

By: Representative Harness

To: Drug Policy

HOUSE BILL NO. 338

1 AN ACT TO BE KNOWN AS THE MISSISSIPPI RETAIL MARIJUANA ACT;  
2 TO AUTHORIZE THE PERSONAL USE OF MARIJUANA BY PERSONS 21 YEARS OF  
3 AGE AND OLDER AND PROVIDE FOR THE REGULATION OF THE PERSONAL USE  
4 OF MARIJUANA BY THE STATE DEPARTMENT OF HEALTH; TO PROVIDE FOR THE  
5 LAWFUL OPERATION OF RETAIL MARIJUANA-RELATED FACILITIES; TO DIRECT  
6 THE DEPARTMENT TO ADOPT REGULATIONS NECESSARY FOR THE  
7 IMPLEMENTATION OF THIS ACT; TO PROVIDE FOR THE MISSISSIPPI  
8 MARIJUANA CODE, WHICH PROVIDES FOR THE STATUTORY REGULATION OF THE  
9 PERSONAL USE OF MARIJUANA; TO PROVIDE DEFINITIONS FOR THE CODE; TO  
10 PROVIDE FOR THE APPLICABILITY OF THE CODE TO RETAIL MARIJUANA; TO  
11 PROVIDE FOR THE STATE LICENSING AUTHORITY FOR THE CODE, WHICH  
12 SHALL BE THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HEALTH;  
13 TO PROVIDE FOR A SEED-TO-SALE TRACKING SYSTEM THAT TRACKS RETAIL  
14 MARIJUANA FROM EITHER THE SEED OR IMMATURE PLANT STAGE UNTIL THE  
15 RETAIL MARIJUANA PRODUCT IS SOLD TO A CUSTOMER AT A RETAIL  
16 MARIJUANA STORE; TO PROVIDE FOR LICENSING PROCEDURES BY THE STATE  
17 LICENSING AUTHORITY AND BY LOCAL LICENSING AUTHORITIES; TO PROVIDE  
18 WHICH PERSONS ARE PROHIBITED TO BE LICENSEES; TO PRESCRIBE  
19 REQUIREMENTS FOR RETAIL MARIJUANA BUSINESSES AND OWNERS; TO  
20 PROVIDE FOR DISCLOSURE OF FINANCIAL INTERESTS BY RETAIL MARIJUANA  
21 BUSINESS OWNERS; TO PROVIDE THE PROCEDURE FOR THE TRANSFER OF  
22 LICENSES; TO PROVIDE THE PROCEDURES FOR LICENSING AND LICENSE  
23 RENEWALS; TO PROVIDE THE DIFFERENT CLASSES OF RETAIL MARIJUANA  
24 BUSINESS LICENSES; TO PROVIDE FOR RETAIL MARIJUANA STORE LICENSES;  
25 TO PROVIDE FOR RETAIL MARIJUANA CULTIVATION FACILITY LICENSES; TO  
26 PROVIDE FOR RETAIL MARIJUANA PRODUCTS MANUFACTURER LICENSES; TO  
27 PROVIDE FOR RETAIL MARIJUANA TESTING FACILITY LICENSES; TO PROVIDE  
28 FOR RETAIL MARIJUANA TRANSPORTER LICENSES; TO PROVIDE FOR RETAIL  
29 MARIJUANA BUSINESS OPERATOR LICENSES; TO PROVIDE FOR RETAIL  
30 MARIJUANA ACCELERATOR CULTIVATOR LICENSES; TO PROVIDE FOR RETAIL  
31 MARIJUANA ACCELERATOR MANUFACTURER LICENSES; TO PROVIDE FOR  
32 MARIJUANA HOSPITALITY BUSINESS LICENSES; TO PROVIDE FOR RETAIL  
33 MARIJUANA ACCELERATOR STORE LICENSES; TO PRESCRIBE UNLAWFUL ACTS  
34 UNDER THE CODE; TO PROHIBIT THE OPEN AND PUBLIC CONSUMPTION OF



35 MARIJUANA; TO CREATE THE MARIJUANA CASH FUND AS A SPECIAL FUND IN  
36 THE STATE TREASURY AND REQUIRE THE STATE LICENSING AUTHORITY TO  
37 DEPOSIT ALL MONEY COLLECTED UNDER THIS ACT INTO THE FUND; TO  
38 PROVIDE THAT THE STATE LICENSING AUTHORITY SHALL ESTABLISH FEES  
39 FOR PROCESSING THE APPLICATIONS, LICENSES, NOTICES OR REPORTS  
40 REQUIRED TO BE SUBMITTED TO THE STATE LICENSING AUTHORITY; TO  
41 PROVIDE THAT THE STATE LICENSING AUTHORITY MAY FINE A LICENSEE OR  
42 SUSPEND OR REVOKE A LICENSE FOR VIOLATIONS OF THIS ACT; TO PROVIDE  
43 FOR THE DISPOSITION OF UNAUTHORIZED MARIJUANA OR MARIJUANA  
44 PRODUCTS AND RELATED MATERIALS; TO PROVIDE FOR THE INSPECTION OF  
45 BOOKS AND RECORDS OF LICENSEES; TO PROVIDE FOR A RESPONSIBLE  
46 RETAIL MARIJUANA VENDOR SERVER AND SELLER TRAINING PROGRAM; TO  
47 AMEND SECTIONS 27-104-203, 33-13-520, 37-11-29, 41-29-125,  
48 41-29-127, 41-29-136, 41-29-137, 41-29-139, 41-29-141, 41-29-143,  
49 59-23-7 AND 63-11-30, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
50 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

52 **SECTION 1. Title - Personal use and regulation of marijuana.**

53 (1) **Title.** This act shall be known and may be cited as the  
54 Mississippi Retail Marijuana Act.

55 (2) **Purpose and findings.** (a) In the interest of the  
56 efficient use of law enforcement resources, enhancing revenue for  
57 public purposes, and individual freedom, the people of the State  
58 of Mississippi find and declare that the use of marijuana should  
59 be legal for persons twenty-one (21) years of age or older and  
60 taxed in a manner similar to alcohol.

61 (b) In the interest of the health and public safety of  
62 our citizenry, the people of the State of Mississippi further find  
63 and declare that marijuana should be regulated in a manner similar  
64 to alcohol so that:

65 (i) Individuals will have to show proof of age  
66 before purchasing marijuana;



67 (ii) Selling, distributing, or transferring  
68 marijuana to minors and other individuals under the age of  
69 twenty-one (21) shall remain illegal;

70 (iii) Driving under the influence of marijuana  
71 shall remain illegal;

72 (iv) Legitimate, taxpaying business people, and  
73 not criminal actors, will conduct sales of marijuana; and

74 (v) Marijuana sold in this state will be labeled  
75 and subject to additional regulations to ensure that consumers are  
76 informed and protected.

77 (c) In the interest of enacting rational policies for  
78 the treatment of all variations of the cannabis plant, the people  
79 of Mississippi further find and declare that industrial hemp  
80 should be regulated separately from strains of cannabis with  
81 higher delta-9 tetrahydrocannabinol (THC) concentrations.

82 (d) The people of the State of Mississippi further find  
83 and declare that it is necessary to ensure consistency and  
84 fairness in the application of this section throughout the state  
85 and that, therefore, the matters addressed by this section are,  
86 except as specified herein, matters of statewide concern.

87 (3) **Definitions.** As used in this section, unless the  
88 context otherwise requires:

89 (a) "Mississippi Marijuana Code" means Chapter 138,  
90 Title 41, Mississippi Code of 1972.



91 (b) "Consumer" means a person twenty-one (21) years of  
92 age or older who purchases marijuana or marijuana products for  
93 personal use by persons twenty-one (21) years of age or older, but  
94 not for resale to others.

95 (c) "Department" means the State Department of Health  
96 or its successor agency.

97 (d) "Hemp" has the same meaning as it is defined in  
98 federal law or as the term is defined in Section 69-25-203.

99 (e) "Locality" means a county, municipality, or a  
100 municipality and county.

101 (f) "Marijuana" means all parts of the plant of the  
102 genus cannabis whether growing or not, the seeds thereof, the  
103 resin extracted from any part of the plant, and every compound,  
104 manufacture, salt, derivative, mixture, or preparation of the  
105 plant, its seeds, or its resin, including marijuana concentrate.  
106 "Marijuana" does not include hemp as defined in and regulated by  
107 Sections 69-25-201 through 69-25-221, nor does it include fiber  
108 produced from the stalks, oil, or cake made from the seeds of the  
109 plant, sterilized seed of the plant which is incapable of  
110 germination, or the weight of any other ingredient combined with  
111 marijuana to prepare topical or oral administrations, food, drink,  
112 or other product.

113 (g) "Marijuana accessories" means any equipment,  
114 products, or materials of any kind which are used, intended for  
115 use, or designed for use in planting, propagating, cultivating,



116 growing, harvesting, composting, manufacturing, compounding,  
117 converting, producing, processing, preparing, testing, analyzing,  
118 packaging, repackaging, storing, vaporizing, or containing  
119 marijuana, or for ingesting, inhaling, or otherwise introducing  
120 marijuana into the human body.

121 (h) "Marijuana cultivation facility" means an entity  
122 licensed to cultivate, prepare, and package marijuana and sell  
123 marijuana to retail marijuana stores, to marijuana product  
124 manufacturing facilities, and to other marijuana cultivation  
125 facilities, but not to consumers.

126 (i) "Marijuana establishment" means a marijuana  
127 cultivation facility, a marijuana testing facility, a marijuana  
128 product manufacturing facility, or a retail marijuana store.

129 (j) "Marijuana product manufacturing facility" means an  
130 entity licensed to purchase marijuana; manufacture, prepare, and  
131 package marijuana products; and sell marijuana and marijuana  
132 products to other marijuana product manufacturing facilities and  
133 to retail marijuana stores, but not to consumers.

134 (k) "Marijuana products" means concentrated marijuana  
135 products and marijuana products that are comprised of marijuana  
136 and other ingredients and are intended for use or consumption,  
137 such as, but not limited to, edible products, ointments, and  
138 tinctures.



139 (l) "Marijuana testing facility" means an entity  
140 licensed to analyze and certify the safety and potency of  
141 marijuana.

142 (m) "Retail marijuana store" means an entity licensed  
143 to purchase marijuana from marijuana cultivation facilities and  
144 marijuana and marijuana products from marijuana product  
145 manufacturing facilities and to sell marijuana and marijuana  
146 products to consumers.

147 (n) "Unreasonably impracticable" means that the  
148 measures necessary to comply with the regulations require such a  
149 high investment of risk, money, time, or any other resource or  
150 asset that the operation of a marijuana establishment is not  
151 worthy of being carried out in practice by a reasonably prudent  
152 businessperson.

153 (4) **Personal use of marijuana.** The following acts are not  
154 unlawful and shall not be an offense under Mississippi law or the  
155 law of any locality within Mississippi or be a basis for seizure  
156 or forfeiture of assets under Mississippi law for persons  
157 twenty-one (21) years of age or older:

158 (a) Possessing, using, displaying, purchasing, or  
159 transporting marijuana accessories or one (1) ounce or less of  
160 marijuana.

161 (b) Possessing, growing, processing, or transporting no  
162 more than six (6) marijuana plants, with three (3) or fewer being  
163 mature, flowering plants, and possession of the marijuana produced



164 by the plants on the premises where the plants were grown,  
165 provided that the growing takes place in an enclosed, locked  
166 space, is not conducted openly or publicly, and is not made  
167 available for sale.

168 (c) Transfer of one (1) ounce or less of marijuana  
169 without remuneration to a person who is twenty-one (21) years of  
170 age or older.

171 (d) Consumption of marijuana, provided that nothing in  
172 this section shall permit consumption that is conducted openly and  
173 publicly or in a manner that endangers others.

174 (e) Assisting another person who is twenty-one (21)  
175 years of age or older in any of the acts described in paragraphs  
176 (a) through (d) of this subsection.

177 (5) **Lawful operation of marijuana-related facilities.** The  
178 following acts are not unlawful and shall not be an offense under  
179 Mississippi law or be a basis for seizure or forfeiture of assets  
180 under Mississippi law for persons twenty-one (21) years of age or  
181 older:

182 (a) Manufacture, possession, or purchase of marijuana  
183 accessories or the sale of marijuana accessories to a person who  
184 is twenty-one (21) years of age or older.

185 (b) Possessing, displaying, or transporting marijuana  
186 or marijuana products; purchase of marijuana from a marijuana  
187 cultivation facility; purchase of marijuana or marijuana products  
188 from a marijuana product manufacturing facility; or sale of



189 marijuana or marijuana products to consumers, if the person  
190 conducting the activities described in this paragraph has obtained  
191 a current, valid license to operate a retail marijuana store or is  
192 acting in his or her capacity as an owner, employee or agent of a  
193 licensed retail marijuana store.

194 (c) Cultivating, harvesting, processing, packaging,  
195 transporting, displaying, or possessing marijuana; delivery or  
196 transfer of marijuana to a marijuana testing facility; selling  
197 marijuana to a marijuana cultivation facility, a marijuana product  
198 manufacturing facility, or a retail marijuana store; or the  
199 purchase of marijuana from a marijuana cultivation facility, if  
200 the person conducting the activities described in this paragraph  
201 has obtained a current, valid license to operate a marijuana  
202 cultivation facility or is acting in his or her capacity as an  
203 owner, employee, or agent of a licensed marijuana cultivation  
204 facility.

205 (d) Packaging, processing, transporting, manufacturing,  
206 displaying, or possessing marijuana or marijuana products;  
207 delivery or transfer of marijuana or marijuana products to a  
208 marijuana testing facility; selling marijuana or marijuana  
209 products to a retail marijuana store or a marijuana product  
210 manufacturing facility; the purchase of marijuana from a marijuana  
211 cultivation facility; or the purchase of marijuana or marijuana  
212 products from a marijuana product manufacturing facility, if the  
213 person conducting the activities described in this paragraph has





214 obtained a current, valid license to operate a marijuana product  
215 manufacturing facility or is acting in his or her capacity as an  
216 owner, employee, or agent of a licensed marijuana product  
217 manufacturing facility.

218 (e) Possessing, cultivating, processing, repackaging,  
219 storing, transporting, displaying, transferring or delivering  
220 marijuana or marijuana products if the person has obtained a  
221 current, valid license to operate a marijuana testing facility or  
222 is acting in his or her capacity as an owner, employee, or agent  
223 of a licensed marijuana testing facility.

224 (f) Leasing or otherwise allowing the use of property  
225 owned, occupied or controlled by any person, corporation or other  
226 entity for any of the activities conducted lawfully in accordance  
227 with paragraphs (a) through (e) of this subsection.

228 (6) **Regulation of marijuana.** (a) Not later than July 1,  
229 2024, the department shall adopt regulations necessary for  
230 implementation of this section. Such regulations shall not  
231 prohibit the operation of marijuana establishments, either  
232 expressly or through regulations that make their operation  
233 unreasonably impracticable. Such regulations shall include:

234 (i) Procedures for the issuance, renewal,  
235 suspension, and revocation of a license to operate a marijuana  
236 establishment;

237 (ii) A schedule of application, licensing and  
238 renewal fees, provided that application fees shall not exceed Five



239 Thousand Dollars (\$5,000.00), with this upper limit adjusted  
240 annually for inflation, unless the department determines a greater  
241 fee is necessary to carry out its responsibilities under this  
242 section;

243 (iii) Qualifications for licensure that are  
244 directly and demonstrably related to the operation of a marijuana  
245 establishment;

246 (iv) Security requirements for marijuana  
247 establishments;

248 (v) Requirements to prevent the sale or diversion  
249 of marijuana and marijuana products to persons under twenty-one  
250 (21) years of age;

251 (vi) Labeling requirements for marijuana and  
252 marijuana products sold or distributed by a marijuana  
253 establishment;

254 (vii) Health and safety regulations and standards  
255 for the manufacture of marijuana products and the cultivation of  
256 marijuana;

257 (viii) Restrictions on the advertising and display  
258 of marijuana and marijuana products; and

259 (ix) Civil penalties for the failure to comply  
260 with regulations made pursuant to this section.

261 (b) In order to ensure that individual privacy is  
262 protected, notwithstanding paragraph (a) of this subsection, the  
263 department shall not require a consumer to provide a retail



264 marijuana store with personal information other than  
265 government-issued identification to determine the consumer's age,  
266 and a retail marijuana store shall not be required to acquire and  
267 record personal information about consumers other than information  
268 typically acquired in a financial transaction conducted at a  
269 retail liquor store.

270 (c) Not later than October 1, 2024, each locality shall  
271 enact an ordinance or regulation specifying the entity within the  
272 locality that is responsible for processing applications submitted  
273 for a license to operate a marijuana establishment within the  
274 boundaries of the locality and for the issuance of such licenses  
275 if the issuance by the locality become necessary because of a  
276 failure by the department to adopt regulations pursuant to  
277 paragraph (a) or because of a failure by the department to process  
278 and issue licenses as required by paragraph (e).

279 (d) A locality may enact ordinances or regulations, not  
280 in conflict with this section or with regulations or legislation  
281 enacted pursuant to this section, governing the time, place,  
282 manner and number of marijuana establishment operations;  
283 establishing procedures for the issuance, suspension, and  
284 revocation of a license issued by the locality in accordance with  
285 paragraph (f) or (g); establishing a schedule of annual operating,  
286 licensing, and application fees for marijuana establishments,  
287 provided that the application fee shall only be due if an  
288 application is submitted to a locality in accordance with



289 paragraph (g) and a licensing fee shall only be due if a license  
290 is issued by a locality in accordance with paragraph (f) or (g);  
291 and establishing civil penalties for violation of an ordinance or  
292 regulation governing the time, place, and manner of a marijuana  
293 establishment that may operate in such locality. A locality may  
294 prohibit the operation of marijuana cultivation facilities,  
295 marijuana product manufacturing facilities, marijuana testing  
296 facilities, or retail marijuana stores through the enactment of an  
297 ordinance.

298 (e) Each application for an annual license to operate a  
299 marijuana establishment shall be submitted to the department. The  
300 department shall:

301 (i) Begin accepting and processing applications on  
302 October 1, 2024;

303 (ii) Immediately forward a copy of each  
304 application and half of the license application fee to the  
305 locality in which the applicant desires to operate the marijuana  
306 establishment;

307 (iii) Issue an annual license to the applicant  
308 between forty-five (45) and ninety (90) days after receipt of an  
309 application unless the department finds the applicant is not in  
310 compliance with regulations enacted pursuant to paragraph (a) or  
311 the department is notified by the relevant locality that the  
312 applicant is not in compliance with ordinances and regulations  
313 made pursuant to paragraph (d) and in effect at the time of



314 application, provided that where a locality has enacted a  
315 numerical limit on the number of marijuana establishments and a  
316 greater number of applicants seek licenses, the department shall  
317 solicit and consider input from the locality as to the locality's  
318 preference or preferences for licensure; and

319 (iv) Upon denial of an application, notify the  
320 applicant in writing of the specific reason for its denial.

321 (f) If the department does not issue a license to an  
322 applicant within ninety (90) days of receipt of the application  
323 filed in accordance with paragraph (e) and does not notify the  
324 applicant of the specific reason for its denial, in writing and  
325 within such time period, or if the department has adopted  
326 regulations pursuant to paragraph (a) and has accepted  
327 applications pursuant to paragraph (e) but has not issued any  
328 licenses by January 1, 2025, the applicant may resubmit its  
329 application directly to the locality, pursuant to paragraph (c),  
330 and the locality may issue an annual license to the applicant. A  
331 locality issuing a license to an applicant shall do so within  
332 ninety (90) days of receipt of the resubmitted application unless  
333 the locality finds and notifies the applicant that the applicant  
334 is not in compliance with ordinances and regulations made pursuant  
335 to paragraph (d) in effect at the time the application is  
336 resubmitted and the locality shall notify the department if an  
337 annual license has been issued to the applicant. If an  
338 application is submitted to a locality under this paragraph, the



339 department shall forward to the locality the application fee paid  
340 by the applicant to the department upon request by the locality.  
341 A license issued by a locality in accordance with this paragraph  
342 shall have the same force and effect as a license issued by the  
343 department in accordance with paragraph (e) and the holder of such  
344 license shall not be subject to regulation or enforcement by the  
345 department during the term of that license. A subsequent or  
346 renewed license may be issued under this paragraph on an annual  
347 basis only upon resubmission to the locality of a new application  
348 submitted to the department pursuant to paragraph (e).

349 (g) If the department does not adopt regulations  
350 required by paragraph (a), an applicant may submit an application  
351 directly to a locality after October 1, 2024, and the locality may  
352 issue an annual license to the applicant. A locality issuing a  
353 license to an applicant shall do so within ninety (90) days of  
354 receipt of the application unless it finds and notifies the  
355 applicant that the applicant is not in compliance with ordinances  
356 and regulations made pursuant to paragraph (d) in effect at the  
357 time of application and shall notify the department if an annual  
358 license has been issued to the applicant. A license issued by a  
359 locality in accordance with this paragraph shall have the same  
360 force and effect as a license issued by the department in  
361 accordance with paragraph (e) and the holder of such license shall  
362 not be subject to regulation or enforcement by the department  
363 during the term of that license. A subsequent or renewed license



364 may be issued under this paragraph on an annual basis if the  
365 department has not adopted regulations required by paragraph (a)  
366 at least ninety (90) days prior to the date upon which such  
367 subsequent or renewed license would be effective or if the  
368 department has adopted regulations pursuant to paragraph (a) but  
369 has not, at least ninety (90) days after the adoption of such  
370 regulations, issued licenses pursuant to paragraph (e).

371 (7) **Employers, driving, minors and control of property.** (a)  
372 Nothing in this section is intended to require an employer to  
373 permit or accommodate the use, consumption, possession, transfer,  
374 display, transportation, sale or growing of marijuana in the  
375 workplace or to affect the ability of employers to have policies  
376 restricting the use of marijuana by employees.

377 (b) Nothing in this section is intended to allow  
378 driving under the influence of marijuana or driving while impaired  
379 by marijuana or to supersede any laws related to driving under the  
380 influence of marijuana or driving while impaired by marijuana.

381 (c) Nothing in this section is intended to permit the  
382 transfer of marijuana, with or without remuneration, to a person  
383 under the age of twenty-one (21) or to allow a person under the  
384 age of twenty-one (21) to purchase, possess, use, transport, grow,  
385 or consume marijuana.

386 (d) Nothing in this section shall prohibit a person,  
387 employer, school, hospital, detention facility, corporation or any  
388 other entity who occupies, owns or controls a property from



389 prohibiting or otherwise regulating the possession, consumption,  
390 use, display, transfer, distribution, sale, transportation, or  
391 growing of marijuana on or in that property.

392         **SECTION 2.** The following sections shall be codified as a new  
393 Chapter 138 in Title 41, Mississippi Code of 1972:

394                                 **ARTICLE 1**

395   **MISSISSIPPI MARIJUANA CODE**

396         **101. Short title.** This chapter shall be known and may be  
397 cited as the "Mississippi Marijuana Code".

398         **102. Legislative declaration.** (1) The Legislature declares  
399 that this chapter is deemed an exercise of the police powers of  
400 the state for the protection of the economic and social welfare  
401 and the health, peace, and morals of the people of this state.

402                 (2) The Legislature further declares that it is unlawful  
403 under state law to cultivate, manufacture, distribute, or sell  
404 retail marijuana and retail marijuana products, except in  
405 compliance with the terms, conditions, limitations, and  
406 restrictions in Section 1 of this act and this chapter.

407         **103. Definitions.** As used in this chapter, unless the  
408 context otherwise requires:

409                 (a) "Accelerator cultivator" means a social equity  
410 licensee qualified to participate in the accelerator program  
411 established pursuant to this chapter and authorized pursuant to  
412 rule, to exercise the privileges of a retail marijuana cultivation





413 facility on the premises of an accelerator-endorsed retail  
414 marijuana cultivation facility licensee.

415 (b) "Accelerator-endorsed licensee" means a retail  
416 marijuana cultivation facility licensee, retail marijuana products  
417 manufacturer licensee, or retail marijuana store who has, pursuant  
418 to rule, been endorsed to host and offer technical and capital  
419 support to a social equity licensee pursuant to the requirements  
420 of the accelerator program established pursuant to this chapter.

421 (c) "Accelerator manufacturer" means a social equity  
422 licensee qualified to participate in the accelerator program  
423 established pursuant to this chapter and authorized pursuant to  
424 rule, to exercise the privileges of a retail marijuana products  
425 manufacturer on the premises of an accelerator-endorsed retail  
426 marijuana products manufacturing licensee.

427 (d) "Accelerator store" means a social equity licensee  
428 qualified to participate in the accelerator program established  
429 pursuant to this chapter and authorized pursuant to rule, to  
430 exercise the privileges of a retail marijuana store on the  
431 premises of an accelerator-endorsed retail marijuana store  
432 licensee.

433 (e) "Acquire", when used in connection with the  
434 acquisition of an owner's interest of a retail marijuana business,  
435 means obtaining ownership, control, power to vote, or sole power  
436 of disposition of the owner's interest, directly or indirectly or  
437 through one or more transactions or subsidiaries, through



438 purchase, assignment, transfer, exchange, succession, or other  
439 means.

440 (f) "Acting in concert" means knowing participation in  
441 a joint activity or interdependent conscious parallel action  
442 toward a common goal, whether or not pursuant to an express  
443 agreement.

444 (g) "Adverse weather event" means:

445 (a) Damaging weather, which involves a drought, a  
446 freeze, hail, excessive moisture, excessive wind, or a tornado;

447 (b) An adverse natural occurrence, which involves  
448 an earthquake, wildfire, or flood; or

449 (c) Any additional adverse weather event or  
450 adverse natural occurrence as the state licensing authority may  
451 define by rule.

452 (h) "Advertising" means the act of providing  
453 consideration for the publication, dissemination, solicitation, or  
454 circulation of visual, oral, or written communication to directly  
455 induce any person to patronize a particular retail marijuana  
456 business or purchase particular regulated marijuana.

457 "Advertising" does not include packaging and labeling, consumer  
458 education materials, or branding.

459 (i) "Affiliate" of, or person "affiliated with", has  
460 the same meaning as defined in 17 CFR 230.405.



461 (j) "Beneficial owner of", "beneficial ownership of",  
462 or "beneficially owns an" owner's interest is determined in  
463 accordance with 17 CFR 240.13d-3.

464 (k) "Branding" means promotion of a business's brand  
465 through publicizing the retail marijuana business's name, logo, or  
466 distinct design features of the brand.

467 (l) "Consumer education materials" means any  
468 informational materials that seek to educate consumers about  
469 regulated marijuana generally, including, but not limited to,  
470 education regarding the safe consumption of marijuana, regulated  
471 marijuana concentrate, or regulated marijuana products, provided  
472 they are not distributed or made available to individuals under  
473 twenty-one (21) years of age.

474 (m) "Control", "controls", "controlled", "controlling",  
475 "controlled by", and "under common control with", means the  
476 possession, direct or indirect, of the power to direct or cause  
477 the direction of the management or policies of a person, whether  
478 through the ownership of voting owner's interests, by contract, or  
479 otherwise.

480 (n) "Escorted" means appropriately checked into a  
481 limited access area and accompanied by a person licensed by the  
482 state licensing authority; except that trade craftspeople not  
483 normally engaged in the business of cultivating, processing,  
484 selling, or testing regulated marijuana need not be accompanied on  
485 a full-time basis, but only reasonably monitored.



486           (o) "Executive director" means the executive director  
487 of the State Department of Health.

488           (p) "Fibrous waste" means any roots, stalks, and stems  
489 from a retail marijuana plant.

490           (q) "Good cause", for purposes of refusing or denying a  
491 license renewal, reinstatement, or initial license issuance,  
492 means:

493                   (i) The licensee or applicant has violated, does  
494 not meet, or has failed to comply with any of the terms,  
495 conditions, or provisions of this chapter; any rules promulgated  
496 pursuant to this chapter; or any supplemental local law, rules, or  
497 regulations;

498                   (ii) The licensee or applicant has failed to  
499 comply with any special terms or conditions that were placed on  
500 its license pursuant to an order of the state or local licensing  
501 authority;

502                   (iii) The licensed premises have been operated in  
503 a manner that adversely affects the public health or welfare or  
504 the safety of the immediate neighborhood in which the  
505 establishment is located.

506           (r) "Immature plant" means a nonflowering marijuana  
507 plant that is no taller than eight (8) inches and no wider than  
508 eight (8) inches; is produced from a cutting, clipping, or  
509 seedling; and is in a cultivating container.



510 (s) "Industrial fiber products" means intermediate or  
511 finished products made from fibrous waste that are not intended  
512 for human or animal consumption and are not usable or recognizable  
513 as retail marijuana. Industrial fiber products include, but are  
514 not limited to, cordage, paper, fuel, textiles, bedding,  
515 insulation, construction materials, compost materials, and  
516 industrial materials.

517 (t) "Industrial hemp" means a plant of the genus  
518 cannabis and any part of the plant, whether growing or not,  
519 containing a delta-9 tetrahydrocannabinol concentration of no more  
520 than three-tenths of one percent (0.3%) on a dry weight basis.

521 (u) "Industrial hemp product" means a finished product  
522 containing industrial hemp that:

523 (i) Is a cosmetic, food, food additive, or herb;

524 (ii) Is for human use or consumption;

525 (iii) Contains any part of the hemp plant,  
526 including naturally occurring cannabinoids, compounds,  
527 concentrates, extracts, isolates, resins, or derivatives; and

528 (iv) Contains a delta-9 tetrahydrocannabinol  
529 concentration of no more than three-tenths of one percent (0.3%)  
530 on a dry weight basis.

531 (v) "License" means to grant a license, permit, or  
532 registration pursuant to this chapter.

533 (w) "Licensed premises" means the premises specified in  
534 an application for a license under this chapter that are owned or



535 in possession of the licensee and within which the licensee is  
536 authorized to cultivate, manufacture, distribute, sell, or test  
537 regulated marijuana and regulated marijuana products in accordance  
538 with this chapter.

539 (x) "Licensee" means a person licensed or registered  
540 pursuant to this chapter.

541 (y) "Limited access areas", subject to the provisions  
542 of Section 1001, means a building, room, or other contiguous area  
543 upon the licensed premises where regulated marijuana and regulated  
544 marijuana products are cultivated, manufactured, stored, weighed,  
545 packaged, sold, possessed for sale, or tested, under control of  
546 the licensee, with access limited to only those persons licensed  
547 by the state licensing authority and those visitors escorted by a  
548 person licensed by the state licensing authority. All areas of  
549 ingress or egress to limited access areas must be clearly  
550 identified as such by a sign as designated by the state licensing  
551 authority.

552 (z) "Local jurisdiction" means a locality as defined in  
553 Section 1(3)(e) of this act.

554 (aa) "Local licensing authority" means an authority  
555 designated by municipal or county charter, ordinance, or  
556 resolution, or the governing body of a municipality or county.

557 (bb) "Location" means a particular parcel of land that  
558 may be identified by an address or other descriptive means.



559 (cc) "Marijuana accessories" has the same meaning as  
560 defined in Section 1(3)(g) of this act.

561 (dd) "Marijuana-based workforce development or training  
562 program" means a program designed to train individuals to work in  
563 the regulated marijuana industry operated by an entity licensed  
564 under this chapter or by a school that is authorized by state law  
565 to do such training.

566 (ee) "Marijuana consumer waste" means any component  
567 left after the consumption of a regulated marijuana product,  
568 including, but not limited to, containers, packages, cartridges,  
569 pods, cups, batteries, all-in-one disposable devices, and any  
570 other waste component left after the regulated marijuana is  
571 consumed as defined by rules promulgated by the state licensing  
572 authority.

573 (ff) "Marijuana hospitality business" means a facility,  
574 which may be mobile, licensed to permit the consumption of  
575 marijuana pursuant to chapter; rules promulgated pursuant to this  
576 chapter; and the provisions of an ordinance or resolution of the  
577 local jurisdiction in which the licensee operates.

578 (gg) "Mobile distribution center" means any vehicle  
579 other than a common passenger light-duty vehicle with a short  
580 wheel base used to carry a quantity of marijuana greater than one  
581 (1) ounce.

582 (hh) "Opaque" means that the packaging does not allow  
583 the product to be seen without opening the packaging material.



584 (ii) "Operating fees", as referred to in Section  
585 1(6)(d) of this act, means fees that may be charged by a local  
586 jurisdiction for costs, including, but not limited to, inspection,  
587 administration, and enforcement of retail marijuana businesses  
588 authorized pursuant to this chapter.

589 (jj) "Passive beneficial owner" means any person  
590 acquiring any owner's interest in a retail marijuana business that  
591 is not otherwise a controlling beneficial owner or in control.

592 (kk) "Permitted economic interest" means any unsecured  
593 convertible debt instrument, option agreement, warrant, or any  
594 other right to obtain an ownership interest when the holder of  
595 such interest is a natural person who is a lawful United States  
596 resident and whose right to convert into an ownership interest is  
597 contingent on the holder qualifying and obtaining a license as an  
598 owner under this chapter, or such other agreements as may be  
599 permitted by rule of the state licensing authority.

600 (ll) "Premises" means a distinctly identified, as  
601 required by the state licensing authority, and definite location,  
602 which may include a building, a part of a building, a room, or any  
603 other definite contiguous area.

604 (mm) "Publicly traded corporation" means any person  
605 other than an individual that is organized under the laws of and  
606 for which its principal place of business is located in one of the  
607 states or territories of the United States or District of Columbia  
608 or another country that authorizes the sale of marijuana and that:





609 (i) Has a class of securities registered pursuant  
610 to 15 USC Section 77a et seq., that:

611 1. Constitutes "covered securities" pursuant  
612 to 15 USC Section 77r(b)(1)(A); or

613 2. Is qualified and quoted on the OTCQX or  
614 OTCQB tier of the OTC markets if:

615 a. The person is then required to file  
616 reports and is filing reports on a current basis with the federal  
617 Securities and Exchange Commission pursuant to 15 USC Section 78a  
618 et seq., as if the securities constituted "covered securities" as  
619 described in item 1 of this subparagraph (i); and

620 b. The person has established and is in  
621 compliance with corporate governance measures pursuant to  
622 corporate governance obligations imposed on securities qualified  
623 and quoted on the OTCQX tier of the OTC markets;

624 (ii) Is an entity that has a class of securities  
625 listed on the Canadian securities exchange, Toronto stock  
626 exchange, TSX venture exchange, or other equity securities  
627 exchange recognized by the state licensing authority, if:

628 1. The entity constitutes a "foreign private  
629 issuer", as defined in 17 CFR 230.405, whose securities are exempt  
630 from registration pursuant to 15 USC Section 78a et seq., pursuant  
631 to 17 CFR 240.12g3-2; and

632 2. The entity has been, for the preceding  
633 three hundred sixty-five (365) days or since the formation of the



634 entity, in compliance with all governance and reporting  
635 obligations imposed by the relevant exchange on such entity; or

636 (iii) Is reasonably identified as a publicly  
637 traded corporation by rule.

