

## **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:**

107           **SECTION 1.** Section 41-137-5, Mississippi Code of 1972, is  
108 amended as follows:  
109           41-137-5. (1) No person shall be authorized to use medical  
110 cannabis in this state unless the person (a) has been diagnosed by  
111 a practitioner, with whom the person has a bona fide  
112 practitioner-patient relationship within his or her scope of  
113 practice, as having a debilitating medical condition for which the  
114 practitioner believes, in his or her professional opinion, that  
115 the person would likely receive medical or palliative benefit from  
116 the medical use of medical cannabis to treat or alleviate the  
117 person's debilitating medical condition or symptoms associated  
118 with the person's debilitating medical condition, (b) has received  
119 a written certification of that diagnosis from the practitioner,  
120 and (c) has been issued a registry identification card from the  
121 MDOH under Section 41-137-23. A person who has been diagnosed by  
122 a practitioner as specified in paragraph (a) of this subsection  
123 shall be a qualifying patient, and the practitioner who has

124 diagnosed the patient shall document that diagnosis with a written  
125 certification. However, nothing herein shall require a  
126 practitioner to issue a written certification.

127 (2) A written certification shall:

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

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

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

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

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

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

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

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

163 ( \* \* \*6) Before dispensing medical cannabis to a  
164 cardholder, the dispensary from which the cardholder is obtaining  
165 medical cannabis shall verify the identity of the cardholder and  
166 the authority of the cardholder to use medical cannabis as  
167 provided in Section 41-137-39 and shall determine the maximum  
168 amount of medical cannabis that a cardholder is eligible to  
169 receive and the amount of medical cannabis that the cardholder has  
170 received from all dispensaries during a specified period of time  
171 using the statewide seed-to-sale tracking system under Section  
172 41-137-11.

173 ( \* \* \*7) (a) A practitioner shall be registered to issue  
174 written certifications to qualifying patients by completing the  
175 required application process as set forth by the MDOH. The MDOH

176 shall require a practitioner to complete a minimum of eight (8)  
177 hours of continuing education in medical cannabis in order to  
178 issue written certifications. After the first year of  
179 registration, these practitioners shall complete five (5) hours of  
180 continuing education in medical cannabis annually to maintain this  
181 registration.

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

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

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

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

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

199 41-137-23. (1) No later than one hundred twenty (120) days  
200 after February 2, 2022, the MDOH shall begin issuing registry

201 identification cards to qualifying patients who submit the  
202 following:

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

206           (b) The application or renewal fee;

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

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

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

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

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

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

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

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

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

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

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

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

250 (e) Upon completion of such criminal background checks,  
251 the Mississippi Justice Information Center of the Department of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

292 (b) Previously had a registry identification card  
293 revoked;

294 (c) Provided false information; or

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

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

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

302 (b) Did not provide the information required;



303 (c) Previously had a registry identification card  
304 revoked;

305 (d) Provided false information;

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

309 (f) Failed to meet the other requirements of this  
310 chapter.

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

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

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

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

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

327 (a) Micro-cultivators.

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

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

340 (b) Cultivators.

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

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

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

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

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

373 (vi) Tier 6. A cannabis cultivation facility with  
374 a canopy of not less than one hundred thousand (100,000) square  
375 feet \* \* \* but not more than one hundred fifty thousand (150,000)  
376 square feet shall be subject to a one-time nonrefundable license  
377 application fee of Sixty Thousand Dollars (\$60,000.00). The  
378 annual license fee shall be a nonrefundable fee of One Hundred

379 Fifty Thousand Dollars (\$150,000.00). Tier 6 cannabis cultivation  
380 facilities shall have not more than two (2) locations; however,  
381 the total canopy space of both locations combined may not exceed  
382 one hundred fifty thousand (150,000) square feet.

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

385 (a) Micro-processors.

386 (i) Tier 1. A cannabis processing facility which  
387 processes less than two thousand (2,000) pounds of dried biomass  
388 cannabis material annually shall be subject to a one-time  
389 nonrefundable license application fee of Two Thousand Dollars  
390 (\$2,000.00). The annual license fee shall be a nonrefundable fee  
391 of Three Thousand Five Hundred Dollars (\$3,500.00).

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

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

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

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

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

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

431 conducting any other commercial medical cannabis testing in this  
432 state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

533 (ii) One-hundred percent (100%) of the equity  
534 ownership interests in the entity are held by individuals who have

535 been residents of the State of Mississippi and citizens of the  
536 United States of America for at least three (3) consecutive years  
537 prior to the application date.

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

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

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

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

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

554 (14) Ownership in a cannabis cultivation facility license,  
555 cannabis processing facility license or a medical cannabis  
556 dispensary license or investment in a business that supports or  
557 benefits from such a license shall not disqualify or otherwise  
558 negatively impact the license or finding of suitability of such  
559 owner who is otherwise engaged in any other form of business

560 operation in the state, if such business requires the owner to  
561 hold a license or be found suitable under state law.

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

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

567 (a) An application, including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

635 ( \* \* \*22) \* \* \* Any cannabis that contains less than three  
636 tenths percent (.3%) THC that was addressed by the 2018 Farm Bill,

637 Public Law No. 115-334, shall be exempt from regulations  
638 applicable to medical cannabis establishments licensed under this  
639 chapter.

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

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

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

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

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

660 (e) Upon completion of such criminal background checks,  
661 the Mississippi Justice Information Center of the Department of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

733           A medical cannabis product shall contain a notice of harm  
734 regarding the use of cannabis products. Edible cannabis products  
735 shall be homogenized to ensure uniform disbursement of  
736 cannabinoids throughout the product. All molded edible cannabis  
737 products shall be presented in the form of geometric shapes and  
738 shall not be molded to contain any images or characters designed

739 or likely to appeal to minors, such as cartoons, toys, animals or  
740 children.

