

By: Representative Williams-Barnes

To: Drug Policy

HOUSE BILL NO. 1009

1 AN ACT TO AUTHORIZE MEDICAL MARIJUANA FOR QUALIFIED PERSONS  
2 WITH DEBILITATING MEDICAL CONDITIONS; TO STATE THE PURPOSE OF THIS  
3 ACT; TO PROVIDE THAT CERTAIN ACTIONS RELATING TO MEDICAL MARIJUANA  
4 SHALL NOT BE SUBJECT TO CIVIL OR CRIMINAL SANCTIONS; TO PROVIDE  
5 THAT THIS ACT DOES NOT APPLY TO CERTAIN SITUATIONS AND ACTIVITIES;  
6 TO PROVIDE THAT IT IS UNLAWFUL TO SMOKE MEDICAL MARIJUANA IN A  
7 PUBLIC PLACE; TO DEFINE CERTAIN TERMS FOR THE PURPOSE OF THIS ACT;  
8 TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL ADMINISTER  
9 THE PROVISIONS OF THIS ACT; TO DIRECT THE DEPARTMENT TO PRESCRIBE  
10 RULES AND REGULATIONS ADDRESSING CERTAIN MATTERS RELATING TO  
11 MEDICAL MARIJUANA; TO PROVIDE THAT THE RULES AND REGULATIONS MAY  
12 ASSESS FEES FOR ISSUING MEDICAL MARIJUANA IDENTIFICATION CARDS AND  
13 FOR LICENSING MEDICAL MARIJUANA TREATMENT CENTERS; TO PROVIDE THAT  
14 THE DEPARTMENT SHALL ISSUE IDENTIFICATION CARDS TO QUALIFIED  
15 PATIENTS UPON PRESENTATION OF A PHYSICIAN CERTIFICATION; TO  
16 PROVIDE THAT QUALIFIED PATIENTS ARE AUTHORIZED TO RECEIVE MEDICAL  
17 MARIJUANA FROM TREATMENT CENTERS UPON PRESENTATION OF THEIR  
18 IDENTIFICATION CARD; TO DIRECT THE DEPARTMENT TO ADOPT FINAL RULES  
19 AND REGULATIONS NOT LATER THAN JULY 2, 2021, AND BEGIN ISSUING  
20 IDENTIFICATION CARDS AND TREATMENT CENTER LICENSES NOT LATER THAN  
21 AUGUST 15, 2021; TO AUTHORIZE THE DEPARTMENT TO ADOPT AND LEVY  
22 ADMINISTRATIVE FINES TO ENFORCE THE PROVISIONS OF THIS ACT; TO  
23 PROVIDE FOR A TAX EQUAL TO THE GENERAL SALES TAX RATE UPON THE  
24 GROSS PROCEEDS OF THE FINAL SALES OF MEDICAL MARIJUANA; TO PROVIDE  
25 THAT REVENUE GENERATED FROM THIS TAX OR THROUGH THE ISSUANCE OF  
26 IDENTIFICATION CARDS OR THE LICENSING OF MEDICAL MARIJUANA  
27 TREATMENT CENTERS SHALL PAY FOR THE COSTS INCURRED BY THE  
28 DEPARTMENT IN IMPLEMENTING AND ENFORCING THE PROVISIONS OF THIS  
29 ACT; TO PROVIDE THAT ALL OF THOSE FUNDS SHALL BE DEPOSITED INTO A  
30 SPECIAL FUND IN THE STATE TREASURY, WHICH SHALL BE ADMINISTERED BY  
31 THE DEPARTMENT; TO PROVIDE THAT THE DEPARTMENT MAY MAKE  
32 EXPENDITURES FROM THE FUND UPON APPROPRIATION BY THE LEGISLATURE  
33 FOR COSTS OR OTHER SERVICES OR PROGRAMS ASSOCIATED WITH THIS ACT;  
34 TO PROVIDE THAT UPON REQUEST OF THE DEPARTMENT, THE STATE



35 TREASURER SHALL PROVIDE A LINE OF CREDIT FROM THE WORKING  
36 CASH-STABILIZATION FUND OR ANY OTHER AVAILABLE SPECIAL SOURCE  
37 FUNDS MAINTAINED IN THE STATE TREASURY IN AN AMOUNT NOT TO EXCEED  
38 \$2,500,000.00, FOR DEPOSIT TO THIS SPECIAL FUND TO PROVIDE  
39 SUFFICIENT WORKING CASH TO IMPLEMENT THE PROVISIONS OF THIS ACT;  
40 TO PROVIDE THAT MEDICAL MARIJUANA TREATMENT CENTERS SHALL NOT  
41 PROVIDE TO A QUALIFIED PATIENT, DURING ANY ONE FOURTEEN-DAY  
42 PERIOD, AN AMOUNT OF MEDICAL MARIJUANA THAT EXCEEDS TWO AND  
43 FIVE-TENTHS OUNCES BY WEIGHT; TO PROVIDE THAT AT NO ONE TIME SHALL  
44 A QUALIFIED PATIENT POSSESS MORE THAN TWO AND FIVE-TENTHS OUNCES  
45 OF MEDICAL MARIJUANA; TO PROVIDE THAT MEDICAL MARIJUANA SHALL ONLY  
46 BE DISPENSED TO A QUALIFIED PATIENT OR CAREGIVER WITH A CURRENT  
47 MEDICAL MARIJUANA IDENTIFICATION CARD BY A MEDICAL MARIJUANA  
48 TREATMENT CENTER; TO PROVIDE THAT NO MEDICAL MARIJUANA TREATMENT  
49 CENTER SHALL BE LOCATED WITHIN FIVE HUNDRED FEET OF A PRE-EXISTING  
50 SCHOOL, CHURCH OR LICENSED CHILD CARE CENTER; TO PROVIDE THAT ANY  
51 ZONING ORDINANCES, REGULATIONS AND/OR PROVISIONS OF A MUNICIPALITY  
52 OR COUNTY SHALL BE CONSISTENT WITH THIS ACT AND SHALL NOT IMPAIR  
53 THE AVAILABILITY OF AND REASONABLE ACCESS TO MEDICAL MARIJUANA; TO  
54 PROVIDE THAT ZONING PROVISIONS APPLICABLE TO MEDICAL MARIJUANA  
55 RETAIL DISPENSARIES SHALL BE NO MORE RESTRICTIVE THAN THOSE FOR A  
56 LICENSED RETAIL PHARMACY, AND ZONING PROVISIONS APPLICABLE TO  
57 OTHER BUSINESSES THAT FALL WITHIN THE DEFINITION OF MEDICAL  
58 MARIJUANA TREATMENT CENTERS SHALL BE NO MORE RESTRICTIVE THAN  
59 OTHER COMPARABLY SIZED AND STAFFED LAWFUL COMMERCIAL OR INDUSTRIAL  
60 BUSINESSES; TO AMEND SECTIONS 17-1-3, 25-53-5, 27-65-111,  
61 27-103-203, 41-29-125, 41-29-127, 41-29-136, 41-29-137, 41-29-139,  
62 41-29-141, 41-29-143, 59-23-7, 63-11-30, 73-25-29 AND 83-9-22,  
63 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;  
64 TO BRING FORWARD SECTION 27-65-75, MISSISSIPPI CODE OF 1972, WHICH  
65 PROVIDES FOR THE DISTRIBUTION OF SALES TAXES COLLECTED, FOR THE  
66 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

68 **SECTION 1.** The purpose of Sections 1 through 10 of this act  
69 is to ensure the availability of and safe access to medical  
70 marijuana for qualified persons with debilitating medical  
71 conditions.

72 **SECTION 2.** (1) Except as otherwise provided for in Sections  
73 1 through 10 of this act, a qualified patient or caregiver shall  
74 not be subject to criminal or civil sanctions for the use of



75 medical marijuana, obtained from a medical marijuana treatment  
76 center, for a debilitating medical condition.

77 (2) Except as otherwise provided for in Sections 1 through  
78 10 of this act, a physician shall not be subject to criminal or  
79 civil sanctions solely for issuing a physician certification to a  
80 person diagnosed with a debilitating medical condition.

81 (3) Except as otherwise provided for in Sections 1 through  
82 10 of this act, a medical marijuana treatment center and its  
83 officers, owners, operators, employees, contractors, and agents  
84 shall not be subject to criminal or civil sanctions for processing  
85 medical marijuana in compliance with regulations prescribed by the  
86 department.

87 **SECTION 3.** (1) Except as otherwise provided for in Sections  
88 1 through 10 of this act, nothing in Sections 1 through 10 of this  
89 act shall:

90 (a) Affect or repeal laws relating to the use of  
91 marijuana that is not intended for use for a debilitating medical  
92 condition.

93 (b) Authorize the use of medical marijuana for anyone  
94 other than a qualified patient, and, where authorized by Sections  
95 1 through 10 of this act, for caregivers and officers, owners,  
96 operators, employees, contractors, and agents of treatment  
97 centers.



98 (c) Permit a person to operate any motor vehicle,  
99 aircraft, train, or boat while consuming or impaired by medical  
100 marijuana.

101 (d) Require accommodation for the use of medical  
102 marijuana or require any on-site use of medical marijuana in any  
103 public or private correctional institution, detention facility, or  
104 place of education, or employment.

105 (e) Require any health insurance provider or any  
106 government agency or authority to reimburse any person for  
107 expenses related to the use of medical marijuana.

108 (f) Override any public laws, ordinances, regulations,  
109 or rules or any private rules, regulations, or provisions related  
110 to smoking in or on public or private places.

111 (g) Affect any existing drug testing laws, regulations,  
112 or rules.

113 (2) It is unlawful for any person to smoke medical marijuana  
114 in a public place. Any person who violates this subsection may,  
115 upon conviction, be punished by a fine of not more than One  
116 Hundred Dollars (\$100.00).

117 **SECTION 4.** For purposes of Sections 1 through 10 of this  
118 act, the following terms shall have the following meanings:

119 (a) "Caregiver" shall mean a person who is at least  
120 twenty-one (21) years of age, who complies with the regulations  
121 prescribed by the department, and who assists with a qualified  
122 patient's use of medical marijuana. The department may limit the



123 number of qualified patients a caregiver may assist at any one (1)  
124 time. A qualified patient may have more than one (1) caregiver.  
125 A caregiver is prohibited from consuming medical marijuana  
126 provided for use by a qualified patient.

127 (b) "Criminal or civil sanctions" shall mean arrest;  
128 incarceration; prosecution; penalty; fine; sanction; the denial of  
129 any right, privilege, license, certification; and/or to be subject  
130 to disciplinary action by a licensing board or commission; and/or  
131 to be subject to seizure and/or forfeiture of assets pursuant to  
132 any Mississippi law, local ordinance, or board, commission, or  
133 agency regulation or rule.

134 (c) "Debilitating medical condition" shall mean cancer,  
135 epilepsy or other seizures, Parkinson's disease, Huntington's  
136 disease, muscular dystrophy, multiple sclerosis, cachexia,  
137 post-traumatic stress disorder, positive status for human  
138 immunodeficiency virus, acquired immune deficiency syndrome,  
139 chronic or debilitating pain, amyotrophic lateral sclerosis,  
140 glaucoma, agitation of dementias, Crohn's disease, ulcerative  
141 colitis, sickle-cell anemia, autism with aggressive or  
142 self-injurious behaviors, pain refractory to appropriate opioid  
143 management, spinal cord disease or severe injury, intractable  
144 nausea, severe muscle spasticity, or another medical condition of  
145 the same kind or class to those herein enumerated and for which a  
146 physician believes the benefits of using medical marijuana would  
147 reasonably outweigh potential health risks.



148 (d) "Department" shall mean the Mississippi State  
149 Department of Health or its successor agency.

150 (e) "Medical marijuana" shall have the meanings given  
151 as of July 1, 2018, in Section 41-29-105(r) and/or Section  
152 41-29-105(o), of the Mississippi Code of 1972, and which is used  
153 to treat the symptoms and/or effects of a debilitating medical  
154 condition as provided for in Sections 1 through 10 of this act.

155 (f) "Medical marijuana identification card" shall mean  
156 a document, prescribed by and issued by the department, which  
157 identifies a person as a qualified patient or caregiver or  
158 officer, owner, operator, employee, contractor, or agent of a  
159 medical marijuana treatment center.

160 (g) "Medical marijuana treatment center" shall mean an  
161 entity that is registered with and licensed and regulated by the  
162 department and that processes medical marijuana, related supplies,  
163 and/or educational materials. A treatment center may engage in  
164 one or more of the activities involved in the processing of  
165 medical marijuana.

166 (h) "Physician" shall mean a person with a valid Doctor  
167 of Medicine or Doctor of Osteopathic Medicine degree and who holds  
168 an unrestricted license to practice medicine in the State of  
169 Mississippi by the Mississippi Board of Medical Licensure, or its  
170 successor agency.

171 (i) "Physician certification" shall mean a form  
172 approved by the department, signed and dated by a physician,



173 certifying that a person suffers from a debilitating medical  
174 condition for which the use of medical marijuana may mitigate the  
175 symptoms and/or effects. The certification shall remain current  
176 for twelve (12) months, unless the physician specifies a shorter  
177 period of time, and shall be issued only after an in-person  
178 examination of the patient in Mississippi. A certification shall  
179 only be issued on behalf of a minor when the minor's parent or  
180 guardian is present and provides signed consent. Nothing herein  
181 shall require a physician to issue a certification.

182 (j) "Process" shall mean to acquire, administer,  
183 compound, convert, cultivate, deliver, develop, disburse,  
184 dispense, distribute, grow, harvest, manufacture, package,  
185 possess, prepare, process, produce, propagate, research, sell,  
186 test, transport, or transfer medical marijuana or any related  
187 products such as foods, tinctures, aerosols, oils, or ointments.  
188 "Qualified patient" shall mean a person who has been diagnosed  
189 with a debilitating medical condition and who has been issued a  
190 physician certification.

191 (k) "Use" shall mean the acquisition, possession,  
192 preparation, use or use with an accessory, delivery, transfer, or  
193 administration of medical marijuana by a qualified patient or  
194 caregiver. For purposes of this paragraph, "accessory" shall have  
195 the meaning given in Section 41-29-105(v), Mississippi Code of  
196 1972, as of July 1, 2018.



197           **SECTION 5.** (1) The department shall implement, administer,  
198 and enforce the provisions of Sections 1 through 10 of this act  
199 and shall issue reasonable rules and regulations, pursuant to the  
200 Mississippi Administrative Procedures Act, in the discharge of its  
201 responsibilities.

202           (2) The department shall prescribe reasonable rules and  
203 regulations pursuant to this section that shall include, but not  
204 be limited to, tracking and labelling of medical marijuana;  
205 qualifications for and safe and secure processing of medical  
206 marijuana by medical marijuana treatment centers; restrictions on  
207 advertising and marketing; issuance of medical marijuana  
208 identification cards; standards for testing facilities; use of  
209 medical marijuana in nursing homes, hospices, and assisted living  
210 facilities; reciprocal agreements with other states for patients  
211 registered in medical marijuana programs; qualifications of and  
212 limitations on caregivers and officers, owners, operators,  
213 employees, contractors, and agents of treatment centers;  
214 implementation and operation of a statewide data base system to  
215 support the utilization of identification cards; and penalties for  
216 violations of Sections 1 through 10 of this act.

217           (3) The rules and regulations may include a reasonable fee  
218 of up to Fifty Dollars (\$50.00) for issuing an identification card  
219 and reasonable fees for licensing treatment centers, which shall  
220 be fixed by and paid to the department, pursuant to Section 6 of  
221 this act.





222           (4) The rules and regulations shall not limit the number of  
223 licensed medical marijuana treatment centers nor set the price of  
224 medical marijuana.

225           (5) The rules and regulations shall require the department  
226 to issue an identification card or a license for a treatment  
227 center within a reasonable time following an application for a  
228 card or license.

229           (6) The department shall issue a qualified patient a medical  
230 marijuana identification card upon presentation of a physician  
231 certification. Such card shall be renewed, as applicable, upon  
232 presentation of a new physician certification, but in no case  
233 shall a card have an expiration term longer than twelve (12)  
234 months. A qualified patient is authorized to receive medical  
235 marijuana from a treatment center upon presentation of his or her  
236 identification card.

237           (7) The department and medical marijuana treatment centers  
238 shall protect the confidentiality of all qualified patients. All  
239 records containing the identity of qualified patients, caregivers,  
240 and physicians shall be confidential and exempt from disclosure  
241 under the Mississippi Public Records Act or any related statute,  
242 regulation, or rule pertaining to the public disclosure of  
243 records.

244           (8) The department may establish an advisory committee to  
245 assist the department in the promulgation of rules and regulations



246 and the regulation and enforcement of the provisions of Sections 1  
247 through 10 of this act.

248 (9) The department shall adopt final rules and regulations  
249 pursuant to Sections 1 through 10 of this act no later than July  
250 1, 2021. The department shall begin issuing identification cards  
251 and treatment center licenses no later than August 15, 2021.

252 (10) To ensure timely implementation of Sections 1 through  
253 10 of this act for qualified patients, and only for activities  
254 associated with implementation and operation, the department is  
255 exempt from the Mississippi Department of Information Technology  
256 Services laws, rules, and regulations for any information  
257 technology procurements made up to Two Hundred Fifty Thousand  
258 Dollars (\$250,000.00) for two (2) years from the effective date of  
259 Sections 1 through 10 of this act. This exemption shall not apply  
260 to any reporting requirements.

261 (11) The department is authorized to adopt and levy  
262 administrative fines to enforce the provisions of Sections 1  
263 through 10 of this act. Payment of any fines shall be deposited  
264 in the special fund created by Section 6 of this act.

265 (12) The department is authorized to adopt and levy the  
266 following sanctions, singly or in combination, when it finds an  
267 applicant or licensee has committed any violation of Sections 1  
268 through 10 of this act or department rules or regulations: revoke  
269 or suspend a license, censure a licensee, impose a fine in an  
270 amount not to exceed Five Thousand Dollars (\$5,000.00) for the



271 first violation and an amount not to exceed Twenty-five Thousand  
272 Dollars (\$25,000.00) for each subsequent violation, place a  
273 licensee on a probationary status, require the licensee to file  
274 regular reports and submit to reasonable requirements and  
275 restrictions, revoke probationary status of a licensee and impose  
276 other authorized sanctions, and refuse to issue or renew a  
277 license, restrict a license, or accept a voluntary surrendering of  
278 a license. The department is authorized to deny, suspend or  
279 revoke a license in any case in which it finds that there has been  
280 a substantial failure to comply with the requirements of a  
281 licensee. The notice and hearing requirements and judicial review  
282 provisions contained in Section 43-11-11, Mississippi Code of  
283 1972, as of July 1, 2018, shall apply to the denial, suspension,  
284 or revocation of a license.

285       **SECTION 6.** In addition to the fees applied to issuing  
286 identification cards and licensing medical marijuana treatment  
287 centers, there shall be a tax equal to the rate in Section  
288 27-65-17(1)(a) upon the gross proceeds of the final sales of  
289 medical marijuana. The tax shall be collected under the same  
290 provisions used to collect other sales taxes under the Mississippi  
291 Sales Tax Law. Revenue generated under this section or through  
292 the issuance of identification cards or the licensing of medical  
293 marijuana treatment centers shall pay for the costs incurred by  
294 the department in implementing and enforcing the provisions of  
295 Sections 1 through 10 of this act and shall be deposited into a



296 special fund in the State Treasury. The department shall  
297 administer the fund and make expenditures from the fund upon  
298 appropriation by the Legislature for costs or other services or  
299 programs associated with Sections 1 through 10 of this act. Fund  
300 balances shall not revert to the General Fund. The department  
301 shall have the authority to utilize these special funds to  
302 escalate personnel positions in the department where needed, as  
303 non-state-service, to administer and enforce the provisions of  
304 Sections 1 through 10 of this act. Upon request of the  
305 department, the State Treasurer shall provide a line of credit  
306 from the Working Cash-Stabilization Fund or any other available  
307 special source funds maintained in the State Treasury in an amount  
308 not to exceed Two Million Five Hundred Thousand Dollars  
309 (\$2,500,000.00), for deposit to this special fund to provide  
310 sufficient working cash to implement the provisions of Sections 1  
311 through 10 of this act. Any such loans shall be repaid from the  
312 available funds received by the department under Sections 1  
313 through 10 of this act.

314 **SECTION 7.** A medical marijuana identification card issued  
315 pursuant to Sections 1 through 10 of this act shall serve to  
316 identify a person as a qualified patient or caregiver or officer,  
317 owner, operator, employee, contractor, or agent of a medical  
318 marijuana treatment center and thus exempt such person from  
319 criminal or civil sanctions for the conduct authorized by Sections  
320 1 through 10 of this act.



