

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1158

BY: Senator(s) Blackwell

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

108 **SECTION 1.** Section 41-137-5, Mississippi Code of 1972, is
109 amended as follows:
110 41-137-5. (1) No person shall be authorized to use medical
111 cannabis in this state unless the person (a) has been diagnosed by
112 a practitioner, with whom the person has a bona fide
113 practitioner-patient relationship within his or her scope of
114 practice, as having a debilitating medical condition for which the
115 practitioner believes, in his or her professional opinion, that
116 the person would likely receive medical or palliative benefit from
117 the medical use of medical cannabis to treat or alleviate the



118 person's debilitating medical condition or symptoms associated
119 with the person's debilitating medical condition, (b) has received
120 a written certification of that diagnosis from the practitioner,
121 and (c) has been issued a registry identification card from the
122 MDOH under Section 41-137-23. A person who has been diagnosed by
123 a practitioner as specified in paragraph (a) of this subsection
124 shall be a qualifying patient, and the practitioner who has
125 diagnosed the patient shall document that diagnosis with a written
126 certification. However, nothing herein shall require a
127 practitioner to issue a written certification.

128 (2) A written certification shall:

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

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

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

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

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

140 (3) No state agency, department, political subdivision or
141 board shall require a practitioner to require a patient to submit
142 to a drug test as a condition to receiving a certification for a



143 registry identification card. However, a practitioner may require
144 a drug test from a patient that is within his or her scope of
145 practice.

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

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

164 (* * *6) Before dispensing medical cannabis to a
165 cardholder, the dispensary from which the cardholder is obtaining
166 medical cannabis shall verify the identity of the cardholder and
167 the authority of the cardholder to use medical cannabis as



168 provided in Section 41-137-39 and shall determine the maximum
169 amount of medical cannabis that a cardholder is eligible to
170 receive and the amount of medical cannabis that the cardholder has
171 received from all dispensaries during a specified period of time
172 using the statewide seed-to-sale tracking system under Section
173 41-137-11.

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

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

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



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

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

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

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

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

207 (b) The application or renewal fee;

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

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

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



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

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

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

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

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

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

238 (b) The MDOH shall require that the prospective
239 designated caregiver or caregiver's applicant apply for or
240 authorize the division to obtain state and national criminal



241 background checks to be conducted by the Mississippi Justice
242 Information Center of the Department of Public Safety and the
243 Federal Bureau of Investigation.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



291 (a) Did not provide the required information or
292 materials;
293 (b) Previously had a registry identification card
294 revoked;
295 (c) Provided false information; or
296 (d) Failed to meet the other requirements of this
297 chapter.

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

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

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



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

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

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

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

328 (a) Micro-cultivators.

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

334 (ii) Tier 2. A cannabis cultivation facility with
335 a canopy of more than one thousand (1,000) square feet but not
336 more than two thousand (2,000) square feet shall be subject to a
337 one-time nonrefundable license application fee of Two Thousand
338 Five Hundred Dollars (\$2,500.00). The annual license fee shall be
339 a nonrefundable fee of Three Thousand Five Hundred Dollars
340 (\$3,500.00).



341 (b) Cultivators.

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

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

354 (iii) Tier 3. A cannabis cultivation facility
355 with a canopy of not less than fifteen thousand (15,000) square
356 feet but not more than thirty thousand (30,000) square feet shall
357 be subject to a one-time nonrefundable license application fee of
358 Twenty Thousand Dollars (\$20,000.00). The annual license fee
359 shall be a nonrefundable fee of Fifty Thousand Dollars
360 (\$50,000.00).

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



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

367 (v) Tier 5. A cannabis cultivation facility with
368 a canopy of not less than sixty thousand (60,000) square feet but
369 not more than one hundred thousand (100,000) square feet shall be
370 subject to a one-time nonrefundable license application fee of
371 Forty Thousand Dollars (\$40,000.00). The annual license fee shall
372 be a nonrefundable fee of One Hundred Thousand Dollars
373 (\$100,000.00).

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

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

386 (a) Micro-processors.

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



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

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

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

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

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



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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

498 5. Is serving as a member of the Mississippi
499 Senate or Mississippi House of Representatives through December
500 31, 2022; and

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

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

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



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

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

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

522 This subsection (11) shall stand repealed on December 31,
523 2022.

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

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

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

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



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

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

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

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

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

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

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



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

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

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

568 (a) An application, including:

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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



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

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

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

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

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

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



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

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

865 (i) Oversight requirements;

866 (ii) Recordkeeping requirements;

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

922 2. Disclosure of ingredients and possible
923 allergens;

924 3. A nutritional fact panel;

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

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



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

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

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

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

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

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

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

945 a. The qualifying patient registry
946 identification card application fee shall be Twenty-five Dollars
947 (\$25.00);

948 b. The designated caregiver registry
949 identification card application fee shall be Twenty-five Dollars
950 (\$25.00);

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



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

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

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

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

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

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

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



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

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

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

- 998 (a) Unsupported by substantial evidence;
999 (b) Arbitrary or capricious;
1000 (c) Beyond the power of the administrative agency to
1001 make; or



1002 (d) Violated some statutory or constitutional right of
1003 the aggrieved party.

1004 If the licensee or applicant fails to appeal the initial
1005 notice within the prescribed time, the decision becomes final and
1006 cannot be further appealed.

1007 (2) The licensing agency shall provide its initial notice of
1008 suspension, revocation, fine or other sanction by personal
1009 delivery or mailing by certified mail, signature required, to the
1010 medical cannabis establishment at the address on the registration
1011 certificate. A suspension shall not be for a longer period than
1012 six (6) months. The licensing agency shall provide its initial
1013 notice of denial by personal delivery, mailing by certified mail,
1014 signature required, or by electronic mail to the applicant at the
1015 physical or electronic address listed in its application.

1016 (3) A medical cannabis establishment may continue to possess
1017 and cultivate cannabis as otherwise authorized to do so under its
1018 license during a suspension, but it may not dispense, transfer or
1019 sell cannabis.

1020 (4) The MDOH shall immediately revoke the registry
1021 identification card of any cardholder who sells or otherwise
1022 transfers medical cannabis to a person or other entity, and the
1023 cardholder shall be disqualified from further participation in the
1024 medical cannabis program under this chapter.



1025 (5) Except as otherwise provided in subsection (4) of this
1026 section, the MDOH may revoke the registry identification card of
1027 any cardholder who knowingly commits a violation of this chapter.

1028 (6) The hearing decision of the agency on a denial,
1029 revocation, suspension or fine is a final decision of the
1030 applicable agency subject to judicial review in accordance with
1031 Section 41-137-59.

1032 (7) No license issued by the MDOH or MDOR shall be
1033 transferred by the license holder to any other person or entity
1034 except with the written consent of the applicable licensing
1035 agency.

1036 (8) Any investigation, fine, suspension or revocation by a
1037 licensing agency under this section shall be considered
1038 confidential and exempt from disclosure under the Mississippi
1039 Public Records Act of 1983, Sections 25-61-1 through 25-61-17.
1040 This exemption shall not apply after such time that the licensing
1041 agency has rendered its final disposition and all appeals are
1042 exhausted.

1043 **SECTION 7.** Section 41-137-49, Mississippi Code of 1972, is
1044 amended as follows:

1045 41-137-49. (1) Data in license and registration
1046 applications and supporting data submitted by registered
1047 qualifying patients, registered designated caregivers, medical
1048 cannabis establishments and nonresident cardholders, including
1049 data on registered designated caregivers and practitioners, shall



1050 be considered private data on individuals that is confidential and
1051 exempt from disclosure under the Mississippi Public Records Act of
1052 1983, Sections 25-61-1 through 25-61-17.

1053 (2) Data kept or maintained by an agency shall not be used
1054 for any purpose not provided for in this chapter and shall not be
1055 combined or linked in any manner with any other list or database.

1056 (3) Data kept or maintained by an agency may be disclosed as
1057 necessary for:

1058 (a) The verification of registration certificates and
1059 registry identification cards under this chapter;

1060 (b) Submission of the annual report required by this
1061 chapter;

1062 (c) Notification of state or local law enforcement of
1063 apparent criminal violations of this chapter;

1064 (d) Notification of state and local law enforcement
1065 about falsified or fraudulent information submitted for purposes
1066 of obtaining or renewing a registry identification card; or

1067 (e) Notification of the State Board of Medical
1068 Licensure or other occupational or professional licensing board or
1069 entity if there is reason to believe that a practitioner provided
1070 a written certification in violation of this chapter, or if the
1071 MDOH has reason to believe the practitioner otherwise violated the
1072 standard of care for evaluating medical conditions.

1073 (4) Any information kept or maintained by medical cannabis
1074 establishments must identify cardholders by their registry



1075 identification numbers and must not contain names or other
1076 personally identifying information.

