

By: Representatives Yancey, Stamps

To: Drug Policy

HOUSE BILL NO. 1158
(As Passed the House)

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



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

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

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



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

100 (2) A written certification shall:

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

173 (b) The application or renewal fee;

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

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

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



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

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

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

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

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

202 (4) * * * (a) The MDOH shall require criminal background
203 checks in order to carry out this section.

204 (b) The MDOH shall require that the prospective
205 designated caregiver or caregivers applicant apply for or
206 authorize the division to obtain state and national criminal



207 background checks to be conducted by the Mississippi Justice
208 Information Center of the Department of Public Safety and the
209 Federal Bureau of Investigation.

210 (c) Such criminal background checks shall conform to
211 the applicable federal standards, and shall include the taking of
212 fingerprints.

213 (d) The applicant shall authorize the release of such
214 criminal background checks to the MDOH, and shall be responsible
215 for the payment of any fee associated with the criminal background
216 checks.

217 (e) Upon completion of such criminal background checks,
218 the Mississippi Justice Information Center of the Department of
219 Public Safety shall forward to the MDOH all information obtained
220 concerning the applicant.

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

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

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



232 (i) Acknowledge the potential harms related to the
233 use of medical cannabis;

234 (ii) Allow the qualifying patient's medical use of
235 medical cannabis;

236 (iii) Serve as the qualifying patient's designated
237 caregiver; and

238 (iv) Control the acquisition of the medical
239 cannabis, the dosage and the frequency of the use of medical
240 cannabis by the qualifying patient.

241 (6) If a designated caregiver is an entity licensed to
242 provide health care services, residential care services or day
243 care services, then:

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

247 (b) The MDOH may issue individual registry
248 identification cards for employees of the entity that may
249 transport medical cannabis.

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

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



257 (a) Did not provide the required information or
258 materials;
259 (b) Previously had a registry identification card
260 revoked;
261 (c) Provided false information; or
262 (d) Failed to meet the other requirements of this
263 chapter.

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

267 (a) Does not meet the definition of "designated
268 caregiver" under Section 41-137-3;
269 (b) Did not provide the information required;
270 (c) Previously had a registry identification card
271 revoked;
272 (d) Provided false information;
273 (e) Is younger than twenty-one (21) years of age and is
274 not the parent or legal guardian of the qualifying patient who the
275 designated caregiver would assist; or
276 (f) Failed to meet the other requirements of this
277 chapter.

278 (10) The MDOH shall give written notice to the qualifying
279 patient of the reason for denying a registry identification card
280 to the qualifying patient or to the qualifying patient's
281 designated caregiver.



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

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

287 41-137-35. (1) The MDOH shall issue licenses for cannabis
288 cultivation facilities, cannabis processing facilities, cannabis
289 transportation entities, cannabis disposal entities, cannabis
290 research facilities and cannabis testing facilities. The MDOR
291 shall issue licenses for medical cannabis dispensaries.

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

294 (a) Micro-cultivators.

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

300 (ii) Tier 2. A cannabis cultivation facility with
301 a canopy of more than one thousand (1,000) square feet but not
302 more than two thousand (2,000) square feet shall be subject to a
303 one-time nonrefundable license application fee of Two Thousand
304 Five Hundred Dollars (\$2,500.00). The annual license fee shall be
305 a nonrefundable fee of Three Thousand Five Hundred Dollars
306 (\$3,500.00).



307 (b) Cultivators.

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

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

320 (iii) Tier 3. A cannabis cultivation facility
321 with a canopy of not less than fifteen thousand (15,000) square
322 feet but not more than thirty thousand (30,000) square feet shall
323 be subject to a one-time nonrefundable license application fee of
324 Twenty Thousand Dollars (\$20,000.00). The annual license fee
325 shall be a nonrefundable fee of Fifty Thousand Dollars
326 (\$50,000.00).

327 (iv) Tier 4. A cannabis cultivation facility with
328 a canopy of not less than thirty thousand (30,000) square feet but
329 not more than sixty thousand (60,000) square feet shall be subject
330 to a one-time nonrefundable license application fee of Thirty



331 Thousand Dollars (\$30,000.00). The annual license fee shall be a
332 nonrefundable fee of Seventy-five Thousand Dollars (\$75,000.00).

333 (v) Tier 5. A cannabis cultivation facility with
334 a canopy of not less than sixty thousand (60,000) square feet but
335 not more than one hundred thousand (100,000) square feet shall be
336 subject to a one-time nonrefundable license application fee of
337 Forty Thousand Dollars (\$40,000.00). The annual license fee shall
338 be a nonrefundable fee of One Hundred Thousand Dollars
339 (\$100,000.00).

340 (vi) Tier 6. A cannabis cultivation facility with
341 a canopy of not less than one hundred thousand (100,000) square
342 feet * * * but not more than one hundred fifty thousand (150,000)
343 square feet shall be subject to a one-time nonrefundable license
344 application fee of Sixty Thousand Dollars (\$60,000.00). The
345 annual license fee shall be a nonrefundable fee of One Hundred
346 Fifty Thousand Dollars (\$150,000.00). Tier 6 cannabis cultivation
347 facilities shall have not more than two (2) locations, however the
348 total canopy space of both locations combined may not exceed one
349 hundred fifty thousand (150,000) square feet.

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

352 (a) Micro-processors.

353 (i) Tier 1. A cannabis processing facility which
354 processes less than two thousand (2,000) pounds of dried biomass
355 cannabis material annually shall be subject to a one-time



356 nonrefundable license application fee of Two Thousand Dollars
357 (\$2,000.00). The annual license fee shall be a nonrefundable fee
358 of Three Thousand Five Hundred Dollars (\$3,500.00).

359 (ii) Tier 2. A cannabis processing facility which
360 processes not less than two thousand (2,000) pounds but less than
361 three thousand (3,000) pounds of dried biomass cannabis material
362 annually shall be subject to a one-time nonrefundable license
363 application fee of Two Thousand Five Hundred Dollars (\$2,500.00).
364 The annual license fee shall be a nonrefundable fee of Five
365 Thousand Dollars (\$5,000.00).

366 (b) Processors. A cannabis processing facility which
367 processes not less than three thousand (3,000) pounds of biomass
368 cannabis material annually shall be subject to a one-time
369 nonrefundable license application fee of Fifteen Thousand Dollars
370 (\$15,000.00). The annual license fee shall be a nonrefundable fee
371 of Twenty Thousand Dollars (\$20,000.00).

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

376 (5) Cannabis transportation entities shall be subject to a
377 one-time nonrefundable application fee of Five Thousand Dollars
378 (\$5,000.00). The annual license fee shall be a nonrefundable fee
379 of Seven Thousand Five Hundred Dollars (\$7,500.00).



380 (6) Cannabis disposal entities shall be subject to a
381 one-time nonrefundable application fee of Five Thousand Dollars
382 (\$5,000.00). The annual license fee shall be a nonrefundable fee
383 of Seven Thousand Five Hundred Dollars (\$7,500.00).

384 (7) Cannabis testing facilities shall be subject to a
385 one-time nonrefundable application fee of Ten Thousand Dollars
386 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars
387 (\$15,000.00). A cannabis testing facility shall not employ an
388 agent or employee who also is employed or has ownership at any
389 other medical cannabis establishment.

