

By: Representatives Yancey, Stamps

To: Drug Policy

HOUSE BILL NO. 1158
(As Sent to Governor)

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, DEPARTMENT, POLITICAL SUBDIVISION OR BOARD FROM REQUIRING
10 A PRACTITIONER TO REQUIRE A PATIENT TO SUBMIT TO A DRUG TEST AS A
11 CONDITION TO RECEIVING A CERTIFICATION FOR A REGISTRY
12 IDENTIFICATION CARD; TO PROVIDE THAT A PRACTITIONER SHALL NOT BE
13 REQUIRED TO HAVE ANY ADDITIONAL QUALIFICATIONS TO BE AUTHORIZED TO
14 CERTIFY A QUALIFYING PATIENT FOR A REGISTRY IDENTIFICATION CARD;
15 TO PROVIDE THAT A PRACTITIONER SHALL NOT BE REQUIRED TO BE
16 REGISTERED TO CERTIFY PATIENTS WITH ANY STATE AGENCY OR BOARD
17 OTHER THAN THE MDOH; TO PROVIDE THAT QUALIFYING PATIENTS MAY MAKE
18 A FOLLOW-UP VISIT WITH A DIFFERENT PRACTITIONER THAN THE
19 PRACTITIONER WHO ORIGINALLY ISSUED THEIR WRITTEN CERTIFICATION,
20 PROVIDED THAT SUCH PRACTITIONER IS OTHERWISE REGISTERED AND ACTING
21 WITHIN THEIR SCOPE OF PRACTICE AND THE PROVISIONS OF THE LAW; TO
22 AMEND SECTION 41-137-23, MISSISSIPPI CODE OF 1972, TO REQUIRE MDOH
23 TO VERIFY THE INFORMATION CONTAINED IN A REGISTRY IDENTIFICATION
24 CARD APPLICATION OR RENEWAL AND APPROVE OR DENY AN APPLICATION OR
25 RENEWAL WITHIN TEN DAYS OF RECEIVING A COMPLETED APPLICATION OR
26 RENEWAL APPLICATION; TO PROVIDE THAT A MEDICAL CANNABIS WRITTEN
27 CERTIFICATION ISSUED BY A PRACTITIONER SHALL BE VALID FOR THE SIX
28 MONTHS IMMEDIATELY PRECEDING THE DATE OF APPLICATION; TO AMEND
29 SECTION 41-137-35, MISSISSIPPI CODE OF 1972, TO CAP THE CANNABIS
30 CULTIVATION FACILITY TIER 6 TO NOT MORE THAN 150,000 SQUARE FEET;
31 TO AUTHORIZE AN INDIVIDUAL OR BUSINESS ENTITY TO HAVE AN OWNERSHIP
32 OR ECONOMIC INTEREST IN A MEDICAL CANNABIS TESTING FACILITY AND A
33 CANNABIS TRANSPORTATION ENTITY; TO PROVIDE THAT MDOH MAY CONTRACT
34 WITH A PRIVATE LABORATORY FOR THE PURPOSE OF CONDUCTING COMPLIANCE



35 TESTING OVERSIGHT OF MEDICAL CANNABIS; TO AMEND SECTION 41-137-39,
36 MISSISSIPPI CODE OF 1972, TO REQUIRE A PROSPECTIVE EMPLOYEE TO
37 UNDERGO A FINGERPRINT-BASED BACKGROUND CHECK BY THE DEPARTMENT OF
38 PUBLIC SAFETY; TO REQUIRE A SUBSEQUENT BACKGROUND CHECK TO BE
39 CONDUCTED ON PROSPECTIVE EMPLOYEES IF THEY DO NOT START EMPLOYMENT
40 WITH AN ENTITY FOR SIX MONTHS; TO AUTHORIZE ANY TOPICAL CANNABIS
41 PRODUCT THAT IS PURCHASED BY A DISPENSARY FROM A LICENSED
42 PROCESSOR, AND THAT IS NOT INGESTED BY THE LIVER, TO BE SOLD TO A
43 CARDHOLDER OR ANY PERSON OVER THE AGE OF TWENTY-ONE WHO IS NOT A
44 CARDHOLDER; TO AMEND SECTION 41-137-41, MISSISSIPPI CODE OF 1972,
45 TO AUTHORIZE DISPENSARY WEBSITES TO DISPLAY PICTURES OF THE
46 PRODUCTS THAT THE DISPENSARY SELLS; TO PROHIBIT A STATE AGENCY OR
47 BOARD FROM IMPLEMENTING ANY RULE, REGULATION, POLICY OR
48 REQUIREMENT THAT IS CONTRARY TO THE PROVISIONS OF THE MISSISSIPPI
49 MEDICAL CANNABIS ACT; TO AMEND SECTION 41-137-47, MISSISSIPPI CODE
50 OF 1972, TO AUTHORIZE LICENSING AGENCIES TO DENY THE APPLICATION
51 OF ANY APPLICANT WHO FAILS TO MEET THE QUALIFICATIONS FOR
52 OBTAINING SUCH LICENSE; TO ESTABLISH CERTAIN APPEAL PROCEDURES FOR
53 DENIALS; TO PROVIDE THAT ANY ONGOING INVESTIGATION BY A LICENSING
54 AGENCY UNDER THIS SECTION SHALL BE CONSIDERED CONFIDENTIAL AND
55 EXEMPT FROM DISCLOSURE UNDER THE MISSISSIPPI PUBLIC RECORDS ACT;
56 TO AMEND SECTION 41-137-49, MISSISSIPPI CODE OF 1972, TO PROVIDE
57 THAT THE ADDRESSES OF PROSPECTIVE AND LICENSED MEDICAL CANNABIS
58 ESTABLISHMENTS, EXCEPT FOR MEDICAL CANNABIS DISPENSARIES, SHALL BE
59 CONSIDERED CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE
60 MISSISSIPPI PUBLIC RECORDS ACT; TO AMEND SECTION 41-137-59,
61 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE JUDICIAL REVIEW OF
62 AN APPEAL FROM A FINAL DECISION OR ORDER OF AN AGENCY UNDER THE
63 PROVISIONS OF THE MEDICAL CANNABIS ACT SHALL BE BASED ON THE
64 RECORD MADE BEFORE THE AGENCY; TO AMEND SECTION 41-137-63,
65 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL FOR THE
66 MEDICAL CANNABIS ADVISORY COMMITTEE; TO AMEND SECTION 41-29-153,
67 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CONTROLLED SUBSTANCES
68 AND RAW MATERIALS WHICH HAVE BEEN USED IN VIOLATION OF THE MEDICAL
69 CANNABIS ACT MAY BE SUBJECT TO FORFEITURE; TO EMPOWER LAW
70 ENFORCEMENT OFFICERS OF THE MISSISSIPPI DEPARTMENT OF REVENUE OR
71 MISSISSIPPI DEPARTMENT OF HEALTH ACTING WITH THEIR DUTIES IN
72 ACCORDANCE WITH THE MISSISSIPPI MEDICAL CANNABIS ACT TO SEIZE SUCH
73 SUBJECTS; TO AMEND SECTION 41-29-154, MISSISSIPPI CODE OF 1972, TO
74 EMPOWER LAW ENFORCEMENT OFFICERS OF THE MISSISSIPPI DEPARTMENT OF
75 REVENUE OR MISSISSIPPI DEPARTMENT OF HEALTH ACTING WITH THEIR
76 DUTIES IN ACCORDANCE WITH THE MISSISSIPPI MEDICAL CANNABIS ACT TO
77 DESTROY ANY CONTROLLED SUBSTANCES OR PARAPHERNALIA SEIZED UNDER
78 THEIR AUTHORITY; TO AMEND SECTION 25-53-1, MISSISSIPPI CODE OF
79 1972, TO EXTEND THE DATE OF REPEAL THAT ALLOWS AN EXEMPTION TO ITS
80 OVERSIGHT FOR THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
81 REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND
82 ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT;
83 TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY
84 SENATE BILL NO. 2728, 2023 REGULAR SESSION, TO EXTEND THE DATE OF
85 REPEAL THAT ALLOWS AN EXEMPTION TO ITS PROCUREMENT PROCEDURES FOR



86 THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE FOR THE
87 PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE
88 PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT; TO CREATE NEW
89 SECTION 73-21-127.1, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
90 PRESCRIPTION MONITORING PROGRAM TO ISSUE AN ANNUAL REPORT TO THE
91 LEGISLATURE THAT INDICATES THE NUMBER OF OPIOID PRESCRIPTIONS THAT
92 WERE PROVIDED TO PATIENTS DURING THAT YEAR; TO AMEND SECTION
93 41-137-3, MISSISSIPPI CODE OF 1972, TO ADD THE DEFINITION OF THE
94 TERMS ARTIFICIALLY DERIVED CANNABINOID, CANNABINOID AND CANNABIS
95 WASTE; TO AMEND SECTION 41-137-57, MISSISSIPPI CODE OF 1972, TO
96 PROVIDE THAT IN ANY COUNTY OR MUNICIPALITY IN WHICH REAL PROPERTY
97 IS OWNED, LEASED OR OTHERWISE CONTROLLED BY A WATERWAY DISTRICT OR
98 WATER MANAGEMENT DISTRICT CREATED IN TITLE 51, MISSISSIPPI CODE OF
99 1972, THE DECISION OF THE COUNTY OR MUNICIPALITY TO OPT OUT OR OPT
100 IN OF ALLOWING MEDICAL CANNABIS ENTITIES SHALL BE BINDING ON ALL
101 REAL PROPERTY IN SUCH DISTRICT; TO PROVIDE THAT THE ORDINANCES OF
102 A COUNTY OR MUNICIPALITY RELATED TO THE PROVISIONS OF THE MEDICAL
103 CANNABIS LAW SHALL BE APPLICABLE TO ALL REAL PROPERTY WITHIN THE
104 BOUNDARIES OF THE COUNTY OR MUNICIPALITY IN SUCH DISTRICT; AND FOR
105 RELATED PURPOSES.

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

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

109 41-137-5. (1) No person shall be authorized to use medical
110 cannabis in this state unless the person (a) has been diagnosed by
111 a practitioner, with whom the person has a bona fide
112 practitioner-patient relationship within his or her scope of
113 practice, as having a debilitating medical condition for which the
114 practitioner believes, in his or her professional opinion, that
115 the person would likely receive medical or palliative benefit from
116 the medical use of medical cannabis to treat or alleviate the
117 person's debilitating medical condition or symptoms associated
118 with the person's debilitating medical condition, (b) has received
119 a written certification of that diagnosis from the practitioner,
120 and (c) has been issued a registry identification card from the



121 MDOH under Section 41-137-23. A person who has been diagnosed by
122 a practitioner as specified in paragraph (a) of this subsection
123 shall be a qualifying patient, and the practitioner who has
124 diagnosed the patient shall document that diagnosis with a written
125 certification. However, nothing herein shall require a
126 practitioner to issue a written certification.

127 (2) A written certification shall:

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

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

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

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

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

139 (3) No state agency, department, political subdivision or
140 board shall require a practitioner to require a patient to submit
141 to a drug test as a condition to receiving a certification for a
142 registry identification card. However, a practitioner may require
143 a drug test from a patient that is within his or her scope of
144 practice.



145 (4) After a practitioner has issued a written certification
146 to a qualifying patient, a practitioner may assist the patient in
147 registering for a registry identification card with the Department
148 of Health, in a manner provided by regulations of the Department
149 of Health.

150 (* * *5) After a qualifying patient receives a written
151 certification from a practitioner, the patient shall be required
152 to make a follow-up visit with the practitioner not less than six
153 (6) months after the date of issuance of the certification for the
154 practitioner to evaluate and determine the effectiveness of the
155 patient's medical use of medical cannabis to treat or alleviate
156 the patient's debilitating medical condition or symptoms
157 associated with the patient's debilitating medical condition.
158 Qualifying patients may make a follow-up visit with a different
159 practitioner than the practitioner who originally issued their
160 written certification, provided that such practitioner is
161 otherwise registered and acting within their scope of practice and
162 the provisions of this chapter.

163 (* * *6) Before dispensing medical cannabis to a
164 cardholder, the dispensary from which the cardholder is obtaining
165 medical cannabis shall verify the identity of the cardholder and
166 the authority of the cardholder to use medical cannabis as
167 provided in Section 41-137-39 and shall determine the maximum
168 amount of medical cannabis that a cardholder is eligible to
169 receive and the amount of medical cannabis that the cardholder has



170 received from all dispensaries during a specified period of time
171 using the statewide seed-to-sale tracking system under Section
172 41-137-11.

173 (* * *7) (a) A practitioner shall be registered to issue
174 written certifications to qualifying patients by completing the
175 required application process as set forth by the MDOH. The MDOH
176 shall require a practitioner to complete a minimum of eight (8)
177 hours of continuing education in medical cannabis in order to
178 issue written certifications. After the first year of
179 registration, these practitioners shall complete five (5) hours of
180 continuing education in medical cannabis annually to maintain this
181 registration.

