

By: Representatives Ford (73rd), McLean

To: Drug Policy

HOUSE BILL NO. 1007

1 AN ACT TO ENACT THE MISSISSIPPI MEDICAL CANNABIS COMPASSION
2 ACT; TO AUTHORIZE MEDICAL CANNABIS USE BY CERTAIN PATIENTS WHO
3 HAVE DEBILITATING MEDICAL CONDITIONS; TO PROVIDE FOR THE
4 LEGISLATIVE INTENT; TO PROVIDE CERTAIN PROTECTIONS FOR QUALIFIED
5 PATIENTS, DESIGNATED CAREGIVERS AND HEALTH CARE PRACTITIONERS; TO
6 REQUIRE THE MISSISSIPPI DEPARTMENT OF HEALTH TO LICENSE AND
7 REGULATE MEDICAL CANNABIS MANUFACTURERS; TO PROVIDE FOR THE
8 LICENSING PROCESS FOR MEDICAL CANNABIS MANUFACTURERS AND SPECIALTY
9 PHARMACIES; TO REQUIRE THE STATE BOARD OF PHARMACY TO LICENSE
10 SPECIALTY PHARMACIES; TO REQUIRE MEDICAL CANNABIS SPECIALTY
11 PHARMACIES AND QUALIFIED HEALTH CARE PRACTITIONERS TO COMPLY WITH
12 THE PRESCRIPTION MONITORING PROGRAM; TO PROVIDE FOR A SEED-TO-SALE
13 PROGRAM; TO REQUIRE THE DEPARTMENT OF HEALTH TO ESTABLISH AND
14 ADMINISTER THE MISSISSIPPI MEDICAL CANNABIS PATIENT REGISTRY
15 SYSTEM; TO ALLOW THE DEPARTMENT OF HEALTH TO SET THE MAXIMUM DAILY
16 DOSAGE OF MEDICAL CANNABIS; TO SET CERTAIN REQUIREMENTS FOR THE
17 SECURITY AND OPERATION OF MEDICAL CANNABIS MANUFACTURERS AND
18 SPECIALTY PHARMACIES; TO ALLOW STATE-FUNDED PUBLIC UNIVERSITIES
19 THE FIRST RIGHT OF REFUSAL TO BE LICENSED AS A MEDICAL CANNABIS
20 MANUFACTURER; TO PROHIBIT ANY COMPANY FROM BEING LICENSED AS A
21 MANUFACTURER OR SPECIALTY PHARMACY IF IT IS OWNED WHOLLY OR IN
22 PART BY ANY STATE EMPLOYEE OR A MEMBER OF A STATE EMPLOYEE'S
23 IMMEDIATE FAMILY; TO REQUIRE ALL EMPLOYEES OF MANUFACTURERS AND
24 SPECIALTY PHARMACIES TO PASS A BACKGROUND CHECK; TO PROVIDE FOR
25 VIOLATIONS OF THE ACT; TO SET LICENSING FEES OF MANUFACTURERS AND
26 SPECIALTY PHARMACIES; TO PROVIDE FOR CERTAIN LIMITATIONS OF THE
27 USE OF MEDICAL CANNABIS; TO REQUIRE THE BOARD OF PHARMACY AND THE
28 DEPARTMENT OF HEALTH TO ADOPT RULES AND REGULATIONS RELATING TO
29 MEDICAL CANNABIS; TO REQUIRE THAT THE DEPARTMENT OF HEALTH PROVIDE
30 CERTAIN REPORTS TO THE LEGISLATURE REGARDING THE MEDICAL CANNABIS
31 PROGRAM; TO ALLOW THE DEPARTMENT OF HEALTH AND BOARD OF PHARMACY
32 TO EXAMINE THE BUSINESS AFFAIRS AND CONDITIONS OF MEDICAL CANNABIS
33 MANUFACTURERS OR SPECIALTY PHARMACIES; TO PROHIBIT THE DEPARTMENT
34 OF HEALTH AND BOARD OF PHARMACY FROM LICENSING SPECIALTY



35 PHARMACIES AND MEDICAL CANNABIS MANUFACTURERS IN A COUNTY OR
36 MUNICIPALITY UNLESS THE COUNTY OR MUNICIPALITY HAS AUTHORIZED THE
37 OPERATION WITHIN ITS BOUNDARIES; TO PROVIDE THAT SPECIALTY
38 PHARMACIES AND MEDICAL CANNABIS MANUFACTURERS SHALL COLLECT AND
39 REMIT THE SALES TAX LEVIED IN SECTION 27-65-17(1)(a) FROM THE
40 GROSS PROCEEDS DERIVED FROM EACH SALE OF MEDICAL CANNABIS; TO
41 ESTABLISH THE MEDICAL CANNABIS RESEARCH AND OPPORTUNITY FUND IN
42 THE STATE TREASURY; TO AMEND SECTIONS 25-53-5, 27-104-203,
43 27-65-111, 33-13-520, 41-29-125, 41-29-127, 41-29-136, 41-29-137,
44 41-29-139, 41-29-141, 41-29-143, 59-23-7, 63-11-30, 71-3-7,
45 71-3-121, 73-21-73, 73-21-127, 73-25-29 AND 83-9-22, MISSISSIPPI
46 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR
47 RELATED PURPOSES.

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

49 **SECTION 1.** **Title.** This chapter shall be known and may be
50 cited as the "Mississippi Medical Cannabis Compassion Act."

51 **SECTION 2.** **Legislative intent.** The Legislature finds and
52 declares the following:

53 (a) It is not the intent of this chapter to provide for
54 or enable recreational use of cannabis in the State of
55 Mississippi.

56 (b) Establishing a program providing for the
57 administration of cannabis derivatives for medical use in this
58 state will not only benefit patients by providing relief to pain
59 and other debilitating symptoms, but also provide opportunities
60 for patients with these debilitating conditions to function and
61 have a better quality of life.

62 (c) Allowing the cultivation, processing, dispensing
63 and use of cannabis for medical use without appropriate safeguards
64 to prevent unlawful diversion for recreational use would pose a
65 risk to public health and safety.



66 (d) It is the intent of the Legislature to create
67 within Mississippi a wholly intrastate system for the cultivation,
68 processing and distribution of medical cannabis in the interest of
69 protecting its own residents from the danger that recreational
70 cannabis poses.

71 (e) The State of Mississippi, therefore, wishes to
72 create a health care market for medical cannabis.

73 **SECTION 3. Definitions.** For purposes of this chapter,
74 unless the context requires otherwise, the following terms shall
75 be defined as provided in this section:

76 (a) "Health care practitioner" means a Mississippi
77 licensed doctor of medicine acting within the scope of authorized
78 practice who has the primary responsibility for the care and
79 treatment of a person diagnosed with a qualifying medical
80 condition.

81 (b) "Intractable pain" means a pain state in which the
82 cause of the pain cannot be removed or otherwise treated with the
83 consent of the patient and which, in the generally accepted course
84 of medical practice, no relief or cure of the cause of the pain is
85 possible, or none has been found after reasonable efforts. It is
86 pain so chronic and severe as to otherwise warrant an opiate
87 prescription.

88 (c) "MDOH" means the Mississippi Department of Health.

89 (d) "Medical cannabis" means a medical grade product of
90 any of the following, as determined by MDOH, that contains a



91 derivate of cannabis for medical use by a registered qualifying
92 patient pursuant to this chapter:

- 93 (i) Oral tablet, pill, capsule or tincture;
- 94 (ii) Gel, oil, cream or other topical preparation;
- 95 (iii) Suppository;
- 96 (iv) Transdermal patch; or
- 97 (v) Nebulizer or metered-dose inhaler.

98 The term "medical cannabis" does not include any of the
99 following:

- 100 (i) Raw plant material;
- 101 (ii) Any product administered by smoking,
102 combustion or vaping;
- 103 (iii) A food product that has medical cannabis
104 baked, mixed or otherwise infused into the product, such as
105 cookies or candies.

106 (e) "Medical cannabis manufacturer" or "manufacturer"
107 means an entity registered by the MDOH to cultivate, acquire,
108 manufacture, possess, prepare, transfer, transport or supply
109 medical cannabis, delivery devices, or related supplies and
110 educational materials.

111 (f) "Medical cannabis product" means any delivery
112 device or related supplies and educational materials used in the
113 administration of medical cannabis for a patient with a qualifying
114 medical condition enrolled in the program.



115 (g) "Patient registry" means an electronic integrated
116 system that tracks practitioner certifications and
117 recommendations, patient registrations, medical cannabis cards,
118 the daily dosage and type of medical cannabis recommended to
119 qualified patients by registered certifying practitioners, and the
120 dates of sale, amounts and types of medical cannabis that were
121 purchased by registered qualified patients at licensed specialty
122 pharmacies.

123 (h) "Patient registry number" means a unique
124 identification number assigned by the MDOH to a patient enrolled
125 in the registry program.

126 (i) "Qualifying medical condition" means a diagnosis of
127 any of the following conditions:

128 (i) Cancer, if the underlying condition or
129 treatment produces one or more of the following:

- 130 1. Severe or chronic pain;
131 2. Nausea or severe vomiting, except for
132 nausea related to cannabinoid hyperemesis syndrome; or
133 3. Cachexia or severe wasting;

134 (ii) Glaucoma;

135 (iii) Human immunodeficiency virus or acquired
136 immune deficiency syndrome;

137 (iv) Tourette's syndrome;

138 (v) Seizures, including those characteristics of
139 epilepsy;



140 (vi) Severe and persistent muscle spasms,
141 including those characteristic of multiple sclerosis;
142 (vii) Chron's disease;
143 (viii) Terminal illness, with a probable life
144 expectancy of under one (1) year, if the illness or its treatment
145 produces one or more of the following:
146 1. Severe or chronic pain;
147 2. Nausea or severe vomiting; or
148 3. Cachexia or severe wasting;
149 (ix) Any of the following neurodegenerative
150 diseases and conditions:
151 1. Alzheimer's disease;
152 2. Amyotrophic lateral sclerosis;
153 3. Huntington's disease;
154 4. Lewy body dementia;
155 5. Motor neuron disease;
156 6. Parkinson's disease;
157 7. Spinal muscular atrophy;
158 (x) Spasticity;
159 (xi) Severe muscle spasms;
160 (xii) Intractable pain;
161 (xiii) Post traumatic stress disorder;
162 (xiv) Any of the following conditions associated
163 with autism spectrum disorder, provided that the medical
164 practitioner consults with a pediatric subspecialist if



165 recommending medical cannabis to a patient under the age of
166 eighteen (18):

167 1. Repetitive or self-stimulatory behavior of
168 such severity that the physical health of the person with autism
169 is jeopardized; or

170 2. Self-injuring behavior;

171 (xv) Traumatic brain injury;

172 (xvi) Chronic pain associated with fibromyalgia;

173 (xvii) Chronic pain associated with sickle cell
174 disease;

175 (xviii) Any condition for which a patient is
176 receiving hospice care or palliative care;

177 (xix) Ulcerative colitis;

178 (xx) Pain refractory to appropriate opioid
179 management;

180 (xxi) Spinal cord disease or severe injury; and

181 (xxii) Any condition not otherwise specified in
182 this chapter that a physician, in his or her medical opinion,
183 considers debilitating to an individual patient and is qualified
184 through his or her medical education and training to treat.

185 (j) "Qualified patient" means a Mississippi resident
186 who has been diagnosed with a qualifying medical condition by a
187 health care practitioner and has otherwise met any other
188 requirements for patients under regulations set by the MDOH to
189 participate in the program.



190 (k) "Recommendation" or "recommend" means an opinion of
191 a health care practitioner licensed by and in good standing with
192 the Mississippi State Board of Medical Examiners, provided within
193 a bona fide doctor-patient relationship, that, in the sincere
194 judgment of the practitioner, therapeutic cannabis may be helpful
195 to the patient's condition or symptoms and is communicated by any
196 means allowed by the MDOH.

197 (l) "Registered designated caregiver" means a person
198 who:

199 (i) Is at least twenty-one (21) years old;

200 (ii) Does not have a conviction for a
201 disqualifying felony offense;

202 (iii) Has been approved by the MDOH to assist a
203 patient who has been identified by a health care practitioner as
204 developmentally or physically disabled and therefore unable to
205 self-administer or acquire medical cannabis from a distribution
206 facility due to the disability; and

207 (iv) Is authorized by the MDOH to assist the
208 patient with the use of medical cannabis.

209 (m) "Registry verification" means the verification
210 provided by the MDOH that a patient is enrolled in the patient
211 registry program and that includes the patient's name, patient
212 registry number, recent photograph of the patient, the qualifying
213 medical condition of the patient, and, if applicable, the name and



214 photograph of the patient's registered designated caregiver,
215 parent or legal guardian.

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

223 **SECTION 4. Authorization to use medical cannabis;**

224 **requirements.** (1) A resident of this state who is nineteen (19)
225 years of age or older may be registered as a qualified patient if
226 he or she meets all of the following conditions:

227 (a) Has been certified by a registered certifying
228 health care practitioner as having a qualifying medical condition;

229 (b) Is registered with the MDOH; and

230 (c) Has been issued a valid medical cannabis card by
231 the MDOH.

232 (2) A registered qualified patient may purchase, possess or
233 use medical cannabis, subject to the other provisions of this
234 chapter. As a condition of continued enrollment as a registered
235 qualified patient, the patient shall continue to receive regularly
236 scheduled treatment for the patient's qualifying medical condition
237 from his or her health care practitioner and shall report changes



238 in the patient's qualifying medical condition to his or her health
239 care practitioner.

240 (3) (a) A resident of this state who is under the age of
241 nineteen (19) years of age may be registered as a qualified
242 patient if he or she meets all of the following conditions:

243 (i) Has been certified by a registered certifying
244 physician as having a qualifying medical condition;

245 (ii) Is registered with the MDOH;

246 (iii) Has a qualified designated caregiver who is
247 the patient's parent or legal guardian.

248 (b) A registered qualifying patient described in
249 paragraph (a) of this subsection may use medical cannabis but
250 shall not purchase medical cannabis.

251 (4) A resident of this state may be registered as a
252 qualified caregiver if he or she meets all of the following
253 conditions:

254 (a) Has registered with the MDOH;

255 (b) Has been issued a valid medical cannabis card by
256 MDOH;

257 (c) Is at least twenty-one (21) years of age, unless he
258 or she is the parent or legal guardian of, and caregiver for, a
259 registered qualifying patient; and

260 (d) When applicable, is the parent, legal guardian,
261 grandparent, spouse or an individual with power of attorney for
262 health care of a registered qualified patient.



263 (5) A registered caregiver may purchase and possess medical
264 cannabis but shall not use medical cannabis, unless he or she is
265 also a registered qualified patient.

266 (6) In order for a health care practitioner to qualify as a
267 registered certifying health care practitioner, he or she must
268 meet the following requirements:

269 (a) Hold an active license to practice medicine in the
270 state and be in good standing with the Mississippi State Board of
271 Medical Licensure;

272 (b) Complete a four-hour course related to medical
273 cannabis as offered by MDOH;

274 (c) Pay an initial registration fee established by
275 MDOH, not to exceed Five Hundred Dollars (\$500.00); and

276 (d) Meet any additional qualifications established by
277 the MDOH.

278 (7) Upon meeting the requirements of subsection (6) of this
279 section, MDOH shall issue a registration certificate and
280 registration number to each registered certifying health care
281 practitioner. The MDOH shall maintain on its website an updated
282 list of registered qualifying health care practitioners.

283 (8) The MDOH, by rule, may establish requirements for
284 registered certifying health care practitioners to remain
285 qualified, grounds for revoking registration and a process for
286 renewing registration, including payment of an annual registration
287 fee, not to exceed Five Hundred Dollars (\$500.00).



288 (9) A registered certifying health care practitioner shall
289 not do any of the following:

290 (a) Accept, solicit or offer any form of remuneration
291 from or to a specialty pharmacy for the purpose of referring a
292 patient to a specific specialty pharmacy;

293 (b) Offer a discount of any other item of value to a
294 qualified patient who uses or agrees to designate a specific
295 caregiver or use a specific specialty pharmacy to obtain medical
296 cannabis;

297 (c) Hold a direct or indirect economic interest in a
298 medical cannabis manufacturer or specialty pharmacy;

299 (d) Serve on the board of directors or as an employee
300 of a medical cannabis manufacturer or specialty pharmacy;

301 (e) Refer qualified patients to a specific caregiver or
302 a specific specialty pharmacy;

303 (f) Advertise in a specialty pharmacy;

304 (g) Advertise on the practitioner's website, brochures,
305 billboards or any other media that generally describes the
306 practice of the practitioner, any statement that refers to the
307 practitioner as a "medical cannabis" or "medical marijuana"
308 physician, practitioner or doctor, or otherwise advertises his or
309 her status as a registered certifying practitioner, other than the
310 following:



311 "Dr. _____ is qualified and registered by the State of
312 Mississippi to certify patients for medical cannabis under the
313 Mississippi Medical Cannabis Compassion Act."

314 (10) A registered certifying health care practitioner may
315 recommend medical cannabis to any patient suffering from a
316 qualifying medical condition with whom he or she shares a bona
317 fide doctor-patient relationship. Before a patient's enrollment
318 in the patient registry program, a health care practitioner shall:

319 (a) Determine, in the health care practitioner's
320 medical judgment, whether a patient suffers from a qualifying
321 medical condition, and, if so determined, provide the patient with
322 a certification of that diagnosis;

323 (b) Determine whether a patient is developmentally or
324 physically disabled and, as a result of that disability, the
325 patient is unable to self-administer medication or acquire medical
326 cannabis from a distribution facility, and, if so determined,
327 include that determination on the patient's certification of
328 diagnosis;

329 (c) Advise patients, registered designated caregivers,
330 and parents or legal guardians who are acting as caregivers of the
331 existence of any nonprofit patient support groups or
332 organizations;

333 (d) Provide explanatory information from the MDOH to
334 patients with qualifying medical conditions, including disclosure
335 to all patients about the experimental nature of therapeutic use



336 of medical cannabis; the possible risks, benefits, and side
337 effects of the proposed treatment; the application and other
338 materials from the MDOH; and

339 (e) Agree to continue treatment of the patient's
340 qualifying medical condition and report medical findings to the
341 MDOH.

342 (11) The health care practitioner shall analyze the
343 patient's data in the Prescription Monitoring Program before
344 recommending medical cannabis to the patient. The health care
345 practitioner may only recommend medical cannabis to a patient
346 through an in-person medical appointment. At the time of the
347 health care practitioner's recommendation, a registered certifying
348 health care practitioner shall enter electronically in the patient
349 registry, in a manner determined by rule by the MDOH, relevant
350 information necessary to appropriately identify the patient; the
351 respective qualifying medical condition or conditions of the
352 patient; the daily dosage and type of medical cannabis recommended
353 for medical use; and any other information the MDOH, by rule,
354 deems relevant.

355 (12) A registered certifying health care practitioner
356 recommendation and certification of medical cannabis to a patient
357 does not constitute a prescription for medical cannabis.

358 (13) A registered certifying health care practitioner
359 recommendation and certification of medical cannabis shall be
360 valid for a period of time as determined by the MDOH, but in no



361 event may a practitioner's recommendation or certification exceed
362 twelve (12) months in duration.

363 (14) The maximum daily dosage of medical cannabis shall be
364 set by rule by the MDOH in consultation with qualified health care
365 practitioners who wish to participate in the program.

366 (15) The maximum daily dosage may be increased under the
367 following circumstance: A registered certifying health care
368 practitioner may increase a patient's daily dosage if the patient
369 has been diagnosed with a terminal illness, provided that if the
370 recommended daily dosage meets or exceeds seventy-five (75)
371 milligrams of delta-9-tetrahydrocannabinol, the practitioner shall
372 notify the patient that the patient's driver's license will be
373 suspended.

374 (16) A registered certifying health care practitioner shall
375 not lawfully recommend the use of medical cannabis with a potency
376 greater than three percent (3%) tetrahydrocannabinol to any minor
377 for any qualifying medical condition. A minor shall not legally
378 use medical cannabis with a potency greater than three percent
379 (3%) tetrahydrocannabinol, whether or not the minor has a valid
380 medical cannabis card. A parent or legal guardian of a minor who
381 holds a medical cannabis card shall not legally possess medical
382 cannabis with potency greater than three percent (3%)
383 tetrahydrocannabinol, unless the parent or guardian holds a valid
384 medical cannabis card for his or her own qualifying medical
385 condition.



386 (17) A registered certifying health care practitioner shall
387 report adverse events and health outcomes associated with a
388 patient's use of medical cannabis to the patient registry system.

389 (18) There is a presumption that a registered qualifying
390 patient is engaged in the medical use of medical cannabis under
391 this chapter if the person is in possession of a valid medical
392 cannabis card and an amount of medical cannabis that does not
393 exceed the maximum daily dosage of medical cannabis.

394 (19) All employees, board of directors, shareholders and
395 owners of medical cannabis manufacturers and specialty pharmacies,
396 potential qualified patients and designated caregivers shall be
397 citizens of the United States and shall provide their social
398 security numbers to the MDOH and State Board of Pharmacy, as
399 applicable, upon their application and registration.

400 (20) After one hundred twenty (120) days from the effective
401 date of this act, the MDOH and the State Board of Pharmacy shall
402 issue licenses according to their respective duties as provided
403 for in this chapter.

404 **SECTION 5. Medical cannabis manufacturers.** (1) The MDOH
405 shall develop an annual, nontransferable specialty license for
406 medical cannabis manufacturers for the production and
407 manufacturing of cannabis for medical use. The MDOH shall limit
408 the number of medical cannabis manufacturer licenses granted in
409 the state to no more than four (4) licenses. All state-funded
410 public universities shall have the right of first refusal to be



411 licensed as a manufacturer, either separately or jointly. If none
412 of these universities exercise this option, the licenses shall be
413 awarded pursuant to the requirements provided for in subsection
414 (5) of this section.

415 (2) Before September 1, 2022, any state-funded public
416 university intending to be licensed as a manufacturer shall
417 provide written notice to the MDOH of its intent to be licensed,
418 either separately or jointly. Each university shall thereafter
419 complete an application to be licensed as a medical cannabis
420 manufacturer.

421 (3) A state-funded public university may conduct research on
422 cannabis for medical use if the university is licensed as a
423 manufacturer facility under this section. Effective January 1,
424 2023, and annually thereafter, any state-funded public university
425 licensed as a medical cannabis manufacturer shall submit a report
426 to the Senate Public Health and Welfare Committee, the House
427 Public Health and Human Services Committee and the Board of
428 Trustees of State Institutions of Higher Learning to include data
429 and outcomes of the research conducted under this subsection,
430 employment statistics, audit results and medical cannabis sale
431 results. Any state-funded public university licensed as a medical
432 cannabis manufacturer shall use any profit obtained from the sale
433 of medical cannabis to offset its operating expenses.

434 (4) The license shall be limited to four (4) geographic
435 locations as provided for in rule by the MDOH. The geographic



436 location shall be a public record subject to disclosure under
437 Section 25-61-1 et seq. The licensee shall permit inspection of
438 the facility by any elected member of the Mississippi Legislature
439 upon request after receipt of reasonable notice.

440 (5) (a) If fewer than four (4) of the universities exercise
441 the option described in subsection (1) of this section, the MDOH
442 may award any of the remaining licenses pursuant to the following
443 requirements:

444 (i) The technical expertise of the manufacturer in
445 cultivating medical cannabis into an acceptable delivery method;

446 (ii) The qualifications of the manufacturer's
447 employees;

448 (iii) The long-term financial stability of the
449 manufacturer;

450 (iv) The ability to provide appropriate security
451 measures on the premises of the manufacturer;

452 (v) Whether the manufacturer has demonstrated an
453 ability to meet the medical cannabis production demands of the
454 state.

455 (b) The licenses awarded under this subsection shall
456 not exceed five (5) years.

457 (c) Any contract, memorandum of understanding, or
458 cooperative endeavor agreement entered into pursuant to this
459 section shall be a public record subject to disclosure under
460 Section 25-61-1 et seq.



461 (d) Any contract, memorandum of understanding, or
462 cooperative endeavor agreement entered into for services for the
463 cultivation or processing in any way of cannabis pursuant to this
464 section shall be a public record subject to disclosure under
465 Section 25-61-1 et seq.

466 (e) No person or entity licensed under this subsection
467 shall subcontract for services for the cultivation or processing
468 in any way of cannabis if the subcontractor, or any of the service
469 providers in the chain of subcontractors, is owned wholly or in
470 part by any state employee or member of a state employee's
471 immediate family, including, but not limited to, any legislator,
472 statewide public official, university or community or technical
473 college employee.