638 (nn) "Qualified institutional investor" means:

639 (i) A bank, as defined in 15 USC Section  
640 78c(a)(6), if the bank is current in all applicable reporting and  
641 record-keeping requirements under such act and rules promulgated  
642 thereunder;

643 (ii) A bank holding company, as defined in 12 USC  
644 Section 1841(a)(1), if the bank holding company is registered and  
645 current in all applicable reporting and record-keeping  
646 requirements under such act and rules promulgated thereunder;

647 (iii) An insurance company, as defined in 15 USC  
648 Section 80a-2(a)(17), if the insurance company is current in all  
649 applicable reporting and record-keeping requirements under such  
650 act and rules promulgated thereunder;

651 (iv) An investment company registered and subject  
652 to 15 USC Section 80a-1 et seq., if the investment company is  
653 current in all applicable reporting and record-keeping  
654 requirements under such act and rules promulgated thereunder;

655 (v) An employee benefit plan or pension fund  
656 subject to 29 USC Section 1001 et seq., excluding an employee  
657 benefit plan or pension fund sponsored by a licensee or an



658 intermediary holding company licensee that directly or indirectly  
659 owns ten percent (10%) or more of a licensee;

660 (vi) A state or federal government pension plan;

661 (vii) A group comprised entirely of persons  
662 specified in subparagraph (i) through (vi) of this paragraph; or

663 (viii) Any other entity identified by rule by the  
664 state licensing authority.

665 (oo) "Qualified private fund" means an issuer that  
666 would be an investment company, as defined in, but for the  
667 exclusions provided under, 15 USC Section 80a-3, and that:

668 (i) Is advised or managed by an investment  
669 adviser, as defined and registered pursuant to 15 USC Section  
670 80b-1 et seq., and for which the registered investment adviser is  
671 current in all applicable reporting and record-keeping  
672 requirements under such act and rules promulgated thereunder; and

673 (ii) Satisfies one or more of the following:

674 1. Is organized under the law of a state or  
675 the United States;

676 2. Is organized, operated, or sponsored by a  
677 "U.S. person", as defined under 17 CFR 230.902(k), as amended; or

678 3. Sells securities to a "U.S. person", as  
679 defined under 17 CFR 230.902(k), as amended.

680 (pp) "Reasonable cause" means just or legitimate  
681 grounds based in law and in fact to believe that the particular



682 requested action furthers the purposes of this chapter or protects  
683 public safety.

684 (qq) "Regulated marijuana" means retail marijuana. If  
685 the context requires, regulated marijuana includes retail  
686 marijuana concentrate and retail marijuana products.

687 (rr) "Regulated marijuana products" means retail  
688 marijuana products.

689 (ss) "Resealable" means that the package continues to  
690 function within effectiveness specifications, which shall be  
691 established by the state licensing authority similar to the  
692 federal "Poison Prevention Packaging Act of 1970", 15 USC Section  
693 1471 et seq., for the number of openings and closings customary  
694 for its size and contents, which shall be determined by the state  
695 licensing authority.

696 (tt) "Retail marijuana" means "marijuana", as defined  
697 in Section 1(3)(f) of this act, that is cultivated, manufactured,  
698 distributed, or sold by a licensed retail marijuana business. If  
699 the context requires, retail marijuana includes retail marijuana  
700 concentrate and retail marijuana products.

701 (uu) "Retail marijuana business" means a retail  
702 marijuana store, a retail marijuana cultivation facility, a retail  
703 marijuana products manufacturer, a marijuana hospitality business,  
704 a retail marijuana hospitality and sales business, a retail  
705 marijuana testing facility, a retail marijuana business operator,



706 or a retail marijuana transporter licensed pursuant to this  
707 chapter.

708 (vv) "Retail marijuana business operator" means an  
709 entity or person that is not an owner and that is licensed to  
710 provide professional operational services to a retail marijuana  
711 business for direct remuneration from the retail marijuana  
712 business.

713 (ww) "Retail marijuana concentrate" means a subset of  
714 retail marijuana that is separated from the retail marijuana plant  
715 and results in matter with a higher concentration of cannabinoids  
716 than naturally occur in the plant. Retail marijuana concentrate  
717 contains cannabinoids and may contain terpenes and other chemicals  
718 that are naturally occurring in retail marijuana plants that have  
719 been separated from retail marijuana. Retail marijuana  
720 concentrate may also include residual amounts of the types of  
721 solvents, as permitted by the marijuana rules. The state  
722 licensing authority may further define by rule subcategories of  
723 retail marijuana concentrate and authorize limited ingredients  
724 based on the method of production of retail marijuana concentrate.  
725 Unless the context otherwise requires, retail marijuana  
726 concentrate is included when this chapter refers to retail  
727 marijuana product.

728 (xx) "Retail marijuana cultivation facility" has the  
729 same meaning as "marijuana cultivation facility" as defined in  
730 Section 1(3)(h) of this act.



731           (yy) "Retail marijuana hospitality and sales business"  
732 means a facility, which cannot be mobile, licensed to permit the  
733 consumption of only the retail marijuana or retail marijuana  
734 products that it has sold pursuant to the provisions of an  
735 ordinance of the local jurisdiction in which the licensee  
736 operates.

737           (zz) "Retail marijuana products" means "marijuana  
738 products" as defined in Section 1(3)(k) of this act that are  
739 produced at a retail marijuana products manufacturer.

740           (aaa) "Retail marijuana products manufacturer" has the  
741 same meaning as "marijuana product manufacturing facility" as  
742 defined in Section 1(3)(j) of this act.

743           (bbb) "Retail marijuana store" has the same meaning as  
744 defined in Section 1(3)(m) of this act.

745           (ccc) "Retail marijuana testing facility" means  
746 "marijuana testing facility" as defined in Section 1(3)(l) of this  
747 act that is licensed pursuant to this chapter.

748           (ddd) "Retail marijuana transporter" means an entity or  
749 person licensed to transport retail marijuana and retail marijuana  
750 products from one (1) retail marijuana business to another retail  
751 marijuana business and to temporarily store the transported retail  
752 marijuana and retail marijuana products at its licensed premises,  
753 but is not authorized to sell retail marijuana or retail marijuana  
754 products under any circumstances.



755 (eee) "Sale" or "sell" includes to exchange, barter, or  
756 traffic in; to solicit or receive and order except through a  
757 licensee licensed under this chapter; to deliver for value in any  
758 way other than gratuitously; to peddle or possess with intent to  
759 sell; or to traffic in for any consideration promised or obtained  
760 directly or indirectly.

761 (fff) "School" means a public or private preschool or a  
762 public or private elementary, middle, junior high, or high school  
763 or institution of higher education.

764 (ggg) "Security" has the same meaning as defined in 15  
765 USC Section 77b(a)(1) et seq.

766 (hhh) "Social equity licensee" means a natural person  
767 who meets the criteria established pursuant to Section 308(3). A  
768 person qualified as a social equity licensee may participate in  
769 the accelerator program established pursuant to this chapter or  
770 may hold a regulated marijuana business license or permit issued  
771 pursuant to this chapter.

772 (iii) "State licensing authority" means the authority  
773 created for the purpose of regulating and controlling the  
774 licensing of the cultivation, manufacture, distribution, sale, and  
775 testing of regulated marijuana in this state pursuant to Section  
776 201.

777 **104. Applicability - retail marijuana.** (1) (a) A person  
778 applying for licensure pursuant to this chapter must complete  
779 forms as provided by the state licensing authority and must pay



780 the application fee and the licensing fee, which must be credited  
781 to the Marijuana Cash Fund established pursuant to Section 801.  
782 The state licensing authority shall forward, within seven (7)  
783 days, one-half (1/2) of the retail marijuana business license  
784 application fee to the local jurisdiction unless the application  
785 is for an accelerator cultivator, accelerator manufacturer, or  
786 accelerator store license or unless the local jurisdiction has  
787 prohibited the operation of retail marijuana businesses pursuant  
788 to Section 1(6)(d) of this act. If the license is denied, the  
789 state licensing authority shall refund the licensing fee to the  
790 applicant.

791 (b) The state licensing authority shall act upon a  
792 retail marijuana business license application made pursuant to  
793 paragraph (a) of this subsection no sooner than forty-five (45)  
794 days and no later than ninety (90) days after the date of the  
795 retail marijuana business license application. The state  
796 licensing authority shall process retail marijuana business  
797 license applications in the order in which complete applications  
798 are received by the state licensing authority.

799 (2) As provided in Section 1(6)(d) of this act, any local  
800 jurisdiction may enact ordinances or regulations governing the  
801 time, place, manner, and number of retail marijuana businesses,  
802 which may include a local licensing requirement, or may prohibit  
803 the operation of retail marijuana businesses through the enactment  
804 of an ordinance.





805 (3) This chapter sets forth the exclusive means by which  
806 cultivation, manufacture, sale, distribution, dispensing, and  
807 testing of regulated marijuana and regulated marijuana products  
808 may occur in the State of Mississippi.

809 (4) (a) Nothing in this chapter is intended to require an  
810 employer to permit or accommodate the use, consumption,  
811 possession, transfer, display, transportation, sale, or  
812 cultivating of regulated marijuana in the workplace or to affect  
813 the ability of employers to have policies restricting the use of  
814 marijuana by employees.

815 (b) Nothing in this chapter prohibits a person,  
816 employer, school, hospital, detention facility, corporation, or  
817 any other entity that occupies, owns, or controls a property from  
818 prohibiting or otherwise regulating the possession, consumption,  
819 use, display, transfer, distribution, sale, transportation, or  
820 cultivating of regulated marijuana on or in that property.

821 (c) Notwithstanding any other provision of this  
822 subsection (4), holding or exercising the privileges of any  
823 license issued pursuant to this chapter shall not constitute an  
824 unsuitable or unlawful act or practice within the meaning of the  
825 statutes and rules governing the Mississippi Gaming Control Act.

## 826 **ARTICLE 2**

### 827 **STATE LICENSING AUTHORITY**

828 **201. State licensing authority - creation.** (1) (a) For  
829 the purpose of regulating and controlling the licensing of the



830 cultivation, manufacture, distribution, sale, and testing of  
831 regulated marijuana in this state, there is created the state  
832 licensing authority, which is the executive director or the deputy  
833 director of the department if the executive director so  
834 designates.

835 (b) The state licensing authority also has regulatory  
836 authority for retail marijuana and retail marijuana products as  
837 permitted in Section 1 of this act and this chapter.

838 (2) The executive director is the chief administrative  
839 officer of the state licensing authority and may employ such  
840 officers and employees as may be determined to be necessary, which  
841 officers and employees are part of the department.

842 (3) A state licensing authority employee with regulatory  
843 oversight responsibilities for marijuana businesses licensed by  
844 the state licensing authority shall not work for, represent, or  
845 provide consulting services to or otherwise derive pecuniary gain  
846 from a retail marijuana business licensed by the state licensing  
847 authority or other business entity established for the primary  
848 purpose of providing services to the marijuana industry for a  
849 period of six (6) months following his or her last day of  
850 employment with the state licensing authority.

851 (4) Any person who discloses confidential records or  
852 information in violation of the provisions of this chapter is  
853 guilty of a misdemeanor and, upon conviction thereof, shall be  
854 punished by a fine of not more than One Thousand Dollars



855 (\$1,000.00), or by imprisonment in the county jail for not more  
856 than six (6) months, or both. Any criminal prosecution pursuant  
857 to the provisions of this section must be brought within five (5)  
858 years from the date the violation occurred.

859 **202. Powers and duties of state licensing authority - rules**  
860 **- report - legislative declaration.** (1) The state licensing  
861 authority shall:

862 (a) Develop and maintain a seed-to-sale tracking system  
863 that tracks regulated marijuana from either the seed or immature  
864 plant stage until the regulated marijuana or regulated marijuana  
865 product is sold to a customer at a retail marijuana store or a  
866 retail marijuana hospitality and sales business to ensure that no  
867 regulated marijuana grown or processed by a retail marijuana  
868 business is sold or otherwise transferred except by a retail  
869 marijuana store or a retail marijuana hospitality and sales  
870 business;

871 (b) Grant or refuse state licenses for the cultivation,  
872 manufacture, distribution, sale, hospitality, and testing of  
873 regulated marijuana and regulated marijuana products as provided  
874 by law; suspend, fine, restrict, or revoke such licenses, whether  
875 active, expired, or surrendered, upon a violation of this chapter  
876 or any rule promulgated pursuant to this chapter; and impose any  
877 penalty authorized by this chapter or any rule promulgated  
878 pursuant to this chapter. The state licensing authority may take  
879 any action with respect to a registration or permit pursuant to



880 this chapter as it may with respect to a license pursuant to this  
881 chapter, in accordance with the procedures established pursuant to  
882 this chapter;

883 (c) Promulgate rules for the proper regulation and  
884 control of the cultivation, manufacture, distribution, sale, and  
885 testing of regulated marijuana and regulated marijuana products  
886 and for the enforcement of this chapter and promulgate amended  
887 rules and such special rulings and findings as necessary;

888 (d) Hear and determine at a public hearing any  
889 contested state license denial and any complaints against a  
890 licensee and administer oaths and issue subpoenas to require the  
891 presence of persons and the production of papers, books, and  
892 records necessary to the determination of any hearing so held.  
893 The state licensing authority may, at its discretion, delegate to  
894 the department hearing officers the authority to conduct  
895 licensing, disciplinary, and rule-making hearings. When  
896 conducting the hearings, the hearing officers are employees of the  
897 state licensing authority under the direction and supervision of  
898 the executive director and the state licensing authority;

899 (e) Develop such forms, licenses, identification cards,  
900 and applications as are necessary or convenient in the discretion  
901 of the state licensing authority for the administration of this  
902 chapter or rules promulgated pursuant to this chapter;

903 (f) Prepare and transmit annually a report accounting  
904 to the Legislature and the Governor for the efficient discharge of



905 all responsibilities assigned by law or directive to the state  
906 licensing authority; and

907 (g) Collect and maintain data related to licensing  
908 disqualifications and all sanctions based on past criminal  
909 history.

910 (2) Nothing in this chapter delegates to the state licensing  
911 authority the power to fix prices for regulated marijuana.

912 (3) Nothing in this chapter limits a law enforcement  
913 agency's ability to investigate unlawful activity in relation to a  
914 retail marijuana business. A law enforcement agency has the  
915 authority to run a criminal history records check of a licensee or  
916 employee of a licensee during an investigation of unlawful  
917 activity related to regulated marijuana and regulated marijuana  
918 products.

919 (4) The executive director of the department of public  
920 health and environment shall provide to the state licensing  
921 authority standards for licensing laboratories pursuant to the  
922 requirements as outlined in Section 203(2)(d)(II) for regulated  
923 marijuana and regulated marijuana products.

924 (5) (a) The state licensing authority has the authority to  
925 petition any court of competent jurisdiction for an investigative  
926 subpoena applicable to a person who is not licensed pursuant to  
927 this chapter to obtain documents or information necessary to  
928 enforce the provisions of this chapter and any rules promulgated



929 pursuant to this chapter after reasonable efforts have been made  
930 to obtain requested documents or information without a subpoena.

931 (b) The state licensing authority may apply to any  
932 court of competent jurisdiction to temporarily restrain or  
933 preliminarily or permanently enjoin the act in question of a  
934 person who is not licensed pursuant to this chapter and to enforce  
935 compliance with this chapter or any rule or order issued pursuant  
936 to this chapter whenever it appears to the state licensing  
937 authority upon sufficient evidence satisfactory to the state  
938 licensing authority that any person has been or is committing an  
939 act prohibited by this chapter, a rule promulgated pursuant to  
940 this chapter, a rule or an order issued pursuant to this chapter,  
941 and the act:

942 (i) Threatens public health or safety;

943 (ii) Constitutes an unlawful act for which the  
944 person does not hold the required license under this chapter; or

945 (iii) Constitutes a violation of an order of the  
946 state licensing authority.

947 (6) The Legislature finds and declares that matters related  
948 to labeling as regulated pursuant to this section and Section  
949 203(2)(f), packaging as regulated pursuant to this section and  
950 Section 203(3)(b), and testing as regulated pursuant to this  
951 section and Section 203(2)(d) are matters of statewide concern and  
952 the sole regulatory authority for labeling, packaging, and testing  
953 is Section 203.



954           **203. State licensing authority - rules - definition.** (1)

955   **Permissive rule-making.** Rules promulgated pursuant to Section  
956 202(1)(c) may include, but need not be limited to, the following  
957 subjects:

958           (a) Labeling guidelines concerning the total content of  
959 THC per unit of weight;

960           (b) Control of informational and product displays on  
961 licensed premises;

962           (c) Records to be kept by licensees and the required  
963 availability of the records;

964           (d) Permitted economic interests issued prior to July  
965 1, 2024, including a process for a criminal history records check,  
966 a requirement that a permitted economic interest applicant submit  
967 to and pass a criminal history records check, a divestiture, and  
968 other agreements that would qualify as permitted economic  
969 interests;

970           (e) Specifications of duties of officers and employees  
971 of the state licensing authority;

972           (f) Instructions for local licensing authorities and  
973 law enforcement officers;

974           (g) Requirements for inspections, investigations,  
975 searches, seizures, forfeitures, and such additional activities as  
976 may become necessary from time to time;

977           (h) Prohibition of misrepresentation and unfair  
978 practices;



979 (i) Marijuana research and development licenses,  
980 including application requirements; renewal requirements,  
981 including whether additional research projects may be added or  
982 considered; conditions for license revocation; security measures  
983 to ensure marijuana is not diverted to purposes other than  
984 research or diverted outside of the regulated marijuana market;  
985 the amount of plants, usable marijuana, marijuana concentrates, or  
986 marijuana products a licensee may have on its premises; licensee  
987 reporting requirements; and any additional requirements;

988 (j) A definition for "disproportionate impacted area"  
989 to the extent relevant State of Mississippi data exists, is  
990 available, and is used for the purpose of determining eligibility  
991 for a social equity licensee;

992 (k) The implementation of contingency plans pursuant to  
993 Section 502(14), including the definition of outdoor cultivation,  
994 adverse weather event, or adverse natural occurrence and the  
995 process, procedures, requirements, and restrictions for  
996 contingency plans; and

997 (l) Such other matters as are necessary for the fair,  
998 impartial, stringent, and comprehensive administration of this  
999 chapter.

1000 (2) **Mandatory rule-making.** Rules promulgated pursuant to  
1001 Section 202(1)(c) must include, but need not be limited to, the  
1002 following subjects:





1003 (a) Procedures consistent with this chapter for the  
1004 issuance, renewal, suspension, and revocation of licenses to  
1005 operate retail marijuana businesses;

1006 (b) Subject to the limitations contained in Section  
1007 1(6)(a)(ii) of this act and consistent with this chapter, a  
1008 schedule of application, licensing, and renewal fees for retail  
1009 marijuana businesses;

1010 (c) Qualifications for licensure pursuant to this  
1011 chapter, including, but not limited to, the requirement for a  
1012 fingerprint-based criminal history records check for all  
1013 controlling beneficial owners, passive beneficial owners,  
1014 managers, contractors, employees, and other support staff of  
1015 entities licensed pursuant to this chapter;

1016 (d) (i) Establishment of a marijuana and marijuana  
1017 products independent testing and certification program for  
1018 marijuana business licensees, within an implementation time frame  
1019 established by the department, requiring licensees to test  
1020 marijuana and industrial hemp products to ensure, at a minimum,  
1021 that products sold for human consumption by persons licensed  
1022 pursuant to this chapter do not contain contaminants that are  
1023 injurious to health and to ensure correct labeling.

1024 (ii) Testing may include analysis for microbial  
1025 and residual solvents and chemical and biological contaminants  
1026 deemed to be public health hazards by the department based on  
1027 medical reports and published scientific literature.



1028 (iii) 1. If test results indicate the presence of  
1029 quantities of any substance determined to be injurious to health,  
1030 the retail marijuana licensee shall immediately quarantine the  
1031 products and notify the state licensing authority. The state  
1032 licensing authority shall give the licensee an opportunity to  
1033 remediate the product if the test indicated the presence of a  
1034 microbial. If the licensee is unable to remediate the product,  
1035 the licensee shall document and properly destroy the adulterated  
1036 product.

1037 2. If retail marijuana product test results  
1038 indicate the presence of quantities of any substance determined to  
1039 be injurious to health, the state licensing authority shall give  
1040 the licensee an opportunity to retest the retail marijuana or  
1041 retail marijuana product.

1042 3. If two (2) additional tests of the retail  
1043 marijuana or retail marijuana product do not indicate the presence  
1044 of quantities of any substance determined to be injurious to  
1045 health, the product may be used or sold by the retail marijuana  
1046 licensee.

1047 (iv) 1. Testing must also verify THC potency  
1048 representations and homogeneity for correct labeling and provide a  
1049 cannabinoid profile for the regulated marijuana product.

1050 2. An individual retail marijuana piece of  
1051 ten (10) milligrams or less that has gone through process  
1052 validation is exempt from continued homogeneity testing.



1053 3. Homogeneity testing for one hundred (100)  
1054 milligram servings of retail marijuana may use validation  
1055 measures.

1056 (v) The state licensing authority shall determine  
1057 an acceptable variance for potency representations and procedures  
1058 to address potency misrepresentations. The state licensing  
1059 authority shall determine an acceptable variance of at least plus  
1060 or minus fifteen percent (15%) for potency representations and  
1061 procedures to address potency misrepresentations.

1062 (vi) The state licensing authority shall determine  
1063 the protocols and frequency of regulated marijuana testing by  
1064 licensees.

1065 (vii) A state, local, or municipal agency shall  
1066 not employ or use the results of any test of regulated marijuana  
1067 or regulated marijuana products conducted by an analytical  
1068 laboratory that is not certified pursuant to this subparagraph  
1069 (vii) for the particular testing category or that is not  
1070 accredited to the International Organization for  
1071 Standardization/International Electrotechnical Commission  
1072 17025:2005 standard, or any subsequent superseding standard, in  
1073 that field of testing.

1074 (viii) The state licensing authority shall require  
1075 a retail marijuana testing facility to be accredited by a body  
1076 that is itself recognized by the International Laboratory  
1077 Accreditation Cooperation in a category of testing pursuant to the



1078 International Organization for Standardization/International  
1079 Electrotechnical Commission 17025:2005 standard, or a subsequent  
1080 superseding standard, in order to receive certification or  
1081 maintain certification; except that the state licensing authority  
1082 may by rule establish conditions for providing extensions to a  
1083 newly licensed retail marijuana testing facility for a period not  
1084 to exceed twelve (12) months or a retail marijuana testing  
1085 facility for good cause as defined by rules promulgated by the  
1086 state licensing authority, which must include, but may not be  
1087 limited to, when an application for accreditation has been  
1088 submitted and is pending with a recognized accrediting body.

1089 (ix) The state licensing authority shall  
1090 promulgate rules that prevent redundant testing of marijuana and  
1091 marijuana concentrate, including, but not limited to, potency  
1092 testing of marijuana allocated to extractions, and residual  
1093 solvent testing of marijuana concentrate when all inputs of the  
1094 marijuana concentrate have passed residual solvent testing  
1095 pursuant to this paragraph (d).

1096 (e) Security requirements for any premises licensed  
1097 pursuant to this chapter, including, at a minimum, lighting,  
1098 physical security, video, and alarm requirements, and other  
1099 minimum procedures for internal control as deemed necessary by the  
1100 state licensing authority to properly administer and enforce the  
1101 provisions of this chapter, including reporting requirements for  
1102 changes, alterations, or modifications to the premises;



1103 (f) Labeling requirements for regulated marijuana and  
1104 regulated marijuana products sold by a retail marijuana business  
1105 that include, but are not limited to:

1106 (i) Warning labels;

1107 (ii) Amount of THC per serving and the number of  
1108 servings per package for regulated marijuana products;

1109 (iii) A universal symbol indicating that the  
1110 package contains marijuana; and

1111 (iv) Potency of the regulated marijuana and  
1112 regulated marijuana products;

1113 (g) Health and safety regulations and standards for the  
1114 manufacture of regulated marijuana products and the cultivation of  
1115 regulated marijuana;

1116 (h) Regulation of the storage of, warehouses for, and  
1117 transportation of regulated marijuana and regulated marijuana  
1118 products;

1119 (i) Sanitary requirements for retail marijuana  
1120 businesses, including, but not limited to, sanitary requirements  
1121 for the preparation of regulated marijuana products;

1122 (j) The reporting and transmittal of monthly sales tax  
1123 payments by retail marijuana stores and any applicable excise tax  
1124 payments by retail marijuana cultivation facilities;

1125 (k) Authorization for the department to have access to  
1126 licensing information to ensure sales, excise, and income tax  
1127 payment and the effective administration of this chapter;



1128           (1) Compliance with, enforcement of, or violation of  
1129 any provision of this chapter, or any rule promulgated pursuant to  
1130 this chapter, including procedures and grounds for denying,  
1131 suspending, fining, restricting, or revoking a state license  
1132 issued pursuant to this chapter;

1133           (m) Establishing a schedule of penalties and procedures  
1134 for issuing and appealing citations for violation of statutes and  
1135 rules and issuing administrative citations;

1136           (n) Retail marijuana transporter licensed businesses,  
1137 including requirements for drivers, including obtaining and  
1138 maintaining a valid Mississippi driver's license; insurance  
1139 requirements; acceptable time frames for transport, storage, and  
1140 delivery; requirements for transport vehicles; requirements for  
1141 deliveries; and requirements for licensed premises;

1142           (o) Retail marijuana business operator licensees,  
1143 including the form and structure of allowable agreements between  
1144 operators and the retail marijuana business;

1145           (p) Nonescorted visitors in limited access areas;

1146           (q) Temporary appointee registrations issued pursuant  
1147 to Section 401(3), including occupational and business  
1148 registration requirements; application time frames; notification  
1149 requirements; issuance, expiration, renewal, suspension, and  
1150 revocation of a temporary appointee registration; and conditions  
1151 of registration;



1152 (r) Requirements for a centralized distribution permit  
1153 for retail marijuana cultivation facilities issued pursuant to  
1154 Section 502(6) or 602(7), including, but not limited to, permit  
1155 application requirements and privileges and restrictions of a  
1156 centralized distribution permit;

1157 (s) Requirements for issuance of colocation permits to  
1158 a marijuana research and development licensee authorizing  
1159 colocation with a retail marijuana products manufacturer licensed  
1160 premises, including application requirements, eligibility,  
1161 restrictions to prevent cross-contamination and to ensure physical  
1162 separation of inventory and research activities, and other  
1163 privileges and restrictions of permits;

1164 (t) Development of individual identification cards for  
1165 natural persons who are controlling beneficial owners, and any  
1166 person operating, working in, or having unescorted access to the  
1167 limited access areas of the licensed premises of a retail  
1168 marijuana business including a fingerprint-based criminal history  
1169 records check as may be required by the state licensing authority  
1170 prior to issuing a card;

1171 (u) Identification of state licensees and their  
1172 controlling beneficial owners, passive beneficial owners,  
1173 managers, and employees;

1174 (v) The specification of acceptable forms of picture  
1175 identification that a retail marijuana store may accept when



1176 verifying a sale, including, but not limited to, government-issued  
1177 identification cards;

1178           (w) State licensing procedures, including procedures  
1179 for renewals, reinstatements, initial licenses, and the payment of  
1180 licensing fees;

1181           (x) The conditions under which a licensee is authorized  
1182 to transfer fibrous waste to a person for the purpose of producing  
1183 only industrial fiber products. The conditions must include  
1184 contract requirements that stipulate that the fibrous waste will  
1185 only be used to produce industrial fiber products; record-keeping  
1186 requirements; security measures related to the transport and  
1187 transfer of fibrous waste; requirements for handling contaminated  
1188 fibrous waste; and processes associated with handling fibrous  
1189 waste. The rules must not require licensees to alter fibrous  
1190 waste from its natural state prior to transfer.

1191           (y) Requiring that edible regulated marijuana products  
1192 be clearly identifiable, when practicable, with a standard symbol  
1193 indicating that they contain marijuana and are not for consumption  
1194 by children. The symbols promulgated by rule of the state  
1195 licensing authority must not appropriate signs or symbols  
1196 associated with another Mississippi business or industry;

1197           (z) Requirements to prevent the sale or diversion of  
1198 retail marijuana and retail marijuana products to persons under  
1199 twenty-one (21) years of age;





1200 (aa) The implementation of an accelerator program  
1201 including, but not limited to, rules to establish requirements for  
1202 social equity licensees operating on the same licensed premises or  
1203 on separate premises possessed by an accelerator-endorsed  
1204 licensee. The state licensing authority's rules establishing an  
1205 accelerator program may include requirements for severed  
1206 custodianship of regulated marijuana products, protections of the  
1207 intellectual property of a social equity licensee, incentives for  
1208 accelerator-endorsed licensees, and additional requirements if a  
1209 person applying for an accelerator endorsement has less than two  
1210 (2) years' experience operating a licensed facility pursuant to  
1211 this chapter. An accelerator-endorsed licensee is not required to  
1212 exercise the privileges of its license on the premises where a  
1213 social equity licensee operates.

1214 (bb) Conditions under which a licensee is authorized to  
1215 collect marijuana consumer waste and transfer it to a person for  
1216 the purposes of reuse or recycling in accordance with all  
1217 requirements established by the department pertaining to waste  
1218 disposal and recycling. The conditions must include:

1219 (i) That the person receiving marijuana consumer  
1220 waste from a licensee is, to the extent required by law,  
1221 registered with the department;

1222 (ii) Record-keeping requirements;

1223 (iii) Security measures related to the collection  
1224 and transfer of marijuana consumer waste;



1225 (iv) Health and safety requirements, including  
1226 requirements for the handling of marijuana consumer waste; and  
1227 (v) Processes associated with handling marijuana  
1228 consumer waste, including destruction of any remaining regulated  
1229 marijuana in the marijuana consumer waste.

1230 (cc) Requirements for a transition permit for retail  
1231 marijuana cultivation facilities issued pursuant to Section  
1232 313(13)(c), including, but not limited to, permit application  
1233 requirements and restrictions of a transition permit.

1234 (dd) Requirements for retail marijuana and retail  
1235 marijuana products delivery as described in Section 501(13) and  
1236 Section 505(5), including:

1237 (i) Training requirements for personnel of retail  
1238 marijuana stores and retail marijuana transporters that hold a  
1239 retail marijuana delivery permit who will deliver retail marijuana  
1240 or retail marijuana products pursuant to this chapter and  
1241 requirements that retail marijuana stores and retail marijuana  
1242 transporters obtain a responsible vendor designation pursuant to  
1243 Section 1001 prior to conducting a delivery;

1244 (ii) Security requirements;

1245 (iii) Delivery vehicle requirements, including  
1246 requirements for surveillance;

1247 (iv) Record-keeping requirements;

1248 (v) Limits on the amount of retail marijuana and  
1249 retail marijuana products that may be carried in a delivery



1250 vehicle and delivered to an individual, which cannot exceed limits  
1251 placed on sales at retail marijuana stores;

1252 (vi) Health and safety requirements for retail  
1253 marijuana and retail marijuana products delivered to an  
1254 individual;

1255 (vii) Confidentiality requirements to ensure that  
1256 persons delivering retail marijuana and retail marijuana products  
1257 pursuant to this chapter do not disclose personal identifying  
1258 information to any person other than those who need that  
1259 information in order to take, process, or deliver the order or as  
1260 otherwise required or authorized by this chapter;

1261 (viii) An application fee and annual renewal fee  
1262 for the retail marijuana delivery permit. The amount of the fee  
1263 must reflect the expected costs of administering the retail  
1264 marijuana delivery permit and may be adjusted by the state  
1265 licensing authority to reflect the permit's actual direct and  
1266 indirect costs;

1267 (ix) The permitted hours of delivery of retail  
1268 marijuana and retail marijuana products;

1269 (x) Requirements for areas where retail marijuana  
1270 and retail marijuana products orders are stored, weighed,  
1271 packaged, prepared, and tagged, including requirements that retail  
1272 marijuana and retail marijuana products cannot be placed into a  
1273 delivery vehicle until after an order has been placed and that all  
1274 delivery orders must be packaged on the licensed premises of a



1275 retail marijuana store or its associated state licensing  
1276 authority-authorized storage facility as defined by rule after an  
1277 order has been received; and

1278 (xi) Payment methods, including, but not limited  
1279 to, the use of gift cards and prepayment accounts.

1280 (ee) (i) 1. Ownership and financial disclosure  
1281 procedures and requirements pursuant to this chapter;

1282 2. Records that a retail marijuana business  
1283 is required to maintain regarding its controlling beneficial  
1284 owners, passive beneficial owners, and indirect financial interest  
1285 holders that may be subject to disclosure at renewal or as part of  
1286 any other investigation following initial licensure of a retail  
1287 marijuana business;

1288 3. Procedures and requirements for findings  
1289 of suitability pursuant to this chapter, including fees necessary  
1290 to cover the direct and indirect costs of any suitability  
1291 investigation;

1292 4. Procedures and requirements concerning the  
1293 divestiture of the beneficial ownership of a person found  
1294 unsuitable by the state licensing authority;

1295 5. Procedures, processes, and requirements  
1296 for transfers of ownership involving a publicly traded  
1297 corporation, including, but not limited to, mergers with a  
1298 publicly traded corporation, investment by a publicly traded  
1299 corporation, and public offerings;



1300                   6. Designation of persons that by virtue of  
1301 common control constitute controlling beneficial owners;

1302                   7. Modification of the percentage of owner's  
1303 interests that may be held by a controlling beneficial owner and  
1304 passive beneficial owner;

1305                   8. Designation of persons that qualify for an  
1306 exemption from an otherwise required finding of suitability; and

1307                   9. Designation of indirect financial interest  
1308 holders and qualified institutional investors.

1309                   (ii) Rules promulgated pursuant to this paragraph  
1310 (ee) must not be any more restrictive than the requirements  
1311 expressly established under this chapter.

