

By: Representatives Harness, Summers

To: Drug Policy; Business and Commerce; Ways and Means

HOUSE BILL NO. 615

1 AN ACT TO BE KNOWN AS THE MISSISSIPPI RETAIL MARIJUANA ACT;  
2 TO AUTHORIZE THE PERSONAL USE OF MARIJUANA BY PERSONS 21 YEARS OF  
3 AGE AND OLDER AND PROVIDE FOR THE REGULATION OF THE PERSONAL USE  
4 OF MARIJUANA BY THE STATE DEPARTMENT OF HEALTH; TO PROVIDE FOR THE  
5 LAWFUL OPERATION OF RETAIL MARIJUANA-RELATED FACILITIES; TO DIRECT  
6 THE DEPARTMENT TO ADOPT REGULATIONS NECESSARY FOR THE  
7 IMPLEMENTATION OF THIS ACT; TO PROVIDE FOR THE MISSISSIPPI  
8 MARIJUANA CODE, WHICH PROVIDES FOR THE STATUTORY REGULATION OF THE  
9 PERSONAL USE OF MARIJUANA; TO PROVIDE DEFINITIONS FOR THE CODE; TO  
10 PROVIDE FOR THE APPLICABILITY OF THE CODE TO RETAIL MARIJUANA; TO  
11 PROVIDE THAT THE STATE DEPARTMENT OF HEALTH IS THE STATE LICENSING  
12 AUTHORITY FOR THE CODE; TO PROVIDE FOR A SEED-TO-SALE TRACKING  
13 SYSTEM THAT TRACKS RETAIL MARIJUANA FROM EITHER THE SEED OR  
14 IMMATURE PLANT STAGE UNTIL THE RETAIL MARIJUANA PRODUCT IS SOLD TO  
15 A CUSTOMER AT A RETAIL MARIJUANA STORE; TO PROVIDE FOR LICENSING  
16 PROCEDURES BY THE STATE LICENSING AUTHORITY AND BY LOCAL LICENSING  
17 AUTHORITIES; TO PROVIDE WHICH PERSONS ARE PROHIBITED TO BE  
18 LICENSEES; TO PRESCRIBE REQUIREMENTS FOR RETAIL MARIJUANA  
19 BUSINESSES AND OWNERS; TO PROVIDE FOR DISCLOSURE OF FINANCIAL  
20 INTERESTS BY RETAIL MARIJUANA BUSINESS OWNERS; TO PROVIDE THE  
21 PROCEDURE FOR THE TRANSFER OF LICENSES; TO PROVIDE THE PROCEDURES  
22 FOR LICENSING AND LICENSE RENEWALS; TO PROVIDE THE DIFFERENT  
23 CLASSES OF RETAIL MARIJUANA BUSINESS LICENSES; TO PROVIDE FOR  
24 RETAIL MARIJUANA STORE LICENSES; TO PROVIDE FOR RETAIL MARIJUANA  
25 CULTIVATION FACILITY LICENSES; TO PROVIDE FOR RETAIL MARIJUANA  
26 PRODUCTS MANUFACTURER LICENSES; TO PROVIDE FOR RETAIL MARIJUANA  
27 TESTING FACILITY LICENSES; TO PROVIDE FOR RETAIL MARIJUANA  
28 TRANSPORTER LICENSES; TO PROVIDE FOR RETAIL MARIJUANA BUSINESS  
29 OPERATOR LICENSES; TO PROVIDE FOR RETAIL MARIJUANA ACCELERATOR  
30 CULTIVATOR LICENSES; TO PROVIDE FOR RETAIL MARIJUANA ACCELERATOR  
31 MANUFACTURER LICENSES; TO PROVIDE FOR MARIJUANA HOSPITALITY  
32 BUSINESS LICENSES; TO PROVIDE FOR RETAIL MARIJUANA ACCELERATOR  
33 STORE LICENSES; TO PRESCRIBE UNLAWFUL ACTS UNDER THE CODE; TO  
34 PROHIBIT THE OPEN AND PUBLIC CONSUMPTION OF MARIJUANA; TO CREATE



35 THE MARIJUANA CASH FUND AS A SPECIAL FUND IN THE STATE TREASURY  
36 AND REQUIRE THE STATE LICENSING AUTHORITY TO DEPOSIT ALL MONEY  
37 COLLECTED UNDER THIS ACT INTO THE FUND; TO PROVIDE THAT THE STATE  
38 LICENSING AUTHORITY SHALL ESTABLISH FEES FOR PROCESSING THE  
39 APPLICATIONS, LICENSES, NOTICES OR REPORTS REQUIRED TO BE  
40 SUBMITTED TO THE STATE LICENSING AUTHORITY; TO PROVIDE THAT THE  
41 STATE LICENSING AUTHORITY MAY FINE A LICENSEE OR SUSPEND OR REVOKE  
42 A LICENSE FOR VIOLATIONS OF THIS ACT; TO PROVIDE FOR THE  
43 DISPOSITION OF UNAUTHORIZED MARIJUANA OR MARIJUANA PRODUCTS AND  
44 RELATED MATERIALS; TO PROVIDE FOR THE INSPECTION OF BOOKS AND  
45 RECORDS OF LICENSEES; TO PROVIDE FOR A RESPONSIBLE RETAIL  
46 MARIJUANA VENDOR SERVER AND SELLER TRAINING PROGRAM; TO AMEND  
47 SECTIONS 27-104-203, 33-13-520, 37-11-29, 41-29-125, 41-29-127,  
48 41-29-136, 41-29-137, 41-29-139, 41-29-141, 41-29-143, 59-23-7 AND  
49 63-11-30, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS  
50 OF THIS ACT; AND FOR RELATED PURPOSES.

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

52 **SECTION 1. Title - Personal use and regulation of marijuana.**

53 (1) **Title.** This act shall be known and may be cited as the  
54 Mississippi Retail Marijuana Act.

55 (2) **Purpose and findings.** (a) In the interest of the  
56 efficient use of law enforcement resources, enhancing revenue for  
57 public purposes, and individual freedom, the people of the State  
58 of Mississippi find and declare that the use of marijuana should  
59 be legal for persons twenty-one (21) years of age or older and  
60 taxed in a manner similar to alcohol.

61 (b) In the interest of the health and public safety of  
62 our citizenry, the people of the State of Mississippi further find  
63 and declare that marijuana should be regulated in a manner similar  
64 to alcohol so that:

65 (i) Individuals will have to show proof of age  
66 before purchasing marijuana;



67 (ii) Selling, distributing, or transferring  
68 marijuana to minors and other individuals under the age of  
69 twenty-one (21) shall remain illegal;

70 (iii) Driving under the influence of marijuana  
71 shall remain illegal;

72 (iv) Legitimate, taxpaying business people, and  
73 not criminal actors, will conduct sales of marijuana; and

74 (v) Marijuana sold in this state will be labeled  
75 and subject to additional regulations to ensure that consumers are  
76 informed and protected.

77 (c) In the interest of enacting rational policies for  
78 the treatment of all variations of the cannabis plant, the people  
79 of Mississippi further find and declare that industrial hemp  
80 should be regulated separately from strains of cannabis with  
81 higher delta-9 tetrahydrocannabinol (THC) concentrations.

82 (d) The people of the State of Mississippi further find  
83 and declare that it is necessary to ensure consistency and  
84 fairness in the application of this section throughout the state  
85 and that, therefore, the matters addressed by this section are,  
86 except as specified herein, matters of statewide concern.

87 (3) **Definitions.** As used in this section, unless the  
88 context otherwise requires:

89 (a) "Mississippi Marijuana Code" means Chapter 138,  
90 Title 41, Mississippi Code of 1972.



91 (b) "Consumer" means a person twenty-one (21) years of  
92 age or older who purchases marijuana or marijuana products for  
93 personal use by persons twenty-one (21) years of age or older, but  
94 not for resale to others.

95 (c) "Department" means the State Department of Health  
96 or its successor agency.

97 (d) "Hemp" has the same meaning as it is defined in  
98 federal law or as the term is defined in Section 69-25-203.

99 (e) "Locality" means a county, municipality, or a  
100 municipality and county.

101 (f) "Marijuana" means all parts of the plant of the  
102 genus cannabis whether growing or not, the seeds thereof, the  
103 resin extracted from any part of the plant, and every compound,  
104 manufacture, salt, derivative, mixture, or preparation of the  
105 plant, its seeds, or its resin, including marijuana concentrate.  
106 "Marijuana" does not include hemp as defined in and regulated by  
107 Sections 69-25-201 through 69-25-221, nor does it include fiber  
108 produced from the stalks, oil, or cake made from the seeds of the  
109 plant, sterilized seed of the plant which is incapable of  
110 germination, or the weight of any other ingredient combined with  
111 marijuana to prepare topical or oral administrations, food, drink,  
112 or other product.

113 (g) "Marijuana accessories" means any equipment,  
114 products, or materials of any kind which are used, intended for  
115 use, or designed for use in planting, propagating, cultivating,



116 growing, harvesting, composting, manufacturing, compounding,  
117 converting, producing, processing, preparing, testing, analyzing,  
118 packaging, repackaging, storing, vaporizing, or containing  
119 marijuana, or for ingesting, inhaling, or otherwise introducing  
120 marijuana into the human body.

121 (h) "Marijuana cultivation facility" means an entity  
122 licensed to cultivate, prepare, and package marijuana and sell  
123 marijuana to retail marijuana stores, to marijuana product  
124 manufacturing facilities, and to other marijuana cultivation  
125 facilities, but not to consumers.

126 (i) "Marijuana establishment" means a marijuana  
127 cultivation facility, a marijuana testing facility, a marijuana  
128 product manufacturing facility, or a retail marijuana store.

129 (j) "Marijuana product manufacturing facility" means an  
130 entity licensed to purchase marijuana; manufacture, prepare, and  
131 package marijuana products; and sell marijuana and marijuana  
132 products to other marijuana product manufacturing facilities and  
133 to retail marijuana stores, but not to consumers.

134 (k) "Marijuana products" means concentrated marijuana  
135 products and marijuana products that are comprised of marijuana  
136 and other ingredients and are intended for use or consumption,  
137 such as, but not limited to, edible products, ointments, and  
138 tinctures.



139 (l) "Marijuana testing facility" means an entity  
140 licensed to analyze and certify the safety and potency of  
141 marijuana.

142 (m) "Retail marijuana store" means an entity licensed  
143 to purchase marijuana from marijuana cultivation facilities and  
144 marijuana and marijuana products from marijuana product  
145 manufacturing facilities and to sell marijuana and marijuana  
146 products to consumers.

147 (n) "Unreasonably impracticable" means that the  
148 measures necessary to comply with the regulations require such a  
149 high investment of risk, money, time, or any other resource or  
150 asset that the operation of a marijuana establishment is not  
151 worthy of being carried out in practice by a reasonably prudent  
152 businessperson.

153 (4) **Personal use of marijuana.** The following acts are not  
154 unlawful and shall not be an offense under Mississippi law or the  
155 law of any locality within Mississippi or be a basis for seizure  
156 or forfeiture of assets under Mississippi law for persons  
157 twenty-one (21) years of age or older:

158 (a) Possessing, using, displaying, purchasing, or  
159 transporting marijuana accessories or one (1) ounce or less of  
160 marijuana.

161 (b) Possessing, growing, processing, or transporting no  
162 more than six (6) marijuana plants, with three (3) or fewer being  
163 mature, flowering plants, and possession of the marijuana produced



164 by the plants on the premises where the plants were grown,  
165 provided that the growing takes place in an enclosed, locked  
166 space, is not conducted openly or publicly, and is not made  
167 available for sale.

168 (c) Transfer of one (1) ounce or less of marijuana  
169 without remuneration to a person who is twenty-one (21) years of  
170 age or older.

171 (d) Consumption of marijuana, provided that nothing in  
172 this section shall permit consumption that is conducted openly and  
173 publicly or in a manner that endangers others.

174 (e) Assisting another person who is twenty-one (21)  
175 years of age or older in any of the acts described in paragraphs  
176 (a) through (d) of this subsection.

177 (5) **Lawful operation of marijuana-related facilities.** The  
178 following acts are not unlawful and shall not be an offense under  
179 Mississippi law or be a basis for seizure or forfeiture of assets  
180 under Mississippi law for persons twenty-one (21) years of age or  
181 older:

182 (a) Manufacture, possession, or purchase of marijuana  
183 accessories or the sale of marijuana accessories to a person who  
184 is twenty-one (21) years of age or older.

185 (b) Possessing, displaying, or transporting marijuana  
186 or marijuana products; purchase of marijuana from a marijuana  
187 cultivation facility; purchase of marijuana or marijuana products  
188 from a marijuana product manufacturing facility; or sale of



189 marijuana or marijuana products to consumers, if the person  
190 conducting the activities described in this paragraph has obtained  
191 a current, valid license to operate a retail marijuana store or is  
192 acting in his or her capacity as an owner, employee or agent of a  
193 licensed retail marijuana store.

194 (c) Cultivating, harvesting, processing, packaging,  
195 transporting, displaying, or possessing marijuana; delivery or  
196 transfer of marijuana to a marijuana testing facility; selling  
197 marijuana to a marijuana cultivation facility, a marijuana product  
198 manufacturing facility, or a retail marijuana store; or the  
199 purchase of marijuana from a marijuana cultivation facility, if  
200 the person conducting the activities described in this paragraph  
201 has obtained a current, valid license to operate a marijuana  
202 cultivation facility or is acting in his or her capacity as an  
203 owner, employee, or agent of a licensed marijuana cultivation  
204 facility.

205 (d) Packaging, processing, transporting, manufacturing,  
206 displaying, or possessing marijuana or marijuana products;  
207 delivery or transfer of marijuana or marijuana products to a  
208 marijuana testing facility; selling marijuana or marijuana  
209 products to a retail marijuana store or a marijuana product  
210 manufacturing facility; the purchase of marijuana from a marijuana  
211 cultivation facility; or the purchase of marijuana or marijuana  
212 products from a marijuana product manufacturing facility, if the  
213 person conducting the activities described in this paragraph has





214 obtained a current, valid license to operate a marijuana product  
215 manufacturing facility or is acting in his or her capacity as an  
216 owner, employee, or agent of a licensed marijuana product  
217 manufacturing facility.

218 (e) Possessing, cultivating, processing, repackaging,  
219 storing, transporting, displaying, transferring or delivering  
220 marijuana or marijuana products if the person has obtained a  
221 current, valid license to operate a marijuana testing facility or  
222 is acting in his or her capacity as an owner, employee, or agent  
223 of a licensed marijuana testing facility.

224 (f) Leasing or otherwise allowing the use of property  
225 owned, occupied or controlled by any person, corporation or other  
226 entity for any of the activities conducted lawfully in accordance  
227 with paragraphs (a) through (e) of this subsection.

228 (6) **Regulation of marijuana.** (a) Not later than July 1,  
229 2025, the department shall adopt regulations necessary for  
230 implementation of this section. Such regulations shall not  
231 prohibit the operation of marijuana establishments, either  
232 expressly or through regulations that make their operation  
233 unreasonably impracticable. Such regulations shall include:

234 (i) Procedures for the issuance, renewal,  
235 suspension, and revocation of a license to operate a marijuana  
236 establishment;

237 (ii) A schedule of application, licensing and  
238 renewal fees, provided that application fees shall not exceed Five



239 Thousand Dollars (\$5,000.00), with this upper limit adjusted  
240 annually for inflation, unless the department determines a greater  
241 fee is necessary to carry out its responsibilities under this  
242 section;

243 (iii) Qualifications for licensure that are  
244 directly and demonstrably related to the operation of a marijuana  
245 establishment;

246 (iv) Security requirements for marijuana  
247 establishments;

248 (v) Requirements to prevent the sale or diversion  
249 of marijuana and marijuana products to persons under twenty-one  
250 (21) years of age;

251 (vi) Labeling requirements for marijuana and  
252 marijuana products sold or distributed by a marijuana  
253 establishment;

254 (vii) Health and safety regulations and standards  
255 for the manufacture of marijuana products and the cultivation of  
256 marijuana;

257 (viii) Restrictions on the advertising and display  
258 of marijuana and marijuana products; and

259 (ix) Civil penalties for the failure to comply  
260 with regulations made pursuant to this section.

261 (b) In order to ensure that individual privacy is  
262 protected, notwithstanding paragraph (a) of this subsection, the  
263 department shall not require a consumer to provide a retail



264 marijuana store with personal information other than  
265 government-issued identification to determine the consumer's age,  
266 and a retail marijuana store shall not be required to acquire and  
267 record personal information about consumers other than information  
268 typically acquired in a financial transaction conducted at a  
269 retail liquor store.

270 (c) Not later than October 1, 2025, each locality shall  
271 enact an ordinance or regulation specifying the entity within the  
272 locality that is responsible for processing applications submitted  
273 for a license to operate a marijuana establishment within the  
274 boundaries of the locality and for the issuance of such licenses  
275 if the issuance by the locality become necessary because of a  
276 failure by the department to adopt regulations pursuant to  
277 paragraph (a) or because of a failure by the department to process  
278 and issue licenses as required by paragraph (e).

279 (d) A locality may enact ordinances or regulations, not  
280 in conflict with this section or with regulations or legislation  
281 enacted pursuant to this section, governing the time, place,  
282 manner and number of marijuana establishment operations;  
283 establishing procedures for the issuance, suspension, and  
284 revocation of a license issued by the locality in accordance with  
285 paragraph (f) or (g); establishing a schedule of annual operating,  
286 licensing, and application fees for marijuana establishments,  
287 provided that the application fee shall only be due if an  
288 application is submitted to a locality in accordance with



289 paragraph (g) and a licensing fee shall only be due if a license  
290 is issued by a locality in accordance with paragraph (f) or (g);  
291 and establishing civil penalties for violation of an ordinance or  
292 regulation governing the time, place, and manner of a marijuana  
293 establishment that may operate in such locality. A locality may  
294 prohibit the operation of marijuana cultivation facilities,  
295 marijuana product manufacturing facilities, marijuana testing  
296 facilities, or retail marijuana stores through the enactment of an  
297 ordinance.

298 (e) Each application for an annual license to operate a  
299 marijuana establishment shall be submitted to the department. The  
300 department shall:

301 (i) Begin accepting and processing applications on  
302 October 1, 2025;

303 (ii) Immediately forward a copy of each  
304 application and half of the license application fee to the  
305 locality in which the applicant desires to operate the marijuana  
306 establishment;

307 (iii) Issue an annual license to the applicant  
308 between forty-five (45) and ninety (90) days after receipt of an  
309 application unless the department finds the applicant is not in  
310 compliance with regulations enacted pursuant to paragraph (a) or  
311 the department is notified by the relevant locality that the  
312 applicant is not in compliance with ordinances and regulations  
313 made pursuant to paragraph (d) and in effect at the time of



314 application, provided that where a locality has enacted a  
315 numerical limit on the number of marijuana establishments and a  
316 greater number of applicants seek licenses, the department shall  
317 solicit and consider input from the locality as to the locality's  
318 preference or preferences for licensure; and

319 (iv) Upon denial of an application, notify the  
320 applicant in writing of the specific reason for its denial.

321 (f) If the department does not issue a license to an  
322 applicant within ninety (90) days of receipt of the application  
323 filed in accordance with paragraph (e) and does not notify the  
324 applicant of the specific reason for its denial, in writing and  
325 within such time period, or if the department has adopted  
326 regulations pursuant to paragraph (a) and has accepted  
327 applications pursuant to paragraph (e) but has not issued any  
328 licenses by January 1, 2026, the applicant may resubmit its  
329 application directly to the locality, pursuant to paragraph (c),  
330 and the locality may issue an annual license to the applicant. A  
331 locality issuing a license to an applicant shall do so within  
332 ninety (90) days of receipt of the resubmitted application unless  
333 the locality finds and notifies the applicant that the applicant  
334 is not in compliance with ordinances and regulations made pursuant  
335 to paragraph (d) in effect at the time the application is  
336 resubmitted and the locality shall notify the department if an  
337 annual license has been issued to the applicant. If an  
338 application is submitted to a locality under this paragraph, the



339 department shall forward to the locality the application fee paid  
340 by the applicant to the department upon request by the locality.  
341 A license issued by a locality in accordance with this paragraph  
342 shall have the same force and effect as a license issued by the  
343 department in accordance with paragraph (e) and the holder of such  
344 license shall not be subject to regulation or enforcement by the  
345 department during the term of that license. A subsequent or  
346 renewed license may be issued under this paragraph on an annual  
347 basis only upon resubmission to the locality of a new application  
348 submitted to the department pursuant to paragraph (e).

349 (g) If the department does not adopt regulations  
350 required by paragraph (a), an applicant may submit an application  
351 directly to a locality after October 1, 2025, and the locality may  
352 issue an annual license to the applicant. A locality issuing a  
353 license to an applicant shall do so within ninety (90) days of  
354 receipt of the application unless it finds and notifies the  
355 applicant that the applicant is not in compliance with ordinances  
356 and regulations made pursuant to paragraph (d) in effect at the  
357 time of application and shall notify the department if an annual  
358 license has been issued to the applicant. A license issued by a  
359 locality in accordance with this paragraph shall have the same  
360 force and effect as a license issued by the department in  
361 accordance with paragraph (e) and the holder of such license shall  
362 not be subject to regulation or enforcement by the department  
363 during the term of that license. A subsequent or renewed license



364 may be issued under this paragraph on an annual basis if the  
365 department has not adopted regulations required by paragraph (a)  
366 at least ninety (90) days prior to the date upon which such  
367 subsequent or renewed license would be effective or if the  
368 department has adopted regulations pursuant to paragraph (a) but  
369 has not, at least ninety (90) days after the adoption of such  
370 regulations, issued licenses pursuant to paragraph (e).

371 (7) **Employers, driving, minors and control of property.** (a)

372 Nothing in this section is intended to require an employer to  
373 permit or accommodate the use, consumption, possession, transfer,  
374 display, transportation, sale or growing of marijuana in the  
375 workplace or to affect the ability of employers to have policies  
376 restricting the use of marijuana by employees.

377 (b) Nothing in this section is intended to allow  
378 driving under the influence of marijuana or driving while impaired  
379 by marijuana or to supersede any laws related to driving under the  
380 influence of marijuana or driving while impaired by marijuana.

381 (c) Nothing in this section is intended to permit the  
382 transfer of marijuana, with or without remuneration, to a person  
383 under the age of twenty-one (21) or to allow a person under the  
384 age of twenty-one (21) to purchase, possess, use, transport, grow,  
385 or consume marijuana.

386 (d) Nothing in this section shall prohibit a person,  
387 employer, school, hospital, detention facility, corporation or any  
388 other entity who occupies, owns or controls a property from



389 prohibiting or otherwise regulating the possession, consumption,  
390 use, display, transfer, distribution, sale, transportation, or  
391 growing of marijuana on or in that property.

392       **SECTION 2.** The following sections shall be codified as a new  
393 Chapter 138 in Title 41, Mississippi Code of 1972:

394                               **ARTICLE 1**

395                                       **MISSISSIPPI MARIJUANA CODE**

396       **101. Short title.** This chapter shall be known and may be  
397 cited as the "Mississippi Marijuana Code".

398       **102. Legislative declaration.** (1) The Legislature declares  
399 that this chapter is deemed an exercise of the police powers of  
400 the state for the protection of the economic and social welfare  
401 and the health, peace, and morals of the people of this state.

402       (2) The Legislature further declares that it is unlawful  
403 under state law to cultivate, manufacture, distribute, or sell  
404 retail marijuana and retail marijuana products, except in  
405 compliance with the terms, conditions, limitations, and  
406 restrictions in Section 1 of this act and this chapter.

407       **103. Definitions.** As used in this chapter, unless the  
408 context otherwise requires:

409               (a) "Accelerator cultivator" means a social equity  
410 licensee qualified to participate in the accelerator program  
411 established pursuant to this chapter and authorized pursuant to  
412 rule, to exercise the privileges of a retail marijuana cultivation





413 facility on the premises of an accelerator-endorsed retail  
414 marijuana cultivation facility licensee.

415 (b) "Accelerator-endorsed licensee" means a retail  
416 marijuana cultivation facility licensee, retail marijuana products  
417 manufacturer licensee, or retail marijuana store who has, pursuant  
418 to rule, been endorsed to host and offer technical and capital  
419 support to a social equity licensee pursuant to the requirements  
420 of the accelerator program established pursuant to this chapter.

421 (c) "Accelerator manufacturer" means a social equity  
422 licensee qualified to participate in the accelerator program  
423 established pursuant to this chapter and authorized pursuant to  
424 rule, to exercise the privileges of a retail marijuana products  
425 manufacturer on the premises of an accelerator-endorsed retail  
426 marijuana products manufacturing licensee.

427 (d) "Accelerator store" means a social equity licensee  
428 qualified to participate in the accelerator program established  
429 pursuant to this chapter and authorized pursuant to rule, to  
430 exercise the privileges of a retail marijuana store on the  
431 premises of an accelerator-endorsed retail marijuana store  
432 licensee.

433 (e) "Acquire", when used in connection with the  
434 acquisition of an owner's interest of a retail marijuana business,  
435 means obtaining ownership, control, power to vote, or sole power  
436 of disposition of the owner's interest, directly or indirectly or  
437 through one or more transactions or subsidiaries, through



438 purchase, assignment, transfer, exchange, succession, or other  
439 means.

440 (f) "Acting in concert" means knowing participation in  
441 a joint activity or interdependent conscious parallel action  
442 toward a common goal, whether or not pursuant to an express  
443 agreement.

444 (g) "Adverse weather event" means:

445 (a) Damaging weather, which involves a drought, a  
446 freeze, hail, excessive moisture, excessive wind, or a tornado;

447 (b) An adverse natural occurrence, which involves  
448 an earthquake, wildfire, or flood; or

449 (c) Any additional adverse weather event or  
450 adverse natural occurrence as the state licensing authority may  
451 define by rule.

452 (h) "Advertising" means the act of providing  
453 consideration for the publication, dissemination, solicitation, or  
454 circulation of visual, oral, or written communication to directly  
455 induce any person to patronize a particular retail marijuana  
456 business or purchase particular regulated marijuana.

457 "Advertising" does not include packaging and labeling, consumer  
458 education materials, or branding.

459 (i) "Affiliate" of, or person "affiliated with", has  
460 the same meaning as defined in 17 CFR 230.405.



461 (j) "Beneficial owner of", "beneficial ownership of",  
462 or "beneficially owns an" owner's interest is determined in  
463 accordance with 17 CFR 240.13d-3.

464 (k) "Branding" means promotion of a business's brand  
465 through publicizing the retail marijuana business's name, logo, or  
466 distinct design features of the brand.

467 (l) "Consumer education materials" means any  
468 informational materials that seek to educate consumers about  
469 regulated marijuana generally, including, but not limited to,  
470 education regarding the safe consumption of marijuana, regulated  
471 marijuana concentrate, or regulated marijuana products, provided  
472 they are not distributed or made available to individuals under  
473 twenty-one (21) years of age.

474 (m) "Control", "controls", "controlled", "controlling",  
475 "controlled by", and "under common control with", means the  
476 possession, direct or indirect, of the power to direct or cause  
477 the direction of the management or policies of a person, whether  
478 through the ownership of voting owner's interests, by contract, or  
479 otherwise.

480 (n) "Department" means the State Department of Health.

481 (o) "Escorted" means appropriately checked into a  
482 limited access area and accompanied by a person licensed by the  
483 state licensing authority; except that trade craftspeople not  
484 normally engaged in the business of cultivating, processing,



485 selling, or testing regulated marijuana need not be accompanied on  
486 a full-time basis, but only reasonably monitored.

487 (p) "Fibrous waste" means any roots, stalks, and stems  
488 from a retail marijuana plant.

489 (q) "Good cause", for purposes of refusing or denying a  
490 license renewal, reinstatement, or initial license issuance,  
491 means:

492 (i) The licensee or applicant has violated, does  
493 not meet, or has failed to comply with any of the terms,  
494 conditions, or provisions of this chapter; any rules promulgated  
495 pursuant to this chapter; or any supplemental local law, rules, or  
496 regulations;

497 (ii) The licensee or applicant has failed to  
498 comply with any special terms or conditions that were placed on  
499 its license pursuant to an order of the state or local licensing  
500 authority;

501 (iii) The licensed premises have been operated in  
502 a manner that adversely affects the public health or welfare or  
503 the safety of the immediate neighborhood in which the  
504 establishment is located.

505 (r) "Immature plant" means a nonflowering marijuana  
506 plant that is no taller than eight (8) inches and no wider than  
507 eight (8) inches; is produced from a cutting, clipping, or  
508 seedling; and is in a cultivating container.



509 (s) "Industrial fiber products" means intermediate or  
510 finished products made from fibrous waste that are not intended  
511 for human or animal consumption and are not usable or recognizable  
512 as retail marijuana. Industrial fiber products include, but are  
513 not limited to, cordage, paper, fuel, textiles, bedding,  
514 insulation, construction materials, compost materials, and  
515 industrial materials.

516 (t) "Industrial hemp" means a plant of the genus  
517 cannabis and any part of the plant, whether growing or not,  
518 containing a delta-9 tetrahydrocannabinol concentration of no more  
519 than three-tenths of one percent (0.3%) on a dry weight basis.

520 (u) "Industrial hemp product" means a finished product  
521 containing industrial hemp that:

522 (i) Is a cosmetic, food, food additive, or herb;

523 (ii) Is for human use or consumption;

524 (iii) Contains any part of the hemp plant,

525 including naturally occurring cannabinoids, compounds,

526 concentrates, extracts, isolates, resins, or derivatives; and

527 (iv) Contains a delta-9 tetrahydrocannabinol

528 concentration of no more than three-tenths of one percent (0.3%)

529 on a dry weight basis.

530 (v) "License" means to grant a license, permit, or  
531 registration pursuant to this chapter.

532 (w) "Licensed premises" means the premises specified in  
533 an application for a license under this chapter that are owned or



534 in possession of the licensee and within which the licensee is  
535 authorized to cultivate, manufacture, distribute, sell, or test  
536 regulated marijuana and regulated marijuana products in accordance  
537 with this chapter.

538 (x) "Licensee" means a person licensed or registered  
539 pursuant to this chapter.

540 (y) "Limited access areas", subject to the provisions  
541 of Section 1001, means a building, room, or other contiguous area  
542 upon the licensed premises where regulated marijuana and regulated  
543 marijuana products are cultivated, manufactured, stored, weighed,  
544 packaged, sold, possessed for sale, or tested, under control of  
545 the licensee, with access limited to only those persons licensed  
546 by the state licensing authority and those visitors escorted by a  
547 person licensed by the state licensing authority. All areas of  
548 ingress or egress to limited access areas must be clearly  
549 identified as such by a sign as designated by the state licensing  
550 authority.

551 (z) "Local jurisdiction" means a locality as defined in  
552 Section 1(3)(e) of this act.

553 (aa) "Local licensing authority" means an authority  
554 designated by municipal or county charter, ordinance, or  
555 resolution, or the governing body of a municipality or county.

556 (bb) "Location" means a particular parcel of land that  
557 may be identified by an address or other descriptive means.



558 (cc) "Marijuana accessories" has the same meaning as  
559 defined in Section 1(3)(g) of this act.

560 (dd) "Marijuana-based workforce development or training  
561 program" means a program designed to train individuals to work in  
562 the regulated marijuana industry operated by an entity licensed  
563 under this chapter or by a school that is authorized by state law  
564 to do such training.

565 (ee) "Marijuana consumer waste" means any component  
566 left after the consumption of a regulated marijuana product,  
567 including, but not limited to, containers, packages, cartridges,  
568 pods, cups, batteries, all-in-one disposable devices, and any  
569 other waste component left after the regulated marijuana is  
570 consumed as defined by rules promulgated by the state licensing  
571 authority.

572 (ff) "Marijuana hospitality business" means a facility,  
573 which may be mobile, licensed to permit the consumption of  
574 marijuana pursuant to chapter; rules promulgated pursuant to this  
575 chapter; and the provisions of an ordinance or resolution of the  
576 local jurisdiction in which the licensee operates.

577 (gg) "Mobile distribution center" means any vehicle  
578 other than a common passenger light-duty vehicle with a short  
579 wheel base used to carry a quantity of marijuana greater than one  
580 (1) ounce.

581 (hh) "Opaque" means that the packaging does not allow  
582 the product to be seen without opening the packaging material.



583 (ii) "Operating fees", as referred to in Section  
584 1(6)(d) of this act, means fees that may be charged by a local  
585 jurisdiction for costs, including, but not limited to, inspection,  
586 administration, and enforcement of retail marijuana businesses  
587 authorized pursuant to this chapter.

588 (jj) "Passive beneficial owner" means any person  
589 acquiring any owner's interest in a retail marijuana business that  
590 is not otherwise a controlling beneficial owner or in control.

591 (kk) "Permitted economic interest" means any unsecured  
592 convertible debt instrument, option agreement, warrant, or any  
593 other right to obtain an ownership interest when the holder of  
594 such interest is a natural person who is a lawful United States  
595 resident and whose right to convert into an ownership interest is  
596 contingent on the holder qualifying and obtaining a license as an  
597 owner under this chapter, or such other agreements as may be  
598 permitted by rule of the state licensing authority.

599 (ll) "Premises" means a distinctly identified, as  
600 required by the state licensing authority, and definite location,  
601 which may include a building, a part of a building, a room, or any  
602 other definite contiguous area.

603 (mm) "Publicly traded corporation" means any person  
604 other than an individual that is organized under the laws of and  
605 for which its principal place of business is located in one of the  
606 states or territories of the United States or District of Columbia  
607 or another country that authorizes the sale of marijuana and that:





608 (i) Has a class of securities registered pursuant  
609 to 15 USC Section 77a et seq., that:

610 1. Constitutes "covered securities" pursuant  
611 to 15 USC Section 77r(b)(1)(A); or

612 2. Is qualified and quoted on the OTCQX or  
613 OTCQB tier of the OTC markets if:

614 a. The person is then required to file  
615 reports and is filing reports on a current basis with the federal  
616 Securities and Exchange Commission pursuant to 15 USC Section 78a  
617 et seq., as if the securities constituted "covered securities" as  
618 described in item 1 of this subparagraph (i); and

619 b. The person has established and is in  
620 compliance with corporate governance measures pursuant to  
621 corporate governance obligations imposed on securities qualified  
622 and quoted on the OTCQX tier of the OTC markets;

623 (ii) Is an entity that has a class of securities  
624 listed on the Canadian securities exchange, Toronto stock  
625 exchange, TSX venture exchange, or other equity securities  
626 exchange recognized by the state licensing authority, if:

627 1. The entity constitutes a "foreign private  
628 issuer", as defined in 17 CFR 230.405, whose securities are exempt  
629 from registration pursuant to 15 USC Section 78a et seq., pursuant  
630 to 17 CFR 240.12g3-2; and

631 2. The entity has been, for the preceding  
632 three hundred sixty-five (365) days or since the formation of the



633 entity, in compliance with all governance and reporting  
634 obligations imposed by the relevant exchange on such entity; or

635 (iii) Is reasonably identified as a publicly  
636 traded corporation by rule.