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

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

757 (14) A nonresident may apply to receive a nonresident  
758 registry identification card up to thirty (30) days before  
759 arriving in Mississippi. A nonresident registry identification  
760 card shall be valid for fifteen (15) days. After the expiration  
761 of the card, a nonresident may apply for a renewal of the card and  
762 may be granted another card which shall be valid for another  
763 fifteen-day period. A nonresident registry identification card  
764 shall only be valid, at a maximum, for two (2) separate periods of

765 fifteen (15) days in a three-hundred-sixty-five-day period. An  
766 applicant may indicate on his or her application the specific time  
767 period that he or she wishes for the card to be valid. The  
768 possession limit of the allowable amount of medical cannabis for  
769 nonresident cardholders shall be fourteen (14) MMCEUs.

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

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

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

791 the patient had a registry identification card before the age of  
792 eighteen (18).

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

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

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

813 (20) For purposes of this subsection, "plant growth  
814 regulator cannabis" shall mean a cannabis plant whose growth and  
815 structure has been modified using plant growth hormones. A  
816 cannabis cultivation facility shall not cultivate and a cannabis

817 dispensary shall not sell, transfer or provide for consumption  
818 plant growth regulator cannabis.

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

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

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

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

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

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

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

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

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

864                   (i) Oversight requirements;

865                   (ii) Recordkeeping requirements;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

921                   2. Disclosure of ingredients and possible  
922 allergens;

923                   3. A nutritional fact panel;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

995 time the burden shall be on the licensee or applicant to prove  
996 that the agency's decision was:

997 (a) Unsupported by substantial evidence;

998 (b) Arbitrary or capricious;

999 (c) Beyond the power of the administrative agency to  
1000 make; or

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

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

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

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

1019 (4) The MDOH shall immediately revoke the registry  
1020 identification card of any cardholder who sells or otherwise

1021 transfers medical cannabis to a person or other entity, and the  
1022 cardholder shall be disqualified from further participation in the  
1023 medical cannabis program under this chapter.

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

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

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

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

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

1041 41-137-49. (1) Data in license and registration  
1042 applications and supporting data submitted by registered  
1043 qualifying patients, registered designated caregivers, medical  
1044 cannabis establishments and nonresident cardholders, including  
1045 data on registered designated caregivers and practitioners, shall  
1046 be considered private data on individuals that is confidential and

1047 exempt from disclosure under the Mississippi Public Records Act of  
1048 1983, Sections 25-61-1 through 25-61-17.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1097 (b) The review by the circuit court shall be based on  
1098 the record made before the agency. Before filing a petition under

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

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

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

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

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

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

- 1119 1. One (1) representative from the MDOH;
- 1120 2. One (1) registered qualifying patient; and
- 1121 3. One (1) physician with experience in  
1122 medical cannabis issues;

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



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

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

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

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

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

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

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

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

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

1144                   (ii) The effectiveness of the medical cannabis  
1145 establishments in serving the needs of registered qualifying  
1146 patients, including the provision of educational and support  
1147 services by dispensaries, the reasonableness of their prices,  
1148 security issues, and the sufficiency of the number operating to  
1149 serve the state's registered qualifying patients;

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

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

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

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

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

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

1170 (f) The members of the advisory committee specified in  
1171 paragraph (b) of this subsection shall serve for terms that are  
1172 concurrent with the terms of members of the Legislature, and any  
1173 member appointed under paragraph (b) may be reappointed to the  
1174 advisory committee. The members of the advisory committee  
1175 specified in paragraph (b) shall serve without compensation, but

1176 shall receive reimbursement to defray actual expenses incurred in  
1177 the performance of committee business as authorized by law.

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

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

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

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

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

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

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

1200 A. No conveyance used by any person as a common  
1201 carrier in the transaction of business as a common carrier is

1202 subject to forfeiture under this section unless it appears that  
1203 the owner or other person in charge of the conveyance is a  
1204 consenting party or privy to a violation of this article;

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

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

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

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

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

1226           (7) Everything of value, including real estate,  
1227 furnished, or intended to be furnished, in exchange for a

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

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

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

1252           (b) Property subject to forfeiture may be seized by the  
1253 bureau, local law enforcement officers, enforcement officers of

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

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

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

1267 (3) The bureau, the board, local law enforcement  
1268 officers, enforcement officers of the Mississippi Department of  
1269 Transportation, or highway patrolmen, \* \* \* the State Board of  
1270 Pharmacy, or law enforcement officers of the Mississippi  
1271 Department of Revenue or Mississippi Department of Health acting  
1272 with their duties in accordance with the Mississippi Medical  
1273 Cannabis Act, have probable cause to believe that the property is  
1274 directly or indirectly dangerous to health or safety;

1275 (4) The bureau, local law enforcement officers,  
1276 enforcement officers of the Mississippi Department of  
1277 Transportation, highway patrolmen, the board, \* \* \* the State  
1278 Board of Pharmacy, or law enforcement officers of the Mississippi  
1279 Department of Revenue or Mississippi Department of Health acting

1280 with their duties in accordance with the Mississippi Medical  
1281 Cannabis Act, have probable cause to believe that the property was  
1282 used or is intended to be used in violation of this article; or

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

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

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

1299 (e) The failure, upon demand by the bureau and/or local law  
1300 enforcement officers, or their authorized agents, or highway  
1301 patrolmen designated by the bureau, the board, \* \* \* the State  
1302 Board of Pharmacy, or law enforcement officers of the Mississippi  
1303 Department of Revenue or Mississippi Department of Health acting  
1304 with their duties in accordance with the Mississippi Medical  
1305 Cannabis Act, of the person in occupancy or in control of land or

1306 premises upon which the species of plants are growing or being  
1307 stored, to produce an appropriate registration, or proof that he  
1308 is the holder thereof, constitutes authority for the seizure and  
1309 forfeiture of the plants.

1310 (f) (1) When any property is seized under the Uniform  
1311 Controlled Substances Law, except as otherwise provided in  
1312 paragraph (3) of this subsection, by a law enforcement agency with  
1313 the intent to be forfeited, the law enforcement agency that seized  
1314 the property shall obtain a seizure warrant from the county or  
1315 circuit court having jurisdiction of such property within  
1316 seventy-two (72) hours of any seizure, excluding weekends and  
1317 holidays. Any law enforcement agency that fails to obtain a  
1318 seizure warrant within seventy-two (72) hours as required by this  
1319 section shall notify the person from whom the property was seized  
1320 that it will not be forfeited and shall provide written  
1321 instructions advising the person how to retrieve the seized  
1322 property.

