

By: Senator(s) Blackwell

To: Finance

SENATE BILL NO. 2765

1 AN ACT TO ENACT THE MISSISSIPPI MEDICAL CANNABIS ACT; TO  
 2 AUTHORIZE MEDICAL CANNABIS USE BY CERTAIN PATIENTS WHO HAVE  
 3 DEBILITATING MEDICAL CONDITIONS; TO PROVIDE CERTAIN PROTECTIONS TO  
 4 PATIENTS, CAREGIVERS, MEDICAL PROVIDERS, MEDICAL CANNABIS  
 5 ESTABLISHMENTS, DISPENSARIES, PHARMACIES AND TESTING FACILITIES  
 6 FOR THE MEDICAL USE OF CANNABIS; TO PROVIDE THAT THE STATE  
 7 DEPARTMENT OF HEALTH WILL ADMINISTER THIS ACT AND ISSUE REGISTRY  
 8 IDENTIFICATION CARDS TO QUALIFYING PATIENTS AND REGISTRATIONS TO  
 9 QUALIFYING FACILITIES; TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT  
 10 CERTAIN ORDINANCES NOT IN CONFLICT WITH THIS ACT; TO PROVIDE CIVIL  
 11 AND CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; TO PROVIDE FOR  
 12 AN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE LEGISLATURE  
 13 AND THE DEPARTMENT; TO REQUIRE THE DEPARTMENT TO MAKE AN ANNUAL  
 14 REPORT TO THE LEGISLATURE REGARDING THE OPERATION OF THIS ACT; TO  
 15 CREATE NEW SECTION 27-65-28, MISSISSIPPI CODE OF 1972, TO PROVIDE  
 16 THAT THE RETAIL SALES OF CANNABIS PRODUCTS SHALL BE TAXED BY 7%;  
 17 TO CREATE THE MISSISSIPPI WORKFORCE AND COLLEGE OPPORTUNITY  
 18 SCHOLARSHIP PROGRAM AND BOARD OF DIRECTORS, WHICH PROVIDE  
 19 LAST-DOLLAR SCHOLARSHIPS TO STUDENTS ENROLLED IN FULL-TIME PUBLIC  
 20 AND PRIVATE COLLEGES AND UNIVERSITIES AND WORKFORCE TRAINING  
 21 PROGRAMS FROM FUNDS GENERATED FROM THE SALES AND EXCISE TAX OF  
 22 CANNABIS PRODUCTS; TO AMEND SECTIONS 41-29-125, 41-29-127,  
 23 41-29-136, 41-29-137, 41-29-139, 41-29-141 AND 41-29-143,  
 24 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;  
 25 AND FOR RELATED PURPOSES.

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

27 **SECTION 1.** **Title.** Sections 1 through 25 of this act shall  
 28 be known and may be cited as the "Mississippi Medical Cannabis  
 29 Act."



30           **SECTION 2. Definitions.** For purposes of this act, unless  
31 the context requires otherwise, the following terms shall have the  
32 meanings ascribed herein:

33           (a) "Allowable amount of cannabis" means a dispensary  
34 shall not provide to a qualifying patient, during any one (1)  
35 fourteen-day period, an amount of medical cannabis that exceeds  
36 one and one-half (1.5) ounces by weight. At no one (1) time shall  
37 a qualified patient possess more than one and one-half (1.5)  
38 ounces of medical cannabis. The weight limitation herein shall  
39 not include any ingredients combined with medical cannabis to  
40 prepare edible products, topical products, ointments, oils,  
41 tinctures, or other products.

42           (b) "Bona fide practitioner-patient relationship"  
43 means:

44           (i) A practitioner and patient have a treatment or  
45 consulting relationship, during the course of which the  
46 practitioner has completed an assessment of the patient's medical  
47 history and current medical condition;

48           (ii) The practitioner has consulted with the  
49 patient with respect to the patient's debilitating medical  
50 condition; and

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

53           (c) "Cannabis" means all parts of the plant of the  
54 genus cannabis, the flower, the seeds thereof, the resin extracted



55 from any part of the plant, and every compound, manufacture, salt,  
56 derivative, mixture, or preparation of the plant, its seeds, or  
57 its resin, including whole plant extracts.

58 (d) "Cannabis products" means concentrated cannabis,  
59 cannabis extracts, and products that are infused with cannabis or  
60 an extract thereof and are intended for use or consumption by  
61 humans. The term includes, without limitation, edible cannabis  
62 products, beverages, topical products, ointments, oils, and  
63 tinctures that contain tetrahydrocannabinol except those excluded  
64 from control under Sections 41-29-113 and 41-29-136.

65 (e) "Cannabis research facility" or "research facility"  
66 means an independent entity registered with the department  
67 pursuant to this act that acquires cannabis from  
68 cultivation-processing facilities in order to possess, deliver,  
69 transfer, and transport medical cannabis products during the  
70 process of investigating and analyzing cannabis in order to  
71 develop best practices for specific medical conditions, develop  
72 medicines, and provide commercial access for medical use.

73 (f) "Cannabis testing facility" or "testing facility"  
74 means an independent entity registered with the department  
75 pursuant to this act to analyze the safety and potency of  
76 cannabis.

77 (g) "Cardholder" means a qualifying patient or a  
78 designated caregiver who has been issued and possesses a valid  
79 registry identification card.



80 (h) "Cultivation-processing facility" means an entity  
81 registered with the department pursuant to this act that acquires,  
82 possesses, cultivates, harvests, processes, manufactures,  
83 delivers, transfers, transports, supplies, and sells cannabis and  
84 related supplies to medical cannabis establishments, pharmacies,  
85 and hospitals.

86 (i) "Debilitating medical condition" means:

87 (i) Cancer, glaucoma, spastic quadriplegia,  
88 positive status for human immunodeficiency virus (HIV), acquired  
89 immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral  
90 sclerosis (ALS), Crohn's disease, ulcerative colitis, Alzheimer's  
91 disease, post-traumatic stress disorder, autism with  
92 self-injurious or aggressive behavior, or the treatment of these  
93 conditions;

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

100 (iii) Any other serious medical condition or its  
101 treatment added by the department, as provided for in Section 6 of  
102 this act.

103 (j) "Department" means the Department of Health.

104 (k) "Designated caregiver" means a person who:



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

108 (ii) Has agreed to assist with a qualifying  
109 patient's medical use of cannabis;

110 (iii) Has not been convicted of a disqualifying  
111 felony offense; and

112 (iv) Assists no more than five (5) qualifying  
113 patients with their medical use of cannabis, unless the designated  
114 caregiver's qualifying patients each reside in or are admitted to  
115 a health care facility or residential care facility where the  
116 designated caregiver is employed.

117 (1) "Disqualifying felony offense" means:

118 (i) A crime of violence, as defined in Section  
119 97-3-2, or that was defined as a violent crime in the law of the  
120 jurisdiction in which the offense was committed, and that was  
121 classified as a felony in the jurisdiction where the person was  
122 convicted; or

123 (ii) A violation of a state- or federal-controlled  
124 substances law that was classified as a felony in the jurisdiction  
125 where the person was convicted, not including:

126 1. An offense for which the sentence,  
127 including any term of probation, incarceration, or supervised  
128 release, was completed ten (10) or more years earlier; or



129                   2. An offense that consisted of conduct for  
130 which this act would likely have prevented a conviction, but the  
131 conduct either occurred before the effective date of this act or  
132 was prosecuted by an authority other than the State of  
133 Mississippi.

134                   (m) "Edible cannabis products" means products that:

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

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

139                   (iii) Are presented in the form of foodstuffs,  
140 beverages, extracts, oils, tinctures, and other similar products.

141                   (n) "Medical cannabis" means cannabis, cannabis  
142 products, and edible cannabis.

143                   (o) "Medical cannabis dispensary" or "dispensary" means  
144 an entity registered with the department pursuant to this act that  
145 acquires, possesses, stores, delivers, transfers, transports,  
146 sells, supplies, or dispenses medical cannabis, paraphernalia, or  
147 related supplies and educational materials to cardholders.

148                   (p) "Medical cannabis establishment" means a  
149 cultivation facility or processing facility, a cannabis testing  
150 facility, dispensary, cannabis research facility, or other medical  
151 cannabis entity licensed by the department.



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

155 (r) "Medical use" includes the acquisition,  
156 administration, cultivation, manufacture, delivery, harvest,  
157 possession, preparation, transfer, transportation, or use of  
158 medical cannabis or paraphernalia relating to the administration  
159 of medical cannabis to treat or alleviate a registered qualifying  
160 patient's debilitating medical condition or symptoms associated  
161 with the patient's debilitating medical condition. The term does  
162 not include:

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

165 (ii) The extraction of resin from cannabis by  
166 solvent extraction unless the extraction is done by a cannabis  
167 product cultivation-processing facility.

168 (s) "Nonresident cardholder" means a person who:

169 (i) Has been diagnosed with a debilitating medical  
170 condition by a practitioner, or is the parent, guardian,  
171 conservator, or other person with authority to consent to the  
172 medical treatment of a person who has been diagnosed with a  
173 debilitating medical condition;

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



177 (iii) Has submitted any documentation required by  
178 the department and has received confirmation of registration.

179 (t) "Other minority group" shall mean an individual who  
180 is: (a) Hispanic American; (b) American Indian; (c) Asian  
181 American; (d) Pacific Islander American; (e) a woman; or (f) a  
182 service-connected veteran with a service-connected disability as  
183 designated by the United States Department of Veterans Affairs.

184 (u) "Practitioner" or "licensed medical provider" means  
185 a physician, nurse practitioner, optometrist, dentist, or other  
186 medical professional who is licensed to practice with authority to  
187 prescribe drugs to humans. In relation to a nonresident  
188 cardholder, the terms mean a physician, nurse practitioner,  
189 optometrist, dentist or chiropractor or other medical professional  
190 who is licensed with authority to prescribe drugs to humans in the  
191 state of the patient's residence.

192 (v) "Qualifying patient" means a person who has been  
193 diagnosed by a practitioner as having a debilitating medical  
194 condition or has been issued a written certification.

195 (w) "Registry identification card" means a document  
196 issued by the department that identifies a person as a registered  
197 qualifying patient or registered designated caregiver, or  
198 documentation that is deemed a registry identification card under  
199 Section 11 of this act.

200 (x) "Written certification" means a form approved by  
201 the department, signed and dated by a practitioner, certifying





202 that a person suffers from a debilitating medical condition. The  
203 certification shall remain current for twelve (12) months, unless  
204 the practitioner specifies a shorter period of time, and shall be  
205 issued only after an assessment of the patient by a practitioner.  
206 A certification shall only be issued on behalf of a minor when the  
207 minor's parent or guardian is present and provides signed consent.  
208 Nothing herein shall require a practitioner to issue a  
209 certification.

210 **SECTION 3. Protections for the medical use of cannabis.** (1)

211 A cardholder who possesses a valid registry identification card is  
212 not subject to arrest, prosecution, or penalty in any manner, or  
213 denial of any right or privilege, including any civil penalty or  
214 disciplinary action by a court or occupational or professional  
215 licensing board or bureau for:

216 (a) The medical use of cannabis under this act, if the  
217 cardholder does not possess more than the allowable amount of  
218 cannabis;

219 (b) Reimbursement by a registered qualifying patient to  
220 the patient's registered designated caregiver for direct costs  
221 incurred by the registered designated caregiver for assisting with  
222 the registered qualifying patient's medical use of cannabis;

223 (c) Transferring cannabis to a testing facility for  
224 testing;

225 (d) Compensating a dispensary, pharmacy, hospital, or a  
226 testing facility for goods or services provided; or



227 (e) Selling, transferring, or delivering cannabis seeds  
228 intended to target their specific medical condition to a  
229 cultivation-processing facility or dispensary.

230 (2) A nonresident cardholder shall not be subject to arrest,  
231 prosecution, or penalty in any manner, or denied any right or  
232 privilege, including, but not limited to, civil penalty or  
233 disciplinary action by a business or occupational or professional  
234 licensing board or entity, for transporting, purchasing,  
235 possessing, or using medical cannabis pursuant to this act if the  
236 nonresident cardholder does not possess more than the allowable  
237 amount of cannabis.

238 (3) There is a presumption that a qualifying patient or  
239 designated caregiver is engaged in the medical use of cannabis  
240 under this act if the person is in possession of a registry  
241 identification card and an amount of cannabis that does not exceed  
242 the allowable amount. The presumption may be rebutted by evidence  
243 that conduct related to cannabis was not for the purpose of  
244 treating or alleviating a qualifying patient's debilitating  
245 medical condition or symptoms associated with the qualifying  
246 patient's debilitating medical condition under this act.

247 (4) A practitioner shall not be subject to arrest,  
248 prosecution, or penalty in any manner, or denied any right or  
249 privilege, including, but not limited to, civil penalty or  
250 disciplinary action by the State Board of Medical Licensure or by  
251 any other occupational or professional licensing board or bureau,



252 for providing written certifications or for otherwise stating  
253 that, in the practitioner's professional opinion, a patient is  
254 likely to receive medical or palliative benefit from the medical  
255 use of cannabis to treat or alleviate the patient's serious or  
256 debilitating medical condition or symptoms associated with the  
257 serious or debilitating medical condition, provided that nothing  
258 in this act shall prevent a practitioner from being sanctioned  
259 for:

260 (a) Issuing a written certification to a patient with  
261 whom the practitioner does not have a bona fide  
262 practitioner-patient relationship; or

263 (b) Failing to properly evaluate a patient's medical  
264 condition.

265 (5) A holder of a professional or occupational license may  
266 not be subject to professional discipline solely for providing  
267 advice or services related to medical cannabis activities that are  
268 allowed under this act.

269 (6) An applicant for a professional or occupational license  
270 may not be denied a license based on previous employment related  
271 to medical cannabis activities that are allowed under this act.

