

By: Senator(s) Simmons (12th)

To: Public Health and  
Welfare; Judiciary, Division  
B

SENATE BILL NO. 2379

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 SECTIONS 41-29-136, 41-29-147,  
8 41-29-149.1, 41-29-150 AND 33-13-520, MISSISSIPPI CODE OF 1972, TO  
9 CONFORM; AND FOR RELATED PURPOSES.

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

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

13 41-29-113. The controlled substances listed in this section  
14 are included in Schedule I.

15 **SCHEDULE I**

16 (a) **Opiates.** Any of the following opiates, including their  
17 isomers, esters, ethers, salts and salts of isomers, esters and  
18 ethers, unless specifically excepted, whenever the existence of  
19 these isomers, esters, ethers and salts is possible within the  
20 specific chemical designation:

21 (1) Acetyl-alpha-methylfentanyl;



- 22 (2) Acetyl Fentanyl  
23 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide;  
24 (3) Acetylmethadol;  
25 (4) Allylprodine;  
26 (5) Alphacetylmethadol, except levo-alphacetylmethadol  
27 (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);  
28 (6) Alphameprodine;  
29 (7) Alphamethadol;  
30 (8) Alpha-methylfentanyl;  
31 (9) Alpha-methylthiofentanyl;  
32 (10) Benzethidine;  
33 (11) Betacetylmethadol;  
34 (12) Beta-hydroxyfentanyl;  
35 (13) Beta-hydroxy-3-methylfentanyl;  
36 (14) Betameprodine;  
37 (15) Betamethadol;  
38 (16) Betaprodine;  
39 (17) Clonitazene;  
40 (18) Dextromoramide;  
41 (19) Diampromide;  
42 (20) Diethylthiambutene;  
43 (21) Difenoxyin;  
44 (22) Dimenoxadol;  
45 (23) Dimepheptanol;  
46 (24) Dimethylthiambutene;



- 47 (25) Dioxaphetyl butyrate;
- 48 (26) Dipipanone;
- 49 (27) Ethylmethylthiambutene;
- 50 (28) Etonitazene;
- 51 (29) Etoxeridine;
- 52 (30) Furethidine;
- 53 (31) Hydroxypethidine;
- 54 (32) Ketobemidone;
- 55 (33) Levomoramide;
- 56 (34) Levophenacylmorphan;
- 57 (35) 3-methylfentanyl;
- 58 (36) 3-methylthiofentanyl;
- 59 (37) Morpheridine;
- 60 (38) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 61 (39) Noracymethadol;
- 62 (40) Norlevorphanol;
- 63 (41) Normethadone;
- 64 (42) Norpipanone;
- 65 (43) Para-fluorofentanyl;
- 66 (44) PEPAP
- 67 (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 68 (45) Phenadoxone;
- 69 (46) Phenampromide;
- 70 (47) Phenomorphan;
- 71 (48) Phenoperidine;



- 72 (49) Piritramide;
- 73 (50) Proheptazine;
- 74 (51) Properidine;
- 75 (52) Propiram;
- 76 (53) Racemoramide;
- 77 (54) Thiofentanyl;
- 78 (55) Tilidine;
- 79 (56) Trimeperidine.

80 (b) **Opiate derivatives.** Any of the following opium  
81 derivatives, their salts, isomers and salts of isomers, unless  
82 specifically excepted, whenever the existence of these salts,  
83 isomers and salts of isomers is possible within the specific  
84 chemical designation:

- 85 (1) Acetorphine;
- 86 (2) Acetyldihydrocodeine;
- 87 (3) Benzylmorphine;
- 88 (4) Codeine methylbromide;
- 89 (5) Codeine-N-Oxide;
- 90 (6) Cyprenorphine;
- 91 (7) Desomorphine;
- 92 (8) Dihydromorphine;
- 93 (9) Drotebanol;
- 94 (10) Etorphine; (except hydrochloride salt);
- 95 (11) Heroin;
- 96 (12) Hydromorphanol;



- 97 (13) Methyldesorphine;
- 98 (14) Methyldihydromorphine;
- 99 (15) Monoacetylmorphine;
- 100 (16) Morphine methylbromide;
- 101 (17) Morphine methylsulfonate;
- 102 (18) Morphine-N-Oxide;
- 103 (19) Myrophine;
- 104 (20) Nicocodeine;
- 105 (21) Nicomorphine;
- 106 (22) Normorphine;
- 107 (23) Pholcodine;
- 108 (24) Thebacon.

109 (c) **Hallucinogenic substances.** Any material, compound,  
110 mixture or preparation which contains any quantity of the  
111 following substances, their salts, isomers (whether optical,  
112 positional, or geometric) and salts of isomers, unless  
113 specifically excepted, whenever the existence of these salts,  
114 isomers and salts of isomers is possible within the specific  
115 chemical designation:

- 116 (1) Alpha-ethyltryptamine;
- 117 (2) 4-bromo-2,5-dimethoxy-amphetamine;
- 118 (3) 4-bromo-2,5-dimethoxyphenethylamine;
- 119 (4) 2,5-dimethoxyamphetamine;
- 120 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);



- 121 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine  
122 (2C-T-7);
- 123 (7) 4-methoxyamphetamine;
- 124 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 125 (9) 4-methyl-2,5-dimethoxy-amphetamine;
- 126 (10) 3,4-methylenedioxy amphetamine;
- 127 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 128 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known  
129 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl  
130 MDA, MDE, MDEA);
- 131 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also  
132 known as N-hydroxy MDA, N-OHMDA, and  
133 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);
- 134 (14) 3,4,5-trimethoxy amphetamine;
- 135 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 136 (16) Alpha-methyltryptamine (also known as AMT);
- 137 (17) Bufotenine;
- 138 (18) Diethyltryptamine;
- 139 (19) Dimethyltryptamine;
- 140 (20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 141 (21) Ibogaine;
- 142 (22) Lysergic acid diethylamide (LSD);
- 143 \* \* \*
- 144 ( \* \* \*23) Mescaline;
- 145 ( \* \* \*24) Parahexyl;



146 ( \* \* \*25) Peyote;

147 ( \* \* \*26) N-ethyl-3-piperidyl benzilate;

148 ( \* \* \*27) N-methyl-3-piperidyl benzilate;

