

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2025

By: Senator(s) Simmons (12th)

To: *Judiciary, Division B*

SENATE BILL NO. 2351

1 AN ACT TO AMEND SECTION 41-29-113, MISSISSIPPI CODE OF 1972,
2 TO REMOVE MARIJUANA FROM THE LIST OF SCHEDULE I CONTROLLED
3 SUBSTANCES; TO AMEND SECTION 41-29-139, MISSISSIPPI CODE OF 1972,
4 TO CONFORM THE PENALTY FOR POSSESSION OF CONTROLLED SUBSTANCES
5 OTHER THAN MARIJUANA; TO AMEND SECTION 41-29-105, MISSISSIPPI CODE
6 OF 1972, TO CONFORM DEFINITIONS FOR THE UNIFORM CONTROLLED
7 SUBSTANCES ACT; TO AMEND SECTION 41-29-136, MISSISSIPPI CODE OF
8 1972, TO CONFORM AND TO EXTEND THE REPEALER; TO AMEND SECTIONS
9 33-13-520, 41-29-147, 41-29-149.1 AND 41-29-150, MISSISSIPPI CODE
10 OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 41-29-113, Mississippi Code of 1972, is
13 amended as follows:

14 41-29-113.

SCHEDULE I

16 (a) Schedule I consists of the drugs and other substances,
17 by whatever official name, common or usual name, chemical name, or
18 brand name designated, that is listed in this section.

19 (b) **Opiates.** Unless specifically excepted or unless listed
20 in another schedule, any of the following opiates, including their
21 isomers, esters, ethers, salts and salts of isomers, esters and



22 ethers, whenever the existence of these isomers, esters, ethers
23 and salts is possible within the specific chemical designation:
24 (1) Acetyl-alpha-methylfentanyl
25 (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
26 (2) Acetylmethadol;
27 (3) Acetyl fentanyl
28 (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
29 (4) Acryl fentanyl
30 (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide), also known as
31 acryloylfentanyl;
32 (5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)
33 cyclohexylmethyl]benzamide);
34 (6) Allylprodine;
35 (7) Alphacetylmethadol, except levo-alphacetylmethadol
36 (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
37 (8) Alphameprodine;
38 (9) Alphamethadol;
39 (10) Alpha-Methylfentanyl
40 (N-[1-alpha-methyl-beta-phenyl]ethyl-4-piperidyl]propionanilide;
41 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine);
42 (11) Alpha-Methylthiofentanyl
43 (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide
44);
45 (12) Benzethidine;
46 (13) Betacetylmethadol;



47 (14) Beta-Hydroxyfentanyl
48 (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
49 (15) Beta-Hydroxy-3-methylfentanyl
50 (N-[1-(2-hydroxy-2-phenylethyl)-3-methyl-4-piperidinyl]-N-phenylpr
51 opanamide);
52 (16) Beta-Hydroxythiofentanyl
53 (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpr
54 opionamide);
55 (17) Betameprodine;
56 (18) Betamethadol;
57 (19) Beta-Methyl fentanyl
58 (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide), also
59 known as β -methyl fentanyl;
60 (20) Beta'-Phenyl fentanyl
61 (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide), also
62 known as β' -phenyl fentanyl or 3-phenylpropanoyl fentanyl;
63 (21) Betaprodine;
64 (22) Brorphine (1-(1-(1-
65 (4-bromophenyl)ethyl)piperidin-4-yl)-
66 1,3-dihydro-2H-benzo[d]imidazol-2-one);
67 (23) Butyrl fentanyl
68 (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);
69 (24) Clonitazene;
70 (25) Crotonyl fentanyl
71 ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);

72 (26) Cyclopentyl fentanyl
73 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
74 (27) Cyclopropyl fentanyl
75 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
76 (28) Dextromoramide;
77 (29) Diampromide;
78 (30) Diethylthiambutene;
79 (31) Difenoxin;
80 (32) Dimenoxadol;
81 (33) Dimepheptanol;
82 (34) Dimethylthiambutene;
83 (35) Dioxaphetyl butyrate;
84 (36) Dipipanone;
85 (37) Ethylmethylthiambutene;
86 (38) Etonitazene;
87 (39) Etoxeridine;
88 (40) Fentanyl carbamate
89 (ethyl(1-phenethylpiperidin-4-yl)(phenyl)carbamate);
90 (41) Fentanyl-related substances, meaning any substance
91 not otherwise listed under another schedule and for which no
92 exemption or approval is in effect under Section 505 of the
93 Federal Food, Drug, and Cosmetic Act [21 USC 355] that is
94 structurally related to fentanyl by one or more of the following
95 modifications:



96 (A) Replacement of the phenyl portion of the
97 phenethyl group by any monocycle, whether or not further
98 substituted in or on the monocycle;
99 (B) Substitution in or on the phenethyl group with
100 alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro
101 groups;
102 (C) Substitution in or on the piperidine ring with
103 alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl,
104 amino or nitro groups;
105 (D) Replacement of the aniline ring with any
106 aromatic monocycle whether or not further substituted in or on the
107 aromatic monocycle; and/or
108 (E) Replacement of the N-propionyl group by
109 another acyl group.
110 (42) 4-Fluoroisobutyryl fentanyl
111 (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide),
112 also known as para-fluoroisobutyryl fentanyl;
113 (43) 2'-Fluoro ortho-fluorofentanyl
114 (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)
115 propionamide), also known as 2'-fluoro 2-fluorofentanyl;
116 (44) Furanyl fentanyl
117 (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
118 (45) Furethidine;
119 (46) Hydroxypethidine;

120 (47) Isobutyryl fentanyl
121 (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);
122 (48) Isotonitazene (N,N-diethyl-2-(2-(4
123 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);
124 (49) Ketobemidone (including the optical and geometric
125 isomers);
126 (50) Levomoramide;
127 (51) Levophenacylmorphan;
128 (52) Methoxyacetyl fentanyl
129 (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
130 (53) 4'-Methyl acetyl fentanyl
131 (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide);
132 (54) 3-Methylfentanyl
133 (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
134 (55) 3-Methylthiofentanyl (N-[3-methyl-1-
135 (2-thienylethyl)-4-piperidinyl]-N-phenylpropanamide);
136 (56) Metonitazene
137 (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)e
138 than-1-amine (metonitazene);
139 (57) Morpheridine;
140 (58) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
141 (59) MT-45
142 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
143 (60) Noracymethadol;
144 (61) Norlevorphanol;

145 (62) Normethadone;
146 (63) Norpipanone;
147 (64) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-
148 (1-phenethylpiperidin-4-yl)acetamide);
149 (65) Ortho-Fluoroacryl fentanyl
150 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide);
151 (66) Ortho-Fluorobutyryl fentanyl
152 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide), also
153 known as 2-fluorobutyryl fentanyl;
154 (67) Ortho-Fluorofentanyl
155 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide),
156 also known as 2-fluorofentanyl;
157 (68) Ortho-Fluoroisobutyryl fentanyl
158 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
159 (69) Ortho-Methyl acetyl fentanyl
160 (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide), also
161 known as 2-methyl acetyl fentanyl;
162 (70) Ortho-Methyl methoxyacetyl fentanyl
163 (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)
164 acetamide), also known as 2-methyl methoxyacetyl fentanyl;
165 (71) Para-Chloroisobutyryl fentanyl
166 (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
167 (72) Para-Fluorobutyryl fentanyl
168 (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
169 (73) Para-Fluorofentanyl (N-(4-fluorophenyl)

