

By: Senator(s) Blackwell

To: Medicaid; Public Health
and Welfare

SENATE BILL NO. 2748

1 AN ACT TO AMEND SECTION 41-137-3, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION IN THE MISSISSIPPI MEDICAL CANNABIS ACT
3 OF THE MISSISSIPPI MEDICAL CANNABIS EQUIVALENCY UNIT (MMCEU) TO
4 DESIGNATE ONE UNIT OF MMCEU AS ONE GRAM OF TOTAL THC IN A CANNABIS
5 CONCENTRATE OR ONE GRAM OF TOTAL THC IN AN INFUSED PRODUCT; TO
6 AMEND SECTION 41-137-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A
7 HEALTHCARE PRACTITIONER TO ISSUE A WRITTEN CERTIFICATION OF A
8 PATIENT'S DEBILITATING MEDICAL CONDITION AFTER A TELEMEDICINE
9 EVALUATION FOR PATIENTS WHO ARE HOMEBOUND OR BEDBOUND AS CERTIFIED
10 BY A PRACTITIONER OTHER THAN THE PRACTITIONER MAKING THE WRITTEN
11 CERTIFICATION; TO AMEND SECTION 41-137-37, MISSISSIPPI CODE OF
12 1972, TO PROHIBIT AN APPLICANT FOR A MEDICAL CANNABIS
13 ESTABLISHMENT LICENSE FROM APPLYING TO A COUNTY OR MUNICIPALITY
14 FOR ANY ACTION REGARDING ZONING OR PERMITTING OF A MEDICAL
15 CANNABIS ESTABLISHMENT UNTIL AFTER THE APPLICANT HAS RECEIVED A
16 MEDICAL CANNABIS ESTABLISHMENT LICENSE FROM THE MDOH OR MDOR AS
17 APPLICABLE; AND FOR RELATED PURPOSES.

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

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

21 41-137-3. For purposes of this chapter, unless the context
22 requires otherwise, the following terms shall have the meanings
23 ascribed herein:

24 (a) "Artificially derived cannabinoid" means a chemical
25 substance that is created by a chemical reaction that changes the



molecular structure of any chemical substance derived from the plant Cannabis family Cannabaceae. Such term shall not include:

(i) A naturally occurring chemical substance that is separated from the plant Cannabis family Cannabaceae by a 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.

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

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

(j) "Cannabis testing facility" or "testing facility" means an independent entity licensed and registered by the



Mississippi Department of Health that analyzes the safety and potency of cannabis.

(k) "Cannabis transportation entity" means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial 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, 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.

(t) "Disqualifying felony offense" means:

(i) A conviction for a crime of violence, as defined in Section 97-3-2;

(ii) A conviction for a crime that was defined as a violent crime in the law of the jurisdiction in which the offense was committed, and that was classified as a felony in the jurisdiction where the person was convicted; or

(iii) A conviction for a violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction where the person was convicted, including the service of any term of probation, incarceration or supervised release within the previous five (5) years and the offender has not committed another similar offense since the conviction. Under this subparagraph (iii), a disqualifying felony offense shall not include a conviction that consisted of conduct for which this chapter would likely have prevented the conviction but for the fact that the conduct occurred before February 2, 2022.

(u) "Edible cannabis products" means products that:

(i) Contain or are infused with cannabis or an extract thereof;



(ii) Are intended for human consumption by oral ingestion; and

(iii) Are presented in the form of foodstuffs, beverages, extracts, oils, tinctures, lozenges and other similar 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 total THC in a medical cannabis concentrate; or

(iii) One * * * (1) gram of total 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
entity, cannabis disposal entity or cannabis research facility
licensed and registered by the appropriate agency.

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

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

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

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

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



246 (i) Has been diagnosed with a debilitating medical
247 condition by a practitioner in his or her respective state or
248 territory, or is the parent, guardian, conservator or other person
249 with authority to consent to the medical use of medical cannabis
250 by a person who has been diagnosed with a debilitating medical
251 condition;

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

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

258 (ff) "Practitioner" means a physician, certified nurse
259 practitioner, physician assistant or optometrist who is licensed
260 to prescribe medicine under the licensing requirements of their
261 respective occupational boards and the laws of this state. In
262 relation to a nonresident cardholder, the term means a physician,
263 certified nurse practitioner, physician assistant or optometrist
264 who is licensed to prescribe medicine under the licensing
265 requirements of their respective occupational boards and under the
266 laws of the state or territory in which the nonresident patient
267 resides. For registered qualifying patients who are minors,
268 "practitioner" shall mean a physician or doctor of osteopathic
269 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



319 (iv) The practitioner's signature.

320 **SECTION 2.** Section 41-137-5, Mississippi Code of 1972, is
321 amended as follows:

322 41-137-5. (1) No person shall be authorized to use medical
323 cannabis in this state unless the person (a) has been diagnosed by
324 a practitioner, with whom the person has a bona fide
325 practitioner-patient relationship within his or her scope of
326 practice, as having a debilitating medical condition for which the
327 practitioner believes, in his or her professional opinion, that
328 the person would likely receive medical or palliative benefit from
329 the medical use of medical cannabis to treat or alleviate the
330 person's debilitating medical condition or symptoms associated
331 with the person's debilitating medical condition, (b) has received
332 a written certification of that diagnosis from the practitioner,
333 and (c) has been issued a registry identification card from the
334 MDOH under Section 41-137-23. A person who has been diagnosed by
335 a practitioner as specified in paragraph (a) of this subsection
336 shall be a qualifying patient, and the practitioner who has
337 diagnosed the patient shall document that diagnosis with a written
338 certification. However, nothing herein shall require a
339 practitioner to issue a written certification.