390 (8) Cannabis research facilities shall be subject to a
391 one-time nonrefundable application fee of Ten Thousand Dollars
392 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars
393 (\$15,000.00). A research facility at any university or college in
394 this state shall be exempt from all fees imposed under this
395 section.

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

399 (a) More than one (1) cannabis cultivation facility
400 license;

401 (b) More than one (1) cannabis processing facility
402 license; and

403 (c) More than five (5) medical cannabis dispensary
404 licenses.



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

408 (10) Minimum qualifications for applicants for a cannabis
409 cultivation facility, a cannabis processing facility, a medical
410 cannabis dispensary, a medical cannabis transportation entity or a
411 medical cannabis disposal entity license(s) are as follows:

412 (a) An individual applicant for a cannabis cultivation
413 facility, cannabis processing facility, medical cannabis
414 dispensary, medical cannabis transportation entity or medical
415 cannabis disposal license shall be a natural person who:

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

417 (ii) Has not previously held a license for a
418 cannabis cultivation facility, cannabis processing facility,
419 medical cannabis dispensary, medical cannabis transportation
420 entity or medical cannabis disposal entity that has been revoked;

421 (iii) Has not been convicted of a disqualifying
422 felony offense;

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

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



430 (vi) Has no outstanding tax delinquencies owed to
431 the State of Mississippi;

432 (vii) Is not serving as a member of the
433 Mississippi Senate or Mississippi House of Representatives through
434 December 31, 2022;

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

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

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

443 (ii) Serve as the primary point of contact with
444 the MDOR and MDOH;

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

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

449 2. Has previously been an owner of a medical
450 cannabis dispensary, cannabis cultivation facility, a cannabis
451 processing facility, medical cannabis transportation entity or
452 medical cannabis disposal entity that has had its license revoked;

453 3. Has been convicted of a disqualifying
454 felony offense;



455 4. Owes delinquent taxes to the State of
456 Mississippi;

457 5. Is serving as a member of the Mississippi
458 Senate or Mississippi House of Representatives through December
459 31, 2022; and

460 6. Is the spouse of a person serving as a
461 member of the Mississippi Senate or Mississippi House of
462 Representatives through December 31, 2022; and

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

467 (11) Applicants for cannabis cultivation facility licenses
468 and cannabis processing facility licenses shall both meet the
469 minimum qualifications in subsection (10) of this section and
470 shall also submit sufficient proof of the following:

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

475 (b) If a business entity, proof that at least
476 thirty-five percent (35%) of the equity ownership interests in the
477 entity are held by individuals who have been residents of the
478 State of Mississippi and citizens of the United States of America



479 for at least three (3) consecutive years prior to the application
480 date.

481 This subsection (11) shall stand repealed on December 31,
482 2022.

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

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

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

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

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

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

501 (a) Mississippi Tax Return Form 80-105 or Form 80-205
502 for each of the three (3) years preceding the application without
503 schedules, worksheets, or attachments, and redacted to remove all



504 financial information and all but the last four (4) digits of the
505 individual's social security number for the three (3) years
506 preceding the application;

507 (b) Ownership, lease, or rental documents for place of
508 primary domicile for the three (3) years preceding the
509 application;

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

512 (d) Vehicle registration for the three (3) years
513 preceding the application.

514 (14) Ownership in a cannabis cultivation facility license,
515 cannabis processing facility license or a medical cannabis
516 dispensary license or investment in a business that supports or
517 benefits from such a license shall not disqualify or otherwise
518 negatively impact the license or finding of suitability of such
519 owner who is otherwise engaged in any other form of business
520 operation in the state, if such business requires the owner to
521 hold a license or be found suitable under state law.

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

525 (16) A prospective medical cannabis establishment shall
526 submit all of the following:

527 (a) An application, including:



528 (i) The legal name of the prospective medical
529 cannabis establishment;

530 (ii) The physical address of the prospective
531 medical cannabis establishment, which shall not be within one
532 thousand (1,000) feet of the nearest property boundary line of a
533 school, church or child care facility which exists or has acquired
534 necessary real property for the operation of such facility before
535 the date of the medical cannabis establishment application unless
536 the entity has received approval from the school, church or child
537 care facility and received the applicable waiver from their
538 licensing agency, provided that the main point of entry of the
539 cannabis establishment is not located within five hundred (500)
540 feet of the nearest property boundary line of any school, church
541 or child care facility;

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

544 (iv) Any additional information requested by the
545 MDOR and MDOH.

546 (b) Operating procedures consistent with rules and
547 regulations for oversight of the proposed medical cannabis
548 establishment, including procedures to ensure accurate record
549 keeping and adequate security measures.

550 (c) If the municipality or county where the proposed
551 medical cannabis establishment would be located has enacted zoning
552 restrictions, a sworn statement certifying that the proposed



553 medical cannabis establishment is in compliance with the
554 restrictions.

555 (d) If the municipality or county where the proposed
556 medical cannabis establishment would be located requires a local
557 registration, license or permit, then proof of receiving such
558 registration, license or permit.

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

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

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

571 (* * *18) The MDOR and MDOH shall issue a renewal
572 registration certificate within ten (10) days of receipt of the
573 prescribed renewal application and renewal fee from a medical
574 cannabis establishment if its license is not under suspension and
575 has not been revoked.

576 (* * *19) A licensing agency shall require disclosure only
577 of persons, entities or affiliated entities who directly or



578 indirectly own ten percent (10%) or more of a medical cannabis
579 establishment issued a license by the licensing agency.

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

583 (a) Their location on Mississippi Choctaw Indian
584 Reservation Lands; or

585 (b) The involvement of the Mississippi Band of Choctaw
586 Indians or any entity owned or operated by the Mississippi Band of
587 Choctaw Indians as an owner or co-owner of such license, provided
588 that such license shall be subject to revocation for material
589 noncompliance with this chapter on the same basis as any other
590 license.

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

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

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



602 41-137-39. (1) * * * (a) Medical cannabis establishments
603 shall conduct a background check into the criminal history of
604 every person seeking to become a principal officer, board member,
605 agent, volunteer, or employee before the person begins working at
606 or for the medical cannabis establishment.

607 (b) Every person seeking to become a principal officer,
608 board member, agent, volunteer, or employee shall apply for or
609 authorize the division to obtain state and national criminal
610 background checks to be conducted by the Mississippi Justice
611 Information Center of the Department of Public Safety and the
612 Federal Bureau of Investigation.

613 (c) Such criminal background checks shall conform to
614 the applicable federal standards, and shall include the taking of
615 fingerprints.

616 (d) The applicant shall authorize the release of such
617 criminal background checks to the MDOH, and shall be responsible
618 for the payment of any fee associated with the criminal background
619 checks.

620 (e) Upon completion of such criminal background checks,
621 the Mississippi Justice Information Center of the Department of
622 Public Safety shall forward to the MDOH all information obtained
623 concerning the applicant.

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

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



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

628 (3) The operating documents of a medical cannabis
629 establishment must include procedures for the oversight of the
630 medical cannabis establishment and procedures to ensure accurate
631 record keeping and adequate security measures.

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

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

644 (6) No medical cannabis establishment other than a cannabis
645 processing facility or cannabis research facility may produce
646 cannabis concentrates, cannabis extractions, or other cannabis
647 products.

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

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



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

654 (a) Require that the individual present a registry
655 identification card;

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

658 (c) Make a diligent effort to verify that the person
659 presenting the registry identification card is the person
660 identified on the registry identification card presented to the
661 dispensary agent; and

662 (d) Not believe that the amount of medical cannabis
663 dispensed would cause the person to possess more than the
664 allowable amount of medical cannabis.