170 -N-[1-(2-phenylethyl)-4-piperidinyl]propanamide);
171 (74) Para-Fluoro furanyl fentanyl N-(4-fluorophenyl)-N-
172 (1-phenethylpiperidin-4-yl)furan-2-carboxamide);
173 (75) Para-Methoxybutyryl fentanyl
174 (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
175 (76) Para-Methylfentanyl
176 (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide),
177 also known as 4-methylfentanyl);
178 (77) PEPAP
179 (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
180 (78) Phenadoxone;
181 (79) Phenampromide;
182 (80) Phenomorphan;
183 (81) Phenoperidine;
184 (82) Phenyl fentanyl
185 (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide), also known as
186 benzoyl fentanyl;
187 (83) Piritramide;
188 (84) Proheptazine;
189 (85) Properidine;
190 (86) Propiram;
191 (87) Racemoramide;
192 (88) Tetrahydrofuryl fentanyl
193 (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-
194 carboxamide);

195 (89) Thiofentanyl
196 (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide);
197 (90) Thiofuranyl fentanyl
198 (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide),
199 also known as 2-thiofuranyl fentanyl or thiophene fentanyl;
200 (91) Tiliidine;
201 (92) Trimeperidine;
202 (93) U-47700, (3,4-dichloro-N-
203 [2-(dimethylamino)cyclohexyl]-N-methylbenzamide);
204 (94) Valeryl fentanyl
205 (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide). .

206 (c) **Opium derivatives.** Unless specifically excepted or
207 unless listed in another schedule, any of the following opium
208 derivatives, their salts, isomers and salts of isomers, whenever
209 the existence of these salts, isomers and salts of isomers is
210 possible within the specific chemical designation:

211 (1) Acetorphine;
212 (2) Acetyldihydrocodeine;
213 (3) Benzylmorphine;
214 (4) Codeine methylbromide;
215 (5) Codeine-N-Oxide;
216 (6) Cyprenorphine;
217 (7) Desomorphine;
218 (8) Dihydromorphine;
219 (9) Drotebanol;

220 (10) Etorphine (except hydrochloride salt);
221 (11) Heroin;
222 (12) Hydromorphenol;
223 (13) Methyldesorphine;
224 (14) Methyldihydromorphine;
225 (15) Monoacetylmorphine;
226 (16) Morphine methylbromide;
227 (17) Morphine methylsulfonate;
228 (18) Morphine-N-Oxide;
229 (19) Myrophine;
230 (20) Nicocodeine;
231 (21) Nicomorphine;
232 (22) Normorphine;
233 (23) Pholcodine;
234 (24) Thebacon.

235 (d) **Hallucinogenic substances.** Unless specifically excepted
236 or unless listed in another schedule, any material, compound,
237 mixture or preparation which contains any quantity of the
238 following substances, their salts, isomers (whether optical,
239 positional, or geometric) and salts of isomers, whenever the
240 existence of these salts, isomers and salts of isomers is possible
241 within the specific chemical designation:

242 (1) Alpha-ethyltryptamine;
243 (2) 4-bromo-2,5-dimethoxyamphetamine;
244 (3) 4-bromo-2,5-dimethoxyphenethylamine;



245 (4) 2,5-dimethoxyamphetamine;
246 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
247 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine
248 (2C-T-7);
249 (7) 4-methoxyamphetamine;
250 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
251 (9) 4-methyl-2,5-dimethoxy-amphetamine;
252 (10) 3,4-methylenedioxy amphetamine;
253 (11) 3,4-methylenedioxymethamphetamine (MDMA);
254 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
255 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl
256 MDA, MDE, MDEA);
257 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also
258 known as N-hydroxy MDA, N-OHMDA, and
259 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);
260 (14) 3,4,5-trimethoxy amphetamine;
261 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
262 (16) Alpha-methyltryptamine (also known as AMT);
263 (17) Bufotenine;
264 (18) Diethyltryptamine;
265 (19) Dimethyltryptamine;
266 (20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
267 (21) Ibogaine;
268 (22) Lysergic acid diethylamide (LSD);
269 (23) * * * [Deleted]

270 (24) Mescaline;
271 (25) Parahexyl;
272 (26) Peyote;
273 (27) N-ethyl-3-piperidyl benzilate;
274 (28) N-methyl-3-piperidyl benzilate;
275 (29) Psilocybin;
276 (30) Psilocyn;
277 (31) Tetrahydrocannabinols, meaning
278 tetrahydrocannabinols contained in a plant of the genus Cannabis
279 (cannabis plant), as well as the synthetic equivalents of the
280 substances contained in the cannabis plant, or in the resinous
281 extractives of such plant, and/or synthetic substances,
282 derivatives, and their isomers with similar chemical structure and
283 pharmacological activity to those substances contained in the
284 plant such as the following:
285 (A) 1 cis or trans tetrahydrocannabinol;
286 (B) 6 cis or trans tetrahydrocannabinol;
287 (C) 3,4 cis or trans tetrahydrocannabinol.
288 (Since nomenclature of these substances is not
289 internationally standardized, compounds of these structures,
290 regardless of atomic positions, are covered.)
291 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)
292 For purposes of this paragraph, tetrahydrocannabinols do not
293 include hemp or hemp products regulated under Sections 69-25-201
294 through 69-25-221.

295 However, the following products are exempted from control:

296 (i) THC-containing industrial products made
297 from cannabis stalks (e.g., paper, rope and clothing);

298 (ii) Processed cannabis plant materials used
299 for industrial purposes, such as fiber retted from cannabis stalks
300 for use in manufacturing textiles or rope;

301 (iii) Animal feed mixtures that contain
302 sterilized cannabis seeds and other ingredients (not derived from
303 the cannabis plant) in a formula designed, marketed and
304 distributed for nonhuman consumption;

305 (iv) Personal care products that contain oil
306 from sterilized cannabis seeds, such as shampoos, soaps, and body
307 lotions (if the products do not cause THC to enter the human
308 body);

309 (v) Hemp as regulated under Sections
310 69-25-201 through 69-25-221; and

311 (vi) Any product derived from the hemp plant
312 designed for human ingestion and/or consumption that is approved
313 by the United States Food and Drug Administration;

314 (32) Phencyclidine;

315 (33) Ethylamine analog of phencyclidine (PCE);

316 (34) Pyrrolidine analog of phencyclidine (PHP, PCPy);

317 (35) Thiophene analog of phencyclidine;

318 (36) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);

319 (37) 4-methylmethcathinone (mephedrone);

320 (38) 3,4-methylenedioxypyrovalerone (MDPV);
321 (39) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E);
322 (40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);
323 (41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
324 (42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
325 or 2,5-dimethoxy-4-iodophenethylamine;
326 (43) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine
327 (2C-T-2);
328 (44)
329 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
330 (45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);
331 (46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
332 (47) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine
333 (2C-P);
334 (48) 3,4-methylenedioxy-N-methylcathinone (methylone);
335 (49)
336 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
337 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);
338 (50)
339 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
340 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);
341 (51)
342 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or
343 N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;
344 Cimbi-5);



