AN ACT TO ENACT THE MISSISSIPPI MEDICAL CANNABIS ACT; TO
AUTHORIZE MEDICAL CANNABIS USE BY CERTAIN PATIENTS WHO HAVE
DEBILITATING MEDICAL CONDITIONS; TO PROVIDE CERTAIN PROTECTIONS TO
PATIENTS, CAREGIVERS, MEDICAL PROVIDERS, MEDICAL CANNABIS
ESTABLISHMENTS, DISPENSARIES, PHARMACIES AND TESTING FACILITIES
FOR THE MEDICAL USE OF CANNABIS; TO PROVIDE THAT THE STATE
DEPARTMENT OF HEALTH WILL ADMINISTER THIS ACT AND ISSUE REGISTRY
IDENTIFICATION CARDS TO QUALIFYING PATIENTS AND REGISTRATIONS TO
QUALIFYING FACILITIES; TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT
CERTAIN ORDINANCES NOT IN CONFLICT WITH THIS ACT; TO PROVIDE CIVIL
AND CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; TO PROVIDE FOR
AN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE LEGISLATURE
AND THE DEPARTMENT; TO REQUIRE THE DEPARTMENT TO MAKE AN ANNUAL
REPORT TO THE LEGISLATURE REGARDING THE OPERATION OF THIS ACT; TO
CREATE NEW SECTION 27-65-28, MISSISSIPPI CODE OF 1972, TO PROVIDE
THAT THE RETAIL SALES OF CANNABIS PRODUCTS SHALL BE TAXED BY 7%;
TO CREATE THE MISSISSIPPI WORKFORCE AND COLLEGE OPPORTUNITY
SCHOLARSHIP PROGRAM AND BOARD OF DIRECTORS, WHICH PROVIDE
LAST-DOLLAR SCHOLARSHIPS TO STUDENTS ENROLLED IN FULL-TIME PUBLIC
AND PRIVATE COLLEGES AND UNIVERSITIES AND WORKFORCE TRAINING
PROGRAMS FROM FUNDS GENERATED FROM THE SALES AND EXCISE TAX OF
CANNABIS PRODUCTS; TO AMEND SECTIONS 41-29-125, 41-29-127,
41-29-136, 41-29-137, 41-29-139, 41-29-141 AND 41-29-143,
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. Title. Sections 1 through 25 of this act shall
be known and may be cited as the "Mississippi Medical Cannabis
Act."
SECTION 2. Definitions. For purposes of this act, unless the context requires otherwise, the following terms shall have the meanings ascribed herein:

(a) "Allowable amount of cannabis" means a dispensary shall not provide to a qualifying patient, during any one (1) fourteen-day period, an amount of medical cannabis that exceeds one and one-half (1.5) ounces by weight. At no one (1) time shall a qualified patient possess more than one and one-half (1.5) ounces of medical cannabis. The weight limitation herein shall not include any ingredients combined with medical cannabis to prepare edible products, topical products, ointments, oils, tinctures, or other products.

(b) "Bona fide practitioner-patient relationship" means:

(i) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition;

(ii) The practitioner has consulted with the patient with respect to the patient's debilitating medical condition; and

(iii) The practitioner is available to or offers to provide follow-up care and treatment to the patient.

(c) "Cannabis" means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted...
from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including whole plant extracts.

(d) "Cannabis products" means concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, and tinctures that contain tetrahydrocannabinol except those excluded from control under Sections 41-29-113 and 41-29-136.

(e) "Cannabis research facility" or "research facility" means an independent entity registered with the department pursuant to this act that acquires cannabis from cultivation-processing facilities in order to possess, deliver, transfer, and transport medical cannabis products during the process of investigating and analyzing cannabis in order to develop best practices for specific medical conditions, develop medicines, and provide commercial access for medical use.

(f) "Cannabis testing facility" or "testing facility" means an independent entity registered with the department pursuant to this act to analyze the safety and potency of cannabis.

(g) "Cardholder" means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card.
(h) "Cultivation-processing facility" means an entity registered with the department pursuant to this act that acquires, possesses, cultivates, harvests, processes, manufactures, delivers, transfers, transports, supplies, and sells cannabis and related supplies to medical cannabis establishments, pharmacies, and hospitals.

   (i) "Debilitating medical condition" means:

   (i) Cancer, glaucoma, spastic quadriplegia, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral sclerosis (ALS), Crohn's disease, ulcerative colitis, Alzheimer's disease, post-traumatic stress disorder, autism with self-injurious or aggressive behavior, or the treatment of these conditions;

   (ii) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including, but not limited to, those characteristic of multiple sclerosis; or

   (iii) Any other serious medical condition or its treatment added by the department, as provided for in Section 6 of this act.

   (j) "Department" means the Department of Health.

   (k) "Designated caregiver" means a person who:
(i) Is at least twenty-one (21) years of age unless the person is the parent or legal guardian of each qualifying patient the person assists;
(ii) Has agreed to assist with a qualifying patient's medical use of cannabis;
(iii) Has not been convicted of a disqualifying felony offense; and
(iv) Assists no more than five (5) qualifying patients with their medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed.

"Disqualifying felony offense" means:

(i) A crime of violence, as defined in Section 97-3-2, or that was defined as a violent crime in the law of the jurisdiction in which the offense was committed, and that was classified as a felony in the jurisdiction where the person was convicted; or
(ii) A violation of a state- or federal-controlled substances law that was classified as a felony in the jurisdiction where the person was convicted, not including:

1. An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed ten (10) or more years earlier; or
2. An offense that consisted of conduct for which this act would likely have prevented a conviction, but the conduct either occurred before the effective date of this act or was prosecuted by an authority other than the State of Mississippi.

   (m) "Edible cannabis products" means products that:
   (i) Contain or are infused with cannabis or an extract thereof;
   (ii) Are intended for human consumption by oral ingestion; and
   (iii) Are presented in the form of foodstuffs, beverages, extracts, oils, tinctures, and other similar products.

   (n) "Medical cannabis" means cannabis, cannabis products, and edible cannabis.

   (o) "Medical cannabis dispensary" or "dispensary" means an entity registered with the department pursuant to this act that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses medical cannabis, paraphernalia, or related supplies and educational materials to cardholders.

   (p) "Medical cannabis establishment" means a cultivation facility or processing facility, a cannabis testing facility, dispensary, cannabis research facility, or other medical cannabis entity licensed by the department.
(q) "Medical cannabis establishment agent" means an owner, officer, board member, employee, volunteer, or agent of a medical cannabis establishment.

(r) "Medical use" includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of medical cannabis or paraphernalia relating to the administration of medical cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. The term does not include:

(i) The cultivation of cannabis unless the cultivation is done by a cultivation-processing facility; or

(ii) The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product cultivation-processing facility.

(s) "Nonresident cardholder" means a person who:

(i) Has been diagnosed with a debilitating medical condition by a practitioner, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;

(ii) Is not a resident of Mississippi or who has been a resident of Mississippi for less than forty-five (45) days; and
(iii) Has submitted any documentation required by the department and has received confirmation of registration.

(t) "Other minority group" shall mean an individual who is: (a) Hispanic American; (b) American Indian; (c) Asian American; (d) Pacific Islander American; (e) a woman; or (f) a service-connected veteran with a service-connected disability as designated by the United States Department of Veterans Affairs.

(u) "Practitioner" or "licensed medical provider" means a physician, nurse practitioner, optometrist, dentist, or other medical professional who is licensed to practice with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the terms mean a physician, nurse practitioner, optometrist, dentist or chiropractor or other medical professional who is licensed with authority to prescribe drugs to humans in the state of the patient's residence.

(v) "Qualifying patient" means a person who has been diagnosed by a practitioner as having a debilitating medical condition or has been issued a written certification.

(w) "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card under Section 11 of this act.

(x) "Written certification" means a form approved by the department, signed and dated by a practitioner, certifying
that a person suffers from a debilitating medical condition. The
certification shall remain current for twelve (12) months, unless
the practitioner specifies a shorter period of time, and shall be
issued only after an assessment of the patient by a practitioner.
A certification shall only be issued on behalf of a minor when the
minor's parent or guardian is present and provides signed consent.
Nothing herein shall require a practitioner to issue a
certification.

SECTION 3. Protections for the medical use of cannabis. (1)
A cardholder who possesses a valid registry identification card is
not subject to arrest, prosecution, or penalty in any manner, or
denial of any right or privilege, including any civil penalty or
disciplinary action by a court or occupational or professional
licensing board or bureau for:
(a) The medical use of cannabis under this act, if the
cardholder does not possess more than the allowable amount of
cannabis;
(b) Reimbursement by a registered qualifying patient to
the patient's registered designated caregiver for direct costs
incurred by the registered designated caregiver for assisting with
the registered qualifying patient's medical use of cannabis;
(c) Transferring cannabis to a testing facility for
testing;
(d) Compensating a dispensary, pharmacy, hospital, or a
testing facility for goods or services provided; or
(e) Selling, transferring, or delivering cannabis seeds intended to target their specific medical condition to a cultivation-processing facility or dispensary.

(2) A nonresident cardholder shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or entity, for transporting, purchasing, possessing, or using medical cannabis pursuant to this act if the nonresident cardholder does not possess more than the allowable amount of cannabis.

(3) There is a presumption that a qualifying patient or designated caregiver is engaged in the medical use of cannabis under this act if the person is in possession of a registry identification card and an amount of cannabis that does not exceed the allowable amount. The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition under this act.

