree that, considering the nature and purpose of
291 the actor's conduct and the circumstances known to him, its
292 disregard involves a gross deviation from the standard of conduct
293 that a law-abiding person would observe in the actor's situation.



294 **SECTION 10. General provisions.** (1) Any person convicted
295 of a felony relating to a controlled substance under state or
296 federal law before, on, or after the date of enactment of this act
297 shall be ineligible, during the ten-year period following the date
298 of the conviction to participate in the program established under
299 this act and to produce hemp under any regulations or guidelines
300 issued under this act.

301 (2) Any person who materially falsifies any information
302 contained in an application to participate in the state plan
303 established under this act shall be ineligible to participate in
304 the state plan.

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

314 (4) The department shall charge growers and processors a fee
315 or fees as determined by the department in a sufficient amount to
316 cover the costs required to administer and enforce the provisions
317 of this act.



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

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

330 69-25-51. (1) When any administrative allegation or charge
331 is made against a person for violating the rules and regulations
332 of the Bureau of Plant Industry of the Mississippi Department of
333 Agriculture and Commerce or the laws under Sections 69-3-1 through
334 69-3-29, * * * Section 69-19-1 through * * * the provisions of
335 this act or Sections 69-25-101 through 69-25-109 * * *, the
336 Director of the Bureau of Plant Industry, or his designee, shall
337 act as the reviewing officer. The complaint must be in writing,
338 signed by the person making the charge, and filed in the Office of
339 the Bureau of Plant Industry. The department shall send a copy of
340 the complaint and any supporting documents to the person accused
341 along with a summons requiring the accused to respond to the
342 allegations within thirty (30) days. The notification shall be



343 accomplished by any of the methods provided for in Rule 4 of the
344 Mississippi Rules of Civil Procedure or by certified mail. If the
345 accused does not respond within the thirty-day period, he shall be
346 considered to be in default. Upon receipt of the response and any
347 supporting documents from the accused, the reviewing officer shall
348 determine the merits of the complaint. The reviewing officer may
349 meet informally with the accused and discuss the alleged violation
350 with him.

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

353 (3) If the reviewing officer determines that there is
354 substantial evidence that a violation has occurred or if the
355 accused admits to the truth of the allegations upon which the
356 complaint is based, the reviewing officer may impose an
357 appropriate penalty on the accused, which may be any or all of the
358 following:

359 (a) Issue a warning letter.

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

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

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



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

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

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

377 In determining the amount of the penalty, the reviewing
378 officer shall consider the appropriateness of the penalty for the
379 particular violation, the effect of the penalty on the person's
380 ability to continue in business and the gravity of the violation.

381 (4) If the accused requests a hearing with the department,
382 in writing, within thirty (30) days from receipt of the decision
383 of the reviewing officer, the commissioner shall appoint three (3)
384 members of the advisory board to the Bureau of Plant Industry to
385 act as a hearing committee and a hearing shall be scheduled. If
386 the accused fails to request a hearing within the thirty-day
387 period, the decision of the reviewing officer is final.

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

390 41-29-113.

SCHEDULE I



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

394 (b) **Opiates.** Unless specifically excepted or unless listed
395 in another schedule, any of the following opiates, including their
396 isomers, esters, ethers, salts and salts of isomers, esters and
397 ethers, whenever the existence of these isomers, esters, ethers
398 and salts is possible within the specific chemical designation:

399 (1) Acetyl-alpha-methylfentanyl;

400 (2) Acetyl Fentanyl

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

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

404 (4) Acetylmethadol;

405 (5) Allylprodine;

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

408 (7) Alphameprodine;

409 (8) Alphamethadol;

410 (9) Alpha-methylfentanyl;

411 (10) Alpha-methylthiofentanyl;

412 (11) Benzethidine;

413 (12) Betacetylmethadol;

414 (13) Beta-hydroxyfentanyl;

