

By: Senator(s) Simmons (12th), Hickman

To: Judiciary, Division B

SENATE BILL NO. 2771

1 AN ACT TO AMEND SECTION 41-29-113, MISSISSIPPI CODE OF 1972,
 2 TO REMOVE MARIJUANA FROM THE LIST OF SCHEDULE I CONTROLLED
 3 SUBSTANCES; TO AMEND SECTION 41-29-139, MISSISSIPPI CODE OF 1972,
 4 TO CONFORM THE PENALTY FOR POSSESSION OF CONTROLLED SUBSTANCES
 5 OTHER THAN MARIJUANA; TO AMEND SECTION 41-29-105, MISSISSIPPI CODE
 6 OF 1972, TO CONFORM DEFINITIONS FOR THE UNIFORM CONTROLLED
 7 SUBSTANCES ACT; TO AMEND SECTION 41-29-136, MISSISSIPPI CODE OF
 8 1972, TO CONFORM AND TO EXTEND THE REPEALER; TO AMEND SECTIONS
 9 33-13-520, 41-29-147, 41-29-149.1 AND 41-29-150, MISSISSIPPI CODE
 10 OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 41-29-113, Mississippi Code of 1972, is
 13 amended as follows:

14 41-29-113.

15 **SCHEDULE I**

16 (a) Schedule I consists of the drugs and other substances,
 17 by whatever official name, common or usual name, chemical name, or
 18 brand name designated, that is listed in this section.

19 (b) **Opiates.** Unless specifically excepted or unless listed
 20 in another schedule, any of the following opiates, including their
 21 isomers, esters, ethers, salts and salts of isomers, esters and



22 ethers, whenever the existence of these isomers, esters, ethers
23 and salts is possible within the specific chemical designation:

24 (1) Acetyl-alpha-methylfentanyl
25 (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

26 (2) Acetylmethadol;

27 (3) Acetyl fentanyl
28 (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);

29 (4) Acryl fentanyl
30 (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide), also known as
31 acryloylfentanyl;

32 (5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)
33 cyclohexylmethyl]benzamide);

34 (6) Allylprodine;

35 (7) Alphacetylmethadol, except levo-alphacetylmethadol
36 (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

37 (8) Alphameprodine;

38 (9) Alphamethadol;

39 (10) Alpha-Methylfentanyl
40 (N-[1-alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide;
41 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine);

42 (11) Alpha-Methylthiofentanyl
43 (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide
44);

45 (12) Benzethidine;

46 (13) Betacetylmethadol;



47 (14) Beta-Hydroxyfentanyl
48 (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
49 (15) Beta-Hydroxy-3-methylfentanyl
50 (N-[1-(2-hydroxy-2-phenylethyl)-3-methyl-4-piperidinyl]-N-phenylpr
51 opanamide);
52 (16) Beta-Hydroxythiofentanyl
53 (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpr
54 opionamide);
55 (17) Betameprodine;
56 (18) Betamethadol;
57 (19) Beta-Methyl fentanyl
58 (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide), also
59 known as β -methyl fentanyl;
60 (20) Beta'-Phenyl fentanyl
61 (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide), also
62 known as β' -phenyl fentanyl or 3-phenylpropanoyl fentanyl;
63 (21) Betaprodine;
64 (22) Butyrl fentanyl
65 (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);
66 (23) Clonitazene;
67 (24) Crotonyl fentanyl
68 ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);
69 (25) Cyclopentyl fentanyl
70 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);



71 (26) Cyclopropyl fentanyl
72 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
73 (27) Dextromoramide;
74 (28) Diampromide;
75 (29) Diethylthiambutene;
76 (30) Difenoxylin;
77 (31) Dimenoxadol;
78 (32) Dimepheptanol;
79 (33) Dimethylthiambutene;
80 (34) Dioxaphetyl butyrate;
81 (35) Dipipanone;
82 (36) Ethylmethylthiambutene;
83 (37) Etonitazene;
84 (38) Etoxeridine;
85 (39) Fentanyl carbamate
86 (ethyl(1-phenethylpiperidin-4-yl)(phenyl)carbamate);
87 (40) Fentanyl-related substances, meaning any substance
88 not otherwise listed under another schedule and for which no
89 exemption or approval is in effect under Section 505 of the
90 Federal Food, Drug, and Cosmetic Act [21 USC 355] that is
91 structurally related to fentanyl by one or more of the following
92 modifications:
93 (A) Replacement of the phenyl portion of the
94 phenethyl group by any monocycle, whether or not further
95 substituted in or on the monocycle;



96 (B) Substitution in or on the phenethyl group with
97 alkyl, alkenyl, alkoxy, hydroxy, halo, haloalkyl, amino or nitro
98 groups;

99 (C) Substitution in or on the piperidine ring with
100 alkyl, alkenyl, alkoxy, ester, ether, hydroxy, halo, haloalkyl,
101 amino or nitro groups;

102 (D) Replacement of the aniline ring with any
103 aromatic monocycle whether or not further substituted in or on the
104 aromatic monocycle; and/or

105 (E) Replacement of the N-propionyl group by
106 another acyl group.

107 (41) 4-Fluoroisobutyryl fentanyl
108 (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide),
109 also known as para-fluoroisobutyryl fentanyl);

110 (42) 2'-Fluoro ortho-fluorofentanyl
111 (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)
112 propionamide), also known as 2'-fluoro 2-fluorofentanyl;

113 (43) Furanyl fentanyl
114 (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);

115 (44) Furethidine;

116 (45) Hydroxypethidine;

117 (46) Isobutyryl fentanyl
118 (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);

119 (47) Isotonitazene (N,N-diethyl-2-(2-(4
120 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);



121 (48) Ketobemidone (including the optical and geometric
122 isomers);
123 (49) Levomoramide;
124 (50) Levophenacylmorphan;
125 (51) Methoxyacetyl fentanyl
126 (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
127 (52) 4'-Methyl acetyl fentanyl
128 (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide);
129 (53) 3-Methylfentanyl
130 (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
131 (54) 3-Methylthiofentanyl (N-[3-methyl-1-
132 (2-thienylethyl)-4-piperidinyl]-N-phenylpropanamide);
133 (55) Morpheridine;
134 (56) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
135 (57) MT-45
136 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
137 (58) Noracymethadol;
138 (59) Norlevorphanol;
139 (60) Normethadone;
140 (61) Norpipanone;
141 (62) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-
142 (1-phenethylpiperidin-4-yl)acetamide);
143 (63) Ortho-Fluoroacryl fentanyl
144 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide);



145 (64) Ortho-Fluorobutyryl fentanyl
146 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide), also
147 known as 2-fluorobutyryl fentanyl;
148 (65) Ortho-Fluorofentanyl
149 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide),
150 also known as 2-fluorofentanyl;
151 (66) Ortho-Fluoroisobutyryl fentanyl
152 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
153 (67) Ortho-Methyl acetylfentanyl
154 (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide), also
155 known as 2-methyl acetylfentanyl;
156 (68) Ortho-Methyl methoxyacetyl fentanyl
157 (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)
158 acetamide), also known as 2-methyl methoxyacetyl fentanyl;
159 (69) Para-Chloroisobutyryl fentanyl
160 (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
161 (70) Para-Fluorobutyryl fentanyl
162 (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
163 (71) Para-Fluorofentanyl (N-(4-fluorophenyl)
164 -N-[1-(2-phenylethyl)-4-piperidinyl]propanamide);
165 (72) Para-Fluoro furanyl fentanyl N-(4-fluorophenyl)-N-
166 (1-phenethylpiperidin-4-yl)furan-2-carboxamide);
167 (73) Para-Methoxybutyryl fentanyl
168 (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);



169 (74) Para-Methylfentanyl
170 (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide),
171 also known as 4-methylfentanyl);
172 (75) PEPAP
173 (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
174 (76) Phenadoxone;
175 (77) Phenampromide;
176 (78) Phenomorphan;
177 (79) Phenoperidine;
178 (80) Phenyl fentanyl
179 (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide), also known as
180 benzoyl fentanyl;
181 (81) Piritramide;
182 (82) Proheptazine;
183 (83) Properidine;
184 (84) Propiram;
185 (85) Racemoramide;
186 (86) Tetrahydrofuranyl fentanyl
187 (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-
188 carboxamide);
189 (87) Thiofentanyl
190 (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide);
191 (88) Thiofuranyl fentanyl
192 (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide),
193 also known as 2-thiofuranyl fentanyl or thiophene fentanyl;



- 194 (89) Tilidine;
- 195 (90) Trimeperidine;
- 196 (91) U-47700, (3,4-dichloro-N-
- 197 [2-(dimethylamino)cyclohexyl]-N-methylbenzamide);
- 198 (92) Valeryl fentanyl
- 199 (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).