(4) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by the State Board of Medical Licensure or by any other occupational or professional licensing board or bureau,
for providing written certifications or for otherwise stating that, in the practitioner's professional opinion, a patient is likely to receive medical or palliative benefit from the medical use of cannabis to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition, provided that nothing in this act shall prevent a practitioner from being sanctioned for:

(a) Issuing a written certification to a patient with whom the practitioner does not have a bona fide practitioner-patient relationship; or

(b) Failing to properly evaluate a patient's medical condition.

(5) A holder of a professional or occupational license may not be subject to professional discipline solely for providing advice or services related to medical cannabis activities that are allowed under this act.

(6) An applicant for a professional or occupational license may not be denied a license based on previous employment related to medical cannabis activities that are allowed under this act.

(7) No person may be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for:
(a) Providing or selling paraphernalia to a cardholder, nonresident cardholder, or to a medical cannabis establishment;

(b) Being in the presence or vicinity of the medical use of cannabis that is exempt from criminal penalties under this act;

(c) Allowing the person's property to be used for activities that are exempt from criminal penalties under this act; or

(d) Assisting a registered qualifying patient with the act of using or administering cannabis.

(8) A medical cannabis establishment or a medical cannabis establishment agent is not subject to prosecution, search, or inspection, except by the department under Section 17 of this act, seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting pursuant to this act and rules authorized by this act to engage in activities related to medical cannabis that are allowed by its registration.

(9) A dispensary, a dispensary agent, pharmacy, pharmacy agent, hospital, or hospital agent is not subject to prosecution, search, or inspection, except by the department under Section 17 of this act, seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting pursuant to this act and rules authorized by this act to engage in activities related to medical cannabis that are allowed by its registration.
entity, for acting pursuant to this act and rules authorized by this act to:

(a) Possess, transport, and store medical cannabis products;

(b) Deliver, transfer, and transport medical cannabis to testing facilities and compensate testing facilities for services provided;

(c) Accept medical cannabis products offered by a cardholder or nonresident cardholder if nothing of value is exchanged in return;

(d) Purchase or otherwise acquire medical cannabis products from cultivation-processing facilities, dispensaries, pharmacies, or hospitals; and

(e) Deliver, sell, supply, transfer, or transport medical cannabis products, and paraphernalia, and related supplies and educational materials to cardholders, nonresident cardholders, dispensaries, pharmacies, and hospitals.

(10) A cultivation-processing facility or a cultivation-processing facility agent is not subject to prosecution, search, or inspection, except by the department pursuant to Section 17 of this act, seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting pursuant to this act and rules authorized by this act to:
(a) Possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture, compound, convert, prepare, pack, repack, or store medical cannabis;

(b) Deliver, transfer, or transport medical cannabis and cannabis products to testing facilities and compensate testing facilities for services provided;

(c) Accept medical cannabis products offered by a cardholder or nonresident cardholder if nothing of value is exchanged in return;

(d) Purchase or otherwise acquire medical cannabis and cannabis products from medical cannabis establishments;

(e) Purchase cannabis seeds from cardholders, nonresident cardholders, and the equivalent of a medical cannabis establishment that is registered in another jurisdiction; and

(f) Deliver, sell, supply, transfer, or transport medical cannabis products, paraphernalia, and related supplies and educational materials to cultivation-processing facilities, dispensaries, pharmacies, and hospitals.

(11) A cannabis research facility or a cannabis research facility agent is not subject to prosecution, search, or inspection, except by the department as authorized under this act, seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting pursuant to this act and rules authorized by this act.
(a) Purchase or otherwise acquire medical cannabis from cultivation-processing facilities;

(b) Possess, produce, manufacture, compound, convert, prepare, pack, repack, and store medical cannabis and cannabis products;

(c) Deliver, transfer, or transport medical cannabis, paraphernalia, and related supplies and educational materials to cultivation-processing facilities and other research facilities;

(d) Deliver, transfer, or transport medical cannabis to testing facilities and compensate testing facilities for services provided;

(e) Deliver, sell, supply, transfer, or transport medical cannabis, paraphernalia, and related supplies and educational materials to cannabis cultivation-processing facilities.

(12) A testing facility or testing facility agent is not subject to prosecution, search, or inspection, except by the department pursuant to Section 17 of this act, seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting pursuant to this act and rules authorized by this act to:

(a) Acquire, possess, transport, and store medical cannabis and cannabis products obtained from cardholders, nonresident cardholders, and medical cannabis establishments;
(b) Return the cannabis and cannabis products to the cardholders, nonresident cardholders, and medical cannabis establishments from whom it was obtained;

c) Test cannabis, including for potency, pesticides, mold, or contaminants; and

d) Receive compensation for those services.

(13) A cardholder, nonresident cardholder, or the equivalent of a medical cannabis establishment that is registered in another jurisdiction may sell or donate cannabis seeds to cultivation-processing facilities.

(14) Any medical cannabis, cannabis product, paraphernalia, or other interest in or right to property that is possessed, owned, or used in connection with the medical use of cannabis as allowed under this act, or acts incidental to such use, shall not be seized or forfeited. This act shall not prevent the seizure or forfeiture of cannabis exceeding the amounts allowed under this act, nor shall it prevent seizure or forfeiture if the basis for the action is unrelated to the cannabis that is possessed, manufactured, transferred, or used pursuant to this act.

(15) Possession of, or application for, a registry identification card does not constitute probable cause or reasonable suspicion, nor shall it be used to support a search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person
or property of the person to inspection by any governmental agency.

(16) For the purposes of Mississippi state law, activities related to medical cannabis shall be considered lawful if done in accordance with this act.

(17) No law enforcement officer employed by an agency which receives state or local government funds shall expend any state or local resources, including the officer's time, to effect any arrest or seizure of medical cannabis, or conduct any investigation, on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with state medical cannabis laws, nor shall any such officer expend any state or local resources, including the officer's time, to provide any information or logistical support related to such activity to any federal law enforcement authority or prosecuting entity.

(18) It is the public policy of the State of Mississippi that contracts related to medical cannabis that are entered into by cardholders, medical cannabis establishments, or medical cannabis establishment agents, and those who allow property to be used by those persons, should be enforceable. It is the public policy of the State of Mississippi that no contract entered into by a cardholder, a medical cannabis establishment, or a medical cannabis establishment agent, or by a person who allows property to be used for activities that are exempt from state criminal
penalties by this act, shall be unenforceable on the basis that
activities related to cannabis are prohibited by federal law.

(19) Before sale, food or drink that has been combined with
usable cannabis or cannabis products shall not exceed twenty
milligrams (20mg) of active tetrahydrocannabinol (THC) per portion
and shall be physically demarked. If portions of the food or
drink cannot be physically demarked, the entirety of the food or
drink that has been combined with usable cannabis or cannabis
products shall not contain more than twenty milligrams (20mg) of
active tetrahydrocannabinol (THC).

SECTION 4. Limitations. This act does not authorize any
person to engage in, and does not prevent the imposition of any
civil, criminal, or other penalties for engaging in, the following
conduct:

(a) Undertaking any task under the influence of
cannabis, when doing so would constitute negligence or
professional malpractice;

(b) Possessing cannabis or otherwise engaging in the
medical use of cannabis in any correctional facility, unless the
correctional facility has elected to allow the cardholder to
engage in the use of medical cannabis;

(c) Smoking cannabis in a public place; or

(d) Operating, navigating, or being in actual physical
control of any motor vehicle, aircraft, train, or motorboat while
under the influence of cannabis.
SECTION 5. Discrimination prohibited. (1) No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for the person's status as a cardholder, unless failing to do so would violate federal law or regulations or cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(2) For the purposes of medical care, including organ and tissue transplants, a registered qualifying patient's use of cannabis according to this act is considered the equivalent of the authorized use of any other medication used at the discretion of a practitioner and does not constitute the use of an illicit substance or otherwise disqualify a qualifying patient from needed medical care.

(3) A person shall not be denied custody of or visitation rights or parenting time with a minor solely for the person's status as a cardholder, and there shall be no presumption of neglect or child endangerment for conduct allowed under this act, unless the person's behavior is such that it creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

(4) The rights provided by this section do not apply to the extent that they conflict with an employer's obligations under federal law or regulations or to the extent that they would disqualify an employer from a monetary or licensing-related benefit under federal law or regulations.
(5) No employer is required to allow the ingestion of cannabis in any workplace or to allow any employee to work while under the influence of cannabis. A registered qualifying patient shall not be considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment.

(6) No school, landlord, or employer may be penalized or denied any benefit under state law for enrolling, leasing to, or employing a cardholder.

(7) Facilities such as schools and daycares, and temporary care providers shall be allowed to administer medical cannabis as in the same manner as with medical prescriptions.

SECTION 6. Addition of debilitating medical conditions. Any resident of Mississippi may petition the department to add serious medical conditions or their treatments to the list of debilitating medical conditions listed in Section 2 of this act. The department shall consider petitions in the manner required by department regulation, including public notice and hearing. The department shall approve or deny a petition within one hundred eighty (180) days of its submission. The approval or denial of any petition is a final decision of the department, subject to judicial review. Jurisdiction and venue for judicial review are vested in the circuit court.
**SECTION 7. Acts not required and acts not prohibited.** (1) Nothing in this act requires a government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of cannabis.

