To: Agriculture

MISSISSIPPI LEGISLATURE

By: Senator(s) Younger, Jackson (32nd), Simmons (13th)

SENATE BILL NO. 2725
(As Sent to Governor)

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

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

SECTION 1. Short title; exclusivity. This act shall be known as the "Mississippi Hemp Cultivation Act." The regulation of hemp cultivation and processing shall be governed exclusively by the provisions of the Mississippi Hemp Cultivation Act. A municipality, county or other political subdivision of this state shall not enact, adopt or enforce a rule, ordinance, order,
resolution or other regulation that allows, prohibits or penalizes
the cultivation, production or processing of hemp in this state.

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

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

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

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

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

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

(f) "Grower" means a person, business entity, joint
venture or cooperative that cultivates, grows or harvests hemp.
(g) "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol (THC) concentration of not more than three-tenths percent (0.3%) on a dry weight basis that is grown or processed under Sections 1 through 11 of this act.

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

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

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

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

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

SECTION 3. Special fund. There shall be established in the State Treasury a special fund for the department to administer the State Plan. The fund shall consist of amounts received from...
appropriations, and any other proceeds from gifts, grants, federal
funds, application fees, registration fees, and any other funds,
both public and private, made available for the purposes of this
chapter. The fund shall be administered by the department.

Unexpended monies remaining in the fund at the end of a fiscal
year shall not lapse into the State General Fund, and any interest
earned or investment earnings on amounts in the fund shall be
deposited into the fund.

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

(2) The commissioner shall create a State Plan for
submission to and approval by the United States Department of
Agriculture and the United States Secretary of Agriculture. The
commissioner and department shall promulgate such reasonable
regulations as necessary to implement the State Plan and
provisions of this act. The commissioner and the department shall
be authorized to promulgate any rule or regulation deemed
necessary for the administration of the provisions of this act in
compliance with any federal law, rule or regulation promulgated by
the United States Department of Agriculture.
(3) The department is authorized to accept applications, and issue licenses and/or registrations for all hemp growers and hemp processors. The department shall adopt and enforce all rules and regulations related to those licenses and/or registrations.

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

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

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

   (a) USDA guidelines;
   (b) Provisions of this act;
   (c) Department rules and regulations;
   (d) Any terms or conditions of a license issued hereunder;
   (e) Registration with the department; or
   (f) A final department order directed to the grower's or processor's hemp operations or activities.

(7) All hemp growers and processors shall be subject to a background investigation conducted by the Department of Public Safety, which shall include both a state and federal background check.
SECTION 5. Transport of hemp. Hemp growers must keep a copy of their hemp grower's license in all vehicles used to transport hemp under normal cultivation activities. Any person transporting or delivering hemp for commerce purposes shall have a dated invoice, bill of lading, or manifest in his or her possession during the entire time he or she is transporting or delivering hemp. The invoice, bill of lading, or manifest shall include the following information:

(a) The seller's and the purchaser's license and/or registration number, name and address;
(b) The specific origin and destination of the hemp being transported;
(c) The quantity of hemp being transported; and
(d) Any additional information and/or documentation required by the department.

SECTION 6. Enforcement. (1) (a) The commissioner or the commissioner's designee may enter, at reasonable times, upon any public or private property at which hemp is being cultivated or processed for the purpose of determining compliance with this chapter and rules adopted under it. The Director of the Bureau of Plant Industry may apply for, and any judge of a court of competent jurisdiction, may issue a search warrant as is necessary to achieve the purposes of this chapter relating to things, property or places within the court's territorial jurisdiction.
(b) If the commissioner or the commissioner's designee determines that emergency conditions exist requiring immediate action necessary to protect public health or safety of the environment, the commissioner or the commissioner's designee may issue an order stating the existence of such conditions and requiring specific actions be taken to mitigate those conditions without providing prior notice or an adjudication hearing.

