

By: Representatives Yancey, Stamps

To: Drug Policy

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 APPY 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 AMEND SECTION
9 41-137-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A MEDICAL
10 CANNABIS WRITTEN CERTIFICATION ISSUED BY A PRACTITIONER SHALL BE
11 VALID FOR THE SIX MONTHS IMMEDIATELY PRECEDING THE DATE OF
12 APPLICATION; TO AMEND SECTION 41-137-35, MISSISSIPPI CODE OF 1972,
13 TO CAP THE CANNABIS CULTIVATION FACILITY TIER 6 TO NOT MORE THAN
14 150,000 SQUARE FEET; TO AMEND SECTION 41-137-39, MISSISSIPPI CODE
15 OF 1972, TO REQUIRE A PROSPECTIVE EMPLOYEE TO UNDERGO A
16 FINGERPRINT-BASED BACKGROUND CHECK BY THE DEPARTMENT OF PUBLIC
17 SAFETY; TO REQUIRE A SUBSEQUENT BACKGROUND CHECK TO BE CONDUCTED
18 ON PROSPECTIVE EMPLOYEES IF THEY DO NOT START EMPLOYMENT WITH AN
19 ENTITY FOR SIX MONTHS; TO AMEND SECTION 41-137-41, MISSISSIPPI
20 CODE OF 1972, TO AUTHORIZE DISPENSARY WEBSITES TO DISPLAY PICTURES
21 OF THE PRODUCTS THAT THE DISPENSARY SELLS; TO AMEND SECTION
22 41-137-47, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LICENSING
23 AGENCIES TO DENY THE APPLICATION OF ANY APPLICANT WHO FAILS TO
24 MEET THE QUALIFICATIONS FOR OBTAINING SUCH LICENSE; TO ESTABLISH
25 CERTAIN APPEAL PROCEDURES FOR DENIALS; TO PROVIDE THAT ANY
26 INVESTIGATION, FINE, SUSPENSION OR REVOCATION BY A LICENSING
27 AGENCY UNDER THIS SECTION SHALL BE CONSIDERED CONFIDENTIAL AND
28 EXEMPT FROM DISCLOSURE UNDER THE MISSISSIPPI PUBLIC RECORDS ACT;
29 TO AMEND SECTION 41-137-49, MISSISSIPPI CODE OF 1972, TO PROVIDE
30 THAT THE ADDRESSES OF PROSPECTIVE AND LICENSED MEDICAL CANNABIS
31 ESTABLISHMENTS SHALL BE CONSIDERED CONFIDENTIAL AND EXEMPT FROM
32 DISCLOSURE UNDER THE MISSISSIPPI PUBLIC RECORDS ACT; TO AMEND
33 SECTION 41-137-59, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
34 JUDICIAL REVIEW OF AN APPEAL FROM A FINAL DECISION OR ORDER OF AN



35 AGENCY UNDER THE PROVISIONS OF THE MEDICAL CANNABIS ACT SHALL BE
36 BASED ON THE RECORD MADE BEFORE THE AGENCY; TO AMEND SECTION
37 41-137-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL
38 FOR THE MEDICAL CANNABIS ADVISORY COMMITTEE; TO AMEND SECTION
39 41-29-153, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CONTROLLED
40 SUBSTANCES AND RAW MATERIALS WHICH HAVE BEEN USED IN VIOLATION OF
41 THE MEDICAL CANNABIS ACT MAY BE SUBJECT TO FORFEITURE; TO EMPOWER
42 LAW ENFORCEMENT OFFICERS OF THE MISSISSIPPI DEPARTMENT OF REVENUE
43 OR MISSISSIPPI DEPARTMENT OF HEALTH ACTING WITH THEIR DUTIES IN
44 ACCORDANCE WITH THE MISSISSIPPI MEDICAL CANNABIS ACT TO SEIZE SUCH
45 SUBJECTS; TO AMEND SECTION 41-29-154, MISSISSIPPI CODE OF 1972, TO
46 EMPOWER LAW ENFORCEMENT OFFICERS OF THE MISSISSIPPI DEPARTMENT OF
47 REVENUE OR MISSISSIPPI DEPARTMENT OF HEALTH ACTING WITH THEIR
48 DUTIES IN ACCORDANCE WITH THE MISSISSIPPI MEDICAL CANNABIS ACT TO
49 DESTROY ANY CONTROLLED SUBSTANCES OR PARAPHERNALIA SEIZED UNDER
50 THEIR AUTHORITY; TO AMEND SECTION 25-53-1, MISSISSIPPI CODE OF
51 1972, TO EXTEND THE DATE OF REPEAL THAT ALLOWS AN EXEMPTION TO ITS
52 OVERSIGHT FOR THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
53 REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND
54 ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT;
55 TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO EXTEND THE
56 DATE OF REPEAL THAT ALLOWS AN EXEMPTION TO ITS PROCUREMENT
57 PROCEDURES FOR THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
58 REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND
59 ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT;
60 AND FOR RELATED PURPOSES.

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

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

64 41-137-5. (1) No person shall be authorized to use medical
65 cannabis in this state unless the person (a) has been diagnosed by
66 a practitioner, with whom the person has a bona fide
67 practitioner-patient relationship within his or her scope of
68 practice, as having a debilitating medical condition for which the
69 practitioner believes, in his or her professional opinion, that
70 the person would likely receive medical or palliative benefit from
71 the medical use of medical cannabis to treat or alleviate the
72 person's debilitating medical condition or symptoms associated



73 with the person's debilitating medical condition, (b) has received
74 a written certification of that diagnosis from the practitioner,
75 and (c) has been issued a registry identification card from the
76 MDOH under Section 41-137-23. A person who has been diagnosed by
77 a practitioner as specified in paragraph (a) of this subsection
78 shall be a qualifying patient, and the practitioner who has
79 diagnosed the patient shall document that diagnosis with a written
80 certification. However, nothing herein shall require a
81 practitioner to issue a written certification.

82 (2) A written certification shall:

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

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

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

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

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

94 (3) After a practitioner has issued a written certification
95 to a qualifying patient, the practitioner may assist the patient
96 in registering for a registry identification card with the



97 Department of Health, in a manner provided by regulations of the
98 Department of Health.

99 (* * *4) After a qualifying patient receives a written
100 certification from a practitioner, the patient shall be required
101 to make a follow-up visit with the practitioner not less than six
102 (6) months after the date of issuance of the certification for the
103 practitioner to evaluate and determine the effectiveness of the
104 patient's medical use of medical cannabis to treat or alleviate
105 the patient's debilitating medical condition or symptoms
106 associated with the patient's debilitating medical condition.

107 (* * *5) Before dispensing medical cannabis to a
108 cardholder, the dispensary from which the cardholder is obtaining
109 medical cannabis shall verify the identity of the cardholder and
110 the authority of the cardholder to use medical cannabis as
111 provided in Section 41-137-39 and shall determine the maximum
112 amount of medical cannabis that a cardholder is eligible to
113 receive and the amount of medical cannabis that the cardholder has
114 received from all dispensaries during a specified period of time
115 using the statewide seed-to-sale tracking system under Section
116 41-137-11.

117 (* * *6) A practitioner shall be registered to issue
118 written certifications to qualifying patients by completing the
119 required application process as set forth by the MDOH. The MDOH
120 shall require a practitioner to complete a minimum of eight (8)
121 hours of continuing education in medical cannabis in order to



122 issue written certifications. After the first year of
123 registration, these practitioners shall complete five (5) hours of
124 continuing education in medical cannabis annually to maintain this
125 registration.

126 (* * *7) Only physicians and doctors of osteopathic
127 medicine may issue written certifications to registered qualifying
128 patients who are minors.

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

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

135 41-137-23. (1) No later than one hundred twenty (120) days
136 after February 2, 2022, the MDOH shall begin issuing registry
137 identification cards to qualifying patients who submit the
138 following:

139 (a) A written certification issued by a practitioner
140 within * * * six (6) months immediately preceding the date of the
141 application;

142 (b) The application or renewal fee;

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



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

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

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

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

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

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

166 (b) Issue registry identification cards to a qualifying
167 patient and his or her designated caregiver(s), if any, within
168 five (5) days of approving the application or renewal. A



169 designated caregiver must have a registry identification card for
170 each of his or her qualifying patients.

