Senate Amendments to House Bill No. 1158

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

(2) A written certification shall:

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

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

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

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

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

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

(4) After a practitioner has issued a written certification to a qualifying patient, a practitioner may assist the patient in registering for a registry identification card with the Department of Health, in a manner provided by regulations of the Department of Health.
( * * *5) After a qualifying patient receives a written certification from a practitioner, the patient shall be required to make a follow-up visit with the practitioner not less than six (6) months after the date of issuance of the certification for the practitioner to evaluate and determine the effectiveness of the patient's medical use of medical cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. Qualifying patients may make a follow-up visit with a different practitioner than the practitioner who originally issued their written certification, provided that such practitioner is otherwise registered and acting within their scope of practice and the provisions of this chapter.

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

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

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

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

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

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

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

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

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

(b) The application or renewal fee;

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

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

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

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

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

(3) Except as provided in subsection (5) of this section, the MDOH shall:
(a) Verify the information contained in an application or renewal submitted under this section and approve or deny an application or renewal within **ten (10)** days of receiving a completed application or renewal application; and

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

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

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

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

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

(e) Upon completion of such criminal background checks, the Mississippi Justice Information Center of the Department of Public Safety shall provide the Division of Mental Health with a copy of each criminal background check.

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Public Safety shall forward to the MDOH all information obtained concerning the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Previously had a registry identification card revoked;

(c) Provided false information; or

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

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

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

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

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

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

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

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

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

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

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

(b) Cultivators.

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

(ii) Tier 2. A cannabis cultivation facility with
a canopy of not less than five thousand (5,000) square feet but
not more than fifteen thousand (15,000) square feet shall be
subject to a one-time nonrefundable license application fee of Ten
Thousand Dollars ($10,000.00). The annual license fee shall be a
nonrefundable fee of Twenty-five Thousand Dollars ($25,000.00).
(iii) Tier 3. A cannabis cultivation facility with a canopy of not less than fifteen thousand (15,000) square feet but not more than thirty thousand (30,000) square feet shall be subject to a one-time nonrefundable license application fee of Twenty Thousand Dollars ($20,000.00). The annual license fee shall be a nonrefundable fee of Fifty Thousand Dollars ($50,000.00).

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

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

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

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

(a) Micro-processors.

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

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

(b) Processors. A cannabis processing facility which processes not less than three thousand (3,000) pounds of biomass cannabis material annually shall be subject to a one-time nonrefundable license application fee of Fifteen Thousand Dollars ($15,000.00). The annual license fee shall be a nonrefundable fee of Twenty Thousand Dollars ($20,000.00).
(4) A medical cannabis dispensary shall be subject to a one-time nonrefundable license application fee of Fifteen Thousand Dollars ($15,000.00). The annual license fee shall be a nonrefundable fee of Twenty-five Thousand Dollars ($25,000.00).

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

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

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

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

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

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

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

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

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

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

(i) Is at least twenty-one (21) years of age;
(ii) Has not previously held a license for a cannabis cultivation facility, cannabis processing facility, medical cannabis dispensary, medical cannabis transportation entity or medical cannabis disposal entity that has been revoked;

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

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

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

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

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

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

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

(i) Be legally authorized to submit an application on behalf of the entity;
(ii) Serve as the primary point of contact with
the MDOR and MDOH;

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

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

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

3. Has been convicted of a disqualifying
felony offense;

4. Owes delinquent taxes to the State of
Mississippi;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) An application, including:

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

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

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

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

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

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

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

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

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

(17) If a dispensary license is issued to an applicant that is still constructing the licensed premises, the applicant must complete construction and fulfill all obligations required by the Department of Revenue to open for business within eighteen (18) months, or the license shall be revoked.
( * * *18) The MDOR and MDOH shall issue a renewal registration certificate within ten (10) days of receipt of the prescribed renewal application and renewal fee from a medical cannabis establishment if its license is not under suspension and has not been revoked.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) A medical cannabis establishment shall not sell more than the allowable amount of medical cannabis to a cardholder. A resident cardholder shall not obtain more than a total of six (6) MMCEUs of allowable medical cannabis in a week from a dispensary or a combination of dispensaries. A resident cardholder shall not obtain more than a total of twenty-four (24) MMCEUs of allowable medical cannabis in thirty (30) days from a dispensary or a combination of dispensaries.
The possession limit for resident cardholders of the allowable amount of medical cannabis shall be a total of twenty-eight (28) MMCEUs. There shall not be a possession limit on nonconsumable medical cannabis, including, but not limited to, suppositories, ointments, soaps, and lotions or other topical agents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