1077 (5) At a cardholder's request, the MDOH may confirm the
1078 cardholder's status as a registered qualifying patient or a
1079 registered designated caregiver to a third party, such as a
1080 landlord, school, medical professional, or court.

1081 (6) Any agency hard drives or other data-recording media
1082 that are no longer in use and that contain cardholder information
1083 shall be destroyed.

1084 (7) The addresses of prospective and licensed medical
1085 cannabis establishments, except for medical cannabis dispensaries,
1086 shall be considered confidential and exempt from disclosure under
1087 the Mississippi Public Records Act of 1983, Sections 25-61-1
1088 through 25-61-17.

1089 **SECTION 8.** Section 41-137-59, Mississippi Code of 1972, is
1090 amended as follows:

1091 41-137-59. (1) Any person or entity aggrieved by a final
1092 decision or order of an agency under the provisions of this
1093 chapter may petition for judicial review of the final decision or
1094 order.

1095 (2) (a) The petition shall be filed within twenty (20) days
1096 after the issuance of the agency's final decision or order. The
1097 petition shall be filed in the circuit court of the county in
1098 which the appellant resides. If the appellant is a nonresident of



1099 this state, the appeal shall be made to the Circuit Court of the
1100 First Judicial District of Hinds County, Mississippi.

1101 (b) The review by the circuit court shall be based on
1102 the record made before the agency. Before filing a petition under
1103 subsection (1) of this section, a petitioner shall obtain from the
1104 agency an estimate of the cost to prepare the entire record of the
1105 agency and shall pay to the agency the amount of the estimate.
1106 The circuit court shall dismiss with prejudice any petition filed
1107 where it is shown that the petitioner failed to pay prior to
1108 filing the petition the estimate cost for preparation of the
1109 record.

1110 (* * *c) Any person or entity aggrieved by the
1111 decision of the circuit court may appeal to the Mississippi
1112 Supreme Court.

1113 **SECTION 9.** Section 41-137-63, Mississippi Code of 1972, is
1114 amended as follows:

1115 41-137-63. (1) (a) There is established a Medical Cannabis
1116 Advisory Committee, which shall be the committee that is required
1117 to advise the Legislature about medical cannabis and cannabis
1118 product, patient care, services and industry.

1119 (b) The advisory committee shall consist of nine (9)
1120 members, as follows:

1121 (i) The Governor shall appoint three (3) members
1122 to the committee, as follows:

1123 1. One (1) representative from the MDOH;



1124 2. One (1) registered qualifying patient; and
1125 3. One (1) physician with experience in
1126 medical cannabis issues;

1127 (ii) The Lieutenant Governor shall appoint three
1128 (3) members, as follows:

1129 1. One (1) owner or agent of a medical
1130 cannabis cultivation facility;

1131 2. One (1) representative from the MDOH; and

1132 3. One (1) qualified certified nurse
1133 practitioner, physician assistant or optometrist;

1134 (iii) The Speaker of the House shall appoint three
1135 (3) members, as follows:

1136 1. One (1) owner or agent of a medical
1137 cannabis processing facility;

1138 2. One (1) owner or agent of a medical
1139 cannabis dispensary; and

1140 3. One (1) representative from the MDOR.

1141 (c) The advisory committee shall meet at least two (2)
1142 times per year for the purpose of evaluating and making
1143 recommendations to the Legislature and the MDOH and MDOR
1144 regarding:

1145 (i) The ability of qualifying patients in all
1146 areas of the state to obtain timely access to high-quality medical
1147 cannabis;



1148 (ii) The effectiveness of the medical cannabis
1149 establishments in serving the needs of registered qualifying
1150 patients, including the provision of educational and support
1151 services by dispensaries, the reasonableness of their prices,
1152 security issues, and the sufficiency of the number operating to
1153 serve the state's registered qualifying patients;

1154 (iii) The effectiveness of the cannabis testing
1155 facilities, including whether a sufficient number are operating;

1156 (iv) The sufficiency of the regulatory and
1157 security safeguards contained in this chapter and adopted by the
1158 MDOH to ensure that access to and use of cannabis cultivated is
1159 provided only to cardholders;

1160 (v) Any recommended additions or revisions to the
1161 MDOH and MDOR rules and regulations or this chapter, including
1162 relating to security, safe handling, labeling, nomenclature, and
1163 whether additional types of licenses should be made available; and
1164 (vi) Any research studies regarding health effects
1165 of medical cannabis for patients.

1166 (d) The advisory committee shall accept public comment
1167 in writing and in-person at least once per year. The advisory
1168 committee shall meet at least two (2) times per year and advisory
1169 committee members shall be furnished written notice of the
1170 meetings at least ten (10) days before the date of the meeting.



1171 (e) The chairman of the advisory committee shall be
1172 elected by the voting members of the committee annually and shall
1173 not serve more than two (2) consecutive years as chairman.

1174 (f) The members of the advisory committee specified in
1175 paragraph (b) of this subsection shall serve for terms that are
1176 concurrent with the terms of members of the Legislature, and any
1177 member appointed under paragraph (b) may be reappointed to the
1178 advisory committee. The members of the advisory committee
1179 specified in paragraph (b) shall serve without compensation, but
1180 shall receive reimbursement to defray actual expenses incurred in
1181 the performance of committee business as authorized by law.

1182 (2) This section shall stand repealed on December 31, * * *
1183 2026.

1184 **SECTION 10.** Section 41-29-153, Mississippi Code of 1972, is
1185 amended as follows:

1186 41-29-153. (a) The following are subject to forfeiture:

1187 (1) All controlled substances which have been
1188 manufactured, distributed, dispensed or acquired in violation of
1189 this article or in violation of Article 5 of this chapter or
1190 Chapter 137 of this title;

1191 (2) All raw materials, products and equipment of any
1192 kind which are used, or intended for use, in manufacturing,
1193 compounding, processing, delivering, importing, or exporting any
1194 controlled substance in violation of this article or in violation
1195 of Article 5 of this chapter or Chapter 137 of this title;



1196 (3) All property which is used, or intended for use, as
1197 a container for property described in paragraph (1) or (2) of this
1198 subsection;

1199 (4) All conveyances, including aircraft, vehicles or
1200 vessels, which are used, or intended for use, to transport, or in
1201 any manner to facilitate the transportation, sale, receipt,
1202 possession or concealment of property described in paragraph (1)
1203 or (2) of this subsection, however:

1204 A. No conveyance used by any person as a common
1205 carrier in the transaction of business as a common carrier is
1206 subject to forfeiture under this section unless it appears that
1207 the owner or other person in charge of the conveyance is a
1208 consenting party or privy to a violation of this article;

1209 B. No conveyance is subject to forfeiture under
1210 this section by reason of any act or omission proved by the owner
1211 thereof to have been committed or omitted without his knowledge or
1212 consent; if the confiscating authority has reason to believe that
1213 the conveyance is a leased or rented conveyance, then the
1214 confiscating authority shall notify the owner of the conveyance
1215 within five (5) days of the confiscation;

1216 C. A forfeiture of a conveyance encumbered by a
1217 bona fide security interest is subject to the interest of the
1218 secured party if he neither had knowledge of nor consented to the
1219 act or omission;



1220 D. A conveyance is not subject to forfeiture for a
1221 violation of Section 41-29-139(c) (2) (A) 1, 2 or (B)1 or (C)1, 2,
1222 3;

1223 (5) All money, deadly weapons, books, records, and
1224 research products and materials, including formulas, microfilm,
1225 tapes and data which are used, or intended for use, in violation
1226 of this article or in violation of Article 5 of this chapter or
1227 Chapter 137 of this title;

1228 (6) All drug paraphernalia as defined in Section
1229 41-29-105(v); and

1230 (7) Everything of value, including real estate,
1231 furnished, or intended to be furnished, in exchange for a
1232 controlled substance in violation of this article, all proceeds
1233 traceable to such an exchange, and all monies, negotiable
1234 instruments, businesses or business investments, securities, and
1235 other things of value used, or intended to be used, to facilitate
1236 any violation of this article. All monies, coin and currency
1237 found in close proximity to forfeitable controlled substances, to
1238 forfeitable drug manufacturing or distributing paraphernalia, or
1239 to forfeitable records of the importation, manufacture or
1240 distribution of controlled substances are presumed to be
1241 forfeitable under this paragraph; the burden of proof is upon
1242 claimants of the property to rebut this presumption.

1243 A. No property shall be forfeited under the
1244 provisions of subsection (a) (7) of this section, to the extent of



1245 the interest of an owner, by reason of any act or omission
1246 established by him to have been committed or omitted without his
1247 knowledge or consent.