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

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

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

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

186 (i) Acknowledge the potential harms related to the
187 use of medical cannabis;

188 (ii) Allow the qualifying patient's medical use of
189 medical cannabis;

190 (iii) Serve as the qualifying patient's designated
191 caregiver; and



192 (iv) Control the acquisition of the medical
193 cannabis, the dosage and the frequency of the use of medical
194 cannabis by the qualifying patient.

195 (6) If a designated caregiver is an entity licensed to
196 provide health care services, residential care services or day
197 care services, then:

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

201 (b) The MDOH may issue individual registry
202 identification cards for employees of the entity that may
203 transport medical cannabis.

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

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

211 (a) Did not provide the required information or
212 materials;

213 (b) Previously had a registry identification card
214 revoked;

215 (c) Provided false information; or



216 (d) Failed to meet the other requirements of this
217 chapter.

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

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

223 (b) Did not provide the information required;

224 (c) Previously had a registry identification card
225 revoked;

226 (d) Provided false information;

227 (e) Is younger than twenty-one (21) years of age and is
228 not the parent or legal guardian of the qualifying patient who the
229 designated caregiver would assist; or

230 (f) Failed to meet the other requirements of this
231 chapter.

232 (10) The MDOH shall give written notice to the qualifying
233 patient of the reason for denying a registry identification card
234 to the qualifying patient or to the qualifying patient's
235 designated caregiver.

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

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



241 41-137-35. (1) The MDOH shall issue licenses for cannabis
242 cultivation facilities, cannabis processing facilities, cannabis
243 transportation entities, cannabis disposal entities, cannabis
244 research facilities and cannabis testing facilities. The MDOR
245 shall issue licenses for medical cannabis dispensaries.

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

248 (a) Micro-cultivators.

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

254 (ii) Tier 2. A cannabis cultivation facility with
255 a canopy of more than one thousand (1,000) square feet but not
256 more than two thousand (2,000) square feet shall be subject to a
257 one-time nonrefundable license application fee of Two Thousand
258 Five Hundred Dollars (\$2,500.00). The annual license fee shall be
259 a nonrefundable fee of Three Thousand Five Hundred Dollars
260 (\$3,500.00).

261 (b) Cultivators.

262 (i) Tier 1. A cannabis cultivation facility with
263 a canopy of not less than two thousand (2,000) square feet but not
264 more than five thousand (5,000) square feet shall be subject to a
265 one-time nonrefundable license application fee of Five Thousand



266 Dollars (\$5,000.00). The annual license fee shall be a
267 nonrefundable fee of Fifteen Thousand Dollars (\$15,000.00).

268 (ii) Tier 2. A cannabis cultivation facility with
269 a canopy of not less than five thousand (5,000) square feet but
270 not more than fifteen thousand (15,000) square feet shall be
271 subject to a one-time nonrefundable license application fee of Ten
272 Thousand Dollars (\$10,000.00). The annual license fee shall be a
273 nonrefundable fee of Twenty-five Thousand Dollars (\$25,000.00).

274 (iii) Tier 3. A cannabis cultivation facility
275 with a canopy of not less than fifteen thousand (15,000) square
276 feet but not more than thirty thousand (30,000) square feet shall
277 be subject to a one-time nonrefundable license application fee of
278 Twenty Thousand Dollars (\$20,000.00). The annual license fee
279 shall be a nonrefundable fee of Fifty Thousand Dollars
280 (\$50,000.00).

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

287 (v) Tier 5. A cannabis cultivation facility with
288 a canopy of not less than sixty thousand (60,000) square feet but
289 not more than one hundred thousand (100,000) square feet shall be
290 subject to a one-time nonrefundable license application fee of



291 Forty Thousand Dollars (\$40,000.00). The annual license fee shall
292 be a nonrefundable fee of One Hundred Thousand Dollars
293 (\$100,000.00).

294 (vi) Tier 6. A cannabis cultivation facility with
295 a canopy of not less than one hundred thousand (100,000) square
296 feet * * * but not more than one hundred fifty thousand (150,000)
297 square feet shall be subject to a one-time nonrefundable license
298 application fee of Sixty Thousand Dollars (\$60,000.00). The
299 annual license fee shall be a nonrefundable fee of One Hundred
300 Fifty Thousand Dollars (\$150,000.00). Such cannabis cultivation
301 facility shall have not more than two (2) locations, however the
302 total canopy space of both locations may not exceed one hundred
303 fifty thousand (150,000) square feet.

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

306 (a) Micro-processors.

307 (i) Tier 1. A cannabis processing facility which
308 processes less than two thousand (2,000) pounds of dried biomass
309 cannabis material annually shall be subject to a one-time
310 nonrefundable license application fee of Two Thousand Dollars
311 (\$2,000.00). The annual license fee shall be a nonrefundable fee
312 of Three Thousand Five Hundred Dollars (\$3,500.00).

313 (ii) Tier 2. A cannabis processing facility which
314 processes not less than two thousand (2,000) pounds but less than
315 three thousand (3,000) pounds of dried biomass cannabis material



316 annually shall be subject to a one-time nonrefundable license
317 application fee of Two Thousand Five Hundred Dollars (\$2,500.00).
318 The annual license fee shall be a nonrefundable fee of Five
319 Thousand Dollars (\$5,000.00).

320 (b) Processors. A cannabis processing facility which
321 processes not less than three thousand (3,000) pounds of biomass
322 cannabis material annually shall be subject to a one-time
323 nonrefundable license application fee of Fifteen Thousand Dollars
324 (\$15,000.00). The annual license fee shall be a nonrefundable fee
325 of Twenty Thousand Dollars (\$20,000.00).

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

330 (5) Cannabis transportation entities shall be subject to a
331 one-time nonrefundable application fee of Five Thousand Dollars
332 (\$5,000.00). The annual license fee shall be a nonrefundable fee
333 of Seven Thousand Five Hundred Dollars (\$7,500.00).

334 (6) Cannabis disposal entities shall be subject to a
335 one-time nonrefundable application fee of Five Thousand Dollars
336 (\$5,000.00). The annual license fee shall be a nonrefundable fee
337 of Seven Thousand Five Hundred Dollars (\$7,500.00).

338 (7) Cannabis testing facilities shall be subject to a
339 one-time nonrefundable application fee of Ten Thousand Dollars
340 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars



341 (\$15,000.00). A cannabis testing facility shall not employ an
342 agent or employee who also is employed or has ownership at any
343 other medical cannabis establishment.

344 (8) Cannabis research facilities shall be subject to a
345 one-time nonrefundable application fee of Ten Thousand Dollars
346 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars
347 (\$15,000.00). A research facility at any university or college in
348 this state shall be exempt from all fees imposed under this
349 section.

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

353 (a) More than one (1) cannabis cultivation facility
354 license;

355 (b) More than one (1) cannabis processing facility
356 license; and

357 (c) More than five (5) medical cannabis dispensary
358 licenses.

359 A practitioner may have an ownership interest in a medical
360 cannabis establishment, but shall not refer patients to a facility
361 in which a practitioner has an ownership interest.

362 (10) Minimum qualifications for applicants for a cannabis
363 cultivation facility, a cannabis processing facility, a medical
364 cannabis dispensary, a medical cannabis transportation entity or a
365 medical cannabis disposal entity license(s) are as follows:



366 (a) An individual applicant for a cannabis cultivation
367 facility, cannabis processing facility, medical cannabis
368 dispensary, medical cannabis transportation entity or medical
369 cannabis disposal license shall be a natural person who:

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

371 (ii) Has not previously held a license for a
372 cannabis cultivation facility, cannabis processing facility,
373 medical cannabis dispensary, medical cannabis transportation
374 entity or medical cannabis disposal entity that has been revoked;

375 (iii) Has not been convicted of a disqualifying
376 felony offense;

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

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

384 (vi) Has no outstanding tax delinquencies owed to
385 the State of Mississippi;

386 (vii) Is not serving as a member of the
387 Mississippi Senate or Mississippi House of Representatives through
388 December 31, 2022;



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

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

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

397 (ii) Serve as the primary point of contact with
398 the MDOR and MDOH;

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

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

403 2. Has previously been an owner of a medical
404 cannabis dispensary, cannabis cultivation facility, a cannabis
405 processing facility, medical cannabis transportation entity or
406 medical cannabis disposal entity that has had its license revoked;

407 3. Has been convicted of a disqualifying
408 felony offense;

409 4. Owes delinquent taxes to the State of
410 Mississippi;

411 5. Is serving as a member of the Mississippi
412 Senate or Mississippi House of Representatives through December
413 31, 2022; and



414 6. Is the spouse of a person serving as a
415 member of the Mississippi Senate or Mississippi House of
416 Representatives through December 31, 2022; and

417 (iv) Submit sufficient proof that if an owner,
418 board member, officer or anyone with an economic interest in the
419 entity has or had a professional or occupational license, that the
420 license is in good standing.