665 (10) A medical cannabis establishment shall not sell more
666 than the allowable amount of medical cannabis to a cardholder. A
667 resident cardholder shall not obtain more than a total of six (6)
668 MMCEUs of allowable medical cannabis in a week from a dispensary
669 or a combination of dispensaries. A resident cardholder shall not
670 obtain more than a total of twenty-four (24) MMCEUs of allowable
671 medical cannabis in thirty (30) days from a dispensary or a
672 combination of dispensaries.

673 The possession limit for resident cardholders of the
674 allowable amount of medical cannabis shall be a total of
675 twenty-eight (28) MMCEUs. There shall not be a possession limit
676 on nonconsumable medical cannabis, including, but not limited to,



677 suppositories, ointments, soaps, and lotions or other topical
678 agents.

679 (11) For purposes of this chapter, total THC is defined as
680 THCA multiplied by .877 plus THC Delta 9 and all other
681 psychoactive forms or isomers of THC added together. A medical
682 cannabis establishment shall not sell cannabis flower or trim that
683 has a potency of greater than thirty percent (30%) total THC. A
684 medical cannabis dispensary shall not sell cannabis tinctures,
685 oils or concentrates that have a potency of greater than sixty
686 percent (60%) total THC. Cannabis products that have a potency of
687 over thirty percent (30%) total THC shall be clearly labeled as
688 "extremely potent." Edible cannabis products, including food or
689 drink products, that have been combined with usable cannabis or
690 cannabis products shall be physically demarked and labeled with a
691 clear determination of how much total THC is in a single-serving
692 size and how much THC is in the entire package.

693 A medical cannabis product shall contain a notice of harm
694 regarding the use of cannabis products. Edible cannabis products
695 shall be homogenized to ensure uniform disbursement of
696 cannabinoids throughout the product. All molded edible cannabis
697 products shall be presented in the form of geometric shapes and
698 shall not be molded to contain any images or characters designed
699 or likely to appeal to minors, such as cartoons, toys, animals or
700 children.



701 (12) A dispensary may not dispense more than the allowable
702 amount of cannabis to a registered qualifying patient or a
703 nonresident cardholder, directly or via a registered designated
704 caregiver. Dispensaries shall ensure compliance with this
705 limitation by maintaining internal, confidential records that
706 include records specifying how much medical cannabis is being
707 dispensed to the registered qualifying patient or nonresident
708 cardholder and whether it was dispensed directly to a registered
709 qualifying patient, nonresident cardholder or to the registered
710 designated caregiver.

711 (13) A nonresident cardholder shall not obtain more than a
712 total of six (6) MMCEUs of allowable medical cannabis in a week
713 from a dispensary or a combination of dispensaries. A nonresident
714 cardholder shall not obtain more than a total of twelve (12)
715 MMCEUs of allowable cannabis from a dispensary or a combination of
716 dispensaries in a fifteen-day period.

717 (14) A nonresident may apply to receive a nonresident
718 registry identification card up to thirty (30) days before
719 arriving in Mississippi. A nonresident registry identification
720 card shall be valid for fifteen (15) days. After the expiration
721 of the card, a nonresident may apply for a renewal of the card and
722 may be granted another card which shall be valid for another
723 fifteen-day period. A nonresident registry identification card
724 shall only be valid, at a maximum, for two (2) separate periods of
725 fifteen (15) days in a three-hundred-sixty-five-day period. An



726 applicant may indicate on his or her application the specific time
727 period that he or she wishes for the card to be valid. The
728 possession limit of the allowable amount of medical cannabis for
729 nonresident cardholders shall be fourteen (14) MMCEUs.

730 (15) A medical cannabis dispensary agent or employee shall
731 not issue a written certification. Employees and agents of a
732 medical cannabis dispensary shall complete at least eight (8)
733 hours of continuing education in medical cannabis as regulated by
734 the MDOR in order to be certified to work at a medical cannabis
735 dispensary. After the first year of employment, these employees
736 shall complete five (5) hours of continuing education in medical
737 cannabis annually to maintain this certification.

738 (16) Notwithstanding any other provision to the contrary, a
739 patient with a debilitating medical condition who is between
740 eighteen (18) years to twenty-five (25) years of age is not
741 eligible for a medical cannabis registry identification card
742 unless two (2) practitioners from separate medical practices have
743 diagnosed the patient as having a debilitating medical condition
744 after an in-person consultation. One (1) of these practitioners
745 must be a physician or doctor of osteopathic medicine.

746 If one (1) of the recommending practitioners is not the
747 patient's primary care practitioner, the recommending practitioner
748 shall review the records of a diagnosing practitioner. The
749 requirement that the two (2) practitioners be from separate
750 medical practices does not apply if the patient is homebound or if



751 the patient had a registry identification card before the age of
752 eighteen (18).

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

759 (18) A medical cannabis establishment shall only purchase,
760 grow, cultivate, and use cannabis that is grown and cultivated in
761 this state. Any medical cannabis that is grown and cultivated in
762 this state shall not be transported outside of this state.

763 (19) Employees of all medical cannabis establishments shall
764 apply for a work permit with the MDOH and MDOR, as applicable,
765 before beginning employment with any establishment. The licensing
766 agency for the respective medical cannabis establishment may issue
767 work permits to these individuals. These licensing agencies shall
768 maintain a work registry of all applicants and work permits
769 issued. The fee for a work permit shall be Twenty-five Dollars
770 (\$25.00) and the permit shall be valid for five (5) years. Work
771 permits shall be the property of the employee and shall not be
772 transferable to other employees.

773 (20) For purposes of this subsection, "plant growth
774 regulator cannabis" shall mean a cannabis plant whose growth and
775 structure has been modified using plant growth hormones. A



776 cannabis cultivation facility shall not cultivate and a cannabis
777 dispensary shall not sell, transfer or provide for consumption
778 plant growth regulator cannabis.

779 (21) A medical cannabis dispensary shall only make sales to
780 cardholders inside the dispensary. A medical cannabis dispensary
781 shall not sell or otherwise convey medical cannabis to a
782 cardholder through the means of a drive-through, curbside delivery
783 or other delivery outside the premises of the dispensary. Any
784 topical cannabis product that is purchased by a dispensary from a
785 licensed processor, and that is not ingested by the liver, may be
786 sold to a cardholder or any person over the age of twenty-one (21)
787 years old who is not a cardholder. Such products shall be placed
788 in an area of the dispensary that does not require access with a
789 registering identification card.

790 (22) Any and all contracts or agreements entered into by the
791 MDOH and MDOR for information technology software, hardware,
792 and/or services for the purpose of implementing and/or operating
793 under the Mississippi Medical Cannabis Act shall include language
794 reasonably limiting the ability of the vendor to escalate the
795 ongoing cost of such software, hardware, and/or services during
796 the term of the contract, including any amendments and/or
797 extensions.