      (i) Oversight requirements;

      (ii) Recordkeeping requirements;

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

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(iv) Security requirements, including lighting, physical security, and alarm requirements;
(v) Health and safety regulations, including restrictions on the use of pesticides, herbicides or other chemicals that are injurious to human health;
(vi) Standards for the processing of cannabis products and the indoor cultivation of cannabis by cannabis cultivation facilities;
(vii) Requirements for the transportation and storage of cannabis by medical cannabis establishments;
(viii) Employment and training requirements, including requiring that each medical cannabis establishment create an identification badge for each agent of the establishment;
(ix) Standards for the safe processing of medical cannabis products, including extracts and concentrates;
(x) Restrictions on the advertising, signage, and display of medical cannabis, provided that the restrictions may not prevent appropriate signs on the property of a dispensary, listings in business directories, including phone books, listings in cannabis-related or medical publications, display of cannabis in company logos and other branding activities, display on dispensary websites of pictures of products that the dispensary sells, or the sponsorship of health or not-for-profit charity or advocacy events;
(xi) Requirements and procedures for the safe and accurate packaging and labeling of medical cannabis, including prohibiting the use of any images designed or likely to appeal to minors, such as cartoons, packaging that resembles popular candy brands, toys, animals or children, or any other likeness or image containing characters or phrases to advertise to minors;

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

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

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

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

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

(xvii) Requirements for labeling medical cannabis and cannabis products, including requiring medical cannabis product labels to include the following:
1. The length of time it typically takes for the product to take effect;

2. Disclosure of ingredients and possible allergens;

3. A nutritional fact panel;

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

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

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

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

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

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

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

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

1. The fee schedule shall be set as follows:
a. The qualifying patient registry identification card application fee shall beTwenty-five Dollars ($25.00);

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

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

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

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

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

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

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2. The MDOH may accept donations from private sources to reduce the amount of the application and renewal fees;
   (xxi) Any other rules and regulations necessary to implement and administer this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Any information kept or maintained by medical cannabis establishments must identify cardholders by their registry identification numbers and must not contain names or other personally identifying information.
(5) At a cardholder's request, the MDOH may confirm the cardholder's status as a registered qualifying patient or a registered designated caregiver to a third party, such as a landlord, school, medical professional, or court.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The Lieutenant Governor shall appoint three (3) members, as follows:
1. One (1) owner or agent of a medical cannabis cultivation facility;
2. One (1) representative from the MDOH; and
3. One (1) qualified certified nurse practitioner, physician assistant or optometrist;

(iii) The Speaker of the House shall appoint three (3) members, as follows:
1. One (1) owner or agent of a medical cannabis processing facility;
2. One (1) owner or agent of a medical cannabis dispensary; and
3. One (1) representative from the MDOR.

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

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

(ii) The effectiveness of the medical cannabis establishments in serving the needs of registered qualifying patients, including the provision of educational and support services by dispensaries, the reasonableness of their prices, security issues, and the sufficiency of the number operating to serve the state's registered qualifying patients;
(iii) The effectiveness of the cannabis testing facilities, including whether a sufficient number are operating;
(iv) The sufficiency of the regulatory and security safeguards contained in this chapter and adopted by the MDOH to ensure that access to and use of cannabis cultivated is provided only to cardholders;
(v) Any recommended additions or revisions to the MDOH and MDOR rules and regulations or this chapter, including relating to security, safe handling, labeling, nomenclature, and whether additional types of licenses should be made available; and
(vi) Any research studies regarding health effects of medical cannabis for patients.
(d) The advisory committee shall accept public comment in writing and in person at least once per year. The advisory committee shall meet at least two (2) times per year and advisory committee members shall be furnished written notice of the meetings at least ten (10) days before the date of the meeting.
(e) The chairman of the advisory committee shall be elected by the voting members of the committee annually and shall not serve more than two (2) consecutive years as chairman.
(f) The members of the advisory committee specified in paragraph (b) of this subsection shall serve for terms that are concurrent with the terms of members of the Legislature, and any member appointed under paragraph (b) may be reappointed to the advisory committee. The members of the advisory committee specified in paragraph (b) shall serve without compensation, but
shall receive reimbursement to defray actual expenses incurred in
the performance of committee business as authorized by law.
(2) This section shall stand repealed on December 31, * * *
2026.