1312                   (ff) The implementation of marijuana hospitality and  
1313 retail marijuana hospitality and sales business licenses,  
1314 including, but not limited to:

1315                   (i) General insurance liability requirements;

1316                   (ii) A sales limit per transaction for retail  
1317 marijuana and retail marijuana products that may be sold to a  
1318 patron of a retail marijuana hospitality and sales business;  
1319 except that the sales limit established by the state licensing  
1320 authority must not be an amount less than one (1) gram of retail  
1321 marijuana flower, one-quarter (1/4) of one (1) gram of retail  
1322 marijuana concentrate, or a retail marijuana product containing  
1323 not more than ten (10) milligrams of active THC;



1324 (iii) Restrictions on the type of any retail  
1325 marijuana or retail marijuana product authorized to be sold,  
1326 including that the marijuana or product be meant for consumption  
1327 in the licensed premises of the business;

1328 (iv) Prohibitions on activity that would require  
1329 additional licensure on the licensed premises, including, but not  
1330 limited to, sales, manufacturing, or cultivation activity;

1331 (v) Requirements for marijuana hospitality  
1332 businesses and retail marijuana hospitality and sales businesses  
1333 operating pursuant to Section 509 or 510 in a retail food  
1334 business; and

1335 (vi) Requirements for marijuana hospitality  
1336 businesses and retail marijuana hospitality and sales business  
1337 licensees to destroy any unconsumed marijuana or marijuana  
1338 products left behind by a patron.

1339 (gg) For marijuana hospitality businesses that are  
1340 mobile, regulations including, but not limited to:

1341 (i) Registration of vehicles and proper  
1342 designation of vehicles used as mobile licensed premises;

1343 (ii) Surveillance cameras inside the vehicles;

1344 (iii) Global positioning system tracking and route  
1345 logging in an established route manifest system;

1346 (iv) Ensuring activity is not visible outside of  
1347 the vehicle; and

1348 (v) Proper ventilation within the vehicle.



1349 (hh) The circumstances that constitute a significant  
1350 physical or geographic hardship as used in Section 501(13);

1351 (ii) Requirements for retail marijuana concentrate to  
1352 promote consumer health and awareness, which shall include a  
1353 recommended serving size, visual representation of one (1)  
1354 recommended serving, and labeling requirements and may include a  
1355 measuring device that may be used to measure one (1) recommended  
1356 serving.

1357 (3) In promulgating rules pursuant to this section, the  
1358 state licensing authority may seek the assistance of any other  
1359 appropriate state agencies when necessary before promulgating  
1360 rules on the following subjects:

1361 (a) Signage, marketing, and advertising, including, but  
1362 not limited to, a prohibition on mass-market campaigns that have a  
1363 high likelihood of reaching persons under twenty-one (21) years of  
1364 age and other such rules that may include:

1365 (i) Allowing packaging and accessory branding;

1366 (ii) Prohibiting health or physical benefit claims  
1367 in advertising, merchandising, and packaging;

1368 (iii) Prohibiting unsolicited pop-up advertising  
1369 on the Internet;

1370 (iv) Prohibiting banner ads on mass-market  
1371 websites;

1372 (v) Prohibiting opt-in marketing that does not  
1373 permit an easy and permanent opt-out feature;



1374 (vi) Prohibiting marketing directed toward  
1375 location-based devices, including, but not limited to, cellular  
1376 phones, unless the marketing is a mobile device application  
1377 installed on the device by the owner of the device who is  
1378 twenty-one (21) years of age or older and includes a permanent and  
1379 easy opt-out feature;

1380 (vii) Prohibiting advertising and marketing by a  
1381 retail marijuana business that is specifically directed at persons  
1382 who are under twenty-one (21) years of age; and

1383 (viii) Requirements that any advertising or  
1384 marketing specific to retail marijuana concentrate include a  
1385 notice regarding the potential risks of retail marijuana  
1386 concentrate overconsumption;

1387 (b) A prohibition on the sale of regulated marijuana  
1388 and regulated marijuana products unless the product is:

1389 (i) Packaged in packaging meeting requirements  
1390 established by the state licensing authority similar to the  
1391 federal "Poison Prevention Packaging Act of 1970", 15 USC Section  
1392 1471 et seq., as amended; and

1393 (ii) Placed in an opaque and resealable exit  
1394 package or container meeting requirements established by the state  
1395 licensing authority at the point of sale prior to exiting the  
1396 store;





1397 (c) The safe and lawful transport of regulated  
1398 marijuana and regulated marijuana products between the licensed  
1399 business and testing laboratories;

1400 (d) A standardized marijuana serving size amount for  
1401 edible retail marijuana products that does not contain more than  
1402 ten (10) milligrams of active THC, designed only to provide  
1403 consumers with information about the total number of servings of  
1404 active THC in a particular retail marijuana product, not as a  
1405 limitation on the total amount of THC in any particular item;  
1406 labeling requirements regarding servings for edible retail  
1407 marijuana products; and limitations on the total amount of active  
1408 THC in a sealed internal package that is no more than one hundred  
1409 (100) milligrams of active THC;

1410 (e) Prohibition on or regulation of additives to any  
1411 regulated marijuana product, including, but not limited to, those  
1412 that are toxic, designed to make the product more addictive,  
1413 designed to make the product more appealing to children, or  
1414 misleading to consumers, but not including common baking and  
1415 cooking items;

1416 (f) Permission for a local fire department to conduct  
1417 an annual fire inspection of a retail marijuana cultivation  
1418 facility; and

1419 (g) A prohibition on the production and sale of edible  
1420 regulated marijuana products that are in the distinct shape of a  
1421 human, animal, or fruit. Geometric shapes and products that are



1422 simply fruit flavored are not considered fruit. Products in the  
1423 shape of a marijuana leaf are permissible. Nothing in this  
1424 paragraph (g) applies to a company logo.

1425 (h) A requirement that every retail marijuana store  
1426 post, at all times and in a prominent place, a warning that has a  
1427 minimum height of three (3) inches and a width of six (6) inches  
1428 and that reads:

1429 **"Warning:** Using marijuana, in any form, while you are pregnant or  
1430 breastfeeding passes THC to your baby and may be harmful to your  
1431 baby. There is no known safe amount of marijuana use during  
1432 pregnancy or breastfeeding."

1433 (4) **Equivalency.** Rules promulgated pursuant to Section  
1434 202(1)(c) must also include establishing the equivalent of one (1)  
1435 ounce of retail marijuana flower in various retail marijuana  
1436 products, including retail marijuana concentrate. Prior to  
1437 promulgating the rules required by this subsection (4), the state  
1438 licensing authority may contract for a scientific study to  
1439 determine the equivalency of marijuana flower in retail marijuana  
1440 products, including retail marijuana concentrate.

1441 (5) **Statewide class system cultivation facility rules -**  
1442 **retail marijuana.** (a) The state licensing authority shall create  
1443 a statewide licensure class system for retail marijuana  
1444 cultivation facility licenses. The classifications may be based  
1445 upon square footage of the facility; lights, lumens, or wattage;  
1446 lit canopy; the number of cultivating plants; other reasonable



1447 metrics; or any combination thereof. The state licensing  
1448 authority shall create a fee structure for the licensure class  
1449 system.

1450 (b) The state licensing authority may establish  
1451 limitations on retail marijuana production through one (1) or more  
1452 of the following methods:

1453 (i) Placing or modifying a limit on the number of  
1454 licenses that it issues, by class or overall, but in placing or  
1455 modifying the limits, the authority shall consider the reasonable  
1456 availability of new licenses after a limit is established or  
1457 modified;

1458 (ii) Placing or modifying a limit on the amount of  
1459 production permitted by a retail marijuana cultivation facility  
1460 license or class of licenses based upon some reasonable metric or  
1461 set of metrics including, but not limited to, those items detailed  
1462 in paragraph (a) of this subsection, previous months' sales,  
1463 pending sales, or other reasonable metrics as determined by the  
1464 state licensing authority; and

1465 (iii) Placing or modifying a limit on the total  
1466 amount of production by retail marijuana cultivation facility  
1467 licensees in the state collectively, based upon some reasonable  
1468 metric or set of metrics including, but not limited to, those  
1469 items detailed in paragraph (a) of this subsection, as determined  
1470 by the state licensing authority.



1471 (c) Notwithstanding anything contained in this chapter  
1472 to the contrary, in considering any such limitations, the state  
1473 licensing authority, in addition to any other relevant  
1474 considerations, shall:

1475 (i) Consider the total current and anticipated  
1476 demand for retail marijuana and retail marijuana products in  
1477 Mississippi; and

1478 (ii) Attempt to minimize the market for unlawful  
1479 marijuana.

1480 (7) The state licensing authority may deny, suspend, revoke,  
1481 fine, or impose other sanctions against a person's license issued  
1482 pursuant to this chapter if the state licensing authority finds  
1483 the person or the person's controlling beneficial owner, passive  
1484 beneficial owner, or indirect financial interest holder failed to  
1485 timely file any report, disclosure, registration statement, or  
1486 other submission required by any state or federal regulatory  
1487 authority that is related to the conduct of their business.

1488 (8) The state licensing authority shall treat a metered-dose  
1489 inhaler the same as a vaporized delivery device for purposes of  
1490 regulation and testing.

1491 (9) (a) The state licensing authority may, by rule,  
1492 establish procedures for the conditional issuance of an employee  
1493 license identification card at the time of application.

1494 (b) (i) The state licensing authority shall base its  
1495 issuance of an employee license identification card pursuant to



1496 this subsection (9) on the results of an initial investigation  
1497 that demonstrate the applicant is qualified to hold such license.  
1498 The employee license application for which an employee license  
1499 identification card was issued pursuant to this subsection (9)  
1500 remains subject to denial pending the complete results of the  
1501 applicant's initial fingerprint-based criminal history record  
1502 check.

1503 (ii) Results of a fingerprint-based criminal  
1504 history record check that demonstrate that an applicant possessing  
1505 an employee license identification card pursuant to this  
1506 subsection (9) is not qualified to hold a license issued under  
1507 this chapter are grounds for denial of the employee license  
1508 application. If the employee license application is denied, the  
1509 applicant shall return the employee license identification card to  
1510 the state licensing authority within a time period that the state  
1511 licensing authority establishes by rule.

1512 **204. Confidentiality.** (1) The state licensing authority  
1513 shall maintain the confidentiality of:

1514 (a) Reports or other information obtained from a retail  
1515 marijuana licensee or retail marijuana license applicant  
1516 containing any individualized data, information, or records  
1517 related to the applicant or licensee or its operation, including  
1518 sales information, leases, business organization records,  
1519 financial records, tax returns, credit reports, cultivation  
1520 information, testing results, and security information and plans,



1521 or revealing any customer information, or any other records that  
1522 are exempt from public inspection pursuant to state law. Such  
1523 reports or other information may be used only for a purpose  
1524 authorized by this chapter, for investigation or enforcement of  
1525 any international, federal, state, or local securities law or  
1526 regulations, or for any other state or local law enforcement  
1527 purpose.

1528 (b) Investigative records and documents related to  
1529 ongoing investigations. Those records and documents may be used  
1530 only for a purpose authorized by this chapter or for any other  
1531 state or local law enforcement purpose.

1532 (c) Computer systems maintained by the state licensing  
1533 authority and the vendors with which the state licensing authority  
1534 has contracted.

1535 (2) The state licensing authority shall make available for  
1536 public inspection:

1537 (a) Documents related to final agency actions and  
1538 orders;

1539 (b) Records related to testing on an aggregated and  
1540 de-identified basis;

1541 (c) Demographic information related to applicants and  
1542 licensees available on an aggregated and de-identified basis; and

1543 (d) Enforcement forms and compliance checklists.

1544 **PART 3**

1545 **LICENSING PROCEDURES**



1546           **301. Local licensing authority - applications - licenses.**

1547       (1) When the state licensing authority receives an application  
1548 for original licensing or renewal of an existing license or permit  
1549 for any retail marijuana business, the state licensing authority  
1550 shall provide, within seven (7) days, a copy of the application to  
1551 the local jurisdiction in which the business is to be located  
1552 unless the local jurisdiction has prohibited the operation of  
1553 retail marijuana businesses pursuant to Section 1(6)(d) of this  
1554 act. The local jurisdiction shall determine whether the  
1555 application complies with local restrictions on time, place,  
1556 manner, and the number of retail marijuana businesses. The local  
1557 jurisdiction shall inform the state licensing authority whether  
1558 the application complies with local restrictions on time, place,  
1559 manner, and the number of retail marijuana businesses.

1560       (2) A local jurisdiction may impose a separate local  
1561 licensing requirement for retail marijuana businesses as a part of  
1562 its restrictions on time, place, manner, and the number of  
1563 marijuana businesses. A local jurisdiction may decline to impose  
1564 any local licensing requirements, but a local jurisdiction shall  
1565 notify the state licensing authority that it either approves or  
1566 denies each application forwarded to it.

1567           **302. Public hearing notice - posting and publication.**     (1)

1568 If a local jurisdiction issues local licenses for a retail  
1569 marijuana business, a local jurisdiction may schedule a public  
1570 hearing on the application. If the local jurisdiction schedules a



1571 hearing, it shall post and publish public notice thereof not less  
1572 than ten (10) days prior to the hearing. The local jurisdiction  
1573 shall give public notice by posting a sign in a conspicuous place  
1574 on the license applicant's premises for which a local license  
1575 application has been made and by publication in a newspaper of  
1576 general circulation in the county in which the applicant's  
1577 premises are located.

1578 (2) If a local jurisdiction does not issue local retail  
1579 marijuana business licenses, the local jurisdiction may give  
1580 public notice of the state license application by posting a sign  
1581 in a conspicuous place on the state license applicant's premises  
1582 for which a state license application has been made and by  
1583 publication in a newspaper of general circulation in the county in  
1584 which the applicant's premises are located.

1585 **303. State licensing authority - application and issuance**  
1586 **procedures.** (1) Applications for a state retail marijuana  
1587 business license under the provisions of this chapter must be made  
1588 to the state licensing authority on forms prepared and furnished  
1589 by the state licensing authority and must set forth such  
1590 information as the state licensing authority may require to enable  
1591 the state licensing authority to determine whether a retail  
1592 marijuana business license should be granted. The information  
1593 must include the name and address of the applicant, disclosures  
1594 required by Section 307, and all other information deemed  
1595 necessary by the state licensing authority. Each application must





1596 be verified by the oath or affirmation of such person or persons  
1597 as the state licensing authority may prescribe.

1598 (2) The state licensing authority may issue a state license  
1599 to an applicant pursuant to this section for a retail marijuana  
1600 business upon completion of the applicable criminal history  
1601 records check associated with the application, and the state  
1602 license is conditioned upon local jurisdiction approval. A  
1603 license applicant is prohibited from operating a licensed retail  
1604 marijuana business without state and local jurisdiction approval.  
1605 If the applicant does not receive local jurisdiction approval  
1606 within one (1) year from the date of state licensing authority  
1607 approval, the state license expires and may not be renewed. If an  
1608 application is denied by the local licensing authority, the state  
1609 licensing authority shall revoke the state-issued license.

1610 (3) Nothing in this chapter preempts or otherwise impairs  
1611 the power of a local government to enact ordinances concerning  
1612 matters authorized to local governments.

1613 (4) Prior to accepting an application for a license,  
1614 registration, or permit, the state licensing authority shall  
1615 inform the applicant that having a retail marijuana license and  
1616 working in the retail marijuana industry may have adverse federal  
1617 immigration consequences.

1618 **304. Denial of application.** (1) The state licensing  
1619 authority shall deny a state license if the premises on which the  
1620 applicant proposes to conduct its business does not meet the



1621 requirements of this chapter or for reasons set forth in Section  
1622 103(17) (c) or 305, and the state licensing authority may refuse or  
1623 deny a license, renewal, reinstatement, or initial license for  
1624 good cause as defined by Section 103(17) (a) or (17) (b).

1625 (2) If the state licensing authority denies a state license  
1626 pursuant to subsection (1) of this section, the applicant is  
1627 entitled to a hearing and judicial review. The state licensing  
1628 authority shall provide written notice of the grounds for denial  
1629 of the state license to the applicant and to the local licensing  
1630 authority at least fifteen (15) days prior to the hearing.

1631 **305. Persons prohibited as licensees - definition.** (1) A  
1632 license provided by this chapter shall not be issued to or held  
1633 by:

1634 (a) A person until the fee therefore has been paid;

1635 (b) An individual whose criminal history indicates that  
1636 he or she is not of good moral character;

1637 (c) A person other than an individual if the criminal  
1638 history of any of its controlling beneficial owners indicates that  
1639 a controlling beneficial owner is not of good moral character;

1640 (d) A person under twenty-one (21) years of age;

1641 (e) A person licensed pursuant to this chapter who,  
1642 during a period of licensure, or who, at the time of application,  
1643 has failed to:

1644 (i) File any tax return with a taxing agency  
1645 related to a retail marijuana business;



1646 (ii) Pay any taxes, interest, or penalties due as  
1647 determined by final agency action related to a retail marijuana  
1648 business;

1649 (f) A person who fails to meet qualifications for  
1650 licensure that directly and demonstrably relate to the operation  
1651 of a retail marijuana business;

1652 (g) (i) A person who was convicted of a felony in the  
1653 three (3) years immediately preceding his or her application date  
1654 or who is currently subject to a sentence for a felony conviction;  
1655 except that, for a person applying to be a social equity licensee,  
1656 a marijuana conviction shall not be the sole basis for license  
1657 denial; or

1658 (ii) A person who is currently subject to a  
1659 deferred judgment or sentence for a felony;

1660 (h) A person who employs another person at a retail  
1661 marijuana business who has not submitted fingerprints for a  
1662 criminal history records check or whose criminal history records  
1663 check reveals that the person is ineligible;

1664 (i) A sheriff, deputy sheriff, police officer, or  
1665 prosecuting officer, or an officer or employee of the state  
1666 licensing authority or a local licensing authority;

1667 (j) A person applying for a license for a location that  
1668 is currently licensed as a retail food establishment;

1669 (k) A publicly traded entity that does not constitute a  
1670 publicly traded corporation as defined in this chapter;



1671 (l) A person that is or has a controlling beneficial  
1672 owner, passive beneficial owner, or indirect financial interest  
1673 holder that is organized or formed under the laws of a country  
1674 determined by the United States Secretary of State to have  
1675 repeatedly provided support for acts of international terrorism or  
1676 is included among the list of "covered countries" in Section 1502  
1677 of the federal "Dodd-Frank Wall Street Reform and Consumer  
1678 Protection Act", Public Law 111-203;

1679 (m) A person that is or has a controlling beneficial  
1680 owner that is disqualified as a "bad actor" pursuant to 17 CFR  
1681 230.506(d) (1);

1682 (n) A person that is not a publicly traded corporation  
1683 that is or has a passive beneficial owner or indirect financial  
1684 interest holder that is disqualified as a "bad actor" pursuant to  
1685 17 CFR 230.506(d) (1);

1686 (o) A person that is a publicly traded corporation that  
1687 is or has a nonobjecting passive beneficial owner or indirect  
1688 financial interest holder that is disqualified as a "bad actor"  
1689 pursuant to 17 CFR 230.506(d) (1); or

1690 (p) A person that is or has a controlling beneficial  
1691 owner, passive beneficial owner, or indirect financial interest  
1692 holder that is prohibited from engaging in transactions pursuant  
1693 to this chapter due to its designation on the "Specially  
1694 Designated Nationals and Blocked Persons" list maintained by the  
1695 federal Office of Foreign Assets Control.



1696 (2) The state licensing authority may deny or revoke a  
1697 license if the applicant or licensee's criminal character or  
1698 criminal record poses a threat to the regulation or control of  
1699 marijuana.

1700 (3) (a) In investigating the qualifications of an applicant  
1701 or a licensee, the state and local licensing authorities may have  
1702 access to criminal history records information furnished by a  
1703 criminal justice agency subject to any restrictions imposed by  
1704 such agency. If the state or local licensing authority considers  
1705 the applicant's criminal history record, the state or local  
1706 licensing authority shall also consider any information provided  
1707 by the applicant regarding such criminal history record,  
1708 including, but not limited to, evidence of rehabilitation,  
1709 character references, and educational achievements, especially  
1710 those items pertaining to the period of time between the  
1711 applicant's last criminal conviction and the consideration of the  
1712 application for a state license.

1713 (b) As used in paragraph (a) of this subsection,  
1714 "criminal justice agency" means any federal, state, or municipal  
1715 court or any governmental agency or subunit of such agency that  
1716 administers criminal justice pursuant to a statute or executive  
1717 order and that allocates a substantial part of its annual budget  
1718 to the administration of criminal justice.

1719 (c) At the time of filing an application for issuance  
1720 or renewal of a state retail marijuana business license, an



1721 applicant shall submit a set of his or her fingerprints and file  
1722 personal history information concerning the applicant's  
1723 qualifications for a state license on forms prepared by the state  
1724 licensing authority. The state or local licensing authority or  
1725 local jurisdiction shall submit the fingerprints to the Department  
1726 of Public Safety for the purpose of conducting fingerprint-based  
1727 criminal history records checks. The Department of Public Safety  
1728 shall forward the fingerprints to the Federal Bureau of  
1729 Investigation for the purpose of conducting fingerprint-based  
1730 criminal history records checks. The state or local licensing  
1731 authority or local jurisdiction may acquire a name-based criminal  
1732 history records check for an applicant or a license holder who has  
1733 twice submitted to a fingerprint-based criminal history records  
1734 check and whose fingerprints are unclassifiable. An applicant who  
1735 has previously submitted fingerprints for state or local licensing  
1736 purposes may request that the fingerprints on file be used. The  
1737 state or local licensing authority or local jurisdiction shall use  
1738 the information resulting from the fingerprint-based criminal  
1739 history records check to investigate and determine whether an  
1740 applicant is qualified to hold a state or local license pursuant  
1741 to this chapter. The state or local licensing authority or local  
1742 jurisdiction may verify any of the information an applicant is  
1743 required to submit.



1744           **306. Business and owner requirements - legislative**  
1745 **declaration - definition.** (1) (a) The Legislature finds and  
1746 declares that:  
1747                   (i) Retail marijuana businesses need to be able to  
1748 access capital in order to effectively grow their businesses and  
1749 remain competitive in the marketplace;  
1750                   (ii) The current regulatory structure for  
1751 regulated marijuana and regulated marijuana products creates a  
1752 substantial barrier to investment from out-of-state interests and  
1753 publicly traded corporations;  
1754                   (iii) There is insufficient capital in the state  
1755 to properly fund the capital needs of Mississippi retail marijuana  
1756 businesses;  
1757                   (iv) Mississippi retail marijuana businesses need  
1758 to have ready access to capital from investors from outside of  
1759 Mississippi;  
1760                   (v) Providing access to legitimate sources of  
1761 capital helps prevent the opportunity for those who engage in  
1762 illegal activity to gain entry into the state's regulated retail  
1763 marijuana market;  
1764                   (vi) Publicly traded corporations offering  
1765 securities for investment in retail marijuana businesses must tell  
1766 the public the truth about their business, the securities they are  
1767 selling, and the risks involved with investing in retail marijuana  
1768 businesses, and persons that sell and trade securities related to



1769 retail marijuana businesses are prohibited from engaging in  
1770 deceit, misrepresentations, and other fraud in the sale of the  
1771 securities; and

1772 (vii) Recognizing that participation by publicly  
1773 traded corporations in Mississippi's retail marijuana industry  
1774 creates an increased need to assess barriers of entry for  
1775 minority- and woman-owned businesses, with such efforts being made  
1776 to identify solutions to arrive at a greater balance and for  
1777 further equity for minority- and woman-owned businesses, and in a  
1778 manner that is consistent with the public safety and enforcement  
1779 goals as stated in this subsection (1), it is therefore of  
1780 substantive importance to address the lack of minority- and  
1781 woman-owned businesses' inclusion in Mississippi's retail  
1782 marijuana industry, social justice issues associated with  
1783 marijuana prohibition, suitability issues relating to past  
1784 convictions for potential licensees, licensing fees, and economic  
1785 challenges that arise with the application processes.

1786 (b) Therefore, the Legislature is providing a mechanism  
1787 for Mississippi retail marijuana businesses to access capital from  
1788 investors in other states and from certain publicly traded  
1789 corporations pursuant to this chapter.

1790 (2) (a) All natural persons with day-to-day operational  
1791 control over the business must be Mississippi residents.

1792 (b) A person, other than an individual, that is a  
1793 retail marijuana business or a controlling beneficial owner shall





1794 appoint and continuously maintain a registered agent. The retail  
1795 marijuana business shall inform the state licensing authority of a  
1796 change in the registered agent within ten (10) days after the  
1797 change.

1798 (3) A person who qualifies as a social equity licensee may  
1799 apply for any regulated marijuana business license or permit,  
1800 including, but not limited to, accelerator store, accelerator  
1801 cultivator, and accelerator manufacturer licenses, issued pursuant  
1802 to this chapter. A person qualifies as a social equity licensee  
1803 if such person meets the following criteria, in addition to any  
1804 criteria established by rule of the state licensing authority:

1805 (a) Is a Mississippi resident;

1806 (b) Has not been the beneficial owner of a license  
1807 subject to disciplinary or legal action from the state resulting  
1808 in the revocation of a license issued pursuant to this chapter;

1809 (c) Has demonstrated at least one (1) of the following:

1810 (i) The applicant has resided for at least fifteen  
1811 (15) years between the years 1990 and 2012 in a census tract  
1812 designated by the Mississippi Development Authority as an  
1813 opportunity zone or designated as a disproportionate impacted area  
1814 as defined by rule pursuant to Section 203(1)(j);

1815 (ii) The applicant or the applicant's parent,  
1816 legal guardian, sibling, spouse, child, or minor in their  
1817 guardianship was arrested for a marijuana offense, convicted of a



1818 marijuana offense, or was subject to civil asset forfeiture  
1819 related to a marijuana investigation; or

1820 (iii) The applicant's household income in the year  
1821 prior to application did not exceed an amount determined by rule  
1822 of the state licensing authority; and

1823 (d) The social equity licensee, or collectively one (1)  
1824 or more social equity licensees, holds at least fifty-one percent  
1825 (51%) of the beneficial ownership of the regulated marijuana  
1826 business license.

1827 (5) A person who meets the criteria in this section for a  
1828 social equity licensee, pursuant to rule and agency discretion,  
1829 may be eligible for incentives available through the Mississippi  
1830 Development Authority, including but not limited to a reduction in  
1831 application or license fees.

1832 **307. Business owner and financial interest disclosure**

1833 **requirements.** (1) Applicants for the issuance of a state license  
1834 shall disclose to the state licensing authority the following:

1835 (a) A complete and accurate organizational chart of the  
1836 retail marijuana business reflecting the identity and ownership  
1837 percentages of its controlling beneficial owners;

1838 (b) The following information regarding all controlling  
1839 beneficial owners of the retail marijuana business:

1840 (i) If the controlling beneficial owner is a  
1841 publicly traded corporation, the applicant shall disclose the  
1842 controlling beneficial owners' managers and any beneficial owners



1843 that directly or indirectly beneficially own ten percent (10%) or  
1844 more of the owner's interest in the controlling beneficial owner.

1845 (ii) If the controlling beneficial owner is not a  
1846 publicly traded corporation and is not a qualified private fund,  
1847 the applicant shall disclose the controlling beneficial owner's  
1848 managers and any beneficial owners that directly or indirectly  
1849 beneficially own ten percent (10%) or more of the owner's interest  
1850 in the controlling beneficial owner.

1851 (iii) If the controlling beneficial owner is a  
1852 qualified private fund, the applicant shall disclose a complete  
1853 and accurate organizational chart of the qualified private fund  
1854 reflecting the identity and ownership percentages of the qualified  
1855 private fund's managers, investment advisers, investment adviser  
1856 representatives, any trustee or equivalent, and any other person  
1857 that controls the investment in, or management or operations of,  
1858 the retail marijuana business.

1859 (iv) If the controlling beneficial owner is a  
1860 natural person, the applicant shall disclose the natural person's  
1861 identifying information.

1862 (c) A person that is both a passive beneficial owner  
1863 and an indirect financial interest holder in the retail marijuana  
1864 business; and

1865 (d) Any indirect financial interest holder that holds  
1866 two (2) or more indirect financial interests in the retail



1867 marijuana business or that is contributing over fifty percent  
1868 (50%) of the operating capital of the retail marijuana business.

1869 (2) The state licensing authority may request that the  
1870 retail marijuana business disclose the following:

1871 (a) Each beneficial owner and affiliate of an applicant  
1872 or retail marijuana business, or controlling beneficial owner that  
1873 is not a publicly traded corporation or a qualified private fund;  
1874 and

1875 (b) Each affiliate of a controlling beneficial owner  
1876 that is a qualified private fund.

1877 (3) For reasonable cause, the state licensing authority may  
1878 require disclosure of:

1879 (a) A complete and accurate list of each nonobjecting  
1880 beneficial interest owner of a retail marijuana business, or  
1881 controlling beneficial owner that is a publicly traded  
1882 corporation;

1883 (b) Passive beneficial owners of the retail marijuana  
1884 business, and for any passive beneficial owner that is not a  
1885 natural person, the members of the board of directors, general  
1886 partners, managing members, or managers and ten percent (10%) or  
1887 more owners of the passive beneficial owner;

1888 (c) A list of each beneficial owner in a qualified  
1889 private fund that is a controlling beneficial owner;

1890 (d) All indirect financial interest holders of the  
1891 retail marijuana business, and for any indirect financial interest



1892 holder that is not a natural person and ten percent (10%) or more  
1893 beneficial owners of the indirect financial interest holder.

1894 (4) An applicant or retail marijuana business that is not a  
1895 publicly traded corporation shall affirm under penalty of perjury  
1896 that it exercised reasonable care to confirm that its passive  
1897 beneficial owners, indirect financial interest holders, and  
1898 qualified institutional investors are not persons prohibited  
1899 pursuant to Section 305, or otherwise restricted from holding an  
1900 interest under this chapter. An applicant's or retail marijuana  
1901 business's failure to exercise reasonable care is a basis for  
1902 denial, fine, suspension, revocation, or other sanction by the  
1903 state licensing authority.

1904 (5) An applicant or retail marijuana business that is a  
1905 publicly traded corporation shall affirm under penalty of perjury  
1906 that it exercised reasonable care to confirm that its nonobjecting  
1907 passive beneficial owners, indirect financial interest holders,  
1908 and qualified institutional investors are not persons prohibited  
1909 pursuant to Section 305, or otherwise restricted from holding an  
1910 interest under this chapter. An applicant's or retail marijuana  
1911 business's failure to exercise reasonable care is a basis for  
1912 denial, fine, suspension, revocation, or other sanction by the  
1913 state licensing authority.

1914 (6) This section does not restrict the state licensing  
1915 authority's ability to reasonably request information or records



1916 at renewal or as part of any other investigation following initial  
1917 licensure of a retail marijuana business.

1918 (7) The Secretary of State may, by rule or order, require  
1919 additional disclosures if such information is full and fair with  
1920 respect to the investment or in the interest of investor  
1921 protection.

1922 **308. Business owner and financial interest suitability**  
1923 **requirements.** (1) This section applies to all persons required  
1924 to submit a finding of suitability.

1925 (2) Any person intending to become a controlling beneficial  
1926 owner of any retail marijuana business, except as otherwise  
1927 provided in Section 310(4), shall first submit a request to the  
1928 state licensing authority for a finding of suitability or an  
1929 exemption from an otherwise required finding of suitability.

1930 (3) For reasonable cause, any other person that was  
1931 disclosed or that should have been disclosed pursuant to Section  
1932 307, including but not limited to a passive beneficial owner,  
1933 shall submit a request for a finding of suitability.

1934 (4) Failure to provide all requested information in  
1935 connection with a request for a finding of suitability is grounds  
1936 for denial of that finding of suitability.

1937 (5) Failure to receive all required findings of suitability  
1938 is grounds for denial of an application or for suspension,  
1939 revocation, or other sanction against the license by the state  
1940 licensing authority. For initial applications, the finding of



1941 suitability shall be required prior to submitting the application  
1942 for licensure.

1943 (6) Any person required to obtain a finding of suitability  
1944 shall do so on forms provided by the state licensing authority,  
1945 and the forms must contain such information as the state licensing  
1946 authority may require. Each suitability application must be  
1947 verified by the oath or affirmation of the persons prescribed by  
1948 the state licensing authority.

1949 (7) A person requesting a finding of suitability shall  
1950 provide the state licensing authority with a deposit to cover the  
1951 direct and indirect costs of any investigation necessary to  
1952 determine any required finding of suitability unless otherwise  
1953 established by rule. The state licensing authority may make  
1954 further rules regarding the deposit and direct and indirect costs  
1955 that must be billed against the deposit, unless otherwise  
1956 established by rule.

1957 (8) When determining whether a person is suitable or  
1958 unsuitable for licensure, the state licensing authority may  
1959 consider the person's criminal character or record, licensing  
1960 character or record, or financial character or record.

1961 (9) A person that would otherwise be required to obtain a  
1962 finding of suitability may request an exemption from the state  
1963 licensing authority as determined by rule.

1964 (10) Absent reasonable cause, the state licensing authority  
1965 shall approve or deny a request for a finding of suitability



1966 within one hundred twenty (120) days from the date of submission  
1967 of the request for such finding.

1968 (11) The state licensing authority may deny, suspend,  
1969 revoke, fine, or impose other sanctions against a person's license  
1970 issued pursuant to this chapter if the state licensing authority  
1971 finds the person or the person's controlling beneficial owner,  
1972 passive beneficial owner, or indirect financial interest holder to  
1973 be unsuitable pursuant to this section.

1974 **309. Restrictions for applications for new licenses.** (1)  
1975 The state licensing authority shall not approve an application for  
1976 the issuance of a state retail marijuana business license pursuant  
1977 to this chapter until it is established that the applicant is, or  
1978 will be, entitled to possession of the premises for which  
1979 application is made under a lease, rental agreement, or other  
1980 arrangement for possession of the premises or by virtue of  
1981 ownership of the premises.

1982 **310. Transfer of ownership.** (1) A state or local license  
1983 granted under the provisions of this chapter is not transferable  
1984 except as provided in this section, but this section does not  
1985 prevent a change of location as provided in Section 313(13).

1986 (2) For a transfer of ownership involving a controlling  
1987 beneficial owner, a license holder shall apply to the state and  
1988 local licensing authorities on forms prepared and furnished by the  
1989 state licensing authority. In determining whether to permit a  
1990 transfer of ownership, the state and local licensing authorities





1991 shall consider only the requirements of this chapter, any rules  
1992 promulgated by the state licensing authority, and any other local  
1993 restrictions. The local licensing authority or local jurisdiction  
1994 may hold a hearing on the application for transfer of ownership.  
1995 The local licensing authority or local jurisdiction shall not hold  
1996 a hearing pursuant to this subsection (2) until the local  
1997 licensing authority or local jurisdiction has posted a notice of  
1998 hearing in the manner described in Section 302 on the licensed  
1999 premises for a period of ten (10) days and has provided notice of  
2000 the hearing to the applicant at least ten (10) days prior to the  
2001 hearing. Any transfer of ownership hearing by the state licensing  
2002 authority must be held in compliance with the requirements  
2003 specified in Section 302.