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

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



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

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

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

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

1340                   41-29-154. Any controlled substance or paraphernalia seized  
1341 under the authority of this article or any other law of  
1342 Mississippi or of the United States, shall be destroyed,  
1343 adulterated and disposed of or otherwise rendered harmless and  
1344 disposed of, upon written authorization of the director,  
1345 Commissioner of the Mississippi Department of Revenue or the State  
1346 Health Officer of the Mississippi Department of Health, as  
1347 applicable, after such substance or paraphernalia has served its  
1348 usefulness as evidence or after such substance or paraphernalia is  
1349 no longer useful for training or demonstration purposes.

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

1354                   No substance or paraphernalia shall be disposed of, destroyed  
1355 or rendered harmless under the authority of this section without  
1356 an order from the director, Commissioner of the Mississippi

1357 Department of Revenue or the State Health Officer of the  
1358 Mississippi Department of Health, as applicable, and without at  
1359 least two (2) officers or agents of the bureau present as  
1360 witnesses.

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

1363         25-53-1. The Legislature recognizes that in order for the  
1364 State of Mississippi to receive the maximum use and benefit from  
1365 information technology and services now in operation or which will  
1366 in the future be placed in operation, there should be full  
1367 cooperation and cohesive planning and effort by and between the  
1368 several state agencies and that it is the responsibility of the  
1369 Legislature to provide statutory authority therefor. The  
1370 Legislature, therefore, declares and determines that for these and  
1371 other related purposes there is hereby established an agency of  
1372 state government to be known as the Mississippi Department of  
1373 Information Technology Services (MDITS). The Legislature further  
1374 declares that the Mississippi Department of Information Technology  
1375 Services (MDITS) shall provide statewide services that facilitate  
1376 cost-effective information processing and telecommunication  
1377 solutions. State agencies shall work in full cooperation with the  
1378 board of MDITS to identify opportunities to minimize duplication,  
1379 reduce costs and improve the efficiency of providing common  
1380 technology services across agency boundaries. The provisions of  
1381 this chapter shall not apply to the Department of Human Services  
1382 for a period of three (3) years beginning July 1, 2017. The

1383 provisions of this chapter shall not apply to the Department of  
1384 Child Protection Services for a period of three (3) years  
1385 beginning July 1, 2017. Through June 30, \* \* \* 2024, the  
1386 provisions of this chapter shall not apply to the Department of  
1387 Health and the Department of Revenue for the purposes of  
1388 implementing, administering and enforcing the provisions of the  
1389 Mississippi Medical Cannabis Act.

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

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

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

1408 Child Protection Services for a period of three (3) years  
1409 beginning July 1, 2017.

1410 (ii) [Repealed]

1411 (b) The authority shall immediately institute  
1412 procedures for carrying out the purposes of this chapter and  
1413 supervise the efficient execution of the powers and duties of the  
1414 office of executive director of the authority. In the execution  
1415 of its functions under this chapter, the authority shall maintain  
1416 as a paramount consideration the successful internal organization  
1417 and operation of the several agencies so that efficiency existing  
1418 therein shall not be adversely affected or impaired. In executing  
1419 its functions in relation to the institutions of higher learning  
1420 and junior colleges in the state, the authority shall take into  
1421 consideration the special needs of such institutions in relation  
1422 to the fields of teaching and scientific research.

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

1429 (d) The authority shall adopt rules, regulations, and  
1430 procedures governing the acquisition of computer and  
1431 telecommunications equipment and services which shall, to the  
1432 fullest extent practicable, insure the maximum of competition  
1433 between all manufacturers of supplies or equipment or services.

1434 In the writing of specifications, in the making of contracts  
1435 relating to the acquisition of such equipment and services, and in  
1436 the performance of its other duties the authority shall provide  
1437 for the maximum compatibility of all information systems hereafter  
1438 installed or utilized by all state agencies and may require the  
1439 use of common computer languages where necessary to accomplish the  
1440 purposes of this chapter. The authority may establish by  
1441 regulation and charge reasonable fees on a nondiscriminatory basis  
1442 for the furnishing to bidders of copies of bid specifications and  
1443 other documents issued by the authority.

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

1453 (f) The authority may, in its discretion, establish a  
1454 special technical advisory committee or committees to study and  
1455 make recommendations on technology matters within the competence  
1456 of the authority as the authority may see fit. Persons serving on  
1457 the Information Resource Council, its task forces, or any such  
1458 technical advisory committees shall be entitled to receive their  
1459 actual and necessary expenses actually incurred in the performance

1460 of such duties, together with mileage as provided by law for state  
1461 employees, provided the same has been authorized by a resolution  
1462 duly adopted by the authority and entered on its minutes prior to  
1463 the performance of such duties.

1464 (g) The authority may provide for the development and  
1465 require the adoption of standardized computer programs and may  
1466 provide for the dissemination of information to and the  
1467 establishment of training programs for the personnel of the  
1468 various information technology centers of state agencies and  
1469 personnel of the agencies utilizing the services thereof.

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

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

1485           (j) The authority may adopt such further reasonable  
1486 rules and regulations as may be necessary to fully implement the  
1487 purposes of this chapter. All rules and regulations adopted by  
1488 the authority shall be published and disseminated in readily  
1489 accessible form to all affected state agencies, and to all current  
1490 suppliers of computer equipment and services to the state, and to  
1491 all prospective suppliers requesting the same. Such rules and  
1492 regulations shall be kept current, be periodically revised, and  
1493 copies thereof shall be available at all times for inspection by  
1494 the public at reasonable hours in the offices of the authority.  
1495 Whenever possible no rule, regulation or any proposed amendment to  
1496 such rules and regulations shall be finally adopted or enforced  
1497 until copies of the proposed rules and regulations have been  
1498 furnished to all interested parties for their comment and  
1499 suggestions.