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

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

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

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

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

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

A. No conveyance used by any person as a common

carrier in the transaction of business as a common carrier is
subject to forfeiture under this section unless it appears that
the owner or other person in charge of the conveyance is a
consenting party or privy to a violation of this article;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Probable cause to believe that the property was used or intended to be used in violation of this article;
B. The name of the person from whom the property was seized; and

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

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

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

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

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

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

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

25-53-1. The Legislature recognizes that in order for the State of Mississippi to receive the maximum use and benefit from information technology and services now in operation or which will in the future be placed in operation, there should be full cooperation and cohesive planning and effort by and between the several state agencies and that it is the responsibility of the Legislature to provide statutory authority therefor. The Legislature, therefore, declares and determines that for these and other related purposes there is hereby established an agency of state government to be known as the Mississippi Department of Information Technology Services (MDITS). The Legislature further declares that the Mississippi Department of Information Technology Services (MDITS) shall provide statewide services that facilitate cost-effective information processing and telecommunication solutions. State agencies shall work in full cooperation with the board of MDITS to identify opportunities to minimize duplication, reduce costs and improve the efficiency of providing common technology services across agency boundaries. The provisions of this chapter shall not apply to the Department of Human Services for a period of three (3) years beginning July 1, 2017. The
provisions of this chapter shall not apply to the Department of Child Protection Services for a period of three (3) years beginning July 1, 2017. Through June 30, * * * 2024, the provisions of this chapter shall not apply to the Department of Health and the Department of Revenue for the purposes of implementing, administering and enforcing the provisions of the Mississippi Medical Cannabis Act.

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

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

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

(ii) [Repealed]

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

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

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

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

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

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

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

(i) The authority shall require such adequate documentation of information technology procedures utilized by the various state agencies and may require the establishment of such organizational structures within state agencies relating to information technology operations as may be necessary to effectuate the purposes of this chapter.
(j) The authority may adopt such further reasonable rules and regulations as may be necessary to fully implement the purposes of this chapter. All rules and regulations adopted by the authority shall be published and disseminated in readily accessible form to all affected state agencies, and to all current suppliers of computer equipment and services to the state, and to all prospective suppliers requesting the same. Such rules and regulations shall be kept current, be periodically revised, and copies thereof shall be available at all times for inspection by the public at reasonable hours in the offices of the authority. Whenever possible no rule, regulation or any proposed amendment to such rules and regulations shall be finally adopted or enforced until copies of the proposed rules and regulations have been furnished to all interested parties for their comment and suggestions.

(k) The authority shall establish rules and regulations which shall provide for the submission of all contracts proposed to be executed by the executive director for computer equipment and/or telecommunications or services, including cloud computing, to the authority for approval before final execution, and the authority may provide that such contracts involving the expenditure of less than such specified amount as may be established by the authority may be finally executed by the executive director without first obtaining such approval by the authority.
(l) The authority is authorized to consider new technologies, such as cloud computing, to purchase, lease, or rent computer equipment or services and to operate that equipment and use those services in providing services to one or more state agencies when in its opinion such operation will provide maximum efficiency and economy in the functions of any such agency or agencies.

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

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

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

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

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

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

(q) The authority is authorized to purchase, lease, or rent information technology and services for the purpose of establishing pilot projects to investigate emerging technologies. These acquisitions shall be limited to new technologies and shall be limited to an amount set by annual appropriation of the Legislature. These acquisitions shall be exempt from the advertising and bidding requirement.
(r) To promote the maximum use and benefit from technology and services now in operation or which will in the future be placed in operation and to identify opportunities, minimize duplication, reduce costs and improve the efficiency of providing common technology services the authority is authorized to:

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

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

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

(* * *t) The authority shall work closely with the council to bring about effective coordination of policies, standards and procedures relating to procurement of remote sensing and geographic information systems (GIS) resources. In addition,
the authority is responsible for development, operation and
maintenance of a delivery system infrastructure for geographic
information systems data. The authority shall provide a warehouse
for Mississippi's geographic information systems data.