1248 B. Neither personal property encumbered by a bona
1249 fide security interest nor real estate encumbered by a bona fide
1250 mortgage, deed of trust, lien or encumbrance shall be forfeited
1251 under the provisions of subsection (a)(7) of this section, to the
1252 extent of the interest of the secured party or the interest of the
1253 mortgagee, holder of a deed of trust, lien or encumbrance by
1254 reason of any act or omission established by him to have been
1255 committed or omitted without his knowledge or consent.

1256 (b) Property subject to forfeiture may be seized by the
1257 bureau, local law enforcement officers, enforcement officers of
1258 the Mississippi Department of Transportation, highway patrolmen,
1259 the board, * * * the State Board of Pharmacy, or law enforcement
1260 officers of the Mississippi Department of Revenue or Mississippi
1261 Department of Health acting with their duties in accordance with
1262 the Mississippi Medical Cannabis Act, upon process issued by any
1263 appropriate court having jurisdiction over the property. Seizure
1264 without process may be made if:

1265 (1) The seizure is incident to an arrest or a search
1266 under a search warrant or an inspection under an administrative
1267 inspection warrant;



1268 (2) The property subject to seizure has been the
1269 subject of a prior judgment in favor of the state in a criminal
1270 injunction or forfeiture proceeding based upon this article;

1271 (3) The bureau, the board, local law enforcement
1272 officers, enforcement officers of the Mississippi Department of
1273 Transportation, or highway patrolmen, * * * the State Board of
1274 Pharmacy, or law enforcement officers of the Mississippi
1275 Department of Revenue or Mississippi Department of Health acting
1276 with their duties in accordance with the Mississippi Medical
1277 Cannabis Act, have probable cause to believe that the property is
1278 directly or indirectly dangerous to health or safety;

1279 (4) The bureau, local law enforcement officers,
1280 enforcement officers of the Mississippi Department of
1281 Transportation, highway patrolmen, the board, * * * the State
1282 Board of Pharmacy, or law enforcement officers of the Mississippi
1283 Department of Revenue or Mississippi Department of Health acting
1284 with their duties in accordance with the Mississippi Medical
1285 Cannabis Act, have probable cause to believe that the property was
1286 used or is intended to be used in violation of this article; or

1287 (5) The seizing law enforcement agency obtained a
1288 seizure warrant as described in * * * subsection (f) of this
1289 section.

1290 (c) Controlled substances listed in Schedule I of Section
1291 41-29-113 that are possessed, transferred, sold, or offered for
1292 sale in violation of this article are contraband and shall be



1293 seized and summarily forfeited to the state. Controlled
1294 substances listed in the said Schedule I, which are seized or come
1295 into the possession of the state, the owners of which are unknown,
1296 are contraband and shall be summarily forfeited to the state.

1297 (d) Species of plants from which controlled substances in
1298 Schedules I and II of Sections 41-29-113 and 41-29-115 may be
1299 derived which have been planted or cultivated in violation of this
1300 article, or of which the owners or cultivators are unknown, or
1301 which are wild growths, may be seized and summarily forfeited to
1302 the state.

1303 (e) The failure, upon demand by the bureau and/or local law
1304 enforcement officers, or their authorized agents, or highway
1305 patrolmen designated by the bureau, the board, * * * the State
1306 Board of Pharmacy, or law enforcement officers of the Mississippi
1307 Department of Revenue or Mississippi Department of Health acting
1308 with their duties in accordance with the Mississippi Medical
1309 Cannabis Act, of the person in occupancy or in control of land or
1310 premises upon which the species of plants are growing or being
1311 stored, to produce an appropriate registration, or proof that he
1312 is the holder thereof, constitutes authority for the seizure and
1313 forfeiture of the plants.

1314 (f) (1) When any property is seized under the Uniform
1315 Controlled Substances Law, except as otherwise provided in
1316 paragraph (3) of this subsection, by a law enforcement agency with
1317 the intent to be forfeited, the law enforcement agency that seized



1318 the property shall obtain a seizure warrant from the county or
1319 circuit court having jurisdiction of such property within
1320 seventy-two (72) hours of any seizure, excluding weekends and
1321 holidays. Any law enforcement agency that fails to obtain a
1322 seizure warrant within seventy-two (72) hours as required by this
1323 section shall notify the person from whom the property was seized
1324 that it will not be forfeited and shall provide written
1325 instructions advising the person how to retrieve the seized
1326 property.

1327 (2) A circuit or county judge having jurisdiction of
1328 any property other than a controlled substance, raw material or
1329 paraphernalia, may issue a seizure warrant upon proper oath or
1330 affirmation from a law enforcement agency. The law enforcement
1331 agency that is seeking a seizure warrant shall provide the
1332 following information to the judge:

1333 A. Probable cause to believe that the property was
1334 used or intended to be used in violation of this article;

1335 B. The name of the person from whom the property
1336 was seized; and

1337 C. A detailed description of the property which is
1338 seized, including the value of the property.

1339 (3) This subsection does not apply to seizures
1340 performed pursuant to Section 41-29-157 when property is
1341 specifically set forth in a search and seizure warrant.



1342 **SECTION 11.** Section 41-29-154, Mississippi Code of 1972, is
1343 amended as follows:

1344 41-29-154. Any controlled substance or paraphernalia seized
1345 under the authority of this article or any other law of
1346 Mississippi or of the United States, shall be destroyed,
1347 adulterated and disposed of or otherwise rendered harmless and
1348 disposed of, upon written authorization of the director,
1349 Commissioner of the Mississippi Department of Revenue or the State
1350 Health Officer of the Mississippi Department of Health, as
1351 applicable, after such substance or paraphernalia has served its
1352 usefulness as evidence or after such substance or paraphernalia is
1353 no longer useful for training or demonstration purposes.

1354 A record of the disposition of such substances and
1355 paraphernalia and the method of destruction or adulteration
1356 employed along with the names of witnesses to such destruction or
1357 adulteration shall be retained by the director.

1358 No substance or paraphernalia shall be disposed of, destroyed
1359 or rendered harmless under the authority of this section without
1360 an order from the director, Commissioner of the Mississippi
1361 Department of Revenue or the State Health Officer of the
1362 Mississippi Department of Health, as applicable, and without at
1363 least two (2) officers or agents of the bureau present as
1364 witnesses.

1365 **SECTION 12.** Section 25-53-1, Mississippi Code of 1972, is
1366 amended as follows:



1367 25-53-1. The Legislature recognizes that in order for the
1368 State of Mississippi to receive the maximum use and benefit from
1369 information technology and services now in operation or which will
1370 in the future be placed in operation, there should be full
1371 cooperation and cohesive planning and effort by and between the
1372 several state agencies and that it is the responsibility of the
1373 Legislature to provide statutory authority therefor. The
1374 Legislature, therefore, declares and determines that for these and
1375 other related purposes there is hereby established an agency of
1376 state government to be known as the Mississippi Department of
1377 Information Technology Services (MDITS). The Legislature further
1378 declares that the Mississippi Department of Information Technology
1379 Services (MDITS) shall provide statewide services that facilitate
1380 cost-effective information processing and telecommunication
1381 solutions. State agencies shall work in full cooperation with the
1382 board of MDITS to identify opportunities to minimize duplication,
1383 reduce costs and improve the efficiency of providing common
1384 technology services across agency boundaries. The provisions of
1385 this chapter shall not apply to the Department of Human Services
1386 for a period of three (3) years beginning July 1, 2017. The
1387 provisions of this chapter shall not apply to the Department of
1388 Child Protection Services for a period of three (3) years
1389 beginning July 1, 2017. Through June 30, * * * 2024, the
1390 provisions of this chapter shall not apply to the Department of
1391 Health and the Department of Revenue for the purposes of



1392 implementing, administering and enforcing the provisions of the
1393 Mississippi Medical Cannabis Act.

1394 **SECTION 13.** Section 25-53-5, Mississippi Code of 1972, as
1395 amended by Senate Bill No. 2728, 2023 Regular Session, is amended
1396 as follows:

1397 25-53-5. The authority shall have the following powers,
1398 duties, and responsibilities:

1399 (a) (i) The authority shall provide for the
1400 development of plans for the efficient acquisition and utilization
1401 of computer equipment and services by all agencies of state
1402 government, and provide for their implementation. In so doing,
1403 the authority may use the MDITS' staff, at the discretion of the
1404 executive director of the authority, or the authority may contract
1405 for the services of qualified consulting firms in the field of
1406 information technology and utilize the service of such consultants
1407 as may be necessary for such purposes. Pursuant to Section
1408 25-53-1, the provisions of this section shall not apply to the
1409 Department of Human Services for a period of three (3) years
1410 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
1411 provisions of this section shall not apply to the Department of
1412 Child Protection Services for a period of three (3) years
1413 beginning July 1, 2017.