421 (11) Applicants for cannabis cultivation facility licenses
422 and cannabis processing facility licenses shall both meet the
423 minimum qualifications in subsection (10) of this section and
424 shall also submit sufficient proof of the following:

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

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

435 This subsection (11) shall stand repealed on December 31,
436 2022.



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

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

444 (b) If a business entity, provide proof that:

445 (i) It was registered as an entity with the
446 Secretary of State in Mississippi; and

447 (ii) One-hundred percent (100%) of the equity
448 ownership interests in the entity are held by individuals who have
449 been residents of the State of Mississippi and citizens of the
450 United States of America for at least three (3) consecutive years
451 prior to the application date.

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

455 (a) Mississippi Tax Return Form 80-105 or Form 80-205
456 for each of the three (3) years preceding the application without
457 schedules, worksheets, or attachments, and redacted to remove all
458 financial information and all but the last four (4) digits of the
459 individual's social security number for the three (3) years
460 preceding the application;



461 (b) Ownership, lease, or rental documents for place of
462 primary domicile for the three (3) years preceding the
463 application;

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

466 (d) Vehicle registration for the three (3) years
467 preceding the application.

468 (14) Ownership in a cannabis cultivation facility license,
469 cannabis processing facility license or a medical cannabis
470 dispensary license or investment in a business that supports or
471 benefits from such a license shall not disqualify or otherwise
472 negatively impact the license or finding of suitability of such
473 owner who is otherwise engaged in any other form of business
474 operation in the state, if such business requires the owner to
475 hold a license or be found suitable under state law.

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

479 (16) A prospective medical cannabis establishment shall
480 submit all of the following:

481 (a) An application, including:

482 (i) The legal name of the prospective medical
483 cannabis establishment;

484 (ii) The physical address of the prospective
485 medical cannabis establishment, which shall not be within one



486 thousand (1,000) feet of the nearest property boundary line of a
487 school, church or child care facility which exists or has acquired
488 necessary real property for the operation of such facility before
489 the date of the medical cannabis establishment application unless
490 the entity has received approval from the school, church or child
491 care facility and received the applicable waiver from their
492 licensing agency, provided that the main point of entry of the
493 cannabis establishment is not located within five hundred (500)
494 feet of the nearest property boundary line of any school, church
495 or child care facility;

496 (iii) The name of each principal officer and board
497 member of the proposed medical cannabis establishment; and
498 (iv) Any additional information requested by the
499 MDOR and MDOH.

500 (b) Operating procedures consistent with rules and
501 regulations for oversight of the proposed medical cannabis
502 establishment, including procedures to ensure accurate record
503 keeping and adequate security measures.

504 (c) If the municipality or county where the proposed
505 medical cannabis establishment would be located has enacted zoning
506 restrictions, a sworn statement certifying that the proposed
507 medical cannabis establishment is in compliance with the
508 restrictions.

509 (d) If the municipality or county where the proposed
510 medical cannabis establishment would be located requires a local



511 registration, license or permit, then proof of receiving such
512 registration, license or permit.

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

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

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

525 (* * *18) The MDOR and MDOH shall issue a renewal
526 registration certificate within ten (10) days of receipt of the
527 prescribed renewal application and renewal fee from a medical
528 cannabis establishment if its license is not under suspension and
529 has not been revoked.

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



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

537 (a) Their location on Mississippi Choctaw Indian
538 Reservation Lands; or

539 (b) The involvement of the Mississippi Band of Choctaw
540 Indians or any entity owned or operated by the Mississippi Band of
541 Choctaw Indians as an owner or co-owner of such license, provided
542 that such license shall be subject to revocation for material
543 noncompliance with this chapter on the same basis as any other
544 license.

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

549 (* * *22) * * * Any cannabis that contains less than three
550 one-hundredths percent (.03%) THC that was addressed by the 2018
551 Farm Bill, Public Law No. 115-334, shall be exempt from
552 regulations applicable to cannabis disposal entities licensed
553 under this chapter.

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

556 41-137-39. (1) * * * Before any person who is seeking to
557 become a principal officer, board member, agent, volunteer, or
558 employee, begins working at or for a medical cannabis



559 establishment, the person shall undergo a fingerprint-based
560 criminal history records check by the Department of Public Safety.
561 The prospective employee's fingerprints shall be submitted to the
562 Department of Public Safety, in a form and manner prescribed by
563 the department, with the results processed through the Department
564 of Public Safety's Criminal Information Center. If no
565 disqualifying record is identified at the state level, the
566 prospective employee's fingerprints shall be forwarded by the
567 Department of Public Safety to the Federal Bureau of Investigation
568 for a national criminal history record check.

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

572 The medical cannabis establishment shall charge and collect
573 from the prospective employee, in addition to all other applicable
574 fees and costs, such amount as may be incurred by the
575 establishment in requesting and obtaining state and national
576 criminal history records information regarding the prospective
577 employee.

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

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

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

582 (3) The operating documents of a medical cannabis
583 establishment must include procedures for the oversight of the



584 medical cannabis establishment and procedures to ensure accurate
585 record keeping and adequate security measures.

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

590 (5) All cultivation, harvesting, processing and packaging of
591 medical cannabis must take place in an enclosed, locked and secure
592 facility with a physical address provided to the MDOH during the
593 licensing and registration process. The facility shall be
594 equipped with locks or other security devices that permit access
595 only by agents of the medical cannabis establishment, emergency
596 personnel or adults who are twenty-one (21) years of age and older
597 and who are accompanied by medical cannabis establishment agents.

598 (6) No medical cannabis establishment other than a cannabis
599 processing facility or cannabis research facility may produce
600 cannabis concentrates, cannabis extractions, or other cannabis
601 products.

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

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

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



608 (a) Require that the individual present a registry
609 identification card;

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

612 (c) Make a diligent effort to verify that the person
613 presenting the registry identification card is the person
614 identified on the registry identification card presented to the
615 dispensary agent; and

616 (d) Not believe that the amount of medical cannabis
617 dispensed would cause the person to possess more than the
618 allowable amount of medical cannabis.

619 (10) A medical cannabis establishment shall not sell more
620 than the allowable amount of medical cannabis to a cardholder. A
621 resident cardholder shall not obtain more than a total of six (6)
622 MMCEUs of allowable medical cannabis in a week from a dispensary
623 or a combination of dispensaries. A resident cardholder shall not
624 obtain more than a total of twenty-four (24) MMCEUs of allowable
625 medical cannabis in thirty (30) days from a dispensary or a
626 combination of dispensaries.

627 The possession limit for resident cardholders of the
628 allowable amount of medical cannabis shall be a total of
629 twenty-eight (28) MMCEUs. There shall not be a possession limit
630 on nonconsumable medical cannabis, including, but not limited to,
631 suppositories, ointments, soaps, and lotions or other topical
632 agents.



633 (11) For purposes of this chapter, total THC is defined as
634 THCA multiplied by .877 plus THC Delta 9 and all other
635 psychoactive forms or isomers of THC added together. A medical
636 cannabis establishment shall not sell cannabis flower or trim that
637 has a potency of greater than thirty percent (30%) total THC. A
638 medical cannabis dispensary shall not sell cannabis tinctures,
639 oils or concentrates that have a potency of greater than sixty
640 percent (60%) total THC. Cannabis products that have a potency of
641 over thirty percent (30%) total THC shall be clearly labeled as
642 "extremely potent." Edible cannabis products, including food or
643 drink products, that have been combined with usable cannabis or
644 cannabis products shall be physically demarked and labeled with a
645 clear determination of how much total THC is in a single-serving
646 size and how much THC is in the entire package.

647 A medical cannabis product shall contain a notice of harm
648 regarding the use of cannabis products. Edible cannabis products
649 shall be homogenized to ensure uniform disbursement of
650 cannabinoids throughout the product. All molded edible cannabis
651 products shall be presented in the form of geometric shapes and
652 shall not be molded to contain any images or characters designed
653 or likely to appeal to minors, such as cartoons, toys, animals or
654 children.