345 (52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,
346 4-benzodiazepin-2-one (also known as Phenazepam);
347 (53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,
348 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene
349 (also known as Etizolam);
350 (54) *Salvia divinorum*;
351 (55) Synthetic cannabinoids. Unless specifically
352 excepted or unless listed in another schedule, any material,
353 compound, mixture, or preparation which contains any quantity of a
354 synthetic cannabinoid found in any of the following chemical
355 groups, whether or not substituted to any extent, or any of those
356 groups which contain any synthetic cannabinoid salts, isomers, or
357 salts of isomers, whenever the existence of such salts, isomers,
358 or salts of isomers is possible within the specific chemical
359 designation, including all synthetic cannabinoid chemical
360 analogues in such groups:
361 (A) (6aR,10aR)-9-(hydroxymethyl)-6,
362 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
363 chromen-1-ol (also known as HU-210 or
364 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);
365 (B) Naphthoylindoles and naphthylmethylindoles,
366 being any compound structurally derived from 3-(1-naphthoyl)indole
367 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted
368 in the indole ring to any extent, or in the naphthyl ring to any
369 extent;



370 (C) Naphthoylpyrroles, being any compound
371 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not
372 substituted in the pyrrole ring to any extent, or in the naphthyl
373 ring to any extent;

374 (D) Naphthylmethylinenes, being any compound
375 structurally derived from 1-(1-naphthylmethyl)indene, whether or
376 not substituted in the indene ring to any extent or in the
377 naphthyl ring to any extent;

378 (E) Phenylacetylindoles, being any compound
379 structurally derived from 3-phenylacetylindole, whether or not
380 substituted in the indole ring to any extent or in the phenyl ring
381 to any extent;

382 (F) Cyclohexylphenols, being any compound
383 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether
384 or not substituted in the cyclohexyl ring to any extent or in the
385 phenolic ring to any extent;

386 (G) Benzoylindoles, whether or not substituted in
387 the indole ring to any extent or in the phenyl ring to any extent;

388 (H) Adamantoylindoles, whether or not substituted
389 in the indole ring to any extent or in the adamantoyl ring system
390 to any extent;

391 (I) Tetrahydro derivatives of cannabinol and
392 3-alkyl homologues of cannabinol or of its tetrahydro derivatives,
393 except where contained in cannabis or cannabis resin;



394 (J) 3-Cyclopropylmethanone indole or
395 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by
396 substitution at the nitrogen atom of the indole ring, whether or
397 not further substituted in the indole ring to any extent, whether
398 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl
399 rings to any extent;

400 (K) Quinolinyl ester indoles, being any compound
401 structurally derived from 1H-indole-3carboxylic acid-8-quinolinyl
402 ester, whether or not substituted in the indole ring to any extent
403 or the quinolone ring to any extent;

404 (L) 3-carboxamide-1H-indazoles, whether or not
405 substituted in the indazole ring to any extent and substituted to
406 any degree on the carboxamide nitrogen and
407 3-carboxamide-1H-indoles, whether or not substituted in the indole
408 ring to any extent and substituted to any degree on the
409 carboxamide nitrogen;

410 (M) Cycloalkanemethanone Indoles, whether or not
411 substituted at the nitrogen atom on the indole ring, whether or
412 not further substituted in the indole ring to any extent, whether
413 or not substituted on the cycloalkane ring to any extent;

414 (56) Naphthalen-1-yl
415 1-(5-fluoropentyl)-1H-indole-3-carboxylate, also known as NM2201
416 or CBL2201;

417 (57) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-
418 pyrrolo[2,3-b]pyridine-3-carboxamide, also known as
419 5F-CUMYL-P7AICA or SGT-25;
420 (58) Methyl
421 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutano-
422 ate, also known as 4F-MDMB-BINACA or 4F-MDMB-BUTINACA);
423 (59) 1-(4-methoxyphenyl)-N-methylpropan-2-amine, also
424 known as para-methoxymethamphetamine or PMMA;
425 (60) Ethyl 2-(1-(5-fluoropentyl)-
426 -1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, also known as
427 5F-EDMB-PINACA;
428 (61) Methyl
429 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoa-
430 te, also known as 5F-MDMB-PICA or 5F-MDMB-2201;
431 (62)
432 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide,
433 also known as FUB-AKB48 or FUB-APINACA or AKB48
434 N-(4-fluorobenzyl);
435 (63)
436 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)-
437 methanone, also known as FUB-144;
438 (64) N-ethylhexedrone, also known as
439 α -ethylaminohexanophenone or 2-(ethylamino)-1-phenylhexan-1-one;



440 (65) Alpha-pyrrolidinohexanophenone, also known as
441 α -PHP or α -pyrrolidinohexanophenone or
442 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one);
443 (66) 4-methyl-alpha-ethylaminopentiophenone, also known
444 as 4-MEAP or 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one);
445 (67) 4'-methyl-alpha-pyrrolidinohexiophenone, also
446 known as MPH or 4'-methyl-alpha-pyrrolidinohexanophenone or
447 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);
448 (68) Alpha-pyrrolidinoheptaphenone (also known as PV8;
449 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);
450 (69) 4'-chloro-alpha-pyrrolidinovalerophenone, also
451 known as 4-chloro- α -PVP or 4'-chloro- α -pyrrolidinopentiophenone or
452 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one);
453 (70)
454 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one, also known as
455 methoxetamine or MXE;
456 (71) Zipeprol
457 (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylp
458 ropan-2-ol); and
459 (72) Eutylone
460 (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)butan-1-one).
461 (e) **Depressants.** Unless specifically excepted or unless
462 listed in another schedule, any material, compound, mixture, or
463 preparation which contains any quantity of the following
464 substances having a depressant effect on the central nervous

465 system, including their salts, isomers, and salts of isomers,
466 whenever the existence of such salts, isomers, and salts of
467 isomers is possible within the specific chemical designation:

468 (1) Clonazolam,

469 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]
470 benzodiazepine;

471 (2) Flualprazolam,

472 8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]
473]benzodiazepine;

474 (3) Flubromazepam,

475 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one;

476 (4) Flubromazolam,

477 8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]
478 benzodiazepin;

479 (5) Gamma-hydroxybutyric acid (other names include:

480 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic
481 acid; sodium oxybate; sodium oxybutyrate);

482 (6) Mecloqualone;

483 (7) Methaqualone.

484 (f) **Stimulants.** Any material, compound, mixture or
485 preparation which contains any quantity of the following central
486 nervous system stimulants including optical salts, isomers and
487 salts of isomers unless specifically excepted or unless listed in
488 another schedule:

489 (1) Aminorex;

490 (2) Amineptine
491 (7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic
492 acid);
493 (3) N-benzylpiperazine (also known as BZP and
494 1-benzylpiperazine);
495 (4) Cathinone;
496 (5) 4,4'-Dimethylaminorex, also known as 4,4'-DMAR or
497 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine;
498 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine);
499 (6) Fenethylline;
500 (7) Mesocarb
501 (N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-
502 ium-5-yl)carbamimidate);
503 (8) Methcathinone;
504 (9) Methiopropamine
505 (N-methyl-1-(thiophen-2-yl)propan-2-amine));
506 (10) 4-methylaminorex (also known as
507 2-amino-4-methyl-5-phenyl-2-oxazoline);
508 (11) N-ethylamphetamine;
509 (12) Any material, compound, mixture or preparation
510 which contains any quantity of N,N-dimethylamphetamine. (Other
511 names include: N,N,-alpha-trimethyl-benzeneethanamine and
512 N,N-alpha-trimethylphenethylamine);
513 (13) Synthetic cathinones. (A) Unless listed in
514 another schedule, any compound other than bupropion that is

515 structurally derived from 2-Amino-1-phenyl-1-propanone by
516 modification in any of the following ways:

517 (i) By substitution in the phenyl ring to any
518 extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide
519 substituents, whether or not further substituted in the phenyl
520 ring by one or more other univalent substituents;

521 (ii) By substitution at the 3-position with
522 an alkyl substituent;

523 (iii) By substitution at the nitrogen atom
524 with alkyl or dialkyl groups, or by inclusion of the nitrogen atom
525 in a cyclic structure.