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

1510           (1) The authority is authorized to consider new  
1511 technologies, such as cloud computing, to purchase, lease, or rent  
1512 computer equipment or services and to operate that equipment and  
1513 use those services in providing services to one or more state  
1514 agencies when in its opinion such operation will provide maximum  
1515 efficiency and economy in the functions of any such agency or  
1516 agencies.

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

1524           (n) The authority shall adopt rules and regulations  
1525 governing the protest procedures to be followed by any actual or  
1526 prospective bidder, offerer or contractor who is aggrieved in  
1527 connection with the solicitation or award of a contract for the  
1528 acquisition of computer equipment or services. Such rules and  
1529 regulations shall prescribe the manner, time and procedure for  
1530 making protests and may provide that a protest not timely filed  
1531 shall be summarily denied. The authority may require the  
1532 protesting party, at the time of filing the protest, to post a  
1533 bond, payable to the state, in an amount that the authority  
1534 determines sufficient to cover any expense or loss incurred by the  
1535 state, the authority or any state agency as a result of the



1536 protest if the protest subsequently is determined by a court of  
1537 competent jurisdiction to have been filed without any substantial  
1538 basis or reasonable expectation to believe that the protest was  
1539 meritorious; however, in no event may the amount of the bond  
1540 required exceed a reasonable estimate of the total project cost.  
1541 The authority, in its discretion, also may prohibit any  
1542 prospective bidder, offerer or contractor who is a party to any  
1543 litigation involving any such contract with the state, the  
1544 authority or any agency of the state to participate in any other  
1545 such bid, offer or contract, or to be awarded any such contract,  
1546 during the pendency of the litigation.

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

1551           All acquisitions of computer equipment and services involving  
1552 the expenditure of funds in excess of the dollar amount  
1553 established in Section 31-7-13(c), or rentals or leases in excess  
1554 of the dollar amount established in Section 31-7-13(c) for the  
1555 term of the contract, shall be based upon competitive and open  
1556 specifications, and contracts therefor shall be entered into only  
1557 after advertisements for bids are published in one or more daily  
1558 newspapers having a general circulation in the state not less than  
1559 fourteen (14) days prior to receiving sealed bids therefor. The  
1560 authority may reserve the right to reject any or all bids, and if  
1561 all bids are rejected, the authority may negotiate a contract

1562 within the limitations of the specifications so long as the terms  
1563 of any such negotiated contract are equal to or better than the  
1564 comparable terms submitted by the lowest and best bidder, and so  
1565 long as the total cost to the State of Mississippi does not exceed  
1566 the lowest bid. If the authority accepts one (1) of such bids, it  
1567 shall be that which is the lowest and best. Through June  
1568 30, \* \* \* 2024, the provisions of this paragraph shall not apply  
1569 to acquisitions of information technology equipment and services  
1570 made by the Mississippi Department of Health and \* \* \* the  
1571 Mississippi Department of Revenue for the purposes of  
1572 implementing, administering and \* \* \* enforcing the provisions of  
1573 the Mississippi Medical Cannabis Act.

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

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

1587           (r) To promote the maximum use and benefit from  
1588 technology and services now in operation or which will in the  
1589 future be placed in operation and to identify opportunities,  
1590 minimize duplication, reduce costs and improve the efficiency of  
1591 providing common technology services the authority is authorized  
1592 to:

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

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

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

1609           ( \* \* \*t) The authority shall work closely with the  
1610 council to bring about effective coordination of policies,  
1611 standards and procedures relating to procurement of remote sensing  
1612 and geographic information systems (GIS) resources. In addition,

1613 the authority is responsible for development, operation and  
1614 maintenance of a delivery system infrastructure for geographic  
1615 information systems data. The authority shall provide a warehouse  
1616 for Mississippi's geographic information systems data.

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

1622 (i) Result in savings to the state as a whole;

1623 (ii) Improve and enhance the security and  
1624 reliability of the state's information and business systems; and

1625 (iii) Optimize the efficient use of the state's  
1626 information technology assets, including, but not limited to,  
1627 promoting partnerships with the state institutions of higher  
1628 learning and community colleges to capitalize on advanced  
1629 information technology resources.

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

1638 Higher Learning or the Mississippi Community College Board, as the  
1639 case may be, that the sharing of services is mutually beneficial.

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

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

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

1664 statewide shared services that facilitate cost-effective  
1665 information processing and telecommunication solutions shall be  
1666 defrayed by pass-through funding and shall be deposited into the  
1667 Mississippi Department of Information Technology Services  
1668 Revolving Fund unless otherwise specified by the Legislature.  
1669 These funds shall only be utilized to pay the actual costs  
1670 incurred by the Mississippi Department of Information Technology  
1671 Services for providing these shared services to state agencies.  
1672 Furthermore, state agencies shall work in full cooperation with  
1673 the Board of the Mississippi Department of Information Technology  
1674 Services to identify computer equipment or services to minimize  
1675 duplication, reduce costs, and improve the efficiency of providing  
1676 common technology services across agency boundaries.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1741 and



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

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

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

1762 ( \* \* \*j) "Cannabis testing facility" or "testing  
1763 facility" means an independent entity licensed and registered by  
1764 the Mississippi Department of Health that analyzes the safety and  
1765 potency of cannabis.

1766 ( \* \* \*k) "Cannabis transportation entity" means an  
1767 independent entity licensed and registered by the Mississippi

1768 Department of Health that is involved in the commercial  
1769 transportation of medical cannabis.

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

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

1776 ( \* \* \*n) "Canopy" means the total surface area within  
1777 a cultivation area that is dedicated to the cultivation of  
1778 flowering cannabis plants. The surface area of the plant canopy  
1779 must be calculated in square feet and measured and must include  
1780 all of the area within the boundaries where the cultivation of the  
1781 flowering cannabis plants occurs. If the surface area of the  
1782 plant canopy consists of noncontiguous areas, each component area  
1783 must be separated by identifiable boundaries. If a tiered or  
1784 shelving system is used in the cultivation area the surface area  
1785 of each tier or shelf must be included in calculating the area of  
1786 the plant canopy. Calculation of the area of the plant canopy may  
1787 not include the areas within the cultivation area that are used to  
1788 cultivate immature cannabis plants and seedlings, prior to  
1789 flowering, and that are not used at any time to cultivate mature  
1790 cannabis plants.