(2) Nothing in this act prohibits an employer from disciplining an employee for ingesting cannabis in the workplace or for working while under the influence of cannabis.

**SECTION 8. Facility restrictions.** (1) Any nursing care institution, hospice, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility, or adult foster care home may adopt reasonable restrictions on the use of cannabis by their residents or persons receiving inpatient services, including:

(a) That the facility will not store or maintain the patient's supply of cannabis;

(b) That the facility, caregivers, or hospice agencies serving the facility's residents are not responsible for providing the cannabis for qualifying patients;

(c) That cannabis be consumed only in a place specified by the facility.

(2) Nothing in this section requires a facility listed in subsection (1) of this section to adopt restrictions on the medical use of cannabis.

(3) A facility listed in subsection (1) of this section may not unreasonably limit a registered qualifying patient's access to...
or use of cannabis authorized under this act unless failing to do
so would cause the facility to lose a monetary or
licensing-related benefit under federal law or regulations.

SECTION 9. Issuance and denial of registry identification
cards. (1) No later than one hundred eighty (180) days after the
effective date of this act, the department shall begin issuing
registry identification cards to qualifying patients who submit
the following, in accordance with the department's regulations:

(a) Medical records evidencing a diagnosis of a
debilitating medical condition or a written certification issued
by a practitioner within ninety (90) days immediately preceding
the date of the application;

(b) The application or renewal fee;

(c) The name, address, and date of birth of the
qualifying patient, except that if the applicant is homeless, no
address is required;

(d) The name, address, and telephone number of the
qualifying patient's practitioner issuing the written
certification;

(e) The name, address, and date of birth of the
designated caregiver, or designated caregivers, chosen by the
qualifying patient; and

(f) If more than one (1) designated caregiver is
designated at any given time, documentation demonstrating that a
greater number of designated caregivers is needed due to the patient's age or medical condition.

(2) If the qualifying patient is unable to submit the information required by subsection (1) of this section due to the person's age or medical condition, the person responsible for making medical decisions for the qualifying patient may do so on behalf of the qualifying patient.

(3) Except as provided in subsection (5) of this section, the department shall:

(a) Verify the information contained in an application or renewal submitted under this act and approve or deny an application or renewal within thirty (30) days of receiving a completed application or renewal application;

(b) Issue registry identification cards to a qualifying patient and his or her designated caregiver(s), if any, within five (5) days of approving the application or renewal. A designated caregiver must have a registry identification card for each of his or her qualifying patients;

(c) Enter the registry identification number of the dispensary, dispensaries, pharmacy or pharmacies the patient designates into the verification system; and

(d) Charge a nonrefundable processing fee of Ten Dollars ($10.00) in advance for all card applications.
(4) The department may conduct a background check of the prospective designated caregiver in order to carry out the provisions of this section.

(5) The department shall not issue a registry identification card to a qualifying patient who is younger than eighteen (18) years of age unless:

(a) The qualifying patient's practitioner has explained the potential risks and benefits of the use of medical cannabis to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:

(i) Allow the qualifying patient's use of medical cannabis;

(ii) Serve as the qualifying patient's designated caregiver; and

(iii) Control the acquisition of the medical cannabis, the dosage, and the frequency of the use of medical cannabis by the qualifying patient.

(6) The department may deny an application or renewal of a qualifying patient's registry identification card only if the applicant:

(a) Did not provide the required information or materials;
(b) Previously had a registry identification card revoked; or

(c) Provided false information.

(7) The department may deny an application or renewal for a designated caregiver chosen by a qualifying patient whose registry identification card was granted only if:

(a) The designated caregiver does not meet the definition under Section 2 of this act;

(b) The applicant did not provide the information required;

(c) The designated caregiver previously had a registry identification card revoked; or

(d) The applicant or the designated caregiver provided false information.

(8) The department shall give written notice to the qualifying patient of the reason for denying a registry identification card to the qualifying patient or to the qualifying patient's designated caregiver.

(9) Denial of an application or renewal is considered a final department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the circuit court.

(10) Until a qualifying patient who has submitted an application to the department receives a registry identification card or a rejection, a copy of the individual's application, written certification, and proof that the application was
submitted to the department shall be deemed a registry identification card.

(11) Until a designated caregiver whose qualifying patient has submitted an application and the required fees receives a registry identification card or a rejection, a copy of the qualifying patient's application, written certification, and proof that the application was submitted to the department shall be deemed a registry identification card.

**SECTION 10. Registry identification cards.** (1) Registry identification cards must contain all of the following:

(a) The name of the cardholder;

(b) A designation of whether the cardholder is a qualifying patient or a designated caregiver;

(c) The date of issuance and expiration date of the registry identification card;

(d) A random ten-digit alphanumeric identification number, containing at least four (4) numbers and at least four (4) letters, that is unique to the cardholder;

(e) If the cardholder is a designated caregiver, the random identification number of the qualifying patient the designated caregiver will assist;

(f) A photograph of the cardholder, if the department's regulations require one; and

(g) The phone number or internet address where the card can be verified.
(2) Except as provided in this section, the expiration date shall be one (1) year after the date of issuance.

(3) If the practitioner stated in the written certification that the qualifying patient would benefit from cannabis until a specified earlier date, then the registry identification card shall expire on that date.

SECTION 11. Temporary registry identification cards. (1) Until sixty (60) days after the department makes applications available, a valid, written certification issued within the previous year shall be deemed a registry identification card for a qualifying patient.

(2) Until sixty (60) days after the department makes applications available, the following shall be deemed a designated caregiver registry identification card:

   (a) A copy of a qualifying patient's valid written certification issued within the previous year; and

   (b) A signed affidavit attesting that the person has significant responsibility for managing the well-being of the patient and that the person has been chosen to assist the qualifying patient.

SECTION 12. Verification system. (1) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards and their addresses, phone numbers, and registry identification numbers. This confidential list shall not be combined or linked in any manner
with any other list or database, nor shall it be used for any
purpose not provided for in this act.

(2) Within one hundred twenty (120) days after the effective
date of this act, the department shall establish a secure phone or
internet-based verification system. The verification system must
allow law enforcement personnel and medical cannabis
establishments to enter a registry identification number to
determine whether the number corresponds with a current, valid
registry identification card. The system may disclose only:

(a) Whether the identification card is valid;
(b) The name of the cardholder;
(c) Whether the cardholder is a qualifying patient or a
designated caregiver;
(d) The registry identification number of any
affiliated registered qualifying patient; and
(e) The registry identification of the qualifying
patient's dispensary, dispensaries, pharmacy or pharmacies, if
any.

SECTION 13. Notifications to department and responses. (1)
The following notifications and department responses are required:
(a) A registered qualifying patient shall notify the
department of any change in his or her name or address, or if the
registered qualifying patient ceases to have his or her
debilitating medical condition, within twenty (20) days of the
change.
(b) A registered designated caregiver shall notify the department of any change in his or her name or address, or if the designated caregiver becomes aware the qualifying patient passed away, within twenty (20) days of the change.

(c) Before a registered qualifying patient changes his or her designated caregiver, the qualifying patient must notify the department.

(d) When a registered qualifying patient changes his or her preference as to the cultivation-processing facility that may cultivate medical cannabis unique to specific needs for the qualifying patient, the qualifying patient must notify the department.

(e) If a cardholder loses his or her registry identification card, he or she shall notify the department within ten (10) days of becoming aware that the card has been lost.

(f) Before a registered qualifying patient changes his or her designated dispensary, the qualifying patient must notify the department.

(2) Each notification that a registered qualifying patient is required to make shall instead be made by the patient's designated caregiver if the qualifying patient is unable to make the notification due to his or her age or medical condition.

(3) When a cardholder notifies the department of items listed in subsection (1) of this section but remains eligible under this act, the department shall issue the cardholder a new
registry identification card with a new random ten-digit alphanumeric identification number within ten (10) days of receiving the updated information and charge a fee of Twenty Dollars ($20.00). If the person notifying the department is a registered qualifying patient, the department shall also issue his or her registered designated caregiver, if any, a new registry identification card within ten (10) days of receiving the updated information.

(4) If the registered qualifying patient's certifying practitioner notifies the department in writing that either the registered qualifying patient has ceased to suffer from a debilitating medical condition or that the practitioner no longer believes the patient would receive medical or palliative benefit from the use of medical cannabis, the card shall become null and void. However, the registered qualifying patient has fifteen (15) days to return any unused cannabis to the dispensing dispensary or pharmacy.

(5) A medical cannabis establishment shall notify the department within one (1) business day of any theft or loss of cannabis.

**SECTION 14.** Affirmative defense and dismissal for medical cannabis. (1) Except as provided in Section 4 of this act and this section, a person may assert the medical purpose for using cannabis as a defense to any prosecution involving cannabis, and
such defense shall be presumed valid where the evidence shows
that:

(a) A practitioner has stated that, in the
practitioner's professional opinion, after having completed a full
assessment of the person's medical history and current medical
condition made in the course of a bona fide practitioner-patient
relationship, the patient has a debilitating medical condition and
the potential benefits of using medical cannabis would likely
outweigh the health risks for the person;

(b) The person was in possession of no more than the
allowable amount of cannabis;

(c) The person was engaged in the acquisition,
possession, use, or transportation of cannabis, paraphernalia, or
both, relating to the administration of cannabis to treat or
alleviate the individual's debilitating medical condition or
symptoms associated with the individual's debilitating medical
condition.

