

By: Representatives Yancey, Stamps

To: Drug Policy

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1158

1 AN ACT TO AMEND SECTION 41-137-5, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE A PRACTITIONER TO ASSIST A PATIENT IN REGISTERING FOR
3 A REGISTRY IDENTIFICATION CARD WITH THE DEPARTMENT OF HEALTH AFTER
4 THE PRACTITIONER HAS ISSUED A WRITTEN CERTIFICATION TO THE
5 PATIENT; TO PROVIDE THAT THE REQUIREMENTS OF THIS SECTION SHALL
6 NOT APPLY TO A PERSON WHO IS AUTHORIZED TO PURCHASE TOPICAL
7 CANNABIS, AND SUCH PERSONS MAY POSSESS AND USE SUCH PRODUCTS
8 WITHOUT BEING IN VIOLATION OF THIS CHAPTER; TO PROHIBIT ANY STATE
9 AGENCY OR BOARD FROM REQUIRING A PRACTITIONER TO REQUIRE A PATIENT
10 TO SUBMIT TO A DRUG TEST AS A CONDITION TO RECEIVING A
11 CERTIFICATION FOR A REGISTRY IDENTIFICATION CARD; TO PROVIDE THAT
12 A PRACTITIONER SHALL NOT BE REQUIRED TO HAVE ANY ADDITIONAL
13 QUALIFICATIONS TO BE AUTHORIZED TO CERTIFY A QUALIFYING PATIENT
14 FOR A REGISTRY IDENTIFICATION CARD; TO PROVIDE THAT A PRACTITIONER
15 SHALL NOT BE REQUIRED TO BE REGISTERED TO CERTIFY PATIENTS WITH
16 ANY STATE AGENCY OR BOARD OTHER THAN THE MDOH; TO AMEND SECTION
17 41-137-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A MEDICAL
18 CANNABIS WRITTEN CERTIFICATION ISSUED BY A PRACTITIONER SHALL BE
19 VALID FOR THE SIX MONTHS IMMEDIATELY PRECEDING THE DATE OF
20 APPLICATION; TO AMEND SECTION 41-137-35, MISSISSIPPI CODE OF 1972,
21 TO CAP THE CANNABIS CULTIVATION FACILITY TIER 6 TO NOT MORE THAN
22 150,000 SQUARE FEET; TO AMEND SECTION 41-137-39, MISSISSIPPI CODE
23 OF 1972, TO REQUIRE A PROSPECTIVE EMPLOYEE TO UNDERGO A
24 FINGERPRINT-BASED BACKGROUND CHECK BY THE DEPARTMENT OF PUBLIC
25 SAFETY; TO REQUIRE A SUBSEQUENT BACKGROUND CHECK TO BE CONDUCTED
26 ON PROSPECTIVE EMPLOYEES IF THEY DO NOT START EMPLOYMENT WITH AN
27 ENTITY FOR SIX MONTHS; TO AUTHORIZE ANY TOPICAL CANNABIS PRODUCT
28 THAT IS PURCHASED BY A DISPENSARY FROM A LICENSED PROCESSOR, AND
29 THAT IS NOT INGESTED BY THE LIVER, TO BE SOLD TO A CARDHOLDER OR
30 ANY PERSON OVER THE AGE OF TWENTY-ONE WHO IS NOT A CARDHOLDER; TO
31 AMEND SECTION 41-137-41, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
32 DISPENSARY WEBSITES TO DISPLAY PICTURES OF THE PRODUCTS THAT THE
33 DISPENSARY SELLS; TO PROHIBIT A STATE AGENCY OR BOARD FROM
34 IMPLEMENTING ANY RULE, REGULATION, POLICY OR REQUIREMENT THAT IS



35 CONTRARY TO THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS
36 ACT; TO AMEND SECTION 41-137-47, MISSISSIPPI CODE OF 1972, TO
37 AUTHORIZE LICENSING AGENCIES TO DENY THE APPLICATION OF ANY
38 APPLICANT WHO FAILS TO MEET THE QUALIFICATIONS FOR OBTAINING SUCH
39 LICENSE; TO ESTABLISH CERTAIN APPEAL PROCEDURES FOR DENIALS; TO
40 PROVIDE THAT ANY INVESTIGATION, FINE, SUSPENSION OR REVOCATION BY
41 A LICENSING AGENCY UNDER THIS SECTION SHALL BE CONSIDERED
42 CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE MISSISSIPPI
43 PUBLIC RECORDS ACT; TO AMEND SECTION 41-137-49, MISSISSIPPI CODE
44 OF 1972, TO PROVIDE THAT THE ADDRESSES OF PROSPECTIVE AND LICENSED
45 MEDICAL CANNABIS ESTABLISHMENTS SHALL BE CONSIDERED CONFIDENTIAL
46 AND EXEMPT FROM DISCLOSURE UNDER THE MISSISSIPPI PUBLIC RECORDS
47 ACT; TO AMEND SECTION 41-137-59, MISSISSIPPI CODE OF 1972, TO
48 PROVIDE THAT THE JUDICIAL REVIEW OF AN APPEAL FROM A FINAL
49 DECISION OR ORDER OF AN AGENCY UNDER THE PROVISIONS OF THE MEDICAL
50 CANNABIS ACT SHALL BE BASED ON THE RECORD MADE BEFORE THE AGENCY;
51 TO AMEND SECTION 41-137-63, MISSISSIPPI CODE OF 1972, TO EXTEND
52 THE DATE OF REPEAL FOR THE MEDICAL CANNABIS ADVISORY COMMITTEE; TO
53 AMEND SECTION 41-29-153, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
54 CONTROLLED SUBSTANCES AND RAW MATERIALS WHICH HAVE BEEN USED IN
55 VIOLATION OF THE MEDICAL CANNABIS ACT MAY BE SUBJECT TO
56 FORFEITURE; TO EMPOWER LAW ENFORCEMENT OFFICERS OF THE MISSISSIPPI
57 DEPARTMENT OF REVENUE OR MISSISSIPPI DEPARTMENT OF HEALTH ACTING
58 WITH THEIR DUTIES IN ACCORDANCE WITH THE MISSISSIPPI MEDICAL
59 CANNABIS ACT TO SEIZE SUCH SUBJECTS; TO AMEND SECTION 41-29-154,
60 MISSISSIPPI CODE OF 1972, TO EMPOWER LAW ENFORCEMENT OFFICERS OF
61 THE MISSISSIPPI DEPARTMENT OF REVENUE OR MISSISSIPPI DEPARTMENT OF
62 HEALTH ACTING WITH THEIR DUTIES IN ACCORDANCE WITH THE MISSISSIPPI
63 MEDICAL CANNABIS ACT TO DESTROY ANY CONTROLLED SUBSTANCES OR
64 PARAPHERNALIA SEIZED UNDER THEIR AUTHORITY; TO AMEND SECTION
65 25-53-1, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL
66 THAT ALLOWS AN EXEMPTION TO ITS OVERSIGHT FOR THE DEPARTMENT OF
67 HEALTH AND THE DEPARTMENT OF REVENUE FOR THE PURPOSES OF
68 IMPLEMENTING, ADMINISTERING AND ENFORCING THE PROVISIONS OF THE
69 MISSISSIPPI MEDICAL CANNABIS ACT; TO AMEND SECTION 25-53-5,
70 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL THAT ALLOWS
71 AN EXEMPTION TO ITS PROCUREMENT PROCEDURES FOR THE DEPARTMENT OF
72 HEALTH AND THE DEPARTMENT OF REVENUE FOR THE PURPOSES OF
73 IMPLEMENTING, ADMINISTERING AND ENFORCING THE PROVISIONS OF THE
74 MISSISSIPPI MEDICAL CANNABIS ACT; TO CREATE NEW SECTION
75 73-21-127.1, MISSISSIPPI CODE OF 1972, TO REQUIRE THE PRESCRIPTION
76 MONITORING PROGRAM TO ISSUE AN ANNUAL REPORT TO THE LEGISLATURE
77 THAT INDICATES THE NUMBER OF OPIOID PRESCRIPTIONS THAT WERE
78 PROVIDED TO PATIENTS DURING THAT YEAR; AND FOR RELATED PURPOSES.

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

80 **SECTION 1.** Section 41-137-5, Mississippi Code of 1972, is
81 amended as follows:



82 41-137-5. (1) No person shall be authorized to use medical
83 cannabis in this state unless the person (a) has been diagnosed by
84 a practitioner, with whom the person has a bona fide
85 practitioner-patient relationship within his or her scope of
86 practice, as having a debilitating medical condition for which the
87 practitioner believes, in his or her professional opinion, that
88 the person would likely receive medical or palliative benefit from
89 the medical use of medical cannabis to treat or alleviate the
90 person's debilitating medical condition or symptoms associated
91 with the person's debilitating medical condition, (b) has received
92 a written certification of that diagnosis from the practitioner,
93 and (c) has been issued a registry identification card from the
94 MDOH under Section 41-137-23. A person who has been diagnosed by
95 a practitioner as specified in paragraph (a) of this subsection
96 shall be a qualifying patient, and the practitioner who has
97 diagnosed the patient shall document that diagnosis with a written
98 certification. However, nothing herein shall require a
99 practitioner to issue a written certification.

100 (2) A written certification shall:

101 (a) Affirm that it is made in the course of a bona fide
102 practitioner-patient relationship;

103 (b) Remain current for twelve (12) months, unless the
104 practitioner specifies a shorter period of time;

105 (c) Be issued only after an in-person assessment of the
106 patient by a practitioner;



107 (d) Only be issued on behalf of a minor when the
108 minor's parent or guardian is present and provides signed consent;
109 and

110 (e) Be limited to the allowable amount of cannabis in a
111 thirty-day period.

112 (3) No state agency or board shall require a practitioner to
113 require a patient to submit to a drug test as a condition to
114 receiving a certification for a registry identification card.
115 However, a practitioner may require a drug test from a patient
116 that is within his or her scope of practice.