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

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

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

(iii) Optimize the efficient use of the state's
information technology assets, including, but not limited to,

promoting partnerships with the state institutions of higher
learning and community colleges to capitalize on advanced
information technology resources.

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

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

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

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

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

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

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

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

(a) "Artificially derived cannabinoid" means a chemical substance that is created by a chemical reaction that changes the
molecular structure of any chemical substance derived from the 
plant Cannabis family Cannabaceae. Such term shall not include: 
(i) A naturally occurring chemical substance that 
is separated from the plant Cannabis family Cannabaceae by a 
chemical or mechanical extraction process; 
(ii) Cannabinoids that are produced by 
decarboxylation from a naturally occurring cannabinoid acid 
without the use of a chemical catalyst; or 
(iii) Any other chemical substance identified by 
MDOH. 
(b) "Allowable amount of medical cannabis" means an 
amount not to exceed the maximum amount of Mississippi Medical 
Cannabis Equivalency Units ("MMCEU"). 
(***c) "Bona fide practitioner-patient relationship" 
means: 
(i) A practitioner and patient have a treatment or 
consulting relationship, during the course of which the 
practitioner, within his or her scope of practice, has completed 
an in-person assessment of the patient's medical history and 
current mental health and medical condition and has documented 
their certification in the patient's medical file; 
(ii) The practitioner has consulted in person with 
the patient with respect to the patient's debilitating medical 
condition; and 
(iii) The practitioner is available to or offers 
to provide follow-up care and treatment to the patient.
"Cannabis" means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.

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

"Cannabis disposal entity" means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

"Cannabis processing facility" means a business entity that is licensed and registered by the Mississippi Department of Health that:

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

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

(iii) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract;
(iv) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

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

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

( ** *j) "Cannabis testing facility" or "testing facility" means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

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

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

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

(*) (*) (*) "Canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature cannabis plants and seedlings, prior to flowering, and that are not used at any time to cultivate mature cannabis plants.

(*) (*) (*) "Cardholder" means a registered qualifying patient or a registered designated caregiver who has been issued and possesses a valid registry identification card.
"Chronic pain" means a pain state in which the cause of the pain cannot be removed or otherwise treated, and which in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts by a practitioner.

"Concentrate" means a substance obtained by separating cannabinoids from cannabis by:

(i) A mechanical extraction process;

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

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

"Debilitating medical condition" means:

(i) Cancer, Parkinson's disease, Huntington's disease, muscular dystrophy, glaucoma, spastic quadriplegia, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell anemia, Alzheimer's disease, agitation of dementia, post-traumatic stress disorder (PTSD), autism, pain refractory to appropriate opioid management, diabetic/peripheral neuropathy, spinal cord disease or severe injury, or the treatment of these conditions;
(ii) A chronic, terminal or debilitating disease or medical condition, or its treatment, that produces one or more of the following: cachexia or wasting syndrome, chronic pain, severe or intractable nausea, seizures, or severe and persistent muscle spasms, including, but not limited to, those characteristic of multiple sclerosis; or

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

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

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

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

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

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

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

(i) A conviction for a crime of violence, as defined in Section 97-3-2;
(ii) A conviction for a crime that was defined as
a violent crime in the law of the jurisdiction in which the
offense was committed, and that was classified as a felony in the
jurisdiction where the person was convicted; or

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

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

(i) Contain or are infused with cannabis or an
extract thereof;

(ii) Are intended for human consumption by oral
ingestion; and

(iii) Are presented in the form of foodstuffs,
beverages, extracts, oils, tinctures, lozenges and other similar
products.

(* * *v) "Entity" means a corporation, general
partnership, limited partnership or limited liability company that
has been registered with the Secretary of State as applicable.
"MMCEU" means Mississippi Medical Cannabis Equivalency Unit. One unit of MMCEU shall be considered equal to:

(i) Three and one-half (3.5) grams of medical cannabis flower;

(ii) One (1) gram of medical cannabis concentrate;

or

(iii) One hundred (100) milligrams of THC in an infused product.

"MDOH" means the Mississippi Department of Health.

"MDOR" means the Mississippi Department of Revenue.

"Medical cannabis" means cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided in this chapter.

