

By: Senator(s) Wiggins

To: Public Health and
Welfare

SENATE BILL NO. 2745

1 AN ACT TO AMEND SECTION 41-137-3, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE ANXIETY DISORDERS AND SLEEP DISORDERS UNDER THE
3 DEFINITION OF "DEBILITATING MEDICAL CONDITION" WITHIN THE
4 MISSISSIPPI MEDICAL CANNABIS ACT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-137-3, Mississippi Code of 1972, is
7 amended as follows:

8 41-137-3. For purposes of this chapter, unless the context
9 requires otherwise, the following terms shall have the meanings
10 ascribed herein:

11 (a) "Artificially derived cannabinoid" means a chemical
12 substance that is created by a chemical reaction that changes the
13 molecular structure of any chemical substance derived from the
14 plant Cannabis family Cannabaceae. Such term shall not include:

15 (i) A naturally occurring chemical substance that
16 is separated from the plant Cannabis family Cannabaceae by a
17 chemical or mechanical extraction process;



(ii) Cannabinoids that are produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst; or

(iii) Any other chemical substance identified by MDOH.

(b) "Allowable amount of medical cannabis" means an amount not to exceed the maximum amount of Mississippi Medical Cannabis Equivalency Units ("MMCEU").

(c) "Bona fide practitioner-patient relationship" means:

(i) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner, within his or her scope of practice, has completed an in-person assessment of the patient's medical history and current mental health and medical condition and has documented their certification in the patient's medical file;

(ii) The practitioner has consulted in person with the patient with respect to the patient's debilitating medical condition; and

(iii) The practitioner is available to or offers to provide follow-up care and treatment to the patient.

(d) "Cannabis" means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its



resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.

(e) "Cannabis cultivation facility" means a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

(f) "Cannabis disposal entity" means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

(g) "Cannabis processing facility" means a business entity that is licensed and registered by the Mississippi Department of Health that:

(i) Acquires or intends to acquire cannabis from a cannabis cultivation facility;

(ii) Possesses cannabis with the intent to manufacture a cannabis product;

(iii) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

(iv) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.



68 (h) "Cannabis products" means cannabis flower,
69 concentrated cannabis, cannabis extracts and products that are
70 infused with cannabis or an extract thereof and are intended for
71 use or consumption by humans. The term includes, without
72 limitation, edible cannabis products, beverages, topical products,
73 ointments, oils, tinctures and suppositories that contain
74 tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those
75 products excluded from control under Sections 41-29-113 and
76 41-29-136.

77 (i) "Cannabis research facility" or "research facility"
78 means a research facility at any university or college in this
79 state or an independent entity licensed and registered by the
80 Mississippi Department of Health pursuant to this chapter that
81 acquires cannabis from cannabis cultivation facilities and
82 cannabis processing facilities in order to research cannabis,
83 develop best practices for specific medical conditions, develop
84 medicines and provide commercial access for medical use.

85 (j) "Cannabis testing facility" or "testing facility"
86 means an independent entity licensed and registered by the
87 Mississippi Department of Health that analyzes the safety and
88 potency of cannabis.

89 (k) "Cannabis transportation entity" means an
90 independent entity licensed and registered by the Mississippi
91 Department of Health that is involved in the commercial
92 transportation of medical cannabis.



(l) "Cannabis waste" means plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts. This term shall not include seeds, roots, stems and stalks.

(m) "Cannabinoid" means any of the chemical compounds that are the active constituents derived from THC.

(n) "Canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature cannabis plants and seedlings, prior to flowering, and that are not used at any time to cultivate mature cannabis plants.

(o) "Cardholder" means a registered qualifying patient or a registered designated caregiver who has been issued and possesses a valid registry identification card.



(p) "Chronic pain" means a pain state in which the cause of the pain cannot be removed or otherwise treated, and which in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts by a practitioner.

(q) "Concentrate" means a substance obtained by separating cannabinoids from cannabis by:

(i) A mechanical extraction process;

(ii) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, food-grade ethanol or steam distillation; or

(iii) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure.

(r) "Debilitating medical condition" means:

(i) Cancer, Parkinson's disease, Huntington's disease, muscular dystrophy, glaucoma, spastic quadriplegia, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell anemia, Alzheimer's disease, agitation of dementia, post-traumatic stress disorder (PTSD), autism, anxiety disorders, sleep disorders, pain refractory to appropriate opioid management,



diabetic/peripheral neuropathy, spinal cord disease or severe injury, or the treatment of these conditions;

(ii) A chronic, terminal or debilitating disease or medical condition, or its treatment, that produces one or more of the following: cachexia or wasting syndrome, chronic pain, severe or intractable nausea, seizures, or severe and persistent muscle spasms, including, but not limited to, those characteristic of multiple sclerosis; or

(iii) Any other serious medical condition or its treatment added by the Mississippi Department of Health, as provided for in Section 41-137-17.

(s) "Designated caregiver" means a person who:

(i) Has agreed to assist with a registered qualifying patient's medical use of medical cannabis;

(ii) Assists no more than five (5) registered qualifying patients with their medical use of medical cannabis, unless the designated caregiver's registered qualifying patients each reside in or are admitted to a health care facility or facility providing residential care services or day care services where the designated caregiver is employed;

(iii) Is at least twenty-one (21) years of age unless the person is the parent or legal guardian of each qualifying patient the person assists; and

(iv) Has not been convicted of a disqualifying felony offense.