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

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

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

1801 (i) A mechanical extraction process;

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

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

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

1810 (i) Cancer, Parkinson's disease, Huntington's  
1811 disease, muscular dystrophy, glaucoma, spastic quadriplegia,  
1812 positive status for human immunodeficiency virus (HIV), acquired  
1813 immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral  
1814 sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell  
1815 anemia, Alzheimer's disease, agitation of dementia, post-traumatic  
1816 stress disorder (PTSD), autism, pain refractory to appropriate  
1817 opioid management, diabetic/peripheral neuropathy, spinal cord  
1818 disease or severe injury, or the treatment of these conditions;

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

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

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

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

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

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

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

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

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

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

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

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

1861                   (i) Contain or are infused with cannabis or an  
1862 extract thereof;

1863                   (ii) Are intended for human consumption by oral  
1864 ingestion; and

1865                   (iii) Are presented in the form of foodstuffs,  
1866 beverages, extracts, oils, tinctures, lozenges and other similar  
1867 products.

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

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

1873 (i) Three and one-half (3.5) grams of medical  
1874 cannabis flower;

1875 (ii) One (1) gram of medical cannabis concentrate;

1876 or

1877 (iii) One hundred (100) milligrams of THC in an  
1878 infused product.

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

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

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

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

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

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

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

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

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

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

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

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

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

1926 ( \* \* \*ff) "Practitioner" means a physician, certified  
1927 nurse practitioner, physician assistant or optometrist who is  
1928 licensed to prescribe medicine under the licensing requirements of  
1929 their respective occupational boards and the laws of this state.  
1930 In relation to a nonresident cardholder, the term means a  
1931 physician, certified nurse practitioner, physician assistant or  
1932 optometrist who is licensed to prescribe medicine under the  
1933 licensing requirements of their respective occupational boards and  
1934 under the laws of the state or territory in which the nonresident  
1935 patient resides. For registered qualifying patients who are  
1936 minors, "practitioner" shall mean a physician or doctor of  
1937 osteopathic medicine who is licensed to prescribe medicine under  
1938 the licensing requirements of their respective occupational boards  
1939 and the laws of this state.

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



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

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

1954 ( \* \* \*jj) "School" means an institution for the  
1955 teaching of children, consisting of a physical location, whether  
1956 owned or leased, including instructional staff members and  
1957 students, and which is in session each school year. This  
1958 definition shall include, but not be limited to, public, private,  
1959 church and parochial programs for kindergarten, elementary, junior  
1960 high and high schools. Such term shall not mean a home  
1961 instruction program.

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

1970 ( \* \* \*ll) "THC" or "Tetrahydrocannabinol" means any  
1971 and all forms of tetrahydrocannabinol that are contained naturally  
1972 in the cannabis plant, as well as synthesized forms of THC and

1973 derived variations, derivatives, isomers and allotropes that have  
1974 similar molecular and physiological characteristics of  
1975 tetrahydrocannabinol, including, but not limited to, THCA, THC  
1976 Delta 9, THC Delta 8, THC Delta 10 and THC Delta 6.

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

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

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

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

1987 (iv) The practitioner's signature.

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

1990 41-137-57. (1) The cultivation, processing, sale and  
1991 distribution of medical cannabis and cannabis products, as  
1992 performed in accordance to the provisions of this chapter, shall  
1993 be legal in every county and municipality of this state unless a  
1994 county or municipality opts out through a vote by the board of  
1995 supervisors of the county or governing authorities of the  
1996 municipality, as applicable, within ninety (90) days after  
1997 February 2, 2022. The governing authorities of the municipality  
1998 or the board of supervisors of the county, as applicable, shall

1999 provide a notice in accordance with the Open Meetings Act (Section  
2000 25-41-1 et seq.) of its intent of holding a vote regarding opting  
2001 out of allowing the cultivation, processing, sale and/or  
2002 distribution of medical cannabis and cannabis products, as  
2003 applicable. The governing authorities of the municipality or the  
2004 board of supervisors of the county, as applicable, may opt out of  
2005 allowing one or more of the following: cultivation, processing,  
2006 sale or distribution of medical cannabis and cannabis products.  
2007 The governing authorities of a municipality, by a vote entered  
2008 upon their minutes, may opt out of allowing the cultivation,  
2009 processing, sale and/or distribution of medical cannabis and  
2010 cannabis products, as applicable, in the municipality. The board  
2011 of supervisors of a county, by a vote entered upon its minutes,  
2012 may opt out of allowing the cultivation, processing, sale and/or  
2013 distribution of medical cannabis and cannabis products, as  
2014 applicable, in the unincorporated areas of the county.

2015 (2) If the board of supervisors of a county or the governing  
2016 authorities of a municipality do not opt out of allowing the  
2017 cultivation, processing, sale and/or distribution of medical  
2018 cannabis and cannabis products, as applicable, within ninety (90)  
2019 days after February 2, 2022, then no vote by the board of  
2020 supervisors or governing authorities, as applicable, may be held  
2021 to so opt out, and the provisions of this chapter shall remain  
2022 applicable and operative in the county or municipality, as  
2023 applicable. If the board of supervisors of a county or governing  
2024 authorities of a municipality have opted out of allowing the

2025 cultivation, processing, sale and/or distribution of medical  
2026 cannabis and cannabis products, as applicable, then the board of  
2027 supervisors or governing authorities of a municipality may later  
2028 opt in regarding the same through a vote by the board of  
2029 supervisors or governing authorities, as applicable, entered upon  
2030 its or their minutes, or an election duly held according to  
2031 subsection (3) or (4) of this section, as applicable.