637 (nn) "Qualified institutional investor" means:

638 (i) A bank, as defined in 15 USC Section  
639 78c(a)(6), if the bank is current in all applicable reporting and  
640 record-keeping requirements under such act and rules promulgated  
641 thereunder;

642 (ii) A bank holding company, as defined in 12 USC  
643 Section 1841(a)(1), if the bank holding company is registered and  
644 current in all applicable reporting and record-keeping  
645 requirements under such act and rules promulgated thereunder;

646 (iii) An insurance company, as defined in 15 USC  
647 Section 80a-2(a)(17), if the insurance company is current in all  
648 applicable reporting and record-keeping requirements under such  
649 act and rules promulgated thereunder;

650 (iv) An investment company registered and subject  
651 to 15 USC Section 80a-1 et seq., if the investment company is  
652 current in all applicable reporting and record-keeping  
653 requirements under such act and rules promulgated thereunder;

654 (v) An employee benefit plan or pension fund  
655 subject to 29 USC Section 1001 et seq., excluding an employee  
656 benefit plan or pension fund sponsored by a licensee or an



657 intermediary holding company licensee that directly or indirectly  
658 owns ten percent (10%) or more of a licensee;

659 (vi) A state or federal government pension plan;

660 (vii) A group comprised entirely of persons  
661 specified in subparagraph (i) through (vi) of this paragraph; or

662 (viii) Any other entity identified by rule by the  
663 state licensing authority.

664 (oo) "Qualified private fund" means an issuer that  
665 would be an investment company, as defined in, but for the  
666 exclusions provided under, 15 USC Section 80a-3, and that:

667 (i) Is advised or managed by an investment  
668 adviser, as defined and registered pursuant to 15 USC Section  
669 80b-1 et seq., and for which the registered investment adviser is  
670 current in all applicable reporting and record-keeping  
671 requirements under such act and rules promulgated thereunder; and

672 (ii) Satisfies one or more of the following:

673 1. Is organized under the law of a state or  
674 the United States;

675 2. Is organized, operated, or sponsored by a  
676 "U.S. person", as defined under 17 CFR 230.902(k), as amended; or

677 3. Sells securities to a "U.S. person", as  
678 defined under 17 CFR 230.902(k), as amended.

679 (pp) "Reasonable cause" means just or legitimate  
680 grounds based in law and in fact to believe that the particular



681 requested action furthers the purposes of this chapter or protects  
682 public safety.

683 (qq) "Regulated marijuana" means retail marijuana. If  
684 the context requires, regulated marijuana includes retail  
685 marijuana concentrate and retail marijuana products.

686 (rr) "Regulated marijuana products" means retail  
687 marijuana products.

688 (ss) "Resealable" means that the package continues to  
689 function within effectiveness specifications, which shall be  
690 established by the state licensing authority similar to the  
691 federal "Poison Prevention Packaging Act of 1970", 15 USC Section  
692 1471 et seq., for the number of openings and closings customary  
693 for its size and contents, which shall be determined by the state  
694 licensing authority.

695 (tt) "Retail marijuana" means "marijuana", as defined  
696 in Section 1(3)(f) of this act, that is cultivated, manufactured,  
697 distributed, or sold by a licensed retail marijuana business. If  
698 the context requires, retail marijuana includes retail marijuana  
699 concentrate and retail marijuana products.

700 (uu) "Retail marijuana business" means a retail  
701 marijuana store, a retail marijuana cultivation facility, a retail  
702 marijuana products manufacturer, a marijuana hospitality business,  
703 a retail marijuana hospitality and sales business, a retail  
704 marijuana testing facility, a retail marijuana business operator,



705 or a retail marijuana transporter licensed pursuant to this  
706 chapter.

707 (vv) "Retail marijuana business operator" means an  
708 entity or person that is not an owner and that is licensed to  
709 provide professional operational services to a retail marijuana  
710 business for direct remuneration from the retail marijuana  
711 business.

712 (ww) "Retail marijuana concentrate" means a subset of  
713 retail marijuana that is separated from the retail marijuana plant  
714 and results in matter with a higher concentration of cannabinoids  
715 than naturally occur in the plant. Retail marijuana concentrate  
716 contains cannabinoids and may contain terpenes and other chemicals  
717 that are naturally occurring in retail marijuana plants that have  
718 been separated from retail marijuana. Retail marijuana  
719 concentrate may also include residual amounts of the types of  
720 solvents, as permitted by the marijuana rules. The state  
721 licensing authority may further define by rule subcategories of  
722 retail marijuana concentrate and authorize limited ingredients  
723 based on the method of production of retail marijuana concentrate.  
724 Unless the context otherwise requires, retail marijuana  
725 concentrate is included when this chapter refers to retail  
726 marijuana product.

727 (xx) "Retail marijuana cultivation facility" has the  
728 same meaning as "marijuana cultivation facility" as defined in  
729 Section 1(3)(h) of this act.



730           (yy) "Retail marijuana hospitality and sales business"  
731 means a facility, which cannot be mobile, licensed to permit the  
732 consumption of only the retail marijuana or retail marijuana  
733 products that it has sold pursuant to the provisions of an  
734 ordinance of the local jurisdiction in which the licensee  
735 operates.

736           (zz) "Retail marijuana products" means "marijuana  
737 products" as defined in Section 1(3)(k) of this act that are  
738 produced at a retail marijuana products manufacturer.

739           (aaa) "Retail marijuana products manufacturer" has the  
740 same meaning as "marijuana product manufacturing facility" as  
741 defined in Section 1(3)(j) of this act.

742           (bbb) "Retail marijuana store" has the same meaning as  
743 defined in Section 1(3)(m) of this act.

744           (ccc) "Retail marijuana testing facility" means  
745 "marijuana testing facility" as defined in Section 1(3)(l) of this  
746 act that is licensed pursuant to this chapter.

747           (ddd) "Retail marijuana transporter" means an entity or  
748 person licensed to transport retail marijuana and retail marijuana  
749 products from one (1) retail marijuana business to another retail  
750 marijuana business and to temporarily store the transported retail  
751 marijuana and retail marijuana products at its licensed premises,  
752 but is not authorized to sell retail marijuana or retail marijuana  
753 products under any circumstances.



754 (eee) "Sale" or "sell" includes to exchange, barter, or  
755 traffic in; to solicit or receive and order except through a  
756 licensee licensed under this chapter; to deliver for value in any  
757 way other than gratuitously; to peddle or possess with intent to  
758 sell; or to traffic in for any consideration promised or obtained  
759 directly or indirectly.

760 (fff) "School" means a public or private preschool or a  
761 public or private elementary, middle, junior high, or high school  
762 or institution of higher education.

763 (ggg) "Security" has the same meaning as defined in 15  
764 USC Section 77b(a)(1) et seq.

765 (hhh) "Social equity licensee" means a natural person  
766 who meets the criteria established pursuant to Section 308(3). A  
767 person qualified as a social equity licensee may participate in  
768 the accelerator program established pursuant to this chapter or  
769 may hold a regulated marijuana business license or permit issued  
770 pursuant to this chapter.

771 (iii) "State licensing authority" means the State  
772 Department of Health.

773 **104. Applicability - retail marijuana.** (1) (a) A person  
774 applying for licensure pursuant to this chapter must complete  
775 forms as provided by the state licensing authority and must pay  
776 the application fee and the licensing fee, which must be credited  
777 to the Marijuana Cash Fund established pursuant to Section 801.  
778 The state licensing authority shall forward, within seven (7)



779 days, one-half (1/2) of the retail marijuana business license  
780 application fee to the local jurisdiction unless the application  
781 is for an accelerator cultivator, accelerator manufacturer, or  
782 accelerator store license or unless the local jurisdiction has  
783 prohibited the operation of retail marijuana businesses pursuant  
784 to Section 1(6)(d) of this act. If the license is denied, the  
785 state licensing authority shall refund the licensing fee to the  
786 applicant.

787 (b) The state licensing authority shall act upon a  
788 retail marijuana business license application made pursuant to  
789 paragraph (a) of this subsection no sooner than forty-five (45)  
790 days and no later than ninety (90) days after the date of the  
791 retail marijuana business license application. The state  
792 licensing authority shall process retail marijuana business  
793 license applications in the order in which complete applications  
794 are received by the state licensing authority.

795 (2) As provided in Section 1(6)(d) of this act, any local  
796 jurisdiction may enact ordinances or regulations governing the  
797 time, place, manner, and number of retail marijuana businesses,  
798 which may include a local licensing requirement, or may prohibit  
799 the operation of retail marijuana businesses through the enactment  
800 of an ordinance.

801 (3) This chapter sets forth the exclusive means by which  
802 cultivation, manufacture, sale, distribution, dispensing, and





803 testing of regulated marijuana and regulated marijuana products  
804 may occur in the State of Mississippi.

805 (4) (a) Nothing in this chapter is intended to require an  
806 employer to permit or accommodate the use, consumption,  
807 possession, transfer, display, transportation, sale, or  
808 cultivating of regulated marijuana in the workplace or to affect  
809 the ability of employers to have policies restricting the use of  
810 marijuana by employees.

811 (b) Nothing in this chapter prohibits a person,  
812 employer, school, hospital, detention facility, corporation, or  
813 any other entity that occupies, owns, or controls a property from  
814 prohibiting or otherwise regulating the possession, consumption,  
815 use, display, transfer, distribution, sale, transportation, or  
816 cultivating of regulated marijuana on or in that property.

817 (c) Notwithstanding any other provision of this  
818 subsection (4), holding or exercising the privileges of any  
819 license issued pursuant to this chapter shall not constitute an  
820 unsuitable or unlawful act or practice within the meaning of the  
821 statutes and rules governing the Mississippi Gaming Control Act.

822 **ARTICLE 2**

823 **STATE LICENSING AUTHORITY**

824 **201. State licensing authority.** (1) (a) The State  
825 Department of Health is the state licensing authority for the  
826 purpose of regulating and controlling the licensing of the  
827 cultivation, manufacture, distribution, sale, and testing of



828 regulated marijuana in this state, there is created the state  
829 licensing authority, which is the executive director or the deputy  
830 director of the department if the executive director so  
831 designates.

832 (b) The state licensing authority also has regulatory  
833 authority for retail marijuana and retail marijuana products as  
834 permitted in Section 1 of this act and this chapter.

835 (2) A state licensing authority employee with regulatory  
836 oversight responsibilities for marijuana businesses licensed by  
837 the state licensing authority shall not work for, represent, or  
838 provide consulting services to or otherwise derive pecuniary gain  
839 from a retail marijuana business licensed by the state licensing  
840 authority or other business entity established for the primary  
841 purpose of providing services to the marijuana industry for a  
842 period of six (6) months following his or her last day of  
843 employment with the state licensing authority.

844 (3) Any person who discloses confidential records or  
845 information in violation of the provisions of this chapter is  
846 guilty of a misdemeanor and, upon conviction thereof, shall be  
847 punished by a fine of not more than One Thousand Dollars  
848 (\$1,000.00), or by imprisonment in the county jail for not more  
849 than six (6) months, or both. Any criminal prosecution pursuant  
850 to the provisions of this section must be brought within five (5)  
851 years from the date the violation occurred.



852           **202. Powers and duties of state licensing authority - rules**  
853 **- report - legislative declaration.** (1) The state licensing  
854 authority shall:

855           (a) Develop and maintain a seed-to-sale tracking system  
856 that tracks regulated marijuana from either the seed or immature  
857 plant stage until the regulated marijuana or regulated marijuana  
858 product is sold to a customer at a retail marijuana store or a  
859 retail marijuana hospitality and sales business to ensure that no  
860 regulated marijuana grown or processed by a retail marijuana  
861 business is sold or otherwise transferred except by a retail  
862 marijuana store or a retail marijuana hospitality and sales  
863 business;

864           (b) Grant or refuse state licenses for the cultivation,  
865 manufacture, distribution, sale, hospitality, and testing of  
866 regulated marijuana and regulated marijuana products as provided  
867 by law; suspend, fine, restrict, or revoke such licenses, whether  
868 active, expired, or surrendered, upon a violation of this chapter  
869 or any rule promulgated pursuant to this chapter; and impose any  
870 penalty authorized by this chapter or any rule promulgated  
871 pursuant to this chapter. The state licensing authority may take  
872 any action with respect to a registration or permit pursuant to  
873 this chapter as it may with respect to a license pursuant to this  
874 chapter, in accordance with the procedures established pursuant to  
875 this chapter;



876 (c) Promulgate rules for the proper regulation and  
877 control of the cultivation, manufacture, distribution, sale, and  
878 testing of regulated marijuana and regulated marijuana products  
879 and for the enforcement of this chapter and promulgate amended  
880 rules and such special rulings and findings as necessary;

881 (d) Hear and determine at a public hearing any  
882 contested state license denial and any complaints against a  
883 licensee and administer oaths and issue subpoenas to require the  
884 presence of persons and the production of papers, books, and  
885 records necessary to the determination of any hearing so held.  
886 The state licensing authority may, at its discretion, delegate to  
887 the department hearing officers the authority to conduct  
888 licensing, disciplinary, and rule-making hearings. When  
889 conducting the hearings, the hearing officers are employees of the  
890 state licensing authority under the direction and supervision of  
891 the executive director and the state licensing authority;

892 (e) Develop such forms, licenses, identification cards,  
893 and applications as are necessary or convenient in the discretion  
894 of the state licensing authority for the administration of this  
895 chapter or rules promulgated pursuant to this chapter;

896 (f) Prepare and transmit annually a report accounting  
897 to the Legislature and the Governor for the efficient discharge of  
898 all responsibilities assigned by law or directive to the state  
899 licensing authority; and



900 (g) Collect and maintain data related to licensing  
901 disqualifications and all sanctions based on past criminal  
902 history.

903 (2) Nothing in this chapter delegates to the state licensing  
904 authority the power to fix prices for regulated marijuana.

905 (3) Nothing in this chapter limits a law enforcement  
906 agency's ability to investigate unlawful activity in relation to a  
907 retail marijuana business. A law enforcement agency has the  
908 authority to run a criminal history records check of a licensee or  
909 employee of a licensee during an investigation of unlawful  
910 activity related to regulated marijuana and regulated marijuana  
911 products.

912 (4) (a) The state licensing authority has the authority to  
913 petition any court of competent jurisdiction for an investigative  
914 subpoena applicable to a person who is not licensed pursuant to  
915 this chapter to obtain documents or information necessary to  
916 enforce the provisions of this chapter and any rules promulgated  
917 pursuant to this chapter after reasonable efforts have been made  
918 to obtain requested documents or information without a subpoena.

919 (b) The state licensing authority may apply to any  
920 court of competent jurisdiction to temporarily restrain or  
921 preliminarily or permanently enjoin the act in question of a  
922 person who is not licensed pursuant to this chapter and to enforce  
923 compliance with this chapter or any rule or order issued pursuant  
924 to this chapter whenever it appears to the state licensing



925 authority upon sufficient evidence satisfactory to the state  
926 licensing authority that any person has been or is committing an  
927 act prohibited by this chapter, a rule promulgated pursuant to  
928 this chapter, a rule or an order issued pursuant to this chapter,  
929 and the act:

- 930 (i) Threatens public health or safety;
- 931 (ii) Constitutes an unlawful act for which the  
932 person does not hold the required license under this chapter; or
- 933 (iii) Constitutes a violation of an order of the  
934 state licensing authority.

935 (5) The Legislature finds and declares that matters related  
936 to labeling as regulated pursuant to this section and Section  
937 203(2) (f), packaging as regulated pursuant to this section and  
938 Section 203(3) (b), and testing as regulated pursuant to this  
939 section and Section 203(2) (d) are matters of statewide concern and  
940 the sole regulatory authority for labeling, packaging, and testing  
941 is Section 203.

942 **203. State licensing authority - rules - definition.** (1)

943 **Permissive rule-making.** Rules promulgated pursuant to Section  
944 202(1) (c) may include, but need not be limited to, the following  
945 subjects:

- 946 (a) Labeling guidelines concerning the total content of  
947 THC per unit of weight;
- 948 (b) Control of informational and product displays on  
949 licensed premises;



950 (c) Records to be kept by licensees and the required  
951 availability of the records;

952 (d) Permitted economic interests issued prior to July  
953 1, 2025, including a process for a criminal history records check,  
954 a requirement that a permitted economic interest applicant submit  
955 to and pass a criminal history records check, a divestiture, and  
956 other agreements that would qualify as permitted economic  
957 interests;

958 (e) Specifications of duties of officers and employees  
959 of the state licensing authority;

960 (f) Instructions for local licensing authorities and  
961 law enforcement officers;

962 (g) Requirements for inspections, investigations,  
963 searches, seizures, forfeitures, and such additional activities as  
964 may become necessary from time to time;

965 (h) Prohibition of misrepresentation and unfair  
966 practices;

967 (i) Marijuana research and development licenses,  
968 including application requirements; renewal requirements,  
969 including whether additional research projects may be added or  
970 considered; conditions for license revocation; security measures  
971 to ensure marijuana is not diverted to purposes other than  
972 research or diverted outside of the regulated marijuana market;  
973 the amount of plants, usable marijuana, marijuana concentrates, or



974 marijuana products a licensee may have on its premises; licensee  
975 reporting requirements; and any additional requirements;

976 (j) A definition for "disproportionate impacted area"  
977 to the extent relevant State of Mississippi data exists, is  
978 available, and is used for the purpose of determining eligibility  
979 for a social equity licensee;

980 (k) The implementation of contingency plans pursuant to  
981 Section 502(14), including the definition of outdoor cultivation,  
982 adverse weather event, or adverse natural occurrence and the  
983 process, procedures, requirements, and restrictions for  
984 contingency plans; and

985 (l) Such other matters as are necessary for the fair,  
986 impartial, stringent, and comprehensive administration of this  
987 chapter.

988 (2) **Mandatory rule-making.** Rules promulgated pursuant to  
989 Section 202(1)(c) must include, but need not be limited to, the  
990 following subjects:

991 (a) Procedures consistent with this chapter for the  
992 issuance, renewal, suspension, and revocation of licenses to  
993 operate retail marijuana businesses;

994 (b) Subject to the limitations contained in Section  
995 1(6)(a)(ii) of this act and consistent with this chapter, a  
996 schedule of application, licensing, and renewal fees for retail  
997 marijuana businesses;





998 (c) Qualifications for licensure pursuant to this  
999 chapter, including, but not limited to, the requirement for a  
1000 fingerprint-based criminal history records check for all  
1001 controlling beneficial owners, passive beneficial owners,  
1002 managers, contractors, employees, and other support staff of  
1003 entities licensed pursuant to this chapter;

1004 (d) (i) Establishment of a marijuana and marijuana  
1005 products independent testing and certification program for  
1006 marijuana business licensees, within an implementation time frame  
1007 established by the state licensing authority, requiring licensees  
1008 to test marijuana and industrial hemp products to ensure, at a  
1009 minimum, that products sold for human consumption by persons  
1010 licensed pursuant to this chapter do not contain contaminants that  
1011 are injurious to health and to ensure correct labeling.

1012 (ii) Testing may include analysis for microbial  
1013 and residual solvents and chemical and biological contaminants  
1014 deemed to be public health hazards by the state licensing  
1015 authority based on medical reports and published scientific  
1016 literature.

1017 (iii) 1. If test results indicate the presence of  
1018 quantities of any substance determined to be injurious to health,  
1019 the retail marijuana licensee shall immediately quarantine the  
1020 products and notify the state licensing authority. The state  
1021 licensing authority shall give the licensee an opportunity to  
1022 remediate the product if the test indicated the presence of a



1023 microbial. If the licensee is unable to remediate the product,  
1024 the licensee shall document and properly destroy the adulterated  
1025 product.

1026                   2. If retail marijuana product test results  
1027 indicate the presence of quantities of any substance determined to  
1028 be injurious to health, the state licensing authority shall give  
1029 the licensee an opportunity to retest the retail marijuana or  
1030 retail marijuana product.

1031                   3. If two (2) additional tests of the retail  
1032 marijuana or retail marijuana product do not indicate the presence  
1033 of quantities of any substance determined to be injurious to  
1034 health, the product may be used or sold by the retail marijuana  
1035 licensee.

1036                   (iv) 1. Testing must also verify THC potency  
1037 representations and homogeneity for correct labeling and provide a  
1038 cannabinoid profile for the regulated marijuana product.

1039                   2. An individual retail marijuana piece of  
1040 ten (10) milligrams or less that has gone through process  
1041 validation is exempt from continued homogeneity testing.

1042                   3. Homogeneity testing for one hundred (100)  
1043 milligram servings of retail marijuana may use validation  
1044 measures.

1045                   (v) The state licensing authority shall determine  
1046 an acceptable variance for potency representations and procedures  
1047 to address potency misrepresentations. The state licensing



1048 authority shall determine an acceptable variance of at least plus  
1049 or minus fifteen percent (15%) for potency representations and  
1050 procedures to address potency misrepresentations.

1051 (vi) The state licensing authority shall determine  
1052 the protocols and frequency of regulated marijuana testing by  
1053 licensees.

1054 (vii) A state, local, or municipal agency shall  
1055 not employ or use the results of any test of regulated marijuana  
1056 or regulated marijuana products conducted by an analytical  
1057 laboratory that is not certified pursuant to this subparagraph  
1058 (vii) for the particular testing category or that is not  
1059 accredited to the International Organization for  
1060 Standardization/International Electrotechnical Commission  
1061 17025:2005 standard, or any subsequent superseding standard, in  
1062 that field of testing.

1063 (viii) The state licensing authority shall require  
1064 a retail marijuana testing facility to be accredited by a body  
1065 that is itself recognized by the International Laboratory  
1066 Accreditation Cooperation in a category of testing pursuant to the  
1067 International Organization for Standardization/International  
1068 Electrotechnical Commission 17025:2005 standard, or a subsequent  
1069 superseding standard, in order to receive certification or  
1070 maintain certification; except that the state licensing authority  
1071 may by rule establish conditions for providing extensions to a  
1072 newly licensed retail marijuana testing facility for a period not



1073 to exceed twelve (12) months or a retail marijuana testing  
1074 facility for good cause as defined by rules promulgated by the  
1075 state licensing authority, which must include, but may not be  
1076 limited to, when an application for accreditation has been  
1077 submitted and is pending with a recognized accrediting body.

1078 (ix) The state licensing authority shall  
1079 promulgate rules that prevent redundant testing of marijuana and  
1080 marijuana concentrate, including, but not limited to, potency  
1081 testing of marijuana allocated to extractions, and residual  
1082 solvent testing of marijuana concentrate when all inputs of the  
1083 marijuana concentrate have passed residual solvent testing  
1084 pursuant to this paragraph (d);

1085 (e) Security requirements for any premises licensed  
1086 pursuant to this chapter, including, at a minimum, lighting,  
1087 physical security, video, and alarm requirements, and other  
1088 minimum procedures for internal control as deemed necessary by the  
1089 state licensing authority to properly administer and enforce the  
1090 provisions of this chapter, including reporting requirements for  
1091 changes, alterations, or modifications to the premises;

1092 (f) Labeling requirements for regulated marijuana and  
1093 regulated marijuana products sold by a retail marijuana business  
1094 that include, but are not limited to:

1095 (i) Warning labels;

1096 (ii) Amount of THC per serving and the number of  
1097 servings per package for regulated marijuana products;



1098 (iii) A universal symbol indicating that the  
1099 package contains marijuana; and

1100 (iv) Potency of the regulated marijuana and  
1101 regulated marijuana products;

1102 (g) Health and safety regulations and standards for the  
1103 manufacture of regulated marijuana products and the cultivation of  
1104 regulated marijuana;

1105 (h) Regulation of the storage of, warehouses for, and  
1106 transportation of regulated marijuana and regulated marijuana  
1107 products;

1108 (i) Sanitary requirements for retail marijuana  
1109 businesses, including, but not limited to, sanitary requirements  
1110 for the preparation of regulated marijuana products;

1111 (j) The reporting and transmittal of monthly sales tax  
1112 payments by retail marijuana stores and any applicable excise tax  
1113 payments by retail marijuana cultivation facilities;

1114 (k) Authorization for the state licensing authority to  
1115 have access to licensing information to ensure sales, excise, and  
1116 income tax payment and the effective administration of this  
1117 chapter;

1118 (l) Compliance with, enforcement of, or violation of  
1119 any provision of this chapter, or any rule promulgated pursuant to  
1120 this chapter, including procedures and grounds for denying,  
1121 suspending, fining, restricting, or revoking a state license  
1122 issued pursuant to this chapter;



1123 (m) Establishing a schedule of penalties and procedures  
1124 for issuing and appealing citations for violation of statutes and  
1125 rules and issuing administrative citations;

1126 (n) Retail marijuana transporter licensed businesses,  
1127 including requirements for drivers, including obtaining and  
1128 maintaining a valid Mississippi driver's license; insurance  
1129 requirements; acceptable time frames for transport, storage, and  
1130 delivery; requirements for transport vehicles; requirements for  
1131 deliveries; and requirements for licensed premises;

1132 (o) Retail marijuana business operator licensees,  
1133 including the form and structure of allowable agreements between  
1134 operators and the retail marijuana business;

1135 (p) Nonescorted visitors in limited access areas;

1136 (q) Temporary appointee registrations issued pursuant  
1137 to Section 401(3), including occupational and business  
1138 registration requirements; application time frames; notification  
1139 requirements; issuance, expiration, renewal, suspension, and  
1140 revocation of a temporary appointee registration; and conditions  
1141 of registration;

1142 (r) Requirements for a centralized distribution permit  
1143 for retail marijuana cultivation facilities issued pursuant to  
1144 Section 502(6) or 602(7), including, but not limited to, permit  
1145 application requirements and privileges and restrictions of a  
1146 centralized distribution permit;



1147 (s) Requirements for issuance of colocation permits to  
1148 a marijuana research and development licensee authorizing  
1149 colocation with a retail marijuana products manufacturer licensed  
1150 premises, including application requirements, eligibility,  
1151 restrictions to prevent cross-contamination and to ensure physical  
1152 separation of inventory and research activities, and other  
1153 privileges and restrictions of permits;

1154 (t) Development of individual identification cards for  
1155 natural persons who are controlling beneficial owners, and any  
1156 person operating, working in, or having unescorted access to the  
1157 limited access areas of the licensed premises of a retail  
1158 marijuana business including a fingerprint-based criminal history  
1159 records check as may be required by the state licensing authority  
1160 prior to issuing a card;

1161 (u) Identification of state licensees and their  
1162 controlling beneficial owners, passive beneficial owners,  
1163 managers, and employees;

1164 (v) The specification of acceptable forms of picture  
1165 identification that a retail marijuana store may accept when  
1166 verifying a sale, including, but not limited to, government-issued  
1167 identification cards;

1168 (w) State licensing procedures, including procedures  
1169 for renewals, reinstatements, initial licenses, and the payment of  
1170 licensing fees;



1171 (x) The conditions under which a licensee is authorized  
1172 to transfer fibrous waste to a person for the purpose of producing  
1173 only industrial fiber products. The conditions must include  
1174 contract requirements that stipulate that the fibrous waste will  
1175 only be used to produce industrial fiber products; record-keeping  
1176 requirements; security measures related to the transport and  
1177 transfer of fibrous waste; requirements for handling contaminated  
1178 fibrous waste; and processes associated with handling fibrous  
1179 waste. The rules must not require licensees to alter fibrous  
1180 waste from its natural state prior to transfer;

1181 (y) Requiring that edible regulated marijuana products  
1182 be clearly identifiable, when practicable, with a standard symbol  
1183 indicating that they contain marijuana and are not for consumption  
1184 by children. The symbols promulgated by rule of the state  
1185 licensing authority must not appropriate signs or symbols  
1186 associated with another Mississippi business or industry;

1187 (z) Requirements to prevent the sale or diversion of  
1188 retail marijuana and retail marijuana products to persons under  
1189 twenty-one (21) years of age;

1190 (aa) The implementation of an accelerator program  
1191 including, but not limited to, rules to establish requirements for  
1192 social equity licensees operating on the same licensed premises or  
1193 on separate premises possessed by an accelerator-endorsed  
1194 licensee. The state licensing authority's rules establishing an  
1195 accelerator program may include requirements for severed





1196 custodianship of regulated marijuana products, protections of the  
1197 intellectual property of a social equity licensee, incentives for  
1198 accelerator-endorsed licensees, and additional requirements if a  
1199 person applying for an accelerator endorsement has less than two  
1200 (2) years' experience operating a licensed facility pursuant to  
1201 this chapter. An accelerator-endorsed licensee is not required to  
1202 exercise the privileges of its license on the premises where a  
1203 social equity licensee operates;

1204 (bb) Conditions under which a licensee is authorized to  
1205 collect marijuana consumer waste and transfer it to a person for  
1206 the purposes of reuse or recycling in accordance with all  
1207 requirements established by the state licensing authority  
1208 pertaining to waste disposal and recycling. The conditions must  
1209 include:

1210 (i) That the person receiving marijuana consumer  
1211 waste from a licensee is, to the extent required by law,  
1212 registered with the state licensing authority;

1213 (ii) Record-keeping requirements;

1214 (iii) Security measures related to the collection  
1215 and transfer of marijuana consumer waste;

1216 (iv) Health and safety requirements, including  
1217 requirements for the handling of marijuana consumer waste; and

1218 (v) Processes associated with handling marijuana  
1219 consumer waste, including destruction of any remaining regulated  
1220 marijuana in the marijuana consumer waste;



1221 (cc) Requirements for a transition permit for retail  
1222 marijuana cultivation facilities issued pursuant to Section  
1223 313(13)(c), including, but not limited to, permit application  
1224 requirements and restrictions of a transition permit;

1225 (dd) Requirements for retail marijuana and retail  
1226 marijuana products delivery as described in Section 501(13) and  
1227 Section 505(5), including:

1228 (i) Training requirements for personnel of retail  
1229 marijuana stores and retail marijuana transporters that hold a  
1230 retail marijuana delivery permit who will deliver retail marijuana  
1231 or retail marijuana products pursuant to this chapter and  
1232 requirements that retail marijuana stores and retail marijuana  
1233 transporters obtain a responsible vendor designation pursuant to  
1234 Section 1001 prior to conducting a delivery;

1235 (ii) Security requirements;

1236 (iii) Delivery vehicle requirements, including  
1237 requirements for surveillance;

1238 (iv) Record-keeping requirements;

1239 (v) Limits on the amount of retail marijuana and  
1240 retail marijuana products that may be carried in a delivery  
1241 vehicle and delivered to an individual, which cannot exceed limits  
1242 placed on sales at retail marijuana stores;

1243 (vi) Health and safety requirements for retail  
1244 marijuana and retail marijuana products delivered to an  
1245 individual;



1246 (vii) Confidentiality requirements to ensure that  
1247 persons delivering retail marijuana and retail marijuana products  
1248 pursuant to this chapter do not disclose personal identifying  
1249 information to any person other than those who need that  
1250 information in order to take, process, or deliver the order or as  
1251 otherwise required or authorized by this chapter;

1252 (viii) An application fee and annual renewal fee  
1253 for the retail marijuana delivery permit. The amount of the fee  
1254 must reflect the expected costs of administering the retail  
1255 marijuana delivery permit and may be adjusted by the state  
1256 licensing authority to reflect the permit's actual direct and  
1257 indirect costs;

1258 (ix) The permitted hours of delivery of retail  
1259 marijuana and retail marijuana products;

1260 (x) Requirements for areas where retail marijuana  
1261 and retail marijuana products orders are stored, weighed,  
1262 packaged, prepared, and tagged, including requirements that retail  
1263 marijuana and retail marijuana products cannot be placed into a  
1264 delivery vehicle until after an order has been placed and that all  
1265 delivery orders must be packaged on the licensed premises of a  
1266 retail marijuana store or its associated state licensing  
1267 authority-authorized storage facility as defined by rule after an  
1268 order has been received; and

1269 (xi) Payment methods, including, but not limited  
1270 to, the use of gift cards and prepayment accounts;



1271 (ee) (i) 1. Ownership and financial disclosure  
1272 procedures and requirements pursuant to this chapter;  
1273 2. Records that a retail marijuana business  
1274 is required to maintain regarding its controlling beneficial  
1275 owners, passive beneficial owners, and indirect financial interest  
1276 holders that may be subject to disclosure at renewal or as part of  
1277 any other investigation following initial licensure of a retail  
1278 marijuana business;  
1279 3. Procedures and requirements for findings  
1280 of suitability pursuant to this chapter, including fees necessary  
1281 to cover the direct and indirect costs of any suitability  
1282 investigation;  
1283 4. Procedures and requirements concerning the  
1284 divestiture of the beneficial ownership of a person found  
1285 unsuitable by the state licensing authority;  
1286 5. Procedures, processes, and requirements  
1287 for transfers of ownership involving a publicly traded  
1288 corporation, including, but not limited to, mergers with a  
1289 publicly traded corporation, investment by a publicly traded  
1290 corporation, and public offerings;  
1291 6. Designation of persons that by virtue of  
1292 common control constitute controlling beneficial owners;  
1293 7. Modification of the percentage of owner's  
1294 interests that may be held by a controlling beneficial owner and  
1295 passive beneficial owner;



1296 8. Designation of persons that qualify for an  
1297 exemption from an otherwise required finding of suitability; and

1298 9. Designation of indirect financial interest  
1299 holders and qualified institutional investors.