2004 (3) For a transfer of ownership involving a passive  
2005 beneficial owner, the license holder shall notify the state  
2006 licensing authority on forms prepared and furnished by the state  
2007 licensing authority within forty-five (45) days to the extent  
2008 disclosure is required by Section 307.

2009 (4) A person that becomes a controlling beneficial owner of  
2010 a publicly traded corporation that is a retail marijuana business  
2011 or that becomes a beneficial owner, through direct or indirect  
2012 ownership of a controlling beneficial owner, of ten percent (10%)  
2013 or more of a retail marijuana business that is a publicly traded  
2014 corporation must disclose the information required by Section 307  
2015 and apply to the state licensing authority for a finding of



2016 suitability or exemption from a finding of suitability pursuant to  
2017 Section 308 within forty-five (45) days after becoming such a  
2018 controlling beneficial owner. A retail marijuana business shall  
2019 notify each person that is subject to this subsection (4) of its  
2020 requirements as soon as the retail marijuana business becomes  
2021 aware of the beneficial ownership triggering the requirement,  
2022 provided that the obligations of the person subject to this  
2023 subsection (4) are independent of, and unaffected by, the retail  
2024 marijuana business's failure to give the notice.

2025 **311. Licensing in general.** (1) Local jurisdictions are  
2026 authorized to adopt and enforce regulations for retail marijuana  
2027 businesses that are at least as restrictive as the provisions of  
2028 this chapter and any rule promulgated pursuant to this chapter.

2029 (2) A retail marijuana business may not operate until it is  
2030 licensed by the state licensing authority pursuant to this chapter  
2031 and approved by the local jurisdiction. If an application is  
2032 denied by the local licensing authority, the state licensing  
2033 authority shall revoke the state-issued license. In connection  
2034 with a license, the applicant shall provide a complete and  
2035 accurate application as required by the state licensing authority.

2036 (3) A retail marijuana business that is not a publicly  
2037 traded corporation shall notify the state licensing authority in  
2038 writing of the name, address, and date of birth of a controlling  
2039 beneficial owner, passive beneficial owner, or manager before the  
2040 new controlling beneficial owner, passive beneficial owner, or



2041 manager begins managing or associating with the operation. Any  
2042 controlling beneficial owner, passive beneficial owner, manager,  
2043 or employee must pass a fingerprint-based criminal history record  
2044 check as required by the state licensing authority and obtain the  
2045 required identification prior to being associated with, managing,  
2046 owning, or working at the operation.

2047 (4) A retail marijuana business shall not acquire, possess,  
2048 cultivate, deliver, transfer, transport, supply, or dispense  
2049 marijuana for any purpose except as authorized by Section 1 of  
2050 this act and this chapter.

2051 (5) (a) All employee licenses granted pursuant to this  
2052 chapter are valid for a period not to exceed two (2) years after  
2053 the date of issuance unless revoked or suspended pursuant to this  
2054 chapter or the rules promulgated pursuant to this chapter.

2055 (b) All regulated marijuana business licenses and  
2056 licenses granted to a controlling beneficial owner pursuant to  
2057 this chapter are valid for a period of one (1) year after the date  
2058 of issuance unless revoked or suspended pursuant to this chapter  
2059 or the rules promulgated pursuant to this chapter.

2060 (6) Before granting a local or state license, the respective  
2061 licensing authority may consider, except where this chapter  
2062 specifically provides otherwise, the requirements of this chapter  
2063 and any rules promulgated pursuant to this chapter, and all other  
2064 reasonable restrictions that are or may be placed upon the  
2065 licensee by the licensing authority.



2066 (7) (a) Each license issued under this chapter is separate  
2067 and distinct. It is unlawful for a person to exercise any of the  
2068 privileges granted under a license other than the license that the  
2069 person holds or for a licensee to allow any other person to  
2070 exercise the privileges granted under the licensee's license. A  
2071 separate license is required for each specific business or  
2072 business entity and each geographical location.

2073 (b) At all times, a licensee shall possess and maintain  
2074 possession of the premises for which the license is issued by  
2075 ownership, lease, rental, or other arrangement for possession of  
2076 the premises.

2077 (8) (a) The licenses provided pursuant to this chapter must  
2078 specify the date of issuance, the period of licensure, the name of  
2079 the licensee, and the premises licensed. The licensee shall  
2080 conspicuously place the license at all times on the licensed  
2081 premises.

2082 (b) The state licensing authority shall not transfer  
2083 location of or renew a state license until the applicant provides  
2084 verification that a license was issued and granted by the local  
2085 licensing authority for the previous license term.

2086 (9) In computing any period of time prescribed by this  
2087 chapter, the day of the act, event, or default from which the  
2088 designated period of time begins to run is not included.  
2089 Saturdays, Sundays, and legal holidays are counted as any other  
2090 day.



2091           (10) Except for a publicly traded corporation, a retail  
2092 marijuana business licensee shall report each transfer or change  
2093 of financial interest in the license to the state and local  
2094 licensing authorities and receive approval prior to any transfer  
2095 or change pursuant to Section 310. Except for a publicly traded  
2096 corporation, a report is required for transfers of an owner's  
2097 interest of any entity regardless of size.

2098           (11) Each licensee shall manage the licensed premises  
2099 himself or herself or employ a separate and distinct manager on  
2100 the premises and shall report the name of the manager to the state  
2101 and local licensing authorities. The licensee shall report any  
2102 change in manager to the state and local licensing authorities  
2103 prior to the change pursuant to subsection (3) of this section.

2104           (12) (a) A licensee may move the permanent location to any  
2105 other place in Mississippi once permission to do so is granted by  
2106 the state and local licensing authorities or local jurisdiction  
2107 provided for in this chapter. Upon receipt of an application for  
2108 change of location, the state licensing authority shall, within  
2109 seven (7) days, submit a copy of the application to the local  
2110 licensing authority or local jurisdiction to determine whether the  
2111 transfer complies with all local restrictions on change of  
2112 location.

2113           (b) In permitting a change of location, the state and  
2114 local licensing authorities or local jurisdiction shall consider  
2115 all reasonable restrictions that are or may be placed upon the new



2116 location by the governing board or local licensing authority of  
2117 the municipality, county, or municipality and county, and any such  
2118 change in location must be in accordance with all requirements of  
2119 this chapter and rules promulgated pursuant to this chapter.

2120 (c) (i) A retail marijuana cultivation facility that  
2121 has obtained an approved change of location from the state  
2122 licensing authority may operate one license at two (2)  
2123 geographical locations for the purpose of transitioning operations  
2124 from one location to another if:

2125 1. The total plants cultivated at both  
2126 locations do not exceed any plant count limit imposed on the  
2127 license by this chapter and any rules promulgated by the state  
2128 licensing authority;

2129 2. The licensed premises of both geographical  
2130 locations comply with all surveillance, security, and inventory  
2131 tracking requirements imposed by this chapter and any rules  
2132 promulgated by the state licensing authority;

2133 3. Both the transferring location and the  
2134 receiving location track all plants virtually in transition in the  
2135 seed-to-sale tracking system to ensure proper tracking for  
2136 taxation and tracking purposes;

2137 4. Operation at both geographical locations  
2138 does not exceed one hundred eighty (180) days, unless for good  
2139 cause shown, the one-hundred-eighty-day deadline may be extended  
2140 for an additional one hundred twenty (120) days; and



2141                   5. The retail marijuana cultivation facility  
2142 licensee obtains the proper state permit and local permit or  
2143 license. If the change of location is within the same local  
2144 jurisdiction, the licensee must first obtain a transition permit  
2145 from the state licensing authority and, if required by the local  
2146 jurisdiction, a transition permit or other form of approval from  
2147 the local licensing authority or local jurisdiction. If the  
2148 change of location is to a different local jurisdiction, the  
2149 licensee must first obtain a license from the local licensing  
2150 authority or local jurisdiction where it intends to locate, a  
2151 transition permit from the state licensing authority, and, if  
2152 required by the local jurisdiction, a transition permit or other  
2153 form of approval from the local licensing authority or local  
2154 jurisdiction for the local jurisdiction where it intends to  
2155 locate.

2156                   (ii) Conduct at either location may be the basis  
2157 for fine, suspension, revocation, or other sanction against the  
2158 license.

2159           **312. License renewal.** (1) Ninety (90) days prior to the  
2160 expiration date of an existing retail marijuana business license,  
2161 the state licensing authority shall notify the licensee of the  
2162 expiration date by first-class mail at the licensee's address of  
2163 record with the state licensing authority. A licensee must apply  
2164 for the renewal of an existing license to the local licensing  
2165 authority within the time frame required by local ordinance or



2166 regulation and to the state licensing authority prior to the  
2167 expiration of the license. The licensee shall provide the state  
2168 licensing authority with information establishing that the  
2169 application complies with all local requirements for the renewal  
2170 of a license. If a licensee submits a timely and sufficient  
2171 renewal application, the licensee may continue to operate until  
2172 the application is finally acted upon by the state licensing  
2173 authority. The local licensing authority may refuse to renew any  
2174 license for good cause, subject to judicial review.

2175 (2) The state licensing authority may require an additional  
2176 fingerprint request when there is a demonstrated investigative  
2177 need.

2178 **313. Inactive licenses.** The state or local licensing  
2179 authority, in its discretion, may revoke or elect not to renew any  
2180 license if it determines that the licensed premises have been  
2181 inactive, without good cause, for at least one (1) year.

2182 **314. Unlawful financial assistance.** (1) The state  
2183 licensing authority, by rule, shall require a complete disclosure  
2184 pursuant to Section 307 in connection with each license issued  
2185 under this chapter.

2186 (2) This section is intended to prohibit and prevent the  
2187 control of the outlets for the sale of regulated marijuana and  
2188 regulated marijuana products by a person or party other than the  
2189 persons licensed pursuant to the provisions of this chapter.

2190

#### ARTICLE 4





2191 **LICENSE TYPES**

2192 **401. Classes of licenses.**

2193 (1) For the purpose of  
2194 regulating the cultivation, manufacture, distribution,  
2195 hospitality, and sale of regulated marijuana and regulated  
2196 marijuana products, the state licensing authority in its  
2197 discretion, upon application in the prescribed form made to it,  
2198 may issue and grant to the applicant a license from any of the  
2199 classes listed in subsections (2) and (3) of this section, subject  
to the provisions and restrictions provided by this chapter.

2200 (2) The following are retail marijuana licenses:

- 2201 (a) Retail marijuana store license;
- 2202 (b) Retail marijuana cultivation facility license;
- 2203 (c) Retail marijuana products manufacturer license;
- 2204 (d) Retail marijuana testing facility license;
- 2205 (e) Retail marijuana transporter license;
- 2206 (f) Retail marijuana business operator license;
- 2207 (g) Accelerator cultivator license;
- 2208 (h) Accelerator manufacturer license;
- 2209 (i) Marijuana hospitality business license;
- 2210 (j) Retail marijuana hospitality and sales business  
2211 license; and
- 2212 (k) Accelerator store license.

2213 (3) The following are regulated marijuana licenses or  
2214 registrations: Occupational licenses and registrations for  
2215 owners, managers, operators, employees, contractors, and other



2216 support staff employed by, working in, or having access to  
2217 restricted areas of the licensed premises, as determined by the  
2218 state licensing authority. The state licensing authority may take  
2219 any action with respect to a registration or permit pursuant to  
2220 this chapter as it may with respect to a license pursuant to this  
2221 chapter, in accordance with the procedures established pursuant to  
2222 this chapter.

2223 (4) All persons licensed pursuant to this chapter shall  
2224 collect sales tax on all sales made pursuant to the licensing  
2225 activities.

2226 (5) A state chartered bank or a credit union may loan money  
2227 to any person licensed pursuant to this chapter for the operation  
2228 of a licensed retail marijuana business.

2229 (6) For a person applying to be a social equity licensee,  
2230 the state licensing authority shall not deny an application on the  
2231 sole basis of the prior marijuana conviction of the applicant and  
2232 at its discretion may waive other requirements.

2233 **ARTICLE 5**

2234 **RETAIL MARIJUANA LICENSE TYPES**

2235 **501. Retail marijuana store license - rules - definitions.**

2236 (1) (a) A retail marijuana store license may be issued only to a  
2237 person selling retail marijuana or retail marijuana products  
2238 pursuant to the terms and conditions of this chapter.

2239 (b) A retail marijuana store may cultivate its own  
2240 retail marijuana if it obtains a retail marijuana cultivation



2241 facility license, or it may purchase retail marijuana from a  
2242 licensed retail marijuana cultivation facility.

2243 (c) A retail marijuana store shall not accept any  
2244 retail marijuana purchased from a retail marijuana cultivation  
2245 facility unless the retail marijuana store is provided with  
2246 evidence that any applicable excise tax due was paid.

2247 (d) The retail marijuana store shall track all of its  
2248 retail marijuana and retail marijuana products from the point that  
2249 they are transferred from a retail marijuana cultivation facility  
2250 or retail marijuana products manufacturer to the point of sale.

2251 (2) (a) Notwithstanding the provisions of this section, a  
2252 retail marijuana store licensee may also sell retail marijuana  
2253 products that are prepackaged and labeled as required by rules of  
2254 the state licensing authority pursuant to Section 203(2)(f) and  
2255 (3)(b).

2256 (b) A retail marijuana store licensee may transact with  
2257 a retail marijuana products manufacturer licensee for the purchase  
2258 of retail marijuana products upon a retail marijuana products  
2259 manufacturer licensee's licensed premises or a retail marijuana  
2260 store's licensed premises.

2261 (c) A retail marijuana store may sell retail marijuana  
2262 and retail marijuana products to a retail marijuana hospitality  
2263 and sales business licensee.

2264 (3) (a) (i) A retail marijuana store may not sell more  
2265 than one (1) ounce of retail marijuana or its equivalent in retail



2266 marijuana products, including retail marijuana concentrate, except  
2267 for nonedible, nonpsychoactive retail marijuana products,  
2268 including ointments, lotions, balms, and other nontransdermal  
2269 topical products, during a single transaction to a person.

2270 (ii) As used in this paragraph (a), "equivalent in  
2271 retail marijuana products" has the same meaning as established by  
2272 the state licensing authority by rule pursuant to Section 203(4).

2273 (b) (i) Prior to initiating a sale, the employee of  
2274 the retail marijuana store making the sale shall verify that the  
2275 purchaser has a valid identification card showing the purchaser is  
2276 twenty-one (21) years of age or older. If a person under  
2277 twenty-one (21) years of age presents a fraudulent proof of age,  
2278 any action relying on the fraudulent proof of age shall not be  
2279 grounds for the revocation or suspension of any license issued  
2280 under this chapter.

2281 (ii) 1. If a retail marijuana store licensee or  
2282 employee has reasonable cause to believe that a person is under  
2283 twenty-one (21) years of age and is exhibiting fraudulent proof of  
2284 age in an attempt to obtain any retail marijuana or marijuana  
2285 product, the licensee or employee is authorized to confiscate such  
2286 fraudulent proof of age, if possible, and shall, within  
2287 seventy-two (72) hours after the confiscation, remit to a state or  
2288 local law enforcement agency. The failure to confiscate such  
2289 fraudulent proof of age or to remit to a state or local law



2290 enforcement agency within seventy-two (72) hours after the  
2291 confiscation does not constitute a criminal offense.

2292                   2. If a retail marijuana store licensee or  
2293 employee believes that a person is under twenty-one (21) years of  
2294 age and is exhibiting fraudulent proof of age in an attempt to  
2295 obtain any retail marijuana or retail marijuana product, the  
2296 licensee or employee or any peace or police officer, acting in  
2297 good faith and upon probable cause based upon reasonable grounds  
2298 therefor, may detain and question such person in a reasonable  
2299 manner for the purpose of ascertaining whether the person is  
2300 guilty of any unlawful act regarding the purchase of retail  
2301 marijuana. The questioning of a person by an employee or a peace  
2302 or police officer does not render the licensee, the employee, or  
2303 the peace or police officer civilly or criminally liable for  
2304 slander, false arrest, false imprisonment, malicious prosecution,  
2305 or unlawful detention.

2306                   (c) (i) A retail marijuana store that sells an  
2307 industrial hemp product shall ensure that the industrial hemp  
2308 product has passed all testing required by rules promulgated by  
2309 the state licensing authority pursuant to Section 203(2)(d).  
2310 Prior to taking possession of the industrial hemp product, a  
2311 retail marijuana store shall verify the industrial hemp product  
2312 passed all testing required for retail marijuana products at a  
2313 licensed retail marijuana testing facility and that the person  
2314 transferring the industrial hemp product has received a license



2315 from the Department of Agriculture and Commerce pursuant to  
2316 Section 69-25-207.

2317                   2. Absent sampling and testing standards  
2318 established by the Department of Agriculture and Commerce for the  
2319 sampling and testing of an industrial hemp product, a person  
2320 transferring an industrial hemp product to a retail marijuana  
2321 store pursuant to this section shall comply with sampling and  
2322 testing standards consistent with those established by the state  
2323 licensing authority pursuant to this chapter.

2324                   (d) When completing a sale of retail marijuana  
2325 concentrate, the retail marijuana store shall provide the customer  
2326 with the tangible educational resource created by the state  
2327 licensing authority through rule-making pursuant to Section 202(8)  
2328 regarding the use of retail marijuana concentrate.

2329                   (4) A retail marijuana store may provide, except as required  
2330 by Section 203(2)(d), a sample of its products to a facility that  
2331 has a marijuana testing facility license from the state licensing  
2332 authority for testing and research purposes. A retail marijuana  
2333 store shall maintain a record of what was provided to the testing  
2334 facility, the identity of the testing facility, and the results of  
2335 the testing.

2336                   (5) All retail marijuana and retail marijuana products sold  
2337 at a licensed retail marijuana store shall be packaged and labeled  
2338 as required by rules of the state licensing authority pursuant to  
2339 Section 203(2)(f) and (3)(b).



2340 (6) (a) A licensed retail marijuana store may only sell  
2341 retail marijuana, retail marijuana products, marijuana  
2342 accessories, nonconsumable products such as apparel, and marijuana  
2343 related products such as childproof packaging containers, but is  
2344 prohibited from selling or giving away any consumable product,  
2345 including but not limited to cigarettes or alcohol, or edible  
2346 product that does not contain marijuana, including but not limited  
2347 to sodas, candies, or baked goods; except that a retail marijuana  
2348 store may sell industrial hemp products.

2349 (b) A licensed retail marijuana store may not sell any  
2350 retail marijuana or retail marijuana products that contain  
2351 nicotine or alcohol, if the sale of the alcohol would require a  
2352 license pursuant to Chapter 1 or 3 of Title 67, Mississippi Code  
2353 of 1972.

2354 (c) A licensed retail marijuana store shall not sell  
2355 retail marijuana or retail marijuana products over the internet  
2356 nor deliver retail marijuana or retail marijuana products to a  
2357 person not physically present in the retail marijuana store's  
2358 licensed premises.

2359 (7) The premises of a licensed retail marijuana store is the  
2360 only place where an automatic dispensing machine that contains  
2361 retail marijuana or retail marijuana products may be located. If  
2362 a licensed retail marijuana store uses an automatic dispensing  
2363 machine that contains retail marijuana and retail marijuana



2364 products, it must comply with the regulations promulgated by the  
2365 state licensing authority for its use.

2366 (8) Retail marijuana or retail marijuana products may not be  
2367 consumed on the premises of a retail marijuana store.

2368 (9) Notwithstanding any other provision of state law, sales  
2369 of retail marijuana and retail marijuana products are not exempt  
2370 from state or local sales tax.

2371 (10) A display case containing marijuana concentrate must  
2372 include the potency of the marijuana concentrate next to the name  
2373 of the product.

2374 (11) Notwithstanding any other provision of law to the  
2375 contrary, a licensed retail marijuana store may compensate its  
2376 employees using performance-based incentives, including  
2377 sales-based performance-based incentives.

2378 (12) (a) (i) There is authorized a retail marijuana  
2379 delivery permit to a retail marijuana store license authorizing  
2380 the permit holder to deliver retail marijuana and retail marijuana  
2381 products.

2382 (ii) A retail marijuana delivery permit is valid  
2383 for one (1) year and may be renewed annually upon renewal of the  
2384 retail marijuana store license or retail marijuana transporter  
2385 license.

2386 (iii) A retail marijuana delivery permit issued  
2387 pursuant to this section applies to only one (1) retail marijuana  
2388 store; however, a single retail marijuana delivery permit may





2389 apply to multiple retail marijuana stores if the retail marijuana  
2390 stores are in the same local jurisdiction and are identically  
2391 owned, as defined by the state licensing authority for purposes of  
2392 this section.

2393 (iv) The state licensing authority may issue a  
2394 retail marijuana delivery permit to a qualified applicant, as  
2395 determined by the state licensing authority, that holds a retail  
2396 marijuana store license issued pursuant to this chapter. A permit  
2397 applicant is prohibited from delivering retail marijuana and  
2398 retail marijuana products without state and local jurisdiction  
2399 approval. If the applicant does not receive local jurisdiction  
2400 approval within one (1) year from the date of the state licensing  
2401 authority approval, the state permit expires and may not be  
2402 renewed. If an application is denied by the local licensing  
2403 authority, the state licensing authority shall revoke the  
2404 state-issued permit. The state licensing authority has discretion  
2405 in determining whether an applicant is qualified to receive a  
2406 retail marijuana delivery permit. A retail marijuana delivery  
2407 permit issued by the state licensing authority is deemed a  
2408 revocable privilege of a licensed retail marijuana store or retail  
2409 marijuana transporter licensee. A violation related to a retail  
2410 marijuana delivery permit is grounds for a fine or suspension or  
2411 revocation of the delivery permit or retail marijuana store  
2412 license.



2413 (b) A retail marijuana store licensee shall not make  
2414 deliveries of retail marijuana or retail marijuana products to  
2415 individuals while also transporting retail marijuana or retail  
2416 marijuana products between licensed premises in the same vehicle.

2417 (c) The licensed retail marijuana store shall charge a  
2418 One Dollar (\$1.00) surcharge on each delivery. The licensed  
2419 retail marijuana store shall remit the surcharges collected on a  
2420 monthly basis to the municipality where the licensed retail  
2421 marijuana store is located, or to the county if the licensed  
2422 retail marijuana store is in an unincorporated area, for local law  
2423 enforcement costs related to marijuana enforcement. Failure to  
2424 comply with this paragraph (c) may result in nonrenewal of the  
2425 retail marijuana delivery permit.

2426 (d) A licensed retail marijuana store with a retail  
2427 marijuana delivery permit may deliver retail marijuana and retail  
2428 marijuana products only to the individual who placed the order and  
2429 who:

2430 (i) Is twenty-one (21) years of age or older;

2431 (ii) Receives the delivery of retail marijuana or  
2432 retail marijuana products pursuant to rules; and

2433 (iii) Possesses an acceptable form of  
2434 identification.

2435 (e) Any person delivering retail marijuana or retail  
2436 marijuana products must possess a valid occupational license and  
2437 be a current employee of the licensed retail marijuana store or



2438 retail marijuana transporter licensee with a valid retail  
2439 marijuana delivery permit; must have undergone training regarding  
2440 proof-of-age identification and verification, including all forms  
2441 of identification that are deemed acceptable by the state  
2442 licensing authority; and must have any other training required by  
2443 the state licensing authority.

2444 (f) In accordance with this subsection (12) and rules  
2445 adopted to implement this subsection (12), a licensed retail  
2446 marijuana store with a valid retail marijuana delivery permit may:

2447 (i) Receive an order through electronic or other  
2448 means for the purchase and delivery of retail marijuana or retail  
2449 marijuana products. When using an online platform for marijuana  
2450 delivery, the platform must require the individual to choose a  
2451 retail marijuana store before viewing the price.

2452 (ii) Deliver retail marijuana or retail marijuana  
2453 products not in excess of the amounts established by the state  
2454 licensing authority;

2455 (iii) Deliver only to an individual at the address  
2456 provided in the order;

2457 (iv) Deliver no more than once per day to the same  
2458 individual or residence;

2459 (v) Deliver only to private residences. For  
2460 purposes of this subparagraph (v), "private residences" means  
2461 private premises where a person lives, such as a private dwelling  
2462 place or place of habitation, and specifically excludes any



2463 premises located at a school or on the campus of an institution of  
2464 higher education, or any other public property.

2465 (vi) Deliver retail marijuana or retail marijuana  
2466 products only by a motor vehicle that complies with this section  
2467 and the rules promulgated pursuant to this section and Section  
2468 203(2) (dd); and

2469 (vii) Use an employee to conduct deliveries, or  
2470 contract with a retail marijuana transporter that has a valid  
2471 retail marijuana delivery permit to conduct deliveries on its  
2472 behalf, from its retail marijuana store or its associated state  
2473 licensing authority-authorized storage facility as defined by  
2474 rule.

2475 (g) (i) At the time of the order, the retail marijuana  
2476 store shall require the individual to provide information  
2477 necessary to verify the individual is at least twenty-one (21)  
2478 years of age. The provided information must, at a minimum,  
2479 include the following:

2480 1. The individual's name and date of birth;  
2481 2. The address of the residence where the  
2482 order will be delivered; and

2483 3. Any other information required by state  
2484 licensing authority rule.

2485 (ii) Prior to transferring possession of the order  
2486 to an individual, the person delivering the order shall inspect  
2487 the individual's identification and verify that the information



2488 provided at the time of the order matches the name and age on the  
2489 individual's identification.

2490 (h) (i) Unless otherwise provided by the state  
2491 licensing authority by rules promulgated pursuant to this chapter,  
2492 all requirements applicable to other licenses issued pursuant to  
2493 this chapter apply to the delivery of retail marijuana and retail  
2494 marijuana products, including but not limited to inventory  
2495 tracking, transportation, and packaging and labeling requirements.

2496 (ii) The advertising regulations and prohibitions  
2497 adopted pursuant to Section 203(3)(a) apply to retail marijuana  
2498 delivery operations pursuant to this subsection (12).

2499 (i) It is not a violation of any provision of state,  
2500 civil, or criminal law for a licensed retail marijuana store or  
2501 retail marijuana transporter licensee with a valid retail  
2502 marijuana delivery permit, or such person who has made timely and  
2503 sufficient application for the renewal of the permit, or its  
2504 licensees to possess, transport, and deliver retail marijuana or  
2505 retail marijuana products pursuant to a retail marijuana delivery  
2506 permit in amounts that do not exceed amounts established by the  
2507 state licensing authority.

2508 (j) A local law enforcement agency may request state  
2509 licensing authority reports, including complaints, investigative  
2510 action, and final agency action orders, related to criminal  
2511 activity materially related to retail marijuana delivery in the  
2512 law enforcement agency's jurisdiction, and the state licensing



2513 authority shall promptly provide any reports in its possession for  
2514 the law enforcement agency's jurisdiction.

2515 (k) (i) Notwithstanding any provisions of this  
2516 section, delivery of retail marijuana or retail marijuana products  
2517 is not permitted in any municipality, county, or municipality and  
2518 county unless the municipality, county, or municipality and  
2519 county, by either a majority of the registered electors of the  
2520 municipality, county, or municipality and county voting at a  
2521 regular election or special election, or a majority of the members  
2522 of the governing board for the municipality, county, or  
2523 municipality and county, vote to allow the delivery of retail  
2524 marijuana or retail marijuana products pursuant to this section.

2525 (ii) An ordinance adopted pursuant to subparagraph  
2526 (i) of this paragraph (k) may prohibit delivery of retail  
2527 marijuana and retail marijuana products from a retail marijuana  
2528 store that is outside a municipality's, county's, or municipality  
2529 and county's jurisdictional boundaries to an address within its  
2530 jurisdictional boundaries.

2531 (l) Notwithstanding any provisions of this section,  
2532 delivery of retail marijuana or retail marijuana products is not  
2533 permitted at any school or on the campus of any institution of  
2534 higher education.

2535 (13) An accelerator store licensee may operate on the  
2536 premises of a retail marijuana store licensee if before each  
2537 accelerator store licensee operates, the retail marijuana store



2538 licensee has its premises endorsed pursuant to rule and each  
2539 accelerator store licensee is approved to operate on that  
2540 premises.

2541 (14) A retail marijuana store licensee that hosts an  
2542 accelerator store licensee may, pursuant to rule, provide  
2543 technical and compliance assistance to an accelerator store  
2544 licensee operating on its premises. A retail marijuana store  
2545 licensee that hosts an accelerator store licensee may, pursuant to  
2546 rule, provide capital assistance to an accelerator store licensee  
2547 operating on its premises.

2548 (15) A retail marijuana store or retail marijuana stores  
2549 shall not sell any more than eight (8) grams of retail marijuana  
2550 concentrate to a person in a single day.

2551 **502. Retail marijuana cultivation facility license - rules -**  
2552 **definitions.** (1) A retail marijuana cultivation facility license  
2553 may be issued only to a person who cultivates retail marijuana for  
2554 sale and distribution to licensed retail marijuana stores, retail  
2555 marijuana products manufacturer licensees, retail marijuana  
2556 hospitality and sales business, or other retail marijuana  
2557 cultivation facilities.

2558 (2) A retail marijuana cultivation facility shall remit any  
2559 applicable excise tax due, based on the average wholesale prices  
2560 set by the state licensing authority.

2561 (3) A retail marijuana cultivation facility shall track the  
2562 marijuana it cultivates from seed or immature plant to wholesale



2563 purchase. Prior to delivery of any sold retail marijuana, the  
2564 retail marijuana cultivation facility shall provide evidence that  
2565 it paid any applicable excise tax on the retail marijuana that is  
2566 due.

2567 (4) A retail marijuana cultivation facility may provide,  
2568 except as required by Section 203(2)(d), a sample of its products  
2569 to a facility that has a retail marijuana testing facility license  
2570 from the state licensing authority for testing and research  
2571 purposes. A retail marijuana cultivation facility shall maintain  
2572 a record of what was provided to the testing facility, the  
2573 identity of the testing facility, and the testing results.

2574 (5) Retail marijuana or retail marijuana products may not be  
2575 consumed on the premises of a retail marijuana cultivation  
2576 facility.

2577 (6) (a) A retail marijuana cultivation facility licensee  
2578 may provide a retail marijuana sample and a retail marijuana  
2579 concentrate sample to no more than five (5) managers employed by  
2580 the licensee for purposes of quality control and product  
2581 development. A retail marijuana cultivation facility licensee may  
2582 designate no more than five (5) managers per calendar month as  
2583 recipients of quality control and product development samples  
2584 authorized pursuant to this paragraph (a).

2585 (b) An excise tax shall be levied and collected on the  
2586 sample of unprocessed retail marijuana by a retail marijuana





2587 cultivation facility. The excise tax must be calculated based on  
2588 the average market rate of the unprocessed retail marijuana.

2589 (c) A sample authorized pursuant to paragraph (a) of  
2590 this subsection (6) is limited to one (1) gram of retail marijuana  
2591 per batch as defined in rules promulgated by the state licensing  
2592 authority, and one-quarter (1/4) gram of a retail marijuana  
2593 concentrate per batch as defined in rules promulgated by the state  
2594 licensing authority; however, the limit is one-half (1/2) gram of  
2595 retail marijuana concentrate if the intended use of the final  
2596 product is to be used in a device that can be used to deliver  
2597 retail marijuana concentrate in a vaporized form to the person  
2598 inhaling from the device.

2599 (d) A sample authorized pursuant to paragraph (a) of  
2600 this subsection (6) must be labeled and packaged pursuant to the  
2601 rules promulgated pursuant to Section 203(2)(f) and (3)(b).

2602 (e) A sample provided pursuant to paragraph (a) of this  
2603 subsection (6) must be tracked with the seed-to-sale tracking  
2604 system. Prior to a manager receiving a sample, a manager must be  
2605 designated in the seed-to-sale tracking system as a recipient of  
2606 quality control and product development samples. A manager  
2607 receiving a sample must make a voluntary decision to be tracked in  
2608 the seed-to-sale tracking system and is not a consumer pursuant to  
2609 Section 1(6)(b) of this act. The retail marijuana cultivation  
2610 facility licensee shall maintain documentation of all samples and



2611 shall make the documentation available to the state licensing  
2612 authority.

2613 (f) Prior to a manager receiving a sample pursuant to  
2614 paragraph (a) of this subsection (6), a retail marijuana  
2615 cultivation facility licensee shall provide a standard operating  
2616 procedure to the manager explaining requirements pursuant to this  
2617 section and personal possession limits.

2618 (g) A manager shall not:

2619 (i) Receive more than one (1) ounce total of  
2620 retail marijuana or eight (8) grams of retail marijuana  
2621 concentrate samples per calendar month, regardless of the number  
2622 of licenses that the manager is associated with; or

2623 (ii) Provide to or resell the sample to another  
2624 licensed employee, a customer, or any other individual.

2625 (h) A retail marijuana cultivation facility licensee  
2626 shall not:

2627 (i) Allow a manager to consume the sample on the  
2628 licensed premises; or

2629 (ii) Use the sample as a means of compensation to  
2630 a manager.

2631 (i) The state licensing authority may establish  
2632 additional inventory tracking and record keeping, including  
2633 additional reporting required for implementation. The retail  
2634 marijuana cultivation facility licensee shall maintain the  
2635 information required by this subsection (i) on the licensed



2636 premises for inspection by the state and local licensing  
2637 authorities.

2638 (j) For purposes of this subsection (6) only, "manager"  
2639 means an employee of the retail marijuana cultivation facility who  
2640 holds a valid key license or associated key license and is  
2641 currently designated pursuant to state licensing authority rules  
2642 as the manager of the retail marijuana cultivation facility.

2643 (7) (a) The state licensing authority may issue a  
2644 centralized distribution permit to a retail marijuana cultivation  
2645 facility authorizing temporary storage on its licensed premises of  
2646 retail marijuana concentrate and retail marijuana products  
2647 received from a retail marijuana business for the sole purpose of  
2648 transfer to the permit holder's commonly owned retail marijuana  
2649 stores. Prior to exercising the privileges of a centralized  
2650 distribution permit, a retail marijuana cultivation facility  
2651 licensed pursuant to this section shall, at the time of  
2652 application to the state licensing authority, send a copy of the  
2653 application or supplemental application for a centralized  
2654 distribution permit to the local jurisdiction in which the  
2655 centralized distribution permit is proposed. The state licensing  
2656 authority shall notify the local jurisdiction of its decision  
2657 regarding the centralized distribution permit.

2658 (b) A retail marijuana cultivation facility shall not  
2659 store retail marijuana concentrate or retail marijuana products



2660 pursuant to a centralized distribution permit for more than ninety  
2661 (90) days.