272 (7) No person may be subject to arrest, prosecution, or  
273 penalty in any manner, or denied any right or privilege, including  
274 any civil penalty or disciplinary action by a court or  
275 occupational or professional licensing board or bureau, for:



276 (a) Providing or selling paraphernalia to a cardholder,  
277 nonresident cardholder, or to a medical cannabis establishment;

278 (b) Being in the presence or vicinity of the medical  
279 use of cannabis that is exempt from criminal penalties under this  
280 act;

281 (c) Allowing the person's property to be used for  
282 activities that are exempt from criminal penalties under this act;  
283 or

284 (d) Assisting a registered qualifying patient with the  
285 act of using or administering cannabis.

286 (8) A medical cannabis establishment or a medical cannabis  
287 establishment agent is not subject to prosecution, search, or  
288 inspection, except by the department under Section 17 of this act,  
289 seizure, or penalty in any manner, and may not be denied any right  
290 or privilege, including civil penalty or disciplinary action by a  
291 court or business licensing board or entity, for acting pursuant  
292 to this act and rules authorized by this act to engage in  
293 activities related to medical cannabis that are allowed by its  
294 registration.

295 (9) A dispensary, a dispensary agent, pharmacy, pharmacy  
296 agent, hospital, or hospital agent is not subject to prosecution,  
297 search, or inspection, except by the department under Section 17  
298 of this act, seizure, or penalty in any manner, and may not be  
299 denied any right or privilege, including civil penalty or  
300 disciplinary action by a court or business licensing board or



301 entity, for acting pursuant to this act and rules authorized by  
302 this act to:

303 (a) Possess, transport, and store medical cannabis  
304 products;

305 (b) Deliver, transfer, and transport medical cannabis  
306 to testing facilities and compensate testing facilities for  
307 services provided;

308 (c) Accept medical cannabis products offered by a  
309 cardholder or nonresident cardholder if nothing of value is  
310 exchanged in return;

311 (d) Purchase or otherwise acquire medical cannabis  
312 products from cultivation-processing facilities, dispensaries,  
313 pharmacies, or hospitals; and

314 (e) Deliver, sell, supply, transfer, or transport  
315 medical cannabis products, and paraphernalia, and related supplies  
316 and educational materials to cardholders, nonresident cardholders,  
317 dispensaries, pharmacies, and hospitals.

318 (10) A cultivation-processing facility or a  
319 cultivation-processing facility agent is not subject to  
320 prosecution, search, or inspection, except by the department  
321 pursuant to Section 17 of this act, seizure, or penalty in any  
322 manner, and may not be denied any right or privilege, including  
323 civil penalty or disciplinary action by a court or business  
324 licensing board or entity, for acting pursuant to this act and  
325 rules authorized by this act to:



326 (a) Possess, plant, propagate, cultivate, grow,  
327 harvest, produce, process, manufacture, compound, convert,  
328 prepare, pack, repack, or store medical cannabis;

329 (b) Deliver, transfer, or transport medical cannabis  
330 and cannabis products to testing facilities and compensate testing  
331 facilities for services provided;

332 (c) Accept medical cannabis products offered by a  
333 cardholder or nonresident cardholder if nothing of value is  
334 exchanged in return;

335 (d) Purchase or otherwise acquire medical cannabis and  
336 cannabis products from medical cannabis establishments;

337 (e) Purchase cannabis seeds from cardholders,  
338 nonresident cardholders, and the equivalent of a medical cannabis  
339 establishment that is registered in another jurisdiction; and

340 (f) Deliver, sell, supply, transfer, or transport  
341 medical cannabis products, paraphernalia, and related supplies and  
342 educational materials to cultivation-processing facilities,  
343 dispensaries, pharmacies, and hospitals.

344 (11) A cannabis research facility or a cannabis research  
345 facility agent is not subject to prosecution, search, or  
346 inspection, except by the department as authorized under this act,  
347 seizure, or penalty in any manner, and may not be denied any right  
348 or privilege, including civil penalty or disciplinary action by a  
349 court or business licensing board or entity, for acting pursuant  
350 to this act and rules authorized by this act to:



351 (a) Purchase or otherwise acquire medical cannabis from  
352 cultivation-processing facilities;

353 (b) Possess, produce, manufacture, compound, convert,  
354 prepare, pack, repack, and store medical cannabis and cannabis  
355 products;

356 (c) Deliver, transfer, or transport medical cannabis,  
357 paraphernalia, and related supplies and educational materials to  
358 cultivation-processing facilities and other research facilities;

359 (d) Deliver, transfer, or transport medical cannabis to  
360 testing facilities and compensate testing facilities for services  
361 provided;

362 (e) Deliver, sell, supply, transfer, or transport  
363 medical cannabis, paraphernalia, and related supplies and  
364 educational materials to cannabis cultivation-processing  
365 facilities.

366 (12) A testing facility or testing facility agent is not  
367 subject to prosecution, search, or inspection, except by the  
368 department pursuant to Section 17 of this act, seizure, or penalty  
369 in any manner, and may not be denied any right or privilege,  
370 including civil penalty or disciplinary action by a court or  
371 business licensing board or entity, for acting pursuant to this  
372 act and rules authorized by this act to:

373 (a) Acquire, possess, transport, and store medical  
374 cannabis and cannabis products obtained from cardholders,  
375 nonresident cardholders, and medical cannabis establishments;



376 (b) Return the cannabis and cannabis products to the  
377 cardholders, nonresident cardholders, and medical cannabis  
378 establishments from whom it was obtained;

379 (c) Test cannabis, including for potency, pesticides,  
380 mold, or contaminants; and

381 (d) Receive compensation for those services.

382 (13) A cardholder, nonresident cardholder, or the equivalent  
383 of a medical cannabis establishment that is registered in another  
384 jurisdiction may sell or donate cannabis seeds to  
385 cultivation-processing facilities.

386 (14) Any medical cannabis, cannabis product, paraphernalia,  
387 or other interest in or right to property that is possessed,  
388 owned, or used in connection with the medical use of cannabis as  
389 allowed under this act, or acts incidental to such use, shall not  
390 be seized or forfeited. This act shall not prevent the seizure or  
391 forfeiture of cannabis exceeding the amounts allowed under this  
392 act, nor shall it prevent seizure or forfeiture if the basis for  
393 the action is unrelated to the cannabis that is possessed,  
394 manufactured, transferred, or used pursuant to this act.

395 (15) Possession of, or application for, a registry  
396 identification card does not constitute probable cause or  
397 reasonable suspicion, nor shall it be used to support a search of  
398 the person or property of the person possessing or applying for  
399 the registry identification card, or otherwise subject the person





400 or property of the person to inspection by any governmental  
401 agency.

402 (16) For the purposes of Mississippi state law, activities  
403 related to medical cannabis shall be considered lawful if done in  
404 accordance with this act.

405 (17) No law enforcement officer employed by an agency which  
406 receives state or local government funds shall expend any state or  
407 local resources, including the officer's time, to effect any  
408 arrest or seizure of medical cannabis, or conduct any  
409 investigation, on the sole basis of activity the officer believes  
410 to constitute a violation of federal law if the officer has reason  
411 to believe that such activity is in compliance with state medical  
412 cannabis laws, nor shall any such officer expend any state or  
413 local resources, including the officer's time, to provide any  
414 information or logistical support related to such activity to any  
415 federal law enforcement authority or prosecuting entity.

416 (18) It is the public policy of the State of Mississippi  
417 that contracts related to medical cannabis that are entered into  
418 by cardholders, medical cannabis establishments, or medical  
419 cannabis establishment agents, and those who allow property to be  
420 used by those persons, should be enforceable. It is the public  
421 policy of the State of Mississippi that no contract entered into  
422 by a cardholder, a medical cannabis establishment, or a medical  
423 cannabis establishment agent, or by a person who allows property  
424 to be used for activities that are exempt from state criminal



425 penalties by this act, shall be unenforceable on the basis that  
426 activities related to cannabis are prohibited by federal law.

427 (19) Before sale, food or drink that has been combined with  
428 usable cannabis or cannabis products shall not exceed twenty  
429 milligrams (20mg) of active tetrahydrocannabinol (THC) per portion  
430 and shall be physically demarked. If portions of the food or  
431 drink cannot be physically demarked, the entirety of the food or  
432 drink that has been combined with usable cannabis or cannabis  
433 products shall not contain more than twenty milligrams (20mg) of  
434 active tetrahydrocannabinol (THC).

435 **SECTION 4. Limitations.** This act does not authorize any  
436 person to engage in, and does not prevent the imposition of any  
437 civil, criminal, or other penalties for engaging in, the following  
438 conduct:

439 (a) Undertaking any task under the influence of  
440 cannabis, when doing so would constitute negligence or  
441 professional malpractice;

442 (b) Possessing cannabis or otherwise engaging in the  
443 medical use of cannabis in any correctional facility, unless the  
444 correctional facility has elected to allow the cardholder to  
445 engage in the use of medical cannabis;

446 (c) Smoking cannabis in a public place; or

447 (d) Operating, navigating, or being in actual physical  
448 control of any motor vehicle, aircraft, train, or motorboat while  
449 under the influence of cannabis.



450           **SECTION 5. Discrimination prohibited.**   (1) No school or  
451 landlord may refuse to enroll or lease to and may not otherwise  
452 penalize a person solely for the person's status as a cardholder,  
453 unless failing to do so would violate federal law or regulations  
454 or cause the school or landlord to lose a monetary or  
455 licensing-related benefit under federal law or regulations.

456           (2) For the purposes of medical care, including organ and  
457 tissue transplants, a registered qualifying patient's use of  
458 cannabis according to this act is considered the equivalent of the  
459 authorized use of any other medication used at the discretion of a  
460 practitioner and does not constitute the use of an illicit  
461 substance or otherwise disqualify a qualifying patient from needed  
462 medical care.

463           (3) A person shall not be denied custody of or visitation  
464 rights or parenting time with a minor solely for the person's  
465 status as a cardholder, and there shall be no presumption of  
466 neglect or child endangerment for conduct allowed under this act,  
467 unless the person's behavior is such that it creates an  
468 unreasonable danger to the safety of the minor as established by  
469 clear and convincing evidence.

470           (4) The rights provided by this section do not apply to the  
471 extent that they conflict with an employer's obligations under  
472 federal law or regulations or to the extent that they would  
473 disqualify an employer from a monetary or licensing-related  
474 benefit under federal law or regulations.



475 (5) No employer is required to allow the ingestion of  
476 cannabis in any workplace or to allow any employee to work while  
477 under the influence of cannabis. A registered qualifying patient  
478 shall not be considered to be under the influence of cannabis  
479 solely because of the presence of metabolites or components of  
480 cannabis that appear in insufficient concentration to cause  
481 impairment.

482 (6) No school, landlord, or employer may be penalized or  
483 denied any benefit under state law for enrolling, leasing to, or  
484 employing a cardholder.

485 (7) Facilities such as schools and daycares, and temporary  
486 care providers shall be allowed to administer medical cannabis as  
487 in the same manner as with medical prescriptions.

488 **SECTION 6. Addition of debilitating medical conditions.** Any  
489 resident of Mississippi may petition the department to add serious  
490 medical conditions or their treatments to the list of debilitating  
491 medical conditions listed in Section 2 of this act. The  
492 department shall consider petitions in the manner required by  
493 department regulation, including public notice and hearing. The  
494 department shall approve or deny a petition within one hundred  
495 eighty (180) days of its submission. The approval or denial of  
496 any petition is a final decision of the department, subject to  
497 judicial review. Jurisdiction and venue for judicial review are  
498 vested in the circuit court.



499           **SECTION 7. Acts not required and acts not prohibited.** (1)

500 Nothing in this act requires a government medical assistance  
501 program or private insurer to reimburse a person for costs  
502 associated with the medical use of cannabis.

503           (2) Nothing in this act prohibits an employer from  
504 disciplining an employee for ingesting cannabis in the workplace  
505 or for working while under the influence of cannabis.

506           **SECTION 8. Facility restrictions.** (1) Any nursing care  
507 institution, hospice, assisted living center, assisted living  
508 facility, assisted living home, residential care institution,  
509 adult day health care facility, or adult foster care home may  
510 adopt reasonable restrictions on the use of cannabis by their  
511 residents or persons receiving inpatient services, including:

512           (a) That the facility will not store or maintain the  
513 patient's supply of cannabis;

514           (b) That the facility, caregivers, or hospice agencies  
515 serving the facility's residents are not responsible for providing  
516 the cannabis for qualifying patients;

517           (c) That cannabis be consumed only in a place specified  
518 by the facility.

519           (2) Nothing in this section requires a facility listed in  
520 subsection (1) of this section to adopt restrictions on the  
521 medical use of cannabis.

522           (3) A facility listed in subsection (1) of this section may  
523 not unreasonably limit a registered qualifying patient's access to



524 or use of cannabis authorized under this act unless failing to do  
525 so would cause the facility to lose a monetary or  
526 licensing-related benefit under federal law or regulations.

527 **SECTION 9. Issuance and denial of registry identification**

528 **cards.** (1) No later than one hundred eighty (180) days after the  
529 effective date of this act, the department shall begin issuing  
530 registry identification cards to qualifying patients who submit  
531 the following, in accordance with the department's regulations:

532 (a) Medical records evidencing a diagnosis of a  
533 debilitating medical condition or a written certification issued  
534 by a practitioner within ninety (90) days immediately preceding  
535 the date of the application;

536 (b) The application or renewal fee;

537 (c) The name, address, and date of birth of the  
538 qualifying patient, except that if the applicant is homeless, no  
539 address is required;

540 (d) The name, address, and telephone number of the  
541 qualifying patient's practitioner issuing the written  
542 certification;

543 (e) The name, address, and date of birth of the  
544 designated caregiver, or designated caregivers, chosen by the  
545 qualifying patient; and

546 (f) If more than one (1) designated caregiver is  
547 designated at any given time, documentation demonstrating that a



548 greater number of designated caregivers is needed due to the  
549 patient's age or medical condition.

550 (2) If the qualifying patient is unable to submit the  
551 information required by subsection (1) of this section due to the  
552 person's age or medical condition, the person responsible for  
553 making medical decisions for the qualifying patient may do so on  
554 behalf of the qualifying patient.