526 (B) The compounds covered in this paragraph (10)
527 include, but are not limited to, any material, compound, mixture
528 or preparation which contains any quantity of a synthetic
529 cathinone found in any of the following compounds, whether or not
530 substituted to any extent, or any of these compounds which contain
531 any synthetic cathinone, or salts, isomers, or salts of isomers,
532 whenever the existence of such salts, isomers or salts of isomers
533 is possible, unless specifically excepted or listed in another
534 schedule:

535 (i) 4-methyl-N-ethylcathinone ("4-MEC");
536 (ii) 4-methyl-alpha-pyrrolidinopropiophenone
537 ("4-MePPP");
538 (iii) Alpha-pyrrolidinopentiophenone
539 (" α -PVP");

540 (iv) 1-(1,3-benzodioxol-5-yl)-2-
541 (methylamino)butan-1-one ("butylone");
542 (v) 2-(methylamino)-1-phenylpentan-1-one
543 ("pentedrone");
544 (vi) 1-(1,3-benzodioxol-5-yl)-2-
545 (methylamino)pentan-1-one ("pentylone");
546 (vii) 4-fluoro-N-methylcathinone ("4-FMC");
547 (viii) 3-fluoro-N-methylcathinone ("3-FMC");
548 (ix) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)
549 pentan-1-one ("naphyrone");
550 (x) Alpha-pyrrolidinobutiophenone ("α-PBP");
551 and
552 (xi) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)
553 -pentan-1-one (N-ethylpentylone, ephylone).

554 **SECTION 2.** Section 41-29-139, Mississippi Code of 1972, is
555 amended as follows:

556 41-29-139. (a) **Transfer and possession with intent to**
557 **transfer.** Except as authorized by this article, it is unlawful
558 for any person knowingly or intentionally:

559 (1) To sell, barter, transfer, manufacture, distribute,
560 dispense or possess with intent to sell, barter, transfer,
561 manufacture, distribute or dispense, a controlled substance; or
562 (2) To create, sell, barter, transfer, distribute,
563 dispense or possess with intent to create, sell, barter, transfer,
564 distribute or dispense, a counterfeit substance.



565 (b) **Punishment for transfer and possession with intent to**
566 **transfer.** Except as otherwise provided in Section 41-29-142, any
567 person who violates subsection (a) of this section shall be, if
568 convicted, sentenced as follows:

569 (1) For controlled substances classified in Schedule I
570 or II, as set out in Sections 41-29-113 and 41-29-115, other
571 than * * * synthetic cannabinoids:

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

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

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

585 (2) * * * For synthetic cannabinoids:

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



589 * * *(B) If more than ten (10) grams but less
590 than twenty (20) grams, by imprisonment for not more than five (5)
591 years or a fine of not more than Five Thousand Dollars
592 (\$5,000.00), or both;

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

597 * * *(D) If forty (40) or more grams but less
598 than two hundred (200) grams, by imprisonment for not less than
599 five (5) years nor more than twenty (20) years or a fine of not
600 more than Twenty Thousand Dollars (\$20,000.00), or both.

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

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

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

610 (C) If ten (10) or more grams or twenty (20) or
611 more dosage units, but less than thirty (30) grams or forty (40)
612 dosage units, by imprisonment for not more than fifteen (15) years

613 or a fine of not more than One Hundred Thousand Dollars
614 (\$100,000.00), or both;

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

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

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

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

629 (C) If ten (10) or more grams or twenty (20) or
630 more dosage units, but less than thirty (30) grams or forty (40)
631 dosage units, by imprisonment for not more than ten (10) years or
632 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or
633 both;

634 (D) For thirty (30) or more grams or forty (40) or
635 more dosage units, but less than five hundred (500) grams or two
636 thousand five hundred (2,500) dosage units, by imprisonment for

637 not more than fifteen (15) years or a fine of not more than Fifty
638 Thousand Dollars (\$50,000.00), or both.

639 (c) **Simple possession.** Except as otherwise provided under
640 subsection (i) of this section for actions that are lawful under
641 the Mississippi Medical Cannabis Act and in compliance with rules
642 and regulations adopted thereunder, it is unlawful for any person
643 knowingly or intentionally to possess any controlled substance
644 unless the substance was obtained directly from, or pursuant to, a
645 valid prescription or order of a practitioner while acting in the
646 course of his professional practice, or except as otherwise
647 authorized by this article. The penalties for any violation of
648 this subsection (c) with respect to a controlled substance
649 classified in Schedules I, II, III, IV or V, as set out in Section
650 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121,
651 including * * * synthetic cannabinoids, shall be based on dosage
652 unit as defined herein or the weight of the controlled substance
653 as set forth herein as appropriate:

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

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

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

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

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

671 (1) A controlled substance classified in Schedule I or
672 II, except * * * synthetic cannabinoids:

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

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

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

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

691 (2) (A) * * * Synthetic cannabinoids:

1. If * * * 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.

711 Upon a first or second conviction under this paragraph
712 (2) (A), the courts shall forward a report of the conviction to the
713 Mississippi Bureau of Narcotics which shall make and maintain a
714 private, nonpublic record for a period not to exceed two (2) years
715 from the date of conviction. The private, nonpublic record shall
716 be solely for the use of the courts in determining the penalties
717 which attach upon conviction under this paragraph (2) (A) and shall
718 not constitute a criminal record for the purpose of private or
719 administrative inquiry and the record of each conviction shall be
720 expunged at the end of the period of two (2) years following the
721 date of such conviction;

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



736 (B) * * * Synthetic cannabinoids:

737 1. If more than ten (10) grams but less than

738 twenty (20) grams, by a fine of not more than One Thousand Dollars

739 (\$1,000.00), or confinement in the county jail for not more than

740 one (1) year, or both; or by a fine of not more than Three

741 Thousand Dollars (\$3,000.00), or imprisonment in the custody of

742 the Department of Corrections for not more than three (3) years,

743 or both;

744 2. If twenty (20) or more grams but less than

745 forty (40) grams, by imprisonment for not less than two (2) years

746 nor more than eight (8) years or by a fine of not more than Fifty

747 Thousand Dollars (\$50,000.00), or both;

748 3. If forty (40) or more grams but less than

749 two hundred (200) grams, by imprisonment for not less than four

750 (4) years nor more than sixteen (16) years or a fine of not more

751 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

752 4. If two hundred (200) or more grams, by

753 imprisonment for not less than six (6) years nor more than

754 twenty-four (24) years or a fine of not more than Five Hundred

755 Thousand Dollars (\$500,000.00), or both.

756 (3) A controlled substance classified in Schedule III,

757 IV or V as set out in Sections 41-29-117 through 41-29-121, upon

758 conviction, may be punished as follows:

759 (A) If less than fifty (50) grams or less than one

760 hundred (100) dosage units, the offense is a misdemeanor and

761 punishable by not more than one (1) year or a fine of not more
762 than One Thousand Dollars (\$1,000.00), or both.

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

768 (C) If one hundred fifty (150) or more grams or
769 five hundred (500) or more dosage units, but less than three
770 hundred (300) grams or one thousand (1,000) dosage units, by
771 imprisonment for not less than two (2) years nor more than eight
772 (8) years or a fine of not more than Fifty Thousand Dollars
773 (\$50,000.00), or both.