321           **SECTION 8.** (1) Medical marijuana treatment centers shall  
322 not provide to a qualified patient, during any one fourteen-day  
323 period, an amount of medical marijuana that exceeds two and  
324 five-tenths (2.5) ounces by weight. At no one time shall a  
325 qualified patient possess more than two and five-tenths (2.5)  
326 ounces of medical marijuana. The weight limitation herein shall  
327 not include any ingredients combined with medical marijuana to  
328 prepare edible products, topical products, ointments, oils,  
329 tinctures, or other products.

330           (2) Medical marijuana shall only be dispensed to a qualified  
331 patient or caregiver with a current medical marijuana  
332 identification card by a medical marijuana treatment center.

333           (3) All contracts under Sections 1 through 10 of this act  
334 and related to the operation of medical marijuana treatment  
335 centers shall be enforceable and rules applicable to other similar  
336 businesses by the Department of Revenue shall apply to medical  
337 marijuana treatment centers created pursuant to Sections 1 through  
338 10 of this act, except that the processing and use of medical  
339 marijuana shall be exempt from the application of any state and/or  
340 local sales tax or other fee, other than that authorized by  
341 Sections 1 through 10 of this act.

342           (4) No medical marijuana treatment center shall be located  
343 within five hundred (500) feet of a pre-existing school, church,  
344 or licensed child care center.



345 (5) Except as otherwise provided in Sections 1 through 10 of  
346 this act, any zoning ordinances, regulations and/or provisions of  
347 a municipality or county shall be consistent with Sections 1  
348 through 10 of this act and shall not impair the availability of  
349 and reasonable access to medical marijuana. Zoning provisions  
350 applicable to retail dispensaries shall be no more restrictive  
351 than those for a licensed retail pharmacy and zoning provisions  
352 applicable to other businesses that fall within the definition of  
353 medical marijuana treatment centers shall be no more restrictive  
354 than other comparably sized and staffed lawful commercial or  
355 industrial businesses.

356 **SECTION 9.** No later than two (2) years from the  
357 implementation of Sections 1 through 10 of this act, and every two  
358 (2) years thereafter, the department shall provide to the  
359 Legislature a comprehensive public report of the operation of  
360 Sections 1 through 10 of this act.

361 **SECTION 10.** If there is any conflict between any provisions  
362 of Section 1 through 10 of this act and any other law of this  
363 state, the provisions of Sections 1 through 10 of this act shall  
364 control to the extent of the conflict.

365 **SECTION 11.** The provisions of Sections 1 through 10 of this  
366 act are declared to be severable, and if any provision, word,  
367 phrase, or clause of Sections 1 through 10 of this act or the  
368 application thereof shall be held invalid, such invalidity shall



369 not affect the validity of the remaining portions of Sections 1  
370 through 10 of this act.

371 **SECTION 12.** Section 17-1-3, Mississippi Code of 1972, is  
372 amended as follows:

373 17-1-3. (1) Except as otherwise provided in Section  
374 17-1-21(2) and in Article VII of the Chickasaw Trail Economic  
375 Development Compact described in Section 57-36-1, for the purpose  
376 of promoting health, safety, morals, or the general welfare of the  
377 community, the governing authority of any municipality, and, with  
378 respect to the unincorporated part of any county, the governing  
379 authority of any county, in its discretion, are empowered to  
380 regulate the height, number of stories and size of building and  
381 other structures, the percentage of lot that may be occupied, the  
382 size of the yards, courts and other open spaces, the density of  
383 population, and the location and use of buildings, structures and  
384 land for trade, industry, residence or other purposes, but no  
385 permits shall be required with reference to land used for  
386 agricultural purposes, including forestry activities as defined in  
387 Section 95-3-29(2)(b), or for the erection, maintenance, repair or  
388 extension of farm buildings or farm structures, including forestry  
389 buildings and structures, outside the corporate limits of  
390 municipalities. The governing authority of each county and  
391 municipality may create playgrounds and public parks, and for  
392 these purposes, each of such governing authorities shall possess  
393 the power, where requisite, of eminent domain and the right to



394 apply public money thereto, and may issue bonds therefor as  
395 otherwise permitted by law.

396 (2) Local land use regulation ordinances involving the  
397 placement, screening, or height of amateur radio antenna  
398 structures must reasonably accommodate amateur communications and  
399 must constitute the minimum practicable regulation to accomplish  
400 local authorities' legitimate purposes of addressing health,  
401 safety, welfare and aesthetic considerations. Judgments as to the  
402 types of reasonable accommodation to be made and the minimum  
403 practicable regulation necessary to address these purposes will be  
404 determined by local governing authorities within the parameters of  
405 the law. This legislation supports the amateur radio service in  
406 preparing for and providing emergency communications for the State  
407 of Mississippi and local emergency management agencies.

408 (3) Any zoning ordinances, regulations or other provisions  
409 adopted by the governing authorities of municipalities and  
410 counties under this chapter must be consistent with the  
411 requirements for zoning under Sections 1 through 10 of this act  
412 and in compliance with the implementing regulations adopted by the  
413 State Department of Health.

414 **SECTION 13.** Section 25-53-5, Mississippi Code of 1972, is  
415 amended as follows:

416 25-53-5. The authority shall have the following powers,  
417 duties, and responsibilities:





418           (a) (i) The authority shall provide for the  
419 development of plans for the efficient acquisition and utilization  
420 of computer equipment and services by all agencies of state  
421 government, and provide for their implementation. In so doing,  
422 the authority may use the MDITS' staff, at the discretion of the  
423 executive director of the authority, or the authority may contract  
424 for the services of qualified consulting firms in the field of  
425 information technology and utilize the service of such consultants  
426 as may be necessary for such purposes. Pursuant to Section  
427 25-53-1, the provisions of this section shall not apply to the  
428 Department of Human Services for a period of three (3) years  
429 beginning on July 1, 2017. Pursuant to Section 25-53-1, the  
430 provisions of this section shall not apply to the Department of  
431 Child Protection Services for a period of three (3) years  
432 beginning July 1, 2017.

433           (ii) [Repealed]

434           (b) The authority shall immediately institute  
435 procedures for carrying out the purposes of this chapter and  
436 supervise the efficient execution of the powers and duties of the  
437 office of executive director of the authority. In the execution  
438 of its functions under this chapter, the authority shall maintain  
439 as a paramount consideration the successful internal organization  
440 and operation of the several agencies so that efficiency existing  
441 therein shall not be adversely affected or impaired. In executing  
442 its functions in relation to the institutions of higher learning



443 and junior colleges in the state, the authority shall take into  
444 consideration the special needs of such institutions in relation  
445 to the fields of teaching and scientific research.

446 (c) Title of whatever nature of all computer equipment  
447 now vested in any agency of the State of Mississippi is hereby  
448 vested in the authority, and no such equipment shall be disposed  
449 of in any manner except in accordance with the direction of the  
450 authority or under the provisions of such rules and regulations as  
451 may hereafter be adopted by the authority in relation thereto.

452 (d) The authority shall adopt rules, regulations, and  
453 procedures governing the acquisition of computer and  
454 telecommunications equipment and services which shall, to the  
455 fullest extent practicable, insure the maximum of competition  
456 between all manufacturers of supplies or equipment or services.  
457 In the writing of specifications, in the making of contracts  
458 relating to the acquisition of such equipment and services, and in  
459 the performance of its other duties the authority shall provide  
460 for the maximum compatibility of all information systems hereafter  
461 installed or utilized by all state agencies and may require the  
462 use of common computer languages where necessary to accomplish the  
463 purposes of this chapter. The authority may establish by  
464 regulation and charge reasonable fees on a nondiscriminatory basis  
465 for the furnishing to bidders of copies of bid specifications and  
466 other documents issued by the authority.



467           (e) The authority shall adopt rules and regulations  
468 governing the sharing with, or the sale or lease of information  
469 technology services to any nonstate agency or person. Such  
470 regulations shall provide that any such sharing, sale or lease  
471 shall be restricted in that same shall be accomplished only where  
472 such services are not readily available otherwise within the  
473 state, and then only at a charge to the user not less than the  
474 prevailing rate of charge for similar services by private  
475 enterprise within this state.

476           (f) The authority may, in its discretion, establish a  
477 special technical advisory committee or committees to study and  
478 make recommendations on technology matters within the competence  
479 of the authority as the authority may see fit. Persons serving on  
480 the Information Resource Council, its task forces, or any such  
481 technical advisory committees shall be entitled to receive their  
482 actual and necessary expenses actually incurred in the performance  
483 of such duties, together with mileage as provided by law for state  
484 employees, provided the same has been authorized by a resolution  
485 duly adopted by the authority and entered on its minutes prior to  
486 the performance of such duties.

487           (g) The authority may provide for the development and  
488 require the adoption of standardized computer programs and may  
489 provide for the dissemination of information to and the  
490 establishment of training programs for the personnel of the



491 various information technology centers of state agencies and  
492 personnel of the agencies utilizing the services thereof.

493 (h) The authority shall adopt reasonable rules and  
494 regulations requiring the reporting to the authority through the  
495 office of executive director of such information as may be  
496 required for carrying out the purposes of this chapter and may  
497 also establish such reasonable procedures to be followed in the  
498 presentation of bills for payment under the terms of all contracts  
499 for the acquisition of computer equipment and services now or  
500 hereafter in force as may be required by the authority or by the  
501 executive director in the execution of their powers and duties.

502 (i) The authority shall require such adequate  
503 documentation of information technology procedures utilized by the  
504 various state agencies and may require the establishment of such  
505 organizational structures within state agencies relating to  
506 information technology operations as may be necessary to  
507 effectuate the purposes of this chapter.

508 (j) The authority may adopt such further reasonable  
509 rules and regulations as may be necessary to fully implement the  
510 purposes of this chapter. All rules and regulations adopted by  
511 the authority shall be published and disseminated in readily  
512 accessible form to all affected state agencies, and to all current  
513 suppliers of computer equipment and services to the state, and to  
514 all prospective suppliers requesting the same. Such rules and  
515 regulations shall be kept current, be periodically revised, and



516 copies thereof shall be available at all times for inspection by  
517 the public at reasonable hours in the offices of the authority.  
518 Whenever possible no rule, regulation or any proposed amendment to  
519 such rules and regulations shall be finally adopted or enforced  
520 until copies of the proposed rules and regulations have been  
521 furnished to all interested parties for their comment and  
522 suggestions.

523           (k) The authority shall establish rules and regulations  
524 which shall provide for the submission of all contracts proposed  
525 to be executed by the executive director for computer equipment or  
526 services to the authority for approval before final execution, and  
527 the authority may provide that such contracts involving the  
528 expenditure of less than such specified amount as may be  
529 established by the authority may be finally executed by the  
530 executive director without first obtaining such approval by the  
531 authority.

532           (l) The authority is authorized to purchase, lease, or  
533 rent computer equipment or services and to operate that equipment  
534 and use those services in providing services to one or more state  
535 agencies when in its opinion such operation will provide maximum  
536 efficiency and economy in the functions of any such agency or  
537 agencies.

538           (m) Upon the request of the governing body of a  
539 political subdivision or instrumentality, the authority shall  
540 assist the political subdivision or instrumentality in its



541 development of plans for the efficient acquisition and utilization  
542 of computer equipment and services. An appropriate fee shall be  
543 charged the political subdivision by the authority for such  
544 assistance.

545 (n) The authority shall adopt rules and regulations  
546 governing the protest procedures to be followed by any actual or  
547 prospective bidder, offerer or contractor who is aggrieved in  
548 connection with the solicitation or award of a contract for the  
549 acquisition of computer equipment or services. Such rules and  
550 regulations shall prescribe the manner, time and procedure for  
551 making protests and may provide that a protest not timely filed  
552 shall be summarily denied. The authority may require the  
553 protesting party, at the time of filing the protest, to post a  
554 bond, payable to the state, in an amount that the authority  
555 determines sufficient to cover any expense or loss incurred by the  
556 state, the authority or any state agency as a result of the  
557 protest if the protest subsequently is determined by a court of  
558 competent jurisdiction to have been filed without any substantial  
559 basis or reasonable expectation to believe that the protest was  
560 meritorious; however, in no event may the amount of the bond  
561 required exceed a reasonable estimate of the total project cost.  
562 The authority, in its discretion, also may prohibit any  
563 prospective bidder, offerer or contractor who is a party to any  
564 litigation involving any such contract with the state, the  
565 authority or any agency of the state to participate in any other



566 such bid, offer or contract, or to be awarded any such contract,  
567 during the pendency of the litigation.

568 (o) The authority shall make a report in writing to the  
569 Legislature each year in the month of January. Such report shall  
570 contain a full and detailed account of the work of the authority  
571 for the preceding year as specified in Section 25-53-29(3).

572 All acquisitions of computer equipment and services involving  
573 the expenditure of funds in excess of the dollar amount  
574 established in Section 31-7-13(c), or rentals or leases in excess  
575 of the dollar amount established in Section 31-7-13(c) for the  
576 term of the contract, shall be based upon competitive and open  
577 specifications, and contracts therefor shall be entered into only  
578 after advertisements for bids are published in one or more daily  
579 newspapers having a general circulation in the state not less than  
580 fourteen (14) days prior to receiving sealed bids therefor. The  
581 authority may reserve the right to reject any or all bids, and if  
582 all bids are rejected, the authority may negotiate a contract  
583 within the limitations of the specifications so long as the terms  
584 of any such negotiated contract are equal to or better than the  
585 comparable terms submitted by the lowest and best bidder, and so  
586 long as the total cost to the State of Mississippi does not exceed  
587 the lowest bid. If the authority accepts one (1) of such bids, it  
588 shall be that which is the lowest and best. The provisions of  
589 this paragraph shall not apply to information technology  
590 procurements made under the provisions of Section 5 of this act.



591 (p) When applicable, the authority may procure  
592 equipment, systems and related services in accordance with the law  
593 or regulations, or both, which govern the Bureau of Purchasing of  
594 the Office of General Services or which govern the Mississippi  
595 Department of Information Technology Services procurement of  
596 telecommunications equipment, software and services.

597 (q) The authority is authorized to purchase, lease, or  
598 rent information technology and services for the purpose of  
599 establishing pilot projects to investigate emerging technologies.  
600 These acquisitions shall be limited to new technologies and shall  
601 be limited to an amount set by annual appropriation of the  
602 Legislature. These acquisitions shall be exempt from the  
603 advertising and bidding requirement.

604 (r) All fees collected by the Mississippi Department of  
605 Information Technology Services shall be deposited into the  
606 Mississippi Department of Information Technology Services  
607 Revolving Fund unless otherwise specified by the Legislature.

608 (s) The authority shall work closely with the council  
609 to bring about effective coordination of policies, standards and  
610 procedures relating to procurement of remote sensing and  
611 geographic information systems (GIS) resources. In addition, the  
612 authority is responsible for development, operation and  
613 maintenance of a delivery system infrastructure for geographic  
614 information systems data. The authority shall provide a warehouse  
615 for Mississippi's geographic information systems data.





616 (t) The authority shall manage one or more State Data  
617 Centers to provide information technology services on a  
618 cost-sharing basis. In determining the appropriate services to be  
619 provided through the State Data Center, the authority should  
620 consider those services that:

621 (i) Result in savings to the state as a whole;

622 (ii) Improve and enhance the security and  
623 reliability of the state's information and business systems; and

624 (iii) Optimize the efficient use of the state's  
625 information technology assets, including, but not limited to,  
626 promoting partnerships with the state institutions of higher  
627 learning and community colleges to capitalize on advanced  
628 information technology resources.

629 (u) The authority shall increase federal participation  
630 in the cost of the State Data Center to the extent provided by law  
631 and its shared technology infrastructure through providing such  
632 shared services to agencies that receive federal funds. With  
633 regard to state institutions of higher learning and community  
634 colleges, the authority may provide shared services when mutually  
635 agreeable, following a determination by both the authority and the  
636 Board of Trustees of State Institutions of Higher Learning or the  
637 Mississippi Community College Board, as the case may be, that the  
638 sharing of services is mutually beneficial.

639 (v) The authority, in its discretion, may require new  
640 or replacement agency business applications to be hosted at the



641 State Data Center. With regard to state institutions of higher  
642 learning and community colleges, the authority and the Board of  
643 Trustees of State Institutions of Higher Learning or the  
644 Mississippi Community College Board, as the case may be, may agree  
645 that institutions of higher learning or community colleges may  
646 utilize business applications that are hosted at the State Data  
647 Center, following a determination by both the authority and the  
648 applicable board that the hosting of those applications is  
649 mutually beneficial. In addition, the authority may establish  
650 partnerships to capitalize on the advanced technology resources of  
651 the Board of Trustees of State Institutions of Higher Learning or  
652 the Mississippi Community College Board, following a determination  
653 by both the authority and the applicable board that such a  
654 partnership is mutually beneficial.

655 (w) The authority shall provide a periodic update  
656 regarding reform-based information technology initiatives to the  
657 Chairmen of the House and Senate Accountability, Efficiency and  
658 Transparency Committees.

659 From and after July 1, 2018, the expenses of this agency  
660 shall be defrayed by appropriation from the State General Fund.  
661 In addition, in order to receive the maximum use and benefit from  
662 information technology and services, expenses for the provision of  
663 statewide shared services that facilitate cost-effective  
664 information processing and telecommunication solutions shall be  
665 defrayed by pass-through funding and shall be deposited into the



666 Mississippi Department of Information Technology Services  
667 Revolving Fund unless otherwise specified by the Legislature.  
668 These funds shall only be utilized to pay the actual costs  
669 incurred by the Mississippi Department of Information Technology  
670 Services for providing these shared services to state agencies.  
671 Furthermore, state agencies shall work in full cooperation with  
672 the Board of the Mississippi Department of Information Technology  
673 Services to identify computer equipment or services to minimize  
674 duplication, reduce costs, and improve the efficiency of providing  
675 common technology services across agency boundaries.

676         **SECTION 14.** Section 27-65-75, Mississippi Code of 1972, is  
677 brought forward as follows:

678         27-65-75. On or before the fifteenth day of each month, the  
679 revenue collected under the provisions of this chapter during the  
680 preceding month shall be paid and distributed as follows:

681         (1) (a) On or before August 15, 1992, and each succeeding  
682 month thereafter through July 15, 1993, eighteen percent (18%) of  
683 the total sales tax revenue collected during the preceding month  
684 under the provisions of this chapter, except that collected under  
685 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
686 business activities within a municipal corporation shall be  
687 allocated for distribution to the municipality and paid to the  
688 municipal corporation. Except as otherwise provided in this  
689 paragraph (a), on or before August 15, 1993, and each succeeding  
690 month thereafter, eighteen and one-half percent (18-1/2%) of the



691 total sales tax revenue collected during the preceding month under  
692 the provisions of this chapter, except that collected under the  
693 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and  
694 27-65-24, on business activities within a municipal corporation  
695 shall be allocated for distribution to the municipality and paid  
696 to the municipal corporation. However, in the event the State  
697 Auditor issues a certificate of noncompliance pursuant to Section  
698 21-35-31, the Department of Revenue shall withhold ten percent  
699 (10%) of the allocations and payments to the municipality that  
700 would otherwise be payable to the municipality under this  
701 paragraph (a) until such time that the department receives written  
702 notice of the cancellation of a certificate of noncompliance from  
703 the State Auditor.

704 A municipal corporation, for the purpose of distributing the  
705 tax under this subsection, shall mean and include all incorporated  
706 cities, towns and villages.

707 Monies allocated for distribution and credited to a municipal  
708 corporation under this paragraph may be pledged as security for a  
709 loan if the distribution received by the municipal corporation is  
710 otherwise authorized or required by law to be pledged as security  
711 for such a loan.

712 In any county having a county seat that is not an  
713 incorporated municipality, the distribution provided under this  
714 subsection shall be made as though the county seat was an  
715 incorporated municipality; however, the distribution to the



716 municipality shall be paid to the county treasury in which the  
717 municipality is located, and those funds shall be used for road,  
718 bridge and street construction or maintenance in the county.

719 (b) On or before August 15, 2006, and each succeeding  
720 month thereafter, eighteen and one-half percent (18-1/2%) of the  
721 total sales tax revenue collected during the preceding month under  
722 the provisions of this chapter, except that collected under the  
723 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
724 business activities on the campus of a state institution of higher  
725 learning or community or junior college whose campus is not  
726 located within the corporate limits of a municipality, shall be  
727 allocated for distribution to the state institution of higher  
728 learning or community or junior college and paid to the state  
729 institution of higher learning or community or junior college.