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



- 416 (15) Betameprodine;
- 417 (16) Betamethadol;
- 418 (17) Betaprodine;
- 419 (18) Butyrl fentanyl
- 420 (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide);
- 421 (19) Clonitazene;
- 422 (20) Dextromoramide;
- 423 (21) Diampromide;
- 424 (22) Diethylthiambutene;
- 425 (23) Difenoquin;
- 426 (24) Dimenoxadol;
- 427 (25) Dimepheptanol;
- 428 (26) Dimethylthiambutene;
- 429 (27) Dioxaphetyl butyrate;
- 430 (28) Dipipanone;
- 431 (29) Ethylmethylthiambutene;
- 432 (30) Etonitazene;
- 433 (31) Etoxadine;
- 434 (32) Fentanyl-related substances, meaning any substance
- 435 not otherwise listed under another schedule and for which no
- 436 exemption or approval is in effect under Section 505 of the
- 437 Federal Food, Drug, and Cosmetic Act [21 USC 355] that is
- 438 structurally related to fentanyl by one or more of the following
- 439 modifications:



440 (A) Replacement of the phenyl portion of the
441 phenethyl group by any monocycle, whether or not further
442 substituted in or on the monocycle;

443 (B) Substitution in or on the phenethyl group with
444 alkyl, alkenyl, alkoxy, hydroxy, halo, haloalkyl, amino or nitro
445 groups;

446 (C) Substitution in or on the piperidine ring with
447 alkyl, alkenyl, alkoxy, ester, ether, hydroxy, halo, haloalkyl,
448 amino or nitro groups;

449 (D) Replacement of the aniline ring with any
450 aromatic monocycle whether or not further substituted in or on the
451 aromatic monocycle; and/or

452 (E) Replacement of the N-propionyl group by
453 another acyl group.

454 Fentanyl-related substances include, but are not limited to,
455 cyclopropyl fentanyl,

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

457 Furanyl-Fentanyl,

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

459 valeryl fentanyl,

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

461 para-fluorobutyryl fentanyl,

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

463 para-methoxybutyryl fentanyl,

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



465 para-chloroisobutyryl fentanyl,
466 (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
467 isobutyryl fentanyl,
468 (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);
469 cyclopentyl fentanyl,
470 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
471 and
472 ocfentanil,
473 (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetami
474 de);
475 (33) Furethidine;
476 (34) Hydroxypethidine;
477 (35) Ketobemidone (including the optical and geometric
478 isomers);
479 (36) Levomoramide;
480 (37) Levophenacylmorphane;
481 (38) 3-methylfentanyl;
482 (39) 3-methylthiofentanyl;
483 (40) Morpheridine;
484 (41) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
485 (42)
486 N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylprop
487 ionamide, its isomers, esters, ethers, salts and salts of isomers,
488 esters and ethers (other names: beta-hydroxythiofentanyl);
489 (43) Noracymethadol;



- 490 (44) Norlevorphanol;
491 (45) Normethadone;
492 (46) Norpipanone;
493 (47) Para-fluorofentanyl;
494 (48) PEPAP
495 (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
496 (49) Phenadoxone;
497 (50) Phenampromide;
498 (51) Phenomorphan;
499 (52) Phenoperidine;
500 (53) Piritramide;
501 (54) Proheptazine;
502 (55) Properidine;
503 (56) Propiram;
504 (57) Racemoramide;
505 (58) Thiofentanyl;
506 (59) Tilidine;
507 (60) Trimeperidine;
508 (61) U-47700,
509 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide.

510 (c) **Opium derivatives.** Unless specifically excepted or
511 unless listed in another schedule, any of the following opium
512 derivatives, their salts, isomers and salts of isomers, whenever
513 the existence of these salts, isomers and salts of isomers is
514 possible within the specific chemical designation:



- 515 (1) Acetorphine;
- 516 (2) Acetyldihydrocodeine;
- 517 (3) Benzylmorphine;
- 518 (4) Codeine methylbromide;
- 519 (5) Codeine-N-Oxide;
- 520 (6) Cyprenorphine;
- 521 (7) Desomorphine;
- 522 (8) Dihydromorphine;
- 523 (9) Drotebanol;
- 524 (10) Etorphine (except hydrochloride salt);
- 525 (11) Heroin;
- 526 (12) Hydromorphinol;
- 527 (13) Methyldesorphine;
- 528 (14) Methyldihydromorphine;
- 529 (15) Monoacetylmorphine;
- 530 (16) Morphine methylbromide;
- 531 (17) Morphine methylsulfonate;
- 532 (18) Morphine-N-Oxide;
- 533 (19) Myrophine;
- 534 (20) Nicocodeine;
- 535 (21) Nicomorphine;
- 536 (22) Normorphine;
- 537 (23) Pholcodine;
- 538 (24) Thebacon.