474 (f) No business entity licensed under this subsection
475 shall be owned wholly or in part by any state employee or member
476 of a state employee's immediate family, including, but not limited
477 to, any legislator, statewide public official, university or
478 community or technical college employee.

479 (g) Any applicant for the license awarded under this
480 subsection shall include proof of the financial capability of the
481 applicant to operate a medical cannabis production facility,
482 including, but not limited to, a net worth of not less than One
483 Million Dollars (\$1,000,000.00).

484 (h) Any entity licensed under this subsection and any
485 subcontractor of an entity licensed under this subsection shall



486 only employ citizens of the United States who have valid social
487 security numbers and pass a background check performed by the
488 MDOH.

489 (6) No person or entity licensed under this section shall
490 give or receive anything of value in connection with any contract,
491 memorandum of understanding or cooperative endeavor agreement
492 executed pursuant to this section except the value that is
493 expressed in the contract, memorandum of understanding or
494 cooperative endeavor agreement.

495 (7) (a) The MDOH shall collect the following information
496 from each licensee:

497 (i) The amount of gross cannabis produced by the
498 licensee during each calendar year;

499 (ii) The details of all production costs,
500 including, but not limited to, seed, fertilizer, labor, advisory
501 services, construction and irrigation;

502 (iii) The details of any items or services for
503 which the licensee subcontracted and the costs of each
504 subcontractor directly or indirectly working for the contractor;

505 (iv) The amount of therapeutic chemicals produced
506 resulting from the cannabis grown pursuant to this section.

507 (v) The amounts paid each year to the licensee
508 related to the licensee's production of medical cannabis pursuant
509 to this section.



510 (vi) The amount of medical cannabis distributed to
511 each specialty pharmacy licensed to dispense medical cannabis in
512 this state during each calendar year.

513 (b) The MDOH shall provide the information collected
514 under this subsection for the previous calendar year in the form
515 of a written report to the Legislature no later than February
516 first of each year. The department shall also make a copy of the
517 report required by this subsection available to the public on the
518 Internet.

519 (8) The MDOH shall perform the following:

520 (a) Establish and collect an annual license fee of One
521 Hundred Thousand Dollars (\$100,000.00) from each manufacturer and
522 an annual fee from each qualified patient of One Hundred Dollars
523 (\$100.00) for administrative and inspection costs; and

524 (b) Collect a nonrefundable application fee of Ten
525 Thousand Dollars (\$10,000.00) from each applicant applying to be a
526 manufacturer and Five Thousand Dollars (\$5,000.00) from each
527 applicant applying to be a specialty pharmacy.

528 (9) A manufacturer may operate only four (4) locations where
529 all cultivation, harvesting, manufacturing, packaging and
530 processing shall be conducted. All cultivation, harvesting,
531 manufacturing, packaging and processing by a manufacturer shall be
532 conducted in an enclosed, locked facility at a physical address
533 provided to the MDOH during the application process. A
534 manufacturer must process and prepare any medical cannabis plant



535 material into a form allowable according to this chapter before
536 distribution to a specialty pharmacy.

537 (10) A medical cannabis manufacturer shall contract with a
538 laboratory, subject to the MDOH's approval of the laboratory and
539 any additional requirements set by the MDOH, for purposes of
540 testing medical cannabis manufactured by the medical cannabis
541 manufacturer as to content, contamination and consistency to
542 verify that the medical cannabis meets the requirements of this
543 chapter and any requirements set by the MDOH. The cost of
544 laboratory testing shall be paid by the manufacturer. The MDOH
545 shall implement a recall process for medical cannabis that
546 manufacturers shall follow. The MDOH may require manufacturers to
547 test their products at laboratories on a quarterly basis.

548 (11) The operating documents of a manufacturer shall
549 include:

550 (a) Procedures for the oversight of the manufacturer
551 and procedures to ensure accurate record keeping; and

552 (b) Procedures for the implementation of appropriate
553 security measures to deter and prevent the theft of medical
554 cannabis and unauthorized entrance into areas containing medical
555 cannabis.

556 (12) A manufacturer shall implement security requirements,
557 including requirements for protection of each location by a fully
558 operational security alarm system, facility access controls,



559 perimeter intrusion detection systems, and a personnel
560 identification system.

561 (13) A manufacturer shall not share office space with, refer
562 patients to a health care practitioner, or have any financial
563 relationship with a health care practitioner.

564 (14) A manufacturer shall not permit any person to consume
565 medical cannabis on the property of the manufacturer.

566 (15) A manufacturer is subject to reasonable inspection by
567 the MDOH.

568 (16) A medical cannabis manufacturer shall not employ any
569 person who is under twenty-one (21) years of age or who has been
570 convicted of a disqualifying felony offense. An employee of a
571 medical cannabis manufacturer must submit a completed criminal
572 history records check consent form, a full set of classifiable
573 fingerprints, and the required fees for submission to the MDOH
574 before an employee may begin working with the manufacturer. The
575 MDOH shall conduct a criminal history records check of each
576 employee of the manufacturer.

577 (17) A manufacturer shall not operate in any location,
578 whether for distribution or cultivation, harvesting,
579 manufacturing, packaging or processing, within one thousand five
580 hundred (1,500) feet of a public school, private school or child
581 care facility existing before the date of the manufacturer's
582 registration with the MDOH.



583 (18) A manufacturer shall comply with reasonable
584 restrictions set by the MDOH relating to signage, marketing,
585 display, billboards, mobile advertising and advertising of medical
586 cannabis. A manufacturer shall not advertise on billboards or on
587 motor vehicles. The MDOH shall post on its website all
588 advertising restrictions applicable to manufacturers. The MDOH
589 shall include these restrictions on the application for a medical
590 cannabis manufacturer license.

591 (19) A manufacturer shall require any employee of the
592 manufacturer who is transporting medical cannabis or medical
593 cannabis products to a specialty pharmacy to carry identification
594 showing that the person is an employee of the manufacturer.

595 **SECTION 6. Specialty pharmacies.** (1) The State Board of
596 Pharmacy shall develop an annual, nontransferable specialty
597 license for a pharmacy to dispense recommended medical cannabis.
598 The board shall limit the number of such licenses granted in the
599 state to no more than ten (10) licenses. Each specialty pharmacy
600 shall be located based on geographical need throughout the state
601 to improve patient access. The board shall collect the
602 application fee of Five Thousand Dollars (\$5,000.00) and the
603 license fee of Twenty-five Thousand Dollars (\$25,000.00).

604 (2) A manufacturer may operate two (2) specialty pharmacies
605 which shall be licensed by the board. The board may license no
606 more than ten (10) specialty pharmacies regardless of whether the
607 pharmacies are operated by licensed manufacturers. An applicant



608 shall disclose the proposed location for the specialty pharmacy to
609 the board during the application process. A licensed manufacturer
610 shall not conduct any cultivation, harvesting, manufacturing,
611 packaging or processing at a specialty pharmacy location.

612 (3) A specialty pharmacy may dispense medical cannabis and
613 medical cannabis products but may not dispense cannabis in a form
614 other than those forms allowed by this chapter.

615 (4) The State Board of Pharmacy and MDOH shall develop the
616 rules and regulations regarding the extraction, processing and
617 production of recommended medical cannabis, along with following
618 the standards established in this chapter. The rules and
619 regulations shall require as a minimum standard that the
620 extraction and refining process produce pharmaceutical-grade
621 products.

622 (5) A health care practitioner and a pharmacist at a
623 specialty pharmacy shall review the patient's information in the
624 database of the Prescription Monitoring Program before
625 recommending or dispensing medical cannabis, as applicable.
626 Pharmacists shall enter into the patient registry all pertinent
627 patient information, including, but not limited to, dosage
628 dispensed, date, location and date of expiration. A pharmacist
629 shall counsel a qualified patient about the recommended medical
630 cannabis before dispensing it to the patient.



631 (6) A specialty pharmacy shall require that employees
632 licensed as pharmacists be the only employees to distribute the
633 medical cannabis to a patient.

634 (7) Before distribution of any medical cannabis, the
635 specialty pharmacy shall:

636 (a) Verify that the specialty pharmacy has received the
637 registry verification from the MDOH for that individual patient;

638 (b) Verify that the person requesting the distribution
639 of medical cannabis is the patient, the patient's registered
640 designated caregiver, or the patient's parent or legal guardian
641 listed in the registry verification;

642 (c) Assign a tracking number to any medical cannabis
643 distributed from the specialty pharmacy;

644 (d) Ensure that any employee of the specialty pharmacy
645 licensed as a pharmacist has consulted with the patient to
646 determine the proper dosage for the individual patient after
647 reviewing the ranges of chemical compositions of the medical
648 cannabis and the ranges of proper dosages as set by this chapter
649 and reported by the MDOH;

650 (e) Properly package medical cannabis in compliance
651 with the United States Poison Prevention Packing Act regarding
652 child resistant packaging and exemptions for packaging for elderly
653 patients, and label distributed medical cannabis with a list of
654 all active ingredients and individually identifying information,
655 including:



656 (i) The patient's name and date of birth;
657 (ii) The name and date of birth of the patient's
658 registered designated caregiver or, if listed on the registry
659 verification, the name of the patient's parent or legal guardian,
660 if applicable;
661 (iii) The patient's registry identification
662 number;
663 (iv) The chemical composition of the medical
664 cannabis; and
665 (v) The dosage; and
666 (f) Ensure that the medical cannabis distributed
667 contains a maximum of a thirty-day supply of the dosage determined
668 for that patient.

669 (8) A specialty pharmacy shall implement security
670 requirements, including requirements for protection of each
671 location by a fully operational security alarm system, facility
672 access controls, perimeter intrusion detection systems, and a
673 personnel identification system.

674 (9) A specialty pharmacy shall not share office space with,
675 refer patients to a health care practitioner, or have any
676 financial relationship with a health care practitioner.

677 (10) A specialty pharmacy shall not permit any person to
678 consume medical cannabis on the property of the pharmacy.

679 (11) A specialty pharmacy is subject to reasonable
680 inspection by the MDOH and the State Board of Pharmacy.



681 (12) A specialty pharmacy shall not employ any person who is
682 under twenty-one (21) years of age or who has been convicted of a
683 disqualifying felony offense. An employee of a specialty pharmacy
684 must submit a completed criminal history records check consent
685 form, a full set of classifiable fingerprints, and the required
686 fees for submission to the MDOH and State Board of Pharmacy before
687 an employee may begin working with the specialty pharmacy. The
688 MDOH and the State Board of Pharmacy shall conduct a criminal
689 history records check of each employee of the specialty pharmacy.

690 (13) A specialty pharmacy shall not operate in any location
691 within one thousand five hundred (1,500) feet of a public school,
692 private school or child care facility existing before the date of
693 the specialty pharmacy's registration with the State Board of
694 Pharmacy.

695 (14) A specialty pharmacy shall comply with reasonable
696 restrictions set by the State Board of Pharmacy relating to
697 signage, marketing, display, billboards, mobile advertising and
698 advertising of medical cannabis. A specialty pharmacy shall not
699 advertise on billboards or on motor vehicles. The board shall
700 post on its website all advertising restrictions applicable to
701 specialty pharmacies. The board shall include these restrictions
702 on the application for a specialty pharmacy license.

703 (15) No person or entity licensed under this section shall
704 subcontract for services for the dispensing of medical cannabis,
705 if the subcontractor, or any of the service providers in the chain



706 of subcontractors, is owned wholly or in part by any state
707 employee or member of a state employee's immediate family,
708 including, but not limited to, any legislator, statewide public
709 official, university or community or technical college employee.

710 (16) No business entity licensed under this section shall be
711 owned wholly or in part by any state employee or member of a state
712 employee's immediate family, including, but not limited to, any
713 legislator, statewide public official, university or community or
714 technical college employee.

715 **SECTION 7. Patient registry.** (1) In order to have, use and
716 maintain a reliable system to track all aspects of patient and
717 caregiver qualification, the MDOH shall do the following:

718 (a) Establish and administer an integrated, electronic
719 patient and caregiver registry, known as the "Mississippi Medical
720 Cannabis Patient Registry System," that does all of the following:

721 (i) Receives and records physician certifications;

722 (ii) Receives and tracks qualified patient
723 registrations and issuance of medical cannabis cards;

724 (iii) Receives and tracks designated caregiver
725 registrations and issuance of medical cannabis cards;

726 (iv) Includes in the patient registry database for
727 each registered qualified patient the name of the qualified
728 patient and the patient's designated caregiver, if applicable, the
729 patient's registered certifying physician, the respective
730 qualifying medical condition or conditions, the recommended daily



731 dosage and type of medical cannabis, and any other information the
732 MDOH, by rule, deems relevant;

733 (v) Verifies that a medical cannabis card is
734 current and valid and has not been suspended, revoked or denied;

735 (vi) Tracks purchases of medical cannabis at
736 specialty pharmacies by date, time, amount and type.

737 (vii) Determines whether a particular sale of
738 medical cannabis transaction exceeds the permissible limit.

739 (viii) Tracks medical cannabis cards that are
740 denied, revoked or suspended;

741 (ix) Interfaces as necessary with the statewide
742 seed-to-sale tracking system established under this chapter;

743 (x) Tracks purchases of medical cannabis by
744 specialty pharmacies from medical cannabis manufacturers by date,
745 time, amount and type; and

746 (xi) Provides access as further required in
747 subsection (2) of this section.

748 (2) The patient registry shall be accessible to the
749 following:

750 (a) State and local law enforcement agencies, provided
751 that the database may only be accessed upon probable cause or
752 reasonable suspicion of a violation of a controlled substance law
753 or of driving under the influence, and access is strictly limited
754 to information that is necessary to verify that an individual is
755 registered and possesses a valid and current medical cannabis card



756 and, if appropriate, to verify that the amount and type of product
757 in the individual's possession complies with the daily dosage
758 limit and type of medical cannabis recommended; and

759 (b) Health care practitioners licensed to prescribe
760 prescription drugs.

761 (3) The MDOH shall monitor patient registrations in the
762 patient registry for practices that could facilitate unlawful
763 diversion or misuse of cannabis and shall recommend disciplinary
764 action as appropriate.

765 (4) Once certified, a patient and, if applicable, the
766 patient's designated caregiver, shall register in the patient
767 registry. The MDOH shall develop the application and renewal
768 process for patient and designated caregiver registration, that
769 shall include, but not be limited to, an application form,
770 relevant information that must be included on the form, any
771 additional requirements for eligibility that the MDOH deems
772 necessary, and an application fee not to exceed One Hundred
773 Dollars (\$100.00).

774 (5) The MDOH shall develop a patient application for
775 enrollment into the registry program. The application shall be
776 available to the patient and given to registered health care
777 practitioners. The application must include:

778 (a) The name, mailing address, recent photograph of the
779 patient and date of birth of the patient;



780 (b) The name, mailing address and telephone number of
781 the patient's health care practitioner;

782 (c) The name, mailing address, date of birth and recent
783 photograph of the patient's designated caregiver, if any, or the
784 patient's parent or legal guardian if the parent or legal guardian
785 will be acting as a caregiver; and

786 (d) A copy of the certification from the patient's
787 health care practitioner that is dated within ninety (90) days
788 before submitting the application that certifies that the patient
789 has been diagnosed with a qualifying medical condition, and, if
790 applicable, that, in the health care practitioner's medical
791 opinion, the patient is developmentally or physically disabled
792 and, as a result of that disability, the patient is unable to
793 self-administer medication or acquire medical cannabis from a
794 specialty pharmacy.

795 (6) The MDOH or an employee of the MDOH or any other state
796 agency shall not be held civilly or criminally liable for any
797 injury, loss of property, personal injury or death caused by an
798 act or omission while acting within the scope of office or
799 employment while administering the medical cannabis program.

800 (7) The MDOH shall develop a disclosure form and require, as
801 a condition of registration in the program, all patients to sign a
802 copy of the disclosure that includes a statement listing
803 subsection (6) of this section.



804 (8) If the qualified patient or designated caregiver meets
805 the criteria for registration, the MDOH shall place the patient or
806 caregiver on the patient registry and issue the patient or
807 designated caregiver a medical cannabis card. The MDOH shall
808 determine the criteria for revoking or suspending a medical
809 cannabis card. Medical cannabis cards shall be resistant to
810 counterfeiting and tampering and, at a minimum, shall include all
811 of the following:

812 (a) The name, address and date of birth of the
813 qualified patient or caregiver, as applicable;

814 (b) A photograph of the qualified patient or caregiver,
815 as applicable;

816 (c) Identification of the cardholder as a qualified
817 patient or a caregiver;

818 (d) The expiration date, as determined by MDOH rule;
819 and

820 (e) The following statement: "This card is only valid
821 in the State of Mississippi."

822 (9) Once a patient or designated caregiver is registered and
823 issued a medical cannabis card, he or she is qualified to acquire,
824 possess or use medical cannabis, as applicable.

825 (10) If a registered qualified patient or registered
826 caregiver loses his or her medical cannabis card, he or she shall
827 notify the MDOH within ten (10) days of becoming aware the card is
828 lost or stolen. The MDOH, by rule, shall determine the process



829 and fee for replacing a lost or stolen card, including a process
830 for invalidating the lost or stolen card.

831 (11) The MDOH shall adopt rules to implement this section
832 and may impose civil penalties for violations of this section.

833 **SECTION 8. Limitations.** (1) This chapter shall not be
834 construed to do any of the following:

835 (a) Require an insurer, organization for managed care,
836 health benefit plan or any individual or entity providing coverage
837 for a medical or health care service to pay for or to reimburse
838 any other individual or entity for costs associated with the use
839 of medical cannabis;

840 (b) Require any employer to permit, accommodate, or
841 allow the use of medical cannabis or to modify any job or working
842 conditions of any employee who engages in the use of medical
843 cannabis or for any reason seeks to engage in the use of medical
844 cannabis;

845 (c) Prohibit any employer from refusing to hire,
846 discharging, disciplining or otherwise taking an adverse
847 employment action against an individual with respect to hiring,
848 discharging, tenure, terms, conditions or privileges of employment
849 as a result, in whole or in part, of that individual's use of
850 medical cannabis, regardless of the individual's impairment or
851 lack of impairment resulting from the use of medical cannabis;

852 (d) Prohibit or limit the ability of any employer from
853 establishing or enforcing a drug-testing policy, including, but



854 not limited to, a policy that prohibits the use of medical
855 cannabis in the workplace or from implementing a drug-free
856 workforce program;

857 (e) Prohibit or limit any employer from adopting an
858 employment policy requiring its employees to notify the employer
859 if an employee possesses a medical cannabis card;

860 (f) Interfere with, impair or impede any federal
861 restrictions on employment, including, but not limited to,
862 regulations adopted by the United States Department of
863 Transportation in Title 49, Code of Federal Regulations;

864 (g) Permit, authorize or establish any individual's
865 right to begin or undertake any legal action against an employer
866 for refusing to hire, discharging, disciplining or otherwise
867 taking an adverse employment action against an individual with
868 respect to hiring, discharging, tenure, terms, conditions or
869 privileges of employment due to the individual's use of medical
870 cannabis;

871 (h) Require a government medical assistance program,
872 employer, property and casualty insurer, or private health insurer
873 to reimburse an individual for costs associated with the use of
874 medical cannabis;

875 (i) Affect, alter or otherwise impact the workers'
876 compensation premium discount available to employers who establish
877 a drug-free workplace policy as provided for in Section 71-3-207;



878 (j) Affect, alter or otherwise impact an employer's
879 right to deny, or establish legal defenses to, the payment of
880 workers' compensation benefits to an employee on the basis of a
881 positive drug test or refusal to submit to or cooperate with a
882 drug test, as provided under Section 71-3-121; or

883 (k) Affect, alter or supersede any obligation or
884 condition imposed on a parolee, probationer, or an individual
885 participating in a pretrial diversion program or other
886 court-ordered substance abuse rehabilitation program.

887 (2) This chapter does not authorize any individual to engage
888 in, and does not prevent the imposition of any civil, criminal or
889 other penalties for engaging in, the following conduct:

890 (a) Undertaking any task under the influence of medical
891 cannabis that would constitute negligence or professional
892 malpractice;

893 (b) Possessing or engaging in the use of medical
894 cannabis:

895 (i) On a school bus or van;

896 (ii) On the grounds of any preschool, primary or
897 secondary school;

898 (iii) In any correctional facility;

899 (iv) On the grounds of any child care facility or
900 home day care;

901 (v) On any form of public transportation; or



902 (vi) In any public place, including, but not
903 limited to, any indoor or outdoor area used by or open to the
904 general public or as a place of employment, parks, indoor or
905 outdoor arenas and playgrounds.

906 (3) An individual who is discharged from employment
907 because of that individual's use of medical cannabis, or
908 refusal to submit to or cooperate with a drug test, shall be
909 legally conclusively presumed to have been discharged for
910 misconduct.

911 (4) A qualifying patient shall not use medical cannabis
912 while driving a motor vehicle or boat. A qualifying patient shall
913 not possess medical cannabis while driving a boat or motor vehicle
914 unless the medical cannabis is in a sealed package.

915 **SECTION 9. Agency rules and regulations.** (1) The State
916 Board of Pharmacy shall adopt rules relating to the dispensing of
917 recommended cannabis for medical use. The rules shall include,
918 but not be limited to:

919 (a) Standards, procedures and protocols for the
920 effective use of recommended cannabis for medical use as
921 authorized by state law and related rules and regulations;

922 (b) Standards, procedures and protocols for the
923 dispensing and tracking of recommended medical cannabis in
924 Mississippi;

925 (c) Procedures and protocols to provide that no
926 recommended medical cannabis may be dispensed from, produced from,



927 obtained from, sold to, or transferred to a location outside of
928 this state;

929 (d) The establishment of standards, procedures and
930 protocols for determining the amount of usable recommended medical
931 cannabis that is necessary to constitute an adequate supply to
932 ensure uninterrupted availability for a period of one (1) month,
933 including amounts for topical treatments;

934 (e) The establishment of standards, procedures and
935 protocols to ensure that all recommended medical cannabis
936 dispensed is consistently pharmaceutical grade;

937 (f) The establishment of standards, procedures and
938 protocols to ensure that all recommended medical cannabis
939 dispensed is consistently pharmaceutical grade;

940 (g) The establishment of standards and procedures for
941 the revocation, suspension and nonrenewal of licenses;

942 (h) The establishment of other licensing, renewal and
943 operational standards which are deemed necessary by the board;

944 (i) The establishment of standards and procedures for
945 testing recommended medical cannabis samples for levels of
946 tetrahydrocannabinol (THC) or other testing parameters deemed
947 appropriate by the board;

948 (j) The establishment of health, safety and security
949 requirements for dispensers of recommended medical cannabis;

950 (k) Licensure of specialty pharmacies of recommended
951 medical cannabis;



952 (1) The establishment of financial requirements for
953 applicants of medical cannabis dispensing specialty pharmacy
954 licenses under which each applicant demonstrates the following:

955 (i) The financial capacity to operate a medical
956 cannabis dispensing specialty pharmacy; and

957 (ii) The ability to maintain an escrow account in
958 a financial institution headquartered in Mississippi in an amount
959 of up to One Million Dollars (\$1,000,000.00), if required by the
960 board.

961 (2) The MDOH shall adopt rules for the issuance of
962 certifications for registered qualifying health care practitioners
963 to make recommendations for patients to use medical cannabis. The
964 rules shall include, but not be limited to, all of the following:

965 (a) Requirements for an in-person patient examination
966 and the establishment of a practitioner-patient relationship;

967 (b) Requirements for relevant information to be
968 included in the patient's medical record;

969 (c) Requirements for review of the patient's controlled
970 substances prescription history in the Prescription Monitoring
971 Program;

972 (d) Requirements for obtaining the voluntary and
973 informed written consent from the patient to use medical cannabis,
974 or from the patient's designated caregiver to assist the patient
975 with the use of medical cannabis, on a form created by the MDOH
976 and accessible at no charge on its website. The form shall



977 include, but not be limited to, information relating to all of the
978 following:

979 (i) The federal and state classification of
980 cannabis as a Schedule I controlled substance;

981 (ii) The approval and oversight status of cannabis
982 by the Food and Drug Administration;

983 (iii) The current state of research on the
984 efficacy of cannabis to treat the qualifying medical condition;

985 (iv) The potential for addiction;

986 (v) The potential effect that cannabis may have on
987 a patient's coordination, motor skills and cognition, including a
988 warning against operating heavy machinery, operating a motor
989 vehicle or engaging in activities that require an individual to be
990 alert or respond quickly;

991 (vi) The potential side effects of cannabis use;

992 (vii) The risks, benefits and drug interactions of
993 cannabis;

994 (viii) A statement that the use of medical
995 cannabis could result in termination from employment without
996 recourse and that costs may not be covered by insurance or
997 government programs; and

998 (ix) That the patient's de-identified health
999 information contained in the patient's medical records,
1000 practitioner certification and patient registry may be used for
1001 research purposes or used to monitor compliance with this chapter.