730 (c) On or before August 15, 2018, and each succeeding  
731 month thereafter until August 14, 2019, two percent (2%) of the  
732 total sales tax revenue collected during the preceding month under  
733 the provisions of this chapter, except that collected under the  
734 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and  
735 27-65-24, on business activities within the corporate limits of  
736 the City of Jackson, Mississippi, shall be deposited into the  
737 Capitol Complex Improvement District Project Fund created in  
738 Section 29-5-215. On or before August 15, 2019, and each  
739 succeeding month thereafter until August 14, 2020, four percent  
740 (4%) of the total sales tax revenue collected during the preceding



741 month under the provisions of this chapter, except that collected  
742 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21  
743 and 27-65-24, on business activities within the corporate limits  
744 of the City of Jackson, Mississippi, shall be deposited into the  
745 Capitol Complex Improvement District Project Fund created in  
746 Section 29-5-215. On or before August 15, 2020, and each  
747 succeeding month thereafter, six percent (6%) of the total sales  
748 tax revenue collected during the preceding month under the  
749 provisions of this chapter, except that collected under the  
750 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and  
751 27-65-24, on business activities within the corporate limits of  
752 the City of Jackson, Mississippi, shall be deposited into the  
753 Capitol Complex Improvement District Project Fund created in  
754 Section 29-5-215.

755           (d) (i) On or before the fifteenth day of the month  
756 that the diversion authorized by this section begins, and each  
757 succeeding month thereafter, eighteen and one-half percent  
758 (18-1/2%) of the total sales tax revenue collected during the  
759 preceding month under the provisions of this chapter, except that  
760 collected under the provisions of Sections 27-65-15, 27-65-19(3)  
761 and 27-65-21, on business activities within a redevelopment  
762 project area developed under a redevelopment plan adopted under  
763 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be  
764 allocated for distribution to the county in which the project area  
765 is located if:



766                   1. The county:  
767                    a. Borders on the Mississippi Sound and  
768 the State of Alabama, or  
769                    b. Is Harrison County, Mississippi, and  
770 the project area is within a radius of two (2) miles from the  
771 intersection of Interstate 10 and Menge Avenue;  
772                   2. The county has issued bonds under Section  
773 21-45-9 to finance all or a portion of a redevelopment project in  
774 the redevelopment project area;  
775                   3. Any debt service for the indebtedness  
776 incurred is outstanding; and  
777                   4. A development with a value of Ten Million  
778 Dollars (\$10,000,000.00) or more is, or will be, located in the  
779 redevelopment area.  
780                   (ii) Before any sales tax revenue may be allocated  
781 for distribution to a county under this paragraph, the county  
782 shall certify to the Department of Revenue that the requirements  
783 of this paragraph have been met, the amount of bonded indebtedness  
784 that has been incurred by the county for the redevelopment project  
785 and the expected date the indebtedness incurred by the county will  
786 be satisfied.  
787                   (iii) The diversion of sales tax revenue  
788 authorized by this paragraph shall begin the month following the  
789 month in which the Department of Revenue determines that the  
790 requirements of this paragraph have been met. The diversion shall



791 end the month the indebtedness incurred by the county is  
792 satisfied. All revenue received by the county under this  
793 paragraph shall be deposited in the fund required to be created in  
794 the tax increment financing plan under Section 21-45-11 and be  
795 utilized solely to satisfy the indebtedness incurred by the  
796 county.

797 (2) On or before September 15, 1987, and each succeeding  
798 month thereafter, from the revenue collected under this chapter  
799 during the preceding month, One Million One Hundred Twenty-five  
800 Thousand Dollars (\$1,125,000.00) shall be allocated for  
801 distribution to municipal corporations as defined under subsection  
802 (1) of this section in the proportion that the number of gallons  
803 of gasoline and diesel fuel sold by distributors to consumers and  
804 retailers in each such municipality during the preceding fiscal  
805 year bears to the total gallons of gasoline and diesel fuel sold  
806 by distributors to consumers and retailers in municipalities  
807 statewide during the preceding fiscal year. The Department of  
808 Revenue shall require all distributors of gasoline and diesel fuel  
809 to report to the department monthly the total number of gallons of  
810 gasoline and diesel fuel sold by them to consumers and retailers  
811 in each municipality during the preceding month. The Department  
812 of Revenue shall have the authority to promulgate such rules and  
813 regulations as is necessary to determine the number of gallons of  
814 gasoline and diesel fuel sold by distributors to consumers and  
815 retailers in each municipality. In determining the percentage





816 allocation of funds under this subsection for the fiscal year  
817 beginning July 1, 1987, and ending June 30, 1988, the Department  
818 of Revenue may consider gallons of gasoline and diesel fuel sold  
819 for a period of less than one (1) fiscal year. For the purposes  
820 of this subsection, the term "fiscal year" means the fiscal year  
821 beginning July 1 of a year.

822 (3) On or before September 15, 1987, and on or before the  
823 fifteenth day of each succeeding month, until the date specified  
824 in Section 65-39-35, the proceeds derived from contractors' taxes  
825 levied under Section 27-65-21 on contracts for the construction or  
826 reconstruction of highways designated under the highway program  
827 created under Section 65-3-97 shall, except as otherwise provided  
828 in Section 31-17-127, be deposited into the State Treasury to the  
829 credit of the State Highway Fund to be used to fund that highway  
830 program. The Mississippi Department of Transportation shall  
831 provide to the Department of Revenue such information as is  
832 necessary to determine the amount of proceeds to be distributed  
833 under this subsection.

834 (4) On or before August 15, 1994, and on or before the  
835 fifteenth day of each succeeding month through July 15, 1999, from  
836 the proceeds of gasoline, diesel fuel or kerosene taxes as  
837 provided in Section 27-5-101(a)(ii)1, Four Million Dollars  
838 (\$4,000,000.00) shall be deposited in the State Treasury to the  
839 credit of a special fund designated as the "State Aid Road Fund,"  
840 created by Section 65-9-17. On or before August 15, 1999, and on



841 or before the fifteenth day of each succeeding month, from the  
842 total amount of the proceeds of gasoline, diesel fuel or kerosene  
843 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million  
844 Dollars (\$4,000,000.00) or an amount equal to twenty-three and  
845 one-fourth percent (23-1/4%) of those funds, whichever is the  
846 greater amount, shall be deposited in the State Treasury to the  
847 credit of the "State Aid Road Fund," created by Section 65-9-17.  
848 Those funds shall be pledged to pay the principal of and interest  
849 on state aid road bonds heretofore issued under Sections 19-9-51  
850 through 19-9-77, in lieu of and in substitution for the funds  
851 previously allocated to counties under this section. Those funds  
852 may not be pledged for the payment of any state aid road bonds  
853 issued after April 1, 1981; however, this prohibition against the  
854 pledging of any such funds for the payment of bonds shall not  
855 apply to any bonds for which intent to issue those bonds has been  
856 published for the first time, as provided by law before March 29,  
857 1981. From the amount of taxes paid into the special fund under  
858 this subsection and subsection (9) of this section, there shall be  
859 first deducted and paid the amount necessary to pay the expenses  
860 of the Office of State Aid Road Construction, as authorized by the  
861 Legislature for all other general and special fund agencies. The  
862 remainder of the fund shall be allocated monthly to the several  
863 counties in accordance with the following formula:

864 (a) One-third (1/3) shall be allocated to all counties  
865 in equal shares;



866 (b) One-third (1/3) shall be allocated to counties  
867 based on the proportion that the total number of rural road miles  
868 in a county bears to the total number of rural road miles in all  
869 counties of the state; and

870 (c) One-third (1/3) shall be allocated to counties  
871 based on the proportion that the rural population of the county  
872 bears to the total rural population in all counties of the state,  
873 according to the latest federal decennial census.

874 For the purposes of this subsection, the term "gasoline,  
875 diesel fuel or kerosene taxes" means such taxes as defined in  
876 paragraph (f) of Section 27-5-101.

877 The amount of funds allocated to any county under this  
878 subsection for any fiscal year after fiscal year 1994 shall not be  
879 less than the amount allocated to the county for fiscal year 1994.

880 Any reference in the general laws of this state or the  
881 Mississippi Code of 1972 to Section 27-5-105 shall mean and be  
882 construed to refer and apply to subsection (4) of Section  
883 27-65-75.

884 (5) One Million Six Hundred Sixty-six Thousand Six Hundred  
885 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into  
886 the special fund known as the "State Public School Building Fund"  
887 created and existing under the provisions of Sections 37-47-1  
888 through 37-47-67. Those payments into that fund are to be made on  
889 the last day of each succeeding month hereafter.



890 (6) An amount each month beginning August 15, 1983, through  
891 November 15, 1986, as specified in Section 6, Chapter 542, Laws of  
892 1983, shall be paid into the special fund known as the  
893 Correctional Facilities Construction Fund created in Section 6,  
894 Chapter 542, Laws of 1983.

895 (7) On or before August 15, 1992, and each succeeding month  
896 thereafter through July 15, 2000, two and two hundred sixty-six  
897 one-thousandths percent (2.266%) of the total sales tax revenue  
898 collected during the preceding month under the provisions of this  
899 chapter, except that collected under the provisions of Section  
900 27-65-17(2), shall be deposited by the department into the School  
901 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On  
902 or before August 15, 2000, and each succeeding month thereafter,  
903 two and two hundred sixty-six one-thousandths percent (2.266%) of  
904 the total sales tax revenue collected during the preceding month  
905 under the provisions of this chapter, except that collected under  
906 the provisions of Section 27-65-17(2), shall be deposited into the  
907 School Ad Valorem Tax Reduction Fund created under Section  
908 37-61-35 until such time that the total amount deposited into the  
909 fund during a fiscal year equals Forty-two Million Dollars  
910 (\$42,000,000.00). Thereafter, the amounts diverted under this  
911 subsection (7) during the fiscal year in excess of Forty-two  
912 Million Dollars (\$42,000,000.00) shall be deposited into the  
913 Education Enhancement Fund created under Section 37-61-33 for  
914 appropriation by the Legislature as other education needs and



915 shall not be subject to the percentage appropriation requirements  
916 set forth in Section 37-61-33.

917 (8) On or before August 15, 1992, and each succeeding month  
918 thereafter, nine and seventy-three one-thousandths percent  
919 (9.073%) of the total sales tax revenue collected during the  
920 preceding month under the provisions of this chapter, except that  
921 collected under the provisions of Section 27-65-17(2), shall be  
922 deposited into the Education Enhancement Fund created under  
923 Section 37-61-33.

924 (9) On or before August 15, 1994, and each succeeding month  
925 thereafter, from the revenue collected under this chapter during  
926 the preceding month, Two Hundred Fifty Thousand Dollars  
927 (\$250,000.00) shall be paid into the State Aid Road Fund.

928 (10) On or before August 15, 1994, and each succeeding month  
929 thereafter through August 15, 1995, from the revenue collected  
930 under this chapter during the preceding month, Two Million Dollars  
931 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad  
932 Valorem Tax Reduction Fund established in Section 27-51-105.

933 (11) Notwithstanding any other provision of this section to  
934 the contrary, on or before February 15, 1995, and each succeeding  
935 month thereafter, the sales tax revenue collected during the  
936 preceding month under the provisions of Section 27-65-17(2) and  
937 the corresponding levy in Section 27-65-23 on the rental or lease  
938 of private carriers of passengers and light carriers of property  
939 as defined in Section 27-51-101 shall be deposited, without



940 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund  
941 established in Section 27-51-105.

942 (12) Notwithstanding any other provision of this section to  
943 the contrary, on or before August 15, 1995, and each succeeding  
944 month thereafter, the sales tax revenue collected during the  
945 preceding month under the provisions of Section 27-65-17(1) on  
946 retail sales of private carriers of passengers and light carriers  
947 of property, as defined in Section 27-51-101 and the corresponding  
948 levy in Section 27-65-23 on the rental or lease of these vehicles,  
949 shall be deposited, after diversion, into the Motor Vehicle Ad  
950 Valorem Tax Reduction Fund established in Section 27-51-105.

951 (13) On or before July 15, 1994, and on or before the  
952 fifteenth day of each succeeding month thereafter, that portion of  
953 the avails of the tax imposed in Section 27-65-22 that is derived  
954 from activities held on the Mississippi State Fairgrounds Complex  
955 shall be paid into a special fund that is created in the State  
956 Treasury and shall be expended upon legislative appropriation  
957 solely to defray the costs of repairs and renovation at the Trade  
958 Mart and Coliseum.

959 (14) On or before August 15, 1998, and each succeeding month  
960 thereafter through July 15, 2005, that portion of the avails of  
961 the tax imposed in Section 27-65-23 that is derived from sales by  
962 cotton compresses or cotton warehouses and that would otherwise be  
963 paid into the General Fund shall be deposited in an amount not to  
964 exceed Two Million Dollars (\$2,000,000.00) into the special fund



965 created under Section 69-37-39. On or before August 15, 2007, and  
966 each succeeding month thereafter through July 15, 2010, that  
967 portion of the avails of the tax imposed in Section 27-65-23 that  
968 is derived from sales by cotton compresses or cotton warehouses  
969 and that would otherwise be paid into the General Fund shall be  
970 deposited in an amount not to exceed Two Million Dollars  
971 (\$2,000,000.00) into the special fund created under Section  
972 69-37-39 until all debts or other obligations incurred by the  
973 Certified Cotton Growers Organization under the Mississippi Boll  
974 Weevil Management Act before January 1, 2007, are satisfied in  
975 full. On or before August 15, 2010, and each succeeding month  
976 thereafter through July 15, 2011, fifty percent (50%) of that  
977 portion of the avails of the tax imposed in Section 27-65-23 that  
978 is derived from sales by cotton compresses or cotton warehouses  
979 and that would otherwise be paid into the General Fund shall be  
980 deposited into the special fund created under Section 69-37-39  
981 until such time that the total amount deposited into the fund  
982 during a fiscal year equals One Million Dollars (\$1,000,000.00).  
983 On or before August 15, 2011, and each succeeding month  
984 thereafter, that portion of the avails of the tax imposed in  
985 Section 27-65-23 that is derived from sales by cotton compresses  
986 or cotton warehouses and that would otherwise be paid into the  
987 General Fund shall be deposited into the special fund created  
988 under Section 69-37-39 until such time that the total amount



989 deposited into the fund during a fiscal year equals One Million  
990 Dollars (\$1,000,000.00).

991 (15) Notwithstanding any other provision of this section to  
992 the contrary, on or before September 15, 2000, and each succeeding  
993 month thereafter, the sales tax revenue collected during the  
994 preceding month under the provisions of Section  
995 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,  
996 without diversion, into the Telecommunications Ad Valorem Tax  
997 Reduction Fund established in Section 27-38-7.

998 (16) (a) On or before August 15, 2000, and each succeeding  
999 month thereafter, the sales tax revenue collected during the  
1000 preceding month under the provisions of this chapter on the gross  
1001 proceeds of sales of a project as defined in Section 57-30-1 shall  
1002 be deposited, after all diversions except the diversion provided  
1003 for in subsection (1) of this section, into the Sales Tax  
1004 Incentive Fund created in Section 57-30-3.

1005 (b) On or before August 15, 2007, and each succeeding  
1006 month thereafter, eighty percent (80%) of the sales tax revenue  
1007 collected during the preceding month under the provisions of this  
1008 chapter from the operation of a tourism project under the  
1009 provisions of Sections 57-26-1 through 57-26-5, shall be  
1010 deposited, after the diversions required in subsections (7) and  
1011 (8) of this section, into the Tourism Project Sales Tax Incentive  
1012 Fund created in Section 57-26-3.





1013           (17) Notwithstanding any other provision of this section to  
1014 the contrary, on or before April 15, 2002, and each succeeding  
1015 month thereafter, the sales tax revenue collected during the  
1016 preceding month under Section 27-65-23 on sales of parking  
1017 services of parking garages and lots at airports shall be  
1018 deposited, without diversion, into the special fund created under  
1019 Section 27-5-101(d).

1020           (18) [Repealed]

1021           (19) (a) On or before August 15, 2005, and each succeeding  
1022 month thereafter, the sales tax revenue collected during the  
1023 preceding month under the provisions of this chapter on the gross  
1024 proceeds of sales of a business enterprise located within a  
1025 redevelopment project area under the provisions of Sections  
1026 57-91-1 through 57-91-11, and the revenue collected on the gross  
1027 proceeds of sales from sales made to a business enterprise located  
1028 in a redevelopment project area under the provisions of Sections  
1029 57-91-1 through 57-91-11 (provided that such sales made to a  
1030 business enterprise are made on the premises of the business  
1031 enterprise), shall, except as otherwise provided in this  
1032 subsection (19), be deposited, after all diversions, into the  
1033 Redevelopment Project Incentive Fund as created in Section  
1034 57-91-9.

1035           (b) For a municipality participating in the Economic  
1036 Redevelopment Act created in Sections 57-91-1 through 57-91-11,  
1037 the diversion provided for in subsection (1) of this section



1038 attributable to the gross proceeds of sales of a business  
1039 enterprise located within a redevelopment project area under the  
1040 provisions of Sections 57-91-1 through 57-91-11, and attributable  
1041 to the gross proceeds of sales from sales made to a business  
1042 enterprise located in a redevelopment project area under the  
1043 provisions of Sections 57-91-1 through 57-91-11 (provided that  
1044 such sales made to a business enterprise are made on the premises  
1045 of the business enterprise), shall be deposited into the  
1046 Redevelopment Project Incentive Fund as created in Section  
1047 57-91-9, as follows:

1048                   (i) For the first six (6) years in which payments  
1049 are made to a developer from the Redevelopment Project Incentive  
1050 Fund, one hundred percent (100%) of the diversion shall be  
1051 deposited into the fund;

1052                   (ii) For the seventh year in which such payments  
1053 are made to a developer from the Redevelopment Project Incentive  
1054 Fund, eighty percent (80%) of the diversion shall be deposited  
1055 into the fund;

1056                   (iii) For the eighth year in which such payments  
1057 are made to a developer from the Redevelopment Project Incentive  
1058 Fund, seventy percent (70%) of the diversion shall be deposited  
1059 into the fund;

1060                   (iv) For the ninth year in which such payments are  
1061 made to a developer from the Redevelopment Project Incentive Fund,



1062 sixty percent (60%) of the diversion shall be deposited into the  
1063 fund; and

1064 (v) For the tenth year in which such payments are  
1065 made to a developer from the Redevelopment Project Incentive Fund,  
1066 fifty percent (50%) of the funds shall be deposited into the fund.

1067 (20) On or before January 15, 2007, and each succeeding  
1068 month thereafter, eighty percent (80%) of the sales tax revenue  
1069 collected during the preceding month under the provisions of this  
1070 chapter from the operation of a tourism project under the  
1071 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,  
1072 after the diversions required in subsections (7) and (8) of this  
1073 section, into the Tourism Sales Tax Incentive Fund created in  
1074 Section 57-28-3.

1075 (21) (a) On or before April 15, 2007, and each succeeding  
1076 month thereafter through June 15, 2013, One Hundred Fifty Thousand  
1077 Dollars (\$150,000.00) of the sales tax revenue collected during  
1078 the preceding month under the provisions of this chapter shall be  
1079 deposited into the MMEIA Tax Incentive Fund created in Section  
1080 57-101-3.

1081 (b) On or before July 15, 2013, and each succeeding  
1082 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)  
1083 of the sales tax revenue collected during the preceding month  
1084 under the provisions of this chapter shall be deposited into the  
1085 Mississippi Development Authority Job Training Grant Fund created  
1086 in Section 57-1-451.



1087           (22) Notwithstanding any other provision of this section to  
1088 the contrary, on or before August 15, 2009, and each succeeding  
1089 month thereafter, the sales tax revenue collected during the  
1090 preceding month under the provisions of Section 27-65-201 shall be  
1091 deposited, without diversion, into the Motor Vehicle Ad Valorem  
1092 Tax Reduction Fund established in Section 27-51-105.

1093           (23) (a) On or before August 15, 2019, and each month  
1094 thereafter through July 15, 2020, one percent (1%) of the total  
1095 sales tax revenue collected during the preceding month from  
1096 restaurants and hotels shall be allocated for distribution to the  
1097 Mississippi Development Authority Tourism Advertising Fund  
1098 established under Section 57-1-64, to be used exclusively for the  
1099 purpose stated therein. On or before August 15, 2020, and each  
1100 month thereafter through July 15, 2021, two percent (2%) of the  
1101 total sales tax revenue collected during the preceding month from  
1102 restaurants and hotels shall be allocated for distribution to the  
1103 Mississippi Development Authority Tourism Advertising Fund  
1104 established under Section 57-1-64, to be used exclusively for the  
1105 purpose stated therein. On or before August 15, 2021, and each  
1106 month thereafter, three percent (3%) of the total sales tax  
1107 revenue collected during the preceding month from restaurants and  
1108 hotels shall be allocated for distribution to the Mississippi  
1109 Development Authority Tourism Advertising Fund established under  
1110 Section 57-1-64, to be used exclusively for the purpose stated



1111 therein. The revenue diverted pursuant to this subsection shall  
1112 not be available for expenditure until February 1, 2020.

