

By: Representatives Porter, Harness

To: Public Health and Human Services; Appropriations A

HOUSE BILL NO. 1335

1 AN ACT TO AMEND SECTION 41-137-3, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF THE TERM "REGISTRY IDENTIFICATION
3 CARD" TO INCLUDE AN ELECTRONIC FORMAT OF SUCH CARD; TO REQUIRE THE
4 STATE DEPARTMENT OF HEALTH TO DEVELOP AND IMPLEMENT THE REGISTRY
5 IDENTIFICATION CARD IN ELECTRONIC FORMAT AS AN ADDITIONAL OPTION
6 FOR CARDHOLDERS; TO AMEND SECTION 63-1-19, MISSISSIPPI CODE OF
7 1972, TO PROVIDE THAT IF AN APPLICANT REQUESTS THAT HIS OR HER
8 DRIVER'S LICENSE INDICATES THAT HE OR SHE HOLDS A REGISTRY
9 IDENTIFICATION CARD AS PROVIDED UNDER THE MISSISSIPPI MEDICAL
10 CANNABIS ACT, SUCH APPLICANT MUST SHOW PROOF OF A VALID REGISTRY
11 IDENTIFICATION CARD BY PROVIDING A CERTIFIED COPY OF SUCH CARD
12 WITH HIS OR HER APPLICATION IN PERSON AT THE MISSISSIPPI
13 DEPARTMENT OF PUBLIC SAFETY DRIVER'S LICENSE STATION; TO AMEND
14 SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
15 COMMISSIONER OF THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP AND
16 IMPLEMENT A DRIVER'S LICENSE WHICH INDICATES THAT A LICENSE HOLDER
17 POSSESSES A VALID REGISTRY IDENTIFICATION CARD AS PROVIDED UNDER
18 THE MISSISSIPPI MEDICAL CANNABIS ACT, AS AN ADDITIONAL OPTION FOR
19 LICENSE HOLDERS; TO PROVIDE THAT THE LICENSE OF SUCH PERSONS SHALL
20 INCLUDE A DESIGNATION AND/OR OTHER IDENTIFYING FEATURE; TO BRING
21 FORWARD SECTIONS 45-35-3, 45-35-5, 45-35-11, 45-35-53, AND
22 45-35-71, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE DEPARTMENT
23 OF PUBLIC SAFETY, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING
24 FORWARD SECTIONS 41-137-23 AND 41-137-25, MISSISSIPPI CODE OF
25 1972, WHICH RELATE TO THE MISSISSIPPI MEDICAL CANNABIS ACT, FOR
26 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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



30 41-137-3. For purposes of this chapter, unless the context
31 requires otherwise, the following terms shall have the meanings
32 ascribed herein:

33 (a) "Artificially derived cannabinoid" means a chemical
34 substance that is created by a chemical reaction that changes the
35 molecular structure of any chemical substance derived from the
36 plant Cannabis family Cannabaceae. Such term shall not include:

37 (i) A naturally occurring chemical substance that
38 is separated from the plant Cannabis family Cannabaceae by a
39 chemical or mechanical extraction process;

40 (ii) Cannabinoids that are produced by
41 decarboxylation from a naturally occurring cannabinoid acid
42 without the use of a chemical catalyst; or

43 (iii) Any other chemical substance identified by
44 MDOH.

45 (b) "Allowable amount of medical cannabis" means an
46 amount not to exceed the maximum amount of Mississippi Medical
47 Cannabis Equivalency Units ("MMCEU").

48 (c) "Bona fide practitioner-patient relationship"
49 means:

50 (i) A practitioner and patient have a treatment or
51 consulting relationship, during the course of which the
52 practitioner, within his or her scope of practice, has completed
53 an in-person assessment of the patient's medical history and



54 current mental health and medical condition and has documented
55 their certification in the patient's medical file;

56 (ii) The practitioner has consulted in person with
57 the patient with respect to the patient's debilitating medical
58 condition; and

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

61 (d) "Cannabis" means all parts of the plant of the
62 genus cannabis, the flower, the seeds thereof, the resin extracted
63 from any part of the plant and every compound, manufacture, salt,
64 derivative, mixture or preparation of the plant, its seeds or its
65 resin, including whole plant extracts. Such term shall not mean
66 cannabis-derived drug products approved by the federal Food and
67 Drug Administration under Section 505 of the Federal Food, Drug,
68 and Cosmetic Act.

69 (e) "Cannabis cultivation facility" means a business
70 entity licensed and registered by the Mississippi Department of
71 Health that acquires, grows, cultivates and harvests medical
72 cannabis in an indoor, enclosed, locked and secure area.