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

780 (d) **Paraphernalia.** (1) Except as otherwise provided under
781 subsection (i) of this section for actions that are lawful under
782 the Mississippi Medical Cannabis Act and in compliance with rules
783 and regulations adopted thereunder, it is unlawful for a person
784 who is not authorized by the State Board of Medical Licensure,
785 State Board of Pharmacy, or other lawful authority to use, or to

786 possess with intent to use, paraphernalia to plant, propagate,
787 cultivate, grow, harvest, manufacture, compound, convert, produce,
788 process, prepare, test, analyze, pack, repack, store, contain,
789 conceal, inject, ingest, inhale or otherwise introduce into the
790 human body a controlled substance in violation of the Uniform
791 Controlled Substances Law. Any person who violates this
792 subsection (d) (1) is guilty of a misdemeanor and, upon conviction,
793 may be confined in the county jail for not more than six (6)
794 months, or fined not more than Five Hundred Dollars (\$500.00), or
795 both * * *.

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

809 (3) Any person eighteen (18) years of age or over who
810 violates subsection (d) (2) of this section by delivering or

811 selling paraphernalia to a person under eighteen (18) years of age
812 who is at least three (3) years his junior is guilty of a
813 misdemeanor and, upon conviction, may be confined in the county
814 jail for not more than one (1) year, or fined not more than One
815 Thousand Dollars (\$1,000.00), or both.

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

825 (e) It shall be unlawful for any physician practicing
826 medicine in this state to prescribe, dispense or administer any
827 amphetamine or amphetamine-like anorectics and/or central nervous
828 system stimulants classified in Schedule II, pursuant to Section
829 41-29-115, for the exclusive treatment of obesity, weight control
830 or weight loss. Any person who violates this subsection, upon
831 conviction, is guilty of a misdemeanor and may be confined for a
832 period not to exceed six (6) months, or fined not more than One
833 Thousand Dollars (\$1,000.00), or both.

834 (f) **Trafficking.** (1) Any person trafficking in controlled
835 substances shall be guilty of a felony and, upon conviction, shall

836 be imprisoned for a term of not less than ten (10) years nor more
837 than forty (40) years and shall be fined not less than Five
838 Thousand Dollars (\$5,000.00) nor more than One Million Dollars
839 (\$1,000,000.00). The ten-year mandatory sentence shall not be
840 reduced or suspended. The person shall not be eligible for
841 probation or parole, the provisions of Sections 41-29-149,
842 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

843 (2) "Trafficking in controlled substances" as used
844 herein means:

845 (A) A violation of subsection (a) of this section
846 involving thirty (30) or more grams or forty (40) or more dosage
847 units of a Schedule I or II controlled substance except * * *
848 synthetic cannabinoids;

849 (B) A violation of subsection (a) of this section
850 involving five hundred (500) or more grams or two thousand five
851 hundred (2,500) or more dosage units of a Schedule III, IV or V
852 controlled substance;

853 (C) A violation of subsection (c) of this section
854 involving thirty (30) or more grams or forty (40) or more dosage
855 units of a Schedule I or II controlled substance except * * *
856 synthetic cannabinoids;

857 (D) A violation of subsection (c) of this section
858 involving five hundred (500) or more grams or two thousand five
859 hundred (2,500) or more dosage units of a Schedule III, IV or V
860 controlled substance; or



861 (E) A violation of subsection (a) of this section
862 involving * * * two hundred (200) grams or more of synthetic
863 cannabinoids.

864 (g) **Aggravated trafficking.** Any person trafficking in
865 Schedule I or II controlled substances, except * * * synthetic
866 cannabinoids, of two hundred (200) grams or more shall be guilty
867 of aggravated trafficking and, upon conviction, shall be sentenced
868 to a term of not less than twenty-five (25) years nor more than
869 life in prison and shall be fined not less than Five Thousand
870 Dollars (\$5,000.00) nor more than One Million Dollars
871 (\$1,000,000.00). The twenty-five-year sentence shall be a
872 mandatory sentence and shall not be reduced or suspended. The
873 person shall not be eligible for probation or parole, the
874 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to
875 the contrary notwithstanding.



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

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

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

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

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

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

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

907 **SECTION 3.** Section 41-29-105, Mississippi Code of 1972, is
908 amended as follows:



909 41-29-105. The following words and phrases, as used in this
910 article, shall have the following meanings, unless the context
911 otherwise requires:

912 (a) "Administer" means the direct application of a
913 controlled substance, whether by injection, inhalation, ingestion
914 or any other means, to the body of a patient or research subject
915 by:

916 (i) A practitioner (or, in his presence, by his
917 authorized agent); or

918 (ii) The patient or research subject at the
919 direction and in the presence of the practitioner.

920 (b) "Agent" means an authorized person who acts on
921 behalf of or at the direction of a manufacturer, distributor or
922 dispenser. Such word does not include a common or contract
923 carrier, public warehouseman or employee of the carrier or
924 warehouseman. This definition shall not be applied to the term
925 "agent" when such term clearly designates a member or officer of
926 the Bureau of Narcotics or other law enforcement organization.

927 (c) "Board" means the Mississippi State Board of
928 Medical Licensure.

929 (d) "Bureau" means the Mississippi Bureau of Narcotics.
930 However, where the title "Bureau of Drug Enforcement" occurs, that
931 term shall also refer to the Mississippi Bureau of Narcotics.

932 (e) "Commissioner" means the Commissioner of the
933 Department of Public Safety.

934 (f) "Controlled substance" means a drug, substance or
935 immediate precursor in Schedules I through V of Sections 41-29-113
936 through 41-29-121.

937 (g) "Counterfeit substance" means a controlled
938 substance which, or the container or labeling of which, without
939 authorization, bears the trademark, trade name, or other
940 identifying mark, imprint, number or device, or any likeness
941 thereof, of a manufacturer, distributor or dispenser other than
942 the person who in fact manufactured, distributed or dispensed the
943 substance.

944 (h) "Deliver" or "delivery" means the actual,
945 constructive, or attempted transfer from one person to another of
946 a controlled substance, whether or not there is an agency
947 relationship.

948 (i) "Director" means the Director of the Bureau of
949 Narcotics.

950 (j) "Dispense" means to deliver a controlled substance
951 to an ultimate user or research subject by or pursuant to the
952 lawful order of a practitioner, including the prescribing,
953 administering, packaging, labeling or compounding necessary to
954 prepare the substance for that delivery.

955 (k) "Dispenser" means a practitioner who dispenses.

956 (1) "Distribute" means to deliver other than by
957 administering or dispensing a controlled substance.

958 (m) "Distributor" means a person who distributes.



970 (o) "Hashish" means the resin extracted from any part
971 of the plants of the genus Cannabis and all species thereof or any
972 preparation, mixture or derivative made from or with that resin.

973 (p) "Immediate precursor" means a substance which the
974 board has found to be and by rule designates as being the
975 principal compound commonly used or produced primarily for use,
976 and which is an immediate chemical intermediary used or likely to
977 be used in the manufacture of a controlled substance, the control
978 of which is necessary to prevent, curtail, or limit manufacture.

