

By: Senator(s) Blackwell

To: Appropriations

SENATE BILL NO. 2474
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 27-104-203, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE GRANTS, CONTRACTS, PASS-THROUGH FUNDS, PROJECT FEES
3 OR CHARGES FOR SERVICES BETWEEN THE STATE DEPARTMENT OF HEALTH AND
4 OTHER STATE AGENCIES OR ENTITIES FOR THE OPERATION OF THE STATE'S
5 MEDICAL MARIJUANA PROGRAM; TO CLARIFY PROVISIONS NECESSARY FOR THE
6 IMPLEMENTATION, OPERATION AND/OR ENFORCEMENT OF THE STATE'S
7 MEDICAL MARIJUANA PROGRAM RELATING TO EXPENDITURES BY THE
8 DEPARTMENT WITHOUT AN APPROPRIATION, ESCALATING PERSONNEL
9 POSITIONS IN THE DEPARTMENT, AND EXEMPTION FROM INFORMATION
10 TECHNOLOGY LAWS AND REGULATIONS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 27-104-203, Mississippi Code of 1972, is
13 amended as follows:

14 27-104-203. (1) From and after July 1, 2016, no state
15 agency shall charge another state agency a fee, assessment, rent,
16 audit fee, personnel fee or other charge for services or resources
17 received. The provisions of this section shall not apply (a) to
18 grants, contracts, pass-through funds, project fees or other
19 charges for services between state agencies and the Board of
20 Trustees of State Institutions of Higher Learning, any public
21 university, the Mississippi Community College Board, any public
22 community or junior college, and the State Department of



23 Education, nor (b) to charges for services between the Board of
24 Trustees of State Institutions of Higher Learning, any public
25 university, the Mississippi Community College Board, any public
26 community or junior college, and the State Department of
27 Education, nor (c) to federal grants, pass-through funds, cost
28 allocation charges, surplus property charges or project fees
29 between state agencies as approved or determined by the State
30 Fiscal Officer, nor (d) telecommunications, data center services,
31 and/or other information technology services that are used on an
32 as-needed basis and those costs shall be passed through to the
33 using agency, nor (e) to federal grants, special funds, or
34 pass-through funds, available for payment by state agencies to the
35 Department of Finance and Administration related to Mississippi
36 Management and Reporting Systems (MMRS) Statewide Application
37 charges and utilities as approved or determined by the State
38 Fiscal Officer, nor (f) to grants, contracts, pass-through funds,
39 project fees or charges for services between the State Department
40 of Health and other state agencies or entities, including, but not
41 limited to, the Board of Trustees of State Institutions of Higher
42 Learning, any public university, the Mississippi Community College
43 Board, any public community or junior college, and the State
44 Department of Education, for the operation of the state's medical
45 marijuana program as established by Sections 288.1 through 288.10,
46 Mississippi Constitution of 1890. The Board of Trustees of State
47 Institutions of Higher Learning, any public university, the



Mississippi Community College Board, any public community or junior college, and the State Department of Education shall retain the authority to charge and be charged for expenditures that they deemed nonrecurring in nature by the State Fiscal Officer.

(2) If at any time after the effective date of this act the Mississippi Supreme Court issues a final opinion that strikes down or otherwise holds invalid in its entirety Initiative 65, which establishes a medical marijuana program in the State of Mississippi, then paragraph (f) of subsection (1) of this section shall stand repealed on the date that the opinion is issued by the Supreme Court.

SECTION 2. (1) The following provisions shall be applicable to the implementation, operation and/or enforcement of the state's medical marijuana program ("the program") as established under Sections 288.1 through 288.10, Mississippi Constitution of 1890, by the State Department of Health:

(a) The State Fiscal Officer, upon receipt of requisitions from the State Department of Health for the expenditure of funds from the special fund in the State Treasury established under Section 288.6, Mississippi Constitution of 1890, for the purpose of implementing, administering and/or enforcing the provisions of the program, shall issue warrants for those expenditures by the department without an appropriation of those funds or other authorization for expenditure of those funds by the Legislature.



(b) The State Fiscal Officer, upon request from the State Department of Health to escalate personnel positions in the department for the purpose of implementing, administering and/or enforcing the provisions of the program, shall authorize the escalation of those personnel positions as nonstate service positions in the department to be funded with monies from the special fund in the State Treasury established under Section 288.6, Mississippi Constitution of 1890.

(c) The State Department of Health, when making acquisitions of information technology equipment and services for the purpose of implementing, administering and/or enforcing the provisions of the program, shall be exempt from all Mississippi Department of Information Technology Services laws, rules and regulations and shall be exempt from any statutory or regulatory requirements that such acquisitions be based upon competitive bidding procedures with advertising for and receiving bids to make the acquisitions. This paragraph (c) shall stand repealed on July 1, 2024.

(2) If at any time after the effective date of this act the Mississippi Supreme Court issues a final opinion that strikes down or otherwise holds invalid in its entirety Initiative 65, which establishes a medical marijuana program in the State of Mississippi, then this section shall stand repealed on the date that the opinion is issued by the Supreme Court.



97 **SECTION 3.** This act shall take effect and be in force from
98 and after its passage.