1300 (ii) Rules promulgated pursuant to this paragraph  
1301 (ee) must not be any more restrictive than the requirements  
1302 expressly established under this chapter;

1303 (ff) The implementation of marijuana hospitality and  
1304 retail marijuana hospitality and sales business licenses,  
1305 including, but not limited to:

1306 (i) General insurance liability requirements;

1307 (ii) A sales limit per transaction for retail  
1308 marijuana and retail marijuana products that may be sold to a  
1309 patron of a retail marijuana hospitality and sales business;  
1310 except that the sales limit established by the state licensing  
1311 authority must not be an amount less than one (1) gram of retail  
1312 marijuana flower, one-quarter (1/4) of one (1) gram of retail  
1313 marijuana concentrate, or a retail marijuana product containing  
1314 not more than ten (10) milligrams of active THC;

1315 (iii) Restrictions on the type of any retail  
1316 marijuana or retail marijuana product authorized to be sold,  
1317 including that the marijuana or product be meant for consumption  
1318 in the licensed premises of the business;



1319 (iv) Prohibitions on activity that would require  
1320 additional licensure on the licensed premises, including, but not  
1321 limited to, sales, manufacturing, or cultivation activity;

1322 (v) Requirements for marijuana hospitality  
1323 businesses and retail marijuana hospitality and sales businesses  
1324 operating pursuant to Section 509 or 510 in a retail food  
1325 business; and

1326 (vi) Requirements for marijuana hospitality  
1327 businesses and retail marijuana hospitality and sales business  
1328 licensees to destroy any unconsumed marijuana or marijuana  
1329 products left behind by a patron;

1330 (gg) For marijuana hospitality businesses that are  
1331 mobile, regulations including, but not limited to:

1332 (i) Registration of vehicles and proper  
1333 designation of vehicles used as mobile licensed premises;

1334 (ii) Surveillance cameras inside the vehicles;

1335 (iii) Global positioning system tracking and route  
1336 logging in an established route manifest system;

1337 (iv) Ensuring activity is not visible outside of  
1338 the vehicle; and

1339 (v) Proper ventilation within the vehicle;

1340 (hh) The circumstances that constitute a significant  
1341 physical or geographic hardship as used in Section 501(13);

1342 (ii) Requirements for retail marijuana concentrate to  
1343 promote consumer health and awareness, which shall include a



1344 recommended serving size, visual representation of one (1)  
1345 recommended serving, and labeling requirements and may include a  
1346 measuring device that may be used to measure one (1) recommended  
1347 serving.

1348 (3) In promulgating rules pursuant to this section, the  
1349 state licensing authority may seek the assistance of any other  
1350 appropriate state agencies when necessary before promulgating  
1351 rules on the following subjects:

1352 (a) Signage, marketing, and advertising, including, but  
1353 not limited to, a prohibition on mass-market campaigns that have a  
1354 high likelihood of reaching persons under twenty-one (21) years of  
1355 age and other such rules that may include:

1356 (i) Allowing packaging and accessory branding;

1357 (ii) Prohibiting health or physical benefit claims  
1358 in advertising, merchandising, and packaging;

1359 (iii) Prohibiting unsolicited pop-up advertising  
1360 on the Internet;

1361 (iv) Prohibiting banner ads on mass-market  
1362 websites;

1363 (v) Prohibiting opt-in marketing that does not  
1364 permit an easy and permanent opt-out feature;

1365 (vi) Prohibiting marketing directed toward  
1366 location-based devices, including, but not limited to, cellular  
1367 phones, unless the marketing is a mobile device application  
1368 installed on the device by the owner of the device who is



1369 twenty-one (21) years of age or older and includes a permanent and  
1370 easy opt-out feature;

1371 (vii) Prohibiting advertising and marketing by a  
1372 retail marijuana business that is specifically directed at persons  
1373 who are under twenty-one (21) years of age; and

1374 (viii) Requirements that any advertising or  
1375 marketing specific to retail marijuana concentrate include a  
1376 notice regarding the potential risks of retail marijuana  
1377 concentrate overconsumption;

1378 (b) A prohibition on the sale of regulated marijuana  
1379 and regulated marijuana products unless the product is:

1380 (i) Packaged in packaging meeting requirements  
1381 established by the state licensing authority similar to the  
1382 federal "Poison Prevention Packaging Act of 1970", 15 USC Section  
1383 1471 et seq., as amended; and

1384 (ii) Placed in an opaque and resealable exit  
1385 package or container meeting requirements established by the state  
1386 licensing authority at the point of sale prior to exiting the  
1387 store;

1388 (c) The safe and lawful transport of regulated  
1389 marijuana and regulated marijuana products between the licensed  
1390 business and testing laboratories;

1391 (d) A standardized marijuana serving size amount for  
1392 edible retail marijuana products that does not contain more than  
1393 ten (10) milligrams of active THC, designed only to provide





1394 consumers with information about the total number of servings of  
1395 active THC in a particular retail marijuana product, not as a  
1396 limitation on the total amount of THC in any particular item;  
1397 labeling requirements regarding servings for edible retail  
1398 marijuana products; and limitations on the total amount of active  
1399 THC in a sealed internal package that is no more than one hundred  
1400 (100) milligrams of active THC;

1401 (e) Prohibition on or regulation of additives to any  
1402 regulated marijuana product, including, but not limited to, those  
1403 that are toxic, designed to make the product more addictive,  
1404 designed to make the product more appealing to children, or  
1405 misleading to consumers, but not including common baking and  
1406 cooking items;

1407 (f) Permission for a local fire department to conduct  
1408 an annual fire inspection of a retail marijuana cultivation  
1409 facility;

1410 (g) A prohibition on the production and sale of edible  
1411 regulated marijuana products that are in the distinct shape of a  
1412 human, animal, or fruit. Geometric shapes and products that are  
1413 simply fruit flavored are not considered fruit. Products in the  
1414 shape of a marijuana leaf are permissible. Nothing in this  
1415 paragraph (g) applies to a company logo; and

1416 (h) A requirement that every retail marijuana store  
1417 post, at all times and in a prominent place, a warning that has a



1418 minimum height of three (3) inches and a width of six (6) inches  
1419 and that reads:

1420 **"Warning:** Using marijuana, in any form, while you are pregnant or  
1421 breastfeeding passes THC to your baby and may be harmful to your  
1422 baby. There is no known safe amount of marijuana use during  
1423 pregnancy or breastfeeding."

1424 (4) **Equivalency.** Rules promulgated pursuant to Section  
1425 202(1)(c) must also include establishing the equivalent of one (1)  
1426 ounce of retail marijuana flower in various retail marijuana  
1427 products, including retail marijuana concentrate. Prior to  
1428 promulgating the rules required by this subsection (4), the state  
1429 licensing authority may contract for a scientific study to  
1430 determine the equivalency of marijuana flower in retail marijuana  
1431 products, including retail marijuana concentrate.

1432 (5) **Statewide class system cultivation facility rules -**  
1433 **retail marijuana.** (a) The state licensing authority shall create  
1434 a statewide licensure class system for retail marijuana  
1435 cultivation facility licenses. The classifications may be based  
1436 upon square footage of the facility; lights, lumens, or wattage;  
1437 lit canopy; the number of cultivating plants; other reasonable  
1438 metrics; or any combination thereof. The state licensing  
1439 authority shall create a fee structure for the licensure class  
1440 system.



1441 (b) The state licensing authority may establish  
1442 limitations on retail marijuana production through one (1) or more  
1443 of the following methods:

1444 (i) Placing or modifying a limit on the number of  
1445 licenses that it issues, by class or overall, but in placing or  
1446 modifying the limits, the authority shall consider the reasonable  
1447 availability of new licenses after a limit is established or  
1448 modified;

1449 (ii) Placing or modifying a limit on the amount of  
1450 production permitted by a retail marijuana cultivation facility  
1451 license or class of licenses based upon some reasonable metric or  
1452 set of metrics including, but not limited to, those items detailed  
1453 in paragraph (a) of this subsection, previous months' sales,  
1454 pending sales, or other reasonable metrics as determined by the  
1455 state licensing authority; and

1456 (iii) Placing or modifying a limit on the total  
1457 amount of production by retail marijuana cultivation facility  
1458 licensees in the state collectively, based upon some reasonable  
1459 metric or set of metrics including, but not limited to, those  
1460 items detailed in paragraph (a) of this subsection, as determined  
1461 by the state licensing authority.

1462 (c) Notwithstanding anything contained in this chapter  
1463 to the contrary, in considering any such limitations, the state  
1464 licensing authority, in addition to any other relevant  
1465 considerations, shall:



1466 (i) Consider the total current and anticipated  
1467 demand for retail marijuana and retail marijuana products in  
1468 Mississippi; and

1469 (ii) Attempt to minimize the market for unlawful  
1470 marijuana.

1471 (6) The state licensing authority may deny, suspend, revoke,  
1472 fine, or impose other sanctions against a person's license issued  
1473 pursuant to this chapter if the state licensing authority finds  
1474 the person or the person's controlling beneficial owner, passive  
1475 beneficial owner, or indirect financial interest holder failed to  
1476 timely file any report, disclosure, registration statement, or  
1477 other submission required by any state or federal regulatory  
1478 authority that is related to the conduct of their business.

1479 (7) The state licensing authority shall treat a metered-dose  
1480 inhaler the same as a vaporized delivery device for purposes of  
1481 regulation and testing.

1482 (8) (a) The state licensing authority may, by rule,  
1483 establish procedures for the conditional issuance of an employee  
1484 license identification card at the time of application.

1485 (b) (i) The state licensing authority shall base its  
1486 issuance of an employee license identification card pursuant to  
1487 this subsection (8) on the results of an initial investigation  
1488 that demonstrate the applicant is qualified to hold such license.  
1489 The employee license application for which an employee license  
1490 identification card was issued pursuant to this subsection (8)



1491 remains subject to denial pending the complete results of the  
1492 applicant's initial fingerprint-based criminal history record  
1493 check.

1494 (ii) Results of a fingerprint-based criminal  
1495 history record check that demonstrate that an applicant possessing  
1496 an employee license identification card pursuant to this  
1497 subsection (8) is not qualified to hold a license issued under  
1498 this chapter are grounds for denial of the employee license  
1499 application. If the employee license application is denied, the  
1500 applicant shall return the employee license identification card to  
1501 the state licensing authority within a time period that the state  
1502 licensing authority establishes by rule.

1503 **204. Confidentiality.** (1) The state licensing authority  
1504 shall maintain the confidentiality of:

1505 (a) Reports or other information obtained from a retail  
1506 marijuana licensee or retail marijuana license applicant  
1507 containing any individualized data, information, or records  
1508 related to the applicant or licensee or its operation, including  
1509 sales information, leases, business organization records,  
1510 financial records, tax returns, credit reports, cultivation  
1511 information, testing results, and security information and plans,  
1512 or revealing any customer information, or any other records that  
1513 are exempt from public inspection pursuant to state law. Such  
1514 reports or other information may be used only for a purpose  
1515 authorized by this chapter, for investigation or enforcement of



1516 any international, federal, state, or local securities law or  
1517 regulations, or for any other state or local law enforcement  
1518 purpose;

1519 (b) Investigative records and documents related to  
1520 ongoing investigations. Those records and documents may be used  
1521 only for a purpose authorized by this chapter or for any other  
1522 state or local law enforcement purpose; and

1523 (c) Computer systems maintained by the state licensing  
1524 authority and the vendors with which the state licensing authority  
1525 has contracted.

1526 (2) The state licensing authority shall make available for  
1527 public inspection:

1528 (a) Documents related to final agency actions and  
1529 orders;

1530 (b) Records related to testing on an aggregated and  
1531 de-identified basis;

1532 (c) Demographic information related to applicants and  
1533 licensees available on an aggregated and de-identified basis; and

1534 (d) Enforcement forms and compliance checklists.

1535 **PART 3**

1536 **LICENSING PROCEDURES**

1537 **301. Local licensing authority - applications - licenses.**

1538 (1) When the state licensing authority receives an application  
1539 for original licensing or renewal of an existing license or permit  
1540 for any retail marijuana business, the state licensing authority



1541 shall provide, within seven (7) days, a copy of the application to  
1542 the local jurisdiction in which the business is to be located  
1543 unless the local jurisdiction has prohibited the operation of  
1544 retail marijuana businesses pursuant to Section 1(6)(d) of this  
1545 act. The local jurisdiction shall determine whether the  
1546 application complies with local restrictions on time, place,  
1547 manner, and the number of retail marijuana businesses. The local  
1548 jurisdiction shall inform the state licensing authority whether  
1549 the application complies with local restrictions on time, place,  
1550 manner, and the number of retail marijuana businesses.

1551 (2) A local jurisdiction may impose a separate local  
1552 licensing requirement for retail marijuana businesses as a part of  
1553 its restrictions on time, place, manner, and the number of  
1554 marijuana businesses. A local jurisdiction may decline to impose  
1555 any local licensing requirements, but a local jurisdiction shall  
1556 notify the state licensing authority that it either approves or  
1557 denies each application forwarded to it.

1558 **302. Public hearing notice - posting and publication.** (1)  
1559 If a local jurisdiction issues local licenses for a retail  
1560 marijuana business, a local jurisdiction may schedule a public  
1561 hearing on the application. If the local jurisdiction schedules a  
1562 hearing, it shall post and publish public notice thereof not less  
1563 than ten (10) days prior to the hearing. The local jurisdiction  
1564 shall give public notice by posting a sign in a conspicuous place  
1565 on the license applicant's premises for which a local license



1566 application has been made and by publication in a newspaper of  
1567 general circulation in the county in which the applicant's  
1568 premises are located.

1569 (2) If a local jurisdiction does not issue local retail  
1570 marijuana business licenses, the local jurisdiction may give  
1571 public notice of the state license application by posting a sign  
1572 in a conspicuous place on the state license applicant's premises  
1573 for which a state license application has been made and by  
1574 publication in a newspaper of general circulation in the county in  
1575 which the applicant's premises are located.

1576 **303. State licensing authority - application and issuance**

1577 **procedures.** (1) Applications for a state retail marijuana  
1578 business license under the provisions of this chapter must be made  
1579 to the state licensing authority on forms prepared and furnished  
1580 by the state licensing authority and must set forth such  
1581 information as the state licensing authority may require to enable  
1582 the state licensing authority to determine whether a retail  
1583 marijuana business license should be granted. The information  
1584 must include the name and address of the applicant, disclosures  
1585 required by Section 307, and all other information deemed  
1586 necessary by the state licensing authority. Each application must  
1587 be verified by the oath or affirmation of such person or persons  
1588 as the state licensing authority may prescribe.

1589 (2) The state licensing authority may issue a state license  
1590 to an applicant pursuant to this section for a retail marijuana





1591 business upon completion of the applicable criminal history  
1592 records check associated with the application, and the state  
1593 license is conditioned upon local jurisdiction approval. A  
1594 license applicant is prohibited from operating a licensed retail  
1595 marijuana business without state and local jurisdiction approval.  
1596 If the applicant does not receive local jurisdiction approval  
1597 within one (1) year from the date of state licensing authority  
1598 approval, the state license expires and may not be renewed. If an  
1599 application is denied by the local licensing authority, the state  
1600 licensing authority shall revoke the state-issued license.

1601 (3) Nothing in this chapter preempts or otherwise impairs  
1602 the power of a local government to enact ordinances concerning  
1603 matters authorized to local governments.

1604 (4) Prior to accepting an application for a license,  
1605 registration, or permit, the state licensing authority shall  
1606 inform the applicant that having a retail marijuana license and  
1607 working in the retail marijuana industry may have adverse federal  
1608 immigration consequences.

1609 **304. Denial of application.** (1) The state licensing  
1610 authority shall deny a state license if the premises on which the  
1611 applicant proposes to conduct its business does not meet the  
1612 requirements of this chapter or for reasons set forth in Section  
1613 103(17) (c) or 305, and the state licensing authority may refuse or  
1614 deny a license, renewal, reinstatement, or initial license for  
1615 good cause as defined by Section 103(17) (a) or (17) (b).



1616 (2) If the state licensing authority denies a state license  
1617 pursuant to subsection (1) of this section, the applicant is  
1618 entitled to a hearing and judicial review. The state licensing  
1619 authority shall provide written notice of the grounds for denial  
1620 of the state license to the applicant and to the local licensing  
1621 authority at least fifteen (15) days prior to the hearing.

1622 **305. Persons prohibited as licensees - definition.** (1) A  
1623 license provided by this chapter shall not be issued to or held  
1624 by:

1625 (a) A person until the fee therefore has been paid;

1626 (b) An individual whose criminal history indicates that  
1627 he or she is not of good moral character;

1628 (c) A person other than an individual if the criminal  
1629 history of any of its controlling beneficial owners indicates that  
1630 a controlling beneficial owner is not of good moral character;

1631 (d) A person under twenty-one (21) years of age;

1632 (e) A person licensed pursuant to this chapter who,  
1633 during a period of licensure, or who, at the time of application,  
1634 has failed to:

1635 (i) File any tax return with a taxing agency  
1636 related to a retail marijuana business; or

1637 (ii) Pay any taxes, interest, or penalties due as  
1638 determined by final agency action related to a retail marijuana  
1639 business;



1640 (f) A person who fails to meet qualifications for  
1641 licensure that directly and demonstrably relate to the operation  
1642 of a retail marijuana business;

1643 (g) (i) A person who was convicted of a felony in the  
1644 three (3) years immediately preceding his or her application date  
1645 or who is currently subject to a sentence for a felony conviction;  
1646 except that, for a person applying to be a social equity licensee,  
1647 a marijuana conviction shall not be the sole basis for license  
1648 denial; or

1649 (ii) A person who is currently subject to a  
1650 deferred judgment or sentence for a felony;

1651 (h) A person who employs another person at a retail  
1652 marijuana business who has not submitted fingerprints for a  
1653 criminal history records check or whose criminal history records  
1654 check reveals that the person is ineligible;

1655 (i) A sheriff, deputy sheriff, police officer, or  
1656 prosecuting officer, or an officer or employee of the state  
1657 licensing authority or a local licensing authority;

1658 (j) A person applying for a license for a location that  
1659 is currently licensed as a retail food establishment;

1660 (k) A publicly traded entity that does not constitute a  
1661 publicly traded corporation as defined in this chapter;

1662 (l) A person that is or has a controlling beneficial  
1663 owner, passive beneficial owner, or indirect financial interest  
1664 holder that is organized or formed under the laws of a country



1665 determined by the United States Secretary of State to have  
1666 repeatedly provided support for acts of international terrorism or  
1667 is included among the list of "covered countries" in Section 1502  
1668 of the federal "Dodd-Frank Wall Street Reform and Consumer  
1669 Protection Act", Public Law 111-203;

1670 (m) A person that is or has a controlling beneficial  
1671 owner that is disqualified as a "bad actor" pursuant to 17 CFR  
1672 230.506(d) (1);

1673 (n) A person that is not a publicly traded corporation  
1674 that is or has a passive beneficial owner or indirect financial  
1675 interest holder that is disqualified as a "bad actor" pursuant to  
1676 17 CFR 230.506(d) (1);

1677 (o) A person that is a publicly traded corporation that  
1678 is or has a nonobjecting passive beneficial owner or indirect  
1679 financial interest holder that is disqualified as a "bad actor"  
1680 pursuant to 17 CFR 230.506(d) (1); or

1681 (p) A person that is or has a controlling beneficial  
1682 owner, passive beneficial owner, or indirect financial interest  
1683 holder that is prohibited from engaging in transactions pursuant  
1684 to this chapter due to its designation on the "Specially  
1685 Designated Nationals and Blocked Persons" list maintained by the  
1686 federal Office of Foreign Assets Control.

1687 (2) The state licensing authority may deny or revoke a  
1688 license if the applicant or licensee's criminal character or



1689 criminal record poses a threat to the regulation or control of  
1690 marijuana.

1691 (3) (a) In investigating the qualifications of an applicant  
1692 or a licensee, the state and local licensing authorities may have  
1693 access to criminal history records information furnished by a  
1694 criminal justice agency subject to any restrictions imposed by  
1695 such agency. If the state or local licensing authority considers  
1696 the applicant's criminal history record, the state or local  
1697 licensing authority shall also consider any information provided  
1698 by the applicant regarding such criminal history record,  
1699 including, but not limited to, evidence of rehabilitation,  
1700 character references, and educational achievements, especially  
1701 those items pertaining to the period of time between the  
1702 applicant's last criminal conviction and the consideration of the  
1703 application for a state license.

1704 (b) As used in paragraph (a) of this subsection,  
1705 "criminal justice agency" means any federal, state, or municipal  
1706 court or any governmental agency or subunit of such agency that  
1707 administers criminal justice pursuant to a statute or executive  
1708 order and that allocates a substantial part of its annual budget  
1709 to the administration of criminal justice.

1710 (c) At the time of filing an application for issuance  
1711 or renewal of a state retail marijuana business license, an  
1712 applicant shall submit a set of his or her fingerprints and file  
1713 personal history information concerning the applicant's



1714 qualifications for a state license on forms prepared by the state  
1715 licensing authority. The state or local licensing authority or  
1716 local jurisdiction shall submit the fingerprints to the Department  
1717 of Public Safety for the purpose of conducting fingerprint-based  
1718 criminal history records checks. The Department of Public Safety  
1719 shall forward the fingerprints to the Federal Bureau of  
1720 Investigation for the purpose of conducting fingerprint-based  
1721 criminal history records checks. The state or local licensing  
1722 authority or local jurisdiction may acquire a name-based criminal  
1723 history records check for an applicant or a license holder who has  
1724 twice submitted to a fingerprint-based criminal history records  
1725 check and whose fingerprints are unclassifiable. An applicant who  
1726 has previously submitted fingerprints for state or local licensing  
1727 purposes may request that the fingerprints on file be used. The  
1728 state or local licensing authority or local jurisdiction shall use  
1729 the information resulting from the fingerprint-based criminal  
1730 history records check to investigate and determine whether an  
1731 applicant is qualified to hold a state or local license pursuant  
1732 to this chapter. The state or local licensing authority or local  
1733 jurisdiction may verify any of the information an applicant is  
1734 required to submit.

1735 **306. Business and owner requirements - legislative**  
1736 **declaration - definition.** (1) (a) The Legislature finds and  
1737 declares that:



1738 (i) Retail marijuana businesses need to be able to  
1739 access capital in order to effectively grow their businesses and  
1740 remain competitive in the marketplace;

1741 (ii) The current regulatory structure for  
1742 regulated marijuana and regulated marijuana products creates a  
1743 substantial barrier to investment from out-of-state interests and  
1744 publicly traded corporations;

1745 (iii) There is insufficient capital in the state  
1746 to properly fund the capital needs of Mississippi retail marijuana  
1747 businesses;

1748 (iv) Mississippi retail marijuana businesses need  
1749 to have ready access to capital from investors from outside of  
1750 Mississippi;

1751 (v) Providing access to legitimate sources of  
1752 capital helps prevent the opportunity for those who engage in  
1753 illegal activity to gain entry into the state's regulated retail  
1754 marijuana market;

1755 (vi) Publicly traded corporations offering  
1756 securities for investment in retail marijuana businesses must tell  
1757 the public the truth about their business, the securities they are  
1758 selling, and the risks involved with investing in retail marijuana  
1759 businesses, and persons that sell and trade securities related to  
1760 retail marijuana businesses are prohibited from engaging in  
1761 deceit, misrepresentations, and other fraud in the sale of the  
1762 securities; and



1763 (vii) Recognizing that participation by publicly  
1764 traded corporations in Mississippi's retail marijuana industry  
1765 creates an increased need to assess barriers of entry for  
1766 minority- and woman-owned businesses, with such efforts being made  
1767 to identify solutions to arrive at a greater balance and for  
1768 further equity for minority- and woman-owned businesses, and in a  
1769 manner that is consistent with the public safety and enforcement  
1770 goals as stated in this subsection (1), it is therefore of  
1771 substantive importance to address the lack of minority- and  
1772 woman-owned businesses' inclusion in Mississippi's retail  
1773 marijuana industry, social justice issues associated with  
1774 marijuana prohibition, suitability issues relating to past  
1775 convictions for potential licensees, licensing fees, and economic  
1776 challenges that arise with the application processes.

1777 (b) Therefore, the Legislature is providing a mechanism  
1778 for Mississippi retail marijuana businesses to access capital from  
1779 investors in other states and from certain publicly traded  
1780 corporations pursuant to this chapter.

1781 (2) (a) All natural persons with day-to-day operational  
1782 control over the business must be Mississippi residents.

1783 (b) A person, other than an individual, that is a  
1784 retail marijuana business or a controlling beneficial owner shall  
1785 appoint and continuously maintain a registered agent. The retail  
1786 marijuana business shall inform the state licensing authority of a





1787 change in the registered agent within ten (10) days after the  
1788 change.

1789 (3) A person who qualifies as a social equity licensee may  
1790 apply for any regulated marijuana business license or permit,  
1791 including, but not limited to, accelerator store, accelerator  
1792 cultivator, and accelerator manufacturer licenses, issued pursuant  
1793 to this chapter. A person qualifies as a social equity licensee  
1794 if such person meets the following criteria, in addition to any  
1795 criteria established by rule of the state licensing authority:

1796 (a) Is a Mississippi resident;

1797 (b) Has not been the beneficial owner of a license  
1798 subject to disciplinary or legal action from the state resulting  
1799 in the revocation of a license issued pursuant to this chapter;

1800 (c) Has demonstrated at least one (1) of the following:

1801 (i) The applicant has resided for at least fifteen  
1802 (15) years between the years 2002 and 2024 in a census tract  
1803 designated by the Mississippi Development Authority as an  
1804 opportunity zone or designated as a disproportionate impacted area  
1805 as defined by rule pursuant to Section 203(1)(j);

1806 (ii) The applicant or the applicant's parent,  
1807 legal guardian, sibling, spouse, child, or minor in their  
1808 guardianship was arrested for a marijuana offense, convicted of a  
1809 marijuana offense, or was subject to civil asset forfeiture  
1810 related to a marijuana investigation; or



1811 (iii) The applicant's household income in the year  
1812 prior to application did not exceed an amount determined by rule  
1813 of the state licensing authority; and

1814 (d) The social equity licensee, or collectively one (1)  
1815 or more social equity licensees, holds at least fifty-one percent  
1816 (51%) of the beneficial ownership of the regulated marijuana  
1817 business license.

1818 (5) A person who meets the criteria in this section for a  
1819 social equity licensee, pursuant to rule and agency discretion,  
1820 may be eligible for incentives available through the Mississippi  
1821 Development Authority, including but not limited to a reduction in  
1822 application or license fees.

1823 **307. Business owner and financial interest disclosure**  
1824 **requirements.** (1) Applicants for the issuance of a state license  
1825 shall disclose to the state licensing authority the following:

1826 (a) A complete and accurate organizational chart of the  
1827 retail marijuana business reflecting the identity and ownership  
1828 percentages of its controlling beneficial owners;

1829 (b) The following information regarding all controlling  
1830 beneficial owners of the retail marijuana business:

1831 (i) If the controlling beneficial owner is a  
1832 publicly traded corporation, the applicant shall disclose the  
1833 controlling beneficial owners' managers and any beneficial owners  
1834 that directly or indirectly beneficially own ten percent (10%) or  
1835 more of the owner's interest in the controlling beneficial owner.



1836 (ii) If the controlling beneficial owner is not a  
1837 publicly traded corporation and is not a qualified private fund,  
1838 the applicant shall disclose the controlling beneficial owner's  
1839 managers and any beneficial owners that directly or indirectly  
1840 beneficially own ten percent (10%) or more of the owner's interest  
1841 in the controlling beneficial owner.

1842 (iii) If the controlling beneficial owner is a  
1843 qualified private fund, the applicant shall disclose a complete  
1844 and accurate organizational chart of the qualified private fund  
1845 reflecting the identity and ownership percentages of the qualified  
1846 private fund's managers, investment advisers, investment adviser  
1847 representatives, any trustee or equivalent, and any other person  
1848 that controls the investment in, or management or operations of,  
1849 the retail marijuana business.

1850 (iv) If the controlling beneficial owner is a  
1851 natural person, the applicant shall disclose the natural person's  
1852 identifying information;

1853 (c) A person that is both a passive beneficial owner  
1854 and an indirect financial interest holder in the retail marijuana  
1855 business; and

1856 (d) Any indirect financial interest holder that holds  
1857 two (2) or more indirect financial interests in the retail  
1858 marijuana business or that is contributing over fifty percent  
1859 (50%) of the operating capital of the retail marijuana business.



1860 (2) The state licensing authority may request that the  
1861 retail marijuana business disclose the following:

1862 (a) Each beneficial owner and affiliate of an applicant  
1863 or retail marijuana business, or controlling beneficial owner that  
1864 is not a publicly traded corporation or a qualified private fund;  
1865 and

1866 (b) Each affiliate of a controlling beneficial owner  
1867 that is a qualified private fund.

1868 (3) For reasonable cause, the state licensing authority may  
1869 require disclosure of:

1870 (a) A complete and accurate list of each nonobjecting  
1871 beneficial interest owner of a retail marijuana business, or  
1872 controlling beneficial owner that is a publicly traded  
1873 corporation;

1874 (b) Passive beneficial owners of the retail marijuana  
1875 business, and for any passive beneficial owner that is not a  
1876 natural person, the members of the board of directors, general  
1877 partners, managing members, or managers and ten percent (10%) or  
1878 more owners of the passive beneficial owner;

1879 (c) A list of each beneficial owner in a qualified  
1880 private fund that is a controlling beneficial owner;

1881 (d) All indirect financial interest holders of the  
1882 retail marijuana business, and for any indirect financial interest  
1883 holder that is not a natural person and ten percent (10%) or more  
1884 beneficial owners of the indirect financial interest holder.



1885           (4) An applicant or retail marijuana business that is not a  
1886 publicly traded corporation shall affirm under penalty of perjury  
1887 that it exercised reasonable care to confirm that its passive  
1888 beneficial owners, indirect financial interest holders, and  
1889 qualified institutional investors are not persons prohibited  
1890 pursuant to Section 305, or otherwise restricted from holding an  
1891 interest under this chapter. An applicant's or retail marijuana  
1892 business's failure to exercise reasonable care is a basis for  
1893 denial, fine, suspension, revocation, or other sanction by the  
1894 state licensing authority.

1895           (5) An applicant or retail marijuana business that is a  
1896 publicly traded corporation shall affirm under penalty of perjury  
1897 that it exercised reasonable care to confirm that its nonobjecting  
1898 passive beneficial owners, indirect financial interest holders,  
1899 and qualified institutional investors are not persons prohibited  
1900 pursuant to Section 305, or otherwise restricted from holding an  
1901 interest under this chapter. An applicant's or retail marijuana  
1902 business's failure to exercise reasonable care is a basis for  
1903 denial, fine, suspension, revocation, or other sanction by the  
1904 state licensing authority.

1905           (6) This section does not restrict the state licensing  
1906 authority's ability to reasonably request information or records  
1907 at renewal or as part of any other investigation following initial  
1908 licensure of a retail marijuana business.



1909 (7) The Secretary of State may, by rule or order, require  
1910 additional disclosures if such information is full and fair with  
1911 respect to the investment or in the interest of investor  
1912 protection.

1913 **308. Business owner and financial interest suitability**

1914 **requirements.** (1) This section applies to all persons required  
1915 to submit a finding of suitability.

1916 (2) Any person intending to become a controlling beneficial  
1917 owner of any retail marijuana business, except as otherwise  
1918 provided in Section 310(4), shall first submit a request to the  
1919 state licensing authority for a finding of suitability or an  
1920 exemption from an otherwise required finding of suitability.

1921 (3) For reasonable cause, any other person that was  
1922 disclosed or that should have been disclosed pursuant to Section  
1923 307, including but not limited to a passive beneficial owner,  
1924 shall submit a request for a finding of suitability.

1925 (4) Failure to provide all requested information in  
1926 connection with a request for a finding of suitability is grounds  
1927 for denial of that finding of suitability.

1928 (5) Failure to receive all required findings of suitability  
1929 is grounds for denial of an application or for suspension,  
1930 revocation, or other sanction against the license by the state  
1931 licensing authority. For initial applications, the finding of  
1932 suitability shall be required prior to submitting the application  
1933 for licensure.



1934           (6) Any person required to obtain a finding of suitability  
1935 shall do so on forms provided by the state licensing authority,  
1936 and the forms must contain such information as the state licensing  
1937 authority may require. Each suitability application must be  
1938 verified by the oath or affirmation of the persons prescribed by  
1939 the state licensing authority.

1940           (7) A person requesting a finding of suitability shall  
1941 provide the state licensing authority with a deposit to cover the  
1942 direct and indirect costs of any investigation necessary to  
1943 determine any required finding of suitability unless otherwise  
1944 established by rule. The state licensing authority may make  
1945 further rules regarding the deposit and direct and indirect costs  
1946 that must be billed against the deposit, unless otherwise  
1947 established by rule.

1948           (8) When determining whether a person is suitable or  
1949 unsuitable for licensure, the state licensing authority may  
1950 consider the person's criminal character or record, licensing  
1951 character or record, or financial character or record.

1952           (9) A person that would otherwise be required to obtain a  
1953 finding of suitability may request an exemption from the state  
1954 licensing authority as determined by rule.

1955           (10) Absent reasonable cause, the state licensing authority  
1956 shall approve or deny a request for a finding of suitability  
1957 within one hundred twenty (120) days from the date of submission  
1958 of the request for such finding.



1959 (11) The state licensing authority may deny, suspend,  
1960 revoke, fine, or impose other sanctions against a person's license  
1961 issued pursuant to this chapter if the state licensing authority  
1962 finds the person or the person's controlling beneficial owner,  
1963 passive beneficial owner, or indirect financial interest holder to  
1964 be unsuitable pursuant to this section.

1965 **309. Restrictions for applications for new licenses.** The  
1966 state licensing authority shall not approve an application for the  
1967 issuance of a state retail marijuana business license pursuant to  
1968 this chapter until it is established that the applicant is, or  
1969 will be, entitled to possession of the premises for which  
1970 application is made under a lease, rental agreement, or other  
1971 arrangement for possession of the premises or by virtue of  
1972 ownership of the premises.

1973 **310. Transfer of ownership.** (1) A state or local license  
1974 granted under the provisions of this chapter is not transferable  
1975 except as provided in this section, but this section does not  
1976 prevent a change of location as provided in Section 313(13).

1977 (2) For a transfer of ownership involving a controlling  
1978 beneficial owner, a license holder shall apply to the state and  
1979 local licensing authorities on forms prepared and furnished by the  
1980 state licensing authority. In determining whether to permit a  
1981 transfer of ownership, the state and local licensing authorities  
1982 shall consider only the requirements of this chapter, any rules  
1983 promulgated by the state licensing authority, and any other local





1984 restrictions. The local licensing authority or local jurisdiction  
1985 may hold a hearing on the application for transfer of ownership.  
1986 The local licensing authority or local jurisdiction shall not hold  
1987 a hearing pursuant to this subsection (2) until the local  
1988 licensing authority or local jurisdiction has posted a notice of  
1989 hearing in the manner described in Section 302 on the licensed  
1990 premises for a period of ten (10) days and has provided notice of  
1991 the hearing to the applicant at least ten (10) days prior to the  
1992 hearing. Any transfer of ownership hearing by the state licensing  
1993 authority must be held in compliance with the requirements  
1994 specified in Section 302.

1995 (3) For a transfer of ownership involving a passive  
1996 beneficial owner, the license holder shall notify the state  
1997 licensing authority on forms prepared and furnished by the state  
1998 licensing authority within forty-five (45) days to the extent  
1999 disclosure is required by Section 307.