182 (b) A practitioner shall not be required to have any
183 additional qualifications to be authorized to certify a qualifying
184 patient for a registry identification card, other than such
185 requirements for practitioners as provided under the Mississippi
186 Medical Cannabis Act.

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

190 (* * *8) Only physicians and doctors of osteopathic
191 medicine may issue written certifications to registered qualifying
192 patients who are minors.

193 (9) The requirements of this section shall not apply to a
194 person who is authorized to purchase topical cannabis provided



195 under Section 41-137-39(22), and such persons may possess and use
196 such products without being in violation of this chapter.

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

199 41-137-23. (1) No later than one hundred twenty (120) days
200 after February 2, 2022, the MDOH shall begin issuing registry
201 identification cards to qualifying patients who submit the
202 following:

203 (a) A written certification issued by a practitioner
204 within * * * six (6) months immediately preceding the date of the
205 application;

206 (b) The application or renewal fee;

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

209 (d) The name, address, and telephone number of the
210 qualifying patient's practitioner issuing the written
211 certification;

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

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



219 (2) If the qualifying patient is unable to submit the
220 information required by subsection (1) of this section due to the
221 person's age or medical condition, the person responsible for
222 making medical decisions for the qualifying patient may do so on
223 behalf of the qualifying patient.

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

226 (a) Verify the information contained in an application
227 or renewal submitted under this section and approve or deny an
228 application or renewal within * * * ten (10) days of receiving a
229 completed application or renewal application; and

230 (b) Issue registry identification cards to a qualifying
231 patient and his or her designated caregiver(s), if any, within
232 five (5) days of approving the application or renewal. A
233 designated caregiver must have a registry identification card for
234 each of his or her qualifying patients.

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

237 (b) The MDOH shall require that the prospective
238 designated caregiver or caregiver's applicant apply for or
239 authorize the division to obtain state and national criminal
240 background checks to be conducted by the Mississippi Justice
241 Information Center of the Department of Public Safety and the
242 Federal Bureau of Investigation.



243 (c) Such criminal background checks shall conform to
244 the applicable federal standards, and shall include the taking of
245 fingerprints.

246 (d) The applicant shall authorize the release of such
247 criminal background checks to the MDOH, and shall be responsible
248 for the payment of any fee associated with the criminal background
249 checks.

250 (e) Upon completion of such criminal background checks,
251 the Mississippi Justice Information Center of the Department of
252 Public Safety shall forward to the MDOH all information obtained
253 concerning the applicant.

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

257 (a) The qualifying patient's practitioner has explained
258 the potential risks and benefits of the medical use of medical
259 cannabis to the custodial parent or legal guardian with
260 responsibility for health care decisions for the qualifying
261 patient; and

262 (b) The custodial parent or legal guardian with
263 responsibility for health care decisions for the qualifying
264 patient consents in writing to:

265 (i) Acknowledge the potential harms related to the
266 use of medical cannabis;



267 (ii) Allow the qualifying patient's medical use of
268 medical cannabis;

269 (iii) Serve as the qualifying patient's designated
270 caregiver; and

271 (iv) Control the acquisition of the medical
272 cannabis, the dosage and the frequency of the use of medical
273 cannabis by the qualifying patient.

274 (6) If a designated caregiver is an entity licensed to
275 provide health care services, residential care services or day
276 care services, then:

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

280 (b) The MDOH may issue individual registry
281 identification cards for employees of the entity that may
282 transport medical cannabis.

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

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

290 (a) Did not provide the required information or
291 materials;



292 (b) Previously had a registry identification card
293 revoked;
294 (c) Provided false information; or
295 (d) Failed to meet the other requirements of this
296 chapter.

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

300 (a) Does not meet the definition of "designated
301 caregiver" under Section 41-137-3;
302 (b) Did not provide the information required;
303 (c) Previously had a registry identification card
304 revoked;
305 (d) Provided false information;
306 (e) Is younger than twenty-one (21) years of age and is
307 not the parent or legal guardian of the qualifying patient who the
308 designated caregiver would assist; or
309 (f) Failed to meet the other requirements of this
310 chapter.

311 (10) The MDOH shall give written notice to the qualifying
312 patient of the reason for denying a registry identification card
313 to the qualifying patient or to the qualifying patient's
314 designated caregiver.



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

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

320 41-137-35. (1) The MDOH shall issue licenses for cannabis
321 cultivation facilities, cannabis processing facilities, cannabis
322 transportation entities, cannabis disposal entities, cannabis
323 research facilities and cannabis testing facilities. The MDOR
324 shall issue licenses for medical cannabis dispensaries.

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

327 (a) Micro-cultivators.

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

333 (ii) Tier 2. A cannabis cultivation facility with
334 a canopy of more than one thousand (1,000) square feet but not
335 more than two thousand (2,000) square feet shall be subject to a
336 one-time nonrefundable license application fee of Two Thousand
337 Five Hundred Dollars (\$2,500.00). The annual license fee shall be
338 a nonrefundable fee of Three Thousand Five Hundred Dollars
339 (\$3,500.00).



340 (b) Cultivators.

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

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

353 (iii) Tier 3. A cannabis cultivation facility
354 with a canopy of not less than fifteen thousand (15,000) square
355 feet but not more than thirty thousand (30,000) square feet shall
356 be subject to a one-time nonrefundable license application fee of
357 Twenty Thousand Dollars (\$20,000.00). The annual license fee
358 shall be a nonrefundable fee of Fifty Thousand Dollars
359 (\$50,000.00).

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



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

366 (v) Tier 5. A cannabis cultivation facility with
367 a canopy of not less than sixty thousand (60,000) square feet but
368 not more than one hundred thousand (100,000) square feet shall be
369 subject to a one-time nonrefundable license application fee of
370 Forty Thousand Dollars (\$40,000.00). The annual license fee shall
371 be a nonrefundable fee of One Hundred Thousand Dollars
372 (\$100,000.00).

373 (vi) Tier 6. A cannabis cultivation facility with
374 a canopy of not less than one hundred thousand (100,000) square
375 feet * * * but not more than one hundred fifty thousand (150,000)
376 square feet shall be subject to a one-time nonrefundable license
377 application fee of Sixty Thousand Dollars (\$60,000.00). The
378 annual license fee shall be a nonrefundable fee of One Hundred
379 Fifty Thousand Dollars (\$150,000.00). Tier 6 cannabis cultivation
380 facilities shall have not more than two (2) locations; however,
381 the total canopy space of both locations combined may not exceed
382 one hundred fifty thousand (150,000) square feet.

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

385 (a) Micro-processors.

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



389 nonrefundable license application fee of Two Thousand Dollars
390 (\$2,000.00). The annual license fee shall be a nonrefundable fee
391 of Three Thousand Five Hundred Dollars (\$3,500.00).

392 (ii) Tier 2. A cannabis processing facility which
393 processes not less than two thousand (2,000) pounds but less than
394 three thousand (3,000) pounds of dried biomass cannabis material
395 annually shall be subject to a one-time nonrefundable license
396 application fee of Two Thousand Five Hundred Dollars (\$2,500.00).
397 The annual license fee shall be a nonrefundable fee of Five
398 Thousand Dollars (\$5,000.00).

399 (b) Processors. A cannabis processing facility which
400 processes not less than three thousand (3,000) pounds of biomass
401 cannabis material annually shall be subject to a one-time
402 nonrefundable license application fee of Fifteen Thousand Dollars
403 (\$15,000.00). The annual license fee shall be a nonrefundable fee
404 of Twenty Thousand Dollars (\$20,000.00).

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

409 (5) Cannabis transportation entities shall be subject to a
410 one-time nonrefundable application fee of Five Thousand Dollars
411 (\$5,000.00). The annual license fee shall be a nonrefundable fee
412 of Seven Thousand Five Hundred Dollars (\$7,500.00).



413 (6) Cannabis disposal entities shall be subject to a
414 one-time nonrefundable application fee of Five Thousand Dollars
415 (\$5,000.00). The annual license fee shall be a nonrefundable fee
416 of Seven Thousand Five Hundred Dollars (\$7,500.00).

417 (7) Cannabis testing facilities shall be subject to a
418 one-time nonrefundable application fee of Ten Thousand Dollars
419 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars
420 (\$15,000.00). * * * An individual or business entity that has a
421 direct or indirect ownership or economic interest in a licensed
422 cannabis testing facility may also have a direct or indirect
423 ownership or economic interest in a licensed medical cannabis
424 transportation entity. A cannabis testing facility may enter into
425 an agreement for the transportation of medical cannabis by a
426 licensed medical cannabis transportation entity. MDOH may
427 contract with a private laboratory for the purpose of conducting
428 compliance testing oversight of medical cannabis testing
429 facilities licensed in the state. Any such laboratory under
430 contract for compliance testing oversight shall be prohibited from
431 conducting any other commercial medical cannabis testing in this
432 state.

433 (8) Cannabis research facilities shall be subject to a
434 one-time nonrefundable application fee of Ten Thousand Dollars
435 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars
436 (\$15,000.00). A research facility at any university or college in



437 this state shall be exempt from all fees imposed under this
438 section.

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

442 (a) More than one (1) cannabis cultivation facility
443 license;

444 (b) More than one (1) cannabis processing facility
445 license; and

446 (c) More than five (5) medical cannabis dispensary
447 licenses.

448 (10) Minimum qualifications for applicants for a cannabis
449 cultivation facility, a cannabis processing facility, a medical
450 cannabis dispensary, a medical cannabis transportation entity or a
451 medical cannabis disposal entity license(s) are as follows:

452 (a) An individual applicant for a cannabis cultivation
453 facility, cannabis processing facility, medical cannabis
454 dispensary, medical cannabis transportation entity or medical
455 cannabis disposal license shall be a natural person who:

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

457 (ii) Has not previously held a license for a
458 cannabis cultivation facility, cannabis processing facility,
459 medical cannabis dispensary, medical cannabis transportation
460 entity or medical cannabis disposal entity that has been revoked;



461 (iii) Has not been convicted of a disqualifying
462 felony offense;

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

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

470 (vi) Has no outstanding tax delinquencies owed to
471 the State of Mississippi;

472 (vii) Is not serving as a member of the
473 Mississippi Senate or Mississippi House of Representatives through
474 December 31, 2022;

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

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

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

483 (ii) Serve as the primary point of contact with
484 the MDOR and MDOH;



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

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

489 2. Has previously been an owner of a medical
490 cannabis dispensary, cannabis cultivation facility, a cannabis
491 processing facility, medical cannabis transportation entity or
492 medical cannabis disposal entity that has had its license revoked;

493 3. Has been convicted of a disqualifying
494 felony offense;

495 4. Owes delinquent taxes to the State of
496 Mississippi;

497 5. Is serving as a member of the Mississippi
498 Senate or Mississippi House of Representatives through December
499 31, 2022; and

500 6. Is the spouse of a person serving as a
501 member of the Mississippi Senate or Mississippi House of
502 Representatives through December 31, 2022; and

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

507 (11) Applicants for cannabis cultivation facility licenses
508 and cannabis processing facility licenses shall both meet the



509 minimum qualifications in subsection (10) of this section and
510 shall also submit sufficient proof of the following:

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

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

521 This subsection (11) shall stand repealed on December 31,
522 2022.

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

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

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

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



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

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

541 (a) Mississippi Tax Return Form 80-105 or Form 80-205
542 for each of the three (3) years preceding the application without
543 schedules, worksheets, or attachments, and redacted to remove all
544 financial information and all but the last four (4) digits of the
545 individual's social security number for the three (3) years
546 preceding the application;

547 (b) Ownership, lease, or rental documents for place of
548 primary domicile for the three (3) years preceding the
549 application;

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

552 (d) Vehicle registration for the three (3) years
553 preceding the application.

554 (14) Ownership in a cannabis cultivation facility license,
555 cannabis processing facility license or a medical cannabis
556 dispensary license or investment in a business that supports or
557 benefits from such a license shall not disqualify or otherwise



558 negatively impact the license or finding of suitability of such
559 owner who is otherwise engaged in any other form of business
560 operation in the state, if such business requires the owner to
561 hold a license or be found suitable under state law.

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

565 (16) A prospective medical cannabis establishment shall
566 submit all of the following:

567 (a) An application, including:

568 (i) The legal name of the prospective medical
569 cannabis establishment;

570 (ii) The physical address of the prospective
571 medical cannabis establishment, which shall not be within one
572 thousand (1,000) feet of the nearest property boundary line of a
573 school, church or child care facility which exists or has acquired
574 necessary real property for the operation of such facility before
575 the date of the medical cannabis establishment application unless
576 the entity has received approval from the school, church or child
577 care facility and received the applicable waiver from their
578 licensing agency, provided that the main point of entry of the
579 cannabis establishment is not located within five hundred (500)
580 feet of the nearest property boundary line of any school, church
581 or child care facility;



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

584 (iv) Any additional information requested by the
585 MDOR and MDOH.