2032           (3) (a) Upon presentation and filing of a proper petition  
2033 requesting that the cultivation, processing, sale and/or  
2034 distribution of medical cannabis and cannabis products, as  
2035 applicable, be legal in the unincorporated areas of the county  
2036 signed by at least twenty percent (20%) or fifteen hundred (1500),  
2037 whichever number is the lesser, of the qualified electors of the  
2038 county, it shall be the duty of the board of supervisors to call  
2039 an election at which there shall be submitted to the qualified  
2040 electors of the county the question of whether or not the  
2041 cultivation, processing, sale and/or distribution of medical  
2042 cannabis and cannabis products, as applicable, shall be legal in  
2043 the unincorporated areas of such county as provided in this  
2044 chapter. Such election shall be held and conducted by the county  
2045 election commissioners on a date fixed by the order of the board  
2046 of supervisors, which date shall not be more than sixty (60) days  
2047 from the date of the filing of the petition. Notice thereof shall  
2048 be given by publishing such notice once each week for at least  
2049 three (3) consecutive weeks in some newspaper published in the  
2050 county or if no newspaper be published therein, by such

2051 publication in a newspaper in an adjoining county and having a  
2052 general circulation in the county involved. The election shall be  
2053 held not earlier than fifteen (15) days from the first publication  
2054 of such notice.

2055 (b) The election shall be held and conducted as far as  
2056 may be possible in the same manner as is provided by law for the  
2057 holding of general elections. The ballots used at the election  
2058 shall contain a brief statement of the proposition submitted and,  
2059 on separate lines, the words "I vote FOR allowing the cultivation,  
2060 processing, sale and/or distribution of medical cannabis and  
2061 cannabis products, as applicable, in the unincorporated areas of  
2062 \_\_\_\_\_ [Name of County] ( )" or "I vote AGAINST allowing the  
2063 cultivation, processing, sale and/or distribution of medical  
2064 cannabis and cannabis products, as applicable, in the  
2065 unincorporated areas of \_\_\_\_\_ [Name of County] ( )" with  
2066 appropriate boxes in which the voters may express their choice.  
2067 All qualified electors may vote by marking the ballot with a cross  
2068 (x) or check (√) mark opposite the words of their choice.

2069 (c) The election commissioners shall canvass and  
2070 determine the results of the election and shall certify the same  
2071 to the board of supervisors which shall adopt and spread upon its  
2072 minutes an order declaring such results. If, in such election, a  
2073 majority of the qualified electors participating therein vote in  
2074 favor of allowing the cultivation, processing, sale and/or  
2075 distribution of medical cannabis and cannabis products, as  
2076 applicable, in the unincorporated areas of the county, this

2077 chapter shall be applicable and operative in the unincorporated  
2078 areas of such county, and the cultivation, processing, sale and/or  
2079 distribution of medical cannabis and cannabis products, as  
2080 applicable, in the unincorporated areas of the county shall be  
2081 lawful to the extent and in the manner permitted in this chapter.  
2082 If, on the other hand, a majority of the qualified electors  
2083 participating in the election vote against allowing the  
2084 cultivation, processing, sale and/or distribution of medical  
2085 cannabis and cannabis products, as applicable, then it shall be  
2086 illegal to cultivate, process, sell and/or distribute medical  
2087 cannabis and cannabis products, as applicable, in the  
2088 unincorporated areas of the county. In either case, no further  
2089 election shall be held in the county under the provisions of this  
2090 section for a period of two (2) years from the date of the prior  
2091 election and then only upon the filing of a petition requesting  
2092 same signed by at least twenty percent (20%) or fifteen hundred  
2093 (1500), whichever number is the lesser, of the qualified electors  
2094 of the county as provided in this section.

2095 (4) (a) Upon presentation and filing of a proper petition  
2096 requesting that the cultivation, processing, sale and/or  
2097 distribution of medical cannabis and cannabis products, as  
2098 applicable, be legal in the municipality signed by at least twenty  
2099 percent (20%) or fifteen hundred (1500), whichever number is the  
2100 lesser, of the qualified electors of the municipality, it shall be  
2101 the duty of the governing authorities of the municipality to call  
2102 an election at which there shall be submitted to the qualified

2103 electors of the municipality the question of whether or not the  
2104 cultivation, processing, sale and/or distribution of medical  
2105 cannabis and cannabis products, as applicable, shall be legal in  
2106 the municipality as provided in this chapter. Such election shall  
2107 be held and conducted on a date fixed by the order of the  
2108 governing authorities of the municipality, which date shall not be  
2109 more than sixty (60) days from the date of the filing of the  
2110 petition. Notice thereof shall be given by publishing such notice  
2111 once each week for at least three (3) consecutive weeks in some  
2112 newspaper published in the municipality or if no newspaper be  
2113 published therein, by such publication in a newspaper having a  
2114 general circulation in the municipality involved. The election  
2115 shall be held not earlier than fifteen (15) days from the first  
2116 publication of such notice.

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

2129 the ballot with a cross (x) or check (√) mark opposite the words  
2130 of their choice.

2131 (c) The election commissioners shall canvass and  
2132 determine the results of the election and shall certify the same  
2133 to the governing authorities which shall adopt and spread upon  
2134 their minutes an order declaring such results. If, in such  
2135 election, a majority of the qualified electors participating  
2136 therein vote in favor of allowing the cultivation, processing,  
2137 sale and/or distribution of medical cannabis and cannabis  
2138 products, as applicable, this chapter shall be applicable and  
2139 operative in such municipality and the cultivation, processing,  
2140 sale, and/or distribution of medical cannabis and cannabis  
2141 products, as applicable, therein shall be lawful to the extent and  
2142 in the manner permitted in this chapter. If, on the other hand, a  
2143 majority of the qualified electors participating in the election  
2144 vote against allowing the cultivation, processing, sale and/or  
2145 distribution of medical cannabis and cannabis products, as  
2146 applicable, then it shall be illegal to cultivate, process, sell  
2147 and/or distribute medical cannabis and cannabis products, as  
2148 applicable, in the municipality. In either case, no further  
2149 election shall be held in the municipality under the provisions of  
2150 this section for a period of two (2) years from the date of the  
2151 prior election and then only upon the filing of a petition  
2152 requesting same signed by at least twenty percent (20%) or fifteen  
2153 hundred (1500), whichever number is the lesser, of the qualified  
2154 electors of the municipality as provided in this section.