2000 (4) A person that becomes a controlling beneficial owner of  
2001 a publicly traded corporation that is a retail marijuana business  
2002 or that becomes a beneficial owner, through direct or indirect  
2003 ownership of a controlling beneficial owner, of ten percent (10%)  
2004 or more of a retail marijuana business that is a publicly traded  
2005 corporation must disclose the information required by Section 307  
2006 and apply to the state licensing authority for a finding of  
2007 suitability or exemption from a finding of suitability pursuant to  
2008 Section 308 within forty-five (45) days after becoming such a



2009 controlling beneficial owner. A retail marijuana business shall  
2010 notify each person that is subject to this subsection (4) of its  
2011 requirements as soon as the retail marijuana business becomes  
2012 aware of the beneficial ownership triggering the requirement,  
2013 provided that the obligations of the person subject to this  
2014 subsection (4) are independent of, and unaffected by, the retail  
2015 marijuana business's failure to give the notice.

2016 **311. Licensing in general.** (1) Local jurisdictions are  
2017 authorized to adopt and enforce regulations for retail marijuana  
2018 businesses that are at least as restrictive as the provisions of  
2019 this chapter and any rule promulgated pursuant to this chapter.

2020 (2) A retail marijuana business may not operate until it is  
2021 licensed by the state licensing authority pursuant to this chapter  
2022 and approved by the local jurisdiction. If an application is  
2023 denied by the local licensing authority, the state licensing  
2024 authority shall revoke the state-issued license. In connection  
2025 with a license, the applicant shall provide a complete and  
2026 accurate application as required by the state licensing authority.

2027 (3) A retail marijuana business that is not a publicly  
2028 traded corporation shall notify the state licensing authority in  
2029 writing of the name, address, and date of birth of a controlling  
2030 beneficial owner, passive beneficial owner, or manager before the  
2031 new controlling beneficial owner, passive beneficial owner, or  
2032 manager begins managing or associating with the operation. Any  
2033 controlling beneficial owner, passive beneficial owner, manager,



2034 or employee must pass a fingerprint-based criminal history record  
2035 check as required by the state licensing authority and obtain the  
2036 required identification prior to being associated with, managing,  
2037 owning, or working at the operation.

2038 (4) A retail marijuana business shall not acquire, possess,  
2039 cultivate, deliver, transfer, transport, supply, or dispense  
2040 marijuana for any purpose except as authorized by Section 1 of  
2041 this act and this chapter.

2042 (5) (a) All employee licenses granted pursuant to this  
2043 chapter are valid for a period not to exceed two (2) years after  
2044 the date of issuance unless revoked or suspended pursuant to this  
2045 chapter or the rules promulgated pursuant to this chapter.

2046 (b) All regulated marijuana business licenses and  
2047 licenses granted to a controlling beneficial owner pursuant to  
2048 this chapter are valid for a period of one (1) year after the date  
2049 of issuance unless revoked or suspended pursuant to this chapter  
2050 or the rules promulgated pursuant to this chapter.

2051 (6) Before granting a local or state license, the respective  
2052 licensing authority may consider, except where this chapter  
2053 specifically provides otherwise, the requirements of this chapter  
2054 and any rules promulgated pursuant to this chapter, and all other  
2055 reasonable restrictions that are or may be placed upon the  
2056 licensee by the licensing authority.

2057 (7) (a) Each license issued under this chapter is separate  
2058 and distinct. It is unlawful for a person to exercise any of the



2059 privileges granted under a license other than the license that the  
2060 person holds or for a licensee to allow any other person to  
2061 exercise the privileges granted under the licensee's license. A  
2062 separate license is required for each specific business or  
2063 business entity and each geographical location.

2064 (b) At all times, a licensee shall possess and maintain  
2065 possession of the premises for which the license is issued by  
2066 ownership, lease, rental, or other arrangement for possession of  
2067 the premises.

2068 (8) (a) The licenses provided pursuant to this chapter must  
2069 specify the date of issuance, the period of licensure, the name of  
2070 the licensee, and the premises licensed. The licensee shall  
2071 conspicuously place the license at all times on the licensed  
2072 premises.

2073 (b) The state licensing authority shall not transfer  
2074 location of or renew a state license until the applicant provides  
2075 verification that a license was issued and granted by the local  
2076 licensing authority for the previous license term.

2077 (9) In computing any period of time prescribed by this  
2078 chapter, the day of the act, event, or default from which the  
2079 designated period of time begins to run is not included.  
2080 Saturdays, Sundays, and legal holidays are counted as any other  
2081 day.

2082 (10) Except for a publicly traded corporation, a retail  
2083 marijuana business licensee shall report each transfer or change



2084 of financial interest in the license to the state and local  
2085 licensing authorities and receive approval prior to any transfer  
2086 or change pursuant to Section 310. Except for a publicly traded  
2087 corporation, a report is required for transfers of an owner's  
2088 interest of any entity regardless of size.

2089 (11) Each licensee shall manage the licensed premises  
2090 himself or herself or employ a separate and distinct manager on  
2091 the premises and shall report the name of the manager to the state  
2092 and local licensing authorities. The licensee shall report any  
2093 change in manager to the state and local licensing authorities  
2094 prior to the change pursuant to subsection (3) of this section.

2095 (12) (a) A licensee may move the permanent location to any  
2096 other place in Mississippi once permission to do so is granted by  
2097 the state and local licensing authorities or local jurisdiction  
2098 provided for in this chapter. Upon receipt of an application for  
2099 change of location, the state licensing authority shall, within  
2100 seven (7) days, submit a copy of the application to the local  
2101 licensing authority or local jurisdiction to determine whether the  
2102 transfer complies with all local restrictions on change of  
2103 location.

2104 (b) In permitting a change of location, the state and  
2105 local licensing authorities or local jurisdiction shall consider  
2106 all reasonable restrictions that are or may be placed upon the new  
2107 location by the governing board or local licensing authority of  
2108 the municipality, county, or municipality and county, and any such



2109 change in location must be in accordance with all requirements of  
2110 this chapter and rules promulgated pursuant to this chapter.

2111 (c) (i) A retail marijuana cultivation facility that  
2112 has obtained an approved change of location from the state  
2113 licensing authority may operate one license at two (2)  
2114 geographical locations for the purpose of transitioning operations  
2115 from one location to another if:

2116 1. The total plants cultivated at both  
2117 locations do not exceed any plant count limit imposed on the  
2118 license by this chapter and any rules promulgated by the state  
2119 licensing authority;

2120 2. The licensed premises of both geographical  
2121 locations comply with all surveillance, security, and inventory  
2122 tracking requirements imposed by this chapter and any rules  
2123 promulgated by the state licensing authority;

2124 3. Both the transferring location and the  
2125 receiving location track all plants virtually in transition in the  
2126 seed-to-sale tracking system to ensure proper tracking for  
2127 taxation and tracking purposes;

2128 4. Operation at both geographical locations  
2129 does not exceed one hundred eighty (180) days, unless for good  
2130 cause shown, the one-hundred-eighty-day deadline may be extended  
2131 for an additional one hundred twenty (120) days; and

2132 5. The retail marijuana cultivation facility  
2133 licensee obtains the proper state permit and local permit or



2134 license. If the change of location is within the same local  
2135 jurisdiction, the licensee must first obtain a transition permit  
2136 from the state licensing authority and, if required by the local  
2137 jurisdiction, a transition permit or other form of approval from  
2138 the local licensing authority or local jurisdiction. If the  
2139 change of location is to a different local jurisdiction, the  
2140 licensee must first obtain a license from the local licensing  
2141 authority or local jurisdiction where it intends to locate, a  
2142 transition permit from the state licensing authority, and, if  
2143 required by the local jurisdiction, a transition permit or other  
2144 form of approval from the local licensing authority or local  
2145 jurisdiction for the local jurisdiction where it intends to  
2146 locate.

2147 (ii) Conduct at either location may be the basis  
2148 for fine, suspension, revocation, or other sanction against the  
2149 license.

2150 **312. License renewal.** (1) Ninety (90) days prior to the  
2151 expiration date of an existing retail marijuana business license,  
2152 the state licensing authority shall notify the licensee of the  
2153 expiration date by first-class mail at the licensee's address of  
2154 record with the state licensing authority. A licensee must apply  
2155 for the renewal of an existing license to the local licensing  
2156 authority within the time frame required by local ordinance or  
2157 regulation and to the state licensing authority prior to the  
2158 expiration of the license. The licensee shall provide the state



2159 licensing authority with information establishing that the  
2160 application complies with all local requirements for the renewal  
2161 of a license. If a licensee submits a timely and sufficient  
2162 renewal application, the licensee may continue to operate until  
2163 the application is finally acted upon by the state licensing  
2164 authority. The local licensing authority may refuse to renew any  
2165 license for good cause, subject to judicial review.

2166 (2) The state licensing authority may require an additional  
2167 fingerprint request when there is a demonstrated investigative  
2168 need.

2169 **313. Inactive licenses.** The state or local licensing  
2170 authority, in its discretion, may revoke or elect not to renew any  
2171 license if it determines that the licensed premises have been  
2172 inactive, without good cause, for at least one (1) year.

2173 **314. Unlawful financial assistance.** (1) The state  
2174 licensing authority, by rule, shall require a complete disclosure  
2175 pursuant to Section 307 in connection with each license issued  
2176 under this chapter.

2177 (2) This section is intended to prohibit and prevent the  
2178 control of the outlets for the sale of regulated marijuana and  
2179 regulated marijuana products by a person or party other than the  
2180 persons licensed pursuant to the provisions of this chapter.

2181 **ARTICLE 4**

2182 **LICENSE TYPES**





2183           **401. Classes of licenses.** (1) For the purpose of  
2184 regulating the cultivation, manufacture, distribution,  
2185 hospitality, and sale of regulated marijuana and regulated  
2186 marijuana products, the state licensing authority in its  
2187 discretion, upon application in the prescribed form made to it,  
2188 may issue and grant to the applicant a license from any of the  
2189 classes listed in subsections (2) and (3) of this section, subject  
2190 to the provisions and restrictions provided by this chapter.

2191           (2) The following are retail marijuana licenses:

- 2192           (a) Retail marijuana store license;
- 2193           (b) Retail marijuana cultivation facility license;
- 2194           (c) Retail marijuana products manufacturer license;
- 2195           (d) Retail marijuana testing facility license;
- 2196           (e) Retail marijuana transporter license;
- 2197           (f) Retail marijuana business operator license;
- 2198           (g) Accelerator cultivator license;
- 2199           (h) Accelerator manufacturer license;
- 2200           (i) Marijuana hospitality business license;
- 2201           (j) Retail marijuana hospitality and sales business  
2202 license; and
- 2203           (k) Accelerator store license.

2204           (3) The following are regulated marijuana licenses or  
2205 registrations: Occupational licenses and registrations for  
2206 owners, managers, operators, employees, contractors, and other  
2207 support staff employed by, working in, or having access to



2208 restricted areas of the licensed premises, as determined by the  
2209 state licensing authority. The state licensing authority may take  
2210 any action with respect to a registration or permit pursuant to  
2211 this chapter as it may with respect to a license pursuant to this  
2212 chapter, in accordance with the procedures established pursuant to  
2213 this chapter.

2214 (4) All persons licensed pursuant to this chapter shall  
2215 collect sales tax on all sales made pursuant to the licensing  
2216 activities.

2217 (5) A state chartered bank or a credit union may loan money  
2218 to any person licensed pursuant to this chapter for the operation  
2219 of a licensed retail marijuana business.

2220 (6) For a person applying to be a social equity licensee,  
2221 the state licensing authority shall not deny an application on the  
2222 sole basis of the prior marijuana conviction of the applicant and  
2223 at its discretion may waive other requirements.

2224 **ARTICLE 5**

2225 **RETAIL MARIJUANA LICENSE TYPES**

2226 **501. Retail marijuana store license - rules - definitions.**

2227 (1) (a) A retail marijuana store license may be issued only to a  
2228 person selling retail marijuana or retail marijuana products  
2229 pursuant to the terms and conditions of this chapter.

2230 (b) A retail marijuana store may cultivate its own  
2231 retail marijuana if it obtains a retail marijuana cultivation



2232 facility license, or it may purchase retail marijuana from a  
2233 licensed retail marijuana cultivation facility.

2234 (c) A retail marijuana store shall not accept any  
2235 retail marijuana purchased from a retail marijuana cultivation  
2236 facility unless the retail marijuana store is provided with  
2237 evidence that any applicable excise tax due was paid.

2238 (d) The retail marijuana store shall track all of its  
2239 retail marijuana and retail marijuana products from the point that  
2240 they are transferred from a retail marijuana cultivation facility  
2241 or retail marijuana products manufacturer to the point of sale.

2242 (2) (a) Notwithstanding the provisions of this section, a  
2243 retail marijuana store licensee may also sell retail marijuana  
2244 products that are prepackaged and labeled as required by rules of  
2245 the state licensing authority pursuant to Section 203(2)(f) and  
2246 (3)(b).

2247 (b) A retail marijuana store licensee may transact with  
2248 a retail marijuana products manufacturer licensee for the purchase  
2249 of retail marijuana products upon a retail marijuana products  
2250 manufacturer licensee's licensed premises or a retail marijuana  
2251 store's licensed premises.

2252 (c) A retail marijuana store may sell retail marijuana  
2253 and retail marijuana products to a retail marijuana hospitality  
2254 and sales business licensee.

2255 (3) (a) (i) A retail marijuana store may not sell more  
2256 than one (1) ounce of retail marijuana or its equivalent in retail



2257 marijuana products, including retail marijuana concentrate, except  
2258 for nonedible, nonpsychoactive retail marijuana products,  
2259 including ointments, lotions, balms, and other nontransdermal  
2260 topical products, during a single transaction to a person.

2261 (ii) As used in this paragraph (a), "equivalent in  
2262 retail marijuana products" has the same meaning as established by  
2263 the state licensing authority by rule pursuant to Section 203(4).

2264 (b) (i) Prior to initiating a sale, the employee of  
2265 the retail marijuana store making the sale shall verify that the  
2266 purchaser has a valid identification card showing the purchaser is  
2267 twenty-one (21) years of age or older. If a person under  
2268 twenty-one (21) years of age presents a fraudulent proof of age,  
2269 any action relying on the fraudulent proof of age shall not be  
2270 grounds for the revocation or suspension of any license issued  
2271 under this chapter.

2272 (ii) 1. If a retail marijuana store licensee or  
2273 employee has reasonable cause to believe that a person is under  
2274 twenty-one (21) years of age and is exhibiting fraudulent proof of  
2275 age in an attempt to obtain any retail marijuana or marijuana  
2276 product, the licensee or employee is authorized to confiscate such  
2277 fraudulent proof of age, if possible, and shall, within  
2278 seventy-two (72) hours after the confiscation, remit to a state or  
2279 local law enforcement agency. The failure to confiscate such  
2280 fraudulent proof of age or to remit to a state or local law



2281 enforcement agency within seventy-two (72) hours after the  
2282 confiscation does not constitute a criminal offense.

2283                   2. If a retail marijuana store licensee or  
2284 employee believes that a person is under twenty-one (21) years of  
2285 age and is exhibiting fraudulent proof of age in an attempt to  
2286 obtain any retail marijuana or retail marijuana product, the  
2287 licensee or employee or any peace or police officer, acting in  
2288 good faith and upon probable cause based upon reasonable grounds  
2289 therefor, may detain and question such person in a reasonable  
2290 manner for the purpose of ascertaining whether the person is  
2291 guilty of any unlawful act regarding the purchase of retail  
2292 marijuana. The questioning of a person by an employee or a peace  
2293 or police officer does not render the licensee, the employee, or  
2294 the peace or police officer civilly or criminally liable for  
2295 slander, false arrest, false imprisonment, malicious prosecution,  
2296 or unlawful detention.

2297                   (c) (i) A retail marijuana store that sells an  
2298 industrial hemp product shall ensure that the industrial hemp  
2299 product has passed all testing required by rules promulgated by  
2300 the state licensing authority pursuant to Section 203(2)(d).  
2301 Prior to taking possession of the industrial hemp product, a  
2302 retail marijuana store shall verify the industrial hemp product  
2303 passed all testing required for retail marijuana products at a  
2304 licensed retail marijuana testing facility and that the person  
2305 transferring the industrial hemp product has received a license



2306 from the Department of Agriculture and Commerce pursuant to  
2307 Section 69-25-207.

2308 (ii) Absent sampling and testing standards  
2309 established by the Department of Agriculture and Commerce for the  
2310 sampling and testing of an industrial hemp product, a person  
2311 transferring an industrial hemp product to a retail marijuana  
2312 store pursuant to this section shall comply with sampling and  
2313 testing standards consistent with those established by the state  
2314 licensing authority pursuant to this chapter.

2315 (d) When completing a sale of retail marijuana  
2316 concentrate, the retail marijuana store shall provide the customer  
2317 with the tangible educational resource created by the state  
2318 licensing authority through rule-making pursuant to Section 202(8)  
2319 regarding the use of retail marijuana concentrate.

2320 (4) A retail marijuana store may provide, except as required  
2321 by Section 203(2)(d), a sample of its products to a facility that  
2322 has a marijuana testing facility license from the state licensing  
2323 authority for testing and research purposes. A retail marijuana  
2324 store shall maintain a record of what was provided to the testing  
2325 facility, the identity of the testing facility, and the results of  
2326 the testing.

2327 (5) All retail marijuana and retail marijuana products sold  
2328 at a licensed retail marijuana store shall be packaged and labeled  
2329 as required by rules of the state licensing authority pursuant to  
2330 Section 203(2)(f) and (3)(b).



2331           (6) (a) A licensed retail marijuana store may only sell  
2332 retail marijuana, retail marijuana products, marijuana  
2333 accessories, nonconsumable products such as apparel, and marijuana  
2334 related products such as childproof packaging containers, but is  
2335 prohibited from selling or giving away any consumable product,  
2336 including but not limited to cigarettes or alcohol, or edible  
2337 product that does not contain marijuana, including but not limited  
2338 to sodas, candies, or baked goods; except that a retail marijuana  
2339 store may sell industrial hemp products.

2340           (b) A licensed retail marijuana store may not sell any  
2341 retail marijuana or retail marijuana products that contain  
2342 nicotine or alcohol, if the sale of the alcohol would require a  
2343 license pursuant to Chapter 1 or 3 of Title 67, Mississippi Code  
2344 of 1972.

2345           (c) A licensed retail marijuana store shall not sell  
2346 retail marijuana or retail marijuana products over the Internet  
2347 nor deliver retail marijuana or retail marijuana products to a  
2348 person not physically present in the retail marijuana store's  
2349 licensed premises.

2350           (7) The premises of a licensed retail marijuana store is the  
2351 only place where an automatic dispensing machine that contains  
2352 retail marijuana or retail marijuana products may be located. If  
2353 a licensed retail marijuana store uses an automatic dispensing  
2354 machine that contains retail marijuana and retail marijuana



2355 products, it must comply with the regulations promulgated by the  
2356 state licensing authority for its use.

2357 (8) Retail marijuana or retail marijuana products may not be  
2358 consumed on the premises of a retail marijuana store.

2359 (9) Notwithstanding any other provision of state law, sales  
2360 of retail marijuana and retail marijuana products are not exempt  
2361 from state or local sales tax.

2362 (10) A display case containing marijuana concentrate must  
2363 include the potency of the marijuana concentrate next to the name  
2364 of the product.

2365 (11) Notwithstanding any other provision of law to the  
2366 contrary, a licensed retail marijuana store may compensate its  
2367 employees using performance-based incentives, including  
2368 sales-based performance-based incentives.

2369 (12) (a) (i) There is authorized a retail marijuana  
2370 delivery permit to a retail marijuana store license authorizing  
2371 the permit holder to deliver retail marijuana and retail marijuana  
2372 products.

2373 (ii) A retail marijuana delivery permit is valid  
2374 for one (1) year and may be renewed annually upon renewal of the  
2375 retail marijuana store license or retail marijuana transporter  
2376 license.

2377 (iii) A retail marijuana delivery permit issued  
2378 pursuant to this section applies to only one (1) retail marijuana  
2379 store; however, a single retail marijuana delivery permit may





2380 apply to multiple retail marijuana stores if the retail marijuana  
2381 stores are in the same local jurisdiction and are identically  
2382 owned, as defined by the state licensing authority for purposes of  
2383 this section.

2384 (iv) The state licensing authority may issue a  
2385 retail marijuana delivery permit to a qualified applicant, as  
2386 determined by the state licensing authority, that holds a retail  
2387 marijuana store license issued pursuant to this chapter. A permit  
2388 applicant is prohibited from delivering retail marijuana and  
2389 retail marijuana products without state and local jurisdiction  
2390 approval. If the applicant does not receive local jurisdiction  
2391 approval within one (1) year from the date of the state licensing  
2392 authority approval, the state permit expires and may not be  
2393 renewed. If an application is denied by the local licensing  
2394 authority, the state licensing authority shall revoke the  
2395 state-issued permit. The state licensing authority has discretion  
2396 in determining whether an applicant is qualified to receive a  
2397 retail marijuana delivery permit. A retail marijuana delivery  
2398 permit issued by the state licensing authority is deemed a  
2399 revocable privilege of a licensed retail marijuana store or retail  
2400 marijuana transporter licensee. A violation related to a retail  
2401 marijuana delivery permit is grounds for a fine or suspension or  
2402 revocation of the delivery permit or retail marijuana store  
2403 license.



2404 (b) A retail marijuana store licensee shall not make  
2405 deliveries of retail marijuana or retail marijuana products to  
2406 individuals while also transporting retail marijuana or retail  
2407 marijuana products between licensed premises in the same vehicle.

2408 (c) The licensed retail marijuana store shall charge a  
2409 One Dollar (\$1.00) surcharge on each delivery. The licensed  
2410 retail marijuana store shall remit the surcharges collected on a  
2411 monthly basis to the municipality where the licensed retail  
2412 marijuana store is located, or to the county if the licensed  
2413 retail marijuana store is in an unincorporated area, for local law  
2414 enforcement costs related to marijuana enforcement. Failure to  
2415 comply with this paragraph (c) may result in nonrenewal of the  
2416 retail marijuana delivery permit.

2417 (d) A licensed retail marijuana store with a retail  
2418 marijuana delivery permit may deliver retail marijuana and retail  
2419 marijuana products only to the individual who placed the order and  
2420 who:

- 2421 (i) Is twenty-one (21) years of age or older;
- 2422 (ii) Receives the delivery of retail marijuana or  
2423 retail marijuana products pursuant to rules; and
- 2424 (iii) Possesses an acceptable form of  
2425 identification.

2426 (e) Any person delivering retail marijuana or retail  
2427 marijuana products must possess a valid occupational license and  
2428 be a current employee of the licensed retail marijuana store or



2429 retail marijuana transporter licensee with a valid retail  
2430 marijuana delivery permit; must have undergone training regarding  
2431 proof-of-age identification and verification, including all forms  
2432 of identification that are deemed acceptable by the state  
2433 licensing authority; and must have any other training required by  
2434 the state licensing authority.

2435 (f) In accordance with this subsection (12) and rules  
2436 adopted to implement this subsection (12), a licensed retail  
2437 marijuana store with a valid retail marijuana delivery permit may:

2438 (i) Receive an order through electronic or other  
2439 means for the purchase and delivery of retail marijuana or retail  
2440 marijuana products. When using an online platform for marijuana  
2441 delivery, the platform must require the individual to choose a  
2442 retail marijuana store before viewing the price;

2443 (ii) Deliver retail marijuana or retail marijuana  
2444 products not in excess of the amounts established by the state  
2445 licensing authority;

2446 (iii) Deliver only to an individual at the address  
2447 provided in the order;

2448 (iv) Deliver no more than once per day to the same  
2449 individual or residence;

2450 (v) Deliver only to private residences. For  
2451 purposes of this subparagraph (v), "private residences" means  
2452 private premises where a person lives, such as a private dwelling  
2453 place or place of habitation, and specifically excludes any



2454 premises located at a school or on the campus of an institution of  
2455 higher education, or any other public property;

2456 (vi) Deliver retail marijuana or retail marijuana  
2457 products only by a motor vehicle that complies with this section  
2458 and the rules promulgated pursuant to this section and Section  
2459 203(2) (dd); and

2460 (vii) Use an employee to conduct deliveries, or  
2461 contract with a retail marijuana transporter that has a valid  
2462 retail marijuana delivery permit to conduct deliveries on its  
2463 behalf, from its retail marijuana store or its associated state  
2464 licensing authority-authorized storage facility as defined by  
2465 rule.

2466 (g) (i) At the time of the order, the retail marijuana  
2467 store shall require the individual to provide information  
2468 necessary to verify the individual is at least twenty-one (21)  
2469 years of age. The provided information must, at a minimum,  
2470 include the following:

- 2471 1. The individual's name and date of birth;  
2472 2. The address of the residence where the  
2473 order will be delivered; and  
2474 3. Any other information required by state  
2475 licensing authority rule.

2476 (ii) Prior to transferring possession of the order  
2477 to an individual, the person delivering the order shall inspect  
2478 the individual's identification and verify that the information



2479 provided at the time of the order matches the name and age on the  
2480 individual's identification.

2481 (h) (i) Unless otherwise provided by the state  
2482 licensing authority by rules promulgated pursuant to this chapter,  
2483 all requirements applicable to other licenses issued pursuant to  
2484 this chapter apply to the delivery of retail marijuana and retail  
2485 marijuana products, including but not limited to inventory  
2486 tracking, transportation, and packaging and labeling requirements.

2487 (ii) The advertising regulations and prohibitions  
2488 adopted pursuant to Section 203(3)(a) apply to retail marijuana  
2489 delivery operations pursuant to this subsection (12).

2490 (i) It is not a violation of any provision of state,  
2491 civil, or criminal law for a licensed retail marijuana store or  
2492 retail marijuana transporter licensee with a valid retail  
2493 marijuana delivery permit, or such person who has made timely and  
2494 sufficient application for the renewal of the permit, or its  
2495 licensees to possess, transport, and deliver retail marijuana or  
2496 retail marijuana products pursuant to a retail marijuana delivery  
2497 permit in amounts that do not exceed amounts established by the  
2498 state licensing authority.

2499 (j) A local law enforcement agency may request state  
2500 licensing authority reports, including complaints, investigative  
2501 action, and final agency action orders, related to criminal  
2502 activity materially related to retail marijuana delivery in the  
2503 law enforcement agency's jurisdiction, and the state licensing



2504 authority shall promptly provide any reports in its possession for  
2505 the law enforcement agency's jurisdiction.

2506 (k) (i) Notwithstanding any provisions of this  
2507 section, delivery of retail marijuana or retail marijuana products  
2508 is not permitted in any municipality, county, or municipality and  
2509 county unless the municipality, county, or municipality and  
2510 county, by either a majority of the registered electors of the  
2511 municipality, county, or municipality and county voting at a  
2512 regular election or special election, or a majority of the members  
2513 of the governing board for the municipality, county, or  
2514 municipality and county, vote to allow the delivery of retail  
2515 marijuana or retail marijuana products pursuant to this section.

2516 (ii) An ordinance adopted pursuant to subparagraph  
2517 (i) of this paragraph (k) may prohibit delivery of retail  
2518 marijuana and retail marijuana products from a retail marijuana  
2519 store that is outside a municipality's, county's, or municipality  
2520 and county's jurisdictional boundaries to an address within its  
2521 jurisdictional boundaries.

2522 (l) Notwithstanding any provisions of this section,  
2523 delivery of retail marijuana or retail marijuana products is not  
2524 permitted at any school or on the campus of any institution of  
2525 higher education.

2526 (13) An accelerator store licensee may operate on the  
2527 premises of a retail marijuana store licensee if before each  
2528 accelerator store licensee operates, the retail marijuana store



2529 licensee has its premises endorsed pursuant to rule and each  
2530 accelerator store licensee is approved to operate on that  
2531 premises.

2532 (14) A retail marijuana store licensee that hosts an  
2533 accelerator store licensee may, pursuant to rule, provide  
2534 technical and compliance assistance to an accelerator store  
2535 licensee operating on its premises. A retail marijuana store  
2536 licensee that hosts an accelerator store licensee may, pursuant to  
2537 rule, provide capital assistance to an accelerator store licensee  
2538 operating on its premises.

2539 (15) A retail marijuana store or retail marijuana stores  
2540 shall not sell any more than eight (8) grams of retail marijuana  
2541 concentrate to a person in a single day.

2542 **502. Retail marijuana cultivation facility license - rules -**  
2543 **definitions.** (1) A retail marijuana cultivation facility license  
2544 may be issued only to a person who cultivates retail marijuana for  
2545 sale and distribution to licensed retail marijuana stores, retail  
2546 marijuana products manufacturer licensees, retail marijuana  
2547 hospitality and sales business, or other retail marijuana  
2548 cultivation facilities.

2549 (2) A retail marijuana cultivation facility shall remit any  
2550 applicable excise tax due, based on the average wholesale prices  
2551 set by the state licensing authority.

2552 (3) A retail marijuana cultivation facility shall track the  
2553 marijuana it cultivates from seed or immature plant to wholesale



2554 purchase. Prior to delivery of any sold retail marijuana, the  
2555 retail marijuana cultivation facility shall provide evidence that  
2556 it paid any applicable excise tax on the retail marijuana that is  
2557 due.

2558 (4) A retail marijuana cultivation facility may provide,  
2559 except as required by Section 203(2)(d), a sample of its products  
2560 to a facility that has a retail marijuana testing facility license  
2561 from the state licensing authority for testing and research  
2562 purposes. A retail marijuana cultivation facility shall maintain  
2563 a record of what was provided to the testing facility, the  
2564 identity of the testing facility, and the testing results.

2565 (5) Retail marijuana or retail marijuana products may not be  
2566 consumed on the premises of a retail marijuana cultivation  
2567 facility.

2568 (6) (a) A retail marijuana cultivation facility licensee  
2569 may provide a retail marijuana sample and a retail marijuana  
2570 concentrate sample to no more than five (5) managers employed by  
2571 the licensee for purposes of quality control and product  
2572 development. A retail marijuana cultivation facility licensee may  
2573 designate no more than five (5) managers per calendar month as  
2574 recipients of quality control and product development samples  
2575 authorized pursuant to this paragraph (a).

2576 (b) An excise tax shall be levied and collected on the  
2577 sample of unprocessed retail marijuana by a retail marijuana





2578 cultivation facility. The excise tax must be calculated based on  
2579 the average market rate of the unprocessed retail marijuana.

2580 (c) A sample authorized pursuant to paragraph (a) of  
2581 this subsection (6) is limited to one (1) gram of retail marijuana  
2582 per batch as defined in rules promulgated by the state licensing  
2583 authority, and one-quarter (1/4) gram of a retail marijuana  
2584 concentrate per batch as defined in rules promulgated by the state  
2585 licensing authority; however, the limit is one-half (1/2) gram of  
2586 retail marijuana concentrate if the intended use of the final  
2587 product is to be used in a device that can be used to deliver  
2588 retail marijuana concentrate in a vaporized form to the person  
2589 inhaling from the device.

2590 (d) A sample authorized pursuant to paragraph (a) of  
2591 this subsection (6) must be labeled and packaged pursuant to the  
2592 rules promulgated pursuant to Section 203(2)(f) and (3)(b).

2593 (e) A sample provided pursuant to paragraph (a) of this  
2594 subsection (6) must be tracked with the seed-to-sale tracking  
2595 system. Prior to a manager receiving a sample, a manager must be  
2596 designated in the seed-to-sale tracking system as a recipient of  
2597 quality control and product development samples. A manager  
2598 receiving a sample must make a voluntary decision to be tracked in  
2599 the seed-to-sale tracking system and is not a consumer pursuant to  
2600 Section 1(6)(b) of this act. The retail marijuana cultivation  
2601 facility licensee shall maintain documentation of all samples and



2602 shall make the documentation available to the state licensing  
2603 authority.

2604 (f) Prior to a manager receiving a sample pursuant to  
2605 paragraph (a) of this subsection (6), a retail marijuana  
2606 cultivation facility licensee shall provide a standard operating  
2607 procedure to the manager explaining requirements pursuant to this  
2608 section and personal possession limits.

2609 (g) A manager shall not:

2610 (i) Receive more than one (1) ounce total of  
2611 retail marijuana or eight (8) grams of retail marijuana  
2612 concentrate samples per calendar month, regardless of the number  
2613 of licenses that the manager is associated with; or

2614 (ii) Provide to or resell the sample to another  
2615 licensed employee, a customer, or any other individual.

2616 (h) A retail marijuana cultivation facility licensee  
2617 shall not:

2618 (i) Allow a manager to consume the sample on the  
2619 licensed premises; or

2620 (ii) Use the sample as a means of compensation to  
2621 a manager.

2622 (i) The state licensing authority may establish  
2623 additional inventory tracking and record keeping, including  
2624 additional reporting required for implementation. The retail  
2625 marijuana cultivation facility licensee shall maintain the  
2626 information required by this paragraph (i) on the licensed



2627 premises for inspection by the state and local licensing  
2628 authorities.

2629 (j) For purposes of this subsection (6) only, "manager"  
2630 means an employee of the retail marijuana cultivation facility who  
2631 holds a valid key license or associated key license and is  
2632 currently designated pursuant to state licensing authority rules  
2633 as the manager of the retail marijuana cultivation facility.

2634 (7) (a) The state licensing authority may issue a  
2635 centralized distribution permit to a retail marijuana cultivation  
2636 facility authorizing temporary storage on its licensed premises of  
2637 retail marijuana concentrate and retail marijuana products  
2638 received from a retail marijuana business for the sole purpose of  
2639 transfer to the permit holder's commonly owned retail marijuana  
2640 stores. Prior to exercising the privileges of a centralized  
2641 distribution permit, a retail marijuana cultivation facility  
2642 licensed pursuant to this section shall, at the time of  
2643 application to the state licensing authority, send a copy of the  
2644 application or supplemental application for a centralized  
2645 distribution permit to the local jurisdiction in which the  
2646 centralized distribution permit is proposed. The state licensing  
2647 authority shall notify the local jurisdiction of its decision  
2648 regarding the centralized distribution permit.

2649 (b) A retail marijuana cultivation facility shall not  
2650 store retail marijuana concentrate or retail marijuana products



2651 pursuant to a centralized distribution permit for more than ninety  
2652 (90) days.

2653 (c) A retail marijuana cultivation facility shall not  
2654 accept any retail marijuana concentrate or retail marijuana  
2655 products pursuant to a centralized distribution permit unless the  
2656 retail marijuana concentrate and retail marijuana products are  
2657 packaged and labeled for sale to a consumer as required by rules  
2658 promulgated by the state licensing authority pursuant to Section  
2659 203(2)(f) and (3)(b).