586 (b) Operating procedures consistent with rules and
587 regulations for oversight of the proposed medical cannabis
588 establishment, including procedures to ensure accurate record
589 keeping and adequate security measures.

590 (c) If the municipality or county where the proposed
591 medical cannabis establishment would be located has enacted zoning
592 restrictions, a sworn statement certifying that the proposed
593 medical cannabis establishment is in compliance with the
594 restrictions.

595 (d) If the municipality or county where the proposed
596 medical cannabis establishment would be located requires a local
597 registration, license or permit, then proof of receiving such
598 registration, license or permit.

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

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



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

611 (* * *18) The MDOR and MDOH shall issue a renewal
612 registration certificate within ten (10) days of receipt of the
613 prescribed renewal application and renewal fee from a medical
614 cannabis establishment if its license is not under suspension and
615 has not been revoked.

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

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

623 (a) Their location on Mississippi Choctaw Indian
624 Reservation Lands; or

625 (b) The involvement of the Mississippi Band of Choctaw
626 Indians or any entity owned or operated by the Mississippi Band of
627 Choctaw Indians as an owner or co-owner of such license, provided
628 that such license shall be subject to revocation for material
629 noncompliance with this chapter on the same basis as any other
630 license.



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

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

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

642 41-137-39. (1) * * * (a) Medical cannabis establishments
643 shall conduct a background check into the criminal history of
644 every person seeking to become a principal officer, board member,
645 agent, volunteer, or employee before the person begins working at
646 or for the medical cannabis establishment.

647 (b) Every person seeking to become a principal officer,
648 board member, agent, volunteer, or employee shall apply for or
649 authorize the division to obtain state and national criminal
650 background checks to be conducted by the Mississippi Justice
651 Information Center of the Department of Public Safety and the
652 Federal Bureau of Investigation.

653 (c) Such criminal background checks shall conform to
654 the applicable federal standards, and shall include the taking of
655 fingerprints.



656 (d) The applicant shall authorize the release of such
657 criminal background checks to the MDOH, and shall be responsible
658 for the payment of any fee associated with the criminal background
659 checks.

660 (e) Upon completion of such criminal background checks,
661 the Mississippi Justice Information Center of the Department of
662 Public Safety shall forward to the MDOH all information obtained
663 concerning the applicant.

664 (2) A medical cannabis establishment may not employ any
665 person who:

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

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

668 (3) The operating documents of a medical cannabis
669 establishment must include procedures for the oversight of the
670 medical cannabis establishment and procedures to ensure accurate
671 record keeping and adequate security measures.

672 (4) A medical cannabis establishment shall implement
673 appropriate security measures designed to deter and prevent the
674 theft of medical cannabis and unauthorized entrance into areas
675 containing medical cannabis.

676 (5) All cultivation, harvesting, processing and packaging of
677 medical cannabis must take place in an enclosed, locked and secure
678 facility with a physical address provided to the MDOH during the
679 licensing and registration process. The facility shall be
680 equipped with locks or other security devices that permit access



681 only by agents of the medical cannabis establishment, emergency
682 personnel or adults who are twenty-one (21) years of age and older
683 and who are accompanied by medical cannabis establishment agents.

684 (6) No medical cannabis establishment other than a cannabis
685 processing facility or cannabis research facility may produce
686 cannabis concentrates, cannabis extractions, or other cannabis
687 products.

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

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

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

694 (a) Require that the individual present a registry
695 identification card;

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

698 (c) Make a diligent effort to verify that the person
699 presenting the registry identification card is the person
700 identified on the registry identification card presented to the
701 dispensary agent; and

702 (d) Not believe that the amount of medical cannabis
703 dispensed would cause the person to possess more than the
704 allowable amount of medical cannabis.



705 (10) A medical cannabis establishment shall not sell more
706 than the allowable amount of medical cannabis to a cardholder. A
707 resident cardholder shall not obtain more than a total of six (6)
708 MMCEUs of allowable medical cannabis in a week from a dispensary
709 or a combination of dispensaries. A resident cardholder shall not
710 obtain more than a total of twenty-four (24) MMCEUs of allowable
711 medical cannabis in thirty (30) days from a dispensary or a
712 combination of dispensaries.

713 The possession limit for resident cardholders of the
714 allowable amount of medical cannabis shall be a total of
715 twenty-eight (28) MMCEUs. There shall not be a possession limit
716 on nonconsumable medical cannabis, including, but not limited to,
717 suppositories, ointments, soaps, and lotions or other topical
718 agents.

719 (11) For purposes of this chapter, total THC is defined as
720 THCA multiplied by .877 plus THC Delta 9 and all other
721 psychoactive forms or isomers of THC added together. A medical
722 cannabis establishment shall not sell cannabis flower or trim that
723 has a potency of greater than thirty percent (30%) total THC. A
724 medical cannabis dispensary shall not sell cannabis tinctures,
725 oils or concentrates that have a potency of greater than sixty
726 percent (60%) total THC. Cannabis products that have a potency of
727 over thirty percent (30%) total THC shall be clearly labeled as
728 "extremely potent." Edible cannabis products, including food or
729 drink products, that have been combined with usable cannabis or



730 cannabis products shall be physically demarked and labeled with a
731 clear determination of how much total THC is in a single-serving
732 size and how much THC is in the entire package.

733 A medical cannabis product shall contain a notice of harm
734 regarding the use of cannabis products. Edible cannabis products
735 shall be homogenized to ensure uniform disbursement of
736 cannabinoids throughout the product. All molded edible cannabis
737 products shall be presented in the form of geometric shapes and
738 shall not be molded to contain any images or characters designed
739 or likely to appeal to minors, such as cartoons, toys, animals or
740 children.

741 (12) A dispensary may not dispense more than the allowable
742 amount of cannabis to a registered qualifying patient or a
743 nonresident cardholder, directly or via a registered designated
744 caregiver. Dispensaries shall ensure compliance with this
745 limitation by maintaining internal, confidential records that
746 include records specifying how much medical cannabis is being
747 dispensed to the registered qualifying patient or nonresident
748 cardholder and whether it was dispensed directly to a registered
749 qualifying patient, nonresident cardholder or to the registered
750 designated caregiver.

751 (13) A nonresident cardholder shall not obtain more than a
752 total of six (6) MMCEUs of allowable medical cannabis in a week
753 from a dispensary or a combination of dispensaries. A nonresident
754 cardholder shall not obtain more than a total of twelve (12)



755 MMCEUs of allowable cannabis from a dispensary or a combination of
756 dispensaries in a fifteen-day period.

757 (14) A nonresident may apply to receive a nonresident
758 registry identification card up to thirty (30) days before
759 arriving in Mississippi. A nonresident registry identification
760 card shall be valid for fifteen (15) days. After the expiration
761 of the card, a nonresident may apply for a renewal of the card and
762 may be granted another card which shall be valid for another
763 fifteen-day period. A nonresident registry identification card
764 shall only be valid, at a maximum, for two (2) separate periods of
765 fifteen (15) days in a three-hundred-sixty-five-day period. An
766 applicant may indicate on his or her application the specific time
767 period that he or she wishes for the card to be valid. The
768 possession limit of the allowable amount of medical cannabis for
769 nonresident cardholders shall be fourteen (14) MMCEUs.

770 (15) A medical cannabis dispensary agent or employee shall
771 not issue a written certification. Employees and agents of a
772 medical cannabis dispensary shall complete at least eight (8)
773 hours of continuing education in medical cannabis as regulated by
774 the MDOR in order to be certified to work at a medical cannabis
775 dispensary. After the first year of employment, these employees
776 shall complete five (5) hours of continuing education in medical
777 cannabis annually to maintain this certification.

778 (16) Notwithstanding any other provision to the contrary, a
779 patient with a debilitating medical condition who is between



780 eighteen (18) years to twenty-five (25) years of age is not
781 eligible for a medical cannabis registry identification card
782 unless two (2) practitioners from separate medical practices have
783 diagnosed the patient as having a debilitating medical condition
784 after an in-person consultation. One (1) of these practitioners
785 must be a physician or doctor of osteopathic medicine.

786 If one (1) of the recommending practitioners is not the
787 patient's primary care practitioner, the recommending practitioner
788 shall review the records of a diagnosing practitioner. The
789 requirement that the two (2) practitioners be from separate
790 medical practices does not apply if the patient is homebound or if
791 the patient had a registry identification card before the age of
792 eighteen (18).

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

799 (18) A medical cannabis establishment shall only purchase,
800 grow, cultivate, and use cannabis that is grown and cultivated in
801 this state. Any medical cannabis that is grown and cultivated in
802 this state shall not be transported outside of this state.

803 (19) Employees of all medical cannabis establishments shall
804 apply for a work permit with the MDOH and MDOR, as applicable,



805 before beginning employment with any establishment. The licensing
806 agency for the respective medical cannabis establishment may issue
807 work permits to these individuals. These licensing agencies shall
808 maintain a work registry of all applicants and work permits
809 issued. The fee for a work permit shall be Twenty-five Dollars
810 (\$25.00) and the permit shall be valid for five (5) years. Work
811 permits shall be the property of the employee and shall not be
812 transferable to other employees.

813 (20) For purposes of this subsection, "plant growth
814 regulator cannabis" shall mean a cannabis plant whose growth and
815 structure has been modified using plant growth hormones. A
816 cannabis cultivation facility shall not cultivate and a cannabis
817 dispensary shall not sell, transfer or provide for consumption
818 plant growth regulator cannabis.

819 (21) A medical cannabis dispensary shall only make sales to
820 cardholders inside the dispensary. A medical cannabis dispensary
821 shall not sell or otherwise convey medical cannabis to a
822 cardholder through the means of a drive-through, curbside delivery
823 or other delivery outside the premises of the dispensary. Any
824 topical cannabis product that is purchased by a dispensary from a
825 licensed processor, and that is not ingested by the liver, may be
826 sold to a cardholder or any person over the age of twenty-one (21)
827 years old who is not a cardholder. Such products shall be placed
828 in an area of the dispensary that does not require access with a
829 registry identification card.



830 (22) Any and all contracts or agreements entered into by the
831 MDOH and MDOR for information technology software, hardware,
832 and/or services for the purpose of implementing and/or operating
833 under the Mississippi Medical Cannabis Act shall include language
834 reasonably limiting the ability of the vendor to escalate the
835 ongoing cost of such software, hardware, and/or services during
836 the term of the contract, including any amendments and/or
837 extensions.

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

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

843 41-137-41. (1) From and after February 2, 2022, the MDOH
844 and MDOR shall each, where relevant to the role of that particular
845 agency, establish and promulgate the following rules and
846 regulations:

847 (a) Governing the manner in which it shall consider
848 petitions from the public to add debilitating medical conditions
849 or treatments to the list of debilitating medical conditions set
850 forth in Section 41-137-3, including public notice of and
851 opportunities to comment in public hearings on the petitions;

852 (b) Establishing the form and content of license and
853 renewal applications and written certifications submitted under
854 this chapter;



855 (c) Governing the manner in which it shall consider
856 applications for and renewals of registry identification cards,
857 which may include creating a standardized written certification
858 form;

859 (d) Governing medical cannabis establishments with the
860 goals of ensuring the health and safety of registered qualifying
861 patients and preventing diversion and theft of medical cannabis
862 without imposing an undue burden or compromising the
863 confidentiality of cardholders, including:

864 (i) Oversight requirements;

865 (ii) Recordkeeping requirements;

866 (iii) Qualifications that are directly and
867 demonstrably related to the operation of medical cannabis
868 establishments;

869 (iv) Security requirements, including lighting,
870 physical security, and alarm requirements;

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

874 (vi) Standards for the processing of cannabis
875 products and the indoor cultivation of cannabis by cannabis
876 cultivation facilities;

877 (vii) Requirements for the transportation and
878 storage of cannabis by medical cannabis establishments;



879 (viii) Employment and training requirements,
880 including requiring that each medical cannabis establishment
881 create an identification badge for each agent of the
882 establishment;

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

885 (x) Restrictions on the advertising, signage, and
886 display of medical cannabis, provided that the restrictions may
887 not prevent appropriate signs on the property of a dispensary,
888 listings in business directories, including phone books, listings
889 in cannabis-related or medical publications, display of cannabis
890 in company logos and other branding activities, display on
891 dispensary websites of pictures of products that the dispensary
892 sells, or the sponsorship of health or not-for-profit charity or
893 advocacy events;

894 (xi) Requirements and procedures for the safe and
895 accurate packaging and labeling of medical cannabis, including
896 prohibiting the use of any images designed or likely to appeal to
897 minors, such as cartoons, packaging that resembles popular candy
898 brands, toys, animals or children, or any other likeness or image
899 containing characters or phrases to advertise to minors;