979 (q) "Manufacture" means the production, preparation,
980 propagation, compounding, conversion or processing of a controlled
981 substance, either directly or indirectly, by extraction from
982 substances of natural origin, or independently by means of
983 chemical synthesis, or by a combination of extraction and chemical

984 synthesis, and includes any packaging or repackaging of the
985 substance or labeling or relabeling of its container. The term
986 "manufacture" does not include the preparation, compounding,
987 packaging or labeling of a controlled substance in conformity with
988 applicable state and local law:

989 (i) By a practitioner as an incident to his
990 administering or dispensing of a controlled substance in the
991 course of his professional practice; or

992 (ii) By a practitioner, or by his authorized agent
993 under his supervision, for the purpose of, or as an incident to,
994 research, teaching or chemical analysis and not for sale.

995 * * *

996 (* * *r) "Narcotic drug" means any of the following,
997 whether produced directly or indirectly by extraction from
998 substances of vegetable origin, or independently by means of
999 chemical synthesis, or by a combination of extraction and chemical
1000 synthesis:

1001 (i) Opium and opiate, and any salt, compound,
1002 derivative or preparation of opium or opiate;

1003 (ii) Any salt, compound, isomer, derivative or
1004 preparation thereof which is chemically equivalent or identical
1005 with any of the substances referred to in subparagraph (i), but
1006 not including the isoquinoline alkaloids of opium;

1007 (iii) Opium poppy and poppy straw; and

1008 (iv) Cocaine, coca leaves and any salt, compound,
1009 derivative or preparation of cocaine, coca leaves, and any salt,
1010 compound, isomer, derivative or preparation thereof which is
1011 chemically equivalent or identical with any of these substances,
1012 but not including decocainized coca leaves or extractions of coca
1013 leaves which do not contain cocaine or ecgonine.

1014 (* * *s) "Opiate" means any substance having an
1015 addiction-forming or addiction-sustaining liability similar to
1016 morphine or being capable of conversion into a drug having
1017 addiction-forming or addiction-sustaining liability. It does not
1018 include, unless specifically designated as controlled under
1019 Section 41-29-111, the dextrorotatory isomer of
1020 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
1021 Such word does include its racemic and levorotatory forms.

1022 (* * *t) "Opium poppy" means the plant of the species
1023 Papaver somniferum L., except its seeds.

1024 (* * *u) (i) "Paraphernalia" means all equipment,
1025 products and materials of any kind which are used, intended for
1026 use, or designed for use, in planting, propagating, cultivating,
1027 growing, harvesting, manufacturing, compounding, converting,
1028 producing, processing, preparing, testing, analyzing, packaging,
1029 repackaging, storing, containing, concealing, injecting,
1030 ingesting, inhaling or otherwise introducing into the human body a
1031 controlled substance in violation of the Uniform Controlled
1032 Substances Law. It includes, but is not limited to:

1033 1. Kits used, intended for use, or designed
1034 for use in planting, propagating, cultivating, growing or
1035 harvesting of any species of plant which is a controlled substance
1036 or from which a controlled substance can be derived;
1037 2. Kits used, intended for use, or designed
1038 for use in manufacturing, compounding, converting, producing,
1039 processing or preparing controlled substances;
1040 3. Isomerization devices used, intended for
1041 use or designed for use in increasing the potency of any species
1042 of plant which is a controlled substance;
1043 4. Testing equipment used, intended for use,
1044 or designed for use in identifying or in analyzing the strength,
1045 effectiveness or purity of controlled substances;
1046 5. Scales and balances used, intended for use
1047 or designed for use in weighing or measuring controlled
1048 substances;
1049 6. Diluents and adulterants, such as quinine
1050 hydrochloride, mannitol, mannite, dextrose and lactose, used,
1051 intended for use or designed for use in cutting controlled
1052 substances;
1053 * * *
1054 * * *7. Blenders, bowls, containers, spoons
1055 and mixing devices used, intended for use or designed for use in
1056 compounding controlled substances;

* * *8. Capsules, balloons, envelopes and

1058 other containers used, intended for use or designed for use in
1059 packaging small quantities of controlled substances;

* * *9. Containers and other objects used,

1061 intended for use or designed for use in storing or concealing
1062 controlled substances;

* * * 10. Hypodermic syringes, needles and

1064 other objects used, intended for use or designed for use in
1065 parenterally injecting controlled substances into the human body;

* * * 11. Objects used, intended for use or

1067 designed for use in ingesting, inhaling or otherwise

1068 introducing * * * cocaine * * * into the human body, such as:

1069 a. Metal, wooden, acrylic, glass,
1070 plastic or ceramic pipes with or without screens, permanent
1071 screens, hashish heads or punctured metal bowls;

1072 b. Water pipes;

1073 c. Carburetion tubes and devices;

1074 d. Smoking and carburetion masks;

1075 * * *

1076 * * *e. Miniature cocaine spoons and
1077 cocaine vials;

1078 * * *f. Chamber pipes;

1079 * * *g. Carburetor pipes;

1080 * * *h. Electric pipes;

* * * i. Air-driven pipes;



1106 Controlled Substances Law shall not prevent a finding that the
1107 object is intended for use, or designed for use as paraphernalia;
1108 7. Instructions, oral or written, provided
1109 with the object concerning its use;

1116 11. Whether the owner or anyone in control of
1117 the object is a legitimate supplier of like or related items to
1118 the community, such as a licensed distributor or dealer of tobacco
1119 products;

1123 13. The existence and scope of legitimate
1124 uses for the object in the community;

1125 14. Expert testimony concerning its use.

1126 (iii) "Paraphernalia" does not include any
1127 materials used or intended for use in testing for the presence of
1128 fentanyl or a fentanyl analog in a substance.

1129 (* * *v) "Person" means individual, corporation,
1130 government or governmental subdivision or agency, business trust,



1131 estate, trust, partnership or association, or any other legal
1132 entity.

1133 (* * *w) "Poppy straw" means all parts, except the
1134 seeds, of the opium poppy, after mowing.

1135 (* * *x) "Practitioner" means:

1136 (i) A physician, dentist, veterinarian, scientific
1137 investigator, optometrist certified to prescribe and use
1138 therapeutic pharmaceutical agents under Sections 73-19-153 through
1139 73-19-165, or other person licensed, registered or otherwise
1140 permitted to distribute, dispense, conduct research with respect
1141 to or to administer a controlled substance in the course of
1142 professional practice or research in this state; and

1143 (ii) A pharmacy, hospital or other institution
1144 licensed, registered, or otherwise permitted to distribute,
1145 dispense, conduct research with respect to or to administer a
1146 controlled substance in the course of professional practice or
1147 research in this state.

1148 (* * *y) "Production" includes the manufacture,
1149 planting, cultivation, growing or harvesting of a controlled
1150 substance.

1151 (* * *z) "Sale," "sell" or "selling" means the actual,
1152 constructive or attempted transfer or delivery of a controlled
1153 substance for remuneration, whether in money or other
1154 consideration.

1155 (* * *aa) "State," when applied to a part of the
1156 United States, includes any state, district, commonwealth,
1157 territory, insular possession thereof, and any area subject to the
1158 legal authority of the United States of America.

1159 (* * *ab) "Ultimate user" means a person who lawfully
1160 possesses a controlled substance for his own use or for the use of
1161 a member of his household or for administering to an animal owned
1162 by him or by a member of his household.

1163 **SECTION 4.** Section 41-29-136, Mississippi Code of 1972, is
1164 amended as follows:

1165 41-29-136. (1) "CBD solution" means a pharmaceutical
1166 preparation consisting of processed cannabis plant extract in oil
1167 or other suitable vehicle.