200 (c) **Opium derivatives.** Unless specifically excepted or

201 unless listed in another schedule, any of the following opium

202 derivatives, their salts, isomers and salts of isomers, whenever

203 the existence of these salts, isomers and salts of isomers is

204 possible within the specific chemical designation:

- 205 (1) Acetorphine;
- 206 (2) Acetyldihydrocodeine;
- 207 (3) Benzylmorphine;
- 208 (4) Codeine methylbromide;
- 209 (5) Codeine-N-Oxide;
- 210 (6) Cyprenorphine;
- 211 (7) Desomorphine;
- 212 (8) Dihydromorphine;
- 213 (9) Drotebanol;
- 214 (10) Etorphine (except hydrochloride salt);
- 215 (11) Heroin;
- 216 (12) Hydromorphenol;
- 217 (13) Methyldesorphine;
- 218 (14) Methyldihydromorphine;



- 219 (15) Monoacetylmorphine;
- 220 (16) Morphine methylbromide;
- 221 (17) Morphine methylsulfonate;
- 222 (18) Morphine-N-Oxide;
- 223 (19) Myrophine;
- 224 (20) Nicocodeine;
- 225 (21) Nicomorphine;
- 226 (22) Normorphine;
- 227 (23) Pholcodine;
- 228 (24) Thebacon.

229 (d) **Hallucinogenic substances.** Unless specifically excepted
230 or unless listed in another schedule, any material, compound,
231 mixture or preparation which contains any quantity of the
232 following substances, their salts, isomers (whether optical,
233 positional, or geometric) and salts of isomers, whenever the
234 existence of these salts, isomers and salts of isomers is possible
235 within the specific chemical designation:

- 236 (1) Alpha-ethyltryptamine;
- 237 (2) 4-bromo-2,5-dimethoxy-amphetamine;
- 238 (3) 4-bromo-2,5-dimethoxyphenethylamine;
- 239 (4) 2,5-dimethoxyamphetamine;
- 240 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 241 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine
242 (2C-T-7);
- 243 (7) 4-methoxyamphetamine;



- 244 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 245 (9) 4-methyl-2,5-dimethoxy-amphetamine;
- 246 (10) 3,4-methylenedioxy amphetamine;
- 247 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 248 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
- 249 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl
- 250 MDA, MDE, MDEA);
- 251 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also
- 252 known as N-hydroxy MDA, N-OHMDA, and
- 253 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);
- 254 (14) 3,4,5-trimethoxy amphetamine;
- 255 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 256 (16) Alpha-methyltryptamine (also known as AMT);
- 257 (17) Bufotenine;
- 258 (18) Diethyltryptamine;
- 259 (19) Dimethyltryptamine;
- 260 (20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 261 (21) Ibogaine;
- 262 (22) Lysergic acid diethylamide (LSD);
- 263 (23) * * * [Deleted]
- 264 (24) Mescaline;
- 265 (25) Parahexyl;
- 266 (26) Peyote;
- 267 (27) N-ethyl-3-piperidyl benzilate;
- 268 (28) N-methyl-3-piperidyl benzilate;



269 (29) Psilocybin;
270 (30) Psilocyn;
271 (31) Tetrahydrocannabinols, meaning
272 tetrahydrocannabinols contained in a plant of the genus Cannabis
273 (cannabis plant), as well as the synthetic equivalents of the
274 substances contained in the cannabis plant, or in the resinous
275 extractives of such plant, and/or synthetic substances,
276 derivatives, and their isomers with similar chemical structure and
277 pharmacological activity to those substances contained in the
278 plant such as the following:

- 279 (A) 1 cis or trans tetrahydrocannabinol;
- 280 (B) 6 cis or trans tetrahydrocannabinol;
- 281 (C) 3,4 cis or trans tetrahydrocannabinol.

282 (Since nomenclature of these substances is not
283 internationally standardized, compounds of these structures,
284 regardless of atomic positions, are covered.)

285 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)
286 For purposes of this paragraph, tetrahydrocannabinols do not
287 include hemp or hemp products regulated under Sections 69-25-201
288 through 69-25-221.

289 However, the following products are exempted from control:

- 290 (i) THC-containing industrial products made
291 from cannabis stalks (e.g., paper, rope and clothing);



292 (ii) Processed cannabis plant materials used
293 for industrial purposes, such as fiber retted from cannabis stalks
294 for use in manufacturing textiles or rope;

295 (iii) Animal feed mixtures that contain
296 sterilized cannabis seeds and other ingredients (not derived from
297 the cannabis plant) in a formula designed, marketed and
298 distributed for nonhuman consumption;

299 (iv) Personal care products that contain oil
300 from sterilized cannabis seeds, such as shampoos, soaps, and body
301 lotions (if the products do not cause THC to enter the human
302 body);

303 (v) Hemp as regulated under Sections
304 69-25-201 through 69-25-221; and

305 (vi) Any product derived from the hemp plant
306 designed for human ingestion and/or consumption that is approved
307 by the United States Food and Drug Administration;

308 (32) Phencyclidine;

309 (33) Ethylamine analog of phencyclidine (PCE);

310 (34) Pyrrolidine analog of phencyclidine (PHP, PCPy);

311 (35) Thiophene analog of phencyclidine;

312 (36) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);

313 (37) 4-methylmethcathinone (mephedrone);

314 (38) 3,4-methylenedioxypropylvalerone (MDPV);

315 (39) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E);

316 (40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);



317 (41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
318 (42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
319 or 2,5-dimethoxy-4-iodophenethylamine;
320 (43) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine
321 (2C-T-2);
322 (44)
323 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
324 (45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);
325 (46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
326 (47) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine
327 (2C-P);
328 (48) 3,4-methylenedioxy-N-methylcathinone (methydone);
329 (49)
330 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
331 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);
332 (50)
333 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
334 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);
335 (51)
336 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or
337 N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;
338 Cimbi-5);
339 (52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,
340 4-benzodiazepin-2-one (also known as Phenazepam);



341 (53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,
342 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene
343 (also known as Etizolam);

344 (54) Salvia divinorum;

345 (55) Synthetic cannabinoids. Unless specifically
346 excepted or unless listed in another schedule, any material,
347 compound, mixture, or preparation which contains any quantity of a
348 synthetic cannabinoid found in any of the following chemical
349 groups, whether or not substituted to any extent, or any of those
350 groups which contain any synthetic cannabinoid salts, isomers, or
351 salts of isomers, whenever the existence of such salts, isomers,
352 or salts of isomers is possible within the specific chemical
353 designation, including all synthetic cannabinoid chemical
354 analogues in such groups:

355 (A) (6aR,10aR)-9-(hydroxymethyl)-6,
356 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
357 chromen-1-ol (also known as HU-210 or
358 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

359 (B) Naphthoylindoles and naphthylmethylinindoles,
360 being any compound structurally derived from 3-(1-naphthoyl)indole
361 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted
362 in the indole ring to any extent, or in the naphthyl ring to any
363 extent;

364 (C) Naphthoylpyrroles, being any compound
365 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not



366 substituted in the pyrrole ring to any extent, or in the naphthyl
367 ring to any extent;

368 (D) Naphthylmethylindenes, being any compound
369 structurally derived from 1-(1-naphthylmethyl)indene, whether or
370 not substituted in the indene ring to any extent or in the
371 naphthyl ring to any extent;

372 (E) Phenylacetylindoles, being any compound
373 structurally derived from 3-phenylacetylindole, whether or not
374 substituted in the indole ring to any extent or in the phenyl ring
375 to any extent;

376 (F) Cyclohexylphenols, being any compound
377 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether
378 or not substituted in the cyclohexyl ring to any extent or in the
379 phenolic ring to any extent;

380 (G) Benzoylindoles, whether or not substituted in
381 the indole ring to any extent or in the phenyl ring to any extent;

382 (H) Adamantoylindoles, whether or not substituted
383 in the indole ring to any extent or in the adamantoyl ring system
384 to any extent;

385 (I) Tetrahydro derivatives of cannabinal and
386 3-alkyl homologues of cannabinal or of its tetrahydro derivatives,
387 except where contained in cannabis or cannabis resin;

388 (J) 3-Cyclopropylmethanone indole or
389 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by
390 substitution at the nitrogen atom of the indole ring, whether or



391 not further substituted in the indole ring to any extent, whether
392 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl
393 rings to any extent;

394 (K) Quinoliny ester indoles, being any compound
395 structurally derived from 1H-indole-3carboxylic acid-8-quinoliny
396 ester, whether or not substituted in the indole ring to any extent
397 or the quinolone ring to any extent;

398 (L) 3-carboxamide-1H-indazoles, whether or not
399 substituted in the indazole ring to any extent and substituted to
400 any degree on the carboxamide nitrogen and
401 3-carboxamide-1H-indoles, whether or not substituted in the indole
402 ring to any extent and substituted to any degree on the
403 carboxamide nitrogen;

404 (M) Cycloalkanemethanone Indoles, whether or not
405 substituted at the nitrogen atom on the indole ring, whether or
406 not further substituted in the indole ring to any extent, whether
407 or not substituted on the cycloalkane ring to any extent;

408 (56) Naphthalen-1-yl
409 1-(5-fluoropentyl)-1H-indole-3-carboxylate, also known as NM2201
410 or CBL2201;

411 (57) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-
412 pyrrolo[2,3-b]pyridine-3-carboxamide, also known as
413 5F-CUMYL-P7AICA;

414 (58) 1-(4-methoxyphenyl)-N-methylpropan-2-amine, also
415 known as para-methoxymethamphetamine or PMMA.