555 (3) Except as provided in subsection (5) of this section,  
556 the department shall:

557 (a) Verify the information contained in an application  
558 or renewal submitted under this act and approve or deny an  
559 application or renewal within thirty (30) days of receiving a  
560 completed application or renewal application;

561 (b) Issue registry identification cards to a qualifying  
562 patient and his or her designated caregiver(s), if any, within  
563 five (5) days of approving the application or renewal. A  
564 designated caregiver must have a registry identification card for  
565 each of his or her qualifying patients;

566 (c) Enter the registry identification number of the  
567 dispensary, dispensaries, pharmacy or pharmacies the patient  
568 designates into the verification system; and

569 (d) Charge a nonrefundable processing fee of Ten  
570 Dollars (\$10.00) in advance for all card applications.



571 (4) The department may conduct a background check of the  
572 prospective designated caregiver in order to carry out the  
573 provisions of this section.

574 (5) The department shall not issue a registry identification  
575 card to a qualifying patient who is younger than eighteen (18)  
576 years of age unless:

577 (a) The qualifying patient's practitioner has explained  
578 the potential risks and benefits of the use of medical cannabis to  
579 the custodial parent or legal guardian with responsibility for  
580 health care decisions for the qualifying patient; and

581 (b) The custodial parent or legal guardian with  
582 responsibility for health care decisions for the qualifying  
583 patient consents in writing to:

584 (i) Allow the qualifying patient's use of medical  
585 cannabis;

586 (ii) Serve as the qualifying patient's designated  
587 caregiver; and

588 (iii) Control the acquisition of the medical  
589 cannabis, the dosage, and the frequency of the use of medical  
590 cannabis by the qualifying patient.

591 (6) The department may deny an application or renewal of a  
592 qualifying patient's registry identification card only if the  
593 applicant:

594 (a) Did not provide the required information or  
595 materials;





596 (b) Previously had a registry identification card  
597 revoked; or

598 (c) Provided false information.

599 (7) The department may deny an application or renewal for a  
600 designated caregiver chosen by a qualifying patient whose registry  
601 identification card was granted only if:

602 (a) The designated caregiver does not meet the  
603 definition under Section 2 of this act;

604 (b) The applicant did not provide the information  
605 required;

606 (c) The designated caregiver previously had a registry  
607 identification card revoked; or

608 (d) The applicant or the designated caregiver provided  
609 false information.

610 (8) The department shall give written notice to the  
611 qualifying patient of the reason for denying a registry  
612 identification card to the qualifying patient or to the qualifying  
613 patient's designated caregiver.

614 (9) Denial of an application or renewal is considered a  
615 final department action, subject to judicial review. Jurisdiction  
616 and venue for judicial review are vested in the circuit court.

617 (10) Until a qualifying patient who has submitted an  
618 application to the department receives a registry identification  
619 card or a rejection, a copy of the individual's application,  
620 written certification, and proof that the application was



621 submitted to the department shall be deemed a registry  
622 identification card.

623 (11) Until a designated caregiver whose qualifying patient  
624 has submitted an application and the required fees receives a  
625 registry identification card or a rejection, a copy of the  
626 qualifying patient's application, written certification, and proof  
627 that the application was submitted to the department shall be  
628 deemed a registry identification card.

629 **SECTION 10. Registry identification cards.** (1) Registry  
630 identification cards must contain all of the following:

631 (a) The name of the cardholder;

632 (b) A designation of whether the cardholder is a  
633 qualifying patient or a designated caregiver;

634 (c) The date of issuance and expiration date of the  
635 registry identification card;

636 (d) A random ten-digit alphanumeric identification  
637 number, containing at least four (4) numbers and at least four (4)  
638 letters, that is unique to the cardholder;

639 (e) If the cardholder is a designated caregiver, the  
640 random identification number of the qualifying patient the  
641 designated caregiver will assist;

642 (f) A photograph of the cardholder, if the department's  
643 regulations require one; and

644 (g) The phone number or internet address where the card  
645 can be verified.



646 (2) Except as provided in this section, the expiration date  
647 shall be one (1) year after the date of issuance.

648 (3) If the practitioner stated in the written certification  
649 that the qualifying patient would benefit from cannabis until a  
650 specified earlier date, then the registry identification card  
651 shall expire on that date.

652 **SECTION 11. Temporary registry identification cards.** (1)  
653 Until sixty (60) days after the department makes applications  
654 available, a valid, written certification issued within the  
655 previous year shall be deemed a registry identification card for a  
656 qualifying patient.

657 (2) Until sixty (60) days after the department makes  
658 applications available, the following shall be deemed a designated  
659 caregiver registry identification card:

660 (a) A copy of a qualifying patient's valid written  
661 certification issued within the previous year; and

662 (b) A signed affidavit attesting that the person has  
663 significant responsibility for managing the well-being of the  
664 patient and that the person has been chosen to assist the  
665 qualifying patient.

666 **SECTION 12. Verification system.** (1) The department shall  
667 maintain a confidential list of the persons to whom the department  
668 has issued registry identification cards and their addresses,  
669 phone numbers, and registry identification numbers. This  
670 confidential list shall not be combined or linked in any manner



671 with any other list or database, nor shall it be used for any  
672 purpose not provided for in this act.

673 (2) Within one hundred twenty (120) days after the effective  
674 date of this act, the department shall establish a secure phone or  
675 internet-based verification system. The verification system must  
676 allow law enforcement personnel and medical cannabis  
677 establishments to enter a registry identification number to  
678 determine whether the number corresponds with a current, valid  
679 registry identification card. The system may disclose only:

680 (a) Whether the identification card is valid;

681 (b) The name of the cardholder;

682 (c) Whether the cardholder is a qualifying patient or a  
683 designated caregiver;

684 (d) The registry identification number of any  
685 affiliated registered qualifying patient; and

686 (e) The registry identification of the qualifying  
687 patient's dispensary, dispensaries, pharmacy or pharmacies, if  
688 any.

689 **SECTION 13. Notifications to department and responses.** (1)

690 The following notifications and department responses are required:

691 (a) A registered qualifying patient shall notify the  
692 department of any change in his or her name or address, or if the  
693 registered qualifying patient ceases to have his or her  
694 debilitating medical condition, within twenty (20) days of the  
695 change.



696 (b) A registered designated caregiver shall notify the  
697 department of any change in his or her name or address, or if the  
698 designated caregiver becomes aware the qualifying patient passed  
699 away, within twenty (20) days of the change.

700 (c) Before a registered qualifying patient changes his  
701 or her designated caregiver, the qualifying patient must notify  
702 the department.

703 (d) When a registered qualifying patient changes his or  
704 her preference as to the cultivation-processing facility that may  
705 cultivate medical cannabis unique to specific needs for the  
706 qualifying patient, the qualifying patient must notify the  
707 department.

708 (e) If a cardholder loses his or her registry  
709 identification card, he or she shall notify the department within  
710 ten (10) days of becoming aware that the card has been lost.

711 (f) Before a registered qualifying patient changes his  
712 or her designated dispensary, the qualifying patient must notify  
713 the department.

714 (2) Each notification that a registered qualifying patient  
715 is required to make shall instead be made by the patient's  
716 designated caregiver if the qualifying patient is unable to make  
717 the notification due to his or her age or medical condition.

718 (3) When a cardholder notifies the department of items  
719 listed in subsection (1) of this section but remains eligible  
720 under this act, the department shall issue the cardholder a new



721 registry identification card with a new random ten-digit  
722 alphanumeric identification number within ten (10) days of  
723 receiving the updated information and charge a fee of Twenty  
724 Dollars (\$20.00). If the person notifying the department is a  
725 registered qualifying patient, the department shall also issue his  
726 or her registered designated caregiver, if any, a new registry  
727 identification card within ten (10) days of receiving the updated  
728 information.

729 (4) If the registered qualifying patient's certifying  
730 practitioner notifies the department in writing that either the  
731 registered qualifying patient has ceased to suffer from a  
732 debilitating medical condition or that the practitioner no longer  
733 believes the patient would receive medical or palliative benefit  
734 from the use of medical cannabis, the card shall become null and  
735 void. However, the registered qualifying patient has fifteen (15)  
736 days to return any unused cannabis to the dispensing dispensary or  
737 pharmacy.

738 (5) A medical cannabis establishment shall notify the  
739 department within one (1) business day of any theft or loss of  
740 cannabis.

741 **SECTION 14. Affirmative defense and dismissal for medical**  
742 **cannabis.** (1) Except as provided in Section 4 of this act and  
743 this section, a person may assert the medical purpose for using  
744 cannabis as a defense to any prosecution involving cannabis, and



745 such defense shall be presumed valid where the evidence shows  
746 that:

747 (a) A practitioner has stated that, in the  
748 practitioner's professional opinion, after having completed a full  
749 assessment of the person's medical history and current medical  
750 condition made in the course of a bona fide practitioner-patient  
751 relationship, the patient has a debilitating medical condition and  
752 the potential benefits of using medical cannabis would likely  
753 outweigh the health risks for the person;

754 (b) The person was in possession of no more than the  
755 allowable amount of cannabis;

756 (c) The person was engaged in the acquisition,  
757 possession, use, or transportation of cannabis, paraphernalia, or  
758 both, relating to the administration of cannabis to treat or  
759 alleviate the individual's debilitating medical condition or  
760 symptoms associated with the individual's debilitating medical  
761 condition.

762 (2) The defense and motion to dismiss shall not prevail if  
763 the prosecution proves that:

764 (a) The person had a registry identification card  
765 revoked for misconduct; or

766 (b) The purposes for the possession of cannabis were  
767 not solely for palliative or medical use by the individual with a  
768 debilitating medical condition who raised the defense.



769 (3) An individual is not required to possess a registry  
770 identification card to raise the affirmative defense set forth in  
771 this section.

772 (4) If an individual demonstrates the individual's medical  
773 purpose for using cannabis pursuant to this section, except as  
774 provided in Section 4 of this act, the individual shall not be  
775 subject to the following for the individual's use of cannabis for  
776 medical purposes:

777 (a) Disciplinary action by an occupational or  
778 professional licensing board or bureau; or

779 (b) Forfeiture of any interest in or right to any  
780 property other than cannabis.

781 **SECTION 15. Registration of medical cannabis establishments.**

782 (1) (a) The department shall initially issue five (5)  
783 cultivation-processing facility licenses. The department may add  
784 additional licenses as it determines.

785 (b) The department shall issue at least one (1)  
786 dispensary license for each county. The department shall give  
787 additional consideration to multiple dispensaries in a county with  
788 a population exceeding thirty thousand (30,000) according to the  
789 latest decennial census.

790 (2) The cultivation-processing facility license application  
791 fee shall be a nonrefundable fee of Two Hundred Thousand Dollars  
792 (\$200,000.00), and the initial medical marijuana dispensary  
793 license fee shall be a nonrefundable fee of Twenty Thousand





794 Dollars (\$20,000.00). Each cultivation-processing facility shall  
795 be subject to an annual license renewal fee of One Hundred  
796 Thousand Dollars (\$100,000.00). Each medical marijuana dispensary  
797 shall be subject to an annual license renewal fee of Ten Thousand  
798 Dollars (\$10,000.00).

799 (3) Not later than October 15, 2021, the department shall  
800 begin accepting applications for licenses to operate a  
801 cultivation-processing facility and dispensaries, and the  
802 department shall award the licenses set forth in this subsection  
803 (2) of this section on or before January 15, 2022.

804 (4) No individual shall have an economic interest in more  
805 than one (1) cultivation-processing license and more than five (5)  
806 dispensary licenses.

807 (5) A dispensary shall appoint a pharmacist consultant who  
808 is a pharmacist licensed with the Mississippi State Board of  
809 Pharmacy.

810 (6) No later than January 4, 2022, the department shall  
811 begin accepting applications for prospective medical cannabis  
812 establishments.

813 (7) Minimum qualifications for applicants for a  
814 cultivation-processing facility and/or dispensary license(s) are  
815 as follows:

816 (a) An individual applicant for a medical marijuana  
817 cultivation facility or medical marijuana dispensary license shall  
818 be a natural person who:



819 (i) Is at least twenty-one (21) years of age;  
820 (ii) Is a current resident of the State of  
821 Mississippi and has been a resident for five (5) consecutive years  
822 prior to the date of application as determined by this section;  
823 (iii) Has not previously held a license for a  
824 cultivation-processing facility or dispensary that has been  
825 revoked;  
826 (iv) Has no ownership in any other medical  
827 marijuana cultivation-processing facility or more than five (5)  
828 dispensaries in the State of Mississippi;  
829 (v) Has not been convicted of a felony offense;  
830 (vi) If possessing a professional license, that  
831 the license is in good standing; and  
832 (vii) Has no outstanding tax delinquencies owed to  
833 the State of Mississippi.  
834 (b) If the applicant is applying on behalf of an  
835 entity, in addition to paragraph (a) of this subsection, the  
836 individual applicant shall:  
837 (i) Be legally authorized to submit an application  
838 on behalf of the entity;  
839 (ii) Serve as the primary point of contact with  
840 the department;  
841 (iii) Submit sufficient proof that:



842                   1. The entity has no owner, board member,  
843 officer, or anyone with an economic interest in the entity who is  
844 under the age of twenty-one (21);

845                   2. At least fifty-one percent (51%) of the  
846 equity ownership interests in the entity are held by individuals  
847 who have been residents of the State of Mississippi for at least  
848 five (5) consecutive years prior to the application date and any  
849 attempt to avoid this provision may result in denial of an  
850 application and revocation of a license;

851                   3. The entity has at least one (1) owner who  
852 is an African American and one (1) owner who is a member of any  
853 other minority group as defined herein;

854                   4. The entity has no owner, board member,  
855 officer, or anyone with an economic interest in the entity who has  
856 previously been an owner of a dispensary or cultivation-processing  
857 facility that has had its license revoked;

858                   5. The entity has no owner, board member,  
859 officer, or anyone with an economic interest in the entity who has  
860 ownership in any other medical marijuana cultivation facility or  
861 more than five (5) medical marijuana dispensaries in the State of  
862 Mississippi;

863                   6. The entity has no owner, board member,  
864 officer, or anyone with an economic interest in the entity who has  
865 been convicted of a felony offense;



866 7. If an owner, board member, officer, or  
867 anyone with an economic interest in the entity who has or had a  
868 professional license, that the license is in good standing;

869 8. The entity has no owner, board member,  
870 officer, or anyone with an economic interest in the entity who  
871 owes delinquent taxes to the State of Mississippi; and

872 9. The entity has owners with experience in  
873 managing and securing large quantities of cash and experience in  
874 operating regulated businesses with revenues exceeding Ten Million  
875 Dollars (\$10,000,000.00) in the State of Mississippi within the  
876 last ten (10) years.