1113 (b) The Joint Legislative Committee on Performance  
1114 Evaluation and Expenditure Review (PEER) must provide an annual  
1115 report to the Legislature indicating the amount of funds deposited  
1116 into the Mississippi Development Authority Tourism Advertising  
1117 Fund established under Section 57-1-64, and a detailed record of  
1118 how the funds are spent.

1119 (24) The remainder of the amounts collected under the  
1120 provisions of this chapter shall be paid into the State Treasury  
1121 to the credit of the General Fund.

1122 (25) (a) It shall be the duty of the municipal officials of  
1123 any municipality that expands its limits, or of any community that  
1124 incorporates as a municipality, to notify the commissioner of that  
1125 action thirty (30) days before the effective date. Failure to so  
1126 notify the commissioner shall cause the municipality to forfeit  
1127 the revenue that it would have been entitled to receive during  
1128 this period of time when the commissioner had no knowledge of the  
1129 action.

1130 (b) (i) Except as otherwise provided in subparagraph  
1131 (ii) of this paragraph, if any funds have been erroneously  
1132 disbursed to any municipality or any overpayment of tax is  
1133 recovered by the taxpayer, the commissioner may make correction  
1134 and adjust the error or overpayment with the municipality by



1135 withholding the necessary funds from any later payment to be made  
1136 to the municipality.

1137                   (ii) Subject to the provisions of Sections  
1138 27-65-51 and 27-65-53, if any funds have been erroneously  
1139 disbursed to a municipality under subsection (1) of this section  
1140 for a period of three (3) years or more, the maximum amount that  
1141 may be recovered or withheld from the municipality is the total  
1142 amount of funds erroneously disbursed for a period of three (3)  
1143 years beginning with the date of the first erroneous disbursement.  
1144 However, if during such period, a municipality provides written  
1145 notice to the Department of Revenue indicating the erroneous  
1146 disbursement of funds, then the maximum amount that may be  
1147 recovered or withheld from the municipality is the total amount of  
1148 funds erroneously disbursed for a period of one (1) year beginning  
1149 with the date of the first erroneous disbursement.

1150           **SECTION 15.** Section 27-65-111, Mississippi Code of 1972, is  
1151 amended as follows:

1152           27-65-111. The exemptions from the provisions of this  
1153 chapter which are not industrial, agricultural or governmental, or  
1154 which do not relate to utilities or taxes, or which are not  
1155 properly classified as one (1) of the exemption classifications of  
1156 this chapter, shall be confined to persons or property exempted by  
1157 this section or by the Constitution of the United States or the  
1158 State of Mississippi. No exemptions as now provided by any other  
1159 section, except the classified exemption sections of this chapter



1160 set forth herein, shall be valid as against the tax herein levied.  
1161 Any subsequent exemption from the tax levied hereunder, except as  
1162 indicated above, shall be provided by amendments to this section.

1163 No exemption provided in this section shall apply to taxes  
1164 levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972.

1165 The tax levied by this chapter shall not apply to the  
1166 following:

1167 (a) Sales of tangible personal property and services to  
1168 hospitals or infirmaries owned and operated by a corporation or  
1169 association in which no part of the net earnings inures to the  
1170 benefit of any private shareholder, group or individual, and which  
1171 are subject to and governed by Sections 41-7-123 through 41-7-127.

1172 Only sales of tangible personal property or services which  
1173 are ordinary and necessary to the operation of such hospitals and  
1174 infirmaries are exempted from tax.

1175 (b) Sales of daily or weekly newspapers, and  
1176 periodicals or publications of scientific, literary or educational  
1177 organizations exempt from federal income taxation under Section  
1178 501(c) (3) of the Internal Revenue Code of 1954, as it exists as of  
1179 March 31, 1975, and subscription sales of all magazines.

1180 (c) Sales of coffins, caskets and other materials used  
1181 in the preparation of human bodies for burial.

1182 (d) Sales of tangible personal property for immediate  
1183 export to a foreign country.



1184 (e) Sales of tangible personal property to an  
1185 orphanage, old men's or ladies' home, supported wholly or in part  
1186 by a religious denomination, fraternal nonprofit organization or  
1187 other nonprofit organization.

1188 (f) Sales of tangible personal property, labor or  
1189 services taxable under Sections 27-65-17, 27-65-19 and 27-65-23,  
1190 to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a  
1191 corporation or association in which no part of the net earnings  
1192 inures to the benefit of any private shareholder, group or  
1193 individual.

1194 (g) Sales to elementary and secondary grade schools,  
1195 junior and senior colleges owned and operated by a corporation or  
1196 association in which no part of the net earnings inures to the  
1197 benefit of any private shareholder, group or individual, and which  
1198 are exempt from state income taxation, provided that this  
1199 exemption does not apply to sales of property or services which  
1200 are not to be used in the ordinary operation of the school, or  
1201 which are to be resold to the students or the public.

1202 (h) The gross proceeds of retail sales and the use or  
1203 consumption in this state of drugs and medicines:

1204 (i) Prescribed for the treatment of a human being  
1205 by a person authorized to prescribe the medicines, and dispensed  
1206 or prescription filled by a registered pharmacist in accordance  
1207 with law; or





1208 (ii) Furnished by a licensed physician, surgeon,  
1209 dentist or podiatrist to his own patient for treatment of the  
1210 patient; or

1211 (iii) Furnished by a hospital for treatment of any  
1212 person pursuant to the order of a licensed physician, surgeon,  
1213 dentist or podiatrist; or

1214 (iv) Sold to a licensed physician, surgeon,  
1215 podiatrist, dentist or hospital for the treatment of a human  
1216 being; or

1217 (v) Sold to this state or any political  
1218 subdivision or municipal corporation thereof, for use in the  
1219 treatment of a human being or furnished for the treatment of a  
1220 human being by a medical facility or clinic maintained by this  
1221 state or any political subdivision or municipal corporation  
1222 thereof.

1223 "Medicines," as used in this paragraph (h), shall mean and  
1224 include any substance or preparation intended for use by external  
1225 or internal application to the human body in the diagnosis, cure,  
1226 mitigation, treatment or prevention of disease and which is  
1227 commonly recognized as a substance or preparation intended for  
1228 such use; provided that "medicines" do not include any auditory,  
1229 prosthetic, ophthalmic or ocular device or appliance, any dentures  
1230 or parts thereof or any artificial limbs or their replacement  
1231 parts, articles which are in the nature of splints, bandages,  
1232 pads, compresses, supports, dressings, instruments, apparatus,



1233 contrivances, appliances, devices or other mechanical, electronic,  
1234 optical or physical equipment or article or the component parts  
1235 and accessories thereof, or any alcoholic beverage or any other  
1236 drug or medicine not commonly referred to as a prescription drug.

1237         Notwithstanding the preceding sentence of this paragraph (h),  
1238 "medicines" as used in this paragraph (h), shall mean and include  
1239 sutures, whether or not permanently implanted, bone screws, bone  
1240 pins, pacemakers and other articles permanently implanted in the  
1241 human body to assist the functioning of any natural organ, artery,  
1242 vein or limb and which remain or dissolve in the body.

1243         "Hospital," as used in this paragraph (h), shall have the  
1244 meaning ascribed to it in Section 41-9-3, Mississippi Code of  
1245 1972.

1246         Insulin furnished by a registered pharmacist to a person for  
1247 treatment of diabetes as directed by a physician shall be deemed  
1248 to be dispensed on prescription within the meaning of this  
1249 paragraph (h).

1250                 (i) Retail sales of automobiles, trucks and  
1251 truck-tractors if exported from this state within forty-eight (48)  
1252 hours and registered and first used in another state.

1253                 (j) Sales of tangible personal property or services to  
1254 the Salvation Army and the Muscular Dystrophy Association, Inc.

1255                 (k) From July 1, 1985, through December 31, 1992,  
1256 retail sales of "alcohol-blended fuel" as such term is defined in  
1257 Section 75-55-5. The gasoline-alcohol blend or the straight



1258 alcohol eligible for this exemption shall not contain alcohol  
1259 distilled outside the State of Mississippi.

1260 (l) Sales of tangible personal property or services to  
1261 the Institute for Technology Development.

1262 (m) The gross proceeds of retail sales of food and  
1263 drink for human consumption made through vending machines serviced  
1264 by full-line vendors from and not connected with other taxable  
1265 businesses.

1266 (n) The gross proceeds of sales of motor fuel.

1267 (o) Retail sales of food for human consumption  
1268 purchased with food stamps issued by the United States Department  
1269 of Agriculture, or other federal agency, from and after October 1,  
1270 1987, or from and after the expiration of any waiver granted  
1271 pursuant to federal law, the effect of which waiver is to permit  
1272 the collection by the state of tax on such retail sales of food  
1273 for human consumption purchased with food stamps.

1274 (p) Sales of cookies for human consumption by the Girl  
1275 Scouts of America no part of the net earnings from which sales  
1276 inures to the benefit of any private group or individual.

1277 (q) Gifts or sales of tangible personal property or  
1278 services to public or private nonprofit museums of art.

1279 (r) Sales of tangible personal property or services to  
1280 alumni associations of state-supported colleges or universities.



1281           (s) Sales of tangible personal property or services to  
1282 National Association of Junior Auxiliaries, Inc., and chapters of  
1283 the National Association of Junior Auxiliaries, Inc.

1284           (t) Sales of tangible personal property or services to  
1285 domestic violence shelters which qualify for state funding under  
1286 Sections 93-21-101 through 93-21-113.

1287           (u) Sales of tangible personal property or services to  
1288 the National Multiple Sclerosis Society, Mississippi Chapter.

1289           (v) Retail sales of food for human consumption  
1290 purchased with food instruments issued the Mississippi Band of  
1291 Choctaw Indians under the Women, Infants and Children Program  
1292 (WIC) funded by the United States Department of Agriculture.

1293           (w) Sales of tangible personal property or services to  
1294 a private company, as defined in Section 57-61-5, which is making  
1295 such purchases with proceeds of bonds issued under Section 57-61-1  
1296 et seq., the Mississippi Business Investment Act.

1297           (x) The gross collections from the operation of  
1298 self-service, coin-operated car washing equipment and sales of the  
1299 service of washing motor vehicles with portable high-pressure  
1300 washing equipment on the premises of the customer.

1301           (y) Sales of tangible personal property or services to  
1302 the Mississippi Technology Alliance.

1303           (z) Sales of tangible personal property to nonprofit  
1304 organizations that provide foster care, adoption services and  
1305 temporary housing for unwed mothers and their children if the



1306 organization is exempt from federal income taxation under Section  
1307 501(c) (3) of the Internal Revenue Code.

1308 (aa) Sales of tangible personal property to nonprofit  
1309 organizations that provide residential rehabilitation for persons  
1310 with alcohol and drug dependencies if the organization is exempt  
1311 from federal income taxation under Section 501(c) (3) of the  
1312 Internal Revenue Code.

1313 (bb) (i) Retail sales of an article of clothing or  
1314 footwear designed to be worn on or about the human body and retail  
1315 sales of school supplies if the sales price of the article of  
1316 clothing or footwear or school supply is less than One Hundred  
1317 Dollars (\$100.00) and the sale takes place during a period  
1318 beginning at 12:01 a.m. on the last Friday in July and ending at  
1319 12:00 midnight the following Saturday. This paragraph (bb) shall  
1320 not apply to:

1321 1. Accessories including jewelry, handbags,  
1322 luggage, umbrellas, wallets, watches, briefcases, garment bags and  
1323 similar items carried on or about the human body, without regard  
1324 to whether worn on the body in a manner characteristic of  
1325 clothing;

1326 2. The rental of clothing or footwear; and

1327 3. Skis, swim fins, roller blades, skates and  
1328 similar items worn on the foot.



1329 (ii) For purposes of this paragraph (bb), "school  
1330 supplies" means items that are commonly used by a student in a  
1331 course of study. The following is an all-inclusive list:

- 1332 1. Backpacks;
- 1333 2. Binder pockets;
- 1334 3. Binders;
- 1335 4. Blackboard chalk;
- 1336 5. Book bags;
- 1337 6. Calculators;
- 1338 7. Cellophane tape;
- 1339 8. Clays and glazes;
- 1340 9. Compasses;
- 1341 10. Composition books;
- 1342 11. Crayons;
- 1343 12. Dictionaries and thesauruses;
- 1344 13. Dividers;
- 1345 14. Erasers;
- 1346 15. Folders: expandable, pocket, plastic and  
1347 manila;
- 1348 16. Glue, paste and paste sticks;
- 1349 17. Highlighters;
- 1350 18. Index card boxes;
- 1351 19. Index cards;
- 1352 20. Legal pads;
- 1353 21. Lunch boxes;



- 1354 22. Markers;
- 1355 23. Notebooks;
- 1356 24. Paintbrushes for artwork;
- 1357 25. Paints: acrylic, tempera and oil;
- 1358 26. Paper: loose-leaf ruled notebook paper,
- 1359 copy paper, graph paper, tracing paper, manila paper, colored
- 1360 paper, poster board and construction paper;
- 1361 27. Pencil boxes and other school supply
- 1362 boxes;
- 1363 28. Pencil sharpeners;
- 1364 29. Pencils;
- 1365 30. Pens;
- 1366 31. Protractors;
- 1367 32. Reference books;
- 1368 33. Reference maps and globes;
- 1369 34. Rulers;
- 1370 35. Scissors;
- 1371 36. Sheet music;
- 1372 37. Sketch and drawing pads;
- 1373 38. Textbooks;
- 1374 39. Watercolors;
- 1375 40. Workbooks; and
- 1376 41. Writing tablets.

1377 (iii) From and after January 1, 2010, the

1378 governing authorities of a municipality, for retail sales



1379 occurring within the corporate limits of the municipality, may  
1380 suspend the application of the exemption provided for in this  
1381 paragraph (bb) by adoption of a resolution to that effect stating  
1382 the date upon which the suspension shall take effect. A certified  
1383 copy of the resolution shall be furnished to the Department of  
1384 Revenue at least ninety (90) days prior to the date upon which the  
1385 municipality desires such suspension to take effect.

1386 (cc) The gross proceeds of sales of tangible personal  
1387 property made for the sole purpose of raising funds for a school  
1388 or an organization affiliated with a school.

1389 As used in this paragraph (cc), "school" means any public or  
1390 private school that teaches courses of instruction to students in  
1391 any grade from kindergarten through Grade 12.

1392 (dd) Sales of durable medical equipment and home  
1393 medical supplies when ordered or prescribed by a licensed  
1394 physician for medical purposes of a patient. As used in this  
1395 paragraph (dd), "durable medical equipment" and "home medical  
1396 supplies" mean equipment, including repair and replacement parts  
1397 for the equipment or supplies listed under Title XVIII of the  
1398 Social Security Act or under the state plan for medical assistance  
1399 under Title XIX of the Social Security Act, prosthetics,  
1400 orthotics, hearing aids, hearing devices, prescription eyeglasses,  
1401 oxygen and oxygen equipment. Payment does not have to be made, in  
1402 whole or in part, by any particular person to be eligible for this  
1403 exemption. Purchases of home medical equipment and supplies by a





1404 provider of home health services or a provider of hospice services  
1405 are eligible for this exemption if the purchases otherwise meet  
1406 the requirements of this paragraph.

1407 (ee) Sales of tangible personal property or services to  
1408 Mississippi Blood Services.

1409 (ff) (i) Subject to the provisions of this paragraph  
1410 (ff), retail sales of firearms, ammunition and hunting supplies if  
1411 sold during the annual Mississippi Second Amendment Weekend  
1412 holiday beginning at 12:01 a.m. on the last Friday in August and  
1413 ending at 12:00 midnight the following Sunday. For the purposes  
1414 of this paragraph (ff), "hunting supplies" means tangible personal  
1415 property used for hunting, including, and limited to, archery  
1416 equipment, firearm and archery cases, firearm and archery  
1417 accessories, hearing protection, holsters, belts and slings.  
1418 Hunting supplies does not include animals used for hunting.

1419 (ii) This paragraph (ff) shall apply only if one  
1420 or more of the following occur:

1421 1. Title to and/or possession of an eligible  
1422 item is transferred from a seller to a purchaser; and/or

1423 2. A purchaser orders and pays for an  
1424 eligible item and the seller accepts the order for immediate  
1425 shipment, even if delivery is made after the time period provided  
1426 in subparagraph (i) of this paragraph (ff), provided that the  
1427 purchaser has not requested or caused the delay in shipment.



1428           (gg) Sales of nonperishable food items to charitable  
1429 organizations that are exempt from federal income taxation under  
1430 Section 501(c) (3) of the Internal Revenue Code and operate a food  
1431 bank or food pantry or food lines.

1432           (hh) Sales of tangible personal property or services to  
1433 the United Way of the Pine Belt Region, Inc.

1434           (ii) Sales of tangible personal property or services to  
1435 the Mississippi Children's Museum or any subsidiary or affiliate  
1436 thereof operating a satellite or branch museum within this state.

1437           (jj) Sales of tangible personal property or services to  
1438 the Jackson Zoological Park.

1439           (kk) Sales of tangible personal property or services to  
1440 the Hattiesburg Zoo.

1441           (ll) Gross proceeds from sales of food, merchandise or  
1442 other concessions at an event held solely for religious or  
1443 charitable purposes at livestock facilities, agriculture  
1444 facilities or other facilities constructed, renovated or expanded  
1445 with funds for the grant program authorized under Section 18,  
1446 Chapter 530, Laws of 1995.

1447           (mm) Sales of tangible personal property and services  
1448 to the Diabetes Foundation of Mississippi and the Mississippi  
1449 Chapter of the Juvenile Diabetes Research Foundation.

1450           (nn) Sales of potting soil, mulch, or other soil  
1451 amendments used in growing ornamental plants which bear no fruit  
1452 of commercial value when sold to commercial plant nurseries that



1453 operate exclusively at wholesale and where no retail sales can be  
1454 made.

1455 (oo) Sales of tangible personal property or services to  
1456 the University of Mississippi Medical Center Research Development  
1457 Foundation.

1458 (pp) Sales of tangible personal property or services to  
1459 Keep Mississippi Beautiful, Inc., and all affiliates of Keep  
1460 Mississippi Beautiful, Inc.

1461 (qq) Sales of tangible personal property or services to  
1462 the Friends of Children's Hospital.

1463 (rr) Sales of tangible personal property or services to  
1464 the Pinecrest Weekend Backpacks for Kids located in Corinth,  
1465 Mississippi.

1466 (ss) Sales of hearing aids when ordered or prescribed  
1467 by a licensed physician, audiologist or hearing aid specialist for  
1468 the medical purposes of a patient.

1469 (tt) Sales exempt under the Facilitating Business Rapid  
1470 Response to State Declared Disasters Act of 2015 (Sections  
1471 27-113-1 through 27-113-9).

1472 (uu) Sales of tangible personal property or services to  
1473 the Junior League of Jackson.

1474 (vv) Sales of tangible personal property or services to  
1475 the Mississippi's Toughest Kids Foundation for use in the  
1476 construction, furnishing and equipping of buildings and related  
1477 facilities and infrastructure at Camp Kamassa in Copiah County,



1478 Mississippi. This paragraph (vv) shall stand repealed on July 1,  
1479 2022.

1480 (ww) Sales of tangible personal property or services to  
1481 MS Gulf Coast Buddy Sports, Inc.

1482 (xx) Sales of tangible personal property or services to  
1483 Biloxi Lions, Inc.

1484 (yy) Sales of tangible personal property or services to  
1485 Lions Sight Foundation of Mississippi, Inc.

1486 (zz) Sales of tangible personal property and services  
1487 to the Goldring/Woldenberg Institute of Southern Jewish Life  
1488 (ISJL).

1489 (aaa) Sales of medical marijuana that are lawful under  
1490 Sections 1 through 10 of this act and in compliance with the  
1491 implementing regulations adopted by the State Department of  
1492 Health.

1493 **SECTION 16.** Section 27-103-203, Mississippi Code of 1972, is  
1494 amended as follows:

1495 27-103-203. (1) There is created in the State Treasury a  
1496 special fund, separate and apart from any other fund, to be  
1497 designated the Working Cash-Stabilization Reserve Fund.