149 ( \* \* \*28) Psilocybin;

150 ( \* \* \*29) Psilocyn;

151 \* \* \*

152 ( \* \* \*30) Phencyclidine;

153 ( \* \* \*31) Ethylamine analog of phencyclidine (PCE);

154 ( \* \* \*32) Pyrrolidine analog of phencyclidine (PHP,  
155 PCPy);

156 ( \* \* \*33) Thiophene analog of phencyclidine;

157 ( \* \* \*34) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine  
158 (TCPy);

159 ( \* \* \*35) 4-methylmethcathinone (mephedrone);

160 ( \* \* \*36) 3,4-methylenedioxypropylamphetamine (MDPV);

161 ( \* \* \*37) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine  
162 (2C-E);

163 ( \* \* \*38) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine  
164 (2C-D);

165 ( \* \* \*39) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine  
166 (2C-C);

167 ( \* \* \*40) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine  
168 (2C-I); or 2,5-dimethoxy-4-iodophenethylamine;

169 ( \* \* \*41)

170 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);



171 ( \* \* \*42)  
172 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);  
173 ( \* \* \*43) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);  
174 ( \* \* \*44) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine  
175 (2C-N);  
176 ( \* \* \*45)  
177 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);  
178 ( \* \* \*46)  
179 3,4-methylenedioxy-N-methylcathinone (methylone);  
180 ( \* \* \*47)  
181 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine  
182 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);  
183 ( \* \* \*48)  
184 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine  
185 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);  
186 ( \* \* \*49)  
187 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or  
188 N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;  
189 Cimbi-5);  
190 ( \* \* \*50) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,  
191 4-benzodiazepin-2-one (also known as Phenazepam);  
192 ( \* \* \*51)  
193 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,  
194 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene  
195 (also known as Etizolam);





196 ( \* \* \*52) Salvia divinorum;  
197 ( \* \* \*53) Synthetic cannabinoids. Unless specifically  
198 excepted or unless listed in another schedule, any material,  
199 compound, mixture, or preparation which contains any quantity of a  
200 synthetic cannabinoid found in any of the following chemical  
201 groups, whether or not substituted to any extent, or any of those  
202 groups which contain any synthetic cannabinoid salts, isomers, or  
203 salts of isomers, whenever the existence of such salts, isomers,  
204 or salts of isomers is possible within the specific chemical  
205 designation, including all synthetic cannabinoid chemical  
206 analogues in such groups:

207 (A) (6aR,10aR)-9-(hydroxymethyl)-6,  
208 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
209 chromen-1-ol (also known as HU-210 or  
210 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

211 (B) Naphthoylindoles and naphthylmethylinindoles,  
212 being any compound structurally derived from 3-(1-naphthoyl)indole  
213 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted  
214 in the indole ring to any extent, or in the naphthyl ring to any  
215 extent;

216 (C) Naphthoylpyrroles, being any compound  
217 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not  
218 substituted in the pyrrole ring to any extent, or in the naphthyl  
219 ring to any extent;



220 (D) Naphthylmethylindenes, being any compound  
221 structurally derived from 1-(1-naphthylmethyl)indene, whether or  
222 not substituted in the indene ring to any extent or in the  
223 naphthyl ring to any extent;

224 (E) Phenylacetylindoles, being any compound  
225 structurally derived from 3-phenylacetylindole, whether or not  
226 substituted in the indole ring to any extent or in the phenyl ring  
227 to any extent;

228 (F) Cyclohexylphenols, being any compound  
229 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether  
230 or not substituted in the cyclohexyl ring to any extent or in the  
231 phenolic ring to any extent;

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

234 (H) Adamantoylindoles, whether or not substituted  
235 in the indole ring to any extent or in the adamantoyl ring system  
236 to any extent;

237 (I) Tetrahydro derivatives of cannabinal and  
238 3-alkyl homologues of cannabinal or of its tetrahydro derivatives,  
239 except where contained in cannabis or cannabis resin;

240 (J) 3-Cyclopropylmethanone indole or  
241 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by  
242 substitution at the nitrogen atom of the indole ring, whether or  
243 not further substituted in the indole ring to any extent, whether



244 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl  
245 rings to any extent;

246 (K) Quinoliny ester indoles, being any compound  
247 structurally derived from 1H-indole-3carboxylic acid-8-quinoliny  
248 ester, whether or not substituted in the indole ring to any extent  
249 or the quinolone ring to any extent;

250 (L) 3-carboxamide-1H-indazoles, whether or not  
251 substituted in the indazole ring to any extent and substituted to  
252 any degree on the carboxamide nitrogen and  
253 3-carboxamide-1H-indoles, whether or not substituted in the indole  
254 ring to any extent and substituted to any degree on the  
255 carboxamide nitrogen;

256 (M) Cycloalkanemethanone Indoles, whether or not  
257 substituted at the nitrogen atom on the indole ring, whether or  
258 not further substituted in the indole ring to any extent, whether  
259 or not substituted on the cycloalkane ring to any extent.

260 (d) **Depressants.** Unless specifically excepted or unless  
261 listed in another schedule, any material, compound, mixture, or  
262 preparation which contains any quantity of the following  
263 substances having a depressant effect on the central nervous  
264 system, including their salts, isomers, and salts of isomers,  
265 whenever the existence of such salts, isomers, and salts of  
266 isomers is possible within the specific chemical designation:



267 (1) Gamma-hydroxybutyric acid (other names include:  
268 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic  
269 acid; sodium oxybate; sodium oxybutyrate);

270 (2) Mecloqualone;

271 (3) Methaqualone.