539 (d) **Hallucinogenic substances.** Unless specifically excepted
540 or unless listed in another schedule, any material, compound,
541 mixture or preparation which contains any quantity of the
542 following substances, their salts, isomers (whether optical,
543 positional, or geometric) and salts of isomers, whenever the
544 existence of these salts, isomers and salts of isomers is possible
545 within the specific chemical designation:

- 546 (1) Alpha-ethyltryptamine;
- 547 (2) 4-bromo-2,5-dimethoxy-amphetamine;
- 548 (3) 4-bromo-2,5-dimethoxyphenethylamine;
- 549 (4) 2,5-dimethoxyamphetamine;
- 550 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 551 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine
552 (2C-T-7);
- 553 (7) 4-methoxyamphetamine;
- 554 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 555 (9) 4-methyl-2,5-dimethoxy-amphetamine;
- 556 (10) 3,4-methylenedioxy amphetamine;
- 557 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 558 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
559 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl
560 MDA, MDE, MDEA);
- 561 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also
562 known as N-hydroxy MDA, N-OHMDA, and
563 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);



- 564 (14) 3,4,5-trimethoxy amphetamine;
- 565 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 566 (16) Alpha-methyltryptamine (also known as AMT);
- 567 (17) Bufotenine;
- 568 (18) Diethyltryptamine;
- 569 (19) Dimethyltryptamine;
- 570 (20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 571 (21) Ibogaine;
- 572 (22) Lysergic acid diethylamide (LSD);
- 573 (23) (A) Marijuana (hemp as defined and regulated
- 574 under the Mississippi Hemp Cultivation Act and cannabidiol
- 575 contained in a legend drug product approved by the Federal Food
- 576 and Drug Administration or obtained under Section 41-29-136 is
- 577 exempt under Schedule I);
- 578 (B) Hashish;
- 579 (24) Mescaline;
- 580 (25) Parahexyl;
- 581 (26) Peyote;
- 582 (27) N-ethyl-3-piperidyl benzilate;
- 583 (28) N-methyl-3-piperidyl benzilate;
- 584 (29) Psilocybin;
- 585 (30) Psilocyn;
- 586 (31) Tetrahydrocannabinols, meaning
- 587 tetrahydrocannabinols contained in a plant of the genus Cannabis
- 588 (cannabis plant), as well as the synthetic equivalents of the



589 substances contained in the cannabis plant, or in the resinous
590 extractives of such plant, and/or synthetic substances,
591 derivatives, and their isomers with similar chemical structure and
592 pharmacological activity to those substances contained in the
593 plant such as the following:

594 (A) 1 cis or trans tetrahydrocannabinol;

595 (B) 6 cis or trans tetrahydrocannabinol;

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

597 (Since nomenclature of these substances is not
598 internationally standardized, compounds of these structures,
599 regardless of atomic positions, are covered.)

600 ("Tetrahydrocannabinols" excludes dronabinol and nabilone and
601 hemp or hemp products regulated under the Mississippi Hemp
602 Cultivation act.)

603 However, the following products are exempted from control:

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

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

609 (iii) Animal feed mixtures that contain
610 sterilized cannabis seeds and other ingredients (not derived from
611 the cannabis plant) in a formula designed, marketed and
612 distributed for nonhuman consumption;



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

617 (v) * * * Hemp as regulated under the
618 Mississippi Hemp Cultivation Act; and

619 (vi) Any product derived from the hemp plant
620 designed for human ingestion or consumption that is approved by
621 the United States Food and Drug Administration;

622 (32) Phencyclidine;

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

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

625 (35) Thiophene analog of phencyclidine;

626 (36) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);

627 (37) 4-methylmethcathinone (mephedrone);

628 (38) 3,4-methylenedioxypropylvalerone (MDPV);

629 (39) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E);

630 (40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);