(2) The defense and motion to dismiss shall not prevail if
the prosecution proves that:

(a) The person had a registry identification card
revoked for misconduct; or

(b) The purposes for the possession of cannabis were
not solely for palliative or medical use by the individual with a
debilitating medical condition who raised the defense.
(3) An individual is not required to possess a registry identification card to raise the affirmative defense set forth in this section.

(4) If an individual demonstrates the individual's medical purpose for using cannabis pursuant to this section, except as provided in Section 4 of this act, the individual shall not be subject to the following for the individual's use of cannabis for medical purposes:

(a) Disciplinary action by an occupational or professional licensing board or bureau; or

(b) Forfeiture of any interest in or right to any property other than cannabis.

SECTION 15. Registration of medical cannabis establishments.

(1) (a) The department shall initially issue five (5) cultivation-processing facility licenses. The department may add additional licenses as it determines.

(b) The department shall issue at least one (1) dispensary license for each county. The department shall give additional consideration to multiple dispensaries in a county with a population exceeding thirty thousand (30,000) according to the latest decennial census.

(2) The cultivation-processing facility license application fee shall be a nonrefundable fee of Two Hundred Thousand Dollars ($200,000.00), and the initial medical marijuana dispensary license fee shall be a nonrefundable fee of Twenty Thousand Dollars ($20,000.00).
Dollars ($20,000.00). Each cultivation-processing facility shall be subject to an annual license renewal fee of One Hundred Thousand Dollars ($100,000.00). Each medical marijuana dispensary shall be subject to an annual license renewal fee of Ten Thousand Dollars ($10,000.00).

(3) Not later than October 15, 2021, the department shall begin accepting applications for licenses to operate a cultivation-processing facility and dispensaries, and the department shall award the licenses set forth in this subsection (2) of this section on or before January 15, 2022.

(4) No individual shall have an economic interest in more than one (1) cultivation-processing license and more than five (5) dispensary licenses.

(5) A dispensary shall appoint a pharmacist consultant who is a pharmacist licensed with the Mississippi State Board of Pharmacy.

(6) No later than January 4, 2022, the department shall begin accepting applications for prospective medical cannabis establishments.

(7) Minimum qualifications for applicants for a cultivation-processing facility and/or dispensary license(s) are as follows:

(a) An individual applicant for a medical marijuana cultivation facility or medical marijuana dispensary license shall be a natural person who:
ST: Mississippi Medical Cannabis Act; create.

(i) Is at least twenty-one (21) years of age;

(ii) Is a current resident of the State of Mississippi and has been a resident for five (5) consecutive years prior to the date of application as determined by this section;

(iii) Has not previously held a license for a cultivation-processing facility or dispensary that has been revoked;

(iv) Has no ownership in any other medical marijuana cultivation-processing facility or more than five (5) dispensaries in the State of Mississippi;

(v) Has not been convicted of a felony offense;

(vi) If possessing a professional license, that the license is in good standing; and

(vii) Has no outstanding tax delinquencies owed to the State of Mississippi.

(b) If the applicant is applying on behalf of an entity, in addition to paragraph (a) of this subsection, the individual applicant shall:

(i) Be legally authorized to submit an application on behalf of the entity;

(ii) Serve as the primary point of contact with the department;

(iii) Submit sufficient proof that:
1. The entity has no owner, board member, officer, or anyone with an economic interest in the entity who is under the age of twenty-one (21);

2. At least fifty-one percent (51%) of the equity ownership interests in the entity are held by individuals who have been residents of the State of Mississippi for at least five (5) consecutive years prior to the application date and any attempt to avoid this provision may result in denial of an application and revocation of a license;

3. The entity has at least one (1) owner who is an African American and one (1) owner who is a member of any other minority group as defined herein;

4. The entity has no owner, board member, officer, or anyone with an economic interest in the entity who has previously been an owner of a dispensary or cultivation-processing facility that has had its license revoked;

5. The entity has no owner, board member, officer, or anyone with an economic interest in the entity who has ownership in any other medical marijuana cultivation facility or more than five (5) medical marijuana dispensaries in the State of Mississippi;

6. The entity has no owner, board member, officer, or anyone with an economic interest in the entity who has been convicted of a felony offense;
7. If an owner, board member, officer, or anyone with an economic interest in the entity who has or had a professional license, that the license is in good standing;

8. The entity has no owner, board member, officer, or anyone with an economic interest in the entity who owes delinquent taxes to the State of Mississippi; and

9. The entity has owners with experience in managing and securing large quantities of cash and experience in operating regulated businesses with revenues exceeding Ten Million Dollars ($10,000,000.00) in the State of Mississippi within the last ten (10) years.

(iv) Applicants for a cultivation-processing facility license shall provide proof of assets or a surety bond in the amount of Twenty Million Dollars ($20,000,000.00) and proof of at least Ten Million Dollars ($10,000,000.00) in liquid assets; and applicants for a dispensary license shall provide proof of assets or a surety bond in the amount of Two Hundred Fifty Thousand Dollars ($250,000.00) and proof of at least Five Hundred Thousand Dollars ($500,000.00) in liquid assets.

(v) For purposes of this section, it shall be sufficient to prove Mississippi residency for the individual(s) to submit one (1) of the following source documents:

1. Mississippi Tax Return Form 80-105 or Form 80-205 for each of the five (5) years preceding the application without schedules, worksheets, or attachments, and redacted to
remove all financial information and all but the last four (4)
digits of the individual's social security number for the five (5)
years preceding the application;

2. Evidence of voter registration for the
five (5) years preceding the application;

3. Ownership, lease, or rental documents for
place of primary domicile for the five (5) years preceding the
application;

4. Billing statements, including utility
bills for the five (5) years preceding the application; or

5. Vehicle registration for the five (5)
years preceding the application.

(8) Ownership in a medical marijuana cultivation-processing
facility license or a dispensary license or investment in a
business that supports or benefits from such a license shall not
disqualify or otherwise negatively impact the license or finding
of suitability of such owner who is otherwise engaged in any other
form of business operation in the state, should such business
require the owner to hold a license or be found suitable under
state law.

(9) The number of test facilities, pharmacies, hospitals,
and research facilities shall not be limited. The department
shall begin accepting and processing applications under this
subsection on November 15, 2021. All test facilities, pharmacies,
hospitals and research facilities shall be subject to an
application fee of Fifteen Thousand Dollars ($15,000.00), and an annual license renewal fee of Two Thousand Five Hundred Dollars ($2,500.00). No later than ninety (90) days after receiving an application for any medical cannabis establishment other than a cultivation processing facility or dispensary, the department shall register the prospective medical cannabis establishment and issue a registration certificate and a random ten-digit alphanumeric identification number if all of the conditions in Section 17(2) of this act are satisfied.

(10) All business entities applying for registration as a medical cannabis establishment must meet all the requirements specified in Section 17(2) of this act.

(a) A prospective medical cannabis establishment shall submit all of the following:

(i) An application, including:

1. The legal name of the prospective medical cannabis establishment;

2. The physical address of the prospective medical cannabis establishment that is not within two thousand (2,000) feet of a public or private school, church, or daycare existing before the date of the medical cannabis establishment application;

3. The name and date of birth of each principal officer and board member of the proposed medical cannabis establishment; and
4. Any additional information requested by the department.

   (ii) Operating procedures consistent with rules for oversight of the proposed medical cannabis establishment, including procedures to ensure accurate recordkeeping and adequate security measures.

   (iii) If the city or county where the proposed medical cannabis establishment would be located has enacted zoning restrictions, a sworn statement certifying that the proposed medical cannabis establishment is in compliance with the restrictions.

   (iv) If the city or county where the proposed medical cannabis establishment requires a local registration, license, or permit, a copy of the registration, license, or permit.

   (v) Verification that none of the principal officers or board members has served as a principal officer or board member for a medical cannabis establishment that has had its registration certificate revoked.

   (vi) Verification that none of the principal officers or board members is under twenty-one (21) years of age.

   (11) The department shall issue a renewal registration certificate within ten (10) days of receipt of the prescribed renewal application and renewal fee from a medical cannabis establishment.
establishment if its registration certificate is not under suspension and has not been revoked.

   (12) A cultivation-processing facility shall collect and remit a special privilege tax of four percent (4%) from the gross receipts or gross proceeds derived from each sale of medical marijuana on forms and in a manner specified by the Commissioner of Revenue. A dispensary shall collect and remit a special privilege tax of ten percent (10%) from the gross receipts or gross proceeds derived from each sale of medical marijuana on forms and in a manner specified by the Commissioner of Revenue.

   SECTION 16. Local ordinances. (1) A local government may enact ordinances or regulations not in conflict with this act, or with regulations enacted under this act, governing the time, place, and manner of medical cannabis establishment operations in the locality. A local government may establish penalties for violation of an ordinance or regulations governing the time, place, and manner of a medical cannabis establishment that may operate in the locality.

   (2) No local government may prohibit dispensaries, either expressly or through the enactment of ordinances or regulations that make their operation impracticable in the jurisdiction.

   (3) A local government may require a medical cannabis establishment to obtain a local license, permit, or registration to operate, and may charge a reasonable fee for the local license, permit, or registration.
SECTION 17. Requirements, prohibitions and penalties. (1) Medical cannabis establishments shall conduct a background check into the criminal history of every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at the medical cannabis establishment.