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

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

(e) An employee of the state or any division, agency, institution thereof involved in the administration and/or enforcement of this act, shall not be subject to prosecution for violations related to possession or transportation of hemp or
cannabis in conjunction with the employee's duties arising under this chapter.

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

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

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

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

(a) Failing to provide a legal description of land on which the grower produces hemp;
(b) Failing to obtain a license or other required authorization from the department;
(c) Failing to register with the department;
(d) Producing Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration of more than five-tenths percent (0.5%) on a dry weight basis; or

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

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

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

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

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

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

(4) Repeat violations. A hemp grower that negligently violates the State Plan three (3) times in a five-year period shall be ineligible to produce hemp for a period of five (5) years beginning on the date of the third violation.
SECTION 8. Nonnegligent violations. If a hemp grower violates the State Plan, including growing hemp containing a delta-9-tetrahydrocannabinol (THC) concentration that exceeds three-tenths percent (0.3%) on a dry mass basis or a tolerance range as specified by USDA, with a culpable mental state greater than negligence as determined by the department, the commissioner shall immediately report the violation and the hemp grower to the United States Attorney General, the Mississippi Attorney General and the Mississippi Public Safety Commissioner. Such violations shall also be referred to the Mississippi Bureau of Narcotics for investigation. The Bureau of Narcotics may detain, seize and/or destroy the crop and may initiate a criminal case for any violation of this act or the Mississippi Uniform Controlled Substances Law. The Mississippi Attorney General shall, in person or by his or her designee, prosecute all criminal actions related to violations arising under this chapter relating to hemp, on behalf of the State. Violations of the State Plan that involve culpability greater than negligence must be reported to the United States Attorney General and the Mississippi Attorney General. The provisions of Section 7 of this act shall not apply to nonnegligent violations.

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

(a) Violate this chapter or any rules or regulations promulgated under this chapter;
(b) Fail to comply with a corrective action plan issued by the commissioner under Section 7(2) of this act;

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

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

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

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

(4) For purposes of this section, the terms "purposely", "knowingly" and "recklessly" have the following meanings:
(a) "Purposefully" means a person acts purposely with respect to a material element of an offense if:

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

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

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

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

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

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

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

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

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

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

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

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

69-25-51. (1) When any administrative allegation or charge is made against a person for violating the rules and regulations of the Bureau of Plant Industry of the Mississippi Department of Agriculture and Commerce or the laws under Sections 69-3-1 through 69-3-29, Sections 69-19-1 through 69-19-15, Sections 69-21-101 through 69-21-128, Sections 69-23-1 through 69-23-135, Sections 69-25-1 through 69-25-47 or Sections 69-25-101 through 69-25-109, Mississippi Code of 1972, or Sections 1 through 11 of Senate Bill No. 2725, 2020 Regular Session, the Director of the Bureau of Plant Industry, or his designee, shall act as the reviewing officer. The complaint must be in writing, signed by the person
making the charge, and filed in the Office of the Bureau of Plant Industry. The department shall send a copy of the complaint and any supporting documents to the person accused along with a summons requiring the accused to respond to the allegations within thirty (30) days. The notification shall be accomplished by any of the methods provided for in Rule 4 of the Mississippi Rules of Civil Procedure or by certified mail. If the accused does not respond within the thirty-day period, he shall be considered to be in default. Upon receipt of the response and any supporting documents from the accused, the reviewing officer shall determine the merits of the complaint. The reviewing officer may meet informally with the accused and discuss the alleged violation with him.

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

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

(a) Issue a warning letter.

(b) Suspend, modify, deny, cancel or revoke any license or permit granted by the department to the accused.
(c) Issue a stop sale order with regard to any pesticide, plant or other material regulated by the department that is mislabeled or otherwise not in compliance with applicable law or regulations.

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

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

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

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

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

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

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

41-29-113.