1168 (2) (a) CBD solution prepared from (i) cannabis plant
1169 extract that is provided by the National Center for Natural
1170 Products Research at the University of Mississippi under
1171 appropriate federal and state regulatory approvals, or (ii)
1172 cannabis extract from hemp produced pursuant to Sections 69-25-201
1173 through 69-25-221, which is prepared and tested to meet compliance
1174 with regulatory specifications, may be dispensed by the Department
1175 of Pharmacy Services at the University of Mississippi Medical
1176 Center (UMMC Pharmacy) after mixing the extract with a suitable
1177 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or
1178 by another pharmacy or laboratory in the state under appropriate
1179 federal and state regulatory approvals and registrations.

1180 (b) The patient or the patient's parent, guardian or
1181 custodian must execute a hold-harmless agreement that releases
1182 from liability the state and any division, agency, institution or
1183 employee thereof involved in the research, cultivation,
1184 processing, formulating, dispensing, prescribing or administration
1185 of CBD solution obtained from entities authorized under this
1186 section to produce or possess cannabidiol for research under
1187 appropriate federal and state regulatory approvals and
1188 registrations.

1189 (c) The National Center for Natural Products Research
1190 at the University of Mississippi and the Mississippi Agricultural
1191 and Forestry Experiment Station at Mississippi State University
1192 are the only entities authorized to produce cannabis plants for
1193 cannabidiol research.

1194 (d) Research of CBD solution under this section must
1195 comply with the provisions of Section 41-29-125 regarding lawful
1196 possession of controlled substances, of Section 41-29-137
1197 regarding record-keeping requirements relative to the dispensing,
1198 use or administration of controlled substances, and of Section
1199 41-29-133 regarding inventory requirements, insofar as they are
1200 applicable. Authorized entities may enter into public-private
1201 partnerships to facilitate research.

1202 (3) (a) In a prosecution for the unlawful possession of
1203 marijuana under the laws of this state, it is an affirmative and
1204 complete defense to prosecution that:



1205 (i) The defendant suffered from a debilitating
1206 epileptic condition or related illness and the use or possession
1207 of CBD solution was pursuant to the order of a physician as
1208 authorized under this section; or

1209 (ii) The defendant is the parent, guardian or
1210 custodian of an individual who suffered from a debilitating
1211 epileptic condition or related illness and the use or possession
1212 of CBD solution was pursuant to the order of a physician as
1213 authorized under this section.

1214 (b) An agency of this state or a political subdivision
1215 thereof, including any law enforcement agency, may not initiate
1216 proceedings to remove a child from the home based solely upon the
1217 possession or use of CBD solution by the child or parent, guardian
1218 or custodian of the child as authorized under this section.

1219 (c) An employee of the state or any division, agency,
1220 institution thereof involved in the research, cultivation,
1221 processing, formulation, dispensing, prescribing or administration
1222 of CBD solution shall not be subject to prosecution for unlawful
1223 possession, use * * * or distribution * * * under the laws of this
1224 state for activities arising from or related to the use of CBD
1225 solution in the treatment of individuals diagnosed with a
1226 debilitating epileptic condition.

1227 (4) This section does not apply to any of the actions that
1228 are lawful under the Mississippi Medical Cannabis Act and in
1229 compliance with rules and regulations adopted thereunder.



1230 (5) This section shall be known as "Harper Grace's Law."
1231 (6) This section shall stand repealed from and after July 1,
1232 2027.

1233 **SECTION 5.** Section 33-13-520, Mississippi Code of 1972, is
1234 amended as follows:

1235 33-13-520. (1) Any person subject to this code who uses,
1236 while on duty, any controlled substance listed in the Uniform
1237 Controlled Substances Law, not legally prescribed, or is found, by
1238 a chemical analysis of such person's blood or urine, to have in
1239 his blood, while on duty, any controlled substance described in
1240 subsection (3), not legally prescribed, shall be punished as a
1241 court-martial may direct.

1242 (2) Any person subject to this code who wrongfully uses,
1243 possesses, manufactures, distributes, imports into the customs
1244 territory of the United States, exports from the United States, or
1245 introduces into an installation, vessel, vehicle or aircraft used
1246 by or under the control of the state military forces a substance
1247 described in subsection (3) shall be punished as a court-martial
1248 may direct.

1249 (3) The substances referred to in subsections (1) and (2)
1250 are the following:

1251 (a) Opium, heroin, cocaine, amphetamine, lysergic acid
1252 diethylamide, methamphetamine, phencyclidine * * * and barbituric
1253 acid * * *.

1254 (b) Any substance not specified in paragraph (a) that
1255 is listed on a schedule of controlled substance prescribed by the
1256 President for the purposes of the federal Uniform Code of Military
1257 Justice.

1258 (c) Any other substance not specified in paragraph (a)
1259 or contained on a list prescribed by the President under paragraph
1260 (b) that is listed in Schedules I through V of Section 202 of the
1261 federal Controlled Substances Act (21 USCS 812).

1262 **SECTION 6.** Section 41-29-147, Mississippi Code of 1972, is
1263 amended as follows:

1264 41-29-147. Except as otherwise provided in Section
1265 41-29-142, any person convicted of a second or subsequent offense
1266 under this article may be imprisoned for a term up to twice the
1267 term otherwise authorized, fined an amount up to twice that
1268 otherwise authorized, or both.

1269 For purposes of this section, an offense is considered a
1270 second or subsequent offense, if, prior to his conviction of the
1271 offense, the offender has at any time been convicted under this
1272 article or under any statute of the United States or of any state
1273 relating to narcotic drugs, * * * depressant, stimulant or
1274 hallucinogenic drugs.

1275 **SECTION 7.** Section 41-29-149.1, Mississippi Code of 1972, is
1276 amended as follows:

1277 41-29-149.1. (1) This section shall be known as the
1278 "Mississippi Medical Emergency Good Samaritan Act."



1279 (2) As used in this section, the following words shall have
1280 the meanings ascribed:

1281 (a) "Drug overdose" means an acute condition,
1282 including, but not limited to, extreme physical illness, decreased
1283 level of consciousness, respiratory depression, coma, mania, or
1284 death, resulting from the consumption or use of a controlled
1285 substance or dangerous drug in violation of this chapter or that a
1286 layperson would reasonably believe to be resulting from the
1287 consumption or use of a controlled substance or dangerous drug for
1288 which medical assistance is required.

1289 (b) "Drug violation" means:

1290 (i) A violation of Section 41-29-139 for
1291 possession of a controlled substance if the aggregate weight,
1292 including any mixture, is less than four (4) grams of a solid
1293 substance, less than twenty (20) dosage units, less than one (1)
1294 milliliter of liquid substance, or, if the substance is placed
1295 onto a secondary medium, has a combined weight of less than four
1296 (4) grams;

1297 (ii) A violation of Section 41-29-139 for
1298 possession of * * * ten (10) grams or less of synthetic
1299 cannabinoids; or

1300 (iii) A violation of Section 41-29-139(d)(2)
1301 relating to possession and use of paraphernalia.

1302 (c) "Medical assistance" means aid provided to a person
1303 experiencing or believed to be experiencing a drug overdose by a



1304 health care professional who is licensed, registered, or certified
1305 under the laws of this state and who, acting within the lawful
1306 scope of practice, may provide diagnosis, treatment, or emergency
1307 services relative to the overdose.