877 (iv) Applicants for a cultivation-processing  
878 facility license shall provide proof of assets or a surety bond in  
879 the amount of Twenty Million Dollars (\$20,000,000.00) and proof of  
880 at least Ten Million Dollars (\$10,000,000.00) in liquid assets;  
881 and applicants for a dispensary license shall provide proof of  
882 assets or a surety bond in the amount of Two Hundred Fifty  
883 Thousand Dollars (\$250,000.00) and proof of at least Five Hundred  
884 Thousand Dollars (\$500,000.00) in liquid assets.

885 (v) For purposes of this section, it shall be  
886 sufficient to prove Mississippi residency for the individual(s) to  
887 submit one (1) of the following source documents:

888 1. Mississippi Tax Return Form 80-105 or Form  
889 80-205 for each of the five (5) years preceding the application  
890 without schedules, worksheets, or attachments, and redacted to



891 remove all financial information and all but the last four (4)  
892 digits of the individual's social security number for the five (5)  
893 years preceding the application;

894                   2. Evidence of voter registration for the  
895 five (5) years preceding the application;

896                   3. Ownership, lease, or rental documents for  
897 place of primary domicile for the five (5) years preceding the  
898 application;

899                   4. Billing statements, including utility  
900 bills for the five (5) years preceding the application; or

901                   5. Vehicle registration for the five (5)  
902 years preceding the application.

903           (8) Ownership in a medical marijuana cultivation-processing  
904 facility license or a dispensary license or investment in a  
905 business that supports or benefits from such a license shall not  
906 disqualify or otherwise negatively impact the license or finding  
907 of suitability of such owner who is otherwise engaged in any other  
908 form of business operation in the state, should such business  
909 require the owner to hold a license or be found suitable under  
910 state law.

911           (9) The number of test facilities, pharmacies, hospitals,  
912 and research facilities shall not be limited. The department  
913 shall begin accepting and processing applications under this  
914 subsection on November 15, 2021. All test facilities, pharmacies,  
915 hospitals and research facilities shall be subject to an



916 application fee of Fifteen Thousand Dollars (\$15,000.00), and an  
917 annual license renewal fee of Two Thousand Five Hundred Dollars  
918 (\$2,500.00). No later than ninety (90) days after receiving an  
919 application for any medical cannabis establishment other than a  
920 cultivation processing facility or dispensary, the department  
921 shall register the prospective medical cannabis establishment and  
922 issue a registration certificate and a random ten-digit  
923 alphanumeric identification number if all of the conditions in  
924 Section 17(2) of this act are satisfied.

925 (10) All business entities applying for registration as a  
926 medical cannabis establishment must meet all the requirements  
927 specified in Section 17(2) of this act.

928 (a) A prospective medical cannabis establishment shall  
929 submit all of the following:

930 (i) An application, including:

931 1. The legal name of the prospective medical  
932 cannabis establishment;

933 2. The physical address of the prospective  
934 medical cannabis establishment that is not within two thousand  
935 (2,000) feet of a public or private school, church, or daycare  
936 existing before the date of the medical cannabis establishment  
937 application;

938 3. The name and date of birth of each  
939 principal officer and board member of the proposed medical  
940 cannabis establishment; and



941 4. Any additional information requested by  
942 the department.

943 (ii) Operating procedures consistent with rules  
944 for oversight of the proposed medical cannabis establishment,  
945 including procedures to ensure accurate recordkeeping and adequate  
946 security measures.

947 (iii) If the city or county where the proposed  
948 medical cannabis establishment would be located has enacted zoning  
949 restrictions, a sworn statement certifying that the proposed  
950 medical cannabis establishment is in compliance with the  
951 restrictions.

952 (iv) If the city or county where the proposed  
953 medical cannabis establishment requires a local registration,  
954 license, or permit, a copy of the registration, license, or  
955 permit.

956 (v) Verification that none of the principal  
957 officers or board members has served as a principal officer or  
958 board member for a medical cannabis establishment that has had its  
959 registration certificate revoked.

960 (vi) Verification that none of the principal  
961 officers or board members is under twenty-one (21) years of age.

962 (11) The department shall issue a renewal registration  
963 certificate within ten (10) days of receipt of the prescribed  
964 renewal application and renewal fee from a medical cannabis



965 establishment if its registration certificate is not under  
966 suspension and has not been revoked.

967 (12) A cultivation-processing facility shall collect and  
968 remit a special privilege tax of four percent (4%) from the gross  
969 receipts or gross proceeds derived from each sale of medical  
970 marijuana on forms and in a manner specified by the Commissioner  
971 of Revenue. A dispensary shall collect and remit a special  
972 privilege tax of ten percent (10%) from the gross receipts or  
973 gross proceeds derived from each sale of medical marijuana on  
974 forms and in a manner specified by the Commissioner of Revenue.

975 **SECTION 16. Local ordinances.** (1) A local government may  
976 enact ordinances or regulations not in conflict with this act, or  
977 with regulations enacted under this act, governing the time,  
978 place, and manner of medical cannabis establishment operations in  
979 the locality. A local government may establish penalties for  
980 violation of an ordinance or regulations governing the time,  
981 place, and manner of a medical cannabis establishment that may  
982 operate in the locality.

983 (2) No local government may prohibit dispensaries, either  
984 expressly or through the enactment of ordinances or regulations  
985 that make their operation impracticable in the jurisdiction.

986 (3) A local government may require a medical cannabis  
987 establishment to obtain a local license, permit, or registration  
988 to operate, and may charge a reasonable fee for the local license,  
989 permit, or registration.





990           **SECTION 17. Requirements, prohibitions and penalties.**   (1)

991 Medical cannabis establishments shall conduct a background check  
992 into the criminal history of every person seeking to become a  
993 principal officer, board member, agent, volunteer, or employee  
994 before the person begins working at the medical cannabis  
995 establishment.

996           (2) A medical cannabis establishment may not employ any  
997 person who:

998                   (a) Was convicted of a disqualifying felony offense; or

999                   (b) Is under twenty-one (21) years of age.

1000           (3) The operating documents of a medical cannabis  
1001 establishment must include procedures for the oversight of the  
1002 medical cannabis establishment and procedures to ensure accurate  
1003 recordkeeping.

1004           (4) A medical cannabis establishment shall implement  
1005 appropriate security measures designed to deter and prevent the  
1006 theft of cannabis and unauthorized entrance into areas containing  
1007 cannabis.

1008           (5) Each cultivation-processing facility and dispensary  
1009 shall provide a reliable and ongoing supply of medical cannabis  
1010 needed for the registry program.

1011           (6) All cultivation, harvesting, manufacture, and packaging  
1012 of cannabis must take place in a secure facility with a physical  
1013 address provided to the department during the registration  
1014 process. The secure facility may only be accessed by agents of



1015 the medical cannabis establishment, emergency personnel, and  
1016 adults who are twenty-one (21) years of age and older and who are  
1017 accompanied by medical cannabis establishment agents.

1018 (7) No medical cannabis establishment other than a cannabis  
1019 cultivation-processing facility or research facility may produce  
1020 cannabis concentrates, cannabis extractions, or other cannabis  
1021 products.

1022 (8) A medical cannabis establishment may not share office  
1023 space with or refer patients to a practitioner.

1024 (9) Medical cannabis establishments are subject to  
1025 inspection by the department during business hours.

1026 (10) Before cannabis may be dispensed to a cardholder, a  
1027 dispensary agent must:

1028 (a) Make a diligent effort to verify that the registry  
1029 identification card or registration presented to the dispensary or  
1030 pharmacy is valid;

1031 (b) Make a diligent effort to verify that the person  
1032 presenting the documentation is the person identified on the  
1033 document presented to the dispensary or pharmacy agent;

1034 (c) Not believe that the amount dispensed would cause  
1035 the person to possess more than the allowable amount of cannabis;  
1036 and

1037 (d) Make a diligent effort to verify that the  
1038 dispensary or pharmacy is the current dispensary or pharmacy that  
1039 was designated by the cardholder.



1040 (11) A dispensary or pharmacy may not dispense more than the  
1041 allowable amount of cannabis to a nonresident cardholder or a  
1042 registered qualifying patient, directly or via a designated  
1043 caregiver in any twenty-four-day period. Dispensaries and  
1044 pharmacies shall ensure compliance with this limitation by  
1045 maintaining internal, confidential records that include records  
1046 specifying how much cannabis is being dispensed to the nonresident  
1047 cardholder or registered qualifying patient and whether it was  
1048 dispensed directly to a registered qualifying patient or to the  
1049 designated caregiver.

1050 (12) A medical cannabis establishment agent shall not issue  
1051 a written certification.

1052 **SECTION 18. Department to issue regulations.** (1) Not later  
1053 than one hundred twenty (120) days after the effective date of  
1054 this act, the department shall promulgate regulations:

1055 (a) Governing the manner in which the department shall  
1056 consider petitions from the public to add debilitating medical  
1057 conditions or treatments to the list of debilitating medical  
1058 conditions set forth in Section 2 of this act, including public  
1059 notice of and opportunities to comment in public hearings on the  
1060 petitions;

1061 (b) Establishing the form and content of registration  
1062 and renewal applications submitted under this act;

1063 (c) Governing the manner in which it shall consider  
1064 applications for and renewals of registry identification cards,



1065 which may include creating a standardized written certification  
1066 form;

1067 (d) Governing medical cannabis establishments with the  
1068 goals of ensuring the health and safety of qualifying patients and  
1069 preventing diversion and theft without imposing an undue burden or  
1070 compromising the confidentiality of cardholders, including:

1071 (i) Oversight requirements;

1072 (ii) Record-keeping requirements;

1073 (iii) Qualifications that are directly and  
1074 demonstrably related to the operation of cannabis establishments;

1075 (iv) Security requirements, including lighting,  
1076 physical security, and alarm requirements;

1077 (v) Health and safety regulations, including  
1078 restrictions on the use of pesticides that are injurious to human  
1079 health;

1080 (vi) Standards for the manufacture of cannabis  
1081 products and the indoor cultivation of cannabis by  
1082 cultivation-processing facilities;

1083 (vii) Requirements for the transportation and  
1084 storage of cannabis by medical cannabis establishments;

1085 (viii) Employment and training requirements,  
1086 including requiring that each medical cannabis establishment  
1087 create an identification badge for each agent;

1088 (ix) Standards for the safe manufacture of medical  
1089 cannabis products, including extracts and concentrates;



1090 (x) Restrictions on the advertising, signage, and  
1091 display of medical cannabis, provided that the restrictions may  
1092 not prevent appropriate signs on the property of a dispensary or  
1093 pharmacy, listings in business directories, including phone books,  
1094 listings in cannabis-related or medical publications, or the  
1095 sponsorship of health or not-for-profit charity or advocacy  
1096 events;

1097 (xi) Requirements and procedures for the safe and  
1098 accurate packaging and labeling of medical cannabis;

1099 (xii) Standards for testing facilities, including  
1100 requirements for equipment and qualifications for personnel;

1101 (xiii) Protocol development for the safe delivery  
1102 of cannabis from dispensaries to cardholders; and

1103 (xiv) Reasonable requirements to ensure the  
1104 applicant has sufficient property or capital to operate the  
1105 applicant's proposed medical cannabis establishment;

1106 (xv) Procedures for suspending or terminating the  
1107 registration certificates or registry identification cards of  
1108 cardholders and medical cannabis establishments that commit  
1109 multiple or serious violations of the provisions of this act or  
1110 the regulations promulgated pursuant to this section;

1111 (xvi) Procedures for establishing a seed to sale  
1112 tracking a program;



1113 (xvii) Requirements for labeling cannabis and  
1114 cannabis products, including requiring cannabis product labels to  
1115 include the following:

1116 1. The length of time it typically takes for  
1117 the product to take effect;

1118 2. Disclosure of ingredients and possible  
1119 allergens;

1120 3. A nutritional fact panel; and

1121 4. For edible cannabis products, when  
1122 practicable, a standard symbol indicating that the product  
1123 contains cannabis;

1124 (xviii) Procedures for the registration of  
1125 nonresident cardholders and their designation of no more than two  
1126 (2) dispensaries, which must require the submission of:

1127 1. A practitioner's statement confirming that  
1128 the patient has a debilitating medical condition; and

1129 2. Documentation demonstrating that the  
1130 nonresident cardholder is allowed to possess cannabis or cannabis  
1131 preparations in the jurisdiction where he or she resides;

1132 (xix) The amount of cannabis products, including  
1133 the amount of concentrated cannabis, each cardholder and  
1134 nonresident cardholder can possess;

1135 (xx) Reasonable application and renewal fees for  
1136 registry identification cards and registration certificates,  
1137 according to the following:



1138                   1. The total fees collected must generate  
1139 revenues sufficient to offset all expenses of implementing and  
1140 administering this act;

1141                   2. The department may establish a sliding  
1142 scale of patient application and renewal fees based upon a  
1143 qualifying patient's household income provided that the initial  
1144 fee schedule shall be set as follows:

1145                   a. The patient medical marijuana card  
1146 application fee shall be Fifty Dollars (\$50.00);

1147                   b. The caregiver medical marijuana card  
1148 application fee shall be Fifty Dollars (\$50.00);

1149                   c. The caregiver criminal background fee  
1150 shall be Thirty-Seven Dollars (\$37.00);

1151                   d. The fee for a renewal of card shall  
1152 be Fifty Dollars (\$50.00);

1153                   e. The fee for a visiting patient shall  
1154 be Fifty Dollars (\$50.00)

1155                   3. The department may accept donations from  
1156 private sources to reduce application and renewal fees;

1157                   4. The department may adjust the fee schedule  
1158 at its discretion; and

1159                   5. Fees collected by the department on  
1160 applications, renewals, and the fees in this item shall be used to  
1161 manage the program.