SCHEDULE I

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

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

(1) Acetyl-alpha-methyfentanyl;
(2) Acetyl Fentanyl N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide;
(3) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide);
(4) Acetylmethadon;
(5) Allylprodine;
(6) Alphacetylmethadon, except levo-alphacetylmethadon (levo-alpha-acetylmethadon, levomethadyl acetate, or LAAM);
(7) Alphameprodine;
(8) Alphamethadon;
(9) Alpha-methylfentanyl;
(10) Alpha-methylthiofentanyl;
(11) Benzethidine;
(12) Betacetylmethadol;
(13) Beta-hydroxyfentanyl;
(14) Beta-hydroxy-3-methylfentanyl;
(15) Betameprodine;
(16) Betamethadol;
(17) Betaprodine;
(18) Butyrl fentanyl

(N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);
(19) Clonitazene;
(20) Dextromoramide;
(21) Diampromide;
(22) Diethylthiambutene;
(23) Difenoxin;
(24) Dimenoxadol;
(25) Dimepheptanol;
(26) Dimethylthiambutene;
(27) Dioxaphetyl butyrate;
(28) Dipipanone;
(29) Ethylmethylthiambutene;
(30) Etonitazene;
(31) Etoxeridine;
(32) Fentanyl-related substances, meaning any substance not otherwise listed under another schedule and for which no exemption or approval is in effect under Section 505 of the Federal Food, Drug, and Cosmetic Act [21 USC 355] that is structurally related to fentanyl by one or more of the following modifications:

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

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

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

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

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

Fentanyl-related substances include, but are not limited to, cyclopropyl fentanyl, (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide); Furanyl-Fentanyl,
(N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
valeryl fentanyl,
(N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide);
para-fluorobutyryl fentanyl,
(N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
para-methoxybutyryl fentanyl,
(N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
para-chloroisobutyryl fentanyl,
(N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
isobutyryl fentanyl,
(N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);
cyclopentyl fentanyl,
(N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
and
ocfentanil,
(N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide);
(33) Furethidine;
(34) Hydroxypethidine;
(35) Ketobemidone (including the optical and geometric isomers);
(36) Levomoramide;
(37) Levophenacylmorphan;
(38) 3-methylfentanyl;
(39) 3-methylthiofentanyl;
(40) Morpheridine;
(41) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
(42) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (other names: beta-hydroxythiofentanyl);
(43) Noracymethadol;
(44) Norlevorphanol;
(45) Normethadone;
(46) Norpipanone;
(47) Para-fluorofentanyl;
(48) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxy piperidine);
(49) Phenadoxone;
(50) Phenampromide;
(51) Phenomorphan;
(52) Phenoperidine;
(53) Piritramide;
(54) Proheptazine;
(55) Properidine;
(56) Propiram;
(57) Racemoramide;
(58) Thiofentanyl;
(59) Tilidine;
(60) Trimeperidine;

(61) U-47700,

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide.

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

(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Drotebanol;
(10) Etorphine (except hydrochloride salt);
(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methyldihydromorphine;
(15) Monoacetylmorphine;
(16) Morphine methylbromide;
(17) Morphine methylsulfonate;
(18) Morphine-N-Oxide;
(19) Myrophine;
(20) Nicocodeine;
(21) Nicomorphine;
(22) Normorphine;
(23) Pholcodine;
(24) Thebacon.