2662 (c) A retail marijuana cultivation facility shall not  
2663 accept any retail marijuana concentrate or retail marijuana  
2664 products pursuant to a centralized distribution permit unless the  
2665 retail marijuana concentrate and retail marijuana products are  
2666 packaged and labeled for sale to a consumer as required by rules  
2667 promulgated by the state licensing authority pursuant to Section  
2668 203(2)(f) and (3)(b).

2669 (d) All retail marijuana concentrate and retail  
2670 marijuana products stored and prepared for transport on a retail  
2671 marijuana cultivation facility's licensed premises pursuant to a  
2672 centralized distribution permit must only be transferred to a  
2673 retail marijuana cultivation facility licensee's commonly owned  
2674 retail marijuana stores. All transfers of retail marijuana  
2675 concentrate and retail marijuana products by a retail marijuana  
2676 cultivation facility pursuant to a centralized distribution permit  
2677 are without consideration.

2678 (e) All security and surveillance requirements that  
2679 apply to a retail marijuana cultivation facility apply to  
2680 activities conducted pursuant to the privileges of a centralized  
2681 distribution permit.

2682 (f) A retail marijuana cultivation facility shall track  
2683 all retail marijuana concentrate and retail marijuana products  
2684 possessed pursuant to a centralized distribution permit in the



2685 seed-to-sale tracking system from the point it is received from a  
2686 retail marijuana business to the point of transfer to a retail  
2687 marijuana cultivation facility licensee's commonly owned retail  
2688 marijuana stores.

2689 (g) For purposes of this section only, "commonly owned"  
2690 means licenses that have an ownership structure with at least one  
2691 (1) natural person with a minimum of five percent (5%) ownership  
2692 in each license.

2693 (8) Notwithstanding any other provision of law to the  
2694 contrary, a licensed retail marijuana cultivation facility may  
2695 compensate its employees using performance-based incentives,  
2696 including sales-based performance-based incentives.

2697 (9) An accelerator cultivator licensee may operate on the  
2698 premises of a retail marijuana cultivation facility licensee if  
2699 before each accelerator cultivator licensee operates, the retail  
2700 marijuana cultivation facility licensee has its premises endorsed  
2701 pursuant to rule and each accelerator cultivator licensee is  
2702 approved to operate on that premises.

2703 (10) A retail marijuana cultivation facility licensee that  
2704 hosts an accelerator cultivator licensee may, pursuant to rule,  
2705 provide technical and compliance assistance to an accelerator  
2706 cultivator licensee operating on its premises. A retail marijuana  
2707 products manufacturer licensee that hosts an accelerator  
2708 cultivator licensee may, pursuant to rule, provide capital



2709 assistance to an accelerator cultivator licensee operating on its  
2710 premises.

2711 (11) A retail marijuana cultivation facility shall only  
2712 obtain retail marijuana seeds or immature plants from its own  
2713 retail marijuana, or marijuana that is properly transferred from  
2714 another retail marijuana business pursuant to the inventory  
2715 tracking requirements imposed by rule.

2716 (12) (a) A retail marijuana cultivation facility licensee  
2717 that cultivates retail marijuana outdoors may file a contingency  
2718 plan for its outdoor cultivation operation to address how the  
2719 licensee will respond when there is an adverse weather event. If  
2720 the licensee files a contingency plan, the licensee shall also  
2721 submit a copy of the plan to the local licensing authority in the  
2722 local jurisdiction where the licensee operates. If the  
2723 contingency plan is approved by the state licensing authority, the  
2724 retail marijuana cultivation facility licensee may follow the  
2725 contingency plan in the case of an adverse weather event.

2726 (b) After the state licensing authority approves a  
2727 contingency plan, it shall notify the local licensing authority of  
2728 the approval. The local licensing authority may enforce local  
2729 land use and zoning laws and regulations regarding the contingency  
2730 plan and may develop internal regulatory processes to evaluate  
2731 contingency plans.

2732 (c) A local licensing authority may require that an  
2733 applicant for a retail marijuana cultivation facility license



2734 include a contingency plan with the application for the local  
2735 licensing authority's review and approval.

2736 **503. Retail marijuana products manufacturer license - rules**

2737 - **definition.** (1) (a) A retail marijuana products manufacturer  
2738 license may be issued to a person who manufactures retail  
2739 marijuana products pursuant to the terms and conditions of this  
2740 chapter.

2741 (b) A retail marijuana products manufacturer may  
2742 cultivate its own retail marijuana if it obtains a retail  
2743 marijuana cultivation facility license, or it may purchase retail  
2744 marijuana from a licensed retail marijuana cultivation facility.  
2745 A retail marijuana products manufacturer shall track all of its  
2746 retail marijuana from the point it is either transferred from its  
2747 retail marijuana cultivation facility or the point when it is  
2748 delivered to the retail marijuana products manufacturer from a  
2749 licensed retail marijuana cultivation facility to the point of  
2750 transfer to a licensed retail marijuana store, a licensed retail  
2751 marijuana products manufacturer, a retail marijuana testing  
2752 facility, or a licensed retail marijuana cultivation facility with  
2753 a centralized distribution permit pursuant to Section 502(7).

2754 (c) A retail marijuana products manufacturer shall not  
2755 accept any retail marijuana purchased from a retail marijuana  
2756 cultivation facility unless the retail marijuana products  
2757 manufacturer is provided with evidence that any applicable excise  
2758 tax due was paid.



2759 (d) A retail marijuana products manufacturer shall not:

2760 (i) Add any marijuana to a food product where the  
2761 manufacturer of the food product holds a trademark to the food  
2762 product's name; except that a retail marijuana products  
2763 manufacturer may use a trademarked food product if the  
2764 manufacturer uses the product as a component or as part of a  
2765 recipe and where the retail marijuana products manufacturer does  
2766 not state or advertise to the consumer that the final retail  
2767 marijuana product contains a trademarked food product;

2768 (ii) Intentionally or knowingly label or package a  
2769 retail marijuana product in a manner that would cause a reasonable  
2770 consumer confusion as to whether the retail marijuana product was  
2771 a trademarked food product; or

2772 (iii) Label or package a product in a manner that  
2773 violates any federal trademark law or regulation.

2774 (e) A retail marijuana products manufacturer may sell  
2775 retail marijuana and retail marijuana products to a retail  
2776 marijuana hospitality and sales business.

2777 (2) Retail marijuana products must be prepared on a licensed  
2778 premises that is used exclusively for the manufacture and  
2779 preparation of retail marijuana or retail marijuana products and  
2780 using equipment that is used exclusively for the manufacture and  
2781 preparation of retail marijuana products; however, if permitted by  
2782 the local jurisdiction and subject to rules of the state licensing





2783 authority, a retail marijuana products manufacturer licensee may  
2784 share the same premises as:

2785 (a) A commonly owned marijuana research and development  
2786 licensee so long as virtual or physical separation of inventory  
2787 and research activity is maintained; or

2788 (b) An accelerator manufacturer licensee if the retail  
2789 marijuana products manufacturer has its premises endorsed pursuant  
2790 to rule before each accelerator manufacturer licensee operates and  
2791 each accelerator manufacturer licensee is approved to operate on  
2792 that premises.

2793 (3) All licensed premises on which retail marijuana products  
2794 are manufactured must meet the sanitary standards for retail  
2795 marijuana product preparation promulgated pursuant to Section  
2796 203(2) (i).

2797 (4) (a) The retail marijuana product must be sealed and  
2798 conspicuously labeled in compliance with this chapter and any  
2799 rules promulgated pursuant to this chapter. The labeling of  
2800 retail marijuana products is a matter of statewide concern.

2801 (b) The standard symbol requirements as promulgated  
2802 pursuant to Section 203(2) (y) do not apply to a multi-serving  
2803 liquid retail marijuana product, which is impracticable to mark,  
2804 if the product complies with all statutory and rule packaging  
2805 requirements for multi-serving edibles and complies with the  
2806 following enhanced requirements to reduce the risk of accidental  
2807 ingestion. A multi-serving liquid must:



2808 (i) Be packaged in a structure that uses a single  
2809 mechanism to achieve both child-resistance and accurate pouring  
2810 measurement of each liquid serving in increments equal to or less  
2811 than ten (10) milligrams of active THC per serving, with no more  
2812 than one hundred (100) milligrams of active THC total per package;  
2813 and

2814 (ii) The measurement component is within the  
2815 child-resistant cap or closure of the bottle and is not a separate  
2816 component.

2817 (5) Retail marijuana or retail marijuana products may not be  
2818 consumed on the premises of a retail marijuana products  
2819 manufacturer.

2820 (6) A retail marijuana products manufacturer may provide,  
2821 except as required by Section 203(2)(d), a sample of its products  
2822 to a facility that has a retail marijuana testing facility license  
2823 from the state licensing authority for testing and research  
2824 purposes. A retail marijuana products manufacturer shall maintain  
2825 a record of what was provided to the testing facility, the  
2826 identity of the testing facility, and the results of the testing.

2827 (7) An edible retail marijuana product may list its  
2828 ingredients and compatibility with dietary practices.

2829 (8) A licensed retail marijuana products manufacturer shall  
2830 package and label each product manufactured as required by rules  
2831 of the state licensing authority pursuant to Section 203(2)(f) and  
2832 (3)(b).



2833 (9) All retail marijuana products that require refrigeration  
2834 to prevent spoilage must be stored and transported in a  
2835 refrigerated environment.

2836 (10) (a) A retail marijuana products manufacturer licensee  
2837 may provide a retail marijuana product sample and a retail  
2838 marijuana concentrate sample to no more than five (5) managers  
2839 employed by the licensee for purposes of quality control and  
2840 product development. A retail marijuana products manufacturer  
2841 licensee may designate no more than five (5) managers per calendar  
2842 month as recipients of quality control and product development  
2843 samples authorized pursuant to this paragraph (a).

2844 (b) A sample authorized pursuant to paragraph (a) of  
2845 this subsection (10) is limited to one (1) serving size of an  
2846 edible retail marijuana product not exceeding ten (10) milligrams  
2847 of THC and its applicable equivalent serving size of nonedible  
2848 retail marijuana product per batch as defined in rules promulgated  
2849 by the state licensing authority and one-quarter (1/4) gram of  
2850 retail marijuana concentrate per batch as defined in rules  
2851 promulgated by the state licensing authority; however, the limit  
2852 is one-half (1/2) gram of retail marijuana concentrate if the  
2853 intended use of the final product is to be used in a device that  
2854 can be used to deliver retail marijuana concentrate in a vaporized  
2855 form to the person inhaling from the device.



2856 (c) A sample authorized pursuant to paragraph (a) of  
2857 this subsection (10) must be labeled and packaged pursuant to the  
2858 rules promulgated pursuant to Section 203(2)(f) and (3)(b).

2859 (d) A sample provided pursuant to paragraph (a) of this  
2860 subsection (10) must be tracked with the seed-to-sale tracking  
2861 system. Prior to a manager receiving a sample, a manager must be  
2862 designated in the seed-to-sale tracking system as a recipient of  
2863 quality control and product development samples. A manager  
2864 receiving a sample must make a voluntary decision to be tracked in  
2865 the seed-to-sale tracking system and is not a consumer pursuant to  
2866 Section 1(6)(b) of this act. The retail marijuana products  
2867 manufacturer licensee shall maintain documentation of all samples  
2868 and shall make the documentation available to the state licensing  
2869 authority.

2870 (e) Prior to a manager receiving a sample pursuant to  
2871 paragraph (a) of this subsection (10), a retail marijuana products  
2872 manufacturer licensee shall provide a standard operating procedure  
2873 to the manager explaining requirements pursuant to this section  
2874 and personal possession limits.

2875 (f) A manager shall not:

2876 (i) Receive more than a total of eight (8) grams  
2877 of retail marijuana concentrate or fourteen (14) individual  
2878 serving-size edibles or its applicable equivalent in nonedible  
2879 retail marijuana products per calendar month, regardless of the  
2880 number of licenses that the manager is associated with; or



2881 (ii) Provide to or resell the sample to another  
2882 licensed employee, a customer, or any other individual.

2883 (g) A retail marijuana products manufacturing licensee  
2884 shall not:

2885 (i) Allow a manager to consume the sample on the  
2886 licensed premises; or

2887 (ii) Use the sample as a means of compensation to  
2888 a manager.

2889 (h) The state licensing authority may establish  
2890 additional inventory tracking and record keeping, including  
2891 additional reporting required for implementation. The retail  
2892 marijuana products manufacturer licensee shall maintain the  
2893 information required by this paragraph (h) on the licensed  
2894 premises for inspection by the state and local licensing  
2895 authorities.

2896 (i) For purposes of this subsection (10) only,  
2897 "manager" means an employee of the retail marijuana products  
2898 manufacturer who holds a valid key license or associated key  
2899 license and is currently designated pursuant to state licensing  
2900 authority rules as the manager of the retail marijuana products  
2901 manufacturer.

2902 (11) (a) A retail marijuana products manufacturer that uses  
2903 an industrial hemp product as an ingredient in a retail marijuana  
2904 product shall ensure that the industrial hemp product has passed  
2905 all testing required by rules promulgated by the state licensing



2906 authority pursuant to Section (2)(d). Prior to taking possession  
2907 of the industrial hemp product, a retail marijuana products  
2908 manufacturer shall verify that the industrial hemp product passed  
2909 all testing required for retail marijuana products at a licensed  
2910 retail marijuana testing facility and that the person transferring  
2911 the industrial hemp product has received a license from the  
2912 Department of Agriculture and Commerce pursuant to Section  
2913 69-25-207.

2914 (b) Absent sampling and testing standards established  
2915 by the Department of Agriculture and Commerce for the sampling and  
2916 testing of an industrial hemp product, a person transferring  
2917 industrial hemp product to a retail marijuana products  
2918 manufacturer pursuant to this section shall comply with sampling  
2919 and testing standards consistent with those established by the  
2920 state licensing authority pursuant to this chapter. The state  
2921 licensing authority shall report to the Department of Agriculture  
2922 and Commerce any investigations or findings in violation of this  
2923 section by a person licensed pursuant to Section 69-25-207.

2924 (12) Notwithstanding any other provision of law to the  
2925 contrary, a licensed retail marijuana products manufacturer may  
2926 compensate its employees using performance-based incentives,  
2927 including sales-based performance-based incentives.

2928 (13) A retail marijuana products manufacturer licensee that  
2929 hosts an accelerator manufacturer licensee may, pursuant to rule,  
2930 provide technical and compliance assistance to an accelerator



2931 manufacturer licensee operating on its premises. A retail  
2932 marijuana products manufacturer licensee that hosts an accelerator  
2933 manufacturer licensee may, pursuant to rule, provide capital  
2934 assistance to an accelerator manufacturer licensee operating on  
2935 its premises.

2936 **504. Retail marijuana testing facility license - rules.** (1)

2937 (a) A retail marijuana testing facility license may be issued to  
2938 a person who performs testing and research on retail marijuana and  
2939 industrial hemp and industrial hemp products. The facility may  
2940 develop and test retail marijuana products, industrial hemp and  
2941 industrial hemp products. Prior to performing testing on  
2942 industrial hemp products, a facility shall verify that the person  
2943 requesting the testing has received a license as required by  
2944 Section 69-25-207.

2945 (b) The testing of retail marijuana, retail marijuana  
2946 products, and retail marijuana concentrate, and the associated  
2947 standards, is a matter of statewide concern.

2948 (2) The state licensing authority shall promulgate rules  
2949 pursuant to its authority in Section 202(1)(c) related to  
2950 acceptable testing and research practices, including but not  
2951 limited to testing, standards, quality control analysis, equipment  
2952 certification and calibration, and chemical identification and  
2953 other substances used in bona fide research methods.

2954 **505. Retail marijuana transporter license - definition.** (1)

2955 (a) A retail marijuana transporter license may be issued to a



2956 person to provide logistics, distribution, delivery, and storage  
2957 of retail marijuana and retail marijuana products.

2958 Notwithstanding any other provisions of law, a retail marijuana  
2959 transporter license is valid for two (2) years but cannot be  
2960 transferred with a change of ownership. A licensed retail  
2961 marijuana transporter is responsible for the retail marijuana and  
2962 retail marijuana products once it takes control of the product.

2963 (b) A licensed retail marijuana transporter may  
2964 contract with multiple licensed retail marijuana businesses.

2965 (c) All retail marijuana transporters shall hold a  
2966 valid retail marijuana transporter license; however, an entity  
2967 licensed pursuant to this chapter that provides its own  
2968 distribution is not required to have a retail marijuana  
2969 transporter license to transport and distribute its products.

2970 (2) A retail marijuana transporter licensee may maintain a  
2971 licensed premises to temporarily store retail marijuana and retail  
2972 marijuana products and to use as a centralized distribution point.  
2973 The licensed premises must be located in a jurisdiction that  
2974 permits the operation of retail marijuana stores. A licensed  
2975 retail marijuana transporter may store and distribute retail  
2976 marijuana and retail marijuana products from this location. A  
2977 storage facility must meet the same security requirements that are  
2978 required to obtain a retail marijuana cultivation facility  
2979 license.





2980 (3) A retail marijuana transporter licensee shall use the  
2981 seed-to-sale tracking system developed pursuant to Section  
2982 202(1)(a) to create shipping manifests documenting the transport  
2983 of retail marijuana and retail marijuana products throughout the  
2984 state.

2985 (4) A retail marijuana transporter licensee may:

2986 (a) Maintain and operate one (1) or more warehouses in  
2987 the state to handle retail marijuana and retail marijuana  
2988 products; and

2989 (b) Deliver retail marijuana products on orders  
2990 previously taken if the place where orders are taken and delivered  
2991 is licensed.

2992 (5) (a) (i) There is authorized a retail marijuana  
2993 delivery permit to a retail marijuana transporter license  
2994 authorizing the permit holder to deliver retail marijuana and  
2995 retail marijuana products.

2996 (ii) A retail marijuana delivery permit is valid  
2997 for one (1) year and may be renewed annually upon renewal of the  
2998 retail marijuana transporter license.

2999 (iii) A retail marijuana delivery permit issued  
3000 pursuant to this section applies to only one (1) retail marijuana  
3001 transporter; however, a single retail marijuana delivery permit  
3002 may apply to multiple retail marijuana transporters provided that  
3003 the retail marijuana transporters are in the same local



3004 jurisdiction and are identically owned, as defined by the state  
3005 licensing authority for purposes of this section.

3006 (iv) The state licensing authority may issue a  
3007 retail marijuana delivery permit to a qualified applicant, as  
3008 determined by the state licensing authority, that holds a retail  
3009 marijuana transporter license issued pursuant to this chapter. A  
3010 permit applicant is prohibited from delivering retail marijuana  
3011 and retail marijuana products without state and local jurisdiction  
3012 approval. If the applicant does not receive local jurisdiction  
3013 approval within one (1) year from the date of the state licensing  
3014 authority approval, the state permit expires and may not be  
3015 renewed. If an application is denied by the local licensing  
3016 authority, the state licensing authority shall revoke the  
3017 state-issued permit. The state licensing authority has discretion  
3018 in determining whether an applicant is qualified to receive a  
3019 retail marijuana delivery permit. A retail marijuana delivery  
3020 permit issued by the state licensing authority is deemed a  
3021 revocable privilege of a licensed retail marijuana transporter. A  
3022 violation related to a retail marijuana delivery permit is grounds  
3023 for a fine or suspension or revocation of the delivery permit or  
3024 retail marijuana transporter license.

3025 (b) A retail marijuana transporter licensee shall not  
3026 make deliveries of retail marijuana or retail marijuana products  
3027 to individuals while also transporting retail marijuana or retail  
3028 marijuana products between licensed premises in the same vehicle.



3029 (c) A licensed retail marijuana transporter with a  
3030 retail marijuana delivery permit may deliver retail marijuana and  
3031 retail marijuana products on behalf of a retail marijuana store  
3032 only to the individual who placed the order with a retail  
3033 marijuana store and who:

3034 (i) Is twenty-one (21) years of age or older;

3035 (ii) Receives the delivery of retail marijuana or  
3036 retail marijuana products pursuant to rules; and

3037 (iii) Possesses an acceptable form of  
3038 identification.

3039 (d) In accordance with this subsection (5) and rules  
3040 adopted to implement this subsection (5), a licensed retail  
3041 marijuana transporter with a valid retail marijuana delivery  
3042 permit may:

3043 (i) Not accept orders on behalf of a retail  
3044 marijuana store and may only pick up already packaged retail  
3045 marijuana delivery orders from a retail marijuana store or its  
3046 associated state licensing authority-authorized storage facility  
3047 as defined by rule and deliver those orders to the appropriate  
3048 individual;

3049 (ii) Deliver retail marijuana and retail marijuana  
3050 products not in excess of the amounts established by the state  
3051 licensing authority;

3052 (iii) Deliver only to an individual at the address  
3053 provided in the order;



3054 (iv) Deliver no more than once per day to the same  
3055 individual or residence;

3056 (v) Deliver only to a private residence. For  
3057 purposes of this subparagraph (v), "private residences" means  
3058 private premises where a person lives, such as a private dwelling  
3059 place or place of habitation, and specifically excludes any  
3060 premises located at a school or on the campus of an institution of  
3061 higher education, or any other public property.

3062 (vi) Deliver retail marijuana or retail marijuana  
3063 products only by a motor vehicle that complies with this section  
3064 and the rules promulgated pursuant to this section and Section  
3065 203(2) (dd); and

3066 (vii) Use an employee to conduct deliveries on  
3067 behalf of, and pursuant to a contract with, a retail marijuana  
3068 store that has a valid retail marijuana delivery permit from its  
3069 retail marijuana store or its associated state licensing  
3070 authority-authorized storage facility as defined by rule.

3071 (e) Prior to transferring possession of the order to an  
3072 individual, the person delivering the order shall inspect the  
3073 individual's identification and verify that the information  
3074 provided at the time of the order matches the name and age on the  
3075 individual's identification.

3076 (f) Any person delivering retail marijuana or retail  
3077 marijuana products for a retail marijuana transporter must possess  
3078 a valid occupational license and be a current employee of the



3079 retail marijuana transporter licensee with a valid retail  
3080 marijuana delivery permit; must have undergone training regarding  
3081 proof-of-age identification and verification, including all forms  
3082 of identification that are deemed acceptable by the state  
3083 licensing authority; and must have any other training required by  
3084 the state licensing authority.

3085 (g) (i) Unless otherwise provided by the state  
3086 licensing authority by rules promulgated pursuant to this chapter,  
3087 all requirements applicable to other licenses issued pursuant to  
3088 this chapter apply to the delivery of retail marijuana and retail  
3089 marijuana products, including but not limited to inventory  
3090 tracking, transportation, and packaging and labeling requirements.

3091 (ii) The advertising regulations and prohibitions  
3092 adopted pursuant to Section 203(3)(a) apply to retail marijuana  
3093 delivery operations pursuant to this subsection (5).

3094 (h) It is not a violation of any provision of state,  
3095 civil, or criminal law for a licensed retail marijuana transporter  
3096 licensee with a valid retail marijuana delivery permit, or such  
3097 person who has made timely and sufficient application for the  
3098 renewal of the permit, or its licensees to possess, transport, and  
3099 deliver retail marijuana and retail marijuana products pursuant to  
3100 a retail marijuana delivery permit in amounts that do not exceed  
3101 amounts established by the state licensing authority.

3102 (i) (i) Notwithstanding any provisions of this  
3103 section, delivery of retail marijuana or retail marijuana products



3104 is not permitted in any municipality, county, or municipality and  
3105 county unless the municipality, county, or municipality and  
3106 county, by either a majority of the registered electors of the  
3107 municipality, county, or municipality and county voting at a  
3108 regular election or special election, or a majority of the members  
3109 of the governing board for the municipality, county, or  
3110 municipality and county, vote to allow the delivery of retail  
3111 marijuana or retail marijuana products pursuant to this section.

3112 (ii) An ordinance adopted pursuant to subparagraph  
3113 (i) of paragraph (i) of this subsection may prohibit delivery of  
3114 retail marijuana and retail marijuana products from a retail  
3115 marijuana store that is outside a municipality's, county's, or  
3116 municipality and county's jurisdictional boundaries to an address  
3117 within its jurisdictional boundaries.

3118 **506. Retail marijuana business operator license.** A retail  
3119 marijuana business operator license may be issued to a person who  
3120 operates a retail marijuana business licensed pursuant to this  
3121 chapter, for an owner licensed pursuant to this chapter, and who  
3122 may receive a portion of the profits as compensation.

3123 **507. Retail marijuana accelerator cultivator license.** A  
3124 retail marijuana accelerator cultivator license may be issued to a  
3125 social equity licensee to exercise the privileges of a retail  
3126 marijuana cultivation facility licensee on the premises of an  
3127 accelerator-endorsed retail marijuana cultivation facility. The  
3128 retail marijuana accelerator cultivator may receive technical



3129 assistance and financial support from the retail marijuana  
3130 cultivation facility licensee with an accelerator endorsement.

3131 **508. Retail marijuana accelerator manufacturer license.** A  
3132 retail marijuana accelerator manufacturer license may be issued to  
3133 a social equity licensee to exercise the privileges of a retail  
3134 marijuana products manufacturer licensee on the premises of an  
3135 accelerator-endorsed retail marijuana products manufacturer. The  
3136 retail marijuana accelerator manufacturer may receive technical  
3137 assistance and financial support from the retail marijuana  
3138 products manufacturer with an accelerator endorsement.

3139 **509. Marijuana hospitality business license.** (1) (a) The  
3140 state licensing authority may issue a marijuana hospitality  
3141 business license authorizing the licensee to operate a licensed  
3142 premises in which marijuana may be consumed pursuant to this  
3143 chapter, rules promulgated pursuant to this chapter, and the  
3144 provisions of the ordinance or resolution of the local  
3145 jurisdiction in which the licensee operates.

3146 (b) Subject to provisions of this chapter and the  
3147 ordinance or resolution of the local jurisdiction in which the  
3148 licensee operates, a retail food business that has a license or  
3149 permit issued by the department may apply for a license to operate  
3150 a marijuana hospitality business in an isolated portion of the  
3151 premises of the retail food business. This paragraph (b) does not  
3152 authorize the marijuana hospitality business to engage in the



3153 manufacture of retail marijuana products or to add marijuana to  
3154 foods produced or provided at the retail food business.

3155 (c) The state licensing authority shall maintain a list  
3156 of all marijuana hospitality businesses in the state and shall  
3157 make the list available on its website.

3158 (2) A marijuana hospitality business shall not:

3159 (a) Engage in or permit the sale or exchange for  
3160 remuneration of retail marijuana or retail marijuana products in  
3161 the licensed premises;

3162 (b) Allow on-duty employees of the business to consume  
3163 any marijuana in the licensed premises of the business;

3164 (c) Distribute or allow distribution of free samples of  
3165 marijuana in the licensed premises of the business;

3166 (d) Allow the consumption of alcohol on the licensed  
3167 premises;

3168 (e) Allow the smoking of tobacco or tobacco products in  
3169 the licensed premises of the business;

3170 (f) Allow the use of any device using any liquid  
3171 petroleum gas, a butane torch, a butane lighter, or matches in the  
3172 licensed premises if prohibited by local ordinance or resolution;

3173 (g) Allow any activity that would require an additional  
3174 license under this chapter in the licensed premises of the  
3175 business, including but not limited to sales, manufacturing, or  
3176 cultivation;





3177 (h) Knowingly permit any activity or acts of disorderly  
3178 conduct;

3179 (i) Permit the use or consumption of marijuana by a  
3180 patron who displays any visible signs of intoxication;

3181 (j) Permit rowdiness, undue noise, or other  
3182 disturbances or activity offensive to the average citizen or to  
3183 the residents of the neighborhood in which the licensed premises  
3184 is located; or

3185 (k) Admit into the licensed premises of the business  
3186 any person who is under twenty-one (21) years of age.

3187 (3) A marijuana hospitality business shall:

3188 (a) Operate the business in a decent, orderly, and  
3189 respectable manner;

3190 (b) Require all employees of the business to  
3191 successfully complete an annual responsible vendor training  
3192 program authorized pursuant to Section 1001;

3193 (c) Ensure that the display and consumption of any  
3194 marijuana is not visible from outside of the licensed premises of  
3195 the business;

3196 (d) Educate consumers of marijuana by providing  
3197 informational materials regarding the safe consumption of  
3198 marijuana. Nothing in this paragraph (d) prohibits a local  
3199 jurisdiction from adopting additional requirements for education  
3200 on safe consumption;



3201 (e) Maintain a record of all educational materials  
3202 required by paragraph (d) of this subsection (3) in the licensed  
3203 premises for inspection by state and local licensing authorities  
3204 and law enforcement; and

3205 (f) If an emergency requires law enforcement,  
3206 firefighters, emergency medical service providers, or other public  
3207 safety personnel to enter a marijuana hospitality business, ensure  
3208 that all employees and patrons of the business cease all  
3209 consumption and other activities until such personnel have  
3210 completed their investigation or services and have left the  
3211 licensed premises.

3212 (4) A marijuana hospitality business and its employees  
3213 may remove an individual from the business for any reason,  
3214 including a patron who displays any visible signs of intoxication.

3215 **510. Retail marijuana hospitality and sales business**

3216 **license.** (1) (a) The state licensing authority may issue a  
3217 retail marijuana hospitality and sales business license  
3218 authorizing the licensee to operate a licensed premises in which  
3219 marijuana may be sold and consumed pursuant to this chapter, rules  
3220 promulgated pursuant to this chapter, and the provisions of the  
3221 ordinance or resolution of the local jurisdiction in which the  
3222 licensee operates.

3223 (b) Subject to provisions of this chapter and the  
3224 ordinance or resolution of the local jurisdiction in which the  
3225 licensee operates, a retail food business that has a license or



3226 permit issued by the department may apply for a license to operate  
3227 a retail marijuana hospitality and sales business in an isolated  
3228 portion of the premises of the retail food business. This  
3229 paragraph (b) does not authorize the retail marijuana hospitality  
3230 and sales business to engage in the manufacture of retail  
3231 marijuana products or to add marijuana to foods produced or  
3232 provided at the retail food business.

3233 (c) The state licensing authority shall maintain a list  
3234 of all retail marijuana hospitality and sales businesses in the  
3235 state and shall make the list available on its website.

3236 (2) A retail marijuana hospitality and sales business  
3237 licensee shall not:

3238 (a) Engage in multiple sales transactions to the same  
3239 patron during the same business day when the business's employee  
3240 knows or reasonably should have known that the sales transaction  
3241 would result in the patron possessing more than the sales limit  
3242 established by the state licensing authority;

3243 (b) Allow on-duty employees of the business to consume  
3244 any marijuana in the licensed premises;

3245 (c) Distribute or allow distribution of free samples  
3246 of marijuana in the licensed premises of the business;

3247 (d) Sell any retail marijuana or retail marijuana  
3248 products that contain nicotine or, if the sale of alcohol would  
3249 require a license or permit pursuant to Chapter 1 or 3 of Title  
3250 67, Mississippi Code of 1972;



3251 (e) Allow the consumption of alcohol on the licensed  
3252 premises;

3253 (f) Allow the smoking of tobacco or tobacco products in  
3254 the licensed premises of the business;

3255 (g) Allow the use of any device using any liquid  
3256 petroleum gas, a butane torch, a butane lighter, or matches in the  
3257 licensed premises if prohibited by local ordinance or resolution;

3258 (h) Allow any activity that would require an additional  
3259 license under this chapter in the licensed premises of the  
3260 business, including but not limited to manufacturing or  
3261 cultivation activity;

3262 (i) Knowingly permit any activity or acts of disorderly  
3263 conduct;

3264 (j) Sell, serve, or permit the sale or serving of  
3265 retail marijuana or retail marijuana products to any patron who  
3266 shows signs of visible intoxication;

3267 (k) Permit rowdiness, undue noise, or other  
3268 disturbances or activity offensive to the average citizen or to  
3269 the residents of the neighborhood in which the licensed premises  
3270 is located; or

3271 (l) Admit into the licensed premises of a retail  
3272 marijuana hospitality and sales business any person who is under  
3273 twenty-one (21) years of age.

3274 (3) A retail marijuana hospitality and sales business  
3275 licensee shall:



3276 (a) Track all of its retail marijuana and retail  
3277 marijuana products from the point that they are transferred from a  
3278 retail marijuana store, retail marijuana products manufacturer, or  
3279 retail marijuana cultivation facility to the point of sale to its  
3280 patrons;

3281 (b) Limit a patron to one (1) transaction of no more  
3282 than the sales limit set by the state licensing authority by rule  
3283 pursuant to Section 203(2)(ff)(ii);

3284 (c) Before allowing a patron to leave the licensed  
3285 premises with any retail marijuana or retail marijuana products,  
3286 package and label the retail marijuana or retail marijuana  
3287 products in accordance with procedures developed by the business  
3288 that comply with the requirements of Section 203(2)(f) and (3)(b);

3289 (d) Operate the business in a decent, orderly, and  
3290 respectable manner;

3291 (e) Require all employees of the business to  
3292 successfully complete an annual responsible vendor training  
3293 program authorized pursuant to Section 1001;

3294 (f) Ensure that the display and consumption of any  
3295 retail marijuana or retail marijuana product is not visible from  
3296 outside of the business;

3297 (g) Educate consumers of marijuana by providing  
3298 informational materials regarding the safe consumption of  
3299 marijuana. Nothing in this paragraph (g) prohibits a local



3300 jurisdiction from adopting additional requirements for education  
3301 on safe consumption.

3302 (h) Maintain a record of all educational materials  
3303 required by paragraph (g) of this subsection (3) in the licensed  
3304 premises for inspection by state and local licensing authorities  
3305 and law enforcement; and

3306 (i) If an emergency requires law enforcement,  
3307 firefighters, emergency medical service providers, or other public  
3308 safety personnel to enter a retail marijuana hospitality and sales  
3309 business, ensure that all employees and patrons of the business  
3310 cease all sales, consumption, and other activities until such  
3311 personnel have completed their investigation or services and have  
3312 left the licensed premises.

3313 (4) A retail marijuana hospitality and sales business and  
3314 its employees may remove an individual from the business for any  
3315 reason, including a patron who displays any visible signs of  
3316 intoxication.

3317 (5) A retail marijuana hospitality and sales business may  
3318 purchase retail marijuana or retail marijuana products from any  
3319 retail marijuana store, retail marijuana cultivation facility, or  
3320 retail marijuana products manufacturer.

3321 **511. Retail marijuana accelerator store license.** A retail  
3322 marijuana accelerator store license may be issued to a social  
3323 equity licensee to exercise the privileges of a retail marijuana  
3324 store licensee on the premises of an accelerator-endorsed retail



3325 marijuana store. The retail marijuana accelerator store may  
3326 receive technical assistance and financial support from the retail  
3327 marijuana store with an accelerator endorsement.