1308 (d) "Seeks medical assistance" means accesses or
1309 assists in accessing the E-911 system or otherwise contacts or
1310 assists in contacting law enforcement or a poison control center
1311 or provides care to a person experiencing or believed to be
1312 experiencing a drug overdose while awaiting the arrival of medical
1313 assistance to aid the person.

1314 (3) (a) Any person who in good faith seeks medical
1315 assistance for someone who is experiencing a drug overdose shall
1316 not be arrested, charged, or prosecuted for a drug violation if
1317 there is evidence that the person is under the influence of a
1318 controlled substance or in possession of a controlled substance as
1319 referenced in subsection (2) (b) of this section.

1320 (b) Any person who is experiencing a drug overdose and,
1321 in good faith, seeks medical assistance or is the subject of a
1322 request for medical assistance shall not be arrested, charged, or
1323 prosecuted for a drug violation if there is evidence that the
1324 person is under the influence of a controlled substance or in
1325 possession of a controlled substance as referenced in subsection
1326 (2) (b) of this section.

1327 (c) A person shall also not be subject to, if related
1328 to the seeking of medical assistance:

1337 (4) Nothing in this section shall be construed:

1338 (a) To limit the admissibility of any evidence in
1339 connection with the investigation or prosecution of a crime with
1340 regard to a defendant who does not qualify for the protections of
1341 subsection (3) of this section or with regard to other crimes
1342 committed by a person who otherwise qualifies for protection
1343 pursuant to subsection (3) of this section;

1344 (b) To limit any seizure of evidence or contraband
1345 otherwise permitted by law; and

1346 (c) To limit or abridge the authority of a law
1347 enforcement officer to detain or take into custody a person in the
1348 course of an investigation or to effectuate an arrest for any
1349 offense except as provided in subsection (3) of this section.

1350 **SECTION 8.** Section 41-29-150, Mississippi Code of 1972, is
1351 amended as follows:

1352 41-29-150. (a) Any person convicted under Section 41-29-139
1353 may be required, in the discretion of the court, as a part of the

1354 sentence otherwise imposed, or in lieu of imprisonment in cases of
1355 probation or suspension of sentence, to attend a course of
1356 instruction conducted by the bureau, the State Board of Health, or
1357 any similar agency, on the effects, medically, psychologically and
1358 socially, of the misuse of controlled substances. The course may
1359 be conducted at any correctional institution, detention center or
1360 hospital, or at any center or treatment facility established for
1361 the purpose of education and rehabilitation of those persons
1362 committed because of abuse of controlled substances.

1363 (b) Any person convicted under Section 41-29-139 who is
1364 found to be dependent upon or addicted to any controlled substance
1365 shall be required, as a part of the sentence otherwise imposed, or
1366 in lieu of imprisonment in cases of parole, probation or
1367 suspension of sentence, to receive medical treatment for such
1368 dependency or addiction. The regimen of medical treatment may
1369 include confinement in a medical facility of any correctional
1370 institution, detention center or hospital, or at any center or
1371 facility established for treatment of those persons committed
1372 because of a dependence or addiction to controlled substances.

1373 (c) Those persons previously convicted of a felony under
1374 Section 41-29-139 and who are now confined at the Mississippi
1375 State Hospital at Whitfield, Mississippi, or at the East
1376 Mississippi State Hospital at Meridian, Mississippi, for the term
1377 of their sentence shall remain under the jurisdiction of the
1378 Mississippi Department of Corrections and shall be required to

1379 abide by all reasonable rules and regulations promulgated by the
1380 director and staff of said institutions and of the Department of
1381 Corrections. Any persons so confined who shall refuse to abide by
1382 said rules or who attempt an escape or who shall escape shall be
1383 transferred to the State Penitentiary or to a county jail, where
1384 appropriate, to serve the remainder of the term of imprisonment;
1385 this provision shall not preclude prosecution and conviction for
1386 escape from said institutions.

1387 (d) (1) If any person who has not previously been convicted
1388 of violating Section 41-29-139, or the laws of the United States
1389 or of another state relating to narcotic drugs, stimulant or
1390 depressant substances * * * or other controlled substances * * *
1391 is found to be guilty of a violation of subsection (c) or (d) of
1392 Section 41-29-139, after trial or upon a plea of guilty, the court
1393 may, without entering a judgment of guilty and with the consent of
1394 such person, defer further proceedings and place him on probation
1395 upon such reasonable conditions as it may require and for such
1396 period, not to exceed three (3) years, as the court may prescribe.
1397 Upon violation of a condition of the probation, the court may
1398 enter an adjudication of guilt and proceed as otherwise provided.
1399 The court may, in its discretion, dismiss the proceedings against
1400 such person and discharge him from probation before the expiration
1401 of the maximum period prescribed for such person's probation. If
1402 during the period of his probation such person does not violate
1403 any of the conditions of the probation, then upon expiration of



1404 such period the court shall discharge such person and dismiss the
1405 proceedings against him. Discharge and dismissal under this
1406 subsection shall be without court adjudication of guilt, but a
1407 nonpublic record thereof shall be retained by the bureau solely
1408 for the purpose of use by the courts in determining whether or
1409 not, in subsequent proceedings, such person qualifies under this
1410 subsection. Such discharge or dismissal shall not be deemed a
1411 conviction for purposes of disqualifications or disabilities
1412 imposed by law upon conviction of a crime, including the penalties
1413 prescribed under this article for second or subsequent conviction,
1414 or for any other purpose. Discharge and dismissal under this
1415 subsection may occur only once with respect to any person; and

1416 (2) Upon the dismissal of a person and discharge of
1417 proceedings against him under paragraph (1) of this subsection,
1418 the person may apply to the court for an order to expunge from all
1419 official records, other than the nonpublic records to be retained
1420 by the bureau under paragraph (1) of this subsection, all
1421 recordation relating to his arrest, indictment, trial, finding of
1422 guilt, and dismissal and discharge pursuant to this section. If
1423 the court determines, after hearing, that such person was
1424 dismissed and the proceedings against him discharged, or that the
1425 person had satisfactorily served his sentence or period of
1426 probation and parole, it shall enter an order of expunction. The
1427 effect of the order shall be to restore the person, in the
1428 contemplation of the law, to the status he occupied before such

1429 arrest or indictment. No person as to whom such an order has been
1430 entered shall be held thereafter under any provision of any law to
1431 be guilty of perjury or otherwise giving a false statement by
1432 reason of his failures to recite or acknowledge such arrest,
1433 indictment or trial in response to any inquiry made of him for any
1434 purpose. A person as to whom an order has been entered, upon
1435 request, shall be required to advise the court, in camera, of the
1436 previous conviction and expunction in any legal proceeding wherein
1437 the person has been called as a prospective juror. The court
1438 shall thereafter and before the selection of the jury advise the
1439 attorneys representing the parties of the previous conviction and
1440 expunction.

1441 (e) Every person who has been or may hereafter be convicted
1442 of a felony offense under Section 41-29-139 and sentenced under
1443 Section 41-29-150(c) shall be under the jurisdiction of the
1444 Mississippi Department of Corrections.

1445 (f) It shall be unlawful for any person confined under the
1446 provisions of subsection (b) or (c) of this section to escape or
1447 attempt to escape from said institution, and, upon conviction,
1448 said person shall be guilty of a felony and shall be imprisoned
1449 for a term not to exceed two (2) years.

1450 (g) It is the intent and purpose of the Legislature to
1451 promote the rehabilitation of persons convicted of offenses under
1452 the Uniform Controlled Substances Law.

1453 **SECTION 9.** This act shall take effect and be in force from
1454 and after July 1, 2025.