(2) A medical cannabis establishment may not employ any person who:

(a) Was convicted of a disqualifying felony offense; or

(b) Is under twenty-one (21) years of age.

(3) The operating documents of a medical cannabis establishment must include procedures for the oversight of the medical cannabis establishment and procedures to ensure accurate recordkeeping.

(4) A medical cannabis establishment shall implement appropriate security measures designed to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

(5) Each cultivation-processing facility and dispensary shall provide a reliable and ongoing supply of medical cannabis needed for the registry program.

(6) All cultivation, harvesting, manufacture, and packaging of cannabis must take place in a secure facility with a physical address provided to the department during the registration process. The secure facility may only be accessed by agents of
the medical cannabis establishment, emergency personnel, and adults who are twenty-one (21) years of age and older and who are accompanied by medical cannabis establishment agents.

(7) No medical cannabis establishment other than a cannabis cultivation-processing facility or research facility may produce cannabis concentrates, cannabis extractions, or other cannabis products.

(8) A medical cannabis establishment may not share office space with or refer patients to a practitioner.

(9) Medical cannabis establishments are subject to inspection by the department during business hours.

(10) Before cannabis may be dispensed to a cardholder, a dispensary agent must:

(a) Make a diligent effort to verify that the registry identification card or registration presented to the dispensary or pharmacy is valid;

(b) Make a diligent effort to verify that the person presenting the documentation is the person identified on the document presented to the dispensary or pharmacy agent;

(c) Not believe that the amount dispensed would cause the person to possess more than the allowable amount of cannabis; and

(d) Make a diligent effort to verify that the dispensary or pharmacy is the current dispensary or pharmacy that was designated by the cardholder.
(11) A dispensary or pharmacy may not dispense more than the allowable amount of cannabis to a nonresident cardholder or a registered qualifying patient, directly or via a designated caregiver in any twenty-four-day period. Dispensaries and pharmacies shall ensure compliance with this limitation by maintaining internal, confidential records that include records specifying how much cannabis is being dispensed to the nonresident cardholder or registered qualifying patient and whether it was dispensed directly to a registered qualifying patient or to the designated caregiver.

(12) A medical cannabis establishment agent shall not issue a written certification.

SECTION 18. Department to issue regulations. (1) Not later than one hundred twenty (120) days after the effective date of this act, the department shall promulgate regulations:

(a) Governing the manner in which the department shall consider petitions from the public to add debilitating medical conditions or treatments to the list of debilitating medical conditions set forth in Section 2 of this act, including public notice of and opportunities to comment in public hearings on the petitions;

(b) Establishing the form and content of registration and renewal applications submitted under this act;

(c) Governing the manner in which it shall consider applications for and renewals of registry identification cards,
which may include creating a standardized written certification form;

(d) Governing medical cannabis establishments with the goals of ensuring the health and safety of qualifying patients and preventing diversion and theft without imposing an undue burden or compromising the confidentiality of cardholders, including:

(i) Oversight requirements;

(ii) Record-keeping requirements;

(iii) Qualifications that are directly and demonstrably related to the operation of cannabis establishments;

(iv) Security requirements, including lighting, physical security, and alarm requirements;

(v) Health and safety regulations, including restrictions on the use of pesticides that are injurious to human health;

(vi) Standards for the manufacture of cannabis products and the indoor cultivation of cannabis by cultivation-processing facilities;

(vii) Requirements for the transportation and storage of cannabis by medical cannabis establishments;

(viii) Employment and training requirements, including requiring that each medical cannabis establishment create an identification badge for each agent;

(ix) Standards for the safe manufacture of medical cannabis products, including extracts and concentrates;
(x) Restrictions on the advertising, signage, and display of medical cannabis, provided that the restrictions may not prevent appropriate signs on the property of a dispensary or pharmacy, listings in business directories, including phone books, listings in cannabis-related or medical publications, or the sponsorship of health or not-for-profit charity or advocacy events;

(xi) Requirements and procedures for the safe and accurate packaging and labeling of medical cannabis;

(xii) Standards for testing facilities, including requirements for equipment and qualifications for personnel;

(xiii) Protocol development for the safe delivery of cannabis from dispensaries to cardholders; and

(xiv) Reasonable requirements to ensure the applicant has sufficient property or capital to operate the applicant’s proposed medical cannabis establishment;

(xv) Procedures for suspending or terminating the registration certificates or registry identification cards of cardholders and medical cannabis establishments that commit multiple or serious violations of the provisions of this act or the regulations promulgated pursuant to this section;

(xvi) Procedures for establishing a seed to sale tracking a program;
(xvii) Requirements for labeling cannabis and cannabis products, including requiring cannabis product labels to include the following:

1. The length of time it typically takes for the product to take effect;
2. Disclosure of ingredients and possible allergens;
3. A nutritional fact panel; and
4. For edible cannabis products, when practicable, a standard symbol indicating that the product contains cannabis;

(xviii) Procedures for the registration of nonresident cardholders and their designation of no more than two (2) dispensaries, which must require the submission of:

1. A practitioner's statement confirming that the patient has a debilitating medical condition; and
2. Documentation demonstrating that the nonresident cardholder is allowed to possess cannabis or cannabis preparations in the jurisdiction where he or she resides;

(xix) The amount of cannabis products, including the amount of concentrated cannabis, each cardholder and nonresident cardholder can possess;

(xx) Reasonable application and renewal fees for registry identification cards and registration certificates, according to the following:
1. The total fees collected must generate revenues sufficient to offset all expenses of implementing and administering this act;

2. The department may establish a sliding scale of patient application and renewal fees based upon a qualifying patient's household income provided that the initial fee schedule shall be set as follows:

   a. The patient medical marijuana card application fee shall be Fifty Dollars ($50.00);

   b. The caregiver medical marijuana card application fee shall be Fifty Dollars ($50.00);

   c. The caregiver criminal background fee shall be Thirty-Seven Dollars ($37.00);

   d. The fee for a renewal of card shall be Fifty Dollars ($50.00);

   e. The fee for a visiting patient shall be Fifty Dollars ($50.00)

3. The department may accept donations from private sources to reduce application and renewal fees;

4. The department may adjust the fee schedule at its discretion; and

5. Fees collected by the department on applications, renewals, and the fees in this item shall be used to manage the program.
(2) At any time after the effective date of this act, the department may promulgate regulations governing the operations of medical cannabis establishments.

(3) No later than two (2) years from the implementation of this article, and every two (2) years thereafter, the department shall provide to the Legislature a comprehensive public report of the operation of this act. The department shall also provide quarterly reports for all sales of medical marijuana sold by dispensaries to qualified patients.

SECTION 19. Violations. (1) A cardholder or medical cannabis establishment that willfully fails to provide a notice required by Section 13 of this act is guilty of a civil offense, punishable by a fine of no more than One Thousand Five Hundred Dollars ($1,500.00), which may be assessed and collected by the department.

(2) In addition to any other penalty provided by law, a medical cannabis establishment or an agent of a medical cannabis establishment that intentionally sells or otherwise transfers cannabis in exchange for anything of value to a person other than a cardholder, a nonresident cardholder, or to a medical cannabis establishment or its agent is guilty of a felony punishable by a fine of not more than Five Thousand Dollars ($5,000.00), or by commitment to the custody of the Department of Corrections for not more than two (2) years, or both. A person convicted under this subsection may not continue to be affiliated with the medical
cannabis establishment and is disqualified from further participation under this act.

(3) In addition to any other penalty provided by law, a cardholder or nonresident cardholder who intentionally sells or otherwise transfers cannabis in exchange for anything of value to a person other than a cardholder or to a medical cannabis establishment or its agent is guilty of a felony punishable by a fine of not more than Three Thousand Dollars ($3,000.00), or by commitment to the Department of Corrections for not more than two (2) years, or both.

(4) A person who intentionally makes a false statement to a law enforcement official about any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), by imprisonment in the county jail for not more than ninety (90) days, or both. This penalty is in addition to any other penalties that may apply for making a false statement or for the possession, cultivation, or sale of cannabis not protected by this act. If a person convicted of violating this subsection is a cardholder, the person is disqualified from further participation under this act.

(5) A person who knowingly submits false records or documentation required by the department to certify a medical cannabis establishment under this act is guilty of a felony punishable by a fine of not more than Three Thousand Dollars
($3,000.00), or by commitment to the Department of Corrections for not more than two (2) years, or both.

(6) A practitioner who knowingly refers patients to a medical cannabis establishment or to a designated caregiver, who advertises in a medical cannabis establishment, or who issues written certifications while holding a financial interest in a medical cannabis establishment, is guilty of a civil offense and shall be fined up to Five Thousand Dollars ($5,000.00) by the department.

(7) Any person, including an employee or official of the department or another state agency or local government, who breaches the confidentiality of information obtained under this act is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment for not more than one hundred eighty (180) days in the county jail, or both.

(8) No person, other than a cultivation-processing facility or its agents complying with this act and department regulations, may extract compounds from cannabis using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol (ethyl alcohol). No person may extract compounds from cannabis using ethanol in the presence or vicinity of open flame. It shall be a felony punishable by up to three (3) years in prison and a Ten Thousand Dollar ($10,000.00) fine for any person to violate this subsection.
(9) A medical cannabis establishment is guilty of a civil offense for any violation of this act or the regulations issued under this act where no penalty has been specified, and shall be fined not more than Three Thousand Dollars ($3,000.00) by the department for each such violation. This penalty is in addition to any other penalties provided by law.