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



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

803 41-137-41. (1) From and after February 2, 2022, the MDOH
804 and MDOR shall each, where relevant to the role of that particular
805 agency, establish and promulgate the following rules and
806 regulations:

807 (a) Governing the manner in which it shall consider
808 petitions from the public to add debilitating medical conditions
809 or treatments to the list of debilitating medical conditions set
810 forth in Section 41-137-3, including public notice of and
811 opportunities to comment in public hearings on the petitions;

812 (b) Establishing the form and content of license and
813 renewal applications and written certifications submitted under
814 this chapter;

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

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

824 (i) Oversight requirements;

825 (ii) Recordkeeping requirements;



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

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

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

834 (vi) Standards for the processing of cannabis
835 products and the indoor cultivation of cannabis by cannabis
836 cultivation facilities;

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

839 (viii) Employment and training requirements,
840 including requiring that each medical cannabis establishment
841 create an identification badge for each agent of the
842 establishment;

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

845 (x) Restrictions on the advertising, signage, and
846 display of medical cannabis, provided that the restrictions may
847 not prevent appropriate signs on the property of a dispensary,
848 listings in business directories, including phone books, listings
849 in cannabis-related or medical publications, display on dispensary
850 websites of pictures of products that the dispensary sells, or the



851 sponsorship of health or not-for-profit charity or advocacy
852 events;

853 (xi) Requirements and procedures for the safe and
854 accurate packaging and labeling of medical cannabis, including
855 prohibiting the use of any images designed or likely to appeal to
856 minors, such as cartoons, packaging that resembles popular candy
857 brands, toys, animals or children, or any other likeness or image
858 containing characters or phrases to advertise to minors;

859 (xii) Standards for cannabis testing facilities,
860 including requirements for equipment and qualifications for
861 personnel;

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

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

867 (xv) Procedures for suspending or terminating the
868 licenses or registry identification cards of cardholders and
869 medical cannabis establishments that commit multiple or serious
870 violations of the provisions of this chapter or the rules and
871 regulations promulgated pursuant to this section;

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



875 (xvii) Requirements for labeling medical cannabis
876 and cannabis products, including requiring medical cannabis
877 product labels to include the following:

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

880 2. Disclosure of ingredients and possible
881 allergens;

882 3. A nutritional fact panel;

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

884 5. A notice of the potential harm caused by
885 consuming medical cannabis; and

886 6. For edible cannabis products, when
887 practicable, a standard symbol indicating that the product
888 contains cannabis;

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

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

893 2. Documentation demonstrating that the
894 nonresident cardholder is allowed to possess medical cannabis or
895 cannabis preparations in the jurisdiction where he or she resides;

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



899 (xx) Reasonable application and renewal fees for
900 registry identification cards and registration certificates,
901 according to the following:

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

903 a. The qualifying patient registry
904 identification card application fee shall be Twenty-five Dollars
905 (\$25.00);

906 b. The designated caregiver registry
907 identification card application fee shall be Twenty-five Dollars
908 (\$25.00);

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

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

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

915 f. The qualifying patient registry
916 identification card application fee for a Medicaid participant
917 shall be Fifteen Dollars (\$15.00) and the fee for a renewal of
918 such card shall be Fifteen Dollars (\$15.00); and

919 g. The application fee for a qualifying
920 patient registry identification card for disabled veterans or
921 disabled first responders shall be waived. A disabled veteran or
922 first responder may prove their disability by providing written
923 documentation from their practitioner attesting to their



924 debilitating medical condition, documentation from the Social
925 Security Disability Office, or documentation that attests the
926 applicant is a one-hundred percent (100%) disabled veteran as
927 determined by the U.S. Department of Veteran Affairs and codified
928 at 38 CFR, Section 3.340(a)(2013); and

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

931 (xxi) Any other rules and regulations necessary to
932 implement and administer this chapter.

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

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

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

941 41-137-47. (1) The licensing agency may fine, suspend or
942 revoke a license at its discretion for a violation of this chapter
943 or any rules and regulations under this chapter by the licensee or
944 any of its employees or agents. The licensing agency may deny the
945 application of any applicant who fails to meet the qualifications
946 for obtaining such license under this chapter or any rules and
947 regulations under this chapter. If a licensee or applicant wishes
948 to appeal * * * the licensing agency's decision, the licensee or



949 applicant shall file its administrative appeal within twenty (20)
950 days of receipt of the initial notice. The licensing agency shall
951 then conduct a hearing on the record pursuant to the licensing
952 agency's rules and regulations governing such hearings, at which
953 time the burden shall be on the licensee or applicant to prove
954 that the agency's decision was:

955 (a) Unsupported by substantial evidence;

956 (b) Arbitrary or capricious;

957 (c) Beyond the power of the administrative agency to
958 make; or

959 (d) Violated some statutory or constitutional right of
960 the aggrieved party.

961 If the licensee or applicant fails to appeal the initial
962 notice within the prescribed time, the decision becomes final and
963 cannot be further appealed.

964 (2) The licensing agency shall provide its initial notice of
965 suspension, revocation, fine or other sanction by personal
966 delivery or mailing by certified mail, signature required, to the
967 medical cannabis establishment at the address on the registration
968 certificate. A suspension shall not be for a longer period than
969 six (6) months. The licensing agency shall provide its initial
970 notice of denial by personal delivery, mailing by certified mail,
971 signature required, or by electronic mail to the applicant at the
972 physical or electronic address listed in its application.



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

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

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

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

989 (7) No license issued by the MDOH or MDOR shall be
990 transferred by the license holder to any other person or entity
991 except with the written consent of the applicable licensing
992 agency.

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



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

999 41-137-49. (1) Data in license and registration
1000 applications and supporting data submitted by registered
1001 qualifying patients, registered designated caregivers, medical
1002 cannabis establishments and nonresident cardholders, including
1003 data on registered designated caregivers and practitioners, shall
1004 be considered private data on individuals that is confidential and
1005 exempt from disclosure under the Mississippi Public Records Act of
1006 1983, Sections 25-61-1 through 25-61-17.

1007 (2) Data kept or maintained by an agency shall not be used
1008 for any purpose not provided for in this chapter and shall not be
1009 combined or linked in any manner with any other list or database.

1010 (3) Data kept or maintained by an agency may be disclosed as
1011 necessary for:

1012 (a) The verification of registration certificates and
1013 registry identification cards under this chapter;

1014 (b) Submission of the annual report required by this
1015 chapter;

1016 (c) Notification of state or local law enforcement of
1017 apparent criminal violations of this chapter;

1018 (d) Notification of state and local law enforcement
1019 about falsified or fraudulent information submitted for purposes
1020 of obtaining or renewing a registry identification card; or



1021 (e) Notification of the State Board of Medical
1022 Licensure or other occupational or professional licensing board or
1023 entity if there is reason to believe that a practitioner provided
1024 a written certification in violation of this chapter, or if the
1025 MDOH has reason to believe the practitioner otherwise violated the
1026 standard of care for evaluating medical conditions.

1027 (4) Any information kept or maintained by medical cannabis
1028 establishments must identify cardholders by their registry
1029 identification numbers and must not contain names or other
1030 personally identifying information.

1031 (5) At a cardholder's request, the MDOH may confirm the
1032 cardholder's status as a registered qualifying patient or a
1033 registered designated caregiver to a third party, such as a
1034 landlord, school, medical professional, or court.

1035 (6) Any agency hard drives or other data-recording media
1036 that are no longer in use and that contain cardholder information
1037 shall be destroyed.

1038 (7) The addresses of prospective and licensed medical
1039 cannabis establishments shall be considered confidential and
1040 exempt from disclosure under the Mississippi Public Records Act of
1041 1983, Sections 25-61-1 through 25-61-17.