1162 (2) At any time after the effective date of this act, the  
1163 department may promulgate regulations governing the operations of  
1164 medical cannabis establishments.

1165 (3) No later than two (2) years from the implementation of  
1166 this article, and every two (2) years thereafter, the department  
1167 shall provide to the Legislature a comprehensive public report of  
1168 the operation of this act. The department shall also provide  
1169 quarterly reports for all sales of medical marijuana sold by  
1170 dispensaries to qualified patients.

1171 **SECTION 19. Violations.** (1) A cardholder or medical  
1172 cannabis establishment that willfully fails to provide a notice  
1173 required by Section 13 of this act is guilty of a civil offense,  
1174 punishable by a fine of no more than One Thousand Five Hundred  
1175 Dollars (\$1,500.00), which may be assessed and collected by the  
1176 department.

1177 (2) In addition to any other penalty provided by law, a  
1178 medical cannabis establishment or an agent of a medical cannabis  
1179 establishment that intentionally sells or otherwise transfers  
1180 cannabis in exchange for anything of value to a person other than  
1181 a cardholder, a nonresident cardholder, or to a medical cannabis  
1182 establishment or its agent is guilty of a felony punishable by a  
1183 fine of not more than Five Thousand Dollars (\$5,000.00), or by  
1184 commitment to the custody of the Department of Corrections for not  
1185 more than two (2) years, or both. A person convicted under this  
1186 subsection may not continue to be affiliated with the medical





1187 cannabis establishment and is disqualified from further  
1188 participation under this act.

1189 (3) In addition to any other penalty provided by law, a  
1190 cardholder or nonresident cardholder who intentionally sells or  
1191 otherwise transfers cannabis in exchange for anything of value to  
1192 a person other than a cardholder or to a medical cannabis  
1193 establishment or its agent is guilty of a felony punishable by a  
1194 fine of not more than Three Thousand Dollars (\$3,000.00), or by  
1195 commitment to the Department of Corrections for not more than two  
1196 (2) years, or both.

1197 (4) A person who intentionally makes a false statement to a  
1198 law enforcement official about any fact or circumstance relating  
1199 to the medical use of cannabis to avoid arrest or prosecution is  
1200 guilty of a misdemeanor punishable by a fine of not more than One  
1201 Thousand Dollars (\$1,000.00), by imprisonment in the county jail  
1202 for not more than ninety (90) days, or both. This penalty is in  
1203 addition to any other penalties that may apply for making a false  
1204 statement or for the possession, cultivation, or sale of cannabis  
1205 not protected by this act. If a person convicted of violating  
1206 this subsection is a cardholder, the person is disqualified from  
1207 further participation under this act.

1208 (5) A person who knowingly submits false records or  
1209 documentation required by the department to certify a medical  
1210 cannabis establishment under this act is guilty of a felony  
1211 punishable by a fine of not more than Three Thousand Dollars



1212 (\$3,000.00), or by commitment to the Department of Corrections for  
1213 not more than two (2) years, or both.

1214 (6) A practitioner who knowingly refers patients to a  
1215 medical cannabis establishment or to a designated caregiver, who  
1216 advertises in a medical cannabis establishment, or who issues  
1217 written certifications while holding a financial interest in a  
1218 medical cannabis establishment, is guilty of a civil offense and  
1219 shall be fined up to Five Thousand Dollars (\$5,000.00) by the  
1220 department.

1221 (7) Any person, including an employee or official of the  
1222 department or another state agency or local government, who  
1223 breaches the confidentiality of information obtained under this  
1224 act is guilty of a misdemeanor punishable by a fine of not more  
1225 than One Thousand Dollars (\$1,000.00), or by imprisonment for not  
1226 more than one hundred eighty (180) days in the county jail, or  
1227 both.

1228 (8) No person, other than a cultivation-processing facility  
1229 or its agents complying with this act and department regulations,  
1230 may extract compounds from cannabis using solvents other than  
1231 water, glycerin, propylene glycol, vegetable oil, or food-grade  
1232 ethanol (ethyl alcohol). No person may extract compounds from  
1233 cannabis using ethanol in the presence or vicinity of open flame.  
1234 It shall be a felony punishable by up to three (3) years in prison  
1235 and a Ten Thousand Dollar (\$10,000.00) fine for any person to  
1236 violate this subsection.



1237 (9) A medical cannabis establishment is guilty of a civil  
1238 offense for any violation of this act or the regulations issued  
1239 under this act where no penalty has been specified, and shall be  
1240 fined not more than Three Thousand Dollars (\$3,000.00) by the  
1241 department for each such violation. This penalty is in addition  
1242 to any other penalties provided by law.

1243 **SECTION 20. Suspension and revocation.** (1) The department  
1244 may on its own motion or on complaint, after investigation and  
1245 opportunity for a public hearing at which the medical cannabis  
1246 establishment has been afforded an opportunity to be heard,  
1247 suspend or revoke a registration certificate for multiple  
1248 negligent or knowing violations or for a serious and knowing  
1249 violation of this act or any rules under this act by the  
1250 registrant or any of its agents.

1251 (2) The department shall provide notice of suspension,  
1252 revocation, fine, or other sanction, as well as the required  
1253 notice of the hearing, by mailing the same in writing by certified  
1254 mail, signature required, to the medical cannabis establishment at  
1255 the address on the registration certificate. A suspension shall  
1256 not be for a longer period than six (6) months.

1257 (3) A medical cannabis establishment may continue to possess  
1258 and cultivate cannabis, as the case may be, during a suspension,  
1259 but it may not dispense, transfer, or sell cannabis.

1260 (4) The department shall immediately revoke the registry  
1261 identification card of any cardholder who sells cannabis to a



1262 person who is not allowed to possess cannabis for medical purposes  
1263 under this act. The cardholder shall be disqualified from further  
1264 participation under this act.

1265 (5) The department may revoke the registry identification  
1266 card of any cardholder who knowingly commits multiple  
1267 unintentional violations or a serious knowing violation of this  
1268 act.

1269 (6) Revocation is a final decision of the department subject  
1270 to judicial review. Jurisdiction and venue for judicial review  
1271 are vested in the circuit court.

1272 **SECTION 21. Confidentiality.** (1) Data in registration  
1273 applications and supporting data submitted by qualifying patients,  
1274 designated caregivers and medical cannabis establishments,  
1275 nonresident cardholders, pharmacies, hospitals and medical  
1276 cannabis establishments, including data on designated caregivers  
1277 and practitioners, are private data on individuals that is  
1278 confidential and exempt from disclosure under the Mississippi  
1279 Public Records Act of 1983, Sections 25-61-1 through 25-61-17.

1280 (2) Data kept or maintained by the department may not be  
1281 used for any purpose not provided for in this act and may not be  
1282 combined or linked in any manner with any other list or database.

1283 (3) Data kept or maintained by the department may be  
1284 disclosed as necessary for:

1285 (a) The verification of registration certificates and  
1286 registry identification cards under Section 12 of this act;



1287 (b) Submission of the annual report required by Section  
1288 24 of this act;

1289 (c) Notification of state or local law enforcement of  
1290 apparent criminal violations of this act;

1291 (d) Notification of state and local law enforcement  
1292 about falsified or fraudulent information submitted for purposes  
1293 of obtaining or renewing a registry identification card; or

1294 (e) Notification of the State Board of Medical  
1295 Licensure if there is reason to believe that a practitioner  
1296 provided a written certification in violation of this act, or if  
1297 the department has reason to believe the practitioner otherwise  
1298 violated the standard of care for evaluating medical conditions.

1299 (4) Any information kept or maintained by medical cannabis  
1300 establishments must identify cardholders by their registry  
1301 identification numbers and must not contain names or other  
1302 personally identifying information.

1303 (5) At the cardholder's request, the department may confirm  
1304 the cardholder's status as a registered qualifying patient or a  
1305 registered designated caregiver to a third party, such as a  
1306 landlord, school, medical professional, or court.

1307 (6) Any department hard drives or other data-recording media  
1308 that are no longer in use and that contain cardholder information  
1309 shall be destroyed.

1310 **SECTION 22. Business expenses, deductions.** Notwithstanding  
1311 any federal tax law to the contrary, in computing net income for



1312 medical cannabis establishments, there shall be allowed as a  
1313 deduction from state taxes all the ordinary and necessary expenses  
1314 paid or incurred during the taxable year in carrying on a trade or  
1315 business as a medical cannabis establishment, including reasonable  
1316 allowance for salaries or other compensation for personal services  
1317 actually rendered.

1318       **SECTION 23. Advisory committee.** (1) There is created an  
1319 advisory committee of fifteen (15) members comprised of: one (1)  
1320 member of the House of Representatives appointed by the Speaker of  
1321 the House; one (1) member of the Senate appointed by the  
1322 Lieutenant Governor; one (1) medical doctor; one (1) nurse  
1323 practitioner; one (1) dentist; one (1) optometrist; one (1) board  
1324 member or principal officer of a cultivation-processing facility;  
1325 one (1) board member or principal officer of a dispensary; one (1)  
1326 board member or principal officer of a cannabis testing facility;  
1327 one (1) member of the Department of Health; two (2) qualifying  
1328 patients; one (1) law enforcement officer; one (1) pharmacist; and  
1329 one (1) designated caregiver. All members of the advisory  
1330 committee other than the members of the House and Senate shall be  
1331 appointed by the Governor.

1332       (2) The advisory committee shall meet at least two (2) times  
1333 per year for the purpose of evaluating and making recommendations  
1334 to the Legislature and the department regarding:



1335 (a) The ability of qualifying patients in all areas of  
1336 the state to obtain timely access to a variety of strains of  
1337 high-quality medical cannabis;

1338 (b) The effectiveness of the medical cannabis  
1339 establishment facilities, individually and together, in serving  
1340 the needs of qualifying patients, including the provision of  
1341 educational and support services by dispensaries and pharmacies,  
1342 whether they are generating any complaints or security problems,  
1343 and the sufficiency of the number operating to serve the state's  
1344 registered qualifying patients;

1345 (c) The effectiveness of the cannabis testing  
1346 facilities, including whether a sufficient number are operating;

1347 (d) The sufficiency of the regulatory and security  
1348 safeguards contained in this act and adopted by the department to  
1349 ensure that access to and use of cannabis cultivated is provided  
1350 only to cardholders;

1351 (e) Any recommended additions or revisions to the  
1352 department regulations or this act, including relating to  
1353 security, safe handling, labeling, nomenclature, and whether  
1354 additional types of licenses should be made available;

1355 (f) Any research studies regarding health effects of  
1356 medical cannabis for patients; and

1357 (g) Whether the medical cannabis establishments are  
1358 sufficient to provide steady access to a variety of cannabis  
1359 products.



1360           **SECTION 24. Annual report.** (1) The department shall report  
1361 annually to the Legislature on the findings and recommendations of  
1362 the advisory committee, the number of applications for registry  
1363 identification cards received, the number of qualifying patients  
1364 and designated caregivers approved, the number of registry  
1365 identification cards revoked, the number of each type of medical  
1366 cannabis establishment that is registered, and the expenses  
1367 incurred and revenues generated from the medical cannabis program.

1368           (2) The department shall not include identifying information  
1369 on qualifying patients, designated caregivers, or practitioners in  
1370 the report.

1371           **SECTION 25. Not applicable to CBD oil.** This act does not  
1372 apply to or supersede any of the provisions of Section 41-29-136.

1373           **SECTION 26.** The following shall be codified as Section  
1374 27-65-28, Mississippi Code of 1972:

1375           27-65-28. Upon every person engaging or continuing within  
1376 this state in the business of selling cannabis products, the sales  
1377 of which are legal under the provisions of the Mississippi Medical  
1378 Cannabis Act, there is hereby levied, assessed and shall be  
1379 collected a tax equal to seven percent (7%) of the gross proceeds  
1380 of the retail sales of the business.

1381           **SECTION 27.** (1) There is hereby created the "Mississippi  
1382 Workforce and College Opportunity Scholarship Program." The  
1383 program shall be administered by a Board of Directors. The board  
1384 shall be managed in such a manner that enables the people of the





1385 state to benefit from the tax revenue generated from the sale of  
1386 cannabis products.

1387 (2) The funds generated from retail and excise tax from the  
1388 sale of cannabis products in the state shall be appropriated into  
1389 a special fund for the purpose of administering the Mississippi  
1390 Workforce and College Opportunity Scholarship Program.

1391 (3) The program shall provide scholarships from these funds  
1392 to students enrolled in full-time public and private colleges and  
1393 universities and workforce training programs located in the state.  
1394 The program may also provide scholarships to high-school students  
1395 to pay for tuition for dual-enrollment classes.

1396 (4) The program shall be considered a "last-dollar program."  
1397 As a last-dollar program, the amount of funding provided to each  
1398 student shall only cover the last-dollar amount of the student's  
1399 costs to attend school after other financial aid is applied. The  
1400 program shall consider any additional public or private funding,  
1401 scholarships or grants that the student is eligible for in order  
1402 to compute eligibility for the program.

1403 (5) No student shall receive more than Four Thousand Dollars  
1404 (\$4,000.00) per year in scholarships from the program.

1405 (6) The Board of Directors shall be composed of five (5)  
1406 members, with the Governor appointing three (3) members and the  
1407 Lieutenant Governor appointing two (2) members. The Governor  
1408 shall appoint members to the board in the following manner: one  
1409 (1) member from the Board of Trustees of State Institutions of



1410 Higher Learning, one (1) member from the State Board for Community  
1411 Colleges, and one (1) member from the state-at-large. The  
1412 Lieutenant Governor shall appoint two (2) members from the  
1413 state-at-large.