1498 (2) The Working Cash-Stabilization Reserve Fund shall not be  
1499 considered as a surplus or available funds when adopting a  
1500 balanced budget as required by law. The State Treasurer shall  
1501 invest all sums in the Working Cash-Stabilization Reserve Fund not  
1502 needed for the purposes provided for in this section in



1503 certificates of deposit, repurchase agreements and other  
1504 securities as authorized in Section 27-105-33(d) or Section  
1505 7-9-103, as the State Treasurer may determine to yield the highest  
1506 market rate available. If the Ayers Settlement Fund is created  
1507 under Section 37-101-27(5), the first Five Million Dollars  
1508 (\$5,000,000.00) of interest earned on those sums each fiscal year  
1509 shall be deposited into that fund until a total of Seventy Million  
1510 Dollars (\$70,000,000.00) has been deposited into the fund. The  
1511 interest, or the remaining interest if the Ayers Settlement Fund  
1512 is created, that is earned on those sums shall be deposited in the  
1513 Working Cash-Stabilization Reserve Fund until the balance of  
1514 principal and interest in the fund reaches ten percent (10%) of  
1515 the total General Fund appropriations for the current fiscal year,  
1516 and all interest earned in excess of amounts necessary to maintain  
1517 the ten percent (10%) fund balance requirement shall be deposited  
1518 by the State Treasurer into the State General Fund.

1519 (3) The Working Cash-Stabilization Reserve Fund, except for  
1520 Fifteen Million Dollars (\$15,000,000.00) and the amount of the  
1521 interest and income earned on the principal of the Ayers Endowment  
1522 Trust created by Section 37-101-27, shall be used by the State  
1523 Treasurer for cash flow needs throughout the year when the  
1524 Executive Director of the Department of Finance and Administration  
1525 certifies that in his opinion there will be cash flow deficiencies  
1526 in the State General Fund. No borrowing of monies from other  
1527 special funds for such purposes as authorized by Section 31-17-101



1528 et seq., shall be made as long as an unencumbered balance in  
1529 excess of Fifteen Million Dollars (\$15,000,000.00) and the  
1530 interest and income earned on the principal of the Ayers Endowment  
1531 Trust created by Section 37-101-27 remains in the fund. The State  
1532 Treasurer shall reimburse the fund for all sums borrowed for those  
1533 purposes from General Fund revenues collected during the fiscal  
1534 year in which those funds are used. The State Treasurer shall  
1535 immediately notify the Legislative Budget Office and the State  
1536 Department of Finance and Administration of each transfer into and  
1537 out of the fund. Fifteen Million Dollars (\$15,000,000.00) in the  
1538 Working Cash-Stabilization Reserve Fund shall remain available for  
1539 exclusive use of the Ayers Endowment Trust created by Section  
1540 37-101-27. If the Ayers Settlement Fund is created under Section  
1541 37-101-27(5), beginning when a total of Fifty-five Million Dollars  
1542 (\$55,000,000.00) has been deposited into the fund, for each annual  
1543 deposit of interest to that fund under subsection (2) of this  
1544 section, the Ayers Endowment Trust created under Section  
1545 37-101-27(1) shall be reduced by an equal amount annually until  
1546 the Ayers Endowment Trust reaches Zero Dollars (\$0.00), at which  
1547 time any requirements concerning the Ayers Endowment Trust in this  
1548 section shall be null and void.

1549 (4) The Working Cash-Stabilization Reserve Fund, except for  
1550 Forty Million Dollars (\$40,000,000.00), shall also be used for the  
1551 purpose of covering any projected deficits that may occur in the  
1552 General Fund at the end of a fiscal year as a result of revenue



1553 shortfalls. If the Governor determines that a deficit in revenues  
1554 from all sources may occur, it shall be the duty of the Executive  
1555 Director of the Department of Finance and Administration to  
1556 transfer such funds as necessary to the General Fund to alleviate  
1557 the deficit in accordance with Sections 27-104-13 and 31-17-123;  
1558 however, not more than Fifty Million Dollars (\$50,000,000.00) may  
1559 be transferred from the fund for that purpose in any one (1)  
1560 fiscal year.

1561 (5) The Working Cash-Stabilization Reserve Fund also shall  
1562 be used to provide funds for the Disaster Assistance Trust Fund  
1563 when those funds are immediately needed to provide for disaster  
1564 assistance under Sections 33-15-301 through 33-15-317. Any  
1565 transfer of funds from the Working Cash-Stabilization Reserve Fund  
1566 to the Disaster Assistance Trust Fund shall be made in accordance  
1567 with the provisions of subsection (5) of Section 33-15-307.

1568 (6) The Working Cash-Stabilization Reserve Fund also shall  
1569 be used to provide funds for a line of credit for the State  
1570 Department of Health when requested under the provisions of  
1571 Section 6 of this act.

1572 (7) The Department of Finance and Administration shall  
1573 immediately send notice of any transfers made, or other action  
1574 taken under authority of this section, to the Legislative Budget  
1575 Office.

1576 ( \* \* \*8) Funds deposited in the Working Cash-Stabilization  
1577 Reserve Fund shall be used only for the purposes specified in this



1578 section, and as long as the provisions of this section remain in  
1579 effect, no other expenditure, appropriation or transfer of funds  
1580 in the Working Cash-Stabilization Reserve Fund shall be made  
1581 except by act of the Legislature making specific reference to the  
1582 Working Cash-Stabilization Reserve Fund as the source of those  
1583 funds.

1584 ( \* \* \*9) Any funds appropriated from the Working  
1585 Cash-Stabilization Reserve Fund that are unexpended at the end of  
1586 a fiscal year shall lapse into the Working Cash-Stabilization  
1587 Reserve Fund.

1588 **SECTION 17.** Section 41-29-125, Mississippi Code of 1972, is  
1589 amended as follows:

1590 41-29-125. (1) The State Board of Pharmacy may promulgate  
1591 rules and regulations relating to the registration and control of  
1592 the manufacture, distribution and dispensing of controlled  
1593 substances within this state and the distribution and dispensing  
1594 of controlled substances into this state from an out-of-state  
1595 location.

1596 (a) Every person who manufactures, distributes or  
1597 dispenses any controlled substance within this state or who  
1598 distributes or dispenses any controlled substance into this state  
1599 from an out-of-state location, or who proposes to engage in the  
1600 manufacture, distribution or dispensing of any controlled  
1601 substance within this state or the distribution or dispensing of  
1602 any controlled substance into this state from an out-of-state





1603 location, must obtain a registration issued by the State Board of  
1604 Pharmacy, the State Board of Medical Licensure, the State Board of  
1605 Dental Examiners, the Mississippi Board of Nursing or the  
1606 Mississippi Board of Veterinary Medicine, as appropriate, in  
1607 accordance with its rules and the law of this state. Such  
1608 registration shall be obtained annually or biennially, as  
1609 specified by the issuing board, and a reasonable fee may be  
1610 charged by the issuing board for such registration.

1611 (b) Persons registered by the State Board of Pharmacy,  
1612 with the consent of the United States Drug Enforcement  
1613 Administration and the State Board of Medical Licensure, the State  
1614 Board of Dental Examiners, the Mississippi Board of Nursing or the  
1615 Mississippi Board of Veterinary Medicine to manufacture,  
1616 distribute, dispense or conduct research with controlled  
1617 substances may possess, manufacture, distribute, dispense or  
1618 conduct research with those substances to the extent authorized by  
1619 their registration and in conformity with the other provisions of  
1620 this article.

1621 (c) The following persons need not register and may  
1622 lawfully possess controlled substances under this article:

1623 (1) An agent or employee of any registered  
1624 manufacturer, distributor or dispenser of any controlled substance  
1625 if he is acting in the usual course of his business or employment;



1626                   (2) A common or contract carrier or warehouse, or  
1627 an employee thereof, whose possession of any controlled substance  
1628 is in the usual course of business or employment;

1629                   (3) An ultimate user or a person in possession of  
1630 any controlled substance pursuant to a valid prescription or in  
1631 lawful possession of a Schedule V substance as defined in Section  
1632 41-29-121.

1633                   (d) The State Board of Pharmacy may waive by rule the  
1634 requirement for registration of certain manufacturers,  
1635 distributors or dispensers if it finds it consistent with the  
1636 public health and safety.

1637                   (e) A separate registration is required at each  
1638 principal place of business or professional practice where an  
1639 applicant within the state manufactures, distributes or dispenses  
1640 controlled substances and for each principal place of business or  
1641 professional practice located out-of-state from which controlled  
1642 substances are distributed or dispensed into the state.

1643                   (f) The State Board of Pharmacy, the Mississippi Bureau  
1644 of Narcotics, the State Board of Medical Licensure, the State  
1645 Board of Dental Examiners, the Mississippi Board of Nursing and  
1646 the Mississippi Board of Veterinary Medicine may inspect the  
1647 establishment of a registrant or applicant for registration in  
1648 accordance with the regulations of these agencies as approved by  
1649 the board.



1650 (2) Whenever a pharmacy ships, mails or delivers any  
1651 Schedule II controlled substance listed in Section 41-29-115 to a  
1652 private residence in this state, the pharmacy shall arrange with  
1653 the entity that will actually deliver the controlled substance to  
1654 a recipient in this state that the entity will: (a) deliver the  
1655 controlled substance only to a person who is eighteen (18) years  
1656 of age or older; and (b) obtain the signature of that person  
1657 before delivering the controlled substance. The requirements of  
1658 this subsection shall not apply to a pharmacy serving a nursing  
1659 facility or to a pharmacy owned and/or operated by a hospital,  
1660 nursing facility or clinic to which the general public does not  
1661 have access to purchase pharmaceuticals on a retail basis.

1662 (3) This section does not apply to any of the actions  
1663 regarding the cultivation, manufacture, processing, sale,  
1664 distribution, dispensing, purchase, possession, use and testing of  
1665 medical marijuana that are lawful under Sections 1 through 10 of  
1666 this act and in compliance with the implementing regulations  
1667 adopted by the State Department of Health.

1668 **SECTION 18.** Section 41-29-127, Mississippi Code of 1972, is  
1669 amended as follows:

1670 41-29-127. (a) The State Board of Pharmacy shall register  
1671 an applicant to manufacture or distribute controlled substances  
1672 included in Sections 41-29-113 through 41-29-121 unless it  
1673 determines that the issuance of that registration would be  
1674 inconsistent with the public interest. In determining the public



1675 interest, the State Board of Pharmacy shall consider the following  
1676 factors:

1677 (1) Maintenance of effective controls against diversion  
1678 of controlled substances into other than legitimate medical,  
1679 scientific, or industrial channels;

1680 (2) Compliance with applicable state and local law;

1681 (3) Any convictions of the applicant under any federal  
1682 and state laws relating to any controlled substance;

1683 (4) Past experience in the manufacture or distribution  
1684 of controlled substances and the existence in the applicant's  
1685 establishment of effective controls against diversion;

1686 (5) Furnishing by the applicant of false or fraudulent  
1687 material in any application filed under this article;

1688 (6) Suspension or revocation of the applicant's federal  
1689 registration to manufacture, distribute, or dispense controlled  
1690 substances as authorized by federal law; and

1691 (7) Any other factors relevant to and consistent with  
1692 the public health and safety.

1693 (b) Registration under subsection (a) does not entitle a  
1694 registrant to manufacture and distribute controlled substances in  
1695 Schedule I or II, as set out in Sections 41-29-113 and 41-29-115,  
1696 other than those specified in the registration.

1697 (c) Practitioners must be registered to dispense any  
1698 controlled substances or to conduct research with controlled  
1699 substances in Schedules II through V, as set out in Sections



1700 41-29-115 through 41-29-121, if they are authorized to dispense or  
1701 conduct research under the law of this state. The State Board of  
1702 Pharmacy need not require separate registration under this section  
1703 for practitioners engaging in research with nonnarcotic controlled  
1704 substances in the said Schedules II through V where the registrant  
1705 is already registered therein in another capacity. Practitioners  
1706 registered under federal law to conduct research with Schedule I  
1707 substances, as set out in Section 41-29-113, may conduct research  
1708 with Schedule I substances within this state upon furnishing the  
1709 State Board of Health evidence of that federal registration.

1710 (d) Compliance by manufacturers and distributors with the  
1711 provisions of the federal law respecting registration (excluding  
1712 fees) entitles them to be registered under this article.

1713 (e) This section does not apply to any of the actions  
1714 regarding the cultivation, manufacture, processing, sale,  
1715 distribution, dispensing, purchase, possession, use and testing of  
1716 medical marijuana that are lawful under Sections 1 through 10 of  
1717 this act and in compliance with the implementing regulations  
1718 adopted by the State Department of Health.

1719 **SECTION 19.** Section 41-29-136, Mississippi Code of 1972, is  
1720 amended as follows:

1721 41-29-136. (1) "CBD solution" means a pharmaceutical  
1722 preparation consisting of processed cannabis plant extract in oil  
1723 or other suitable vehicle.



1724 (2) (a) CBD solution prepared from (i) Cannabis plant  
1725 extract that is provided by the National Center for Natural  
1726 Products Research at the University of Mississippi under  
1727 appropriate federal and state regulatory approvals, or (ii)  
1728 Cannabis extract from hemp produced pursuant to Sections 69-25-201  
1729 through 69-25-221, which is prepared and tested to meet compliance  
1730 with regulatory specifications, may be dispensed by the Department  
1731 of Pharmacy Services at the University of Mississippi Medical  
1732 Center (UMMC Pharmacy) after mixing the extract with a suitable  
1733 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or  
1734 by another pharmacy or laboratory in the state under appropriate  
1735 federal and state regulatory approvals and registrations.

1736 (b) The patient or the patient's parent, guardian or  
1737 custodian must execute a hold-harmless agreement that releases  
1738 from liability the state and any division, agency, institution or  
1739 employee thereof involved in the research, cultivation,  
1740 processing, formulating, dispensing, prescribing or administration  
1741 of CBD solution obtained from entities authorized under this  
1742 section to produce or possess cannabidiol for research under  
1743 appropriate federal and state regulatory approvals and  
1744 registrations.

1745 (c) The National Center for Natural Products Research  
1746 at the University of Mississippi and the Mississippi Agricultural  
1747 and Forestry Experiment Station at Mississippi State University



1748 are the only entities authorized to produce cannabis plants for  
1749 cannabidiol research.

1750 (d) Research of CBD solution under this section must  
1751 comply with the provisions of Section 41-29-125 regarding lawful  
1752 possession of controlled substances, of Section 41-29-137  
1753 regarding record-keeping requirements relative to the dispensing,  
1754 use or administration of controlled substances, and of Section  
1755 41-29-133 regarding inventory requirements, insofar as they are  
1756 applicable. Authorized entities may enter into public-private  
1757 partnerships to facilitate research.

1758 (3) (a) In a prosecution for the unlawful possession of  
1759 marijuana under the laws of this state, it is an affirmative and  
1760 complete defense to prosecution that:

1761 (i) The defendant suffered from a debilitating  
1762 epileptic condition or related illness and the use or possession  
1763 of CBD solution was pursuant to the order of a physician as  
1764 authorized under this section; or

1765 (ii) The defendant is the parent, guardian or  
1766 custodian of an individual who suffered from a debilitating  
1767 epileptic condition or related illness and the use or possession  
1768 of CBD solution was pursuant to the order of a physician as  
1769 authorized under this section.

1770 (b) An agency of this state or a political subdivision  
1771 thereof, including any law enforcement agency, may not initiate  
1772 proceedings to remove a child from the home based solely upon the



1773 possession or use of CBD solution by the child or parent, guardian  
1774 or custodian of the child as authorized under this section.

1775 (c) An employee of the state or any division, agency,  
1776 institution thereof involved in the research, cultivation,  
1777 processing, formulation, dispensing, prescribing or administration  
1778 of CBD solution shall not be subject to prosecution for unlawful  
1779 possession, use, distribution or prescription of marijuana under  
1780 the laws of this state for activities arising from or related to  
1781 the use of CBD solution in the treatment of individuals diagnosed  
1782 with a debilitating epileptic condition.

1783 (4) This section does not apply to any of the actions  
1784 regarding the cultivation, manufacture, processing, sale,  
1785 distribution, dispensing, purchase, possession, use and testing of  
1786 medical marijuana that are lawful under Sections 1 through 10 of  
1787 this act and in compliance with the implementing regulations  
1788 adopted by the State Department of Health.

1789 (5) This section shall be known as "Harper Grace's Law."

1790 ( \* \* \*6) This section shall stand repealed from and after  
1791 July 1, 2024.

1792 **SECTION 20.** Section 41-29-137, Mississippi Code of 1972, is  
1793 amended as follows:

1794 41-29-137. (a) (1) Except when dispensed directly by a  
1795 practitioner, other than a pharmacy, to an ultimate user, no  
1796 controlled substance in Schedule II, as set out in Section  
1797 41-29-115, may be dispensed without the written valid prescription





1798 of a practitioner. A practitioner shall keep a record of all  
1799 controlled substances in Schedule I, II and III administered,  
1800 dispensed or professionally used by him otherwise than by  
1801 prescription.

1802 (2) In emergency situations, as defined by rule of the  
1803 State Board of Pharmacy, Schedule II drugs may be dispensed upon  
1804 the oral valid prescription of a practitioner, reduced promptly to  
1805 writing and filed by the pharmacy. Prescriptions shall be  
1806 retained in conformity with the requirements of Section 41-29-133.  
1807 No prescription for a Schedule II substance may be refilled unless  
1808 renewed by prescription issued by a licensed medical doctor.

1809 (b) Except when dispensed directly by a practitioner, other  
1810 than a pharmacy, to an ultimate user, a controlled substance  
1811 included in Schedule III or IV, as set out in Sections 41-29-117  
1812 and 41-29-119, shall not be dispensed without a written or oral  
1813 valid prescription of a practitioner. The prescription shall not  
1814 be filled or refilled more than six (6) months after the date  
1815 thereof or be refilled more than five (5) times, unless renewed by  
1816 the practitioner.

1817 (c) A controlled substance included in Schedule V, as set  
1818 out in Section 41-29-121, shall not be distributed or dispensed  
1819 other than for a medical purpose.

1820 (d) An optometrist certified to prescribe and use  
1821 therapeutic pharmaceutical agents under Sections 73-19-153 through  
1822 73-19-165 shall be authorized to prescribe oral analgesic



1823 controlled substances in Schedule IV or V, as pertains to  
1824 treatment and management of eye disease by written prescription  
1825 only.

1826 (e) Administration by injection of any pharmaceutical  
1827 product authorized in this section is expressly prohibited except  
1828 when dispensed directly by a practitioner other than a pharmacy.

1829 (f) (1) For the purposes of this article, Title 73, Chapter  
1830 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it  
1831 pertains to prescriptions for controlled substances, a "valid  
1832 prescription" means a prescription that is issued for a legitimate  
1833 medical purpose in the usual course of professional practice by:

1834 (A) A practitioner who has conducted at least one  
1835 (1) in-person medical evaluation of the patient, except as  
1836 otherwise authorized by Section 41-29-137.1; or

1837 (B) A covering practitioner.

1838 (2) (A) "In-person medical evaluation" means a medical  
1839 evaluation that is conducted with the patient in the physical  
1840 presence of the practitioner, without regard to whether portions  
1841 of the evaluation are conducted by other health professionals.

1842 (B) "Covering practitioner" means a practitioner  
1843 who conducts a medical evaluation other than an in-person medical  
1844 evaluation at the request of a practitioner who has conducted at  
1845 least one (1) in-person medical evaluation of the patient or an  
1846 evaluation of the patient through the practice of telemedicine



1847 within the previous twenty-four (24) months and who is temporarily  
1848 unavailable to conduct the evaluation of the patient.

1849 (3) A prescription for a controlled substance based  
1850 solely on a consumer's completion of an online medical  
1851 questionnaire is not a valid prescription.

1852 (4) Nothing in this subsection (f) shall apply to:

1853 (A) A prescription issued by a practitioner  
1854 engaged in the practice of telemedicine as authorized under state  
1855 or federal law; or

1856 (B) The dispensing or selling of a controlled  
1857 substance pursuant to practices as determined by the United States  
1858 Attorney General by regulation.

1859 (g) This section does not apply to any of the actions  
1860 regarding the cultivation, manufacture, processing, sale,  
1861 distribution, dispensing, purchase, possession, use and testing of  
1862 medical marijuana that are lawful under Sections 1 through 10 of  
1863 this act and in compliance with the implementing regulations  
1864 adopted by the State Department of Health.

1865 **SECTION 21.** Section 41-29-139, Mississippi Code of 1972, is  
1866 amended as follows:

1867 41-29-139. (a) **Transfer and possession with intent to**  
1868 **transfer.** Except as authorized by this article, it is unlawful  
1869 for any person knowingly or intentionally:



1870 (1) To sell, barter, transfer, manufacture, distribute,  
1871 dispense or possess with intent to sell, barter, transfer,  
1872 manufacture, distribute or dispense, a controlled substance; or

1873 (2) To create, sell, barter, transfer, distribute,  
1874 dispense or possess with intent to create, sell, barter, transfer,  
1875 distribute or dispense, a counterfeit substance.