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

(1) Alpha-ethyltryptamine;
(2) 4-bromo-2,5-dimethoxy-amphetamine;
(3) 4-bromo-2,5-dimethoxyphenethylamine;
(4) 2,5-dimethoxyamphetamine;
(5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);
(7) 4-methoxyamphetamine;
(8) 5-methoxy-3,4-methylenedioxy-amphetamine;
(9) 4-methyl-2,5-dimethoxy-amphetamine;
(10) 3,4-methylenedioxyamphetamine;
(11) 3,4-methylenedioxymethamphetamine (MDMA);
(12) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
(13) N-hydroxy-3,4-methylenedioxymphetamine (also known as N-hydroxy MDA, N-OHMDA, and N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);
(14) 3,4,5-trimethoxy amphetamine;
(15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
(16) Alpha-methyltryptamine (also known as AMT);
(17) Bufotenine;
(18) Diethyltryptamine;
(19) Dimethyltryptamine;
(20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
(21) Ibogaine;
(22) Lysergic acid diethylamide (LSD);
(23) (A) Marijuana (Hemp as defined and regulated under Sections 1 through 11 of this act and Cannabidiol contained in a legend drug product approved by the Federal Food and Drug Administration or obtained under Section 41-29-136 are exempt under Schedule I);
(B) Hashish;
(24) Mescaline;
(25) Parahexyl;
(26) Peyote;
(27) N-ethyl-3-piperidyl benzilate;
(28) N-methyl-3-piperidyl benzilate;
(29) Psilocybin;
(30) Psilocyn;
(31) Tetrahydrocannabinols, meaning tetrahydrocannabinols contained in a plant of the genus Cannabis (cannabis plant), as well as the synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant such as the following:

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

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

("Tetrahydrocannabinols" excludes dronabinol and nabilone.)

For purposes of this paragraph, tetrahydrocannabinols do not include hemp or hemp products regulated under Sections 1 through 11 of this act.

However, the following products are exempted from control:

(i) THC-containing industrial products made from cannabis stalks (e.g., paper, rope and clothing);
(ii) Processed cannabis plant materials used for industrial purposes, such as fiber retted from cannabis stalks for use in manufacturing textiles or rope;

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

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

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

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

(32) Phencyclidine;

(33) Ethylamine analog of phencyclidine (PCE);

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

(35) Thiophene analog of phencyclidine;

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

(37) 4-methylmethcathinone (mephedrone);

(38) 3,4-methylenedioxyxymethamphetamine (MDPV);

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

(40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);
(41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
(42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
or 2,5-dimethoxy-4-iodophenethylamine;
(43) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
(44)
2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
(45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);
(46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
(47) 2-(2,5-dimethoxy-4-((n)-propylphenyl)ethanamine (2C-P);
(48) 3,4-methylenedioxy-N-methylcathinone (methylone);
(49)
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
(25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);
(50)
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
(25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);
(51)
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or
N-[2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;
Cimbi-5);
(52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,
4-benzodiazepin-2-one (also known as Phenazepam);
(53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8, 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene  
(also known as Etizolam);  
(54) Salvia divinorum;  
(55) Synthetic cannabinoids. Unless specifically  
excepted or unless listed in another schedule, any material,  
compound, mixture, or preparation which contains any quantity of a  
synthetic cannabinoid found in any of the following chemical  
groups, whether or not substituted to any extent, or any of those  
groups which contain any synthetic cannabinoid salts, isomers, or  
salts of isomers, whenever the existence of such salts, isomers,  
or salts of isomers is possible within the specific chemical  
designation, including all synthetic cannabinoid chemical  
analogues in such groups:  
   (A) (6aR,10aR)-9-(hydroxymethyl)-6,  
6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
chromen-1-ol (also known as HU-210 or  
1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);  
   (B) Naphthoylindoles and naphthylmethylinidoles,  
being any compound structurally derived from 3-(1-naphthoyl)indole  
or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted  
in the indole ring to any extent, or in the naphthyl ring to any  
extent;  
   (C) Naphthoylpyrroles, being any compound  
structurally derived from 3-(1-naphthoyl)pyrrole, whether or not
substituted in the pyrrole ring to any extent, or in the naphthyl ring to any extent;

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

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

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

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

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

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

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

(K) Quinolinyl ester indoles, being any compound structurally derived from 1H-indole-3-carboxylic acid-8-quinolinyl ester, whether or not substituted in the indole ring to any extent or the quinolone ring to any extent;

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

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

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Gamma-hydroxybutyric acid (other names include: GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(2) Mecloqualone;

(3) Methaqualone.