2155 (5) Regardless of whether a county or municipality opts out  
2156 of allowing the cultivation, processing, sale and/or distribution  
2157 of medical cannabis and cannabis products, cardholders, cannabis  
2158 testing facilities, cannabis research facilities, cannabis  
2159 transportation entities and cannabis disposal entities may possess  
2160 medical cannabis in the municipality or county if done in  
2161 accordance with this chapter.

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

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

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

2181 applicable to all real property within the respective boundaries  
2182 of the county or municipality in such district.

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

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

1         AN ACT TO AMEND SECTION 41-137-5, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE A PRACTITIONER TO ASSIST A PATIENT IN REGISTERING FOR  
3 A REGISTRY IDENTIFICATION CARD WITH THE DEPARTMENT OF HEALTH AFTER  
4 THE PRACTITIONER HAS ISSUED A WRITTEN CERTIFICATION TO THE  
5 PATIENT; TO PROVIDE THAT THE REQUIREMENTS OF THIS SECTION SHALL  
6 NOT APPLY TO A PERSON WHO IS AUTHORIZED TO PURCHASE TOPICAL  
7 CANNABIS, AND SUCH PERSONS MAY POSSESS AND USE SUCH PRODUCTS  
8 WITHOUT BEING IN VIOLATION OF THIS CHAPTER; TO PROHIBIT ANY STATE  
9 AGENCY, DEPARTMENT, POLITICAL SUBDIVISION OR BOARD FROM REQUIRING  
10 A PRACTITIONER TO REQUIRE A PATIENT TO SUBMIT TO A DRUG TEST AS A  
11 CONDITION TO RECEIVING A CERTIFICATION FOR A REGISTRY  
12 IDENTIFICATION CARD; TO PROVIDE THAT A PRACTITIONER SHALL NOT BE  
13 REQUIRED TO HAVE ANY ADDITIONAL QUALIFICATIONS TO BE AUTHORIZED TO  
14 CERTIFY A QUALIFYING PATIENT FOR A REGISTRY IDENTIFICATION CARD;  
15 TO PROVIDE THAT A PRACTITIONER SHALL NOT BE REQUIRED TO BE  
16 REGISTERED TO CERTIFY PATIENTS WITH ANY STATE AGENCY OR BOARD  
17 OTHER THAN THE MDOH; TO PROVIDE THAT QUALIFYING PATIENTS MAY MAKE  
18 A FOLLOW-UP VISIT WITH A DIFFERENT PRACTITIONER THAN THE  
19 PRACTITIONER WHO ORIGINALLY ISSUED THEIR WRITTEN CERTIFICATION,  
20 PROVIDED THAT SUCH PRACTITIONER IS OTHERWISE REGISTERED AND ACTING  
21 WITHIN THEIR SCOPE OF PRACTICE AND THE PROVISIONS OF THE LAW; TO  
22 AMEND SECTION 41-137-23, MISSISSIPPI CODE OF 1972, TO REQUIRE MDOH  
23 TO VERIFY THE INFORMATION CONTAINED IN A REGISTRY IDENTIFICATION  
24 CARD APPLICATION OR RENEWAL AND APPROVE OR DENY AN APPLICATION OR  
25 RENEWAL WITHIN TEN DAYS OF RECEIVING A COMPLETED APPLICATION OR  
26 RENEWAL APPLICATION; TO PROVIDE THAT A MEDICAL CANNABIS WRITTEN  
27 CERTIFICATION ISSUED BY A PRACTITIONER SHALL BE VALID FOR THE SIX  
28 MONTHS IMMEDIATELY PRECEDING THE DATE OF APPLICATION; TO AMEND  
29 SECTION 41-137-35, MISSISSIPPI CODE OF 1972, TO CAP THE CANNABIS  
30 CULTIVATION FACILITY TIER 6 TO NOT MORE THAN 150,000 SQUARE FEET;  
31 TO AUTHORIZE AN INDIVIDUAL OR BUSINESS ENTITY TO HAVE AN OWNERSHIP  
32 OR ECONOMIC INTEREST IN A MEDICAL CANNABIS TESTING FACILITY AND A  
33 CANNABIS TRANSPORTATION ENTITY; TO PROVIDE THAT MDOH MAY CONTRACT  
34 WITH A PRIVATE LABORATORY FOR THE PURPOSE OF CONDUCTING COMPLIANCE  
35 TESTING OVERSIGHT OF MEDICAL CANNABIS; TO AMEND SECTION 41-137-39,  
36 MISSISSIPPI CODE OF 1972, TO REQUIRE A PROSPECTIVE EMPLOYEE TO  
37 UNDERGO A FINGERPRINT-BASED BACKGROUND CHECK BY THE DEPARTMENT OF  
38 PUBLIC SAFETY; TO REQUIRE A SUBSEQUENT BACKGROUND CHECK TO BE