1876 (b) **Punishment for transfer and possession with intent to**  
1877 **transfer.** Except as otherwise provided in Section 41-29-142, any  
1878 person who violates subsection (a) of this section shall be, if  
1879 convicted, sentenced as follows:

1880 (1) For controlled substances classified in Schedule I  
1881 or II, as set out in Sections 41-29-113 and 41-29-115, other than  
1882 marijuana or synthetic cannabinoids:

1883 (A) If less than two (2) grams or ten (10) dosage  
1884 units, by imprisonment for not more than eight (8) years or a fine  
1885 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

1886 (B) If two (2) or more grams or ten (10) or more  
1887 dosage units, but less than ten (10) grams or twenty (20) dosage  
1888 units, by imprisonment for not less than three (3) years nor more  
1889 than twenty (20) years or a fine of not more than Two Hundred  
1890 Fifty Thousand Dollars (\$250,000.00), or both.

1891 (C) If ten (10) or more grams or twenty (20) or  
1892 more dosage units, but less than thirty (30) grams or forty (40)  
1893 dosage units, by imprisonment for not less than five (5) years nor



1894 more than thirty (30) years or a fine of not more than Five  
1895 Hundred Thousand Dollars (\$500,000.00), or both.

1896 (2) (A) For marijuana:

1897 1. If thirty (30) grams or less, by  
1898 imprisonment for not more than three (3) years or a fine of not  
1899 more than Three Thousand Dollars (\$3,000.00), or both;

1900 2. If more than thirty (30) grams but less  
1901 than two hundred fifty (250) grams, by imprisonment for not more  
1902 than five (5) years or a fine of not more than Five Thousand  
1903 Dollars (\$5,000.00), or both;

1904 3. If two hundred fifty (250) or more grams  
1905 but less than five hundred (500) grams, by imprisonment for not  
1906 less than three (3) years nor more than ten (10) years or a fine  
1907 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

1908 4. If five hundred (500) or more grams but  
1909 less than one (1) kilogram, by imprisonment for not less than five  
1910 (5) years nor more than twenty (20) years or a fine of not more  
1911 than Twenty Thousand Dollars (\$20,000.00), or both.

1912 (B) For synthetic cannabinoids:

1913 1. If ten (10) grams or less, by imprisonment  
1914 for not more than three (3) years or a fine of not more than Three  
1915 Thousand Dollars (\$3,000.00), or both;

1916 2. If more than ten (10) grams but less than  
1917 twenty (20) grams, by imprisonment for not more than five (5)



1918 years or a fine of not more than Five Thousand Dollars

1919 (\$5,000.00), or both;

1920                   3. If twenty (20) or more grams but less than  
1921 forty (40) grams, by imprisonment for not less than three (3)  
1922 years nor more than ten (10) years or a fine of not more than  
1923 Fifteen Thousand Dollars (\$15,000.00), or both;

1924                   4. If forty (40) or more grams but less than  
1925 two hundred (200) grams, by imprisonment for not less than five  
1926 (5) years nor more than twenty (20) years or a fine of not more  
1927 than Twenty Thousand Dollars (\$20,000.00), or both.

1928                   (3) For controlled substances classified in Schedules  
1929 III and IV, as set out in Sections 41-29-117 and 41-29-119:

1930                   (A) If less than two (2) grams or ten (10) dosage  
1931 units, by imprisonment for not more than five (5) years or a fine  
1932 of not more than Five Thousand Dollars (\$5,000.00), or both;

1933                   (B) If two (2) or more grams or ten (10) or more  
1934 dosage units, but less than ten (10) grams or twenty (20) dosage  
1935 units, by imprisonment for not more than eight (8) years or a fine  
1936 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

1937                   (C) If ten (10) or more grams or twenty (20) or  
1938 more dosage units, but less than thirty (30) grams or forty (40)  
1939 dosage units, by imprisonment for not more than fifteen (15) years  
1940 or a fine of not more than One Hundred Thousand Dollars  
1941 (\$100,000.00), or both;



1942 (D) If thirty (30) or more grams or forty (40) or  
1943 more dosage units, but less than five hundred (500) grams or two  
1944 thousand five hundred (2,500) dosage units, by imprisonment for  
1945 not more than twenty (20) years or a fine of not more than Two  
1946 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

1947 (4) For controlled substances classified in Schedule V,  
1948 as set out in Section 41-29-121:

1949 (A) If less than two (2) grams or ten (10) dosage  
1950 units, by imprisonment for not more than one (1) year or a fine of  
1951 not more than Five Thousand Dollars (\$5,000.00), or both;

1952 (B) If two (2) or more grams or ten (10) or more  
1953 dosage units, but less than ten (10) grams or twenty (20) dosage  
1954 units, by imprisonment for not more than five (5) years or a fine  
1955 of not more than Ten Thousand Dollars (\$10,000.00), or both;

1956 (C) If ten (10) or more grams or twenty (20) or  
1957 more dosage units, but less than thirty (30) grams or forty (40)  
1958 dosage units, by imprisonment for not more than ten (10) years or  
1959 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
1960 both;

1961 (D) For thirty (30) or more grams or forty (40) or  
1962 more dosage units, but less than five hundred (500) grams or two  
1963 thousand five hundred (2,500) dosage units, by imprisonment for  
1964 not more than fifteen (15) years or a fine of not more than Fifty  
1965 Thousand Dollars (\$50,000.00), or both.



1966           (c) **Simple possession.** Except as otherwise provided under  
1967 subsection (i) of this section for lawful purchases made in  
1968 accordance with Sections 1 through 10 of this act, it is unlawful  
1969 for any person knowingly or intentionally to possess any  
1970 controlled substance unless the substance was obtained directly  
1971 from, or pursuant to, a valid prescription or order of a  
1972 practitioner while acting in the course of his professional  
1973 practice, or except as otherwise authorized by this article. The  
1974 penalties for any violation of this subsection (c) with respect to  
1975 a controlled substance classified in Schedules I, II, III, IV or  
1976 V, as set out in Section 41-29-113, 41-29-115, 41-29-117,  
1977 41-29-119 or 41-29-121, including marijuana or synthetic  
1978 cannabinoids, shall be based on dosage unit as defined herein or  
1979 the weight of the controlled substance as set forth herein as  
1980 appropriate:

1981           "Dosage unit (d.u.)" means a tablet or capsule, or in the  
1982 case of a liquid solution, one (1) milliliter. In the case of  
1983 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
1984 stamp, square, dot, microdot, tablet or capsule of a controlled  
1985 substance.

1986           For any controlled substance that does not fall within the  
1987 definition of the term "dosage unit," the penalties shall be based  
1988 upon the weight of the controlled substance.





1989           The weight set forth refers to the entire weight of any  
1990 mixture or substance containing a detectable amount of the  
1991 controlled substance.

1992           If a mixture or substance contains more than one (1)  
1993 controlled substance, the weight of the mixture or substance is  
1994 assigned to the controlled substance that results in the greater  
1995 punishment.

1996           A person shall be charged and sentenced as follows for a  
1997 violation of this subsection with respect to:

1998                 (1) A controlled substance classified in Schedule I or  
1999 II, except marijuana and synthetic cannabinoids:

2000                     (A) If less than one-tenth (0.1) gram or two (2)  
2001 dosage units, the violation is a misdemeanor and punishable by  
2002 imprisonment for not more than one (1) year or a fine of not more  
2003 than One Thousand Dollars (\$1,000.00), or both.

2004                     (B) If one-tenth (0.1) gram or more or two (2) or  
2005 more dosage units, but less than two (2) grams or ten (10) dosage  
2006 units, by imprisonment for not more than three (3) years or a fine  
2007 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

2008                     (C) If two (2) or more grams or ten (10) or more  
2009 dosage units, but less than ten (10) grams or twenty (20) dosage  
2010 units, by imprisonment for not more than eight (8) years or a fine  
2011 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),  
2012 or both.



2013 (D) If ten (10) or more grams or twenty (20) or  
2014 more dosage units, but less than thirty (30) grams or forty (40)  
2015 dosage units, by imprisonment for not less than three (3) years  
2016 nor more than twenty (20) years or a fine of not more than Five  
2017 Hundred Thousand Dollars (\$500,000.00), or both.

2018 (2) (A) Marijuana and synthetic cannabinoids:

2019 1. If thirty (30) grams or less of marijuana  
2020 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
2021 not less than One Hundred Dollars (\$100.00) nor more than Two  
2022 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph  
2023 (2) (A) may be enforceable by summons if the offender provides  
2024 proof of identity satisfactory to the arresting officer and gives  
2025 written promise to appear in court satisfactory to the arresting  
2026 officer, as directed by the summons. A second conviction under  
2027 this section within two (2) years is a misdemeanor punishable by a  
2028 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty  
2029 (60) days in the county jail, and mandatory participation in a  
2030 drug education program approved by the Division of Alcohol and  
2031 Drug Abuse of the State Department of Mental Health, unless the  
2032 court enters a written finding that a drug education program is  
2033 inappropriate. A third or subsequent conviction under this  
2034 paragraph (2) (A) within two (2) years is a misdemeanor punishable  
2035 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor  
2036 more than One Thousand Dollars (\$1,000.00) and confinement for not  
2037 more than six (6) months in the county jail.



2038           Upon a first or second conviction under this paragraph  
2039   (2) (A), the courts shall forward a report of the conviction to the  
2040   Mississippi Bureau of Narcotics which shall make and maintain a  
2041   private, nonpublic record for a period not to exceed two (2) years  
2042   from the date of conviction. The private, nonpublic record shall  
2043   be solely for the use of the courts in determining the penalties  
2044   which attach upon conviction under this paragraph (2) (A) and shall  
2045   not constitute a criminal record for the purpose of private or  
2046   administrative inquiry and the record of each conviction shall be  
2047   expunged at the end of the period of two (2) years following the  
2048   date of such conviction;

2049                           2. Additionally, a person who is the operator  
2050   of a motor vehicle, who possesses on his person or knowingly keeps  
2051   or allows to be kept in a motor vehicle within the area of the  
2052   vehicle normally occupied by the driver or passengers, more than  
2053   one (1) gram, but not more than thirty (30) grams of marijuana or  
2054   not more than ten (10) grams of synthetic cannabinoids is guilty  
2055   of a misdemeanor and, upon conviction, may be fined not more than  
2056   One Thousand Dollars (\$1,000.00) or confined for not more than  
2057   ninety (90) days in the county jail, or both. For the purposes of  
2058   this subsection, such area of the vehicle shall not include the  
2059   trunk of the motor vehicle or the areas not normally occupied by  
2060   the driver or passengers if the vehicle is not equipped with a  
2061   trunk. A utility or glove compartment shall be deemed to be  
2062   within the area occupied by the driver and passengers;



2063 (B) Marijuana:

2064 1. If more than thirty (30) grams but less

2065 than two hundred fifty (250) grams, by a fine of not more than One

2066 Thousand Dollars (\$1,000.00), or confinement in the county jail

2067 for not more than one (1) year, or both; or by a fine of not more

2068 than Three Thousand Dollars (\$3,000.00), or imprisonment in the

2069 custody of the Department of Corrections for not more than three

2070 (3) years, or both;

2071 2. If two hundred fifty (250) or more grams

2072 but less than five hundred (500) grams, by imprisonment for not

2073 less than two (2) years nor more than eight (8) years or by a fine

2074 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

2075 3. If five hundred (500) or more grams but

2076 less than one (1) kilogram, by imprisonment for not less than four

2077 (4) years nor more than sixteen (16) years or a fine of not more

2078 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

2079 4. If one (1) kilogram or more but less than

2080 five (5) kilograms, by imprisonment for not less than six (6)

2081 years nor more than twenty-four (24) years or a fine of not more

2082 than Five Hundred Thousand Dollars (\$500,000.00), or both;

2083 5. If five (5) kilograms or more, by

2084 imprisonment for not less than ten (10) years nor more than thirty

2085 (30) years or a fine of not more than One Million Dollars

2086 (\$1,000,000.00), or both.

2087 (C) Synthetic cannabinoids:



2088                   1. If more than ten (10) grams but less than  
2089 twenty (20) grams, by a fine of not more than One Thousand Dollars  
2090 (\$1,000.00), or confinement in the county jail for not more than  
2091 one (1) year, or both; or by a fine of not more than Three  
2092 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
2093 the Department of Corrections for not more than three (3) years,  
2094 or both;

2095                   2. If twenty (20) or more grams but less than  
2096 forty (40) grams, by imprisonment for not less than two (2) years  
2097 nor more than eight (8) years or by a fine of not more than Fifty  
2098 Thousand Dollars (\$50,000.00), or both;

2099                   3. If forty (40) or more grams but less than  
2100 two hundred (200) grams, by imprisonment for not less than four  
2101 (4) years nor more than sixteen (16) years or a fine of not more  
2102 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

2103                   4. If two hundred (200) or more grams, by  
2104 imprisonment for not less than six (6) years nor more than  
2105 twenty-four (24) years or a fine of not more than Five Hundred  
2106 Thousand Dollars (\$500,000.00), or both.

2107                   (3) A controlled substance classified in Schedule III,  
2108 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
2109 conviction, may be punished as follows:

2110                   (A) If less than fifty (50) grams or less than one  
2111 hundred (100) dosage units, the offense is a misdemeanor and



2112 punishable by not more than one (1) year or a fine of not more  
2113 than One Thousand Dollars (\$1,000.00), or both.

2114 (B) If fifty (50) or more grams or one hundred  
2115 (100) or more dosage units, but less than one hundred fifty (150)  
2116 grams or five hundred (500) dosage units, by imprisonment for not  
2117 less than one (1) year nor more than four (4) years or a fine of  
2118 not more than Ten Thousand Dollars (\$10,000.00), or both.

2119 (C) If one hundred fifty (150) or more grams or  
2120 five hundred (500) or more dosage units, but less than three  
2121 hundred (300) grams or one thousand (1,000) dosage units, by  
2122 imprisonment for not less than two (2) years nor more than eight  
2123 (8) years or a fine of not more than Fifty Thousand Dollars  
2124 (\$50,000.00), or both.

2125 (D) If three hundred (300) or more grams or one  
2126 thousand (1,000) or more dosage units, but less than five hundred  
2127 (500) grams or two thousand five hundred (2,500) dosage units, by  
2128 imprisonment for not less than four (4) years nor more than  
2129 sixteen (16) years or a fine of not more than Two Hundred Fifty  
2130 Thousand Dollars (\$250,000.00), or both.

2131 (d) **Paraphernalia.** (1) Except as otherwise provided under  
2132 subsection (i) of this section for lawful purchases made in  
2133 accordance with Sections 1 through 10 of this act, it is unlawful  
2134 for a person who is not authorized by the State Board of Medical  
2135 Licensure, State Board of Pharmacy, or other lawful authority to  
2136 use, or to possess with intent to use, paraphernalia to plant,



2137 propagate, cultivate, grow, harvest, manufacture, compound,  
2138 convert, produce, process, prepare, test, analyze, pack, repack,  
2139 store, contain, conceal, inject, ingest, inhale or otherwise  
2140 introduce into the human body a controlled substance in violation  
2141 of the Uniform Controlled Substances Law. Any person who violates  
2142 this subsection (d)(1) is guilty of a misdemeanor and, upon  
2143 conviction, may be confined in the county jail for not more than  
2144 six (6) months, or fined not more than Five Hundred Dollars  
2145 (\$500.00), or both; however, no person shall be charged with a  
2146 violation of this subsection when such person is also charged with  
2147 the possession of thirty (30) grams or less of marijuana under  
2148 subsection (c)(2)(A) of this section.

2149           (2) It is unlawful for any person to deliver, sell,  
2150 possess with intent to deliver or sell, or manufacture with intent  
2151 to deliver or sell, paraphernalia, knowing, or under circumstances  
2152 where one reasonably should know, that it will be used to plant,  
2153 propagate, cultivate, grow, harvest, manufacture, compound,  
2154 convert, produce, process, prepare, test, analyze, pack, repack,  
2155 store, contain, conceal, inject, ingest, inhale, or otherwise  
2156 introduce into the human body a controlled substance in violation  
2157 of the Uniform Controlled Substances Law. Except as provided in  
2158 subsection (d)(3), a person who violates this subsection (d)(2) is  
2159 guilty of a misdemeanor and, upon conviction, may be confined in  
2160 the county jail for not more than six (6) months, or fined not  
2161 more than Five Hundred Dollars (\$500.00), or both.



2162           (3) Any person eighteen (18) years of age or over who  
2163 violates subsection (d)(2) of this section by delivering or  
2164 selling paraphernalia to a person under eighteen (18) years of age  
2165 who is at least three (3) years his junior is guilty of a  
2166 misdemeanor and, upon conviction, may be confined in the county  
2167 jail for not more than one (1) year, or fined not more than One  
2168 Thousand Dollars (\$1,000.00), or both.

2169           (4) It is unlawful for any person to place in any  
2170 newspaper, magazine, handbill, or other publication any  
2171 advertisement, knowing, or under circumstances where one  
2172 reasonably should know, that the purpose of the advertisement, in  
2173 whole or in part, is to promote the sale of objects designed or  
2174 intended for use as paraphernalia. Any person who violates this  
2175 subsection is guilty of a misdemeanor and, upon conviction, may be  
2176 confined in the county jail for not more than six (6) months, or  
2177 fined not more than Five Hundred Dollars (\$500.00), or both.

2178           (e) It shall be unlawful for any physician practicing  
2179 medicine in this state to prescribe, dispense or administer any  
2180 amphetamine or amphetamine-like anorectics and/or central nervous  
2181 system stimulants classified in Schedule II, pursuant to Section  
2182 41-29-115, for the exclusive treatment of obesity, weight control  
2183 or weight loss. Any person who violates this subsection, upon  
2184 conviction, is guilty of a misdemeanor and may be confined for a  
2185 period not to exceed six (6) months, or fined not more than One  
2186 Thousand Dollars (\$1,000.00), or both.





2187 (f) **Trafficking.** (1) Any person trafficking in controlled  
2188 substances shall be guilty of a felony and, upon conviction, shall  
2189 be imprisoned for a term of not less than ten (10) years nor more  
2190 than forty (40) years and shall be fined not less than Five  
2191 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
2192 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
2193 reduced or suspended. The person shall not be eligible for  
2194 probation or parole, the provisions of Sections 41-29-149,  
2195 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

2196 (2) "Trafficking in controlled substances" as used  
2197 herein means:

2198 (A) A violation of subsection (a) of this section  
2199 involving thirty (30) or more grams or forty (40) or more dosage  
2200 units of a Schedule I or II controlled substance except marijuana  
2201 and synthetic cannabinoids;

2202 (B) A violation of subsection (a) of this section  
2203 involving five hundred (500) or more grams or two thousand five  
2204 hundred (2,500) or more dosage units of a Schedule III, IV or V  
2205 controlled substance;

2206 (C) A violation of subsection (c) of this section  
2207 involving thirty (30) or more grams or forty (40) or more dosage  
2208 units of a Schedule I or II controlled substance except marijuana  
2209 and synthetic cannabinoids;

2210 (D) A violation of subsection (c) of this section  
2211 involving five hundred (500) or more grams or two thousand five



2212 hundred (2,500) or more dosage units of a Schedule III, IV or V  
2213 controlled substance; or

2214 (E) A violation of subsection (a) of this section  
2215 involving one (1) kilogram or more of marijuana or two hundred  
2216 (200) grams or more of synthetic cannabinoids.

2217 (g) **Aggravated trafficking.** Any person trafficking in  
2218 Schedule I or II controlled substances, except marijuana and  
2219 synthetic cannabinoids, of two hundred (200) grams or more shall  
2220 be guilty of aggravated trafficking and, upon conviction, shall be  
2221 sentenced to a term of not less than twenty-five (25) years nor  
2222 more than life in prison and shall be fined not less than Five  
2223 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
2224 (\$1,000,000.00). The twenty-five-year sentence shall be a  
2225 mandatory sentence and shall not be reduced or suspended. The  
2226 person shall not be eligible for probation or parole, the  
2227 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
2228 the contrary notwithstanding.