1042 **SECTION 8.** Section 41-137-59, Mississippi Code of 1972, is
1043 amended as follows:

1044 41-137-59. (1) Any person or entity aggrieved by a final
1045 decision or order of an agency under the provisions of this



1046 chapter may petition for judicial review of the final decision or
1047 order.

1048 (2) (a) The petition shall be filed within twenty (20) days
1049 after the issuance of the agency's final decision or order. The
1050 petition shall be filed in the circuit court of the county in
1051 which the appellant resides. If the appellant is a nonresident of
1052 this state, the appeal shall be made to the Circuit Court of the
1053 First Judicial District of Hinds County, Mississippi.

1054 (b) The review by the circuit court shall be based on
1055 the record made before the agency. Before filing a petition under
1056 subsection (1) of this section, a petitioner shall obtain from the
1057 agency an estimate of the cost to prepare the entire record of the
1058 agency and shall pay to the agency the amount of the estimate.
1059 The circuit court shall dismiss with prejudice any petition filed
1060 where it is shown that the petitioner failed to pay prior to
1061 filing the petition the estimate cost for preparation of the
1062 record.

1063 (* * *c) Any person or entity aggrieved by the
1064 decision of the circuit court may appeal to the Mississippi
1065 Supreme Court.

1066 **SECTION 9.** Section 41-137-63, Mississippi Code of 1972, is
1067 amended as follows:

1068 41-137-63. (1) (a) There is established a Medical Cannabis
1069 Advisory Committee, which shall be the committee that is required



1070 to advise the Legislature about medical cannabis and cannabis
1071 product, patient care, services and industry.

1072 (b) The advisory committee shall consist of nine (9)
1073 members, as follows:

1074 (i) The Governor shall appoint three (3) members
1075 to the committee, as follows:

- 1076 1. One (1) representative from the MDOH;
- 1077 2. One (1) registered qualifying patient; and
- 1078 3. One (1) physician with experience in
1079 medical cannabis issues;

1080 (ii) The Lieutenant Governor shall appoint three
1081 (3) members, as follows:

- 1082 1. One (1) owner or agent of a medical
1083 cannabis cultivation facility;
- 1084 2. One (1) representative from the MDOH; and
- 1085 3. One (1) qualified certified nurse
1086 practitioner, physician assistant or optometrist;

1087 (iii) The Speaker of the House shall appoint three
1088 (3) members, as follows:

- 1089 1. One (1) owner or agent of a medical
1090 cannabis processing facility;
- 1091 2. One (1) owner or agent of a medical
1092 cannabis dispensary; and
- 1093 3. One (1) representative from the MDOR.



1094 (c) The advisory committee shall meet at least two (2)
1095 times per year for the purpose of evaluating and making
1096 recommendations to the Legislature and the MDOH and MDOR
1097 regarding:

1098 (i) The ability of qualifying patients in all
1099 areas of the state to obtain timely access to high-quality medical
1100 cannabis;

1101 (ii) The effectiveness of the medical cannabis
1102 establishments in serving the needs of registered qualifying
1103 patients, including the provision of educational and support
1104 services by dispensaries, the reasonableness of their prices,
1105 security issues, and the sufficiency of the number operating to
1106 serve the state's registered qualifying patients;

1107 (iii) The effectiveness of the cannabis testing
1108 facilities, including whether a sufficient number are operating;

1109 (iv) The sufficiency of the regulatory and
1110 security safeguards contained in this chapter and adopted by the
1111 MDOH to ensure that access to and use of cannabis cultivated is
1112 provided only to cardholders;

1113 (v) Any recommended additions or revisions to the
1114 MDOH and MDOR rules and regulations or this chapter, including
1115 relating to security, safe handling, labeling, nomenclature, and
1116 whether additional types of licenses should be made available; and

1117 (vi) Any research studies regarding health effects
1118 of medical cannabis for patients.



1119 (d) The advisory committee shall accept public comment
1120 in writing and in-person at least once per year. The advisory
1121 committee shall meet at least two (2) times per year and advisory
1122 committee members shall be furnished written notice of the
1123 meetings at least ten (10) days before the date of the meeting.

1124 (e) The chairman of the advisory committee shall be
1125 elected by the voting members of the committee annually and shall
1126 not serve more than two (2) consecutive years as chairman.

1127 (f) The members of the advisory committee specified in
1128 paragraph (b) of this subsection shall serve for terms that are
1129 concurrent with the terms of members of the Legislature, and any
1130 member appointed under paragraph (b) may be reappointed to the
1131 advisory committee. The members of the advisory committee
1132 specified in paragraph (b) shall serve without compensation, but
1133 shall receive reimbursement to defray actual expenses incurred in
1134 the performance of committee business as authorized by law.

1135 (2) This section shall stand repealed on December 31, * * *
1136 2026.

1137 **SECTION 10.** Section 41-29-153, Mississippi Code of 1972, is
1138 amended as follows:

1139 41-29-153. (a) The following are subject to forfeiture:

1140 (1) All controlled substances which have been
1141 manufactured, distributed, dispensed or acquired in violation of
1142 this article or in violation of Article 5 of this chapter or
1143 Chapter 137 of this title;



1144 (2) All raw materials, products and equipment of any
1145 kind which are used, or intended for use, in manufacturing,
1146 compounding, processing, delivering, importing, or exporting any
1147 controlled substance in violation of this article or in violation
1148 of Article 5 of this chapter or Chapter 137 of this title;

1149 (3) All property which is used, or intended for use, as
1150 a container for property described in paragraph (1) or (2) of this
1151 subsection;

1152 (4) All conveyances, including aircraft, vehicles or
1153 vessels, which are used, or intended for use, to transport, or in
1154 any manner to facilitate the transportation, sale, receipt,
1155 possession or concealment of property described in paragraph (1)
1156 or (2) of this subsection, however:

1157 A. No conveyance used by any person as a common
1158 carrier in the transaction of business as a common carrier is
1159 subject to forfeiture under this section unless it appears that
1160 the owner or other person in charge of the conveyance is a
1161 consenting party or privy to a violation of this article;

1162 B. No conveyance is subject to forfeiture under
1163 this section by reason of any act or omission proved by the owner
1164 thereof to have been committed or omitted without his knowledge or
1165 consent; if the confiscating authority has reason to believe that
1166 the conveyance is a leased or rented conveyance, then the
1167 confiscating authority shall notify the owner of the conveyance
1168 within five (5) days of the confiscation;



1169 C. A forfeiture of a conveyance encumbered by a
1170 bona fide security interest is subject to the interest of the
1171 secured party if he neither had knowledge of nor consented to the
1172 act or omission;

1173 D. A conveyance is not subject to forfeiture for a
1174 violation of Section 41-29-139(c) (2) (A) 1, 2 or (B)1 or (C)1, 2,
1175 3;

1176 (5) All money, deadly weapons, books, records, and
1177 research products and materials, including formulas, microfilm,
1178 tapes and data which are used, or intended for use, in violation
1179 of this article or in violation of Article 5 of this chapter or
1180 Chapter 137 of this title;

1181 (6) All drug paraphernalia as defined in Section
1182 41-29-105(v); and

1183 (7) Everything of value, including real estate,
1184 furnished, or intended to be furnished, in exchange for a
1185 controlled substance in violation of this article, all proceeds
1186 traceable to such an exchange, and all monies, negotiable
1187 instruments, businesses or business investments, securities, and
1188 other things of value used, or intended to be used, to facilitate
1189 any violation of this article. All monies, coin and currency
1190 found in close proximity to forfeitable controlled substances, to
1191 forfeitable drug manufacturing or distributing paraphernalia, or
1192 to forfeitable records of the importation, manufacture or
1193 distribution of controlled substances are presumed to be



1194 forfeitable under this paragraph; the burden of proof is upon
1195 claimants of the property to rebut this presumption.