SECTION 20. Suspension and revocation. (1) The department may on its own motion or on complaint, after investigation and opportunity for a public hearing at which the medical cannabis establishment has been afforded an opportunity to be heard, suspend or revoke a registration certificate for multiple negligent or knowing violations or for a serious and knowing violation of this act or any rules under this act by the registrant or any of its agents.

(2) The department shall provide notice of suspension, revocation, fine, or other sanction, as well as the required notice of the hearing, by mailing the same in writing by certified mail, signature required, to the medical cannabis establishment at the address on the registration certificate. A suspension shall not be for a longer period than six (6) months.

(3) A medical cannabis establishment may continue to possess and cultivate cannabis, as the case may be, during a suspension, but it may not dispense, transfer, or sell cannabis.

(4) The department shall immediately revoke the registry identification card of any cardholder who sells cannabis to a
person who is not allowed to possess cannabis for medical purposes under this act. The cardholder shall be disqualified from further participation under this act.

(5) The department may revoke the registry identification card of any cardholder who knowingly commits multiple unintentional violations or a serious knowing violation of this act.

(6) Revocation is a final decision of the department subject to judicial review. Jurisdiction and venue for judicial review are vested in the circuit court.

**SECTION 21. Confidentiality.** (1) Data in registration applications and supporting data submitted by qualifying patients, designated caregivers and medical cannabis establishments, nonresident cardholders, pharmacies, hospitals and medical cannabis establishments, including data on designated caregivers and practitioners, are private data on individuals that is confidential and exempt from disclosure under the Mississippi Public Records Act of 1983, Sections 25-61-1 through 25-61-17.

(2) Data kept or maintained by the department may not be used for any purpose not provided for in this act and may not be combined or linked in any manner with any other list or database.

(3) Data kept or maintained by the department may be disclosed as necessary for:

(a) The verification of registration certificates and registry identification cards under Section 12 of this act;
ST: Mississippi Medical Cannabis Act; create.

(b) Submission of the annual report required by Section 24 of this act;

c) Notification of state or local law enforcement of apparent criminal violations of this act;

d) Notification of state and local law enforcement about falsified or fraudulent information submitted for purposes of obtaining or renewing a registry identification card; or

e) Notification of the State Board of Medical Licensure if there is reason to believe that a practitioner provided a written certification in violation of this act, or if the department has reason to believe the practitioner otherwise violated the standard of care for evaluating medical conditions.

(4) Any information kept or maintained by medical cannabis establishments must identify cardholders by their registry identification numbers and must not contain names or other personally identifying information.

(5) At the cardholder's request, the department may confirm the cardholder's status as a registered qualifying patient or a registered designated caregiver to a third party, such as a landlord, school, medical professional, or court.

(6) Any department hard drives or other data-recording media that are no longer in use and that contain cardholder information shall be destroyed.

SECTION 22. Business expenses, deductions. Notwithstanding any federal tax law to the contrary, in computing net income for
medical cannabis establishments, there shall be allowed as a
deduction from state taxes all the ordinary and necessary expenses
paid or incurred during the taxable year in carrying on a trade or
business as a medical cannabis establishment, including reasonable
allowance for salaries or other compensation for personal services
actually rendered.

SECTION 23. Advisory committee. (1) There is created an
advisory committee of fifteen (15) members comprised of: one (1)
member of the House of Representatives appointed by the Speaker of
the House; one (1) member of the Senate appointed by the
Lieutenant Governor; one (1) medical doctor; one (1) nurse
practitioner; one (1) dentist; one (1) optometrist; one (1) board
member or principal officer of a cultivation-processing facility;
one (1) board member or principal officer of a dispensary; one (1)
board member or principal officer of a cannabis testing facility;
one (1) member of the Department of Health; two (2) qualifying
patients; one (1) law enforcement officer; one (1) pharmacist; and
one (1) designated caregiver. All members of the advisory
committee other than the members of the House and Senate shall be
appointed by the Governor.

(2) The advisory committee shall meet at least two (2) times
per year for the purpose of evaluating and making recommendations
to the Legislature and the department regarding:
(a) The ability of qualifying patients in all areas of the state to obtain timely access to a variety of strains of high-quality medical cannabis;

(b) The effectiveness of the medical cannabis establishment facilities, individually and together, in serving the needs of qualifying patients, including the provision of educational and support services by dispensaries and pharmacies, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve the state's registered qualifying patients;

(c) The effectiveness of the cannabis testing facilities, including whether a sufficient number are operating;

(d) The sufficiency of the regulatory and security safeguards contained in this act and adopted by the department to ensure that access to and use of cannabis cultivated is provided only to cardholders;

(e) Any recommended additions or revisions to the department regulations or this act, including relating to security, safe handling, labeling, nomenclature, and whether additional types of licenses should be made available;

(f) Any research studies regarding health effects of medical cannabis for patients; and

(g) Whether the medical cannabis establishments are sufficient to provide steady access to a variety of cannabis products.
**SECTION 24. Annual report.** (1) The department shall report annually to the Legislature on the findings and recommendations of the advisory committee, the number of applications for registry identification cards received, the number of qualifying patients and designated caregivers approved, the number of registry identification cards revoked, the number of each type of medical cannabis establishment that is registered, and the expenses incurred and revenues generated from the medical cannabis program.

(2) The department shall not include identifying information on qualifying patients, designated caregivers, or practitioners in the report.

**SECTION 25. Not applicable to CBD oil.** This act does not apply to or supersede any of the provisions of Section 41-29-136.

**SECTION 26.** The following shall be codified as Section 27-65-28, Mississippi Code of 1972:

27-65-28. Upon every person engaging or continuing within this state in the business of selling cannabis products, the sales of which are legal under the provisions of the Mississippi Medical Cannabis Act, there is hereby levied, assessed and shall be collected a tax equal to seven percent (7%) of the gross proceeds of the retail sales of the business.

**SECTION 27.** (1) There is hereby created the "Mississippi Workforce and College Opportunity Scholarship Program." The program shall be administered by a Board of Directors. The board shall be managed in such a manner that enables the people of the
state to benefit from the tax revenue generated from the sale of cannabis products.

(2) The funds generated from retail and excise tax from the sale of cannabis products in the state shall be appropriated into a special fund for the purpose of administering the Mississippi Workforce and College Opportunity Scholarship Program.

(3) The program shall provide scholarships from these funds to students enrolled in full-time public and private colleges and universities and workforce training programs located in the state. The program may also provide scholarships to high-school students to pay for tuition for dual-enrollment classes.

(4) The program shall be considered a "last-dollar program." As a last-dollar program, the amount of funding provided to each student shall only cover the last-dollar amount of the student's costs to attend school after other financial aid is applied. The program shall consider any additional public or private funding, scholarships or grants that the student is eligible for in order to compute eligibility for the program.

(5) No student shall receive more than Four Thousand Dollars ($4,000.00) per year in scholarships from the program.

(6) The Board of Directors shall be composed of five (5) members, with the Governor appointing three (3) members and the Lieutenant Governor appointing two (2) members. The Governor shall appoint members to the board in the following manner: one (1) member from the Board of Trustees of State Institutions of
Higher Learning, one (1) member from the State Board for Community Colleges, and one (1) member from the state-at-large. The Lieutenant Governor shall appoint two (2) members from the state-at-large.

(7) (a) Members of the board shall be residents of the State of Mississippi. The Governor and Lieutenant Governor shall take into account the goals of geographic, racial, gender and other categories of diversity when nominating board members. (b) Members of the board shall serve terms of four (4) years.

(c) Members may serve beyond the end of their respective terms until their successors have been appointed and qualified. No member shall serve more than two (2) consecutive four-year terms. Members may be removed by the Governor for neglect of duty, misfeasance or nonfeasance in office. The board shall annually elect a chairman from among its voting members.

(8) Appointed members of the board shall be entitled to per diem compensation pursuant to Section 25-3-69. No appointed member of the board shall be considered a public officer.

(9) The board, upon the initial call of the Governor and the chairman thereafter, shall meet at least monthly for the first eighteen (18) months and at such other times as the chairman may determine. Three (3) voting members of the board shall constitute a quorum. The board shall also meet upon call of three (3) or
more of the voting members of the board. The board shall keep accurate and complete records of all its meetings.

(10) The board shall have the following powers and duties:

(a) Developing the administrative policy for the scholarship program;

(b) Promulgating rules and regulations pertaining to the implementation and operation of the scholarship program, including scholarship eligibility and academic compliance;

(c) Establishing a budget to support the activities of the program and periodically reviewing and if appropriate, revising the scholarship and other stipends offered through the program;

(d) Reviewing participants' progress in the program and mentoring students participating in the program; and

(e) Developing and participating in programs that provide initial practice support in collaboration with other interested professional organizations.

(11) Students who receive scholarships from the program shall complete eight (8) hours of community service for each semester in which they are enrolled. Students shall provide proof of completion of these hours to the program.

(12) The board shall submit an annual report by August 1 of each year to the Senate, House of Representatives, Governor and Lieutenant Governor.
SECTION 28. Section 41-29-125, Mississippi Code of 1972, is amended as follows:

41-29-125. (1) The State Board of Pharmacy may promulgate rules and regulations relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this state and the distribution and dispensing of controlled substances into this state from an out-of-state location.