340 (2) A written certification shall:

341 (a) Affirm that it is made in the course of a bona fide
342 practitioner-patient relationship;



(b) Remain current for twelve (12) months, unless the practitioner specifies a shorter period of time;

(c) Be issued * * * after an in-person assessment of the patient by a practitioner, or after a telemedicine evaluation for patients who are homebound or bedbound as certified by a practitioner other than the practitioner making the written certification;

(d) Only be issued on behalf of a minor when the minor's parent or guardian is present and provides signed consent; and

(e) Be limited to the allowable amount of cannabis in a thirty-day period.

(3) No state agency, department, political subdivision or board shall require a practitioner to require a patient to submit to a drug test as a condition to receiving a certification for a registry identification card. However, a practitioner may require a drug test from a patient that is within his or her scope of practice.

(4) After a practitioner has issued a written certification to a qualifying patient, a practitioner may assist the patient in registering for a registry identification card with the Department of Health, in a manner provided by regulations of the Department of Health.

(5) After a qualifying patient receives a written certification from a practitioner, the patient shall be required



to make a follow-up visit with the practitioner not less than six (6) months after the date of issuance of the certification for the practitioner to evaluate and determine the effectiveness of the patient's medical use of medical cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. Qualifying patients may make a follow-up visit with a different practitioner than the practitioner who originally issued their written certification, provided that such practitioner is otherwise registered and acting within their scope of practice and the provisions of this chapter.

(6) Before dispensing medical cannabis to a cardholder, the dispensary from which the cardholder is obtaining medical cannabis shall verify the identity of the cardholder and the authority of the cardholder to use medical cannabis as provided in Section 41-137-39 and shall determine the maximum amount of medical cannabis that a cardholder is eligible to receive and the amount of medical cannabis that the cardholder has received from all dispensaries during a specified period of time using the statewide seed-to-sale tracking system under Section 41-137-11.

(7) (a) A practitioner shall be registered to issue written certifications to qualifying patients by completing the required application process as set forth by the MDOH. The MDOH shall require a practitioner to complete a minimum of eight (8) hours of continuing education in medical cannabis in order to issue written



393 certifications. After the first year of registration, these
394 practitioners shall complete five (5) hours of continuing
395 education in medical cannabis annually to maintain this
396 registration.

397 (b) A practitioner shall not be required to have any
398 additional qualifications to be authorized to certify a qualifying
399 patient for a registry identification card, other than such
400 requirements for practitioners as provided under the Mississippi
401 Medical Cannabis Act.

402 (c) A practitioner shall not be required to be
403 registered to certify patients with any state agency or board
404 other than the MDOH.

405 (8) Only physicians and doctors of osteopathic medicine may
406 issue written certifications to registered qualifying patients who
407 are minors.

408 (9) The requirements of this section shall not apply to a
409 person who is authorized to purchase topical cannabis provided
410 under Section 41-137-39(22), and such persons may possess and use
411 such products without being in violation of this chapter.

412 **SECTION 3.** Section 41-137-37, Mississippi Code of 1972, is
413 amended as follows:

414 41-137-37. (1) A municipality or county may enact
415 ordinances or regulations not in conflict with this chapter, or
416 with regulations enacted under this chapter, governing the time,
417 place, and manner of medical cannabis establishment operations in



the locality. A municipality or county may establish penalties for violation of an ordinance or regulation governing the time, place and manner of a medical cannabis establishment that may operate in the municipality or county. An applicant for a medical cannabis establishment license shall not apply to a county or municipality for any action regarding zoning or permitting of a medical cannabis establishment until after the applicant has received a medical cannabis establishment license from the MDOH or MDOR as applicable.

(2) No municipality or county may prohibit dispensaries either expressly or through the enactment of ordinances or regulations that make their operation impracticable in the jurisdiction. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church or child care facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church or child care facility and by applying for a waiver with its respective licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or child care facility.

(3) A dispensary, cannabis research facility or cannabis testing facility may be located in any area in a municipality or



county that is zoned as commercial or for which commercial use is otherwise authorized or not prohibited, provided that it being located there does not violate any other provisions of this chapter. A cannabis cultivation facility and/or cannabis processing facility may be located in any area in a municipality or county that is zoned as agricultural or industrial or for which agricultural or industrial use is otherwise authorized or not prohibited, provided that it being there does not violate any other provision of this chapter. A cannabis cultivation facility and/or cannabis processing facility may be located in any area in a municipality or county that is zoned as commercial or for which commercial use is otherwise authorized or not prohibited, provided that the municipality or county has authorized the entity to be located in such area and that it being there does not violate any other provision of this chapter. The municipality or county may authorize this by granting a variance to an existing zoning ordinance or by adopting a change in the zoning ordinance that allows for those entities to be located in specific commercial areas.

(4) A municipality or county may require a medical cannabis establishment to obtain a local license, permit or registration to operate, and may charge a reasonable fee for the local license, permit or registration, provided that this fee is consistent with fees charged to businesses that are not involved in the cannabis industry.



468 (5) No medical cannabis dispensary may be located within a
469 one-thousand-five-hundred-feet radius from the main point of entry
470 of the dispensary to the main point of entry of another medical
471 cannabis dispensary. If the sole basis of denial by the licensing
472 agency in refusing to issue the medical cannabis dispensary a
473 license to operate is that the dispensary fails the distance
474 requirement of this subsection (5), then the licensing agency may
475 refund all or part of the license application fee in Section
476 41-137-35(5) to the applicant.

477 **SECTION 4.** This act shall take effect and be in force from
478 and after July 1, 2025.