1196 A. No property shall be forfeited under the
1197 provisions of subsection (a)(7) of this section, to the extent of
1198 the interest of an owner, by reason of any act or omission
1199 established by him to have been committed or omitted without his
1200 knowledge or consent.

1201 B. Neither personal property encumbered by a bona
1202 fide security interest nor real estate encumbered by a bona fide
1203 mortgage, deed of trust, lien or encumbrance shall be forfeited
1204 under the provisions of subsection (a)(7) of this section, to the
1205 extent of the interest of the secured party or the interest of the
1206 mortgagee, holder of a deed of trust, lien or encumbrance by
1207 reason of any act or omission established by him to have been
1208 committed or omitted without his knowledge or consent.

1209 (b) Property subject to forfeiture may be seized by the
1210 bureau, local law enforcement officers, enforcement officers of
1211 the Mississippi Department of Transportation, highway patrolmen,
1212 the board, * * * the State Board of Pharmacy, or law enforcement
1213 officers of the Mississippi Department of Revenue or Mississippi
1214 Department of Health acting with their duties in accordance with
1215 the Mississippi Medical Cannabis Act, upon process issued by any
1216 appropriate court having jurisdiction over the property. Seizure
1217 without process may be made if:



1218 (1) The seizure is incident to an arrest or a search
1219 under a search warrant or an inspection under an administrative
1220 inspection warrant;

1221 (2) The property subject to seizure has been the
1222 subject of a prior judgment in favor of the state in a criminal
1223 injunction or forfeiture proceeding based upon this article;

1224 (3) The bureau, the board, local law enforcement
1225 officers, enforcement officers of the Mississippi Department of
1226 Transportation, or highway patrolmen, * * * the State Board of
1227 Pharmacy, or law enforcement officers of the Mississippi
1228 Department of Revenue or Mississippi Department of Health acting
1229 with their duties in accordance with the Mississippi Medical
1230 Cannabis Act, have probable cause to believe that the property is
1231 directly or indirectly dangerous to health or safety;

1232 (4) The bureau, local law enforcement officers,
1233 enforcement officers of the Mississippi Department of
1234 Transportation, highway patrolmen, the board, * * * the State
1235 Board of Pharmacy, or law enforcement officers of the Mississippi
1236 Department of Revenue or Mississippi Department of Health acting
1237 with their duties in accordance with the Mississippi Medical
1238 Cannabis Act, have probable cause to believe that the property was
1239 used or is intended to be used in violation of this article; or

1240 (5) The seizing law enforcement agency obtained a
1241 seizure warrant as described in * * * subsection (f) of this
1242 section.



1243 (c) Controlled substances listed in Schedule I of Section
1244 41-29-113 that are possessed, transferred, sold, or offered for
1245 sale in violation of this article are contraband and shall be
1246 seized and summarily forfeited to the state. Controlled
1247 substances listed in the said Schedule I, which are seized or come
1248 into the possession of the state, the owners of which are unknown,
1249 are contraband and shall be summarily forfeited to the state.

1250 (d) Species of plants from which controlled substances in
1251 Schedules I and II of Sections 41-29-113 and 41-29-115 may be
1252 derived which have been planted or cultivated in violation of this
1253 article, or of which the owners or cultivators are unknown, or
1254 which are wild growths, may be seized and summarily forfeited to
1255 the state.

1256 (e) The failure, upon demand by the bureau and/or local law
1257 enforcement officers, or their authorized agents, or highway
1258 patrolmen designated by the bureau, the board, * * * the State
1259 Board of Pharmacy, or law enforcement officers of the Mississippi
1260 Department of Revenue or Mississippi Department of Health acting
1261 with their duties in accordance with the Mississippi Medical
1262 Cannabis Act, of the person in occupancy or in control of land or
1263 premises upon which the species of plants are growing or being
1264 stored, to produce an appropriate registration, or proof that he
1265 is the holder thereof, constitutes authority for the seizure and
1266 forfeiture of the plants.



1267 (f) (1) When any property is seized under the Uniform
1268 Controlled Substances Law, except as otherwise provided in
1269 paragraph (3) of this subsection, by a law enforcement agency with
1270 the intent to be forfeited, the law enforcement agency that seized
1271 the property shall obtain a seizure warrant from the county or
1272 circuit court having jurisdiction of such property within
1273 seventy-two (72) hours of any seizure, excluding weekends and
1274 holidays. Any law enforcement agency that fails to obtain a
1275 seizure warrant within seventy-two (72) hours as required by this
1276 section shall notify the person from whom the property was seized
1277 that it will not be forfeited and shall provide written
1278 instructions advising the person how to retrieve the seized
1279 property.

1280 (2) A circuit or county judge having jurisdiction of
1281 any property other than a controlled substance, raw material or
1282 paraphernalia, may issue a seizure warrant upon proper oath or
1283 affirmation from a law enforcement agency. The law enforcement
1284 agency that is seeking a seizure warrant shall provide the
1285 following information to the judge:

1286 A. Probable cause to believe that the property was
1287 used or intended to be used in violation of this article;

1288 B. The name of the person from whom the property
1289 was seized; and

1290 C. A detailed description of the property which is
1291 seized, including the value of the property.



1292 (3) This subsection does not apply to seizures
1293 performed pursuant to Section 41-29-157 when property is
1294 specifically set forth in a search and seizure warrant.

1295 **SECTION 11.** Section 41-29-154, Mississippi Code of 1972, is
1296 amended as follows:

1297 41-29-154. Any controlled substance or paraphernalia seized
1298 under the authority of this article or any other law of
1299 Mississippi or of the United States, shall be destroyed,
1300 adulterated and disposed of or otherwise rendered harmless and
1301 disposed of, upon written authorization of the director,
1302 Commissioner of the Mississippi Department of Revenue or the State
1303 Health Officer of the Mississippi Department of Health, as
1304 applicable, after such substance or paraphernalia has served its
1305 usefulness as evidence or after such substance or paraphernalia is
1306 no longer useful for training or demonstration purposes.

1307 A record of the disposition of such substances and
1308 paraphernalia and the method of destruction or adulteration
1309 employed along with the names of witnesses to such destruction or
1310 adulteration shall be retained by the director.

1311 No substance or paraphernalia shall be disposed of, destroyed
1312 or rendered harmless under the authority of this section without
1313 an order from the director, Commissioner of the Mississippi
1314 Department of Revenue or the State Health Officer of the
1315 Mississippi Department of Health, as applicable, and without at



1316 least two (2) officers or agents of the bureau present as
1317 witnesses.