272 (e) **Stimulants.** Any material, compound, mixture or  
273 preparation which contains any quantity of the following central  
274 nervous system stimulants including optical salts, isomers and  
275 salts of isomers unless specifically excepted or unless listed in  
276 another schedule:

277 (1) Aminorex;

278 (2) N-benzylpiperazine (also known as BZP;  
279 1-benzylpiperazine);

280 (3) Cathinone;

281 (4) Fenethylamine;

282 (5) Methcathinone;

283 (6) 4-methylaminorex (also known as  
284 2-amino-4-methyl-5-phenyl-2-oxazoline);

285 (7) N-ethylamphetamine;

286 (8) Any material, compound, mixture or preparation  
287 which contains any quantity of N,N-dimethylamphetamine. (Other  
288 names include: N,N,-alpha-trimethyl-benzeneethanamine, and  
289 N,N-alpha-trimethylphenethylamine);

290 (9) Unless listed in another schedule, any compound  
291 other than bupropion that is structurally derived from



292 2-Amino-1-phenyl-1-propanone by modification in any of the  
293 following ways:

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

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

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

303 (10) Synthetic cathinones. Unless specifically  
304 excepted or unless listed in another schedule, any material  
305 compound, mixture or preparation which contains any quantity of a  
306 synthetic cathinone found in any of the following compounds,  
307 whether or not substituted to any extent, or any of these  
308 compounds which contain any synthetic cathinone, or salts,  
309 isomers, or salts of isomers, whenever the existence of such  
310 salts, isomers or salts of isomers is possible:

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

312 (ii) 4-methyl-alpha-pyrrolidinopropiophenone  
313 ("4-MePPP");

314 (iii) Alpha-pyrrolidinopentiophenone ("α-PVP");

315 (iv)

316 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");



317 (v) 2-(methylamino)-1-phenylpentan-1-one  
318 ("pentedrone");  
319 (vi)  
320 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one  
321 ("pentylone");  
322 (vii) 4-fluoro-N-methylcathinone ("4-FMC");  
323 (viii) 3-fluoro-N-methylcathinone ("3-FMC");  
324 (ix)  
325 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");  
326 and  
327 (x) Alpha-pyrrolidinobutiophenone ("α-PBP").

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

330 41-29-139. (a) **Transfer and possession with intent to**  
331 **transfer.** Except as authorized by this article, it is unlawful  
332 for any person knowingly or intentionally:

333 (1) To sell, barter, transfer, manufacture, distribute,  
334 dispense or possess with intent to sell, barter, transfer,  
335 manufacture, distribute or dispense, a controlled substance; or

336 (2) To create, sell, barter, transfer, distribute,  
337 dispense or possess with intent to create, sell, barter, transfer,  
338 distribute or dispense, a counterfeit substance.

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



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

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

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

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

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

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

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

363 \* \* \* (B) If more than ten (10) grams but less  
364 than twenty (20) grams, by imprisonment for not more than five (5)



365 years or a fine of not more than Five Thousand Dollars

366 (\$5,000.00), or both;

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

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

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

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

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

384 (C) If ten (10) or more grams or twenty (20) or  
385 more dosage units, but less than thirty (30) grams or forty (40)  
386 dosage units, by imprisonment for not more than fifteen (15) years  
387 or a fine of not more than One Hundred Thousand Dollars  
388 (\$100,000.00), or both;





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

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

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

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

403 (C) If ten (10) or more grams or twenty (20) or  
404 more dosage units, but less than thirty (30) grams or forty (40)  
405 dosage units, by imprisonment for not more than ten (10) years or  
406 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
407 both;

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



413 (c) **Simple possession.** It is unlawful for any person  
414 knowingly or intentionally to possess any controlled substance  
415 unless the substance was obtained directly from, or pursuant to, a  
416 valid prescription or order of a practitioner while acting in the  
417 course of his professional practice, or except as otherwise  
418 authorized by this article. The penalties for any violation of  
419 this subsection (c) with respect to a controlled substance  
420 classified in Schedules I, II, III, IV or V, as set out in Section  
421 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121,  
422 including \* \* \* synthetic cannabinoids, shall be based on dosage  
423 unit as defined herein or the weight of the controlled substance  
424 as set forth herein as appropriate:

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

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

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

436 If a mixture or substance contains more than one (1)  
437 controlled substance, the weight of the mixture or substance is



438 assigned to the controlled substance that results in the greater  
439 punishment.

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

442 (1) A controlled substance classified in Schedule I or  
443 II, except \* \* \* synthetic cannabinoids:

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

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

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

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

462 (2) (A) \* \* \* Synthetic cannabinoids:



463                   1. If \* \* \* ten (10) grams or less of  
464 synthetic cannabinoids, by a fine of not less than One Hundred  
465 Dollars (\$100.00) nor more than Two Hundred Fifty Dollars  
466 (\$250.00). The provisions of this paragraph (2) (A) may be  
467 enforceable by summons if the offender provides proof of identity  
468 satisfactory to the arresting officer and gives written promise to  
469 appear in court satisfactory to the arresting officer, as directed  
470 by the summons. A second conviction under this section within two  
471 (2) years is a misdemeanor punishable by a fine of Two Hundred  
472 Fifty Dollars (\$250.00), not more than sixty (60) days in the  
473 county jail, and mandatory participation in a drug education  
474 program approved by the Division of Alcohol and Drug Abuse of the  
475 State Department of Mental Health, unless the court enters a  
476 written finding that a drug education program is inappropriate. A  
477 third or subsequent conviction under this paragraph (2) (A) within  
478 two (2) years is a misdemeanor punishable by a fine of not less  
479 than Two Hundred Fifty Dollars (\$250.00) nor more than One  
480 Thousand Dollars (\$1,000.00) and confinement for not more than six  
481 (6) months in the county jail.

482                   Upon a first or second conviction under this paragraph  
483 (2) (A), the courts shall forward a report of the conviction to the  
484 Mississippi Bureau of Narcotics which shall make and maintain a  
485 private, nonpublic record for a period not to exceed two (2) years  
486 from the date of conviction. The private, nonpublic record shall  
487 be solely for the use of the courts in determining the penalties



488 which attach upon conviction under this paragraph (2)(A) and shall  
489 not constitute a criminal record for the purpose of private or  
490 administrative inquiry and the record of each conviction shall be  
491 expunged at the end of the period of two (2) years following the  
492 date of such conviction;

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

507       \* \* \*

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

509                   1. If more than ten (10) grams but less than  
510 twenty (20) grams, by a fine of not more than One Thousand Dollars  
511 (\$1,000.00), or confinement in the county jail for not more than  
512 one (1) year, or both; or by a fine of not more than Three



513 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
514 the Department of Corrections for not more than three (3) years,  
515 or both;

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

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

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

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

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

535           (B) If fifty (50) or more grams or one hundred  
536 (100) or more dosage units, but less than one hundred fifty (150)  
537 grams or five hundred (500) dosage units, by imprisonment for not



538 less than one (1) year nor more than four (4) years or a fine of  
539 not more than Ten Thousand Dollars (\$10,000.00), or both.