117 (4) After a practitioner has issued a written certification
118 to a qualifying patient, a practitioner may assist the patient in
119 registering for a registry identification card with the Department
120 of Health, in a manner provided by regulations of the Department
121 of Health.

122 (* * *5) After a qualifying patient receives a written
123 certification from a practitioner, the patient shall be required
124 to make a follow-up visit with the practitioner not less than six
125 (6) months after the date of issuance of the certification for the
126 practitioner to evaluate and determine the effectiveness of the
127 patient's medical use of medical cannabis to treat or alleviate
128 the patient's debilitating medical condition or symptoms
129 associated with the patient's debilitating medical condition.

130 (* * *6) Before dispensing medical cannabis to a
131 cardholder, the dispensary from which the cardholder is obtaining



132 medical cannabis shall verify the identity of the cardholder and
133 the authority of the cardholder to use medical cannabis as
134 provided in Section 41-137-39 and shall determine the maximum
135 amount of medical cannabis that a cardholder is eligible to
136 receive and the amount of medical cannabis that the cardholder has
137 received from all dispensaries during a specified period of time
138 using the statewide seed-to-sale tracking system under Section
139 41-137-11.

140 (* * *7) (a) A practitioner shall be registered to issue
141 written certifications to qualifying patients by completing the
142 required application process as set forth by the MDOH. The MDOH
143 shall require a practitioner to complete a minimum of eight (8)
144 hours of continuing education in medical cannabis in order to
145 issue written certifications. After the first year of
146 registration, these practitioners shall complete five (5) hours of
147 continuing education in medical cannabis annually to maintain this
148 registration.

149 (b) A practitioner shall not be required to have any
150 additional qualifications to be authorized to certify a qualifying
151 patient for a registry identification card, other than such
152 requirements for practitioners as provided under the Mississippi
153 Medical Cannabis Act.

154 (c) A practitioner shall not be required to be
155 registered to certify patients with any state agency or board
156 other than the MDOH.



157 (* * *8) Only physicians and doctors of osteopathic
158 medicine may issue written certifications to registered qualifying
159 patients who are minors.

160 (9) The requirements of this section shall not apply to a
161 person who is authorized to purchase topical cannabis provided
162 under Section 41-137-39(22), and such persons may possess and use
163 such products without being in violation of this chapter.

164 **SECTION 2.** Section 41-137-23, Mississippi Code of 1972, is
165 amended as follows:

166 41-137-23. (1) No later than one hundred twenty (120) days
167 after February 2, 2022, the MDOH shall begin issuing registry
168 identification cards to qualifying patients who submit the
169 following:

170 (a) A written certification issued by a practitioner
171 within * * * six (6) months immediately preceding the date of the
172 application;

173 (b) The application or renewal fee;

174 (c) The name, address, social security number, and date
175 of birth of the qualifying patient;

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

179 (e) The name, address, social security number, and date
180 of birth of the designated caregiver, or designated caregivers,
181 chosen by the qualifying patient; and



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

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

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

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

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

202 (4) The MDOH shall conduct a background check of the
203 prospective designated caregiver or caregivers in order to carry
204 out the provisions of this section. The Department of Public
205 Safety may assist the MDOH in conducting background checks.



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

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

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

217 (i) Acknowledge the potential harms related to the
218 use of medical cannabis;

219 (ii) Allow the qualifying patient's medical use of
220 medical cannabis;

221 (iii) Serve as the qualifying patient's designated
222 caregiver; and

223 (iv) Control the acquisition of the medical
224 cannabis, the dosage and the frequency of the use of medical
225 cannabis by the qualifying patient.

226 (6) If a designated caregiver is an entity licensed to
227 provide health care services, residential care services or day
228 care services, then:



229 (a) The MDOH may provide a single registry
230 identification card to the entity, regardless of the number of
231 registered qualifying patients the entity serves; and

232 (b) The MDOH may issue individual registry
233 identification cards for employees of the entity that may
234 transport medical cannabis.

235 (7) The MDOH shall provide an electronic or physical list of
236 registered qualifying patients who have designated the entity as
237 their caregiver. This list shall be updated with each additional
238 designation.

239 (8) The MDOH may deny an application or renewal of a
240 qualifying patient's registry identification card only if the
241 applicant:

242 (a) Did not provide the required information or
243 materials;

244 (b) Previously had a registry identification card
245 revoked;

246 (c) Provided false information; or

247 (d) Failed to meet the other requirements of this
248 chapter.

249 (9) The MDOH may deny an application or renewal for a
250 designated caregiver chosen by a qualifying patient whose registry
251 identification card was granted only if the applicant:

252 (a) Does not meet the definition of "designated
253 caregiver" under Section 41-137-3;



254 (b) Did not provide the information required;
255 (c) Previously had a registry identification card
256 revoked;
257 (d) Provided false information;
258 (e) Is younger than twenty-one (21) years of age and is
259 not the parent or legal guardian of the qualifying patient who the
260 designated caregiver would assist; or
261 (f) Failed to meet the other requirements of this
262 chapter.

263 (10) The MDOH shall give written notice to the qualifying
264 patient of the reason for denying a registry identification card
265 to the qualifying patient or to the qualifying patient's
266 designated caregiver.

267 (11) Denial of an application or renewal is considered a
268 final MDOH action, subject to judicial review in accordance with
269 Section 41-137-59.

270 **SECTION 3.** Section 41-137-35, Mississippi Code of 1972, is
271 amended as follows:

272 41-137-35. (1) The MDOH shall issue licenses for cannabis
273 cultivation facilities, cannabis processing facilities, cannabis
274 transportation entities, cannabis disposal entities, cannabis
275 research facilities and cannabis testing facilities. The MDOR
276 shall issue licenses for medical cannabis dispensaries.

277 (2) The cannabis cultivation facility license application
278 fee shall be subject to the following tiers:



279 (a) Micro-cultivators.

280 (i) Tier 1. A cannabis cultivation facility with
281 a canopy of one thousand (1,000) square feet or less shall be
282 subject to a one-time nonrefundable license application fee of One
283 Thousand Five Hundred Dollars (\$1,500.00). The annual license fee
284 shall be a nonrefundable fee of Two Thousand Dollars (\$2,000.00).

285 (ii) Tier 2. A cannabis cultivation facility with
286 a canopy of more than one thousand (1,000) square feet but not
287 more than two thousand (2,000) square feet shall be subject to a
288 one-time nonrefundable license application fee of Two Thousand
289 Five Hundred Dollars (\$2,500.00). The annual license fee shall be
290 a nonrefundable fee of Three Thousand Five Hundred Dollars
291 (\$3,500.00).

292 (b) Cultivators.

293 (i) Tier 1. A cannabis cultivation facility with
294 a canopy of not less than two thousand (2,000) square feet but not
295 more than five thousand (5,000) square feet shall be subject to a
296 one-time nonrefundable license application fee of Five Thousand
297 Dollars (\$5,000.00). The annual license fee shall be a
298 nonrefundable fee of Fifteen Thousand Dollars (\$15,000.00).

299 (ii) Tier 2. A cannabis cultivation facility with
300 a canopy of not less than five thousand (5,000) square feet but
301 not more than fifteen thousand (15,000) square feet shall be
302 subject to a one-time nonrefundable license application fee of Ten



303 Thousand Dollars (\$10,000.00). The annual license fee shall be a
304 nonrefundable fee of Twenty-five Thousand Dollars (\$25,000.00).

305 (iii) Tier 3. A cannabis cultivation facility
306 with a canopy of not less than fifteen thousand (15,000) square
307 feet but not more than thirty thousand (30,000) square feet shall
308 be subject to a one-time nonrefundable license application fee of
309 Twenty Thousand Dollars (\$20,000.00). The annual license fee
310 shall be a nonrefundable fee of Fifty Thousand Dollars
311 (\$50,000.00).

312 (iv) Tier 4. A cannabis cultivation facility with
313 a canopy of not less than thirty thousand (30,000) square feet but
314 not more than sixty thousand (60,000) square feet shall be subject
315 to a one-time nonrefundable license application fee of Thirty
316 Thousand Dollars (\$30,000.00). The annual license fee shall be a
317 nonrefundable fee of Seventy-five Thousand Dollars (\$75,000.00).

318 (v) Tier 5. A cannabis cultivation facility with
319 a canopy of not less than sixty thousand (60,000) square feet but
320 not more than one hundred thousand (100,000) square feet shall be
321 subject to a one-time nonrefundable license application fee of
322 Forty Thousand Dollars (\$40,000.00). The annual license fee shall
323 be a nonrefundable fee of One Hundred Thousand Dollars
324 (\$100,000.00).

325 (vi) Tier 6. A cannabis cultivation facility with
326 a canopy of not less than one hundred thousand (100,000) square
327 feet * * * but not more than one hundred fifty thousand (150,000)



328 square feet shall be subject to a one-time nonrefundable license
329 application fee of Sixty Thousand Dollars (\$60,000.00). The
330 annual license fee shall be a nonrefundable fee of One Hundred
331 Fifty Thousand Dollars (\$150,000.00). Tier 6 cannabis cultivation
332 facilities shall have not more than two (2) locations, however the
333 total canopy space of both locations combined may not exceed one
334 hundred fifty thousand (150,000) square feet.

335 (3) The cannabis processing facility license application fee
336 shall be subject to the following tiers:

337 (a) Micro-processors.

338 (i) Tier 1. A cannabis processing facility which
339 processes less than two thousand (2,000) pounds of dried biomass
340 cannabis material annually shall be subject to a one-time
341 nonrefundable license application fee of Two Thousand Dollars
342 (\$2,000.00). The annual license fee shall be a nonrefundable fee
343 of Three Thousand Five Hundred Dollars (\$3,500.00).

344 (ii) Tier 2. A cannabis processing facility which
345 processes not less than two thousand (2,000) pounds but less than
346 three thousand (3,000) pounds of dried biomass cannabis material
347 annually shall be subject to a one-time nonrefundable license
348 application fee of Two Thousand Five Hundred Dollars (\$2,500.00).
349 The annual license fee shall be a nonrefundable fee of Five
350 Thousand Dollars (\$5,000.00).