2660 (d) All retail marijuana concentrate and retail  
2661 marijuana products stored and prepared for transport on a retail  
2662 marijuana cultivation facility's licensed premises pursuant to a  
2663 centralized distribution permit must only be transferred to a  
2664 retail marijuana cultivation facility licensee's commonly owned  
2665 retail marijuana stores. All transfers of retail marijuana  
2666 concentrate and retail marijuana products by a retail marijuana  
2667 cultivation facility pursuant to a centralized distribution permit  
2668 are without consideration.

2669 (e) All security and surveillance requirements that  
2670 apply to a retail marijuana cultivation facility apply to  
2671 activities conducted pursuant to the privileges of a centralized  
2672 distribution permit.

2673 (f) A retail marijuana cultivation facility shall track  
2674 all retail marijuana concentrate and retail marijuana products  
2675 possessed pursuant to a centralized distribution permit in the



2676 seed-to-sale tracking system from the point it is received from a  
2677 retail marijuana business to the point of transfer to a retail  
2678 marijuana cultivation facility licensee's commonly owned retail  
2679 marijuana stores.

2680 (g) For purposes of this section only, "commonly owned"  
2681 means licenses that have an ownership structure with at least one  
2682 (1) natural person with a minimum of five percent (5%) ownership  
2683 in each license.

2684 (8) Notwithstanding any other provision of law to the  
2685 contrary, a licensed retail marijuana cultivation facility may  
2686 compensate its employees using performance-based incentives,  
2687 including sales-based performance-based incentives.

2688 (9) An accelerator cultivator licensee may operate on the  
2689 premises of a retail marijuana cultivation facility licensee if  
2690 before each accelerator cultivator licensee operates, the retail  
2691 marijuana cultivation facility licensee has its premises endorsed  
2692 pursuant to rule and each accelerator cultivator licensee is  
2693 approved to operate on that premises.

2694 (10) A retail marijuana cultivation facility licensee that  
2695 hosts an accelerator cultivator licensee may, pursuant to rule,  
2696 provide technical and compliance assistance to an accelerator  
2697 cultivator licensee operating on its premises. A retail marijuana  
2698 products manufacturer licensee that hosts an accelerator  
2699 cultivator licensee may, pursuant to rule, provide capital



2700 assistance to an accelerator cultivator licensee operating on its  
2701 premises.

2702 (11) A retail marijuana cultivation facility shall only  
2703 obtain retail marijuana seeds or immature plants from its own  
2704 retail marijuana, or marijuana that is properly transferred from  
2705 another retail marijuana business pursuant to the inventory  
2706 tracking requirements imposed by rule.

2707 (12) (a) A retail marijuana cultivation facility licensee  
2708 that cultivates retail marijuana outdoors may file a contingency  
2709 plan for its outdoor cultivation operation to address how the  
2710 licensee will respond when there is an adverse weather event. If  
2711 the licensee files a contingency plan, the licensee shall also  
2712 submit a copy of the plan to the local licensing authority in the  
2713 local jurisdiction where the licensee operates. If the  
2714 contingency plan is approved by the state licensing authority, the  
2715 retail marijuana cultivation facility licensee may follow the  
2716 contingency plan in the case of an adverse weather event.

2717 (b) After the state licensing authority approves a  
2718 contingency plan, it shall notify the local licensing authority of  
2719 the approval. The local licensing authority may enforce local  
2720 land use and zoning laws and regulations regarding the contingency  
2721 plan and may develop internal regulatory processes to evaluate  
2722 contingency plans.

2723 (c) A local licensing authority may require that an  
2724 applicant for a retail marijuana cultivation facility license



2725 include a contingency plan with the application for the local  
2726 licensing authority's review and approval.

2727 **503. Retail marijuana products manufacturer license - rules**

2728 - **definition.** (1) (a) A retail marijuana products manufacturer  
2729 license may be issued to a person who manufactures retail  
2730 marijuana products pursuant to the terms and conditions of this  
2731 chapter.

2732 (b) A retail marijuana products manufacturer may  
2733 cultivate its own retail marijuana if it obtains a retail  
2734 marijuana cultivation facility license, or it may purchase retail  
2735 marijuana from a licensed retail marijuana cultivation facility.  
2736 A retail marijuana products manufacturer shall track all of its  
2737 retail marijuana from the point it is either transferred from its  
2738 retail marijuana cultivation facility or the point when it is  
2739 delivered to the retail marijuana products manufacturer from a  
2740 licensed retail marijuana cultivation facility to the point of  
2741 transfer to a licensed retail marijuana store, a licensed retail  
2742 marijuana products manufacturer, a retail marijuana testing  
2743 facility, or a licensed retail marijuana cultivation facility with  
2744 a centralized distribution permit pursuant to Section 502(7).

2745 (c) A retail marijuana products manufacturer shall not  
2746 accept any retail marijuana purchased from a retail marijuana  
2747 cultivation facility unless the retail marijuana products  
2748 manufacturer is provided with evidence that any applicable excise  
2749 tax due was paid.



2750 (d) A retail marijuana products manufacturer shall not:

2751 (i) Add any marijuana to a food product where the  
2752 manufacturer of the food product holds a trademark to the food  
2753 product's name; except that a retail marijuana products  
2754 manufacturer may use a trademarked food product if the  
2755 manufacturer uses the product as a component or as part of a  
2756 recipe and where the retail marijuana products manufacturer does  
2757 not state or advertise to the consumer that the final retail  
2758 marijuana product contains a trademarked food product;

2759 (ii) Intentionally or knowingly label or package a  
2760 retail marijuana product in a manner that would cause a reasonable  
2761 consumer confusion as to whether the retail marijuana product was  
2762 a trademarked food product; or

2763 (iii) Label or package a product in a manner that  
2764 violates any federal trademark law or regulation.

2765 (e) A retail marijuana products manufacturer may sell  
2766 retail marijuana and retail marijuana products to a retail  
2767 marijuana hospitality and sales business.

2768 (2) Retail marijuana products must be prepared on a licensed  
2769 premises that is used exclusively for the manufacture and  
2770 preparation of retail marijuana or retail marijuana products and  
2771 using equipment that is used exclusively for the manufacture and  
2772 preparation of retail marijuana products; however, if permitted by  
2773 the local jurisdiction and subject to rules of the state licensing





2774 authority, a retail marijuana products manufacturer licensee may  
2775 share the same premises as:

2776 (a) A commonly owned marijuana research and development  
2777 licensee so long as virtual or physical separation of inventory  
2778 and research activity is maintained; or

2779 (b) An accelerator manufacturer licensee if the retail  
2780 marijuana products manufacturer has its premises endorsed pursuant  
2781 to rule before each accelerator manufacturer licensee operates and  
2782 each accelerator manufacturer licensee is approved to operate on  
2783 that premises.

2784 (3) All licensed premises on which retail marijuana products  
2785 are manufactured must meet the sanitary standards for retail  
2786 marijuana product preparation promulgated pursuant to Section  
2787 203(2) (i).

2788 (4) (a) The retail marijuana product must be sealed and  
2789 conspicuously labeled in compliance with this chapter and any  
2790 rules promulgated pursuant to this chapter. The labeling of  
2791 retail marijuana products is a matter of statewide concern.

2792 (b) The standard symbol requirements as promulgated  
2793 pursuant to Section 203(2) (y) do not apply to a multi-serving  
2794 liquid retail marijuana product, which is impracticable to mark,  
2795 if the product complies with all statutory and rule packaging  
2796 requirements for multi-serving edibles and complies with the  
2797 following enhanced requirements to reduce the risk of accidental  
2798 ingestion. A multi-serving liquid must:



2799 (i) Be packaged in a structure that uses a single  
2800 mechanism to achieve both child-resistance and accurate pouring  
2801 measurement of each liquid serving in increments equal to or less  
2802 than ten (10) milligrams of active THC per serving, with no more  
2803 than one hundred (100) milligrams of active THC total per package;  
2804 and

2805 (ii) The measurement component is within the  
2806 child-resistant cap or closure of the bottle and is not a separate  
2807 component.

2808 (5) Retail marijuana or retail marijuana products may not be  
2809 consumed on the premises of a retail marijuana products  
2810 manufacturer.

2811 (6) A retail marijuana products manufacturer may provide,  
2812 except as required by Section 203(2)(d), a sample of its products  
2813 to a facility that has a retail marijuana testing facility license  
2814 from the state licensing authority for testing and research  
2815 purposes. A retail marijuana products manufacturer shall maintain  
2816 a record of what was provided to the testing facility, the  
2817 identity of the testing facility, and the results of the testing.

2818 (7) An edible retail marijuana product may list its  
2819 ingredients and compatibility with dietary practices.

2820 (8) A licensed retail marijuana products manufacturer shall  
2821 package and label each product manufactured as required by rules  
2822 of the state licensing authority pursuant to Section 203(2)(f) and  
2823 (3)(b).



2824 (9) All retail marijuana products that require refrigeration  
2825 to prevent spoilage must be stored and transported in a  
2826 refrigerated environment.

2827 (10) (a) A retail marijuana products manufacturer licensee  
2828 may provide a retail marijuana product sample and a retail  
2829 marijuana concentrate sample to no more than five (5) managers  
2830 employed by the licensee for purposes of quality control and  
2831 product development. A retail marijuana products manufacturer  
2832 licensee may designate no more than five (5) managers per calendar  
2833 month as recipients of quality control and product development  
2834 samples authorized pursuant to this paragraph (a).

2835 (b) A sample authorized pursuant to paragraph (a) of  
2836 this subsection (10) is limited to one (1) serving size of an  
2837 edible retail marijuana product not exceeding ten (10) milligrams  
2838 of THC and its applicable equivalent serving size of nonedible  
2839 retail marijuana product per batch as defined in rules promulgated  
2840 by the state licensing authority and one-quarter (1/4) gram of  
2841 retail marijuana concentrate per batch as defined in rules  
2842 promulgated by the state licensing authority; however, the limit  
2843 is one-half (1/2) gram of retail marijuana concentrate if the  
2844 intended use of the final product is to be used in a device that  
2845 can be used to deliver retail marijuana concentrate in a vaporized  
2846 form to the person inhaling from the device.



2847 (c) A sample authorized pursuant to paragraph (a) of  
2848 this subsection (10) must be labeled and packaged pursuant to the  
2849 rules promulgated pursuant to Section 203(2)(f) and (3)(b).

2850 (d) A sample provided pursuant to paragraph (a) of this  
2851 subsection (10) must be tracked with the seed-to-sale tracking  
2852 system. Prior to a manager receiving a sample, a manager must be  
2853 designated in the seed-to-sale tracking system as a recipient of  
2854 quality control and product development samples. A manager  
2855 receiving a sample must make a voluntary decision to be tracked in  
2856 the seed-to-sale tracking system and is not a consumer pursuant to  
2857 Section 1(6)(b) of this act. The retail marijuana products  
2858 manufacturer licensee shall maintain documentation of all samples  
2859 and shall make the documentation available to the state licensing  
2860 authority.

2861 (e) Prior to a manager receiving a sample pursuant to  
2862 paragraph (a) of this subsection (10), a retail marijuana products  
2863 manufacturer licensee shall provide a standard operating procedure  
2864 to the manager explaining requirements pursuant to this section  
2865 and personal possession limits.

2866 (f) A manager shall not:

2867 (i) Receive more than a total of eight (8) grams  
2868 of retail marijuana concentrate or fourteen (14) individual  
2869 serving-size edibles or its applicable equivalent in nonedible  
2870 retail marijuana products per calendar month, regardless of the  
2871 number of licenses that the manager is associated with; or



2872 (ii) Provide to or resell the sample to another  
2873 licensed employee, a customer, or any other individual.

2874 (g) A retail marijuana products manufacturing licensee  
2875 shall not:

2876 (i) Allow a manager to consume the sample on the  
2877 licensed premises; or

2878 (ii) Use the sample as a means of compensation to  
2879 a manager.

2880 (h) The state licensing authority may establish  
2881 additional inventory tracking and record keeping, including  
2882 additional reporting required for implementation. The retail  
2883 marijuana products manufacturer licensee shall maintain the  
2884 information required by this paragraph (h) on the licensed  
2885 premises for inspection by the state and local licensing  
2886 authorities.

2887 (i) For purposes of this subsection (10) only,  
2888 "manager" means an employee of the retail marijuana products  
2889 manufacturer who holds a valid key license or associated key  
2890 license and is currently designated pursuant to state licensing  
2891 authority rules as the manager of the retail marijuana products  
2892 manufacturer.

2893 (11) (a) A retail marijuana products manufacturer that uses  
2894 an industrial hemp product as an ingredient in a retail marijuana  
2895 product shall ensure that the industrial hemp product has passed  
2896 all testing required by rules promulgated by the state licensing



2897 authority pursuant to Section 203(2)(d). Prior to taking  
2898 possession of the industrial hemp product, a retail marijuana  
2899 products manufacturer shall verify that the industrial hemp  
2900 product passed all testing required for retail marijuana products  
2901 at a licensed retail marijuana testing facility and that the  
2902 person transferring the industrial hemp product has received a  
2903 license from the Department of Agriculture and Commerce pursuant  
2904 to Section 69-25-207.

2905 (b) Absent sampling and testing standards established  
2906 by the Department of Agriculture and Commerce for the sampling and  
2907 testing of an industrial hemp product, a person transferring  
2908 industrial hemp product to a retail marijuana products  
2909 manufacturer pursuant to this section shall comply with sampling  
2910 and testing standards consistent with those established by the  
2911 state licensing authority pursuant to this chapter. The state  
2912 licensing authority shall report to the Department of Agriculture  
2913 and Commerce any investigations or findings in violation of this  
2914 section by a person licensed pursuant to Section 69-25-207.

2915 (12) Notwithstanding any other provision of law to the  
2916 contrary, a licensed retail marijuana products manufacturer may  
2917 compensate its employees using performance-based incentives,  
2918 including sales-based performance-based incentives.

2919 (13) A retail marijuana products manufacturer licensee that  
2920 hosts an accelerator manufacturer licensee may, pursuant to rule,  
2921 provide technical and compliance assistance to an accelerator



2922 manufacturer licensee operating on its premises. A retail  
2923 marijuana products manufacturer licensee that hosts an accelerator  
2924 manufacturer licensee may, pursuant to rule, provide capital  
2925 assistance to an accelerator manufacturer licensee operating on  
2926 its premises.

2927 **504. Retail marijuana testing facility license - rules.** (1)

2928 (a) A retail marijuana testing facility license may be issued to  
2929 a person who performs testing and research on retail marijuana and  
2930 industrial hemp and industrial hemp products. The facility may  
2931 develop and test retail marijuana products, industrial hemp and  
2932 industrial hemp products. Prior to performing testing on  
2933 industrial hemp products, a facility shall verify that the person  
2934 requesting the testing has received a license as required by  
2935 Section 69-25-207.

2936 (b) The testing of retail marijuana, retail marijuana  
2937 products, and retail marijuana concentrate, and the associated  
2938 standards, is a matter of statewide concern.

2939 (2) The state licensing authority shall promulgate rules  
2940 pursuant to its authority in Section 202(1)(c) related to  
2941 acceptable testing and research practices, including but not  
2942 limited to testing, standards, quality control analysis, equipment  
2943 certification and calibration, and chemical identification and  
2944 other substances used in bona fide research methods.

2945 **505. Retail marijuana transporter license - definition.** (1)

2946 (a) A retail marijuana transporter license may be issued to a



2947 person to provide logistics, distribution, delivery, and storage  
2948 of retail marijuana and retail marijuana products.

2949 Notwithstanding any other provisions of law, a retail marijuana  
2950 transporter license is valid for two (2) years but cannot be  
2951 transferred with a change of ownership. A licensed retail  
2952 marijuana transporter is responsible for the retail marijuana and  
2953 retail marijuana products once it takes control of the product.

2954 (b) A licensed retail marijuana transporter may  
2955 contract with multiple licensed retail marijuana businesses.

2956 (c) All retail marijuana transporters shall hold a  
2957 valid retail marijuana transporter license; however, an entity  
2958 licensed pursuant to this chapter that provides its own  
2959 distribution is not required to have a retail marijuana  
2960 transporter license to transport and distribute its products.

2961 (2) A retail marijuana transporter licensee may maintain a  
2962 licensed premises to temporarily store retail marijuana and retail  
2963 marijuana products and to use as a centralized distribution point.  
2964 The licensed premises must be located in a jurisdiction that  
2965 permits the operation of retail marijuana stores. A licensed  
2966 retail marijuana transporter may store and distribute retail  
2967 marijuana and retail marijuana products from this location. A  
2968 storage facility must meet the same security requirements that are  
2969 required to obtain a retail marijuana cultivation facility  
2970 license.





2971           (3) A retail marijuana transporter licensee shall use the  
2972 seed-to-sale tracking system developed pursuant to Section  
2973 202(1)(a) to create shipping manifests documenting the transport  
2974 of retail marijuana and retail marijuana products throughout the  
2975 state.

2976           (4) A retail marijuana transporter licensee may:

2977                 (a) Maintain and operate one (1) or more warehouses in  
2978 the state to handle retail marijuana and retail marijuana  
2979 products; and

2980                 (b) Deliver retail marijuana products on orders  
2981 previously taken if the place where orders are taken and delivered  
2982 is licensed.

2983           (5) (a) (i) There is authorized a retail marijuana  
2984 delivery permit to a retail marijuana transporter license  
2985 authorizing the permit holder to deliver retail marijuana and  
2986 retail marijuana products.

2987                         (ii) A retail marijuana delivery permit is valid  
2988 for one (1) year and may be renewed annually upon renewal of the  
2989 retail marijuana transporter license.

2990                         (iii) A retail marijuana delivery permit issued  
2991 pursuant to this section applies to only one (1) retail marijuana  
2992 transporter; however, a single retail marijuana delivery permit  
2993 may apply to multiple retail marijuana transporters provided that  
2994 the retail marijuana transporters are in the same local



2995 jurisdiction and are identically owned, as defined by the state  
2996 licensing authority for purposes of this section.

2997 (iv) The state licensing authority may issue a  
2998 retail marijuana delivery permit to a qualified applicant, as  
2999 determined by the state licensing authority, that holds a retail  
3000 marijuana transporter license issued pursuant to this chapter. A  
3001 permit applicant is prohibited from delivering retail marijuana  
3002 and retail marijuana products without state and local jurisdiction  
3003 approval. If the applicant does not receive local jurisdiction  
3004 approval within one (1) year from the date of the state licensing  
3005 authority approval, the state permit expires and may not be  
3006 renewed. If an application is denied by the local licensing  
3007 authority, the state licensing authority shall revoke the  
3008 state-issued permit. The state licensing authority has discretion  
3009 in determining whether an applicant is qualified to receive a  
3010 retail marijuana delivery permit. A retail marijuana delivery  
3011 permit issued by the state licensing authority is deemed a  
3012 revocable privilege of a licensed retail marijuana transporter. A  
3013 violation related to a retail marijuana delivery permit is grounds  
3014 for a fine or suspension or revocation of the delivery permit or  
3015 retail marijuana transporter license.

3016 (b) A retail marijuana transporter licensee shall not  
3017 make deliveries of retail marijuana or retail marijuana products  
3018 to individuals while also transporting retail marijuana or retail  
3019 marijuana products between licensed premises in the same vehicle.



3020 (c) A licensed retail marijuana transporter with a  
3021 retail marijuana delivery permit may deliver retail marijuana and  
3022 retail marijuana products on behalf of a retail marijuana store  
3023 only to the individual who placed the order with a retail  
3024 marijuana store and who:

3025 (i) Is twenty-one (21) years of age or older;

3026 (ii) Receives the delivery of retail marijuana or  
3027 retail marijuana products pursuant to rules; and

3028 (iii) Possesses an acceptable form of  
3029 identification.

3030 (d) In accordance with this subsection (5) and rules  
3031 adopted to implement this subsection (5), a licensed retail  
3032 marijuana transporter with a valid retail marijuana delivery  
3033 permit may:

3034 (i) Not accept orders on behalf of a retail  
3035 marijuana store and may only pick up already packaged retail  
3036 marijuana delivery orders from a retail marijuana store or its  
3037 associated state licensing authority-authorized storage facility  
3038 as defined by rule and deliver those orders to the appropriate  
3039 individual;

3040 (ii) Deliver retail marijuana and retail marijuana  
3041 products not in excess of the amounts established by the state  
3042 licensing authority;

3043 (iii) Deliver only to an individual at the address  
3044 provided in the order;



3045 (iv) Deliver no more than once per day to the same  
3046 individual or residence;

3047 (v) Deliver only to a private residence. For  
3048 purposes of this subparagraph (v), "private residences" means  
3049 private premises where a person lives, such as a private dwelling  
3050 place or place of habitation, and specifically excludes any  
3051 premises located at a school or on the campus of an institution of  
3052 higher education, or any other public property;

3053 (vi) Deliver retail marijuana or retail marijuana  
3054 products only by a motor vehicle that complies with this section  
3055 and the rules promulgated pursuant to this section and Section  
3056 203(2) (dd); and

3057 (vii) Use an employee to conduct deliveries on  
3058 behalf of, and pursuant to a contract with, a retail marijuana  
3059 store that has a valid retail marijuana delivery permit from its  
3060 retail marijuana store or its associated state licensing  
3061 authority-authorized storage facility as defined by rule.

3062 (e) Prior to transferring possession of the order to an  
3063 individual, the person delivering the order shall inspect the  
3064 individual's identification and verify that the information  
3065 provided at the time of the order matches the name and age on the  
3066 individual's identification.

3067 (f) Any person delivering retail marijuana or retail  
3068 marijuana products for a retail marijuana transporter must possess  
3069 a valid occupational license and be a current employee of the



3070 retail marijuana transporter licensee with a valid retail  
3071 marijuana delivery permit; must have undergone training regarding  
3072 proof-of-age identification and verification, including all forms  
3073 of identification that are deemed acceptable by the state  
3074 licensing authority; and must have any other training required by  
3075 the state licensing authority.

3076 (g) (i) Unless otherwise provided by the state  
3077 licensing authority by rules promulgated pursuant to this chapter,  
3078 all requirements applicable to other licenses issued pursuant to  
3079 this chapter apply to the delivery of retail marijuana and retail  
3080 marijuana products, including but not limited to inventory  
3081 tracking, transportation, and packaging and labeling requirements.

3082 (ii) The advertising regulations and prohibitions  
3083 adopted pursuant to Section 203(3)(a) apply to retail marijuana  
3084 delivery operations pursuant to this subsection (5).

3085 (h) It is not a violation of any provision of state,  
3086 civil, or criminal law for a licensed retail marijuana transporter  
3087 licensee with a valid retail marijuana delivery permit, or such  
3088 person who has made timely and sufficient application for the  
3089 renewal of the permit, or its licensees to possess, transport, and  
3090 deliver retail marijuana and retail marijuana products pursuant to  
3091 a retail marijuana delivery permit in amounts that do not exceed  
3092 amounts established by the state licensing authority.

3093 (i) (i) Notwithstanding any provisions of this  
3094 section, delivery of retail marijuana or retail marijuana products



3095 is not permitted in any municipality, county, or municipality and  
3096 county unless the municipality, county, or municipality and  
3097 county, by either a majority of the registered electors of the  
3098 municipality, county, or municipality and county voting at a  
3099 regular election or special election, or a majority of the members  
3100 of the governing board for the municipality, county, or  
3101 municipality and county, vote to allow the delivery of retail  
3102 marijuana or retail marijuana products pursuant to this section.

3103 (ii) An ordinance adopted pursuant to subparagraph  
3104 (i) of paragraph (i) of this subsection may prohibit delivery of  
3105 retail marijuana and retail marijuana products from a retail  
3106 marijuana store that is outside a municipality's, county's, or  
3107 municipality and county's jurisdictional boundaries to an address  
3108 within its jurisdictional boundaries.

3109 **506. Retail marijuana business operator license.** A retail  
3110 marijuana business operator license may be issued to a person who  
3111 operates a retail marijuana business licensed pursuant to this  
3112 chapter, for an owner licensed pursuant to this chapter, and who  
3113 may receive a portion of the profits as compensation.

3114 **507. Retail marijuana accelerator cultivator license.** A  
3115 retail marijuana accelerator cultivator license may be issued to a  
3116 social equity licensee to exercise the privileges of a retail  
3117 marijuana cultivation facility licensee on the premises of an  
3118 accelerator-endorsed retail marijuana cultivation facility. The  
3119 retail marijuana accelerator cultivator may receive technical



3120 assistance and financial support from the retail marijuana  
3121 cultivation facility licensee with an accelerator endorsement.

3122 **508. Retail marijuana accelerator manufacturer license.** A  
3123 retail marijuana accelerator manufacturer license may be issued to  
3124 a social equity licensee to exercise the privileges of a retail  
3125 marijuana products manufacturer licensee on the premises of an  
3126 accelerator-endorsed retail marijuana products manufacturer. The  
3127 retail marijuana accelerator manufacturer may receive technical  
3128 assistance and financial support from the retail marijuana  
3129 products manufacturer with an accelerator endorsement.

3130 **509. Marijuana hospitality business license.** (1) (a) The  
3131 state licensing authority may issue a marijuana hospitality  
3132 business license authorizing the licensee to operate a licensed  
3133 premises in which marijuana may be consumed pursuant to this  
3134 chapter, rules promulgated pursuant to this chapter, and the  
3135 provisions of the ordinance or resolution of the local  
3136 jurisdiction in which the licensee operates.

3137 (b) Subject to provisions of this chapter and the  
3138 ordinance or resolution of the local jurisdiction in which the  
3139 licensee operates, a retail food business that has a license or  
3140 permit issued by the department may apply for a license to operate  
3141 a marijuana hospitality business in an isolated portion of the  
3142 premises of the retail food business. This paragraph (b) does not  
3143 authorize the marijuana hospitality business to engage in the



3144 manufacture of retail marijuana products or to add marijuana to  
3145 foods produced or provided at the retail food business.

3146 (c) The state licensing authority shall maintain a list  
3147 of all marijuana hospitality businesses in the state and shall  
3148 make the list available on its website.

3149 (2) A marijuana hospitality business shall not:

3150 (a) Engage in or permit the sale or exchange for  
3151 remuneration of retail marijuana or retail marijuana products in  
3152 the licensed premises;

3153 (b) Allow on-duty employees of the business to consume  
3154 any marijuana in the licensed premises of the business;

3155 (c) Distribute or allow distribution of free samples of  
3156 marijuana in the licensed premises of the business;

3157 (d) Allow the consumption of alcohol on the licensed  
3158 premises;

3159 (e) Allow the smoking of tobacco or tobacco products in  
3160 the licensed premises of the business;

3161 (f) Allow the use of any device using any liquid  
3162 petroleum gas, a butane torch, a butane lighter, or matches in the  
3163 licensed premises if prohibited by local ordinance or resolution;

3164 (g) Allow any activity that would require an additional  
3165 license under this chapter in the licensed premises of the  
3166 business, including but not limited to sales, manufacturing, or  
3167 cultivation;





3168                   (h) Knowingly permit any activity or acts of disorderly  
3169 conduct;

3170                   (i) Permit the use or consumption of marijuana by a  
3171 patron who displays any visible signs of intoxication;

3172                   (j) Permit rowdiness, undue noise, or other  
3173 disturbances or activity offensive to the average citizen or to  
3174 the residents of the neighborhood in which the licensed premises  
3175 is located; or

3176                   (k) Admit into the licensed premises of the business  
3177 any person who is under twenty-one (21) years of age.

3178                   (3) A marijuana hospitality business shall:

3179                   (a) Operate the business in a decent, orderly, and  
3180 respectable manner;

3181                   (b) Require all employees of the business to  
3182 successfully complete an annual responsible vendor training  
3183 program authorized pursuant to Section 1001;

3184                   (c) Ensure that the display and consumption of any  
3185 marijuana is not visible from outside of the licensed premises of  
3186 the business;

3187                   (d) Educate consumers of marijuana by providing  
3188 informational materials regarding the safe consumption of  
3189 marijuana. Nothing in this paragraph (d) prohibits a local  
3190 jurisdiction from adopting additional requirements for education  
3191 on safe consumption;



3192 (e) Maintain a record of all educational materials  
3193 required by paragraph (d) of this subsection (3) in the licensed  
3194 premises for inspection by state and local licensing authorities  
3195 and law enforcement; and

3196 (f) If an emergency requires law enforcement,  
3197 firefighters, emergency medical service providers, or other public  
3198 safety personnel to enter a marijuana hospitality business, ensure  
3199 that all employees and patrons of the business cease all  
3200 consumption and other activities until such personnel have  
3201 completed their investigation or services and have left the  
3202 licensed premises.

3203 (4) A marijuana hospitality business and its employees  
3204 may remove an individual from the business for any reason,  
3205 including a patron who displays any visible signs of intoxication.

3206 **510. Retail marijuana hospitality and sales business**

3207 **license.** (1) (a) The state licensing authority may issue a  
3208 retail marijuana hospitality and sales business license  
3209 authorizing the licensee to operate a licensed premises in which  
3210 marijuana may be sold and consumed pursuant to this chapter, rules  
3211 promulgated pursuant to this chapter, and the provisions of the  
3212 ordinance or resolution of the local jurisdiction in which the  
3213 licensee operates.

3214 (b) Subject to provisions of this chapter and the  
3215 ordinance or resolution of the local jurisdiction in which the  
3216 licensee operates, a retail food business that has a license or



3217 permit issued by the department may apply for a license to operate  
3218 a retail marijuana hospitality and sales business in an isolated  
3219 portion of the premises of the retail food business. This  
3220 paragraph (b) does not authorize the retail marijuana hospitality  
3221 and sales business to engage in the manufacture of retail  
3222 marijuana products or to add marijuana to foods produced or  
3223 provided at the retail food business.

3224 (c) The state licensing authority shall maintain a list  
3225 of all retail marijuana hospitality and sales businesses in the  
3226 state and shall make the list available on its website.

3227 (2) A retail marijuana hospitality and sales business  
3228 licensee shall not:

3229 (a) Engage in multiple sales transactions to the same  
3230 patron during the same business day when the business's employee  
3231 knows or reasonably should have known that the sales transaction  
3232 would result in the patron possessing more than the sales limit  
3233 established by the state licensing authority;

3234 (b) Allow on-duty employees of the business to consume  
3235 any marijuana in the licensed premises;

3236 (c) Distribute or allow distribution of free samples  
3237 of marijuana in the licensed premises of the business;

3238 (d) Sell any retail marijuana or retail marijuana  
3239 products that contain nicotine or, if the sale of alcohol would  
3240 require a license or permit pursuant to Chapter 1 or 3 of Title  
3241 67, Mississippi Code of 1972;



3242 (e) Allow the consumption of alcohol on the licensed  
3243 premises;

3244 (f) Allow the smoking of tobacco or tobacco products in  
3245 the licensed premises of the business;

3246 (g) Allow the use of any device using any liquid  
3247 petroleum gas, a butane torch, a butane lighter, or matches in the  
3248 licensed premises if prohibited by local ordinance or resolution;

3249 (h) Allow any activity that would require an additional  
3250 license under this chapter in the licensed premises of the  
3251 business, including but not limited to manufacturing or  
3252 cultivation activity;

3253 (i) Knowingly permit any activity or acts of disorderly  
3254 conduct;

3255 (j) Sell, serve, or permit the sale or serving of  
3256 retail marijuana or retail marijuana products to any patron who  
3257 shows signs of visible intoxication;

3258 (k) Permit rowdiness, undue noise, or other  
3259 disturbances or activity offensive to the average citizen or to  
3260 the residents of the neighborhood in which the licensed premises  
3261 is located; or

3262 (l) Admit into the licensed premises of a retail  
3263 marijuana hospitality and sales business any person who is under  
3264 twenty-one (21) years of age.

3265 (3) A retail marijuana hospitality and sales business  
3266 licensee shall:



3267 (a) Track all of its retail marijuana and retail  
3268 marijuana products from the point that they are transferred from a  
3269 retail marijuana store, retail marijuana products manufacturer, or  
3270 retail marijuana cultivation facility to the point of sale to its  
3271 patrons;

3272 (b) Limit a patron to one (1) transaction of no more  
3273 than the sales limit set by the state licensing authority by rule  
3274 pursuant to Section 203(2)(ff)(ii);

3275 (c) Before allowing a patron to leave the licensed  
3276 premises with any retail marijuana or retail marijuana products,  
3277 package and label the retail marijuana or retail marijuana  
3278 products in accordance with procedures developed by the business  
3279 that comply with the requirements of Section 203(2)(f) and (3)(b);

3280 (d) Operate the business in a decent, orderly, and  
3281 respectable manner;

3282 (e) Require all employees of the business to  
3283 successfully complete an annual responsible vendor training  
3284 program authorized pursuant to Section 1001;

3285 (f) Ensure that the display and consumption of any  
3286 retail marijuana or retail marijuana product is not visible from  
3287 outside of the business;

3288 (g) Educate consumers of marijuana by providing  
3289 informational materials regarding the safe consumption of  
3290 marijuana. Nothing in this paragraph (g) prohibits a local



3291 jurisdiction from adopting additional requirements for education  
3292 on safe consumption;

3293 (h) Maintain a record of all educational materials  
3294 required by paragraph (g) of this subsection (3) in the licensed  
3295 premises for inspection by state and local licensing authorities  
3296 and law enforcement; and

3297 (i) If an emergency requires law enforcement,  
3298 firefighters, emergency medical service providers, or other public  
3299 safety personnel to enter a retail marijuana hospitality and sales  
3300 business, ensure that all employees and patrons of the business  
3301 cease all sales, consumption, and other activities until such  
3302 personnel have completed their investigation or services and have  
3303 left the licensed premises.

3304 (4) A retail marijuana hospitality and sales business and  
3305 its employees may remove an individual from the business for any  
3306 reason, including a patron who displays any visible signs of  
3307 intoxication.

3308 (5) A retail marijuana hospitality and sales business may  
3309 purchase retail marijuana or retail marijuana products from any  
3310 retail marijuana store, retail marijuana cultivation facility, or  
3311 retail marijuana products manufacturer.

3312 **511. Retail marijuana accelerator store license.** A retail  
3313 marijuana accelerator store license may be issued to a social  
3314 equity licensee to exercise the privileges of a retail marijuana  
3315 store licensee on the premises of an accelerator-endorsed retail



3316 marijuana store. The retail marijuana accelerator store may  
3317 receive technical assistance and financial support from the retail  
3318 marijuana store with an accelerator endorsement.