166 (t) "Disqualifying felony offense" means:
167 (i) A conviction for a crime of violence, as
168 defined in Section 97-3-2;
169 (ii) A conviction for a crime that was defined as
170 a violent crime in the law of the jurisdiction in which the
171 offense was committed, and that was classified as a felony in the
172 jurisdiction where the person was convicted; or
173 (iii) A conviction for a violation of a state or
174 federal controlled substances law that was classified as a felony
175 in the jurisdiction where the person was convicted, including the
176 service of any term of probation, incarceration or supervised
177 release within the previous five (5) years and the offender has
178 not committed another similar offense since the conviction. Under
179 this subparagraph (iii), a disqualifying felony offense shall not
180 include a conviction that consisted of conduct for which this
181 chapter would likely have prevented the conviction but for the
182 fact that the conduct occurred before February 2, 2022.
183 (u) "Edible cannabis products" means products that:
184 (i) Contain or are infused with cannabis or an
185 extract thereof;
186 (ii) Are intended for human consumption by oral
187 ingestion; and
188 (iii) Are presented in the form of foodstuffs,
189 beverages, extracts, oils, tinctures, lozenges and other similar
190 products.



(v) "Entity" means a corporation, general partnership, limited partnership or limited liability company that has been registered with the Secretary of State as applicable.

(w) "MMCEU" means Mississippi Medical Cannabis Equivalency Unit. One unit of MMCEU shall be considered equal to:

(i) Three and one-half (3.5) grams of medical cannabis flower;

(ii) One (1) gram of medical cannabis concentrate; or

(iii) One hundred (100) milligrams of THC in an infused product.

(x) "MDOH" means the Mississippi Department of Health.

(y) "MDOR" means the Mississippi Department of Revenue.

(z) "Medical cannabis" means cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided in this chapter.

(aa) "Medical cannabis dispensary" or "dispensary" means an entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

(bb) "Medical cannabis establishment" means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation



215 entity, cannabis disposal entity or cannabis research facility
216 licensed and registered by the appropriate agency.

217 (cc) "Medical cannabis establishment agent" means an
218 owner, officer, board member, employee, volunteer or agent of a
219 medical cannabis establishment.

220 (dd) "Medical use" includes the acquisition,
221 administration, cultivation, processing, delivery, harvest,
222 possession, preparation, transfer, transportation, or use of
223 medical cannabis or equipment relating to the administration of
224 medical cannabis to treat or alleviate a registered qualifying
225 patient's debilitating medical condition or symptoms associated
226 with the patient's debilitating medical condition. The term
227 "medical use" does not include:

228 (i) The cultivation of cannabis unless the
229 cultivation is done by a cannabis cultivation facility; or

230 (ii) The extraction of resin from cannabis by
231 mechanical or chemical extraction unless the extraction is done by
232 a cannabis processing facility.

233 (ee) "Nonresident cardholder" means a person who:

234 (i) Has been diagnosed with a debilitating medical
235 condition by a practitioner in his or her respective state or
236 territory, or is the parent, guardian, conservator or other person
237 with authority to consent to the medical use of medical cannabis
238 by a person who has been diagnosed with a debilitating medical
239 condition;



(ii) Is not a resident of Mississippi or who has been a resident of Mississippi for less than forty-five (45) days; and

(iii) Has submitted any documentation required by MDOH rules and regulations and has received confirmation of registration.

(ff) "Practitioner" means a physician, certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state. In relation to a nonresident cardholder, the term means a physician, certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and under the laws of the state or territory in which the nonresident patient resides. For registered qualifying patients who are minors, "practitioner" shall mean a physician or doctor of osteopathic medicine who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state.

(gg) "Public place" means a church or any area to which the general public is invited or in which the general public is permitted, regardless of the ownership of the area, and any area owned or controlled by a municipality, county, state or federal government, including, but not limited to, streets, sidewalks or



other forms of public transportation. Such term shall not mean a private residential dwelling.

(hh) "Qualifying patient" means a person who has been diagnosed by a practitioner as having a debilitating medical condition and has been issued a written certification.

(ii) "Registry identification card" means a document issued by the MDOH that identifies a person as a registered qualifying patient, nonresident registered qualifying patient or registered designated caregiver.

(jj) "School" means an institution for the teaching of children, consisting of a physical location, whether owned or leased, including instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, public, private, church and parochial programs for kindergarten, elementary, junior high and high schools. Such term shall not mean a home instruction program.

(kk) "Scope of practice" means the defined parameters of various duties, services or activities that may be provided or performed by a certified nurse practitioner as authorized under Sections 73-15-5 and 73-15-20, by an optometrist as authorized under Section 73-19-1, by a physician as authorized under Section 73-25-33, or by a physician assistant under Section 73-26-5, and rules and regulations adopted by the respective licensing boards for those practitioners.



(ll) "THC" or "Tetrahydrocannabinol" means any and all forms of tetrahydrocannabinol that are contained naturally in the cannabis plant, as well as synthesized forms of THC and derived variations, derivatives, isomers and allotropes that have similar molecular and physiological characteristics of tetrahydrocannabinol, including, but not limited to, THCA, THC Delta 9, THC Delta 8, THC Delta 10 and THC Delta 6.

(mm) "Written certification" means a form approved by the MDOH, signed and dated by a practitioner, certifying that a person has a debilitating medical condition. A written certification shall include the following:

(i) The date of issue and the effective date of the recommendation;

(ii) The patient's name, date of birth and address;

(iii) The practitioner's name, address, and federal Drug Enforcement Agency number; and

(iv) The practitioner's signature.

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