1414 (ii) [Repealed]

1415 (b) The authority shall immediately institute
1416 procedures for carrying out the purposes of this chapter and



1417 supervise the efficient execution of the powers and duties of the
1418 office of executive director of the authority. In the execution
1419 of its functions under this chapter, the authority shall maintain
1420 as a paramount consideration the successful internal organization
1421 and operation of the several agencies so that efficiency existing
1422 therein shall not be adversely affected or impaired. In executing
1423 its functions in relation to the institutions of higher learning
1424 and junior colleges in the state, the authority shall take into
1425 consideration the special needs of such institutions in relation
1426 to the fields of teaching and scientific research.

1427 (c) Title of whatever nature of all computer equipment
1428 now vested in any agency of the State of Mississippi is hereby
1429 vested in the authority, and no such equipment shall be disposed
1430 of in any manner except in accordance with the direction of the
1431 authority or under the provisions of such rules and regulations as
1432 may hereafter be adopted by the authority in relation thereto.

1433 (d) The authority shall adopt rules, regulations, and
1434 procedures governing the acquisition of computer and
1435 telecommunications equipment and services which shall, to the
1436 fullest extent practicable, insure the maximum of competition
1437 between all manufacturers of supplies or equipment or services.
1438 In the writing of specifications, in the making of contracts
1439 relating to the acquisition of such equipment and services, and in
1440 the performance of its other duties the authority shall provide
1441 for the maximum compatibility of all information systems hereafter



1442 installed or utilized by all state agencies and may require the
1443 use of common computer languages where necessary to accomplish the
1444 purposes of this chapter. The authority may establish by
1445 regulation and charge reasonable fees on a nondiscriminatory basis
1446 for the furnishing to bidders of copies of bid specifications and
1447 other documents issued by the authority.

1448 (e) The authority shall adopt rules and regulations
1449 governing the sharing with, or the sale or lease of information
1450 technology services to any nonstate agency or person. Such
1451 regulations shall provide that any such sharing, sale or lease
1452 shall be restricted in that same shall be accomplished only where
1453 such services are not readily available otherwise within the
1454 state, and then only at a charge to the user not less than the
1455 prevailing rate of charge for similar services by private
1456 enterprise within this state.

1457 (f) The authority may, in its discretion, establish a
1458 special technical advisory committee or committees to study and
1459 make recommendations on technology matters within the competence
1460 of the authority as the authority may see fit. Persons serving on
1461 the Information Resource Council, its task forces, or any such
1462 technical advisory committees shall be entitled to receive their
1463 actual and necessary expenses actually incurred in the performance
1464 of such duties, together with mileage as provided by law for state
1465 employees, provided the same has been authorized by a resolution



1466 duly adopted by the authority and entered on its minutes prior to
1467 the performance of such duties.

1468 (g) The authority may provide for the development and
1469 require the adoption of standardized computer programs and may
1470 provide for the dissemination of information to and the
1471 establishment of training programs for the personnel of the
1472 various information technology centers of state agencies and
1473 personnel of the agencies utilizing the services thereof.

1474 (h) The authority shall adopt reasonable rules and
1475 regulations requiring the reporting to the authority through the
1476 office of executive director of such information as may be
1477 required for carrying out the purposes of this chapter and may
1478 also establish such reasonable procedures to be followed in the
1479 presentation of bills for payment under the terms of all contracts
1480 for the acquisition of computer equipment and services now or
1481 hereafter in force as may be required by the authority or by the
1482 executive director in the execution of their powers and duties.

1483 (i) The authority shall require such adequate
1484 documentation of information technology procedures utilized by the
1485 various state agencies and may require the establishment of such
1486 organizational structures within state agencies relating to
1487 information technology operations as may be necessary to
1488 effectuate the purposes of this chapter.

1489 (j) The authority may adopt such further reasonable
1490 rules and regulations as may be necessary to fully implement the



1491 purposes of this chapter. All rules and regulations adopted by
1492 the authority shall be published and disseminated in readily
1493 accessible form to all affected state agencies, and to all current
1494 suppliers of computer equipment and services to the state, and to
1495 all prospective suppliers requesting the same. Such rules and
1496 regulations shall be kept current, be periodically revised, and
1497 copies thereof shall be available at all times for inspection by
1498 the public at reasonable hours in the offices of the authority.
1499 Whenever possible no rule, regulation or any proposed amendment to
1500 such rules and regulations shall be finally adopted or enforced
1501 until copies of the proposed rules and regulations have been
1502 furnished to all interested parties for their comment and
1503 suggestions.

1504 (k) The authority shall establish rules and regulations
1505 which shall provide for the submission of all contracts proposed
1506 to be executed by the executive director for computer equipment
1507 and/or telecommunications or services, including cloud computing,
1508 to the authority for approval before final execution, and the
1509 authority may provide that such contracts involving the
1510 expenditure of less than such specified amount as may be
1511 established by the authority may be finally executed by the
1512 executive director without first obtaining such approval by the
1513 authority.

1514 (l) The authority is authorized to consider new
1515 technologies, such as cloud computing, to purchase, lease, or rent



1516 computer equipment or services and to operate that equipment and
1517 use those services in providing services to one or more state
1518 agencies when in its opinion such operation will provide maximum
1519 efficiency and economy in the functions of any such agency or
1520 agencies.

1521 (m) Upon the request of the governing body of a
1522 political subdivision or instrumentality, the authority shall
1523 assist the political subdivision or instrumentality in its
1524 development of plans for the efficient acquisition and utilization
1525 of computer equipment and services. An appropriate fee shall be
1526 charged the political subdivision by the authority for such
1527 assistance.

1528 (n) The authority shall adopt rules and regulations
1529 governing the protest procedures to be followed by any actual or
1530 prospective bidder, offerer or contractor who is aggrieved in
1531 connection with the solicitation or award of a contract for the
1532 acquisition of computer equipment or services. Such rules and
1533 regulations shall prescribe the manner, time and procedure for
1534 making protests and may provide that a protest not timely filed
1535 shall be summarily denied. The authority may require the
1536 protesting party, at the time of filing the protest, to post a
1537 bond, payable to the state, in an amount that the authority
1538 determines sufficient to cover any expense or loss incurred by the
1539 state, the authority or any state agency as a result of the
1540 protest if the protest subsequently is determined by a court of



1541 competent jurisdiction to have been filed without any substantial
1542 basis or reasonable expectation to believe that the protest was
1543 meritorious; however, in no event may the amount of the bond
1544 required exceed a reasonable estimate of the total project cost.
1545 The authority, in its discretion, also may prohibit any
1546 prospective bidder, offerer or contractor who is a party to any
1547 litigation involving any such contract with the state, the
1548 authority or any agency of the state to participate in any other
1549 such bid, offer or contract, or to be awarded any such contract,
1550 during the pendency of the litigation.

1551 (o) The authority shall make a report in writing to the
1552 Legislature each year in the month of January. Such report shall
1553 contain a full and detailed account of the work of the authority
1554 for the preceding year as specified in Section 25-53-29(3).

1555 All acquisitions of computer equipment and services involving
1556 the expenditure of funds in excess of the dollar amount
1557 established in Section 31-7-13(c), or rentals or leases in excess
1558 of the dollar amount established in Section 31-7-13(c) for the
1559 term of the contract, shall be based upon competitive and open
1560 specifications, and contracts therefor shall be entered into only
1561 after advertisements for bids are published in one or more daily
1562 newspapers having a general circulation in the state not less than
1563 fourteen (14) days prior to receiving sealed bids therefor. The
1564 authority may reserve the right to reject any or all bids, and if
1565 all bids are rejected, the authority may negotiate a contract



1566 within the limitations of the specifications so long as the terms
1567 of any such negotiated contract are equal to or better than the
1568 comparable terms submitted by the lowest and best bidder, and so
1569 long as the total cost to the State of Mississippi does not exceed
1570 the lowest bid. If the authority accepts one (1) of such bids, it
1571 shall be that which is the lowest and best. Through June
1572 30, * * * 2024, the provisions of this paragraph shall not apply
1573 to acquisitions of information technology equipment and services
1574 made by the Mississippi Department of Health and * * * the
1575 Mississippi Department of Revenue for the purposes of
1576 implementing, administering and * * * enforcing the provisions of
1577 the Mississippi Medical Cannabis Act.

1578 (p) When applicable, the authority may procure
1579 equipment, systems and related services in accordance with the law
1580 or regulations, or both, which govern the Bureau of Purchasing of
1581 the Office of General Services or which govern the Mississippi
1582 Department of Information Technology Services procurement of
1583 telecommunications equipment, software and services.