540 (C) If one hundred fifty (150) or more grams or  
541 five hundred (500) or more dosage units, but less than three  
542 hundred (300) grams or one thousand (1,000) dosage units, by  
543 imprisonment for not less than two (2) years nor more than eight  
544 (8) years or a fine of not more than Fifty Thousand Dollars  
545 (\$50,000.00), or both.

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

552 (d) **Paraphernalia.** (1) It is unlawful for a person who is  
553 not authorized by the State Board of Medical Licensure, State  
554 Board of Pharmacy, or other lawful authority to use, or to possess  
555 with intent to use, paraphernalia to plant, propagate, cultivate,  
556 grow, harvest, manufacture, compound, convert, produce, process,  
557 prepare, test, analyze, pack, repack, store, contain, conceal,  
558 inject, ingest, inhale or otherwise introduce into the human body  
559 a controlled substance in violation of the Uniform Controlled  
560 Substances Law. Any person who violates this subsection (d)(1) is  
561 guilty of a misdemeanor and, upon conviction, may be confined in



562 the county jail for not more than six (6) months, or fined not  
563 more than Five Hundred Dollars (\$500.00), or both \* \* \*.

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

577 (3) Any person eighteen (18) years of age or over who  
578 violates subsection (d) (2) of this section by delivering or  
579 selling paraphernalia to a person under eighteen (18) years of age  
580 who is at least three (3) years his junior is guilty of a  
581 misdemeanor and, upon conviction, may be confined in the county  
582 jail for not more than one (1) year, or fined not more than One  
583 Thousand Dollars (\$1,000.00), or both.

584 (4) It is unlawful for any person to place in any  
585 newspaper, magazine, handbill, or other publication any  
586 advertisement, knowing, or under circumstances where one





587 reasonably should know, that the purpose of the advertisement, in  
588 whole or in part, is to promote the sale of objects designed or  
589 intended for use as paraphernalia. Any person who violates this  
590 subsection is guilty of a misdemeanor and, upon conviction, may be  
591 confined in the county jail for not more than six (6) months, or  
592 fined not more than Five Hundred Dollars (\$500.00), or both.

593 (e) It shall be unlawful for any physician practicing  
594 medicine in this state to prescribe, dispense or administer any  
595 amphetamine or amphetamine-like anorectics and/or central nervous  
596 system stimulants classified in Schedule II, pursuant to Section  
597 41-29-115, for the exclusive treatment of obesity, weight control  
598 or weight loss. Any person who violates this subsection, upon  
599 conviction, is guilty of a misdemeanor and may be confined for a  
600 period not to exceed six (6) months, or fined not more than One  
601 Thousand Dollars (\$1,000.00), or both.

602 (f) **Trafficking.** (1) Any person trafficking in controlled  
603 substances shall be guilty of a felony and, upon conviction, shall  
604 be imprisoned for a term of not less than ten (10) years nor more  
605 than forty (40) years and shall be fined not less than Five  
606 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
607 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
608 reduced or suspended. The person shall not be eligible for  
609 probation or parole, the provisions of Sections 41-29-149,  
610 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.



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

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

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

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

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

629 (E) A violation of subsection (a) of this section  
630 involving \* \* \* two hundred (200) grams or more of synthetic  
631 cannabinoids.

632 (g) **Aggravated trafficking.** Any person trafficking in  
633 Schedule I or II controlled substances, except \* \* \* synthetic  
634 cannabinoids, of two hundred (200) grams or more shall be guilty  
635 of aggravated trafficking and, upon conviction, shall be sentenced



636 to a term of not less than twenty-five (25) years nor more than  
637 life in prison and shall be fined not less than Five Thousand  
638 Dollars (\$5,000.00) nor more than One Million Dollars  
639 (\$1,000,000.00). The twenty-five-year sentence shall be a  
640 mandatory sentence and shall not be reduced or suspended. The  
641 person shall not be eligible for probation or parole, the  
642 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
643 the contrary notwithstanding.

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

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

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

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



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

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

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

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

674 41-29-105. The following words and phrases, as used in this  
675 article, shall have the following meanings, unless the context  
676 otherwise requires:

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

681 ( \* \* \*i) A practitioner (or, in his presence, by  
682 his authorized agent); or

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



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

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

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

697           (e) "Commissioner" means the Commissioner of the  
698 Department of Public Safety.

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

702           (g) "Counterfeit substance" means a controlled  
703 substance which, or the container or labeling of which, without  
704 authorization, bears the trademark, trade name, or other  
705 identifying mark, imprint, number or device, or any likeness  
706 thereof, of a manufacturer, distributor or dispenser other than  
707 the person who in fact manufactured, distributed or dispensed the  
708 substance.



709 (h) "Deliver" or "delivery" means the actual,  
710 constructive, or attempted transfer from one person to another of  
711 a controlled substance, whether or not there is an agency  
712 relationship.

713 (i) "Director" means the Director of the Bureau of  
714 Narcotics.

715 (j) "Dispense" means to deliver a controlled substance  
716 to an ultimate user or research subject by or pursuant to the  
717 lawful order of a practitioner, including the prescribing,  
718 administering, packaging, labeling or compounding necessary to  
719 prepare the substance for that delivery.

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

721 (l) "Distribute" means to deliver other than by  
722 administering or dispensing a controlled substance.

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

724 (n) "Drug" means ( \* \* \*i) a substance recognized as a  
725 drug in the official United States Pharmacopoeia, official  
726 Homeopathic Pharmacopoeia of the United States, or official  
727 National Formulary, or any supplement to any of them; ( \* \* \*ii) a  
728 substance intended for use in the diagnosis, cure, mitigation,  
729 treatment, or prevention of disease in man or animals; ( \* \* \*iii)  
730 a substance (other than food) intended to affect the structure or  
731 any function of the body of man or animals; and ( \* \* \*iv) a  
732 substance intended for use as a component of any article specified



733 in this paragraph. Such word does not include devices or their  
734 components, parts, or accessories.