631 (41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

632 (42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

633 or 2,5-dimethoxy-4-iodophenethylamine;

634 (43) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine
635 (2C-T-2);

636 (44)

637 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);



638 (45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);
639 (46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
640 (47) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine
641 (2C-P);
642 (48) 3,4-methylenedioxy-N-methylcathinone (methydone);
643 (49)
644 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
645 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);
646 (50)
647 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
648 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);
649 (51)
650 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or
651 N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;
652 Cimbi-5);
653 (52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,
654 4-benzodiazepin-2-one (also known as Phenazepam);
655 (53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,
656 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene
657 (also known as Etizolam);
658 (54) Salvia divinorum;
659 (55) Synthetic cannabinoids. Unless specifically
660 excepted or unless listed in another schedule, any material,
661 compound, mixture, or preparation which contains any quantity of a
662 synthetic cannabinoid found in any of the following chemical



663 groups, whether or not substituted to any extent, or any of those
664 groups which contain any synthetic cannabinoid salts, isomers, or
665 salts of isomers, whenever the existence of such salts, isomers,
666 or salts of isomers is possible within the specific chemical
667 designation, including all synthetic cannabinoid chemical
668 analogues in such groups:

669 (A) (6aR,10aR)-9-(hydroxymethyl)-6,
670 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
671 chromen-1-ol (also known as HU-210 or
672 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

673 (B) Naphthoylindoles and naphthylmethylindoles,
674 being any compound structurally derived from 3-(1-naphthoyl)indole
675 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted
676 in the indole ring to any extent, or in the naphthyl ring to any
677 extent;

678 (C) Naphthoylpyrroles, being any compound
679 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not
680 substituted in the pyrrole ring to any extent, or in the naphthyl
681 ring to any extent;

682 (D) Naphthylmethylindenes, being any compound
683 structurally derived from 1-(1-naphthylmethyl)indene, whether or
684 not substituted in the indene ring to any extent or in the
685 naphthyl ring to any extent;

686 (E) Phenylacetylindoles, being any compound
687 structurally derived from 3-phenylacetylindole, whether or not



688 substituted in the indole ring to any extent or in the phenyl ring
689 to any extent;

690 (F) Cyclohexylphenols, being any compound
691 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether
692 or not substituted in the cyclohexyl ring to any extent or in the
693 phenolic ring to any extent;

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

696 (H) Adamantoylindoles, whether or not substituted
697 in the indole ring to any extent or in the adamantoyl ring system
698 to any extent;

699 (I) Tetrahydro derivatives of cannabinal and
700 3-alkyl homologues of cannabinal or of its tetrahydro derivatives,
701 except where contained in cannabis or cannabis resin;

702 (J) 3-Cyclopropylmethanone indole or
703 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by
704 substitution at the nitrogen atom of the indole ring, whether or
705 not further substituted in the indole ring to any extent, whether
706 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl
707 rings to any extent;

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



712 (L) 3-carboxamide-1H-indazoles, whether or not
713 substituted in the indazole ring to any extent and substituted to
714 any degree on the carboxamide nitrogen and
715 3-carboxamide-1H-indoles, whether or not substituted in the indole
716 ring to any extent and substituted to any degree on the
717 carboxamide nitrogen;

718 (M) Cycloalkanemethanone Indoles, whether or not
719 substituted at the nitrogen atom on the indole ring, whether or
720 not further substituted in the indole ring to any extent, whether
721 or not substituted on the cycloalkane ring to any extent.

722 (e) **Depressants.** Unless specifically excepted or unless
723 listed in another schedule, any material, compound, mixture, or
724 preparation which contains any quantity of the following
725 substances having a depressant effect on the central nervous
726 system, including their salts, isomers, and salts of isomers,
727 whenever the existence of such salts, isomers, and salts of
728 isomers is possible within the specific chemical designation:

729 (1) Gamma-hydroxybutyric acid (other names include:
730 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic
731 acid; sodium oxybate; sodium oxybutyrate);

732 (2) Mecloqualone;

733 (3) Methaqualone.