(a) Every person who manufactures, distributes or dispenses any controlled substance within this state or who distributes or dispenses any controlled substance into this state from an out-of-state location, or who proposes to engage in the manufacture, distribution or dispensing of any controlled substance within this state or the distribution or dispensing of any controlled substance into this state from an out-of-state location, must obtain a registration issued by the State Board of Pharmacy, the State Board of Medical Licensure, the State Board of Dental Examiners, the Mississippi Board of Nursing or the Mississippi Board of Veterinary Medicine, as appropriate, in accordance with its rules and the law of this state. Such registration shall be obtained annually or biennially, as specified by the issuing board, and a reasonable fee may be charged by the issuing board for such registration.

(b) Persons registered by the State Board of Pharmacy, with the consent of the United States Drug Enforcement
Administration and the State Board of Medical Licensure, the State
Board of Dental Examiners, the Mississippi Board of Nursing or the
Mississippi Board of Veterinary Medicine to manufacture,
distribute, dispense or conduct research with controlled
substances may possess, manufacture, distribute, dispense or
collect research with those substances to the extent authorized by
their registration and in conformity with the other provisions of
this article.

(c) The following persons need not register and may
lawfully possess controlled substances under this article:

(1) An agent or employee of any registered
manufacturer, distributor or dispenser of any controlled substance
if he is acting in the usual course of his business or employment;

(2) A common or contract carrier or warehouse, or
an employee thereof, whose possession of any controlled substance
is in the usual course of business or employment;

(3) An ultimate user or a person in possession of
any controlled substance pursuant to a valid prescription or in
lawful possession of a Schedule V substance as defined in Section
41-29-121.

(d) The State Board of Pharmacy may waive by rule the
requirement for registration of certain manufacturers,
distributors or dispensers if it finds it consistent with the
public health and safety.
(e) A separate registration is required at each principal place of business or professional practice where an applicant within the state manufactures, distributes or dispenses controlled substances and for each principal place of business or professional practice located out-of-state from which controlled substances are distributed or dispensed into the state.

(f) The State Board of Pharmacy, the Mississippi Bureau of Narcotics, the State Board of Medical Licensure, the State Board of Dental Examiners, the Mississippi Board of Nursing and the Mississippi Board of Veterinary Medicine may inspect the establishment of a registrant or applicant for registration in accordance with the regulations of these agencies as approved by the board.

(2) Whenever a pharmacy ships, mails or delivers any Schedule II controlled substance listed in Section 41-29-115 to a private residence in this state, the pharmacy shall arrange with the entity that will actually deliver the controlled substance to a recipient in this state that the entity will: (a) deliver the controlled substance only to a person who is eighteen (18) years of age or older; and (b) obtain the signature of that person before delivering the controlled substance. The requirements of this subsection shall not apply to a pharmacy serving a nursing facility or to a pharmacy owned and/or operated by a hospital, nursing facility or clinic to which the general public does not have access to purchase pharmaceuticals on a retail basis.
(3) This section does not apply to any of the acts regarding the medical use of cannabis that are lawful under the Mississippi Medical Cannabis Act.

SECTION 29. Section 41-29-127, Mississippi Code of 1972, is amended as follows:

41-29-127. (a) The State Board of Pharmacy shall register an applicant to manufacture or distribute controlled substances included in Sections 41-29-113 through 41-29-121 unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the State Board of Pharmacy shall consider the following factors:

(1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) Past experience in the manufacture or distribution of controlled substances and the existence in the applicant’s establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material in any application filed under this article;
(6) Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) Any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II, as set out in Sections 41-29-113 and 41-29-115, other than those specified in the registration.

(c) Practitioners must be registered to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V, as set out in Sections 41-29-115 through 41-29-121, if they are authorized to dispense or conduct research under the law of this state. The State Board of Pharmacy need not require separate registration under this section for practitioners engaging in research with nonnarcotic controlled substances in the said Schedules II through V where the registrant is already registered therein in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances, as set out in Section 41-29-113, may conduct research with Schedule I substances within this state upon furnishing the State Board of Health evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) entitles them to be registered under this article.
(e) This section does not apply to any of the acts regarding the medical use of cannabis that are lawful under the Mississippi Medical Cannabis Act.

SECTION 30. 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 69-25-201 through 69-25-221, 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 does not apply to any of the acts regarding the medical use of cannabis that are lawful under the Mississippi Medical Cannabis Act.

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

(* * * 6) This section shall stand repealed from and after July 1, * * * 2025.
SECTION 31. Section 41-29-137, Mississippi Code of 1972, is amended as follows:

41-29-137. (a)  (1)  Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II, as set out in Section 41-29-115, may be dispensed without the written valid prescription of a practitioner. A practitioner shall keep a record of all controlled substances in Schedule I, II and III administered, dispensed or professionally used by him otherwise than by prescription.

(2) In emergency situations, as defined by rule of the State Board of Pharmacy, Schedule II drugs may be dispensed upon the oral valid prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of Section 41-29-133. No prescription for a Schedule II substance may be refilled unless renewed by prescription issued by a licensed medical doctor.

(b) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, as set out in Sections 41-29-117 and 41-29-119, shall not be dispensed without a written or oral valid prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner.
(c) A controlled substance included in Schedule V, as set
out in Section 41-29-121, shall not be distributed or dispensed
other than for a medical purpose.

(d) An optometrist certified to prescribe and use
therapeutic pharmaceutical agents under Sections 73-19-153 through
73-19-165 shall be authorized to prescribe oral analgesic
controlled substances in Schedule IV or V, as pertains to
treatment and management of eye disease by written prescription
only.

(e) Administration by injection of any pharmaceutical
product authorized in this section is expressly prohibited except
when dispensed directly by a practitioner other than a pharmacy.

(f) (1) For the purposes of this article, Title 73, Chapter
21, and Title 73, Chapter 25, Mississippi Code of 1972, as it
pertains to prescriptions for controlled substances, a "valid
prescription" means a prescription that is issued for a legitimate
medical purpose in the usual course of professional practice by:

(A) A practitioner who has conducted at least one
(1) in-person medical evaluation of the patient, except as
otherwise authorized by Section 41-29-137.1 through June 30, 2021;
or

(B) A covering practitioner.

(2) (A) "In-person medical evaluation" means a medical
evaluation that is conducted with the patient in the physical
presence of the practitioner, without regard to whether portions
of the evaluation are conducted by other health professionals.

(B) "Covering practitioner" means a practitioner
who conducts a medical evaluation other than an in-person medical
evaluation at the request of a practitioner who has conducted at
least one (1) in-person medical evaluation of the patient or an
evaluation of the patient through the practice of telemedicine
within the previous twenty-four (24) months and who is temporarily
unavailable to conduct the evaluation of the patient.

(3) A prescription for a controlled substance based
solely on a consumer's completion of an online medical
questionnaire is not a valid prescription.

(4) Nothing in this subsection (f) shall apply to:

(A) A prescription issued by a practitioner
engaged in the practice of telemedicine as authorized under state
or federal law; or

(B) The dispensing or selling of a controlled
substance pursuant to practices as determined by the United States
Attorney General by regulation.

(g) This section does not apply to any of the acts regarding
the medical use of cannabis that are lawful under the Mississippi
Medical Cannabis Act.

SECTION 32. Section 41-29-139, Mississippi Code of 1972, is
amended as follows:
41-29-139. (a) **Transfer and possession with intent to transfer.** Except as authorized by this article, it is unlawful for any person knowingly or intentionally:

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

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

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

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

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

   (B) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not less than three (3) years nor more than twenty (20) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both.
(C) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not less than five (5) years nor more than thirty (30) years or a fine of not more than Five Hundred Thousand Dollars ($500,000.00), or both.

(2) (A) For marijuana:

1. If thirty (30) grams or less, by imprisonment for not more than three (3) years or a fine of not more than Three Thousand Dollars ($3,000.00), or both;

2. If more than thirty (30) grams but less than two hundred fifty (250) grams, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars ($5,000.00), or both;

3. If two hundred fifty (250) or more grams but less than five hundred (500) grams, by imprisonment for not less than three (3) years nor more than ten (10) years or a fine of not more than Fifteen Thousand Dollars ($15,000.00), or both;

4. If five hundred (500) or more grams but less than one (1) kilogram, by imprisonment for not less than five (5) years nor more than twenty (20) years or a fine of not more than Twenty Thousand Dollars ($20,000.00), or both.

(B) For synthetic cannabinoids:

1. If ten (10) grams or less, by imprisonment for not more than three (3) years or a fine of not more than Three Thousand Dollars ($3,000.00), or both;
2. If more than ten (10) grams but less than twenty (20) grams, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars ($5,000.00), or both;

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

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

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

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

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

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

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

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

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

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

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

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

(c) **Simple possession.** It is unlawful for any person knowingly or intentionally to possess any controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article. The penalties for any violation of this subsection (c) with respect to a controlled substance classified in Schedules I, II, III, IV or V, as set out in Section 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including marijuana or synthetic cannabinoids, shall be based on dosage unit as defined herein or the weight of the controlled substance as set forth herein as appropriate:

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

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

The weight set forth refers to the entire weight of any mixture or substance containing a detectable amount of the controlled substance.
If a mixture or substance contains more than one (1) controlled substance, the weight of the mixture or substance is assigned to the controlled substance that results in the greater punishment.