3328 **ARTICLE 6**

3329 **UNLAWFUL ACTS**

3330 **601. Unlawful acts - exceptions.** (1) Except as otherwise  
3331 provided in this chapter, it is unlawful for a person, except in  
3332 the licensed premises of a marijuana hospitality business licensed  
3333 pursuant to Section 509 or a retail marijuana hospitality and  
3334 sales business licensed pursuant to Section 510:

3335 (a) To consume regulated marijuana or regulated  
3336 marijuana products in a licensed retail marijuana business; or

3337 (b) For a retail marijuana business to allow regulated  
3338 marijuana or regulated marijuana products to be consumed upon its  
3339 licensed premises.

3340 (2) It is unlawful for a person to:

3341 (a) Buy, sell, transfer, give away, or acquire  
3342 regulated marijuana or regulated marijuana products except as  
3343 allowed pursuant to this chapter or Section 1 of this act;

3344 (b) Have a controlling beneficial ownership, passive  
3345 beneficial ownership, or indirect financial interest in a license  
3346 pursuant to this chapter that was not disclosed in accordance with  
3347 Section 309; however, this paragraph (b) does not apply to banks  
3348 or savings and loan associations supervised and regulated by an



3349 agency of the state or federal government, or to FHA-approved  
3350 mortgagees, or to stockholders, directors, or officers thereof;

3351 (c) Exercise any privilege of a license issued pursuant  
3352 to this chapter that the person does not hold;

3353 (d) Exercise any privilege associated with holding a  
3354 controlling beneficial ownership, passive beneficial ownership, or  
3355 indirect financial interest in a license that was not disclosed in  
3356 accordance with Section 309; or

3357 (e) Engage in transfer of ownership without prior  
3358 approval as required by this chapter, including but not limited  
3359 to:

3360 (i) A proposed transferee operating a retail  
3361 marijuana business before a transfer of ownership request for that  
3362 business is approved in writing by the state licensing authority;  
3363 or

3364 (ii) A current controlling beneficial owner,  
3365 passive beneficial owner, or proposed transferor failing to retain  
3366 full responsibility for a retail marijuana business identified in  
3367 the transfer of ownership application until the transfer request  
3368 is approved in writing by the state licensing authority.

3369 (3) It is unlawful for a person licensed pursuant to this  
3370 chapter:

3371 (a) To fail to report a transfer required by Section  
3372 313(11);





3373 (b) To knowingly adulterate or alter, or to attempt to  
3374 adulterate or alter, any samples of regulated marijuana or  
3375 regulated marijuana products for the purpose of circumventing  
3376 contaminant testing detection limits or potency testing  
3377 requirements;

3378 (c) To use advertising material that is misleading,  
3379 deceptive, or false, or that is designed to appeal to minors;

3380 (d) To provide public premises, or any portion thereof,  
3381 for the purpose of consumption of regulated marijuana in any form,  
3382 except in the licensed premises of a marijuana hospitality  
3383 business licensed pursuant to Section 509 or a retail marijuana  
3384 hospitality and sales business licensed pursuant to Section 510;

3385 (e) To have in possession or upon the licensed premises  
3386 any regulated marijuana, the sale of which is not permitted by the  
3387 license, except if it is for purposes of recycling;

3388 (f) To have on the licensed premises any regulated  
3389 marijuana or marijuana paraphernalia that shows evidence of the  
3390 regulated marijuana having been consumed or partially consumed,  
3391 except:

3392 (i) If it is for purposes of recycling; or

3393 (ii) In the licensed premises of a marijuana  
3394 hospitality business licensed pursuant to Section 509 or a retail  
3395 marijuana hospitality and sales business licensed pursuant to  
3396 Section 510;



3397 (g) To abandon a licensed premises or otherwise cease  
3398 operation without notifying the state and local licensing  
3399 authorities at least forty-eight hours in advance and without  
3400 accounting for and forfeiting to the state licensing authority for  
3401 destruction of all regulated marijuana or regulated marijuana  
3402 products;

3403 (h) To offer for sale or solicit an order for regulated  
3404 marijuana in person except within the licensed premises;

3405 (i) To buy regulated marijuana from a person not  
3406 licensed to sell as provided by this chapter;

3407 (j) To sell regulated marijuana except in the permanent  
3408 location specifically designated in the license for sale; or

3409 (k) To burn or otherwise destroy regulated marijuana or  
3410 any substance containing regulated marijuana for the purpose of  
3411 evading an investigation or preventing seizure.

3412 (4) It is unlawful for any person licensed to sell retail  
3413 marijuana or retail marijuana products pursuant to this chapter:

3414 (a) To sell or permit the sale of retail marijuana or  
3415 retail marijuana products to a person under twenty-one (21) years  
3416 of age; or

3417 (b) To distribute marijuana or marijuana products, with  
3418 or without remuneration, directly to another person using a mobile  
3419 distribution store.

3420 (5) A peace officer or a law enforcement agency shall not  
3421 use any patient information to make traffic stops.



3422 (6) (a) It is unlawful for a person to engage in any act or  
3423 omission with the intent to evade disclosure, reporting, record  
3424 keeping, or suitability requirements pursuant to this chapter,  
3425 including but not limited to the following:

3426 (i) Failing to file a report required under this  
3427 chapter or causing or attempting to cause a person to fail to file  
3428 such a report;

3429 (ii) Filing or causing or attempting to cause a  
3430 person to file a report required under this chapter that contains  
3431 a material omission or misstatement of fact;

3432 (iii) Making false or misleading statements  
3433 regarding the offering of an owner's interest in a retail  
3434 marijuana business; or

3435 (iv) Structuring any transaction with the intent  
3436 to evade disclosure, reporting, record keeping, or suitability  
3437 requirements pursuant to this chapter.

3438 (b) The state licensing authority may deny, suspend,  
3439 revoke, fine, or impose other sanctions against a person's license  
3440 issued under this chapter if the state licensing authority finds a  
3441 violation of this subsection (6) by the person, the person's  
3442 controlling beneficial owner, passive beneficial owner, indirect  
3443 financial interest holder, or any agent or employee thereof.

3444 (7) A person who commits any acts that are unlawful pursuant  
3445 to this chapter is guilty of a misdemeanor and, upon conviction  
3446 thereof, shall be punished by a fine of not more than One Thousand



3447 Dollars (\$1,000.00), or by imprisonment in the county jail for not  
3448 more than six (6) months, or both.

3449 **602. Unlawful open and public consumption.** (1) The open  
3450 and public consumption of marijuana is prohibited.

3451 (2) The governing body of a county, municipality, or  
3452 municipality and county, may adopt an ordinance authorizing  
3453 marijuana consumption locations or circumstances that are  
3454 exceptions to the prohibition described in subsection (1) of this  
3455 section if the locations are not accessible to the public or a  
3456 substantial number of the public without restriction, including  
3457 but not limited to restrictions on the age of the members of the  
3458 public who are allowed access to such location.

3459 (3) The prohibition in subsection (1) of this section does  
3460 not apply to any business licensed pursuant to this chapter that  
3461 permits consumption on its premises if the business is operating  
3462 within the conditions of licensure.

3463 **ARTICLE 7**

3464 **MARIJUANA CASH FUND AND FEES**

3465 **701. Marijuana Cash Fund.** (1) (a) All money collected by  
3466 the state licensing authority pursuant to this chapter shall be  
3467 transmitted to the State Treasurer, who shall credit the same to  
3468 the Marijuana Cash Fund, which is created as a special fund in the  
3469 State Treasury and shall be referred to in this section as the  
3470 "fund". The fund consists of:



3471 (i) The money collected by the state licensing  
3472 authority; and

3473 (ii) Any additional money that is transferred or  
3474 appropriated to the fund that is necessary for the operation of  
3475 the state licensing authority.

3476 (b) Money in the fund is subject to annual  
3477 appropriation by the Legislature to the department for the direct  
3478 and indirect costs associated with implementing this chapter.

3479 (c) Unexpended amounts remaining in the fund at the end  
3480 of a fiscal year shall not lapse into the State General Fund, and  
3481 any interest earned or investment earnings on amounts in the fund  
3482 shall be deposited to the credit of the fund.

3483 (2) (a) The state licensing authority shall establish fees  
3484 for processing the following types of applications, licenses,  
3485 notices, or reports required to be submitted to the state  
3486 licensing authority:

3487 (i) Applications for licenses listed in Section  
3488 401 and rules promulgated pursuant to that section;

3489 (ii) Applications to change location pursuant to  
3490 Section 313(13) and rules promulgated pursuant to that section;

3491 (iii) Applications for transfer of ownership  
3492 pursuant to Section 312 and rules promulgated pursuant to that  
3493 section;

3494 (iv) License renewal and expired license renewal  
3495 applications pursuant to Section 314; and



3496 (v) Licenses as listed in Section 401.

3497 (b) The amounts of such fees must reflect the actual  
3498 direct and indirect costs of the state licensing authority in the  
3499 administration and enforcement of this chapter.

3500 (c) The state licensing authority may charge applicants  
3501 licensed under this chapter a fee for the cost of each fingerprint  
3502 analysis and background investigation undertaken to qualify new  
3503 officers, directors, managers, or employees.

3504 (d) At least annually, the state licensing authority  
3505 shall review the amounts of the fees and, if necessary, adjust the  
3506 amounts to reflect the direct and indirect costs of the state  
3507 licensing authority.

3508 (4) Except as provided in subsection (5) of this section,  
3509 the state licensing authority shall establish a basic fee that  
3510 shall be paid at the time of service of any subpoena upon the  
3511 state licensing authority, plus a fee for meals and a fee for  
3512 mileage at the rate prescribed for state officers and employees in  
3513 Section 25-3-41 for each mile actually and necessarily traveled in  
3514 going to and returning from the place named in the subpoena. If  
3515 the person named in the subpoena is required to attend the place  
3516 named in the subpoena for more than one (1) day, there must be  
3517 paid, in advance, a sum to be established by the state licensing  
3518 authority for each day of attendance to cover the expenses of the  
3519 person named in the subpoena.



3520 (5) The subpoena fee established pursuant to subsection (4)  
3521 of this section is not applicable to any federal, state, or local  
3522 governmental agency.

3523 **702. Fees - allocation.** (1) Except as otherwise provided,  
3524 all fees and fines provided for by this chapter shall be paid to  
3525 the department, which shall transmit the fees to the State  
3526 Treasurer, who shall credit the fees to the Marijuana Cash Fund  
3527 created in Section 701.

3528 (2) The expenditures of the state licensing authority shall  
3529 be paid from the Marijuana Cash Fund created in Section 701 upon  
3530 appropriation of the Legislature.

3531 **703. Fees.** (1) The state licensing authority may charge  
3532 and collect fees pursuant to this chapter.

3533 (2) The application fee for a retail marijuana business is  
3534 Five Thousand Dollars (\$5,000.00). The state licensing authority  
3535 shall transfer Two Thousand Five Hundred Dollars (\$2,500.00) of  
3536 the fee to the Marijuana Cash Fund and remit Two Thousand Five  
3537 Hundred Dollars (\$2,500.00) to the local jurisdiction in which the  
3538 license is proposed to be issued. If the state licensing  
3539 authority is considering raising the Five Thousand Dollar  
3540 (\$5,000.00) application fee, it shall confer with each local  
3541 jurisdiction in which a license pursuant to this chapter is issued  
3542 prior to raising the application fee. If the application fee  
3543 amount is changed, it must be split evenly between the Marijuana



3544 Cash Fund and the local jurisdiction in which the license is  
3545 proposed to be issued.

3546 (3) A local jurisdiction in which a license under this  
3547 chapter may be permitted may adopt and impose operating fees in an  
3548 amount determined by the local jurisdiction on marijuana  
3549 businesses and establishments located within the local  
3550 jurisdiction.

3551 **ARTICLE 8**

3552 **DISCIPLINARY ACTIONS**

3553 **801. Suspension - revocation - fines.** (1) In addition to  
3554 any other sanctions prescribed by this chapter or rules  
3555 promulgated pursuant to this chapter, the state licensing  
3556 authority or local licensing authority has the power, on its own  
3557 motion or on complaint, after investigation and opportunity for a  
3558 public hearing at which the licensee must be afforded an  
3559 opportunity to be heard, to fine a licensee or to suspend or  
3560 revoke a license issued by the authority for a violation by the  
3561 licensee or by any of the agents or employees of the licensee of  
3562 the provisions of this chapter, or any of the rules promulgated  
3563 pursuant to this chapter, or of any of the terms, conditions, or  
3564 provisions of the license issued by the state or local licensing  
3565 authority. The state or local licensing authority has the power  
3566 to administer oaths and issue subpoenas to require the presence of  
3567 persons and the production of papers, books, and records necessary





3568 to the determination of a hearing that the state or local  
3569 licensing authority is authorized to conduct.

3570 (2) The state or local licensing authority shall provide  
3571 notice of suspension, revocation, fine, or other sanction, as well  
3572 as the required notice of the hearing pursuant to subsection (1)  
3573 of this section, by mailing the same in writing to the licensee at  
3574 the address contained in the license and, if different, at the  
3575 last address furnished to the authority by the licensee. Except in  
3576 the case of a summary suspension, a suspension is not for a period  
3577 longer than six (6) months. If a license is suspended or revoked,  
3578 a part of the fees paid therefor are not returned to the licensee.  
3579 Any license, registration, or permit may be summarily suspended by  
3580 the issuing authority without notice pending any prosecution,  
3581 investigation or public hearing.

3582 (3) (a) Whenever a decision of the state or local licensing  
3583 authority suspending a license for fourteen (14) days or less  
3584 becomes final, the licensee may, before the operative date of the  
3585 suspension, petition for permission to pay a fine in lieu of  
3586 having the license suspended for all or part of the suspension  
3587 period. Upon the receipt of the petition, the state or local  
3588 licensing authority may, in its sole discretion, stay the proposed  
3589 suspension and cause any investigation to be made that it deems  
3590 desirable and may, in its sole discretion, grant the petition if  
3591 the state or local licensing authority is satisfied that:



3592 (i) The public welfare would not be impaired by  
3593 permitting the licensee to operate during the period set for  
3594 suspension and that the payment of the fine will achieve the  
3595 desired disciplinary purposes;

3596 (ii) The books and records of the licensee are  
3597 kept in such a manner that the loss of sales that the licensee  
3598 would have suffered had the suspension gone into effect can be  
3599 determined with reasonable accuracy; and

3600 (iii) The licensee has not had his or her license  
3601 suspended or revoked, nor had any suspension stayed by payment of  
3602 a fine, during the two (2) years immediately preceding the date of  
3603 the motion or complaint that resulted in a final decision to  
3604 suspend the license or permit.

3605 (b) The fine accepted shall be not less than Five  
3606 Hundred Dollars (\$500.00) nor more than One Hundred Thousand  
3607 Dollars (\$100,000,00).

3608 (c) Payment of a fine pursuant to the provisions of  
3609 this subsection (3) must be in the form of cash or in the form of  
3610 a certified check or cashier's check made payable to the state or  
3611 local licensing authority, whichever is appropriate.

3612 (4) Upon payment of the fine pursuant to subsection (3) of  
3613 this section, the state licensing authority shall enter its  
3614 further order permanently staying the imposition of the  
3615 suspension. Fines paid to the state licensing authority pursuant  
3616 to subsection (3) of this section shall be transmitted to the



3617 State Treasurer, who shall deposit the same into the State General  
3618 Fund.

3619 (5) In connection with a petition pursuant to subsection (3)  
3620 of this section, the authority of the state or local licensing  
3621 authority is limited to the granting of such stays as are  
3622 necessary for the authority to complete its investigation and make  
3623 its findings and, if the authority makes such findings, to the  
3624 granting of an order permanently staying the imposition of the  
3625 entire suspension or that portion of the suspension not otherwise  
3626 conditionally stayed.

3627 (6) If the state or local licensing authority does not make  
3628 the findings required in subsection (3)(a) of this section and  
3629 does not order the suspension permanently stayed, the suspension  
3630 goes into effect on the operative date finally set by the state or  
3631 local licensing authority.

3632 (7) Each local licensing authority shall report all actions  
3633 taken to impose fines, suspensions, and revocations to the state  
3634 licensing authority in a manner required by the state licensing  
3635 authority. No later than January 15 of each year, the state  
3636 licensing authority shall compile a report of the preceding year's  
3637 actions in which fines, suspensions, or revocations were imposed  
3638 by the state licensing authority. The state licensing authority  
3639 shall file one (1) copy of the report with the Clerk of the House  
3640 of Representatives and one (1) copy with the Secretary of the  
3641 Senate.



3642           **802. Judicial review.** Decisions by the state licensing  
3643 authority are subject to judicial review.

3644           **803. Disposition of unauthorized marijuana or marijuana**  
3645 **products and related materials - rules.** (1) The provisions of  
3646 this section apply in addition to any criminal, civil, or  
3647 administrative penalties and in addition to any other penalties  
3648 prescribed by this chapter or any rules promulgated pursuant to  
3649 this chapter. Any provisions in this chapter related to law  
3650 enforcement are considered a cumulative right of the people in the  
3651 enforcement of the criminal laws.

3652           (2) Every licensee licensed under this chapter is deemed, by  
3653 virtue of applying for, holding, or renewing such person's  
3654 license, to have expressly consented to the procedures set forth  
3655 in this section.

3656           (3) A state or local agency is not required to cultivate or  
3657 care for any regulated marijuana or regulated marijuana product  
3658 belonging to or seized from a licensee. A state or local agency  
3659 is not authorized to sell marijuana, regulated or otherwise.

3660           (4) If the state or local licensing authority issues a final  
3661 agency order imposing a disciplinary action against a licensee  
3662 pursuant to Section 801, then, in addition to any other remedies,  
3663 the licensing authority's final agency order may specify that some  
3664 or all of the licensee's marijuana or marijuana product is not  
3665 regulated marijuana or a regulated marijuana product and is an  
3666 illegal controlled substance. The order may further specify that



3667 the licensee loses any interest in any of the marijuana or  
3668 marijuana product even if the marijuana or marijuana product  
3669 previously qualified as regulated marijuana or a regulated  
3670 marijuana product. The final agency order may direct the  
3671 destruction of any such marijuana and marijuana products, except  
3672 as provided in subsections (5) and (6) of this section. The  
3673 authorized destruction may include the incidental destruction of  
3674 any containers, equipment, supplies, and other property associated  
3675 with the marijuana or marijuana product.

3676 (5) Following the issuance of a final agency order by the  
3677 state or local licensing authority against a licensee and ordering  
3678 destruction authorized by subsection (4) of this section, a  
3679 licensee has fifteen (15) days within which to file a petition for  
3680 stay of agency action with the Chancery Court of the First  
3681 Judicial District of Hinds County, which is deemed to be the  
3682 residence of the state licensing authority for purposes of this  
3683 section. The licensee shall serve the petition in accordance with  
3684 the Mississippi Rules of Civil Procedure. The chancery court  
3685 shall promptly rule upon the petition and determine whether the  
3686 licensee has a substantial likelihood of success on judicial  
3687 review so as to warrant delay of the destruction authorized by  
3688 subsection (4) of this section or whether other circumstances,  
3689 including but not limited to the need for preservation of  
3690 evidence, warrant delay of such destruction. If destruction is so  
3691 delayed pursuant to judicial order, the court shall issue an order



3692 setting forth terms and conditions pursuant to which the licensee  
3693 may maintain the regulated marijuana and regulated marijuana  
3694 product pending judicial review and prohibiting the licensee from  
3695 using or distributing the regulated marijuana or regulated  
3696 marijuana product pending the review. The licensing authority  
3697 shall not carry out the destruction authorized by subsection (4)  
3698 of this section until fifteen (15) days have passed without the  
3699 filing of a petition for stay of agency action or until the court  
3700 has issued an order denying stay of agency action pursuant to this  
3701 subsection (5).

3702 (6) A district attorney shall notify the state licensing  
3703 authority if he or she begins investigating a retail marijuana  
3704 business. If the state licensing authority has received  
3705 notification from a district attorney that an investigation is  
3706 being conducted, the state licensing authority shall not destroy  
3707 any marijuana or marijuana products from the retail marijuana  
3708 business until the destruction is approved by the district  
3709 attorney.

3710 (7) The state licensing authority shall promulgate rules  
3711 governing the implementation of this section.

3712 **ARTICLE 9**

3713 **INSPECTION OF BOOKS AND RECORDS**

3714 **901. Inspection procedures.** (1) Each licensee shall keep a  
3715 complete set of all records necessary to show fully the business  
3716 transactions of the licensee, all of which are open at all times



3717 during business hours for the inspection and examination by the  
3718 state licensing authority or its duly authorized representatives.  
3719 The state licensing authority may require any licensee to furnish  
3720 such information as it considers necessary for the proper  
3721 administration of this chapter and may require an audit to be made  
3722 of the books of account and records on such occasions as it may  
3723 consider necessary by an auditor to be selected by the state  
3724 licensing authority who shall likewise have access to all books  
3725 and records of the licensee, and the expense thereof must be paid  
3726 by the licensee.

3727 (2) The licensed premises, including any places of storage  
3728 where regulated marijuana or regulated marijuana products are  
3729 stored, cultivated, sold, dispensed, or tested are subject to  
3730 inspection by the state or local licensing authority, or local  
3731 jurisdictions and their investigators, during all business hours  
3732 and other times of apparent activity, for the purpose of  
3733 inspection or investigation. Access is required during business  
3734 hours for examination of any inventory or books and records  
3735 required to be kept by the licensees. When any part of the  
3736 licensed premises consists of a locked area, upon demand to the  
3737 licensee, such area must be made available for inspection without  
3738 delay, and, upon request by authorized representatives of the  
3739 state or local jurisdiction, the licensee shall open the area for  
3740 inspection.



3741 (3) Each licensee shall retain all books and records  
3742 necessary to show fully the business transactions of the licensee  
3743 for a period of the current tax year and the three immediately  
3744 prior tax years.

3745 **ARTICLE 10**

3746 **RESPONSIBLE VENDOR STANDARDS**

3747 **1001. Responsible vendor program - standards - designation.**

3748 (1) A person who wants to offer a responsible retail marijuana  
3749 vendor server and seller training program must submit an  
3750 application to the state licensing authority for approval, which  
3751 program is referred to in this Article 10 as an "approved training  
3752 program". The state licensing authority shall approve the  
3753 submitted program if the submitted program meets the minimum  
3754 criteria described in subsection (2) of this section.

3755 (2) An approved training program must contain, at a minimum,  
3756 the following standards and be taught in a classroom setting in a  
3757 minimum of a two-hour period:

3758 (a) Program standards that specify, at a minimum, who  
3759 must attend, the time frame for new staff to attend,  
3760 recertification requirements, record keeping, testing and  
3761 assessment protocols, and effectiveness evaluations; and

3762 (b) A core curriculum of pertinent statutory and  
3763 regulatory provisions, which curriculum includes but need not be  
3764 limited to:





3765 (i) Information on required licenses, age  
3766 requirements, patient registry cards issued by the department of  
3767 public health and environment, maintenance of records, privacy  
3768 issues, and unlawful acts;

3769 (ii) Administrative and criminal liability and  
3770 license and court sanctions;

3771 (iii) Statutory and regulatory requirements for  
3772 employees and owners;

3773 (iv) Statutory and regulatory requirements related  
3774 to marijuana delivery;

3775 (v) Acceptable forms of identification;

3776 (vi) Local and state licensing and enforcement,  
3777 which may include but need not be limited to key statutes and  
3778 rules affecting patients, owners, managers, and employees; and

3779 (vii) Information on serving size, THC and  
3780 cannabinoid potency, and impairment.

3781 (3) When promulgating program standards pursuant to  
3782 subsection (2) of this section, the state licensing authority  
3783 shall consider input from other state agencies, local  
3784 jurisdictions, the retail marijuana industry, and any other state  
3785 or national server and seller program.

3786 (4) A provider of an approved training program shall  
3787 maintain its training records at its principal place of business  
3788 during the applicable year and for the preceding three (3) years,



3789 and the provider shall make the records available for inspection  
3790 by the licensing authority during normal business hours.

3791 **1002. Responsible vendor - designation.** (1) (a) A retail  
3792 marijuana business licensed pursuant to this chapter may receive a  
3793 responsible vendor designation from the program vendor after  
3794 successfully completing a responsible retail marijuana vendor  
3795 server and seller training program approved by the state licensing  
3796 authority. A responsible vendor designation is valid for two (2)  
3797 years from the date of issuance.

3798 (b) Successful completion of an approved training  
3799 program is achieved when the program has been attended by and, as  
3800 determined by the program provider, satisfactorily completed by  
3801 all employees selling and handling retail marijuana, all managers,  
3802 and all resident on-site owners, if any.

3803 (c) In order to maintain the responsible vendor  
3804 designation, the licensed retail marijuana business must have each  
3805 new employee who sells or handles retail marijuana, manager, or  
3806 resident on-site owner attend and satisfactorily complete a  
3807 responsible retail marijuana vendor server and seller training  
3808 program within ninety (90) days after being employed or becoming  
3809 an owner. The licensed retail marijuana business shall maintain  
3810 documentation of completion of the program by new employees,  
3811 managers, or owners.

3812 (2) A licensed retail marijuana business that receives a  
3813 responsible vendor designation from the program vendor shall



3814 maintain information on all persons licensed pursuant to this  
3815 chapter who are in its employment and who have been trained in an  
3816 approved training program. The information includes the date,  
3817 place, time, and duration of training and a list of all licensed  
3818 persons attending each specific training class, which class  
3819 includes a training examination or assessment that demonstrates  
3820 proficiency.

3821 (3) If a local or state licensing authority initiates an  
3822 administrative action against a licensee who has complied with the  
3823 requirements of this section and has been designated a responsible  
3824 vendor, the licensing authority shall consider the designation as  
3825 a mitigating factor when imposing sanctions or penalties on the  
3826 licensee.

3827 **SECTION 3.** Section 27-104-203, Mississippi Code of 1972, is  
3828 amended as follows:

3829 27-104-203. From and after July 1, 2016, no state agency  
3830 shall charge another state agency a fee, assessment, rent, audit  
3831 fee, personnel fee or other charge for services or resources  
3832 received. The provisions of this section shall not apply (a) to  
3833 grants, contracts, pass-through funds, project fees or other  
3834 charges for services between state agencies and the Board of  
3835 Trustees of State Institutions of Higher Learning, any public  
3836 university, the Mississippi Community College Board, any public  
3837 community or junior college, and the State Department of  
3838 Education, nor (b) to charges for services between the Board of



3839 Trustees of State Institutions of Higher Learning, any public  
3840 university, the Mississippi Community College Board, any public  
3841 community or junior college, and the State Department of  
3842 Education, nor (c) to federal grants, pass-through funds, cost  
3843 allocation charges, surplus property charges or project fees  
3844 between state agencies as approved or determined by the State  
3845 Fiscal Officer, nor (d) telecommunications, data center services,  
3846 and/or other information technology services that are used on an  
3847 as-needed basis and those costs shall be passed through to the  
3848 using agency, nor (e) to federal grants, special funds, or  
3849 pass-through funds, available for payment by state agencies to the  
3850 Department of Finance and Administration related to Mississippi  
3851 Management and Reporting Systems (MMRS) Statewide Application  
3852 charges and utilities as approved or determined by the State  
3853 Fiscal Officer, nor (f) to grants, contracts, pass-through funds,  
3854 project fees or charges for services between the State Department  
3855 of Health and the State Department of Revenue, and other state  
3856 agencies or entities, including, but not limited to, the Board of  
3857 Trustees of State Institutions of Higher Learning, any public  
3858 university, the Mississippi Community College Board, any public  
3859 community or junior college, and the State Department of  
3860 Education, for the operation of the medical cannabis program as  
3861 established by the Mississippi Medical Cannabis Act or the retail  
3862 marijuana program as established by the Mississippi Retail  
3863 Marijuana Act. The Board of Trustees of State Institutions of



3864 Higher Learning, any public university, the Mississippi Community  
3865 College Board, any public community or junior college, and the  
3866 State Department of Education shall retain the authority to charge  
3867 and be charged for expenditures that they deemed nonrecurring in  
3868 nature by the State Fiscal Officer.

3869         **SECTION 4.** Section 33-13-520, Mississippi Code of 1972, is  
3870 amended as follows:

3871         33-13-520. (1) Any person subject to this code who uses,  
3872 while on duty, any controlled substance listed in the Uniform  
3873 Controlled Substances Law, not legally prescribed, or is found, by  
3874 a chemical analysis of such person's blood or urine, to have in  
3875 his blood, while on duty, any controlled substance described in  
3876 subsection (3), not legally prescribed, shall be punished as a  
3877 court-martial may direct.

3878         (2) Any person subject to this code who wrongfully uses,  
3879 possesses, manufactures, distributes, imports into the customs  
3880 territory of the United States, exports from the United States, or  
3881 introduces into an installation, vessel, vehicle or aircraft used  
3882 by or under the control of the state military forces a substance  
3883 described in subsection (3) shall be punished as a court-martial  
3884 may direct.

3885         (3) The substances referred to in subsections (1) and (2)  
3886 are the following:

3887                 (a) Opium, heroin, cocaine, amphetamine, lysergic acid  
3888 diethylamide, methamphetamine, phencyclidine, barbituric acid, and



3889 marijuana and any compound or derivative of any such substance.  
3890 For the purposes of this paragraph (a), "marijuana" shall not  
3891 include medical cannabis that is lawful under the Mississippi  
3892 Medical Cannabis Act and in compliance with rules and regulations  
3893 adopted thereunder or marijuana that is lawful under the  
3894 Mississippi Retail Marijuana Act and in compliance with rules and  
3895 regulations adopted thereunder.

3896 (b) Any substance not specified in paragraph (a) that  
3897 is listed on a schedule of controlled substance prescribed by the  
3898 President for the purposes of the federal Uniform Code of Military  
3899 Justice.

3900 (c) Any other substance not specified in paragraph (a)  
3901 or contained on a list prescribed by the President under paragraph  
3902 (b) that is listed in Schedules I through V of Section 202 of the  
3903 federal Controlled Substances Act (21 USCS 812).

3904 **SECTION 5.** Section 37-11-29, Mississippi Code of 1972, is  
3905 amended as follows:

3906 37-11-29. (1) Any principal, teacher or other school  
3907 employee who has knowledge of any unlawful activity which occurred  
3908 on educational property or during a school related activity or  
3909 which may have occurred shall report such activity to the  
3910 superintendent of the school district or his designee who shall  
3911 notify the appropriate law enforcement officials as required by  
3912 this section. In the event of an emergency or if the



3913 superintendent or his designee is unavailable, any principal may  
3914 make a report required under this subsection.

3915 (2) Whenever any person who shall be an enrolled student in  
3916 any school or educational institution in this state supported in  
3917 whole or in part by public funds, or who shall be an enrolled  
3918 student in any private school or educational institution, is  
3919 arrested for, and lawfully charged with, the commission of any  
3920 crime and convicted upon the charge for which he was arrested, or  
3921 convicted of any crime charged against him after his arrest and  
3922 before trial, the office or law enforcement department of which  
3923 the arresting officer is a member, and the justice court judge and  
3924 any circuit judge or court before whom such student is tried upon  
3925 said charge or charges, shall make or cause to be made a report  
3926 thereof to the superintendent or the president or chancellor, as  
3927 the case may be, of the school district or other educational  
3928 institution in which such student is enrolled.

3929 If the charge upon which such student was arrested, or any  
3930 other charges preferred against him are dismissed or nol prossed,  
3931 or if upon trial he is either convicted or acquitted of such  
3932 charge or charges, same shall be reported to said respective  
3933 superintendent or president, or chancellor, as the case may be. A  
3934 copy of said report shall be sent to the Secretary of the Board of  
3935 Trustees of State Institutions of Higher Learning of the State of  
3936 Mississippi, at Jackson, Mississippi.



3937 Said report shall be made within one (1) week after the  
3938 arrest of such student and within one (1) week after any charge  
3939 placed against him is dismissed or nol prossed, and within one (1)  
3940 week after he shall have pled guilty, been convicted, or have been  
3941 acquitted by trial upon any charge placed against him. This  
3942 section shall not apply to ordinary traffic violations involving a  
3943 penalty of less than Fifty Dollars (\$50.00) and costs.

3944 The State Superintendent of Public Education shall gather  
3945 annually all of the reports provided under this section and  
3946 prepare a report on the number of students arrested as a result of  
3947 any unlawful activity which occurred on educational property or  
3948 during a school related activity. All data must be disaggregated  
3949 by race, ethnicity, gender, school, offense and law enforcement  
3950 agency involved. However, the report prepared by the State  
3951 Superintendent of Public Education shall not include the identity  
3952 of any student who was arrested.

3953 On or before January 1 of each year, the State Superintendent  
3954 of Public Education shall report to the Governor, the Lieutenant  
3955 Governor, the Speaker of the House of Representatives and the  
3956 Joint PEER Committee on this section. The report must include  
3957 data regarding arrests as a result of any unlawful activity which  
3958 occurred on educational property or during a school related  
3959 activity.

3960 (3) When the superintendent or his designee has a reasonable  
3961 belief that an act has occurred on educational property or during





3962 a school related activity involving any of the offenses set forth  
3963 in subsection (6) of this section, the superintendent or his  
3964 designee shall immediately report the act to the appropriate local  
3965 law enforcement agency. For purposes of this subsection, "school  
3966 property" shall include any public school building, bus, public  
3967 school campus, grounds, recreational area or athletic field in the  
3968 charge of the superintendent. The State Board of Education shall  
3969 prescribe a form for making reports required under this  
3970 subsection. Any superintendent or his designee who fails to make  
3971 a report required by this section shall be subject to the  
3972 penalties provided in Section 37-11-35.

3973 (4) The law enforcement authority shall immediately dispatch  
3974 an officer to the educational institution and with probable cause  
3975 the officer is authorized to make an arrest if necessary as  
3976 provided in Section 99-3-7.

3977 (5) Any superintendent, principal, teacher or other school  
3978 personnel participating in the making of a required report  
3979 pursuant to this section or participating in any judicial  
3980 proceeding resulting therefrom shall be presumed to be acting in  
3981 good faith. Any person reporting in good faith shall be immune  
3982 from any civil liability that might otherwise be incurred or  
3983 imposed.

3984 (6) For purposes of this section, "unlawful activity" means  
3985 any of the following:



- 3986 (a) Possession or use of a deadly weapon, as defined in  
3987 Section 97-37-1;
- 3988 (b) Possession, sale or use of any controlled  
3989 substance;
- 3990 (c) Aggravated assault, as defined in Section 97-3-7;
- 3991 (d) Simple assault, as defined in Section 97-3-7, upon  
3992 any school employee;
- 3993 (e) Rape, as defined under Mississippi law;
- 3994 (f) Sexual battery, as defined under Mississippi law;
- 3995 (g) Murder, as defined under Mississippi law;
- 3996 (h) Kidnapping, as defined under Mississippi law; or  
3997 (i) Fondling, touching, handling, etc., a child for  
3998 lustful purposes, as defined in Section 97-5-23.