734 (f) **Stimulants.** Any material, compound, mixture or
735 preparation which contains any quantity of the following central
736 nervous system stimulants including optical salts, isomers and



737 salts of isomers unless specifically excepted or unless listed in
738 another schedule:

739 (1) Aminorex;

740 (2) N-benzylpiperazine (also known as BZP and
741 1-benzylpiperazine);

742 (3) Cathinone;

743 (4) Fenethylamine;

744 (5) Methcathinone;

745 (6) 4-methylaminorex (also known as
746 2-amino-4-methyl-5-phenyl-2-oxazoline);

747 (7) N-ethylamphetamine;

748 (8) Any material, compound, mixture or preparation
749 which contains any quantity of N,N-dimethylamphetamine. (Other
750 names include: N,N,-alpha-trimethyl-benzeneethanamine and
751 N,N-alpha-trimethylphenethylamine);

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

756 (i) By substitution in the phenyl ring to any
757 extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide
758 substituents, whether or not further substituted in the phenyl
759 ring by one or more other univalent substituents;

760 (ii) By substitution at the 3-position with
761 an alkyl substituent;



762 (iii) By substitution at the nitrogen atom
763 with alkyl or dialkyl groups, or by inclusion of the nitrogen atom
764 in a cyclic structure.

765 (B) The compounds covered in this paragraph (9)
766 include, but are not limited to, any material, compound, mixture
767 or preparation which contains any quantity of a synthetic
768 cathinone found in any of the following compounds, whether or not
769 substituted to any extent, or any of these compounds which contain
770 any synthetic cathinone, or salts, isomers, or salts of isomers,
771 whenever the existence of such salts, isomers or salts of isomers
772 is possible, unless specifically excepted or listed in another
773 schedule:

- 774 (i) 4-methyl-N-ethylcathinone ("4-MEC");
775 (ii) 4-methyl-alpha-pyrrolidinopropiophenone
776 ("4-MePPP");
777 (iii) Alpha-pyrrolidinopentiophenone
778 (" α -PVP");
779 (iv)
780 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");
781 (v) 2-(methylamino)-1-phenylpentan-1-one
782 ("pentedrone");
783 (vi)
784 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one
785 ("pentylone");
786 (vii) 4-fluoro-N-methylcathinone ("4-FMC");



787 (viii) 3-fluoro-N-methylcathinone ("3-FMC");
788 (ix)
789 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");
790 (x) Alpha-pyrrolidinobutiophenone ("α-PBP");
791 and
792 (xi)
793 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one
794 (N-ethylpentylone, ephylone).

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

797 41-29-105. The following words and phrases, as used in this
798 article, shall have the following meanings, unless the context
799 otherwise requires:

800 (a) "Administer" means the direct application of a
801 controlled substance, whether by injection, inhalation, ingestion
802 or any other means, to the body of a patient or research subject
803 by:

804 (* * *i) A practitioner (or, in his presence, by
805 his authorized agent); or

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

808 (b) "Agent" means an authorized person who acts on
809 behalf of or at the direction of a manufacturer, distributor or
810 dispenser. Such word does not include a common or contract
811 carrier, public warehouseman or employee of the carrier or



812 warehouseman. This definition shall not be applied to the term
813 "agent" when such term clearly designates a member or officer of
814 the Bureau of Narcotics or other law enforcement organization.

815 (c) "Board" means the Mississippi State Board of
816 Medical Licensure.

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

820 (e) "Commissioner" means the Commissioner of the
821 Department of Public Safety.

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

825 (g) "Counterfeit substance" means a controlled
826 substance which, or the container or labeling of which, without
827 authorization, bears the trademark, trade name, or other
828 identifying mark, imprint, number or device, or any likeness
829 thereof, of a manufacturer, distributor or dispenser other than
830 the person who in fact manufactured, distributed or dispensed the
831 substance.

832 (h) "Deliver" or "delivery" means the actual,
833 constructive, or attempted transfer from one person to another of
834 a controlled substance, whether or not there is an agency
835 relationship.



836 (i) "Director" means the Director of the Bureau of
837 Narcotics.

838 (j) "Dispense" means to deliver a controlled substance
839 to an ultimate user or research subject by or pursuant to the
840 lawful order of a practitioner, including the prescribing,
841 administering, packaging, labeling or compounding necessary to
842 prepare the substance for that delivery.