1584 (q) The authority is authorized to purchase, lease, or
1585 rent information technology and services for the purpose of
1586 establishing pilot projects to investigate emerging technologies.
1587 These acquisitions shall be limited to new technologies and shall
1588 be limited to an amount set by annual appropriation of the
1589 Legislature. These acquisitions shall be exempt from the
1590 advertising and bidding requirement.



1591 (r) To promote the maximum use and benefit from
1592 technology and services now in operation or which will in the
1593 future be placed in operation and to identify opportunities,
1594 minimize duplication, reduce costs and improve the efficiency of
1595 providing common technology services the authority is authorized
1596 to:

1597 (i) Enter into master agreements for computer or
1598 telecommunications equipment or services, including cloud
1599 computing, available for shared use by state agencies, institutes
1600 of higher learning and governing authorities; and

1601 (ii) Enter into contracts for the acquisition of
1602 computer or telecommunications equipment or services, including
1603 cloud computing, that have been acquired by other entities,
1604 located within or outside of the State of Mississippi, so long as
1605 it is determined by the authority to be in the best interest of
1606 the state. The acquisitions provided in this paragraph (r) shall
1607 be exempt from the advertising and bidding requirements of Section
1608 25-53-1 et seq.

1609 (* * *s) All fees collected by the Mississippi
1610 Department of Information Technology Services shall be deposited
1611 into the Mississippi Department of Information Technology Services
1612 Revolving Fund unless otherwise specified by the Legislature.

1613 (* * *t) The authority shall work closely with the
1614 council to bring about effective coordination of policies,
1615 standards and procedures relating to procurement of remote sensing



1616 and geographic information systems (GIS) resources. In addition,
1617 the authority is responsible for development, operation and
1618 maintenance of a delivery system infrastructure for geographic
1619 information systems data. The authority shall provide a warehouse
1620 for Mississippi's geographic information systems data.

1621 (* * *u) The authority shall manage one or more State
1622 Data Centers to provide information technology services on a
1623 cost-sharing basis. In determining the appropriate services to be
1624 provided through the State Data Center, the authority should
1625 consider those services that:

- 1626 (i) Result in savings to the state as a whole;
- 1627 (ii) Improve and enhance the security and
1628 reliability of the state's information and business systems; and
- 1629 (iii) Optimize the efficient use of the state's
1630 information technology assets, including, but not limited to,
1631 promoting partnerships with the state institutions of higher
1632 learning and community colleges to capitalize on advanced
1633 information technology resources.

1634 (* * *y) The authority shall increase federal
1635 participation in the cost of the State Data Center to the extent
1636 provided by law and its shared technology infrastructure through
1637 providing such shared services to agencies that receive federal
1638 funds. With regard to state institutions of higher learning and
1639 community colleges, the authority may provide shared services when
1640 mutually agreeable, following a determination by both the



1641 authority and the Board of Trustees of State Institutions of
1642 Higher Learning or the Mississippi Community College Board, as the
1643 case may be, that the sharing of services is mutually beneficial.

1644 (* * *w) The authority, in its discretion, may require
1645 new or replacement agency business applications to be hosted at
1646 the State Data Center. With regard to state institutions of
1647 higher learning and community colleges, the authority and the
1648 Board of Trustees of State Institutions of Higher Learning or the
1649 Mississippi Community College Board, as the case may be, may agree
1650 that institutions of higher learning or community colleges may
1651 utilize business applications that are hosted at the State Data
1652 Center, following a determination by both the authority and the
1653 applicable board that the hosting of those applications is
1654 mutually beneficial. In addition, the authority may establish
1655 partnerships to capitalize on the advanced technology resources of
1656 the Board of Trustees of State Institutions of Higher Learning or
1657 the Mississippi Community College Board, following a determination
1658 by both the authority and the applicable board that such a
1659 partnership is mutually beneficial.

1660 (* * *x) The authority shall provide a periodic update
1661 regarding reform-based information technology initiatives to the
1662 Chairmen of the House and Senate Accountability, Efficiency and
1663 Transparency Committees.

1664 From and after July 1, 2018, the expenses of this agency
1665 shall be defrayed by appropriation from the State General Fund.



1666 In addition, in order to receive the maximum use and benefit from
1667 information technology and services, expenses for the provision of
1668 statewide shared services that facilitate cost-effective
1669 information processing and telecommunication solutions shall be
1670 defrayed by pass-through funding and shall be deposited into the
1671 Mississippi Department of Information Technology Services
1672 Revolving Fund unless otherwise specified by the Legislature.
1673 These funds shall only be utilized to pay the actual costs
1674 incurred by the Mississippi Department of Information Technology
1675 Services for providing these shared services to state agencies.
1676 Furthermore, state agencies shall work in full cooperation with
1677 the Board of the Mississippi Department of Information Technology
1678 Services to identify computer equipment or services to minimize
1679 duplication, reduce costs, and improve the efficiency of providing
1680 common technology services across agency boundaries.

1681 **SECTION 14.** The following shall be codified as Section
1682 73-21-127.1, Mississippi Code of 1972:

1683 73-21-127.1. The Prescription Monitoring Program shall issue
1684 a report each year to the Legislature that indicates the number of
1685 opioid prescriptions that were provided to patients during that
1686 year.

1687 **SECTION 15.** Section 41-137-3, Mississippi Code of 1972, is
1688 amended as follows:



1689 41-137-3. For purposes of this chapter, unless the context
1690 requires otherwise, the following terms shall have the meanings
1691 ascribed herein:

1692 (a) "Artificially derived cannabinoid" means a chemical
1693 substance that is created by a chemical reaction that changes the
1694 molecular structure of any chemical substance derived from the
1695 plant Cannabis family Cannabaceae. Such term shall not include:

1696 (i) A naturally occurring chemical substance that
1697 is separated from the plant Cannabis family Cannabaceae by a
1698 chemical or mechanical extraction process;

1699 (ii) Cannabinoids that are produced by
1700 decarboxylation from a naturally occurring cannabinoid acid
1701 without the use of a chemical catalyst; or

1702 (iii) Any other chemical substance identified by
1703 MDOH.

1704 (b) "Allowable amount of medical cannabis" means an
1705 amount not to exceed the maximum amount of Mississippi Medical
1706 Cannabis Equivalency Units ("MMCEU").

1707 (* * *c) "Bona fide practitioner-patient relationship"
1708 means:

1709 (i) A practitioner and patient have a treatment or
1710 consulting relationship, during the course of which the
1711 practitioner, within his or her scope of practice, has completed
1712 an in-person assessment of the patient's medical history and



1713 current mental health and medical condition and has documented
1714 their certification in the patient's medical file;

1715 (ii) The practitioner has consulted in person with
1716 the patient with respect to the patient's debilitating medical
1717 condition; and

1718 (iii) The practitioner is available to or offers
1719 to provide follow-up care and treatment to the patient.

1720 (* * *d) "Cannabis" means all parts of the plant of
1721 the genus cannabis, the flower, the seeds thereof, the resin
1722 extracted from any part of the plant and every compound,
1723 manufacture, salt, derivative, mixture or preparation of the
1724 plant, its seeds or its resin, including whole plant extracts.
1725 Such term shall not mean cannabis-derived drug products approved
1726 by the federal Food and Drug Administration under Section 505 of
1727 the Federal Food, Drug, and Cosmetic Act.

1728 (* * *e) "Cannabis cultivation facility" means a
1729 business entity licensed and registered by the Mississippi
1730 Department of Health that acquires, grows, cultivates and harvests
1731 medical cannabis in an indoor, enclosed, locked and secure area.

1732 (* * *f) "Cannabis disposal entity" means a business
1733 licensed and registered by the Mississippi Department of Health
1734 that is involved in the commercial disposal or destruction of
1735 medical cannabis.



1736 (* * *g) "Cannabis processing facility" means a
1737 business entity that is licensed and registered by the Mississippi
1738 Department of Health that:

1739 (i) Acquires or intends to acquire cannabis from a
1740 cannabis cultivation facility;

1741 (ii) Possesses cannabis with the intent to
1742 manufacture a cannabis product;

1743 (iii) Manufactures or intends to manufacture a
1744 cannabis product from unprocessed cannabis or a cannabis extract;

1745 and

1746 (iv) Sells or intends to sell a cannabis product
1747 to a medical cannabis dispensary, cannabis testing facility or
1748 cannabis research facility.

1749 (* * *h) "Cannabis products" means cannabis flower,
1750 concentrated cannabis, cannabis extracts and products that are
1751 infused with cannabis or an extract thereof and are intended for
1752 use or consumption by humans. The term includes, without
1753 limitation, edible cannabis products, beverages, topical products,
1754 ointments, oils, tinctures and suppositories that contain
1755 tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those
1756 products excluded from control under Sections 41-29-113 and
1757 41-29-136.