3319 **ARTICLE 6**

3320 **UNLAWFUL ACTS**

3321 **601. Unlawful acts - exceptions.** (1) Except as otherwise  
3322 provided in this chapter, it is unlawful for a person, except in  
3323 the licensed premises of a marijuana hospitality business licensed  
3324 pursuant to Section 509 or a retail marijuana hospitality and  
3325 sales business licensed pursuant to Section 510:

3326 (a) To consume regulated marijuana or regulated  
3327 marijuana products in a licensed retail marijuana business; or

3328 (b) For a retail marijuana business to allow regulated  
3329 marijuana or regulated marijuana products to be consumed upon its  
3330 licensed premises.

3331 (2) It is unlawful for a person to:

3332 (a) Buy, sell, transfer, give away, or acquire  
3333 regulated marijuana or regulated marijuana products except as  
3334 allowed pursuant to this chapter or Section 1 of this act;

3335 (b) Have a controlling beneficial ownership, passive  
3336 beneficial ownership, or indirect financial interest in a license  
3337 pursuant to this chapter that was not disclosed in accordance with  
3338 Section 309; however, this paragraph (b) does not apply to banks  
3339 or savings and loan associations supervised and regulated by an



3340 agency of the state or federal government, or to FHA-approved  
3341 mortgagees, or to stockholders, directors, or officers thereof;

3342 (c) Exercise any privilege of a license issued pursuant  
3343 to this chapter that the person does not hold;

3344 (d) Exercise any privilege associated with holding a  
3345 controlling beneficial ownership, passive beneficial ownership, or  
3346 indirect financial interest in a license that was not disclosed in  
3347 accordance with Section 309; or

3348 (e) Engage in transfer of ownership without prior  
3349 approval as required by this chapter, including but not limited  
3350 to:

3351 (i) A proposed transferee operating a retail  
3352 marijuana business before a transfer of ownership request for that  
3353 business is approved in writing by the state licensing authority;  
3354 or

3355 (ii) A current controlling beneficial owner,  
3356 passive beneficial owner, or proposed transferor failing to retain  
3357 full responsibility for a retail marijuana business identified in  
3358 the transfer of ownership application until the transfer request  
3359 is approved in writing by the state licensing authority.

3360 (3) It is unlawful for a person licensed pursuant to this  
3361 chapter:

3362 (a) To fail to report a transfer required by Section  
3363 313(11);





3364 (b) To knowingly adulterate or alter, or to attempt to  
3365 adulterate or alter, any samples of regulated marijuana or  
3366 regulated marijuana products for the purpose of circumventing  
3367 contaminant testing detection limits or potency testing  
3368 requirements;

3369 (c) To use advertising material that is misleading,  
3370 deceptive, or false, or that is designed to appeal to minors;

3371 (d) To provide public premises, or any portion thereof,  
3372 for the purpose of consumption of regulated marijuana in any form,  
3373 except in the licensed premises of a marijuana hospitality  
3374 business licensed pursuant to Section 509 or a retail marijuana  
3375 hospitality and sales business licensed pursuant to Section 510;

3376 (e) To have in possession or upon the licensed premises  
3377 any regulated marijuana, the sale of which is not permitted by the  
3378 license, except if it is for purposes of recycling;

3379 (f) To have on the licensed premises any regulated  
3380 marijuana or marijuana paraphernalia that shows evidence of the  
3381 regulated marijuana having been consumed or partially consumed,  
3382 except:

3383 (i) If it is for purposes of recycling; or

3384 (ii) In the licensed premises of a marijuana  
3385 hospitality business licensed pursuant to Section 509 or a retail  
3386 marijuana hospitality and sales business licensed pursuant to  
3387 Section 510;



3388 (g) To abandon a licensed premises or otherwise cease  
3389 operation without notifying the state and local licensing  
3390 authorities at least forty-eight hours in advance and without  
3391 accounting for and forfeiting to the state licensing authority for  
3392 destruction of all regulated marijuana or regulated marijuana  
3393 products;

3394 (h) To offer for sale or solicit an order for regulated  
3395 marijuana in person except within the licensed premises;

3396 (i) To buy regulated marijuana from a person not  
3397 licensed to sell as provided by this chapter;

3398 (j) To sell regulated marijuana except in the permanent  
3399 location specifically designated in the license for sale; or

3400 (k) To burn or otherwise destroy regulated marijuana or  
3401 any substance containing regulated marijuana for the purpose of  
3402 evading an investigation or preventing seizure.

3403 (4) It is unlawful for any person licensed to sell retail  
3404 marijuana or retail marijuana products pursuant to this chapter:

3405 (a) To sell or permit the sale of retail marijuana or  
3406 retail marijuana products to a person under twenty-one (21) years  
3407 of age; or

3408 (b) To distribute marijuana or marijuana products, with  
3409 or without remuneration, directly to another person using a mobile  
3410 distribution store.

3411 (5) A peace officer or a law enforcement agency shall not  
3412 use any patient information to make traffic stops.



3413 (6) (a) It is unlawful for a person to engage in any act or  
3414 omission with the intent to evade disclosure, reporting, record  
3415 keeping, or suitability requirements pursuant to this chapter,  
3416 including but not limited to the following:

3417 (i) Failing to file a report required under this  
3418 chapter or causing or attempting to cause a person to fail to file  
3419 such a report;

3420 (ii) Filing or causing or attempting to cause a  
3421 person to file a report required under this chapter that contains  
3422 a material omission or misstatement of fact;

3423 (iii) Making false or misleading statements  
3424 regarding the offering of an owner's interest in a retail  
3425 marijuana business; or

3426 (iv) Structuring any transaction with the intent  
3427 to evade disclosure, reporting, record keeping, or suitability  
3428 requirements pursuant to this chapter.

3429 (b) The state licensing authority may deny, suspend,  
3430 revoke, fine, or impose other sanctions against a person's license  
3431 issued under this chapter if the state licensing authority finds a  
3432 violation of this subsection (6) by the person, the person's  
3433 controlling beneficial owner, passive beneficial owner, indirect  
3434 financial interest holder, or any agent or employee thereof.

3435 (7) A person who commits any acts that are unlawful pursuant  
3436 to this chapter is guilty of a misdemeanor and, upon conviction  
3437 thereof, shall be punished by a fine of not more than One Thousand



3438 Dollars (\$1,000.00), or by imprisonment in the county jail for not  
3439 more than six (6) months, or both.

3440 **602. Unlawful open and public consumption.** (1) The open  
3441 and public consumption of marijuana is prohibited.

3442 (2) The governing body of a county, municipality, or  
3443 municipality and county, may adopt an ordinance authorizing  
3444 marijuana consumption locations or circumstances that are  
3445 exceptions to the prohibition described in subsection (1) of this  
3446 section if the locations are not accessible to the public or a  
3447 substantial number of the public without restriction, including  
3448 but not limited to restrictions on the age of the members of the  
3449 public who are allowed access to such location.

3450 (3) The prohibition in subsection (1) of this section does  
3451 not apply to any business licensed pursuant to this chapter that  
3452 permits consumption on its premises if the business is operating  
3453 within the conditions of licensure.

3454 **ARTICLE 7**

3455 **MARIJUANA CASH FUND AND FEES**

3456 **701. Marijuana Cash Fund.** (1) (a) All money collected by  
3457 the state licensing authority pursuant to this chapter shall be  
3458 transmitted to the State Treasurer, who shall credit the same to  
3459 the Marijuana Cash Fund, which is created as a special fund in the  
3460 State Treasury and shall be referred to in this section as the  
3461 "fund". The fund consists of:



3462 (i) The money collected by the state licensing  
3463 authority; and

3464 (ii) Any additional money that is transferred or  
3465 appropriated to the fund that is necessary for the operation of  
3466 the state licensing authority.

3467 (b) Money in the fund is subject to annual  
3468 appropriation by the Legislature to the state licensing authority  
3469 for the direct and indirect costs associated with implementing  
3470 this chapter.

3471 (c) Unexpended amounts remaining in the fund at the end  
3472 of a fiscal year shall not lapse into the State General Fund, and  
3473 any interest earned or investment earnings on amounts in the fund  
3474 shall be deposited to the credit of the fund.

3475 (2) (a) The state licensing authority shall establish fees  
3476 for processing the following types of applications, licenses,  
3477 notices, or reports required to be submitted to the state  
3478 licensing authority:

3479 (i) Applications for licenses listed in Section  
3480 401 and rules promulgated pursuant to that section;

3481 (ii) Applications to change location pursuant to  
3482 Section 313(13) and rules promulgated pursuant to that section;

3483 (iii) Applications for transfer of ownership  
3484 pursuant to Section 312 and rules promulgated pursuant to that  
3485 section;



3486 (iv) License renewal and expired license renewal  
3487 applications pursuant to Section 314; and

3488 (v) Licenses as listed in Section 401.

3489 (b) The amounts of such fees must reflect the actual  
3490 direct and indirect costs of the state licensing authority in the  
3491 administration and enforcement of this chapter.

3492 (c) The state licensing authority may charge applicants  
3493 licensed under this chapter a fee for the cost of each fingerprint  
3494 analysis and background investigation undertaken to qualify new  
3495 officers, directors, managers, or employees.

3496 (d) At least annually, the state licensing authority  
3497 shall review the amounts of the fees and, if necessary, adjust the  
3498 amounts to reflect the direct and indirect costs of the state  
3499 licensing authority.

3500 (4) Except as provided in subsection (5) of this section,  
3501 the state licensing authority shall establish a basic fee that  
3502 shall be paid at the time of service of any subpoena upon the  
3503 state licensing authority, plus a fee for meals and a fee for  
3504 mileage at the rate prescribed for state officers and employees in  
3505 Section 25-3-41 for each mile actually and necessarily traveled in  
3506 going to and returning from the place named in the subpoena. If  
3507 the person named in the subpoena is required to attend the place  
3508 named in the subpoena for more than one (1) day, there must be  
3509 paid, in advance, a sum to be established by the state licensing



3510 authority for each day of attendance to cover the expenses of the  
3511 person named in the subpoena.

3512 (5) The subpoena fee established pursuant to subsection (4)  
3513 of this section is not applicable to any federal, state, or local  
3514 governmental agency.

3515 **702. Fees - allocation.** (1) Except as otherwise provided,  
3516 all fees and fines provided for by this chapter shall be paid to  
3517 the state licensing authority, which shall transmit the fees to  
3518 the State Treasurer, who shall credit the fees to the Marijuana  
3519 Cash Fund created in Section 701.

3520 (2) The expenditures of the state licensing authority shall  
3521 be paid from the Marijuana Cash Fund created in Section 701 upon  
3522 appropriation of the Legislature.

3523 **703. Fees.** (1) The state licensing authority may charge  
3524 and collect fees pursuant to this chapter.

3525 (2) The application fee for a retail marijuana business is  
3526 Five Thousand Dollars (\$5,000.00). The state licensing authority  
3527 shall transfer Two Thousand Five Hundred Dollars (\$2,500.00) of  
3528 the fee to the Marijuana Cash Fund and remit Two Thousand Five  
3529 Hundred Dollars (\$2,500.00) to the local jurisdiction in which the  
3530 license is proposed to be issued. If the state licensing  
3531 authority is considering raising the five thousand-dollar  
3532 application fee, it shall confer with each local jurisdiction in  
3533 which a license pursuant to this chapter is issued prior to  
3534 raising the application fee. If the application fee amount is



3535 changed, it must be split evenly between the Marijuana Cash Fund  
3536 and the local jurisdiction in which the license is proposed to be  
3537 issued.

3538 (3) A local jurisdiction in which a license under this  
3539 chapter may be permitted may adopt and impose operating fees in an  
3540 amount determined by the local jurisdiction on marijuana  
3541 businesses and establishments located within the local  
3542 jurisdiction.

3543 **ARTICLE 8**

3544 **DISCIPLINARY ACTIONS**

3545 **801. Suspension - revocation - fines.** (1) In addition to  
3546 any other sanctions prescribed by this chapter or rules  
3547 promulgated pursuant to this chapter, the state licensing  
3548 authority or local licensing authority has the power, on its own  
3549 motion or on complaint, after investigation and opportunity for a  
3550 public hearing at which the licensee must be afforded an  
3551 opportunity to be heard, to fine a licensee or to suspend or  
3552 revoke a license issued by the authority for a violation by the  
3553 licensee or by any of the agents or employees of the licensee of  
3554 the provisions of this chapter, or any of the rules promulgated  
3555 pursuant to this chapter, or of any of the terms, conditions, or  
3556 provisions of the license issued by the state or local licensing  
3557 authority. The state or local licensing authority has the power  
3558 to administer oaths and issue subpoenas to require the presence of  
3559 persons and the production of papers, books, and records necessary





3560 to the determination of a hearing that the state or local  
3561 licensing authority is authorized to conduct.

3562 (2) The state or local licensing authority shall provide  
3563 notice of suspension, revocation, fine, or other sanction, as well  
3564 as the required notice of the hearing pursuant to subsection (1)  
3565 of this section, by mailing the same in writing to the licensee at  
3566 the address contained in the license and, if different, at the  
3567 last address furnished to the authority by the licensee. Except in  
3568 the case of a summary suspension, a suspension is not for a period  
3569 longer than six (6) months. If a license is suspended or revoked,  
3570 a part of the fees paid therefor are not returned to the licensee.  
3571 Any license, registration, or permit may be summarily suspended by  
3572 the issuing authority without notice pending any prosecution,  
3573 investigation or public hearing.

3574 (3) (a) Whenever a decision of the state or local licensing  
3575 authority suspending a license for fourteen (14) days or less  
3576 becomes final, the licensee may, before the operative date of the  
3577 suspension, petition for permission to pay a fine in lieu of  
3578 having the license suspended for all or part of the suspension  
3579 period. Upon the receipt of the petition, the state or local  
3580 licensing authority may, in its sole discretion, stay the proposed  
3581 suspension and cause any investigation to be made that it deems  
3582 desirable and may, in its sole discretion, grant the petition if  
3583 the state or local licensing authority is satisfied that:



3584 (i) The public welfare would not be impaired by  
3585 permitting the licensee to operate during the period set for  
3586 suspension and that the payment of the fine will achieve the  
3587 desired disciplinary purposes;

3588 (ii) The books and records of the licensee are  
3589 kept in such a manner that the loss of sales that the licensee  
3590 would have suffered had the suspension gone into effect can be  
3591 determined with reasonable accuracy; and

3592 (iii) The licensee has not had his or her license  
3593 suspended or revoked, nor had any suspension stayed by payment of  
3594 a fine, during the two (2) years immediately preceding the date of  
3595 the motion or complaint that resulted in a final decision to  
3596 suspend the license or permit.

3597 (b) The fine accepted shall be not less than Five  
3598 Hundred Dollars (\$500.00) nor more than One Hundred Thousand  
3599 Dollars (\$100,000,00).

3600 (c) Payment of a fine pursuant to the provisions of  
3601 this subsection (3) must be in the form of cash or in the form of  
3602 a certified check or cashier's check made payable to the state or  
3603 local licensing authority, whichever is appropriate.

3604 (4) Upon payment of the fine pursuant to subsection (3) of  
3605 this section, the state licensing authority shall enter its  
3606 further order permanently staying the imposition of the  
3607 suspension. Fines paid to the state licensing authority pursuant  
3608 to subsection (3) of this section shall be transmitted to the



3609 State Treasurer, who shall deposit the same into the State General  
3610 Fund.

3611 (5) In connection with a petition pursuant to subsection (3)  
3612 of this section, the authority of the state or local licensing  
3613 authority is limited to the granting of such stays as are  
3614 necessary for the authority to complete its investigation and make  
3615 its findings and, if the authority makes such findings, to the  
3616 granting of an order permanently staying the imposition of the  
3617 entire suspension or that portion of the suspension not otherwise  
3618 conditionally stayed.

3619 (6) If the state or local licensing authority does not make  
3620 the findings required in subsection (3)(a) of this section and  
3621 does not order the suspension permanently stayed, the suspension  
3622 goes into effect on the operative date finally set by the state or  
3623 local licensing authority.

3624 (7) Each local licensing authority shall report all actions  
3625 taken to impose fines, suspensions, and revocations to the state  
3626 licensing authority in a manner required by the state licensing  
3627 authority. No later than January 15 of each year, the state  
3628 licensing authority shall compile a report of the preceding year's  
3629 actions in which fines, suspensions, or revocations were imposed  
3630 by the state licensing authority. The state licensing authority  
3631 shall file one (1) copy of the report with the Clerk of the House  
3632 of Representatives and one (1) copy with the Secretary of the  
3633 Senate.



3634           **802. Judicial review.** Decisions by the state licensing  
3635 authority are subject to judicial review.

3636           **803. Disposition of unauthorized marijuana or marijuana**  
3637 **products and related materials - rules.** (1) The provisions of  
3638 this section apply in addition to any criminal, civil, or  
3639 administrative penalties and in addition to any other penalties  
3640 prescribed by this chapter or any rules promulgated pursuant to  
3641 this chapter. Any provisions in this chapter related to law  
3642 enforcement are considered a cumulative right of the people in the  
3643 enforcement of the criminal laws.

3644           (2) Every licensee licensed under this chapter is deemed, by  
3645 virtue of applying for, holding, or renewing such person's  
3646 license, to have expressly consented to the procedures set forth  
3647 in this section.

3648           (3) A state or local agency is not required to cultivate or  
3649 care for any regulated marijuana or regulated marijuana product  
3650 belonging to or seized from a licensee. A state or local agency  
3651 is not authorized to sell marijuana, regulated or otherwise.

3652           (4) If the state or local licensing authority issues a final  
3653 agency order imposing a disciplinary action against a licensee  
3654 pursuant to Section 801, then, in addition to any other remedies,  
3655 the licensing authority's final agency order may specify that some  
3656 or all of the licensee's marijuana or marijuana product is not  
3657 regulated marijuana or a regulated marijuana product and is an  
3658 illegal controlled substance. The order may further specify that



3659 the licensee loses any interest in any of the marijuana or  
3660 marijuana product even if the marijuana or marijuana product  
3661 previously qualified as regulated marijuana or a regulated  
3662 marijuana product. The final agency order may direct the  
3663 destruction of any such marijuana and marijuana products, except  
3664 as provided in subsections (5) and (6) of this section. The  
3665 authorized destruction may include the incidental destruction of  
3666 any containers, equipment, supplies, and other property associated  
3667 with the marijuana or marijuana product.

3668 (5) Following the issuance of a final agency order by the  
3669 state or local licensing authority against a licensee and ordering  
3670 destruction authorized by subsection (4) of this section, a  
3671 licensee has fifteen (15) days within which to file a petition for  
3672 stay of agency action with the Chancery Court of the First  
3673 Judicial District of Hinds County, which is deemed to be the  
3674 residence of the state licensing authority for purposes of this  
3675 section. The licensee shall serve the petition in accordance with  
3676 the Mississippi Rules of Civil Procedure. The chancery court  
3677 shall promptly rule upon the petition and determine whether the  
3678 licensee has a substantial likelihood of success on judicial  
3679 review so as to warrant delay of the destruction authorized by  
3680 subsection (4) of this section or whether other circumstances,  
3681 including but not limited to the need for preservation of  
3682 evidence, warrant delay of such destruction. If destruction is so  
3683 delayed pursuant to judicial order, the court shall issue an order



3684 setting forth terms and conditions pursuant to which the licensee  
3685 may maintain the regulated marijuana and regulated marijuana  
3686 product pending judicial review and prohibiting the licensee from  
3687 using or distributing the regulated marijuana or regulated  
3688 marijuana product pending the review. The licensing authority  
3689 shall not carry out the destruction authorized by subsection (4)  
3690 of this section until fifteen (15) days have passed without the  
3691 filing of a petition for stay of agency action or until the court  
3692 has issued an order denying stay of agency action pursuant to this  
3693 subsection (5).

3694 (6) A district attorney shall notify the state licensing  
3695 authority if he or she begins investigating a retail marijuana  
3696 business. If the state licensing authority has received  
3697 notification from a district attorney that an investigation is  
3698 being conducted, the state licensing authority shall not destroy  
3699 any marijuana or marijuana products from the retail marijuana  
3700 business until the destruction is approved by the district  
3701 attorney.

3702 (7) The state licensing authority shall promulgate rules  
3703 governing the implementation of this section.

3704 **ARTICLE 9**

3705 **INSPECTION OF BOOKS AND RECORDS**

3706 **901. Inspection procedures.** (1) Each licensee shall keep a  
3707 complete set of all records necessary to show fully the business  
3708 transactions of the licensee, all of which are open at all times



3709 during business hours for the inspection and examination by the  
3710 state licensing authority or its duly authorized representatives.  
3711 The state licensing authority may require any licensee to furnish  
3712 such information as it considers necessary for the proper  
3713 administration of this chapter and may require an audit to be made  
3714 of the books of account and records on such occasions as it may  
3715 consider necessary by an auditor to be selected by the state  
3716 licensing authority who shall likewise have access to all books  
3717 and records of the licensee, and the expense thereof must be paid  
3718 by the licensee.

3719 (2) The licensed premises, including any places of storage  
3720 where regulated marijuana or regulated marijuana products are  
3721 stored, cultivated, sold, dispensed, or tested are subject to  
3722 inspection by the state or local licensing authority, or local  
3723 jurisdictions and their investigators, during all business hours  
3724 and other times of apparent activity, for the purpose of  
3725 inspection or investigation. Access is required during business  
3726 hours for examination of any inventory or books and records  
3727 required to be kept by the licensees. When any part of the  
3728 licensed premises consists of a locked area, upon demand to the  
3729 licensee, such area must be made available for inspection without  
3730 delay, and, upon request by authorized representatives of the  
3731 state or local jurisdiction, the licensee shall open the area for  
3732 inspection.



3733 (3) Each licensee shall retain all books and records  
3734 necessary to show fully the business transactions of the licensee  
3735 for a period of the current tax year and the three immediately  
3736 prior tax years.

3737 **ARTICLE 10**

3738 **RESPONSIBLE VENDOR STANDARDS**

3739 **1001. Responsible vendor program - standards - designation.**

3740 (1) A person who wants to offer a responsible retail marijuana  
3741 vendor server and seller training program must submit an  
3742 application to the state licensing authority for approval, which  
3743 program is referred to in this Article 10 as an "approved training  
3744 program". The state licensing authority shall approve the  
3745 submitted program if the submitted program meets the minimum  
3746 criteria described in subsection (2) of this section.

3747 (2) An approved training program must contain, at a minimum,  
3748 the following standards and be taught in a classroom setting in a  
3749 minimum of a two-hour period:

3750 (a) Program standards that specify, at a minimum, who  
3751 must attend, the time frame for new staff to attend,  
3752 recertification requirements, record keeping, testing and  
3753 assessment protocols, and effectiveness evaluations; and

3754 (b) A core curriculum of pertinent statutory and  
3755 regulatory provisions, which curriculum includes but need not be  
3756 limited to:





3757 (i) Information on required licenses, age  
3758 requirements, maintenance of records, privacy issues, and unlawful  
3759 acts;

3760 (ii) Administrative and criminal liability and  
3761 license and court sanctions;

3762 (iii) Statutory and regulatory requirements for  
3763 employees and owners;

3764 (iv) Statutory and regulatory requirements related  
3765 to marijuana delivery;

3766 (v) Acceptable forms of identification;

3767 (vi) Local and state licensing and enforcement,  
3768 which may include but need not be limited to key statutes and  
3769 rules affecting patients, owners, managers, and employees; and

3770 (vii) Information on serving size, THC and  
3771 cannabinoid potency, and impairment.

3772 (3) When promulgating program standards pursuant to  
3773 subsection (2) of this section, the state licensing authority  
3774 shall consider input from other state agencies, local  
3775 jurisdictions, the retail marijuana industry, and any other state  
3776 or national server and seller program.

3777 (4) A provider of an approved training program shall  
3778 maintain its training records at its principal place of business  
3779 during the applicable year and for the preceding three (3) years,  
3780 and the provider shall make the records available for inspection  
3781 by the licensing authority during normal business hours.



3782           **1002. Responsible vendor - designation.**   (1)   (a)   A retail  
3783 marijuana business licensed pursuant to this chapter may receive a  
3784 responsible vendor designation from the program vendor after  
3785 successfully completing a responsible retail marijuana vendor  
3786 server and seller training program approved by the state licensing  
3787 authority. A responsible vendor designation is valid for two (2)  
3788 years from the date of issuance.

3789                   (b)   Successful completion of an approved training  
3790 program is achieved when the program has been attended by and, as  
3791 determined by the program provider, satisfactorily completed by  
3792 all employees selling and handling retail marijuana, all managers,  
3793 and all resident on-site owners, if any.

3794                   (c)   In order to maintain the responsible vendor  
3795 designation, the licensed retail marijuana business must have each  
3796 new employee who sells or handles retail marijuana, manager, or  
3797 resident on-site owner attend and satisfactorily complete a  
3798 responsible retail marijuana vendor server and seller training  
3799 program within ninety (90) days after being employed or becoming  
3800 an owner. The licensed retail marijuana business shall maintain  
3801 documentation of completion of the program by new employees,  
3802 managers, or owners.

3803                   (2)   A licensed retail marijuana business that receives a  
3804 responsible vendor designation from the program vendor shall  
3805 maintain information on all persons licensed pursuant to this  
3806 chapter who are in its employment and who have been trained in an



3807 approved training program. The information includes the date,  
3808 place, time, and duration of training and a list of all licensed  
3809 persons attending each specific training class, which class  
3810 includes a training examination or assessment that demonstrates  
3811 proficiency.

3812 (3) If a local or state licensing authority initiates an  
3813 administrative action against a licensee who has complied with the  
3814 requirements of this section and has been designated a responsible  
3815 vendor, the licensing authority shall consider the designation as  
3816 a mitigating factor when imposing sanctions or penalties on the  
3817 licensee.

3818 **SECTION 3.** Section 27-104-203, Mississippi Code of 1972, is  
3819 amended as follows:

3820 27-104-203. From and after July 1, 2016, no state agency  
3821 shall charge another state agency a fee, assessment, rent, audit  
3822 fee, personnel fee or other charge for services or resources  
3823 received. The provisions of this section shall not apply (a) to  
3824 grants, contracts, pass-through funds, project fees or other  
3825 charges for services between state agencies and the Board of  
3826 Trustees of State Institutions of Higher Learning, any public  
3827 university, the Mississippi Community College Board, any public  
3828 community or junior college, and the State Department of  
3829 Education, nor (b) to charges for services between the Board of  
3830 Trustees of State Institutions of Higher Learning, any public  
3831 university, the Mississippi Community College Board, any public



3832 community or junior college, and the State Department of  
3833 Education, nor (c) to federal grants, pass-through funds, cost  
3834 allocation charges, surplus property charges or project fees  
3835 between state agencies as approved or determined by the State  
3836 Fiscal Officer, nor (d) telecommunications, data center services,  
3837 and/or other information technology services that are used on an  
3838 as-needed basis and those costs shall be passed through to the  
3839 using agency, nor (e) to federal grants, special funds, or  
3840 pass-through funds, available for payment by state agencies to the  
3841 Department of Finance and Administration related to Mississippi  
3842 Management and Reporting Systems (MMRS) Statewide Application  
3843 charges and utilities as approved or determined by the State  
3844 Fiscal Officer, nor (f) to grants, contracts, pass-through funds,  
3845 project fees or charges for services between the State Department  
3846 of Health and the State Department of Revenue, and other state  
3847 agencies or entities, including, but not limited to, the Board of  
3848 Trustees of State Institutions of Higher Learning, any public  
3849 university, the Mississippi Community College Board, any public  
3850 community or junior college, and the State Department of  
3851 Education, for the operation of the medical cannabis program as  
3852 established by the Mississippi Medical Cannabis Act or the retail  
3853 marijuana program as established by the Mississippi Retail  
3854 Marijuana Act, nor (g) to charges between the Department of Human  
3855 Services and the Department of Child Protection Services for  
3856 services or resources received by either department from the



3857 other. The Board of Trustees of State Institutions of Higher  
3858 Learning, any public university, the Mississippi Community College  
3859 Board, any public community or junior college, and the State  
3860 Department of Education shall retain the authority to charge and  
3861 be charged for expenditures that they deemed nonrecurring in  
3862 nature by the State Fiscal Officer.

3863 **SECTION 4.** Section 33-13-520, Mississippi Code of 1972, is  
3864 amended as follows:

3865 33-13-520. (1) Any person subject to this code who uses,  
3866 while on duty, any controlled substance listed in the Uniform  
3867 Controlled Substances Law, not legally prescribed, or is found, by  
3868 a chemical analysis of such person's blood or urine, to have in  
3869 his blood, while on duty, any controlled substance described in  
3870 subsection (3), not legally prescribed, shall be punished as a  
3871 court-martial may direct.

3872 (2) Any person subject to this code who wrongfully uses,  
3873 possesses, manufactures, distributes, imports into the customs  
3874 territory of the United States, exports from the United States, or  
3875 introduces into an installation, vessel, vehicle or aircraft used  
3876 by or under the control of the state military forces a substance  
3877 described in subsection (3) shall be punished as a court-martial  
3878 may direct.

3879 (3) The substances referred to in subsections (1) and (2)  
3880 are the following:



3881 (a) Opium, heroin, cocaine, amphetamine, lysergic acid  
3882 diethylamide, methamphetamine, phencyclidine, barbituric acid, and  
3883 marijuana and any compound or derivative of any such substance.  
3884 For the purposes of this paragraph (a), "marijuana" shall not  
3885 include medical cannabis that is lawful under the Mississippi  
3886 Medical Cannabis Act and in compliance with rules and regulations  
3887 adopted thereunder or marijuana that is lawful under the  
3888 Mississippi Retail Marijuana Act and in compliance with rules and  
3889 regulations adopted thereunder.

3890 (b) Any substance not specified in paragraph (a) that  
3891 is listed on a schedule of controlled substance prescribed by the  
3892 President for the purposes of the federal Uniform Code of Military  
3893 Justice.

3894 (c) Any other substance not specified in paragraph (a)  
3895 or contained on a list prescribed by the President under paragraph  
3896 (b) that is listed in Schedules I through V of Section 202 of the  
3897 federal Controlled Substances Act (21 USCS 812).

3898 **SECTION 5.** Section 37-11-29, Mississippi Code of 1972, is  
3899 amended as follows:

3900 37-11-29. (1) Any principal, teacher or other school  
3901 employee who has knowledge of any unlawful activity which occurred  
3902 on educational property or during a school related activity or  
3903 which may have occurred shall report such activity to the  
3904 superintendent of the school district or his designee who shall  
3905 notify the appropriate law enforcement officials as required by



3906 this section. In the event of an emergency or if the  
3907 superintendent or his designee is unavailable, any principal may  
3908 make a report required under this subsection.

3909 (2) Whenever any person who shall be an enrolled student in  
3910 any school or educational institution in this state supported in  
3911 whole or in part by public funds, or who shall be an enrolled  
3912 student in any private school or educational institution, is  
3913 arrested for, and lawfully charged with, the commission of any  
3914 crime and convicted upon the charge for which he was arrested, or  
3915 convicted of any crime charged against him after his arrest and  
3916 before trial, the office or law enforcement department of which  
3917 the arresting officer is a member, and the justice court judge and  
3918 any circuit judge or court before whom such student is tried upon  
3919 said charge or charges, shall make or cause to be made a report  
3920 thereof to the superintendent or the president or chancellor, as  
3921 the case may be, of the school district or other educational  
3922 institution in which such student is enrolled.

3923 If the charge upon which such student was arrested, or any  
3924 other charges preferred against him are dismissed or nol prossed,  
3925 or if upon trial he is either convicted or acquitted of such  
3926 charge or charges, same shall be reported to said respective  
3927 superintendent or president, or chancellor, as the case may be. A  
3928 copy of said report shall be sent to the Secretary of the Board of  
3929 Trustees of State Institutions of Higher Learning of the State of  
3930 Mississippi, at Jackson, Mississippi.



3931 Said report shall be made within one (1) week after the  
3932 arrest of such student and within one (1) week after any charge  
3933 placed against him is dismissed or nol prossed, and within one (1)  
3934 week after he shall have pled guilty, been convicted, or have been  
3935 acquitted by trial upon any charge placed against him. This  
3936 section shall not apply to ordinary traffic violations involving a  
3937 penalty of less than Fifty Dollars (\$50.00) and costs.

3938 The State Superintendent of Public Education shall gather  
3939 annually all of the reports provided under this section and  
3940 prepare a report on the number of students arrested as a result of  
3941 any unlawful activity which occurred on educational property or  
3942 during a school related activity. All data must be disaggregated  
3943 by race, ethnicity, gender, school, offense and law enforcement  
3944 agency involved. However, the report prepared by the State  
3945 Superintendent of Public Education shall not include the identity  
3946 of any student who was arrested.

3947 On or before January 1 of each year, the State Superintendent  
3948 of Public Education shall report to the Governor, the Lieutenant  
3949 Governor, the Speaker of the House of Representatives and the  
3950 Joint PEER Committee on this section. The report must include  
3951 data regarding arrests as a result of any unlawful activity which  
3952 occurred on educational property or during a school related  
3953 activity.

3954 (3) When the superintendent or his designee has a reasonable  
3955 belief that an act has occurred on educational property or during





3956 a school related activity involving any of the offenses set forth  
3957 in subsection (6) of this section, the superintendent or his  
3958 designee shall immediately report the act to the appropriate local  
3959 law enforcement agency. For purposes of this subsection, "school  
3960 property" shall include any public school building, bus, public  
3961 school campus, grounds, recreational area or athletic field in the  
3962 charge of the superintendent. The State Board of Education shall  
3963 prescribe a form for making reports required under this  
3964 subsection. Any superintendent or his designee who fails to make  
3965 a report required by this section shall be subject to the  
3966 penalties provided in Section 37-11-35.

3967 (4) The law enforcement authority shall immediately dispatch  
3968 an officer to the educational institution and with probable cause  
3969 the officer is authorized to make an arrest if necessary as  
3970 provided in Section 99-3-7.

3971 (5) Any superintendent, principal, teacher or other school  
3972 personnel participating in the making of a required report  
3973 pursuant to this section or participating in any judicial  
3974 proceeding resulting therefrom shall be presumed to be acting in  
3975 good faith. Any person reporting in good faith shall be immune  
3976 from any civil liability that might otherwise be incurred or  
3977 imposed.

3978 (6) For purposes of this section, "unlawful activity" means  
3979 any of the following:



- 3980 (a) Possession or use of a deadly weapon, as defined in  
3981 Section 97-37-1;
- 3982 (b) Possession, sale or use of any controlled  
3983 substance;
- 3984 (c) Aggravated assault, as defined in Section 97-3-7;
- 3985 (d) Simple assault, as defined in Section 97-3-7, upon  
3986 any school employee;
- 3987 (e) Rape, as defined under Mississippi law;
- 3988 (f) Sexual battery, as defined under Mississippi law;
- 3989 (g) Murder, as defined under Mississippi law;
- 3990 (h) Kidnapping, as defined under Mississippi law; or  
3991 (i) Fondling, touching, handling, etc., a child for  
3992 lustful purposes, as defined in Section 97-5-23.