2229 (h) **Sentence mitigation.** (1) Notwithstanding any provision  
2230 of this section, a person who has been convicted of an offense  
2231 under this section that requires the judge to impose a prison  
2232 sentence which cannot be suspended or reduced and is ineligible  
2233 for probation or parole may, at the discretion of the court,  
2234 receive a sentence of imprisonment that is no less than  
2235 twenty-five percent (25%) of the sentence prescribed by the



2236 applicable statute. In considering whether to apply the departure  
2237 from the sentence prescribed, the court shall conclude that:

2238 (A) The offender was not a leader of the criminal  
2239 enterprise;

2240 (B) The offender did not use violence or a weapon  
2241 during the crime;

2242 (C) The offense did not result in a death or  
2243 serious bodily injury of a person not a party to the criminal  
2244 enterprise; and

2245 (D) The interests of justice are not served by the  
2246 imposition of the prescribed mandatory sentence.

2247 The court may also consider whether information and  
2248 assistance were furnished to a law enforcement agency, or its  
2249 designee, which, in the opinion of the trial judge, objectively  
2250 should or would have aided in the arrest or prosecution of others  
2251 who violate this subsection. The accused shall have adequate  
2252 opportunity to develop and make a record of all information and  
2253 assistance so furnished.

2254 (2) If the court reduces the prescribed sentence  
2255 pursuant to this subsection, it must specify on the record the  
2256 circumstances warranting the departure.

2257 (i) This section does not apply to any of the actions  
2258 regarding the cultivation, manufacture, processing, sale,  
2259 distribution, dispensing, purchase, possession, use and testing of  
2260 medical marijuana that are lawful under Sections 1 through 10 of



2261 this act and in compliance with the implementing regulations  
2262 adopted by the State Department of Health.

2263         **SECTION 22.** Section 41-29-141, Mississippi Code of 1972, is  
2264 amended as follows:

2265             41-29-141. It is unlawful for any person:

2266                 (1) Who is subject to Section 41-29-125 to distribute  
2267 or dispense a controlled substance in violation of Section  
2268 41-29-137;

2269                 (2) Who is a registrant under Section 41-29-125 to  
2270 manufacture a controlled substance not authorized by his  
2271 registration, or to distribute or dispense a controlled substance  
2272 not authorized by his registration to another registrant or other  
2273 authorized person;

2274                 (3) To refuse or fail to make, keep or furnish any  
2275 record, notification, order form, statement, invoice or  
2276 information required under this article;

2277                 (4) To refuse a lawful entry into any premises for any  
2278 inspection authorized by this article; or

2279                 (5) Knowingly to keep or maintain any store, shop,  
2280 warehouse, dwelling, building, vehicle, boat, aircraft, or other  
2281 structure or place, which is resorted to by persons using  
2282 controlled substances in violation of this article for the purpose  
2283 of using these substances, or which is used for keeping or selling  
2284 them in violation of this article.



2285 Any person who violates this section shall, with respect to  
2286 such violation, be subject to a civil penalty payable to the State  
2287 of Mississippi of not more than Twenty-five Thousand Dollars  
2288 (\$25,000.00).

2289 In addition to the civil penalty provided in the preceding  
2290 paragraph, any person who knowingly or intentionally violates this  
2291 section shall be guilty of a crime and upon conviction thereof may  
2292 be confined for a period of not more than one (1) year or fined  
2293 not more than One Thousand Dollars (\$1,000.00), or both.

2294 This section does not apply to any of the actions regarding  
2295 the cultivation, manufacture, processing, sale, distribution,  
2296 dispensing, purchase, possession, use and testing of medical  
2297 marijuana that are lawful under Sections 1 through 10 of this act  
2298 and in compliance with the implementing regulations adopted by the  
2299 State Department of Health.

2300 **SECTION 23.** Section 41-29-143, Mississippi Code of 1972, is  
2301 amended as follows:

2302 41-29-143. It is unlawful for any person knowingly or  
2303 intentionally:

2304 (1) To distribute as a registrant a controlled  
2305 substance classified in Schedule I or II, as set out in Sections  
2306 41-29-113 and 41-29-115, except pursuant to an order form as  
2307 required by Section 41-29-135;

2308 (2) To use in the course of the manufacture or  
2309 distribution of a controlled substance a registration number which



2310 is fictitious, revoked, suspended, or issued to another  
2311 person \* \* \*;

2312 (3) To furnish false or fraudulent material information  
2313 in, or omit any material information from, any application,  
2314 report, or other document required to be kept or filed under this  
2315 article, or any record required to be kept by this article; or

2316 (4) To make, distribute, or possess any punch, die,  
2317 plate, stone, or other thing designed to print, imprint, or  
2318 reproduce the trademark, trade name, or other identifying mark,  
2319 imprint or device of another or any likeness of any of the  
2320 foregoing upon any drug or container or labeling thereof so as to  
2321 render the drug a counterfeit substance.

2322 Any person who violates this section is guilty of a crime and  
2323 upon conviction may be confined for not more than one (1) year or  
2324 fined not more than One Thousand Dollars (\$1,000.00) or both.

2325 This section does not apply to any of the actions regarding  
2326 the cultivation, manufacture, processing, sale, distribution,  
2327 dispensing, purchase, possession, use and testing of medical  
2328 marijuana that are lawful under Sections 1 through 10 of this act  
2329 and in compliance with the implementing regulations adopted by the  
2330 State Department of Health.

2331 **SECTION 24.** Section 59-23-7, Mississippi Code of 1972, is  
2332 amended as follows:

2333 59-23-7. (1) It is unlawful for any person to operate a  
2334 watercraft on the public waters of this state who:



2335           (a) Is under the influence of intoxicating liquor;  
2336           (b) Is under the influence of any other substance which  
2337 has impaired such person's ability to operate a watercraft; or  
2338           (c) Has eight one-hundredths percent (.08%) or more by  
2339 weight volume of alcohol in the person's blood based upon  
2340 milligrams of alcohol per one hundred (100) cubic centimeters of  
2341 blood as shown by a chemical analysis of such person's breath,  
2342 blood or urine administered as authorized by this chapter.

2343           (2) (a) Upon conviction of any person for the first offense  
2344 of violating subsection (1) of this section where chemical tests  
2345 provided for under Section 59-23-5 were given, or where chemical  
2346 test results are not available, such person shall be fined not  
2347 less than Two Hundred Fifty Dollars (\$250.00) nor more than One  
2348 Thousand Dollars (\$1,000.00), or imprisoned for not more than  
2349 twenty-four (24) hours in jail, or both; and the court shall order  
2350 such person to attend and complete a boating safety education  
2351 course developed by the Department of Wildlife, Fisheries and  
2352 Parks.

2353           (b) Upon any second conviction of any person violating  
2354 subsection (1) of this section, the offenses being committed  
2355 within a period of five (5) years, the person shall be fined not  
2356 less than Six Hundred Dollars (\$600.00) nor more than One Thousand  
2357 Dollars (\$1,000.00) and shall be imprisoned not less than  
2358 forty-eight (48) consecutive hours nor more than one (1) year or  
2359 sentenced to community service work for not less than ten (10)



2360 days nor more than one (1) year. The court shall order the person  
2361 not to operate a watercraft for one (1) year.

2362 (c) For any third conviction of any person violating  
2363 subsection (1) of this section, the offenses being committed  
2364 within a period of five (5) years, the person shall be fined not  
2365 less than Eight Hundred Dollars (\$800.00) nor more than One  
2366 Thousand Dollars (\$1,000.00) and shall be imprisoned not less than  
2367 thirty (30) days nor more than one (1) year. The court shall  
2368 order the person not to operate a watercraft for two (2) years.

2369 (d) Any fourth or subsequent violation of subsection  
2370 (1) of this section shall be a felony offense and, upon  
2371 conviction, the offenses being committed within a period of five  
2372 (5) years, the person shall be fined not less than Two Thousand  
2373 Dollars (\$2,000.00) nor more than Five Thousand Dollars  
2374 (\$5,000.00) and shall be imprisoned not less than ninety (90) days  
2375 nor more than five (5) years in the custody of the Department of  
2376 Corrections. The court shall order the person not to operate a  
2377 watercraft for three (3) years.

2378 (3) Any person convicted of operating any watercraft in  
2379 violation of subsection (1) of this section where the person (a)  
2380 refused a law enforcement officer's request to submit to a  
2381 chemical test, or (b) was unconscious at the time of a chemical  
2382 test and refused to consent to the introduction of the results of  
2383 such test in any prosecution, shall be punished consistent with  
2384 the penalties prescribed herein for persons submitting to the test





2385 and the court shall order the person not to operate a watercraft  
2386 for the time periods specified in subsection (2) of this section.

2387 (4) Any person who operates any watercraft in violation of  
2388 the provisions of subsection (1) of this section and who in a  
2389 negligent manner causes the death of another or mutilates,  
2390 disfigures, permanently disables or destroys the tongue, eye, lip,  
2391 nose or any other member or limb of another shall, upon  
2392 conviction, be guilty of a felony and shall be committed to the  
2393 custody of the Department of Corrections for a period of time not  
2394 to exceed ten (10) years.

2395 (5) Upon conviction of any violation of subsection (1) of  
2396 this section, the judge shall cause a copy of the citation and any  
2397 other pertinent documents concerning the conviction to be sent  
2398 immediately to the Mississippi Department of Wildlife, Fisheries  
2399 and Parks and the Department of Marine Resources. A copy of the  
2400 citation or other pertinent documents, having been attested as  
2401 true and correct by the Director of the Mississippi Department of  
2402 Wildlife, Fisheries and Parks, or his designee, or the Director of  
2403 the Department of Marine Resources, or his designee, shall be  
2404 sufficient proof of the conviction for purposes of determining the  
2405 enhanced penalty for any subsequent convictions of violations of  
2406 subsection (1) of this section.

2407 (6) The provisions of this section are fully applicable to  
2408 any person who is under the influence of medical marijuana that is



2409 lawful under Sections 1 through 10 of this act which has impaired  
2410 the person's ability to operate a watercraft.

2411 **SECTION 25.** Section 63-11-30, Mississippi Code of 1972, is  
2412 amended as follows:

2413 63-11-30. (1) It is unlawful for a person to drive or  
2414 otherwise operate a vehicle within this state if the person:

2415 (a) Is under the influence of intoxicating liquor;

2416 (b) Is under the influence of any other substance that  
2417 has impaired the person's ability to operate a motor vehicle;

2418 (c) Is under the influence of any drug or controlled  
2419 substance, the possession of which is unlawful under the  
2420 Mississippi Controlled Substances Law; or

2421 (d) Has an alcohol concentration in the person's blood,  
2422 based upon grams of alcohol per one hundred (100) milliliters of  
2423 blood, or grams of alcohol per two hundred ten (210) liters of  
2424 breath, as shown by a chemical analysis of the person's breath,  
2425 blood or urine administered as authorized by this chapter, of:

2426 (i) Eight one-hundredths percent (.08%) or more  
2427 for a person who is above the legal age to purchase alcoholic  
2428 beverages under state law;

2429 (ii) Two one-hundredths percent (.02%) or more for  
2430 a person who is below the legal age to purchase alcoholic  
2431 beverages under state law; or

2432 (iii) Four one-hundredths percent (.04%) or more  
2433 for a person operating a commercial motor vehicle.



2434 (2) Except as otherwise provided in subsection (3) of this  
2435 section (Zero Tolerance for Minors):

2436 (a) **First offense DUI.** (i) Upon conviction of any  
2437 person for the first offense of violating subsection (1) of this  
2438 section where chemical tests under Section 63-11-5 were given, or  
2439 where chemical test results are not available, the person shall be  
2440 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more  
2441 than One Thousand Dollars (\$1,000.00), or imprisoned for not more  
2442 than forty-eight (48) hours in jail, or both; the court shall  
2443 order the person to attend and complete an alcohol safety  
2444 education program as provided in Section 63-11-32 within six (6)  
2445 months of sentencing. The court may substitute attendance at a  
2446 victim impact panel instead of forty-eight (48) hours in jail.

2447 (ii) Suspension of commercial driving privileges  
2448 is governed by Section 63-1-216.

2449 (iii) A qualifying first offense may be  
2450 nonadjudicated by the court under subsection (14) of this section.  
2451 The holder of a commercial driver's license or a commercial  
2452 learning permit at the time of the offense is ineligible for  
2453 nonadjudication.

2454 (iv) Eligibility for an interlock-restricted  
2455 license is governed by Section 63-11-31 and suspension of regular  
2456 driving privileges is governed by Section 63-11-23.

2457 (b) **Second offense DUI.** (i) Upon any second  
2458 conviction of any person violating subsection (1) of this section,



2459 the offenses being committed within a period of five (5) years,  
2460 the person shall be guilty of a misdemeanor, fined not less than  
2461 Six Hundred Dollars (\$600.00) nor more than One Thousand Five  
2462 Hundred Dollars (\$1,500.00), shall be imprisoned not less than  
2463 five (5) days nor more than six (6) months and sentenced to  
2464 community service work for not less than ten (10) days nor more  
2465 than six (6) months. The minimum penalties shall not be suspended  
2466 or reduced by the court and no prosecutor shall offer any  
2467 suspension or sentence reduction as part of a plea bargain.

2468 (ii) Suspension of commercial driving privileges  
2469 is governed by Section 63-1-216.

2470 (iii) Eligibility for an interlock-restricted  
2471 license is governed by Section 63-11-31 and suspension of regular  
2472 driving privileges is governed by Section 63-11-23.

2473 (c) **Third offense DUI.** (i) For a third conviction of  
2474 a person for violating subsection (1) of this section, the  
2475 offenses being committed within a period of five (5) years, the  
2476 person shall be guilty of a felony and fined not less than Two  
2477 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars  
2478 (\$5,000.00), and shall serve not less than one (1) year nor more  
2479 than five (5) years in the custody of the Department of  
2480 Corrections. For any offense that does not result in serious  
2481 injury or death to any person, the sentence of incarceration may  
2482 be served in the county jail rather than in the State Penitentiary  
2483 at the discretion of the circuit court judge. The minimum



2484 penalties shall not be suspended or reduced by the court and no  
2485 prosecutor shall offer any suspension or sentence reduction as  
2486 part of a plea bargain.

2487 (ii) The suspension of commercial driving  
2488 privileges is governed by Section 63-1-216.

2489 (iii) The suspension of regular driving privileges  
2490 is governed by Section 63-11-23.

2491 (d) **Fourth and subsequent offense DUI.** (i) For any  
2492 fourth or subsequent conviction of a violation of subsection (1)  
2493 of this section, without regard to the time period within which  
2494 the violations occurred, the person shall be guilty of a felony  
2495 and fined not less than Three Thousand Dollars (\$3,000.00) nor  
2496 more than Ten Thousand Dollars (\$10,000.00), and shall serve not  
2497 less than two (2) years nor more than ten (10) years in the  
2498 custody of the Department of Corrections.

2499 (ii) The suspension of commercial driving  
2500 privileges is governed by Section 63-1-216.

2501 (iii) A person convicted of a fourth or subsequent  
2502 offense is ineligible to exercise the privilege to operate a motor  
2503 vehicle that is not equipped with an ignition-interlock device for  
2504 ten (10) years.

2505 (e) Any person convicted of a second or subsequent  
2506 violation of subsection (1) of this section shall receive an  
2507 in-depth diagnostic assessment, and if as a result of the  
2508 assessment is determined to be in need of treatment for alcohol or



2509 drug abuse, the person must successfully complete treatment at a  
2510 program site certified by the Department of Mental Health. Each  
2511 person who receives a diagnostic assessment shall pay a fee  
2512 representing the cost of the assessment. Each person who  
2513 participates in a treatment program shall pay a fee representing  
2514 the cost of treatment.

2515 (f) The use of ignition-interlock devices is governed  
2516 by Section 63-11-31.

2517 (3) **Zero Tolerance for Minors.** (a) This subsection shall  
2518 be known and may be cited as Zero Tolerance for Minors. The  
2519 provisions of this subsection shall apply only when a person under  
2520 the age of twenty-one (21) years has a blood alcohol concentration  
2521 of two one-hundredths percent (.02%) or more, but lower than eight  
2522 one-hundredths percent (.08%). If the person's blood alcohol  
2523 concentration is eight one-hundredths percent (.08%) or more, the  
2524 provisions of subsection (2) shall apply.

2525 (b) (i) A person under the age of twenty-one (21) is  
2526 eligible for nonadjudication of a qualifying first offense by the  
2527 court pursuant to subsection (14) of this section.

2528 (ii) Upon conviction of any person under the age  
2529 of twenty-one (21) years for the first offense of violating  
2530 subsection (1) of this section where chemical tests provided for  
2531 under Section 63-11-5 were given, or where chemical test results  
2532 are not available, the person shall be fined Two Hundred Fifty  
2533 Dollars (\$250.00); the court shall order the person to attend and



2534 complete an alcohol safety education program as provided in  
2535 Section 63-11-32 within six (6) months. The court may also  
2536 require attendance at a victim impact panel.

2537 (c) A person under the age of twenty-one (21) years who  
2538 is convicted of a second violation of subsection (1) of this  
2539 section, the offenses being committed within a period of five (5)  
2540 years, shall be fined not more than Five Hundred Dollars  
2541 (\$500.00).

2542 (d) A person under the age of twenty-one (21) years who  
2543 is convicted of a third or subsequent violation of subsection (1)  
2544 of this section, the offenses being committed within a period of  
2545 five (5) years, shall be fined not more than One Thousand Dollars  
2546 (\$1,000.00).

2547 (e) License suspension is governed by Section 63-11-23  
2548 and ignition interlock is governed by Section 63-11-31.

2549 (f) Any person under the age of twenty-one (21) years  
2550 convicted of a third or subsequent violation of subsection (1) of  
2551 this section must complete treatment of an alcohol or drug abuse  
2552 program at a site certified by the Department of Mental Health.

2553 (4) **DUI test refusal.** In addition to the other penalties  
2554 provided in this section, every person refusing a law enforcement  
2555 officer's request to submit to a chemical test of the person's  
2556 breath as provided in this chapter, or who was unconscious at the  
2557 time of a chemical test and refused to consent to the introduction  
2558 of the results of the test in any prosecution, shall suffer an



2559 additional administrative suspension of driving privileges as set  
2560 forth in Section 63-11-23.

2561           (5) **Aggravated DUI.** (a) Every person who operates any  
2562 motor vehicle in violation of the provisions of subsection (1) of  
2563 this section and who in a negligent manner causes the death of  
2564 another or mutilates, disfigures, permanently disables or destroys  
2565 the tongue, eye, lip, nose or any other limb, organ or member of  
2566 another shall, upon conviction, be guilty of a separate felony for  
2567 each victim who suffers death, mutilation, disfigurement or other  
2568 injury and shall be committed to the custody of the State  
2569 Department of Corrections for a period of time of not less than  
2570 five (5) years and not to exceed twenty-five (25) years for each  
2571 death, mutilation, disfigurement or other injury, and the  
2572 imprisonment for the second or each subsequent conviction, in the  
2573 discretion of the court, shall commence either at the termination  
2574 of the imprisonment for the preceding conviction or run  
2575 concurrently with the preceding conviction. Any person charged  
2576 with causing the death of another as described in this subsection  
2577 shall be required to post bail before being released after arrest.

2578           (b) A holder of a commercial driver's license who is  
2579 convicted of operating a commercial motor vehicle with an alcohol  
2580 concentration of eight one-hundredths percent (.08%) or more shall  
2581 be guilty of a felony and shall be committed to the custody of the  
2582 Department of Corrections for not less than two (2) years and not  
2583 more than ten (10) years.





2584 (c) The court shall order an ignition-interlock  
2585 restriction on the offender's privilege to drive as a condition of  
2586 probation or post-release supervision not to exceed five (5) years  
2587 unless a longer restriction is required under other law. The  
2588 ignition-interlock restriction shall not be applied to commercial  
2589 license privileges until the driver serves the full  
2590 disqualification period required by Section 63-1-216.

2591 (6) **DUI citations.** (a) Upon conviction of a violation of  
2592 subsection (1) of this section, the trial judge shall sign in the  
2593 place provided on the traffic ticket, citation or affidavit  
2594 stating that the person arrested either employed an attorney or  
2595 waived his right to an attorney after having been properly  
2596 advised. If the person arrested employed an attorney, the name,  
2597 address and telephone number of the attorney shall be written on  
2598 the ticket, citation or affidavit. The court clerk must  
2599 immediately send a copy of the traffic ticket, citation or  
2600 affidavit, and any other pertinent documents concerning the  
2601 conviction or other order of the court, to the Department of  
2602 Public Safety as provided in Section 63-11-37.