900 (xii) Standards for cannabis testing facilities,
901 including requirements for equipment and qualifications for
902 personnel;



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

905 (xiv) Reasonable requirements to ensure the
906 applicant has sufficient property or capital to operate the
907 applicant's proposed medical cannabis establishment;

908 (xv) Procedures for suspending or terminating the
909 licenses or registry identification cards of cardholders and
910 medical cannabis establishments that commit multiple or serious
911 violations of the provisions of this chapter or the rules and
912 regulations promulgated pursuant to this section;

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

916 (xvii) Requirements for labeling medical cannabis
917 and cannabis products, including requiring medical cannabis
918 product labels to include the following:

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

921 2. Disclosure of ingredients and possible
922 allergens;

923 3. A nutritional fact panel;

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

925 5. A notice of the potential harm caused by
926 consuming medical cannabis; and



927 6. For edible cannabis products, when
928 practicable, a standard symbol indicating that the product
929 contains cannabis;

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

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

934 2. Documentation demonstrating that the
935 nonresident cardholder is allowed to possess medical cannabis or
936 cannabis preparations in the jurisdiction where he or she resides;

937 (xix) The amount of cannabis products, including
938 the amount of concentrated cannabis, each cardholder and
939 nonresident cardholder can possess;

940 (xx) Reasonable application and renewal fees for
941 registry identification cards and registration certificates,
942 according to the following:

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

944 a. The qualifying patient registry
945 identification card application fee shall be Twenty-five Dollars
946 (\$25.00);

947 b. The designated caregiver registry
948 identification card application fee shall be Twenty-five Dollars
949 (\$25.00);

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



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

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

956 f. The qualifying patient registry
957 identification card application fee for a Medicaid participant
958 shall be Fifteen Dollars (\$15.00) and the fee for a renewal of
959 such card shall be Fifteen Dollars (\$15.00); and

960 g. The application fee for a qualifying
961 patient registry identification card for disabled veterans or
962 disabled first responders shall be waived. A disabled veteran or
963 first responder may prove their disability by providing written
964 documentation from their practitioner attesting to their
965 debilitating medical condition, documentation from the Social
966 Security Disability Office, or documentation that attests the
967 applicant is a one-hundred percent (100%) disabled veteran as
968 determined by the U.S. Department of Veteran Affairs and codified
969 at 38 CFR, Section 3.340(a)(2013); and

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

972 (xxi) Any other rules and regulations necessary to
973 implement and administer this chapter.

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



977 (3) No state agency, political subdivision or board shall
978 implement any rule, regulation, policy, or requirement that is
979 contrary to the provisions of the Mississippi Medical Cannabis
980 Act.

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

983 41-137-47. (1) The licensing agency may fine, suspend or
984 revoke a license at its discretion for a violation of this chapter
985 or any rules and regulations under this chapter by the licensee or
986 any of its employees or agents. The licensing agency may deny the
987 application of any applicant who fails to meet the qualifications
988 for obtaining such license under this chapter or any rules and
989 regulations under this chapter. If a licensee or applicant wishes
990 to appeal * * * the licensing agency's decision, the licensee or
991 applicant shall file its administrative appeal within twenty (20)
992 days of receipt of the initial notice. The licensing agency shall
993 then conduct a hearing on the record pursuant to the licensing
994 agency's rules and regulations governing such hearings, at which
995 time the burden shall be on the licensee or applicant to prove
996 that the agency's decision was:

- 997 (a) Unsupported by substantial evidence;
998 (b) Arbitrary or capricious;
999 (c) Beyond the power of the administrative agency to
1000 make; or



1001 (d) Violated some statutory or constitutional right of
1002 the aggrieved party.

1003 If the licensee or applicant fails to appeal the initial
1004 notice within the prescribed time, the decision becomes final and
1005 cannot be further appealed.

1006 (2) The licensing agency shall provide its initial notice of
1007 suspension, revocation, fine or other sanction by personal
1008 delivery or mailing by certified mail, signature required, to the
1009 medical cannabis establishment at the address on the registration
1010 certificate. A suspension shall not be for a longer period than
1011 six (6) months. The licensing agency shall provide its initial
1012 notice of denial by personal delivery, mailing by certified mail,
1013 signature required, or by electronic mail to the applicant at the
1014 physical or electronic address listed in its application.

1015 (3) A medical cannabis establishment may continue to possess
1016 and cultivate cannabis as otherwise authorized to do so under its
1017 license during a suspension, but it may not dispense, transfer or
1018 sell cannabis.

1019 (4) The MDOH shall immediately revoke the registry
1020 identification card of any cardholder who sells or otherwise
1021 transfers medical cannabis to a person or other entity, and the
1022 cardholder shall be disqualified from further participation in the
1023 medical cannabis program under this chapter.



1024 (5) Except as otherwise provided in subsection (4) of this
1025 section, the MDOH may revoke the registry identification card of
1026 any cardholder who knowingly commits a violation of this chapter.

1027 (6) The hearing decision of the agency on a denial,
1028 revocation, suspension or fine is a final decision of the
1029 applicable agency subject to judicial review in accordance with
1030 Section 41-137-59.

1031 (7) No license issued by the MDOH or MDOR shall be
1032 transferred by the license holder to any other person or entity
1033 except with the written consent of the applicable licensing
1034 agency.

1035 (8) Any ongoing investigation by a licensing agency under
1036 this section shall be considered confidential and exempt from
1037 disclosure under the Mississippi Public Records Act of 1983,
1038 Sections 25-61-1 through 25-61-17.

1039 **SECTION 7.** Section 41-137-49, Mississippi Code of 1972, is
1040 amended as follows:

1041 41-137-49. (1) Data in license and registration
1042 applications and supporting data submitted by registered
1043 qualifying patients, registered designated caregivers, medical
1044 cannabis establishments and nonresident cardholders, including
1045 data on registered designated caregivers and practitioners, shall
1046 be considered private data on individuals that is confidential and
1047 exempt from disclosure under the Mississippi Public Records Act of
1048 1983, Sections 25-61-1 through 25-61-17.



1049 (2) Data kept or maintained by an agency shall not be used
1050 for any purpose not provided for in this chapter and shall not be
1051 combined or linked in any manner with any other list or database.

1052 (3) Data kept or maintained by an agency may be disclosed as
1053 necessary for:

1054 (a) The verification of registration certificates and
1055 registry identification cards under this chapter;

1056 (b) Submission of the annual report required by this
1057 chapter;

1058 (c) Notification of state or local law enforcement of
1059 apparent criminal violations of this chapter;

1060 (d) Notification of state and local law enforcement
1061 about falsified or fraudulent information submitted for purposes
1062 of obtaining or renewing a registry identification card; or

1063 (e) Notification of the State Board of Medical
1064 Licensure or other occupational or professional licensing board or
1065 entity if there is reason to believe that a practitioner provided
1066 a written certification in violation of this chapter, or if the
1067 MDOH has reason to believe the practitioner otherwise violated the
1068 standard of care for evaluating medical conditions.

1069 (4) Any information kept or maintained by medical cannabis
1070 establishments must identify cardholders by their registry
1071 identification numbers and must not contain names or other
1072 personally identifying information.



1073 (5) At a cardholder's request, the MDOH may confirm the
1074 cardholder's status as a registered qualifying patient or a
1075 registered designated caregiver to a third party, such as a
1076 landlord, school, medical professional, or court.

1077 (6) Any agency hard drives or other data-recording media
1078 that are no longer in use and that contain cardholder information
1079 shall be destroyed.

1080 (7) The addresses of prospective and licensed medical
1081 cannabis establishments, except for medical cannabis dispensaries,
1082 shall be considered confidential and exempt from disclosure under
1083 the Mississippi Public Records Act of 1983, Sections 25-61-1
1084 through 25-61-17.

1085 **SECTION 8.** Section 41-137-59, Mississippi Code of 1972, is
1086 amended as follows:

1087 41-137-59. (1) Any person or entity aggrieved by a final
1088 decision or order of an agency under the provisions of this
1089 chapter may petition for judicial review of the final decision or
1090 order.

1091 (2) (a) The petition shall be filed within twenty (20) days
1092 after the issuance of the agency's final decision or order. The
1093 petition shall be filed in the circuit court of the county in
1094 which the appellant resides. If the appellant is a nonresident of
1095 this state, the appeal shall be made to the Circuit Court of the
1096 First Judicial District of Hinds County, Mississippi.



1097 (b) The review by the circuit court shall be based on
1098 the record made before the agency. Before filing a petition under
1099 subsection (1) of this section, a petitioner shall obtain from the
1100 agency an estimate of the cost to prepare the entire record of the
1101 agency and shall pay to the agency the amount of the estimate.
1102 The circuit court shall dismiss with prejudice any petition filed
1103 where it is shown that the petitioner failed to pay prior to
1104 filing the petition the estimate cost for preparation of the
1105 record.

1106 (* * *c) Any person or entity aggrieved by the
1107 decision of the circuit court may appeal to the Mississippi
1108 Supreme Court.

1109 **SECTION 9.** Section 41-137-63, Mississippi Code of 1972, is
1110 amended as follows:

1111 41-137-63. (1) (a) There is established a Medical Cannabis
1112 Advisory Committee, which shall be the committee that is required
1113 to advise the Legislature about medical cannabis and cannabis
1114 product, patient care, services and industry.

1115 (b) The advisory committee shall consist of nine (9)
1116 members, as follows:

1117 (i) The Governor shall appoint three (3) members
1118 to the committee, as follows:

- 1119 1. One (1) representative from the MDOH;
1120 2. One (1) registered qualifying patient; and



1121 3. One (1) physician with experience in
1122 medical cannabis issues;

1123 (ii) The Lieutenant Governor shall appoint three
1124 (3) members, as follows:

1125 1. One (1) owner or agent of a medical
1126 cannabis cultivation facility;

1127 2. One (1) representative from the MDOH; and

1128 3. One (1) qualified certified nurse
1129 practitioner, physician assistant or optometrist;

1130 (iii) The Speaker of the House shall appoint three
1131 (3) members, as follows:

1132 1. One (1) owner or agent of a medical
1133 cannabis processing facility;

1134 2. One (1) owner or agent of a medical
1135 cannabis dispensary; and

1136 3. One (1) representative from the MDOR.

1137 (c) The advisory committee shall meet at least two (2)
1138 times per year for the purpose of evaluating and making
1139 recommendations to the Legislature and the MDOH and MDOR
1140 regarding:

1141 (i) The ability of qualifying patients in all
1142 areas of the state to obtain timely access to high-quality medical
1143 cannabis;

1144 (ii) The effectiveness of the medical cannabis
1145 establishments in serving the needs of registered qualifying



1146 patients, including the provision of educational and support
1147 services by dispensaries, the reasonableness of their prices,
1148 security issues, and the sufficiency of the number operating to
1149 serve the state's registered qualifying patients;

1150 (iii) The effectiveness of the cannabis testing
1151 facilities, including whether a sufficient number are operating;

1152 (iv) The sufficiency of the regulatory and
1153 security safeguards contained in this chapter and adopted by the
1154 MDOH to ensure that access to and use of cannabis cultivated is
1155 provided only to cardholders;

1156 (v) Any recommended additions or revisions to the
1157 MDOH and MDOR rules and regulations or this chapter, including
1158 relating to security, safe handling, labeling, nomenclature, and
1159 whether additional types of licenses should be made available; and

1160 (vi) Any research studies regarding health effects
1161 of medical cannabis for patients.

1162 (d) The advisory committee shall accept public comment
1163 in writing and in person at least once per year. The advisory
1164 committee shall meet at least two (2) times per year and advisory
1165 committee members shall be furnished written notice of the
1166 meetings at least ten (10) days before the date of the meeting.

1167 (e) The chairman of the advisory committee shall be
1168 elected by the voting members of the committee annually and shall
1169 not serve more than two (2) consecutive years as chairman.



1170 (f) The members of the advisory committee specified in
1171 paragraph (b) of this subsection shall serve for terms that are
1172 concurrent with the terms of members of the Legislature, and any
1173 member appointed under paragraph (b) may be reappointed to the
1174 advisory committee. The members of the advisory committee
1175 specified in paragraph (b) shall serve without compensation, but
1176 shall receive reimbursement to defray actual expenses incurred in
1177 the performance of committee business as authorized by law.

1178 (2) This section shall stand repealed on December 31, * * *
1179 2026.