3993 For the purposes of this subsection (6), the term "controlled  
3994 substance" does not include the possession or use of medical  
3995 cannabis that is lawful under the Mississippi Medical Cannabis Act  
3996 and in compliance with rules and regulations adopted thereunder or  
3997 the possession or use of marijuana that is lawful under the  
3998 Mississippi Retail Marijuana Act and in compliance with rules and  
3999 regulations adopted thereunder.

4000 **SECTION 6.** Section 41-29-125, Mississippi Code of 1972, is  
4001 amended as follows:

4002 41-29-125. (1) The State Board of Pharmacy may promulgate  
4003 rules and regulations relating to the registration and control of  
4004 the manufacture, distribution and dispensing of controlled



4005 substances within this state and the distribution and dispensing  
4006 of controlled substances into this state from an out-of-state  
4007 location.

4008 (a) Every person who manufactures, distributes or  
4009 dispenses any controlled substance within this state or who  
4010 distributes or dispenses any controlled substance into this state  
4011 from an out-of-state location, or who proposes to engage in the  
4012 manufacture, distribution or dispensing of any controlled  
4013 substance within this state or the distribution or dispensing of  
4014 any controlled substance into this state from an out-of-state  
4015 location, must obtain a registration issued by the State Board of  
4016 Pharmacy, the State Board of Medical Licensure, the State Board of  
4017 Dental Examiners, the Mississippi Board of Nursing or the  
4018 Mississippi Board of Veterinary Medicine, as appropriate, in  
4019 accordance with its rules and the law of this state. Such  
4020 registration shall be obtained annually or biennially, as  
4021 specified by the issuing board, and a reasonable fee may be  
4022 charged by the issuing board for such registration.

4023 (b) Persons registered by the State Board of Pharmacy,  
4024 with the consent of the United States Drug Enforcement  
4025 Administration and the State Board of Medical Licensure, the State  
4026 Board of Dental Examiners, the Mississippi Board of Nursing or the  
4027 Mississippi Board of Veterinary Medicine to manufacture,  
4028 distribute, dispense or conduct research with controlled  
4029 substances may possess, manufacture, distribute, dispense or



4030 conduct research with those substances to the extent authorized by  
4031 their registration and in conformity with the other provisions of  
4032 this article.

4033 (c) The following persons need not register and may  
4034 lawfully possess controlled substances under this article:

4035 \* \* \* (i) An agent or employee of any registered  
4036 manufacturer, distributor or dispenser of any controlled substance  
4037 if he is acting in the usual course of his business or employment;

4038 \* \* \* (ii) A common or contract carrier or  
4039 warehouse, or an employee thereof, whose possession of any  
4040 controlled substance is in the usual course of business or  
4041 employment;

4042 \* \* \* (iii) An ultimate user or a person in  
4043 possession of any controlled substance pursuant to a valid  
4044 prescription or in lawful possession of a Schedule V substance as  
4045 defined in Section 41-29-121.

4046 (d) The State Board of Pharmacy may waive by rule the  
4047 requirement for registration of certain manufacturers,  
4048 distributors or dispensers if it finds it consistent with the  
4049 public health and safety.

4050 (e) A separate registration is required at each  
4051 principal place of business or professional practice where an  
4052 applicant within the state manufactures, distributes or dispenses  
4053 controlled substances and for each principal place of business or



4054 professional practice located out-of-state from which controlled  
4055 substances are distributed or dispensed into the state.

4056 (f) The State Board of Pharmacy, the Mississippi Bureau  
4057 of Narcotics, the State Board of Medical Licensure, the State  
4058 Board of Dental Examiners, the Mississippi Board of Nursing and  
4059 the Mississippi Board of Veterinary Medicine may inspect the  
4060 establishment of a registrant or applicant for registration in  
4061 accordance with the regulations of these agencies as approved by  
4062 the board.

4063 (2) Whenever a pharmacy ships, mails or delivers any  
4064 Schedule II controlled substance listed in Section 41-29-115 to a  
4065 private residence in this state, the pharmacy shall arrange with  
4066 the entity that will actually deliver the controlled substance to  
4067 a recipient in this state that the entity will: (a) deliver the  
4068 controlled substance only to a person who is eighteen (18) years  
4069 of age or older; and (b) obtain the signature of that person  
4070 before delivering the controlled substance. The requirements of  
4071 this subsection shall not apply to a pharmacy serving a nursing  
4072 facility or to a pharmacy owned and/or operated by a hospital,  
4073 nursing facility or clinic to which the general public does not  
4074 have access to purchase pharmaceuticals on a retail basis.

4075 (3) This section does not apply to any of the actions that  
4076 are lawful under the Mississippi Medical Cannabis Act and in  
4077 compliance with rules and regulations adopted thereunder or any of  
4078 the actions that are lawful under the Mississippi Retail Marijuana



4079 Act and in compliance with rules and regulations adopted  
4080 thereunder.

4081 **SECTION 7.** Section 41-29-127, Mississippi Code of 1972, is  
4082 amended as follows:

4083 41-29-127. (a) The State Board of Pharmacy shall register  
4084 an applicant to manufacture or distribute controlled substances  
4085 included in Sections 41-29-113 through 41-29-121 unless it  
4086 determines that the issuance of that registration would be  
4087 inconsistent with the public interest. In determining the public  
4088 interest, the State Board of Pharmacy shall consider the following  
4089 factors:

4090 (1) Maintenance of effective controls against diversion  
4091 of controlled substances into other than legitimate medical,  
4092 scientific, or industrial channels;

4093 (2) Compliance with applicable state and local law;

4094 (3) Any convictions of the applicant under any federal  
4095 and state laws relating to any controlled substance;

4096 (4) Past experience in the manufacture or distribution  
4097 of controlled substances and the existence in the applicant's  
4098 establishment of effective controls against diversion;

4099 (5) Furnishing by the applicant of false or fraudulent  
4100 material in any application filed under this article;

4101 (6) Suspension or revocation of the applicant's federal  
4102 registration to manufacture, distribute, or dispense controlled  
4103 substances as authorized by federal law; and



4104 (7) Any other factors relevant to and consistent with  
4105 the public health and safety.

4106 (b) Registration under subsection (a) does not entitle a  
4107 registrant to manufacture and distribute controlled substances in  
4108 Schedule I or II, as set out in Sections 41-29-113 and 41-29-115,  
4109 other than those specified in the registration.

4110 (c) Practitioners must be registered to dispense any  
4111 controlled substances or to conduct research with controlled  
4112 substances in Schedules II through V, as set out in Sections  
4113 41-29-115 through 41-29-121, if they are authorized to dispense or  
4114 conduct research under the law of this state. The State Board of  
4115 Pharmacy need not require separate registration under this section  
4116 for practitioners engaging in research with nonnarcotic controlled  
4117 substances in the said Schedules II through V where the registrant  
4118 is already registered therein in another capacity. Practitioners  
4119 registered under federal law to conduct research with Schedule I  
4120 substances, as set out in Section 41-29-113, may conduct research  
4121 with Schedule I substances within this state upon furnishing the  
4122 State Board of Health evidence of that federal registration.

4123 (d) Compliance by manufacturers and distributors with the  
4124 provisions of the federal law respecting registration (excluding  
4125 fees) entitles them to be registered under this article.

4126 (e) This section does not apply to any of the actions that  
4127 are lawful under the Mississippi Medical Cannabis Act and in  
4128 compliance with rules and regulations adopted thereunder or any of



4129 the actions that are lawful under the Mississippi Retail Marijuana  
4130 Act and in compliance with rules and regulations adopted  
4131 thereunder.

4132         **SECTION 8.** Section 41-29-136, Mississippi Code of 1972, is  
4133 amended as follows:

4134             41-29-136. (1) "CBD solution" means a pharmaceutical  
4135 preparation consisting of processed cannabis plant extract in oil  
4136 or other suitable vehicle.

4137             (2) (a) CBD solution prepared from (i) cannabis plant  
4138 extract that is provided by the National Center for Natural  
4139 Products Research at the University of Mississippi under  
4140 appropriate federal and state regulatory approvals, or (ii)  
4141 cannabis extract from hemp produced pursuant to Sections 69-25-201  
4142 through 69-25-221, which is prepared and tested to meet compliance  
4143 with regulatory specifications, may be dispensed by the Department  
4144 of Pharmacy Services at the University of Mississippi Medical  
4145 Center (UMMC Pharmacy) after mixing the extract with a suitable  
4146 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or  
4147 by another pharmacy or laboratory in the state under appropriate  
4148 federal and state regulatory approvals and registrations.

4149             (b) The patient or the patient's parent, guardian or  
4150 custodian must execute a hold-harmless agreement that releases  
4151 from liability the state and any division, agency, institution or  
4152 employee thereof involved in the research, cultivation,  
4153 processing, formulating, dispensing, prescribing or administration





4154 of CBD solution obtained from entities authorized under this  
4155 section to produce or possess cannabidiol for research under  
4156 appropriate federal and state regulatory approvals and  
4157 registrations.

4158 (c) The National Center for Natural Products Research  
4159 at the University of Mississippi and the Mississippi Agricultural  
4160 and Forestry Experiment Station at Mississippi State University  
4161 are the only entities authorized to produce cannabis plants for  
4162 cannabidiol research.

4163 (d) Research of CBD solution under this section must  
4164 comply with the provisions of Section 41-29-125 regarding lawful  
4165 possession of controlled substances, of Section 41-29-137  
4166 regarding record-keeping requirements relative to the dispensing,  
4167 use or administration of controlled substances, and of Section  
4168 41-29-133 regarding inventory requirements, insofar as they are  
4169 applicable. Authorized entities may enter into public-private  
4170 partnerships to facilitate research.

4171 (3) (a) In a prosecution for the unlawful possession of  
4172 marijuana under the laws of this state, it is an affirmative and  
4173 complete defense to prosecution that:

4174 (i) The defendant suffered from a debilitating  
4175 epileptic condition or related illness and the use or possession  
4176 of CBD solution was pursuant to the order of a physician as  
4177 authorized under this section; or



4178 (ii) The defendant is the parent, guardian or  
4179 custodian of an individual who suffered from a debilitating  
4180 epileptic condition or related illness and the use or possession  
4181 of CBD solution was pursuant to the order of a physician as  
4182 authorized under this section.

4183 (b) An agency of this state or a political subdivision  
4184 thereof, including any law enforcement agency, may not initiate  
4185 proceedings to remove a child from the home based solely upon the  
4186 possession or use of CBD solution by the child or parent, guardian  
4187 or custodian of the child as authorized under this section.

4188 (c) An employee of the state or any division, agency,  
4189 institution thereof involved in the research, cultivation,  
4190 processing, formulation, dispensing, prescribing or administration  
4191 of CBD solution shall not be subject to prosecution for unlawful  
4192 possession, use, distribution or prescription of marijuana under  
4193 the laws of this state for activities arising from or related to  
4194 the use of CBD solution in the treatment of individuals diagnosed  
4195 with a debilitating epileptic condition.

4196 (4) This section does not apply to any of the actions that  
4197 are lawful under the Mississippi Medical Cannabis Act and in  
4198 compliance with rules and regulations adopted thereunder or any of  
4199 the actions that are lawful under the Mississippi Retail Marijuana  
4200 Act and in compliance with rules and regulations adopted  
4201 thereunder.

4202 (5) This section shall be known as "Harper Grace's Law."



4203 (6) This section shall stand repealed from and after July 1,  
4204 2024.

4205 **SECTION 9.** Section 41-29-137, Mississippi Code of 1972, is  
4206 amended as follows:

4207 41-29-137. (a) (1) Except when dispensed directly by a  
4208 practitioner, other than a pharmacy, to an ultimate user, no  
4209 controlled substance in Schedule II, as set out in Section  
4210 41-29-115, may be dispensed without the written valid prescription  
4211 of a practitioner. A practitioner shall keep a record of all  
4212 controlled substances in Schedule I, II and III administered,  
4213 dispensed or professionally used by him otherwise than by  
4214 prescription.

4215 (2) In emergency situations, as defined by rule of the  
4216 State Board of Pharmacy, Schedule II drugs may be dispensed upon  
4217 the oral valid prescription of a practitioner, reduced promptly to  
4218 writing and filed by the pharmacy. Prescriptions shall be  
4219 retained in conformity with the requirements of Section 41-29-133.  
4220 No prescription for a Schedule II substance may be refilled unless  
4221 renewed by prescription issued by a licensed medical doctor.

4222 (b) Except when dispensed directly by a practitioner, other  
4223 than a pharmacy, to an ultimate user, a controlled substance  
4224 included in Schedule III or IV, as set out in Sections 41-29-117  
4225 and 41-29-119, shall not be dispensed without a written or oral  
4226 valid prescription of a practitioner. The prescription shall not  
4227 be filled or refilled more than six (6) months after the date



4228 thereof or be refilled more than five (5) times, unless renewed by  
4229 the practitioner.

4230 (c) A controlled substance included in Schedule V, as set  
4231 out in Section 41-29-121, shall not be distributed or dispensed  
4232 other than for a medical purpose.

4233 (d) An optometrist certified to prescribe and use  
4234 therapeutic pharmaceutical agents under Sections 73-19-153 through  
4235 73-19-165 shall have the prescriptive authority granted in Section  
4236 73-19-157.

4237 (e) Administration by injection of any pharmaceutical  
4238 product authorized in this section is expressly prohibited except  
4239 when dispensed directly by a practitioner other than a pharmacy.

4240 (f) (1) For the purposes of this article, Title 73, Chapter  
4241 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it  
4242 pertains to prescriptions for controlled substances, a "valid  
4243 prescription" means a prescription that is issued for a legitimate  
4244 medical purpose in the usual course of professional practice by:

4245 (A) A practitioner who has conducted at least one  
4246 (1) in-person medical evaluation of the patient, except as  
4247 otherwise authorized by Section 41-29-137.1; or

4248 (B) A covering practitioner.

4249 (2) (A) "In-person medical evaluation" means a medical  
4250 evaluation that is conducted with the patient in the physical  
4251 presence of the practitioner, without regard to whether portions  
4252 of the evaluation are conducted by other health professionals.



4253 (B) "Covering practitioner" means a practitioner  
4254 who conducts a medical evaluation other than an in-person medical  
4255 evaluation at the request of a practitioner who has conducted at  
4256 least one (1) in-person medical evaluation of the patient or an  
4257 evaluation of the patient through the practice of telemedicine  
4258 within the previous twenty-four (24) months and who is temporarily  
4259 unavailable to conduct the evaluation of the patient.

4260 (3) A prescription for a controlled substance based  
4261 solely on a consumer's completion of an online medical  
4262 questionnaire is not a valid prescription.

4263 (4) Nothing in this subsection (f) shall apply to:

4264 (A) A prescription issued by a practitioner  
4265 engaged in the practice of telemedicine as authorized under state  
4266 or federal law; or

4267 (B) The dispensing or selling of a controlled  
4268 substance pursuant to practices as determined by the United States  
4269 Attorney General by regulation.

4270 (g) This section does not apply to any of the actions that  
4271 are lawful under the Mississippi Medical Cannabis Act and in  
4272 compliance with rules and regulations adopted thereunder or any of  
4273 the actions that are lawful under the Mississippi Retail Marijuana  
4274 Act and in compliance with rules and regulations adopted  
4275 thereunder.

4276 **SECTION 10.** Section 41-29-139, Mississippi Code of 1972, is  
4277 amended as follows:



4278 41-29-139. (a) **Transfer and possession with intent to**  
4279 **transfer.** Except as authorized by this article, it is unlawful  
4280 for any person knowingly or intentionally:

4281 (1) To sell, barter, transfer, manufacture, distribute,  
4282 dispense or possess with intent to sell, barter, transfer,  
4283 manufacture, distribute or dispense, a controlled substance; or

4284 (2) To create, sell, barter, transfer, distribute,  
4285 dispense or possess with intent to create, sell, barter, transfer,  
4286 distribute or dispense, a counterfeit substance.

4287 (b) **Punishment for transfer and possession with intent to**  
4288 **transfer.** Except as otherwise provided in Section 41-29-142, any  
4289 person who violates subsection (a) of this section shall be, if  
4290 convicted, sentenced as follows:

4291 (1) For controlled substances classified in Schedule I  
4292 or II, as set out in Sections 41-29-113 and 41-29-115, other than  
4293 marijuana or synthetic cannabinoids:

4294 (A) If less than two (2) grams or ten (10) dosage  
4295 units, by imprisonment for not more than eight (8) years or a fine  
4296 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

4297 (B) If two (2) or more grams or ten (10) or more  
4298 dosage units, but less than ten (10) grams or twenty (20) dosage  
4299 units, by imprisonment for not less than three (3) years nor more  
4300 than twenty (20) years or a fine of not more than Two Hundred  
4301 Fifty Thousand Dollars (\$250,000.00), or both.



4302 (C) If ten (10) or more grams or twenty (20) or  
4303 more dosage units, but less than thirty (30) grams or forty (40)  
4304 dosage units, by imprisonment for not less than five (5) years nor  
4305 more than thirty (30) years or a fine of not more than Five  
4306 Hundred Thousand Dollars (\$500,000.00), or both.

4307 (2) (A) For marijuana:

4308 1. If thirty (30) grams or less, by  
4309 imprisonment for not more than three (3) years or a fine of not  
4310 more than Three Thousand Dollars (\$3,000.00), or both;

4311 2. If more than thirty (30) grams but less  
4312 than two hundred fifty (250) grams, by imprisonment for not more  
4313 than five (5) years or a fine of not more than Five Thousand  
4314 Dollars (\$5,000.00), or both;

4315 3. If two hundred fifty (250) or more grams  
4316 but less than five hundred (500) grams, by imprisonment for not  
4317 less than three (3) years nor more than ten (10) years or a fine  
4318 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

4319 4. If five hundred (500) or more grams but  
4320 less than one (1) kilogram, by imprisonment for not less than five  
4321 (5) years nor more than twenty (20) years or a fine of not more  
4322 than Twenty Thousand Dollars (\$20,000.00), or both.

4323 (B) For synthetic cannabinoids:

4324 1. If ten (10) grams or less, by imprisonment  
4325 for not more than three (3) years or a fine of not more than Three  
4326 Thousand Dollars (\$3,000.00), or both;



4327                   2. If more than ten (10) grams but less than  
4328 twenty (20) grams, by imprisonment for not more than five (5)  
4329 years or a fine of not more than Five Thousand Dollars  
4330 (\$5,000.00), or both;

4331                   3. If twenty (20) or more grams but less than  
4332 forty (40) grams, by imprisonment for not less than three (3)  
4333 years nor more than ten (10) years or a fine of not more than  
4334 Fifteen Thousand Dollars (\$15,000.00), or both;

4335                   4. If forty (40) or more grams but less than  
4336 two hundred (200) grams, by imprisonment for not less than five  
4337 (5) years nor more than twenty (20) years or a fine of not more  
4338 than Twenty Thousand Dollars (\$20,000.00), or both.

4339                   (3) For controlled substances classified in Schedules  
4340 III and IV, as set out in Sections 41-29-117 and 41-29-119:

4341                   (A) If less than two (2) grams or ten (10) dosage  
4342 units, by imprisonment for not more than five (5) years or a fine  
4343 of not more than Five Thousand Dollars (\$5,000.00), or both;

4344                   (B) If two (2) or more grams or ten (10) or more  
4345 dosage units, but less than ten (10) grams or twenty (20) dosage  
4346 units, by imprisonment for not more than eight (8) years or a fine  
4347 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

4348                   (C) If ten (10) or more grams or twenty (20) or  
4349 more dosage units, but less than thirty (30) grams or forty (40)  
4350 dosage units, by imprisonment for not more than fifteen (15) years





4351 or a fine of not more than One Hundred Thousand Dollars  
4352 (\$100,000.00), or both;

4353 (D) If thirty (30) or more grams or forty (40) or  
4354 more dosage units, but less than five hundred (500) grams or two  
4355 thousand five hundred (2,500) dosage units, by imprisonment for  
4356 not more than twenty (20) years or a fine of not more than Two  
4357 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

4358 (4) For controlled substances classified in Schedule V,  
4359 as set out in Section 41-29-121:

4360 (A) If less than two (2) grams or ten (10) dosage  
4361 units, by imprisonment for not more than one (1) year or a fine of  
4362 not more than Five Thousand Dollars (\$5,000.00), or both;

4363 (B) If two (2) or more grams or ten (10) or more  
4364 dosage units, but less than ten (10) grams or twenty (20) dosage  
4365 units, by imprisonment for not more than five (5) years or a fine  
4366 of not more than Ten Thousand Dollars (\$10,000.00), or both;

4367 (C) If ten (10) or more grams or twenty (20) or  
4368 more dosage units, but less than thirty (30) grams or forty (40)  
4369 dosage units, by imprisonment for not more than ten (10) years or  
4370 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
4371 both;

4372 (D) For thirty (30) or more grams or forty (40) or  
4373 more dosage units, but less than five hundred (500) grams or two  
4374 thousand five hundred (2,500) dosage units, by imprisonment for



4375 not more than fifteen (15) years or a fine of not more than Fifty  
4376 Thousand Dollars (\$50,000.00), or both.

4377 (c) **Simple possession.** Except as otherwise provided under  
4378 subsection (i) of this section for actions that are lawful under  
4379 the Mississippi Medical Cannabis Act and in compliance with rules  
4380 and regulations adopted thereunder or actions that are lawful  
4381 under the Mississippi Retail Marijuana Act and in compliance with  
4382 rules and regulations adopted thereunder, it is unlawful for any  
4383 person knowingly or intentionally to possess any controlled  
4384 substance unless the substance was obtained directly from, or  
4385 pursuant to, a valid prescription or order of a practitioner while  
4386 acting in the course of his professional practice, or except as  
4387 otherwise authorized by this article. The penalties for any  
4388 violation of this subsection (c) with respect to a controlled  
4389 substance classified in Schedules I, II, III, IV or V, as set out  
4390 in Section 41-29-113, 41-29-115, 41-29-117, 41-29-119 or  
4391 41-29-121, including marijuana or synthetic cannabinoids, shall be  
4392 based on dosage unit as defined herein or the weight of the  
4393 controlled substance as set forth herein as appropriate:

4394 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
4395 case of a liquid solution, one (1) milliliter. In the case of  
4396 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
4397 stamp, square, dot, microdot, tablet or capsule of a controlled  
4398 substance.



4399 For any controlled substance that does not fall within the  
4400 definition of the term "dosage unit," the penalties shall be based  
4401 upon the weight of the controlled substance.

4402 The weight set forth refers to the entire weight of any  
4403 mixture or substance containing a detectable amount of the  
4404 controlled substance.

4405 If a mixture or substance contains more than one (1)  
4406 controlled substance, the weight of the mixture or substance is  
4407 assigned to the controlled substance that results in the greater  
4408 punishment.

4409 A person shall be charged and sentenced as follows for a  
4410 violation of this subsection with respect to:

4411 (1) A controlled substance classified in Schedule I or  
4412 II, except marijuana and synthetic cannabinoids:

4413 (A) If less than one-tenth (0.1) gram or two (2)  
4414 dosage units, the violation is a misdemeanor and punishable by  
4415 imprisonment for not more than one (1) year or a fine of not more  
4416 than One Thousand Dollars (\$1,000.00), or both.

4417 (B) If one-tenth (0.1) gram or more or two (2) or  
4418 more dosage units, but less than two (2) grams or ten (10) dosage  
4419 units, by imprisonment for not more than three (3) years or a fine  
4420 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

4421 (C) If two (2) or more grams or ten (10) or more  
4422 dosage units, but less than ten (10) grams or twenty (20) dosage  
4423 units, by imprisonment for not more than eight (8) years or a fine



4424 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),  
4425 or both.

4426 (D) If ten (10) or more grams or twenty (20) or  
4427 more dosage units, but less than thirty (30) grams or forty (40)  
4428 dosage units, by imprisonment for not less than three (3) years  
4429 nor more than twenty (20) years or a fine of not more than Five  
4430 Hundred Thousand Dollars (\$500,000.00), or both.

4431 (2) (A) Marijuana and synthetic cannabinoids:

4432 1. If thirty (30) grams or less of marijuana  
4433 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
4434 not less than One Hundred Dollars (\$100.00) nor more than Two  
4435 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph  
4436 (2) (A) may be enforceable by summons if the offender provides  
4437 proof of identity satisfactory to the arresting officer and gives  
4438 written promise to appear in court satisfactory to the arresting  
4439 officer, as directed by the summons. A second conviction under  
4440 this section within two (2) years is a misdemeanor punishable by a  
4441 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty  
4442 (60) days in the county jail, and mandatory participation in a  
4443 drug education program approved by the Division of Alcohol and  
4444 Drug Abuse of the State Department of Mental Health, unless the  
4445 court enters a written finding that a drug education program is  
4446 inappropriate. A third or subsequent conviction under this  
4447 paragraph (2) (A) within two (2) years is a misdemeanor punishable  
4448 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor



4449 more than One Thousand Dollars (\$1,000.00) and confinement for not  
4450 more than six (6) months in the county jail.

4451           Upon a first or second conviction under this paragraph  
4452 (2) (A), the courts shall forward a report of the conviction to the  
4453 Mississippi Bureau of Narcotics which shall make and maintain a  
4454 private, nonpublic record for a period not to exceed two (2) years  
4455 from the date of conviction. The private, nonpublic record shall  
4456 be solely for the use of the courts in determining the penalties  
4457 which attach upon conviction under this paragraph (2) (A) and shall  
4458 not constitute a criminal record for the purpose of private or  
4459 administrative inquiry and the record of each conviction shall be  
4460 expunged at the end of the period of two (2) years following the  
4461 date of such conviction;

4462                           2. Additionally, a person who is the operator  
4463 of a motor vehicle, who possesses on his person or knowingly keeps  
4464 or allows to be kept in a motor vehicle within the area of the  
4465 vehicle normally occupied by the driver or passengers, more than  
4466 one (1) gram, but not more than thirty (30) grams of marijuana or  
4467 not more than ten (10) grams of synthetic cannabinoids is guilty  
4468 of a misdemeanor and, upon conviction, may be fined not more than  
4469 One Thousand Dollars (\$1,000.00) or confined for not more than  
4470 ninety (90) days in the county jail, or both. For the purposes of  
4471 this subsection, such area of the vehicle shall not include the  
4472 trunk of the motor vehicle or the areas not normally occupied by  
4473 the driver or passengers if the vehicle is not equipped with a



4474 trunk. A utility or glove compartment shall be deemed to be  
4475 within the area occupied by the driver and passengers.

4476 (B) Marijuana:

4477 1. If more than thirty (30) grams but less  
4478 than two hundred fifty (250) grams, by a fine of not more than One  
4479 Thousand Dollars (\$1,000.00), or confinement in the county jail  
4480 for not more than one (1) year, or both; or by a fine of not more  
4481 than Three Thousand Dollars (\$3,000.00), or imprisonment in the  
4482 custody of the Department of Corrections for not more than three  
4483 (3) years, or both;

4484 2. If two hundred fifty (250) or more grams  
4485 but less than five hundred (500) grams, by imprisonment for not  
4486 less than two (2) years nor more than eight (8) years or by a fine  
4487 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

4488 3. If five hundred (500) or more grams but  
4489 less than one (1) kilogram, by imprisonment for not less than four  
4490 (4) years nor more than sixteen (16) years or a fine of not more  
4491 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

4492 4. If one (1) kilogram or more but less than  
4493 five (5) kilograms, by imprisonment for not less than six (6)  
4494 years nor more than twenty-four (24) years or a fine of not more  
4495 than Five Hundred Thousand Dollars (\$500,000.00), or both;

4496 5. If five (5) kilograms or more, by  
4497 imprisonment for not less than ten (10) years nor more than thirty



4498 (30) years or a fine of not more than One Million Dollars  
4499 (\$1,000,000.00), or both.

4500 (C) Synthetic cannabinoids:

4501 1. If more than ten (10) grams but less than  
4502 twenty (20) grams, by a fine of not more than One Thousand Dollars  
4503 (\$1,000.00), or confinement in the county jail for not more than  
4504 one (1) year, or both; or by a fine of not more than Three  
4505 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
4506 the Department of Corrections for not more than three (3) years,  
4507 or both;

4508 2. If twenty (20) or more grams but less than  
4509 forty (40) grams, by imprisonment for not less than two (2) years  
4510 nor more than eight (8) years or by a fine of not more than Fifty  
4511 Thousand Dollars (\$50,000.00), or both;

4512 3. If forty (40) or more grams but less than  
4513 two hundred (200) grams, by imprisonment for not less than four  
4514 (4) years nor more than sixteen (16) years or a fine of not more  
4515 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

4516 4. If two hundred (200) or more grams, by  
4517 imprisonment for not less than six (6) years nor more than  
4518 twenty-four (24) years or a fine of not more than Five Hundred  
4519 Thousand Dollars (\$500,000.00), or both.

4520 (3) A controlled substance classified in Schedule III,  
4521 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
4522 conviction, may be punished as follows:



4523 (A) If less than fifty (50) grams or less than one  
4524 hundred (100) dosage units, the offense is a misdemeanor and  
4525 punishable by not more than one (1) year or a fine of not more  
4526 than One Thousand Dollars (\$1,000.00), or both.

4527 (B) If fifty (50) or more grams or one hundred  
4528 (100) or more dosage units, but less than one hundred fifty (150)  
4529 grams or five hundred (500) dosage units, by imprisonment for not  
4530 less than one (1) year nor more than four (4) years or a fine of  
4531 not more than Ten Thousand Dollars (\$10,000.00), or both.

4532 (C) If one hundred fifty (150) or more grams or  
4533 five hundred (500) or more dosage units, but less than three  
4534 hundred (300) grams or one thousand (1,000) dosage units, by  
4535 imprisonment for not less than two (2) years nor more than eight  
4536 (8) years or a fine of not more than Fifty Thousand Dollars  
4537 (\$50,000.00), or both.

4538 (D) If three hundred (300) or more grams or one  
4539 thousand (1,000) or more dosage units, but less than five hundred  
4540 (500) grams or two thousand five hundred (2,500) dosage units, by  
4541 imprisonment for not less than four (4) years nor more than  
4542 sixteen (16) years or a fine of not more than Two Hundred Fifty  
4543 Thousand Dollars (\$250,000.00), or both.

4544 (d) **Paraphernalia.** (1) Except as otherwise provided under  
4545 subsection (i) of this section for actions that are lawful under  
4546 the Mississippi Medical Cannabis Act and in compliance with rules  
4547 and regulations adopted thereunder or actions that are lawful





4548 under the Mississippi Retail Marijuana Act and in compliance with  
4549 rules and regulations adopted thereunder, it is unlawful for a  
4550 person who is not authorized by the State Board of Medical  
4551 Licensure, State Board of Pharmacy, or other lawful authority to  
4552 use, or to possess with intent to use, paraphernalia to plant,  
4553 propagate, cultivate, grow, harvest, manufacture, compound,  
4554 convert, produce, process, prepare, test, analyze, pack, repack,  
4555 store, contain, conceal, inject, ingest, inhale or otherwise  
4556 introduce into the human body a controlled substance in violation  
4557 of the Uniform Controlled Substances Law. Any person who violates  
4558 this subsection (d)(1) is guilty of a misdemeanor and, upon  
4559 conviction, may be confined in the county jail for not more than  
4560 six (6) months, or fined not more than Five Hundred Dollars  
4561 (\$500.00), or both; however, no person shall be charged with a  
4562 violation of this subsection when such person is also charged with  
4563 the possession of thirty (30) grams or less of marijuana under  
4564 subsection (c)(2)(A) of this section.

4565 (2) It is unlawful for any person to deliver, sell,  
4566 possess with intent to deliver or sell, or manufacture with intent  
4567 to deliver or sell, paraphernalia, knowing, or under circumstances  
4568 where one reasonably should know, that it will be used to plant,  
4569 propagate, cultivate, grow, harvest, manufacture, compound,  
4570 convert, produce, process, prepare, test, analyze, pack, repack,  
4571 store, contain, conceal, inject, ingest, inhale, or otherwise  
4572 introduce into the human body a controlled substance in violation



4573 of the Uniform Controlled Substances Law. Except as provided in  
4574 subsection (d) (3), a person who violates this subsection (d) (2) is  
4575 guilty of a misdemeanor and, upon conviction, may be confined in  
4576 the county jail for not more than six (6) months, or fined not  
4577 more than Five Hundred Dollars (\$500.00), or both.

4578 (3) Any person eighteen (18) years of age or over who  
4579 violates subsection (d) (2) of this section by delivering or  
4580 selling paraphernalia to a person under eighteen (18) years of age  
4581 who is at least three (3) years his junior is guilty of a  
4582 misdemeanor and, upon conviction, may be confined in the county  
4583 jail for not more than one (1) year, or fined not more than One  
4584 Thousand Dollars (\$1,000.00), or both.

4585 (4) It is unlawful for any person to place in any  
4586 newspaper, magazine, handbill, or other publication any  
4587 advertisement, knowing, or under circumstances where one  
4588 reasonably should know, that the purpose of the advertisement, in  
4589 whole or in part, is to promote the sale of objects designed or  
4590 intended for use as paraphernalia. Any person who violates this  
4591 subsection is guilty of a misdemeanor and, upon conviction, may be  
4592 confined in the county jail for not more than six (6) months, or  
4593 fined not more than Five Hundred Dollars (\$500.00), or both.

4594 (e) It shall be unlawful for any physician practicing  
4595 medicine in this state to prescribe, dispense or administer any  
4596 amphetamine or amphetamine-like anorectics and/or central nervous  
4597 system stimulants classified in Schedule II, pursuant to Section



4598 41-29-115, for the exclusive treatment of obesity, weight control  
4599 or weight loss. Any person who violates this subsection, upon  
4600 conviction, is guilty of a misdemeanor and may be confined for a  
4601 period not to exceed six (6) months, or fined not more than One  
4602 Thousand Dollars (\$1,000.00), or both.