416 (e) **Depressants.** Unless specifically excepted or unless
417 listed in another schedule, any material, compound, mixture, or
418 preparation which contains any quantity of the following
419 substances having a depressant effect on the central nervous
420 system, including their salts, isomers, and salts of isomers,
421 whenever the existence of such salts, isomers, and salts of
422 isomers is possible within the specific chemical designation:

423 (1) Clonazolam,
424 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]
425 benzodiazepine;

426 (2) Flualprazolam,
427 8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4
428]benzodiazepine;

429 (3) Flubromazepam,
430 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one;

431 (4) Flubromazolam,
432 8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]
433 benzodiazepin;

434 (5) Gamma-hydroxybutyric acid (other names include:
435 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic
436 acid; sodium oxybate; sodium oxybutyrate);

437 (6) Mecloqualone;

438 (7) Methaqualone.

439 (f) **Stimulants.** Any material, compound, mixture or
440 preparation which contains any quantity of the following central



441 nervous system stimulants including optical salts, isomers and
442 salts of isomers unless specifically excepted or unless listed in
443 another schedule:

444 (1) Aminorex;

445 (2) N-benzylpiperazine (also known as BZP and
446 1-benzylpiperazine);

447 (3) Cathinone;

448 (4) Fenethylamine;

449 (5) Methcathinone;

450 (6) 4-methylaminorex (also known as
451 2-amino-4-methyl-5-phenyl-2-oxazoline);

452 (7) N-ethylamphetamine;

453 (8) Any material, compound, mixture or preparation
454 which contains any quantity of N,N-dimethylamphetamine. (Other
455 names include: N,N,-alpha-trimethyl-benzeneethanamine and
456 N,N-alpha-trimethylphenethylamine);

457 (9) **Synthetic cathinones.** (A) Unless listed in
458 another schedule, any compound other than bupropion that is
459 structurally derived from 2-Amino-1-phenyl-1-propanone by
460 modification in any of the following ways:

461 (i) By substitution in the phenyl ring to any
462 extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide
463 substituents, whether or not further substituted in the phenyl
464 ring by one or more other univalent substituents;



465 (ii) By substitution at the 3-position with
466 an alkyl substituent;

467 (iii) By substitution at the nitrogen atom
468 with alkyl or dialkyl groups, or by inclusion of the nitrogen atom
469 in a cyclic structure.

470 (B) The compounds covered in this paragraph (9)
471 include, but are not limited to, any material, compound, mixture
472 or preparation which contains any quantity of a synthetic
473 cathinone found in any of the following compounds, whether or not
474 substituted to any extent, or any of these compounds which contain
475 any synthetic cathinone, or salts, isomers, or salts of isomers,
476 whenever the existence of such salts, isomers or salts of isomers
477 is possible, unless specifically excepted or listed in another
478 schedule:

479 (i) 4-methyl-N-ethylcathinone ("4-MEC");

480 (ii) 4-methyl-alpha-pyrrolidinopropiophenone
481 ("4-MePPP");

482 (iii) Alpha-pyrrolidinopentiophenone
483 ("α-PVP");

484 (iv)
485 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");

486 (v) 2-(methylamino)-1-phenylpentan-1-one
487 ("pentedrone");



488 (vi)
489 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one
490 ("pentylone");
491 (vii) 4-fluoro-N-methylcathinone ("4-FMC");
492 (viii) 3-fluoro-N-methylcathinone ("3-FMC");
493 (ix)
494 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");
495 (x) Alpha-pyrrolidinobutiophenone ("α-PBP");
496 and
497 (xi)
498 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one
499 (N-ethylpentylone, ephylone).

500 **SECTION 2.** Section 41-29-139, Mississippi Code of 1972, is
501 amended as follows:

502 41-29-139. (a) **Transfer and possession with intent to**
503 **transfer.** Except as authorized by this article, it is unlawful
504 for any person knowingly or intentionally:

505 (1) To sell, barter, transfer, manufacture, distribute,
506 dispense or possess with intent to sell, barter, transfer,
507 manufacture, distribute or dispense, a controlled substance; or

508 (2) To create, sell, barter, transfer, distribute,
509 dispense or possess with intent to create, sell, barter, transfer,
510 distribute or dispense, a counterfeit substance.

511 (b) **Punishment for transfer and possession with intent to**
512 **transfer.** Except as otherwise provided in Section 41-29-142, any



513 person who violates subsection (a) of this section shall be, if
514 convicted, sentenced as follows:

515 (1) For controlled substances classified in Schedule I
516 or II, as set out in Sections 41-29-113 and 41-29-115, other
517 than * * * synthetic cannabinoids:

518 (A) If less than two (2) grams or ten (10) dosage
519 units, by imprisonment for not more than eight (8) years or a fine
520 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

521 (B) If two (2) or more grams or ten (10) or more
522 dosage units, but less than ten (10) grams or twenty (20) dosage
523 units, by imprisonment for not less than three (3) years nor more
524 than twenty (20) years or a fine of not more than Two Hundred
525 Fifty Thousand Dollars (\$250,000.00), or both.

526 (C) If ten (10) or more grams or twenty (20) or
527 more dosage units, but less than thirty (30) grams or forty (40)
528 dosage units, by imprisonment for not less than five (5) years nor
529 more than thirty (30) years or a fine of not more than Five
530 Hundred Thousand Dollars (\$500,000.00), or both.

531 (2) * * * For synthetic cannabinoids:

532 * * * (A) If ten (10) grams or less, by
533 imprisonment for not more than three (3) years or a fine of not
534 more than Three Thousand Dollars (\$3,000.00), or both;

535 * * * (B) If more than ten (10) grams but
536 less than twenty (20) grams, by imprisonment for not more than



537 five (5) years or a fine of not more than Five Thousand Dollars
538 (\$5,000.00), or both;

539 * * * (C) If twenty (20) or more grams but
540 less than forty (40) grams, by imprisonment for not less than
541 three (3) years nor more than ten (10) years or a fine of not more
542 than Fifteen Thousand Dollars (\$15,000.00), or both;

543 * * * (D) If forty (40) or more grams but
544 less than two hundred (200) grams, by imprisonment for not less
545 than five (5) years nor more than twenty (20) years or a fine of
546 not more than Twenty Thousand Dollars (\$20,000.00), or both.

547 (3) For controlled substances classified in Schedules
548 III and IV, as set out in Sections 41-29-117 and 41-29-119:

549 (A) If less than two (2) grams or ten (10) dosage
550 units, by imprisonment for not more than five (5) years or a fine
551 of not more than Five Thousand Dollars (\$5,000.00), or both;

552 (B) If two (2) or more grams or ten (10) or more
553 dosage units, but less than ten (10) grams or twenty (20) dosage
554 units, by imprisonment for not more than eight (8) years or a fine
555 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

556 (C) If ten (10) or more grams or twenty (20) or
557 more dosage units, but less than thirty (30) grams or forty (40)
558 dosage units, by imprisonment for not more than fifteen (15) years
559 or a fine of not more than One Hundred Thousand Dollars
560 (\$100,000.00), or both;



561 (D) If thirty (30) or more grams or forty (40) or
562 more dosage units, but less than five hundred (500) grams or two
563 thousand five hundred (2,500) dosage units, by imprisonment for
564 not more than twenty (20) years or a fine of not more than Two
565 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

566 (4) For controlled substances classified in Schedule V,
567 as set out in Section 41-29-121:

568 (A) If less than two (2) grams or ten (10) dosage
569 units, by imprisonment for not more than one (1) year or a fine of
570 not more than Five Thousand Dollars (\$5,000.00), or both;

571 (B) If two (2) or more grams or ten (10) or more
572 dosage units, but less than ten (10) grams or twenty (20) dosage
573 units, by imprisonment for not more than five (5) years or a fine
574 of not more than Ten Thousand Dollars (\$10,000.00), or both;

575 (C) If ten (10) or more grams or twenty (20) or
576 more dosage units, but less than thirty (30) grams or forty (40)
577 dosage units, by imprisonment for not more than ten (10) years or
578 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or
579 both;

580 (D) For thirty (30) or more grams or forty (40) or
581 more dosage units, but less than five hundred (500) grams or two
582 thousand five hundred (2,500) dosage units, by imprisonment for
583 not more than fifteen (15) years or a fine of not more than Fifty
584 Thousand Dollars (\$50,000.00), or both.