1180 **SECTION 10.** Section 41-29-153, Mississippi Code of 1972, is
1181 amended as follows:

1182 41-29-153. (a) The following are subject to forfeiture:

1183 (1) All controlled substances which have been
1184 manufactured, distributed, dispensed or acquired in violation of
1185 this article or in violation of Article 5 of this chapter or
1186 Chapter 137 of this title;

1187 (2) All raw materials, products and equipment of any
1188 kind which are used, or intended for use, in manufacturing,
1189 compounding, processing, delivering, importing, or exporting any
1190 controlled substance in violation of this article or in violation
1191 of Article 5 of this chapter or Chapter 137 of this title;

1192 (3) All property which is used, or intended for use, as
1193 a container for property described in paragraph (1) or (2) of this
1194 subsection;



1195 (4) All conveyances, including aircraft, vehicles or
1196 vessels, which are used, or intended for use, to transport, or in
1197 any manner to facilitate the transportation, sale, receipt,
1198 possession or concealment of property described in paragraph (1)
1199 or (2) of this subsection, however:

1200 A. No conveyance used by any person as a common
1201 carrier in the transaction of business as a common carrier is
1202 subject to forfeiture under this section unless it appears that
1203 the owner or other person in charge of the conveyance is a
1204 consenting party or privy to a violation of this article;

1205 B. No conveyance is subject to forfeiture under
1206 this section by reason of any act or omission proved by the owner
1207 thereof to have been committed or omitted without his knowledge or
1208 consent; if the confiscating authority has reason to believe that
1209 the conveyance is a leased or rented conveyance, then the
1210 confiscating authority shall notify the owner of the conveyance
1211 within five (5) days of the confiscation;

1212 C. A forfeiture of a conveyance encumbered by a
1213 bona fide security interest is subject to the interest of the
1214 secured party if he neither had knowledge of nor consented to the
1215 act or omission;

1216 D. A conveyance is not subject to forfeiture for a
1217 violation of Section 41-29-139(c) (2) (A) 1, 2 or (B)1 or (C)1, 2,
1218 3;



1219 (5) All money, deadly weapons, books, records, and
1220 research products and materials, including formulas, microfilm,
1221 tapes and data which are used, or intended for use, in violation
1222 of this article or in violation of Article 5 of this chapter or
1223 Chapter 137 of this title;

1224 (6) All drug paraphernalia as defined in Section
1225 41-29-105(v); and

1226 (7) Everything of value, including real estate,
1227 furnished, or intended to be furnished, in exchange for a
1228 controlled substance in violation of this article, all proceeds
1229 traceable to such an exchange, and all monies, negotiable
1230 instruments, businesses or business investments, securities, and
1231 other things of value used, or intended to be used, to facilitate
1232 any violation of this article. All monies, coin and currency
1233 found in close proximity to forfeitable controlled substances, to
1234 forfeitable drug manufacturing or distributing paraphernalia, or
1235 to forfeitable records of the importation, manufacture or
1236 distribution of controlled substances are presumed to be
1237 forfeitable under this paragraph; the burden of proof is upon
1238 claimants of the property to rebut this presumption.

1239 A. No property shall be forfeited under the
1240 provisions of subsection (a)(7) of this section, to the extent of
1241 the interest of an owner, by reason of any act or omission
1242 established by him to have been committed or omitted without his
1243 knowledge or consent.



1244 B. Neither personal property encumbered by a bona
1245 fide security interest nor real estate encumbered by a bona fide
1246 mortgage, deed of trust, lien or encumbrance shall be forfeited
1247 under the provisions of subsection (a)(7) of this section, to the
1248 extent of the interest of the secured party or the interest of the
1249 mortgagee, holder of a deed of trust, lien or encumbrance by
1250 reason of any act or omission established by him to have been
1251 committed or omitted without his knowledge or consent.

1252 (b) Property subject to forfeiture may be seized by the
1253 bureau, local law enforcement officers, enforcement officers of
1254 the Mississippi Department of Transportation, highway patrolmen,
1255 the board, * * * the State Board of Pharmacy, or law enforcement
1256 officers of the Mississippi Department of Revenue or Mississippi
1257 Department of Health acting with their duties in accordance with
1258 the Mississippi Medical Cannabis Act, upon process issued by any
1259 appropriate court having jurisdiction over the property. Seizure
1260 without process may be made if:

1261 (1) The seizure is incident to an arrest or a search
1262 under a search warrant or an inspection under an administrative
1263 inspection warrant;

1264 (2) The property subject to seizure has been the
1265 subject of a prior judgment in favor of the state in a criminal
1266 injunction or forfeiture proceeding based upon this article;

1267 (3) The bureau, the board, local law enforcement
1268 officers, enforcement officers of the Mississippi Department of



1269 Transportation, or highway patrolmen, * * * the State Board of
1270 Pharmacy, or law enforcement officers of the Mississippi
1271 Department of Revenue or Mississippi Department of Health acting
1272 with their duties in accordance with the Mississippi Medical
1273 Cannabis Act, have probable cause to believe that the property is
1274 directly or indirectly dangerous to health or safety;

1275 (4) The bureau, local law enforcement officers,
1276 enforcement officers of the Mississippi Department of
1277 Transportation, highway patrolmen, the board, * * * the State
1278 Board of Pharmacy, or law enforcement officers of the Mississippi
1279 Department of Revenue or Mississippi Department of Health acting
1280 with their duties in accordance with the Mississippi Medical
1281 Cannabis Act, have probable cause to believe that the property was
1282 used or is intended to be used in violation of this article; or

1283 (5) The seizing law enforcement agency obtained a
1284 seizure warrant as described in * * * subsection (f) of this
1285 section.

1286 (c) Controlled substances listed in Schedule I of Section
1287 41-29-113 that are possessed, transferred, sold, or offered for
1288 sale in violation of this article are contraband and shall be
1289 seized and summarily forfeited to the state. Controlled
1290 substances listed in the said Schedule I, which are seized or come
1291 into the possession of the state, the owners of which are unknown,
1292 are contraband and shall be summarily forfeited to the state.



1293 (d) Species of plants from which controlled substances in
1294 Schedules I and II of Sections 41-29-113 and 41-29-115 may be
1295 derived which have been planted or cultivated in violation of this
1296 article, or of which the owners or cultivators are unknown, or
1297 which are wild growths, may be seized and summarily forfeited to
1298 the state.

1299 (e) The failure, upon demand by the bureau and/or local law
1300 enforcement officers, or their authorized agents, or highway
1301 patrolmen designated by the bureau, the board, * * * the State
1302 Board of Pharmacy, or law enforcement officers of the Mississippi
1303 Department of Revenue or Mississippi Department of Health acting
1304 with their duties in accordance with the Mississippi Medical
1305 Cannabis Act, of the person in occupancy or in control of land or
1306 premises upon which the species of plants are growing or being
1307 stored, to produce an appropriate registration, or proof that he
1308 is the holder thereof, constitutes authority for the seizure and
1309 forfeiture of the plants.

1310 (f) (1) When any property is seized under the Uniform
1311 Controlled Substances Law, except as otherwise provided in
1312 paragraph (3) of this subsection, by a law enforcement agency with
1313 the intent to be forfeited, the law enforcement agency that seized
1314 the property shall obtain a seizure warrant from the county or
1315 circuit court having jurisdiction of such property within
1316 seventy-two (72) hours of any seizure, excluding weekends and
1317 holidays. Any law enforcement agency that fails to obtain a



1318 seizure warrant within seventy-two (72) hours as required by this
1319 section shall notify the person from whom the property was seized
1320 that it will not be forfeited and shall provide written
1321 instructions advising the person how to retrieve the seized
1322 property.

1323 (2) A circuit or county judge having jurisdiction of
1324 any property other than a controlled substance, raw material or
1325 paraphernalia, may issue a seizure warrant upon proper oath or
1326 affirmation from a law enforcement agency. The law enforcement
1327 agency that is seeking a seizure warrant shall provide the
1328 following information to the judge:

1329 A. Probable cause to believe that the property was
1330 used or intended to be used in violation of this article;

1331 B. The name of the person from whom the property
1332 was seized; and

1333 C. A detailed description of the property which is
1334 seized, including the value of the property.

1335 (3) This subsection does not apply to seizures
1336 performed pursuant to Section 41-29-157 when property is
1337 specifically set forth in a search and seizure warrant.

1338 **SECTION 11.** Section 41-29-154, Mississippi Code of 1972, is
1339 amended as follows:

1340 41-29-154. Any controlled substance or paraphernalia seized
1341 under the authority of this article or any other law of
1342 Mississippi or of the United States, shall be destroyed,



1343 adulterated and disposed of or otherwise rendered harmless and
1344 disposed of, upon written authorization of the director,
1345 Commissioner of the Mississippi Department of Revenue or the State
1346 Health Officer of the Mississippi Department of Health, as
1347 applicable, after such substance or paraphernalia has served its
1348 usefulness as evidence or after such substance or paraphernalia is
1349 no longer useful for training or demonstration purposes.

1350 A record of the disposition of such substances and
1351 paraphernalia and the method of destruction or adulteration
1352 employed along with the names of witnesses to such destruction or
1353 adulteration shall be retained by the director.

1354 No substance or paraphernalia shall be disposed of, destroyed
1355 or rendered harmless under the authority of this section without
1356 an order from the director, Commissioner of the Mississippi
1357 Department of Revenue or the State Health Officer of the
1358 Mississippi Department of Health, as applicable, and without at
1359 least two (2) officers or agents of the bureau present as
1360 witnesses.

1361 **SECTION 12.** Section 25-53-1, Mississippi Code of 1972, is
1362 amended as follows:

1363 25-53-1. The Legislature recognizes that in order for the
1364 State of Mississippi to receive the maximum use and benefit from
1365 information technology and services now in operation or which will
1366 in the future be placed in operation, there should be full
1367 cooperation and cohesive planning and effort by and between the



1368 several state agencies and that it is the responsibility of the
1369 Legislature to provide statutory authority therefor. The
1370 Legislature, therefore, declares and determines that for these and
1371 other related purposes there is hereby established an agency of
1372 state government to be known as the Mississippi Department of
1373 Information Technology Services (MDITS). The Legislature further
1374 declares that the Mississippi Department of Information Technology
1375 Services (MDITS) shall provide statewide services that facilitate
1376 cost-effective information processing and telecommunication
1377 solutions. State agencies shall work in full cooperation with the
1378 board of MDITS to identify opportunities to minimize duplication,
1379 reduce costs and improve the efficiency of providing common
1380 technology services across agency boundaries. The provisions of
1381 this chapter shall not apply to the Department of Human Services
1382 for a period of three (3) years beginning July 1, 2017. The
1383 provisions of this chapter shall not apply to the Department of
1384 Child Protection Services for a period of three (3) years
1385 beginning July 1, 2017. Through June 30, * * * 2024, the
1386 provisions of this chapter shall not apply to the Department of
1387 Health and the Department of Revenue for the purposes of
1388 implementing, administering and enforcing the provisions of the
1389 Mississippi Medical Cannabis Act.

1390 **SECTION 13.** Section 25-53-5, Mississippi Code of 1972, as
1391 amended by Senate Bill No. 2728, 2023 Regular Session, is amended
1392 as follows:



1393 25-53-5. The authority shall have the following powers,
1394 duties, and responsibilities:

1395 (a) (i) The authority shall provide for the
1396 development of plans for the efficient acquisition and utilization
1397 of computer equipment and services by all agencies of state
1398 government, and provide for their implementation. In so doing,
1399 the authority may use the MDITS' staff, at the discretion of the
1400 executive director of the authority, or the authority may contract
1401 for the services of qualified consulting firms in the field of
1402 information technology and utilize the service of such consultants
1403 as may be necessary for such purposes. Pursuant to Section
1404 25-53-1, the provisions of this section shall not apply to the
1405 Department of Human Services for a period of three (3) years
1406 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
1407 provisions of this section shall not apply to the Department of
1408 Child Protection Services for a period of three (3) years
1409 beginning July 1, 2017.

1410 (ii) [Repealed]

1411 (b) The authority shall immediately institute
1412 procedures for carrying out the purposes of this chapter and
1413 supervise the efficient execution of the powers and duties of the
1414 office of executive director of the authority. In the execution
1415 of its functions under this chapter, the authority shall maintain
1416 as a paramount consideration the successful internal organization
1417 and operation of the several agencies so that efficiency existing



1418 therein shall not be adversely affected or impaired. In executing
1419 its functions in relation to the institutions of higher learning
1420 and junior colleges in the state, the authority shall take into
1421 consideration the special needs of such institutions in relation
1422 to the fields of teaching and scientific research.

1423 (c) Title of whatever nature of all computer equipment
1424 now vested in any agency of the State of Mississippi is hereby
1425 vested in the authority, and no such equipment shall be disposed
1426 of in any manner except in accordance with the direction of the
1427 authority or under the provisions of such rules and regulations as
1428 may hereafter be adopted by the authority in relation thereto.

