

By: Senator(s) Bryan

To: Public Health and Welfare

SENATE BILL NO. 2340

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 69-25-221, which is prepared and tested to meet compliance  
18 with regulatory specifications, may be dispensed by the Department  
19 of Pharmacy Services at the University of Mississippi Medical



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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