2603 (b) A copy of the traffic ticket, citation or affidavit  
2604 and any other pertinent documents, having been attested as true  
2605 and correct by the Commissioner of Public Safety, or his designee,  
2606 shall be sufficient proof of the conviction for purposes of  
2607 determining the enhanced penalty for any subsequent convictions of  
2608 violations of subsection (1) of this section. The Department of



2609 Public Safety shall maintain a central database for verification  
2610 of prior offenses and convictions.

2611 (7) **Out-of-state prior convictions.** Convictions in another  
2612 state, territory or possession of the United States, or under the  
2613 law of a federally recognized Native American tribe, of violations  
2614 for driving or operating a vehicle while under the influence of an  
2615 intoxicating liquor or while under the influence of any other  
2616 substance that has impaired the person's ability to operate a  
2617 motor vehicle occurring within five (5) years before an offense  
2618 shall be counted for the purposes of determining if a violation of  
2619 subsection (1) of this section is a second, third, fourth or  
2620 subsequent offense and the penalty that shall be imposed upon  
2621 conviction for a violation of subsection (1) of this section.

2622 (8) **Charging of subsequent offenses.** (a) For the purposes  
2623 of determining how to impose the sentence for a second, third,  
2624 fourth or subsequent conviction under this section, the affidavit  
2625 or indictment shall not be required to enumerate previous  
2626 convictions. It shall only be necessary that the affidavit or  
2627 indictment states the number of times that the defendant has been  
2628 convicted and sentenced within the past five (5) years for a  
2629 second or third offense, or without a time limitation for a fourth  
2630 or subsequent offense, under this section to determine if an  
2631 enhanced penalty shall be imposed. The amount of fine and  
2632 imprisonment imposed in previous convictions shall not be



2633 considered in calculating offenses to determine a second, third,  
2634 fourth or subsequent offense of this section.

2635 (b) Before a defendant enters a plea of guilty to an  
2636 offense under this section, law enforcement must submit  
2637 certification to the prosecutor that the defendant's driving  
2638 record, the confidential registry and National Crime Information  
2639 Center record have been searched for all prior convictions,  
2640 nonadjudications, pretrial diversions and arrests for driving or  
2641 operating a vehicle while under the influence of an intoxicating  
2642 liquor or while under the influence of any other substance that  
2643 has impaired the person's ability to operate a motor vehicle. The  
2644 results of the search must be included in the certification.

2645 (9) **License eligibility for underage offenders.** A person  
2646 who is under the legal age to obtain a license to operate a motor  
2647 vehicle at the time of the offense and who is convicted under this  
2648 section shall not be eligible to receive a driver's license until  
2649 the person reaches the age of eighteen (18) years.

2650 (10) **License suspensions and restrictions to run**  
2651 **consecutively.** Suspension or restriction of driving privileges  
2652 for any person convicted of or nonadjudicated for violations of  
2653 subsection (1) of this section shall run consecutively to and not  
2654 concurrently with any other administrative license suspension.

2655 (11) **Ignition interlock.** If the court orders installation  
2656 and use of an ignition-interlock device as provided in Section  
2657 63-11-31 for every vehicle operated by a person convicted or



2658 nonadjudicated under this section, each device shall be installed,  
2659 maintained and removed as provided in Section 63-11-31.

2660           (12) **DUI child endangerment.** A person over the age of  
2661 twenty-one (21) who violates subsection (1) of this section while  
2662 transporting in a motor vehicle a child under the age of sixteen  
2663 (16) years is guilty of the separate offense of endangering a  
2664 child by driving under the influence of alcohol or any other  
2665 substance which has impaired the person's ability to operate a  
2666 motor vehicle. The offense of endangering a child by driving  
2667 under the influence of alcohol or any other substance which has  
2668 impaired the person's ability to operate a motor vehicle shall not  
2669 be merged with an offense of violating subsection (1) of this  
2670 section for the purposes of prosecution and sentencing. An  
2671 offender who is convicted of a violation of this subsection shall  
2672 be punished as follows:

2673           (a) A person who commits a violation of this subsection  
2674 which does not result in the serious injury or death of a child  
2675 and which is a first conviction shall be guilty of a misdemeanor  
2676 and, upon conviction, shall be fined not more than One Thousand  
2677 Dollars (\$1,000.00) or shall be imprisoned for not more than  
2678 twelve (12) months, or both;

2679           (b) A person who commits a violation of this subsection  
2680 which does not result in the serious injury or death of a child  
2681 and which is a second conviction shall be guilty of a misdemeanor  
2682 and, upon conviction, shall be fined not less than One Thousand



2683 Dollars (\$1,000.00) nor more than Five Thousand Dollars  
2684 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

2685 (c) A person who commits a violation of this subsection  
2686 which does not result in the serious injury or death of a child  
2687 and which is a third or subsequent conviction shall be guilty of a  
2688 felony and, upon conviction, shall be fined not less than Ten  
2689 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less  
2690 than one (1) year nor more than five (5) years, or both; and

2691 (d) A person who commits a violation of this subsection  
2692 which results in the serious injury or death of a child, without  
2693 regard to whether the offense was a first, second, third or  
2694 subsequent offense, shall be guilty of a felony and, upon  
2695 conviction, shall be punished by a fine of not less than Ten  
2696 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less  
2697 than five (5) years nor more than twenty-five (25) years.

2698 (13) **Expunction.** (a) Any person convicted under subsection  
2699 (2) or (3) of this section of a first offense of driving under the  
2700 influence and who was not the holder of a commercial driver's  
2701 license or a commercial learning permit at the time of the offense  
2702 may petition the circuit court of the county in which the  
2703 conviction was had for an order to expunge the record of the  
2704 conviction at least five (5) years after successful completion of  
2705 all terms and conditions of the sentence imposed for the  
2706 conviction. Expunction under this subsection will only be  
2707 available to a person:



2708 (i) Who has successfully completed all terms and  
2709 conditions of the sentence imposed for the conviction;  
2710 (ii) Who did not refuse to submit to a test of his  
2711 blood or breath;  
2712 (iii) Whose blood alcohol concentration tested  
2713 below sixteen one-hundredths percent (.16%) if test results are  
2714 available;  
2715 (iv) Who has not been convicted of and does not  
2716 have pending any other offense of driving under the influence;  
2717 (v) Who has provided the court with justification  
2718 as to why the conviction should be expunged; and  
2719 (vi) Who has not previously had a nonadjudication  
2720 or expunction of a violation of this section.  
2721 (b) A person is eligible for only one (1) expunction  
2722 under this subsection, and the Department of Public Safety shall  
2723 maintain a permanent confidential registry of all cases of  
2724 expunction under this subsection for the sole purpose of  
2725 determining a person's eligibility for expunction, for  
2726 nonadjudication, or as a first offender under this section.  
2727 (c) The court in its order of expunction shall state in  
2728 writing the justification for which the expunction was granted and  
2729 forward the order to the Department of Public Safety within five  
2730 (5) days of the entry of the order.  
2731 (14) **Nonadjudication.** (a) For the purposes of this  
2732 chapter, "nonadjudication" means that the court withholds



2733 adjudication of guilt and sentencing, either at the conclusion of  
2734 a trial on the merits or upon the entry of a plea of guilt by a  
2735 defendant, and places the defendant in a nonadjudication program  
2736 conditioned upon the successful completion of the requirements  
2737 imposed by the court under this subsection.

2738 (b) A person is eligible for nonadjudication of an  
2739 offense under this Section 63-11-30 only one (1) time under any  
2740 provision of a law that authorizes nonadjudication and only for an  
2741 offender:

2742 (i) Who has successfully completed all terms and  
2743 conditions imposed by the court after placement of the defendant  
2744 in a nonadjudication program;

2745 (ii) Who was not the holder of a commercial  
2746 driver's license or a commercial learning permit at the time of  
2747 the offense;

2748 (iii) Who has not previously been convicted of and  
2749 does not have pending any former or subsequent charges under this  
2750 section; and

2751 (iv) Who has provided the court with justification  
2752 as to why nonadjudication is appropriate.

2753 (c) Nonadjudication may be initiated upon the filing of  
2754 a petition for nonadjudication or at any stage of the proceedings  
2755 in the discretion of the court; the court may withhold  
2756 adjudication of guilt, defer sentencing, and upon the agreement of  
2757 the offender to participate in a nonadjudication program, enter an



2758 order imposing requirements on the offender for a period of court  
2759 supervision before the order of nonadjudication is entered.  
2760 Failure to successfully complete a nonadjudication program  
2761 subjects the person to adjudication of the charges against him and  
2762 to imposition of all penalties previously withheld due to entrance  
2763 into a nonadjudication program. The court shall immediately  
2764 inform the commissioner of the conviction as required in Section  
2765 63-11-37.

2766 (i) The court shall order the person to:

2767 1. Pay the nonadjudication fee imposed under  
2768 Section 63-11-31 if applicable;

2769 2. Pay all fines, penalties and assessments  
2770 that would have been imposed for conviction;

2771 3. Attend and complete an alcohol safety  
2772 education program as provided in Section 63-11-32 within six (6)  
2773 months of the date of the order;

2774 4. a. If the court determines that the  
2775 person violated this section with respect to alcohol or  
2776 intoxicating liquor, the person must install an ignition-interlock  
2777 device on every motor vehicle operated by the person, obtain an  
2778 interlock-restricted license, and maintain that license for one  
2779 hundred twenty (120) days or suffer a one-hundred-twenty-day  
2780 suspension of the person's regular driver's license, during which  
2781 time the person must not operate any vehicle.





2782                                   b. If the court determines that the  
2783 person violated this section by operating a vehicle when under the  
2784 influence of a substance other than alcohol that has impaired the  
2785 person's ability to operate a motor vehicle, including any drug or  
2786 controlled substance which is unlawful to possess under the  
2787 Mississippi Controlled Substances Law, the person must submit to a  
2788 one-hundred-twenty-day period of a nonadjudication program that  
2789 includes court-ordered drug testing at the person's own expense  
2790 not less often than every thirty (30) days, during which time the  
2791 person may drive if compliant with the terms of the program, or  
2792 suffer a one-hundred-twenty-day suspension of the person's regular  
2793 driver's license, during which time the person will not operate  
2794 any vehicle.

2795                                   (ii) Other conditions that may be imposed by the  
2796 court include, but are not limited to, alcohol or drug screening,  
2797 or both, proof that the person has not committed any other traffic  
2798 violations while under court supervision, proof of immobilization  
2799 or impoundment of vehicles owned by the offender if required, and  
2800 attendance at a victim-impact panel.

2801                                   (d) The court may enter an order of nonadjudication  
2802 only if the court finds, after a hearing or after ex parte  
2803 examination of reliable documentation of compliance, that the  
2804 offender has successfully completed all conditions imposed by law  
2805 and previous orders of the court. The court shall retain



2806 jurisdiction over cases involving nonadjudication for a period of  
2807 not more than two (2) years.

2808           (e) (i) The clerk shall immediately forward a record  
2809 of every person placed in a nonadjudication program and of every  
2810 nonadjudication order to the Department of Public Safety for  
2811 inclusion in the permanent confidential registry of all cases that  
2812 are nonadjudicated under this subsection (14).

2813           (ii) Judges, clerks and prosecutors involved in  
2814 the trial of implied consent violations and law enforcement  
2815 officers involved in the issuance of citations for implied consent  
2816 violations shall have secure online access to the confidential  
2817 registry for the purpose of determining whether a person has  
2818 previously been the subject of a nonadjudicated case and 1. is  
2819 therefore ineligible for another nonadjudication; 2. is ineligible  
2820 as a first offender for a violation of this section; or 3. is  
2821 ineligible for expunction of a conviction of a violation of this  
2822 section.

2823           (iii) The Driver Services Bureau of the department  
2824 shall have access to the confidential registry for the purpose of  
2825 determining whether a person is eligible for a form of license not  
2826 restricted to operating a vehicle equipped with an  
2827 ignition-interlock device.

2828           (iv) The Mississippi Alcohol Safety Education  
2829 Program shall have secure online access to the confidential  
2830 registry for research purposes only.



2831       (15) The provisions of this section are fully applicable to  
2832 any person who is under the influence of medical marijuana that is  
2833 lawful under Sections 1 through 10 of this act which has impaired  
2834 the person's ability to operate a motor vehicle.

2835       **SECTION 26.** Section 73-25-29, Mississippi Code of 1972, is  
2836 amended as follows:

2837       73-25-29. The grounds for the nonissuance, suspension,  
2838 revocation or restriction of a license or the denial of  
2839 reinstatement or renewal of a license are:

2840           (1) Habitual personal use of narcotic drugs, or any  
2841 other drug having addiction-forming or addiction-sustaining  
2842 liability.

2843           (2) Habitual use of intoxicating liquors, or any  
2844 beverage, to an extent which affects professional competency.

2845           (3) Administering, dispensing or prescribing any  
2846 narcotic drug, or any other drug having addiction-forming or  
2847 addiction-sustaining liability otherwise than in the course of  
2848 legitimate professional practice.

2849           (4) Conviction of violation of any federal or state law  
2850 regulating the possession, distribution or use of any narcotic  
2851 drug or any drug considered a controlled substance under state or  
2852 federal law, a certified copy of the conviction order or judgment  
2853 rendered by the trial court being prima facie evidence thereof,  
2854 notwithstanding the pendency of any appeal.



2855           (5) Procuring, or attempting to procure, or aiding in,  
2856 an abortion that is not medically indicated.

2857           (6) Conviction of a felony or misdemeanor involving  
2858 moral turpitude, a certified copy of the conviction order or  
2859 judgment rendered by the trial court being prima facie evidence  
2860 thereof, notwithstanding the pendency of any appeal.

2861           (7) Obtaining or attempting to obtain a license by  
2862 fraud or deception.

2863           (8) Unprofessional conduct, which includes, but is not  
2864 limited to:

2865                   (a) Practicing medicine under a false or assumed  
2866 name or impersonating another practitioner, living or dead.

2867                   (b) Knowingly performing any act which in any way  
2868 assists an unlicensed person to practice medicine.

2869                   (c) Making or willfully causing to be made any  
2870 flamboyant claims concerning the licensee's professional  
2871 excellence.

2872                   (d) Being guilty of any dishonorable or unethical  
2873 conduct likely to deceive, defraud or harm the public.

2874                   (e) Obtaining a fee as personal compensation or  
2875 gain from a person on fraudulent representation of a disease or  
2876 injury condition generally considered incurable by competent  
2877 medical authority in the light of current scientific knowledge and  
2878 practice can be cured or offering, undertaking, attempting or



2879 agreeing to cure or treat the same by a secret method, which he  
2880 refuses to divulge to the board upon request.

2881 (f) Use of any false, fraudulent or forged  
2882 statement or document, or the use of any fraudulent, deceitful,  
2883 dishonest or immoral practice in connection with any of the  
2884 licensing requirements, including the signing in his professional  
2885 capacity any certificate that is known to be false at the time he  
2886 makes or signs such certificate.

2887 (g) Failing to identify a physician's school of  
2888 practice in all professional uses of his name by use of his earned  
2889 degree or a description of his school of practice.

2890 (9) The refusal of a licensing authority of another  
2891 state or jurisdiction to issue or renew a license, permit or  
2892 certificate to practice medicine in that jurisdiction or the  
2893 revocation, suspension or other restriction imposed on a license,  
2894 permit or certificate issued by such licensing authority which  
2895 prevents or restricts practice in that jurisdiction, a certified  
2896 copy of the disciplinary order or action taken by the other state  
2897 or jurisdiction being prima facie evidence thereof,  
2898 notwithstanding the pendency of any appeal.

2899 (10) Surrender of a license or authorization to  
2900 practice medicine in another state or jurisdiction or surrender of  
2901 membership on any medical staff or in any medical or professional  
2902 association or society while under disciplinary investigation by  
2903 any of those authorities or bodies for acts or conduct similar to



2904 acts or conduct which would constitute grounds for action as  
2905 defined in this section.

2906 (11) Final sanctions imposed by the United States  
2907 Department of Health and Human Services, Office of Inspector  
2908 General or any successor federal agency or office, based upon a  
2909 finding of incompetency, gross misconduct or failure to meet  
2910 professionally recognized standards of health care; a certified  
2911 copy of the notice of final sanction being prima facie evidence  
2912 thereof. As used in this paragraph, the term "final sanction"  
2913 means the written notice to a physician from the United States  
2914 Department of Health and Human Services, Officer of Inspector  
2915 General or any successor federal agency or office, which  
2916 implements the exclusion.

2917 (12) Failure to furnish the board, its investigators or  
2918 representatives information legally requested by the board.

2919 (13) Violation of any provision(s) of the Medical  
2920 Practice Act or the rules and regulations of the board or of any  
2921 order, stipulation or agreement with the board.

2922 (14) Violation(s) of the provisions of Sections  
2923 41-121-1 through 41-121-9 relating to deceptive advertisement by  
2924 health care practitioners.

2925 (15) Performing or inducing an abortion on a woman in  
2926 violation of any provision of Sections 41-41-131 through  
2927 41-41-145.



2928           (16) Performing an abortion on a pregnant woman after  
2929 determining that the unborn human individual that the pregnant  
2930 woman is carrying has a detectable fetal heartbeat as provided in  
2931 Section 41-41-34.1.

2932           In addition to the grounds specified above, the board shall  
2933 be authorized to suspend the license of any licensee for being out  
2934 of compliance with an order for support, as defined in Section  
2935 93-11-153. The procedure for suspension of a license for being  
2936 out of compliance with an order for support, and the procedure for  
2937 the reissuance or reinstatement of a license suspended for that  
2938 purpose, and the payment of any fees for the reissuance or  
2939 reinstatement of a license suspended for that purpose, shall be  
2940 governed by Section 93-11-157 or 93-11-163, as the case may be.  
2941 If there is any conflict between any provision of Section  
2942 93-11-157 or 93-11-163 and any provision of this chapter, the  
2943 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
2944 shall control.

2945           A physician who prescribes medical marijuana that is lawful  
2946 under Sections 1 through 10 of this act and in compliance with the  
2947 implementing regulations adopted by the State Department of Health  
2948 shall not be subject to any disciplinary action under this  
2949 section.

2950           **SECTION 27.** Section 83-9-22, Mississippi Code of 1972, is  
2951 amended as follows:



2952           83-9-22. (1) (a) Notwithstanding any other provision of  
2953 the law to the contrary, except as otherwise provided in  
2954 subsection (3) of this section, no health coverage plan shall  
2955 restrict coverage for medically appropriate treatment prescribed  
2956 by a physician and agreed to by a fully informed insured, or if  
2957 the insured lacks legal capacity to consent by a person who has  
2958 legal authority to consent on his or her behalf, based on an  
2959 insured's diagnosis with a terminal condition. Refusing to pay  
2960 for treatment rendered to an insured near the end of life that is  
2961 consistent with best practices for treatment of a disease or  
2962 condition, approved uses of a drug or device, or uses supported by  
2963 peer reviewed medical literature, is a per se violation of this  
2964 section.

2965           (b) Violations of this section shall constitute an  
2966 unfair trade practice and subject the violator to the penalties  
2967 provided by law.

2968           (c) As used in this section "terminal condition" means  
2969 any aggressive malignancy, chronic end-stage cardiovascular or  
2970 cerebral vascular disease, or any other disease, illness or  
2971 condition which a physician diagnoses as terminal.

2972           (d) As used in this section, a "health coverage plan"  
2973 shall mean any hospital, health or medical expense insurance  
2974 policy, hospital or medical service contract, employee welfare  
2975 benefit plan, contract or agreement with a health maintenance  
2976 organization or a preferred provider organization, health and





2977 accident insurance policy, or any other insurance contract of this  
2978 type, including a group insurance plan and the State Health and  
2979 Life Insurance Plan.

2980 (2) (a) Notwithstanding any other provision of the law to  
2981 the contrary, no health benefit paid directly or indirectly with  
2982 state funds, specifically Medicaid, shall restrict coverage for  
2983 medically appropriate treatment prescribed by a physician and  
2984 agreed to by a fully informed individual, or if the individual  
2985 lacks legal capacity to consent by a person who has legal  
2986 authority to consent on his or her behalf, based on an  
2987 individual's diagnosis with a terminal condition.

2988 (b) Refusing to pay for treatment rendered to an  
2989 individual near the end of life that is consistent with best  
2990 practices for treatment of a disease or condition, approved uses  
2991 of a drug or device, or uses supported by peer reviewed medical  
2992 literature, is a per se violation of this section.

2993 (c) As used in this section "terminal condition" means  
2994 any aggressive malignancy, chronic end-stage cardiovascular or  
2995 cerebral vascular disease, or any other disease, illness or  
2996 condition which a physician diagnoses as terminal.

2997 (3) This section does not require a health coverage plan to  
2998 cover and pay for the treatment of a person diagnosed with a  
2999 terminal condition with medical marijuana that is lawful under  
3000 Sections 1 through 10 of this act and prescribed by a physician  
3001 for that treatment.



3002           **SECTION 28.** This act shall take effect and be in force from  
3003 and after its passage.

