

By: Representative Shanks

To: Public Health and Human Services

HOUSE BILL NO. 761

1 AN ACT TO AMEND SECTION 41-29-136, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF THE REPEALER ON HARPER GRACE'S LAW, WHICH
3 AUTHORIZES RESEARCH AND THE DISPENSING, POSSESSION AND USE OF
4 CANNABIDIOL (CBD OIL) FOR MEDICAL PURPOSES; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 41-29-136, Mississippi Code of 1972, is
8 amended as follows:

9 41-29-136. (1) "CBD solution" means a pharmaceutical
10 preparation consisting of processed cannabis plant extract in oil
11 or other suitable vehicle.

12 (2) (a) CBD solution prepared from (i) cannabis plant
13 extract that is provided by the National Center for Natural
14 Products Research at the University of Mississippi under
15 appropriate federal and state regulatory approvals, or (ii)
16 cannabis extract from hemp produced pursuant to Sections 69-25-201
17 through * * * 69-25-223, which is prepared and tested to meet
18 compliance with regulatory specifications, may be dispensed by the
19 Department of Pharmacy Services at the University of Mississippi



20 Medical Center (UMMC Pharmacy) after mixing the extract with a
21 suitable vehicle. The CBD solution may be prepared by the UMMC
22 Pharmacy or by another pharmacy or laboratory in the state under
23 appropriate federal and state regulatory approvals and
24 registrations.

25 (b) The patient or the patient's parent, guardian or
26 custodian must execute a hold-harmless agreement that releases
27 from liability the state and any division, agency, institution or
28 employee thereof involved in the research, cultivation,
29 processing, formulating, dispensing, prescribing or administration
30 of CBD solution obtained from entities authorized under this
31 section to produce or possess cannabidiol for research under
32 appropriate federal and state regulatory approvals and
33 registrations.

34 (c) The National Center for Natural Products Research
35 at the University of Mississippi and the Mississippi Agricultural
36 and Forestry Experiment Station at Mississippi State University
37 are the only entities authorized to produce cannabis plants for
38 cannabidiol research.

39 (d) Research of CBD solution under this section must
40 comply with the provisions of Section 41-29-125 regarding lawful
41 possession of controlled substances, * * * Section 41-29-137
42 regarding record-keeping requirements relative to the dispensing,
43 use or administration of controlled substances, and * * * Section
44 41-29-133 regarding inventory requirements, insofar as they are



45 applicable. Authorized entities may enter into public-private
46 partnerships to facilitate research.

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

50 (i) The defendant suffered from a debilitating
51 epileptic condition or related illness and the use or possession
52 of CBD solution was pursuant to the order of a physician as
53 authorized under this section; or

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

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

64 (c) An employee of the state or any division, agency,
65 institution thereof involved in the research, cultivation,
66 processing, formulation, dispensing, prescribing or administration
67 of CBD solution shall not be subject to prosecution for unlawful
68 possession, use, distribution or prescription of marijuana under
69 the laws of this state for activities arising from or related to



70 the use of CBD solution in the treatment of individuals diagnosed
71 with a debilitating epileptic condition.

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

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

76 (6) This section shall stand repealed from and after July
77 1, * * * 2027.

78 **SECTION 2.** This act shall take effect and be in force from
79 and after July 1, 2024.