585 (c) **Simple possession.** Except as otherwise provided under
586 subsection (i) of this section for actions that are lawful under
587 the Mississippi Medical Cannabis Act and in compliance with rules
588 and regulations adopted thereunder, it is unlawful for any person
589 knowingly or intentionally to possess any controlled substance
590 unless the substance was obtained directly from, or pursuant to, a
591 valid prescription or order of a practitioner while acting in the
592 course of his professional practice, or except as otherwise
593 authorized by this article. The penalties for any violation of
594 this subsection (c) with respect to a controlled substance
595 classified in Schedules I, II, III, IV or V, as set out in Section
596 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121,
597 including * * * synthetic cannabinoids, shall be based on dosage
598 unit as defined herein or the weight of the controlled substance
599 as set forth herein as appropriate:

600 "Dosage unit (d.u.)" means a tablet or capsule, or in the
601 case of a liquid solution, one (1) milliliter. In the case of
602 lysergic acid diethylamide (LSD) the term, "dosage unit" means a
603 stamp, square, dot, microdot, tablet or capsule of a controlled
604 substance.

605 For any controlled substance that does not fall within the
606 definition of the term "dosage unit," the penalties shall be based
607 upon the weight of the controlled substance.



608 The weight set forth refers to the entire weight of any
609 mixture or substance containing a detectable amount of the
610 controlled substance.

611 If a mixture or substance contains more than one (1)
612 controlled substance, the weight of the mixture or substance is
613 assigned to the controlled substance that results in the greater
614 punishment.

615 A person shall be charged and sentenced as follows for a
616 violation of this subsection with respect to:

617 (1) A controlled substance classified in Schedule I or
618 II, except * * * synthetic cannabinoids:

619 (A) If less than one-tenth (0.1) gram or two (2)
620 dosage units, the violation is a misdemeanor and punishable by
621 imprisonment for not more than one (1) year or a fine of not more
622 than One Thousand Dollars (\$1,000.00), or both.

623 (B) If one-tenth (0.1) gram or more or two (2) or
624 more dosage units, but less than two (2) grams or ten (10) dosage
625 units, by imprisonment for not more than three (3) years or a fine
626 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

627 (C) If two (2) or more grams or ten (10) or more
628 dosage units, but less than ten (10) grams or twenty (20) dosage
629 units, by imprisonment for not more than eight (8) years or a fine
630 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),
631 or both.



632 (D) If ten (10) or more grams or twenty (20) or
633 more dosage units, but less than thirty (30) grams or forty (40)
634 dosage units, by imprisonment for not less than three (3) years
635 nor more than twenty (20) years or a fine of not more than Five
636 Hundred Thousand Dollars (\$500,000.00), or both.

637 (2) (A) * * * Synthetic cannabinoids:

638 1. If * * * ten (10) grams or less of
639 synthetic cannabinoids, by a fine of not less than One Hundred
640 Dollars (\$100.00) nor more than Two Hundred Fifty Dollars
641 (\$250.00). The provisions of this paragraph (2) (A) may be
642 enforceable by summons if the offender provides proof of identity
643 satisfactory to the arresting officer and gives written promise to
644 appear in court satisfactory to the arresting officer, as directed
645 by the summons. A second conviction under this section within two
646 (2) years is a misdemeanor punishable by a fine of Two Hundred
647 Fifty Dollars (\$250.00), not more than sixty (60) days in the
648 county jail, and mandatory participation in a drug education
649 program approved by the Division of Alcohol and Drug Abuse of the
650 State Department of Mental Health, unless the court enters a
651 written finding that a drug education program is inappropriate. A
652 third or subsequent conviction under this paragraph (2) (A) within
653 two (2) years is a misdemeanor punishable by a fine of not less
654 than Two Hundred Fifty Dollars (\$250.00) nor more than One
655 Thousand Dollars (\$1,000.00) and confinement for not more than six
656 (6) months in the county jail.



657 Upon a first or second conviction under this paragraph
658 (2) (A), the courts shall forward a report of the conviction to the
659 Mississippi Bureau of Narcotics which shall make and maintain a
660 private, nonpublic record for a period not to exceed two (2) years
661 from the date of conviction. The private, nonpublic record shall
662 be solely for the use of the courts in determining the penalties
663 which attach upon conviction under this paragraph (2) (A) and shall
664 not constitute a criminal record for the purpose of private or
665 administrative inquiry and the record of each conviction shall be
666 expunged at the end of the period of two (2) years following the
667 date of such conviction;

668 2. Additionally, a person who is the operator
669 of a motor vehicle, who possesses on his person or knowingly keeps
670 or allows to be kept in a motor vehicle within the area of the
671 vehicle normally occupied by the driver or passengers, more than
672 one (1) gram, but not more than * * * ten (10) grams of synthetic
673 cannabinoids is guilty of a misdemeanor and, upon conviction, may
674 be fined not more than One Thousand Dollars (\$1,000.00) or
675 confined for not more than ninety (90) days in the county jail, or
676 both. For the purposes of this subsection, such area of the
677 vehicle shall not include the trunk of the motor vehicle or the
678 areas not normally occupied by the driver or passengers if the
679 vehicle is not equipped with a trunk. A utility or glove
680 compartment shall be deemed to be within the area occupied by the
681 driver and passengers.



682 (B) * * * Synthetic cannabinoids:

683 1. If more than ten (10) grams but less than
684 twenty (20) grams, by a fine of not more than One Thousand Dollars
685 (\$1,000.00), or confinement in the county jail for not more than
686 one (1) year, or both; or by a fine of not more than Three
687 Thousand Dollars (\$3,000.00), or imprisonment in the custody of
688 the Department of Corrections for not more than three (3) years,
689 or both;

690 2. If twenty (20) or more grams but less than
691 forty (40) grams, by imprisonment for not less than two (2) years
692 nor more than eight (8) years or by a fine of not more than Fifty
693 Thousand Dollars (\$50,000.00), or both;

694 3. If forty (40) or more grams but less than
695 two hundred (200) grams, by imprisonment for not less than four
696 (4) years nor more than sixteen (16) years or a fine of not more
697 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

698 4. If two hundred (200) or more grams, by
699 imprisonment for not less than six (6) years nor more than
700 twenty-four (24) years or a fine of not more than Five Hundred
701 Thousand Dollars (\$500,000.00), or both.

702 (3) A controlled substance classified in Schedule III,
703 IV or V as set out in Sections 41-29-117 through 41-29-121, upon
704 conviction, may be punished as follows:

705 (A) If less than fifty (50) grams or less than one
706 hundred (100) dosage units, the offense is a misdemeanor and



707 punishable by not more than one (1) year or a fine of not more
708 than One Thousand Dollars (\$1,000.00), or both.

709 (B) If fifty (50) or more grams or one hundred
710 (100) or more dosage units, but less than one hundred fifty (150)
711 grams or five hundred (500) dosage units, by imprisonment for not
712 less than one (1) year nor more than four (4) years or a fine of
713 not more than Ten Thousand Dollars (\$10,000.00), or both.

714 (C) If one hundred fifty (150) or more grams or
715 five hundred (500) or more dosage units, but less than three
716 hundred (300) grams or one thousand (1,000) dosage units, by
717 imprisonment for not less than two (2) years nor more than eight
718 (8) years or a fine of not more than Fifty Thousand Dollars
719 (\$50,000.00), or both.

720 (D) If three hundred (300) or more grams or one
721 thousand (1,000) or more dosage units, but less than five hundred
722 (500) grams or two thousand five hundred (2,500) dosage units, by
723 imprisonment for not less than four (4) years nor more than
724 sixteen (16) years or a fine of not more than Two Hundred Fifty
725 Thousand Dollars (\$250,000.00), or both.