1414 (7) (a) Members of the board shall be residents of the  
1415 State of Mississippi. The Governor and Lieutenant Governor shall  
1416 take into account the goals of geographic, racial, gender and  
1417 other categories of diversity when nominating board members.

1418 (b) Members of the board shall serve terms of four (4)  
1419 years.

1420 (c) Members may serve beyond the end of their  
1421 respective terms until their successors have been appointed and  
1422 qualified. No member shall serve more than two (2) consecutive  
1423 four-year terms. Members may be removed by the Governor for  
1424 neglect of duty, misfeasance or nonfeasance in office. The board  
1425 shall annually elect a chairman from among its voting members.

1426 (8) Appointed members of the board shall be entitled to per  
1427 diem compensation pursuant to Section 25-3-69. No appointed  
1428 member of the board shall be considered a public officer.

1429 (9) The board, upon the initial call of the Governor and the  
1430 chairman thereafter, shall meet at least monthly for the first  
1431 eighteen (18) months and at such other times as the chairman may  
1432 determine. Three (3) voting members of the board shall constitute  
1433 a quorum. The board shall also meet upon call of three (3) or



1434 more of the voting members of the board. The board shall keep  
1435 accurate and complete records of all its meetings.

1436 (10) The board shall have the following powers and duties:

1437 (a) Developing the administrative policy for the  
1438 scholarship program;

1439 (b) Promulgating rules and regulations pertaining to  
1440 the implementation and operation of the scholarship program,  
1441 including scholarship eligibility and academic compliance;

1442 (c) Establishing a budget to support the activities of  
1443 the program and periodically reviewing and if appropriate,  
1444 revising the scholarship and other stipends offered through the  
1445 program;

1446 (d) Reviewing participants' progress in the program and  
1447 mentoring students participating in the program; and

1448 (e) Developing and participating in programs that  
1449 provide initial practice support in collaboration with other  
1450 interested professional organizations.

1451 (11) Students who receive scholarships from the program  
1452 shall complete eight (8) hours of community service for each  
1453 semester in which they are enrolled. Students shall provide proof  
1454 of completion of these hours to the program.

1455 (12) The board shall submit an annual report by August 1 of  
1456 each year to the Senate, House of Representatives, Governor and  
1457 Lieutenant Governor.



1458           **SECTION 28.** Section 41-29-125, Mississippi Code of 1972, is  
1459 amended as follows:

1460           41-29-125. (1) The State Board of Pharmacy may promulgate  
1461 rules and regulations relating to the registration and control of  
1462 the manufacture, distribution and dispensing of controlled  
1463 substances within this state and the distribution and dispensing  
1464 of controlled substances into this state from an out-of-state  
1465 location.

1466           (a) Every person who manufactures, distributes or  
1467 dispenses any controlled substance within this state or who  
1468 distributes or dispenses any controlled substance into this state  
1469 from an out-of-state location, or who proposes to engage in the  
1470 manufacture, distribution or dispensing of any controlled  
1471 substance within this state or the distribution or dispensing of  
1472 any controlled substance into this state from an out-of-state  
1473 location, must obtain a registration issued by the State Board of  
1474 Pharmacy, the State Board of Medical Licensure, the State Board of  
1475 Dental Examiners, the Mississippi Board of Nursing or the  
1476 Mississippi Board of Veterinary Medicine, as appropriate, in  
1477 accordance with its rules and the law of this state. Such  
1478 registration shall be obtained annually or biennially, as  
1479 specified by the issuing board, and a reasonable fee may be  
1480 charged by the issuing board for such registration.

1481           (b) Persons registered by the State Board of Pharmacy,  
1482 with the consent of the United States Drug Enforcement



1483 Administration and the State Board of Medical Licensure, the State  
1484 Board of Dental Examiners, the Mississippi Board of Nursing or the  
1485 Mississippi Board of Veterinary Medicine to manufacture,  
1486 distribute, dispense or conduct research with controlled  
1487 substances may possess, manufacture, distribute, dispense or  
1488 conduct research with those substances to the extent authorized by  
1489 their registration and in conformity with the other provisions of  
1490 this article.

1491 (c) The following persons need not register and may  
1492 lawfully possess controlled substances under this article:

1493 (1) An agent or employee of any registered  
1494 manufacturer, distributor or dispenser of any controlled substance  
1495 if he is acting in the usual course of his business or employment;

1496 (2) A common or contract carrier or warehouse, or  
1497 an employee thereof, whose possession of any controlled substance  
1498 is in the usual course of business or employment;

1499 (3) An ultimate user or a person in possession of  
1500 any controlled substance pursuant to a valid prescription or in  
1501 lawful possession of a Schedule V substance as defined in Section  
1502 41-29-121.

1503 (d) The State Board of Pharmacy may waive by rule the  
1504 requirement for registration of certain manufacturers,  
1505 distributors or dispensers if it finds it consistent with the  
1506 public health and safety.



1507           (e) A separate registration is required at each  
1508 principal place of business or professional practice where an  
1509 applicant within the state manufactures, distributes or dispenses  
1510 controlled substances and for each principal place of business or  
1511 professional practice located out-of-state from which controlled  
1512 substances are distributed or dispensed into the state.

1513           (f) The State Board of Pharmacy, the Mississippi Bureau  
1514 of Narcotics, the State Board of Medical Licensure, the State  
1515 Board of Dental Examiners, the Mississippi Board of Nursing and  
1516 the Mississippi Board of Veterinary Medicine may inspect the  
1517 establishment of a registrant or applicant for registration in  
1518 accordance with the regulations of these agencies as approved by  
1519 the board.

1520           (2) Whenever a pharmacy ships, mails or delivers any  
1521 Schedule II controlled substance listed in Section 41-29-115 to a  
1522 private residence in this state, the pharmacy shall arrange with  
1523 the entity that will actually deliver the controlled substance to  
1524 a recipient in this state that the entity will: (a) deliver the  
1525 controlled substance only to a person who is eighteen (18) years  
1526 of age or older; and (b) obtain the signature of that person  
1527 before delivering the controlled substance. The requirements of  
1528 this subsection shall not apply to a pharmacy serving a nursing  
1529 facility or to a pharmacy owned and/or operated by a hospital,  
1530 nursing facility or clinic to which the general public does not  
1531 have access to purchase pharmaceuticals on a retail basis.



1532           (3) This section does not apply to any of the acts regarding  
1533 the medical use of cannabis that are lawful under the Mississippi  
1534 Medical Cannabis Act.

1535           **SECTION 29.** Section 41-29-127, Mississippi Code of 1972, is  
1536 amended as follows:

1537           41-29-127. (a) The State Board of Pharmacy shall register  
1538 an applicant to manufacture or distribute controlled substances  
1539 included in Sections 41-29-113 through 41-29-121 unless it  
1540 determines that the issuance of that registration would be  
1541 inconsistent with the public interest. In determining the public  
1542 interest, the State Board of Pharmacy shall consider the following  
1543 factors:

1544           (1) Maintenance of effective controls against diversion  
1545 of controlled substances into other than legitimate medical,  
1546 scientific, or industrial channels;

1547           (2) Compliance with applicable state and local law;

1548           (3) Any convictions of the applicant under any federal  
1549 and state laws relating to any controlled substance;

1550           (4) Past experience in the manufacture or distribution  
1551 of controlled substances and the existence in the applicant's  
1552 establishment of effective controls against diversion;

1553           (5) Furnishing by the applicant of false or fraudulent  
1554 material in any application filed under this article;



1555 (6) Suspension or revocation of the applicant's federal  
1556 registration to manufacture, distribute, or dispense controlled  
1557 substances as authorized by federal law; and

1558 (7) Any other factors relevant to and consistent with  
1559 the public health and safety.

1560 (b) Registration under subsection (a) does not entitle a  
1561 registrant to manufacture and distribute controlled substances in  
1562 Schedule I or II, as set out in Sections 41-29-113 and 41-29-115,  
1563 other than those specified in the registration.

1564 (c) Practitioners must be registered to dispense any  
1565 controlled substances or to conduct research with controlled  
1566 substances in Schedules II through V, as set out in Sections  
1567 41-29-115 through 41-29-121, if they are authorized to dispense or  
1568 conduct research under the law of this state. The State Board of  
1569 Pharmacy need not require separate registration under this section  
1570 for practitioners engaging in research with nonnarcotic controlled  
1571 substances in the said Schedules II through V where the registrant  
1572 is already registered therein in another capacity. Practitioners  
1573 registered under federal law to conduct research with Schedule I  
1574 substances, as set out in Section 41-29-113, may conduct research  
1575 with Schedule I substances within this state upon furnishing the  
1576 State Board of Health evidence of that federal registration.

1577 (d) Compliance by manufacturers and distributors with the  
1578 provisions of the federal law respecting registration (excluding  
1579 fees) entitles them to be registered under this article.





1580           (e) This section does not apply to any of the acts regarding  
1581 the medical use of cannabis that are lawful under the Mississippi  
1582 Medical Cannabis Act.

1583           **SECTION 30.** Section 41-29-136, Mississippi Code of 1972, is  
1584 amended as follows:

1585           41-29-136. (1) "CBD solution" means a pharmaceutical  
1586 preparation consisting of processed cannabis plant extract in oil  
1587 or other suitable vehicle.

1588           (2) (a) CBD solution prepared from (i) cannabis plant  
1589 extract that is provided by the National Center for Natural  
1590 Products Research at the University of Mississippi under  
1591 appropriate federal and state regulatory approvals, or (ii)  
1592 cannabis extract from hemp produced pursuant to Sections 69-25-201  
1593 through 69-25-221, which is prepared and tested to meet compliance  
1594 with regulatory specifications, may be dispensed by the Department  
1595 of Pharmacy Services at the University of Mississippi Medical  
1596 Center (UMMC Pharmacy) after mixing the extract with a suitable  
1597 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or  
1598 by another pharmacy or laboratory in the state under appropriate  
1599 federal and state regulatory approvals and registrations.

1600           (b) The patient or the patient's parent, guardian or  
1601 custodian must execute a hold-harmless agreement that releases  
1602 from liability the state and any division, agency, institution or  
1603 employee thereof involved in the research, cultivation,  
1604 processing, formulating, dispensing, prescribing or administration



1605 of CBD solution obtained from entities authorized under this  
1606 section to produce or possess cannabidiol for research under  
1607 appropriate federal and state regulatory approvals and  
1608 registrations.

1609 (c) The National Center for Natural Products Research  
1610 at the University of Mississippi and the Mississippi Agricultural  
1611 and Forestry Experiment Station at Mississippi State University  
1612 are the only entities authorized to produce cannabis plants for  
1613 cannabidiol research.

1614 (d) Research of CBD solution under this section must  
1615 comply with the provisions of Section 41-29-125 regarding lawful  
1616 possession of controlled substances, of Section 41-29-137  
1617 regarding record-keeping requirements relative to the dispensing,  
1618 use or administration of controlled substances, and of Section  
1619 41-29-133 regarding inventory requirements, insofar as they are  
1620 applicable. Authorized entities may enter into public-private  
1621 partnerships to facilitate research.

1622 (3) (a) In a prosecution for the unlawful possession of  
1623 marijuana under the laws of this state, it is an affirmative and  
1624 complete defense to prosecution that:

1625 (i) The defendant suffered from a debilitating  
1626 epileptic condition or related illness and the use or possession  
1627 of CBD solution was pursuant to the order of a physician as  
1628 authorized under this section; or



1629 (ii) The defendant is the parent, guardian or  
1630 custodian of an individual who suffered from a debilitating  
1631 epileptic condition or related illness and the use or possession  
1632 of CBD solution was pursuant to the order of a physician as  
1633 authorized under this section.

1634 (b) An agency of this state or a political subdivision  
1635 thereof, including any law enforcement agency, may not initiate  
1636 proceedings to remove a child from the home based solely upon the  
1637 possession or use of CBD solution by the child or parent, guardian  
1638 or custodian of the child as authorized under this section.

1639 (c) An employee of the state or any division, agency,  
1640 institution thereof involved in the research, cultivation,  
1641 processing, formulation, dispensing, prescribing or administration  
1642 of CBD solution shall not be subject to prosecution for unlawful  
1643 possession, use, distribution or prescription of marijuana under  
1644 the laws of this state for activities arising from or related to  
1645 the use of CBD solution in the treatment of individuals diagnosed  
1646 with a debilitating epileptic condition.

1647 (4) This section does not apply to any of the acts regarding  
1648 the medical use of cannabis that are lawful under the Mississippi  
1649 Medical Cannabis Act.

1650 ( \* \* \*5) This section shall be known as "Harper Grace's  
1651 Law."

1652 ( \* \* \*6) This section shall stand repealed from and after  
1653 July 1, \* \* \* 2025.



1654           **SECTION 31.** Section 41-29-137, Mississippi Code of 1972, is  
1655 amended as follows:

1656           41-29-137. (a) (1) Except when dispensed directly by a  
1657 practitioner, other than a pharmacy, to an ultimate user, no  
1658 controlled substance in Schedule II, as set out in Section  
1659 41-29-115, may be dispensed without the written valid prescription  
1660 of a practitioner. A practitioner shall keep a record of all  
1661 controlled substances in Schedule I, II and III administered,  
1662 dispensed or professionally used by him otherwise than by  
1663 prescription.

1664           (2) In emergency situations, as defined by rule of the  
1665 State Board of Pharmacy, Schedule II drugs may be dispensed upon  
1666 the oral valid prescription of a practitioner, reduced promptly to  
1667 writing and filed by the pharmacy. Prescriptions shall be  
1668 retained in conformity with the requirements of Section 41-29-133.  
1669 No prescription for a Schedule II substance may be refilled unless  
1670 renewed by prescription issued by a licensed medical doctor.

1671           (b) Except when dispensed directly by a practitioner, other  
1672 than a pharmacy, to an ultimate user, a controlled substance  
1673 included in Schedule III or IV, as set out in Sections 41-29-117  
1674 and 41-29-119, shall not be dispensed without a written or oral  
1675 valid prescription of a practitioner. The prescription shall not  
1676 be filled or refilled more than six (6) months after the date  
1677 thereof or be refilled more than five (5) times, unless renewed by  
1678 the practitioner.