39 CONDUCTED ON PROSPECTIVE EMPLOYEES IF THEY DO NOT START EMPLOYMENT  
40 WITH AN ENTITY FOR SIX MONTHS; TO AUTHORIZE ANY TOPICAL CANNABIS  
41 PRODUCT THAT IS PURCHASED BY A DISPENSARY FROM A LICENSED  
42 PROCESSOR, AND THAT IS NOT INGESTED BY THE LIVER, TO BE SOLD TO A  
43 CARDHOLDER OR ANY PERSON OVER THE AGE OF TWENTY-ONE WHO IS NOT A  
44 CARDHOLDER; TO AMEND SECTION 41-137-41, MISSISSIPPI CODE OF 1972,  
45 TO AUTHORIZE DISPENSARY WEBSITES TO DISPLAY PICTURES OF THE  
46 PRODUCTS THAT THE DISPENSARY SELLS; TO PROHIBIT A STATE AGENCY OR  
47 BOARD FROM IMPLEMENTING ANY RULE, REGULATION, POLICY OR  
48 REQUIREMENT THAT IS CONTRARY TO THE PROVISIONS OF THE MISSISSIPPI  
49 MEDICAL CANNABIS ACT; TO AMEND SECTION 41-137-47, MISSISSIPPI CODE  
50 OF 1972, TO AUTHORIZE LICENSING AGENCIES TO DENY THE APPLICATION  
51 OF ANY APPLICANT WHO FAILS TO MEET THE QUALIFICATIONS FOR  
52 OBTAINING SUCH LICENSE; TO ESTABLISH CERTAIN APPEAL PROCEDURES FOR  
53 DENIALS; TO PROVIDE THAT ANY ONGOING INVESTIGATION BY A LICENSING  
54 AGENCY UNDER THIS SECTION SHALL BE CONSIDERED CONFIDENTIAL AND  
55 EXEMPT FROM DISCLOSURE UNDER THE MISSISSIPPI PUBLIC RECORDS ACT;  
56 TO AMEND SECTION 41-137-49, MISSISSIPPI CODE OF 1972, TO PROVIDE  
57 THAT THE ADDRESSES OF PROSPECTIVE AND LICENSED MEDICAL CANNABIS  
58 ESTABLISHMENTS, EXCEPT FOR MEDICAL CANNABIS DISPENSARIES, SHALL BE  
59 CONSIDERED CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE  
60 MISSISSIPPI PUBLIC RECORDS ACT; TO AMEND SECTION 41-137-59,  
61 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE JUDICIAL REVIEW OF  
62 AN APPEAL FROM A FINAL DECISION OR ORDER OF AN AGENCY UNDER THE  
63 PROVISIONS OF THE MEDICAL CANNABIS ACT SHALL BE BASED ON THE  
64 RECORD MADE BEFORE THE AGENCY; TO AMEND SECTION 41-137-63,  
65 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL FOR THE  
66 MEDICAL CANNABIS ADVISORY COMMITTEE; TO AMEND SECTION 41-29-153,  
67 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CONTROLLED SUBSTANCES  
68 AND RAW MATERIALS WHICH HAVE BEEN USED IN VIOLATION OF THE MEDICAL  
69 CANNABIS ACT MAY BE SUBJECT TO FORFEITURE; TO EMPOWER LAW  
70 ENFORCEMENT OFFICERS OF THE MISSISSIPPI DEPARTMENT OF REVENUE OR  
71 MISSISSIPPI DEPARTMENT OF HEALTH ACTING WITH THEIR DUTIES IN  
72 ACCORDANCE WITH THE MISSISSIPPI MEDICAL CANNABIS ACT TO SEIZE SUCH  
73 SUBJECTS; TO AMEND SECTION 41-29-154, MISSISSIPPI CODE OF 1972, TO  
74 EMPOWER LAW ENFORCEMENT OFFICERS OF THE MISSISSIPPI DEPARTMENT OF  
75 REVENUE OR MISSISSIPPI DEPARTMENT OF HEALTH ACTING WITH THEIR  
76 DUTIES IN ACCORDANCE WITH THE MISSISSIPPI MEDICAL CANNABIS ACT TO  
77 DESTROY ANY CONTROLLED SUBSTANCES OR PARAPHERNALIA SEIZED UNDER  
78 THEIR AUTHORITY; TO AMEND SECTION 25-53-1, MISSISSIPPI CODE OF  
79 1972, TO EXTEND THE DATE OF REPEAL THAT ALLOWS AN EXEMPTION TO ITS  
80 OVERSIGHT FOR THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF  
81 REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND  
82 ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT;  
83 TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY  
84 SENATE BILL NO. 2728, 2023 REGULAR SESSION, TO EXTEND THE DATE OF  
85 REPEAL THAT ALLOWS AN EXEMPTION TO ITS PROCUREMENT PROCEDURES FOR  
86 THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE FOR THE  
87 PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE  
88 PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT; TO CREATE NEW  
89 SECTION 73-21-127.1, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
90 PRESCRIPTION MONITORING PROGRAM TO ISSUE AN ANNUAL REPORT TO THE

91 LEGISLATURE THAT INDICATES THE NUMBER OF OPIOID PRESCRIPTIONS THAT  
92 WERE PROVIDED TO PATIENTS DURING THAT YEAR; TO AMEND SECTION  
93 41-137-3, MISSISSIPPI CODE OF 1972, TO ADD THE DEFINITION OF THE  
94 TERMS ARTIFICIALLY DERIVED CANNABINOID, CANNABINOID AND CANNABIS  
95 WASTE; TO AMEND SECTION 41-137-57, MISSISSIPPI CODE OF 1972, TO  
96 PROVIDE THAT IN ANY COUNTY OR MUNICIPALITY IN WHICH REAL PROPERTY  
97 IS OWNED, LEASED OR OTHERWISE CONTROLLED BY A WATERWAY DISTRICT OR  
98 WATER MANAGEMENT DISTRICT CREATED IN TITLE 51, MISSISSIPPI CODE OF  
99 1972, THE DECISION OF THE COUNTY OR MUNICIPALITY TO OPT OUT OR OPT  
100 IN OF ALLOWING MEDICAL CANNABIS ENTITIES SHALL BE BINDING ON ALL  
101 REAL PROPERTY IN SUCH DISTRICT; TO PROVIDE THAT THE ORDINANCES OF  
102 A COUNTY OR MUNICIPALITY RELATED TO THE PROVISIONS THE MEDICAL  
103 CANNABIS LAW SHALL BE APPLICABLE TO ALL REAL PROPERTY WITHIN THE  
104 BOUNDARIES OF THE COUNTY OR MUNICIPALITY IN SUCH DISTRICT; AND FOR  
105 RELATED PURPOSES.

SS26\HB1158PS.J

Eugene S. Clarke  
Secretary of the Senate