1429 (d) The authority shall adopt rules, regulations, and
1430 procedures governing the acquisition of computer and
1431 telecommunications equipment and services which shall, to the
1432 fullest extent practicable, insure the maximum of competition
1433 between all manufacturers of supplies or equipment or services.
1434 In the writing of specifications, in the making of contracts
1435 relating to the acquisition of such equipment and services, and in
1436 the performance of its other duties the authority shall provide
1437 for the maximum compatibility of all information systems hereafter
1438 installed or utilized by all state agencies and may require the
1439 use of common computer languages where necessary to accomplish the
1440 purposes of this chapter. The authority may establish by
1441 regulation and charge reasonable fees on a nondiscriminatory basis



1442 for the furnishing to bidders of copies of bid specifications and
1443 other documents issued by the authority.

1444 (e) The authority shall adopt rules and regulations
1445 governing the sharing with, or the sale or lease of information
1446 technology services to any nonstate agency or person. Such
1447 regulations shall provide that any such sharing, sale or lease
1448 shall be restricted in that same shall be accomplished only where
1449 such services are not readily available otherwise within the
1450 state, and then only at a charge to the user not less than the
1451 prevailing rate of charge for similar services by private
1452 enterprise within this state.

1453 (f) The authority may, in its discretion, establish a
1454 special technical advisory committee or committees to study and
1455 make recommendations on technology matters within the competence
1456 of the authority as the authority may see fit. Persons serving on
1457 the Information Resource Council, its task forces, or any such
1458 technical advisory committees shall be entitled to receive their
1459 actual and necessary expenses actually incurred in the performance
1460 of such duties, together with mileage as provided by law for state
1461 employees, provided the same has been authorized by a resolution
1462 duly adopted by the authority and entered on its minutes prior to
1463 the performance of such duties.

1464 (g) The authority may provide for the development and
1465 require the adoption of standardized computer programs and may
1466 provide for the dissemination of information to and the



1467 establishment of training programs for the personnel of the
1468 various information technology centers of state agencies and
1469 personnel of the agencies utilizing the services thereof.

1470 (h) The authority shall adopt reasonable rules and
1471 regulations requiring the reporting to the authority through the
1472 office of executive director of such information as may be
1473 required for carrying out the purposes of this chapter and may
1474 also establish such reasonable procedures to be followed in the
1475 presentation of bills for payment under the terms of all contracts
1476 for the acquisition of computer equipment and services now or
1477 hereafter in force as may be required by the authority or by the
1478 executive director in the execution of their powers and duties.

1479 (i) The authority shall require such adequate
1480 documentation of information technology procedures utilized by the
1481 various state agencies and may require the establishment of such
1482 organizational structures within state agencies relating to
1483 information technology operations as may be necessary to
1484 effectuate the purposes of this chapter.

1485 (j) The authority may adopt such further reasonable
1486 rules and regulations as may be necessary to fully implement the
1487 purposes of this chapter. All rules and regulations adopted by
1488 the authority shall be published and disseminated in readily
1489 accessible form to all affected state agencies, and to all current
1490 suppliers of computer equipment and services to the state, and to
1491 all prospective suppliers requesting the same. Such rules and



1492 regulations shall be kept current, be periodically revised, and
1493 copies thereof shall be available at all times for inspection by
1494 the public at reasonable hours in the offices of the authority.
1495 Whenever possible no rule, regulation or any proposed amendment to
1496 such rules and regulations shall be finally adopted or enforced
1497 until copies of the proposed rules and regulations have been
1498 furnished to all interested parties for their comment and
1499 suggestions.

1500 (k) The authority shall establish rules and regulations
1501 which shall provide for the submission of all contracts proposed
1502 to be executed by the executive director for computer equipment
1503 and/or telecommunications or services, including cloud computing,
1504 to the authority for approval before final execution, and the
1505 authority may provide that such contracts involving the
1506 expenditure of less than such specified amount as may be
1507 established by the authority may be finally executed by the
1508 executive director without first obtaining such approval by the
1509 authority.

1510 (l) The authority is authorized to consider new
1511 technologies, such as cloud computing, to purchase, lease, or rent
1512 computer equipment or services and to operate that equipment and
1513 use those services in providing services to one or more state
1514 agencies when in its opinion such operation will provide maximum
1515 efficiency and economy in the functions of any such agency or
1516 agencies.



1517 (m) Upon the request of the governing body of a
1518 political subdivision or instrumentality, the authority shall
1519 assist the political subdivision or instrumentality in its
1520 development of plans for the efficient acquisition and utilization
1521 of computer equipment and services. An appropriate fee shall be
1522 charged the political subdivision by the authority for such
1523 assistance.

1524 (n) The authority shall adopt rules and regulations
1525 governing the protest procedures to be followed by any actual or
1526 prospective bidder, offerer or contractor who is aggrieved in
1527 connection with the solicitation or award of a contract for the
1528 acquisition of computer equipment or services. Such rules and
1529 regulations shall prescribe the manner, time and procedure for
1530 making protests and may provide that a protest not timely filed
1531 shall be summarily denied. The authority may require the
1532 protesting party, at the time of filing the protest, to post a
1533 bond, payable to the state, in an amount that the authority
1534 determines sufficient to cover any expense or loss incurred by the
1535 state, the authority or any state agency as a result of the
1536 protest if the protest subsequently is determined by a court of
1537 competent jurisdiction to have been filed without any substantial
1538 basis or reasonable expectation to believe that the protest was
1539 meritorious; however, in no event may the amount of the bond
1540 required exceed a reasonable estimate of the total project cost.
1541 The authority, in its discretion, also may prohibit any



1542 prospective bidder, offerer or contractor who is a party to any
1543 litigation involving any such contract with the state, the
1544 authority or any agency of the state to participate in any other
1545 such bid, offer or contract, or to be awarded any such contract,
1546 during the pendency of the litigation.

1547 (o) The authority shall make a report in writing to the
1548 Legislature each year in the month of January. Such report shall
1549 contain a full and detailed account of the work of the authority
1550 for the preceding year as specified in Section 25-53-29(3).

1551 All acquisitions of computer equipment and services involving
1552 the expenditure of funds in excess of the dollar amount
1553 established in Section 31-7-13(c), or rentals or leases in excess
1554 of the dollar amount established in Section 31-7-13(c) for the
1555 term of the contract, shall be based upon competitive and open
1556 specifications, and contracts therefor shall be entered into only
1557 after advertisements for bids are published in one or more daily
1558 newspapers having a general circulation in the state not less than
1559 fourteen (14) days prior to receiving sealed bids therefor. The
1560 authority may reserve the right to reject any or all bids, and if
1561 all bids are rejected, the authority may negotiate a contract
1562 within the limitations of the specifications so long as the terms
1563 of any such negotiated contract are equal to or better than the
1564 comparable terms submitted by the lowest and best bidder, and so
1565 long as the total cost to the State of Mississippi does not exceed
1566 the lowest bid. If the authority accepts one (1) of such bids, it



1567 shall be that which is the lowest and best. Through June
1568 30, * * * 2024, the provisions of this paragraph shall not apply
1569 to acquisitions of information technology equipment and services
1570 made by the Mississippi Department of Health and * * * the
1571 Mississippi Department of Revenue for the purposes of
1572 implementing, administering and * * * enforcing the provisions of
1573 the Mississippi Medical Cannabis Act.

1574 (p) When applicable, the authority may procure
1575 equipment, systems and related services in accordance with the law
1576 or regulations, or both, which govern the Bureau of Purchasing of
1577 the Office of General Services or which govern the Mississippi
1578 Department of Information Technology Services procurement of
1579 telecommunications equipment, software and services.

1580 (q) The authority is authorized to purchase, lease, or
1581 rent information technology and services for the purpose of
1582 establishing pilot projects to investigate emerging technologies.
1583 These acquisitions shall be limited to new technologies and shall
1584 be limited to an amount set by annual appropriation of the
1585 Legislature. These acquisitions shall be exempt from the
1586 advertising and bidding requirement.

1587 (r) To promote the maximum use and benefit from
1588 technology and services now in operation or which will in the
1589 future be placed in operation and to identify opportunities,
1590 minimize duplication, reduce costs and improve the efficiency of



1591 providing common technology services the authority is authorized
1592 to:

1593 (i) Enter into master agreements for computer or
1594 telecommunications equipment or services, including cloud
1595 computing, available for shared use by state agencies, institutes
1596 of higher learning and governing authorities; and

1597 (ii) Enter into contracts for the acquisition of
1598 computer or telecommunications equipment or services, including
1599 cloud computing, that have been acquired by other entities,
1600 located within or outside of the State of Mississippi, so long as
1601 it is determined by the authority to be in the best interest of
1602 the state. The acquisitions provided in this paragraph (r) shall
1603 be exempt from the advertising and bidding requirements of Section
1604 25-53-1 et seq.

1605 (* * *s) All fees collected by the Mississippi
1606 Department of Information Technology Services shall be deposited
1607 into the Mississippi Department of Information Technology Services
1608 Revolving Fund unless otherwise specified by the Legislature.

1609 (* * *t) The authority shall work closely with the
1610 council to bring about effective coordination of policies,
1611 standards and procedures relating to procurement of remote sensing
1612 and geographic information systems (GIS) resources. In addition,
1613 the authority is responsible for development, operation and
1614 maintenance of a delivery system infrastructure for geographic



1615 information systems data. The authority shall provide a warehouse
1616 for Mississippi's geographic information systems data.

1617 (* * *u) The authority shall manage one or more State
1618 Data Centers to provide information technology services on a
1619 cost-sharing basis. In determining the appropriate services to be
1620 provided through the State Data Center, the authority should
1621 consider those services that:

- 1622 (i) Result in savings to the state as a whole;
- 1623 (ii) Improve and enhance the security and
1624 reliability of the state's information and business systems; and
- 1625 (iii) Optimize the efficient use of the state's
1626 information technology assets, including, but not limited to,
1627 promoting partnerships with the state institutions of higher
1628 learning and community colleges to capitalize on advanced
1629 information technology resources.

1630 (* * *y) The authority shall increase federal
1631 participation in the cost of the State Data Center to the extent
1632 provided by law and its shared technology infrastructure through
1633 providing such shared services to agencies that receive federal
1634 funds. With regard to state institutions of higher learning and
1635 community colleges, the authority may provide shared services when
1636 mutually agreeable, following a determination by both the
1637 authority and the Board of Trustees of State Institutions of
1638 Higher Learning or the Mississippi Community College Board, as the
1639 case may be, that the sharing of services is mutually beneficial.



1640 (* * *w) The authority, in its discretion, may require
1641 new or replacement agency business applications to be hosted at
1642 the State Data Center. With regard to state institutions of
1643 higher learning and community colleges, the authority and the
1644 Board of Trustees of State Institutions of Higher Learning or the
1645 Mississippi Community College Board, as the case may be, may agree
1646 that institutions of higher learning or community colleges may
1647 utilize business applications that are hosted at the State Data
1648 Center, following a determination by both the authority and the
1649 applicable board that the hosting of those applications is
1650 mutually beneficial. In addition, the authority may establish
1651 partnerships to capitalize on the advanced technology resources of
1652 the Board of Trustees of State Institutions of Higher Learning or
1653 the Mississippi Community College Board, following a determination
1654 by both the authority and the applicable board that such a
1655 partnership is mutually beneficial.

1656 (* * *x) The authority shall provide a periodic update
1657 regarding reform-based information technology initiatives to the
1658 Chairmen of the House and Senate Accountability, Efficiency and
1659 Transparency Committees.

1660 From and after July 1, 2018, the expenses of this agency
1661 shall be defrayed by appropriation from the State General Fund.
1662 In addition, in order to receive the maximum use and benefit from
1663 information technology and services, expenses for the provision of
1664 statewide shared services that facilitate cost-effective



1665 information processing and telecommunication solutions shall be
1666 defrayed by pass-through funding and shall be deposited into the
1667 Mississippi Department of Information Technology Services
1668 Revolving Fund unless otherwise specified by the Legislature.
1669 These funds shall only be utilized to pay the actual costs
1670 incurred by the Mississippi Department of Information Technology
1671 Services for providing these shared services to state agencies.
1672 Furthermore, state agencies shall work in full cooperation with
1673 the Board of the Mississippi Department of Information Technology
1674 Services to identify computer equipment or services to minimize
1675 duplication, reduce costs, and improve the efficiency of providing
1676 common technology services across agency boundaries.

1677 **SECTION 14.** The following shall be codified as Section
1678 73-21-127.1, Mississippi Code of 1972:

1679 73-21-127.1. The Prescription Monitoring Program shall issue
1680 a report each year to the Legislature that indicates the number of
1681 opioid prescriptions that were provided to patients during that
1682 year.

1683 **SECTION 15.** Section 41-137-3, Mississippi Code of 1972, is
1684 amended as follows:

1685 41-137-3. For purposes of this chapter, unless the context
1686 requires otherwise, the following terms shall have the meanings
1687 ascribed herein:

1688 (a) "Artificially derived cannabinoid" means a chemical
1689 substance that is created by a chemical reaction that changes the



1690 molecular structure of any chemical substance derived from the
1691 plant Cannabis family Cannabaceae. Such term shall not include:

1692 (i) A naturally occurring chemical substance that
1693 is separated from the plant Cannabis family Cannabaceae by a
1694 chemical or mechanical extraction process;

1695 (ii) Cannabinoids that are produced by
1696 decarboxylation from a naturally occurring cannabinoid acid
1697 without the use of a chemical catalyst; or

1698 (iii) Any other chemical substance identified by
1699 MDOH.