351 (b) Processors. A cannabis processing facility which
352 processes not less than three thousand (3,000) pounds of biomass



353 cannabis material annually shall be subject to a one-time
354 nonrefundable license application fee of Fifteen Thousand Dollars
355 (\$15,000.00). The annual license fee shall be a nonrefundable fee
356 of Twenty Thousand Dollars (\$20,000.00).

357 (4) A medical cannabis dispensary shall be subject to a
358 one-time nonrefundable license application fee of Fifteen Thousand
359 Dollars (\$15,000.00). The annual license fee shall be a
360 nonrefundable fee of Twenty-five Thousand Dollars (\$25,000.00).

361 (5) Cannabis transportation entities shall be subject to a
362 one-time nonrefundable application fee of Five Thousand Dollars
363 (\$5,000.00). The annual license fee shall be a nonrefundable fee
364 of Seven Thousand Five Hundred Dollars (\$7,500.00).

365 (6) Cannabis disposal entities shall be subject to a
366 one-time nonrefundable application fee of Five Thousand Dollars
367 (\$5,000.00). The annual license fee shall be a nonrefundable fee
368 of Seven Thousand Five Hundred Dollars (\$7,500.00).

369 (7) Cannabis testing facilities shall be subject to a
370 one-time nonrefundable application fee of Ten Thousand Dollars
371 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars
372 (\$15,000.00). A cannabis testing facility shall not employ an
373 agent or employee who also is employed or has ownership at any
374 other medical cannabis establishment.

375 (8) Cannabis research facilities shall be subject to a
376 one-time nonrefundable application fee of Ten Thousand Dollars
377 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars



378 (\$15,000.00). A research facility at any university or college in
379 this state shall be exempt from all fees imposed under this
380 section.

381 (9) No individual or business entity shall have a direct or
382 indirect ownership or economic interest of greater than ten
383 percent (10%) in:

384 (a) More than one (1) cannabis cultivation facility
385 license;

386 (b) More than one (1) cannabis processing facility
387 license; and

388 (c) More than five (5) medical cannabis dispensary
389 licenses.

390 A practitioner may have an ownership interest in a medical
391 cannabis establishment, but shall not refer patients to a facility
392 in which he or she has an ownership interest.

393 (10) Minimum qualifications for applicants for a cannabis
394 cultivation facility, a cannabis processing facility, a medical
395 cannabis dispensary, a medical cannabis transportation entity or a
396 medical cannabis disposal entity license(s) are as follows:

397 (a) An individual applicant for a cannabis cultivation
398 facility, cannabis processing facility, medical cannabis
399 dispensary, medical cannabis transportation entity or medical
400 cannabis disposal license shall be a natural person who:

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



402 (ii) Has not previously held a license for a
403 cannabis cultivation facility, cannabis processing facility,
404 medical cannabis dispensary, medical cannabis transportation
405 entity or medical cannabis disposal entity that has been revoked;

406 (iii) Has not been convicted of a disqualifying
407 felony offense;

408 (iv) If possessing a professional or occupational
409 license, that the license is in good standing;

410 (v) Has submitted a sworn statement indicating
411 that he or she is a true and actual owner of the entity for which
412 the license is desired, and that he or she intends to carry on the
413 business authorized for himself or herself and the entity and not
414 as the agent for any other entity.

415 (vi) Has no outstanding tax delinquencies owed to
416 the State of Mississippi;

417 (vii) Is not serving as a member of the
418 Mississippi Senate or Mississippi House of Representatives through
419 December 31, 2022;

420 (viii) Is not the spouse of a person serving as a
421 member of the Mississippi Senate or Mississippi House of
422 Representatives through December 31, 2022; and

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



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

428 (ii) Serve as the primary point of contact with
429 the MDOR and MDOH;

430 (iii) Submit sufficient proof that the entity has
431 no owner, board member, officer, or anyone with an economic
432 interest in the entity who:

433 1. Is under the age of twenty-one (21);

434 2. Has previously been an owner of a medical
435 cannabis dispensary, cannabis cultivation facility, a cannabis
436 processing facility, medical cannabis transportation entity or
437 medical cannabis disposal entity that has had its license revoked;

438 3. Has been convicted of a disqualifying
439 felony offense;

440 4. Owes delinquent taxes to the State of
441 Mississippi;

442 5. Is serving as a member of the Mississippi
443 Senate or Mississippi House of Representatives through December
444 31, 2022; and

445 6. Is the spouse of a person serving as a
446 member of the Mississippi Senate or Mississippi House of
447 Representatives through December 31, 2022; and

448 (iv) Submit sufficient proof that if an owner,
449 board member, officer or anyone with an economic interest in the



450 entity has or had a professional or occupational license, that the
451 license is in good standing.

452 (11) Applicants for cannabis cultivation facility licenses
453 and cannabis processing facility licenses shall both meet the
454 minimum qualifications in subsection (10) of this section and
455 shall also submit sufficient proof of the following:

456 (a) If a natural person, proof that the person has been
457 a resident of the State of Mississippi and a citizen of the United
458 States of America for at least three (3) years prior to the
459 application date; or

460 (b) If a business entity, proof that at least
461 thirty-five percent (35%) of the equity ownership interests in the
462 entity are held by individuals who have been residents of the
463 State of Mississippi and citizens of the United States of America
464 for at least three (3) consecutive years prior to the application
465 date.

466 This subsection (11) shall stand repealed on December 31,
467 2022.

468 (12) A micro-cultivator or a micro-processor shall both meet
469 the minimum qualifications in subsection (10) of this section and
470 shall also submit sufficient proof of the following:

471 (a) If a natural person, proof that the person has been
472 a resident of the State of Mississippi and a citizen of the United
473 States of America for at least three (3) years prior to the
474 application date; or



475 (b) If a business entity, provide proof that:
476 (i) It was registered as an entity with the
477 Secretary of State in Mississippi; and
478 (ii) One-hundred percent (100%) of the equity
479 ownership interests in the entity are held by individuals who have
480 been residents of the State of Mississippi and citizens of the
481 United States of America for at least three (3) consecutive years
482 prior to the application date.

483 (13) For purposes of this section, it shall be sufficient to
484 prove Mississippi residency for the individual(s) to submit two
485 (2) of the following source documents:

486 (a) Mississippi Tax Return Form 80-105 or Form 80-205
487 for each of the three (3) years preceding the application without
488 schedules, worksheets, or attachments, and redacted to remove all
489 financial information and all but the last four (4) digits of the
490 individual's social security number for the three (3) years
491 preceding the application;

492 (b) Ownership, lease, or rental documents for place of
493 primary domicile for the three (3) years preceding the
494 application;

495 (c) Billing statements, including utility bills for the
496 three (3) years preceding the application; or

497 (d) Vehicle registration for the three (3) years
498 preceding the application.



499 (14) Ownership in a cannabis cultivation facility license,
500 cannabis processing facility license or a medical cannabis
501 dispensary license or investment in a business that supports or
502 benefits from such a license shall not disqualify or otherwise
503 negatively impact the license or finding of suitability of such
504 owner who is otherwise engaged in any other form of business
505 operation in the state, if such business requires the owner to
506 hold a license or be found suitable under state law.

507 (15) Any business or state entity applying for registration
508 as a medical cannabis establishment must meet all the requirements
509 specified in this chapter.

510 (16) A prospective medical cannabis establishment shall
511 submit all of the following:

512 (a) An application, including:

513 (i) The legal name of the prospective medical
514 cannabis establishment;

515 (ii) The physical address of the prospective
516 medical cannabis establishment, which shall not be within one
517 thousand (1,000) feet of the nearest property boundary line of a
518 school, church or child care facility which exists or has acquired
519 necessary real property for the operation of such facility before
520 the date of the medical cannabis establishment application unless
521 the entity has received approval from the school, church or child
522 care facility and received the applicable waiver from their
523 licensing agency, provided that the main point of entry of the



524 cannabis establishment is not located within five hundred (500)
525 feet of the nearest property boundary line of any school, church
526 or child care facility;

527 (iii) The name of each principal officer and board
528 member of the proposed medical cannabis establishment; and

529 (iv) Any additional information requested by the
530 MDOR and MDOH.

531 (b) Operating procedures consistent with rules and
532 regulations for oversight of the proposed medical cannabis
533 establishment, including procedures to ensure accurate record
534 keeping and adequate security measures.

535 (c) If the municipality or county where the proposed
536 medical cannabis establishment would be located has enacted zoning
537 restrictions, a sworn statement certifying that the proposed
538 medical cannabis establishment is in compliance with the
539 restrictions.

540 (d) If the municipality or county where the proposed
541 medical cannabis establishment would be located requires a local
542 registration, license or permit, then proof of receiving such
543 registration, license or permit.

544 (e) If the application is on behalf of an entity,
545 verification that none of the principal officers or board members
546 have served as a principal officer or board member for a medical
547 cannabis establishment that has had its license revoked.



548 (f) If the application is on behalf of an entity,
549 verification that none of the principal officers or board members
550 is under twenty-one (21) years of age.

551 (17) If a dispensary license is issued to an applicant that
552 is still constructing the licensed premises, the applicant must
553 complete construction and fulfill all obligations required by the
554 Department of Revenue to open for business within eighteen (18)
555 months, or the license shall be revoked.

556 (* * *18) The MDOR and MDOH shall issue a renewal
557 registration certificate within ten (10) days of receipt of the
558 prescribed renewal application and renewal fee from a medical
559 cannabis establishment if its license is not under suspension and
560 has not been revoked.

561 (* * *19) A licensing agency shall require disclosure only
562 of persons, entities or affiliated entities who directly or
563 indirectly own ten percent (10%) or more of a medical cannabis
564 establishment issued a license by the licensing agency.

565 (* * *20) Otherwise eligible applicants for licenses to
566 operate as medical cannabis establishments under this chapter
567 shall not be disqualified from receipt of a license based on:

568 (a) Their location on Mississippi Choctaw Indian
569 Reservation Lands; or

570 (b) The involvement of the Mississippi Band of Choctaw
571 Indians or any entity owned or operated by the Mississippi Band of
572 Choctaw Indians as an owner or co-owner of such license, provided



573 that such license shall be subject to revocation for material
574 noncompliance with this chapter on the same basis as any other
575 license.