655 (12) A dispensary may not dispense more than the allowable
656 amount of cannabis to a registered qualifying patient or a
657 nonresident cardholder, directly or via a registered designated



658 caregiver. Dispensaries shall ensure compliance with this
659 limitation by maintaining internal, confidential records that
660 include records specifying how much medical cannabis is being
661 dispensed to the registered qualifying patient or nonresident
662 cardholder and whether it was dispensed directly to a registered
663 qualifying patient, nonresident cardholder or to the registered
664 designated caregiver.

665 (13) A nonresident cardholder shall not obtain more than a
666 total of six (6) MMCEUs of allowable medical cannabis in a week
667 from a dispensary or a combination of dispensaries. A nonresident
668 cardholder shall not obtain more than a total of twelve (12)
669 MMCEUs of allowable cannabis from a dispensary or a combination of
670 dispensaries in a fifteen-day period.

671 (14) A nonresident may apply to receive a nonresident
672 registry identification card up to thirty (30) days before
673 arriving in Mississippi. A nonresident registry identification
674 card shall be valid for fifteen (15) days. After the expiration
675 of the card, a nonresident may apply for a renewal of the card and
676 may be granted another card which shall be valid for another
677 fifteen-day period. A nonresident registry identification card
678 shall only be valid, at a maximum, for two (2) separate periods of
679 fifteen (15) days in a three-hundred-sixty-five-day period. An
680 applicant may indicate on his or her application the specific time
681 period that he or she wishes for the card to be valid. The



682 possession limit of the allowable amount of medical cannabis for
683 nonresident cardholders shall be fourteen (14) MMCEUs.

684 (15) A medical cannabis dispensary agent or employee shall
685 not issue a written certification. Employees and agents of a
686 medical cannabis dispensary shall complete at least eight (8)
687 hours of continuing education in medical cannabis as regulated by
688 the MDOR in order to be certified to work at a medical cannabis
689 dispensary. After the first year of employment, these employees
690 shall complete five (5) hours of continuing education in medical
691 cannabis annually to maintain this certification.

692 (16) Notwithstanding any other provision to the contrary, a
693 patient with a debilitating medical condition who is between
694 eighteen (18) years to twenty-five (25) years of age is not
695 eligible for a medical cannabis registry identification card
696 unless two (2) practitioners from separate medical practices have
697 diagnosed the patient as having a debilitating medical condition
698 after an in-person consultation. One (1) of these practitioners
699 must be a physician or doctor of osteopathic medicine.

700 If one (1) of the recommending practitioners is not the
701 patient's primary care practitioner, the recommending practitioner
702 shall review the records of a diagnosing practitioner. The
703 requirement that the two (2) practitioners be from separate
704 medical practices does not apply if the patient is homebound or if
705 the patient had a registry identification card before the age of
706 eighteen (18).



707 (17) A medical cannabis establishment shall not allow an
708 individual who is younger than twenty-one (21) years old to enter
709 the premises of the establishment unless the individual possesses
710 a registry identification card and is accompanied by his or her
711 legal guardian.

712 (18) A medical cannabis establishment shall only purchase,
713 grow, cultivate, and use cannabis that is grown and cultivated in
714 this state. Any medical cannabis that is grown and cultivated in
715 this state shall not be transported outside of this state.

716 (19) Employees of all medical cannabis establishments shall
717 apply for a work permit with the MDOH and MDOR, as applicable,
718 before beginning employment with any establishment. The licensing
719 agency for the respective medical cannabis establishment may issue
720 work permits to these individuals. These licensing agencies shall
721 maintain a work registry of all applicants and work permits
722 issued. The fee for a work permit shall be Twenty-five Dollars
723 (\$25.00) and the permit shall be valid for five (5) years. Work
724 permits shall be the property of the employee and shall not be
725 transferable to other employees.

726 (20) For purposes of this subsection, "plant growth
727 regulator cannabis" shall mean a cannabis plant whose growth and
728 structure has been modified using plant growth hormones. A
729 cannabis cultivation facility shall not cultivate and a cannabis
730 dispensary shall not sell, transfer or provide for consumption
731 plant growth regulator cannabis.



732 (21) A medical cannabis dispensary shall only make sales to
733 cardholders inside the dispensary. A medical cannabis dispensary
734 shall not sell or otherwise convey medical cannabis to a
735 cardholder through the means of a drive-through, curbside delivery
736 or other delivery outside the premises of the dispensary. Any
737 topical cannabis product that is not ingested by the liver may be
738 sold to a cardholder or any person over the age of twenty-one (21)
739 years old who is not a cardholder. Such products shall be placed
740 in an area of the dispensary that does not require access with a
741 registering identification card.

742 (22) Any and all contracts or agreements entered into by the
743 MDOH and MDOR for information technology software, hardware,
744 and/or services for the purpose of implementing and/or operating
745 under the Mississippi Medical Cannabis Act shall include language
746 reasonably limiting the ability of the vendor to escalate the
747 ongoing cost of such software, hardware, and/or services during
748 the term of the contract, including any amendments and/or
749 extensions.

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

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

755 41-137-41. (1) From and after February 2, 2022, the MDOH
756 and MDOR shall each, where relevant to the role of that particular



757 agency, establish and promulgate the following rules and
758 regulations:

759 (a) Governing the manner in which it shall consider
760 petitions from the public to add debilitating medical conditions
761 or treatments to the list of debilitating medical conditions set
762 forth in Section 41-137-3, including public notice of and
763 opportunities to comment in public hearings on the petitions;

764 (b) Establishing the form and content of license and
765 renewal applications and written certifications submitted under
766 this chapter;

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

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

776 (i) Oversight requirements;

777 (ii) Recordkeeping requirements;

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



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

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

786 (vi) Standards for the processing of cannabis
787 products and the indoor cultivation of cannabis by cannabis
788 cultivation facilities;

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

791 (viii) Employment and training requirements,
792 including requiring that each medical cannabis establishment
793 create an identification badge for each agent of the
794 establishment;

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

797 (x) Restrictions on the advertising, signage, and
798 display of medical cannabis, provided that the restrictions may
799 not prevent appropriate signs on the property of a dispensary,
800 listings in business directories, including phone books, listings
801 in cannabis-related or medical publications, display on dispensary
802 websites of pictures of products that the dispensary sells, or the
803 sponsorship of health or not-for-profit charity or advocacy
804 events;



805 (xi) Requirements and procedures for the safe and
806 accurate packaging and labeling of medical cannabis, including
807 prohibiting the use of any images designed or likely to appeal to
808 minors, such as cartoons, packaging that resembles popular candy
809 brands, toys, animals or children, or any other likeness or image
810 containing characters or phrases to advertise to minors;

811 (xii) Standards for cannabis testing facilities,
812 including requirements for equipment and qualifications for
813 personnel;

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

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

819 (xv) Procedures for suspending or terminating the
820 licenses or registry identification cards of cardholders and
821 medical cannabis establishments that commit multiple or serious
822 violations of the provisions of this chapter or the rules and
823 regulations promulgated pursuant to this section;

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

827 (xvii) Requirements for labeling medical cannabis
828 and cannabis products, including requiring medical cannabis
829 product labels to include the following:



- 830 1. The length of time it typically takes for
831 the product to take effect;
- 832 2. Disclosure of ingredients and possible
833 allergens;
- 834 3. A nutritional fact panel;
- 835 4. The amount of THC and CBD in the product;
- 836 5. A notice of the potential harm caused by
837 consuming medical cannabis; and
- 838 6. For edible cannabis products, when
839 practicable, a standard symbol indicating that the product
840 contains cannabis;
- 841 (xviii) Procedures for the registration of
842 nonresident cardholders, which must require the submission of:
- 843 1. A practitioner's statement confirming that
844 the patient has a debilitating medical condition; and
- 845 2. Documentation demonstrating that the
846 nonresident cardholder is allowed to possess medical cannabis or
847 cannabis preparations in the jurisdiction where he or she resides;
- 848 (xix) The amount of cannabis products, including
849 the amount of concentrated cannabis, each cardholder and
850 nonresident cardholder can possess;
- 851 (xx) Reasonable application and renewal fees for
852 registry identification cards and registration certificates,
853 according to the following:
- 854 1. The fee schedule shall be set as follows:



855 a. The qualifying patient registry
856 identification card application fee shall be Twenty-five Dollars
857 (\$25.00);

858 b. The designated caregiver registry
859 identification card application fee shall be Twenty-five Dollars
860 (\$25.00);

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

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

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

867 f. The qualifying patient registry
868 identification card application fee for a Medicaid participant
869 shall be Fifteen Dollars (\$15.00) and the fee for a renewal of
870 such card shall be Fifteen Dollars (\$15.00); and

871 g. The application fee for a qualifying
872 patient registry identification card for disabled veterans or
873 disabled first responders shall be waived. A disabled veteran or
874 first responder may prove their disability by providing written
875 documentation from their practitioner attesting to their
876 debilitating medical condition, documentation from the Social
877 Security Disability Office, or documentation that attests the
878 applicant is a one-hundred percent (100%) disabled veteran as



879 determined by the U.S. Department of Veteran Affairs and codified
880 at 38 CFR, Section 3.340(a) (2013); and

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

883 (xxi) Any other rules and regulations necessary to
884 implement and administer this chapter.