1002 (3) MDOH and the State Board of Pharmacy shall promulgate
1003 rules and regulations regarding the chemical composition and
1004 formulation of available medical cannabis pharmaceuticals
1005 products. The rules and regulations shall be posted on the MDOH's
1006 website.

1007 **SECTION 10. Violations.** (1) Nothing in this chapter shall
1008 preclude a local or state law enforcement agency from searching a
1009 licensee where there is probable cause to believe that a criminal
1010 law has been violated and the search is conducted in conformity
1011 with constitutional and state law.

1012 (2) A manufacturer or an agent of a manufacturer who
1013 intentionally transfers medical cannabis to a person other than a
1014 registered qualified patient, designated caregiver, a registered
1015 parent or legal guardian of a registered qualified patient is
1016 guilty of a felony punishable by not more than two (2) years in
1017 the custody of the Department of Corrections or by a fine of not
1018 more than Three Thousand Dollars (\$3,000.00), or both. A person
1019 convicted under this subsection shall not continue to be
1020 affiliated with the manufacturer and shall be disqualified from
1021 further participation in the program.

1022 (3) A registered qualified patient, registered caregiver or
1023 a registered parent or legal guardian of a registered qualified
1024 patient who intentionally sells or otherwise transfers medical
1025 cannabis to a person other than a registered qualified patient,
1026 designated caregiver, a registered parent or legal guardian of a



1027 registered qualified patient is guilty of a felony punishable by
1028 not more than two (2) years in the custody of the Department of
1029 Corrections or by payment of a fine of not more than Three
1030 Thousand Dollars (\$3,000.00), or both.

1031 (4) A person who knowingly submits false records or
1032 documentation required by the MDOH to register as a manufacturer
1033 of medical cannabis is guilty of a felony punishable by not more
1034 than two (2) years in the custody of the Department of Corrections
1035 or by payment of a fine of not more than Three Thousand Dollars
1036 (\$3,000.00), or both.

1037 (5) A health care practitioner who knowingly refers patients
1038 to a manufacturer or to a designated caregiver, who advertises as
1039 a manufacturer, or who recommends medical cannabis to a patient
1040 while holding a financial interest in a manufacturer is guilty of
1041 a misdemeanor punishable by imprisonment for not more than ninety
1042 (90) days in the county jail or by payment of a fine of not more
1043 than One Thousand Dollars (\$1,000.00), or both, and shall not
1044 recommend medical cannabis to any other patient.

1045 (6) A manufacturer shall be fined up to One Thousand Dollars
1046 (\$1,000.00) for any violation of this chapter where no penalty has
1047 been specified.

1048 (7) (a) A registered qualified patient who drives or
1049 otherwise operates a motor vehicle or operates a watercraft within
1050 this state while under the influence of medical cannabis shall be
1051 guilty of a felony, fined not less than Two Thousand Dollars



1052 (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and
1053 sentenced to not more than two (2) years in the custody of the
1054 Department of Corrections.

1055 (b) A patient guilty under paragraph (a) of this
1056 subsection shall forfeit his or her medical cannabis card to the
1057 MDOH.

1058 (c) This penalty shall be separate from any individual
1059 punished for driving under the influence in Section 63-11-30 for
1060 operating a watercraft under the influence in Section 59-23-7.

1061 (8) The penalties provided for under this section, unless
1062 otherwise stated, are in addition to any other criminal, civil or
1063 administrative penalties provided for under law, rule or
1064 regulation.

1065 **SECTION 11. Reports.** (1) The MDOH shall provide annual
1066 written reports to the Legislature, with the first due no later
1067 than January 1, 2023, tracking implementations of this chapter.
1068 The report shall be made publicly available and posted on the
1069 MDOH's website. The report shall include all of the following:

1070 (a) The number of patients applying for and receiving
1071 medical cannabis cards;

1072 (b) The qualifying medical conditions identified to
1073 obtain the medical cannabis cards;

1074 (c) Comments from physicians and other health care
1075 providers and from pharmacists;



1076 (d) Revenues and expenses of card issuance and
1077 licensing of medical cannabis facilities;
1078 (e) Relevant developments in other states' cannabis
1079 laws;
1080 (f) Relevant scientific research;
1081 (g) Applicable tax revenue;
1082 (h) The MDOH's annual operating expenses and revenue;
1083 (i) Any other information available to the MDOH that
1084 would inform public officials of how this act affects the public;
1085 and
1086 (j) Any suggested legislative changes to this chapter
1087 or other state laws, including changes to reflect changes in
1088 federal law or regulation or changes based on additional medical
1089 or scientific research.

1090 **SECTION 12. Power to examine.** (1) The MDOH and the State
1091 Board of Pharmacy or its designee, as applicable, may examine the
1092 business affairs and conditions of any medical cannabis
1093 manufacturer and specialty pharmacy, including, but not limited
1094 to, a review of the financing, budget, revenues, sales and
1095 pricing.

1096 (2) An examination under this section may cover the medical
1097 cannabis manufacturer or specialty pharmacy's business affairs,
1098 practices and conditions including, but not limited to, a review
1099 of the financing, budgets, revenues, sales and pricing. The MDOH
1100 or State Board of Pharmacy, as applicable, shall determine the



1101 nature and scope of each examination and in doing so, shall take
1102 into account all available relevant factors concerning the
1103 financial and business affairs, practices and conditions of the
1104 examinee. The costs incurred by MDOH or State Board of Pharmacy
1105 in conducting an examination shall be paid for by the medical
1106 cannabis establishment or specialty pharmacy, as applicable.

1107 (3) When making an examination under this section, the MDOH
1108 or State Board of Pharmacy may retain attorneys, appraisers,
1109 independent economists, independent certified public accountants
1110 or other professionals and specialists as designees. A certified
1111 public accountant retained by the MDOH or State Board of Pharmacy
1112 shall not be the same certified public accountant providing the
1113 certified annual audit as provided for in subsection (5) of this
1114 section.

1115 (4) The MDOH or State Board of Pharmacy shall make a report
1116 of an examination conducted under this section and provide a copy
1117 to the medical cannabis manufacturer or specialty pharmacy as
1118 applicable. The MDOH or State Board of Pharmacy shall then post a
1119 copy of the report on its respective website. All working papers,
1120 recorded information, documents and copies produced by, obtained
1121 by or disclosed to the MDOH or State Board of Pharmacy or any
1122 other person in the course of an examination, other than the
1123 information contained in any official report, shall be private
1124 data and not considered a public record subject to disclosure
1125 under Section 25-61-1 et seq.



1126 (5) A medical cannabis manufacturer and specialty pharmacy
1127 shall submit the results of an annual certified financial audit to
1128 the MDOH or State Board of Pharmacy no later than May 1 of each
1129 year. The annual audit shall be conducted by an independent
1130 certified public accountant and the costs of the audit are the
1131 responsibility of the medical cannabis manufacturer or specialty
1132 pharmacy, as applicable.

1133 **SECTION 13. Adverse incidents.** (1) The MDOH shall adopt
1134 rules to establish requirements for reporting incidents when
1135 individuals who are not authorized to possess medical cannabis
1136 under this chapter are found in possession of medical cannabis.
1137 The rules shall identify professionals required to report, the
1138 information they are required to report and actions the reporter
1139 must take to secure the medical cannabis.

1140 (2) The MDOH shall adopt rules to establish requirements for
1141 law enforcement officials and health care practitioners to report
1142 incidents involving an overdose of medical cannabis to the MDOH.

1143 (3) The rules shall include the method by which the MDOH
1144 will collect and tabulate reports of unauthorized possession and
1145 overdoses.

1146 **SECTION 14. Local ordinance.** (1) The MDOH and State Board
1147 of Pharmacy shall not permit a specialty pharmacy or a medical
1148 cannabis manufacturer to operate in any municipality or
1149 unincorporated area of a county unless the municipality or county



1150 has authorized the operation within its boundaries as provided in
1151 subsection (2) of this section.

1152 (2) A county board of supervisors may authorize, by
1153 resolution or ordinance, the operation of specialty pharmacies and
1154 medical cannabis manufacturers within the unincorporated area of
1155 the county. A governing authority of a municipality may
1156 authorize, by resolution or ordinance, the operation of specialty
1157 pharmacies and medical cannabis manufacturers within the corporate
1158 limits of the municipality. The county board of supervisors or
1159 governing authority of a municipality, as applicable, shall notify
1160 the MDOH and the State Board of Pharmacy not more than seven (7)
1161 calendar days after adopting the resolution or ordinance.

1162 (3) This section does not prohibit a municipality or county
1163 from adopting zoning ordinances restricting the operation of
1164 specialty pharmacies or medical cannabis manufacturers within its
1165 corporate limits, including ordinances that:

- 1166 (a) Limit the number of specialty pharmacies;
- 1167 (b) Limit the number of medical cannabis manufacturers;

1168 or

- 1169 (c) Limit the hours of operation of medical cannabis
1170 manufacturers and specialty pharmacies.

1171 **SECTION 15. Seed-to-sale tracking system.** (1) In order to
1172 ensure that all medical cannabis sold in the state maintains
1173 product quality to protect the health and welfare of state
1174 residents, the MDOH shall establish a statewide seed-to-sale



1175 tracking system for use as an integrated cannabis and medical
1176 cannabis tracking, inventory, and verification system. The system
1177 must allow for interface with third-party inventory and tracking
1178 systems to provide for access by this state, licensees, and law
1179 enforcement personnel, to the extent that they need and are
1180 authorized to receive or submit the information, to comply with,
1181 enforce or administer this chapter.

1182 (2) At a minimum, the system must be capable of storing and
1183 providing access to information that, in conjunction with the
1184 patient registry and with one or more third-party inventory
1185 control and tracking systems, allows all of the following:

1186 (a) Retention of a record of the date, time, amount and
1187 price of each sale or transfer of medical cannabis to a registered
1188 qualified patient or registered caregiver;

1189 (b) Effective seed-to-sale tracking of cannabis and
1190 medical cannabis sales and transfers among licensees and with
1191 regard to integrated facility licensees, among facilities of the
1192 licensee; and

1193 (c) Receipt and integration of information from
1194 third-party inventory control and tracking systems.

1195 **SECTION 16. Medical cannabis taxes.** (1) A specialty
1196 pharmacy and medical cannabis manufacturer, on forms and in a manner
1197 specified by the Commissioner of Revenue, shall collect and remit
1198 the sales tax levied in Section 27-65-17(1)(a) from the gross
1199 proceeds derived from each sale of medical cannabis.



1200 (2) All taxes collected under the provisions of this section
1201 shall be deposited into the Medical Cannabis Research and
1202 Opportunity Fund provided for in Section 17 of this act.

1203 (3) All administrative provisions of the sales tax law and
1204 amendments thereto, including those which fix damages, penalties
1205 and interest for nonpayment of taxes and for noncompliance with
1206 the provision of the sales tax law, and all other requirements and
1207 duties imposed upon a taxpayer, shall apply to all persons liable
1208 for taxes under the provisions of this section. The Commissioner
1209 of Revenue shall exercise all power and authority and perform all
1210 duties with respect to taxpayers under this section as are
1211 provided in the sales tax law, except where there is a conflict,
1212 then the provisions of this section shall apply.

1213 **SECTION 17. Medical Cannabis Research and Opportunity Fund.**

1214 (1) There is created a Medical Cannabis Research and Opportunity
1215 Fund in the State Treasury. Revenue generated from the seven
1216 percent (7%) retail sales tax imposed by Section 27-65-17(1)(a)
1217 shall be deposited into the fund by the State Fiscal Officer.

1218 (2) All license fees and fines collected by MDOH and the
1219 State Board of Pharmacy, as applicable, shall be deposited into
1220 the Medical Cannabis Research and Opportunity Fund.

1221 (3) The monies in the Medical Cannabis Research and
1222 Opportunity Fund shall be appropriated by the Legislature and
1223 shall be allocated as follows:



1224 (a) The payment of all costs incurred in the operation
1225 and administration of the medical cannabis program by MDOH and the
1226 State Board of Pharmacy, as applicable; and

1227 (b) If funds remain after covering the cost in
1228 paragraph (a) of this subsection, the remaining funds shall be
1229 allocated accordingly:

1230 (i) Fifty percent (50%) of the remaining funds
1231 shall be allocated to the Mississippi Resident Tuition Assistance
1232 Grant Fund; and

1233 (ii) Twenty-five percent (25%) of the remaining
1234 funds shall be allocated to the Mississippi Eminent Scholars Grant
1235 Fund; and

1236 (iii) Twenty-five percent (25%) of the remaining
1237 funds shall be allocated to the Mississippi Rural Physicians
1238 Scholarship Program.

1239 **SECTION 18.** Sections 1 through 17 of this act shall be
1240 codified as a new chapter in Title 41, Mississippi Code of 1972.

1241 **SECTION 19.** Section 25-53-5, Mississippi Code of 1972, is
1242 amended as follows:

1243 25-53-5. The authority shall have the following powers,
1244 duties, and responsibilities:

1245 (a) (i) The authority shall provide for the
1246 development of plans for the efficient acquisition and utilization
1247 of computer equipment and services by all agencies of state
1248 government, and provide for their implementation. In so doing,



1249 the authority may use the MDITS' staff, at the discretion of the
1250 executive director of the authority, or the authority may contract
1251 for the services of qualified consulting firms in the field of
1252 information technology and utilize the service of such consultants
1253 as may be necessary for such purposes. Pursuant to Section
1254 25-53-1, the provisions of this section shall not apply to the
1255 Department of Human Services for a period of three (3) years
1256 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
1257 provisions of this section shall not apply to the Department of
1258 Child Protection Services for a period of three (3) years
1259 beginning July 1, 2017.

1260 (ii) [Repealed]

1261 (b) The authority shall immediately institute
1262 procedures for carrying out the purposes of this chapter and
1263 supervise the efficient execution of the powers and duties of the
1264 office of executive director of the authority. In the execution
1265 of its functions under this chapter, the authority shall maintain
1266 as a paramount consideration the successful internal organization
1267 and operation of the several agencies so that efficiency existing
1268 therein shall not be adversely affected or impaired. In executing
1269 its functions in relation to the institutions of higher learning
1270 and junior colleges in the state, the authority shall take into
1271 consideration the special needs of such institutions in relation
1272 to the fields of teaching and scientific research.



1273 (c) Title of whatever nature of all computer equipment
1274 now vested in any agency of the State of Mississippi is hereby
1275 vested in the authority, and no such equipment shall be disposed
1276 of in any manner except in accordance with the direction of the
1277 authority or under the provisions of such rules and regulations as
1278 may hereafter be adopted by the authority in relation thereto.

1279 (d) The authority shall adopt rules, regulations, and
1280 procedures governing the acquisition of computer and
1281 telecommunications equipment and services which shall, to the
1282 fullest extent practicable, insure the maximum of competition
1283 between all manufacturers of supplies or equipment or services.
1284 In the writing of specifications, in the making of contracts
1285 relating to the acquisition of such equipment and services, and in
1286 the performance of its other duties the authority shall provide
1287 for the maximum compatibility of all information systems hereafter
1288 installed or utilized by all state agencies and may require the
1289 use of common computer languages where necessary to accomplish the
1290 purposes of this chapter. The authority may establish by
1291 regulation and charge reasonable fees on a nondiscriminatory basis
1292 for the furnishing to bidders of copies of bid specifications and
1293 other documents issued by the authority.

1294 (e) The authority shall adopt rules and regulations
1295 governing the sharing with, or the sale or lease of information
1296 technology services to any nonstate agency or person. Such
1297 regulations shall provide that any such sharing, sale or lease



1298 shall be restricted in that same shall be accomplished only where
1299 such services are not readily available otherwise within the
1300 state, and then only at a charge to the user not less than the
1301 prevailing rate of charge for similar services by private
1302 enterprise within this state.

1303 (f) The authority may, in its discretion, establish a
1304 special technical advisory committee or committees to study and
1305 make recommendations on technology matters within the competence
1306 of the authority as the authority may see fit. Persons serving on
1307 the Information Resource Council, its task forces, or any such
1308 technical advisory committees shall be entitled to receive their
1309 actual and necessary expenses actually incurred in the performance
1310 of such duties, together with mileage as provided by law for state
1311 employees, provided the same has been authorized by a resolution
1312 duly adopted by the authority and entered on its minutes prior to
1313 the performance of such duties.

1314 (g) The authority may provide for the development and
1315 require the adoption of standardized computer programs and may
1316 provide for the dissemination of information to and the
1317 establishment of training programs for the personnel of the
1318 various information technology centers of state agencies and
1319 personnel of the agencies utilizing the services thereof.

1320 (h) The authority shall adopt reasonable rules and
1321 regulations requiring the reporting to the authority through the
1322 office of executive director of such information as may be



1323 required for carrying out the purposes of this chapter and may
1324 also establish such reasonable procedures to be followed in the
1325 presentation of bills for payment under the terms of all contracts
1326 for the acquisition of computer equipment and services now or
1327 hereafter in force as may be required by the authority or by the
1328 executive director in the execution of their powers and duties.

1329 (i) The authority shall require such adequate
1330 documentation of information technology procedures utilized by the
1331 various state agencies and may require the establishment of such
1332 organizational structures within state agencies relating to
1333 information technology operations as may be necessary to
1334 effectuate the purposes of this chapter.

1335 (j) The authority may adopt such further reasonable
1336 rules and regulations as may be necessary to fully implement the
1337 purposes of this chapter. All rules and regulations adopted by
1338 the authority shall be published and disseminated in readily
1339 accessible form to all affected state agencies, and to all current
1340 suppliers of computer equipment and services to the state, and to
1341 all prospective suppliers requesting the same. Such rules and
1342 regulations shall be kept current, be periodically revised, and
1343 copies thereof shall be available at all times for inspection by
1344 the public at reasonable hours in the offices of the authority.
1345 Whenever possible no rule, regulation or any proposed amendment to
1346 such rules and regulations shall be finally adopted or enforced
1347 until copies of the proposed rules and regulations have been



1348 furnished to all interested parties for their comment and
1349 suggestions.

1350 (k) The authority shall establish rules and regulations
1351 which shall provide for the submission of all contracts proposed
1352 to be executed by the executive director for computer equipment or
1353 services to the authority for approval before final execution, and
1354 the authority may provide that such contracts involving the
1355 expenditure of less than such specified amount as may be
1356 established by the authority may be finally executed by the
1357 executive director without first obtaining such approval by the
1358 authority.

1359 (l) The authority is authorized to purchase, lease, or
1360 rent computer equipment or services and to operate that equipment
1361 and use those services in providing services to one or more state
1362 agencies when in its opinion such operation will provide maximum
1363 efficiency and economy in the functions of any such agency or
1364 agencies.

1365 (m) Upon the request of the governing body of a
1366 political subdivision or instrumentality, the authority shall
1367 assist the political subdivision or instrumentality in its
1368 development of plans for the efficient acquisition and utilization
1369 of computer equipment and services. An appropriate fee shall be
1370 charged the political subdivision by the authority for such
1371 assistance.



1372 (n) The authority shall adopt rules and regulations
1373 governing the protest procedures to be followed by any actual or
1374 prospective bidder, offerer or contractor who is aggrieved in
1375 connection with the solicitation or award of a contract for the
1376 acquisition of computer equipment or services. Such rules and
1377 regulations shall prescribe the manner, time and procedure for
1378 making protests and may provide that a protest not timely filed
1379 shall be summarily denied. The authority may require the
1380 protesting party, at the time of filing the protest, to post a
1381 bond, payable to the state, in an amount that the authority
1382 determines sufficient to cover any expense or loss incurred by the
1383 state, the authority or any state agency as a result of the
1384 protest if the protest subsequently is determined by a court of
1385 competent jurisdiction to have been filed without any substantial
1386 basis or reasonable expectation to believe that the protest was
1387 meritorious; however, in no event may the amount of the bond
1388 required exceed a reasonable estimate of the total project cost.
1389 The authority, in its discretion, also may prohibit any
1390 prospective bidder, offerer or contractor who is a party to any
1391 litigation involving any such contract with the state, the
1392 authority or any agency of the state to participate in any other
1393 such bid, offer or contract, or to be awarded any such contract,
1394 during the pendency of the litigation.

1395 (o) The authority shall make a report in writing to the
1396 Legislature each year in the month of January. Such report shall



1397 contain a full and detailed account of the work of the authority
1398 for the preceding year as specified in Section 25-53-29(3).

1399 All acquisitions of computer equipment and services involving
1400 the expenditure of funds in excess of the dollar amount
1401 established in Section 31-7-13(c), or rentals or leases in excess
1402 of the dollar amount established in Section 31-7-13(c) for the
1403 term of the contract, shall be based upon competitive and open
1404 specifications, and contracts therefor shall be entered into only
1405 after advertisements for bids are published in one or more daily
1406 newspapers having a general circulation in the state not less than
1407 fourteen (14) days prior to receiving sealed bids therefor. The
1408 authority may reserve the right to reject any or all bids, and if
1409 all bids are rejected, the authority may negotiate a contract
1410 within the limitations of the specifications so long as the terms
1411 of any such negotiated contract are equal to or better than the
1412 comparable terms submitted by the lowest and best bidder, and so
1413 long as the total cost to the State of Mississippi does not exceed
1414 the lowest bid. If the authority accepts one (1) of such bids, it
1415 shall be that which is the lowest and best. Through December 31,
1416 2022, the provisions of this paragraph shall not apply to
1417 acquisitions of information technology equipment and services made
1418 by the Mississippi Department of Health for the purposes of
1419 implementing, administering and/or enforcing the provisions of the
1420 Mississippi Medical Cannabis Compassion Act.



1421 (p) When applicable, the authority may procure
1422 equipment, systems and related services in accordance with the law
1423 or regulations, or both, which govern the Bureau of Purchasing of
1424 the Office of General Services or which govern the Mississippi
1425 Department of Information Technology Services procurement of
1426 telecommunications equipment, software and services.

1427 (q) The authority is authorized to purchase, lease, or
1428 rent information technology and services for the purpose of
1429 establishing pilot projects to investigate emerging technologies.
1430 These acquisitions shall be limited to new technologies and shall
1431 be limited to an amount set by annual appropriation of the
1432 Legislature. These acquisitions shall be exempt from the
1433 advertising and bidding requirement.

1434 (r) All fees collected by the Mississippi Department of
1435 Information Technology Services shall be deposited into the
1436 Mississippi Department of Information Technology Services
1437 Revolving Fund unless otherwise specified by the Legislature.

1438 (s) The authority shall work closely with the council
1439 to bring about effective coordination of policies, standards and
1440 procedures relating to procurement of remote sensing and
1441 geographic information systems (GIS) resources. In addition, the
1442 authority is responsible for development, operation and
1443 maintenance of a delivery system infrastructure for geographic
1444 information systems data. The authority shall provide a warehouse
1445 for Mississippi's geographic information systems data.



1446 (t) The authority shall manage one or more State Data
1447 Centers to provide information technology services on a
1448 cost-sharing basis. In determining the appropriate services to be
1449 provided through the State Data Center, the authority should
1450 consider those services that:

1451 (i) Result in savings to the state as a whole;

1452 (ii) Improve and enhance the security and
1453 reliability of the state's information and business systems; and

1454 (iii) Optimize the efficient use of the state's
1455 information technology assets, including, but not limited to,
1456 promoting partnerships with the state institutions of higher
1457 learning and community colleges to capitalize on advanced
1458 information technology resources.

1459 (u) The authority shall increase federal participation
1460 in the cost of the State Data Center to the extent provided by law
1461 and its shared technology infrastructure through providing such
1462 shared services to agencies that receive federal funds. With
1463 regard to state institutions of higher learning and community
1464 colleges, the authority may provide shared services when mutually
1465 agreeable, following a determination by both the authority and the
1466 Board of Trustees of State Institutions of Higher Learning or the
1467 Mississippi Community College Board, as the case may be, that the
1468 sharing of services is mutually beneficial.