73 (f) "Cannabis disposal entity" means a business
74 licensed and registered by the Mississippi Department of Health
75 that is involved in the commercial disposal or destruction of
76 medical cannabis.



77 (g) "Cannabis processing facility" means a business
78 entity that is licensed and registered by the Mississippi
79 Department of Health that:

80 (i) Acquires or intends to acquire cannabis from a
81 cannabis cultivation facility;

82 (ii) Possesses cannabis with the intent to
83 manufacture a cannabis product;

84 (iii) Manufactures or intends to manufacture a
85 cannabis product from unprocessed cannabis or a cannabis extract;
86 and

87 (iv) Sells or intends to sell a cannabis product
88 to a medical cannabis dispensary, cannabis testing facility or
89 cannabis research facility.

90 (h) "Cannabis products" means cannabis flower,
91 concentrated cannabis, cannabis extracts and products that are
92 infused with cannabis or an extract thereof and are intended for
93 use or consumption by humans. The term includes, without
94 limitation, edible cannabis products, beverages, topical products,
95 ointments, oils, tinctures and suppositories that contain
96 tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those
97 products excluded from control under Sections 41-29-113 and
98 41-29-136.

99 (i) "Cannabis research facility" or "research facility"
100 means a research facility at any university or college in this
101 state or an independent entity licensed and registered by the



102 Mississippi Department of Health pursuant to this chapter that
103 acquires cannabis from cannabis cultivation facilities and
104 cannabis processing facilities in order to research cannabis,
105 develop best practices for specific medical conditions, develop
106 medicines and provide commercial access for medical use.

107 (j) "Cannabis testing facility" or "testing facility"
108 means an independent entity licensed and registered by the
109 Mississippi Department of Health that analyzes the safety and
110 potency of cannabis.

111 (k) "Cannabis transportation entity" means an
112 independent entity licensed and registered by the Mississippi
113 Department of Health that is involved in the commercial
114 transportation of medical cannabis.

115 (l) "Cannabis waste" means plant debris of the plant of
116 the genus cannabis, including dead plants and all unused plant
117 parts. This term shall not include seeds, roots, stems and
118 stalks.

119 (m) "Cannabinoid" means any of the chemical compounds
120 that are the active constituents derived from THC.

121 (n) "Canopy" means the total surface area within a
122 cultivation area that is dedicated to the cultivation of flowering
123 cannabis plants. The surface area of the plant canopy must be
124 calculated in square feet and measured and must include all of the
125 area within the boundaries where the cultivation of the flowering
126 cannabis plants occurs. If the surface area of the plant canopy



127 consists of noncontiguous areas, each component area must be
128 separated by identifiable boundaries. If a tiered or shelving
129 system is used in the cultivation area the surface area of each
130 tier or shelf must be included in calculating the area of the
131 plant canopy. Calculation of the area of the plant canopy may not
132 include the areas within the cultivation area that are used to
133 cultivate immature cannabis plants and seedlings, prior to
134 flowering, and that are not used at any time to cultivate mature
135 cannabis plants.

136 (o) "Cardholder" means a registered qualifying patient
137 or a registered designated caregiver who has been issued and
138 possesses a valid registry identification card.

139 (p) "Chronic pain" means a pain state in which the
140 cause of the pain cannot be removed or otherwise treated, and
141 which in the generally accepted course of medical practice, no
142 relief or cure of the cause of the pain is possible, or none has
143 been found after reasonable efforts by a practitioner.

144 (q) "Concentrate" means a substance obtained by
145 separating cannabinoids from cannabis by:

146 (i) A mechanical extraction process;

147 (ii) A chemical extraction process using a
148 nonhydrocarbon-based or other solvent, such as water, vegetable
149 glycerin, vegetable oils, animal fats, food-grade ethanol or steam
150 distillation; or



151 (iii) A chemical extraction process using the
152 hydrocarbon-based solvent carbon dioxide, provided that the
153 process does not involve the use of high heat or pressure.

154 (r) "Debilitating medical condition" means:

155 (i) Cancer, Parkinson's disease, Huntington's
156 disease, muscular dystrophy, glaucoma, spastic quadriplegia,
157 positive status for human immunodeficiency virus (HIV), acquired
158 immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral
159 sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell
160 anemia, Alzheimer's disease, agitation of dementia, post-traumatic
161 stress disorder (PTSD), autism, pain refractory to appropriate
162 opioid management, diabetic/peripheral neuropathy, spinal cord
163 disease or severe injury, or the treatment of these conditions;

164 (ii) A chronic, terminal or debilitating disease
165 or medical condition, or its treatment, that produces one or more
166 of the following: cachexia or wasting syndrome, chronic pain,
167 severe or intractable nausea, seizures, or severe and persistent
168 muscle spasms, including, but not limited to, those characteristic
169 of multiple sclerosis; or

170 (iii) Any other serious medical condition or its
171 treatment added by the Mississippi Department of Health, as
172 provided for in Section 41-137-17.