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

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

744 (q) "Manufacture" means the production, preparation,  
745 propagation, compounding, conversion or processing of a controlled  
746 substance, either directly or indirectly, by extraction from  
747 substances of natural origin, or independently by means of  
748 chemical synthesis, or by a combination of extraction and chemical  
749 synthesis, and includes any packaging or repackaging of the  
750 substance or labeling or relabeling of its container. The term  
751 "manufacture" does not include the preparation, compounding,  
752 packaging or labeling of a controlled substance in conformity with  
753 applicable state and local law:

754 ( \* \* \*i) By a practitioner as an incident to his  
755 administering or dispensing of a controlled substance in the  
756 course of his professional practice; or



757 ( \* \* \*ii) By a practitioner, or by his authorized  
758 agent under his supervision, for the purpose of, or as an incident  
759 to, research, teaching or chemical analysis and not for sale.

760 \* \* \*

761 ( \* \* \*r) "Narcotic drug" means any of the following,  
762 whether produced directly or indirectly by extraction from  
763 substances of vegetable origin, or independently by means of  
764 chemical synthesis, or by a combination of extraction and chemical  
765 synthesis:

766 ( \* \* \*i) Opium and opiate, and any salt,  
767 compound, derivative or preparation of opium or opiate;

768 ( \* \* \*ii) Any salt, compound, isomer, derivative  
769 or preparation thereof which is chemically equivalent or identical  
770 with any of the substances referred to in clause 1, but not  
771 including the isoquinoline alkaloids of opium;

772 ( \* \* \*iii) Opium poppy and poppy straw; and

773 ( \* \* \*iv) Cocaine, coca leaves and any salt,  
774 compound, derivative or preparation of cocaine, coca leaves, and  
775 any salt, compound, isomer, derivative or preparation thereof  
776 which is chemically equivalent or identical with any of these  
777 substances, but not including decocainized coca leaves or  
778 extractions of coca leaves which do not contain cocaine or  
779 ecgonine.

780 ( \* \* \*s) "Opiate" means any substance having an  
781 addiction-forming or addiction-sustaining liability similar to





782 morphine or being capable of conversion into a drug having  
783 addiction-forming or addiction-sustaining liability. It does not  
784 include, unless specifically designated as controlled under  
785 Section 41-29-111, the dextrorotatory isomer of  
786 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).  
787 Such word does include its racemic and levorotatory forms.

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

790 ( \* \* \*u) (i) "Paraphernalia" means all equipment,  
791 products and materials of any kind which are used, intended for  
792 use, or designed for use, in planting, propagating, cultivating,  
793 growing, harvesting, manufacturing, compounding, converting,  
794 producing, processing, preparing, testing, analyzing, packaging,  
795 repackaging, storing, containing, concealing, injecting,  
796 ingesting, inhaling or otherwise introducing into the human body a  
797 controlled substance in violation of the Uniform Controlled  
798 Substances Law. It includes, but is not limited to:

799 \* \* \*1. Kits used, intended for use, or  
800 designed for use in planting, propagating, cultivating, growing or  
801 harvesting of any species of plant which is a controlled substance  
802 or from which a controlled substance can be derived;

803 \* \* \*2. Kits used, intended for use, or  
804 designed for use in manufacturing, compounding, converting,  
805 producing, processing or preparing controlled substances;



806                   \* \* \*3. Isomerization devices used, intended  
807 for use or designed for use in increasing the potency of any  
808 species of plant which is a controlled substance;

809                   \* \* \*4. Testing equipment used, intended for  
810 use, or designed for use in identifying or in analyzing the  
811 strength, effectiveness or purity of controlled substances;

812                   \* \* \*5. Scales and balances used, intended  
813 for use or designed for use in weighing or measuring controlled  
814 substances;

815                   \* \* \*6. Diluents and adulterants, such as  
816 quinine hydrochloride, mannitol, mannite, dextrose and lactose,  
817 used, intended for use or designed for use in cutting controlled  
818 substances;

819           \* \* \*

820                   \* \* \*7. Blenders, bowls, containers, spoons  
821 and mixing devices used, intended for use or designed for use in  
822 compounding controlled substances;

823                   \* \* \*8. Capsules, balloons, envelopes and  
824 other containers used, intended for use or designed for use in  
825 packaging small quantities of controlled substances;

826                   \* \* \*9. Containers and other objects used,  
827 intended for use or designed for use in storing or concealing  
828 controlled substances;



829                   \* \* \*10. Hypodermic syringes, needles and  
830 other objects used, intended for use or designed for use in  
831 parenterally injecting controlled substances into the human body;

832                   \* \* \*11. Objects used, intended for use or  
833 designed for use in ingesting, inhaling or otherwise  
834 introducing \* \* \* cocaine \* \* \* into the human body, such as:

835                   \* \* \*a. Metal, wooden, acrylic, glass,  
836 stone, plastic or ceramic pipes with or without screens, permanent  
837 screens, hashish heads or punctured metal bowls;

838                   \* \* \*b. Water pipes;

839                   \* \* \*c. Carburetion tubes and devices;

840                   \* \* \*d. Smoking and carburetion masks;

841                   \* \* \*

842                   \* \* \*e. Miniature cocaine spoons and  
843 cocaine vials;

844                   \* \* \*f. Chamber pipes;

845                   \* \* \*g. Carburetor pipes;

846                   \* \* \*h. Electric pipes;

847                   \* \* \*i. Air-driven pipes;

848                   \* \* \*j. Chillums;

849                   \* \* \*k. Bongos; and

850                   \* \* \*l. Ice pipes or chillers.