"Medical cannabis dispensary" or "dispensary" means an entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

"Medical cannabis establishment" means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.
"Medical cannabis establishment agent" means an owner, officer, board member, employee, volunteer or agent of a medical cannabis establishment.

"Medical use" includes the acquisition, administration, cultivation, processing, delivery, harvest, possession, preparation, transfer, transportation, or use of medical cannabis or equipment relating to the administration of medical cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. The term "medical use" does not include:

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

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

"Nonresident cardholder" means a person who:

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

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

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

( ** ff) "Practitioner" means a physician, certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state. In relation to a nonresident cardholder, the term means a physician, certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and under the laws of the state or territory in which the nonresident patient resides. For registered qualifying patients who are minors, "practitioner" shall mean a physician or doctor of osteopathic medicine who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state.

( ** gg) "Public place" means a church or any area to which the general public is invited or in which the general public is permitted, regardless of the ownership of the area, and any area owned or controlled by a municipality, county, state or federal government, including, but not limited to, streets, sidewalks or other forms of public transportation. Such term shall not mean a private residential dwelling.
( * * *hh) "Qualifying patient" means a person who has been diagnosed by a practitioner as having a debilitating medical condition and has been issued a written certification.

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

( * * *jj) "School" means an institution for the teaching of children, consisting of a physical location, whether owned or leased, including instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, public, private, church and parochial programs for kindergarten, elementary, junior high and high schools. Such term shall not mean a home instruction program.

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

( * * *ll) "THC" or "Tetrahydrocannabinol" means any and all forms of tetrahydrocannabinol that are contained naturally in the cannabis plant, as well as synthesized forms of THC and

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derived variations, derivatives, isomers and allotropes that have
similar molecular and physiological characteristics of
tetrahydrocannabinol, including, but not limited to, THCA, THC
Delta 9, THC Delta 8, THC Delta 10 and THC Delta 6.

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

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

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

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

(iv) The practitioner's signature.

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

41-137-57. (1) The cultivation, processing, sale and
distribution of medical cannabis and cannabis products, as
performed in accordance to the provisions of this chapter, shall
be legal in every county and municipality of this state unless a
county or municipality opts out through a vote by the board of
supervisors of the county or governing authorities of the
municipality, as applicable, within ninety (90) days after
February 2, 2022. The governing authorities of the municipality
or the board of supervisors of the county, as applicable, shall
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provide a notice in accordance with the Open Meetings Act (Section 25-41-1 et seq.) of its intent of holding a vote regarding opting out of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable. The governing authorities of the municipality or the board of supervisors of the county, as applicable, may opt out of allowing one or more of the following: cultivation, processing, sale or distribution of medical cannabis and cannabis products. The governing authorities of a municipality, by a vote entered upon their minutes, may opt out of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in the municipality. The board of supervisors of a county, by a vote entered upon its minutes, may opt out of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in the unincorporated areas of the county.

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

(3) (a) Upon presentation and filing of a proper petition requesting that the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, be legal in the unincorporated areas of the county signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the county, it shall be the duty of the board of supervisors to call an election at which there shall be submitted to the qualified electors of the county the question of whether or not the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, shall be legal in the unincorporated areas of such county as provided in this chapter. Such election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date shall not be more than sixty (60) days from the date of the filing of the petition. Notice thereof shall be given by publishing such notice once each week for at least three (3) consecutive weeks in some newspaper published in the county or if no newspaper be published therein, by such
publication in a newspaper in an adjoining county and having a
general circulation in the county involved. The election shall be
held not earlier than fifteen (15) days from the first publication
of such notice.
(b) The election shall be held and conducted as far as
may be possible in the same manner as is provided by law for the
holding of general elections. The ballots used at the election
shall contain a brief statement of the proposition submitted and,
on separate lines, the words "I vote FOR allowing the cultivation,
processing, sale and/or distribution of medical cannabis and
cannabis products, as applicable, in the unincorporated areas of
[Name of County] ( )" or "I vote AGAINST allowing the
cultivation, processing, sale and/or distribution of medical
cannabis and cannabis products, as applicable, in the
unincorporated areas of [Name of County] ( )" with
appropriate boxes in which the voters may express their choice.
All qualified electors may vote by marking the ballot with a cross
(x) or check (√) mark opposite the words of their choice.
(c) The election commissioners shall canvass and
determine the results of the election and shall certify the same
to the board of supervisors which shall adopt and spread upon its
minutes an order declaring such results. If, in such election, a
majority of the qualified electors participating therein vote in
favor of allowing the cultivation, processing, sale and/or
distribution of medical cannabis and cannabis products, as
applicable, in the unincorporated areas of the county, this
chapter shall be applicable and operative in the unincorporated areas of such county, and the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in the unincorporated areas of the county shall be lawful to the extent and in the manner permitted in this chapter.