576 (* * *21) A cannabis processing facility that produces
577 edible cannabis products shall hold a permit to operate as a food
578 establishment and shall comply with all applicable requirements
579 for food establishments as set by the MDOH.

580 (* * *22) * * * Any cannabis that contains less than three
581 tenths percent (.3%) THC that was addressed by the 2018 Farm Bill,
582 Public Law No. 115-334, shall be exempt from regulations
583 applicable to medical cannabis establishments licensed under this
584 chapter.

585 **SECTION 4.** Section 41-137-39, Mississippi Code of 1972, is
586 amended as follows:

587 41-137-39. (1) * * * Before any person who is seeking to
588 become a principal officer, board member, agent, volunteer, or
589 employee, begins working at or for a medical cannabis
590 establishment, the person shall undergo a fingerprint-based
591 criminal history records check by the Department of Public Safety.
592 The prospective employee's fingerprints shall be submitted to the
593 Department of Public Safety, in a form and manner prescribed by
594 the department, with the results processed through the Department
595 of Public Safety's Criminal Information Center. If no
596 disqualifying record is identified at the state level, the
597 prospective employee's fingerprints shall be forwarded by the



598 Department of Public Safety to the Federal Bureau of Investigation
599 for a national criminal history record check.

600 If the person does not start employment with a medical
601 cannabis establishment within six (6) months, then the person
602 shall undergo a subsequent background check.

603 The medical cannabis establishment shall charge and collect
604 from the prospective employee, in addition to all other applicable
605 fees and costs, such amount as may be incurred by the
606 establishment in requesting and obtaining state and national
607 criminal history records information regarding the prospective
608 employee.

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

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

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

613 (3) The operating documents of a medical cannabis
614 establishment must include procedures for the oversight of the
615 medical cannabis establishment and procedures to ensure accurate
616 record keeping and adequate security measures.

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

621 (5) All cultivation, harvesting, processing and packaging of
622 medical cannabis must take place in an enclosed, locked and secure



623 facility with a physical address provided to the MDOH during the
624 licensing and registration process. The facility shall be
625 equipped with locks or other security devices that permit access
626 only by agents of the medical cannabis establishment, emergency
627 personnel or adults who are twenty-one (21) years of age and older
628 and who are accompanied by medical cannabis establishment agents.

629 (6) No medical cannabis establishment other than a cannabis
630 processing facility or cannabis research facility may produce
631 cannabis concentrates, cannabis extractions, or other cannabis
632 products.

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

635 (8) Medical cannabis establishments are subject to
636 inspection by the MDOR and MDOH during business hours.

637 (9) Before medical cannabis may be dispensed to a
638 cardholder, a dispensary agent must:

639 (a) Require that the individual present a registry
640 identification card;

641 (b) Make a diligent effort to verify that the registry
642 identification card presented to the dispensary is valid;

643 (c) Make a diligent effort to verify that the person
644 presenting the registry identification card is the person
645 identified on the registry identification card presented to the
646 dispensary agent; and



647 (d) Not believe that the amount of medical cannabis
648 dispensed would cause the person to possess more than the
649 allowable amount of medical cannabis.

650 (10) A medical cannabis establishment shall not sell more
651 than the allowable amount of medical cannabis to a cardholder. A
652 resident cardholder shall not obtain more than a total of six (6)
653 MMCEUs of allowable medical cannabis in a week from a dispensary
654 or a combination of dispensaries. A resident cardholder shall not
655 obtain more than a total of twenty-four (24) MMCEUs of allowable
656 medical cannabis in thirty (30) days from a dispensary or a
657 combination of dispensaries.

658 The possession limit for resident cardholders of the
659 allowable amount of medical cannabis shall be a total of
660 twenty-eight (28) MMCEUs. There shall not be a possession limit
661 on nonconsumable medical cannabis, including, but not limited to,
662 suppositories, ointments, soaps, and lotions or other topical
663 agents.

664 (11) For purposes of this chapter, total THC is defined as
665 THCA multiplied by .877 plus THC Delta 9 and all other
666 psychoactive forms or isomers of THC added together. A medical
667 cannabis establishment shall not sell cannabis flower or trim that
668 has a potency of greater than thirty percent (30%) total THC. A
669 medical cannabis dispensary shall not sell cannabis tinctures,
670 oils or concentrates that have a potency of greater than sixty
671 percent (60%) total THC. Cannabis products that have a potency of



672 over thirty percent (30%) total THC shall be clearly labeled as
673 "extremely potent." Edible cannabis products, including food or
674 drink products, that have been combined with usable cannabis or
675 cannabis products shall be physically demarked and labeled with a
676 clear determination of how much total THC is in a single-serving
677 size and how much THC is in the entire package.

678 A medical cannabis product shall contain a notice of harm
679 regarding the use of cannabis products. Edible cannabis products
680 shall be homogenized to ensure uniform disbursement of
681 cannabinoids throughout the product. All molded edible cannabis
682 products shall be presented in the form of geometric shapes and
683 shall not be molded to contain any images or characters designed
684 or likely to appeal to minors, such as cartoons, toys, animals or
685 children.

686 (12) A dispensary may not dispense more than the allowable
687 amount of cannabis to a registered qualifying patient or a
688 nonresident cardholder, directly or via a registered designated
689 caregiver. Dispensaries shall ensure compliance with this
690 limitation by maintaining internal, confidential records that
691 include records specifying how much medical cannabis is being
692 dispensed to the registered qualifying patient or nonresident
693 cardholder and whether it was dispensed directly to a registered
694 qualifying patient, nonresident cardholder or to the registered
695 designated caregiver.



696 (13) A nonresident cardholder shall not obtain more than a
697 total of six (6) MMCEUs of allowable medical cannabis in a week
698 from a dispensary or a combination of dispensaries. A nonresident
699 cardholder shall not obtain more than a total of twelve (12)
700 MMCEUs of allowable cannabis from a dispensary or a combination of
701 dispensaries in a fifteen-day period.

702 (14) A nonresident may apply to receive a nonresident
703 registry identification card up to thirty (30) days before
704 arriving in Mississippi. A nonresident registry identification
705 card shall be valid for fifteen (15) days. After the expiration
706 of the card, a nonresident may apply for a renewal of the card and
707 may be granted another card which shall be valid for another
708 fifteen-day period. A nonresident registry identification card
709 shall only be valid, at a maximum, for two (2) separate periods of
710 fifteen (15) days in a three-hundred-sixty-five-day period. An
711 applicant may indicate on his or her application the specific time
712 period that he or she wishes for the card to be valid. The
713 possession limit of the allowable amount of medical cannabis for
714 nonresident cardholders shall be fourteen (14) MMCEUs.

715 (15) A medical cannabis dispensary agent or employee shall
716 not issue a written certification. Employees and agents of a
717 medical cannabis dispensary shall complete at least eight (8)
718 hours of continuing education in medical cannabis as regulated by
719 the MDOR in order to be certified to work at a medical cannabis
720 dispensary. After the first year of employment, these employees



721 shall complete five (5) hours of continuing education in medical
722 cannabis annually to maintain this certification.

723 (16) Notwithstanding any other provision to the contrary, a
724 patient with a debilitating medical condition who is between
725 eighteen (18) years to twenty-five (25) years of age is not
726 eligible for a medical cannabis registry identification card
727 unless two (2) practitioners from separate medical practices have
728 diagnosed the patient as having a debilitating medical condition
729 after an in-person consultation. One (1) of these practitioners
730 must be a physician or doctor of osteopathic medicine.

731 If one (1) of the recommending practitioners is not the
732 patient's primary care practitioner, the recommending practitioner
733 shall review the records of a diagnosing practitioner. The
734 requirement that the two (2) practitioners be from separate
735 medical practices does not apply if the patient is homebound or if
736 the patient had a registry identification card before the age of
737 eighteen (18).

738 (17) Except as otherwise provided in this section, a medical
739 cannabis establishment shall not allow an individual who is
740 younger than twenty-one (21) years old to enter the premises of
741 the establishment unless the individual possesses a registry
742 identification card and is accompanied by his or her legal
743 guardian.

744 (18) A medical cannabis establishment shall only purchase,
745 grow, cultivate, and use cannabis that is grown and cultivated in



746 this state. Any medical cannabis that is grown and cultivated in
747 this state shall not be transported outside of this state.

748 (19) Employees of all medical cannabis establishments shall
749 apply for a work permit with the MDOH and MDOR, as applicable,
750 before beginning employment with any establishment. The licensing
751 agency for the respective medical cannabis establishment may issue
752 work permits to these individuals. These licensing agencies shall
753 maintain a work registry of all applicants and work permits
754 issued. The fee for a work permit shall be Twenty-five Dollars
755 (\$25.00) and the permit shall be valid for five (5) years. Work
756 permits shall be the property of the employee and shall not be
757 transferable to other employees.

758 (20) For purposes of this subsection, "plant growth
759 regulator cannabis" shall mean a cannabis plant whose growth and
760 structure has been modified using plant growth hormones. A
761 cannabis cultivation facility shall not cultivate and a cannabis
762 dispensary shall not sell, transfer or provide for consumption
763 plant growth regulator cannabis.

764 (21) A medical cannabis dispensary shall only make sales to
765 cardholders inside the dispensary. A medical cannabis dispensary
766 shall not sell or otherwise convey medical cannabis to a
767 cardholder through the means of a drive-through, curbside delivery
768 or other delivery outside the premises of the dispensary. Any
769 topical cannabis product that is purchased by a dispensary from a
770 licensed processor, and that is not ingested by the liver, may be



771 sold to a cardholder or any person over the age of twenty-one (21)
772 years old who is not a cardholder. Such products shall be placed
773 in an area of the dispensary that does not require access with a
774 registering identification card.