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

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

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

847 (n) "Drug" means (* * *i) a substance recognized as a
848 drug in the official United States Pharmacopoeia, official
849 Homeopathic Pharmacopoeia of the United States, or official
850 National Formulary, or any supplement to any of them; (* * *ii) a
851 substance intended for use in the diagnosis, cure, mitigation,
852 treatment, or prevention of disease in man or animals; (* * *iii)
853 a substance (other than food) intended to affect the structure or
854 any function of the body of man or animals; and (* * *iv) a
855 substance intended for use as a component of any article specified
856 in this paragraph. Such word does not include devices or their
857 components, parts, or accessories.

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



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

867 (q) "Manufacture" means the production, preparation,
868 propagation, compounding, conversion or processing of a controlled
869 substance, either directly or indirectly, by extraction from
870 substances of natural origin, or independently by means of
871 chemical synthesis, or by a combination of extraction and chemical
872 synthesis, and includes any packaging or repackaging of the
873 substance or labeling or relabeling of its container. The term
874 "manufacture" does not include the preparation, compounding,
875 packaging or labeling of a controlled substance in conformity with
876 applicable state and local law:

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

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

883 (r) "Marijuana" means all parts of the plant of the
884 genus Cannabis and all species thereof, whether growing or not,
885 the seeds thereof, and every compound, manufacture, salt,



886 derivative, mixture or preparation of the plant or its seeds,
887 excluding hashish, with a delta-9 tetrahydrocannabinol (THC)
888 concentration exceeding three tenths percent (0.3%) on a dry
889 weight basis.

890 The term "marijuana" does not include "hemp" as defined in
891 and regulated by the Mississippi Hemp Cultivation Act.

892 (s) "Narcotic drug" means any of the following, whether
893 produced directly or indirectly by extraction from substances of
894 vegetable origin, or independently by means of chemical synthesis,
895 or by a combination of extraction and chemical synthesis:

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

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

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

903 (* * *iv) Cocaine, coca leaves and any salt,
904 compound, derivative or preparation of cocaine, coca leaves, and
905 any salt, compound, isomer, derivative or preparation thereof
906 which is chemically equivalent or identical with any of these
907 substances, but not including decocainized coca leaves or
908 extractions of coca leaves which do not contain cocaine or
909 ecgonine.



910 (t) "Opiate" means any substance having an
911 addiction-forming or addiction-sustaining liability similar to
912 morphine or being capable of conversion into a drug having
913 addiction-forming or addiction-sustaining liability. It does not
914 include, unless specifically designated as controlled under
915 Section 41-29-111, the dextrorotatory isomer of
916 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
917 Such word does include its racemic and levorotatory forms.

918 (u) "Opium poppy" means the plant of the species
919 Papaver somniferum L., except its seeds.

920 (v) (i) "Paraphernalia" means all equipment, products
921 and materials of any kind which are used, intended for use, or
922 designed for use, in planting, propagating, cultivating, growing,
923 harvesting, manufacturing, compounding, converting, producing,
924 processing, preparing, testing, analyzing, packaging, repackaging,
925 storing, containing, concealing, injecting, ingesting, inhaling or
926 otherwise introducing into the human body a controlled substance
927 in violation of the Uniform Controlled Substances Law. It
928 includes, but is not limited to:

929 * * *1. Kits used, intended for use, or
930 designed for use in planting, propagating, cultivating, growing or
931 harvesting of any species of plant which is a controlled substance
932 or from which a controlled substance can be derived;



933 * * *2. Kits used, intended for use, or
934 designed for use in manufacturing, compounding, converting,
935 producing, processing or preparing controlled substances;

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

939 * * *4. Testing equipment used, intended for
940 use, or designed for use in identifying or in analyzing the
941 strength, effectiveness or purity of controlled substances;

942 * * *5. Scales and balances used, intended
943 for use or designed for use in weighing or measuring controlled
944 substances;

945 * * *6. Diluents and adulterants, such as
946 quinine hydrochloride, mannitol, mannite, dextrose and lactose,
947 used, intended for use or designed for use in cutting controlled
948 substances;