1469 (v) The authority, in its discretion, may require new
1470 or replacement agency business applications to be hosted at the



1471 State Data Center. With regard to state institutions of higher
1472 learning and community colleges, the authority and the Board of
1473 Trustees of State Institutions of Higher Learning or the
1474 Mississippi Community College Board, as the case may be, may agree
1475 that institutions of higher learning or community colleges may
1476 utilize business applications that are hosted at the State Data
1477 Center, following a determination by both the authority and the
1478 applicable board that the hosting of those applications is
1479 mutually beneficial. In addition, the authority may establish
1480 partnerships to capitalize on the advanced technology resources of
1481 the Board of Trustees of State Institutions of Higher Learning or
1482 the Mississippi Community College Board, following a determination
1483 by both the authority and the applicable board that such a
1484 partnership is mutually beneficial.

1485 (w) The authority shall provide a periodic update
1486 regarding reform-based information technology initiatives to the
1487 Chairmen of the House and Senate Accountability, Efficiency and
1488 Transparency Committees.

1489 From and after July 1, 2018, the expenses of this agency
1490 shall be defrayed by appropriation from the State General Fund.
1491 In addition, in order to receive the maximum use and benefit from
1492 information technology and services, expenses for the provision of
1493 statewide shared services that facilitate cost-effective
1494 information processing and telecommunication solutions shall be
1495 defrayed by pass-through funding and shall be deposited into the



1496 Mississippi Department of Information Technology Services
1497 Revolving Fund unless otherwise specified by the Legislature.
1498 These funds shall only be utilized to pay the actual costs
1499 incurred by the Mississippi Department of Information Technology
1500 Services for providing these shared services to state agencies.
1501 Furthermore, state agencies shall work in full cooperation with
1502 the Board of the Mississippi Department of Information Technology
1503 Services to identify computer equipment or services to minimize
1504 duplication, reduce costs, and improve the efficiency of providing
1505 common technology services across agency boundaries.

1506 **SECTION 20.** Section 27-104-203, Mississippi Code of 1972, is
1507 amended as follows:

1508 27-104-203. * * * From and after July 1, 2016, no state
1509 agency shall charge another state agency a fee, assessment, rent,
1510 audit fee, personnel fee or other charge for services or resources
1511 received. The provisions of this section shall not apply (a) to
1512 grants, contracts, pass-through funds, project fees or other
1513 charges for services between state agencies and the Board of
1514 Trustees of State Institutions of Higher Learning, any public
1515 university, the Mississippi Community College Board, any public
1516 community or junior college, and the State Department of
1517 Education, nor (b) to charges for services between the Board of
1518 Trustees of State Institutions of Higher Learning, any public
1519 university, the Mississippi Community College Board, any public
1520 community or junior college, and the State Department of



1521 Education, nor (c) to federal grants, pass-through funds, cost
1522 allocation charges, surplus property charges or project fees
1523 between state agencies as approved or determined by the State
1524 Fiscal Officer, nor (d) telecommunications, data center services,
1525 and/or other information technology services that are used on an
1526 as-needed basis and those costs shall be passed through to the
1527 using agency, nor (e) to federal grants, special funds, or
1528 pass-through funds, available for payment by state agencies to the
1529 Department of Finance and Administration related to Mississippi
1530 Management and Reporting Systems (MMRS) Statewide Application
1531 charges and utilities as approved or determined by the State
1532 Fiscal Officer, nor (f) * * * to grants, contracts, pass-through
1533 funds, project fees or charges for services between the State
1534 Department of Health and other state agencies or entities,
1535 including, but not limited to, the Board of Trustees of State
1536 Institutions of Higher Learning, any public university, the
1537 Mississippi Community College Board, any public community or
1538 junior college, and the State Department of Education, for the
1539 operation of the * * * medical * * * cannabis program as
1540 established by * * * the Mississippi Medical Cannabis Compassion
1541 Act. The Board of Trustees of State Institutions of Higher
1542 Learning, any public university, the Mississippi Community College
1543 Board, any public community or junior college, and the State
1544 Department of Education shall retain the authority to charge and



1545 be charged for expenditures that they deemed nonrecurring in
1546 nature by the State Fiscal Officer.

1547 * * *

1548 **SECTION 21.** Section 27-65-111, Mississippi Code of 1972, is
1549 amended as follows:

1550 27-65-111. The exemptions from the provisions of this
1551 chapter which are not industrial, agricultural or governmental, or
1552 which do not relate to utilities or taxes, or which are not
1553 properly classified as one (1) of the exemption classifications of
1554 this chapter, shall be confined to persons or property exempted by
1555 this section or by the Constitution of the United States or the
1556 State of Mississippi. No exemptions as now provided by any other
1557 section, except the classified exemption sections of this chapter
1558 set forth herein, shall be valid as against the tax herein levied.
1559 Any subsequent exemption from the tax levied hereunder, except as
1560 indicated above, shall be provided by amendments to this section.

1561 No exemption provided in this section shall apply to taxes
1562 levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972.

1563 The tax levied by this chapter shall not apply to the
1564 following:

1565 (a) Sales of tangible personal property and services to
1566 hospitals or infirmaries owned and operated by a corporation or
1567 association in which no part of the net earnings inures to the
1568 benefit of any private shareholder, group or individual, and which
1569 are subject to and governed by Sections 41-7-123 through 41-7-127.



1570 Only sales of tangible personal property or services which
1571 are ordinary and necessary to the operation of such hospitals and
1572 infirmaries are exempted from tax.

1573 (b) Sales of daily or weekly newspapers, and
1574 periodicals or publications of scientific, literary or educational
1575 organizations exempt from federal income taxation under Section
1576 501(c) (3) of the Internal Revenue Code of 1954, as it exists as of
1577 March 31, 1975, and subscription sales of all magazines.

1578 (c) Sales of coffins, caskets and other materials used
1579 in the preparation of human bodies for burial.

1580 (d) Sales of tangible personal property for immediate
1581 export to a foreign country.

1582 (e) Sales of tangible personal property to an
1583 orphanage, old men's or ladies' home, supported wholly or in part
1584 by a religious denomination, fraternal nonprofit organization or
1585 other nonprofit organization.

1586 (f) Sales of tangible personal property, labor or
1587 services taxable under Sections 27-65-17, 27-65-19 and 27-65-23,
1588 to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a
1589 corporation or association in which no part of the net earnings
1590 inures to the benefit of any private shareholder, group or
1591 individual.

1592 (g) Sales to elementary and secondary grade schools,
1593 junior and senior colleges owned and operated by a corporation or
1594 association in which no part of the net earnings inures to the



1595 benefit of any private shareholder, group or individual, and which
1596 are exempt from state income taxation, provided that this
1597 exemption does not apply to sales of property or services which
1598 are not to be used in the ordinary operation of the school, or
1599 which are to be resold to the students or the public.

1600 (h) The gross proceeds of retail sales and the use or
1601 consumption in this state of drugs and medicines:

1602 (i) Prescribed for the treatment of a human being
1603 by a person authorized to prescribe the medicines, and dispensed
1604 or prescription filled by a registered pharmacist in accordance
1605 with law; or

1606 (ii) Furnished by a licensed physician, surgeon,
1607 dentist or podiatrist to his or her own patient for treatment of
1608 the patient; or

1609 (iii) Furnished by a hospital for treatment of any
1610 person pursuant to the order of a licensed physician, surgeon,
1611 dentist or podiatrist; or

1612 (iv) Sold to a licensed physician, surgeon,
1613 podiatrist, dentist or hospital for the treatment of a human
1614 being; or

1615 (v) Sold to this state or any political
1616 subdivision or municipal corporation thereof, for use in the
1617 treatment of a human being or furnished for the treatment of a
1618 human being by a medical facility or clinic maintained by this



1619 state or any political subdivision or municipal corporation
1620 thereof.

1621 "Medicines," as used in this paragraph (h), shall mean and
1622 include any substance or preparation intended for use by external
1623 or internal application to the human body in the diagnosis, cure,
1624 mitigation, treatment or prevention of disease and which is
1625 commonly recognized as a substance or preparation intended for
1626 such use; provided that "medicines" do not include any auditory,
1627 prosthetic, ophthalmic or ocular device or appliance, any dentures
1628 or parts thereof or any artificial limbs or their replacement
1629 parts, articles which are in the nature of splints, bandages,
1630 pads, compresses, supports, dressings, instruments, apparatus,
1631 contrivances, appliances, devices or other mechanical, electronic,
1632 optical or physical equipment or article or the component parts
1633 and accessories thereof, or any alcoholic beverage or any other
1634 drug or medicine not commonly referred to as a prescription drug.

1635 Notwithstanding the preceding sentence of this paragraph (h),
1636 "medicines" as used in this paragraph (h), shall mean and include
1637 sutures, whether or not permanently implanted, bone screws, bone
1638 pins, pacemakers and other articles permanently implanted in the
1639 human body to assist the functioning of any natural organ, artery,
1640 vein or limb and which remain or dissolve in the body.

1641 The exemption provided in this paragraph (h) shall not apply
1642 to medical cannabis sold in accordance with the provisions of the



1643 Mississippi Medical Cannabis Compassion Act and in compliance with
1644 rules and regulations adopted thereunder.

1645 "Hospital," as used in this paragraph (h), shall have the
1646 meaning ascribed to it in Section 41-9-3, Mississippi Code of
1647 1972.

1648 Insulin furnished by a registered pharmacist to a person for
1649 treatment of diabetes as directed by a physician shall be deemed
1650 to be dispensed on prescription within the meaning of this
1651 paragraph (h).

1652 (i) Retail sales of automobiles, trucks and
1653 truck-tractors if exported from this state within forty-eight (48)
1654 hours and registered and first used in another state.

1655 (j) Sales of tangible personal property or services to
1656 the Salvation Army and the Muscular Dystrophy Association, Inc.

1657 (k) From July 1, 1985, through December 31, 1992,
1658 retail sales of "alcohol-blended fuel" as such term is defined in
1659 Section 75-55-5. The gasoline-alcohol blend or the straight
1660 alcohol eligible for this exemption shall not contain alcohol
1661 distilled outside the State of Mississippi.

1662 (l) Sales of tangible personal property or services to
1663 the Institute for Technology Development.

1664 (m) The gross proceeds of retail sales of food and
1665 drink for human consumption made through vending machines serviced
1666 by full-line vendors from and not connected with other taxable
1667 businesses.



1668 (n) The gross proceeds of sales of motor fuel.

1669 (o) Retail sales of food for human consumption

1670 purchased with food stamps issued by the United States Department

1671 of Agriculture, or other federal agency, from and after October 1,

1672 1987, or from and after the expiration of any waiver granted

1673 pursuant to federal law, the effect of which waiver is to permit

1674 the collection by the state of tax on such retail sales of food

1675 for human consumption purchased with food stamps.

1676 (p) Sales of cookies for human consumption by the Girl

1677 Scouts of America no part of the net earnings from which sales

1678 inures to the benefit of any private group or individual.

1679 (q) Gifts or sales of tangible personal property or

1680 services to public or private nonprofit museums of art.

1681 (r) Sales of tangible personal property or services to

1682 alumni associations of state-supported colleges or universities.

1683 (s) Sales of tangible personal property or services to

1684 National Association of Junior Auxiliaries, Inc., and chapters of

1685 the National Association of Junior Auxiliaries, Inc.

1686 (t) Sales of tangible personal property or services to

1687 domestic violence shelters which qualify for state funding under

1688 Sections 93-21-101 through 93-21-113.

1689 (u) Sales of tangible personal property or services to

1690 the National Multiple Sclerosis Society, Mississippi Chapter.

1691 (v) Retail sales of food for human consumption

1692 purchased with food instruments issued the Mississippi Band of



1693 Choctaw Indians under the Women, Infants and Children Program
1694 (WIC) funded by the United States Department of Agriculture.

1695 (w) Sales of tangible personal property or services to
1696 a private company, as defined in Section 57-61-5, which is making
1697 such purchases with proceeds of bonds issued under Section 57-61-1
1698 et seq., the Mississippi Business Investment Act.

1699 (x) The gross collections from the operation of
1700 self-service, coin-operated car washing equipment and sales of the
1701 service of washing motor vehicles with portable high-pressure
1702 washing equipment on the premises of the customer.

1703 (y) Sales of tangible personal property or services to
1704 the Mississippi Technology Alliance.

1705 (z) Sales of tangible personal property to nonprofit
1706 organizations that provide foster care, adoption services and
1707 temporary housing for unwed mothers and their children if the
1708 organization is exempt from federal income taxation under Section
1709 501(c) (3) of the Internal Revenue Code.

1710 (aa) Sales of tangible personal property to nonprofit
1711 organizations that provide residential rehabilitation for persons
1712 with alcohol and drug dependencies if the organization is exempt
1713 from federal income taxation under Section 501(c) (3) of the
1714 Internal Revenue Code.

1715 (bb) (i) Retail sales of an article of clothing or
1716 footwear designed to be worn on or about the human body and retail
1717 sales of school supplies if the sales price of the article of



1718 clothing or footwear or school supply is less than One Hundred
1719 Dollars (\$100.00) and the sale takes place during a period
1720 beginning at 12:01 a.m. on the last Friday in July and ending at
1721 12:00 midnight the following Saturday. This paragraph (bb) shall
1722 not apply to:

1723 1. Accessories including jewelry, handbags,
1724 luggage, umbrellas, wallets, watches, briefcases, garment bags and
1725 similar items carried on or about the human body, without regard
1726 to whether worn on the body in a manner characteristic of
1727 clothing;

1728 2. The rental of clothing or footwear; and

1729 3. Skis, swim fins, roller blades, skates and
1730 similar items worn on the foot.

1731 (ii) For purposes of this paragraph (bb), "school
1732 supplies" means items that are commonly used by a student in a
1733 course of study. The following is an all-inclusive list:

1734 1. Backpacks;

1735 2. Binder pockets;

1736 3. Binders;

1737 4. Blackboard chalk;

1738 5. Book bags;

1739 6. Calculators;

1740 7. Cellophane tape;

1741 8. Clays and glazes;

1742 9. Compasses;



- 1743 10. Composition books;
- 1744 11. Crayons;
- 1745 12. Dictionaries and thesauruses;
- 1746 13. Dividers;
- 1747 14. Erasers;
- 1748 15. Folders: expandable, pocket, plastic and
- 1749 manila;
- 1750 16. Glue, paste and paste sticks;
- 1751 17. Highlighters;
- 1752 18. Index card boxes;
- 1753 19. Index cards;
- 1754 20. Legal pads;
- 1755 21. Lunch boxes;
- 1756 22. Markers;
- 1757 23. Notebooks;
- 1758 24. Paintbrushes for artwork;
- 1759 25. Paints: acrylic, tempera and oil;
- 1760 26. Paper: loose-leaf ruled notebook paper,
- 1761 copy paper, graph paper, tracing paper, manila paper, colored
- 1762 paper, poster board and construction paper;
- 1763 27. Pencil boxes and other school supply
- 1764 boxes;
- 1765 28. Pencil sharpeners;
- 1766 29. Pencils;
- 1767 30. Pens;



- 1768 31. Protractors;
1769 32. Reference books;
1770 33. Reference maps and globes;
1771 34. Rulers;
1772 35. Scissors;
1773 36. Sheet music;
1774 37. Sketch and drawing pads;
1775 38. Textbooks;
1776 39. Watercolors;
1777 40. Workbooks; and
1778 41. Writing tablets.

1779 (iii) From and after January 1, 2010, the
1780 governing authorities of a municipality, for retail sales
1781 occurring within the corporate limits of the municipality, may
1782 suspend the application of the exemption provided for in this
1783 paragraph (bb) by adoption of a resolution to that effect stating
1784 the date upon which the suspension shall take effect. A certified
1785 copy of the resolution shall be furnished to the Department of
1786 Revenue at least ninety (90) days prior to the date upon which the
1787 municipality desires such suspension to take effect.

1788 (cc) The gross proceeds of sales of tangible personal
1789 property made for the sole purpose of raising funds for a school
1790 or an organization affiliated with a school.



1791 As used in this paragraph (cc), "school" means any public or
1792 private school that teaches courses of instruction to students in
1793 any grade from kindergarten through Grade 12.

1794 (dd) Sales of durable medical equipment and home
1795 medical supplies when ordered or prescribed by a licensed
1796 physician for medical purposes of a patient. As used in this
1797 paragraph (dd), "durable medical equipment" and "home medical
1798 supplies" mean equipment, including repair and replacement parts
1799 for the equipment or supplies listed under Title XVIII of the
1800 Social Security Act or under the state plan for medical assistance
1801 under Title XIX of the Social Security Act, prosthetics,
1802 orthotics, hearing aids, hearing devices, prescription eyeglasses,
1803 oxygen and oxygen equipment. Payment does not have to be made, in
1804 whole or in part, by any particular person to be eligible for this
1805 exemption. Purchases of home medical equipment and supplies by a
1806 provider of home health services or a provider of hospice services
1807 are eligible for this exemption if the purchases otherwise meet
1808 the requirements of this paragraph.

1809 (ee) Sales of tangible personal property or services to
1810 Mississippi Blood Services.

1811 (ff) (i) Subject to the provisions of this paragraph
1812 (ff), retail sales of firearms, ammunition and hunting supplies if
1813 sold during the annual Mississippi Second Amendment Weekend
1814 holiday beginning at 12:01 a.m. on the last Friday in August and
1815 ending at 12:00 midnight the following Sunday. For the purposes



1816 of this paragraph (ff), "hunting supplies" means tangible personal
1817 property used for hunting, including, and limited to, archery
1818 equipment, firearm and archery cases, firearm and archery
1819 accessories, hearing protection, holsters, belts and slings.
1820 Hunting supplies does not include animals used for hunting.

1821 (ii) This paragraph (ff) shall apply only if one
1822 or more of the following occur:

1823 1. Title to and/or possession of an eligible
1824 item is transferred from a seller to a purchaser; and/or

1825 2. A purchaser orders and pays for an
1826 eligible item and the seller accepts the order for immediate
1827 shipment, even if delivery is made after the time period provided
1828 in subparagraph (i) of this paragraph (ff), provided that the
1829 purchaser has not requested or caused the delay in shipment.

1830 (gg) Sales of nonperishable food items to charitable
1831 organizations that are exempt from federal income taxation under
1832 Section 501(c)(3) of the Internal Revenue Code and operate a food
1833 bank or food pantry or food lines.

1834 (hh) Sales of tangible personal property or services to
1835 the United Way of the Pine Belt Region, Inc.

1836 (ii) Sales of tangible personal property or services to
1837 the Mississippi Children's Museum or any subsidiary or affiliate
1838 thereof operating a satellite or branch museum within this state.

1839 (jj) Sales of tangible personal property or services to
1840 the Jackson Zoological Park.



1841 (kk) Sales of tangible personal property or services to
1842 the Hattiesburg Zoo.

1843 (ll) Gross proceeds from sales of food, merchandise or
1844 other concessions at an event held solely for religious or
1845 charitable purposes at livestock facilities, agriculture
1846 facilities or other facilities constructed, renovated or expanded
1847 with funds for the grant program authorized under Section 18,
1848 Chapter 530, Laws of 1995.

1849 (mm) Sales of tangible personal property and services
1850 to the Diabetes Foundation of Mississippi and the Mississippi
1851 Chapter of the Juvenile Diabetes Research Foundation.

1852 (nn) Sales of potting soil, mulch, or other soil
1853 amendments used in growing ornamental plants which bear no fruit
1854 of commercial value when sold to commercial plant nurseries that
1855 operate exclusively at wholesale and where no retail sales can be
1856 made.

1857 (oo) Sales of tangible personal property or services to
1858 the University of Mississippi Medical Center Research Development
1859 Foundation.

1860 (pp) Sales of tangible personal property or services to
1861 Keep Mississippi Beautiful, Inc., and all affiliates of Keep
1862 Mississippi Beautiful, Inc.

1863 (qq) Sales of tangible personal property or services to
1864 the Friends of Children's Hospital.



1865 (rr) Sales of tangible personal property or services to
1866 the Pinecrest Weekend Backpacks for Kids located in Corinth,
1867 Mississippi.

1868 (ss) Sales of hearing aids when ordered or prescribed
1869 by a licensed physician, audiologist or hearing aid specialist for
1870 the medical purposes of a patient.

1871 (tt) Sales exempt under the Facilitating Business Rapid
1872 Response to State Declared Disasters Act of 2015 (Sections
1873 27-113-1 through 27-113-9).

1874 (uu) Sales of tangible personal property or services to
1875 the Junior League of Jackson.

1876 (vv) Sales of tangible personal property or services to
1877 the Mississippi's Toughest Kids Foundation for use in the
1878 construction, furnishing and equipping of buildings and related
1879 facilities and infrastructure at Camp Kamassa in Copiah County,
1880 Mississippi. This paragraph (vv) shall stand repealed on July 1,
1881 2022.

1882 (ww) Sales of tangible personal property or services to
1883 MS Gulf Coast Buddy Sports, Inc.

1884 (xx) Sales of tangible personal property or services to
1885 Biloxi Lions, Inc.

1886 (yy) Sales of tangible personal property or services to
1887 Lions Sight Foundation of Mississippi, Inc.



1888 (zz) Sales of tangible personal property and services
1889 to the Goldring/Woldenberg Institute of Southern Jewish Life
1890 (ISJL).

1891 **SECTION 22.** Section 33-13-520, Mississippi Code of 1972, is
1892 amended as follows:

1893 33-13-520. (1) Any person subject to this code who uses,
1894 while on duty, any controlled substance listed in the Uniform
1895 Controlled Substances Law, not legally prescribed, or is found, by
1896 a chemical analysis of such person's blood or urine, to have in
1897 his or her blood, while on duty, any controlled substance
1898 described in subsection (3), not legally prescribed, shall be
1899 punished as a court-martial may direct.

1900 (2) Any person subject to this code who wrongfully uses,
1901 possesses, manufactures, distributes, imports into the customs
1902 territory of the United States, exports from the United States, or
1903 introduces into an installation, vessel, vehicle or aircraft used
1904 by or under the control of the state military forces a substance
1905 described in subsection (3) shall be punished as a court-martial
1906 may direct.

1907 (3) The substances referred to in subsections (1) and (2)
1908 are the following:

1909 (a) Opium, heroin, cocaine, amphetamine, lysergic acid
1910 diethylamide, methamphetamine, phencyclidine, barbituric acid, and
1911 marijuana and any compound or derivative of any such substance.
1912 For the purposes of this paragraph (a), "marijuana" shall not



1913 include medical cannabis that is lawful under the Mississippi
1914 Medical Cannabis Compassion Act and in compliance with rules and
1915 regulations adopted thereunder.

1916 (b) Any substance not specified in paragraph (a) that
1917 is listed on a schedule of controlled substance prescribed by the
1918 President for the purposes of the federal Uniform Code of Military
1919 Justice.

1920 (c) Any other substance not specified in paragraph (a)
1921 or contained on a list prescribed by the President under paragraph
1922 (b) that is listed in Schedules I through V of Section 202 of the
1923 federal Controlled Substances Act (21 USCS 812).

1924 **SECTION 23.** Section 41-29-125, Mississippi Code of 1972, is
1925 amended as follows:

1926 41-29-125. (1) The State Board of Pharmacy may promulgate
1927 rules and regulations relating to the registration and control of
1928 the manufacture, distribution and dispensing of controlled
1929 substances, including medical cannabis in accordance with the
1930 Mississippi Medical Cannabis Compassion Act, within this state and
1931 the distribution and dispensing of controlled substances into this
1932 state from an out-of-state location.

1933 (a) Every person who manufactures, distributes or
1934 dispenses any controlled substance within this state or who
1935 distributes or dispenses any controlled substance into this state
1936 from an out-of-state location, or who proposes to engage in the
1937 manufacture, distribution or dispensing of any controlled



1938 substance within this state or the distribution or dispensing of
1939 any controlled substance into this state from an out-of-state
1940 location, must obtain a registration issued by the State Board of
1941 Pharmacy, the State Board of Medical Licensure, the State Board of
1942 Dental Examiners, the Mississippi Board of Nursing or the
1943 Mississippi Board of Veterinary Medicine, as appropriate, in
1944 accordance with its rules and the law of this state. Such
1945 registration shall be obtained annually or biennially, as
1946 specified by the issuing board, and a reasonable fee may be
1947 charged by the issuing board for such registration.

1948 (b) Persons registered by the State Board of Pharmacy,
1949 with the consent of the United States Drug Enforcement
1950 Administration and the State Board of Medical Licensure, the State
1951 Board of Dental Examiners, the Mississippi Board of Nursing or the
1952 Mississippi Board of Veterinary Medicine to manufacture,
1953 distribute, dispense or conduct research with controlled
1954 substances may possess, manufacture, distribute, dispense or
1955 conduct research with those substances to the extent authorized by
1956 their registration and in conformity with the other provisions of
1957 this article.