775 (22) Any and all contracts or agreements entered into by the
776 MDOH and MDOR for information technology software, hardware,
777 and/or services for the purpose of implementing and/or operating
778 under the Mississippi Medical Cannabis Act shall include language
779 reasonably limiting the ability of the vendor to escalate the
780 ongoing cost of such software, hardware, and/or services during
781 the term of the contract, including any amendments and/or
782 extensions.

783 (23) The MDOR and MDOH shall not share the name, address or
784 personal data of a registry identification cardholder to any
785 federal government entity.

786 **SECTION 5.** Section 41-137-41, Mississippi Code of 1972, is
787 amended as follows:

788 41-137-41. (1) From and after February 2, 2022, the MDOH
789 and MDOR shall each, where relevant to the role of that particular
790 agency, establish and promulgate the following rules and
791 regulations:

792 (a) Governing the manner in which it shall consider
793 petitions from the public to add debilitating medical conditions
794 or treatments to the list of debilitating medical conditions set



795 forth in Section 41-137-3, including public notice of and
796 opportunities to comment in public hearings on the petitions;

797 (b) Establishing the form and content of license and
798 renewal applications and written certifications submitted under
799 this chapter;

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

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

809 (i) Oversight requirements;

810 (ii) Recordkeeping requirements;

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

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

816 (v) Health and safety regulations, including
817 restrictions on the use of pesticides, herbicides or other
818 chemicals that are injurious to human health;



819 (vi) Standards for the processing of cannabis
820 products and the indoor cultivation of cannabis by cannabis
821 cultivation facilities;

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

824 (viii) Employment and training requirements,
825 including requiring that each medical cannabis establishment
826 create an identification badge for each agent of the
827 establishment;

828 (ix) Standards for the safe processing of medical
829 cannabis products, including extracts and concentrates;

830 (x) Restrictions on the advertising, signage, and
831 display of medical cannabis, provided that the restrictions may
832 not prevent appropriate signs on the property of a dispensary,
833 listings in business directories, including phone books, listings
834 in cannabis-related or medical publications, display on dispensary
835 websites of pictures of products that the dispensary sells, or the
836 sponsorship of health or not-for-profit charity or advocacy
837 events;

838 (xi) Requirements and procedures for the safe and
839 accurate packaging and labeling of medical cannabis, including
840 prohibiting the use of any images designed or likely to appeal to
841 minors, such as cartoons, packaging that resembles popular candy
842 brands, toys, animals or children, or any other likeness or image
843 containing characters or phrases to advertise to minors;



844 (xii) Standards for cannabis testing facilities,
845 including requirements for equipment and qualifications for
846 personnel;

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

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

852 (xv) Procedures for suspending or terminating the
853 licenses or registry identification cards of cardholders and
854 medical cannabis establishments that commit multiple or serious
855 violations of the provisions of this chapter or the rules and
856 regulations promulgated pursuant to this section;

857 (xvi) Procedures for the selection, certification
858 and oversight of a seed-to-sale tracking system as provided for in
859 Section 41-137-11;

860 (xvii) Requirements for labeling medical cannabis
861 and cannabis products, including requiring medical cannabis
862 product labels to include the following:

863 1. The length of time it typically takes for
864 the product to take effect;

865 2. Disclosure of ingredients and possible
866 allergens;

867 3. A nutritional fact panel;

868 4. The amount of THC and CBD in the product;



869 5. A notice of the potential harm caused by
870 consuming medical cannabis; and

871 6. For edible cannabis products, when
872 practicable, a standard symbol indicating that the product
873 contains cannabis;

874 (xviii) Procedures for the registration of
875 nonresident cardholders, which must require the submission of:

876 1. A practitioner's statement confirming that
877 the patient has a debilitating medical condition; and

878 2. Documentation demonstrating that the
879 nonresident cardholder is allowed to possess medical cannabis or
880 cannabis preparations in the jurisdiction where he or she resides;

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

884 (xx) Reasonable application and renewal fees for
885 registry identification cards and registration certificates,
886 according to the following:

887 1. The fee schedule shall be set as follows:

888 a. The qualifying patient registry
889 identification card application fee shall be Twenty-five Dollars
890 (\$25.00);

891 b. The designated caregiver registry
892 identification card application fee shall be Twenty-five Dollars
893 (\$25.00);



894 c. The designated caregiver criminal
895 background fee shall be Thirty-seven Dollars (\$37.00);

896 d. The fee for a renewal or replacement
897 of a card shall be Twenty-five Dollars (\$25.00);

898 e. The fee for a card for a nonresident
899 patient shall be Seventy-five Dollars (\$75.00);

900 f. The qualifying patient registry
901 identification card application fee for a Medicaid participant
902 shall be Fifteen Dollars (\$15.00) and the fee for a renewal of
903 such card shall be Fifteen Dollars (\$15.00); and

904 g. The application fee for a qualifying
905 patient registry identification card for disabled veterans or
906 disabled first responders shall be waived. A disabled veteran or
907 first responder may prove their disability by providing written
908 documentation from their practitioner attesting to their
909 debilitating medical condition, documentation from the Social
910 Security Disability Office, or documentation that attests the
911 applicant is a one-hundred percent (100%) disabled veteran as
912 determined by the U.S. Department of Veteran Affairs and codified
913 at 38 CFR, Section 3.340(a)(2013); and

914 2. The MDOH may accept donations from private
915 sources to reduce the amount of the application and renewal fees;

916 (xxi) Any other rules and regulations necessary to
917 implement and administer this chapter.



918 (2) The initial rules filed by the MDOH to implement the
919 medical cannabis program in accordance with this chapter shall be
920 effective immediately upon their filing.

921 (3) No state agency or board shall implement any rule,
922 regulation, policy, or requirement that is contrary to the
923 provisions of the Mississippi Medical Cannabis Act.

924 **SECTION 6.** Section 41-137-47, Mississippi Code of 1972, is
925 amended as follows:

926 41-137-47. (1) The licensing agency may fine, suspend or
927 revoke a license at its discretion for a violation of this chapter
928 or any rules and regulations under this chapter by the licensee or
929 any of its employees or agents. The licensing agency may deny the
930 application of any applicant who fails to meet the qualifications
931 for obtaining such license under this chapter or any rules and
932 regulations under this chapter. If a licensee or applicant wishes
933 to appeal * * * the licensing agency's decision, the licensee or
934 applicant shall file its administrative appeal within twenty (20)
935 days of receipt of the initial notice. The licensing agency shall
936 then conduct a hearing on the record pursuant to the licensing
937 agency's rules and regulations governing such hearings, at which
938 time the burden shall be on the licensee or applicant to prove
939 that the agency's decision was:

- 940 (a) Unsupported by substantial evidence;
941 (b) Arbitrary or capricious;



942 (c) Beyond the power of the administrative agency to
943 make; or

944 (d) Violated some statutory or constitutional right of
945 the aggrieved party.

946 If the licensee or applicant fails to appeal the initial
947 notice within the prescribed time, the decision becomes final and
948 cannot be further appealed.

949 (2) The licensing agency shall provide its initial notice of
950 suspension, revocation, fine or other sanction by personal
951 delivery or mailing by certified mail, signature required, to the
952 medical cannabis establishment at the address on the registration
953 certificate. A suspension shall not be for a longer period than
954 six (6) months. The licensing agency shall provide its initial
955 notice of denial by personal delivery, mailing by certified mail,
956 signature required, or by electronic mail to the applicant at the
957 physical or electronic address listed in its application.

958 (3) A medical cannabis establishment may continue to possess
959 and cultivate cannabis as otherwise authorized to do so under its
960 license during a suspension, but it may not dispense, transfer or
961 sell cannabis.

962 (4) The MDOH shall immediately revoke the registry
963 identification card of any cardholder who sells or otherwise
964 transfers medical cannabis to a person or other entity, and the
965 cardholder shall be disqualified from further participation in the
966 medical cannabis program under this chapter.



967 (5) Except as otherwise provided in subsection (4) of this
968 section, the MDOH may revoke the registry identification card of
969 any cardholder who knowingly commits a violation of this chapter.

970 (6) The hearing decision of the agency on a denial,
971 revocation, suspension or fine is a final decision of the
972 applicable agency subject to judicial review in accordance with
973 Section 41-137-59.

974 (7) No license issued by the MDOH or MDOR shall be
975 transferred by the license holder to any other person or entity
976 except with the written consent of the applicable licensing
977 agency.

978 (8) Any investigation, fine, suspension or revocation by a
979 licensing agency under this section shall be considered
980 confidential and exempt from disclosure under the Mississippi
981 Public Records Act of 1983, Sections 25-61-1 through 25-61-17.

982 **SECTION 7.** Section 41-137-49, Mississippi Code of 1972, is
983 amended as follows:

984 41-137-49. (1) Data in license and registration
985 applications and supporting data submitted by registered
986 qualifying patients, registered designated caregivers, medical
987 cannabis establishments and nonresident cardholders, including
988 data on registered designated caregivers and practitioners, shall
989 be considered private data on individuals that is confidential and
990 exempt from disclosure under the Mississippi Public Records Act of
991 1983, Sections 25-61-1 through 25-61-17.



992 (2) Data kept or maintained by an agency shall not be used
993 for any purpose not provided for in this chapter and shall not be
994 combined or linked in any manner with any other list or database.

995 (3) Data kept or maintained by an agency may be disclosed as
996 necessary for:

997 (a) The verification of registration certificates and
998 registry identification cards under this chapter;

999 (b) Submission of the annual report required by this
1000 chapter;

1001 (c) Notification of state or local law enforcement of
1002 apparent criminal violations of this chapter;

1003 (d) Notification of state and local law enforcement
1004 about falsified or fraudulent information submitted for purposes
1005 of obtaining or renewing a registry identification card; or

1006 (e) Notification of the State Board of Medical
1007 Licensure or other occupational or professional licensing board or
1008 entity if there is reason to believe that a practitioner provided
1009 a written certification in violation of this chapter, or if the
1010 MDOH has reason to believe the practitioner otherwise violated the
1011 standard of care for evaluating medical conditions.

1012 (4) Any information kept or maintained by medical cannabis
1013 establishments must identify cardholders by their registry
1014 identification numbers and must not contain names or other
1015 personally identifying information.