If, on the other hand, a majority of the qualified electors participating in the election vote against allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, then it shall be illegal to cultivate, process, sell and/or distribute medical cannabis and cannabis products, as applicable, in the unincorporated areas of the county. In either case, no further election shall be held in the county under the provisions of this section for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the county as provided in this section.

(4) (a) Upon presentation and filing of a proper petition requesting that the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, be legal in the municipality signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the municipality, it shall be the duty of the governing authorities of the municipality to call an election at which there shall be submitted to the qualified
electors of the municipality the question of whether or not the
cultivation, processing, sale and/or distribution of medical
cannabis and cannabis products, as applicable, shall be legal in
the municipality as provided in this chapter. Such election shall
be held and conducted on a date fixed by the order of the
governing authorities of the municipality, which date shall not be
more than sixty (60) days from the date of the filing of the
petition. Notice thereof shall be given by publishing such notice
once each week for at least three (3) consecutive weeks in some
newspaper published in the municipality or if no newspaper be
published therein, by such publication in a newspaper having a
general circulation in the municipality involved. The election
shall be held not earlier than fifteen (15) days from the first
publication of such notice.

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

(c) The election commissioners shall canvass and determine the results of the election and shall certify the same to the governing authorities which shall adopt and spread upon their minutes an order declaring such results. If, in such election, a majority of the qualified electors participating therein vote in favor of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, this chapter shall be applicable and operative in such municipality and the cultivation, processing, sale, and/or distribution of medical cannabis and cannabis products, as applicable, therein shall be lawful to the extent and in the manner permitted in this chapter. If, on the other hand, a majority of the qualified electors participating in the election vote against allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, then it shall be illegal to cultivate, process, sell and/or distribute medical cannabis and cannabis products, as applicable, in the municipality. In either case, no further election shall be held in the municipality under the provisions of this section for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the municipality as provided in this section.
(5) Regardless of whether a county or municipality opts out of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, cardholders, cannabis testing facilities, cannabis research facilities, cannabis transportation entities and cannabis disposal entities may possess medical cannabis in the municipality or county if done in accordance with this chapter.