726 (d) **Paraphernalia.** (1) Except as otherwise provided under
727 subsection (i) of this section for actions that are lawful under
728 the Mississippi Medical Cannabis Act and in compliance with rules
729 and regulations adopted thereunder, it is unlawful for a person
730 who is not authorized by the State Board of Medical Licensure,
731 State Board of Pharmacy, or other lawful authority to use, or to



732 possess with intent to use, paraphernalia to plant, propagate,
733 cultivate, grow, harvest, manufacture, compound, convert, produce,
734 process, prepare, test, analyze, pack, repack, store, contain,
735 conceal, inject, ingest, inhale or otherwise introduce into the
736 human body a controlled substance in violation of the Uniform
737 Controlled Substances Law. Any person who violates this
738 subsection (d)(1) is guilty of a misdemeanor and, upon conviction,
739 may be confined in the county jail for not more than six (6)
740 months, or fined not more than Five Hundred Dollars (\$500.00), or
741 both * * *.

742 (2) It is unlawful for any person to deliver, sell,
743 possess with intent to deliver or sell, or manufacture with intent
744 to deliver or sell, paraphernalia, knowing, or under circumstances
745 where one reasonably should know, that it will be used to plant,
746 propagate, cultivate, grow, harvest, manufacture, compound,
747 convert, produce, process, prepare, test, analyze, pack, repack,
748 store, contain, conceal, inject, ingest, inhale, or otherwise
749 introduce into the human body a controlled substance in violation
750 of the Uniform Controlled Substances Law. Except as provided in
751 subsection (d)(3), a person who violates this subsection (d)(2) is
752 guilty of a misdemeanor and, upon conviction, may be confined in
753 the county jail for not more than six (6) months, or fined not
754 more than Five Hundred Dollars (\$500.00), or both.

755 (3) Any person eighteen (18) years of age or over who
756 violates subsection (d)(2) of this section by delivering or



757 selling paraphernalia to a person under eighteen (18) years of age
758 who is at least three (3) years his junior is guilty of a
759 misdemeanor and, upon conviction, may be confined in the county
760 jail for not more than one (1) year, or fined not more than One
761 Thousand Dollars (\$1,000.00), or both.

762 (4) It is unlawful for any person to place in any
763 newspaper, magazine, handbill, or other publication any
764 advertisement, knowing, or under circumstances where one
765 reasonably should know, that the purpose of the advertisement, in
766 whole or in part, is to promote the sale of objects designed or
767 intended for use as paraphernalia. Any person who violates this
768 subsection is guilty of a misdemeanor and, upon conviction, may be
769 confined in the county jail for not more than six (6) months, or
770 fined not more than Five Hundred Dollars (\$500.00), or both.

771 (e) It shall be unlawful for any physician practicing
772 medicine in this state to prescribe, dispense or administer any
773 amphetamine or amphetamine-like anorectics and/or central nervous
774 system stimulants classified in Schedule II, pursuant to Section
775 41-29-115, for the exclusive treatment of obesity, weight control
776 or weight loss. Any person who violates this subsection, upon
777 conviction, is guilty of a misdemeanor and may be confined for a
778 period not to exceed six (6) months, or fined not more than One
779 Thousand Dollars (\$1,000.00), or both.

780 (f) **Trafficking.** (1) Any person trafficking in controlled
781 substances shall be guilty of a felony and, upon conviction, shall



782 be imprisoned for a term of not less than ten (10) years nor more
783 than forty (40) years and shall be fined not less than Five
784 Thousand Dollars (\$5,000.00) nor more than One Million Dollars
785 (\$1,000,000.00). The ten-year mandatory sentence shall not be
786 reduced or suspended. The person shall not be eligible for
787 probation or parole, the provisions of Sections 41-29-149,
788 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

789 (2) "Trafficking in controlled substances" as used
790 herein means:

791 (A) A violation of subsection (a) of this section
792 involving thirty (30) or more grams or forty (40) or more dosage
793 units of a Schedule I or II controlled substance except * * *
794 synthetic cannabinoids;

795 (B) A violation of subsection (a) of this section
796 involving five hundred (500) or more grams or two thousand five
797 hundred (2,500) or more dosage units of a Schedule III, IV or V
798 controlled substance;

799 (C) A violation of subsection (c) of this section
800 involving thirty (30) or more grams or forty (40) or more dosage
801 units of a Schedule I or II controlled substance except * * *
802 synthetic cannabinoids;

803 (D) A violation of subsection (c) of this section
804 involving five hundred (500) or more grams or two thousand five
805 hundred (2,500) or more dosage units of a Schedule III, IV or V
806 controlled substance; or



807 (E) A violation of subsection (a) of this section
808 involving * * * two hundred (200) grams or more of synthetic
809 cannabinoids.

810 (g) **Aggravated trafficking.** Any person trafficking in
811 Schedule I or II controlled substances, except * * * synthetic
812 cannabinoids, of two hundred (200) grams or more shall be guilty
813 of aggravated trafficking and, upon conviction, shall be sentenced
814 to a term of not less than twenty-five (25) years nor more than
815 life in prison and shall be fined not less than Five Thousand
816 Dollars (\$5,000.00) nor more than One Million Dollars
817 (\$1,000,000.00). The twenty-five-year sentence shall be a
818 mandatory sentence and shall not be reduced or suspended. The
819 person shall not be eligible for probation or parole, the
820 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to
821 the contrary notwithstanding.

822 (h) **Sentence mitigation.** (1) Notwithstanding any provision
823 of this section, a person who has been convicted of an offense
824 under this section that requires the judge to impose a prison
825 sentence which cannot be suspended or reduced and is ineligible
826 for probation or parole may, at the discretion of the court,
827 receive a sentence of imprisonment that is no less than
828 twenty-five percent (25%) of the sentence prescribed by the
829 applicable statute. In considering whether to apply the departure
830 from the sentence prescribed, the court shall conclude that:



831 (A) The offender was not a leader of the criminal
832 enterprise;

833 (B) The offender did not use violence or a weapon
834 during the crime;

835 (C) The offense did not result in a death or
836 serious bodily injury of a person not a party to the criminal
837 enterprise; and

838 (D) The interests of justice are not served by the
839 imposition of the prescribed mandatory sentence.

840 The court may also consider whether information and
841 assistance were furnished to a law enforcement agency, or its
842 designee, which, in the opinion of the trial judge, objectively
843 should or would have aided in the arrest or prosecution of others
844 who violate this subsection. The accused shall have adequate
845 opportunity to develop and make a record of all information and
846 assistance so furnished.

847 (2) If the court reduces the prescribed sentence
848 pursuant to this subsection, it must specify on the record the
849 circumstances warranting the departure.

850 (i) This section does not apply to any of the actions that
851 are lawful under the Mississippi Medical Cannabis Act and in
852 compliance with rules and regulations adopted thereunder.

853 **SECTION 3.** Section 41-29-105, Mississippi Code of 1972, is
854 amended as follows:



855 41-29-105. The following words and phrases, as used in this
856 article, shall have the following meanings, unless the context
857 otherwise requires:

858 (a) "Administer" means the direct application of a
859 controlled substance, whether by injection, inhalation, ingestion
860 or any other means, to the body of a patient or research subject
861 by:

862 (i) A practitioner (or, in his presence, by his
863 authorized agent); or

864 (ii) The patient or research subject at the
865 direction and in the presence of the practitioner.

866 (b) "Agent" means an authorized person who acts on
867 behalf of or at the direction of a manufacturer, distributor or
868 dispenser. Such word does not include a common or contract
869 carrier, public warehouseman or employee of the carrier or
870 warehouseman. This definition shall not be applied to the term
871 "agent" when such term clearly designates a member or officer of
872 the Bureau of Narcotics or other law enforcement organization.

873 (c) "Board" means the Mississippi State Board of
874 Medical Licensure.

875 (d) "Bureau" means the Mississippi Bureau of Narcotics.
876 However, where the title "Bureau of Drug Enforcement" occurs, that
877 term shall also refer to the Mississippi Bureau of Narcotics.

878 (e) "Commissioner" means the Commissioner of the
879 Department of Public Safety.



880 (f) "Controlled substance" means a drug, substance or
881 immediate precursor in Schedules I through V of Sections 41-29-113
882 through 41-29-121.

883 (g) "Counterfeit substance" means a controlled
884 substance which, or the container or labeling of which, without
885 authorization, bears the trademark, trade name, or other
886 identifying mark, imprint, number or device, or any likeness
887 thereof, of a manufacturer, distributor or dispenser other than
888 the person who in fact manufactured, distributed or dispensed the
889 substance.