1318 **SECTION 12.** Section 25-53-1, Mississippi Code of 1972, is
1319 amended as follows:

1320 25-53-1. The Legislature recognizes that in order for the
1321 State of Mississippi to receive the maximum use and benefit from
1322 information technology and services now in operation or which will
1323 in the future be placed in operation, there should be full
1324 cooperation and cohesive planning and effort by and between the
1325 several state agencies and that it is the responsibility of the
1326 Legislature to provide statutory authority therefor. The
1327 Legislature, therefore, declares and determines that for these and
1328 other related purposes there is hereby established an agency of
1329 state government to be known as the Mississippi Department of
1330 Information Technology Services (MDITS). The Legislature further
1331 declares that the Mississippi Department of Information Technology
1332 Services (MDITS) shall provide statewide services that facilitate
1333 cost-effective information processing and telecommunication
1334 solutions. State agencies shall work in full cooperation with the
1335 board of MDITS to identify opportunities to minimize duplication,
1336 reduce costs and improve the efficiency of providing common
1337 technology services across agency boundaries. The provisions of
1338 this chapter shall not apply to the Department of Human Services
1339 for a period of three (3) years beginning July 1, 2017. The
1340 provisions of this chapter shall not apply to the Department of



1341 Child Protection Services for a period of three (3) years
1342 beginning July 1, 2017. Through June 30, * * * 2024, the
1343 provisions of this chapter shall not apply to the Department of
1344 Health and the Department of Revenue for the purposes of
1345 implementing, administering and enforcing the provisions of the
1346 Mississippi Medical Cannabis Act.

1347 **SECTION 13.** Section 25-53-5, Mississippi Code of 1972, is
1348 amended as follows:

1349 25-53-5. The authority shall have the following powers,
1350 duties, and responsibilities:

1351 (a) (i) The authority shall provide for the
1352 development of plans for the efficient acquisition and utilization
1353 of computer equipment and services by all agencies of state
1354 government, and provide for their implementation. In so doing,
1355 the authority may use the MDITS' staff, at the discretion of the
1356 executive director of the authority, or the authority may contract
1357 for the services of qualified consulting firms in the field of
1358 information technology and utilize the service of such consultants
1359 as may be necessary for such purposes. Pursuant to Section
1360 25-53-1, the provisions of this section shall not apply to the
1361 Department of Human Services for a period of three (3) years
1362 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
1363 provisions of this section shall not apply to the Department of
1364 Child Protection Services for a period of three (3) years
1365 beginning July 1, 2017.



1366 (ii) [Repealed]

1367 (b) The authority shall immediately institute
1368 procedures for carrying out the purposes of this chapter and
1369 supervise the efficient execution of the powers and duties of the
1370 office of executive director of the authority. In the execution
1371 of its functions under this chapter, the authority shall maintain
1372 as a paramount consideration the successful internal organization
1373 and operation of the several agencies so that efficiency existing
1374 therein shall not be adversely affected or impaired. In executing
1375 its functions in relation to the institutions of higher learning
1376 and junior colleges in the state, the authority shall take into
1377 consideration the special needs of such institutions in relation
1378 to the fields of teaching and scientific research.

1379 (c) Title of whatever nature of all computer equipment
1380 now vested in any agency of the State of Mississippi is hereby
1381 vested in the authority, and no such equipment shall be disposed
1382 of in any manner except in accordance with the direction of the
1383 authority or under the provisions of such rules and regulations as
1384 may hereafter be adopted by the authority in relation thereto.

1385 (d) The authority shall adopt rules, regulations, and
1386 procedures governing the acquisition of computer and
1387 telecommunications equipment and services which shall, to the
1388 fullest extent practicable, insure the maximum of competition
1389 between all manufacturers of supplies or equipment or services.
1390 In the writing of specifications, in the making of contracts



1391 relating to the acquisition of such equipment and services, and in
1392 the performance of its other duties the authority shall provide
1393 for the maximum compatibility of all information systems hereafter
1394 installed or utilized by all state agencies and may require the
1395 use of common computer languages where necessary to accomplish the
1396 purposes of this chapter. The authority may establish by
1397 regulation and charge reasonable fees on a nondiscriminatory basis
1398 for the furnishing to bidders of copies of bid specifications and
1399 other documents issued by the authority.

1400 (e) The authority shall adopt rules and regulations
1401 governing the sharing with, or the sale or lease of information
1402 technology services to any nonstate agency or person. Such
1403 regulations shall provide that any such sharing, sale or lease
1404 shall be restricted in that same shall be accomplished only where
1405 such services are not readily available otherwise within the
1406 state, and then only at a charge to the user not less than the
1407 prevailing rate of charge for similar services by private
1408 enterprise within this state.

1409 (f) The authority may, in its discretion, establish a
1410 special technical advisory committee or committees to study and
1411 make recommendations on technology matters within the competence
1412 of the authority as the authority may see fit. Persons serving on
1413 the Information Resource Council, its task forces, or any such
1414 technical advisory committees shall be entitled to receive their
1415 actual and necessary expenses actually incurred in the performance



1416 of such duties, together with mileage as provided by law for state
1417 employees, provided the same has been authorized by a resolution
1418 duly adopted by the authority and entered on its minutes prior to
1419 the performance of such duties.

1420 (g) The authority may provide for the development and
1421 require the adoption of standardized computer programs and may
1422 provide for the dissemination of information to and the
1423 establishment of training programs for the personnel of the
1424 various information technology centers of state agencies and
1425 personnel of the agencies utilizing the services thereof.

1426 (h) The authority shall adopt reasonable rules and
1427 regulations requiring the reporting to the authority through the
1428 office of executive director of such information as may be
1429 required for carrying out the purposes of this chapter and may
1430 also establish such reasonable procedures to be followed in the
1431 presentation of bills for payment under the terms of all contracts
1432 for the acquisition of computer equipment and services now or
1433 hereafter in force as may be required by the authority or by the
1434 executive director in the execution of their powers and duties.

1435 (i) The authority shall require such adequate
1436 documentation of information technology procedures utilized by the
1437 various state agencies and may require the establishment of such
1438 organizational structures within state agencies relating to
1439 information technology operations as may be necessary to
1440 effectuate the purposes of this chapter.



1441 (j) The authority may adopt such further reasonable
1442 rules and regulations as may be necessary to fully implement the
1443 purposes of this chapter. All rules and regulations adopted by
1444 the authority shall be published and disseminated in readily
1445 accessible form to all affected state agencies, and to all current
1446 suppliers of computer equipment and services to the state, and to
1447 all prospective suppliers requesting the same. Such rules and
1448 regulations shall be kept current, be periodically revised, and
1449 copies thereof shall be available at all times for inspection by
1450 the public at reasonable hours in the offices of the authority.
1451 Whenever possible no rule, regulation or any proposed amendment to
1452 such rules and regulations shall be finally adopted or enforced
1453 until copies of the proposed rules and regulations have been
1454 furnished to all interested parties for their comment and
1455 suggestions.

1456 (k) The authority shall establish rules and regulations
1457 which shall provide for the submission of all contracts proposed
1458 to be executed by the executive director for computer equipment or
1459 services to the authority for approval before final execution, and
1460 the authority may provide that such contracts involving the
1461 expenditure of less than such specified amount as may be
1462 established by the authority may be finally executed by the
1463 executive director without first obtaining such approval by the
1464 authority.



1465 (1) The authority is authorized to purchase, lease, or
1466 rent computer equipment or services and to operate that equipment
1467 and use those services in providing services to one or more state
1468 agencies when in its opinion such operation will provide maximum
1469 efficiency and economy in the functions of any such agency or
1470 agencies.

1471 (m) Upon the request of the governing body of a
1472 political subdivision or instrumentality, the authority shall
1473 assist the political subdivision or instrumentality in its
1474 development of plans for the efficient acquisition and utilization
1475 of computer equipment and services. An appropriate fee shall be
1476 charged the political subdivision by the authority for such
1477 assistance.