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

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

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

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

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO AMEND SECTION 41-137-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A PRACTITIONER TO ASSIST A PATIENT IN REGISTERING FOR A REGISTRY IDENTIFICATION CARD WITH THE DEPARTMENT OF HEALTH AFTER THE PRACTITIONER HAS ISSUED A WRITTEN CERTIFICATION TO THE PATIENT; TO PROVIDE THAT THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO A PERSON WHO IS AUTHORIZED TO PURCHASE TOPICAL CANNABIS, AND SUCH PERSONS MAY POSSESS AND USE SUCH PRODUCTS WITHOUT BEING IN VIOLATION OF THIS CHAPTER; TO PROHIBIT ANY STATE AGENCY, DEPARTMENT, POLITICAL SUBDIVISION OR BOARD FROM REQUIREING A PRACTITIONER TO REQUIRE A PATIENT TO SUBMIT TO A DRUG TEST AS A CONDITION TO RECEIVING A CERTIFICATION FOR A REGISTRY IDENTIFICATION CARD; TO PROVIDE THAT A PRACTITIONER SHALL NOT BE REQUIRED TO HAVE ANY ADDITIONAL QUALIFICATIONS TO BE AUTHORIZED TO CERTIFY A QUALIFYING PATIENT FOR A REGISTRY IDENTIFICATION CARD; TO PROVIDE THAT A PRACTITIONER SHALL NOT BE REQUIRED TO REGISTER TO CERTIFY PATIENTS WITH ANY STATE AGENCY OR BOARD OTHER THAN THE MDH; TO PROVIDE THAT QUALIFYING PATIENTS MAY MAKE A FOLLOW-UP VISIT WITH A DIFFERENT PRACTITIONER THAN THE PRACTITIONER WHO ORIGINALLY ISSUED THEIR WRITTEN CERTIFICATION, PROVIDED THAT SUCH PRACTITIONER IS OTHERWISE REGISTERED AND ACTING WITHIN THEIR SCOPE OF PRACTICE AND THE PROVISIONS OF THE LAW; TO AMEND SECTION 41-137-23, MISSISSIPPI CODE OF 1972, TO REQUIRE MDH TO VERIFY THE INFORMATION CONTAINED IN A REGISTRY IDENTIFICATION CARD APPLICATION OR RENEWAL AND APPROVE OR DENY AN APPLICATION OR RENEWAL WITHIN TEN DAYS OF RECEIVING A COMPLETED APPLICATION OR RENEWAL APPLICATION; TO PROVIDE THAT A MEDICAL CANNABIS WRITTEN CERTIFICATION ISSUED BY A PRACTITIONER SHALL BE VALID FOR THE SIX MONTHS IMMEDIATELY PRECEDING THE DATE OF APPLICATION; TO AMEND SECTION 41-137-35, MISSISSIPPI CODE OF 1972, TO CAP THE CANNABIS CULTIVATION FACILITY TIER 6 TO NOT MORE THAN 150,000 SQUARE FEET; TO AUTHORIZE AN INDIVIDUAL OR BUSINESS ENTITY TO HAVE AN OWNERSHIP OR ECONOMIC INTEREST IN A MEDICAL CANNABIS TESTING FACILITY AND A CANNABIS TRANSPORTATION ENTITY; TO PROVIDE THAT MDH MAY CONTRACT WITH A PRIVATE LABORATORY FOR THE PURPOSE OF CONDUCTING COMPLIANCE TESTING OVERSIGHT OF MEDICAL CANNABIS; TO AMEND SECTION 41-137-39, MISSISSIPPI CODE OF 1972, TO REQUIRE A PROSPECTIVE EMPLOYEE TO UNDERGO A FINGERPRINT-BASED BACKGROUND CHECK BY THE DEPARTMENT OF PUBLIC SAFETY; TO REQUIRE A SUBSEQUENT BACKGROUND CHECK TO BE
CONDUCTED ON PROSPECTIVE EMPLOYEES IF THEY DO NOT START EMPLOYMENT
WITH AN ENTITY FOR SIX MONTHS; TO AUTHORIZE ANY TOPICAL CANNABIS
PRODUCT THAT IS PURCHASED BY A DISPENSARY FROM A LICENSED
PROCESSOR, AND THAT IS NOT INGESTED BY THE LIVER, TO BE SOLD TO A
CARDHOLDER OR ANY PERSON OVER THE AGE OF TWENTY-ONE WHO IS NOT A
CARDHOLDER; TO AMEND SECTION 41-137-41, MISSISSIPPI CODE OF 1972,
TO AUTHORIZE DISPENSARY WEBSITES TO DISPLAY PICTURES OF THE
PRODUCTS THAT THE DISPENSARY SELLS; TO PROHIBIT A STATE AGENCY OR
BOARD FROM IMPLEMENTING ANY RULE, REGULATION, POLICY OR
REQUIREMENT THAT IS CONTRARY TO THE PROVISIONS OF THE MISSISSIPPI
MEDICAL CANNABIS ACT; TO AMEND SECTION 41-137-47, MISSISSIPPI CODE
OF 1972, TO AUTHORIZE LICENSING AGENCIES TO DENY THE APPLICATION
OF ANY APPLICANT WHO FAILS TO MEET THE QUALIFICATIONS FOR
