

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.

15 **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



ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl  
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Acetyl fentanyl  
(N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (4) Acryl fentanyl  
(N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide), also known as  
acryloylfentanyl;
- (5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)  
cyclohexylmethyl]benzamide);
- (6) Allylprodine;
- (7) Alphacetylmethadol, except levo-alphacetylmethadol  
(levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
- (8) Alphameprodine;
- (9) Alphamethadol;
- (10) Alpha-Methylfentanyl  
(N-[1-alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide;  
1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine);
- (11) Alpha-Methylthiofentanyl  
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide  
);
- (12) Benzethidine;
- (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  $\beta$ -methyl fentanyl;  
60                   (20)   Beta'-Phenyl fentanyl  
61   (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide), also  
62   known as  $\beta'$ -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, hydroxy, halo, haloalkyl, amino or nitro  
101 groups;

102 (C) Substitution in or on the piperidine ring with  
103 alkyl, alkenyl, alkoxy, ester, ether, hydroxy, 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) Levophenacylmorphane;  
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)ethan-1-amine (metonitazene);  
138  
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 acetylfentanyl  
160 (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide), also  
161 known as 2-methyl acetylfentanyl;  
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) Tetrahydrofuranyl 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) Tilidine;  
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-dimethoxy-amphetamine;  
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.



However, the following products are exempted from control:

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

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

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

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

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

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

(32) Phencyclidine;

(33) Ethylamine analog of phencyclidine (PCE);

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

(35) Thiophene analog of phencyclidine;

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

(37) 4-methylmethcathinone (mephedrone);



320 (38) 3,4-methylenedioxypropylvalerone (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 (methyline);  
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 naphthylmethylinindoles,  
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) Naphthylmethylindenes, 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 cannabinal and  
392 3-alkyl homologues of cannabinal 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) Quinoliny ester indoles, being any compound  
401 structurally derived from 1H-indole-3carboxylic acid-8-quinoliny  
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  $\alpha$ -ethylaminohexanophenone or 2-(ethylamino)-1-phenylhexan-1-one;



440 (65) Alpha-pyrrolidinohexanophenone, also known as  
441  $\alpha$ -PHP or  $\alpha$ -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 MPHP 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- $\alpha$ -PVP or 4'-chloro- $\alpha$ -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) Clonazepam,  
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 benzodiazepine;

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) Fenethylamine;  
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



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

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

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

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

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

(i) 4-methyl-N-ethylcathinone ("4-MEC");

(ii) 4-methyl-alpha-pyrrolidinopropiophenone  
("4-MePPP");

(iii) Alpha-pyrrolidinopentiophenone  
("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.



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

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

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

(B) 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 less than three (3) years nor more than twenty (20) years or a fine of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both.

(C) 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 five (5) years nor more than thirty (30) years or a fine of not more than Five Hundred Thousand Dollars (\$500,000.00), or both.

(2) \* \* \* For synthetic cannabinoids:

\* \* \* (A) 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;





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



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

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



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:

692 1. If \* \* \* ten (10) grams or less of  
693 synthetic cannabinoids, by a fine of not less than One Hundred  
694 Dollars (\$100.00) nor more than Two Hundred Fifty Dollars  
695 (\$250.00). The provisions of this paragraph (2) (A) may be  
696 enforceable by summons if the offender provides proof of identity  
697 satisfactory to the arresting officer and gives written promise to  
698 appear in court satisfactory to the arresting officer, as directed  
699 by the summons. A second conviction under this section within two  
700 (2) years is a misdemeanor punishable by a fine of Two Hundred  
701 Fifty Dollars (\$250.00), not more than sixty (60) days in the  
702 county jail, and mandatory participation in a drug education  
703 program approved by the Division of Alcohol and Drug Abuse of the  
704 State Department of Mental Health, unless the court enters a  
705 written finding that a drug education program is inappropriate. A  
706 third or subsequent conviction under this paragraph (2) (A) within  
707 two (2) years is a misdemeanor punishable by a fine of not less  
708 than Two Hundred Fifty Dollars (\$250.00) nor more than One  
709 Thousand Dollars (\$1,000.00) and confinement for not more than six  
710 (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.