1016 (5) At a cardholder's request, the MDOH may confirm the
1017 cardholder's status as a registered qualifying patient or a
1018 registered designated caregiver to a third party, such as a
1019 landlord, school, medical professional, or court.

1020 (6) Any agency hard drives or other data-recording media
1021 that are no longer in use and that contain cardholder information
1022 shall be destroyed.

1023 (7) The addresses of prospective and licensed medical
1024 cannabis establishments shall be considered confidential and
1025 exempt from disclosure under the Mississippi Public Records Act of
1026 1983, Sections 25-61-1 through 25-61-17.

1027 **SECTION 8.** Section 41-137-59, Mississippi Code of 1972, is
1028 amended as follows:

1029 41-137-59. (1) Any person or entity aggrieved by a final
1030 decision or order of an agency under the provisions of this
1031 chapter may petition for judicial review of the final decision or
1032 order.

1033 (2) (a) The petition shall be filed within twenty (20) days
1034 after the issuance of the agency's final decision or order. The
1035 petition shall be filed in the circuit court of the county in
1036 which the appellant resides. If the appellant is a nonresident of
1037 this state, the appeal shall be made to the Circuit Court of the
1038 First Judicial District of Hinds County, Mississippi.

1039 (b) The review by the circuit court shall be based on
1040 the record made before the agency. Before filing a petition under



1041 subsection (1) of this section, a petitioner shall obtain from the
1042 agency an estimate of the cost to prepare the entire record of the
1043 agency and shall pay to the agency the amount of the estimate.
1044 The circuit court shall dismiss with prejudice any petition filed
1045 where it is shown that the petitioner failed to pay prior to
1046 filing the petition the estimate cost for preparation of the
1047 record.

1048 (* * *c) Any person or entity aggrieved by the
1049 decision of the circuit court may appeal to the Mississippi
1050 Supreme Court.

1051 **SECTION 9.** Section 41-137-63, Mississippi Code of 1972, is
1052 amended as follows:

1053 41-137-63. (1) (a) There is established a Medical Cannabis
1054 Advisory Committee, which shall be the committee that is required
1055 to advise the Legislature about medical cannabis and cannabis
1056 product, patient care, services and industry.

1057 (b) The advisory committee shall consist of nine (9)
1058 members, as follows:

1059 (i) The Governor shall appoint three (3) members
1060 to the committee, as follows:

- 1061 1. One (1) representative from the MDOH;
1062 2. One (1) registered qualifying patient; and
1063 3. One (1) physician with experience in
1064 medical cannabis issues;



1065 (ii) The Lieutenant Governor shall appoint three
1066 (3) members, as follows:

1067 1. One (1) owner or agent of a medical
1068 cannabis cultivation facility;

1069 2. One (1) representative from the MDOH; and

1070 3. One (1) qualified certified nurse
1071 practitioner, physician assistant or optometrist;

1072 (iii) The Speaker of the House shall appoint three
1073 (3) members, as follows:

1074 1. One (1) owner or agent of a medical
1075 cannabis processing facility;

1076 2. One (1) owner or agent of a medical
1077 cannabis dispensary; and

1078 3. One (1) representative from the MDOR.

1079 (c) The advisory committee shall meet at least two (2)
1080 times per year for the purpose of evaluating and making
1081 recommendations to the Legislature and the MDOH and MDOR
1082 regarding:

1083 (i) The ability of qualifying patients in all
1084 areas of the state to obtain timely access to high-quality medical
1085 cannabis;

1086 (ii) The effectiveness of the medical cannabis
1087 establishments in serving the needs of registered qualifying
1088 patients, including the provision of educational and support
1089 services by dispensaries, the reasonableness of their prices,



1090 security issues, and the sufficiency of the number operating to
1091 serve the state's registered qualifying patients;

1092 (iii) The effectiveness of the cannabis testing
1093 facilities, including whether a sufficient number are operating;

1094 (iv) The sufficiency of the regulatory and
1095 security safeguards contained in this chapter and adopted by the
1096 MDOH to ensure that access to and use of cannabis cultivated is
1097 provided only to cardholders;

1098 (v) Any recommended additions or revisions to the
1099 MDOH and MDOR rules and regulations or this chapter, including
1100 relating to security, safe handling, labeling, nomenclature, and
1101 whether additional types of licenses should be made available; and
1102 (vi) Any research studies regarding health effects
1103 of medical cannabis for patients.

1104 (d) The advisory committee shall accept public comment
1105 in writing and in-person at least once per year. The advisory
1106 committee shall meet at least two (2) times per year and advisory
1107 committee members shall be furnished written notice of the
1108 meetings at least ten (10) days before the date of the meeting.

1109 (e) The chairman of the advisory committee shall be
1110 elected by the voting members of the committee annually and shall
1111 not serve more than two (2) consecutive years as chairman.

1112 (f) The members of the advisory committee specified in
1113 paragraph (b) of this subsection shall serve for terms that are
1114 concurrent with the terms of members of the Legislature, and any



1115 member appointed under paragraph (b) may be reappointed to the
1116 advisory committee. The members of the advisory committee
1117 specified in paragraph (b) shall serve without compensation, but
1118 shall receive reimbursement to defray actual expenses incurred in
1119 the performance of committee business as authorized by law.

1120 (2) This section shall stand repealed on December 31, * * *
1121 2026.

1122 **SECTION 10.** Section 41-29-153, Mississippi Code of 1972, is
1123 amended as follows:

1124 41-29-153. (a) The following are subject to forfeiture:

1125 (1) All controlled substances which have been
1126 manufactured, distributed, dispensed or acquired in violation of
1127 this article or in violation of Article 5 of this chapter or
1128 Chapter 137 of this title;

1129 (2) All raw materials, products and equipment of any
1130 kind which are used, or intended for use, in manufacturing,
1131 compounding, processing, delivering, importing, or exporting any
1132 controlled substance in violation of this article or in violation
1133 of Article 5 of this chapter or Chapter 137 of this title;

1134 (3) All property which is used, or intended for use, as
1135 a container for property described in paragraph (1) or (2) of this
1136 subsection;

1137 (4) All conveyances, including aircraft, vehicles or
1138 vessels, which are used, or intended for use, to transport, or in
1139 any manner to facilitate the transportation, sale, receipt,



1140 possession or concealment of property described in paragraph (1)
1141 or (2) of this subsection, however:

1142 A. No conveyance used by any person as a common
1143 carrier in the transaction of business as a common carrier is
1144 subject to forfeiture under this section unless it appears that
1145 the owner or other person in charge of the conveyance is a
1146 consenting party or privy to a violation of this article;

1147 B. No conveyance is subject to forfeiture under
1148 this section by reason of any act or omission proved by the owner
1149 thereof to have been committed or omitted without his knowledge or
1150 consent; if the confiscating authority has reason to believe that
1151 the conveyance is a leased or rented conveyance, then the
1152 confiscating authority shall notify the owner of the conveyance
1153 within five (5) days of the confiscation;

1154 C. A forfeiture of a conveyance encumbered by a
1155 bona fide security interest is subject to the interest of the
1156 secured party if he neither had knowledge of nor consented to the
1157 act or omission;

1158 D. A conveyance is not subject to forfeiture for a
1159 violation of Section 41-29-139(c) (2) (A) 1, 2 or (B)1 or (C)1, 2,
1160 3;

1161 (5) All money, deadly weapons, books, records, and
1162 research products and materials, including formulas, microfilm,
1163 tapes and data which are used, or intended for use, in violation



1164 of this article or in violation of Article 5 of this chapter or
1165 Chapter 137 of this title;

1166 (6) All drug paraphernalia as defined in Section
1167 41-29-105(v); and

1168 (7) Everything of value, including real estate,
1169 furnished, or intended to be furnished, in exchange for a
1170 controlled substance in violation of this article, all proceeds
1171 traceable to such an exchange, and all monies, negotiable
1172 instruments, businesses or business investments, securities, and
1173 other things of value used, or intended to be used, to facilitate
1174 any violation of this article. All monies, coin and currency
1175 found in close proximity to forfeitable controlled substances, to
1176 forfeitable drug manufacturing or distributing paraphernalia, or
1177 to forfeitable records of the importation, manufacture or
1178 distribution of controlled substances are presumed to be
1179 forfeitable under this paragraph; the burden of proof is upon
1180 claimants of the property to rebut this presumption.

1181 A. No property shall be forfeited under the
1182 provisions of subsection (a)(7) of this section, to the extent of
1183 the interest of an owner, by reason of any act or omission
1184 established by him to have been committed or omitted without his
1185 knowledge or consent.

1186 B. Neither personal property encumbered by a bona
1187 fide security interest nor real estate encumbered by a bona fide
1188 mortgage, deed of trust, lien or encumbrance shall be forfeited



1189 under the provisions of subsection (a)(7) of this section, to the
1190 extent of the interest of the secured party or the interest of the
1191 mortgagee, holder of a deed of trust, lien or encumbrance by
1192 reason of any act or omission established by him to have been
1193 committed or omitted without his knowledge or consent.

1194 (b) Property subject to forfeiture may be seized by the
1195 bureau, local law enforcement officers, enforcement officers of
1196 the Mississippi Department of Transportation, highway patrolmen,
1197 the board, * * * the State Board of Pharmacy, or law enforcement
1198 officers of the Mississippi Department of Revenue or Mississippi
1199 Department of Health acting with their duties in accordance with
1200 the Mississippi Medical Cannabis Act, upon process issued by any
1201 appropriate court having jurisdiction over the property. Seizure
1202 without process may be made if:

1203 (1) The seizure is incident to an arrest or a search
1204 under a search warrant or an inspection under an administrative
1205 inspection warrant;

1206 (2) The property subject to seizure has been the
1207 subject of a prior judgment in favor of the state in a criminal
1208 injunction or forfeiture proceeding based upon this article;

1209 (3) The bureau, the board, local law enforcement
1210 officers, enforcement officers of the Mississippi Department of
1211 Transportation, or highway patrolmen, * * * the State Board of
1212 Pharmacy, or law enforcement officers of the Mississippi
1213 Department of Revenue or Mississippi Department of Health acting



1214 with their duties in accordance with the Mississippi Medical
1215 Cannabis Act, have probable cause to believe that the property is
1216 directly or indirectly dangerous to health or safety;

1217 (4) The bureau, local law enforcement officers,
1218 enforcement officers of the Mississippi Department of
1219 Transportation, highway patrolmen, the board, * * * the State
1220 Board of Pharmacy, or law enforcement officers of the Mississippi
1221 Department of Revenue or Mississippi Department of Health acting
1222 with their duties in accordance with the Mississippi Medical
1223 Cannabis Act, have probable cause to believe that the property was
1224 used or is intended to be used in violation of this article; or

1225 (5) The seizing law enforcement agency obtained a
1226 seizure warrant as described in * * * subsection (f) of this
1227 section.