OBTAINING SUCH LICENSE; TO ESTABLISH CERTAIN APPEAL PROCEDURES FOR
DENIALS; TO PROVIDE THAT ANY ONGOING INVESTIGATION BY A LICENSING
AGENCY UNDER THIS SECTION SHALL BE CONSIDERED CONFIDENTIAL AND
EXEMPT FROM DISCLOSURE UNDER THE MISSISSIPPI PUBLIC RECORDS ACT;
TO AMEND SECTION 41-137-49, MISSISSIPPI CODE OF 1972, TO PROVIDE
THAT THE ADDRESSES OF PROSPECTIVE AND LICENSED MEDICAL CANNABIS
ESTABLISHMENTS, EXCEPT FOR MEDICAL CANNABIS DISPENSARIES, SHALL BE
CONSIDERED CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE
MISSISSIPPI PUBLIC RECORDS ACT; TO AMEND SECTION 41-137-59,
MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE JUDICIAL REVIEW OF
AN APPEAL FROM A FINAL DECISION OR ORDER OF AN AGENCY UNDER THE
PROVISIONS OF THE MEDICAL CANNABIS ACT SHALL BE BASED ON THE
RECORD MADE BEFORE THE AGENCY; TO AMEND SECTION 41-137-63,
MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL FOR THE
MEDICAL CANNABIS ADVISORY COMMITTEE; TO AMEND SECTION 41-29-153,
MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CONTROLLED SUBSTANCES
AND RAW MATERIALS WHICH HAVE BEEN USED IN VIOLATION OF THE MEDICAL
CANNABIS ACT MAY BE SUBJECT TO FORFEITURE; TO EMPOWER LAW
ENFORCEMENT OFFICERS OF THE MISSISSIPPI DEPARTMENT OF REVENUE OR
MISSISSIPPI DEPARTMENT OF HEALTH ACTING WITH THEIR DUTIES IN
ACCORDANCE WITH THE MISSISSIPPI MEDICAL CANNABIS ACT TO SEIZE SUCH
SUBJECTS; TO AMEND SECTION 41-29-154, MISSISSIPPI CODE OF 1972, TO
EMPOWER LAW ENFORCEMENT OFFICERS OF THE MISSISSIPPI DEPARTMENT OF
REVENUE OR MISSISSIPPI DEPARTMENT OF HEALTH ACTING WITH THEIR
DUTIES IN ACCORDANCE WITH THE MISSISSIPPI MEDICAL CANNABIS ACT TO
DESTROY ANY CONTROLLED SUBSTANCES OR PARAPHERNALIA SEIZED UNDER
THEIR AUTHORITY; TO AMEND SECTION 25-53-1, MISSISSIPPI CODE OF
1972, TO EXTEND THE DATE OF REPEAL THAT ALLOWS AN EXEMPTION TO ITS
OVERSIGHT FOR THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND
ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT;
TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY
SENATE BILL NO. 2728, 2023 REGULAR SESSION, TO EXTEND THE DATE OF
REPEAL THAT ALLOWS AN EXEMPTION TO ITS PROCUREMENT PROCEDURES FOR
THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE FOR THE
PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE
PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT; TO CREATE NEW
SECTION 73-21-127.1, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
PRESCRIPTION MONITORING PROGRAM TO ISSUE AN ANNUAL REPORT TO THE
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LEGISLATURE THAT INDICATES THE NUMBER OF OPIOID PRESCRIPTIONS THAT
WERE PROVIDED TO PATIENTS DURING THAT YEAR; TO AMEND SECTION
41-137-3, MISSISSIPPI CODE OF 1972, TO ADD THE DEFINITION OF THE
TERMS ARTIFICIALLY DERIVED CANNABINOID, CANNABINOID AND CANNABIS
WASTE; TO AMEND SECTION 41-137-57, MISSISSIPPI CODE OF 1972, TO
PROVIDE THAT IN ANY COUNTY OR MUNICIPALITY IN WHICH REAL PROPERTY
IS OWNED, LEASED OR OTHERWISE CONTROLLED BY A WATERWAY DISTRICT OR
WATER MANAGEMENT DISTRICT CREATED IN TITLE 51, MISSISSIPPI CODE OF
1972, THE DECISION OF THE COUNTY OR MUNICIPALITY TO OPT OUT OR OPT
IN OF ALLOWING MEDICAL CANNABIS ENTITIES SHALL BE BINDING ON ALL
REAL PROPERTY IN SUCH DISTRICT; TO PROVIDE THAT THE ORDINANCES OF
A COUNTY OR MUNICIPALITY RELATED TO THE PROVISIONS THE MEDICAL
CANNABIS LAW SHALL BE APPLICABLE TO ALL REAL PROPERTY WITHIN THE
BOUNDARIES OF THE COUNTY OR MUNICIPALITY IN SUCH DISTRICT; AND FOR
RELATED PURPOSES.

SS26\HB1158PS.J

Eugene S. Clarke
Secretary of the Senate