949 * * *7. Separation gins and sifters used,
950 intended for use or designed for use in removing twigs and seeds
951 from, or in otherwise cleaning or refining, marihuana;

952 * * *8. Blenders, bowls, containers, spoons
953 and mixing devices used, intended for use or designed for use in
954 compounding controlled substances;

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



958 * * *10. Containers and other objects used,
959 intended for use or designed for use in storing or concealing
960 controlled substances;

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

964 * * *12. Objects used, intended for use or
965 designed for use in ingesting, inhaling or otherwise introducing
966 marihuana, cocaine, hashish or hashish oil into the human body,
967 such as:

968 * * *a. Metal, wooden, acrylic, glass,
969 stone, plastic or ceramic pipes with or without screens, permanent
970 screens, hashish heads or punctured metal bowls;

971 * * *b. Water pipes;

972 * * *c. Carburetion tubes and devices;

973 * * *d. Smoking and carburetion masks;

974 * * *e. Roach clips, meaning objects
975 used to hold burning material, such as a marihuana cigarette, that
976 has become too small or too short to be held in the hand;

977 * * *f. Miniature cocaine spoons and
978 cocaine vials;

979 * * *g. Chamber pipes;

980 * * *h. Carburetor pipes;

981 * * *i. Electric pipes;

982 * * *j. Air-driven pipes;



983 * * *k. Chillums;
984 * * *l. Bongs; and
985 * * *m. Ice pipes or chillers.

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

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

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

994 * * *3. The proximity of the object, in time
995 and space, to a direct violation of the Uniform Controlled
996 Substances Law;

997 * * *4. The proximity of the object to
998 controlled substances;

999 * * *5. The existence of any residue of
1000 controlled substances on the object;

1001 * * *6. Direct or circumstantial evidence of
1002 the intent of an owner, or of anyone in control of the object, to
1003 deliver it to persons whom he knows, or should reasonably know,
1004 intend to use the object to facilitate a violation of the Uniform
1005 Controlled Substances Law; the innocence of an owner, or of anyone
1006 in control of the object, as to a direct violation of the Uniform



1007 Controlled Substances Law shall not prevent a finding that the
1008 object is intended for use, or designed for use as paraphernalia;

1009 * * *7. Instructions, oral or written,
1010 provided with the object concerning its use;

1011 * * *8. Descriptive materials accompanying
1012 the object which explain or depict its use;

1013 * * *9. National and local advertising
1014 concerning its use;

1015 * * *10. The manner in which the object is
1016 displayed for sale;

1017 * * *11. Whether the owner or anyone in
1018 control of the object is a legitimate supplier of like or related
1019 items to the community, such as a licensed distributor or dealer
1020 of tobacco products;

1021 * * *12. Direct or circumstantial evidence
1022 of the ratio of sales of the object(s) to the total sales of the
1023 business enterprise;

1024 * * *13. The existence and scope of
1025 legitimate uses for the object in the community;

1026 * * *14. Expert testimony concerning its
1027 use.

1028 (w) "Person" means individual, corporation, government
1029 or governmental subdivision or agency, business trust, estate,
1030 trust, partnership or association, or any other legal entity.



1031 (x) "Poppy straw" means all parts, except the seeds, of
1032 the opium poppy, after mowing.

1033 (y) "Practitioner" means:

1034 (* * *i) A physician, dentist, veterinarian,
1035 scientific investigator, optometrist certified to prescribe and
1036 use therapeutic pharmaceutical agents under Sections 73-19-153
1037 through 73-19-165, or other person licensed, registered or
1038 otherwise permitted to distribute, dispense, conduct research with
1039 respect to or to administer a controlled substance in the course
1040 of professional practice or research in this state; and

1041 (* * *ii) A pharmacy, hospital or other
1042 institution licensed, registered, or otherwise permitted to
1043 distribute, dispense, conduct research with respect to or to
1044 administer a controlled substance in the course of professional
1045 practice or research in this state.

1046 (z) "Production" includes the manufacture, planting,
1047 cultivation, growing or harvesting of a controlled substance.

1048 (aa) "Sale," "sell" or "selling" means the actual,
1049 constructive or attempted transfer or delivery of a controlled
1050 substance for remuneration, whether in money or other
1051 consideration.