890 (h) "Deliver" or "delivery" means the actual,
891 constructive, or attempted transfer from one person to another of
892 a controlled substance, whether or not there is an agency
893 relationship.

894 (i) "Director" means the Director of the Bureau of
895 Narcotics.

896 (j) "Dispense" means to deliver a controlled substance
897 to an ultimate user or research subject by or pursuant to the
898 lawful order of a practitioner, including the prescribing,
899 administering, packaging, labeling or compounding necessary to
900 prepare the substance for that delivery.

901 (k) "Dispenser" means a practitioner who dispenses.

902 (l) "Distribute" means to deliver other than by
903 administering or dispensing a controlled substance.

904 (m) "Distributor" means a person who distributes.



905 (n) "Drug" means (i) a substance recognized as a drug
906 in the official United States Pharmacopoeia, official Homeopathic
907 Pharmacopoeia of the United States, or official National
908 Formulary, or any supplement to any of them; (ii) a substance
909 intended for use in the diagnosis, cure, mitigation, treatment, or
910 prevention of disease in man or animals; (iii) a substance (other
911 than food) intended to affect the structure or any function of the
912 body of man or animals; and (iv) a substance intended for use as a
913 component of any article specified in this paragraph. Such word
914 does not include devices or their components, parts, or
915 accessories.

916 (o) "Hashish" means the resin extracted from any part
917 of the plants of the genus cannabis and all species thereof or any
918 preparation, mixture or derivative made from or with that resin.

919 (p) "Immediate precursor" means a substance which the
920 board has found to be and by rule designates as being the
921 principal compound commonly used or produced primarily for use,
922 and which is an immediate chemical intermediary used or likely to
923 be used in the manufacture of a controlled substance, the control
924 of which is necessary to prevent, curtail, or limit manufacture.

925 (q) "Manufacture" means the production, preparation,
926 propagation, compounding, conversion or processing of a controlled
927 substance, either directly or indirectly, by extraction from
928 substances of natural origin, or independently by means of
929 chemical synthesis, or by a combination of extraction and chemical



930 synthesis, and includes any packaging or repackaging of the
931 substance or labeling or relabeling of its container. The term
932 "manufacture" does not include the preparation, compounding,
933 packaging or labeling of a controlled substance in conformity with
934 applicable state and local law:

935 (i) By a practitioner as an incident to his
936 administering or dispensing of a controlled substance in the
937 course of his professional practice; or

938 (ii) By a practitioner, or by his authorized agent
939 under his supervision, for the purpose of, or as an incident to,
940 research, teaching or chemical analysis and not for sale.

941 * * *

942 (* * * r) "Narcotic drug" means any of the following,
943 whether produced directly or indirectly by extraction from
944 substances of vegetable origin, or independently by means of
945 chemical synthesis, or by a combination of extraction and chemical
946 synthesis:

947 (i) Opium and opiate, and any salt, compound,
948 derivative or preparation of opium or opiate;

949 (ii) Any salt, compound, isomer, derivative or
950 preparation thereof which is chemically equivalent or identical
951 with any of the substances referred to in subparagraph (i), but
952 not including the isoquinoline alkaloids of opium;

953 (iii) Opium poppy and poppy straw; and



954 (iv) Cocaine, coca leaves and any salt, compound,
955 derivative or preparation of cocaine, coca leaves, and any salt,
956 compound, isomer, derivative or preparation thereof which is
957 chemically equivalent or identical with any of these substances,
958 but not including decocainized coca leaves or extractions of coca
959 leaves which do not contain cocaine or ecgonine.

960 (* * *s) "Opiate" means any substance having an
961 addiction-forming or addiction-sustaining liability similar to
962 morphine or being capable of conversion into a drug having
963 addiction-forming or addiction-sustaining liability. It does not
964 include, unless specifically designated as controlled under
965 Section 41-29-111, the dextrorotatory isomer of
966 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
967 Such word does include its racemic and levorotatory forms.

968 (* * *t) "Opium poppy" means the plant of the species
969 Papaver somniferum L., except its seeds.

970 (* * *u) (i) "Paraphernalia" means all equipment,
971 products and materials of any kind which are used, intended for
972 use, or designed for use, in planting, propagating, cultivating,
973 growing, harvesting, manufacturing, compounding, converting,
974 producing, processing, preparing, testing, analyzing, packaging,
975 repackaging, storing, containing, concealing, injecting,
976 ingesting, inhaling or otherwise introducing into the human body a
977 controlled substance in violation of the Uniform Controlled
978 Substances Law. It includes, but is not limited to:



979 1. Kits used, intended for use, or designed
980 for use in planting, propagating, cultivating, growing or
981 harvesting of any species of plant which is a controlled substance
982 or from which a controlled substance can be derived;

983 2. Kits used, intended for use, or designed
984 for use in manufacturing, compounding, converting, producing,
985 processing or preparing controlled substances;

986 3. Isomerization devices used, intended for
987 use or designed for use in increasing the potency of any species
988 of plant which is a controlled substance;

989 4. Testing equipment used, intended for use,
990 or designed for use in identifying or in analyzing the strength,
991 effectiveness or purity of controlled substances;

992 5. Scales and balances used, intended for use
993 or designed for use in weighing or measuring controlled
994 substances;

995 6. Diluents and adulterants, such as quinine
996 hydrochloride, mannitol, mannite, dextrose and lactose, used,
997 intended for use or designed for use in cutting controlled
998 substances;

999 * * *

1000 * * *7. Blenders, bowls, containers, spoons
1001 and mixing devices used, intended for use or designed for use in
1002 compounding controlled substances;



1003 * * *8. Capsules, balloons, envelopes and
1004 other containers used, intended for use or designed for use in
1005 packaging small quantities of controlled substances;

1006 * * *9. Containers and other objects used,
1007 intended for use or designed for use in storing or concealing
1008 controlled substances;

1009 * * *10. Hypodermic syringes, needles and
1010 other objects used, intended for use or designed for use in
1011 parenterally injecting controlled substances into the human body;

1012 * * *11. Objects used, intended for use or
1013 designed for use in ingesting, inhaling or otherwise
1014 introducing * * * cocaine * * * into the human body, such as:

1015 a. Metal, wooden, acrylic, glass, stone,
1016 plastic or ceramic pipes with or without screens, permanent
1017 screens, hashish heads or punctured metal bowls;

1018 b. Water pipes;

1019 c. Carburetion tubes and devices;

1020 d. Smoking and carburetion masks;

1021 * * *

1022 * * *e. Miniature cocaine spoons and
1023 cocaine vials;

1024 * * *f. Chamber pipes;

1025 * * *g. Carburetor pipes;

1026 * * *h. Electric pipes;

1027 * * *i. Air-driven pipes;



1028 * * *j. Chillums;
1029 * * *k. Bongs; and
1030 * * *l. Ice pipes or chillers.

1031 (ii) In determining whether an object is
1032 paraphernalia, a court or other authority should consider, in
1033 addition to all other logically relevant factors, the following:

- 1034 1. Statements by an owner or by anyone in
1035 control of the object concerning its use;
- 1036 2. Prior convictions, if any, of an owner, or
1037 of anyone in control of the object, under any state or federal law
1038 relating to any controlled substance;
- 1039 3. The proximity of the object, in time and
1040 space, to a direct violation of the Uniform Controlled Substances
1041 Law;
- 1042 4. The proximity of the object to controlled
1043 substances;
- 1044 5. The existence of any residue of controlled
1045 substances on the object;
- 1046 6. Direct or circumstantial evidence of the
1047 intent of an owner, or of anyone in control of the object, to
1048 deliver it to persons whom he knows, or should reasonably know,
1049 intend to use the object to facilitate a violation of the Uniform
1050 Controlled Substances Law; the innocence of an owner, or of anyone
1051 in control of the object, as to a direct violation of the Uniform



1052 Controlled Substances Law shall not prevent a finding that the
1053 object is intended for use, or designed for use as paraphernalia;

1054 7. Instructions, oral or written, provided
1055 with the object concerning its use;

1056 8. Descriptive materials accompanying the
1057 object which explain or depict its use;

1058 9. National and local advertising concerning
1059 its use;

1060 10. The manner in which the object is
1061 displayed for sale;

1062 11. Whether the owner or anyone in control of
1063 the object is a legitimate supplier of like or related items to
1064 the community, such as a licensed distributor or dealer of tobacco
1065 products;

1066 12. Direct or circumstantial evidence of the
1067 ratio of sales of the object(s) to the total sales of the business
1068 enterprise;

1069 13. The existence and scope of legitimate
1070 uses for the object in the community;

1071 14. Expert testimony concerning its use.