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



854                   \* \* \*1. Statements by an owner or by anyone  
855 in control of the object concerning its use;

856                   \* \* \*2. Prior convictions, if any, of an  
857 owner, or of anyone in control of the object, under any state or  
858 federal law relating to any controlled substance;

859                   \* \* \*3. The proximity of the object, in time  
860 and space, to a direct violation of the Uniform Controlled  
861 Substances Law;

862                   \* \* \*4. The proximity of the object to  
863 controlled substances;

864                   \* \* \*5. The existence of any residue of  
865 controlled substances on the object;

866                   \* \* \*6. Direct or circumstantial evidence of  
867 the intent of an owner, or of anyone in control of the object, to  
868 deliver it to persons whom he knows, or should reasonably know,  
869 intend to use the object to facilitate a violation of the Uniform  
870 Controlled Substances Law; the innocence of an owner, or of anyone  
871 in control of the object, as to a direct violation of the Uniform  
872 Controlled Substances Law shall not prevent a finding that the  
873 object is intended for use, or designed for use as paraphernalia;

874                   \* \* \*7. Instructions, oral or written,  
875 provided with the object concerning its use;

876                   \* \* \*8. Descriptive materials accompanying  
877 the object which explain or depict its use;



878                   \* \* \*9. National and local advertising  
879 concerning its use;  
880                   \* \* \*10. The manner in which the object is  
881 displayed for sale;  
882                   \* \* \*11. Whether the owner or anyone in  
883 control of the object is a legitimate supplier of like or related  
884 items to the community, such as a licensed distributor or dealer  
885 of tobacco products;  
886                   \* \* \*12. Direct or circumstantial evidence  
887 of the ratio of sales of the object(s) to the total sales of the  
888 business enterprise;  
889                   \* \* \*13. The existence and scope of  
890 legitimate uses for the object in the community;  
891                   \* \* \*14. Expert testimony concerning its  
892 use.

893                   ( \* \* \*y) "Person" means individual, corporation,  
894 government or governmental subdivision or agency, business trust,  
895 estate, trust, partnership or association, or any other legal  
896 entity.

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

899                   ( \* \* \*x) "Practitioner" means:

900                   ( \* \* \*i) A physician, dentist, veterinarian,  
901 scientific investigator, optometrist certified to prescribe and  
902 use therapeutic pharmaceutical agents under Sections 73-19-153



903 through 73-19-165, or other person licensed, registered or  
904 otherwise permitted to distribute, dispense, conduct research with  
905 respect to or to administer a controlled substance in the course  
906 of professional practice or research in this state; and

907 ( \* \* \*ii) A pharmacy, hospital or other  
908 institution licensed, registered, or otherwise permitted to  
909 distribute, dispense, conduct research with respect to or to  
910 administer a controlled substance in the course of professional  
911 practice or research in this state.

912 ( \* \* \*y) "Production" includes the manufacture,  
913 planting, cultivation, growing or harvesting of a controlled  
914 substance.

915 ( \* \* \*z) "Sale," "sell" or "selling" means the actual,  
916 constructive or attempted transfer or delivery of a controlled  
917 substance for remuneration, whether in money or other  
918 consideration.

919 ( \* \* \*aa) "State," when applied to a part of the  
920 United States, includes any state, district, commonwealth,  
921 territory, insular possession thereof, and any area subject to the  
922 legal authority of the United States of America.

923 ( \* \* \*bb) "Ultimate user" means a person who lawfully  
924 possesses a controlled substance for his own use or for the use of  
925 a member of his household or for administering to an animal owned  
926 by him or by a member of his household.



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

929           41-29-136. (1) "CBD oil" means processed cannabis plant  
930 extract, oil or resin that contains more than fifteen percent  
931 (15%) cannabidiol, or a dilution of the resin that contains at  
932 least fifty (50) milligrams of cannabidiol per milliliter, but not  
933 more than one-half of one percent (0.5%) of tetrahydrocannabinol.

934           (2) (a) CBD oil may only be obtained on the order of a  
935 physician who is licensed to practice in Mississippi and  
936 administered to a patient by or under the direction or supervision  
937 of the physician.

938           (b) (i) The CBD oil must be obtained from or tested by  
939 the National Center for Natural Products Research at the  
940 University of Mississippi and dispensed by the Department of  
941 Pharmacy Services at the University of Mississippi Medical Center.

942           (ii) The patient or the patient's parent, guardian  
943 or custodian must execute a hold-harmless agreement that releases  
944 from liability the state and any division, agency, institution or  
945 employee thereof involved in the research, cultivation,  
946 processing, dispensing, prescribing or administration of CBD oil.

947           (c) The National Center for Natural Products Research  
948 at the University of Mississippi, the Department of Pharmacy  
949 Services at the University of Mississippi Medical Center and the  
950 Mississippi Agricultural and Forestry Experiment Station at



951 Mississippi State University are the only entities authorized to  
952 produce or possess cannabidiol for research.

953       (3) (a) Research of CBD oil under this section must comply  
954 with the provisions of Section 41-29-125 regarding lawful  
955 possession of controlled substances, of Section 41-29-137  
956 regarding record-keeping requirements relative to the dispensing,  
957 use or administration of controlled substances, and of Section  
958 41-29-133 regarding inventory requirements, insofar as they are  
959 applicable.

960       (b) The National Center for Natural Products Research  
961 at the University of Mississippi, the Department of Pharmacy  
962 Services at the University of Mississippi Medical Center and the  
963 Mississippi Agricultural and Forestry Experiment Station at  
964 Mississippi State University are authorized to pursue any federal  
965 permits or waivers necessary to conduct the programs authorized  
966 under this section.

967       (4) (a) In a prosecution for the unlawful possession  
968 of \* \* \* marijuana under the laws of this state, it is an  
969 affirmative and complete defense to prosecution that:

970               (i) The defendant suffered from a debilitating  
971 epileptic condition or related illness and the use or possession  
972 of CBD oil was pursuant to the order of a physician as authorized  
973 under this section; or

974               (ii) The defendant is the parent, guardian or  
975 custodian of an individual who suffered from a debilitating





976 epileptic condition or related illness and the use or possession  
977 of CBD oil was pursuant to the order of a physician as authorized  
978 under this section.

979 (b) An agency of this state or a political subdivision  
980 thereof, including any law enforcement agency, may not initiate  
981 proceedings to remove a child from the home based solely upon the  
982 possession or use of CBD oil by the child or parent, guardian or  
983 custodian of the child as authorized under this section.

984 (c) An employee of the state or any division, agency,  
985 institution thereof involved in the research, cultivation,  
986 processing, dispensing, prescribing or administration of CBD oil  
987 shall not be subject to prosecution for unlawful possession, use,  
988 distribution or prescription of \* \* \* marijuana under the laws of  
989 this state for activities arising from or related to the use of  
990 CBD oil in the treatment of individuals diagnosed with a  
991 debilitating epileptic condition under this section.

992 (5) This section shall be known as "Harper Grace's Law."