1758 (* * *i) "Cannabis research facility" or "research
1759 facility" means a research facility at any university or college
1760 in this state or an independent entity licensed and registered by



1761 the Mississippi Department of Health pursuant to this chapter
1762 that acquires cannabis from cannabis cultivation facilities and
1763 cannabis processing facilities in order to research cannabis,
1764 develop best practices for specific medical conditions, develop
1765 medicines and provide commercial access for medical use.

1766 (* * *j) "Cannabis testing facility" or "testing
1767 facility" means an independent entity licensed and registered by
1768 the Mississippi Department of Health that analyzes the safety and
1769 potency of cannabis.

1770 (* * *k) "Cannabis transportation entity" means an
1771 independent entity licensed and registered by the Mississippi
1772 Department of Health that is involved in the commercial
1773 transportation of medical cannabis.

1774 (l) "Cannabis waste" means plant debris of the plant of
1775 the genus cannabis, including dead plants and all unused plant
1776 parts. This term shall not include seeds, roots, stems and
1777 stalks.

1778 (m) "Cannabinoid" means any of the chemical compounds
1779 that are the active constituents derived from THC.

1780 (* * *n) "Canopy" means the total surface area within
1781 a cultivation area that is dedicated to the cultivation of
1782 flowering cannabis plants. The surface area of the plant canopy
1783 must be calculated in square feet and measured and must include
1784 all of the area within the boundaries where the cultivation of the
1785 flowering cannabis plants occurs. If the surface area of the



1786 plant canopy consists of noncontiguous areas, each component area
1787 must be separated by identifiable boundaries. If a tiered or
1788 shelving system is used in the cultivation area the surface area
1789 of each tier or shelf must be included in calculating the area of
1790 the plant canopy. Calculation of the area of the plant canopy may
1791 not include the areas within the cultivation area that are used to
1792 cultivate immature cannabis plants and seedlings, prior to
1793 flowering, and that are not used at any time to cultivate mature
1794 cannabis plants.

1795 (* * *o) "Cardholder" means a registered qualifying
1796 patient or a registered designated caregiver who has been issued
1797 and possesses a valid registry identification card.

1798 (* * *p) "Chronic pain" means a pain state in which
1799 the cause of the pain cannot be removed or otherwise treated, and
1800 which in the generally accepted course of medical practice, no
1801 relief or cure of the cause of the pain is possible, or none has
1802 been found after reasonable efforts by a practitioner.

1803 (* * *q) "Concentrate" means a substance obtained by
1804 separating cannabinoids from cannabis by:

1805 (i) A mechanical extraction process;

1806 (ii) A chemical extraction process using a
1807 nonhydrocarbon-based or other solvent, such as water, vegetable
1808 glycerin, vegetable oils, animal fats, food-grade ethanol or steam
1809 distillation; or



1810 (iii) A chemical extraction process using the
1811 hydrocarbon-based solvent carbon dioxide, provided that the
1812 process does not involve the use of high heat or pressure.

1813 (* * *r) "Debilitating medical condition" means:

1814 (i) Cancer, Parkinson's disease, Huntington's
1815 disease, muscular dystrophy, glaucoma, spastic quadriplegia,
1816 positive status for human immunodeficiency virus (HIV), acquired
1817 immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral
1818 sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell
1819 anemia, Alzheimer's disease, agitation of dementia, post-traumatic
1820 stress disorder (PTSD), autism, pain refractory to appropriate
1821 opioid management, diabetic/peripheral neuropathy, spinal cord
1822 disease or severe injury, or the treatment of these conditions;

1823 (ii) A chronic, terminal or debilitating disease
1824 or medical condition, or its treatment, that produces one or more
1825 of the following: cachexia or wasting syndrome, chronic pain,
1826 severe or intractable nausea, seizures, or severe and persistent
1827 muscle spasms, including, but not limited to, those characteristic
1828 of multiple sclerosis; or

1829 (iii) Any other serious medical condition or its
1830 treatment added by the Mississippi Department of Health, as
1831 provided for in Section 41-137-17.

1832 (* * *s) "Designated caregiver" means a person who:

1833 (i) Has agreed to assist with a registered
1834 qualifying patient's medical use of medical cannabis;



1835 (ii) Assists no more than five (5) registered
1836 qualifying patients with their medical use of medical cannabis,
1837 unless the designated caregiver's registered qualifying patients
1838 each reside in or are admitted to a health care facility or
1839 facility providing residential care services or day care services
1840 where the designated caregiver is employed;

1841 (iii) Is at least twenty-one (21) years of age
1842 unless the person is the parent or legal guardian of each
1843 qualifying patient the person assists; and

1844 (iv) Has not been convicted of a disqualifying
1845 felony offense.

1846 (* * *t) "Disqualifying felony offense" means:

1847 (i) A conviction for a crime of violence, as
1848 defined in Section 97-3-2;

1849 (ii) A conviction for a crime that was defined as
1850 a violent crime in the law of the jurisdiction in which the
1851 offense was committed, and that was classified as a felony in the
1852 jurisdiction where the person was convicted; or

1853 (iii) A conviction for a violation of a state or
1854 federal controlled substances law that was classified as a felony
1855 in the jurisdiction where the person was convicted, including the
1856 service of any term of probation, incarceration or supervised
1857 release within the previous five (5) years and the offender has
1858 not committed another similar offense since the conviction. Under
1859 this subparagraph (iii), a disqualifying felony offense shall not



1860 include a conviction that consisted of conduct for which this
1861 chapter would likely have prevented the conviction but for the
1862 fact that the conduct occurred before February 2, 2022.

1863 (* * *u) "Edible cannabis products" means products
1864 that:

1865 (i) Contain or are infused with cannabis or an
1866 extract thereof;

1867 (ii) Are intended for human consumption by oral
1868 ingestion; and

1869 (iii) Are presented in the form of foodstuffs,
1870 beverages, extracts, oils, tinctures, lozenges and other similar
1871 products.

1872 (* * *y) "Entity" means a corporation, general
1873 partnership, limited partnership or limited liability company that
1874 has been registered with the Secretary of State as applicable.

1875 (* * *w) "MMCEU" means Mississippi Medical Cannabis
1876 Equivalency Unit. One unit of MMCEU shall be considered equal to:

1877 (i) Three and one-half (3.5) grams of medical
1878 cannabis flower;

1879 (ii) One (1) gram of medical cannabis concentrate;
1880 or

1881 (iii) One hundred (100) milligrams of THC in an
1882 infused product.

1883 (* * *x) "MDOH" means the Mississippi Department of
1884 Health.



1885 (* * *y) "MDOR" means the Mississippi Department of
1886 Revenue.

1887 (* * *z) "Medical cannabis" means cannabis, cannabis
1888 products and edible cannabis that are intended to be used by
1889 registered qualifying patients as provided in this chapter.

1890 (* * *aa) "Medical cannabis dispensary" or
1891 "dispensary" means an entity licensed and registered with the MDOR
1892 that acquires, possesses, stores, transfers, sells, supplies or
1893 dispenses medical cannabis, equipment used for medical cannabis,
1894 or related supplies and educational materials to cardholders.

1895 (* * *bb) "Medical cannabis establishment" means a
1896 cannabis cultivation facility, cannabis processing facility,
1897 cannabis testing facility, cannabis dispensary, cannabis
1898 transportation entity, cannabis disposal entity or cannabis
1899 research facility licensed and registered by the appropriate
1900 agency.

1901 (* * *cc) "Medical cannabis establishment agent" means
1902 an owner, officer, board member, employee, volunteer or agent of a
1903 medical cannabis establishment.

1904 (* * *dd) "Medical use" includes the acquisition,
1905 administration, cultivation, processing, delivery, harvest,
1906 possession, preparation, transfer, transportation, or use of
1907 medical cannabis or equipment relating to the administration of
1908 medical cannabis to treat or alleviate a registered qualifying
1909 patient's debilitating medical condition or symptoms associated



1910 with the patient's debilitating medical condition. The term
1911 "medical use" does not include:

1912 (i) The cultivation of cannabis unless the
1913 cultivation is done by a cannabis cultivation facility; or

1914 (ii) The extraction of resin from cannabis by
1915 mechanical or chemical extraction unless the extraction is done by
1916 a cannabis processing facility.

1917 (* * *ee) "Nonresident cardholder" means a person who:

1918 (i) Has been diagnosed with a debilitating medical
1919 condition by a practitioner in his or her respective state or
1920 territory, or is the parent, guardian, conservator or other person
1921 with authority to consent to the medical use of medical cannabis
1922 by a person who has been diagnosed with a debilitating medical
1923 condition;

1924 (ii) Is not a resident of Mississippi or who has
1925 been a resident of Mississippi for less than forty-five (45) days;
1926 and

1927 (iii) Has submitted any documentation required by
1928 MDOH rules and regulations and has received confirmation of
1929 registration.