1072 (* * *y) "Person" means individual, corporation,
1073 government or governmental subdivision or agency, business trust,
1074 estate, trust, partnership or association, or any other legal
1075 entity.



1076 (* * *w) "Poppy straw" means all parts, except the
1077 seeds, of the opium poppy, after mowing.

1078 (* * *x) "Practitioner" means:

1079 (i) A physician, dentist, veterinarian, scientific
1080 investigator, optometrist certified to prescribe and use
1081 therapeutic pharmaceutical agents under Sections 73-19-153 through
1082 73-19-165, or other person licensed, registered or otherwise
1083 permitted to distribute, dispense, conduct research with respect
1084 to or to administer a controlled substance in the course of
1085 professional practice or research in this state; and

1086 (ii) A pharmacy, hospital or other institution
1087 licensed, registered, or otherwise permitted to distribute,
1088 dispense, conduct research with respect to or to administer a
1089 controlled substance in the course of professional practice or
1090 research in this state.

1091 (* * *y) "Production" includes the manufacture,
1092 planting, cultivation, growing or harvesting of a controlled
1093 substance.

1094 (* * *z) "Sale," "sell" or "selling" means the actual,
1095 constructive or attempted transfer or delivery of a controlled
1096 substance for remuneration, whether in money or other
1097 consideration.

1098 (* * *aa) "State," when applied to a part of the
1099 United States, includes any state, district, commonwealth,



1100 territory, insular possession thereof, and any area subject to the
1101 legal authority of the United States of America.

1102 (* * *bb) "Ultimate user" means a person who lawfully
1103 possesses a controlled substance for his own use or for the use of
1104 a member of his household or for administering to an animal owned
1105 by him or by a member of his household.

1106 **SECTION 4.** Section 41-29-136, Mississippi Code of 1972, is
1107 amended as follows:

1108 41-29-136. (1) "CBD solution" means a pharmaceutical
1109 preparation consisting of processed cannabis plant extract in oil
1110 or other suitable vehicle.

1111 (2) (a) CBD solution prepared from (i) cannabis plant
1112 extract that is provided by the National Center for Natural
1113 Products Research at the University of Mississippi under
1114 appropriate federal and state regulatory approvals, or (ii)
1115 cannabis extract from hemp produced pursuant to Sections 69-25-201
1116 through 69-25-221, which is prepared and tested to meet compliance
1117 with regulatory specifications, may be dispensed by the Department
1118 of Pharmacy Services at the University of Mississippi Medical
1119 Center (UMMC Pharmacy) after mixing the extract with a suitable
1120 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or
1121 by another pharmacy or laboratory in the state under appropriate
1122 federal and state regulatory approvals and registrations.

1123 (b) The patient or the patient's parent, guardian or
1124 custodian must execute a hold-harmless agreement that releases



1125 from liability the state and any division, agency, institution or
1126 employee thereof involved in the research, cultivation,
1127 processing, formulating, dispensing, prescribing or administration
1128 of CBD solution obtained from entities authorized under this
1129 section to produce or possess cannabidiol for research under
1130 appropriate federal and state regulatory approvals and
1131 registrations.

1132 (c) The National Center for Natural Products Research
1133 at the University of Mississippi and the Mississippi Agricultural
1134 and Forestry Experiment Station at Mississippi State University
1135 are the only entities authorized to produce cannabis plants for
1136 cannabidiol research.

1137 (d) Research of CBD solution under this section must
1138 comply with the provisions of Section 41-29-125 regarding lawful
1139 possession of controlled substances, of Section 41-29-137
1140 regarding record-keeping requirements relative to the dispensing,
1141 use or administration of controlled substances, and of Section
1142 41-29-133 regarding inventory requirements, insofar as they are
1143 applicable. Authorized entities may enter into public-private
1144 partnerships to facilitate research.

1145 (3) (a) In a prosecution for the unlawful possession of
1146 marijuana under the laws of this state, it is an affirmative and
1147 complete defense to prosecution that:

1148 (i) The defendant suffered from a debilitating
1149 epileptic condition or related illness and the use or possession



1150 of CBD solution was pursuant to the order of a physician as
1151 authorized under this section; or

1152 (ii) The defendant is the parent, guardian or
1153 custodian of an individual who suffered from a debilitating
1154 epileptic condition or related illness and the use or possession
1155 of CBD solution was pursuant to the order of a physician as
1156 authorized under this section.

1157 (b) An agency of this state or a political subdivision
1158 thereof, including any law enforcement agency, may not initiate
1159 proceedings to remove a child from the home based solely upon the
1160 possession or use of CBD solution by the child or parent, guardian
1161 or custodian of the child as authorized under this section.

1162 (c) An employee of the state or any division, agency,
1163 institution thereof involved in the research, cultivation,
1164 processing, formulation, dispensing, prescribing or administration
1165 of CBD solution shall not be subject to prosecution for unlawful
1166 possession, use * * * or distribution * * * under the laws of this
1167 state for activities arising from or related to the use of CBD
1168 solution in the treatment of individuals diagnosed with a
1169 debilitating epileptic condition.

1170 (4) This section does not apply to any of the actions that
1171 are lawful under the Mississippi Medical Cannabis Act and in
1172 compliance with rules and regulations adopted thereunder.

1173 (5) This section shall be known as "Harper Grace's Law."



1174 (6) This section shall stand repealed from and after July 1,
1175 2024.

1176 **SECTION 5.** Section 33-13-520, Mississippi Code of 1972, is
1177 amended as follows:

1178 33-13-520. (1) Any person subject to this code who uses,
1179 while on duty, any controlled substance listed in the Uniform
1180 Controlled Substances Law, not legally prescribed, or is found, by
1181 a chemical analysis of such person's blood or urine, to have in
1182 his blood, while on duty, any controlled substance described in
1183 subsection (3), not legally prescribed, shall be punished as a
1184 court-martial may direct.

1185 (2) Any person subject to this code who wrongfully uses,
1186 possesses, manufactures, distributes, imports into the customs
1187 territory of the United States, exports from the United States, or
1188 introduces into an installation, vessel, vehicle or aircraft used
1189 by or under the control of the state military forces a substance
1190 described in subsection (3) shall be punished as a court-martial
1191 may direct.

1192 (3) The substances referred to in subsections (1) and (2)
1193 are the following:

1194 (a) Opium, heroin, cocaine, amphetamine, lysergic acid
1195 diethylamide, methamphetamine, phencyclidine * * * and barbituric
1196 acid * * *.

1197 (b) Any substance not specified in paragraph (a) that
1198 is listed on a schedule of controlled substance prescribed by the



1199 President for the purposes of the federal Uniform Code of Military
1200 Justice.

1201 (c) Any other substance not specified in paragraph (a)
1202 or contained on a list prescribed by the President under paragraph
1203 (b) that is listed in Schedules I through V of Section 202 of the
1204 federal Controlled Substances Act (21 USCS 812).

1205 **SECTION 6.** Section 41-29-147, Mississippi Code of 1972, is
1206 amended as follows:

1207 41-29-147. Except as otherwise provided in Section
1208 41-29-142, any person convicted of a second or subsequent offense
1209 under this article may be imprisoned for a term up to twice the
1210 term otherwise authorized, fined an amount up to twice that
1211 otherwise authorized, or both.

1212 For purposes of this section, an offense is considered a
1213 second or subsequent offense, if, prior to his conviction of the
1214 offense, the offender has at any time been convicted under this
1215 article or under any statute of the United States or of any state
1216 relating to narcotic drugs, * * * depressant, stimulant or
1217 hallucinogenic drugs.

1218 **SECTION 7.** Section 41-29-149.1, Mississippi Code of 1972, is
1219 amended as follows:

1220 41-29-149.1. (1) This section shall be known as the
1221 "Mississippi Medical Emergency Good Samaritan Act."

1222 (2) As used in this section, the following words shall have
1223 the meanings ascribed:



1224 (a) "Drug overdose" means an acute condition,
1225 including, but not limited to, extreme physical illness, decreased
1226 level of consciousness, respiratory depression, coma, mania, or
1227 death, resulting from the consumption or use of a controlled
1228 substance or dangerous drug in violation of this chapter or that a
1229 layperson would reasonably believe to be resulting from the
1230 consumption or use of a controlled substance or dangerous drug for
1231 which medical assistance is required.

1232 (b) "Drug violation" means:

1233 (i) A violation of Section 41-29-139 for
1234 possession of a controlled substance if the aggregate weight,
1235 including any mixture, is less than four (4) grams of a solid
1236 substance, less than twenty (20) dosage units, less than one (1)
1237 milliliter of liquid substance, or, if the substance is placed
1238 onto a secondary medium, has a combined weight of less than four
1239 (4) grams;

1240 (ii) A violation of Section 41-29-139 for
1241 possession of * * * ten (10) grams or less of synthetic
1242 cannabinoids; or

1243 (iii) A violation of Section 41-29-139(d) (2)
1244 relating to possession and use of paraphernalia.