993 \* \* \*

994 **SECTION 5.** Section 41-29-147, Mississippi Code of 1972, is  
995 amended as follows:

996 41-29-147. Except as otherwise provided in Section  
997 41-29-142, any person convicted of a second or subsequent offense  
998 under this article may be imprisoned for a term up to twice the  
999 term otherwise authorized, fined an amount up to twice that  
1000 otherwise authorized, or both.



1001 For purposes of this section, an offense is considered a  
1002 second or subsequent offense, if, prior to his conviction of the  
1003 offense, the offender has at any time been convicted under this  
1004 article or under any statute of the United States or of any state  
1005 relating to narcotic drugs, \* \* \* depressant, stimulant or  
1006 hallucinogenic drugs.

1007 **SECTION 6.** Section 41-29-149.1, Mississippi Code of 1972, is  
1008 amended as follows:

1009 41-29-149.1. (1) This section shall be known as the  
1010 "Mississippi Medical Emergency Good Samaritan Act."

1011 (2) As used in this section, the following words shall have  
1012 the meanings ascribed:

1013 (a) "Drug overdose" means an acute condition,  
1014 including, but not limited to, extreme physical illness, decreased  
1015 level of consciousness, respiratory depression, coma, mania, or  
1016 death, resulting from the consumption or use of a controlled  
1017 substance or dangerous drug in violation of this chapter or that a  
1018 layperson would reasonably believe to be resulting from the  
1019 consumption or use of a controlled substance or dangerous drug for  
1020 which medical assistance is required.

1021 (b) "Drug violation" means:

1022 (i) A violation of Section 41-29-139 for  
1023 possession of a controlled substance if the aggregate weight,  
1024 including any mixture, is less than four (4) grams of a solid  
1025 substance, less than twenty (20) dosage units, less than one (1)



1026 milliliter of liquid substance, or, if the substance is placed  
1027 onto a secondary medium, has a combined weight of less than four  
1028 (4) grams;

1029 (ii) A violation of Section 41-29-139 for  
1030 possession of \* \* \* ten (10) grams or less of synthetic  
1031 cannabinoids; or

1032 (iii) A violation of Section 41-29-139(d) (2)  
1033 relating to possession and use of paraphernalia.

1034 (c) "Medical assistance" means aid provided to a person  
1035 experiencing or believed to be experiencing a drug overdose by a  
1036 health care professional who is licensed, registered, or certified  
1037 under the laws of this state and who, acting within the lawful  
1038 scope of practice, may provide diagnosis, treatment, or emergency  
1039 services relative to the overdose.

1040 (d) "Seeks medical assistance" means accesses or  
1041 assists in accessing the E-911 system or otherwise contacts or  
1042 assists in contacting law enforcement or a poison control center  
1043 or provides care to a person experiencing or believed to be  
1044 experiencing a drug overdose while awaiting the arrival of medical  
1045 assistance to aid the person.

1046 (3) (a) Any person who in good faith seeks medical  
1047 assistance for someone who is experiencing a drug overdose shall  
1048 not be arrested, charged, or prosecuted for a drug violation if  
1049 there is evidence that the person is under the influence of a



1050 controlled substance or in possession of a controlled substance as  
1051 referenced in subsection (2)(b) of this section.

1052 (b) Any person who is experiencing a drug overdose and,  
1053 in good faith, seeks medical assistance or is the subject of a  
1054 request for medical assistance shall not be arrested, charged, or  
1055 prosecuted for a drug violation if there is evidence that the  
1056 person is under the influence of a controlled substance or in  
1057 possession of a controlled substance as referenced in subsection  
1058 (2)(b) of this section.

1059 (c) A person shall also not be subject to, if related  
1060 to the seeking of medical assistance:

1061 (i) Penalties for a violation of a permanent or  
1062 temporary protective order or restraining order;

1063 (ii) Sanctions for a violation of a condition of  
1064 pretrial release, condition of probation, or condition of parole  
1065 based on a drug violation; or

1066 (iii) Forfeiture of property pursuant to Section  
1067 41-29-153 or 41-29-176 for a drug violation, except that prima  
1068 facie contraband shall be subject to forfeiture.

1069 (4) Nothing in this section shall be construed:

1070 (a) To limit the admissibility of any evidence in  
1071 connection with the investigation or prosecution of a crime with  
1072 regard to a defendant who does not qualify for the protections of  
1073 subsection (3) of this section or with regard to other crimes



1074 committed by a person who otherwise qualifies for protection  
1075 pursuant to subsection (3) of this section;

1076 (b) To limit any seizure of evidence or contraband  
1077 otherwise permitted by law; and

1078 (c) To limit or abridge the authority of a law  
1079 enforcement officer to detain or take into custody a person in the  
1080 course of an investigation or to effectuate an arrest for any  
1081 offense except as provided in subsection (3) of this section.

1082 **SECTION 7.** Section 41-29-150, Mississippi Code of 1972, is  
1083 amended as follows:

1084 41-29-150. (a) Any person convicted under Section 41-29-139  
1085 may be required, in the discretion of the court, as a part of the  
1086 sentence otherwise imposed, or in lieu of imprisonment in cases of  
1087 probation or suspension of sentence, to attend a course of  
1088 instruction conducted by the bureau, the State Board of Health, or  
1089 any similar agency, on the effects, medically, psychologically and  
1090 socially, of the misuse of controlled substances. The course may  
1091 be conducted at any correctional institution, detention center or  
1092 hospital, or at any center or treatment facility established for  
1093 the purpose of education and rehabilitation of those persons  
1094 committed because of abuse of controlled substances.

1095 (b) Any person convicted under Section 41-29-139 who is  
1096 found to be dependent upon or addicted to any controlled substance  
1097 shall be required, as a part of the sentence otherwise imposed, or  
1098 in lieu of imprisonment in cases of parole, probation or



1099 suspension of sentence, to receive medical treatment for such  
1100 dependency or addiction. The regimen of medical treatment may  
1101 include confinement in a medical facility of any correctional  
1102 institution, detention center or hospital, or at any center or  
1103 facility established for treatment of those persons committed  
1104 because of a dependence or addiction to controlled substances.