1478 (n) The authority shall adopt rules and regulations
1479 governing the protest procedures to be followed by any actual or
1480 prospective bidder, offerer or contractor who is aggrieved in
1481 connection with the solicitation or award of a contract for the
1482 acquisition of computer equipment or services. Such rules and
1483 regulations shall prescribe the manner, time and procedure for
1484 making protests and may provide that a protest not timely filed
1485 shall be summarily denied. The authority may require the
1486 protesting party, at the time of filing the protest, to post a
1487 bond, payable to the state, in an amount that the authority
1488 determines sufficient to cover any expense or loss incurred by the
1489 state, the authority or any state agency as a result of the



1490 protest if the protest subsequently is determined by a court of
1491 competent jurisdiction to have been filed without any substantial
1492 basis or reasonable expectation to believe that the protest was
1493 meritorious; however, in no event may the amount of the bond
1494 required exceed a reasonable estimate of the total project cost.
1495 The authority, in its discretion, also may prohibit any
1496 prospective bidder, offerer or contractor who is a party to any
1497 litigation involving any such contract with the state, the
1498 authority or any agency of the state to participate in any other
1499 such bid, offer or contract, or to be awarded any such contract,
1500 during the pendency of the litigation.

1501 (o) The authority shall make a report in writing to the
1502 Legislature each year in the month of January. Such report shall
1503 contain a full and detailed account of the work of the authority
1504 for the preceding year as specified in Section 25-53-29(3).

1505 All acquisitions of computer equipment and services involving
1506 the expenditure of funds in excess of the dollar amount
1507 established in Section 31-7-13(c), or rentals or leases in excess
1508 of the dollar amount established in Section 31-7-13(c) for the
1509 term of the contract, shall be based upon competitive and open
1510 specifications, and contracts therefor shall be entered into only
1511 after advertisements for bids are published in one or more daily
1512 newspapers having a general circulation in the state not less than
1513 fourteen (14) days prior to receiving sealed bids therefor. The
1514 authority may reserve the right to reject any or all bids, and if



1515 all bids are rejected, the authority may negotiate a contract
1516 within the limitations of the specifications so long as the terms
1517 of any such negotiated contract are equal to or better than the
1518 comparable terms submitted by the lowest and best bidder, and so
1519 long as the total cost to the State of Mississippi does not exceed
1520 the lowest bid. If the authority accepts one (1) of such bids, it
1521 shall be that which is the lowest and best. Through June
1522 30, * * * 2024, the provisions of this paragraph shall not apply
1523 to acquisitions of information technology equipment and services
1524 made by the Mississippi Department of Health and/or the
1525 Mississippi Department of Revenue for the purposes of
1526 implementing, administering and/or enforcing the provisions of the
1527 Mississippi Medical Cannabis Act.

1528 (p) When applicable, the authority may procure
1529 equipment, systems and related services in accordance with the law
1530 or regulations, or both, which govern the Bureau of Purchasing of
1531 the Office of General Services or which govern the Mississippi
1532 Department of Information Technology Services procurement of
1533 telecommunications equipment, software and services.

1534 (q) The authority is authorized to purchase, lease, or
1535 rent information technology and services for the purpose of
1536 establishing pilot projects to investigate emerging technologies.
1537 These acquisitions shall be limited to new technologies and shall
1538 be limited to an amount set by annual appropriation of the



1539 Legislature. These acquisitions shall be exempt from the
1540 advertising and bidding requirement.

1541 (r) All fees collected by the Mississippi Department of
1542 Information Technology Services shall be deposited into the
1543 Mississippi Department of Information Technology Services
1544 Revolving Fund unless otherwise specified by the Legislature.

1545 (s) The authority shall work closely with the council
1546 to bring about effective coordination of policies, standards and
1547 procedures relating to procurement of remote sensing and
1548 geographic information systems (GIS) resources. In addition, the
1549 authority is responsible for development, operation and
1550 maintenance of a delivery system infrastructure for geographic
1551 information systems data. The authority shall provide a warehouse
1552 for Mississippi's geographic information systems data.

1553 (t) The authority shall manage one or more State Data
1554 Centers to provide information technology services on a
1555 cost-sharing basis. In determining the appropriate services to be
1556 provided through the State Data Center, the authority should
1557 consider those services that:

1558 (i) Result in savings to the state as a whole;

1559 (ii) Improve and enhance the security and
1560 reliability of the state's information and business systems; and

1561 (iii) Optimize the efficient use of the state's
1562 information technology assets, including, but not limited to,
1563 promoting partnerships with the state institutions of higher



1564 learning and community colleges to capitalize on advanced
1565 information technology resources.

1566 (u) The authority shall increase federal participation
1567 in the cost of the State Data Center to the extent provided by law
1568 and its shared technology infrastructure through providing such
1569 shared services to agencies that receive federal funds. With
1570 regard to state institutions of higher learning and community
1571 colleges, the authority may provide shared services when mutually
1572 agreeable, following a determination by both the authority and the
1573 Board of Trustees of State Institutions of Higher Learning or the
1574 Mississippi Community College Board, as the case may be, that the
1575 sharing of services is mutually beneficial.

1576 (v) The authority, in its discretion, may require new
1577 or replacement agency business applications to be hosted at the
1578 State Data Center. With regard to state institutions of higher
1579 learning and community colleges, the authority and the Board of
1580 Trustees of State Institutions of Higher Learning or the
1581 Mississippi Community College Board, as the case may be, may agree
1582 that institutions of higher learning or community colleges may
1583 utilize business applications that are hosted at the State Data
1584 Center, following a determination by both the authority and the
1585 applicable board that the hosting of those applications is
1586 mutually beneficial. In addition, the authority may establish
1587 partnerships to capitalize on the advanced technology resources of
1588 the Board of Trustees of State Institutions of Higher Learning or



1589 the Mississippi Community College Board, following a determination
1590 by both the authority and the applicable board that such a
1591 partnership is mutually beneficial.

1592 (w) The authority shall provide a periodic update
1593 regarding reform-based information technology initiatives to the
1594 Chairmen of the House and Senate Accountability, Efficiency and
1595 Transparency Committees.

1596 From and after July 1, 2018, the expenses of this agency
1597 shall be defrayed by appropriation from the State General Fund.
1598 In addition, in order to receive the maximum use and benefit from
1599 information technology and services, expenses for the provision of
1600 statewide shared services that facilitate cost-effective
1601 information processing and telecommunication solutions shall be
1602 defrayed by pass-through funding and shall be deposited into the
1603 Mississippi Department of Information Technology Services
1604 Revolving Fund unless otherwise specified by the Legislature.
1605 These funds shall only be utilized to pay the actual costs
1606 incurred by the Mississippi Department of Information Technology
1607 Services for providing these shared services to state agencies.
1608 Furthermore, state agencies shall work in full cooperation with
1609 the Board of the Mississippi Department of Information Technology
1610 Services to identify computer equipment or services to minimize
1611 duplication, reduce costs, and improve the efficiency of providing
1612 common technology services across agency boundaries.



1613 **SECTION 14.** Section 73-21-127.1, Mississippi Code of 1972,
1614 is created as follows:

1615 73-21-127.1. The Prescription Monitoring Program shall issue
1616 a report each year to the Legislature that indicates the number of
1617 opioid prescriptions that were provided to patients during that
1618 year.

1619 **SECTION 15.** This act shall take effect and be in force from
1620 and after its passage.

