

By: Representatives Tullos, Haney

To: Judiciary B

HOUSE BILL NO. 143

1 AN ACT TO AMEND SECTION 41-29-139, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE DOSAGE UNITS FOR THE CRIME OF AGGRAVATED DRUG
3 TRAFFICKING; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 41-29-139, Mississippi Code of 1972, is
6 amended as follows:

7 41-29-139. (a) **Transfer and possession with intent to**
8 **transfer.** Except as authorized by this article, it is unlawful
9 for any person knowingly or intentionally:

10 (1) To sell, barter, transfer, manufacture, distribute,
11 dispense or possess with intent to sell, barter, transfer,
12 manufacture, distribute or dispense, a controlled substance; or

13 (2) To create, sell, barter, transfer, distribute,
14 dispense or possess with intent to create, sell, barter, transfer,
15 distribute or dispense, a counterfeit substance.

16 (b) **Punishment for transfer and possession with intent to**
17 **transfer.** Except as otherwise provided in Section 41-29-142, any



18 person who violates subsection (a) of this section shall be, if
19 convicted, sentenced as follows:

20 (1) For controlled substances classified in Schedule I
21 or II, as set out in Sections 41-29-113 and 41-29-115, other than
22 marijuana or synthetic cannabinoids:

23 (A) If less than two (2) grams or ten (10) dosage
24 units, by imprisonment for not more than eight (8) years or a fine
25 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

26 (B) If two (2) or more grams or ten (10) or more
27 dosage units, but less than ten (10) grams or twenty (20) dosage
28 units, by imprisonment for not less than three (3) years nor more
29 than twenty (20) years or a fine of not more than Two Hundred
30 Fifty Thousand Dollars (\$250,000.00), or both.

31 (C) If ten (10) or more grams or twenty (20) or
32 more dosage units, but less than thirty (30) grams or forty (40)
33 dosage units, by imprisonment for not less than five (5) years nor
34 more than thirty (30) years or a fine of not more than Five
35 Hundred Thousand Dollars (\$500,000.00), or both.

36 (2) (A) For marijuana:

37 1. If thirty (30) grams or less, by
38 imprisonment for not more than three (3) years or a fine of not
39 more than Three Thousand Dollars (\$3,000.00), or both;

40 2. If more than thirty (30) grams but less
41 than two hundred fifty (250) grams, by imprisonment for not more



than five (5) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both;

3. If two hundred fifty (250) or more grams but less than five hundred (500) grams, by imprisonment for not less than three (3) years nor more than ten (10) years or a fine of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

4. If five hundred (500) or more grams but less than one (1) kilogram, by imprisonment for not less than five (5) years nor more than twenty (20) years or a fine of not more than Twenty Thousand Dollars (\$20,000.00), or both.

(B) For synthetic cannabinoids:

1. If ten (10) grams or less, by imprisonment for not more than three (3) years or a fine of not more than Three Thousand Dollars (\$3,000.00), or both;

2. If more than ten (10) grams but less than twenty (20) grams, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both;

3. If twenty (20) or more grams but less than forty (40) grams, by imprisonment for not less than three (3) years nor more than ten (10) years or a fine of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

4. If forty (40) or more grams but less than two hundred (200) grams, by imprisonment for not less than five



66 (5) years nor more than twenty (20) years or a fine of not more
67 than Twenty Thousand Dollars (\$20,000.00), or both.

68 (3) For controlled substances classified in Schedules
69 III and IV, as set out in Sections 41-29-117 and 41-29-119:

70 (A) If less than two (2) grams or ten (10) dosage
71 units, by imprisonment for not more than five (5) years or a fine
72 of not more than Five Thousand Dollars (\$5,000.00), or both;

73 (B) If two (2) or more grams or ten (10) or more
74 dosage units, but less than ten (10) grams or twenty (20) dosage
75 units, by imprisonment for not more than eight (8) years or a fine
76 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

77 (C) If ten (10) or more grams or twenty (20) or
78 more dosage units, but less than thirty (30) grams or forty (40)
79 dosage units, by imprisonment for not more than fifteen (15) years
80 or a fine of not more than One Hundred Thousand Dollars
81 (\$100,000.00), or both;

82 (D) If thirty (30) or more grams or forty (40) or
83 more dosage units, but less than five hundred (500) grams or two
84 thousand five hundred (2,500) dosage units, by imprisonment for
85 not more than twenty (20) years or a fine of not more than Two
86 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

87 (4) For controlled substances classified in Schedule V,
88 as set out in Section 41-29-121:



89 (A) If less than two (2) grams or ten (10) dosage
90 units, by imprisonment for not more than one (1) year or a fine of
91 not more than Five Thousand Dollars (\$5,000.00), or both;