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

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

890 41-137-47. (1) The licensing agency may fine, suspend or
891 revoke a license at its discretion for a violation of this chapter
892 or any rules and regulations under this chapter by the licensee or
893 any of its employees or agents. The licensing agency may deny the
894 application of any applicant who fails to meet the qualifications
895 for obtaining such license under this chapter or any rules and
896 regulations under this chapter. If a licensee or applicant wishes
897 to appeal * * * the licensing agency's decision, the licensee or
898 applicant shall file its administrative appeal within twenty (20)
899 days of receipt of the initial notice. The licensing agency shall
900 then conduct a hearing on the record pursuant to the licensing
901 agency's rules and regulations governing such hearings, at which
902 time the burden shall be on the licensee or applicant to prove
903 that the agency's decision was:



- 904 (a) Unsupported by substantial evidence;
905 (b) Arbitrary or capricious;
906 (c) Beyond the power of the administrative agency to
907 make; or
908 (d) Violated some statutory or constitutional right of
909 the aggrieved party.

910 If the licensee or applicant fails to appeal the initial
911 notice within the prescribed time, the decision becomes final and
912 cannot be further appealed.

913 (2) The licensing agency shall provide its initial notice of
914 suspension, revocation, fine or other sanction by personal
915 delivery or mailing by certified mail, signature required, to the
916 medical cannabis establishment at the address on the registration
917 certificate. A suspension shall not be for a longer period than
918 six (6) months. The licensing agency shall provide its initial
919 notice of denial by personal delivery, mailing by certified mail,
920 signature required, or by electronic mail to the applicant at the
921 physical or electronic address listed in its application.

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

926 (4) The MDOH shall immediately revoke the registry
927 identification card of any cardholder who sells or otherwise
928 transfers medical cannabis to a person or other entity, and the



929 cardholder shall be disqualified from further participation in the
930 medical cannabis program under this chapter.

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

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

938 (7) No license issued by the MDOH or MDOR shall be
939 transferred by the license holder to any other person or entity
940 except with the written consent of the applicable licensing
941 agency.

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

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

948 41-137-49. (1) Data in license and registration
949 applications and supporting data submitted by registered
950 qualifying patients, registered designated caregivers, medical
951 cannabis establishments and nonresident cardholders, including
952 data on registered designated caregivers and practitioners, shall
953 be considered private data on individuals that is confidential and



954 exempt from disclosure under the Mississippi Public Records Act of
955 1983, Sections 25-61-1 through 25-61-17.

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

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

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

963 (b) Submission of the annual report required by this
964 chapter;

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

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

970 (e) Notification of the State Board of Medical
971 Licensure or other occupational or professional licensing board or
972 entity if there is reason to believe that a practitioner provided
973 a written certification in violation of this chapter, or if the
974 MDOH has reason to believe the practitioner otherwise violated the
975 standard of care for evaluating medical conditions.

976 (4) Any information kept or maintained by medical cannabis
977 establishments must identify cardholders by their registry



978 identification numbers and must not contain names or other
979 personally identifying information.

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

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

987 (7) The addresses of prospective and licensed medical
988 cannabis establishments shall be considered confidential and
989 exempt from disclosure under the Mississippi Public Records Act of
990 1983, Sections 25-61-1 through 25-61-17.

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

993 41-137-59. (1) Any person or entity aggrieved by a final
994 decision or order of an agency under the provisions of this
995 chapter may petition for judicial review of the final decision or
996 order.

997 (2) (a) The petition shall be filed within twenty (20) days
998 after the issuance of the agency's final decision or order. The
999 petition shall be filed in the circuit court of the county in
1000 which the appellant resides. If the appellant is a nonresident of
1001 this state, the appeal shall be made to the Circuit Court of the
1002 First Judicial District of Hinds County, Mississippi.



1003 (b) The review by the circuit court shall be based on
1004 the record made before the agency. Before filing a petition under
1005 subsection (1) of this section, a petitioner shall obtain from the
1006 agency an estimate of the cost to prepare the entire record of the
1007 agency and shall pay to the agency the amount of the estimate.
1008 The circuit court shall dismiss with prejudice any petition filed
1009 where it is shown that the petitioner failed to pay prior to
1010 filing the petition the estimate cost for preparation of the
1011 record.

1012 (* * *c) Any person or entity aggrieved by the
1013 decision of the circuit court may appeal to the Mississippi
1014 Supreme Court.

1015 **SECTION 9.** Section 41-137-63, Mississippi Code of 1972, is
1016 amended as follows:

1017 41-137-63. (1) (a) There is established a Medical Cannabis
1018 Advisory Committee, which shall be the committee that is required
1019 to advise the Legislature about medical cannabis and cannabis
1020 product, patient care, services and industry.

1021 (b) The advisory committee shall consist of nine (9)
1022 members, as follows:

1023 (i) The Governor shall appoint three (3) members
1024 to the committee, as follows:

- 1025 1. One (1) representative from the MDOH;
1026 2. One (1) registered qualifying patient; and



1027 3. One (1) physician with experience in
1028 medical cannabis issues;

1029 (ii) The Lieutenant Governor shall appoint three
1030 (3) members, as follows:

1031 1. One (1) owner or agent of a medical
1032 cannabis cultivation facility;

1033 2. One (1) representative from the MDOH; and

1034 3. One (1) qualified certified nurse
1035 practitioner, physician assistant or optometrist;

1036 (iii) The Speaker of the House shall appoint three
1037 (3) members, as follows:

1038 1. One (1) owner or agent of a medical
1039 cannabis processing facility;

1040 2. One (1) owner or agent of a medical
1041 cannabis dispensary; and

1042 3. One (1) representative from the MDOR.

1043 (c) The advisory committee shall meet at least two (2)
1044 times per year for the purpose of evaluating and making
1045 recommendations to the Legislature and the MDOH and MDOR
1046 regarding:

1047 (i) The ability of qualifying patients in all
1048 areas of the state to obtain timely access to high-quality medical
1049 cannabis;

1050 (ii) The effectiveness of the medical cannabis
1051 establishments in serving the needs of registered qualifying



1052 patients, including the provision of educational and support
1053 services by dispensaries, the reasonableness of their prices,
1054 security issues, and the sufficiency of the number operating to
1055 serve the state's registered qualifying patients;

1056 (iii) The effectiveness of the cannabis testing
1057 facilities, including whether a sufficient number are operating;

1058 (iv) The sufficiency of the regulatory and
1059 security safeguards contained in this chapter and adopted by the
1060 MDOH to ensure that access to and use of cannabis cultivated is
1061 provided only to cardholders;

1062 (v) Any recommended additions or revisions to the
1063 MDOH and MDOR rules and regulations or this chapter, including
1064 relating to security, safe handling, labeling, nomenclature, and
1065 whether additional types of licenses should be made available; and

1066 (vi) Any research studies regarding health effects
1067 of medical cannabis for patients.

1068 (d) The advisory committee shall accept public comment
1069 in writing and in-person at least once per year. The advisory
1070 committee shall meet at least two (2) times per year and advisory
1071 committee members shall be furnished written notice of the
1072 meetings at least ten (10) days before the date of the meeting.

1073 (e) The chairman of the advisory committee shall be
1074 elected by the voting members of the committee annually and shall
1075 not serve more than two (2) consecutive years as chairman.