3999 For the purposes of this subsection (6), the term "controlled  
4000 substance" does not include the possession or use of medical  
4001 cannabis that is lawful under the Mississippi Medical Cannabis Act  
4002 and in compliance with rules and regulations adopted thereunder or  
4003 the possession or use of marijuana that is lawful under the  
4004 Mississippi Retail Marijuana Act and in compliance with rules and  
4005 regulations adopted thereunder.

4006 **SECTION 6.** Section 41-29-125, Mississippi Code of 1972, is  
4007 amended as follows:

4008 41-29-125. (1) The State Board of Pharmacy may promulgate  
4009 rules and regulations relating to the registration and control of  
4010 the manufacture, distribution and dispensing of controlled



4011 substances within this state and the distribution and dispensing  
4012 of controlled substances into this state from an out-of-state  
4013 location.

4014 (a) Every person who manufactures, distributes or  
4015 dispenses any controlled substance within this state or who  
4016 distributes or dispenses any controlled substance into this state  
4017 from an out-of-state location, or who proposes to engage in the  
4018 manufacture, distribution or dispensing of any controlled  
4019 substance within this state or the distribution or dispensing of  
4020 any controlled substance into this state from an out-of-state  
4021 location, must obtain a registration issued by the State Board of  
4022 Pharmacy, the State Board of Medical Licensure, the State Board of  
4023 Dental Examiners, the Mississippi Board of Nursing or the  
4024 Mississippi Board of Veterinary Medicine, as appropriate, in  
4025 accordance with its rules and the law of this state. Such  
4026 registration shall be obtained annually or biennially, as  
4027 specified by the issuing board, and a reasonable fee may be  
4028 charged by the issuing board for such registration.

4029 (b) Persons registered by the State Board of Pharmacy,  
4030 with the consent of the United States Drug Enforcement  
4031 Administration and the State Board of Medical Licensure, the State  
4032 Board of Dental Examiners, the Mississippi Board of Nursing or the  
4033 Mississippi Board of Veterinary Medicine to manufacture,  
4034 distribute, dispense or conduct research with controlled  
4035 substances may possess, manufacture, distribute, dispense or



4036 conduct research with those substances to the extent authorized by  
4037 their registration and in conformity with the other provisions of  
4038 this article.

4039 (c) The following persons need not register and may  
4040 lawfully possess controlled substances under this article:

4041 \* \* \* (i) An agent or employee of any registered  
4042 manufacturer, distributor or dispenser of any controlled substance  
4043 if he is acting in the usual course of his business or employment;

4044 \* \* \* (ii) A common or contract carrier or  
4045 warehouse, or an employee thereof, whose possession of any  
4046 controlled substance is in the usual course of business or  
4047 employment;

4048 \* \* \* (iii) An ultimate user or a person in  
4049 possession of any controlled substance pursuant to a valid  
4050 prescription or in lawful possession of a Schedule V substance as  
4051 defined in Section 41-29-121.

4052 (d) The State Board of Pharmacy may waive by rule the  
4053 requirement for registration of certain manufacturers,  
4054 distributors or dispensers if it finds it consistent with the  
4055 public health and safety.

4056 (e) A separate registration is required at each  
4057 principal place of business or professional practice where an  
4058 applicant within the state manufactures, distributes or dispenses  
4059 controlled substances and for each principal place of business or



4060 professional practice located out-of-state from which controlled  
4061 substances are distributed or dispensed into the state.

4062 (f) The State Board of Pharmacy, the Mississippi Bureau  
4063 of Narcotics, the State Board of Medical Licensure, the State  
4064 Board of Dental Examiners, the Mississippi Board of Nursing and  
4065 the Mississippi Board of Veterinary Medicine may inspect the  
4066 establishment of a registrant or applicant for registration in  
4067 accordance with the regulations of these agencies as approved by  
4068 the board.

4069 (2) Whenever a pharmacy ships, mails or delivers any  
4070 Schedule II controlled substance listed in Section 41-29-115 to a  
4071 private residence in this state, the pharmacy shall arrange with  
4072 the entity that will actually deliver the controlled substance to  
4073 a recipient in this state that the entity will: (a) deliver the  
4074 controlled substance only to a person who is eighteen (18) years  
4075 of age or older; and (b) obtain the signature of that person  
4076 before delivering the controlled substance. The requirements of  
4077 this subsection shall not apply to a pharmacy serving a nursing  
4078 facility or to a pharmacy owned and/or operated by a hospital,  
4079 nursing facility or clinic to which the general public does not  
4080 have access to purchase pharmaceuticals on a retail basis.

4081 (3) This section does not apply to any of the actions that  
4082 are lawful under the Mississippi Medical Cannabis Act and in  
4083 compliance with rules and regulations adopted thereunder or any of  
4084 the actions that are lawful under the Mississippi Retail Marijuana



4085 Act and in compliance with rules and regulations adopted  
4086 thereunder.

4087 **SECTION 7.** Section 41-29-127, Mississippi Code of 1972, is  
4088 amended as follows:

4089 41-29-127. (a) The State Board of Pharmacy shall register  
4090 an applicant to manufacture or distribute controlled substances  
4091 included in Sections 41-29-113 through 41-29-121 unless it  
4092 determines that the issuance of that registration would be  
4093 inconsistent with the public interest. In determining the public  
4094 interest, the State Board of Pharmacy shall consider the following  
4095 factors:

4096 (1) Maintenance of effective controls against diversion  
4097 of controlled substances into other than legitimate medical,  
4098 scientific, or industrial channels;

4099 (2) Compliance with applicable state and local law;

4100 (3) Any convictions of the applicant under any federal  
4101 and state laws relating to any controlled substance;

4102 (4) Past experience in the manufacture or distribution  
4103 of controlled substances and the existence in the applicant's  
4104 establishment of effective controls against diversion;

4105 (5) Furnishing by the applicant of false or fraudulent  
4106 material in any application filed under this article;

4107 (6) Suspension or revocation of the applicant's federal  
4108 registration to manufacture, distribute, or dispense controlled  
4109 substances as authorized by federal law; and



4110 (7) Any other factors relevant to and consistent with  
4111 the public health and safety.

4112 (b) Registration under subsection (a) does not entitle a  
4113 registrant to manufacture and distribute controlled substances in  
4114 Schedule I or II, as set out in Sections 41-29-113 and 41-29-115,  
4115 other than those specified in the registration.

4116 (c) Practitioners must be registered to dispense any  
4117 controlled substances or to conduct research with controlled  
4118 substances in Schedules II through V, as set out in Sections  
4119 41-29-115 through 41-29-121, if they are authorized to dispense or  
4120 conduct research under the law of this state. The State Board of  
4121 Pharmacy need not require separate registration under this section  
4122 for practitioners engaging in research with nonnarcotic controlled  
4123 substances in the said Schedules II through V where the registrant  
4124 is already registered therein in another capacity. Practitioners  
4125 registered under federal law to conduct research with Schedule I  
4126 substances, as set out in Section 41-29-113, may conduct research  
4127 with Schedule I substances within this state upon furnishing the  
4128 State Board of Health evidence of that federal registration.

4129 (d) Compliance by manufacturers and distributors with the  
4130 provisions of the federal law respecting registration (excluding  
4131 fees) entitles them to be registered under this article.

4132 (e) This section does not apply to any of the actions that  
4133 are lawful under the Mississippi Medical Cannabis Act and in  
4134 compliance with rules and regulations adopted thereunder or any of



4135 the actions that are lawful under the Mississippi Retail Marijuana  
4136 Act and in compliance with rules and regulations adopted  
4137 thereunder.

4138           **SECTION 8.** Section 41-29-136, Mississippi Code of 1972, is  
4139 amended as follows:

4140           41-29-136. (1) "CBD solution" means a pharmaceutical  
4141 preparation consisting of processed cannabis plant extract in oil  
4142 or other suitable vehicle.

4143           (2) (a) CBD solution prepared from (i) cannabis plant  
4144 extract that is provided by the National Center for Natural  
4145 Products Research at the University of Mississippi under  
4146 appropriate federal and state regulatory approvals, or (ii)  
4147 cannabis extract from hemp produced pursuant to Sections 69-25-201  
4148 through 69-25-221, which is prepared and tested to meet compliance  
4149 with regulatory specifications, may be dispensed by the Department  
4150 of Pharmacy Services at the University of Mississippi Medical  
4151 Center (UMMC Pharmacy) after mixing the extract with a suitable  
4152 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or  
4153 by another pharmacy or laboratory in the state under appropriate  
4154 federal and state regulatory approvals and registrations.

4155           (b) The patient or the patient's parent, guardian or  
4156 custodian must execute a hold-harmless agreement that releases  
4157 from liability the state and any division, agency, institution or  
4158 employee thereof involved in the research, cultivation,  
4159 processing, formulating, dispensing, prescribing or administration





4160 of CBD solution obtained from entities authorized under this  
4161 section to produce or possess cannabidiol for research under  
4162 appropriate federal and state regulatory approvals and  
4163 registrations.

4164 (c) The National Center for Natural Products Research  
4165 at the University of Mississippi and the Mississippi Agricultural  
4166 and Forestry Experiment Station at Mississippi State University  
4167 are the only entities authorized to produce cannabis plants for  
4168 cannabidiol research.

4169 (d) Research of CBD solution under this section must  
4170 comply with the provisions of Section 41-29-125 regarding lawful  
4171 possession of controlled substances, of Section 41-29-137  
4172 regarding record-keeping requirements relative to the dispensing,  
4173 use or administration of controlled substances, and of Section  
4174 41-29-133 regarding inventory requirements, insofar as they are  
4175 applicable. Authorized entities may enter into public-private  
4176 partnerships to facilitate research.

4177 (3) (a) In a prosecution for the unlawful possession of  
4178 marijuana under the laws of this state, it is an affirmative and  
4179 complete defense to prosecution that:

4180 (i) The defendant suffered from a debilitating  
4181 epileptic condition or related illness and the use or possession  
4182 of CBD solution was pursuant to the order of a physician as  
4183 authorized under this section; or



4184 (ii) The defendant is the parent, guardian or  
4185 custodian of an individual who suffered from a debilitating  
4186 epileptic condition or related illness and the use or possession  
4187 of CBD solution was pursuant to the order of a physician as  
4188 authorized under this section.

4189 (b) An agency of this state or a political subdivision  
4190 thereof, including any law enforcement agency, may not initiate  
4191 proceedings to remove a child from the home based solely upon the  
4192 possession or use of CBD solution by the child or parent, guardian  
4193 or custodian of the child as authorized under this section.

4194 (c) An employee of the state or any division, agency,  
4195 institution thereof involved in the research, cultivation,  
4196 processing, formulation, dispensing, prescribing or administration  
4197 of CBD solution shall not be subject to prosecution for unlawful  
4198 possession, use, distribution or prescription of marijuana under  
4199 the laws of this state for activities arising from or related to  
4200 the use of CBD solution in the treatment of individuals diagnosed  
4201 with a debilitating epileptic condition.

4202 (4) This section does not apply to any of the actions that  
4203 are lawful under the Mississippi Medical Cannabis Act and in  
4204 compliance with rules and regulations adopted thereunder or any of  
4205 the actions that are lawful under the Mississippi Retail Marijuana  
4206 Act and in compliance with rules and regulations adopted  
4207 thereunder.

4208 (5) This section shall be known as "Harper Grace's Law."



4209 (6) This section shall stand repealed from and after July 1,  
4210 2024.

4211 **SECTION 9.** Section 41-29-137, Mississippi Code of 1972, is  
4212 amended as follows:

4213 41-29-137. (a) (1) Except when dispensed directly by a  
4214 practitioner, other than a pharmacy, to an ultimate user, no  
4215 controlled substance in Schedule II, as set out in Section  
4216 41-29-115, may be dispensed without the written valid prescription  
4217 of a practitioner. A practitioner shall keep a record of all  
4218 controlled substances in Schedule I, II and III administered,  
4219 dispensed or professionally used by him otherwise than by  
4220 prescription.

4221 (2) In emergency situations, as defined by rule of the  
4222 State Board of Pharmacy, Schedule II drugs may be dispensed upon  
4223 the oral valid prescription of a practitioner, reduced promptly to  
4224 writing and filed by the pharmacy. Prescriptions shall be  
4225 retained in conformity with the requirements of Section 41-29-133.  
4226 No prescription for a Schedule II substance may be refilled unless  
4227 renewed by prescription issued by a licensed medical doctor.

4228 (b) Except when dispensed directly by a practitioner, other  
4229 than a pharmacy, to an ultimate user, a controlled substance  
4230 included in Schedule III or IV, as set out in Sections 41-29-117  
4231 and 41-29-119, shall not be dispensed without a written or oral  
4232 valid prescription of a practitioner. The prescription shall not  
4233 be filled or refilled more than six (6) months after the date



4234 thereof or be refilled more than five (5) times, unless renewed by  
4235 the practitioner.

4236 (c) A controlled substance included in Schedule V, as set  
4237 out in Section 41-29-121, shall not be distributed or dispensed  
4238 other than for a medical purpose.

4239 (d) An optometrist certified to prescribe and use  
4240 therapeutic pharmaceutical agents under Sections 73-19-153 through  
4241 73-19-165 shall have the prescriptive authority granted in Section  
4242 73-19-157.

4243 (e) Administration by injection of any pharmaceutical  
4244 product authorized in this section is expressly prohibited except  
4245 when dispensed directly by a practitioner other than a pharmacy.

4246 (f) (1) For the purposes of this article, Title 73, Chapter  
4247 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it  
4248 pertains to prescriptions for controlled substances, a "valid  
4249 prescription" means a prescription that is issued for a legitimate  
4250 medical purpose in the usual course of professional practice by:

4251 (A) A practitioner who has conducted at least one  
4252 (1) in-person medical evaluation of the patient, except as  
4253 otherwise authorized by Section 41-29-137.1; or

4254 (B) A covering practitioner.

4255 (2) (A) "In-person medical evaluation" means a medical  
4256 evaluation that is conducted with the patient in the physical  
4257 presence of the practitioner, without regard to whether portions  
4258 of the evaluation are conducted by other health professionals.



4259 (B) "Covering practitioner" means a practitioner  
4260 who conducts a medical evaluation other than an in-person medical  
4261 evaluation at the request of a practitioner who has conducted at  
4262 least one (1) in-person medical evaluation of the patient or an  
4263 evaluation of the patient through the practice of telemedicine  
4264 within the previous twenty-four (24) months and who is temporarily  
4265 unavailable to conduct the evaluation of the patient.

4266 (3) A prescription for a controlled substance based  
4267 solely on a consumer's completion of an online medical  
4268 questionnaire is not a valid prescription.

4269 (4) Nothing in this subsection (f) shall apply to:

4270 (A) A prescription issued by a practitioner  
4271 engaged in the practice of telemedicine as authorized under state  
4272 or federal law; or

4273 (B) The dispensing or selling of a controlled  
4274 substance pursuant to practices as determined by the United States  
4275 Attorney General by regulation.

4276 (g) This section does not apply to any of the actions that  
4277 are lawful under the Mississippi Medical Cannabis Act and in  
4278 compliance with rules and regulations adopted thereunder or any of  
4279 the actions that are lawful under the Mississippi Retail Marijuana  
4280 Act and in compliance with rules and regulations adopted  
4281 thereunder.

4282 **SECTION 10.** Section 41-29-139, Mississippi Code of 1972, is  
4283 amended as follows:



4284 41-29-139. (a) **Transfer and possession with intent to**  
4285 **transfer.** Except as authorized by this article, it is unlawful  
4286 for any person knowingly or intentionally:

4287 (1) To sell, barter, transfer, manufacture, distribute,  
4288 dispense or possess with intent to sell, barter, transfer,  
4289 manufacture, distribute or dispense, a controlled substance; or

4290 (2) To create, sell, barter, transfer, distribute,  
4291 dispense or possess with intent to create, sell, barter, transfer,  
4292 distribute or dispense, a counterfeit substance.

4293 (b) **Punishment for transfer and possession with intent to**  
4294 **transfer.** Except as otherwise provided in Section 41-29-142, any  
4295 person who violates subsection (a) of this section shall be, if  
4296 convicted, sentenced as follows:

4297 (1) For controlled substances classified in Schedule I  
4298 or II, as set out in Sections 41-29-113 and 41-29-115, other than  
4299 marijuana or synthetic cannabinoids:

4300 (A) If less than two (2) grams or ten (10) dosage  
4301 units, by imprisonment for not more than eight (8) years or a fine  
4302 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

4303 (B) If two (2) or more grams or ten (10) or more  
4304 dosage units, but less than ten (10) grams or twenty (20) dosage  
4305 units, by imprisonment for not less than three (3) years nor more  
4306 than twenty (20) years or a fine of not more than Two Hundred  
4307 Fifty Thousand Dollars (\$250,000.00), or both.



4308 (C) If ten (10) or more grams or twenty (20) or  
4309 more dosage units, but less than thirty (30) grams or forty (40)  
4310 dosage units, by imprisonment for not less than five (5) years nor  
4311 more than thirty (30) years or a fine of not more than Five  
4312 Hundred Thousand Dollars (\$500,000.00), or both.

4313 (2) (A) For marijuana:

4314 1. If thirty (30) grams or less, by  
4315 imprisonment for not more than three (3) years or a fine of not  
4316 more than Three Thousand Dollars (\$3,000.00), or both;

4317 2. If more than thirty (30) grams but less  
4318 than two hundred fifty (250) grams, by imprisonment for not more  
4319 than five (5) years or a fine of not more than Five Thousand  
4320 Dollars (\$5,000.00), or both;

4321 3. If two hundred fifty (250) or more grams  
4322 but less than five hundred (500) grams, by imprisonment for not  
4323 less than three (3) years nor more than ten (10) years or a fine  
4324 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

4325 4. If five hundred (500) or more grams but  
4326 less than one (1) kilogram, by imprisonment for not less than five  
4327 (5) years nor more than twenty (20) years or a fine of not more  
4328 than Twenty Thousand Dollars (\$20,000.00), or both.

4329 (B) For synthetic cannabinoids:

4330 1. If ten (10) grams or less, by imprisonment  
4331 for not more than three (3) years or a fine of not more than Three  
4332 Thousand Dollars (\$3,000.00), or both;



4333                   2. If more than ten (10) grams but less than  
4334 twenty (20) grams, by imprisonment for not more than five (5)  
4335 years or a fine of not more than Five Thousand Dollars  
4336 (\$5,000.00), or both;

4337                   3. If twenty (20) or more grams but less than  
4338 forty (40) grams, by imprisonment for not less than three (3)  
4339 years nor more than ten (10) years or a fine of not more than  
4340 Fifteen Thousand Dollars (\$15,000.00), or both;

4341                   4. If forty (40) or more grams but less than  
4342 two hundred (200) grams, by imprisonment for not less than five  
4343 (5) years nor more than twenty (20) years or a fine of not more  
4344 than Twenty Thousand Dollars (\$20,000.00), or both.

4345                   (3) For controlled substances classified in Schedules  
4346 III and IV, as set out in Sections 41-29-117 and 41-29-119:

4347                   (A) If less than two (2) grams or ten (10) dosage  
4348 units, by imprisonment for not more than five (5) years or a fine  
4349 of not more than Five Thousand Dollars (\$5,000.00), or both;

4350                   (B) If two (2) or more grams or ten (10) or more  
4351 dosage units, but less than ten (10) grams or twenty (20) dosage  
4352 units, by imprisonment for not more than eight (8) years or a fine  
4353 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

4354                   (C) If ten (10) or more grams or twenty (20) or  
4355 more dosage units, but less than thirty (30) grams or forty (40)  
4356 dosage units, by imprisonment for not more than fifteen (15) years





4357 or a fine of not more than One Hundred Thousand Dollars  
4358 (\$100,000.00), or both;

4359 (D) If thirty (30) or more grams or forty (40) or  
4360 more dosage units, but less than five hundred (500) grams or two  
4361 thousand five hundred (2,500) dosage units, by imprisonment for  
4362 not more than twenty (20) years or a fine of not more than Two  
4363 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

4364 (4) For controlled substances classified in Schedule V,  
4365 as set out in Section 41-29-121:

4366 (A) If less than two (2) grams or ten (10) dosage  
4367 units, by imprisonment for not more than one (1) year or a fine of  
4368 not more than Five Thousand Dollars (\$5,000.00), or both;

4369 (B) If two (2) or more grams or ten (10) or more  
4370 dosage units, but less than ten (10) grams or twenty (20) dosage  
4371 units, by imprisonment for not more than five (5) years or a fine  
4372 of not more than Ten Thousand Dollars (\$10,000.00), or both;

4373 (C) If ten (10) or more grams or twenty (20) or  
4374 more dosage units, but less than thirty (30) grams or forty (40)  
4375 dosage units, by imprisonment for not more than ten (10) years or  
4376 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
4377 both;

4378 (D) For thirty (30) or more grams or forty (40) or  
4379 more dosage units, but less than five hundred (500) grams or two  
4380 thousand five hundred (2,500) dosage units, by imprisonment for



4381 not more than fifteen (15) years or a fine of not more than Fifty  
4382 Thousand Dollars (\$50,000.00), or both.

4383 (c) **Simple possession.** Except as otherwise provided under  
4384 subsection (i) of this section for actions that are lawful under  
4385 the Mississippi Medical Cannabis Act and in compliance with rules  
4386 and regulations adopted thereunder or actions that are lawful  
4387 under the Mississippi Retail Marijuana Act and in compliance with  
4388 rules and regulations adopted thereunder, it is unlawful for any  
4389 person knowingly or intentionally to possess any controlled  
4390 substance unless the substance was obtained directly from, or  
4391 pursuant to, a valid prescription or order of a practitioner while  
4392 acting in the course of his professional practice, or except as  
4393 otherwise authorized by this article. The penalties for any  
4394 violation of this subsection (c) with respect to a controlled  
4395 substance classified in Schedules I, II, III, IV or V, as set out  
4396 in Section 41-29-113, 41-29-115, 41-29-117, 41-29-119 or  
4397 41-29-121, including marijuana or synthetic cannabinoids, shall be  
4398 based on dosage unit as defined herein or the weight of the  
4399 controlled substance as set forth herein as appropriate:

4400 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
4401 case of a liquid solution, one (1) milliliter. In the case of  
4402 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
4403 stamp, square, dot, microdot, tablet or capsule of a controlled  
4404 substance.



4405 For any controlled substance that does not fall within the  
4406 definition of the term "dosage unit," the penalties shall be based  
4407 upon the weight of the controlled substance.

4408 The weight set forth refers to the entire weight of any  
4409 mixture or substance containing a detectable amount of the  
4410 controlled substance.

4411 If a mixture or substance contains more than one (1)  
4412 controlled substance, the weight of the mixture or substance is  
4413 assigned to the controlled substance that results in the greater  
4414 punishment.

4415 A person shall be charged and sentenced as follows for a  
4416 violation of this subsection with respect to:

4417 (1) A controlled substance classified in Schedule I or  
4418 II, except marijuana and synthetic cannabinoids:

4419 (A) If less than one-tenth (0.1) gram or two (2)  
4420 dosage units, the violation is a misdemeanor and punishable by  
4421 imprisonment for not more than one (1) year or a fine of not more  
4422 than One Thousand Dollars (\$1,000.00), or both.

4423 (B) If one-tenth (0.1) gram or more or two (2) or  
4424 more dosage units, but less than two (2) grams or ten (10) dosage  
4425 units, by imprisonment for not more than three (3) years or a fine  
4426 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

4427 (C) If two (2) or more grams or ten (10) or more  
4428 dosage units, but less than ten (10) grams or twenty (20) dosage  
4429 units, by imprisonment for not more than eight (8) years or a fine



4430 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),  
4431 or both.

4432 (D) If ten (10) or more grams or twenty (20) or  
4433 more dosage units, but less than thirty (30) grams or forty (40)  
4434 dosage units, by imprisonment for not less than three (3) years  
4435 nor more than twenty (20) years or a fine of not more than Five  
4436 Hundred Thousand Dollars (\$500,000.00), or both.

4437 (2) (A) Marijuana and synthetic cannabinoids:

4438 1. If thirty (30) grams or less of marijuana  
4439 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
4440 not less than One Hundred Dollars (\$100.00) nor more than Two  
4441 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph  
4442 (2) (A) may be enforceable by summons if the offender provides  
4443 proof of identity satisfactory to the arresting officer and gives  
4444 written promise to appear in court satisfactory to the arresting  
4445 officer, as directed by the summons. A second conviction under  
4446 this section within two (2) years is a misdemeanor punishable by a  
4447 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty  
4448 (60) days in the county jail, and mandatory participation in a  
4449 drug education program approved by the Division of Alcohol and  
4450 Drug Abuse of the State Department of Mental Health, unless the  
4451 court enters a written finding that a drug education program is  
4452 inappropriate. A third or subsequent conviction under this  
4453 paragraph (2) (A) within two (2) years is a misdemeanor punishable  
4454 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor



4455 more than One Thousand Dollars (\$1,000.00) and confinement for not  
4456 more than six (6) months in the county jail.

4457           Upon a first or second conviction under this paragraph  
4458 (2) (A), the courts shall forward a report of the conviction to the  
4459 Mississippi Bureau of Narcotics which shall make and maintain a  
4460 private, nonpublic record for a period not to exceed two (2) years  
4461 from the date of conviction. The private, nonpublic record shall  
4462 be solely for the use of the courts in determining the penalties  
4463 which attach upon conviction under this paragraph (2) (A) and shall  
4464 not constitute a criminal record for the purpose of private or  
4465 administrative inquiry and the record of each conviction shall be  
4466 expunged at the end of the period of two (2) years following the  
4467 date of such conviction;

4468                           2. Additionally, a person who is the operator  
4469 of a motor vehicle, who possesses on his person or knowingly keeps  
4470 or allows to be kept in a motor vehicle within the area of the  
4471 vehicle normally occupied by the driver or passengers, more than  
4472 one (1) gram, but not more than thirty (30) grams of marijuana or  
4473 not more than ten (10) grams of synthetic cannabinoids is guilty  
4474 of a misdemeanor and, upon conviction, may be fined not more than  
4475 One Thousand Dollars (\$1,000.00) or confined for not more than  
4476 ninety (90) days in the county jail, or both. For the purposes of  
4477 this subsection, such area of the vehicle shall not include the  
4478 trunk of the motor vehicle or the areas not normally occupied by  
4479 the driver or passengers if the vehicle is not equipped with a



4480 trunk. A utility or glove compartment shall be deemed to be  
4481 within the area occupied by the driver and passengers.

4482 (B) Marijuana:

4483 1. If more than thirty (30) grams but less  
4484 than two hundred fifty (250) grams, by a fine of not more than One  
4485 Thousand Dollars (\$1,000.00), or confinement in the county jail  
4486 for not more than one (1) year, or both; or by a fine of not more  
4487 than Three Thousand Dollars (\$3,000.00), or imprisonment in the  
4488 custody of the Department of Corrections for not more than three  
4489 (3) years, or both;

4490 2. If two hundred fifty (250) or more grams  
4491 but less than five hundred (500) grams, by imprisonment for not  
4492 less than two (2) years nor more than eight (8) years or by a fine  
4493 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

4494 3. If five hundred (500) or more grams but  
4495 less than one (1) kilogram, by imprisonment for not less than four  
4496 (4) years nor more than sixteen (16) years or a fine of not more  
4497 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

4498 4. If one (1) kilogram or more but less than  
4499 five (5) kilograms, by imprisonment for not less than six (6)  
4500 years nor more than twenty-four (24) years or a fine of not more  
4501 than Five Hundred Thousand Dollars (\$500,000.00), or both;

4502 5. If five (5) kilograms or more, by  
4503 imprisonment for not less than ten (10) years nor more than thirty



4504 (30) years or a fine of not more than One Million Dollars  
4505 (\$1,000,000.00), or both.

4506 (C) Synthetic cannabinoids:

4507 1. If more than ten (10) grams but less than  
4508 twenty (20) grams, by a fine of not more than One Thousand Dollars  
4509 (\$1,000.00), or confinement in the county jail for not more than  
4510 one (1) year, or both; or by a fine of not more than Three  
4511 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
4512 the Department of Corrections for not more than three (3) years,  
4513 or both;

4514 2. If twenty (20) or more grams but less than  
4515 forty (40) grams, by imprisonment for not less than two (2) years  
4516 nor more than eight (8) years or by a fine of not more than Fifty  
4517 Thousand Dollars (\$50,000.00), or both;

4518 3. If forty (40) or more grams but less than  
4519 two hundred (200) grams, by imprisonment for not less than four  
4520 (4) years nor more than sixteen (16) years or a fine of not more  
4521 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

4522 4. If two hundred (200) or more grams, by  
4523 imprisonment for not less than six (6) years nor more than  
4524 twenty-four (24) years or a fine of not more than Five Hundred  
4525 Thousand Dollars (\$500,000.00), or both.

4526 (3) A controlled substance classified in Schedule III,  
4527 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
4528 conviction, may be punished as follows:



4529 (A) If less than fifty (50) grams or less than one  
4530 hundred (100) dosage units, the offense is a misdemeanor and  
4531 punishable by not more than one (1) year or a fine of not more  
4532 than One Thousand Dollars (\$1,000.00), or both.

4533 (B) If fifty (50) or more grams or one hundred  
4534 (100) or more dosage units, but less than one hundred fifty (150)  
4535 grams or five hundred (500) dosage units, by imprisonment for not  
4536 less than one (1) year nor more than four (4) years or a fine of  
4537 not more than Ten Thousand Dollars (\$10,000.00), or both.

4538 (C) If one hundred fifty (150) or more grams or  
4539 five hundred (500) or more dosage units, but less than three  
4540 hundred (300) grams or one thousand (1,000) dosage units, by  
4541 imprisonment for not less than two (2) years nor more than eight  
4542 (8) years or a fine of not more than Fifty Thousand Dollars  
4543 (\$50,000.00), or both.

4544 (D) If three hundred (300) or more grams or one  
4545 thousand (1,000) or more dosage units, but less than five hundred  
4546 (500) grams or two thousand five hundred (2,500) dosage units, by  
4547 imprisonment for not less than four (4) years nor more than  
4548 sixteen (16) years or a fine of not more than Two Hundred Fifty  
4549 Thousand Dollars (\$250,000.00), or both.

4550 (d) **Paraphernalia.** (1) Except as otherwise provided under  
4551 subsection (i) of this section for actions that are lawful under  
4552 the Mississippi Medical Cannabis Act and in compliance with rules  
4553 and regulations adopted thereunder or actions that are lawful





4554 under the Mississippi Retail Marijuana Act and in compliance with  
4555 rules and regulations adopted thereunder, it is unlawful for a  
4556 person who is not authorized by the State Board of Medical  
4557 Licensure, State Board of Pharmacy, or other lawful authority to  
4558 use, or to possess with intent to use, paraphernalia to plant,  
4559 propagate, cultivate, grow, harvest, manufacture, compound,  
4560 convert, produce, process, prepare, test, analyze, pack, repack,  
4561 store, contain, conceal, inject, ingest, inhale or otherwise  
4562 introduce into the human body a controlled substance in violation  
4563 of the Uniform Controlled Substances Law. Any person who violates  
4564 this subsection (d)(1) is guilty of a misdemeanor and, upon  
4565 conviction, may be confined in the county jail for not more than  
4566 six (6) months, or fined not more than Five Hundred Dollars  
4567 (\$500.00), or both; however, no person shall be charged with a  
4568 violation of this subsection when such person is also charged with  
4569 the possession of thirty (30) grams or less of marijuana under  
4570 subsection (c)(2)(A) of this section.

4571 (2) It is unlawful for any person to deliver, sell,  
4572 possess with intent to deliver or sell, or manufacture with intent  
4573 to deliver or sell, paraphernalia, knowing, or under circumstances  
4574 where one reasonably should know, that it will be used to plant,  
4575 propagate, cultivate, grow, harvest, manufacture, compound,  
4576 convert, produce, process, prepare, test, analyze, pack, repack,  
4577 store, contain, conceal, inject, ingest, inhale, or otherwise  
4578 introduce into the human body a controlled substance in violation



4579 of the Uniform Controlled Substances Law. Except as provided in  
4580 subsection (d) (3), a person who violates this subsection (d) (2) is  
4581 guilty of a misdemeanor and, upon conviction, may be confined in  
4582 the county jail for not more than six (6) months, or fined not  
4583 more than Five Hundred Dollars (\$500.00), or both.

4584 (3) Any person eighteen (18) years of age or over who  
4585 violates subsection (d) (2) of this section by delivering or  
4586 selling paraphernalia to a person under eighteen (18) years of age  
4587 who is at least three (3) years his junior is guilty of a  
4588 misdemeanor and, upon conviction, may be confined in the county  
4589 jail for not more than one (1) year, or fined not more than One  
4590 Thousand Dollars (\$1,000.00), or both.

4591 (4) It is unlawful for any person to place in any  
4592 newspaper, magazine, handbill, or other publication any  
4593 advertisement, knowing, or under circumstances where one  
4594 reasonably should know, that the purpose of the advertisement, in  
4595 whole or in part, is to promote the sale of objects designed or  
4596 intended for use as paraphernalia. Any person who violates this  
4597 subsection is guilty of a misdemeanor and, upon conviction, may be  
4598 confined in the county jail for not more than six (6) months, or  
4599 fined not more than Five Hundred Dollars (\$500.00), or both.

4600 (e) It shall be unlawful for any physician practicing  
4601 medicine in this state to prescribe, dispense or administer any  
4602 amphetamine or amphetamine-like anorectics and/or central nervous  
4603 system stimulants classified in Schedule II, pursuant to Section



4604 41-29-115, for the exclusive treatment of obesity, weight control  
4605 or weight loss. Any person who violates this subsection, upon  
4606 conviction, is guilty of a misdemeanor and may be confined for a  
4607 period not to exceed six (6) months, or fined not more than One  
4608 Thousand Dollars (\$1,000.00), or both.