1958 (c) The following persons need not register and may
1959 lawfully possess controlled substances under this article:

1960 (* * *i) An agent or employee of any registered
1961 manufacturer, distributor or dispenser of any controlled substance



1962 if he or she is acting in the usual course of his or her business
1963 or employment;

1964 (* * *ii) A common or contract carrier or
1965 warehouse, or an employee thereof, whose possession of any
1966 controlled substance is in the usual course of business or
1967 employment;

1968 (* * *iii) An ultimate user or a person in
1969 possession of any controlled substance pursuant to a valid
1970 prescription or in lawful possession of a Schedule V substance as
1971 defined in Section 41-29-121.

1972 (d) The State Board of Pharmacy may waive by rule the
1973 requirement for registration of certain manufacturers,
1974 distributors or dispensers if it finds it consistent with the
1975 public health and safety.

1976 (e) A separate registration is required at each
1977 principal place of business or professional practice where an
1978 applicant within the state manufactures, distributes or dispenses
1979 controlled substances and for each principal place of business or
1980 professional practice located out of state from which controlled
1981 substances are distributed or dispensed into the state.

1982 (f) The State Board of Pharmacy, the Mississippi Bureau
1983 of Narcotics, the State Board of Medical Licensure, the State
1984 Board of Dental Examiners, the Mississippi Board of Nursing and
1985 the Mississippi Board of Veterinary Medicine may inspect the
1986 establishment of a registrant or applicant for registration in



1987 accordance with the regulations of these agencies as approved by
1988 the board.

1989 (2) Whenever a pharmacy ships, mails or delivers any
1990 Schedule II controlled substance listed in Section 41-29-115 to a
1991 private residence in this state, the pharmacy shall arrange with
1992 the entity that will actually deliver the controlled substance to
1993 a recipient in this state that the entity will: (a) deliver the
1994 controlled substance only to a person who is eighteen (18) years
1995 of age or older; and (b) obtain the signature of that person
1996 before delivering the controlled substance. The requirements of
1997 this subsection shall not apply to a pharmacy serving a nursing
1998 facility or to a pharmacy owned and/or operated by a hospital,
1999 nursing facility or clinic to which the general public does not
2000 have access to purchase pharmaceuticals on a retail basis.

2001 **SECTION 24.** Section 41-29-127, Mississippi Code of 1972, is
2002 amended as follows:

2003 41-29-127. (a) The State Board of Pharmacy shall register
2004 an applicant to manufacture or distribute controlled substances
2005 included in Sections 41-29-113 through 41-29-121 and the
2006 Mississippi Medical Cannabis Compassion Act, unless it determines
2007 that the issuance of that registration would be inconsistent with
2008 the public interest. In determining the public interest, the
2009 State Board of Pharmacy shall consider the following factors:



2010 (1) Maintenance of effective controls against diversion
2011 of controlled substances into other than legitimate medical,
2012 scientific, or industrial channels;

2013 (2) Compliance with applicable state and local law;

2014 (3) Any convictions of the applicant under any federal
2015 and state laws relating to any controlled substance;

2016 (4) Past experience in the manufacture or distribution
2017 of controlled substances and the existence in the applicant's
2018 establishment of effective controls against diversion;

2019 (5) Furnishing by the applicant of false or fraudulent
2020 material in any application filed under this article;

2021 (6) Suspension or revocation of the applicant's federal
2022 registration to manufacture, distribute, or dispense controlled
2023 substances as authorized by federal law; and

2024 (7) Any other factors relevant to and consistent with
2025 the public health and safety.

2026 (b) Registration under subsection (a) does not entitle a
2027 registrant to manufacture and distribute controlled substances in
2028 Schedule I or II, as set out in Sections 41-29-113 and 41-29-115,
2029 other than those specified in the registration.

2030 (c) Practitioners must be registered to dispense any
2031 controlled substances or to conduct research with controlled
2032 substances in Schedules II through V, as set out in Sections
2033 41-29-115 through 41-29-121, if they are authorized to dispense or
2034 conduct research under the law of this state. The State Board of



2035 Pharmacy need not require separate registration under this section
2036 for practitioners engaging in research with nonnarcotic controlled
2037 substances in the said Schedules II through V where the registrant
2038 is already registered therein in another capacity. Practitioners
2039 registered under federal law to conduct research with Schedule I
2040 substances, as set out in Section 41-29-113, may conduct research
2041 with Schedule I substances within this state upon furnishing the
2042 State Board of Health evidence of that federal registration.

2043 (d) Compliance by manufacturers and distributors with the
2044 provisions of the federal law respecting registration (excluding
2045 fees) entitles them to be registered under this article.

2046 **SECTION 25.** Section 41-29-136, Mississippi Code of 1972, is
2047 amended as follows:

2048 41-29-136. (1) "CBD solution" means a pharmaceutical
2049 preparation consisting of processed cannabis plant extract in oil
2050 or other suitable vehicle.

2051 (2) (a) CBD solution prepared from (i) Cannabis plant
2052 extract that is provided by the National Center for Natural
2053 Products Research at the University of Mississippi under
2054 appropriate federal and state regulatory approvals, or (ii)
2055 Cannabis extract from hemp produced pursuant to Sections 69-25-201
2056 through 69-25-221, which is prepared and tested to meet compliance
2057 with regulatory specifications, may be dispensed by the Department
2058 of Pharmacy Services at the University of Mississippi Medical
2059 Center (UMMC Pharmacy) after mixing the extract with a suitable



2060 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or
2061 by another pharmacy or laboratory in the state under appropriate
2062 federal and state regulatory approvals and registrations.

2063 (b) The patient or the patient's parent, guardian or
2064 custodian must execute a hold-harmless agreement that releases
2065 from liability the state and any division, agency, institution or
2066 employee thereof involved in the research, cultivation,
2067 processing, formulating, dispensing, prescribing or administration
2068 of CBD solution obtained from entities authorized under this
2069 section to produce or possess cannabidiol for research under
2070 appropriate federal and state regulatory approvals and
2071 registrations.

2072 (c) The National Center for Natural Products Research
2073 at the University of Mississippi and the Mississippi Agricultural
2074 and Forestry Experiment Station at Mississippi State University
2075 are the only entities authorized to produce cannabis plants for
2076 cannabidiol research.

2077 (d) Research of CBD solution under this section must
2078 comply with the provisions of Section 41-29-125 regarding lawful
2079 possession of controlled substances, of Section 41-29-137
2080 regarding record-keeping requirements relative to the dispensing,
2081 use or administration of controlled substances, and of Section
2082 41-29-133 regarding inventory requirements, insofar as they are
2083 applicable. Authorized entities may enter into public-private
2084 partnerships to facilitate research.



2085 (3) (a) In a prosecution for the unlawful possession of
2086 marijuana under the laws of this state, it is an affirmative and
2087 complete defense to prosecution that:

2088 (i) The defendant suffered from a debilitating
2089 epileptic condition or related illness and the use or possession
2090 of CBD solution was pursuant to the order of a physician as
2091 authorized under this section; or

2092 (ii) The defendant is the parent, guardian or
2093 custodian of an individual who suffered from a debilitating
2094 epileptic condition or related illness and the use or possession
2095 of CBD solution was pursuant to the order of a physician as
2096 authorized under this section.

2097 (b) An agency of this state or a political subdivision
2098 thereof, including any law enforcement agency, may not initiate
2099 proceedings to remove a child from the home based solely upon the
2100 possession or use of CBD solution by the child or parent, guardian
2101 or custodian of the child as authorized under this section.

2102 (c) An employee of the state or any division, agency,
2103 institution thereof involved in the research, cultivation,
2104 processing, formulation, dispensing, prescribing or administration
2105 of CBD solution shall not be subject to prosecution for unlawful
2106 possession, use, distribution or prescription of marijuana under
2107 the laws of this state for activities arising from or related to
2108 the use of CBD solution in the treatment of individuals diagnosed
2109 with a debilitating epileptic condition.



2110 (4) This section does not apply to any of the actions that
2111 are lawful under the Mississippi Medical Cannabis Compassion Act
2112 and in compliance with rules and regulations thereunder.

2113 (* * *5) This section shall be known as "Harper Grace's
2114 Law."

2115 (* * *6) This section shall stand repealed from and after
2116 July 1, 2024.

2117 **SECTION 26.** Section 41-29-137, Mississippi Code of 1972, is
2118 amended as follows:

2119 41-29-137. (a) (1) Except when dispensed directly by a
2120 practitioner, other than a pharmacy, to an ultimate user, no
2121 controlled substance in Schedule II, as set out in Section
2122 41-29-115, may be dispensed without the written valid prescription
2123 of a practitioner. A practitioner shall keep a record of all
2124 controlled substances in Schedule I, II and III administered,
2125 dispensed or professionally used by him or her otherwise than by
2126 prescription.

2127 (2) In emergency situations, as defined by rule of the
2128 State Board of Pharmacy, Schedule II drugs may be dispensed upon
2129 the oral valid prescription of a practitioner, reduced promptly to
2130 writing and filed by the pharmacy. Prescriptions shall be
2131 retained in conformity with the requirements of Section 41-29-133.
2132 No prescription for a Schedule II substance may be refilled unless
2133 renewed by prescription issued by a licensed medical doctor.



2134 (b) Except when dispensed directly by a practitioner, other
2135 than a pharmacy, to an ultimate user, a controlled substance
2136 included in Schedule III or IV, as set out in Sections 41-29-117
2137 and 41-29-119, shall not be dispensed without a written or oral
2138 valid prescription of a practitioner. The prescription shall not
2139 be filled or refilled more than six (6) months after the date
2140 thereof or be refilled more than five (5) times, unless renewed by
2141 the practitioner.

2142 (c) A controlled substance included in Schedule V, as set
2143 out in Section 41-29-121, shall not be distributed or dispensed
2144 other than for a medical purpose.

2145 (d) An optometrist certified to prescribe and use
2146 therapeutic pharmaceutical agents under Sections 73-19-153 through
2147 73-19-165 shall be authorized to prescribe oral analgesic
2148 controlled substances in Schedule IV or V, as pertains to
2149 treatment and management of eye disease by written prescription
2150 only.

2151 (e) Administration by injection of any pharmaceutical
2152 product authorized in this section is expressly prohibited except
2153 when dispensed directly by a practitioner other than a pharmacy.

2154 (f) (1) For the purposes of this article, Title 73, Chapter
2155 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it
2156 pertains to prescriptions for controlled substances, a "valid
2157 prescription" means a prescription that is issued for a legitimate
2158 medical purpose in the usual course of professional practice by:



2159 (A) A practitioner who has conducted at least one
2160 (1) in-person medical evaluation of the patient, except as
2161 otherwise authorized by Section 41-29-137.1; or

2162 (B) A covering practitioner.

2163 (2) (A) "In-person medical evaluation" means a medical
2164 evaluation that is conducted with the patient in the physical
2165 presence of the practitioner, without regard to whether portions
2166 of the evaluation are conducted by other health professionals.

2167 (B) "Covering practitioner" means a practitioner
2168 who conducts a medical evaluation other than an in-person medical
2169 evaluation at the request of a practitioner who has conducted at
2170 least one (1) in-person medical evaluation of the patient or an
2171 evaluation of the patient through the practice of telemedicine
2172 within the previous twenty-four (24) months and who is temporarily
2173 unavailable to conduct the evaluation of the patient.

2174 (3) A prescription for a controlled substance based
2175 solely on a consumer's completion of an online medical
2176 questionnaire is not a valid prescription.

2177 (4) Nothing in this subsection (f) shall apply to:

2178 (A) A prescription issued by a practitioner
2179 engaged in the practice of telemedicine as authorized under state
2180 or federal law; or

2181 (B) The dispensing or selling of a controlled
2182 substance pursuant to practices as determined by the United States
2183 Attorney General by regulation.



2184 (g) This section does not apply to any of the actions that
2185 are lawful under the Mississippi Medical Cannabis Compassion Act
2186 and in compliance with rules and regulations adopted thereunder.

2187 **SECTION 27.** Section 41-29-139, Mississippi Code of 1972, is
2188 amended as follows:

2189 41-29-139. (a) **Transfer and possession with intent to**
2190 **transfer.** Except as authorized by this article, it is unlawful
2191 for any person knowingly or intentionally:

2192 (1) To sell, barter, transfer, manufacture, distribute,
2193 dispense or possess with intent to sell, barter, transfer,
2194 manufacture, distribute or dispense, a controlled substance; or

2195 (2) To create, sell, barter, transfer, distribute,
2196 dispense or possess with intent to create, sell, barter, transfer,
2197 distribute or dispense, a counterfeit substance.

2198 (b) **Punishment for transfer and possession with intent to**
2199 **transfer.** Except as otherwise provided in Section 41-29-142, any
2200 person who violates subsection (a) of this section shall be, if
2201 convicted, sentenced as follows:

2202 (1) For controlled substances classified in Schedule I
2203 or II, as set out in Sections 41-29-113 and 41-29-115, other than
2204 marijuana or synthetic cannabinoids:

2205 (A) If less than two (2) grams or ten (10) dosage
2206 units, by imprisonment for not more than eight (8) years or a fine
2207 of not more than Fifty Thousand Dollars (\$50,000.00), or both.



2208 (B) If two (2) or more grams or ten (10) or more
2209 dosage units, but less than ten (10) grams or twenty (20) dosage
2210 units, by imprisonment for not less than three (3) years nor more
2211 than twenty (20) years or a fine of not more than Two Hundred
2212 Fifty Thousand Dollars (\$250,000.00), or both.

2213 (C) If ten (10) or more grams or twenty (20) or
2214 more dosage units, but less than thirty (30) grams or forty (40)
2215 dosage units, by imprisonment for not less than five (5) years nor
2216 more than thirty (30) years or a fine of not more than Five
2217 Hundred Thousand Dollars (\$500,000.00), or both.

2218 (2) (A) For marijuana:

2219 1. If thirty (30) grams or less, by
2220 imprisonment for not more than three (3) years or a fine of not
2221 more than Three Thousand Dollars (\$3,000.00), or both;

2222 2. If more than thirty (30) grams but less
2223 than two hundred fifty (250) grams, by imprisonment for not more
2224 than five (5) years or a fine of not more than Five Thousand
2225 Dollars (\$5,000.00), or both;

2226 3. If two hundred fifty (250) or more grams
2227 but less than five hundred (500) grams, by imprisonment for not
2228 less than three (3) years nor more than ten (10) years or a fine
2229 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

2230 4. If five hundred (500) or more grams but
2231 less than one (1) kilogram, by imprisonment for not less than five



2232 (5) years nor more than twenty (20) years or a fine of not more
2233 than Twenty Thousand Dollars (\$20,000.00), or both.

2234 (B) For synthetic cannabinoids:

2235 1. If ten (10) grams or less, by imprisonment
2236 for not more than three (3) years or a fine of not more than Three
2237 Thousand Dollars (\$3,000.00), or both;

2238 2. If more than ten (10) grams but less than
2239 twenty (20) grams, by imprisonment for not more than five (5)
2240 years or a fine of not more than Five Thousand Dollars
2241 (\$5,000.00), or both;

2242 3. If twenty (20) or more grams but less than
2243 forty (40) grams, by imprisonment for not less than three (3)
2244 years nor more than ten (10) years or a fine of not more than
2245 Fifteen Thousand Dollars (\$15,000.00), or both;

2246 4. If forty (40) or more grams but less than
2247 two hundred (200) grams, by imprisonment for not less than five
2248 (5) years nor more than twenty (20) years or a fine of not more
2249 than Twenty Thousand Dollars (\$20,000.00), or both.

2250 (3) For controlled substances classified in Schedules
2251 III and IV, as set out in Sections 41-29-117 and 41-29-119:

2252 (A) If less than two (2) grams or ten (10) dosage
2253 units, by imprisonment for not more than five (5) years or a fine
2254 of not more than Five Thousand Dollars (\$5,000.00), or both;

2255 (B) If two (2) or more grams or ten (10) or more
2256 dosage units, but less than ten (10) grams or twenty (20) dosage



2257 units, by imprisonment for not more than eight (8) years or a fine
2258 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

2259 (C) If ten (10) or more grams or twenty (20) or
2260 more dosage units, but less than thirty (30) grams or forty (40)
2261 dosage units, by imprisonment for not more than fifteen (15) years
2262 or a fine of not more than One Hundred Thousand Dollars
2263 (\$100,000.00), or both;

2264 (D) If thirty (30) or more grams or forty (40) or
2265 more dosage units, but less than five hundred (500) grams or two
2266 thousand five hundred (2,500) dosage units, by imprisonment for
2267 not more than twenty (20) years or a fine of not more than Two
2268 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

2269 (4) For controlled substances classified in Schedule V,
2270 as set out in Section 41-29-121:

2271 (A) If less than two (2) grams or ten (10) dosage
2272 units, by imprisonment for not more than one (1) year or a fine of
2273 not more than Five Thousand Dollars (\$5,000.00), or both;

2274 (B) If two (2) or more grams or ten (10) or more
2275 dosage units, but less than ten (10) grams or twenty (20) dosage
2276 units, by imprisonment for not more than five (5) years or a fine
2277 of not more than Ten Thousand Dollars (\$10,000.00), or both;

2278 (C) If ten (10) or more grams or twenty (20) or
2279 more dosage units, but less than thirty (30) grams or forty (40)
2280 dosage units, by imprisonment for not more than ten (10) years or



2281 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or
2282 both;

2283 (D) For thirty (30) or more grams or forty (40) or
2284 more dosage units, but less than five hundred (500) grams or two
2285 thousand five hundred (2,500) dosage units, by imprisonment for
2286 not more than fifteen (15) years or a fine of not more than Fifty
2287 Thousand Dollars (\$50,000.00), or both.

2288 (c) **Simple possession.** Except as otherwise provided under
2289 subsection (i) of this section for actions that are lawful under
2290 the Mississippi Medical Cannabis Compassion Act and in compliance
2291 with rules and regulations adopted thereunder, it is unlawful for
2292 any person knowingly or intentionally to possess any controlled
2293 substance unless the substance was obtained directly from, or
2294 pursuant to, a valid prescription or order of a practitioner while
2295 acting in the course of his or her professional practice, or
2296 except as otherwise authorized by this article. The penalties for
2297 any violation of this subsection (c) with respect to a controlled
2298 substance classified in Schedules I, II, III, IV or V, as set out
2299 in Section 41-29-113, 41-29-115, 41-29-117, 41-29-119 or
2300 41-29-121, including marijuana or synthetic cannabinoids, shall be
2301 based on dosage unit as defined herein or the weight of the
2302 controlled substance as set forth herein as appropriate:

2303 "Dosage unit (d.u.)" means a tablet or capsule, or in the
2304 case of a liquid solution, one (1) milliliter. In the case of
2305 lysergic acid diethylamide (LSD) the term, "dosage unit" means a



2306 stamp, square, dot, microdot, tablet or capsule of a controlled
2307 substance.

2308 For any controlled substance that does not fall within the
2309 definition of the term "dosage unit," the penalties shall be based
2310 upon the weight of the controlled substance.

2311 The weight set forth refers to the entire weight of any
2312 mixture or substance containing a detectable amount of the
2313 controlled substance.

2314 If a mixture or substance contains more than one (1)
2315 controlled substance, the weight of the mixture or substance is
2316 assigned to the controlled substance that results in the greater
2317 punishment.

2318 A person shall be charged and sentenced as follows for a
2319 violation of this subsection with respect to:

2320 (1) A controlled substance classified in Schedule I or
2321 II, except marijuana and synthetic cannabinoids:

2322 (A) If less than one-tenth (0.1) gram or two (2)
2323 dosage units, the violation is a misdemeanor and punishable by
2324 imprisonment for not more than one (1) year or a fine of not more
2325 than One Thousand Dollars (\$1,000.00), or both.

2326 (B) If one-tenth (0.1) gram or more or two (2) or
2327 more dosage units, but less than two (2) grams or ten (10) dosage
2328 units, by imprisonment for not more than three (3) years or a fine
2329 of not more than Fifty Thousand Dollars (\$50,000.00), or both.



2330 (C) If two (2) or more grams or ten (10) or more
2331 dosage units, but less than ten (10) grams or twenty (20) dosage
2332 units, by imprisonment for not more than eight (8) years or a fine
2333 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),
2334 or both.

2335 (D) If ten (10) or more grams or twenty (20) or
2336 more dosage units, but less than thirty (30) grams or forty (40)
2337 dosage units, by imprisonment for not less than three (3) years
2338 nor more than twenty (20) years or a fine of not more than Five
2339 Hundred Thousand Dollars (\$500,000.00), or both.

2340 (2) (A) Marijuana and synthetic cannabinoids:

2341 1. If thirty (30) grams or less of marijuana
2342 or ten (10) grams or less of synthetic cannabinoids, by a fine of
2343 not less than One Hundred Dollars (\$100.00) nor more than Two
2344 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph
2345 (2) (A) may be enforceable by summons if the offender provides
2346 proof of identity satisfactory to the arresting officer and gives
2347 written promise to appear in court satisfactory to the arresting
2348 officer, as directed by the summons. A second conviction under
2349 this section within two (2) years is a misdemeanor punishable by a
2350 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty
2351 (60) days in the county jail, and mandatory participation in a
2352 drug education program approved by the Division of Alcohol and
2353 Drug Abuse of the State Department of Mental Health, unless the
2354 court enters a written finding that a drug education program is



2355 inappropriate. A third or subsequent conviction under this
2356 paragraph (2) (A) within two (2) years is a misdemeanor punishable
2357 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor
2358 more than One Thousand Dollars (\$1,000.00) and confinement for not
2359 more than six (6) months in the county jail.

2360 Upon a first or second conviction under this paragraph
2361 (2) (A), the courts shall forward a report of the conviction to the
2362 Mississippi Bureau of Narcotics which shall make and maintain a
2363 private, nonpublic record for a period not to exceed two (2) years
2364 from the date of conviction. The private, nonpublic record shall
2365 be solely for the use of the courts in determining the penalties
2366 which attach upon conviction under this paragraph (2) (A) and shall
2367 not constitute a criminal record for the purpose of private or
2368 administrative inquiry and the record of each conviction shall be
2369 expunged at the end of the period of two (2) years following the
2370 date of such conviction;

2371 2. Additionally, a person who is the operator
2372 of a motor vehicle, who possesses on his or her person or
2373 knowingly keeps or allows to be kept in a motor vehicle within the
2374 area of the vehicle normally occupied by the driver or passengers,
2375 more than one (1) gram, but not more than thirty (30) grams of
2376 marijuana or not more than ten (10) grams of synthetic
2377 cannabinoids is guilty of a misdemeanor and, upon conviction, may
2378 be fined not more than One Thousand Dollars (\$1,000.00) or
2379 confined for not more than ninety (90) days in the county jail, or



2380 both. For the purposes of this subsection, such area of the
2381 vehicle shall not include the trunk of the motor vehicle or the
2382 areas not normally occupied by the driver or passengers if the
2383 vehicle is not equipped with a trunk. A utility or glove
2384 compartment shall be deemed to be within the area occupied by the
2385 driver and passengers * * *.

2386 (B) Marijuana:

2387 1. If more than thirty (30) grams but less
2388 than two hundred fifty (250) grams, by a fine of not more than One
2389 Thousand Dollars (\$1,000.00), or confinement in the county jail
2390 for not more than one (1) year, or both; or by a fine of not more
2391 than Three Thousand Dollars (\$3,000.00), or imprisonment in the
2392 custody of the Department of Corrections for not more than three
2393 (3) years, or both;

2394 2. If two hundred fifty (250) or more grams
2395 but less than five hundred (500) grams, by imprisonment for not
2396 less than two (2) years nor more than eight (8) years or by a fine
2397 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

2398 3. If five hundred (500) or more grams but
2399 less than one (1) kilogram, by imprisonment for not less than four
2400 (4) years nor more than sixteen (16) years or a fine of not more
2401 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

2402 4. If one (1) kilogram or more but less than
2403 five (5) kilograms, by imprisonment for not less than six (6)



2404 years nor more than twenty-four (24) years or a fine of not more
2405 than Five Hundred Thousand Dollars (\$500,000.00), or both;

2406 5. If five (5) kilograms or more, by
2407 imprisonment for not less than ten (10) years nor more than thirty
2408 (30) years or a fine of not more than One Million Dollars
2409 (\$1,000,000.00), or both.