92 (B) If two (2) or more grams or ten (10) or more
93 dosage units, but less than ten (10) grams or twenty (20) dosage
94 units, by imprisonment for not more than five (5) years or a fine
95 of not more than Ten Thousand Dollars (\$10,000.00), or both;

96 (C) If ten (10) or more grams or twenty (20) or
97 more dosage units, but less than thirty (30) grams or forty (40)
98 dosage units, by imprisonment for not more than ten (10) years or
99 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or
100 both;

101 (D) For thirty (30) or more grams or forty (40) or
102 more dosage units, but less than five hundred (500) grams or two
103 thousand five hundred (2,500) dosage units, by imprisonment for
104 not more than fifteen (15) years or a fine of not more than Fifty
105 Thousand Dollars (\$50,000.00), or both.

106 (c) **Simple possession.** Except as otherwise provided under
107 subsection (i) of this section for actions that are lawful under
108 the Mississippi Medical Cannabis Act and in compliance with rules
109 and regulations adopted thereunder, it is unlawful for any person
110 knowingly or intentionally to possess any controlled substance
111 unless the substance was obtained directly from, or pursuant to, a
112 valid prescription or order of a practitioner while acting in the
113 course of his professional practice, or except as otherwise



authorized by this article. The penalties for any violation of this subsection (c) with respect to a controlled substance classified in Schedules I, II, III, IV or V, as set out in Section 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including marijuana or synthetic cannabinoids, shall be based on dosage unit as defined herein or the weight of the controlled substance as set forth herein as appropriate:

"Dosage unit (d.u.)" means a tablet or capsule, or in the case of a liquid solution, one (1) milliliter. In the case of lysergic acid diethylamide (LSD) the term, "dosage unit" means a stamp, square, dot, microdot, tablet or capsule of a controlled substance.

For any controlled substance that does not fall within the definition of the term "dosage unit," the penalties shall be based upon the weight of the controlled substance.

The weight set forth refers to the entire weight of any mixture or substance containing a detectable amount of the controlled substance.

If a mixture or substance contains more than one (1) controlled substance, the weight of the mixture or substance is assigned to the controlled substance that results in the greater punishment.

A person shall be charged and sentenced as follows for a violation of this subsection with respect to:



(1) A controlled substance classified in Schedule I or II, except marijuana and synthetic cannabinoids:

(A) If less than one-tenth (0.1) gram or two (2) dosage units, the violation is a misdemeanor and punishable by imprisonment for not more than one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both.

(B) If one-tenth (0.1) gram or more or two (2) or more dosage units, but less than two (2) grams or ten (10) dosage units, by imprisonment for not more than three (3) years or a fine of not more than Fifty Thousand Dollars (\$50,000.00), or both.

(C) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not more than eight (8) years or a fine of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both.

(D) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not less than three (3) years nor more than twenty (20) years or a fine of not more than Five Hundred Thousand Dollars (\$500,000.00), or both.

(2) (A) Marijuana and synthetic cannabinoids:

1. If thirty (30) grams or less of marijuana or ten (10) grams or less of synthetic cannabinoids, by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00). The provisions of this paragraph



(2) (A) may be enforceable by summons if the offender provides proof of identity satisfactory to the arresting officer and gives written promise to appear in court satisfactory to the arresting officer, as directed by the summons. A second conviction under this section within two (2) years is a misdemeanor punishable by a fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty (60) days in the county jail, and mandatory participation in a drug education program approved by the Division of Alcohol and Drug Abuse of the State Department of Mental Health, unless the court enters a written finding that a drug education program is inappropriate. A third or subsequent conviction under this paragraph (2) (A) within two (2) years is a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) and confinement for not more than six (6) months in the county jail.

Upon a first or second conviction under this paragraph (2) (A), the courts shall forward a report of the conviction to the Mississippi Bureau of Narcotics which shall make and maintain a private, nonpublic record for a period not to exceed two (2) years from the date of conviction. The private, nonpublic record shall be solely for the use of the courts in determining the penalties which attach upon conviction under this paragraph (2) (A) and shall not constitute a criminal record for the purpose of private or administrative inquiry and the record of each conviction shall be



expunged at the end of the period of two (2) years following the date of such conviction;

2. Additionally, a person who is the operator of a motor vehicle, who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, more than one (1) gram, but not more than thirty (30) grams of marijuana or not more than ten (10) grams of synthetic cannabinoids is guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars (\$1,000.00) or confined for not more than ninety (90) days in the county jail, or both. For the purposes of this subsection, such area of the vehicle shall not include the trunk of the motor vehicle or the areas not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

(B) Marijuana:

1. If more than thirty (30) grams but less than two hundred fifty (250) grams, by a fine of not more than One Thousand Dollars (\$1,000.00), or confinement in the county jail for not more than one (1) year, or both; or by a fine of not more than Three Thousand Dollars (\$3,000.00), or imprisonment in the custody of the Department of Corrections for not more than three (3) years, or both;



211 2. If two hundred fifty (250) or more grams
212 but less than five hundred (500) grams, by imprisonment for not
213 less than two (2) years nor more than eight (8) years or by a fine
214 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

215 3. If five hundred (500) or more grams but
216 less than one (1) kilogram, by imprisonment for not less than four
217 (4) years nor more than sixteen (16) years or a fine of not more
218 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

219 4. If one (1) kilogram or more but less than
220 five (5) kilograms, by imprisonment for not less than six (6)
221 years nor more than twenty-four (24) years or a fine of not more
222 than Five Hundred Thousand Dollars (\$500,000.00), or both;

223 5. If five (5) kilograms or more, by
224 imprisonment for not less than ten (10) years nor more than thirty
225 (30) years or a fine of not more than One Million Dollars
226 (\$1,000,000.00), or both.

227 (C) Synthetic cannabinoids:

228 1. If more than ten (10) grams but less than
229 twenty (20) grams, by a fine of not more than One Thousand Dollars
230 (\$1,000.00), or confinement in the county jail for not more than
231 one (1) year, or both; or by a fine of not more than Three
232 Thousand Dollars (\$3,000.00), or imprisonment in the custody of
233 the Department of Corrections for not more than three (3) years,
234 or both;



235 2. If twenty (20) or more grams but less than
236 forty (40) grams, by imprisonment for not less than two (2) years
237 nor more than eight (8) years or by a fine of not more than Fifty
238 Thousand Dollars (\$50,000.00), or both;

239 3. If forty (40) or more grams but less than
240 two hundred (200) grams, by imprisonment for not less than four
241 (4) years nor more than sixteen (16) years or a fine of not more
242 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

243 4. If two hundred (200) or more grams, by
244 imprisonment for not less than six (6) years nor more than
245 twenty-four (24) years or a fine of not more than Five Hundred
246 Thousand Dollars (\$500,000.00), or both.

247 (3) A controlled substance classified in Schedule III,
248 IV or V as set out in Sections 41-29-117 through 41-29-121, upon
249 conviction, may be punished as follows:

250 (A) If less than fifty (50) grams or less than one
251 hundred (100) dosage units, the offense is a misdemeanor and
252 punishable by not more than one (1) year or a fine of not more
253 than One Thousand Dollars (\$1,000.00), or both.

254 (B) If fifty (50) or more grams or one hundred
255 (100) or more dosage units, but less than one hundred fifty (150)
256 grams or five hundred (500) dosage units, by imprisonment for not
257 less than one (1) year nor more than four (4) years or a fine of
258 not more than Ten Thousand Dollars (\$10,000.00), or both.



259 (C) If one hundred fifty (150) or more grams or
260 five hundred (500) or more dosage units, but less than three
261 hundred (300) grams or one thousand (1,000) dosage units, by
262 imprisonment for not less than two (2) years nor more than eight
263 (8) years or a fine of not more than Fifty Thousand Dollars
264 (\$50,000.00), or both.

265 (D) If three hundred (300) or more grams or one
266 thousand (1,000) or more dosage units, but less than five hundred
267 (500) grams or two thousand five hundred (2,500) dosage units, by
268 imprisonment for not less than four (4) years nor more than
269 sixteen (16) years or a fine of not more than Two Hundred Fifty
270 Thousand Dollars (\$250,000.00), or both.

271 (d) **Paraphernalia.** (1) Except as otherwise provided under
272 subsection (i) of this section for actions that are lawful under
273 the Mississippi Medical Cannabis Act and in compliance with rules
274 and regulations adopted thereunder, it is unlawful for a person
275 who is not authorized by the State Board of Medical Licensure,
276 State Board of Pharmacy, or other lawful authority to use, or to
277 possess with intent to use, paraphernalia to plant, propagate,
278 cultivate, grow, harvest, manufacture, compound, convert, produce,
279 process, prepare, test, analyze, pack, repack, store, contain,
280 conceal, inject, ingest, inhale or otherwise introduce into the
281 human body a controlled substance in violation of the Uniform
282 Controlled Substances Law. Any person who violates this
283 subsection (d) (1) is guilty of a misdemeanor and, upon conviction,



may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars (\$500.00), or both; however, no person shall be charged with a violation of this subsection when such person is also charged with the possession of thirty (30) grams or less of marijuana under subsection (c) (2) (A) of this section.