1679 (c) A controlled substance included in Schedule V, as set  
1680 out in Section 41-29-121, shall not be distributed or dispensed  
1681 other than for a medical purpose.

1682 (d) An optometrist certified to prescribe and use  
1683 therapeutic pharmaceutical agents under Sections 73-19-153 through  
1684 73-19-165 shall be authorized to prescribe oral analgesic  
1685 controlled substances in Schedule IV or V, as pertains to  
1686 treatment and management of eye disease by written prescription  
1687 only.

1688 (e) Administration by injection of any pharmaceutical  
1689 product authorized in this section is expressly prohibited except  
1690 when dispensed directly by a practitioner other than a pharmacy.

1691 (f) (1) For the purposes of this article, Title 73, Chapter  
1692 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it  
1693 pertains to prescriptions for controlled substances, a "valid  
1694 prescription" means a prescription that is issued for a legitimate  
1695 medical purpose in the usual course of professional practice by:

1696 (A) A practitioner who has conducted at least one  
1697 (1) in-person medical evaluation of the patient, except as  
1698 otherwise authorized by Section 41-29-137.1 through June 30, 2021;  
1699 or

1700 (B) A covering practitioner.

1701 (2) (A) "In-person medical evaluation" means a medical  
1702 evaluation that is conducted with the patient in the physical



1703 presence of the practitioner, without regard to whether portions  
1704 of the evaluation are conducted by other health professionals.

1705 (B) "Covering practitioner" means a practitioner  
1706 who conducts a medical evaluation other than an in-person medical  
1707 evaluation at the request of a practitioner who has conducted at  
1708 least one (1) in-person medical evaluation of the patient or an  
1709 evaluation of the patient through the practice of telemedicine  
1710 within the previous twenty-four (24) months and who is temporarily  
1711 unavailable to conduct the evaluation of the patient.

1712 (3) A prescription for a controlled substance based  
1713 solely on a consumer's completion of an online medical  
1714 questionnaire is not a valid prescription.

1715 (4) Nothing in this subsection (f) shall apply to:

1716 (A) A prescription issued by a practitioner  
1717 engaged in the practice of telemedicine as authorized under state  
1718 or federal law; or

1719 (B) The dispensing or selling of a controlled  
1720 substance pursuant to practices as determined by the United States  
1721 Attorney General by regulation.

1722 (g) This section does not apply to any of the acts regarding  
1723 the medical use of cannabis that are lawful under the Mississippi  
1724 Medical Cannabis Act.

1725 **SECTION 32.** Section 41-29-139, Mississippi Code of 1972, is  
1726 amended as follows:



1727 41-29-139. (a) **Transfer and possession with intent to**  
1728 **transfer.** Except as authorized by this article, it is unlawful  
1729 for any person knowingly or intentionally:

1730 (1) To sell, barter, transfer, manufacture, distribute,  
1731 dispense or possess with intent to sell, barter, transfer,  
1732 manufacture, distribute or dispense, a controlled substance; or

1733 (2) To create, sell, barter, transfer, distribute,  
1734 dispense or possess with intent to create, sell, barter, transfer,  
1735 distribute or dispense, a counterfeit substance.

1736 (b) **Punishment for transfer and possession with intent to**  
1737 **transfer.** Except as otherwise provided in Section 41-29-142, any  
1738 person who violates subsection (a) of this section shall be, if  
1739 convicted, sentenced as follows:

1740 (1) For controlled substances classified in Schedule I  
1741 or II, as set out in Sections 41-29-113 and 41-29-115, other than  
1742 marijuana or synthetic cannabinoids:

1743 (A) If less than two (2) grams or ten (10) dosage  
1744 units, by imprisonment for not more than eight (8) years or a fine  
1745 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

1746 (B) If two (2) or more grams or ten (10) or more  
1747 dosage units, but less than ten (10) grams or twenty (20) dosage  
1748 units, by imprisonment for not less than three (3) years nor more  
1749 than twenty (20) years or a fine of not more than Two Hundred  
1750 Fifty Thousand Dollars (\$250,000.00), or both.



1751 (C) If ten (10) or more grams or twenty (20) or  
1752 more dosage units, but less than thirty (30) grams or forty (40)  
1753 dosage units, by imprisonment for not less than five (5) years nor  
1754 more than thirty (30) years or a fine of not more than Five  
1755 Hundred Thousand Dollars (\$500,000.00), or both.

1756 (2) (A) For marijuana:

1757 1. If thirty (30) grams or less, by  
1758 imprisonment for not more than three (3) years or a fine of not  
1759 more than Three Thousand Dollars (\$3,000.00), or both;

1760 2. If more than thirty (30) grams but less  
1761 than two hundred fifty (250) grams, by imprisonment for not more  
1762 than five (5) years or a fine of not more than Five Thousand  
1763 Dollars (\$5,000.00), or both;

1764 3. If two hundred fifty (250) or more grams  
1765 but less than five hundred (500) grams, by imprisonment for not  
1766 less than three (3) years nor more than ten (10) years or a fine  
1767 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

1768 4. If five hundred (500) or more grams but  
1769 less than one (1) kilogram, by imprisonment for not less than five  
1770 (5) years nor more than twenty (20) years or a fine of not more  
1771 than Twenty Thousand Dollars (\$20,000.00), or both.

1772 (B) For synthetic cannabinoids:

1773 1. If ten (10) grams or less, by imprisonment  
1774 for not more than three (3) years or a fine of not more than Three  
1775 Thousand Dollars (\$3,000.00), or both;





1776                   2. If more than ten (10) grams but less than  
1777 twenty (20) grams, by imprisonment for not more than five (5)  
1778 years or a fine of not more than Five Thousand Dollars  
1779 (\$5,000.00), or both;

1780                   3. If twenty (20) or more grams but less than  
1781 forty (40) grams, by imprisonment for not less than three (3)  
1782 years nor more than ten (10) years or a fine of not more than  
1783 Fifteen Thousand Dollars (\$15,000.00), or both;

1784                   4. If forty (40) or more grams but less than  
1785 two hundred (200) grams, by imprisonment for not less than five  
1786 (5) years nor more than twenty (20) years or a fine of not more  
1787 than Twenty Thousand Dollars (\$20,000.00), or both.

1788                   (3) For controlled substances classified in Schedules  
1789 III and IV, as set out in Sections 41-29-117 and 41-29-119:

1790                   (A) If less than two (2) grams or ten (10) dosage  
1791 units, by imprisonment for not more than five (5) years or a fine  
1792 of not more than Five Thousand Dollars (\$5,000.00), or both;

1793                   (B) If two (2) or more grams or ten (10) or more  
1794 dosage units, but less than ten (10) grams or twenty (20) dosage  
1795 units, by imprisonment for not more than eight (8) years or a fine  
1796 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

1797                   (C) If ten (10) or more grams or twenty (20) or  
1798 more dosage units, but less than thirty (30) grams or forty (40)  
1799 dosage units, by imprisonment for not more than fifteen (15) years



1800 or a fine of not more than One Hundred Thousand Dollars  
1801 (\$100,000.00), or both;

1802 (D) If thirty (30) or more grams or forty (40) or  
1803 more dosage units, but less than five hundred (500) grams or two  
1804 thousand five hundred (2,500) dosage units, by imprisonment for  
1805 not more than twenty (20) years or a fine of not more than Two  
1806 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

1807 (4) For controlled substances classified in Schedule V,  
1808 as set out in Section 41-29-121:

1809 (A) If less than two (2) grams or ten (10) dosage  
1810 units, by imprisonment for not more than one (1) year or a fine of  
1811 not more than Five Thousand Dollars (\$5,000.00), or both;

1812 (B) If two (2) or more grams or ten (10) or more  
1813 dosage units, but less than ten (10) grams or twenty (20) dosage  
1814 units, by imprisonment for not more than five (5) years or a fine  
1815 of not more than Ten Thousand Dollars (\$10,000.00), or both;

1816 (C) If ten (10) or more grams or twenty (20) or  
1817 more dosage units, but less than thirty (30) grams or forty (40)  
1818 dosage units, by imprisonment for not more than ten (10) years or  
1819 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
1820 both;

1821 (D) For thirty (30) or more grams or forty (40) or  
1822 more dosage units, but less than five hundred (500) grams or two  
1823 thousand five hundred (2,500) dosage units, by imprisonment for



1824 not more than fifteen (15) years or a fine of not more than Fifty  
1825 Thousand Dollars (\$50,000.00), or both.

1826 (c) **Simple possession.** It is unlawful for any person  
1827 knowingly or intentionally to possess any controlled substance  
1828 unless the substance was obtained directly from, or pursuant to, a  
1829 valid prescription or order of a practitioner while acting in the  
1830 course of his professional practice, or except as otherwise  
1831 authorized by this article. The penalties for any violation of  
1832 this subsection (c) with respect to a controlled substance  
1833 classified in Schedules I, II, III, IV or V, as set out in Section  
1834 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including  
1835 marijuana or synthetic cannabinoids, shall be based on dosage unit  
1836 as defined herein or the weight of the controlled substance as set  
1837 forth herein as appropriate:

1838 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
1839 case of a liquid solution, one (1) milliliter. In the case of  
1840 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
1841 stamp, square, dot, microdot, tablet or capsule of a controlled  
1842 substance.

1843 For any controlled substance that does not fall within the  
1844 definition of the term "dosage unit," the penalties shall be based  
1845 upon the weight of the controlled substance.

1846 The weight set forth refers to the entire weight of any  
1847 mixture or substance containing a detectable amount of the  
1848 controlled substance.



1849           If a mixture or substance contains more than one (1)  
1850 controlled substance, the weight of the mixture or substance is  
1851 assigned to the controlled substance that results in the greater  
1852 punishment.

1853           A person shall be charged and sentenced as follows for a  
1854 violation of this subsection with respect to:

1855                   (1) A controlled substance classified in Schedule I or  
1856 II, except marijuana and synthetic cannabinoids:

1857                           (A) If less than one-tenth (0.1) gram or two (2)  
1858 dosage units, the violation is a misdemeanor and punishable by  
1859 imprisonment for not more than one (1) year or a fine of not more  
1860 than One Thousand Dollars (\$1,000.00), or both.

1861                           (B) If one-tenth (0.1) gram or more or two (2) or  
1862 more dosage units, but less than two (2) grams or ten (10) dosage  
1863 units, by imprisonment for not more than three (3) years or a fine  
1864 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

1865                           (C) If two (2) or more grams or ten (10) or more  
1866 dosage units, but less than ten (10) grams or twenty (20) dosage  
1867 units, by imprisonment for not more than eight (8) years or a fine  
1868 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),  
1869 or both.

1870                           (D) If ten (10) or more grams or twenty (20) or  
1871 more dosage units, but less than thirty (30) grams or forty (40)  
1872 dosage units, by imprisonment for not less than three (3) years



1873 nor more than twenty (20) years or a fine of not more than Five  
1874 Hundred Thousand Dollars (\$500,000.00), or both.

1875 (2) (A) Marijuana and synthetic cannabinoids:

1876 1. If thirty (30) grams or less of marijuana  
1877 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
1878 not less than One Hundred Dollars (\$100.00) nor more than Two  
1879 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph  
1880 (2) (A) may be enforceable by summons if the offender provides  
1881 proof of identity satisfactory to the arresting officer and gives  
1882 written promise to appear in court satisfactory to the arresting  
1883 officer, as directed by the summons. A second conviction under  
1884 this section within two (2) years is a misdemeanor punishable by a  
1885 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty  
1886 (60) days in the county jail, and mandatory participation in a  
1887 drug education program approved by the Division of Alcohol and  
1888 Drug Abuse of the State Department of Mental Health, unless the  
1889 court enters a written finding that a drug education program is  
1890 inappropriate. A third or subsequent conviction under this  
1891 paragraph (2) (A) within two (2) years is a misdemeanor punishable  
1892 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor  
1893 more than One Thousand Dollars (\$1,000.00) and confinement for not  
1894 more than six (6) months in the county jail.

1895 Upon a first or second conviction under this paragraph  
1896 (2) (A), the courts shall forward a report of the conviction to the  
1897 Mississippi Bureau of Narcotics which shall make and maintain a



1898 private, nonpublic record for a period not to exceed two (2) years  
1899 from the date of conviction. The private, nonpublic record shall  
1900 be solely for the use of the courts in determining the penalties  
1901 which attach upon conviction under this paragraph (2)(A) and shall  
1902 not constitute a criminal record for the purpose of private or  
1903 administrative inquiry and the record of each conviction shall be  
1904 expunged at the end of the period of two (2) years following the  
1905 date of such conviction;

1906                   2. Additionally, a person who is the operator  
1907 of a motor vehicle, who possesses on his person or knowingly keeps  
1908 or allows to be kept in a motor vehicle within the area of the  
1909 vehicle normally occupied by the driver or passengers, more than  
1910 one (1) gram, but not more than thirty (30) grams of marijuana or  
1911 not more than ten (10) grams of synthetic cannabinoids is guilty  
1912 of a misdemeanor and, upon conviction, may be fined not more than  
1913 One Thousand Dollars (\$1,000.00) or confined for not more than  
1914 ninety (90) days in the county jail, or both. For the purposes of  
1915 this subsection, such area of the vehicle shall not include the  
1916 trunk of the motor vehicle or the areas not normally occupied by  
1917 the driver or passengers if the vehicle is not equipped with a  
1918 trunk. A utility or glove compartment shall be deemed to be  
1919 within the area occupied by the driver and passengers;

1920                   (B) Marijuana:

1921                   1. If more than thirty (30) grams but less  
1922 than two hundred fifty (250) grams, by a fine of not more than One



1923 Thousand Dollars (\$1,000.00), or confinement in the county jail  
1924 for not more than one (1) year, or both; or by a fine of not more  
1925 than Three Thousand Dollars (\$3,000.00), or imprisonment in the  
1926 custody of the Department of Corrections for not more than three  
1927 (3) years, or both;

1928                           2. If two hundred fifty (250) or more grams  
1929 but less than five hundred (500) grams, by imprisonment for not  
1930 less than two (2) years nor more than eight (8) years or by a fine  
1931 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

1932                           3. If five hundred (500) or more grams but  
1933 less than one (1) kilogram, by imprisonment for not less than four  
1934 (4) years nor more than sixteen (16) years or a fine of not more  
1935 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

1936                           4. If one (1) kilogram or more but less than  
1937 five (5) kilograms, by imprisonment for not less than six (6)  
1938 years nor more than twenty-four (24) years or a fine of not more  
1939 than Five Hundred Thousand Dollars (\$500,000.00), or both;

1940                           5. If five (5) kilograms or more, by  
1941 imprisonment for not less than ten (10) years nor more than thirty  
1942 (30) years or a fine of not more than One Million Dollars  
1943 (\$1,000,000.00), or both.