2410 (C) Synthetic cannabinoids:

2411 1. If more than ten (10) grams but less than
2412 twenty (20) grams, by a fine of not more than One Thousand Dollars
2413 (\$1,000.00), or confinement in the county jail for not more than
2414 one (1) year, or both; or by a fine of not more than Three
2415 Thousand Dollars (\$3,000.00), or imprisonment in the custody of
2416 the Department of Corrections for not more than three (3) years,
2417 or both;

2418 2. If twenty (20) or more grams but less than
2419 forty (40) grams, by imprisonment for not less than two (2) years
2420 nor more than eight (8) years or by a fine of not more than Fifty
2421 Thousand Dollars (\$50,000.00), or both;

2422 3. If forty (40) or more grams but less than
2423 two hundred (200) grams, by imprisonment for not less than four
2424 (4) years nor more than sixteen (16) years or a fine of not more
2425 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

2426 4. If two hundred (200) or more grams, by
2427 imprisonment for not less than six (6) years nor more than



2428 twenty-four (24) years or a fine of not more than Five Hundred
2429 Thousand Dollars (\$500,000.00), or both.

2430 (3) A controlled substance classified in Schedule III,
2431 IV or V as set out in Sections 41-29-117 through 41-29-121, upon
2432 conviction, may be punished as follows:

2433 (A) If less than fifty (50) grams or less than one
2434 hundred (100) dosage units, the offense is a misdemeanor and
2435 punishable by not more than one (1) year or a fine of not more
2436 than One Thousand Dollars (\$1,000.00), or both.

2437 (B) If fifty (50) or more grams or one hundred
2438 (100) or more dosage units, but less than one hundred fifty (150)
2439 grams or five hundred (500) dosage units, by imprisonment for not
2440 less than one (1) year nor more than four (4) years or a fine of
2441 not more than Ten Thousand Dollars (\$10,000.00), or both.

2442 (C) If one hundred fifty (150) or more grams or
2443 five hundred (500) or more dosage units, but less than three
2444 hundred (300) grams or one thousand (1,000) dosage units, by
2445 imprisonment for not less than two (2) years nor more than eight
2446 (8) years or a fine of not more than Fifty Thousand Dollars
2447 (\$50,000.00), or both.

2448 (D) If three hundred (300) or more grams or one
2449 thousand (1,000) or more dosage units, but less than five hundred
2450 (500) grams or two thousand five hundred (2,500) dosage units, by
2451 imprisonment for not less than four (4) years nor more than



2452 sixteen (16) years or a fine of not more than Two Hundred Fifty
2453 Thousand Dollars (\$250,000.00), or both.

2454 (d) **Paraphernalia.** (1) Except as otherwise provided under
2455 subsection (i) of this section for actions that are lawful under the
2456 Mississippi Medical Cannabis Compassion Act and in compliance with
2457 rules and regulations adopted thereunder, it is unlawful for a
2458 person who is not authorized by the State Board of Medical
2459 Licensure, State Board of Pharmacy, or other lawful authority to
2460 use, or to possess with intent to use, paraphernalia to plant,
2461 propagate, cultivate, grow, harvest, manufacture, compound,
2462 convert, produce, process, prepare, test, analyze, pack, repack,
2463 store, contain, conceal, inject, ingest, inhale or otherwise
2464 introduce into the human body a controlled substance in violation
2465 of the Uniform Controlled Substances Law. Any person who violates
2466 this subsection (d)(1) is guilty of a misdemeanor and, upon
2467 conviction, may be confined in the county jail for not more than
2468 six (6) months, or fined not more than Five Hundred Dollars
2469 (\$500.00), or both; however, no person shall be charged with a
2470 violation of this subsection when such person is also charged with
2471 the possession of thirty (30) grams or less of marijuana under
2472 subsection (c)(2)(A) of this section.

2473 (2) It is unlawful for any person to deliver, sell,
2474 possess with intent to deliver or sell, or manufacture with intent
2475 to deliver or sell, paraphernalia, knowing, or under circumstances
2476 where one reasonably should know, that it will be used to plant,



2477 propagate, cultivate, grow, harvest, manufacture, compound,
2478 convert, produce, process, prepare, test, analyze, pack, repack,
2479 store, contain, conceal, inject, ingest, inhale, or otherwise
2480 introduce into the human body a controlled substance in violation
2481 of the Uniform Controlled Substances Law. Except as provided in
2482 subsection (d) (3), a person who violates this subsection (d) (2) is
2483 guilty of a misdemeanor and, upon conviction, may be confined in
2484 the county jail for not more than six (6) months, or fined not
2485 more than Five Hundred Dollars (\$500.00), or both.

2486 (3) Any person eighteen (18) years of age or over who
2487 violates subsection (d) (2) of this section by delivering or
2488 selling paraphernalia to a person under eighteen (18) years of age
2489 who is at least three (3) years his or her junior is guilty of a
2490 misdemeanor and, upon conviction, may be confined in the county
2491 jail for not more than one (1) year, or fined not more than One
2492 Thousand Dollars (\$1,000.00), or both.

2493 (4) It is unlawful for any person to place in any
2494 newspaper, magazine, handbill, or other publication any
2495 advertisement, knowing, or under circumstances where one
2496 reasonably should know, that the purpose of the advertisement, in
2497 whole or in part, is to promote the sale of objects designed or
2498 intended for use as paraphernalia. Any person who violates this
2499 subsection is guilty of a misdemeanor and, upon conviction, may be
2500 confined in the county jail for not more than six (6) months, or
2501 fined not more than Five Hundred Dollars (\$500.00), or both.



2502 (e) It shall be unlawful for any physician practicing
2503 medicine in this state to prescribe, dispense or administer any
2504 amphetamine or amphetamine-like anorectics and/or central nervous
2505 system stimulants classified in Schedule II, pursuant to Section
2506 41-29-115, for the exclusive treatment of obesity, weight control
2507 or weight loss. Any person who violates this subsection, upon
2508 conviction, is guilty of a misdemeanor and may be confined for a
2509 period not to exceed six (6) months, or fined not more than One
2510 Thousand Dollars (\$1,000.00), or both.

2511 (f) **Trafficking.** (1) Any person trafficking in controlled
2512 substances shall be guilty of a felony and, upon conviction, shall
2513 be imprisoned for a term of not less than ten (10) years nor more
2514 than forty (40) years and shall be fined not less than Five
2515 Thousand Dollars (\$5,000.00) nor more than One Million Dollars
2516 (\$1,000,000.00). The ten-year mandatory sentence shall not be
2517 reduced or suspended. The person shall not be eligible for
2518 probation or parole, the provisions of Sections 41-29-149,
2519 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

2520 (2) "Trafficking in controlled substances" as used
2521 herein means:

2522 (A) A violation of subsection (a) of this section
2523 involving thirty (30) or more grams or forty (40) or more dosage
2524 units of a Schedule I or II controlled substance except marijuana
2525 and synthetic cannabinoids;



2526 (B) A violation of subsection (a) of this section
2527 involving five hundred (500) or more grams or two thousand five
2528 hundred (2,500) or more dosage units of a Schedule III, IV or V
2529 controlled substance;

2530 (C) A violation of subsection (c) of this section
2531 involving thirty (30) or more grams or forty (40) or more dosage
2532 units of a Schedule I or II controlled substance except marijuana
2533 and synthetic cannabinoids;

2534 (D) A violation of subsection (c) of this section
2535 involving five hundred (500) or more grams or two thousand five
2536 hundred (2,500) or more dosage units of a Schedule III, IV or V
2537 controlled substance; or

2538 (E) A violation of subsection (a) of this section
2539 involving one (1) kilogram or more of marijuana or two hundred
2540 (200) grams or more of synthetic cannabinoids.

2541 (g) **Aggravated trafficking.** Any person trafficking in
2542 Schedule I or II controlled substances, except marijuana and
2543 synthetic cannabinoids, of two hundred (200) grams or more shall
2544 be guilty of aggravated trafficking and, upon conviction, shall be
2545 sentenced to a term of not less than twenty-five (25) years nor
2546 more than life in prison and shall be fined not less than Five
2547 Thousand Dollars (\$5,000.00) nor more than One Million Dollars
2548 (\$1,000,000.00). The twenty-five-year sentence shall be a
2549 mandatory sentence and shall not be reduced or suspended. The
2550 person shall not be eligible for probation or parole, the



2551 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to
2552 the contrary notwithstanding.

2553 (h) **Sentence mitigation.** (1) Notwithstanding any provision
2554 of this section, a person who has been convicted of an offense
2555 under this section that requires the judge to impose a prison
2556 sentence which cannot be suspended or reduced and is ineligible
2557 for probation or parole may, at the discretion of the court,
2558 receive a sentence of imprisonment that is no less than
2559 twenty-five percent (25%) of the sentence prescribed by the
2560 applicable statute. In considering whether to apply the departure
2561 from the sentence prescribed, the court shall conclude that:

2562 (A) The offender was not a leader of the criminal
2563 enterprise;

2564 (B) The offender did not use violence or a weapon
2565 during the crime;

2566 (C) The offense did not result in a death or
2567 serious bodily injury of a person not a party to the criminal
2568 enterprise; and

2569 (D) The interests of justice are not served by the
2570 imposition of the prescribed mandatory sentence.

2571 The court may also consider whether information and
2572 assistance were furnished to a law enforcement agency, or its
2573 designee, which, in the opinion of the trial judge, objectively
2574 should or would have aided in the arrest or prosecution of others
2575 who violate this subsection. The accused shall have adequate



2576 opportunity to develop and make a record of all information and
2577 assistance so furnished.

2578 (2) If the court reduces the prescribed sentence
2579 pursuant to this subsection, it must specify on the record the
2580 circumstances warranting the departure.

2581 (i) This section does not apply to any of the actions that
2582 are lawful under the Mississippi Medical Cannabis Compassion Act
2583 and in compliance with rules and regulations adopted thereunder.

2584 **SECTION 28.** Section 41-29-141, Mississippi Code of 1972, is
2585 amended as follows:

2586 41-29-141. It is unlawful for any person:

2587 (1) Who is subject to Section 41-29-125 to distribute
2588 or dispense a controlled substance in violation of Section
2589 41-29-137;

2590 (2) Who is a registrant under Section 41-29-125 to
2591 manufacture a controlled substance not authorized by his or her
2592 registration, or to distribute or dispense a controlled substance
2593 not authorized by his or her registration to another registrant or
2594 other authorized person;

2595 (3) To refuse or fail to make, keep or furnish any
2596 record, notification, order form, statement, invoice or
2597 information required under this article;

2598 (4) To refuse a lawful entry into any premises for any
2599 inspection authorized by this article; or



2600 (5) Knowingly to keep or maintain any store, shop,
2601 warehouse, dwelling, building, vehicle, boat, aircraft, or other
2602 structure or place, which is resorted to by persons using
2603 controlled substances in violation of this article for the purpose
2604 of using these substances, or which is used for keeping or selling
2605 them in violation of this article.

2606 Any person who violates this section shall, with respect to
2607 such violation, be subject to a civil penalty payable to the State
2608 of Mississippi of not more than Twenty-five Thousand Dollars
2609 (\$25,000.00).

2610 In addition to the civil penalty provided in the preceding
2611 paragraph, any person who knowingly or intentionally violates this
2612 section shall be guilty of a crime and upon conviction thereof may
2613 be confined for a period of not more than one (1) year or fined
2614 not more than One Thousand Dollars (\$1,000.00), or both.

2615 This section does not apply to any of the actions that are
2616 lawful under the Mississippi Medical Cannabis Compassion Act and in
2617 compliance with rules and regulations adopted thereunder.

2618 **SECTION 29.** Section 41-29-143, Mississippi Code of 1972, is
2619 amended as follows:

2620 41-29-143. It is unlawful for any person knowingly or
2621 intentionally:

2622 (1) To distribute as a registrant a controlled
2623 substance classified in Schedule I or II, as set out in Sections



2624 41-29-113 and 41-29-115, except pursuant to an order form as
2625 required by Section 41-29-135;

2626 (2) To use in the course of the manufacture or
2627 distribution of a controlled substance a registration number which
2628 is fictitious, revoked, suspended, or issued to another
2629 person * * *;

2630 (3) To furnish false or fraudulent material information
2631 in, or omit any material information from, any application,
2632 report, or other document required to be kept or filed under this
2633 article, or any record required to be kept by this article; or

2634 (4) To make, distribute, or possess any punch, die,
2635 plate, stone, or other thing designed to print, imprint, or
2636 reproduce the trademark, trade name, or other identifying mark,
2637 imprint or device of another or any likeness of any of the
2638 foregoing upon any drug or container or labeling thereof so as to
2639 render the drug a counterfeit substance.

2640 Any person who violates this section is guilty of a crime and
2641 upon conviction may be confined for not more than one (1) year or
2642 fined not more than One Thousand Dollars (\$1,000.00) or both.

2643 This section does not apply to any of the actions that are
2644 lawful under the Mississippi Medical Cannabis Compassion Act and in
2645 compliance with rules and regulations adopted thereunder.

2646 **SECTION 30.** Section 59-23-7, Mississippi Code of 1972, is
2647 amended as follows:



2648 59-23-7. (1) It is unlawful for any person to operate a
2649 watercraft on the public waters of this state who:
2650 (a) Is under the influence of intoxicating liquor;
2651 (b) Is under the influence of any other substance which
2652 has impaired such person's ability to operate a watercraft; or
2653 (c) Has eight one-hundredths percent (.08%) or more by
2654 weight volume of alcohol in the person's blood based upon
2655 milligrams of alcohol per one hundred (100) cubic centimeters of
2656 blood as shown by a chemical analysis of such person's breath,
2657 blood or urine administered as authorized by this chapter.
2658 (2) (a) Except as provided in subsection (6) of this
2659 section, upon conviction of any person for the first offense of
2660 violating subsection (1) of this section where chemical tests
2661 provided for under Section 59-23-5 were given, or where chemical
2662 test results are not available, such person shall be fined not
2663 less than Two Hundred Fifty Dollars (\$250.00) nor more than One
2664 Thousand Dollars (\$1,000.00), or imprisoned for not more than
2665 twenty-four (24) hours in jail, or both; and the court shall order
2666 such person to attend and complete a boating safety education
2667 course developed by the Department of Wildlife, Fisheries and
2668 Parks.
2669 (b) Upon any second conviction of any person violating
2670 subsection (1) of this section, the offenses being committed
2671 within a period of five (5) years, the person shall be fined not
2672 less than Six Hundred Dollars (\$600.00) nor more than One Thousand



2673 Dollars (\$1,000.00) and shall be imprisoned not less than
2674 forty-eight (48) consecutive hours nor more than one (1) year or
2675 sentenced to community service work for not less than ten (10)
2676 days nor more than one (1) year. The court shall order the person
2677 not to operate a watercraft for one (1) year.

2678 (c) For any third conviction of any person violating
2679 subsection (1) of this section, the offenses being committed
2680 within a period of five (5) years, the person shall be fined not
2681 less than Eight Hundred Dollars (\$800.00) nor more than One
2682 Thousand Dollars (\$1,000.00) and shall be imprisoned not less than
2683 thirty (30) days nor more than one (1) year. The court shall
2684 order the person not to operate a watercraft for two (2) years.

2685 (d) Any fourth or subsequent violation of subsection
2686 (1) of this section shall be a felony offense and, upon
2687 conviction, the offenses being committed within a period of five
2688 (5) years, the person shall be fined not less than Two Thousand
2689 Dollars (\$2,000.00) nor more than Five Thousand Dollars
2690 (\$5,000.00) and shall be imprisoned not less than ninety (90) days
2691 nor more than five (5) years in the custody of the Department of
2692 Corrections. The court shall order the person not to operate a
2693 watercraft for three (3) years.

2694 (3) Any person convicted of operating any watercraft in
2695 violation of subsection (1) of this section where the person (a)
2696 refused a law enforcement officer's request to submit to a
2697 chemical test, or (b) was unconscious at the time of a chemical



2698 test and refused to consent to the introduction of the results of
2699 such test in any prosecution, shall be punished consistent with
2700 the penalties prescribed herein for persons submitting to the test
2701 and the court shall order the person not to operate a watercraft
2702 for the time periods specified in subsection (2) of this section.

2703 (4) Any person who operates any watercraft in violation of
2704 the provisions of subsection (1) of this section and who in a
2705 negligent manner causes the death of another or mutilates,
2706 disfigures, permanently disables or destroys the tongue, eye, lip,
2707 nose or any other member or limb of another shall, upon
2708 conviction, be guilty of a felony and shall be committed to the
2709 custody of the Department of Corrections for a period of time not
2710 to exceed ten (10) years.

2711 (5) Upon conviction of any violation of subsection (1) of
2712 this section, the judge shall cause a copy of the citation and any
2713 other pertinent documents concerning the conviction to be sent
2714 immediately to the Mississippi Department of Wildlife, Fisheries
2715 and Parks and the Department of Marine Resources. A copy of the
2716 citation or other pertinent documents, having been attested as
2717 true and correct by the Director of the Mississippi Department of
2718 Wildlife, Fisheries and Parks, or his or her designee, or the
2719 Director of the Department of Marine Resources, or his or her
2720 designee, shall be sufficient proof of the conviction for purposes
2721 of determining the enhanced penalty for any subsequent convictions
2722 of violations of subsection (1) of this section.



2723 (6) A registered qualified patient of medical cannabis under
2724 the Mississippi Medical Cannabis Compassion Act who operates a
2725 watercraft within this state while under the influence of medical
2726 cannabis shall be subject to the penalties set forth in Section
2727 10(7) of this act for his or her first offense and shall not be
2728 subject to the penalties under subsection (2)(a) of this section.
2729 All other provisions of this section are applicable to first
2730 offenses under Section 10(7) of this act and all second and
2731 subsequent offenses by registered qualified patients.

2732 **SECTION 31.** Section 63-11-30, Mississippi Code of 1972, is
2733 amended as follows:

2734 63-11-30. (1) It is unlawful for a person to drive or
2735 otherwise operate a vehicle within this state if the person:

2736 (a) Is under the influence of intoxicating liquor;

2737 (b) Is under the influence of any other substance that
2738 has impaired the person's ability to operate a motor vehicle;

2739 (c) Is under the influence of any drug or controlled
2740 substance, the possession of which is unlawful under the

2741 Mississippi Controlled Substances Law; or

2742 (d) Has an alcohol concentration in the person's blood,
2743 based upon grams of alcohol per one hundred (100) milliliters of
2744 blood, or grams of alcohol per two hundred ten (210) liters of
2745 breath, as shown by a chemical analysis of the person's breath,
2746 blood or urine administered as authorized by this chapter, of:



2747 (i) Eight one-hundredths percent (.08%) or more
2748 for a person who is above the legal age to purchase alcoholic
2749 beverages under state law;

2750 (ii) Two one-hundredths percent (.02%) or more for
2751 a person who is below the legal age to purchase alcoholic
2752 beverages under state law; or

2753 (iii) Four one-hundredths percent (.04%) or more
2754 for a person operating a commercial motor vehicle.

2755 (2) Except as otherwise provided in subsection (3) of this
2756 section (Zero Tolerance for Minors):

2757 (a) **First offense DUI.** (i) Except as provided in
2758 subsection (15) of this section, upon conviction of any person for
2759 the first offense of violating subsection (1) of this section
2760 where chemical tests under Section 63-11-5 were given, or where
2761 chemical test results are not available, the person shall be fined
2762 not less than Two Hundred Fifty Dollars (\$250.00) nor more than
2763 One Thousand Dollars (\$1,000.00), or imprisoned for not more than
2764 forty-eight (48) hours in jail, or both; the court shall order the
2765 person to attend and complete an alcohol safety education program
2766 as provided in Section 63-11-32 within six (6) months of
2767 sentencing. The court may substitute attendance at a victim
2768 impact panel instead of forty-eight (48) hours in jail.

2769 (ii) Suspension of commercial driving privileges
2770 is governed by Section 63-1-216.



2771 (iii) A qualifying first offense may be
2772 nonadjudicated by the court under subsection (14) of this section.
2773 The holder of a commercial driver's license or a commercial
2774 learning permit at the time of the offense is ineligible for
2775 nonadjudication.

2776 (iv) Eligibility for an interlock-restricted
2777 license is governed by Section 63-11-31 and suspension of regular
2778 driving privileges is governed by Section 63-11-23.

2779 (b) **Second offense DUI.** (i) Upon any second
2780 conviction of any person violating subsection (1) of this section,
2781 the offenses being committed within a period of five (5) years,
2782 the person shall be guilty of a misdemeanor, fined not less than
2783 Six Hundred Dollars (\$600.00) nor more than One Thousand Five
2784 Hundred Dollars (\$1,500.00), shall be imprisoned not less than
2785 five (5) days nor more than six (6) months and sentenced to
2786 community service work for not less than ten (10) days nor more
2787 than six (6) months. The minimum penalties shall not be suspended
2788 or reduced by the court and no prosecutor shall offer any
2789 suspension or sentence reduction as part of a plea bargain.

2790 (ii) Suspension of commercial driving privileges
2791 is governed by Section 63-1-216.

2792 (iii) Eligibility for an interlock-restricted
2793 license is governed by Section 63-11-31 and suspension of regular
2794 driving privileges is governed by Section 63-11-23.



2795 (c) **Third offense DUI.** (i) For a third conviction of
2796 a person for violating subsection (1) of this section, the
2797 offenses being committed within a period of five (5) years, the
2798 person shall be guilty of a felony and fined not less than Two
2799 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars
2800 (\$5,000.00), and shall serve not less than one (1) year nor more
2801 than five (5) years in the custody of the Department of
2802 Corrections. For any offense that does not result in serious
2803 injury or death to any person, the sentence of incarceration may
2804 be served in the county jail rather than in the State Penitentiary
2805 at the discretion of the circuit court judge. The minimum
2806 penalties shall not be suspended or reduced by the court and no
2807 prosecutor shall offer any suspension or sentence reduction as
2808 part of a plea bargain.

2809 (ii) The suspension of commercial driving
2810 privileges is governed by Section 63-1-216.

2811 (iii) The suspension of regular driving privileges
2812 is governed by Section 63-11-23.

2813 (d) **Fourth and subsequent offense DUI.** (i) For any
2814 fourth or subsequent conviction of a violation of subsection (1)
2815 of this section, without regard to the time period within which
2816 the violations occurred, the person shall be guilty of a felony
2817 and fined not less than Three Thousand Dollars (\$3,000.00) nor
2818 more than Ten Thousand Dollars (\$10,000.00), and shall serve not



2819 less than two (2) years nor more than ten (10) years in the
2820 custody of the Department of Corrections.

2821 (ii) The suspension of commercial driving
2822 privileges is governed by Section 63-1-216.

2823 (iii) A person convicted of a fourth or subsequent
2824 offense is ineligible to exercise the privilege to operate a motor
2825 vehicle that is not equipped with an ignition-interlock device for
2826 ten (10) years.

2827 (e) Any person convicted of a second or subsequent
2828 violation of subsection (1) of this section shall receive an
2829 in-depth diagnostic assessment, and if as a result of the
2830 assessment is determined to be in need of treatment for alcohol or
2831 drug abuse, the person must successfully complete treatment at a
2832 program site certified by the Department of Mental Health. Each
2833 person who receives a diagnostic assessment shall pay a fee
2834 representing the cost of the assessment. Each person who
2835 participates in a treatment program shall pay a fee representing
2836 the cost of treatment.

2837 (f) The use of ignition-interlock devices is governed
2838 by Section 63-11-31.

2839 (3) **Zero Tolerance for Minors.** (a) This subsection shall
2840 be known and may be cited as Zero Tolerance for Minors. The
2841 provisions of this subsection shall apply only when a person under
2842 the age of twenty-one (21) years has a blood alcohol concentration
2843 of two one-hundredths percent (.02%) or more, but lower than eight



2844 one-hundredths percent (.08%). If the person's blood alcohol
2845 concentration is eight one-hundredths percent (.08%) or more, the
2846 provisions of subsection (2) shall apply.

2847 (b) (i) A person under the age of twenty-one (21) is
2848 eligible for nonadjudication of a qualifying first offense by the
2849 court pursuant to subsection (14) of this section.

2850 (ii) Upon conviction of any person under the age
2851 of twenty-one (21) years for the first offense of violating
2852 subsection (1) of this section where chemical tests provided for
2853 under Section 63-11-5 were given, or where chemical test results
2854 are not available, the person shall be fined Two Hundred Fifty
2855 Dollars (\$250.00); the court shall order the person to attend and
2856 complete an alcohol safety education program as provided in
2857 Section 63-11-32 within six (6) months. The court may also
2858 require attendance at a victim impact panel.

2859 (c) A person under the age of twenty-one (21) years who
2860 is convicted of a second violation of subsection (1) of this
2861 section, the offenses being committed within a period of five (5)
2862 years, shall be fined not more than Five Hundred Dollars
2863 (\$500.00).

2864 (d) A person under the age of twenty-one (21) years who
2865 is convicted of a third or subsequent violation of subsection (1)
2866 of this section, the offenses being committed within a period of
2867 five (5) years, shall be fined not more than One Thousand Dollars
2868 (\$1,000.00).