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

(1) Aminorex;

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

(3) Cathinone;

(4) Fenethylline;

(5) Methcathinone;

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

(7) N-ethylamphetamine;

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

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

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

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

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

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

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

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

(iii) Alpha-pyrrolidinopentiophenone ("α-PVP");
(iv) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");
(v) 2-(methylamino)-1-phenylpentan-1-one ("pentedrone");
(vi) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one ("pentylene");
(vii) 4-fluoro-N-methylcathinone ("4-FMC");
(viii) 3-fluoro-N-methylcathinone ("3-FMC");
(ix) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");
(x) Alpha-pyrrolidinobutiophenone ("α-PBP");
and
(xi) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one (N-ethypentylone, ephylone).

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

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

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:
( * * *i) A practitioner (or, in his presence, by
his authorized agent); or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(q) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term "manufacture" does not include the preparation, compounding, packaging or labeling of a controlled substance in conformity with applicable state and local law:
( * * *i) By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

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

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

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

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

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

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

( * * *iii) Opium poppy and poppy straw; and
(iv) Cocaine, coca leaves and any salt, compound, derivative or preparation of cocaine, coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecegonine.

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

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

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

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

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

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

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

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

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

* * * 7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, * * * marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

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

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

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

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

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

   b. Water pipes;

   c. Carburetion tubes and devices;

   d. Smoking and carburetion masks;

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

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

* * *g. Chamber pipes;

* * *h. Carburetor pipes;

* * *i. Electric pipes;

* * *j. Air-driven pipes;

* * *k. Chillums;

* * *l. Bongs; and

* * *m. Ice pipes or chillers.

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

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

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

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

* * *4. The proximity of the object to
controlled substances;
The existence of any residue of controlled substances on the object;

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

Instructions, oral or written, provided with the object concerning its use;

Descriptive materials accompanying the object which explain or depict its use;

National and local advertising concerning its use;

The manner in which the object is displayed for sale;

Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
1032  * * *13. The existence and scope of legitimate uses for the object in the community;
1033  * * *14. Expert testimony concerning its use.
1036  (w) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
1039  (x) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
1041  (y) "Practitioner" means:
1042     ( * * *i) A physician, dentist, veterinarian, scientific investigator, optometrist certified to prescribe and use therapeutic pharmaceutical agents under Sections 73-19-153 through 73-19-165, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state; and
1049     ( * * *ii) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.
1054  (z) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.
(aa) "Sale," "sell" or "selling" means the actual, constructive or attempted transfer or delivery of a controlled substance for remuneration, whether in money or other consideration.

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

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

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

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

(2) (a) CBD solution prepared from (i) Cannabis plant extract that is provided by the National Center for Natural Products Research at the University of Mississippi under appropriate federal and state regulatory approvals, or (ii) Cannabis extract from hemp produced pursuant to Sections 1 through 11 of this act, which is prepared and tested to meet compliance with regulatory specifications, may be dispensed by the Department of Pharmacy Services at the University of Mississippi Medical
Center (UMMC Pharmacy) after mixing the extract with a suitable vehicle. The CBD solution may be prepared by the UMMC Pharmacy or by another pharmacy or laboratory in the state under appropriate federal and state regulatory approvals and registrations. **

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

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

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

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

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

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

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

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

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

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

SECTION 16. (1) The provisions of this act which provides
authority to the Commissioner of Agriculture and Commerce and the
Mississippi Department of Agriculture and Commerce to administer
the provisions of the "Mississippi Hemp Cultivation Act," shall be
subject to legislative appropriation or receipt of necessary
funding from any private or public entity for purposes of
implementation.

(2) The provisions of this act shall not have any effect
upon any programs administered by Mississippi State University,
which shall remain exempt, as such programs related to the
educational, research or testing functions performed by
Mississippi State Chemical Laboratory, shall continue to function
in accordance with the mission of the university, as approved by
the Board of Trustees of State Institutions of Higher Learning.

SECTION 17. Sections 1 through 11 of this act shall be
codified in Chapter 25, Title 69, Mississippi Code of 1972.

SECTION 18. This act shall take effect and be in force from
and after its passage.