1076 (f) The members of the advisory committee specified in
1077 paragraph (b) of this subsection shall serve for terms that are
1078 concurrent with the terms of members of the Legislature, and any
1079 member appointed under paragraph (b) may be reappointed to the
1080 advisory committee. The members of the advisory committee
1081 specified in paragraph (b) shall serve without compensation, but
1082 shall receive reimbursement to defray actual expenses incurred in
1083 the performance of committee business as authorized by law.

1084 (2) This section shall stand repealed on December 31, * * *
1085 2026.

1086 **SECTION 10.** Section 41-29-153, Mississippi Code of 1972, is
1087 amended as follows:

1088 41-29-153. (a) The following are subject to forfeiture:

1089 (1) All controlled substances which have been
1090 manufactured, distributed, dispensed or acquired in violation of
1091 this article or in violation of Article 5 of this chapter or
1092 Chapter 137 of this title;

1093 (2) All raw materials, products and equipment of any
1094 kind which are used, or intended for use, in manufacturing,
1095 compounding, processing, delivering, importing, or exporting any
1096 controlled substance in violation of this article or in violation
1097 of Article 5 of this chapter or Chapter 137 of this title;

1098 (3) All property which is used, or intended for use, as
1099 a container for property described in paragraph (1) or (2) of this
1100 subsection;



1101 (4) All conveyances, including aircraft, vehicles or
1102 vessels, which are used, or intended for use, to transport, or in
1103 any manner to facilitate the transportation, sale, receipt,
1104 possession or concealment of property described in paragraph (1)
1105 or (2) of this subsection, however:

1106 A. No conveyance used by any person as a common
1107 carrier in the transaction of business as a common carrier is
1108 subject to forfeiture under this section unless it appears that
1109 the owner or other person in charge of the conveyance is a
1110 consenting party or privy to a violation of this article;

1111 B. No conveyance is subject to forfeiture under
1112 this section by reason of any act or omission proved by the owner
1113 thereof to have been committed or omitted without his knowledge or
1114 consent; if the confiscating authority has reason to believe that
1115 the conveyance is a leased or rented conveyance, then the
1116 confiscating authority shall notify the owner of the conveyance
1117 within five (5) days of the confiscation;

1118 C. A forfeiture of a conveyance encumbered by a
1119 bona fide security interest is subject to the interest of the
1120 secured party if he neither had knowledge of nor consented to the
1121 act or omission;

1122 D. A conveyance is not subject to forfeiture for a
1123 violation of Section 41-29-139(c) (2) (A) 1, 2 or (B)1 or (C)1, 2,
1124 3;



1125 (5) All money, deadly weapons, books, records, and
1126 research products and materials, including formulas, microfilm,
1127 tapes and data which are used, or intended for use, in violation
1128 of this article or in violation of Article 5 of this chapter or
1129 Chapter 137 of this title;

1130 (6) All drug paraphernalia as defined in Section
1131 41-29-105(v); and

1132 (7) Everything of value, including real estate,
1133 furnished, or intended to be furnished, in exchange for a
1134 controlled substance in violation of this article, all proceeds
1135 traceable to such an exchange, and all monies, negotiable
1136 instruments, businesses or business investments, securities, and
1137 other things of value used, or intended to be used, to facilitate
1138 any violation of this article. All monies, coin and currency
1139 found in close proximity to forfeitable controlled substances, to
1140 forfeitable drug manufacturing or distributing paraphernalia, or
1141 to forfeitable records of the importation, manufacture or
1142 distribution of controlled substances are presumed to be
1143 forfeitable under this paragraph; the burden of proof is upon
1144 claimants of the property to rebut this presumption.

1145 A. No property shall be forfeited under the
1146 provisions of subsection (a)(7) of this section, to the extent of
1147 the interest of an owner, by reason of any act or omission
1148 established by him to have been committed or omitted without his
1149 knowledge or consent.



1150 B. Neither personal property encumbered by a bona
1151 fide security interest nor real estate encumbered by a bona fide
1152 mortgage, deed of trust, lien or encumbrance shall be forfeited
1153 under the provisions of subsection (a)(7) of this section, to the
1154 extent of the interest of the secured party or the interest of the
1155 mortgagee, holder of a deed of trust, lien or encumbrance by
1156 reason of any act or omission established by him to have been
1157 committed or omitted without his knowledge or consent.

1158 (b) Property subject to forfeiture may be seized by the
1159 bureau, local law enforcement officers, enforcement officers of
1160 the Mississippi Department of Transportation, highway patrolmen,
1161 the board, * * * the State Board of Pharmacy, or law enforcement
1162 officers of the Mississippi Department of Revenue or Mississippi
1163 Department of Health acting with their duties in accordance with
1164 the Mississippi Medical Cannabis Act, upon process issued by any
1165 appropriate court having jurisdiction over the property. Seizure
1166 without process may be made if:

1167 (1) The seizure is incident to an arrest or a search
1168 under a search warrant or an inspection under an administrative
1169 inspection warrant;

1170 (2) The property subject to seizure has been the
1171 subject of a prior judgment in favor of the state in a criminal
1172 injunction or forfeiture proceeding based upon this article;

1173 (3) The bureau, the board, local law enforcement
1174 officers, enforcement officers of the Mississippi Department of



1175 Transportation, or highway patrolmen, * * * the State Board of
1176 Pharmacy, or law enforcement officers of the Mississippi
1177 Department of Revenue or Mississippi Department of Health acting
1178 with their duties in accordance with the Mississippi Medical
1179 Cannabis Act, have probable cause to believe that the property is
1180 directly or indirectly dangerous to health or safety;

1181 (4) The bureau, local law enforcement officers,
1182 enforcement officers of the Mississippi Department of
1183 Transportation, highway patrolmen, the board, * * * the State
1184 Board of Pharmacy, or law enforcement officers of the Mississippi
1185 Department of Revenue or Mississippi Department of Health acting
1186 with their duties in accordance with the Mississippi Medical
1187 Cannabis Act, have probable cause to believe that the property was
1188 used or is intended to be used in violation of this article; or

1189 (5) The seizing law enforcement agency obtained a
1190 seizure warrant as described in * * * subsection (f) of this
1191 section.

1192 (c) Controlled substances listed in Schedule I of Section
1193 41-29-113 that are possessed, transferred, sold, or offered for
1194 sale in violation of this article are contraband and shall be
1195 seized and summarily forfeited to the state. Controlled
1196 substances listed in the said Schedule I, which are seized or come
1197 into the possession of the state, the owners of which are unknown,
1198 are contraband and shall be summarily forfeited to the state.



1199 (d) Species of plants from which controlled substances in
1200 Schedules I and II of Sections 41-29-113 and 41-29-115 may be
1201 derived which have been planted or cultivated in violation of this
1202 article, or of which the owners or cultivators are unknown, or
1203 which are wild growths, may be seized and summarily forfeited to
1204 the state.

1205 (e) The failure, upon demand by the bureau and/or local law
1206 enforcement officers, or their authorized agents, or highway
1207 patrolmen designated by the bureau, the board, * * * the State
1208 Board of Pharmacy, or law enforcement officers of the Mississippi
1209 Department of Revenue or Mississippi Department of Health acting
1210 with their duties in accordance with the Mississippi Medical
1211 Cannabis Act, of the person in occupancy or in control of land or
1212 premises upon which the species of plants are growing or being
1213 stored, to produce an appropriate registration, or proof that he
1214 is the holder thereof, constitutes authority for the seizure and
1215 forfeiture of the plants.

1216 (f) (1) When any property is seized under the Uniform
1217 Controlled Substances Law, except as otherwise provided in
1218 paragraph (3) of this subsection, by a law enforcement agency with
1219 the intent to be forfeited, the law enforcement agency that seized
1220 the property shall obtain a seizure warrant from the county or
1221 circuit court having jurisdiction of such property within
1222 seventy-two (72) hours of any seizure, excluding weekends and
1223 holidays. Any law enforcement agency that fails to obtain a



1224 seizure warrant within seventy-two (72) hours as required by this
1225 section shall notify the person from whom the property was seized
1226 that it will not be forfeited and shall provide written
1227 instructions advising the person how to retrieve the seized
1228 property.