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

1. A controlled substance classified in Schedule I or II, except marijuana and synthetic cannabinoids:
   - (A) If less than one-tenth (0.1) gram or two (2) dosage units, the violation is a misdemeanor and punishable by imprisonment for not more than one (1) year or a fine of not more than One Thousand Dollars ($1,000.00), or both.
   - (B) If one-tenth (0.1) gram or more or two (2) or more dosage units, but less than two (2) grams or ten (10) dosage units, by imprisonment for not more than three (3) years or a fine of not more than Fifty Thousand Dollars ($50,000.00), or both.
   - (C) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not more than eight (8) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both.
   - (D) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not less than three (3) years...
nor more than twenty (20) years or a fine of not more than Five Hundred Thousand Dollars ($500,000.00), or both.

(2) (A) Marijuana and synthetic cannabinoids:

1. If thirty (30) grams or less of marijuana or ten (10) grams or less of synthetic cannabinoids, by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00). The provisions of this paragraph (2)(A) may be enforceable by summons if the offender provides proof of identity satisfactory to the arresting officer and gives written promise to appear in court satisfactory to the arresting officer, as directed by the summons. A second conviction under this section within two (2) years is a misdemeanor punishable by a fine of Two Hundred Fifty Dollars ($250.00), not more than sixty (60) days in the county jail, and mandatory participation in a drug education program approved by the Division of Alcohol and Drug Abuse of the State Department of Mental Health, unless the court enters a written finding that a drug education program is inappropriate. A third or subsequent conviction under this paragraph (2)(A) within two (2) years is a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) and confinement for not more than six (6) months in the county jail.

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

2. Additionally, a person who is the operator of a motor vehicle, who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, more than one (1) gram, but not more than thirty (30) grams of marijuana or not more than ten (10) grams of synthetic cannabinoids is guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars ($1,000.00) or confined for not more than ninety (90) days in the county jail, or both. For the purposes of this subsection, such area of the vehicle shall not include the trunk of the motor vehicle or the areas not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers;

(B) Marijuana:

1. If more than thirty (30) grams but less than two hundred fifty (250) grams, by a fine of not more than One
Thousand Dollars ($1,000.00), or confinement in the county jail for not more than one (1) year, or both; or by a fine of not more than Three Thousand Dollars ($3,000.00), or imprisonment in the custody of the Department of Corrections for not more than three (3) years, or both;

2. If two hundred fifty (250) or more grams but less than five hundred (500) grams, by imprisonment for not less than two (2) years nor more than eight (8) years or by a fine of not more than Fifty Thousand Dollars ($50,000.00), or both;

3. If five hundred (500) or more grams but less than one (1) kilogram, by imprisonment for not less than four (4) years nor more than sixteen (16) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both;

4. If one (1) kilogram or more but less than five (5) kilograms, by imprisonment for not less than six (6) years nor more than twenty-four (24) years or a fine of not more than Five Hundred Thousand Dollars ($500,000.00), or both;

5. If five (5) kilograms or more, by imprisonment for not less than ten (10) years nor more than thirty (30) years or a fine of not more than One Million Dollars ($1,000,000.00), or both.

(C) Synthetic cannabinoids:

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

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

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

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

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

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

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

(C) If one hundred fifty (150) or more grams or
five hundred (500) or more dosage units, but less than three
hundred (300) grams or one thousand (1,000) dosage units, by
imprisonment for not less than two (2) years nor more than eight
(8) years or a fine of not more than Fifty Thousand Dollars
($50,000.00), or both.

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

(d) Paraphernalia. (1) It is unlawful for a person who is
not authorized by the State Board of Medical Licensure, State
Board of Pharmacy, or other lawful authority to use, or to possess
with intent to use, paraphernalia to plant, propagate, cultivate,
grow, harvest, manufacture, compound, convert, produce, process,
prepare, test, analyze, pack, repack, store, contain, conceal,
inject, ingest, inhale or otherwise introduce into the human body
a controlled substance in violation of the Uniform Controlled
Substances Law. Any person who violates this subsection (d)(1) is
guilty of a misdemeanor and, upon conviction, may be confined in
the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both; however, no person shall be charged with a violation of this subsection when such person is also charged with the possession of thirty (30) grams or less of marijuana under subsection (c)(2)(A) of this section.

(2) It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Law. Except as provided in subsection (d)(3), a person who violates this subsection (d)(2) is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.

(3) Any person eighteen (18) years of age or over who violates subsection (d)(2) of this section by delivering or selling paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.
2022 jail for not more than one (1) year, or fined not more than One
2023 Thousand Dollars ($1,000.00), or both.
2024 (4) It is unlawful for any person to place in any
2025 newspaper, magazine, handbill, or other publication any
2026 advertisement, knowing, or under circumstances where one
2027 reasonably should know, that the purpose of the advertisement, in
2028 whole or in part, is to promote the sale of objects designed or
2029 intended for use as paraphernalia. Any person who violates this
2030 subsection is guilty of a misdemeanor and, upon conviction, may be
2031 confined in the county jail for not more than six (6) months, or
2032 fined not more than Five Hundred Dollars ($500.00), or both.
2033 (e) It shall be unlawful for any physician practicing
2034 medicine in this state to prescribe, dispense or administer any
2035 amphetamine or amphetamine-like anorectics and/or central nervous
2036 system stimulants classified in Schedule II, pursuant to Section
2037 41-29-115, for the exclusive treatment of obesity, weight control
2038 or weight loss. Any person who violates this subsection, upon
2039 conviction, is guilty of a misdemeanor and may be confined for a
2040 period not to exceed six (6) months, or fined not more than One
2041 Thousand Dollars ($1,000.00), or both.
2042 (f) **Trafficking.** (1) Any person trafficking in controlled
2043 substances shall be guilty of a felony and, upon conviction, shall
2044 be imprisoned for a term of not less than ten (10) years nor more
2045 than forty (40) years and shall be fined not less than Five
2046 Thousand Dollars ($5,000.00) nor more than One Million Dollars
($1,000,000.00). The ten-year mandatory sentence shall not be reduced or suspended. The person shall not be eligible for probation or parole, the provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

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

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

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

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

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

(E) A violation of subsection (a) of this section involving one (1) kilogram or more of marijuana or two hundred (200) grams or more of synthetic cannabinoids.
(g) **Aggravated trafficking.** Any person trafficking in Schedule I or II controlled substances, except marijuana and synthetic cannabinoids, of two hundred (200) grams or more shall be guilty of aggravated trafficking and, upon conviction, shall be sentenced to a term of not less than twenty-five (25) years nor more than life in prison and shall be fined not less than Five Thousand Dollars ($5,000.00) nor more than One Million Dollars ($1,000,000.00). The twenty-five-year sentence shall be a mandatory sentence and shall not be reduced or suspended. The person shall not be eligible for probation or parole, the provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

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

- (A) The offender was not a leader of the criminal enterprise;
- (B) The offender did not use violence or a weapon during the crime;
(C) The offense did not result in a death or serious bodily injury of a person not a party to the criminal enterprise; and
(D) The interests of justice are not served by the imposition of the prescribed mandatory sentence.

The court may also consider whether information and assistance were furnished to a law enforcement agency, or its designee, which, in the opinion of the trial judge, objectively should or would have aided in the arrest or prosecution of others who violate this subsection. The accused shall have adequate opportunity to develop and make a record of all information and assistance so furnished.

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

(i) Mississippi Medical Cannabinoids. This section does not apply to any of the acts regarding the medical use of cannabis that are lawful under the Mississippi Medical Cannabis Act.

SECTION 33. Section 41-29-141, Mississippi Code of 1972, is amended as follows:

41-29-141. It is unlawful for any person:
(1) Who is subject to Section 41-29-125 to distribute or dispense a controlled substance in violation of Section 41-29-137;
(2) Who is a registrant under Section 41-29-125 to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;

(3) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this article;

(4) To refuse a lawful entry into any premises for any inspection authorized by this article; or

(5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this article for the purpose of using these substances, or which is used for keeping or selling them in violation of this article.

Any person who violates this section shall, with respect to such violation, be subject to a civil penalty payable to the State of Mississippi of not more than Twenty-five Thousand Dollars ($25,000.00).

In addition to the civil penalty provided in the preceding paragraph, any person who knowingly or intentionally violates this section shall be guilty of a crime and upon conviction thereof may be confined for a period of not more than one (1) year or fined not more than One Thousand Dollars ($1,000.00), or both.
This section does not apply to any of the acts regarding the medical use of cannabis that are lawful under the Mississippi Medical Cannabis Act.

SECTION 34. Section 41-29-143, Mississippi Code of 1972, is amended as follows:

41-29-143. It is unlawful for any person knowingly or intentionally:

1. To distribute as a registrant a controlled substance classified in Schedule I or II, as set out in Sections 41-29-113 and 41-29-115, except pursuant to an order form as required by Section 41-29-135;

2. To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person * * *

3. To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this article, or any record required to be kept by this article; or

4. To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.
Any person who violates this section is guilty of a crime and upon conviction may be confined for not more than one (1) year or fined not more than One Thousand Dollars ($1,000.00) or both.

This section does not apply to any of the acts regarding the medical use of cannabis that are lawful under the Mississippi Medical Cannabis Act.

SECTION 35. This act shall take effect if, and only if, the provisions of Initiative Measure Number 65 of 2020 are enjoined or otherwise not implemented.