2869 (e) License suspension is governed by Section 63-11-23
2870 and ignition interlock is governed by Section 63-11-31.

2871 (f) Any person under the age of twenty-one (21) years
2872 convicted of a third or subsequent violation of subsection (1) of
2873 this section must complete treatment of an alcohol or drug abuse
2874 program at a site certified by the Department of Mental Health.

2875 (4) **DUI test refusal.** In addition to the other penalties
2876 provided in this section, every person refusing a law enforcement
2877 officer's request to submit to a chemical test of the person's
2878 breath as provided in this chapter, or who was unconscious at the
2879 time of a chemical test and refused to consent to the introduction
2880 of the results of the test in any prosecution, shall suffer an
2881 additional administrative suspension of driving privileges as set
2882 forth in Section 63-11-23.

2883 (5) **Aggravated DUI.** (a) Every person who operates any
2884 motor vehicle in violation of the provisions of subsection (1) of
2885 this section and who in a negligent manner causes the death of
2886 another or mutilates, disfigures, permanently disables or destroys
2887 the tongue, eye, lip, nose or any other limb, organ or member of
2888 another shall, upon conviction, be guilty of a separate felony for
2889 each victim who suffers death, mutilation, disfigurement or other
2890 injury and shall be committed to the custody of the State
2891 Department of Corrections for a period of time of not less than
2892 five (5) years and not to exceed twenty-five (25) years for each
2893 death, mutilation, disfigurement or other injury, and the



2894 imprisonment for the second or each subsequent conviction, in the
2895 discretion of the court, shall commence either at the termination
2896 of the imprisonment for the preceding conviction or run
2897 concurrently with the preceding conviction. Any person charged
2898 with causing the death of another as described in this subsection
2899 shall be required to post bail before being released after arrest.

2900 (b) A holder of a commercial driver's license who is
2901 convicted of operating a commercial motor vehicle with an alcohol
2902 concentration of eight one- * * * hundredths percent (.08%) or more
2903 shall be guilty of a felony and shall be committed to the custody
2904 of the Department of Corrections for not less than two (2) years
2905 and not more than ten (10) years.

2906 (c) The court shall order an ignition-interlock
2907 restriction on the offender's privilege to drive as a condition of
2908 probation or post-release supervision not to exceed five (5) years
2909 unless a longer restriction is required under other law. The
2910 ignition-interlock restriction shall not be applied to commercial
2911 license privileges until the driver serves the full
2912 disqualification period required by Section 63-1-216.

2913 (6) **DUI citations.** (a) Upon conviction of a violation of
2914 subsection (1) of this section, the trial judge shall sign in the
2915 place provided on the traffic ticket, citation or affidavit
2916 stating that the person arrested either employed an attorney or
2917 waived his or her right to an attorney after having been properly
2918 advised. If the person arrested employed an attorney, the name,



2919 address and telephone number of the attorney shall be written on
2920 the ticket, citation or affidavit. The court clerk must
2921 immediately send a copy of the traffic ticket, citation or
2922 affidavit, and any other pertinent documents concerning the
2923 conviction or other order of the court, to the Department of
2924 Public Safety as provided in Section 63-11-37.

2925 (b) A copy of the traffic ticket, citation or affidavit
2926 and any other pertinent documents, having been attested as true
2927 and correct by the Commissioner of Public Safety, or his or her
2928 designee, shall be sufficient proof of the conviction for purposes
2929 of determining the enhanced penalty for any subsequent convictions
2930 of violations of subsection (1) of this section. The Department
2931 of Public Safety shall maintain a central database for
2932 verification of prior offenses and convictions.

2933 (7) **Out-of-state prior convictions.** Convictions in another
2934 state, territory or possession of the United States, or under the
2935 law of a federally recognized Native American tribe, of violations
2936 for driving or operating a vehicle while under the influence of an
2937 intoxicating liquor or while under the influence of any other
2938 substance that has impaired the person's ability to operate a
2939 motor vehicle occurring within five (5) years before an offense
2940 shall be counted for the purposes of determining if a violation of
2941 subsection (1) of this section is a second, third, fourth or
2942 subsequent offense and the penalty that shall be imposed upon
2943 conviction for a violation of subsection (1) of this section.



2944 (8) **Charging of subsequent offenses.** (a) For the purposes
2945 of determining how to impose the sentence for a second, third,
2946 fourth or subsequent conviction under this section, the affidavit
2947 or indictment shall not be required to enumerate previous
2948 convictions. It shall only be necessary that the affidavit or
2949 indictment states the number of times that the defendant has been
2950 convicted and sentenced within the past five (5) years for a
2951 second or third offense, or without a time limitation for a fourth
2952 or subsequent offense, under this section to determine if an
2953 enhanced penalty shall be imposed. The amount of fine and
2954 imprisonment imposed in previous convictions shall not be
2955 considered in calculating offenses to determine a second, third,
2956 fourth or subsequent offense of this section.

2957 (b) Before a defendant enters a plea of guilty to an
2958 offense under this section, law enforcement must submit
2959 certification to the prosecutor that the defendant's driving
2960 record, the confidential registry and National Crime Information
2961 Center record have been searched for all prior convictions,
2962 nonadjudications, pretrial diversions and arrests for driving or
2963 operating a vehicle while under the influence of an intoxicating
2964 liquor or while under the influence of any other substance that
2965 has impaired the person's ability to operate a motor vehicle. The
2966 results of the search must be included in the certification.

2967 (9) **License eligibility for underage offenders.** A person
2968 who is under the legal age to obtain a license to operate a motor



2969 vehicle at the time of the offense and who is convicted under this
2970 section shall not be eligible to receive a driver's license until
2971 the person reaches the age of eighteen (18) years.

2972 (10) **License suspensions and restrictions to run**
2973 **consecutively.** Suspension or restriction of driving privileges
2974 for any person convicted of or nonadjudicated for violations of
2975 subsection (1) of this section shall run consecutively to and not
2976 concurrently with any other administrative license suspension.

2977 (11) **Ignition interlock.** If the court orders installation
2978 and use of an ignition-interlock device as provided in Section
2979 63-11-31 for every vehicle operated by a person convicted or
2980 nonadjudicated under this section, each device shall be installed,
2981 maintained and removed as provided in Section 63-11-31.

2982 (12) **DUI child endangerment.** A person over the age of
2983 twenty-one (21) who violates subsection (1) of this section while
2984 transporting in a motor vehicle a child under the age of sixteen
2985 (16) years is guilty of the separate offense of endangering a
2986 child by driving under the influence of alcohol or any other
2987 substance which has impaired the person's ability to operate a
2988 motor vehicle. The offense of endangering a child by driving
2989 under the influence of alcohol or any other substance which has
2990 impaired the person's ability to operate a motor vehicle shall not
2991 be merged with an offense of violating subsection (1) of this
2992 section for the purposes of prosecution and sentencing. An



2993 offender who is convicted of a violation of this subsection shall
2994 be punished as follows:

2995 (a) A person who commits a violation of this subsection
2996 which does not result in the serious injury or death of a child
2997 and which is a first conviction shall be guilty of a misdemeanor
2998 and, upon conviction, shall be fined not more than One Thousand
2999 Dollars (\$1,000.00) or shall be imprisoned for not more than
3000 twelve (12) months, or both;

3001 (b) A person who commits a violation of this subsection
3002 which does not result in the serious injury or death of a child
3003 and which is a second conviction shall be guilty of a misdemeanor
3004 and, upon conviction, shall be fined not less than One Thousand
3005 Dollars (\$1,000.00) nor more than Five Thousand Dollars
3006 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

3007 (c) A person who commits a violation of this subsection
3008 which does not result in the serious injury or death of a child
3009 and which is a third or subsequent conviction shall be guilty of a
3010 felony and, upon conviction, shall be fined not less than Ten
3011 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less
3012 than one (1) year nor more than five (5) years, or both; and

3013 (d) A person who commits a violation of this subsection
3014 which results in the serious injury or death of a child, without
3015 regard to whether the offense was a first, second, third or
3016 subsequent offense, shall be guilty of a felony and, upon
3017 conviction, shall be punished by a fine of not less than Ten



3018 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less
3019 than five (5) years nor more than twenty-five (25) years.

3020 (13) **Expunction.** (a) Any person convicted under subsection
3021 (2) or (3) of this section of a first offense of driving under the
3022 influence and who was not the holder of a commercial driver's
3023 license or a commercial learning permit at the time of the offense
3024 may petition the circuit court of the county in which the
3025 conviction was had for an order to expunge the record of the
3026 conviction at least five (5) years after successful completion of
3027 all terms and conditions of the sentence imposed for the
3028 conviction. Expunction under this subsection will only be
3029 available to a person:

3030 (i) Who has successfully completed all terms and
3031 conditions of the sentence imposed for the conviction;

3032 (ii) Who did not refuse to submit to a test of his
3033 or her blood or breath;

3034 (iii) Whose blood alcohol concentration tested
3035 below sixteen one-hundredths percent (.16%) if test results are
3036 available;

3037 (iv) Who has not been convicted of and does not
3038 have pending any other offense of driving under the influence;

3039 (v) Who has provided the court with justification
3040 as to why the conviction should be expunged; and

3041 (vi) Who has not previously had a nonadjudication
3042 or expunction of a violation of this section.



3043 (b) A person is eligible for only one (1) expunction
3044 under this subsection, and the Department of Public Safety shall
3045 maintain a permanent confidential registry of all cases of
3046 expunction under this subsection for the sole purpose of
3047 determining a person's eligibility for expunction, for
3048 nonadjudication, or as a first offender under this section.

3049 (c) The court in its order of expunction shall state in
3050 writing the justification for which the expunction was granted and
3051 forward the order to the Department of Public Safety within five
3052 (5) days of the entry of the order.

3053 (14) **Nonadjudication.** (a) For the purposes of this
3054 chapter, "nonadjudication" means that the court withholds
3055 adjudication of guilt and sentencing, either at the conclusion of
3056 a trial on the merits or upon the entry of a plea of guilt by a
3057 defendant, and places the defendant in a nonadjudication program
3058 conditioned upon the successful completion of the requirements
3059 imposed by the court under this subsection.

3060 (b) A person is eligible for nonadjudication of an
3061 offense under this Section 63-11-30 only one (1) time under any
3062 provision of a law that authorizes nonadjudication and only for an
3063 offender:

3064 (i) Who has successfully completed all terms and
3065 conditions imposed by the court after placement of the defendant
3066 in a nonadjudication program;



3067 (ii) Who was not the holder of a commercial
3068 driver's license or a commercial learning permit at the time of
3069 the offense;

3070 (iii) Who has not previously been convicted of and
3071 does not have pending any former or subsequent charges under this
3072 section; and

3073 (iv) Who has provided the court with justification
3074 as to why nonadjudication is appropriate.

3075 (c) Nonadjudication may be initiated upon the filing of
3076 a petition for nonadjudication or at any stage of the proceedings
3077 in the discretion of the court; the court may withhold
3078 adjudication of guilt, defer sentencing, and upon the agreement of
3079 the offender to participate in a nonadjudication program, enter an
3080 order imposing requirements on the offender for a period of court
3081 supervision before the order of nonadjudication is entered.
3082 Failure to successfully complete a nonadjudication program
3083 subjects the person to adjudication of the charges against him or
3084 her and to imposition of all penalties previously withheld due to
3085 entrance into a nonadjudication program. The court shall
3086 immediately inform the commissioner of the conviction as required
3087 in Section 63-11-37.

3088 (i) The court shall order the person to:

3089 1. Pay the nonadjudication fee imposed under
3090 Section 63-11-31 if applicable;



3091 2. Pay all fines, penalties and assessments
3092 that would have been imposed for conviction;

3093 3. Attend and complete an alcohol safety
3094 education program as provided in Section 63-11-32 within six (6)
3095 months of the date of the order;

3096 4. a. If the court determines that the
3097 person violated this section with respect to alcohol or
3098 intoxicating liquor, the person must install an ignition-interlock
3099 device on every motor vehicle operated by the person, obtain an
3100 interlock-restricted license, and maintain that license for one
3101 hundred twenty (120) days or suffer a one-hundred-twenty-day
3102 suspension of the person's regular driver's license, during which
3103 time the person must not operate any vehicle.

3104 b. If the court determines that the
3105 person violated this section by operating a vehicle when under the
3106 influence of a substance other than alcohol that has impaired the
3107 person's ability to operate a motor vehicle, including any drug or
3108 controlled substance which is unlawful to possess under the
3109 Mississippi Controlled Substances Law, the person must submit to a
3110 one-hundred-twenty-day period of a nonadjudication program that
3111 includes court-ordered drug testing at the person's own expense
3112 not less often than every thirty (30) days, during which time the
3113 person may drive if compliant with the terms of the program, or
3114 suffer a one-hundred-twenty-day suspension of the person's regular



3115 driver's license, during which time the person will not operate
3116 any vehicle.

3117 (ii) Other conditions that may be imposed by the
3118 court include, but are not limited to, alcohol or drug screening,
3119 or both, proof that the person has not committed any other traffic
3120 violations while under court supervision, proof of immobilization
3121 or impoundment of vehicles owned by the offender if required, and
3122 attendance at a victim-impact panel.

3123 (d) The court may enter an order of nonadjudication
3124 only if the court finds, after a hearing or after ex parte
3125 examination of reliable documentation of compliance, that the
3126 offender has successfully completed all conditions imposed by law
3127 and previous orders of the court. The court shall retain
3128 jurisdiction over cases involving nonadjudication for a period of
3129 not more than two (2) years.

3130 (e) (i) The clerk shall immediately forward a record
3131 of every person placed in a nonadjudication program and of every
3132 nonadjudication order to the Department of Public Safety for
3133 inclusion in the permanent confidential registry of all cases that
3134 are nonadjudicated under this subsection (14).

3135 (ii) Judges, clerks and prosecutors involved in
3136 the trial of implied consent violations and law enforcement
3137 officers involved in the issuance of citations for implied consent
3138 violations shall have secure online access to the confidential
3139 registry for the purpose of determining whether a person has



3140 previously been the subject of a nonadjudicated case and 1. is
3141 therefore ineligible for another nonadjudication; 2. is ineligible
3142 as a first offender for a violation of this section; or 3. is
3143 ineligible for expunction of a conviction of a violation of this
3144 section.

3145 (iii) The Driver Services Bureau of the department
3146 shall have access to the confidential registry for the purpose of
3147 determining whether a person is eligible for a form of license not
3148 restricted to operating a vehicle equipped with an
3149 ignition-interlock device.

3150 (iv) The Mississippi Alcohol Safety Education
3151 Program shall have secure online access to the confidential
3152 registry for research purposes only.

3153 (15) A registered qualified patient of medical cannabis
3154 under the Mississippi Medical Cannabis Compassion Act who drives
3155 or otherwise operates a motor vehicle within this state while
3156 under the influence of medical cannabis shall be subject to the
3157 penalties set forth in Section 10(7) of this act for his or her
3158 first offense and shall not be subject to the penalties under
3159 subsection 2(a) of this section. All other provisions of this
3160 section are applicable to first offenses under Section 10(7) of
3161 this act and all second and subsequent offenses by registered
3162 qualified patients.

3163 **SECTION 32.** Section 71-3-7, Mississippi Code of 1972, is
3164 amended as follows:



3165 71-3-7. (1) Compensation shall be payable for disability or
3166 death of an employee from injury or occupational disease arising
3167 out of and in the course of employment, without regard to fault as
3168 to the cause of the injury or occupational disease. An
3169 occupational disease shall be deemed to arise out of and in the
3170 course of employment when there is evidence that there is a direct
3171 causal connection between the work performed and the occupational
3172 disease. In all claims in which no benefits, including
3173 disability, death and medical benefits, have been paid, the
3174 claimant shall file medical records in support of his or her claim
3175 for benefits when filing a petition to controvert. If the
3176 claimant is unable to file the medical records in support of his
3177 or her claim for benefits at the time of filing the petition to
3178 controvert because of a limitation of time established by Section
3179 71-3-35 or Section 71-3-53, the claimant shall file medical
3180 records in support of his or her claim within sixty (60) days
3181 after filing the petition to controvert.

3182 (2) Where a preexisting physical handicap, disease, or
3183 lesion is shown by medical findings to be a material contributing
3184 factor in the results following injury, the compensation which,
3185 but for this subsection, would be payable shall be reduced by that
3186 proportion which such preexisting physical handicap, disease, or
3187 lesion contributed to the production of the results following the
3188 injury. The preexisting condition does not have to be
3189 occupationally disabling for this apportionment to apply.



3190 (3) The following provisions shall apply to subsections (1)
3191 and (2) of this section:

3192 (a) Apportionment shall not be applied until the
3193 claimant has reached maximum medical recovery.

3194 (b) The employer or carrier does not have the power to
3195 determine the date of maximum medical recovery or percentage of
3196 apportionment. This must be done by the attorney-referee, subject
3197 to review by the commission as the ultimate finder of fact.

3198 (c) After the date the claimant reaches maximum medical
3199 recovery, weekly compensation benefits and maximum recovery shall
3200 be reduced by that proportion which the preexisting physical
3201 handicap, disease, or lesion contributes to the results following
3202 injury.

3203 (d) If maximum medical recovery has occurred before the
3204 hearing and order of the attorney-referee, credit for excess
3205 payments shall be allowed in future payments. Such allowances and
3206 method of accomplishment of the same shall be determined by the
3207 attorney-referee, subject to review by the commission. However,
3208 no actual repayment of such excess shall be made to the employer
3209 or carrier.

3210 (4) No compensation shall be payable if the use of drugs
3211 illegally, or the use of a valid prescription medication(s) taken
3212 contrary to the prescriber's instructions and/or contrary to label
3213 warnings, or the use of medical cannabis in accordance with the
3214 Mississippi Medical Cannabis Compassion Act and rules and



3215 regulations adopted thereunder, or intoxication due to the use of
3216 alcohol of the employee was the proximate cause of the injury, or
3217 if it was the willful intention of the employee to injure or kill
3218 himself or herself or another.

3219 (5) Every employer to whom this chapter applies shall be
3220 liable for and shall secure the payment to his or her employees of
3221 the compensation payable under its provisions.

3222 (6) In the case of an employer who is a subcontractor, the
3223 contractor shall be liable for and shall secure the payment of
3224 such compensation to employees of the subcontractor, unless the
3225 subcontractor has secured such payment.

3226 **SECTION 33.** Section 71-3-121, Mississippi Code of 1972, is
3227 amended as follows:

3228 71-3-121. (1) In the event that an employee sustains an
3229 injury at work or asserts a work-related injury, the employer
3230 shall have the right to administer drug and alcohol testing or
3231 require that the employee submit himself or herself to drug and
3232 alcohol testing. If the employee has a positive test indicating
3233 the presence, at the time of injury, of any drug illegally used or
3234 the use of a valid prescription medication(s) taken contrary to
3235 the prescriber's instructions and/or contrary to label warnings,
3236 or the use of medical cannabis in accordance with the Mississippi
3237 Medical Cannabis Compassion Act and rules and regulations adopted
3238 thereunder, or eight one-hundredths percent (.08%) or more by
3239 weight volume of alcohol in the person's blood, it shall be



3240 presumed that the proximate cause of the injury was the use of a
3241 drug illegally, or the use of a valid prescription medication(s)
3242 taken contrary to the prescriber's instructions and/or contrary to
3243 label warnings, or the use of medical cannabis in accordance with
3244 the Mississippi Medical Cannabis Compassion Act and rules and
3245 regulations adopted thereunder, or the intoxication due to the use
3246 of alcohol by the employee. If the employee refuses to submit
3247 himself or herself to drug and alcohol testing immediately after
3248 the alleged work-related injury, then it shall be presumed that
3249 the employee was using a drug illegally, or was using a valid
3250 prescription medication(s) contrary to the prescriber's
3251 instructions and/or contrary to label warnings, or the use of
3252 medical cannabis in accordance with the Mississippi Medical
3253 Cannabis Compassion Act and rules and regulations adopted
3254 thereunder, or was intoxicated due to the use of alcohol at the
3255 time of the accident and that the proximate cause of the injury
3256 was the use of a drug illegally, or the use of a valid
3257 prescription medication(s) taken contrary to the prescriber's
3258 instructions and/or contrary to label warnings, or the use of
3259 medical cannabis in accordance with the Mississippi Medical
3260 Cannabis Compassion Act and rules and regulations adopted
3261 thereunder, or the intoxication due to the use of alcohol of the
3262 employee. The burden of proof will then be placed upon the
3263 employee to prove that the use of drugs illegally, or the use of a
3264 valid prescription medication(s) taken contrary to the



3265 prescriber's instructions and/or contrary to label warnings, or
3266 the use of medical cannabis in accordance with the Mississippi
3267 Medical Cannabis Compassion Act and rules and regulations adopted
3268 thereunder, or intoxication due to the use of alcohol was not a
3269 contributing cause of the accident in order to defeat the defense
3270 of the employer provided under Section 71-3-7.

3271 (2) The results of the drug and alcohol tests,
3272 employer-administered or otherwise, shall be considered admissible
3273 evidence solely on the issue of causation in the determination of
3274 the use of drugs illegally, or the use of a valid prescription
3275 medication(s) taken contrary to the prescriber's instructions
3276 and/or contrary to label warnings, or the use of medical cannabis
3277 in accordance with the Mississippi Medical Cannabis Compassion Act
3278 and rules and regulations adopted thereunder, or the intoxication
3279 due to the use of alcohol of an employee at the time of injury for
3280 workers' compensation purposes under Section 71-3-7.

3281 (3) No cause of action for defamation of character, libel,
3282 slander or damage to reputation arises in favor of any person
3283 against an employer under the provisions of this section.

3284 **SECTION 34.** Section 73-21-73, Mississippi Code of 1972, is
3285 amended as follows:

3286 73-21-73. As used in this chapter, unless the context
3287 requires otherwise:

3288 (a) "Administer" means the direct application of a
3289 prescription drug pursuant to a lawful order of a practitioner to



3290 the body of a patient by injection, inhalation, ingestion or any
3291 other means.

3292 (b) "Biological product" means the same as that term is
3293 defined in 42 USC Section 262.

3294 (c) "Board of Pharmacy," "Pharmacy Board," "MSBP" or
3295 "board" means the State Board of Pharmacy.

3296 (d) "Compounding" means (i) the production,
3297 preparation, propagation, conversion or processing of a sterile or
3298 nonsterile drug or device either directly or indirectly by
3299 extraction from substances of natural origin or independently by
3300 means of chemical or biological synthesis or from bulk chemicals
3301 or the preparation, mixing, measuring, assembling, packaging or
3302 labeling of a drug or device as a result of a practitioner's
3303 prescription drug order or initiative based on the
3304 practitioner/patient/pharmacist relationship in the course of
3305 professional practice, or (ii) for the purpose of, as an incident
3306 to, research, teaching or chemical analysis and not for sale or
3307 dispensing. Compounding also includes the preparation of drugs or
3308 devices in anticipation of prescription drug orders based on
3309 routine regularly observed prescribing patterns.

3310 (e) "Continuing education unit" means ten (10) clock
3311 hours of study or other such activity as may be approved by the
3312 board, including, but not limited to, all programs which have been
3313 approved by the American Council on Pharmaceutical Education.



3314 (f) "Deliver" or "delivery" means the actual,
3315 constructive or attempted transfer in any manner of a drug or
3316 device from one (1) person to another, whether or not for a
3317 consideration, including, but not limited to, delivery by mailing
3318 or shipping.

3319 (g) "Device" means an instrument, apparatus, implement,
3320 machine, contrivance, implant, in vitro reagent or other similar
3321 or related article, including any component part or accessory
3322 which is required under federal or state law to be prescribed by a
3323 practitioner and dispensed by a pharmacist.

3324 (h) "Dispense" or "dispensing" means the interpretation
3325 of a valid prescription of a practitioner by a pharmacist and the
3326 subsequent preparation of the drug or device for administration to
3327 or use by a patient or other individual entitled to receive the
3328 drug.

3329 (i) "Distribute" means the delivery of a drug or device
3330 other than by administering or dispensing to persons other than
3331 the ultimate consumer.

3332 (j) "Drug" means:

3333 (i) Articles recognized as drugs in the official
3334 United States Pharmacopeia, official National Formulary, official
3335 Homeopathic Pharmacopeia, other drug compendium or any supplement
3336 to any of them;



3337 (ii) Articles intended for use in the diagnosis,
3338 cure, mitigation, treatment or prevention of disease in man or
3339 other animals;

3340 (iii) Articles other than food intended to affect
3341 the structure or any function of the body of man or other animals;
3342 and

3343 (iv) Articles intended for use as a component of
3344 any articles specified in subparagraph (i), (ii) or (iii) of this
3345 paragraph.