1930 (* * *ff) "Practitioner" means a physician, certified
1931 nurse practitioner, physician assistant or optometrist who is
1932 licensed to prescribe medicine under the licensing requirements of
1933 their respective occupational boards and the laws of this state.

1934 In relation to a nonresident cardholder, the term means a



1935 physician, certified nurse practitioner, physician assistant or
1936 optometrist who is licensed to prescribe medicine under the
1937 licensing requirements of their respective occupational boards and
1938 under the laws of the state or territory in which the nonresident
1939 patient resides. For registered qualifying patients who are
1940 minors, "practitioner" shall mean a physician or doctor of
1941 osteopathic medicine who is licensed to prescribe medicine under
1942 the licensing requirements of their respective occupational boards
1943 and the laws of this state.

1944 (* * *gg) "Public place" means a church or any area to
1945 which the general public is invited or in which the general public
1946 is permitted, regardless of the ownership of the area, and any
1947 area owned or controlled by a municipality, county, state or
1948 federal government, including, but not limited to, streets,
1949 sidewalks or other forms of public transportation. Such term
1950 shall not mean a private residential dwelling.

1951 (* * *hh) "Qualifying patient" means a person who has
1952 been diagnosed by a practitioner as having a debilitating medical
1953 condition and has been issued a written certification.

1954 (* * *ii) "Registry identification card" means a
1955 document issued by the MDOH that identifies a person as a
1956 registered qualifying patient, nonresident registered qualifying
1957 patient or registered designated caregiver.

1958 (* * *jj) "School" means an institution for the
1959 teaching of children, consisting of a physical location, whether



1960 owned or leased, including instructional staff members and
1961 students, and which is in session each school year. This
1962 definition shall include, but not be limited to, public, private,
1963 church and parochial programs for kindergarten, elementary, junior
1964 high and high schools. Such term shall not mean a home
1965 instruction program.

1966 (* * *kk) "Scope of practice" means the defined
1967 parameters of various duties, services or activities that may be
1968 provided or performed by a certified nurse practitioner as
1969 authorized under Sections 73-15-5 and 73-15-20, by an optometrist
1970 as authorized under Section 73-19-1, by a physician as authorized
1971 under Section 73-25-33, or by a physician assistant under Section
1972 73-26-5, and rules and regulations adopted by the respective
1973 licensing boards for those practitioners.

1974 (* * *ll) "THC" or "Tetrahydrocannabinol" means any
1975 and all forms of tetrahydrocannabinol that are contained naturally
1976 in the cannabis plant, as well as synthesized forms of THC and
1977 derived variations, derivatives, isomers and allotropes that have
1978 similar molecular and physiological characteristics of
1979 tetrahydrocannabinol, including, but not limited to, THCA, THC
1980 Delta 9, THC Delta 8, THC Delta 10 and THC Delta 6.

1981 (* * *mm) "Written certification" means a form
1982 approved by the MDOH, signed and dated by a practitioner,
1983 certifying that a person has a debilitating medical condition. A
1984 written certification shall include the following:



1985 (i) The date of issue and the effective date
1986 of the recommendation;

1987 (ii) The patient's name, date of birth and
1988 address;

1989 (iii) The practitioner's name, address, and
1990 federal Drug Enforcement Agency number; and

1991 (iv) The practitioner's signature.

1992 **SECTION 16.** Section 41-137-57, Mississippi Code of 1972, is
1993 amended as follows:

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



2010 sale or distribution of medical cannabis and cannabis products.
2011 The governing authorities of a municipality, by a vote entered
2012 upon their minutes, may opt out of allowing the cultivation,
2013 processing, sale and/or distribution of medical cannabis and
2014 cannabis products, as applicable, in the municipality. The board
2015 of supervisors of a county, by a vote entered upon its minutes,
2016 may opt out of allowing the cultivation, processing, sale and/or
2017 distribution of medical cannabis and cannabis products, as
2018 applicable, in the unincorporated areas of the county.

2019 (2) If the board of supervisors of a county or the governing
2020 authorities of a municipality do not opt out of allowing the
2021 cultivation, processing, sale and/or distribution of medical
2022 cannabis and cannabis products, as applicable, within ninety (90)
2023 days after February 2, 2022, then no vote by the board of
2024 supervisors or governing authorities, as applicable, may be held
2025 to so opt out, and the provisions of this chapter shall remain
2026 applicable and operative in the county or municipality, as
2027 applicable. If the board of supervisors of a county or governing
2028 authorities of a municipality have opted out of allowing the
2029 cultivation, processing, sale and/or distribution of medical
2030 cannabis and cannabis products, as applicable, then the board of
2031 supervisors or governing authorities of a municipality may later
2032 opt in regarding the same through a vote by the board of
2033 supervisors or governing authorities, as applicable, entered upon



2034 its or their minutes, or an election duly held according to
2035 subsection (3) or (4) of this section, as applicable.

2036 (3) (a) Upon presentation and filing of a proper petition
2037 requesting that the cultivation, processing, sale and/or
2038 distribution of medical cannabis and cannabis products, as
2039 applicable, be legal in the unincorporated areas of the county
2040 signed by at least twenty percent (20%) or fifteen hundred (1500),
2041 whichever number is the lesser, of the qualified electors of the
2042 county, it shall be the duty of the board of supervisors to call
2043 an election at which there shall be submitted to the qualified
2044 electors of the county the question of whether or not the
2045 cultivation, processing, sale and/or distribution of medical
2046 cannabis and cannabis products, as applicable, shall be legal in
2047 the unincorporated areas of such county as provided in this
2048 chapter. Such election shall be held and conducted by the county
2049 election commissioners on a date fixed by the order of the board
2050 of supervisors, which date shall not be more than sixty (60) days
2051 from the date of the filing of the petition. Notice thereof shall
2052 be given by publishing such notice once each week for at least
2053 three (3) consecutive weeks in some newspaper published in the
2054 county or if no newspaper be published therein, by such
2055 publication in a newspaper in an adjoining county and having a
2056 general circulation in the county involved. The election shall be
2057 held not earlier than fifteen (15) days from the first publication
2058 of such notice.



2059 (b) The election shall be held and conducted as far as
2060 may be possible in the same manner as is provided by law for the
2061 holding of general elections. The ballots used at the election
2062 shall contain a brief statement of the proposition submitted and,
2063 on separate lines, the words "I vote FOR allowing the cultivation,
2064 processing, sale and/or distribution of medical cannabis and
2065 cannabis products, as applicable, in the unincorporated areas of
2066 _____ [Name of County] ()" or "I vote AGAINST allowing the
2067 cultivation, processing, sale and/or distribution of medical
2068 cannabis and cannabis products, as applicable, in the
2069 unincorporated areas of _____ [Name of County] ()" with
2070 appropriate boxes in which the voters may express their choice.
2071 All qualified electors may vote by marking the ballot with a cross
2072 (x) or check (√) mark opposite the words of their choice.

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



2084 applicable, in the unincorporated areas of the county shall be
2085 lawful to the extent and in the manner permitted in this chapter.
2086 If, on the other hand, a majority of the qualified electors
2087 participating in the election vote against allowing the
2088 cultivation, processing, sale and/or distribution of medical
2089 cannabis and cannabis products, as applicable, then it shall be
2090 illegal to cultivate, process, sell and/or distribute medical
2091 cannabis and cannabis products, as applicable, in the
2092 unincorporated areas of the county. In either case, no further
2093 election shall be held in the county under the provisions of this
2094 section for a period of two (2) years from the date of the prior
2095 election and then only upon the filing of a petition requesting
2096 same signed by at least twenty percent (20%) or fifteen hundred
2097 (1500), whichever number is the lesser, of the qualified electors
2098 of the county as provided in this section.

2099 (4) (a) Upon presentation and filing of a proper petition
2100 requesting that the cultivation, processing, sale and/or
2101 distribution of medical cannabis and cannabis products, as
2102 applicable, be legal in the municipality signed by at least twenty
2103 percent (20%) or fifteen hundred (1500), whichever number is the
2104 lesser, of the qualified electors of the municipality, it shall be
2105 the duty of the governing authorities of the municipality to call
2106 an election at which there shall be submitted to the qualified
2107 electors of the municipality the question of whether or not the
2108 cultivation, processing, sale and/or distribution of medical



2109 cannabis and cannabis products, as applicable, shall be legal in
2110 the municipality as provided in this chapter. Such election shall
2111 be held and conducted on a date fixed by the order of the
2112 governing authorities of the municipality, which date shall not be
2113 more than sixty (60) days from the date of the filing of the
2114 petition. Notice thereof shall be given by publishing such notice
2115 once each week for at least three (3) consecutive weeks in some
2116 newspaper published in the municipality or if no newspaper be
2117 published therein, by such publication in a newspaper having a
2118 general circulation in the municipality involved. The election
2119 shall be held not earlier than fifteen (15) days from the first
2120 publication of such notice.