1700 (b) "Allowable amount of medical cannabis" means an
1701 amount not to exceed the maximum amount of Mississippi Medical
1702 Cannabis Equivalency Units ("MMCEU").

1703 (* * *c) "Bona fide practitioner-patient relationship"
1704 means:

1705 (i) A practitioner and patient have a treatment or
1706 consulting relationship, during the course of which the
1707 practitioner, within his or her scope of practice, has completed
1708 an in-person assessment of the patient's medical history and
1709 current mental health and medical condition and has documented
1710 their certification in the patient's medical file;

1711 (ii) The practitioner has consulted in person with
1712 the patient with respect to the patient's debilitating medical
1713 condition; and



1714 (iii) The practitioner is available to or offers
1715 to provide follow-up care and treatment to the patient.

1716 (* * *d) "Cannabis" means all parts of the plant of
1717 the genus cannabis, the flower, the seeds thereof, the resin
1718 extracted from any part of the plant and every compound,
1719 manufacture, salt, derivative, mixture or preparation of the
1720 plant, its seeds or its resin, including whole plant extracts.
1721 Such term shall not mean cannabis-derived drug products approved
1722 by the federal Food and Drug Administration under Section 505 of
1723 the Federal Food, Drug, and Cosmetic Act.

1724 (* * *e) "Cannabis cultivation facility" means a
1725 business entity licensed and registered by the Mississippi
1726 Department of Health that acquires, grows, cultivates and harvests
1727 medical cannabis in an indoor, enclosed, locked and secure area.

1728 (* * *f) "Cannabis disposal entity" means a business
1729 licensed and registered by the Mississippi Department of Health
1730 that is involved in the commercial disposal or destruction of
1731 medical cannabis.

1732 (* * *g) "Cannabis processing facility" means a
1733 business entity that is licensed and registered by the Mississippi
1734 Department of Health that:

1735 (i) Acquires or intends to acquire cannabis from a
1736 cannabis cultivation facility;

1737 (ii) Possesses cannabis with the intent to
1738 manufacture a cannabis product;



1739 (iii) Manufactures or intends to manufacture a
1740 cannabis product from unprocessed cannabis or a cannabis extract;
1741 and

1742 (iv) Sells or intends to sell a cannabis product
1743 to a medical cannabis dispensary, cannabis testing facility or
1744 cannabis research facility.

1745 (* * *h) "Cannabis products" means cannabis flower,
1746 concentrated cannabis, cannabis extracts and products that are
1747 infused with cannabis or an extract thereof and are intended for
1748 use or consumption by humans. The term includes, without
1749 limitation, edible cannabis products, beverages, topical products,
1750 ointments, oils, tinctures and suppositories that contain
1751 tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those
1752 products excluded from control under Sections 41-29-113 and
1753 41-29-136.

1754 (* * *i) "Cannabis research facility" or "research
1755 facility" means a research facility at any university or college
1756 in this state or an independent entity licensed and registered by
1757 the Mississippi Department of Health pursuant to this chapter that
1758 acquires cannabis from cannabis cultivation facilities and
1759 cannabis processing facilities in order to research cannabis,
1760 develop best practices for specific medical conditions, develop
1761 medicines and provide commercial access for medical use.

1762 (* * *j) "Cannabis testing facility" or "testing
1763 facility" means an independent entity licensed and registered by



1764 the Mississippi Department of Health that analyzes the safety and
1765 potency of cannabis.

1766 (* * *k) "Cannabis transportation entity" means an
1767 independent entity licensed and registered by the Mississippi
1768 Department of Health that is involved in the commercial
1769 transportation of medical cannabis.

1770 (l) "Cannabis waste" means plant debris of the plant of
1771 the genus cannabis, including dead plants and all unused plant
1772 parts. This term shall not include seeds, roots, stems and
1773 stalks.

1774 (m) "Cannabinoid" means any of the chemical compounds
1775 that are the active constituents derived from THC.

1776 (* * *n) "Canopy" means the total surface area within
1777 a cultivation area that is dedicated to the cultivation of
1778 flowering cannabis plants. The surface area of the plant canopy
1779 must be calculated in square feet and measured and must include
1780 all of the area within the boundaries where the cultivation of the
1781 flowering cannabis plants occurs. If the surface area of the
1782 plant canopy consists of noncontiguous areas, each component area
1783 must be separated by identifiable boundaries. If a tiered or
1784 shelving system is used in the cultivation area the surface area
1785 of each tier or shelf must be included in calculating the area of
1786 the plant canopy. Calculation of the area of the plant canopy may
1787 not include the areas within the cultivation area that are used to
1788 cultivate immature cannabis plants and seedlings, prior to



1789 flowering, and that are not used at any time to cultivate mature
1790 cannabis plants.

1791 (* * *o) "Cardholder" means a registered qualifying
1792 patient or a registered designated caregiver who has been issued
1793 and possesses a valid registry identification card.

1794 (* * *p) "Chronic pain" means a pain state in which
1795 the cause of the pain cannot be removed or otherwise treated, and
1796 which in the generally accepted course of medical practice, no
1797 relief or cure of the cause of the pain is possible, or none has
1798 been found after reasonable efforts by a practitioner.

1799 (* * *q) "Concentrate" means a substance obtained by
1800 separating cannabinoids from cannabis by:

1801 (i) A mechanical extraction process;

1802 (ii) A chemical extraction process using a
1803 nonhydrocarbon-based or other solvent, such as water, vegetable
1804 glycerin, vegetable oils, animal fats, food-grade ethanol or steam
1805 distillation; or

1806 (iii) A chemical extraction process using the
1807 hydrocarbon-based solvent carbon dioxide, provided that the
1808 process does not involve the use of high heat or pressure.

1809 (* * *r) "Debilitating medical condition" means:

1810 (i) Cancer, Parkinson's disease, Huntington's
1811 disease, muscular dystrophy, glaucoma, spastic quadriplegia,
1812 positive status for human immunodeficiency virus (HIV), acquired
1813 immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral



1814 sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell
1815 anemia, Alzheimer's disease, agitation of dementia, post-traumatic
1816 stress disorder (PTSD), autism, pain refractory to appropriate
1817 opioid management, diabetic/peripheral neuropathy, spinal cord
1818 disease or severe injury, or the treatment of these conditions;

1819 (ii) A chronic, terminal or debilitating disease
1820 or medical condition, or its treatment, that produces one or more
1821 of the following: cachexia or wasting syndrome, chronic pain,
1822 severe or intractable nausea, seizures, or severe and persistent
1823 muscle spasms, including, but not limited to, those characteristic
1824 of multiple sclerosis; or

1825 (iii) Any other serious medical condition or its
1826 treatment added by the Mississippi Department of Health, as
1827 provided for in Section 41-137-17.

1828 (* * *s) "Designated caregiver" means a person who:

1829 (i) Has agreed to assist with a registered
1830 qualifying patient's medical use of medical cannabis;

1831 (ii) Assists no more than five (5) registered
1832 qualifying patients with their medical use of medical cannabis,
1833 unless the designated caregiver's registered qualifying patients
1834 each reside in or are admitted to a health care facility or
1835 facility providing residential care services or day care services
1836 where the designated caregiver is employed;



1837 (iii) Is at least twenty-one (21) years of age
1838 unless the person is the parent or legal guardian of each
1839 qualifying patient the person assists; and

1840 (iv) Has not been convicted of a disqualifying
1841 felony offense.

1842 (* * * t) "Disqualifying felony offense" means:

1843 (i) A conviction for a crime of violence, as
1844 defined in Section 97-3-2;

1845 (ii) A conviction for a crime that was defined as
1846 a violent crime in the law of the jurisdiction in which the
1847 offense was committed, and that was classified as a felony in the
1848 jurisdiction where the person was convicted; or

1849 (iii) A conviction for a violation of a state or
1850 federal controlled substances law that was classified as a felony
1851 in the jurisdiction where the person was convicted, including the
1852 service of any term of probation, incarceration or supervised
1853 release within the previous five (5) years and the offender has
1854 not committed another similar offense since the conviction. Under
1855 this subparagraph (iii), a disqualifying felony offense shall not
1856 include a conviction that consisted of conduct for which this
1857 chapter would likely have prevented the conviction but for the
1858 fact that the conduct occurred before February 2, 2022.

1859 (* * * u) "Edible cannabis products" means products
1860 that:



1861 (i) Contain or are infused with cannabis or an
1862 extract thereof;
1863 (ii) Are intended for human consumption by oral
1864 ingestion; and
1865 (iii) Are presented in the form of foodstuffs,
1866 beverages, extracts, oils, tinctures, lozenges and other similar
1867 products.

1868 (* * *y) "Entity" means a corporation, general
1869 partnership, limited partnership or limited liability company that
1870 has been registered with the Secretary of State as applicable.

1871 (* * *w) "MMCEU" means Mississippi Medical Cannabis
1872 Equivalency Unit. One unit of MMCEU shall be considered equal to:

1873 (i) Three and one-half (3.5) grams of medical
1874 cannabis flower;
1875 (ii) One (1) gram of medical cannabis concentrate;
1876 or
1877 (iii) One hundred (100) milligrams of THC in an
1878 infused product.

1879 (* * *x) "MDOH" means the Mississippi Department of
1880 Health.

1881 (* * *y) "MDOR" means the Mississippi Department of
1882 Revenue.

1883 (* * *z) "Medical cannabis" means cannabis, cannabis
1884 products and edible cannabis that are intended to be used by
1885 registered qualifying patients as provided in this chapter.



1886 (* * *aa) "Medical cannabis dispensary" or
1887 "dispensary" means an entity licensed and registered with the MDOR
1888 that acquires, possesses, stores, transfers, sells, supplies or
1889 dispenses medical cannabis, equipment used for medical cannabis,
1890 or related supplies and educational materials to cardholders.

1891 (* * *bb) "Medical cannabis establishment" means a
1892 cannabis cultivation facility, cannabis processing facility,
1893 cannabis testing facility, cannabis dispensary, cannabis
1894 transportation entity, cannabis disposal entity or cannabis
1895 research facility licensed and registered by the appropriate
1896 agency.

1897 (* * *cc) "Medical cannabis establishment agent" means
1898 an owner, officer, board member, employee, volunteer or agent of a
1899 medical cannabis establishment.

1900 (* * *dd) "Medical use" includes the acquisition,
1901 administration, cultivation, processing, delivery, harvest,
1902 possession, preparation, transfer, transportation, or use of
1903 medical cannabis or equipment relating to the administration of
1904 medical cannabis to treat or alleviate a registered qualifying
1905 patient's debilitating medical condition or symptoms associated
1906 with the patient's debilitating medical condition. The term
1907 "medical use" does not include:

1908 (i) The cultivation of cannabis unless the
1909 cultivation is done by a cannabis cultivation facility; or



1910 (ii) The extraction of resin from cannabis by
1911 mechanical or chemical extraction unless the extraction is done by
1912 a cannabis processing facility.

1913 (* * *ee) "Nonresident cardholder" means a person who:

1914 (i) Has been diagnosed with a debilitating medical
1915 condition by a practitioner in his or her respective state or
1916 territory, or is the parent, guardian, conservator or other person
1917 with authority to consent to the medical use of medical cannabis
1918 by a person who has been diagnosed with a debilitating medical
1919 condition;

1920 (ii) Is not a resident of Mississippi or who has
1921 been a resident of Mississippi for less than forty-five (45) days;
1922 and

1923 (iii) Has submitted any documentation required by
1924 MDOH rules and regulations and has received confirmation of
1925 registration.

1926 (* * *ff) "Practitioner" means a physician, certified
1927 nurse practitioner, physician assistant or optometrist who is
1928 licensed to prescribe medicine under the licensing requirements of
1929 their respective occupational boards and the laws of this state.

1930 In relation to a nonresident cardholder, the term means a
1931 physician, certified nurse practitioner, physician assistant or
1932 optometrist who is licensed to prescribe medicine under the
1933 licensing requirements of their respective occupational boards and
1934 under the laws of the state or territory in which the nonresident



1935 patient resides. For registered qualifying patients who are
1936 minors, "practitioner" shall mean a physician or doctor of
1937 osteopathic medicine who is licensed to prescribe medicine under
1938 the licensing requirements of their respective occupational boards
1939 and the laws of this state.

1940 (* * *gg) "Public place" means a church or any area to
1941 which the general public is invited or in which the general public
1942 is permitted, regardless of the ownership of the area, and any
1943 area owned or controlled by a municipality, county, state or
1944 federal government, including, but not limited to, streets,
1945 sidewalks or other forms of public transportation. Such term
1946 shall not mean a private residential dwelling.