1229 (2) A circuit or county judge having jurisdiction of
1230 any property other than a controlled substance, raw material or
1231 paraphernalia, may issue a seizure warrant upon proper oath or
1232 affirmation from a law enforcement agency. The law enforcement
1233 agency that is seeking a seizure warrant shall provide the
1234 following information to the judge:

1235 A. Probable cause to believe that the property was
1236 used or intended to be used in violation of this article;

1237 B. The name of the person from whom the property
1238 was seized; and

1239 C. A detailed description of the property which is
1240 seized, including the value of the property.

1241 (3) This subsection does not apply to seizures
1242 performed pursuant to Section 41-29-157 when property is
1243 specifically set forth in a search and seizure warrant.

1244 **SECTION 11.** Section 41-29-154, Mississippi Code of 1972, is
1245 amended as follows:

1246 41-29-154. Any controlled substance or paraphernalia seized
1247 under the authority of this article or any other law of
1248 Mississippi or of the United States, shall be destroyed,



1249 adulterated and disposed of or otherwise rendered harmless and
1250 disposed of, upon written authorization of the director,
1251 Commissioner of the Mississippi Department of Revenue or the State
1252 Health Officer of the Mississippi Department of Health, as
1253 applicable, after such substance or paraphernalia has served its
1254 usefulness as evidence or after such substance or paraphernalia is
1255 no longer useful for training or demonstration purposes.

1256 A record of the disposition of such substances and
1257 paraphernalia and the method of destruction or adulteration
1258 employed along with the names of witnesses to such destruction or
1259 adulteration shall be retained by the director.

1260 No substance or paraphernalia shall be disposed of, destroyed
1261 or rendered harmless under the authority of this section without
1262 an order from the director, Commissioner of the Mississippi
1263 Department of Revenue or the State Health Officer of the
1264 Mississippi Department of Health, as applicable, and without at
1265 least two (2) officers or agents of the bureau present as
1266 witnesses.

1267 **SECTION 12.** Section 25-53-1, Mississippi Code of 1972, is
1268 amended as follows:

1269 25-53-1. The Legislature recognizes that in order for the
1270 State of Mississippi to receive the maximum use and benefit from
1271 information technology and services now in operation or which will
1272 in the future be placed in operation, there should be full
1273 cooperation and cohesive planning and effort by and between the



1274 several state agencies and that it is the responsibility of the
1275 Legislature to provide statutory authority therefor. The
1276 Legislature, therefore, declares and determines that for these and
1277 other related purposes there is hereby established an agency of
1278 state government to be known as the Mississippi Department of
1279 Information Technology Services (MDITS). The Legislature further
1280 declares that the Mississippi Department of Information Technology
1281 Services (MDITS) shall provide statewide services that facilitate
1282 cost-effective information processing and telecommunication
1283 solutions. State agencies shall work in full cooperation with the
1284 board of MDITS to identify opportunities to minimize duplication,
1285 reduce costs and improve the efficiency of providing common
1286 technology services across agency boundaries. The provisions of
1287 this chapter shall not apply to the Department of Human Services
1288 for a period of three (3) years beginning July 1, 2017. The
1289 provisions of this chapter shall not apply to the Department of
1290 Child Protection Services for a period of three (3) years
1291 beginning July 1, 2017. Through June 30, * * * 2024, the
1292 provisions of this chapter shall not apply to the Department of
1293 Health and the Department of Revenue for the purposes of
1294 implementing, administering and enforcing the provisions of the
1295 Mississippi Medical Cannabis Act.

1296 **SECTION 13.** Section 25-53-5, Mississippi Code of 1972, is
1297 amended as follows:



1298 25-53-5. The authority shall have the following powers,
1299 duties, and responsibilities:

1300 (a) (i) The authority shall provide for the
1301 development of plans for the efficient acquisition and utilization
1302 of computer equipment and services by all agencies of state
1303 government, and provide for their implementation. In so doing,
1304 the authority may use the MDITS' staff, at the discretion of the
1305 executive director of the authority, or the authority may contract
1306 for the services of qualified consulting firms in the field of
1307 information technology and utilize the service of such consultants
1308 as may be necessary for such purposes. Pursuant to Section
1309 25-53-1, the provisions of this section shall not apply to the
1310 Department of Human Services for a period of three (3) years
1311 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
1312 provisions of this section shall not apply to the Department of
1313 Child Protection Services for a period of three (3) years
1314 beginning July 1, 2017.

1315 (ii) [Repealed]

1316 (b) The authority shall immediately institute
1317 procedures for carrying out the purposes of this chapter and
1318 supervise the efficient execution of the powers and duties of the
1319 office of executive director of the authority. In the execution
1320 of its functions under this chapter, the authority shall maintain
1321 as a paramount consideration the successful internal organization
1322 and operation of the several agencies so that efficiency existing



1323 therein shall not be adversely affected or impaired. In executing
1324 its functions in relation to the institutions of higher learning
1325 and junior colleges in the state, the authority shall take into
1326 consideration the special needs of such institutions in relation
1327 to the fields of teaching and scientific research.

1328 (c) Title of whatever nature of all computer equipment
1329 now vested in any agency of the State of Mississippi is hereby
1330 vested in the authority, and no such equipment shall be disposed
1331 of in any manner except in accordance with the direction of the
1332 authority or under the provisions of such rules and regulations as
1333 may hereafter be adopted by the authority in relation thereto.

1334 (d) The authority shall adopt rules, regulations, and
1335 procedures governing the acquisition of computer and
1336 telecommunications equipment and services which shall, to the
1337 fullest extent practicable, insure the maximum of competition
1338 between all manufacturers of supplies or equipment or services.
1339 In the writing of specifications, in the making of contracts
1340 relating to the acquisition of such equipment and services, and in
1341 the performance of its other duties the authority shall provide
1342 for the maximum compatibility of all information systems hereafter
1343 installed or utilized by all state agencies and may require the
1344 use of common computer languages where necessary to accomplish the
1345 purposes of this chapter. The authority may establish by
1346 regulation and charge reasonable fees on a nondiscriminatory basis



1347 for the furnishing to bidders of copies of bid specifications and
1348 other documents issued by the authority.

1349 (e) The authority shall adopt rules and regulations
1350 governing the sharing with, or the sale or lease of information
1351 technology services to any nonstate agency or person. Such
1352 regulations shall provide that any such sharing, sale or lease
1353 shall be restricted in that same shall be accomplished only where
1354 such services are not readily available otherwise within the
1355 state, and then only at a charge to the user not less than the
1356 prevailing rate of charge for similar services by private
1357 enterprise within this state.

1358 (f) The authority may, in its discretion, establish a
1359 special technical advisory committee or committees to study and
1360 make recommendations on technology matters within the competence
1361 of the authority as the authority may see fit. Persons serving on
1362 the Information Resource Council, its task forces, or any such
1363 technical advisory committees shall be entitled to receive their
1364 actual and necessary expenses actually incurred in the performance
1365 of such duties, together with mileage as provided by law for state
1366 employees, provided the same has been authorized by a resolution
1367 duly adopted by the authority and entered on its minutes prior to
1368 the performance of such duties.

1369 (g) The authority may provide for the development and
1370 require the adoption of standardized computer programs and may
1371 provide for the dissemination of information to and the



1372 establishment of training programs for the personnel of the
1373 various information technology centers of state agencies and
1374 personnel of the agencies utilizing the services thereof.

1375 (h) The authority shall adopt reasonable rules and
1376 regulations requiring the reporting to the authority through the
1377 office of executive director of such information as may be
1378 required for carrying out the purposes of this chapter and may
1379 also establish such reasonable procedures to be followed in the
1380 presentation of bills for payment under the terms of all contracts
1381 for the acquisition of computer equipment and services now or
1382 hereafter in force as may be required by the authority or by the
1383 executive director in the execution of their powers and duties.

1384 (i) The authority shall require such adequate
1385 documentation of information technology procedures utilized by the
1386 various state agencies and may require the establishment of such
1387 organizational structures within state agencies relating to
1388 information technology operations as may be necessary to
1389 effectuate the purposes of this chapter.

1390 (j) The authority may adopt such further reasonable
1391 rules and regulations as may be necessary to fully implement the
1392 purposes of this chapter. All rules and regulations adopted by
1393 the authority shall be published and disseminated in readily
1394 accessible form to all affected state agencies, and to all current
1395 suppliers of computer equipment and services to the state, and to
1396 all prospective suppliers requesting the same. Such rules and



1397 regulations shall be kept current, be periodically revised, and
1398 copies thereof shall be available at all times for inspection by
1399 the public at reasonable hours in the offices of the authority.
1400 Whenever possible no rule, regulation or any proposed amendment to
1401 such rules and regulations shall be finally adopted or enforced
1402 until copies of the proposed rules and regulations have been
1403 furnished to all interested parties for their comment and
1404 suggestions.