2121 (b) The election shall be held and conducted as far as
2122 may be possible in the same manner as is provided by law for the
2123 holding of municipal elections. The ballots used at the election
2124 shall contain a brief statement of the proposition submitted and,
2125 on separate lines, the words "I vote FOR allowing the cultivation,
2126 processing, sale and/or distribution of medical cannabis and
2127 cannabis products, as applicable, in _____ [Name of
2128 Municipality] ()" or "I vote AGAINST allowing the cultivation,
2129 processing, sale and/or distribution of medical cannabis and
2130 cannabis products, as applicable, in _____ [Name of
2131 Municipality] ()" with appropriate boxes in which the voters may
2132 express their choice. All qualified electors may vote by marking



2133 the ballot with a cross (x) or check (√) mark opposite the words
2134 of their choice.

2135 (c) The election commissioners shall canvass and
2136 determine the results of the election and shall certify the same
2137 to the governing authorities which shall adopt and spread upon
2138 their minutes an order declaring such results. If, in such
2139 election, a majority of the qualified electors participating
2140 therein vote in favor of allowing the cultivation, processing,
2141 sale and/or distribution of medical cannabis and cannabis
2142 products, as applicable, this chapter shall be applicable and
2143 operative in such municipality and the cultivation, processing,
2144 sale, and/or distribution of medical cannabis and cannabis
2145 products, as applicable, therein shall be lawful to the extent and
2146 in the manner permitted in this chapter. If, on the other hand, a
2147 majority of the qualified electors participating in the election
2148 vote against allowing the cultivation, processing, sale and/or
2149 distribution of medical cannabis and cannabis products, as
2150 applicable, then it shall be illegal to cultivate, process, sell
2151 and/or distribute medical cannabis and cannabis products, as
2152 applicable, in the municipality. In either case, no further
2153 election shall be held in the municipality under the provisions of
2154 this section for a period of two (2) years from the date of the
2155 prior election and then only upon the filing of a petition
2156 requesting same signed by at least twenty percent (20%) or fifteen



2157 hundred (1500), whichever number is the lesser, of the qualified
2158 electors of the municipality as provided in this section.

2159 (5) Regardless of whether a county or municipality opts out
2160 of allowing the cultivation, processing, sale and/or distribution
2161 of medical cannabis and cannabis products, cardholders, cannabis
2162 testing facilities, cannabis research facilities, cannabis
2163 transportation entities and cannabis disposal entities may possess
2164 medical cannabis in the municipality or county if done in
2165 accordance with this chapter.

2166 (6) (a) If a municipality that has opted out under this
2167 section annexes a geographic area which contains a licensed entity
2168 operating under the provisions of this chapter, then the licensed
2169 entity may continue its operation in that municipality's newly
2170 annexed geographic area.

2171 (b) If a licensed entity operating under the provisions
2172 of this chapter is located in a municipality that contracts its
2173 corporate boundaries thereby causing the geographic area in which
2174 the licensed entity is located to no longer be in the municipality
2175 and instead in an unincorporated area of a county that has opted
2176 out under this section, then the licensed entity may continue its
2177 operation in that area of the county.

2178 (7) In any county or municipality in which real property is
2179 owned, leased or otherwise controlled by a waterway district or
2180 water management district created in Title 51, Mississippi Code of
2181 1972, the decision of the county or municipality to opt out or opt



2182 in as provided in this section shall be binding on all real
2183 property in such district. The ordinances of a county or
2184 municipality related to the provisions of this chapter shall be
2185 applicable to all real property within the respective boundaries
2186 of the county or municipality in such district.

2187 **SECTION 17.** This act shall take effect and be in force from
2188 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 INVESTIGATION, FINE, SUSPENSION OR
54 REVOCATION BY A LICENSING AGENCY UNDER THIS SECTION SHALL BE
55 CONSIDERED CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE
56 MISSISSIPPI PUBLIC RECORDS ACT; TO AMEND SECTION 41-137-49,
57 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ADDRESSES OF
58 PROSPECTIVE AND LICENSED MEDICAL CANNABIS ESTABLISHMENTS, EXCEPT
59 FOR MEDICAL CANNABIS DISPENSARIES, SHALL BE CONSIDERED
60 CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE MISSISSIPPI
61 PUBLIC RECORDS ACT; TO AMEND SECTION 41-137-59, MISSISSIPPI CODE
62 OF 1972, TO PROVIDE THAT THE JUDICIAL REVIEW OF AN APPEAL FROM A
63 FINAL DECISION OR ORDER OF AN AGENCY UNDER THE PROVISIONS OF THE
64 MEDICAL CANNABIS ACT SHALL BE BASED ON THE RECORD MADE BEFORE THE
65 AGENCY; TO AMEND SECTION 41-137-63, MISSISSIPPI CODE OF 1972, TO
66 EXTEND THE DATE OF REPEAL FOR THE MEDICAL CANNABIS ADVISORY
67 COMMITTEE; TO AMEND SECTION 41-29-153, MISSISSIPPI CODE OF 1972,
68 TO PROVIDE THAT CONTROLLED SUBSTANCES AND RAW MATERIALS WHICH HAVE
69 BEEN USED IN VIOLATION OF THE MEDICAL CANNABIS ACT MAY BE SUBJECT
70 TO FORFEITURE; TO EMPOWER LAW ENFORCEMENT OFFICERS OF THE
71 MISSISSIPPI DEPARTMENT OF REVENUE OR MISSISSIPPI DEPARTMENT OF
72 HEALTH ACTING WITH THEIR DUTIES IN ACCORDANCE WITH THE MISSISSIPPI
73 MEDICAL CANNABIS ACT TO SEIZE SUCH SUBJECTS; TO AMEND SECTION
74 41-29-154, MISSISSIPPI CODE OF 1972, TO EMPOWER LAW ENFORCEMENT
75 OFFICERS OF THE MISSISSIPPI DEPARTMENT OF REVENUE OR MISSISSIPPI
76 DEPARTMENT OF HEALTH ACTING WITH THEIR DUTIES IN ACCORDANCE WITH
77 THE MISSISSIPPI MEDICAL CANNABIS ACT TO DESTROY ANY CONTROLLED
78 SUBSTANCES OR PARAPHERNALIA SEIZED UNDER THEIR AUTHORITY; TO AMEND
79 SECTION 25-53-1, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF
80 REPEAL THAT ALLOWS AN EXEMPTION TO ITS OVERSIGHT FOR THE



81 DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE FOR THE
82 PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE
83 PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AMEND
84 SECTION 25-53-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE
85 BILL NO. 2728, 2023 REGULAR SESSION, TO EXTEND THE DATE OF REPEAL
86 THAT ALLOWS AN EXEMPTION TO ITS PROCUREMENT PROCEDURES FOR THE
87 DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE FOR THE
88 PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE
89 PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT; TO CREATE NEW
90 SECTION 73-21-127.1, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
91 PRESCRIPTION MONITORING PROGRAM TO ISSUE AN ANNUAL REPORT TO THE
92 LEGISLATURE THAT INDICATES THE NUMBER OF OPIOID PRESCRIPTIONS THAT
93 WERE PROVIDED TO PATIENTS DURING THAT YEAR; TO AMEND SECTION
94 41-137-3, MISSISSIPPI CODE OF 1972, TO ADD THE DEFINITION OF THE
95 TERMS ARTIFICIALLY DERIVED CANNABINOID, CANNABINOID AND CANNABIS
96 WASTE; TO AMEND SECTION 41-137-57, MISSISSIPPI CODE OF 1972, TO
97 PROVIDE THAT IN ANY COUNTY OR MUNICIPALITY IN WHICH REAL PROPERTY
98 IS OWNED, LEASED OR OTHERWISE CONTROLLED BY A WATERWAY DISTRICT OR
99 WATER MANAGEMENT DISTRICT CREATED IN TITLE 51, MISSISSIPPI CODE OF
100 1972, THE DECISION OF THE COUNTY OR MUNICIPALITY TO OPT OUT OR OPT
101 IN OF ALLOWING MEDICAL CANNABIS ENTITIES SHALL BE BINDING ON ALL
102 REAL PROPERTY IN SUCH DISTRICT; TO PROVIDE THAT THE ORDINANCES OF
103 A COUNTY OR MUNICIPALITY RELATED TO THE PROVISIONS THE MEDICAL
104 CANNABIS LAW SHALL BE APPLICABLE TO ALL REAL PROPERTY WITHIN THE
105 BOUNDARIES OF THE COUNTY OR MUNICIPALITY IN SUCH DISTRICT; AND FOR
106 RELATED PURPOSES.