1947 (* * *hh) "Qualifying patient" means a person who has
1948 been diagnosed by a practitioner as having a debilitating medical
1949 condition and has been issued a written certification.

1950 (* * *ii) "Registry identification card" means a
1951 document issued by the MDOH that identifies a person as a
1952 registered qualifying patient, nonresident registered qualifying
1953 patient or registered designated caregiver.

1954 (* * *jj) "School" means an institution for the
1955 teaching of children, consisting of a physical location, whether
1956 owned or leased, including instructional staff members and
1957 students, and which is in session each school year. This
1958 definition shall include, but not be limited to, public, private,
1959 church and parochial programs for kindergarten, elementary, junior



1960 high and high schools. Such term shall not mean a home
1961 instruction program.

1962 (* * *kk) "Scope of practice" means the defined
1963 parameters of various duties, services or activities that may be
1964 provided or performed by a certified nurse practitioner as
1965 authorized under Sections 73-15-5 and 73-15-20, by an optometrist
1966 as authorized under Section 73-19-1, by a physician as authorized
1967 under Section 73-25-33, or by a physician assistant under Section
1968 73-26-5, and rules and regulations adopted by the respective
1969 licensing boards for those practitioners.

1970 (* * *ll) "THC" or "Tetrahydrocannabinol" means any
1971 and all forms of tetrahydrocannabinol that are contained naturally
1972 in the cannabis plant, as well as synthesized forms of THC and
1973 derived variations, derivatives, isomers and allotropes that have
1974 similar molecular and physiological characteristics of
1975 tetrahydrocannabinol, including, but not limited to, THCA, THC
1976 Delta 9, THC Delta 8, THC Delta 10 and THC Delta 6.

1977 (* * *mm) "Written certification" means a form
1978 approved by the MDOH, signed and dated by a practitioner,
1979 certifying that a person has a debilitating medical condition. A
1980 written certification shall include the following:

1981 (i) The date of issue and the effective date
1982 of the recommendation;

1983 (ii) The patient's name, date of birth and
1984 address;



1985 (iii) The practitioner's name, address, and
1986 federal Drug Enforcement Agency number; and

1987 (iv) The practitioner's signature.

1988 **SECTION 16.** Section 41-137-57, Mississippi Code of 1972, is
1989 amended as follows:

1990 41-137-57. (1) The cultivation, processing, sale and
1991 distribution of medical cannabis and cannabis products, as
1992 performed in accordance to the provisions of this chapter, shall
1993 be legal in every county and municipality of this state unless a
1994 county or municipality opts out through a vote by the board of
1995 supervisors of the county or governing authorities of the
1996 municipality, as applicable, within ninety (90) days after
1997 February 2, 2022. The governing authorities of the municipality
1998 or the board of supervisors of the county, as applicable, shall
1999 provide a notice in accordance with the Open Meetings Act (Section
2000 25-41-1 et seq.) of its intent of holding a vote regarding opting
2001 out of allowing the cultivation, processing, sale and/or
2002 distribution of medical cannabis and cannabis products, as
2003 applicable. The governing authorities of the municipality or the
2004 board of supervisors of the county, as applicable, may opt out of
2005 allowing one or more of the following: cultivation, processing,
2006 sale or distribution of medical cannabis and cannabis products.
2007 The governing authorities of a municipality, by a vote entered
2008 upon their minutes, may opt out of allowing the cultivation,
2009 processing, sale and/or distribution of medical cannabis and



2010 cannabis products, as applicable, in the municipality. The board
2011 of supervisors of a county, by a vote entered upon its minutes,
2012 may opt out of allowing the cultivation, processing, sale and/or
2013 distribution of medical cannabis and cannabis products, as
2014 applicable, in the unincorporated areas of the county.

2015 (2) If the board of supervisors of a county or the governing
2016 authorities of a municipality do not opt out of allowing the
2017 cultivation, processing, sale and/or distribution of medical
2018 cannabis and cannabis products, as applicable, within ninety (90)
2019 days after February 2, 2022, then no vote by the board of
2020 supervisors or governing authorities, as applicable, may be held
2021 to so opt out, and the provisions of this chapter shall remain
2022 applicable and operative in the county or municipality, as
2023 applicable. If the board of supervisors of a county or governing
2024 authorities of a municipality have opted out of allowing the
2025 cultivation, processing, sale and/or distribution of medical
2026 cannabis and cannabis products, as applicable, then the board of
2027 supervisors or governing authorities of a municipality may later
2028 opt in regarding the same through a vote by the board of
2029 supervisors or governing authorities, as applicable, entered upon
2030 its or their minutes, or an election duly held according to
2031 subsection (3) or (4) of this section, as applicable.

2032 (3) (a) Upon presentation and filing of a proper petition
2033 requesting that the cultivation, processing, sale and/or
2034 distribution of medical cannabis and cannabis products, as



2035 applicable, be legal in the unincorporated areas of the county
2036 signed by at least twenty percent (20%) or fifteen hundred (1500),
2037 whichever number is the lesser, of the qualified electors of the
2038 county, it shall be the duty of the board of supervisors to call
2039 an election at which there shall be submitted to the qualified
2040 electors of the county the question of whether or not the
2041 cultivation, processing, sale and/or distribution of medical
2042 cannabis and cannabis products, as applicable, shall be legal in
2043 the unincorporated areas of such county as provided in this
2044 chapter. Such election shall be held and conducted by the county
2045 election commissioners on a date fixed by the order of the board
2046 of supervisors, which date shall not be more than sixty (60) days
2047 from the date of the filing of the petition. Notice thereof shall
2048 be given by publishing such notice once each week for at least
2049 three (3) consecutive weeks in some newspaper published in the
2050 county or if no newspaper be published therein, by such
2051 publication in a newspaper in an adjoining county and having a
2052 general circulation in the county involved. The election shall be
2053 held not earlier than fifteen (15) days from the first publication
2054 of such notice.

2055 (b) The election shall be held and conducted as far as
2056 may be possible in the same manner as is provided by law for the
2057 holding of general elections. The ballots used at the election
2058 shall contain a brief statement of the proposition submitted and,
2059 on separate lines, the words "I vote FOR allowing the cultivation,



2060 processing, sale and/or distribution of medical cannabis and
2061 cannabis products, as applicable, in the unincorporated areas of
2062 _____ [Name of County] ()" or "I vote AGAINST allowing the
2063 cultivation, processing, sale and/or distribution of medical
2064 cannabis and cannabis products, as applicable, in the
2065 unincorporated areas of _____ [Name of County] ()" with
2066 appropriate boxes in which the voters may express their choice.
2067 All qualified electors may vote by marking the ballot with a cross
2068 (x) or check (√) mark opposite the words of their choice.

2069 (c) The election commissioners shall canvass and
2070 determine the results of the election and shall certify the same
2071 to the board of supervisors which shall adopt and spread upon its
2072 minutes an order declaring such results. If, in such election, a
2073 majority of the qualified electors participating therein vote in
2074 favor of allowing the cultivation, processing, sale and/or
2075 distribution of medical cannabis and cannabis products, as
2076 applicable, in the unincorporated areas of the county, this
2077 chapter shall be applicable and operative in the unincorporated
2078 areas of such county, and the cultivation, processing, sale and/or
2079 distribution of medical cannabis and cannabis products, as
2080 applicable, in the unincorporated areas of the county shall be
2081 lawful to the extent and in the manner permitted in this chapter.
2082 If, on the other hand, a majority of the qualified electors
2083 participating in the election vote against allowing the
2084 cultivation, processing, sale and/or distribution of medical



2085 cannabis and cannabis products, as applicable, then it shall be
2086 illegal to cultivate, process, sell and/or distribute medical
2087 cannabis and cannabis products, as applicable, in the
2088 unincorporated areas of the county. In either case, no further
2089 election shall be held in the county under the provisions of this
2090 section for a period of two (2) years from the date of the prior
2091 election and then only upon the filing of a petition requesting
2092 same signed by at least twenty percent (20%) or fifteen hundred
2093 (1500), whichever number is the lesser, of the qualified electors
2094 of the county as provided in this section.

2095 (4) (a) Upon presentation and filing of a proper petition
2096 requesting that the cultivation, processing, sale and/or
2097 distribution of medical cannabis and cannabis products, as
2098 applicable, be legal in the municipality signed by at least twenty
2099 percent (20%) or fifteen hundred (1500), whichever number is the
2100 lesser, of the qualified electors of the municipality, it shall be
2101 the duty of the governing authorities of the municipality to call
2102 an election at which there shall be submitted to the qualified
2103 electors of the municipality the question of whether or not the
2104 cultivation, processing, sale and/or distribution of medical
2105 cannabis and cannabis products, as applicable, shall be legal in
2106 the municipality as provided in this chapter. Such election shall
2107 be held and conducted on a date fixed by the order of the
2108 governing authorities of the municipality, which date shall not be
2109 more than sixty (60) days from the date of the filing of the



2110 petition. Notice thereof shall be given by publishing such notice
2111 once each week for at least three (3) consecutive weeks in some
2112 newspaper published in the municipality or if no newspaper be
2113 published therein, by such publication in a newspaper having a
2114 general circulation in the municipality involved. The election
2115 shall be held not earlier than fifteen (15) days from the first
2116 publication of such notice.

2117 (b) The election shall be held and conducted as far as
2118 may be possible in the same manner as is provided by law for the
2119 holding of municipal elections. The ballots used at the election
2120 shall contain a brief statement of the proposition submitted and,
2121 on separate lines, the words "I vote FOR allowing the cultivation,
2122 processing, sale and/or distribution of medical cannabis and
2123 cannabis products, as applicable, in _____ [Name of
2124 Municipality] ()" or "I vote AGAINST allowing the cultivation,
2125 processing, sale and/or distribution of medical cannabis and
2126 cannabis products, as applicable, in _____ [Name of
2127 Municipality] ()" with appropriate boxes in which the voters may
2128 express their choice. All qualified electors may vote by marking
2129 the ballot with a cross (x) or check (✓) mark opposite the words
2130 of their choice.

2131 (c) The election commissioners shall canvass and
2132 determine the results of the election and shall certify the same
2133 to the governing authorities which shall adopt and spread upon
2134 their minutes an order declaring such results. If, in such



2135 election, a majority of the qualified electors participating
2136 therein vote in favor of allowing the cultivation, processing,
2137 sale and/or distribution of medical cannabis and cannabis
2138 products, as applicable, this chapter shall be applicable and
2139 operative in such municipality and the cultivation, processing,
2140 sale, and/or distribution of medical cannabis and cannabis
2141 products, as applicable, therein shall be lawful to the extent and
2142 in the manner permitted in this chapter. If, on the other hand, a
2143 majority of the qualified electors participating in the election
2144 vote against allowing the cultivation, processing, sale and/or
2145 distribution of medical cannabis and cannabis products, as
2146 applicable, then it shall be illegal to cultivate, process, sell
2147 and/or distribute medical cannabis and cannabis products, as
2148 applicable, in the municipality. In either case, no further
2149 election shall be held in the municipality under the provisions of
2150 this section for a period of two (2) years from the date of the
2151 prior election and then only upon the filing of a petition
2152 requesting same signed by at least twenty percent (20%) or fifteen
2153 hundred (1500), whichever number is the lesser, of the qualified
2154 electors of the municipality as provided in this section.

2155 (5) Regardless of whether a county or municipality opts out
2156 of allowing the cultivation, processing, sale and/or distribution
2157 of medical cannabis and cannabis products, cardholders, cannabis
2158 testing facilities, cannabis research facilities, cannabis
2159 transportation entities and cannabis disposal entities may possess



2160 medical cannabis in the municipality or county if done in
2161 accordance with this chapter.

2162 (6) (a) If a municipality that has opted out under this
2163 section annexes a geographic area which contains a licensed entity
2164 operating under the provisions of this chapter, then the licensed
2165 entity may continue its operation in that municipality's newly
2166 annexed geographic area.

2167 (b) If a licensed entity operating under the provisions
2168 of this chapter is located in a municipality that contracts its
2169 corporate boundaries thereby causing the geographic area in which
2170 the licensed entity is located to no longer be in the municipality
2171 and instead in an unincorporated area of a county that has opted
2172 out under this section, then the licensed entity may continue its
2173 operation in that area of the county.

2174 (7) In any county or municipality in which real property is
2175 owned, leased or otherwise controlled by a waterway district or
2176 water management district created in Title 51, Mississippi Code of
2177 1972, the decision of the county or municipality to opt out or opt
2178 in as provided in this section shall be binding on all real
2179 property in such district. The ordinances of a county or
2180 municipality related to the provisions of this chapter shall be
2181 applicable to all real property within the respective boundaries
2182 of the county or municipality in such district.

2183 **SECTION 17.** This act shall take effect and be in force from
2184 and after its passage.