(B) \* \* \* Synthetic cannabinoids:

1. If more than ten (10) grams but less than twenty (20) 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;

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

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

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

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

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



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 (\$1,000,000.00). The ten-year mandatory sentence 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.

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

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

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

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

(D) A violation of subsection (c) of this section involving five hundred (500) or more grams or two thousand five hundred (2,500) or more dosage units of a Schedule III, IV or V 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.

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



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:



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

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

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

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

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

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

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

(e) "Commissioner" means the Commissioner of the 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           (l) "Distribute" means to deliver other than by  
957 administering or dispensing a controlled substance.

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



959           (n) "Drug" means (i) a substance recognized as a drug  
960 in the official United States Pharmacopoeia, official Homeopathic  
961 Pharmacopoeia of the United States, or official National  
962 Formulary, or any supplement to any of them; (ii) a substance  
963 intended for use in the diagnosis, cure, mitigation, treatment, or  
964 prevention of disease in man or animals; (iii) a substance (other  
965 than food) intended to affect the structure or any function of the  
966 body of man or animals; and (iv) a substance intended for use as a  
967 component of any article specified in this paragraph. Such word  
968 does not include devices or their components, parts, or  
969 accessories.

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;



1057                   \* \* \*8. Capsules, balloons, envelopes and  
1058 other containers used, intended for use or designed for use in  
1059 packaging small quantities of controlled substances;  
1060                   \* \* \*9. Containers and other objects used,  
1061 intended for use or designed for use in storing or concealing  
1062 controlled substances;  
1063                   \* \* \*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;  
1066                   \* \* \*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, stone,  
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;  
1081                   \* \* \*i. Air-driven pipes;



1082                               \* \* \*j. Chillums;  
1083                               \* \* \*k. Bongs; and  
1084                               \* \* \*l. Ice pipes or chillers.

1085                               (ii) In determining whether an object is  
1086 paraphernalia, a court or other authority should consider, in  
1087 addition to all other logically relevant factors, the following:

- 1088                               1. Statements by an owner or by anyone in  
1089 control of the object concerning its use;
- 1090                               2. Prior convictions, if any, of an owner, or  
1091 of anyone in control of the object, under any state or federal law  
1092 relating to any controlled substance;
- 1093                               3. The proximity of the object, in time and  
1094 space, to a direct violation of the Uniform Controlled Substances  
1095 Law;
- 1096                               4. The proximity of the object to controlled  
1097 substances;
- 1098                               5. The existence of any residue of controlled  
1099 substances on the object;
- 1100                               6. Direct or circumstantial evidence of the  
1101 intent of an owner, or of anyone in control of the object, to  
1102 deliver it to persons whom he knows, or should reasonably know,  
1103 intend to use the object to facilitate a violation of the Uniform  
1104 Controlled Substances Law; the innocence of an owner, or of anyone  
1105 in control of the object, as to a direct violation of the Uniform



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;  
1110                   8. Descriptive materials accompanying the  
1111 object which explain or depict its use;  
1112                   9. National and local advertising concerning  
1113 its use;  
1114                   10. The manner in which the object is  
1115 displayed for sale;  
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;  
1120                   12. Direct or circumstantial evidence of the  
1121 ratio of sales of the object(s) to the total sales of the business  
1122 enterprise;  
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                   ( \* \* \*y) "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:



(i) Penalties for a violation of a permanent or temporary protective order or restraining order;

(ii) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation; or

(iii) Forfeiture of property pursuant to Section 41-29-153 or 41-29-176 for a drug violation, except that prima facie contraband shall be subject to forfeiture.

(4) Nothing in this section shall be construed:

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

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

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

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

41-29-150. (a) Any person convicted under Section 41-29-139 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.