173 (s) "Designated caregiver" means a person who:

174 (i) Has agreed to assist with a registered
175 qualifying patient's medical use of medical cannabis;



176 (ii) Assists no more than five (5) registered
177 qualifying patients with their medical use of medical cannabis,
178 unless the designated caregiver's registered qualifying patients
179 each reside in or are admitted to a health care facility or
180 facility providing residential care services or day care services
181 where the designated caregiver is employed;

182 (iii) Is at least twenty-one (21) years of age
183 unless the person is the parent or legal guardian of each
184 qualifying patient the person assists; and

185 (iv) Has not been convicted of a disqualifying
186 felony offense.

187 (t) "Disqualifying felony offense" means:

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

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

194 (iii) A conviction for a violation of a state or
195 federal controlled substances law that was classified as a felony
196 in the jurisdiction where the person was convicted, including the
197 service of any term of probation, incarceration or supervised
198 release within the previous five (5) years and the offender has
199 not committed another similar offense since the conviction. Under
200 this subparagraph (iii), a disqualifying felony offense shall not



201 include a conviction that consisted of conduct for which this
202 chapter would likely have prevented the conviction but for the
203 fact that the conduct occurred before February 2, 2022.

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

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

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

209 (iii) Are presented in the form of foodstuffs,
210 beverages, extracts, oils, tinctures, lozenges and other similar
211 products.

212 (v) "Entity" means a corporation, general partnership,
213 limited partnership or limited liability company that has been
214 registered with the Secretary of State as applicable.

215 (w) "MMCEU" means Mississippi Medical Cannabis
216 Equivalency Unit. One unit of MMCEU shall be considered equal to:

217 (i) Three and one-half (3.5) grams of medical
218 cannabis flower;

219 (ii) One (1) gram of medical cannabis concentrate;
220 or

221 (iii) One hundred (100) milligrams of THC in an
222 infused product.

223 (x) "MDOH" means the Mississippi Department of Health.

224 (y) "MDOR" means the Mississippi Department of Revenue.



225 (z) "Medical cannabis" means cannabis, cannabis
226 products and edible cannabis that are intended to be used by
227 registered qualifying patients as provided in this chapter.

228 (aa) "Medical cannabis dispensary" or "dispensary"
229 means an entity licensed and registered with the MDOR that
230 acquires, possesses, stores, transfers, sells, supplies or
231 dispenses medical cannabis, equipment used for medical cannabis,
232 or related supplies and educational materials to cardholders.

233 (bb) "Medical cannabis establishment" means a cannabis
234 cultivation facility, cannabis processing facility, cannabis
235 testing facility, cannabis dispensary, cannabis transportation
236 entity, cannabis disposal entity or cannabis research facility
237 licensed and registered by the appropriate agency.

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

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



249 (i) The cultivation of cannabis unless the
250 cultivation is done by a cannabis cultivation facility; or
251 (ii) The extraction of resin from cannabis by
252 mechanical or chemical extraction unless the extraction is done by
253 a cannabis processing facility.

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

255 (i) Has been diagnosed with a debilitating medical
256 condition by a practitioner in his or her respective state or
257 territory, or is the parent, guardian, conservator or other person
258 with authority to consent to the medical use of medical cannabis
259 by a person who has been diagnosed with a debilitating medical
260 condition;

261 (ii) Is not a resident of Mississippi or who has
262 been a resident of Mississippi for less than forty-five (45) days;
263 and

264 (iii) Has submitted any documentation required by
265 MDOH rules and regulations and has received confirmation of
266 registration.

267 (ff) "Practitioner" means a physician, certified nurse
268 practitioner, physician assistant or optometrist who is licensed
269 to prescribe medicine under the licensing requirements of their
270 respective occupational boards and the laws of this state. In
271 relation to a nonresident cardholder, the term means a physician,
272 certified nurse practitioner, physician assistant or optometrist
273 who is licensed to prescribe medicine under the licensing



274 requirements of their respective occupational boards and under the
275 laws of the state or territory in which the nonresident patient
276 resides. For registered qualifying patients who are minors,
277 "practitioner" shall mean a physician or doctor of osteopathic
278 medicine who is licensed to prescribe medicine under the licensing
279 requirements of their respective occupational boards and the laws
280 of this state.

281 (gg) "Public place" means a church or any area to which
282 the general public is invited or in which the general public is
283 permitted, regardless of the ownership of the area, and any area
284 owned or controlled by a municipality, county, state or federal
285 government, including, but not limited to, streets, sidewalks or
286 other forms of public transportation. Such term shall not mean a
287 private residential dwelling.