1105 (c) Those persons previously convicted of a felony under  
1106 Section 41-29-139 and who are now confined at the Mississippi  
1107 State Hospital at Whitfield, Mississippi, or at the East  
1108 Mississippi State Hospital at Meridian, Mississippi, for the term  
1109 of their sentence shall remain under the jurisdiction of the  
1110 Mississippi Department of Corrections and shall be required to  
1111 abide by all reasonable rules and regulations promulgated by the  
1112 director and staff of said institutions and of the Department of  
1113 Corrections. Any persons so confined who shall refuse to abide by  
1114 said rules or who attempt an escape or who shall escape shall be  
1115 transferred to the State Penitentiary or to a county jail, where  
1116 appropriate, to serve the remainder of the term of imprisonment;  
1117 this provision shall not preclude prosecution and conviction for  
1118 escape from said institutions.

1119 (d) (1) If any person who has not previously been convicted  
1120 of violating Section 41-29-139, or the laws of the United States  
1121 or of another state relating to narcotic drugs, stimulant or  
1122 depressant substances \* \* \* or other controlled substances \* \* \*  
1123 is found to be guilty of a violation of subsection (c) or (d) of



1124 Section 41-29-139, after trial or upon a plea of guilty, the court  
1125 may, without entering a judgment of guilty and with the consent of  
1126 such person, defer further proceedings and place him on probation  
1127 upon such reasonable conditions as it may require and for such  
1128 period, not to exceed three (3) years, as the court may prescribe.  
1129 Upon violation of a condition of the probation, the court may  
1130 enter an adjudication of guilt and proceed as otherwise provided.  
1131 The court may, in its discretion, dismiss the proceedings against  
1132 such person and discharge him from probation before the expiration  
1133 of the maximum period prescribed for such person's probation. If  
1134 during the period of his probation such person does not violate  
1135 any of the conditions of the probation, then upon expiration of  
1136 such period the court shall discharge such person and dismiss the  
1137 proceedings against him. Discharge and dismissal under this  
1138 subsection shall be without court adjudication of guilt, but a  
1139 nonpublic record thereof shall be retained by the bureau solely  
1140 for the purpose of use by the courts in determining whether or  
1141 not, in subsequent proceedings, such person qualifies under this  
1142 subsection. Such discharge or dismissal shall not be deemed a  
1143 conviction for purposes of disqualifications or disabilities  
1144 imposed by law upon conviction of a crime, including the penalties  
1145 prescribed under this article for second or subsequent conviction,  
1146 or for any other purpose. Discharge and dismissal under this  
1147 subsection may occur only once with respect to any person; and



1148           (2) Upon the dismissal of a person and discharge of  
1149 proceedings against him under paragraph (1) of this subsection,  
1150 the person may apply to the court for an order to expunge from all  
1151 official records, other than the nonpublic records to be retained  
1152 by the bureau under paragraph (1) of this subsection, all  
1153 recordation relating to his arrest, indictment, trial, finding of  
1154 guilt, and dismissal and discharge pursuant to this section. If  
1155 the court determines, after hearing, that such person was  
1156 dismissed and the proceedings against him discharged, or that the  
1157 person had satisfactorily served his sentence or period of  
1158 probation and parole, it shall enter an order of expunction. The  
1159 effect of the order shall be to restore the person, in the  
1160 contemplation of the law, to the status he occupied before such  
1161 arrest or indictment. No person as to whom such an order has been  
1162 entered shall be held thereafter under any provision of any law to  
1163 be guilty of perjury or otherwise giving a false statement by  
1164 reason of his failures to recite or acknowledge such arrest,  
1165 indictment or trial in response to any inquiry made of him for any  
1166 purpose. A person as to whom an order has been entered, upon  
1167 request, shall be required to advise the court, in camera, of the  
1168 previous conviction and expunction in any legal proceeding wherein  
1169 the person has been called as a prospective juror. The court  
1170 shall thereafter and before the selection of the jury advise the  
1171 attorneys representing the parties of the previous conviction and  
1172 expunction.





1173 (e) Every person who has been or may hereafter be convicted  
1174 of a felony offense under Section 41-29-139 and sentenced under  
1175 Section 41-29-150(c) shall be under the jurisdiction of the  
1176 Mississippi Department of Corrections.

1177 (f) It shall be unlawful for any person confined under the  
1178 provisions of subsection (b) or (c) of this section to escape or  
1179 attempt to escape from said institution, and, upon conviction,  
1180 said person shall be guilty of a felony and shall be imprisoned  
1181 for a term not to exceed two (2) years.

1182 (g) It is the intent and purpose of the Legislature to  
1183 promote the rehabilitation of persons convicted of offenses under  
1184 the Uniform Controlled Substances Law.

1185 **SECTION 8.** Section 33-13-520, Mississippi Code of 1972, is  
1186 amended as follows:

1187 33-13-520. (1) Any person subject to this code who uses,  
1188 while on duty, any controlled substance listed in the Uniform  
1189 Controlled Substances Law, not legally prescribed, or is found, by  
1190 a chemical analysis of such person's blood or urine, to have in  
1191 his blood, while on duty, any controlled substance described in  
1192 subsection (3), not legally prescribed, shall be punished as a  
1193 court-martial may direct.

1194 (2) Any person subject to this code who wrongfully uses,  
1195 possesses, manufactures, distributes, imports into the customs  
1196 territory of the United States, exports from the United States, or  
1197 introduces into an installation, vessel, vehicle or aircraft used



1198 by or under the control of the state military forces a substance  
1199 described in subsection (3) shall be punished as a court-martial  
1200 may direct.

1201 (3) The substances referred to in subsections (1) and (2)  
1202 are the following:

1203 (a) Opium, heroin, cocaine, amphetamine, lysergic acid  
1204 diethylamide, methamphetamine, phencyclidine \* \* \* and barbituric  
1205 acid \* \* \* and any compound or derivative of any such substance.

1206 (b) Any substance not specified in paragraph (a) that  
1207 is listed on a schedule of controlled substance prescribed by the  
1208 President for the purposes of the federal Uniform Code of Military  
1209 Justice.

1210 (c) Any other substance not specified in paragraph (a)  
1211 or contained on a list prescribed by the President under paragraph  
1212 (b) that is listed in Schedules I through V of Section 202 of the  
1213 federal Controlled Substances Act (21 USCS 812).

1214 **SECTION 9.** This act shall take effect and be in force from  
1215 and after July 1, 2017.