(2) It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Law. Except as provided in subsection (d) (3), a person who violates this subsection (d) (2) is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars (\$500.00), or both.

(3) Any person eighteen (18) years of age or over who violates subsection (d) (2) of this section by delivering or selling paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a misdemeanor and, upon conviction, may be confined in the county



jail for not more than one (1) year, or fined not more than One
Thousand Dollars (\$1,000.00), or both.

(4) It is unlawful for any person to place in any
newspaper, magazine, handbill, or other publication any
advertisement, knowing, or under circumstances where one
reasonably should know, that the purpose of the advertisement, in
whole or in part, is to promote the sale of objects designed or
intended for use as paraphernalia. Any person who violates this
subsection is guilty of a misdemeanor and, upon conviction, may be
confined in the county jail for not more than six (6) months, or
fined not more than Five Hundred Dollars (\$500.00), or both.

(e) It shall be unlawful for any physician practicing
medicine in this state to prescribe, dispense or administer any
amphetamine or amphetamine-like anorectics and/or central nervous
system stimulants classified in Schedule II, pursuant to Section
41-29-115, for the exclusive treatment of obesity, weight control
or weight loss. Any person who violates this subsection, upon
conviction, is guilty of a misdemeanor and may be confined for a
period not to exceed six (6) months, or fined not more than One
Thousand Dollars (\$1,000.00), or both.

(f) **Trafficking.** (1) Any person trafficking in controlled
substances shall be guilty of a felony and, upon conviction, shall
be imprisoned for a term of not less than ten (10) years nor more
than forty (40) years and shall be fined not less than Five
Thousand Dollars (\$5,000.00) nor more than One Million Dollars



333 (\$1,000,000.00). The ten-year mandatory sentence shall not be
334 reduced or suspended. The person shall not be eligible for
335 probation or parole, the provisions of Sections 41-29-149,
336 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

337 (2) "Trafficking in controlled substances" as used
338 herein means:

339 (A) A violation of subsection (a) of this section
340 involving thirty (30) or more grams or forty (40) or more dosage
341 units of a Schedule I or II controlled substance except marijuana
342 and synthetic cannabinoids;

343 (B) A violation of subsection (a) of this section
344 involving five hundred (500) or more grams or two thousand five
345 hundred (2,500) or more dosage units of a Schedule III, IV or V
346 controlled substance;

347 (C) A violation of subsection (c) of this section
348 involving thirty (30) or more grams or forty (40) or more dosage
349 units of a Schedule I or II controlled substance except marijuana
350 and synthetic cannabinoids;

351 (D) A violation of subsection (c) of this section
352 involving five hundred (500) or more grams or two thousand five
353 hundred (2,500) or more dosage units of a Schedule III, IV or V
354 controlled substance; or

355 (E) A violation of subsection (a) of this section
356 involving one (1) kilogram or more of marijuana or two hundred
357 (200) grams or more of synthetic cannabinoids.



(g) **Aggravated trafficking.** Any person trafficking in Schedule I or II controlled substances, except marijuana and synthetic cannabinoids, of two hundred (200) grams or more, or four hundred (400) dosage or more units shall be guilty of aggravated trafficking and, upon conviction, shall be sentenced to a term of not less than twenty-five (25) years nor more than life in prison and shall be fined not less than Five Thousand Dollars (\$5,000.00) nor more than One Million Dollars (\$1,000,000.00). The twenty-five-year sentence shall be a mandatory sentence and shall not be reduced or suspended. The person shall not be eligible for probation or parole, the provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

(h) **Sentence mitigation.** (1) Notwithstanding any provision of this section, a person who has been convicted of an offense under this section that requires the judge to impose a prison sentence which cannot be suspended or reduced and is ineligible for probation or parole may, at the discretion of the court, receive a sentence of imprisonment that is no less than twenty-five percent (25%) of the sentence prescribed by the applicable statute. In considering whether to apply the departure from the sentence prescribed, the court shall conclude that:

(A) The offender was not a leader of the criminal enterprise;



(B) The offender did not use violence or a weapon during the crime;

(C) The offense did not result in a death or serious bodily injury of a person not a party to the criminal enterprise; and

(D) The interests of justice are not served by the imposition of the prescribed mandatory sentence.

The court may also consider whether information and assistance were furnished to a law enforcement agency, or its designee, which, in the opinion of the trial judge, objectively should or would have aided in the arrest or prosecution of others who violate this subsection. The accused shall have adequate opportunity to develop and make a record of all information and assistance so furnished.

(2) If the court reduces the prescribed sentence pursuant to this subsection, it must specify on the record the circumstances warranting the departure.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2025.