3346 (k) "Drugroom" means a business, which does not require
3347 the services of a pharmacist, where prescription drugs or
3348 prescription devices are bought, sold, maintained or provided to
3349 consumers.

3350 (l) "Extern" means a student in the professional
3351 program of a school of pharmacy accredited by the American Council
3352 on Pharmaceutical Education who is making normal progress toward
3353 completion of a professional degree in pharmacy.

3354 (m) "Foreign pharmacy graduate" means a person whose
3355 undergraduate pharmacy degree was conferred by a recognized school
3356 of pharmacy outside of the United States, the District of Columbia
3357 and Puerto Rico. Recognized schools of pharmacy are those
3358 colleges and universities listed in the World Health
3359 Organization's World Directory of Schools of Pharmacy, or
3360 otherwise approved by the Foreign Pharmacy Graduate Examination



3361 Committee (FPGEC) certification program as established by the
3362 National Association of Boards of Pharmacy.

3363 (n) "Generic equivalent drug product" means a drug
3364 product which (i) contains the identical active chemical
3365 ingredient of the same strength, quantity and dosage form; (ii) is
3366 of the same generic drug name as determined by the United States
3367 Adoptive Names and accepted by the United States Food and Drug
3368 Administration; and (iii) conforms to such rules and regulations
3369 as may be adopted by the board for the protection of the public to
3370 assure that such drug product is therapeutically equivalent.

3371 (o) "Interchangeable biological product" or "I.B."
3372 means a biological product that the federal Food and Drug
3373 Administration:

3374 (i) Has licensed and determined as meeting the
3375 standards for interchangeability under 42 USC Section 262(k)(4);
3376 or

3377 (ii) Has determined is therapeutically equivalent
3378 as set forth in the latest edition of or supplement to the federal
3379 Food and Drug Administration's Approved Drug Products with
3380 Therapeutic Equivalence Evaluations.

3381 (p) "Internet" means collectively the myriad of
3382 computer and telecommunications facilities, including equipment
3383 and operating software, which comprise the interconnected
3384 worldwide network of networks that employ the Transmission Control
3385 Protocol/Internet Protocol, or any predecessor or successor



3386 protocol to such protocol, to communicate information of all kinds
3387 by wire or radio.

3388 (q) "Interested directly" means being employed by,
3389 having full or partial ownership of, or control of, any facility
3390 permitted or licensed by the Mississippi State Board of Pharmacy.

3391 (r) "Interested indirectly" means having a spouse who
3392 is employed by any facility permitted or licensed by the
3393 Mississippi State Board of Pharmacy.

3394 (s) "Intern" means a person who has graduated from a
3395 school of pharmacy but has not yet become licensed as a
3396 pharmacist.

3397 (t) "Manufacturer" means a person, business or other
3398 entity engaged in the production, preparation, propagation,
3399 conversion or processing of a prescription drug or device, if such
3400 actions are associated with promotion and marketing of such drugs
3401 or devices.

3402 (u) "Manufacturer's distributor" means any person or
3403 business who is not an employee of a manufacturer, but who
3404 distributes sample drugs or devices, as defined under subsection
3405 (i) of this section, under contract or business arrangement for a
3406 manufacturer to practitioners.

3407 (v) "Manufacturing" of prescription products means the
3408 production, preparation, propagation, conversion or processing of
3409 a drug or device, either directly or indirectly, by extraction
3410 from substances from natural origin or independently by means of



3411 chemical or biological synthesis, or from bulk chemicals and
3412 includes any packaging or repackaging of the substance(s) or
3413 labeling or relabeling of its container, if such actions are
3414 associated with promotion and marketing of such drug or devices.

3415 (w) "Misappropriation of a prescription drug" means to
3416 illegally or unlawfully convert a drug, as defined in subsection
3417 (i) of this section, to one's own use or to the use of another.

3418 (x) "Nonprescription drugs" means nonnarcotic medicines
3419 or drugs that may be sold without a prescription and are
3420 prepackaged and labeled for use by the consumer in accordance with
3421 the requirements of the statutes and regulations of this state and
3422 the federal government.

3423 (y) "Person" means an individual, corporation,
3424 partnership, association or any other legal entity.

3425 (z) "Pharmacist" means an individual health care
3426 provider licensed by this state to engage in the practice of
3427 pharmacy. This recognizes a pharmacist as a learned professional
3428 who is authorized to provide patient services.

3429 (aa) "Pharmacy" means any location for which a pharmacy
3430 permit is required and in which prescription drugs are maintained,
3431 compounded and dispensed for patients by a pharmacist. This
3432 definition includes any location where pharmacy-related services
3433 are provided by a pharmacist.

3434 (bb) "Prepackaging" means the act of placing small
3435 precounted quantities of drug products in containers suitable for



3436 dispensing or administering in anticipation of prescriptions or
3437 orders.

3438 (cc) "Unlawful or unauthorized possession" means
3439 physical holding or control by a pharmacist of a controlled
3440 substance outside the usual and lawful course of employment.

3441 (dd) "Practice of pharmacy" means a health care service
3442 that includes, but is not limited to, the compounding, dispensing,
3443 and labeling of drugs or devices; interpreting and evaluating
3444 prescriptions; administering and distributing drugs and devices;
3445 the compounding, dispensing and labeling of drugs and devices;
3446 maintaining prescription drug records; advising and consulting
3447 concerning therapeutic values, content, hazards and uses of drugs
3448 and devices; initiating or modifying of drug therapy in accordance
3449 with written guidelines or protocols previously established and
3450 approved by the board; selecting drugs; participating in drug
3451 utilization reviews; storing prescription drugs and devices;
3452 ordering lab work in accordance with written guidelines or
3453 protocols as defined by paragraph (nn) of this section; providing
3454 pharmacotherapeutic consultations; supervising supportive
3455 personnel and such other acts, services, operations or
3456 transactions necessary or incidental to the conduct of the
3457 foregoing.

3458 (ee) "Practitioner" means a physician, dentist,
3459 veterinarian, or other health care provider authorized by law to
3460 diagnose and prescribe drugs.



3461 (ff) "Prescription" means a written, verbal or
3462 electronically transmitted order issued by a practitioner for a
3463 drug or device to be dispensed for a patient by a pharmacist.
3464 "Prescription" includes a standing order issued by a practitioner
3465 to an individual pharmacy that authorizes the pharmacy to dispense
3466 an opioid antagonist to certain persons without the person to whom
3467 the opioid antagonist is dispensed needing to have an individual
3468 prescription, as authorized by Section 41-29-319(3). The term
3469 "prescription" does not include the recommendation of medical
3470 cannabis by a practitioner to a patient under the Mississippi
3471 Medical Cannabis Compassion Act.

3472 (gg) "Prescription drug" or "legend drug" means a drug
3473 which is required under federal law to be labeled with either of
3474 the following statements prior to being dispensed or delivered:

3475 (i) "Caution: Federal law prohibits dispensing
3476 without prescription," or

3477 (ii) "Caution: Federal law restricts this drug to
3478 use by or on the order of a licensed veterinarian"; or a drug
3479 which is required by any applicable federal or state law or
3480 regulation to be dispensed on prescription only or is restricted
3481 to use by practitioners only.

3482 (hh) "Product selection" means the dispensing of a
3483 generic equivalent drug product or an interchangeable biological
3484 product in lieu of the drug product ordered by the prescriber.



3485 (ii) "Provider" or "primary health care provider"
3486 includes a pharmacist who provides health care services within his
3487 or her scope of practice pursuant to state law and regulation.

3488 (jj) "Registrant" means a pharmacy or other entity
3489 which is registered with the Mississippi State Board of Pharmacy
3490 to buy, sell or maintain controlled substances.

3491 (kk) "Repackager" means a person registered by the
3492 federal Food and Drug Administration as a repackager who removes a
3493 prescription drug product from its marketed container and places
3494 it into another, usually of smaller size, to be distributed to
3495 persons other than the consumer.

3496 (ll) "Reverse distributor" means a business operator
3497 that is responsible for the receipt and appropriate return or
3498 disposal of unwanted, unneeded or outdated stocks of controlled or
3499 uncontrolled drugs from a pharmacy.

3500 (mm) "Supportive personnel" or "pharmacist technician"
3501 means those individuals utilized in pharmacies whose
3502 responsibilities are to provide nonjudgmental technical services
3503 concerned with the preparation and distribution of drugs under the
3504 direct supervision and responsibility of a pharmacist.

3505 (nn) "Written guideline or protocol" means an agreement
3506 in which any practitioner authorized to prescribe drugs delegates
3507 to a pharmacist authority to conduct specific prescribing
3508 functions in an institutional setting, or with the practitioner's
3509 individual patients, provided that a specific protocol agreement



3510 between the practitioner and the pharmacist is signed and filed as
3511 required by law or by rule or regulation of the board.

3512 (oo) "Wholesaler" means a person who buys or otherwise
3513 acquires prescription drugs or prescription devices for resale or
3514 distribution, or for repackaging for resale or distribution, to
3515 persons other than consumers.

3516 (pp) "Pharmacy benefit manager" has the same meaning as
3517 defined in Section 73-21-153.

3518 **SECTION 35.** Section 73-21-127, Mississippi Code of 1972, is
3519 amended as follows:

3520 73-21-127. (1) The Board of Pharmacy shall develop and
3521 implement a computerized program to track prescriptions for
3522 controlled substances and to report suspected abuse and misuse of
3523 controlled substances in compliance with the federal regulations
3524 promulgated under authority of the National All Schedules
3525 Prescription Electronic Reporting Act of 2005 and in compliance
3526 with the federal HIPAA law, under the following conditions:

3527 (a) Submission or reporting of dispensing information
3528 shall be mandatory and required by the State Board of Pharmacy for
3529 any entity dispensing controlled substances in or into the State
3530 of Mississippi, except for the dispensing of controlled substance
3531 drugs by a veterinarian residing in the State of Mississippi.

3532 (b) The prescriptions tracked shall be prescriptions
3533 for controlled substances listed in Schedule II, III, IV or V and
3534 specified noncontrolled substances identified by the State Board



3535 of Pharmacy that are dispensed to residents in the State of
3536 Mississippi by licensed pharmacies, nonresident pharmacies,
3537 institutions and dispensing practitioners, regardless of dispenser
3538 location.

3539 (c) The Board of Pharmacy shall report any activity it
3540 reasonably suspects may be fraudulent or illegal to the
3541 appropriate law enforcement agency or occupational licensing board
3542 and provide them with the relevant information obtained for
3543 further investigation.

3544 (d) The program shall provide information regarding the
3545 potential inappropriate use of controlled substances and the
3546 specified noncontrolled substances to practitioners,
3547 pharmacists-in-charge and appropriate state agencies in order to
3548 prevent the inappropriate or illegal use of these controlled
3549 substances. The specific purposes of the program shall be to: be
3550 proactive in safeguarding public health and safety; support the
3551 legitimate use of controlled substances; facilitate and encourage
3552 the identification, intervention with and treatment of individuals
3553 addicted to controlled substances and specified noncontrolled
3554 drugs; identify and prevent drug diversion; provide assistance to
3555 those state and federal law enforcement and regulatory agencies
3556 investigating cases of drug diversion or other misuse; and inform
3557 the public and health care professionals of the use and abuse
3558 trends related to controlled substance and specified noncontrolled
3559 drugs.



3560 (e) (i) Access to collected data shall be confidential
3561 and not subject to the provisions of the federal Freedom of
3562 Information Act or the Mississippi Public Records Act. Upon
3563 request, the State Board of Pharmacy shall provide collected
3564 information to: pharmacists or practitioners who are properly
3565 registered with the State Board of Pharmacy and are authorized to
3566 prescribe or dispense controlled substances for the purpose of
3567 providing medical and pharmaceutical care for their patients;
3568 local, state and federal law enforcement officials engaged in the
3569 administration, investigation or enforcement of the laws governing
3570 illicit drug use; regulatory and licensing boards in this state;
3571 Division of Medicaid regarding Medicaid and Medicare Program
3572 recipients; judicial authorities under grand jury subpoena; an
3573 individual who requests the individual's own prescription
3574 monitoring information; and prescription monitoring programs in
3575 other states through mutual agreement adhering to State Board of
3576 Pharmacy policies.

3577 (ii) The Director of the Mississippi Bureau of
3578 Narcotics, or his or her designee, shall have access to the
3579 Prescription Monitoring Program (PMP) database for the purpose of
3580 investigating the potential illegal acquisition, distribution,
3581 dispensing, prescribing or administering of the controlled and
3582 noncontrolled substances monitored by the program, subject to all
3583 legal restrictions on further dissemination of the information
3584 obtained.



3585 (iii) The State Board of Pharmacy may also provide
3586 statistical data for research or educational purposes if the board
3587 determines the use of the data to be of significant benefit to
3588 public health and safety. The board maintains the right to refuse
3589 any request for PMP data.

3590 (iv) A pharmacist licensed by the Mississippi
3591 Board of Pharmacy must be a registered user of the PMP. Failure
3592 of a pharmacist licensed by the Mississippi Board of Pharmacy to
3593 register as a user of the PMP is grounds for disciplinary action
3594 by the board.

3595 (v) All licensed practitioners as defined under
3596 Section 73-21-73(ee) holding an active DEA number shall register
3597 as users of the PMP.

3598 (f) The Prescription Monitoring Program through the
3599 Board of Pharmacy may:

3600 (i) Establish the cost of administration,
3601 maintenance, and operation of the program and charge to like
3602 agencies a fee based on a formula to be determined by the board
3603 with collaboration and input from participating agencies; and

3604 (ii) Assess charges for information and/or
3605 statistical data provided to agencies, institutions and
3606 individuals. The amounts of those fees shall be set by the
3607 Executive Director of the Board of Pharmacy based on the
3608 recommendation of the Director of the PMP.



3609 All such fees collected shall be deposited into the special
3610 fund of the State Board of Pharmacy and used to support the
3611 operations of the PMP.

3612 (g) A dispenser pharmacist or practitioner licensed to
3613 dispense controlled substances and specified noncontrolled
3614 substance drugs who knowingly fails to submit drug-monitoring
3615 information or knowingly submits incorrect dispensing information
3616 shall be subject to actions against the pharmacist's or
3617 practitioner's license, registrations or permit and/or an
3618 administrative penalty as provided in Sections 73-21-97 and
3619 73-21-103. Any misuse of the PMP is subject to penalties as
3620 provided in Sections 73-21-97 and 73-21-103.

3621 (h) The Board of Pharmacy and the Prescription
3622 Monitoring Program shall be immune from civil liability arising
3623 from inaccuracy of any of the information submitted to the
3624 program.

3625 (i) "Practitioner," as used in this section, shall
3626 include any person licensed, registered or otherwise permitted to
3627 distribute, dispense, prescribe or administer a controlled
3628 substance, as defined under Section 41-29-105(y), and any person
3629 defined as a "practitioner" under Section 73-21-73(ee).

3630 (j) In addition to any funds appropriated by the
3631 Legislature, the State Board of Pharmacy may apply for any
3632 available grants and accept any gifts, grants or donations to
3633 assist in future development or in maintaining the program.



3634 (2) In addition to receiving the dispensing information
3635 regarding controlled substances as provided in subsection (1) of
3636 this section, the State Board of Pharmacy shall receive and
3637 maintain in the Prescription Monitoring Program (a) the medical
3638 cannabis dispensing information that medical cannabis specialty
3639 pharmacies under the Mississippi Medical Cannabis Compassion Act
3640 are required to report to the PMP under the act, and (b) any other
3641 medical cannabis dispensing information that specialty pharmacies
3642 are required to report to the PMP. The medical cannabis
3643 dispensing information reported by medical cannabis specialty
3644 pharmacies under the Mississippi Medical Cannabis Compassion Act
3645 shall not be considered to be a prescription for the purposes of
3646 the Mississippi Pharmacy Practice Act or the Uniform Controlled
3647 Substance Law.

3648 **SECTION 36.** Section 73-25-29, Mississippi Code of 1972, is
3649 amended as follows:

3650 73-25-29. The grounds for the nonissuance, suspension,
3651 revocation or restriction of a license or the denial of
3652 reinstatement or renewal of a license are:

3653 (1) Habitual personal use of narcotic drugs, or any
3654 other drug having addiction-forming or addiction-sustaining
3655 liability.

3656 (2) Habitual use of intoxicating liquors, or any
3657 beverage, to an extent which affects professional competency.



3658 (3) Administering, dispensing or prescribing any
3659 narcotic drug, or any other drug having addiction-forming or
3660 addiction-sustaining liability otherwise than in the course of
3661 legitimate professional practice.

3662 (4) Conviction of violation of any federal or state law
3663 regulating the possession, distribution or use of any narcotic
3664 drug or any drug considered a controlled substance under state or
3665 federal law, a certified copy of the conviction order or judgment
3666 rendered by the trial court being prima facie evidence thereof,
3667 notwithstanding the pendency of any appeal.

3668 (5) Procuring, or attempting to procure, or aiding in,
3669 an abortion that is not medically indicated.

3670 (6) Conviction of a felony or misdemeanor involving
3671 moral turpitude, a certified copy of the conviction order or
3672 judgment rendered by the trial court being prima facie evidence
3673 thereof, notwithstanding the pendency of any appeal.

3674 (7) Obtaining or attempting to obtain a license by
3675 fraud or deception.

3676 (8) Unprofessional conduct, which includes, but is not
3677 limited to:

3678 (a) Practicing medicine under a false or assumed
3679 name or impersonating another practitioner, living or dead.

3680 (b) Knowingly performing any act which in any way
3681 assists an unlicensed person to practice medicine.



3682 (c) Making or willfully causing to be made any
3683 flamboyant claims concerning the licensee's professional
3684 excellence.

3685 (d) Being guilty of any dishonorable or unethical
3686 conduct likely to deceive, defraud or harm the public.

3687 (e) Obtaining a fee as personal compensation or
3688 gain from a person on fraudulent representation of a disease or
3689 injury condition generally considered incurable by competent
3690 medical authority in the light of current scientific knowledge and
3691 practice can be cured or offering, undertaking, attempting or
3692 agreeing to cure or treat the same by a secret method, which he or
3693 she refuses to divulge to the board upon request.

3694 (f) Use of any false, fraudulent or forged
3695 statement or document, or the use of any fraudulent, deceitful,
3696 dishonest or immoral practice in connection with any of the
3697 licensing requirements, including the signing in his or her
3698 professional capacity any certificate that is known to be false at
3699 the time he or she makes or signs such certificate.

3700 (g) Failing to identify a physician's school of
3701 practice in all professional uses of his or her name by use of his
3702 or her earned degree or a description of his or her school of
3703 practice.

3704 (9) The refusal of a licensing authority of another
3705 state or jurisdiction to issue or renew a license, permit or
3706 certificate to practice medicine in that jurisdiction or the



3707 revocation, suspension or other restriction imposed on a license,
3708 permit or certificate issued by such licensing authority which
3709 prevents or restricts practice in that jurisdiction, a certified
3710 copy of the disciplinary order or action taken by the other state
3711 or jurisdiction being prima facie evidence thereof,
3712 notwithstanding the pendency of any appeal.

3713 (10) Surrender of a license or authorization to
3714 practice medicine in another state or jurisdiction or surrender of
3715 membership on any medical staff or in any medical or professional
3716 association or society while under disciplinary investigation by
3717 any of those authorities or bodies for acts or conduct similar to
3718 acts or conduct which would constitute grounds for action as
3719 defined in this section.

3720 (11) Final sanctions imposed by the United States
3721 Department of Health and Human Services, Office of Inspector
3722 General or any successor federal agency or office, based upon a
3723 finding of incompetency, gross misconduct or failure to meet
3724 professionally recognized standards of health care; a certified
3725 copy of the notice of final sanction being prima facie evidence
3726 thereof. As used in this paragraph, the term "final sanction"
3727 means the written notice to a physician from the United States
3728 Department of Health and Human Services, Officer of Inspector
3729 General or any successor federal agency or office, which
3730 implements the exclusion.



3731 (12) Failure to furnish the board, its investigators or
3732 representatives information legally requested by the board.

3733 (13) Violation of any provision(s) of the Medical
3734 Practice Act or the rules and regulations of the board or of any
3735 order, stipulation or agreement with the board.

3736 (14) Violation(s) of the provisions of Sections
3737 41-121-1 through 41-121-9 relating to deceptive advertisement by
3738 health care practitioners.

3739 (15) Performing or inducing an abortion on a woman in
3740 violation of any provision of Sections 41-41-131 through
3741 41-41-145.

3742 (16) Performing an abortion on a pregnant woman after
3743 determining that the unborn human individual that the pregnant
3744 woman is carrying has a detectable fetal heartbeat as provided in
3745 Section 41-41-34.1.

3746 In addition to the grounds specified above, the board shall
3747 be authorized to suspend the license of any licensee for being out
3748 of compliance with an order for support, as defined in Section
3749 93-11-153. The procedure for suspension of a license for being
3750 out of compliance with an order for support, and the procedure for
3751 the reissuance or reinstatement of a license suspended for that
3752 purpose, and the payment of any fees for the reissuance or
3753 reinstatement of a license suspended for that purpose, shall be
3754 governed by Section 93-11-157 or 93-11-163, as the case may be.
3755 If there is any conflict between any provision of Section



3756 93-11-157 or 93-11-163 and any provision of this chapter, the
3757 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3758 shall control.

3759 A physician who provides a written certification as authorized
3760 under the Mississippi Medical Cannabis Compassion Act and in
3761 compliance with rules and regulations adopted thereunder shall not
3762 be subject to any disciplinary action under this section solely due
3763 to providing the written certification and recommendation.

3764 **SECTION 37.** Section 83-9-22, Mississippi Code of 1972, is
3765 amended as follows:

3766 83-9-22. (1) (a) Notwithstanding any other provision of
3767 the law to the contrary, except as otherwise provided in
3768 subsection (3) of this section, no health coverage plan shall
3769 restrict coverage for medically appropriate treatment prescribed
3770 by a physician and agreed to by a fully informed insured, or if
3771 the insured lacks legal capacity to consent by a person who has
3772 legal authority to consent on his or her behalf, based on an
3773 insured's diagnosis with a terminal condition. Refusing to pay
3774 for treatment rendered to an insured near the end of life that is
3775 consistent with best practices for treatment of a disease or
3776 condition, approved uses of a drug or device, or uses supported by
3777 peer reviewed medical literature, is a per se violation of this
3778 section.



3779 (b) Violations of this section shall constitute an
3780 unfair trade practice and subject the violator to the penalties
3781 provided by law.

3782 (c) As used in this section "terminal condition" means
3783 any aggressive malignancy, chronic end-stage cardiovascular or
3784 cerebral vascular disease, or any other disease, illness or
3785 condition which a physician diagnoses as terminal.

3786 (d) As used in this section, a "health coverage plan"
3787 shall mean any hospital, health or medical expense insurance
3788 policy, hospital or medical service contract, employee welfare
3789 benefit plan, contract or agreement with a health maintenance
3790 organization or a preferred provider organization, health and
3791 accident insurance policy, or any other insurance contract of this
3792 type, including a group insurance plan and the State Health and
3793 Life Insurance Plan.

3794 (2) (a) Notwithstanding any other provision of the law to
3795 the contrary, no health benefit paid directly or indirectly with
3796 state funds, specifically Medicaid, shall restrict coverage for
3797 medically appropriate treatment prescribed by a physician and
3798 agreed to by a fully informed individual, or if the individual
3799 lacks legal capacity to consent by a person who has legal
3800 authority to consent on his or her behalf, based on an
3801 individual's diagnosis with a terminal condition.

3802 (b) Refusing to pay for treatment rendered to an
3803 individual near the end of life that is consistent with best



3804 practices for treatment of a disease or condition, approved uses
3805 of a drug or device, or uses supported by peer reviewed medical
3806 literature, is a per se violation of this section.

3807 (c) As used in this section "terminal condition" means
3808 any aggressive malignancy, chronic end-stage cardiovascular or
3809 cerebral vascular disease, or any other disease, illness or
3810 condition which a physician diagnoses as terminal.

3811 (3) This section does not require a health coverage plan to
3812 cover and pay for the treatment of a person who is a registered
3813 qualifying patient for medical cannabis that is lawful under the
3814 Mississippi Medical Cannabis Compassion Act and in compliance with
3815 rules and regulations adopted thereunder.

3816 **SECTION 38.** This act shall take effect and be in force from
3817 and after July 1, 2022.