1052 (bb) "State," when applied to a part of the United
1053 States, includes any state, district, commonwealth, territory,
1054 insular possession thereof, and any area subject to the legal
1055 authority of the United States of America.



1056 (cc) "Ultimate user" means a person who lawfully
1057 possesses a controlled substance for his own use or for the use of
1058 a member of his household or for administering to an animal owned
1059 by him or by a member of his household.

1060 **SECTION 15.** Section 41-29-136, Mississippi Code of 1972, is
1061 amended as follows:

1062 41-29-136. (1) "CBD solution" means a pharmaceutical
1063 preparation consisting of processed cannabis plant extract in oil
1064 or other suitable vehicle.

1065 (2) (a) CBD solution prepared from Cannabis plant extract
1066 that is provided by the National Center for Natural Products
1067 Research at the University of Mississippi under appropriate
1068 federal and state regulatory approvals or cannabis plant extract
1069 from hemp produced under the Mississippi Hemp Cultivation Act,
1070 prepared and tested to meet compliance with regulatory
1071 specifications, may be dispensed by the Department of Pharmacy
1072 Services at the University of Mississippi Medical Center (UMMC
1073 Pharmacy) after mixing the extract with a suitable vehicle. The
1074 CBD solution may be prepared by the UMMC Pharmacy or by another
1075 pharmacy or laboratory in the state under appropriate federal and
1076 state regulatory approvals and registrations. * * *

1077 (b) The patient or the patient's parent, guardian or
1078 custodian must execute a hold-harmless agreement that releases
1079 from liability the state and any division, agency, institution or
1080 employee thereof involved in the research, cultivation,



1081 processing, formulating, dispensing, prescribing or administration
1082 of CBD solution obtained from entities authorized under this
1083 section to produce or possess cannabidiol for research under
1084 appropriate federal and state regulatory approvals and
1085 registrations.

1086 (c) The National Center for Natural Products Research
1087 at the University of Mississippi and the Mississippi Agricultural
1088 and Forestry Experiment Station at Mississippi State University
1089 are the only entities authorized to produce cannabis plants for
1090 cannabidiol research.

1091 (d) Research of CBD solution under this section must
1092 comply with the provisions of Section 41-29-125 regarding lawful
1093 possession of controlled substances, of Section 41-29-137
1094 regarding record-keeping requirements relative to the dispensing,
1095 use or administration of controlled substances, and of Section
1096 41-29-133 regarding inventory requirements, insofar as they are
1097 applicable. Authorized entities may enter into public-private
1098 partnerships to facilitate research.

1099 (3) (a) In a prosecution for the unlawful possession of
1100 marijuana under the laws of this state, it is an affirmative and
1101 complete defense to prosecution that:

1102 (i) The defendant suffered from a debilitating
1103 epileptic condition or related illness and the use or possession
1104 of CBD solution was pursuant to the order of a physician as
1105 authorized under this section; or



1106 (ii) The defendant is the parent, guardian or
1107 custodian of an individual who suffered from a debilitating
1108 epileptic condition or related illness and the use or possession
1109 of CBD solution was pursuant to the order of a physician as
1110 authorized under this section.

1111 (b) An agency of this state or a political subdivision
1112 thereof, including any law enforcement agency, may not initiate
1113 proceedings to remove a child from the home based solely upon the
1114 possession or use of CBD solution by the child or parent, guardian
1115 or custodian of the child as authorized under this section.

1116 (c) An employee of the state or any division, agency,
1117 institution thereof involved in the research, cultivation,
1118 processing, formulation, dispensing, prescribing or administration
1119 of CBD solution shall not be subject to prosecution for unlawful
1120 possession, use, distribution or prescription of marijuana under
1121 the laws of this state for activities arising from or related to
1122 the use of CBD solution in the treatment of individuals diagnosed
1123 with a debilitating epileptic condition.

1124 (4) This section shall be known as "Harper Grace's Law."

1125 (5) This section shall stand repealed from and after July 1,
1126 2021.

1127 **SECTION 16.** This act shall take effect and be in force from
1128 and after July 1, 2020.