1405 (k) The authority shall establish rules and regulations
1406 which shall provide for the submission of all contracts proposed
1407 to be executed by the executive director for computer equipment or
1408 services to the authority for approval before final execution, and
1409 the authority may provide that such contracts involving the
1410 expenditure of less than such specified amount as may be
1411 established by the authority may be finally executed by the
1412 executive director without first obtaining such approval by the
1413 authority.

1414 (l) The authority is authorized to purchase, lease, or
1415 rent computer equipment or services and to operate that equipment
1416 and use those services in providing services to one or more state
1417 agencies when in its opinion such operation will provide maximum
1418 efficiency and economy in the functions of any such agency or
1419 agencies.

1420 (m) Upon the request of the governing body of a
1421 political subdivision or instrumentality, the authority shall



1422 assist the political subdivision or instrumentality in its
1423 development of plans for the efficient acquisition and utilization
1424 of computer equipment and services. An appropriate fee shall be
1425 charged the political subdivision by the authority for such
1426 assistance.

1427 (n) The authority shall adopt rules and regulations
1428 governing the protest procedures to be followed by any actual or
1429 prospective bidder, offerer or contractor who is aggrieved in
1430 connection with the solicitation or award of a contract for the
1431 acquisition of computer equipment or services. Such rules and
1432 regulations shall prescribe the manner, time and procedure for
1433 making protests and may provide that a protest not timely filed
1434 shall be summarily denied. The authority may require the
1435 protesting party, at the time of filing the protest, to post a
1436 bond, payable to the state, in an amount that the authority
1437 determines sufficient to cover any expense or loss incurred by the
1438 state, the authority or any state agency as a result of the
1439 protest if the protest subsequently is determined by a court of
1440 competent jurisdiction to have been filed without any substantial
1441 basis or reasonable expectation to believe that the protest was
1442 meritorious; however, in no event may the amount of the bond
1443 required exceed a reasonable estimate of the total project cost.
1444 The authority, in its discretion, also may prohibit any
1445 prospective bidder, offerer or contractor who is a party to any
1446 litigation involving any such contract with the state, the



1447 authority or any agency of the state to participate in any other
1448 such bid, offer or contract, or to be awarded any such contract,
1449 during the pendency of the litigation.

1450 (o) The authority shall make a report in writing to the
1451 Legislature each year in the month of January. Such report shall
1452 contain a full and detailed account of the work of the authority
1453 for the preceding year as specified in Section 25-53-29(3).

1454 All acquisitions of computer equipment and services involving
1455 the expenditure of funds in excess of the dollar amount
1456 established in Section 31-7-13(c), or rentals or leases in excess
1457 of the dollar amount established in Section 31-7-13(c) for the
1458 term of the contract, shall be based upon competitive and open
1459 specifications, and contracts therefor shall be entered into only
1460 after advertisements for bids are published in one or more daily
1461 newspapers having a general circulation in the state not less than
1462 fourteen (14) days prior to receiving sealed bids therefor. The
1463 authority may reserve the right to reject any or all bids, and if
1464 all bids are rejected, the authority may negotiate a contract
1465 within the limitations of the specifications so long as the terms
1466 of any such negotiated contract are equal to or better than the
1467 comparable terms submitted by the lowest and best bidder, and so
1468 long as the total cost to the State of Mississippi does not exceed
1469 the lowest bid. If the authority accepts one (1) of such bids, it
1470 shall be that which is the lowest and best. Through June
1471 30, * * * 2024, the provisions of this paragraph shall not apply



1472 to acquisitions of information technology equipment and services
1473 made by the Mississippi Department of Health and/or the
1474 Mississippi Department of Revenue for the purposes of
1475 implementing, administering and/or enforcing the provisions of the
1476 Mississippi Medical Cannabis Act.

1477 (p) When applicable, the authority may procure
1478 equipment, systems and related services in accordance with the law
1479 or regulations, or both, which govern the Bureau of Purchasing of
1480 the Office of General Services or which govern the Mississippi
1481 Department of Information Technology Services procurement of
1482 telecommunications equipment, software and services.

1483 (q) The authority is authorized to purchase, lease, or
1484 rent information technology and services for the purpose of
1485 establishing pilot projects to investigate emerging technologies.
1486 These acquisitions shall be limited to new technologies and shall
1487 be limited to an amount set by annual appropriation of the
1488 Legislature. These acquisitions shall be exempt from the
1489 advertising and bidding requirement.

1490 (r) All fees collected by the Mississippi Department of
1491 Information Technology Services shall be deposited into the
1492 Mississippi Department of Information Technology Services
1493 Revolving Fund unless otherwise specified by the Legislature.

1494 (s) The authority shall work closely with the council
1495 to bring about effective coordination of policies, standards and
1496 procedures relating to procurement of remote sensing and



1497 geographic information systems (GIS) resources. In addition, the
1498 authority is responsible for development, operation and
1499 maintenance of a delivery system infrastructure for geographic
1500 information systems data. The authority shall provide a warehouse
1501 for Mississippi's geographic information systems data.

1502 (t) The authority shall manage one or more State Data
1503 Centers to provide information technology services on a
1504 cost-sharing basis. In determining the appropriate services to be
1505 provided through the State Data Center, the authority should
1506 consider those services that:

- 1507 (i) Result in savings to the state as a whole;
- 1508 (ii) Improve and enhance the security and
1509 reliability of the state's information and business systems; and
- 1510 (iii) Optimize the efficient use of the state's
1511 information technology assets, including, but not limited to,
1512 promoting partnerships with the state institutions of higher
1513 learning and community colleges to capitalize on advanced
1514 information technology resources.

1515 (u) The authority shall increase federal participation
1516 in the cost of the State Data Center to the extent provided by law
1517 and its shared technology infrastructure through providing such
1518 shared services to agencies that receive federal funds. With
1519 regard to state institutions of higher learning and community
1520 colleges, the authority may provide shared services when mutually
1521 agreeable, following a determination by both the authority and the



1522 Board of Trustees of State Institutions of Higher Learning or the
1523 Mississippi Community College Board, as the case may be, that the
1524 sharing of services is mutually beneficial.

1525 (v) The authority, in its discretion, may require new
1526 or replacement agency business applications to be hosted at the
1527 State Data Center. With regard to state institutions of higher
1528 learning and community colleges, the authority and the Board of
1529 Trustees of State Institutions of Higher Learning or the
1530 Mississippi Community College Board, as the case may be, may agree
1531 that institutions of higher learning or community colleges may
1532 utilize business applications that are hosted at the State Data
1533 Center, following a determination by both the authority and the
1534 applicable board that the hosting of those applications is
1535 mutually beneficial. In addition, the authority may establish
1536 partnerships to capitalize on the advanced technology resources of
1537 the Board of Trustees of State Institutions of Higher Learning or
1538 the Mississippi Community College Board, following a determination
1539 by both the authority and the applicable board that such a
1540 partnership is mutually beneficial.

1541 (w) The authority shall provide a periodic update
1542 regarding reform-based information technology initiatives to the
1543 Chairmen of the House and Senate Accountability, Efficiency and
1544 Transparency Committees.

1545 From and after July 1, 2018, the expenses of this agency
1546 shall be defrayed by appropriation from the State General Fund.



1547 In addition, in order to receive the maximum use and benefit from
1548 information technology and services, expenses for the provision of
1549 statewide shared services that facilitate cost-effective
1550 information processing and telecommunication solutions shall be
1551 defrayed by pass-through funding and shall be deposited into the
1552 Mississippi Department of Information Technology Services
1553 Revolving Fund unless otherwise specified by the Legislature.
1554 These funds shall only be utilized to pay the actual costs
1555 incurred by the Mississippi Department of Information Technology
1556 Services for providing these shared services to state agencies.
1557 Furthermore, state agencies shall work in full cooperation with
1558 the Board of the Mississippi Department of Information Technology
1559 Services to identify computer equipment or services to minimize
1560 duplication, reduce costs, and improve the efficiency of providing
1561 common technology services across agency boundaries.

1562 **SECTION 14.** This act shall take effect and be in force from
1563 and after its passage.