1228 (c) Controlled substances listed in Schedule I of Section
1229 41-29-113 that are possessed, transferred, sold, or offered for
1230 sale in violation of this article are contraband and shall be
1231 seized and summarily forfeited to the state. Controlled
1232 substances listed in the said Schedule I, which are seized or come
1233 into the possession of the state, the owners of which are unknown,
1234 are contraband and shall be summarily forfeited to the state.

1235 (d) Species of plants from which controlled substances in
1236 Schedules I and II of Sections 41-29-113 and 41-29-115 may be
1237 derived which have been planted or cultivated in violation of this
1238 article, or of which the owners or cultivators are unknown, or



1239 which are wild growths, may be seized and summarily forfeited to
1240 the state.

1241 (e) The failure, upon demand by the bureau and/or local law
1242 enforcement officers, or their authorized agents, or highway
1243 patrolmen designated by the bureau, the board, * * * the State
1244 Board of Pharmacy, or law enforcement officers of the Mississippi
1245 Department of Revenue or Mississippi Department of Health acting
1246 with their duties in accordance with the Mississippi Medical
1247 Cannabis Act, of the person in occupancy or in control of land or
1248 premises upon which the species of plants are growing or being
1249 stored, to produce an appropriate registration, or proof that he
1250 is the holder thereof, constitutes authority for the seizure and
1251 forfeiture of the plants.

1252 (f) (1) When any property is seized under the Uniform
1253 Controlled Substances Law, except as otherwise provided in
1254 paragraph (3) of this subsection, by a law enforcement agency with
1255 the intent to be forfeited, the law enforcement agency that seized
1256 the property shall obtain a seizure warrant from the county or
1257 circuit court having jurisdiction of such property within
1258 seventy-two (72) hours of any seizure, excluding weekends and
1259 holidays. Any law enforcement agency that fails to obtain a
1260 seizure warrant within seventy-two (72) hours as required by this
1261 section shall notify the person from whom the property was seized
1262 that it will not be forfeited and shall provide written



1263 instructions advising the person how to retrieve the seized
1264 property.

1265 (2) A circuit or county judge having jurisdiction of
1266 any property other than a controlled substance, raw material or
1267 paraphernalia, may issue a seizure warrant upon proper oath or
1268 affirmation from a law enforcement agency. The law enforcement
1269 agency that is seeking a seizure warrant shall provide the
1270 following information to the judge:

1271 A. Probable cause to believe that the property was
1272 used or intended to be used in violation of this article;

1273 B. The name of the person from whom the property
1274 was seized; and

1275 C. A detailed description of the property which is
1276 seized, including the value of the property.

1277 (3) This subsection does not apply to seizures
1278 performed pursuant to Section 41-29-157 when property is
1279 specifically set forth in a search and seizure warrant.

1280 **SECTION 11.** Section 41-29-154, Mississippi Code of 1972, is
1281 amended as follows:

1282 41-29-154. Any controlled substance or paraphernalia seized
1283 under the authority of this article or any other law of
1284 Mississippi or of the United States, shall be destroyed,
1285 adulterated and disposed of or otherwise rendered harmless and
1286 disposed of, upon written authorization of the director,
1287 Commissioner of the Mississippi Department of Revenue or the State



1288 Health Officer of the Mississippi Department of Health, as
1289 applicable, after such substance or paraphernalia has served its
1290 usefulness as evidence or after such substance or paraphernalia is
1291 no longer useful for training or demonstration purposes.

1292 A record of the disposition of such substances and
1293 paraphernalia and the method of destruction or adulteration
1294 employed along with the names of witnesses to such destruction or
1295 adulteration shall be retained by the director.

1296 No substance or paraphernalia shall be disposed of, destroyed
1297 or rendered harmless under the authority of this section without
1298 an order from the director, Commissioner of the Mississippi
1299 Department of Revenue or the State Health Officer of the
1300 Mississippi Department of Health, as applicable, and without at
1301 least two (2) officers or agents of the bureau present as
1302 witnesses.

1303 **SECTION 12.** Section 25-53-1, Mississippi Code of 1972, is
1304 amended as follows:

1305 25-53-1. The Legislature recognizes that in order for the
1306 State of Mississippi to receive the maximum use and benefit from
1307 information technology and services now in operation or which will
1308 in the future be placed in operation, there should be full
1309 cooperation and cohesive planning and effort by and between the
1310 several state agencies and that it is the responsibility of the
1311 Legislature to provide statutory authority therefor. The
1312 Legislature, therefore, declares and determines that for these and



1313 other related purposes there is hereby established an agency of
1314 state government to be known as the Mississippi Department of
1315 Information Technology Services (MDITS). The Legislature further
1316 declares that the Mississippi Department of Information Technology
1317 Services (MDITS) shall provide statewide services that facilitate
1318 cost-effective information processing and telecommunication
1319 solutions. State agencies shall work in full cooperation with the
1320 board of MDITS to identify opportunities to minimize duplication,
1321 reduce costs and improve the efficiency of providing common
1322 technology services across agency boundaries. The provisions of
1323 this chapter shall not apply to the Department of Human Services
1324 for a period of three (3) years beginning July 1, 2017. The
1325 provisions of this chapter shall not apply to the Department of
1326 Child Protection Services for a period of three (3) years
1327 beginning July 1, 2017. Through June 30, * * * 2024, the
1328 provisions of this chapter shall not apply to the Department of
1329 Health and the Department of Revenue for the purposes of
1330 implementing, administering and enforcing the provisions of the
1331 Mississippi Medical Cannabis Act.

1332 **SECTION 13.** Section 25-53-5, Mississippi Code of 1972, is
1333 amended as follows:

1334 25-53-5. The authority shall have the following powers,
1335 duties, and responsibilities:

1336 (a) (i) The authority shall provide for the
1337 development of plans for the efficient acquisition and utilization



1338 of computer equipment and services by all agencies of state
1339 government, and provide for their implementation. In so doing,
1340 the authority may use the MDITS' staff, at the discretion of the
1341 executive director of the authority, or the authority may contract
1342 for the services of qualified consulting firms in the field of
1343 information technology and utilize the service of such consultants
1344 as may be necessary for such purposes. Pursuant to Section
1345 25-53-1, the provisions of this section shall not apply to the
1346 Department of Human Services for a period of three (3) years
1347 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
1348 provisions of this section shall not apply to the Department of
1349 Child Protection Services for a period of three (3) years
1350 beginning July 1, 2017.

1351 (ii) [Repealed]

1352 (b) The authority shall immediately institute
1353 procedures for carrying out the purposes of this chapter and
1354 supervise the efficient execution of the powers and duties of the
1355 office of executive director of the authority. In the execution
1356 of its functions under this chapter, the authority shall maintain
1357 as a paramount consideration the successful internal organization
1358 and operation of the several agencies so that efficiency existing
1359 therein shall not be adversely affected or impaired. In executing
1360 its functions in relation to the institutions of higher learning
1361 and junior colleges in the state, the authority shall take into



1362 consideration the special needs of such institutions in relation
1363 to the fields of teaching and scientific research.

1364 (c) Title of whatever nature of all computer equipment
1365 now vested in any agency of the State of Mississippi is hereby
1366 vested in the authority, and no such equipment shall be disposed
1367 of in any manner except in accordance with the direction of the
1368 authority or under the provisions of such rules and regulations as
1369 may hereafter be adopted by the authority in relation thereto.

1370 (d) The authority shall adopt rules, regulations, and
1371 procedures governing the acquisition of computer and
1372 telecommunications equipment and services which shall, to the
1373 fullest extent practicable, insure the maximum of competition
1374 between all manufacturers of supplies or equipment or services.
1375 In the writing of specifications, in the making of contracts
1376 relating to the acquisition of such equipment and services, and in
1377 the performance of its other duties the authority shall provide
1378 for the maximum compatibility of all information systems hereafter
1379 installed or utilized by all state agencies and may require the
1380 use of common computer languages where necessary to accomplish the
1381 purposes of this chapter. The authority may establish by
1382 regulation and charge reasonable fees on a nondiscriminatory basis
1383 for the furnishing to bidders of copies of bid specifications and
1384 other documents issued by the authority.

1385 (e) The authority shall adopt rules and regulations
1386 governing the sharing with, or the sale or lease of information



1387 technology services to any nonstate agency or person. Such
1388 regulations shall provide that any such sharing, sale or lease
1389 shall be restricted in that same shall be accomplished only where
1390 such services are not readily available otherwise within the
1391 state, and then only at a charge to the user not less than the
1392 prevailing rate of charge for similar services by private
1393 enterprise within this state.

1394 (f) The authority may, in its discretion, establish a
1395 special technical advisory committee or committees to study and
1396 make recommendations on technology matters within the competence
1397 of the authority as the authority may see fit. Persons serving on
1398 the Information Resource Council, its task forces, or any such
1399 technical advisory committees shall be entitled to receive their
1400 actual and necessary expenses actually incurred in the performance
1401 of such duties, together with mileage as provided by law for state
1402 employees, provided the same has been authorized by a resolution
1403 duly adopted by the authority and entered on its minutes prior to
1404 the performance of such duties.