4609 (f) **Trafficking.** (1) Any person trafficking in controlled  
4610 substances shall be guilty of a felony and, upon conviction, shall  
4611 be imprisoned for a term of not less than ten (10) years nor more  
4612 than forty (40) years and shall be fined not less than Five  
4613 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
4614 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
4615 reduced or suspended. The person shall not be eligible for  
4616 probation or parole, the provisions of Sections 41-29-149,  
4617 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

4618 (2) "Trafficking in controlled substances" as used  
4619 herein means:

4620 (A) A violation of subsection (a) of this section  
4621 involving thirty (30) or more grams or forty (40) or more dosage  
4622 units of a Schedule I or II controlled substance except marijuana  
4623 and synthetic cannabinoids;

4624 (B) A violation of subsection (a) of this section  
4625 involving five hundred (500) or more grams or two thousand five  
4626 hundred (2,500) or more dosage units of a Schedule III, IV or V  
4627 controlled substance;



4628 (C) A violation of subsection (c) of this section  
4629 involving thirty (30) or more grams or forty (40) or more dosage  
4630 units of a Schedule I or II controlled substance except marijuana  
4631 and synthetic cannabinoids;

4632 (D) A violation of subsection (c) of this section  
4633 involving five hundred (500) or more grams or two thousand five  
4634 hundred (2,500) or more dosage units of a Schedule III, IV or V  
4635 controlled substance; or

4636 (E) A violation of subsection (a) of this section  
4637 involving one (1) kilogram or more of marijuana or two hundred  
4638 (200) grams or more of synthetic cannabinoids.

4639 (g) **Aggravated trafficking.** Any person trafficking in  
4640 Schedule I or II controlled substances, except marijuana and  
4641 synthetic cannabinoids, of two hundred (200) grams or more shall  
4642 be guilty of aggravated trafficking and, upon conviction, shall be  
4643 sentenced to a term of not less than twenty-five (25) years nor  
4644 more than life in prison and shall be fined not less than Five  
4645 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
4646 (\$1,000,000.00). The twenty-five-year sentence shall be a  
4647 mandatory sentence and shall not be reduced or suspended. The  
4648 person shall not be eligible for probation or parole, the  
4649 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
4650 the contrary notwithstanding.

4651 (h) **Sentence mitigation.** (1) Notwithstanding any provision  
4652 of this section, a person who has been convicted of an offense



4653 under this section that requires the judge to impose a prison  
4654 sentence which cannot be suspended or reduced and is ineligible  
4655 for probation or parole may, at the discretion of the court,  
4656 receive a sentence of imprisonment that is no less than  
4657 twenty-five percent (25%) of the sentence prescribed by the  
4658 applicable statute. In considering whether to apply the departure  
4659 from the sentence prescribed, the court shall conclude that:

4660 (A) The offender was not a leader of the criminal  
4661 enterprise;

4662 (B) The offender did not use violence or a weapon  
4663 during the crime;

4664 (C) The offense did not result in a death or  
4665 serious bodily injury of a person not a party to the criminal  
4666 enterprise; and

4667 (D) The interests of justice are not served by the  
4668 imposition of the prescribed mandatory sentence.

4669 The court may also consider whether information and  
4670 assistance were furnished to a law enforcement agency, or its  
4671 designee, which, in the opinion of the trial judge, objectively  
4672 should or would have aided in the arrest or prosecution of others  
4673 who violate this subsection. The accused shall have adequate  
4674 opportunity to develop and make a record of all information and  
4675 assistance so furnished.



4676 (2) If the court reduces the prescribed sentence  
4677 pursuant to this subsection, it must specify on the record the  
4678 circumstances warranting the departure.

4679 (i) This section does not apply to any of the actions that  
4680 are lawful under the Mississippi Medical Cannabis Act and in  
4681 compliance with rules and regulations adopted thereunder or  
4682 actions that are lawful under the Mississippi Retail Marijuana Act  
4683 and in compliance with rules and regulations adopted thereunder.

4684 **SECTION 11.** Section 41-29-141, Mississippi Code of 1972, is  
4685 amended as follows:

4686 41-29-141. It is unlawful for any person:

4687 (1) Who is subject to Section 41-29-125 to distribute  
4688 or dispense a controlled substance in violation of Section  
4689 41-29-137;

4690 (2) Who is a registrant under Section 41-29-125 to  
4691 manufacture a controlled substance not authorized by his  
4692 registration, or to distribute or dispense a controlled substance  
4693 not authorized by his registration to another registrant or other  
4694 authorized person;

4695 (3) To refuse or fail to make, keep or furnish any  
4696 record, notification, order form, statement, invoice or  
4697 information required under this article;

4698 (4) To refuse a lawful entry into any premises for any  
4699 inspection authorized by this article; or



4700 (5) Knowingly to keep or maintain any store, shop,  
4701 warehouse, dwelling, building, vehicle, boat, aircraft, or other  
4702 structure or place, which is resorted to by persons using  
4703 controlled substances in violation of this article for the purpose  
4704 of using these substances, or which is used for keeping or selling  
4705 them in violation of this article.

4706 Any person who violates this section shall, with respect to  
4707 such violation, be subject to a civil penalty payable to the State  
4708 of Mississippi of not more than Twenty-five Thousand Dollars  
4709 (\$25,000.00).

4710 In addition to the civil penalty provided in the preceding  
4711 paragraph, any person who knowingly or intentionally violates this  
4712 section shall be guilty of a crime and upon conviction thereof may  
4713 be confined for a period of not more than one (1) year or fined  
4714 not more than One Thousand Dollars (\$1,000.00), or both.

4715 This section does not apply to any of the actions that are  
4716 lawful under the Mississippi Medical Cannabis Act and in  
4717 compliance with rules and regulations adopted thereunder or  
4718 actions that are lawful under the Mississippi Retail Marijuana Act  
4719 and in compliance with rules and regulations adopted thereunder.

4720 **SECTION 12.** Section 41-29-143, Mississippi Code of 1972, is  
4721 amended as follows:

4722 41-29-143. It is unlawful for any person knowingly or  
4723 intentionally:



4724 (1) To distribute as a registrant a controlled  
4725 substance classified in Schedule I or II, as set out in Sections  
4726 41-29-113 and 41-29-115, except pursuant to an order form as  
4727 required by Section 41-29-135;

4728 (2) To use in the course of the manufacture or  
4729 distribution of a controlled substance a registration number which  
4730 is fictitious, revoked, suspended, or issued to another person;

4731 (3) To furnish false or fraudulent material information  
4732 in, or omit any material information from, any application,  
4733 report, or other document required to be kept or filed under this  
4734 article, or any record required to be kept by this article; or

4735 (4) To make, distribute, or possess any punch, die,  
4736 plate, stone, or other thing designed to print, imprint, or  
4737 reproduce the trademark, trade name, or other identifying mark,  
4738 imprint or device of another or any likeness of any of the  
4739 foregoing upon any drug or container or labeling thereof so as to  
4740 render the drug a counterfeit substance.

4741 Any person who violates this section is guilty of a crime and  
4742 upon conviction may be confined for not more than one (1) year or  
4743 fined not more than One Thousand Dollars (\$1,000.00) or both.

4744 This section does not apply to any of the actions that are  
4745 lawful under the Mississippi Medical Cannabis Act and in  
4746 compliance with rules and regulations adopted thereunder or any of  
4747 the actions that are lawful under the Mississippi Retail Marijuana





4748 Act and in compliance with rules and regulations adopted  
4749 thereunder.

4750 **SECTION 13.** Section 59-23-7, Mississippi Code of 1972, is  
4751 amended as follows:

4752 59-23-7. (1) It is unlawful for any person to operate a  
4753 watercraft on the public waters of this state who:

4754 (a) Is under the influence of intoxicating liquor;

4755 (b) Is under the influence of any other substance which  
4756 has impaired such person's ability to operate a watercraft; or

4757 (c) Has eight one-hundredths percent (.08%) or more by  
4758 weight volume of alcohol in the person's blood based upon  
4759 milligrams of alcohol per one hundred (100) cubic centimeters of  
4760 blood as shown by a chemical analysis of such person's breath,  
4761 blood or urine administered as authorized by this chapter.

4762 (2) (a) Upon conviction of any person for the first offense  
4763 of violating subsection (1) of this section where chemical tests  
4764 provided for under Section 59-23-5 were given, or where chemical  
4765 test results are not available, such person shall be fined not  
4766 less than Two Hundred Fifty Dollars (\$250.00) nor more than One  
4767 Thousand Dollars (\$1,000.00), or imprisoned for not more than  
4768 twenty-four (24) hours in jail, or both; and the court shall order  
4769 such person to attend and complete a boating safety education  
4770 course developed by the Department of Wildlife, Fisheries and  
4771 Parks.



4772 (b) Upon any second conviction of any person violating  
4773 subsection (1) of this section, the offenses being committed  
4774 within a period of five (5) years, the person shall be fined not  
4775 less than Six Hundred Dollars (\$600.00) nor more than One Thousand  
4776 Dollars (\$1,000.00) and shall be imprisoned not less than  
4777 forty-eight (48) consecutive hours nor more than one (1) year or  
4778 sentenced to community service work for not less than ten (10)  
4779 days nor more than one (1) year. The court shall order the person  
4780 not to operate a watercraft for one (1) year.

4781 (c) For any third conviction of any person violating  
4782 subsection (1) of this section, the offenses being committed  
4783 within a period of five (5) years, the person shall be fined not  
4784 less than Eight Hundred Dollars (\$800.00) nor more than One  
4785 Thousand Dollars (\$1,000.00) and shall be imprisoned not less than  
4786 thirty (30) days nor more than one (1) year. The court shall  
4787 order the person not to operate a watercraft for two (2) years.

4788 (d) Any fourth or subsequent violation of subsection  
4789 (1) of this section shall be a felony offense and, upon  
4790 conviction, the offenses being committed within a period of five  
4791 (5) years, the person shall be fined not less than Two Thousand  
4792 Dollars (\$2,000.00) nor more than Five Thousand Dollars  
4793 (\$5,000.00) and shall be imprisoned not less than ninety (90) days  
4794 nor more than five (5) years in the custody of the Department of  
4795 Corrections. The court shall order the person not to operate a  
4796 watercraft for three (3) years.



4797 (3) Any person convicted of operating any watercraft in  
4798 violation of subsection (1) of this section where the person (a)  
4799 refused a law enforcement officer's request to submit to a  
4800 chemical test, or (b) was unconscious at the time of a chemical  
4801 test and refused to consent to the introduction of the results of  
4802 such test in any prosecution, shall be punished consistent with  
4803 the penalties prescribed herein for persons submitting to the test  
4804 and the court shall order the person not to operate a watercraft  
4805 for the time periods specified in subsection (2) of this section.

4806 (4) Any person who operates any watercraft in violation of  
4807 the provisions of subsection (1) of this section and who in a  
4808 negligent manner causes the death of another or mutilates,  
4809 disfigures, permanently disables or destroys the tongue, eye, lip,  
4810 nose or any other member or limb of another shall, upon  
4811 conviction, be guilty of a felony and shall be committed to the  
4812 custody of the Department of Corrections for a period of time not  
4813 to exceed ten (10) years.

4814 (5) Upon conviction of any violation of subsection (1) of  
4815 this section, the judge shall cause a copy of the citation and any  
4816 other pertinent documents concerning the conviction to be sent  
4817 immediately to the Mississippi Department of Wildlife, Fisheries  
4818 and Parks and the Department of Marine Resources. A copy of the  
4819 citation or other pertinent documents, having been attested as  
4820 true and correct by the Director of the Mississippi Department of  
4821 Wildlife, Fisheries and Parks, or his designee, or the Director of



4822 the Department of Marine Resources, or his designee, shall be  
4823 sufficient proof of the conviction for purposes of determining the  
4824 enhanced penalty for any subsequent convictions of violations of  
4825 subsection (1) of this section.

4826 (6) The provisions of this section are fully applicable to  
4827 any person who is under the influence of medical cannabis that is  
4828 lawful under the Mississippi Medical Cannabis Act and in  
4829 compliance with rules and regulations adopted thereunder or  
4830 marijuana that is lawful under the Mississippi Retail Marijuana  
4831 Act and in compliance with rules and regulations adopted  
4832 thereunder which has impaired the person's ability to operate a  
4833 watercraft.

4834 **SECTION 14.** Section 63-11-30, Mississippi Code of 1972, is  
4835 amended as follows:

4836 63-11-30. (1) It is unlawful for a person to drive or  
4837 otherwise operate a vehicle within this state if the person:

4838 (a) Is under the influence of intoxicating liquor;

4839 (b) Is under the influence of any other substance that  
4840 has impaired the person's ability to operate a motor vehicle;

4841 (c) Is under the influence of any drug or controlled  
4842 substance, the possession of which is unlawful under the  
4843 Mississippi Controlled Substances Law; or

4844 (d) Has an alcohol concentration in the person's blood,  
4845 based upon grams of alcohol per one hundred (100) milliliters of  
4846 blood, or grams of alcohol per two hundred ten (210) liters of



4847 breath, as shown by a chemical analysis of the person's breath,  
4848 blood or urine administered as authorized by this chapter, of:

4849 (i) Eight one-hundredths percent (.08%) or more  
4850 for a person who is above the legal age to purchase alcoholic  
4851 beverages under state law;

4852 (ii) Two one-hundredths percent (.02%) or more for  
4853 a person who is below the legal age to purchase alcoholic  
4854 beverages under state law; or

4855 (iii) Four one-hundredths percent (.04%) or more  
4856 for a person operating a commercial motor vehicle.

4857 (2) Except as otherwise provided in subsection (3) of this  
4858 section (Zero Tolerance for Minors):

4859 (a) **First offense DUI.** (i) Upon conviction of any  
4860 person for the first offense of violating subsection (1) of this  
4861 section where chemical tests under Section 63-11-5 were given, or  
4862 where chemical test results are not available, the person shall be  
4863 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more  
4864 than One Thousand Dollars (\$1,000.00), or imprisoned for not more  
4865 than forty-eight (48) hours in jail, or both; the court shall  
4866 order the person to attend and complete an alcohol safety  
4867 education program as provided in Section 63-11-32 within six (6)  
4868 months of sentencing. The court may substitute attendance at a  
4869 victim impact panel instead of forty-eight (48) hours in jail.

4870 (ii) Suspension of commercial driving privileges  
4871 is governed by Section 63-1-216.



4872 (iii) A qualifying first offense may be  
4873 nonadjudicated by the court under subsection (14) of this section.  
4874 The holder of a commercial driver's license or a commercial  
4875 learning permit at the time of the offense is ineligible for  
4876 nonadjudication.

4877 (iv) Eligibility for an interlock-restricted  
4878 license is governed by Section 63-11-31 and suspension of regular  
4879 driving privileges is governed by Section 63-11-23.

4880 (b) **Second offense DUI.** (i) Upon any second  
4881 conviction of any person violating subsection (1) of this section,  
4882 the offenses being committed within a period of five (5) years,  
4883 the person shall be guilty of a misdemeanor, fined not less than  
4884 Six Hundred Dollars (\$600.00) nor more than One Thousand Five  
4885 Hundred Dollars (\$1,500.00), shall be imprisoned not less than  
4886 five (5) days nor more than six (6) months and sentenced to  
4887 community service work for not less than ten (10) days nor more  
4888 than six (6) months. The minimum penalties shall not be suspended  
4889 or reduced by the court and no prosecutor shall offer any  
4890 suspension or sentence reduction as part of a plea bargain.

4891 (ii) Suspension of commercial driving privileges  
4892 is governed by Section 63-1-216.

4893 (iii) Eligibility for an interlock-restricted  
4894 license is governed by Section 63-11-31 and suspension of regular  
4895 driving privileges is governed by Section 63-11-23.



4896 (c) **Third offense DUI.** (i) For a third conviction of  
4897 a person for violating subsection (1) of this section, the  
4898 offenses being committed within a period of five (5) years, the  
4899 person shall be guilty of a felony and fined not less than Two  
4900 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars  
4901 (\$5,000.00), and shall serve not less than one (1) year nor more  
4902 than five (5) years in the custody of the Department of  
4903 Corrections. For any offense that does not result in serious  
4904 injury or death to any person, the sentence of incarceration may  
4905 be served in the county jail rather than in the State Penitentiary  
4906 at the discretion of the circuit court judge. The minimum  
4907 penalties shall not be suspended or reduced by the court and no  
4908 prosecutor shall offer any suspension or sentence reduction as  
4909 part of a plea bargain.

4910 (ii) The suspension of commercial driving  
4911 privileges is governed by Section 63-1-216.

4912 (iii) The suspension of regular driving privileges  
4913 is governed by Section 63-11-23.

4914 (d) **Fourth and subsequent offense DUI.** (i) For any  
4915 fourth or subsequent conviction of a violation of subsection (1)  
4916 of this section, without regard to the time period within which  
4917 the violations occurred, the person shall be guilty of a felony  
4918 and fined not less than Three Thousand Dollars (\$3,000.00) nor  
4919 more than Ten Thousand Dollars (\$10,000.00), and shall serve not



4920 less than two (2) years nor more than ten (10) years in the  
4921 custody of the Department of Corrections.

4922 (ii) The suspension of commercial driving  
4923 privileges is governed by Section 63-1-216.

4924 (iii) A person convicted of a fourth or subsequent  
4925 offense is ineligible to exercise the privilege to operate a motor  
4926 vehicle that is not equipped with an ignition-interlock device for  
4927 ten (10) years.

4928 (e) Any person convicted of a second or subsequent  
4929 violation of subsection (1) of this section shall receive an  
4930 in-depth diagnostic assessment, and if as a result of the  
4931 assessment is determined to be in need of treatment for alcohol or  
4932 drug abuse, the person must successfully complete treatment at a  
4933 program site certified by the Department of Mental Health. Each  
4934 person who receives a diagnostic assessment shall pay a fee  
4935 representing the cost of the assessment. Each person who  
4936 participates in a treatment program shall pay a fee representing  
4937 the cost of treatment.

4938 (f) The use of ignition-interlock devices is governed  
4939 by Section 63-11-31.

4940 (3) **Zero Tolerance for Minors.** (a) This subsection shall  
4941 be known and may be cited as Zero Tolerance for Minors. The  
4942 provisions of this subsection shall apply only when a person under  
4943 the age of twenty-one (21) years has a blood alcohol concentration  
4944 of two one-hundredths percent (.02%) or more, but lower than eight





4945 one-hundredths percent (.08%). If the person's blood alcohol  
4946 concentration is eight one-hundredths percent (.08%) or more, the  
4947 provisions of subsection (2) shall apply.

4948 (b) (i) A person under the age of twenty-one (21) is  
4949 eligible for nonadjudication of a qualifying first offense by the  
4950 court pursuant to subsection (14) of this section.

4951 (ii) Upon conviction of any person under the age  
4952 of twenty-one (21) years for the first offense of violating  
4953 subsection (1) of this section where chemical tests provided for  
4954 under Section 63-11-5 were given, or where chemical test results  
4955 are not available, the person shall be fined Two Hundred Fifty  
4956 Dollars (\$250.00); the court shall order the person to attend and  
4957 complete an alcohol safety education program as provided in  
4958 Section 63-11-32 within six (6) months. The court may also  
4959 require attendance at a victim impact panel.

4960 (c) A person under the age of twenty-one (21) years who  
4961 is convicted of a second violation of subsection (1) of this  
4962 section, the offenses being committed within a period of five (5)  
4963 years, shall be fined not more than Five Hundred Dollars  
4964 (\$500.00).

4965 (d) A person under the age of twenty-one (21) years who  
4966 is convicted of a third or subsequent violation of subsection (1)  
4967 of this section, the offenses being committed within a period of  
4968 five (5) years, shall be fined not more than One Thousand Dollars  
4969 (\$1,000.00).



4970 (e) License suspension is governed by Section 63-11-23  
4971 and ignition interlock is governed by Section 63-11-31.

4972 (f) Any person under the age of twenty-one (21) years  
4973 convicted of a third or subsequent violation of subsection (1) of  
4974 this section must complete treatment of an alcohol or drug abuse  
4975 program at a site certified by the Department of Mental Health.

4976 (4) **DUI test refusal.** In addition to the other penalties  
4977 provided in this section, every person refusing a law enforcement  
4978 officer's request to submit to a chemical test of the person's  
4979 breath as provided in this chapter, or who was unconscious at the  
4980 time of a chemical test and refused to consent to the introduction  
4981 of the results of the test in any prosecution, shall suffer an  
4982 additional administrative suspension of driving privileges as set  
4983 forth in Section 63-11-23.

4984 (5) **Aggravated DUI.** (a) Every person who operates any  
4985 motor vehicle in violation of the provisions of subsection (1) of  
4986 this section and who in a negligent manner causes the death of  
4987 another or mutilates, disfigures, permanently disables or destroys  
4988 the tongue, eye, lip, nose or any other limb, organ or member of  
4989 another shall, upon conviction, be guilty of a separate felony for  
4990 each victim who suffers death, mutilation, disfigurement or other  
4991 injury and shall be committed to the custody of the State  
4992 Department of Corrections for a period of time of not less than  
4993 five (5) years and not to exceed twenty-five (25) years for each  
4994 death, mutilation, disfigurement or other injury, and the



4995 imprisonment for the second or each subsequent conviction, in the  
4996 discretion of the court, shall commence either at the termination  
4997 of the imprisonment for the preceding conviction or run  
4998 concurrently with the preceding conviction. Any person charged  
4999 with causing the death of another as described in this subsection  
5000 shall be required to post bail before being released after arrest.

5001 (b) A holder of a commercial driver's license who is  
5002 convicted of operating a commercial motor vehicle with an alcohol  
5003 concentration of eight one-hundredths percent (.08%) or more shall  
5004 be guilty of a felony and shall be committed to the custody of the  
5005 Department of Corrections for not less than two (2) years and not  
5006 more than ten (10) years.

5007 (c) The court shall order an ignition-interlock  
5008 restriction on the offender's privilege to drive as a condition of  
5009 probation or post-release supervision not to exceed five (5) years  
5010 unless a longer restriction is required under other law. The  
5011 ignition-interlock restriction shall not be applied to commercial  
5012 license privileges until the driver serves the full  
5013 disqualification period required by Section 63-1-216.

5014 (6) **DUI citations.** (a) Upon conviction of a violation of  
5015 subsection (1) of this section, the trial judge shall sign in the  
5016 place provided on the traffic ticket, citation or affidavit  
5017 stating that the person arrested either employed an attorney or  
5018 waived his right to an attorney after having been properly  
5019 advised. If the person arrested employed an attorney, the name,



5020 address and telephone number of the attorney shall be written on  
5021 the ticket, citation or affidavit. The court clerk must  
5022 immediately send a copy of the traffic ticket, citation or  
5023 affidavit, and any other pertinent documents concerning the  
5024 conviction or other order of the court, to the Department of  
5025 Public Safety as provided in Section 63-11-37.

5026 (b) A copy of the traffic ticket, citation or affidavit  
5027 and any other pertinent documents, having been attested as true  
5028 and correct by the Commissioner of Public Safety, or his designee,  
5029 shall be sufficient proof of the conviction for purposes of  
5030 determining the enhanced penalty for any subsequent convictions of  
5031 violations of subsection (1) of this section. The Department of  
5032 Public Safety shall maintain a central database for verification  
5033 of prior offenses and convictions.

5034 (7) **Out-of-state prior convictions.** Convictions in another  
5035 state, territory or possession of the United States, or under the  
5036 law of a federally recognized Native American tribe, of violations  
5037 for driving or operating a vehicle while under the influence of an  
5038 intoxicating liquor or while under the influence of any other  
5039 substance that has impaired the person's ability to operate a  
5040 motor vehicle occurring within five (5) years before an offense  
5041 shall be counted for the purposes of determining if a violation of  
5042 subsection (1) of this section is a second, third, fourth or  
5043 subsequent offense and the penalty that shall be imposed upon  
5044 conviction for a violation of subsection (1) of this section.



5045           (8) **Charging of subsequent offenses.** (a) For the purposes  
5046 of determining how to impose the sentence for a second, third,  
5047 fourth or subsequent conviction under this section, the affidavit  
5048 or indictment shall not be required to enumerate previous  
5049 convictions. It shall only be necessary that the affidavit or  
5050 indictment states the number of times that the defendant has been  
5051 convicted and sentenced within the past five (5) years for a  
5052 second or third offense, or without a time limitation for a fourth  
5053 or subsequent offense, under this section to determine if an  
5054 enhanced penalty shall be imposed. The amount of fine and  
5055 imprisonment imposed in previous convictions shall not be  
5056 considered in calculating offenses to determine a second, third,  
5057 fourth or subsequent offense of this section.

5058           (b) Before a defendant enters a plea of guilty to an  
5059 offense under this section, law enforcement must submit  
5060 certification to the prosecutor that the defendant's driving  
5061 record, the confidential registry and National Crime Information  
5062 Center record have been searched for all prior convictions,  
5063 nonadjudications, pretrial diversions and arrests for driving or  
5064 operating a vehicle while under the influence of an intoxicating  
5065 liquor or while under the influence of any other substance that  
5066 has impaired the person's ability to operate a motor vehicle. The  
5067 results of the search must be included in the certification.

5068           (9) **License eligibility for underage offenders.** A person  
5069 who is under the legal age to obtain a license to operate a motor



5070 vehicle at the time of the offense and who is convicted under this  
5071 section shall not be eligible to receive a driver's license until  
5072 the person reaches the age of eighteen (18) years.

5073         (10) **License suspensions and restrictions to run**  
5074 **consecutively.** Suspension or restriction of driving privileges  
5075 for any person convicted of or nonadjudicated for violations of  
5076 subsection (1) of this section shall run consecutively to and not  
5077 concurrently with any other administrative license suspension.

5078         (11) **Ignition interlock.** If the court orders installation  
5079 and use of an ignition-interlock device as provided in Section  
5080 63-11-31 for every vehicle operated by a person convicted or  
5081 nonadjudicated under this section, each device shall be installed,  
5082 maintained and removed as provided in Section 63-11-31.

5083         (12) **DUI child endangerment.** A person over the age of  
5084 twenty-one (21) who violates subsection (1) of this section while  
5085 transporting in a motor vehicle a child under the age of sixteen  
5086 (16) years is guilty of the separate offense of endangering a  
5087 child by driving under the influence of alcohol or any other  
5088 substance which has impaired the person's ability to operate a  
5089 motor vehicle. The offense of endangering a child by driving  
5090 under the influence of alcohol or any other substance which has  
5091 impaired the person's ability to operate a motor vehicle shall not  
5092 be merged with an offense of violating subsection (1) of this  
5093 section for the purposes of prosecution and sentencing. An



5094 offender who is convicted of a violation of this subsection shall  
5095 be punished as follows:

5096 (a) A person who commits a violation of this subsection  
5097 which does not result in the serious injury or death of a child  
5098 and which is a first conviction shall be guilty of a misdemeanor  
5099 and, upon conviction, shall be fined not more than One Thousand  
5100 Dollars (\$1,000.00) or shall be imprisoned for not more than  
5101 twelve (12) months, or both;

5102 (b) A person who commits a violation of this subsection  
5103 which does not result in the serious injury or death of a child  
5104 and which is a second conviction shall be guilty of a misdemeanor  
5105 and, upon conviction, shall be fined not less than One Thousand  
5106 Dollars (\$1,000.00) nor more than Five Thousand Dollars  
5107 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

5108 (c) A person who commits a violation of this subsection  
5109 which does not result in the serious injury or death of a child  
5110 and which is a third or subsequent conviction shall be guilty of a  
5111 felony and, upon conviction, shall be fined not less than Ten  
5112 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less  
5113 than one (1) year nor more than five (5) years, or both; and

5114 (d) A person who commits a violation of this subsection  
5115 which results in the serious injury or death of a child, without  
5116 regard to whether the offense was a first, second, third or  
5117 subsequent offense, shall be guilty of a felony and, upon  
5118 conviction, shall be punished by a fine of not less than Ten



5119 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less  
5120 than five (5) years nor more than twenty-five (25) years.

5121 (13) **Expunction.** (a) Any person convicted under subsection  
5122 (2) or (3) of this section of a first offense of driving under the  
5123 influence and who was not the holder of a commercial driver's  
5124 license or a commercial learning permit at the time of the offense  
5125 may petition the circuit court of the county in which the  
5126 conviction was had for an order to expunge the record of the  
5127 conviction at least five (5) years after successful completion of  
5128 all terms and conditions of the sentence imposed for the  
5129 conviction. Expunction under this subsection will only be  
5130 available to a person:

5131 (i) Who has successfully completed all terms and  
5132 conditions of the sentence imposed for the conviction;

5133 (ii) Who did not refuse to submit to a test of his  
5134 blood or breath;

5135 (iii) Whose blood alcohol concentration tested  
5136 below sixteen one-hundredths percent (.16%) if test results are  
5137 available;

5138 (iv) Who has not been convicted of and does not  
5139 have pending any other offense of driving under the influence;

5140 (v) Who has provided the court with justification  
5141 as to why the conviction should be expunged; and

5142 (vi) Who has not previously had a nonadjudication  
5143 or expunction of a violation of this section.





5144 (b) A person is eligible for only one (1) expunction  
5145 under this subsection, and the Department of Public Safety shall  
5146 maintain a permanent confidential registry of all cases of  
5147 expunction under this subsection for the sole purpose of  
5148 determining a person's eligibility for expunction, for  
5149 nonadjudication, or as a first offender under this section.

5150 (c) The court in its order of expunction shall state in  
5151 writing the justification for which the expunction was granted and  
5152 forward the order to the Department of Public Safety within five  
5153 (5) days of the entry of the order.

5154 (14) **Nonadjudication.** (a) For the purposes of this  
5155 chapter, "nonadjudication" means that the court withholds  
5156 adjudication of guilt and sentencing, either at the conclusion of  
5157 a trial on the merits or upon the entry of a plea of guilt by a  
5158 defendant, and places the defendant in a nonadjudication program  
5159 conditioned upon the successful completion of the requirements  
5160 imposed by the court under this subsection.

5161 (b) A person is eligible for nonadjudication of an  
5162 offense under this Section 63-11-30 only one (1) time under any  
5163 provision of a law that authorizes nonadjudication and only for an  
5164 offender:

5165 (i) Who has successfully completed all terms and  
5166 conditions imposed by the court after placement of the defendant  
5167 in a nonadjudication program;



5168 (ii) Who was not the holder of a commercial  
5169 driver's license or a commercial learning permit at the time of  
5170 the offense;

5171 (iii) Who has not previously been convicted of and  
5172 does not have pending any former or subsequent charges under this  
5173 section; and

5174 (iv) Who has provided the court with justification  
5175 as to why nonadjudication is appropriate.

5176 (c) Nonadjudication may be initiated upon the filing of  
5177 a petition for nonadjudication or at any stage of the proceedings  
5178 in the discretion of the court; the court may withhold  
5179 adjudication of guilt, defer sentencing, and upon the agreement of  
5180 the offender to participate in a nonadjudication program, enter an  
5181 order imposing requirements on the offender for a period of court  
5182 supervision before the order of nonadjudication is entered.  
5183 Failure to successfully complete a nonadjudication program  
5184 subjects the person to adjudication of the charges against him and  
5185 to imposition of all penalties previously withheld due to entrance  
5186 into a nonadjudication program. The court shall immediately  
5187 inform the commissioner of the conviction as required in Section  
5188 63-11-37.

5189 (i) The court shall order the person to:

5190 1. Pay the nonadjudication fee imposed under  
5191 Section 63-11-31 if applicable;



5192                   2. Pay all fines, penalties and assessments  
5193 that would have been imposed for conviction;

5194                   3. Attend and complete an alcohol safety  
5195 education program as provided in Section 63-11-32 within six (6)  
5196 months of the date of the order;

5197                   4. a. If the court determines that the  
5198 person violated this section with respect to alcohol or  
5199 intoxicating liquor, the person must install an ignition-interlock  
5200 device on every motor vehicle operated by the person, obtain an  
5201 interlock-restricted license, and maintain that license for one  
5202 hundred twenty (120) days or suffer a one-hundred-twenty-day  
5203 suspension of the person's regular driver's license, during which  
5204 time the person must not operate any vehicle.

5205                   b. If the court determines that the  
5206 person violated this section by operating a vehicle when under the  
5207 influence of a substance other than alcohol that has impaired the  
5208 person's ability to operate a motor vehicle, including any drug or  
5209 controlled substance which is unlawful to possess under the  
5210 Mississippi Controlled Substances Law, the person must submit to a  
5211 one-hundred-twenty-day period of a nonadjudication program that  
5212 includes court-ordered drug testing at the person's own expense  
5213 not less often than every thirty (30) days, during which time the  
5214 person may drive if compliant with the terms of the program, or  
5215 suffer a one-hundred-twenty-day suspension of the person's regular



5216 driver's license, during which time the person will not operate  
5217 any vehicle.

5218 (ii) Other conditions that may be imposed by the  
5219 court include, but are not limited to, alcohol or drug screening,  
5220 or both, proof that the person has not committed any other traffic  
5221 violations while under court supervision, proof of immobilization  
5222 or impoundment of vehicles owned by the offender if required, and  
5223 attendance at a victim-impact panel.

5224 (d) The court may enter an order of nonadjudication  
5225 only if the court finds, after a hearing or after ex parte  
5226 examination of reliable documentation of compliance, that the  
5227 offender has successfully completed all conditions imposed by law  
5228 and previous orders of the court. The court shall retain  
5229 jurisdiction over cases involving nonadjudication for a period of  
5230 not more than two (2) years.

5231 (e) (i) The clerk shall immediately forward a record  
5232 of every person placed in a nonadjudication program and of every  
5233 nonadjudication order to the Department of Public Safety for  
5234 inclusion in the permanent confidential registry of all cases that  
5235 are nonadjudicated under this subsection (14).

5236 (ii) Judges, clerks and prosecutors involved in  
5237 the trial of implied consent violations and law enforcement  
5238 officers involved in the issuance of citations for implied consent  
5239 violations shall have secure online access to the confidential  
5240 registry for the purpose of determining whether a person has



5241 previously been the subject of a nonadjudicated case and 1. is  
5242 therefore ineligible for another nonadjudication; 2. is ineligible  
5243 as a first offender for a violation of this section; or 3. is  
5244 ineligible for expunction of a conviction of a violation of this  
5245 section.

5246 (iii) The Driver Services Bureau of the department  
5247 shall have access to the confidential registry for the purpose of  
5248 determining whether a person is eligible for a form of license not  
5249 restricted to operating a vehicle equipped with an  
5250 ignition-interlock device.

5251 (iv) The Mississippi Alcohol Safety Education  
5252 Program shall have secure online access to the confidential  
5253 registry for research purposes only.

5254 (15) The provisions of this section are fully applicable to  
5255 any person who is under the influence of medical cannabis that is  
5256 lawful under the Mississippi Medical Cannabis Act and in  
5257 compliance with rules and regulations adopted thereunder or  
5258 marijuana that is lawful under the Mississippi Retail Marijuana  
5259 Act and in compliance with rules and regulations adopted  
5260 thereunder which has impaired the person's ability to operate a  
5261 motor vehicle.

5262 **SECTION 15.** This act shall take effect and be in force from  
5263 and after July 1, 2023.

5264 **SECTION 16.** This act shall take effect and be in force from  
5265 and after July 1, 2023.