1944                           (C) Synthetic cannabinoids:

1945                           1. If more than ten (10) grams but less than  
1946 twenty (20) grams, by a fine of not more than One Thousand Dollars  
1947 (\$1,000.00), or confinement in the county jail for not more than



1948 one (1) year, or both; or by a fine of not more than Three  
1949 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
1950 the Department of Corrections for not more than three (3) years,  
1951 or both;

1952                   2. If twenty (20) or more grams but less than  
1953 forty (40) grams, by imprisonment for not less than two (2) years  
1954 nor more than eight (8) years or by a fine of not more than Fifty  
1955 Thousand Dollars (\$50,000.00), or both;

1956                   3. If forty (40) or more grams but less than  
1957 two hundred (200) grams, by imprisonment for not less than four  
1958 (4) years nor more than sixteen (16) years or a fine of not more  
1959 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

1960                   4. If two hundred (200) or more grams, by  
1961 imprisonment for not less than six (6) years nor more than  
1962 twenty-four (24) years or a fine of not more than Five Hundred  
1963 Thousand Dollars (\$500,000.00), or both.

1964                   (3) A controlled substance classified in Schedule III,  
1965 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
1966 conviction, may be punished as follows:

1967                   (A) If less than fifty (50) grams or less than one  
1968 hundred (100) dosage units, the offense is a misdemeanor and  
1969 punishable by not more than one (1) year or a fine of not more  
1970 than One Thousand Dollars (\$1,000.00), or both.

1971                   (B) If fifty (50) or more grams or one hundred  
1972 (100) or more dosage units, but less than one hundred fifty (150)





1973 grams or five hundred (500) dosage units, by imprisonment for not  
1974 less than one (1) year nor more than four (4) years or a fine of  
1975 not more than Ten Thousand Dollars (\$10,000.00), or both.

1976 (C) If one hundred fifty (150) or more grams or  
1977 five hundred (500) or more dosage units, but less than three  
1978 hundred (300) grams or one thousand (1,000) dosage units, by  
1979 imprisonment for not less than two (2) years nor more than eight  
1980 (8) years or a fine of not more than Fifty Thousand Dollars  
1981 (\$50,000.00), or both.

1982 (D) If three hundred (300) or more grams or one  
1983 thousand (1,000) or more dosage units, but less than five hundred  
1984 (500) grams or two thousand five hundred (2,500) dosage units, by  
1985 imprisonment for not less than four (4) years nor more than  
1986 sixteen (16) years or a fine of not more than Two Hundred Fifty  
1987 Thousand Dollars (\$250,000.00), or both.

1988 (d) **Paraphernalia.** (1) It is unlawful for a person who is  
1989 not authorized by the State Board of Medical Licensure, State  
1990 Board of Pharmacy, or other lawful authority to use, or to possess  
1991 with intent to use, paraphernalia to plant, propagate, cultivate,  
1992 grow, harvest, manufacture, compound, convert, produce, process,  
1993 prepare, test, analyze, pack, repack, store, contain, conceal,  
1994 inject, ingest, inhale or otherwise introduce into the human body  
1995 a controlled substance in violation of the Uniform Controlled  
1996 Substances Law. Any person who violates this subsection (d)(1) is  
1997 guilty of a misdemeanor and, upon conviction, may be confined in



1998 the county jail for not more than six (6) months, or fined not  
1999 more than Five Hundred Dollars (\$500.00), or both; however, no  
2000 person shall be charged with a violation of this subsection when  
2001 such person is also charged with the possession of thirty (30)  
2002 grams or less of marijuana under subsection (c) (2) (A) of this  
2003 section.

2004 (2) It is unlawful for any person to deliver, sell,  
2005 possess with intent to deliver or sell, or manufacture with intent  
2006 to deliver or sell, paraphernalia, knowing, or under circumstances  
2007 where one reasonably should know, that it will be used to plant,  
2008 propagate, cultivate, grow, harvest, manufacture, compound,  
2009 convert, produce, process, prepare, test, analyze, pack, repack,  
2010 store, contain, conceal, inject, ingest, inhale, or otherwise  
2011 introduce into the human body a controlled substance in violation  
2012 of the Uniform Controlled Substances Law. Except as provided in  
2013 subsection (d) (3), a person who violates this subsection (d) (2) is  
2014 guilty of a misdemeanor and, upon conviction, may be confined in  
2015 the county jail for not more than six (6) months, or fined not  
2016 more than Five Hundred Dollars (\$500.00), or both.

2017 (3) Any person eighteen (18) years of age or over who  
2018 violates subsection (d) (2) of this section by delivering or  
2019 selling paraphernalia to a person under eighteen (18) years of age  
2020 who is at least three (3) years his junior is guilty of a  
2021 misdemeanor and, upon conviction, may be confined in the county



2022 jail for not more than one (1) year, or fined not more than One  
2023 Thousand Dollars (\$1,000.00), or both.

2024 (4) It is unlawful for any person to place in any  
2025 newspaper, magazine, handbill, or other publication any  
2026 advertisement, knowing, or under circumstances where one  
2027 reasonably should know, that the purpose of the advertisement, in  
2028 whole or in part, is to promote the sale of objects designed or  
2029 intended for use as paraphernalia. Any person who violates this  
2030 subsection is guilty of a misdemeanor and, upon conviction, may be  
2031 confined in the county jail for not more than six (6) months, or  
2032 fined not more than Five Hundred Dollars (\$500.00), or both.

2033 (e) It shall be unlawful for any physician practicing  
2034 medicine in this state to prescribe, dispense or administer any  
2035 amphetamine or amphetamine-like anorectics and/or central nervous  
2036 system stimulants classified in Schedule II, pursuant to Section  
2037 41-29-115, for the exclusive treatment of obesity, weight control  
2038 or weight loss. Any person who violates this subsection, upon  
2039 conviction, is guilty of a misdemeanor and may be confined for a  
2040 period not to exceed six (6) months, or fined not more than One  
2041 Thousand Dollars (\$1,000.00), or both.

2042 (f) **Trafficking.** (1) Any person trafficking in controlled  
2043 substances shall be guilty of a felony and, upon conviction, shall  
2044 be imprisoned for a term of not less than ten (10) years nor more  
2045 than forty (40) years and shall be fined not less than Five  
2046 Thousand Dollars (\$5,000.00) nor more than One Million Dollars



2047 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
2048 reduced or suspended. The person shall not be eligible for  
2049 probation or parole, the provisions of Sections 41-29-149,  
2050 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

2051 (2) "Trafficking in controlled substances" as used  
2052 herein means:

2053 (A) A violation of subsection (a) of this section  
2054 involving thirty (30) or more grams or forty (40) or more dosage  
2055 units of a Schedule I or II controlled substance except marijuana  
2056 and synthetic cannabinoids;

2057 (B) A violation of subsection (a) of this section  
2058 involving five hundred (500) or more grams or two thousand five  
2059 hundred (2,500) or more dosage units of a Schedule III, IV or V  
2060 controlled substance;

2061 (C) A violation of subsection (c) of this section  
2062 involving thirty (30) or more grams or forty (40) or more dosage  
2063 units of a Schedule I or II controlled substance except marijuana  
2064 and synthetic cannabinoids;

2065 (D) A violation of subsection (c) of this section  
2066 involving five hundred (500) or more grams or two thousand five  
2067 hundred (2,500) or more dosage units of a Schedule III, IV or V  
2068 controlled substance; or

2069 (E) A violation of subsection (a) of this section  
2070 involving one (1) kilogram or more of marijuana or two hundred  
2071 (200) grams or more of synthetic cannabinoids.



2072 (g) **Aggravated trafficking.** Any person trafficking in  
2073 Schedule I or II controlled substances, except marijuana and  
2074 synthetic cannabinoids, of two hundred (200) grams or more shall  
2075 be guilty of aggravated trafficking and, upon conviction, shall be  
2076 sentenced to a term of not less than twenty-five (25) years nor  
2077 more than life in prison and shall be fined not less than Five  
2078 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
2079 (\$1,000,000.00). The twenty-five-year sentence shall be a  
2080 mandatory sentence and shall not be reduced or suspended. The  
2081 person shall not be eligible for probation or parole, the  
2082 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
2083 the contrary notwithstanding.

2084 (h) **Sentence mitigation.** (1) Notwithstanding any provision  
2085 of this section, a person who has been convicted of an offense  
2086 under this section that requires the judge to impose a prison  
2087 sentence which cannot be suspended or reduced and is ineligible  
2088 for probation or parole may, at the discretion of the court,  
2089 receive a sentence of imprisonment that is no less than  
2090 twenty-five percent (25%) of the sentence prescribed by the  
2091 applicable statute. In considering whether to apply the departure  
2092 from the sentence prescribed, the court shall conclude that:

2093 (A) The offender was not a leader of the criminal  
2094 enterprise;

2095 (B) The offender did not use violence or a weapon  
2096 during the crime;



2097 (C) The offense did not result in a death or  
2098 serious bodily injury of a person not a party to the criminal  
2099 enterprise; and

2100 (D) The interests of justice are not served by the  
2101 imposition of the prescribed mandatory sentence.

2102 The court may also consider whether information and  
2103 assistance were furnished to a law enforcement agency, or its  
2104 designee, which, in the opinion of the trial judge, objectively  
2105 should or would have aided in the arrest or prosecution of others  
2106 who violate this subsection. The accused shall have adequate  
2107 opportunity to develop and make a record of all information and  
2108 assistance so furnished.

2109 (2) If the court reduces the prescribed sentence  
2110 pursuant to this subsection, it must specify on the record the  
2111 circumstances warranting the departure.

2112 (i) Mississippi Medical Cannabinoids. This section does not  
2113 apply to any of the acts regarding the medical use of cannabis  
2114 that are lawful under the Mississippi Medical Cannabis Act.

2115 **SECTION 33.** Section 41-29-141, Mississippi Code of 1972, is  
2116 amended as follows:

2117 41-29-141. It is unlawful for any person:

2118 (1) Who is subject to Section 41-29-125 to distribute  
2119 or dispense a controlled substance in violation of Section  
2120 41-29-137;



2121           (2) Who is a registrant under Section 41-29-125 to  
2122 manufacture a controlled substance not authorized by his  
2123 registration, or to distribute or dispense a controlled substance  
2124 not authorized by his registration to another registrant or other  
2125 authorized person;

2126           (3) To refuse or fail to make, keep or furnish any  
2127 record, notification, order form, statement, invoice or  
2128 information required under this article;

2129           (4) To refuse a lawful entry into any premises for any  
2130 inspection authorized by this article; or

2131           (5) Knowingly to keep or maintain any store, shop,  
2132 warehouse, dwelling, building, vehicle, boat, aircraft, or other  
2133 structure or place, which is resorted to by persons using  
2134 controlled substances in violation of this article for the purpose  
2135 of using these substances, or which is used for keeping or selling  
2136 them in violation of this article.

2137           Any person who violates this section shall, with respect to  
2138 such violation, be subject to a civil penalty payable to the State  
2139 of Mississippi of not more than Twenty-five Thousand Dollars  
2140 (\$25,000.00).

2141           In addition to the civil penalty provided in the preceding  
2142 paragraph, any person who knowingly or intentionally violates this  
2143 section shall be guilty of a crime and upon conviction thereof may  
2144 be confined for a period of not more than one (1) year or fined  
2145 not more than One Thousand Dollars (\$1,000.00), or both.



2146           This section does not apply to any of the acts regarding the  
2147 medical use of cannabis that are lawful under the Mississippi  
2148 Medical Cannabis Act.

2149           **SECTION 34.** Section 41-29-143, Mississippi Code of 1972, is  
2150 amended as follows:

2151           41-29-143. It is unlawful for any person knowingly or  
2152 intentionally:

2153                   (1) To distribute as a registrant a controlled  
2154 substance classified in Schedule I or II, as set out in Sections  
2155 41-29-113 and 41-29-115, except pursuant to an order form as  
2156 required by Section 41-29-135;

2157                   (2) To use in the course of the manufacture or  
2158 distribution of a controlled substance a registration number which  
2159 is fictitious, revoked, suspended, or issued to another  
2160 person \* \* \*;

2161                   (3) To furnish false or fraudulent material information  
2162 in, or omit any material information from, any application,  
2163 report, or other document required to be kept or filed under this  
2164 article, or any record required to be kept by this article; or

2165                   (4) To make, distribute, or possess any punch, die,  
2166 plate, stone, or other thing designed to print, imprint, or  
2167 reproduce the trademark, trade name, or other identifying mark,  
2168 imprint or device of another or any likeness of any of the  
2169 foregoing upon any drug or container or labeling thereof so as to  
2170 render the drug a counterfeit substance.





2171 Any person who violates this section is guilty of a crime and  
2172 upon conviction may be confined for not more than one (1) year or  
2173 fined not more than One Thousand Dollars (\$1,000.00) or both.

2174 This section does not apply to any of the acts regarding the  
2175 medical use of cannabis that are lawful under the Mississippi  
2176 Medical Cannabis Act.

2177 **SECTION 35.** This act shall take effect if, and only if, the  
2178 provisions of Initiative Measure Number 65 of 2020 are enjoined or  
2179 otherwise not implemented.