1405 (g) The authority may provide for the development and
1406 require the adoption of standardized computer programs and may
1407 provide for the dissemination of information to and the
1408 establishment of training programs for the personnel of the
1409 various information technology centers of state agencies and
1410 personnel of the agencies utilizing the services thereof.



1411 (h) The authority shall adopt reasonable rules and
1412 regulations requiring the reporting to the authority through the
1413 office of executive director of such information as may be
1414 required for carrying out the purposes of this chapter and may
1415 also establish such reasonable procedures to be followed in the
1416 presentation of bills for payment under the terms of all contracts
1417 for the acquisition of computer equipment and services now or
1418 hereafter in force as may be required by the authority or by the
1419 executive director in the execution of their powers and duties.

1420 (i) The authority shall require such adequate
1421 documentation of information technology procedures utilized by the
1422 various state agencies and may require the establishment of such
1423 organizational structures within state agencies relating to
1424 information technology operations as may be necessary to
1425 effectuate the purposes of this chapter.

1426 (j) The authority may adopt such further reasonable
1427 rules and regulations as may be necessary to fully implement the
1428 purposes of this chapter. All rules and regulations adopted by
1429 the authority shall be published and disseminated in readily
1430 accessible form to all affected state agencies, and to all current
1431 suppliers of computer equipment and services to the state, and to
1432 all prospective suppliers requesting the same. Such rules and
1433 regulations shall be kept current, be periodically revised, and
1434 copies thereof shall be available at all times for inspection by
1435 the public at reasonable hours in the offices of the authority.



1436 Whenever possible no rule, regulation or any proposed amendment to
1437 such rules and regulations shall be finally adopted or enforced
1438 until copies of the proposed rules and regulations have been
1439 furnished to all interested parties for their comment and
1440 suggestions.

1441 (k) The authority shall establish rules and regulations
1442 which shall provide for the submission of all contracts proposed
1443 to be executed by the executive director for computer equipment or
1444 services to the authority for approval before final execution, and
1445 the authority may provide that such contracts involving the
1446 expenditure of less than such specified amount as may be
1447 established by the authority may be finally executed by the
1448 executive director without first obtaining such approval by the
1449 authority.

1450 (l) The authority is authorized to purchase, lease, or
1451 rent computer equipment or services and to operate that equipment
1452 and use those services in providing services to one or more state
1453 agencies when in its opinion such operation will provide maximum
1454 efficiency and economy in the functions of any such agency or
1455 agencies.

1456 (m) Upon the request of the governing body of a
1457 political subdivision or instrumentality, the authority shall
1458 assist the political subdivision or instrumentality in its
1459 development of plans for the efficient acquisition and utilization
1460 of computer equipment and services. An appropriate fee shall be



1461 charged the political subdivision by the authority for such
1462 assistance.

1463 (n) The authority shall adopt rules and regulations
1464 governing the protest procedures to be followed by any actual or
1465 prospective bidder, offerer or contractor who is aggrieved in
1466 connection with the solicitation or award of a contract for the
1467 acquisition of computer equipment or services. Such rules and
1468 regulations shall prescribe the manner, time and procedure for
1469 making protests and may provide that a protest not timely filed
1470 shall be summarily denied. The authority may require the
1471 protesting party, at the time of filing the protest, to post a
1472 bond, payable to the state, in an amount that the authority
1473 determines sufficient to cover any expense or loss incurred by the
1474 state, the authority or any state agency as a result of the
1475 protest if the protest subsequently is determined by a court of
1476 competent jurisdiction to have been filed without any substantial
1477 basis or reasonable expectation to believe that the protest was
1478 meritorious; however, in no event may the amount of the bond
1479 required exceed a reasonable estimate of the total project cost.
1480 The authority, in its discretion, also may prohibit any
1481 prospective bidder, offerer or contractor who is a party to any
1482 litigation involving any such contract with the state, the
1483 authority or any agency of the state to participate in any other
1484 such bid, offer or contract, or to be awarded any such contract,
1485 during the pendency of the litigation.



1486 (o) The authority shall make a report in writing to the
1487 Legislature each year in the month of January. Such report shall
1488 contain a full and detailed account of the work of the authority
1489 for the preceding year as specified in Section 25-53-29(3).

1490 All acquisitions of computer equipment and services involving
1491 the expenditure of funds in excess of the dollar amount
1492 established in Section 31-7-13(c), or rentals or leases in excess
1493 of the dollar amount established in Section 31-7-13(c) for the
1494 term of the contract, shall be based upon competitive and open
1495 specifications, and contracts therefor shall be entered into only
1496 after advertisements for bids are published in one or more daily
1497 newspapers having a general circulation in the state not less than
1498 fourteen (14) days prior to receiving sealed bids therefor. The
1499 authority may reserve the right to reject any or all bids, and if
1500 all bids are rejected, the authority may negotiate a contract
1501 within the limitations of the specifications so long as the terms
1502 of any such negotiated contract are equal to or better than the
1503 comparable terms submitted by the lowest and best bidder, and so
1504 long as the total cost to the State of Mississippi does not exceed
1505 the lowest bid. If the authority accepts one (1) of such bids, it
1506 shall be that which is the lowest and best. Through June
1507 30, * * * 2024, the provisions of this paragraph shall not apply
1508 to acquisitions of information technology equipment and services
1509 made by the Mississippi Department of Health and/or the
1510 Mississippi Department of Revenue for the purposes of



1511 implementing, administering and/or enforcing the provisions of the
1512 Mississippi Medical Cannabis Act.

1513 (p) When applicable, the authority may procure
1514 equipment, systems and related services in accordance with the law
1515 or regulations, or both, which govern the Bureau of Purchasing of
1516 the Office of General Services or which govern the Mississippi
1517 Department of Information Technology Services procurement of
1518 telecommunications equipment, software and services.

1519 (q) The authority is authorized to purchase, lease, or
1520 rent information technology and services for the purpose of
1521 establishing pilot projects to investigate emerging technologies.
1522 These acquisitions shall be limited to new technologies and shall
1523 be limited to an amount set by annual appropriation of the
1524 Legislature. These acquisitions shall be exempt from the
1525 advertising and bidding requirement.

1526 (r) All fees collected by the Mississippi Department of
1527 Information Technology Services shall be deposited into the
1528 Mississippi Department of Information Technology Services
1529 Revolving Fund unless otherwise specified by the Legislature.

1530 (s) The authority shall work closely with the council
1531 to bring about effective coordination of policies, standards and
1532 procedures relating to procurement of remote sensing and
1533 geographic information systems (GIS) resources. In addition, the
1534 authority is responsible for development, operation and
1535 maintenance of a delivery system infrastructure for geographic



1536 information systems data. The authority shall provide a warehouse
1537 for Mississippi's geographic information systems data.

1538 (t) The authority shall manage one or more State Data
1539 Centers to provide information technology services on a
1540 cost-sharing basis. In determining the appropriate services to be
1541 provided through the State Data Center, the authority should
1542 consider those services that:

1543 (i) Result in savings to the state as a whole;

1544 (ii) Improve and enhance the security and
1545 reliability of the state's information and business systems; and

1546 (iii) Optimize the efficient use of the state's
1547 information technology assets, including, but not limited to,
1548 promoting partnerships with the state institutions of higher
1549 learning and community colleges to capitalize on advanced
1550 information technology resources.

1551 (u) The authority shall increase federal participation
1552 in the cost of the State Data Center to the extent provided by law
1553 and its shared technology infrastructure through providing such
1554 shared services to agencies that receive federal funds. With
1555 regard to state institutions of higher learning and community
1556 colleges, the authority may provide shared services when mutually
1557 agreeable, following a determination by both the authority and the
1558 Board of Trustees of State Institutions of Higher Learning or the
1559 Mississippi Community College Board, as the case may be, that the
1560 sharing of services is mutually beneficial.



1561 (v) The authority, in its discretion, may require new
1562 or replacement agency business applications to be hosted at the
1563 State Data Center. With regard to state institutions of higher
1564 learning and community colleges, the authority and the Board of
1565 Trustees of State Institutions of Higher Learning or the
1566 Mississippi Community College Board, as the case may be, may agree
1567 that institutions of higher learning or community colleges may
1568 utilize business applications that are hosted at the State Data
1569 Center, following a determination by both the authority and the
1570 applicable board that the hosting of those applications is
1571 mutually beneficial. In addition, the authority may establish
1572 partnerships to capitalize on the advanced technology resources of
1573 the Board of Trustees of State Institutions of Higher Learning or
1574 the Mississippi Community College Board, following a determination
1575 by both the authority and the applicable board that such a
1576 partnership is mutually beneficial.

1577 (w) The authority shall provide a periodic update
1578 regarding reform-based information technology initiatives to the
1579 Chairmen of the House and Senate Accountability, Efficiency and
1580 Transparency Committees.

1581 From and after July 1, 2018, the expenses of this agency
1582 shall be defrayed by appropriation from the State General Fund.
1583 In addition, in order to receive the maximum use and benefit from
1584 information technology and services, expenses for the provision of
1585 statewide shared services that facilitate cost-effective



1586 information processing and telecommunication solutions shall be
1587 defrayed by pass-through funding and shall be deposited into the
1588 Mississippi Department of Information Technology Services
1589 Revolving Fund unless otherwise specified by the Legislature.
1590 These funds shall only be utilized to pay the actual costs
1591 incurred by the Mississippi Department of Information Technology
1592 Services for providing these shared services to state agencies.
1593 Furthermore, state agencies shall work in full cooperation with
1594 the Board of the Mississippi Department of Information Technology
1595 Services to identify computer equipment or services to minimize
1596 duplication, reduce costs, and improve the efficiency of providing
1597 common technology services across agency boundaries.

1598 **SECTION 14.** Section 73-21-127.1, Mississippi Code of 1972,
1599 is created as follows:

1600 73-21-127.1. The Prescription Monitoring Program shall issue
1601 a report each year to the Legislature that indicates the number of
1602 opioid prescriptions that were provided to patients during that
1603 year.

1604 **SECTION 15.** This act shall take effect and be in force from
1605 and after its passage.