1245 (c) "Medical assistance" means aid provided to a person
1246 experiencing or believed to be experiencing a drug overdose by a
1247 health care professional who is licensed, registered, or certified
1248 under the laws of this state and who, acting within the lawful



1249 scope of practice, may provide diagnosis, treatment, or emergency
1250 services relative to the overdose.

1251 (d) "Seeks medical assistance" means accesses or
1252 assists in accessing the E-911 system or otherwise contacts or
1253 assists in contacting law enforcement or a poison control center
1254 or provides care to a person experiencing or believed to be
1255 experiencing a drug overdose while awaiting the arrival of medical
1256 assistance to aid the person.

1257 (3) (a) Any person who in good faith seeks medical
1258 assistance for someone who is experiencing a drug overdose shall
1259 not be arrested, charged, or prosecuted for a drug violation if
1260 there is evidence that the person is under the influence of a
1261 controlled substance or in possession of a controlled substance as
1262 referenced in subsection (2)(b) of this section.

1263 (b) Any person who is experiencing a drug overdose and,
1264 in good faith, seeks medical assistance or is the subject of a
1265 request for medical assistance shall not be arrested, charged, or
1266 prosecuted for a drug violation if there is evidence that the
1267 person is under the influence of a controlled substance or in
1268 possession of a controlled substance as referenced in subsection
1269 (2)(b) of this section.

1270 (c) A person shall also not be subject to, if related
1271 to the seeking of medical assistance:

1272 (i) Penalties for a violation of a permanent or
1273 temporary protective order or restraining order;



1274 (ii) Sanctions for a violation of a condition of
1275 pretrial release, condition of probation, or condition of parole
1276 based on a drug violation; or

1277 (iii) Forfeiture of property pursuant to Section
1278 41-29-153 or 41-29-176 for a drug violation, except that prima
1279 facie contraband shall be subject to forfeiture.

1280 (4) Nothing in this section shall be construed:

1281 (a) To limit the admissibility of any evidence in
1282 connection with the investigation or prosecution of a crime with
1283 regard to a defendant who does not qualify for the protections of
1284 subsection (3) of this section or with regard to other crimes
1285 committed by a person who otherwise qualifies for protection
1286 pursuant to subsection (3) of this section;

1287 (b) To limit any seizure of evidence or contraband
1288 otherwise permitted by law; and

1289 (c) To limit or abridge the authority of a law
1290 enforcement officer to detain or take into custody a person in the
1291 course of an investigation or to effectuate an arrest for any
1292 offense except as provided in subsection (3) of this section.

1293 **SECTION 8.** Section 41-29-150, Mississippi Code of 1972, is
1294 amended as follows:

1295 41-29-150. (a) Any person convicted under Section 41-29-139
1296 may be required, in the discretion of the court, as a part of the
1297 sentence otherwise imposed, or in lieu of imprisonment in cases of
1298 probation or suspension of sentence, to attend a course of



1299 instruction conducted by the bureau, the State Board of Health, or
1300 any similar agency, on the effects, medically, psychologically and
1301 socially, of the misuse of controlled substances. The course may
1302 be conducted at any correctional institution, detention center or
1303 hospital, or at any center or treatment facility established for
1304 the purpose of education and rehabilitation of those persons
1305 committed because of abuse of controlled substances.

1306 (b) Any person convicted under Section 41-29-139 who is
1307 found to be dependent upon or addicted to any controlled substance
1308 shall be required, as a part of the sentence otherwise imposed, or
1309 in lieu of imprisonment in cases of parole, probation or
1310 suspension of sentence, to receive medical treatment for such
1311 dependency or addiction. The regimen of medical treatment may
1312 include confinement in a medical facility of any correctional
1313 institution, detention center or hospital, or at any center or
1314 facility established for treatment of those persons committed
1315 because of a dependence or addiction to controlled substances.

1316 (c) Those persons previously convicted of a felony under
1317 Section 41-29-139 and who are now confined at the Mississippi
1318 State Hospital at Whitfield, Mississippi, or at the East
1319 Mississippi State Hospital at Meridian, Mississippi, for the term
1320 of their sentence shall remain under the jurisdiction of the
1321 Mississippi Department of Corrections and shall be required to
1322 abide by all reasonable rules and regulations promulgated by the
1323 director and staff of said institutions and of the Department of



1324 Corrections. Any persons so confined who shall refuse to abide by
1325 said rules or who attempt an escape or who shall escape shall be
1326 transferred to the State Penitentiary or to a county jail, where
1327 appropriate, to serve the remainder of the term of imprisonment;
1328 this provision shall not preclude prosecution and conviction for
1329 escape from said institutions.

1330 (d) (1) If any person who has not previously been convicted
1331 of violating Section 41-29-139, or the laws of the United States
1332 or of another state relating to narcotic drugs, stimulant or
1333 depressant substances * * * or other controlled substances * * *
1334 is found to be guilty of a violation of subsection (c) or (d) of
1335 Section 41-29-139, after trial or upon a plea of guilty, the court
1336 may, without entering a judgment of guilty and with the consent of
1337 such person, defer further proceedings and place him on probation
1338 upon such reasonable conditions as it may require and for such
1339 period, not to exceed three (3) years, as the court may prescribe.
1340 Upon violation of a condition of the probation, the court may
1341 enter an adjudication of guilt and proceed as otherwise provided.
1342 The court may, in its discretion, dismiss the proceedings against
1343 such person and discharge him from probation before the expiration
1344 of the maximum period prescribed for such person's probation. If
1345 during the period of his probation such person does not violate
1346 any of the conditions of the probation, then upon expiration of
1347 such period the court shall discharge such person and dismiss the
1348 proceedings against him. Discharge and dismissal under this



1349 subsection shall be without court adjudication of guilt, but a
1350 nonpublic record thereof shall be retained by the bureau solely
1351 for the purpose of use by the courts in determining whether or
1352 not, in subsequent proceedings, such person qualifies under this
1353 subsection. Such discharge or dismissal shall not be deemed a
1354 conviction for purposes of disqualifications or disabilities
1355 imposed by law upon conviction of a crime, including the penalties
1356 prescribed under this article for second or subsequent conviction,
1357 or for any other purpose. Discharge and dismissal under this
1358 subsection may occur only once with respect to any person; and

1359 (2) Upon the dismissal of a person and discharge of
1360 proceedings against him under paragraph (1) of this subsection,
1361 the person may apply to the court for an order to expunge from all
1362 official records, other than the nonpublic records to be retained
1363 by the bureau under paragraph (1) of this subsection, all
1364 recordation relating to his arrest, indictment, trial, finding of
1365 guilt, and dismissal and discharge pursuant to this section. If
1366 the court determines, after hearing, that such person was
1367 dismissed and the proceedings against him discharged, or that the
1368 person had satisfactorily served his sentence or period of
1369 probation and parole, it shall enter an order of expunction. The
1370 effect of the order shall be to restore the person, in the
1371 contemplation of the law, to the status he occupied before such
1372 arrest or indictment. No person as to whom such an order has been
1373 entered shall be held thereafter under any provision of any law to



1374 be guilty of perjury or otherwise giving a false statement by
1375 reason of his failures to recite or acknowledge such arrest,
1376 indictment or trial in response to any inquiry made of him for any
1377 purpose. A person as to whom an order has been entered, upon
1378 request, shall be required to advise the court, in camera, of the
1379 previous conviction and expunction in any legal proceeding wherein
1380 the person has been called as a prospective juror. The court
1381 shall thereafter and before the selection of the jury advise the
1382 attorneys representing the parties of the previous conviction and
1383 expunction.

1384 (e) Every person who has been or may hereafter be convicted
1385 of a felony offense under Section 41-29-139 and sentenced under
1386 Section 41-29-150(c) shall be under the jurisdiction of the
1387 Mississippi Department of Corrections.

1388 (f) It shall be unlawful for any person confined under the
1389 provisions of subsection (b) or (c) of this section to escape or
1390 attempt to escape from said institution, and, upon conviction,
1391 said person shall be guilty of a felony and shall be imprisoned
1392 for a term not to exceed two (2) years.

1393 (g) It is the intent and purpose of the Legislature to
1394 promote the rehabilitation of persons convicted of offenses under
1395 the Uniform Controlled Substances Law.

1396 **SECTION 9.** This act shall take effect and be in force from
1397 and after July 1, 2023.

