

By: Senator(s) Harkins

To: Rules

SENATE BILL NO. 3056

1 AN ACT TO AMEND SECTION 41-29-111, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT ANY DRUG THAT IS SCHEDULED ON THE FEDERAL SCHEDULE
 3 FOR THE PURPOSE OF PREVENTING OR TREATING COVID-19 IS
 4 AUTOMATICALLY SCHEDULED ON THE CORRESPONDING STATE SCHEDULE; TO
 5 AMEND SECTION 41-29-121, MISSISSIPPI CODE OF 1972, TO REMOVE
 6 APPROVED CANNABIDIOL DRUGS FROM SCHEDULE V; AND FOR RELATED
 7 PURPOSES.

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

9 **SECTION 1.** Section 41-29-111, Mississippi Code of 1972, is
 10 amended as follows:

11 41-29-111. (1) The Commissioner of Public Safety shall
 12 administer this article and shall work in conjunction and
 13 cooperation with the State Board of Pharmacy, county and municipal
 14 law enforcement agencies, the district and county attorneys, the
 15 Office of the Attorney General and the Mississippi Bureau of
 16 Narcotics. The State Board of Health shall work with the bureau
 17 in an advisory capacity and shall be responsible for recommending
 18 to the Legislature the appropriate schedule for all substances to
 19 be scheduled or rescheduled in Sections 41-29-113 through



20 41-29-121. In making a recommendation regarding a substance, the
21 State Board of Health shall consider the following:

22 (a) (i) The actual or relative potential for abuse;

23 (ii) The scientific evidence of its
24 pharmacological effect, if known;

25 (iii) The state of current scientific knowledge
26 regarding the substance;

27 (iv) The history and current pattern of abuse;

28 (v) The scope, duration and significance of abuse;

29 (vi) The risk to the public health;

30 (vii) The potential of the substance to produce
31 psychic or physiological dependence liability; and

32 (viii) Whether the substance is an immediate
33 precursor of a substance already controlled under this article.

34 (b) After considering the factors enumerated in
35 paragraph (a), the State Board of Health shall make findings with
36 respect thereto and issue a recommendation to control the
37 substance if it finds the substance has a potential for abuse.

38 (c) If the State Board of Health designates a substance
39 as an immediate precursor, substances that are precursors of the
40 controlled precursor shall not be recommended for control solely
41 because they are precursors of the controlled precursor.

42 (d) If any substance is designated, rescheduled, or
43 deleted as a controlled substance under federal law and notice
44 thereof is given to the State Board of Health, it shall recommend



45 the control of the substance under this article at the next
46 session of the Legislature.

47 (e) (i) Authority to control under this article does
48 not extend to distilled spirits, wine, malt beverages, or tobacco
49 as those terms are defined or used in the Local Option Alcoholic
50 Beverage Control Law, being Sections 67-1-1 through 67-1-91, and
51 the Tobacco Tax Law of 1934, being Sections 27-69-1 through
52 27-69-77. It is the intent of the Legislature of the State of
53 Mississippi that the bureau shall concentrate its efforts and
54 resources on the enforcement of the Uniform Controlled Substances
55 Law with respect to illicit narcotic and drug traffic in the
56 state.

57 (ii) The controlled substances listed in the
58 schedules in Sections 41-29-113 through 41-29-121 are included by
59 whatever official, common, usual, chemical or trade name
60 designated.

61 (f) The State Board of Health shall recommend the
62 exclusion of any nonnarcotic substance from a schedule if such
63 substance may, under the Federal Food, Drug and Cosmetic Act and
64 the laws of this state, be lawfully sold over the counter without
65 a prescription.

66 (2) Any drug that is scheduled on the federal schedule for
67 the purpose of preventing or treating COVID-19 is automatically
68 scheduled on the corresponding state schedule in Sections
69 41-29-113 through 41-29-121. This automatic scheduling is



70 effective from the date that the COVID-19-related drug is
71 designated on the federal schedule until the effective date of
72 legislation amending the corresponding state schedule in the next
73 regular session of the Legislature.

74 **SECTION 2.** Section 41-29-121, Mississippi Code of 1972, is
75 amended as follows:

76 41-29-121.

77 **SCHEDULE V**

78 (a) Schedule V consists of the drugs and other substances,
79 by whatever official name, common or usual name, chemical name, or
80 brand name designated, listed in this section.

81 (b) Narcotic drugs. [Reserved]

82 (c) **Narcotic drugs containing nonnarcotic active medicinal**
83 **ingredients.** Any compound, mixture or preparation containing any
84 of the following narcotic drugs, or their salts calculated as the
85 free anhydrous base or alkaloid, in limited quantities as set
86 forth below, which also contains one or more nonnarcotic active
87 medicinal ingredients in sufficient proportion to confer upon the
88 compound, mixture or preparation valuable medicinal qualities
89 other than those possessed by the narcotic drug alone:

90 (1) Not more than two hundred (200) milligrams of
91 codeine, or any of its salts, per one hundred (100) milliliters or
92 per one hundred (100) grams;



93 (2) Not more than one hundred (100) milligrams of
94 dihydrocodeine, or any of its salts, per one hundred (100)
95 milliliters or per one hundred (100) grams;

96 (3) Not more than one hundred (100) milligrams of
97 ethylmorphine, or any of its salts, per one hundred (100)
98 milliliters or per one hundred (100) grams;

99 (4) Not more than two and five-tenths (2.5) milligrams
100 of diphenoxylate and not less than twenty-five (25) micrograms of
101 atropine sulphate per dosage unit;

102 (5) Not more than one hundred (100) milligrams of opium
103 per one hundred (100) milliliters or per one hundred (100) grams;

104 (6) Not more than five-tenths (0.5) milligram of
105 difenoxin and not less than twenty-five (25) micrograms of
106 atropine sulfate per dosage unit.

107 (d) **Stimulants.** Unless specifically excepted or listed in
108 another schedule, any material, compound, mixture or preparation
109 which contains any quantity of the following substance, including
110 its salts, isomers and salts of isomers: Pyrovalerone.

111 (e) **Depressants.** Unless specifically exempted or excluded
112 or unless listed in another schedule, any material, compound,
113 mixture or preparation which contains any quantity of the
114 following substances having a depressant effect on the central
115 nervous system, including their salts, isomers and salts of
116 isomers:



117 (1) Brivaracetam
118 ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (also
119 referred to as BRV; UCB-34714; Briviact);

120 (2) Ezogabine [N-[2-amino-4-(4-
121 fluorobenzylamino)-phenyl]-carbamic acid ethyl ester];

122 (3) Lacosamide
123 [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];

124 (4) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic
125 acid].

126 * * *

127 (* * *f) Any material, compound, mixture or preparation
128 which contains any quantity of a Schedule V controlled substance
129 and is listed as an exempt substance in 21 CFR, Section 1308.22,
130 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the
131 provisions of the Uniform Controlled Substances Law.

132 **SECTION 3.** This act shall take effect and be in force from
133 and after July 1, 2020.