4603 (f) **Trafficking.** (1) Any person trafficking in controlled  
4604 substances shall be guilty of a felony and, upon conviction, shall  
4605 be imprisoned for a term of not less than ten (10) years nor more  
4606 than forty (40) years and shall be fined not less than Five  
4607 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
4608 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
4609 reduced or suspended. The person shall not be eligible for  
4610 probation or parole, the provisions of Sections 41-29-149,  
4611 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

4612 (2) "Trafficking in controlled substances" as used  
4613 herein means:

4614 (A) A violation of subsection (a) of this section  
4615 involving thirty (30) or more grams or forty (40) or more dosage  
4616 units of a Schedule I or II controlled substance except marijuana  
4617 and synthetic cannabinoids;

4618 (B) A violation of subsection (a) of this section  
4619 involving five hundred (500) or more grams or two thousand five  
4620 hundred (2,500) or more dosage units of a Schedule III, IV or V  
4621 controlled substance;



4622 (C) A violation of subsection (c) of this section  
4623 involving thirty (30) or more grams or forty (40) or more dosage  
4624 units of a Schedule I or II controlled substance except marijuana  
4625 and synthetic cannabinoids;

4626 (D) A violation of subsection (c) of this section  
4627 involving five hundred (500) or more grams or two thousand five  
4628 hundred (2,500) or more dosage units of a Schedule III, IV or V  
4629 controlled substance; or

4630 (E) A violation of subsection (a) of this section  
4631 involving one (1) kilogram or more of marijuana or two hundred  
4632 (200) grams or more of synthetic cannabinoids.

4633 (g) **Aggravated trafficking.** Any person trafficking in  
4634 Schedule I or II controlled substances, except marijuana and  
4635 synthetic cannabinoids, of two hundred (200) grams or more shall  
4636 be guilty of aggravated trafficking and, upon conviction, shall be  
4637 sentenced to a term of not less than twenty-five (25) years nor  
4638 more than life in prison and shall be fined not less than Five  
4639 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
4640 (\$1,000,000.00). The twenty-five-year sentence shall be a  
4641 mandatory sentence and shall not be reduced or suspended. The  
4642 person shall not be eligible for probation or parole, the  
4643 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
4644 the contrary notwithstanding.

4645 (h) **Sentence mitigation.** (1) Notwithstanding any provision  
4646 of this section, a person who has been convicted of an offense



4647 under this section that requires the judge to impose a prison  
4648 sentence which cannot be suspended or reduced and is ineligible  
4649 for probation or parole may, at the discretion of the court,  
4650 receive a sentence of imprisonment that is no less than  
4651 twenty-five percent (25%) of the sentence prescribed by the  
4652 applicable statute. In considering whether to apply the departure  
4653 from the sentence prescribed, the court shall conclude that:

4654 (A) The offender was not a leader of the criminal  
4655 enterprise;

4656 (B) The offender did not use violence or a weapon  
4657 during the crime;

4658 (C) The offense did not result in a death or  
4659 serious bodily injury of a person not a party to the criminal  
4660 enterprise; and

4661 (D) The interests of justice are not served by the  
4662 imposition of the prescribed mandatory sentence.

4663 The court may also consider whether information and  
4664 assistance were furnished to a law enforcement agency, or its  
4665 designee, which, in the opinion of the trial judge, objectively  
4666 should or would have aided in the arrest or prosecution of others  
4667 who violate this subsection. The accused shall have adequate  
4668 opportunity to develop and make a record of all information and  
4669 assistance so furnished.



4670 (2) If the court reduces the prescribed sentence  
4671 pursuant to this subsection, it must specify on the record the  
4672 circumstances warranting the departure.

4673 (i) This section does not apply to any of the actions that  
4674 are lawful under the Mississippi Medical Cannabis Act and in  
4675 compliance with rules and regulations adopted thereunder or  
4676 actions that are lawful under the Mississippi Retail Marijuana Act  
4677 and in compliance with rules and regulations adopted thereunder.

4678 **SECTION 11.** Section 41-29-141, Mississippi Code of 1972, is  
4679 amended as follows:

4680 41-29-141. It is unlawful for any person:

4681 (1) Who is subject to Section 41-29-125 to distribute  
4682 or dispense a controlled substance in violation of Section  
4683 41-29-137;

4684 (2) Who is a registrant under Section 41-29-125 to  
4685 manufacture a controlled substance not authorized by his  
4686 registration, or to distribute or dispense a controlled substance  
4687 not authorized by his registration to another registrant or other  
4688 authorized person;

4689 (3) To refuse or fail to make, keep or furnish any  
4690 record, notification, order form, statement, invoice or  
4691 information required under this article;

4692 (4) To refuse a lawful entry into any premises for any  
4693 inspection authorized by this article; or



4694 (5) Knowingly to keep or maintain any store, shop,  
4695 warehouse, dwelling, building, vehicle, boat, aircraft, or other  
4696 structure or place, which is resorted to by persons using  
4697 controlled substances in violation of this article for the purpose  
4698 of using these substances, or which is used for keeping or selling  
4699 them in violation of this article.

4700 Any person who violates this section shall, with respect to  
4701 such violation, be subject to a civil penalty payable to the State  
4702 of Mississippi of not more than Twenty-five Thousand Dollars  
4703 (\$25,000.00).

4704 In addition to the civil penalty provided in the preceding  
4705 paragraph, any person who knowingly or intentionally violates this  
4706 section shall be guilty of a crime and upon conviction thereof may  
4707 be confined for a period of not more than one (1) year or fined  
4708 not more than One Thousand Dollars (\$1,000.00), or both.

4709 This section does not apply to any of the actions that are  
4710 lawful under the Mississippi Medical Cannabis Act and in  
4711 compliance with rules and regulations adopted thereunder or  
4712 actions that are lawful under the Mississippi Retail Marijuana Act  
4713 and in compliance with rules and regulations adopted thereunder.

4714 **SECTION 12.** Section 41-29-143, Mississippi Code of 1972, is  
4715 amended as follows:

4716 41-29-143. It is unlawful for any person knowingly or  
4717 intentionally:



4718 (1) To distribute as a registrant a controlled  
4719 substance classified in Schedule I or II, as set out in Sections  
4720 41-29-113 and 41-29-115, except pursuant to an order form as  
4721 required by Section 41-29-135;

4722 (2) To use in the course of the manufacture or  
4723 distribution of a controlled substance a registration number which  
4724 is fictitious, revoked, suspended, or issued to another person;

4725 (3) To furnish false or fraudulent material information  
4726 in, or omit any material information from, any application,  
4727 report, or other document required to be kept or filed under this  
4728 article, or any record required to be kept by this article; or

4729 (4) To make, distribute, or possess any punch, die,  
4730 plate, stone, or other thing designed to print, imprint, or  
4731 reproduce the trademark, trade name, or other identifying mark,  
4732 imprint or device of another or any likeness of any of the  
4733 foregoing upon any drug or container or labeling thereof so as to  
4734 render the drug a counterfeit substance.

4735 Any person who violates this section is guilty of a crime and  
4736 upon conviction may be confined for not more than one (1) year or  
4737 fined not more than One Thousand Dollars (\$1,000.00) or both.

4738 This section does not apply to any of the actions that are  
4739 lawful under the Mississippi Medical Cannabis Act and in  
4740 compliance with rules and regulations adopted thereunder or any of  
4741 the actions that are lawful under the Mississippi Retail Marijuana





4742 Act and in compliance with rules and regulations adopted  
4743 thereunder.

4744 **SECTION 13.** Section 59-23-7, Mississippi Code of 1972, is  
4745 amended as follows:

4746 59-23-7. (1) It is unlawful for any person to operate a  
4747 watercraft on the public waters of this state who:

4748 (a) Is under the influence of intoxicating liquor;

4749 (b) Is under the influence of any other substance which  
4750 has impaired such person's ability to operate a watercraft; or

4751 (c) Has eight one-hundredths percent (.08%) or more by  
4752 weight volume of alcohol in the person's blood based upon  
4753 milligrams of alcohol per one hundred (100) cubic centimeters of  
4754 blood as shown by a chemical analysis of such person's breath,  
4755 blood or urine administered as authorized by this chapter.

4756 (2) (a) Upon conviction of any person for the first offense  
4757 of violating subsection (1) of this section where chemical tests  
4758 provided for under Section 59-23-5 were given, or where chemical  
4759 test results are not available, such person shall be fined not  
4760 less than Two Hundred Fifty Dollars (\$250.00) nor more than One  
4761 Thousand Dollars (\$1,000.00), or imprisoned for not more than  
4762 twenty-four (24) hours in jail, or both; and the court shall order  
4763 such person to attend and complete a boating safety education  
4764 course developed by the Department of Wildlife, Fisheries and  
4765 Parks.



4766 (b) Upon any second conviction of any person violating  
4767 subsection (1) of this section, the offenses being committed  
4768 within a period of five (5) years, the person shall be fined not  
4769 less than Six Hundred Dollars (\$600.00) nor more than One Thousand  
4770 Dollars (\$1,000.00) and shall be imprisoned not less than  
4771 forty-eight (48) consecutive hours nor more than one (1) year or  
4772 sentenced to community service work for not less than ten (10)  
4773 days nor more than one (1) year. The court shall order the person  
4774 not to operate a watercraft for one (1) year.

4775 (c) For any third conviction of any person violating  
4776 subsection (1) of this section, the offenses being committed  
4777 within a period of five (5) years, the person shall be fined not  
4778 less than Eight Hundred Dollars (\$800.00) nor more than One  
4779 Thousand Dollars (\$1,000.00) and shall be imprisoned not less than  
4780 thirty (30) days nor more than one (1) year. The court shall  
4781 order the person not to operate a watercraft for two (2) years.

4782 (d) Any fourth or subsequent violation of subsection  
4783 (1) of this section shall be a felony offense and, upon  
4784 conviction, the offenses being committed within a period of five  
4785 (5) years, the person shall be fined not less than Two Thousand  
4786 Dollars (\$2,000.00) nor more than Five Thousand Dollars  
4787 (\$5,000.00) and shall be imprisoned not less than ninety (90) days  
4788 nor more than five (5) years in the custody of the Department of  
4789 Corrections. The court shall order the person not to operate a  
4790 watercraft for three (3) years.



4791 (3) Any person convicted of operating any watercraft in  
4792 violation of subsection (1) of this section where the person (a)  
4793 refused a law enforcement officer's request to submit to a  
4794 chemical test, or (b) was unconscious at the time of a chemical  
4795 test and refused to consent to the introduction of the results of  
4796 such test in any prosecution, shall be punished consistent with  
4797 the penalties prescribed herein for persons submitting to the test  
4798 and the court shall order the person not to operate a watercraft  
4799 for the time periods specified in subsection (2) of this section.

4800 (4) Any person who operates any watercraft in violation of  
4801 the provisions of subsection (1) of this section and who in a  
4802 negligent manner causes the death of another or mutilates,  
4803 disfigures, permanently disables or destroys the tongue, eye, lip,  
4804 nose or any other member or limb of another shall, upon  
4805 conviction, be guilty of a felony and shall be committed to the  
4806 custody of the Department of Corrections for a period of time not  
4807 to exceed ten (10) years.

4808 (5) Upon conviction of any violation of subsection (1) of  
4809 this section, the judge shall cause a copy of the citation and any  
4810 other pertinent documents concerning the conviction to be sent  
4811 immediately to the Mississippi Department of Wildlife, Fisheries  
4812 and Parks and the Department of Marine Resources. A copy of the  
4813 citation or other pertinent documents, having been attested as  
4814 true and correct by the Director of the Mississippi Department of  
4815 Wildlife, Fisheries and Parks, or his designee, or the Director of



4816 the Department of Marine Resources, or his designee, shall be  
4817 sufficient proof of the conviction for purposes of determining the  
4818 enhanced penalty for any subsequent convictions of violations of  
4819 subsection (1) of this section.

4820 (6) The provisions of this section are fully applicable to  
4821 any person who is under the influence of medical cannabis that is  
4822 lawful under the Mississippi Medical Cannabis Act and in  
4823 compliance with rules and regulations adopted thereunder or  
4824 marijuana that is lawful under the Mississippi Retail Marijuana  
4825 Act and in compliance with rules and regulations adopted  
4826 thereunder which has impaired the person's ability to operate a  
4827 watercraft.

4828 **SECTION 14.** Section 63-11-30, Mississippi Code of 1972, is  
4829 amended as follows:

4830 63-11-30. (1) It is unlawful for a person to drive or  
4831 otherwise operate a vehicle within this state if the person:

4832 (a) Is under the influence of intoxicating liquor;

4833 (b) Is under the influence of any other substance that  
4834 has impaired the person's ability to operate a motor vehicle;

4835 (c) Is under the influence of any drug or controlled  
4836 substance, the possession of which is unlawful under the  
4837 Mississippi Controlled Substances Law; or

4838 (d) Has an alcohol concentration in the person's blood,  
4839 based upon grams of alcohol per one hundred (100) milliliters of  
4840 blood, or grams of alcohol per two hundred ten (210) liters of



4841 breath, as shown by a chemical analysis of the person's breath,  
4842 blood or urine administered as authorized by this chapter, of:

4843 (i) Eight one-hundredths percent (.08%) or more  
4844 for a person who is above the legal age to purchase alcoholic  
4845 beverages under state law;

4846 (ii) Two one-hundredths percent (.02%) or more for  
4847 a person who is below the legal age to purchase alcoholic  
4848 beverages under state law; or

4849 (iii) Four one-hundredths percent (.04%) or more  
4850 for a person operating a commercial motor vehicle.

4851 (2) Except as otherwise provided in subsection (3) of this  
4852 section (Zero Tolerance for Minors):

4853 (a) **First offense DUI.** (i) Upon conviction of any  
4854 person for the first offense of violating subsection (1) of this  
4855 section where chemical tests under Section 63-11-5 were given, or  
4856 where chemical test results are not available, the person shall be  
4857 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more  
4858 than One Thousand Dollars (\$1,000.00), or imprisoned for not more  
4859 than forty-eight (48) hours in jail, or both; the court shall  
4860 order the person to attend and complete an alcohol safety  
4861 education program as provided in Section 63-11-32 within six (6)  
4862 months of sentencing. The court may substitute attendance at a  
4863 victim impact panel instead of forty-eight (48) hours in jail.

4864 (ii) Suspension of commercial driving privileges  
4865 is governed by Section 63-1-216.



4866 (iii) A qualifying first offense may be  
4867 nonadjudicated by the court under subsection (14) of this section.  
4868 The holder of a commercial driver's license or a commercial  
4869 learning permit at the time of the offense is ineligible for  
4870 nonadjudication.

4871 (iv) Eligibility for an interlock-restricted  
4872 license is governed by Section 63-11-31 and suspension of regular  
4873 driving privileges is governed by Section 63-11-23.

4874 (b) **Second offense DUI.** (i) Upon any second  
4875 conviction of any person violating subsection (1) of this section,  
4876 the offenses being committed within a period of five (5) years,  
4877 the person shall be guilty of a misdemeanor, fined not less than  
4878 Six Hundred Dollars (\$600.00) nor more than One Thousand Five  
4879 Hundred Dollars (\$1,500.00), shall be imprisoned not less than  
4880 five (5) days nor more than six (6) months and sentenced to  
4881 community service work for not less than ten (10) days nor more  
4882 than six (6) months. The minimum penalties shall not be suspended  
4883 or reduced by the court and no prosecutor shall offer any  
4884 suspension or sentence reduction as part of a plea bargain.

4885 (ii) Suspension of commercial driving privileges  
4886 is governed by Section 63-1-216.

4887 (iii) Eligibility for an interlock-restricted  
4888 license is governed by Section 63-11-31 and suspension of regular  
4889 driving privileges is governed by Section 63-11-23.



4890 (c) **Third offense DUI.** (i) For a third conviction of  
4891 a person for violating subsection (1) of this section, the  
4892 offenses being committed within a period of five (5) years, the  
4893 person shall be guilty of a felony and fined not less than Two  
4894 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars  
4895 (\$5,000.00), and shall serve not less than one (1) year nor more  
4896 than five (5) years in the custody of the Department of  
4897 Corrections. For any offense that does not result in serious  
4898 injury or death to any person, the sentence of incarceration may  
4899 be served in the county jail rather than in the State Penitentiary  
4900 at the discretion of the circuit court judge. The minimum  
4901 penalties shall not be suspended or reduced by the court and no  
4902 prosecutor shall offer any suspension or sentence reduction as  
4903 part of a plea bargain.

4904 (ii) The suspension of commercial driving  
4905 privileges is governed by Section 63-1-216.

4906 (iii) The suspension of regular driving privileges  
4907 is governed by Section 63-11-23.

4908 (d) **Fourth and subsequent offense DUI.** (i) For any  
4909 fourth or subsequent conviction of a violation of subsection (1)  
4910 of this section, without regard to the time period within which  
4911 the violations occurred, the person shall be guilty of a felony  
4912 and fined not less than Three Thousand Dollars (\$3,000.00) nor  
4913 more than Ten Thousand Dollars (\$10,000.00), and shall serve not



4914 less than two (2) years nor more than ten (10) years in the  
4915 custody of the Department of Corrections.

4916 (ii) The suspension of commercial driving  
4917 privileges is governed by Section 63-1-216.

4918 (iii) A person convicted of a fourth or subsequent  
4919 offense is ineligible to exercise the privilege to operate a motor  
4920 vehicle that is not equipped with an ignition-interlock device for  
4921 ten (10) years.

4922 (e) Any person convicted of a second or subsequent  
4923 violation of subsection (1) of this section shall receive an  
4924 in-depth diagnostic assessment, and if as a result of the  
4925 assessment is determined to be in need of treatment for alcohol or  
4926 drug abuse, the person must successfully complete treatment at a  
4927 program site certified by the Department of Mental Health. Each  
4928 person who receives a diagnostic assessment shall pay a fee  
4929 representing the cost of the assessment. Each person who  
4930 participates in a treatment program shall pay a fee representing  
4931 the cost of treatment.

4932 (f) The use of ignition-interlock devices is governed  
4933 by Section 63-11-31.

4934 (3) **Zero Tolerance for Minors.** (a) This subsection shall  
4935 be known and may be cited as Zero Tolerance for Minors. The  
4936 provisions of this subsection shall apply only when a person under  
4937 the age of twenty-one (21) years has a blood alcohol concentration  
4938 of two one-hundredths percent (.02%) or more, but lower than eight





4939 one-hundredths percent (.08%). If the person's blood alcohol  
4940 concentration is eight one-hundredths percent (.08%) or more, the  
4941 provisions of subsection (2) shall apply.

4942 (b) (i) A person under the age of twenty-one (21) is  
4943 eligible for nonadjudication of a qualifying first offense by the  
4944 court pursuant to subsection (14) of this section.

4945 (ii) Upon conviction of any person under the age  
4946 of twenty-one (21) years for the first offense of violating  
4947 subsection (1) of this section where chemical tests provided for  
4948 under Section 63-11-5 were given, or where chemical test results  
4949 are not available, the person shall be fined Two Hundred Fifty  
4950 Dollars (\$250.00); the court shall order the person to attend and  
4951 complete an alcohol safety education program as provided in  
4952 Section 63-11-32 within six (6) months. The court may also  
4953 require attendance at a victim impact panel.

4954 (c) A person under the age of twenty-one (21) years who  
4955 is convicted of a second violation of subsection (1) of this  
4956 section, the offenses being committed within a period of five (5)  
4957 years, shall be fined not more than Five Hundred Dollars  
4958 (\$500.00).

4959 (d) A person under the age of twenty-one (21) years who  
4960 is convicted of a third or subsequent violation of subsection (1)  
4961 of this section, the offenses being committed within a period of  
4962 five (5) years, shall be fined not more than One Thousand Dollars  
4963 (\$1,000.00).



4964 (e) License suspension is governed by Section 63-11-23  
4965 and ignition interlock is governed by Section 63-11-31.

4966 (f) Any person under the age of twenty-one (21) years  
4967 convicted of a third or subsequent violation of subsection (1) of  
4968 this section must complete treatment of an alcohol or drug abuse  
4969 program at a site certified by the Department of Mental Health.

4970 (4) **DUI test refusal.** In addition to the other penalties  
4971 provided in this section, every person refusing a law enforcement  
4972 officer's request to submit to a chemical test of the person's  
4973 breath as provided in this chapter, or who was unconscious at the  
4974 time of a chemical test and refused to consent to the introduction  
4975 of the results of the test in any prosecution, shall suffer an  
4976 additional administrative suspension of driving privileges as set  
4977 forth in Section 63-11-23.

4978 (5) **Aggravated DUI.** (a) Every person who operates any  
4979 motor vehicle in violation of the provisions of subsection (1) of  
4980 this section and who in a negligent manner causes the death of  
4981 another or mutilates, disfigures, permanently disables or destroys  
4982 the tongue, eye, lip, nose or any other limb, organ or member of  
4983 another shall, upon conviction, be guilty of a separate felony for  
4984 each victim who suffers death, mutilation, disfigurement or other  
4985 injury and shall be committed to the custody of the State  
4986 Department of Corrections for a period of time of not less than  
4987 five (5) years and not to exceed twenty-five (25) years for each  
4988 death, mutilation, disfigurement or other injury, and the



4989 imprisonment for the second or each subsequent conviction, in the  
4990 discretion of the court, shall commence either at the termination  
4991 of the imprisonment for the preceding conviction or run  
4992 concurrently with the preceding conviction. Any person charged  
4993 with causing the death of another as described in this subsection  
4994 shall be required to post bail before being released after arrest.

4995 (b) A holder of a commercial driver's license who is  
4996 convicted of operating a commercial motor vehicle with an alcohol  
4997 concentration of eight one-hundredths percent (.08%) or more shall  
4998 be guilty of a felony and shall be committed to the custody of the  
4999 Department of Corrections for not less than two (2) years and not  
5000 more than ten (10) years.

5001 (c) The court shall order an ignition-interlock  
5002 restriction on the offender's privilege to drive as a condition of  
5003 probation or post-release supervision not to exceed five (5) years  
5004 unless a longer restriction is required under other law. The  
5005 ignition-interlock restriction shall not be applied to commercial  
5006 license privileges until the driver serves the full  
5007 disqualification period required by Section 63-1-216.

5008 (6) **DUI citations.** (a) Upon conviction of a violation of  
5009 subsection (1) of this section, the trial judge shall sign in the  
5010 place provided on the traffic ticket, citation or affidavit  
5011 stating that the person arrested either employed an attorney or  
5012 waived his right to an attorney after having been properly  
5013 advised. If the person arrested employed an attorney, the name,



5014 address and telephone number of the attorney shall be written on  
5015 the ticket, citation or affidavit. The court clerk must  
5016 immediately send a copy of the traffic ticket, citation or  
5017 affidavit, and any other pertinent documents concerning the  
5018 conviction or other order of the court, to the Department of  
5019 Public Safety as provided in Section 63-11-37.

5020 (b) A copy of the traffic ticket, citation or affidavit  
5021 and any other pertinent documents, having been attested as true  
5022 and correct by the Commissioner of Public Safety, or his designee,  
5023 shall be sufficient proof of the conviction for purposes of  
5024 determining the enhanced penalty for any subsequent convictions of  
5025 violations of subsection (1) of this section. The Department of  
5026 Public Safety shall maintain a central database for verification  
5027 of prior offenses and convictions.

5028 (7) **Out-of-state prior convictions.** Convictions in another  
5029 state, territory or possession of the United States, or under the  
5030 law of a federally recognized Native American tribe, of violations  
5031 for driving or operating a vehicle while under the influence of an  
5032 intoxicating liquor or while under the influence of any other  
5033 substance that has impaired the person's ability to operate a  
5034 motor vehicle occurring within five (5) years before an offense  
5035 shall be counted for the purposes of determining if a violation of  
5036 subsection (1) of this section is a second, third, fourth or  
5037 subsequent offense and the penalty that shall be imposed upon  
5038 conviction for a violation of subsection (1) of this section.



5039           (8)   **Charging of subsequent offenses.**   (a)   For the purposes  
5040 of determining how to impose the sentence for a second, third,  
5041 fourth or subsequent conviction under this section, the affidavit  
5042 or indictment shall not be required to enumerate previous  
5043 convictions. It shall only be necessary that the affidavit or  
5044 indictment states the number of times that the defendant has been  
5045 convicted and sentenced within the past five (5) years for a  
5046 second or third offense, or without a time limitation for a fourth  
5047 or subsequent offense, under this section to determine if an  
5048 enhanced penalty shall be imposed. The amount of fine and  
5049 imprisonment imposed in previous convictions shall not be  
5050 considered in calculating offenses to determine a second, third,  
5051 fourth or subsequent offense of this section.

5052           (b)   Before a defendant enters a plea of guilty to an  
5053 offense under this section, law enforcement must submit  
5054 certification to the prosecutor that the defendant's driving  
5055 record, the confidential registry and National Crime Information  
5056 Center record have been searched for all prior convictions,  
5057 nonadjudications, pretrial diversions and arrests for driving or  
5058 operating a vehicle while under the influence of an intoxicating  
5059 liquor or while under the influence of any other substance that  
5060 has impaired the person's ability to operate a motor vehicle. The  
5061 results of the search must be included in the certification.

5062           (9)   **License eligibility for underage offenders.**   A person  
5063 who is under the legal age to obtain a license to operate a motor



5064 vehicle at the time of the offense and who is convicted under this  
5065 section shall not be eligible to receive a driver's license until  
5066 the person reaches the age of eighteen (18) years.

5067       (10) **License suspensions and restrictions to run**  
5068 **consecutively.** Suspension or restriction of driving privileges  
5069 for any person convicted of or nonadjudicated for violations of  
5070 subsection (1) of this section shall run consecutively to and not  
5071 concurrently with any other administrative license suspension.

5072       (11) **Ignition interlock.** If the court orders installation  
5073 and use of an ignition-interlock device as provided in Section  
5074 63-11-31 for every vehicle operated by a person convicted or  
5075 nonadjudicated under this section, each device shall be installed,  
5076 maintained and removed as provided in Section 63-11-31.

5077       (12) **DUI child endangerment.** A person over the age of  
5078 twenty-one (21) who violates subsection (1) of this section while  
5079 transporting in a motor vehicle a child under the age of sixteen  
5080 (16) years is guilty of the separate offense of endangering a  
5081 child by driving under the influence of alcohol or any other  
5082 substance which has impaired the person's ability to operate a  
5083 motor vehicle. The offense of endangering a child by driving  
5084 under the influence of alcohol or any other substance which has  
5085 impaired the person's ability to operate a motor vehicle shall not  
5086 be merged with an offense of violating subsection (1) of this  
5087 section for the purposes of prosecution and sentencing. An



5088 offender who is convicted of a violation of this subsection shall  
5089 be punished as follows:

5090 (a) A person who commits a violation of this subsection  
5091 which does not result in the serious injury or death of a child  
5092 and which is a first conviction shall be guilty of a misdemeanor  
5093 and, upon conviction, shall be fined not more than One Thousand  
5094 Dollars (\$1,000.00) or shall be imprisoned for not more than  
5095 twelve (12) months, or both;

5096 (b) A person who commits a violation of this subsection  
5097 which does not result in the serious injury or death of a child  
5098 and which is a second conviction shall be guilty of a misdemeanor  
5099 and, upon conviction, shall be fined not less than One Thousand  
5100 Dollars (\$1,000.00) nor more than Five Thousand Dollars  
5101 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

5102 (c) A person who commits a violation of this subsection  
5103 which does not result in the serious injury or death of a child  
5104 and which is a third or subsequent conviction shall be guilty of a  
5105 felony and, upon conviction, shall be fined not less than Ten  
5106 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less  
5107 than one (1) year nor more than five (5) years, or both; and

5108 (d) A person who commits a violation of this subsection  
5109 which results in the serious injury or death of a child, without  
5110 regard to whether the offense was a first, second, third or  
5111 subsequent offense, shall be guilty of a felony and, upon  
5112 conviction, shall be punished by a fine of not less than Ten



5113 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less  
5114 than five (5) years nor more than twenty-five (25) years.

5115 (13) **Expunction.** (a) Any person convicted under subsection  
5116 (2) or (3) of this section of a first offense of driving under the  
5117 influence and who was not the holder of a commercial driver's  
5118 license or a commercial learning permit at the time of the offense  
5119 may petition the circuit court of the county in which the  
5120 conviction was had for an order to expunge the record of the  
5121 conviction at least five (5) years after successful completion of  
5122 all terms and conditions of the sentence imposed for the  
5123 conviction. Expunction under this subsection will only be  
5124 available to a person:

5125 (i) Who has successfully completed all terms and  
5126 conditions of the sentence imposed for the conviction;

5127 (ii) Who did not refuse to submit to a test of his  
5128 blood or breath;

5129 (iii) Whose blood alcohol concentration tested  
5130 below sixteen one-hundredths percent (.16%) if test results are  
5131 available;

5132 (iv) Who has not been convicted of and does not  
5133 have pending any other offense of driving under the influence;

5134 (v) Who has provided the court with justification  
5135 as to why the conviction should be expunged; and

5136 (vi) Who has not previously had a nonadjudication  
5137 or expunction of a violation of this section.





5138 (b) A person is eligible for only one (1) expunction  
5139 under this subsection, and the Department of Public Safety shall  
5140 maintain a permanent confidential registry of all cases of  
5141 expunction under this subsection for the sole purpose of  
5142 determining a person's eligibility for expunction, for  
5143 nonadjudication, or as a first offender under this section.

5144 (c) The court in its order of expunction shall state in  
5145 writing the justification for which the expunction was granted and  
5146 forward the order to the Department of Public Safety within five  
5147 (5) days of the entry of the order.

5148 (14) **Nonadjudication.** (a) For the purposes of this  
5149 chapter, "nonadjudication" means that the court withholds  
5150 adjudication of guilt and sentencing, either at the conclusion of  
5151 a trial on the merits or upon the entry of a plea of guilt by a  
5152 defendant, and places the defendant in a nonadjudication program  
5153 conditioned upon the successful completion of the requirements  
5154 imposed by the court under this subsection.

5155 (b) A person is eligible for nonadjudication of an  
5156 offense under this Section 63-11-30 only one (1) time under any  
5157 provision of a law that authorizes nonadjudication and only for an  
5158 offender:

5159 (i) Who has successfully completed all terms and  
5160 conditions imposed by the court after placement of the defendant  
5161 in a nonadjudication program;



5162 (ii) Who was not the holder of a commercial  
5163 driver's license or a commercial learning permit at the time of  
5164 the offense;

5165 (iii) Who has not previously been convicted of and  
5166 does not have pending any former or subsequent charges under this  
5167 section; and

5168 (iv) Who has provided the court with justification  
5169 as to why nonadjudication is appropriate.

5170 (c) Nonadjudication may be initiated upon the filing of  
5171 a petition for nonadjudication or at any stage of the proceedings  
5172 in the discretion of the court; the court may withhold  
5173 adjudication of guilt, defer sentencing, and upon the agreement of  
5174 the offender to participate in a nonadjudication program, enter an  
5175 order imposing requirements on the offender for a period of court  
5176 supervision before the order of nonadjudication is entered.  
5177 Failure to successfully complete a nonadjudication program  
5178 subjects the person to adjudication of the charges against him and  
5179 to imposition of all penalties previously withheld due to entrance  
5180 into a nonadjudication program. The court shall immediately  
5181 inform the commissioner of the conviction as required in Section  
5182 63-11-37.

5183 (i) The court shall order the person to:

5184 1. Pay the nonadjudication fee imposed under  
5185 Section 63-11-31 if applicable;



5186                   2. Pay all fines, penalties and assessments  
5187 that would have been imposed for conviction;

5188                   3. Attend and complete an alcohol safety  
5189 education program as provided in Section 63-11-32 within six (6)  
5190 months of the date of the order;

5191                   4. a. If the court determines that the  
5192 person violated this section with respect to alcohol or  
5193 intoxicating liquor, the person must install an ignition-interlock  
5194 device on every motor vehicle operated by the person, obtain an  
5195 interlock-restricted license, and maintain that license for one  
5196 hundred twenty (120) days or suffer a one-hundred-twenty-day  
5197 suspension of the person's regular driver's license, during which  
5198 time the person must not operate any vehicle.

5199                   b. If the court determines that the  
5200 person violated this section by operating a vehicle when under the  
5201 influence of a substance other than alcohol that has impaired the  
5202 person's ability to operate a motor vehicle, including any drug or  
5203 controlled substance which is unlawful to possess under the  
5204 Mississippi Controlled Substances Law, the person must submit to a  
5205 one-hundred-twenty-day period of a nonadjudication program that  
5206 includes court-ordered drug testing at the person's own expense  
5207 not less often than every thirty (30) days, during which time the  
5208 person may drive if compliant with the terms of the program, or  
5209 suffer a one-hundred-twenty-day suspension of the person's regular



5210 driver's license, during which time the person will not operate  
5211 any vehicle.

5212 (ii) Other conditions that may be imposed by the  
5213 court include, but are not limited to, alcohol or drug screening,  
5214 or both, proof that the person has not committed any other traffic  
5215 violations while under court supervision, proof of immobilization  
5216 or impoundment of vehicles owned by the offender if required, and  
5217 attendance at a victim-impact panel.

5218 (d) The court may enter an order of nonadjudication  
5219 only if the court finds, after a hearing or after ex parte  
5220 examination of reliable documentation of compliance, that the  
5221 offender has successfully completed all conditions imposed by law  
5222 and previous orders of the court. The court shall retain  
5223 jurisdiction over cases involving nonadjudication for a period of  
5224 not more than two (2) years.

5225 (e) (i) The clerk shall immediately forward a record  
5226 of every person placed in a nonadjudication program and of every  
5227 nonadjudication order to the Department of Public Safety for  
5228 inclusion in the permanent confidential registry of all cases that  
5229 are nonadjudicated under this subsection (14).

5230 (ii) Judges, clerks and prosecutors involved in  
5231 the trial of implied consent violations and law enforcement  
5232 officers involved in the issuance of citations for implied consent  
5233 violations shall have secure online access to the confidential  
5234 registry for the purpose of determining whether a person has



5235 previously been the subject of a nonadjudicated case and 1. is  
5236 therefore ineligible for another nonadjudication; 2. is ineligible  
5237 as a first offender for a violation of this section; or 3. is  
5238 ineligible for expunction of a conviction of a violation of this  
5239 section.

5240 (iii) The Driver Services Bureau of the department  
5241 shall have access to the confidential registry for the purpose of  
5242 determining whether a person is eligible for a form of license not  
5243 restricted to operating a vehicle equipped with an  
5244 ignition-interlock device.

5245 (iv) The Mississippi Alcohol Safety Education  
5246 Program shall have secure online access to the confidential  
5247 registry for research purposes only.

5248 (15) The provisions of this section are fully applicable to  
5249 any person who is under the influence of medical cannabis that is  
5250 lawful under the Mississippi Medical Cannabis Act and in  
5251 compliance with rules and regulations adopted thereunder or  
5252 marijuana that is lawful under the Mississippi Retail Marijuana  
5253 Act and in compliance with rules and regulations adopted  
5254 thereunder which has impaired the person's ability to operate a  
5255 motor vehicle.

5256 **SECTION 15.** This act shall take effect and be in force from  
5257 and after July 1, 2024.