288 (hh) "Qualifying patient" means a person who has been
289 diagnosed by a practitioner as having a debilitating medical
290 condition and has been issued a written certification.

291 (ii) "Registry identification card" means a document,
292 in either physical or electronic format, issued by the MDOH that
293 identifies a person as a registered qualifying patient,
294 nonresident registered qualifying patient or registered designated
295 caregiver.

296 MDOH shall develop and implement such registry identification
297 card in electronic format as an additional option for cardholders.



298 Acceptable electronic formats include display of electronic images
299 on a cellular phone or any other type of electronic device.

300 (jj) "School" means an institution for the teaching of
301 children, consisting of a physical location, whether owned or
302 leased, including instructional staff members and students, and
303 which is in session each school year. This definition shall
304 include, but not be limited to, public, private, church and
305 parochial programs for kindergarten, elementary, junior high and
306 high schools. Such term shall not mean a home instruction
307 program.

308 (kk) "Scope of practice" means the defined parameters
309 of various duties, services or activities that may be provided or
310 performed by a certified nurse practitioner as authorized under
311 Sections 73-15-5 and 73-15-20, by an optometrist as authorized
312 under Section 73-19-1, by a physician as authorized under Section
313 73-25-33, or by a physician assistant under Section 73-26-5, and
314 rules and regulations adopted by the respective licensing boards
315 for those practitioners.

316 (ll) "THC" or "Tetrahydrocannabinol" means any and all
317 forms of tetrahydrocannabinol that are contained naturally in the
318 cannabis plant, as well as synthesized forms of THC and derived
319 variations, derivatives, isomers and allotropes that have similar
320 molecular and physiological characteristics of
321 tetrahydrocannabinol, including, but not limited to, THCA, THC
322 Delta 9, THC Delta 8, THC Delta 10 and THC Delta 6.



323 (mm) "Written certification" means a form approved by
324 the MDOH, signed and dated by a practitioner, certifying that a
325 person has a debilitating medical condition. A written
326 certification shall include the following:

327 (i) The date of issue and the effective date
328 of the recommendation;

329 (ii) The patient's name, date of birth and
330 address;

331 (iii) The practitioner's name, address, and
332 federal Drug Enforcement Agency number; and

333 (iv) The practitioner's signature.

334 **SECTION 2.** Section 63-1-19, Mississippi Code of 1972, is
335 amended as follows:

336 63-1-19. (1) (a) Every applicant for a license or permit
337 issued pursuant to this article, or for renewal of such license or
338 permit, shall file an application for such license, permit or
339 renewal, on a form provided by the Department of Public Safety,
340 with the commissioner or an official license examiner of the
341 department. All persons not holding valid, unexpired licenses
342 issued in this state shall be required to secure an original
343 license, except those specifically exempted from licensing under
344 Section 63-1-7. The application shall state the name, date of
345 birth, the social security number of the applicant unless the
346 applicant is not a United States citizen and does not possess a
347 social security number issued by the United States government,



348 sex, race, color of eyes, color of hair, weight, height and
349 residence address, and whether or not the applicant's privilege to
350 drive has been suspended or revoked at any time, and, if so, when,
351 by whom, and for what cause, and whether any previous application
352 by him has been denied, and whether he has any physical defects
353 which would interfere with his operating a motor vehicle safely
354 upon the highways.

355 (b) Every applicant for an original license shall show
356 proof of domicile in this state. The commissioner shall
357 promulgate any rules and regulations necessary to enforce this
358 requirement and shall prescribe the means by which an applicant
359 for an original license may show domicile in this state. Proof of
360 domicile shall not be required of applicants under eighteen (18)
361 years of age.

362 (c) Unless the applicant is not a United States citizen
363 and does not possess a social security number issued by the United
364 States government, each application or filing made under this
365 section shall include the social security number(s) of the
366 applicant in accordance with Section 93-11-64, Mississippi Code of
367 1972.

368 (2) No person who is illegally in the United States or
369 Mississippi shall be issued a license. The application of a
370 person who is not a United States citizen and who does not possess
371 a social security number issued by the United States government
372 shall state the name, date of birth, sex, race, color of eyes,



373 color of hair, weight, height and residence address, and whether
374 or not the applicant's privilege to drive has been suspended or
375 revoked at any time, and, if so, when, by whom, and for what
376 cause, and whether any previous application by him has been
377 denied, and whether he has any physical defects which would
378 interfere with his operating a motor vehicle safely upon the
379 highways. The commissioner shall adopt and promulgate such rules
380 and regulations as he deems appropriate requiring additional
381 documents, materials, information or physical evidence to be
382 provided by the applicant as may be necessary to establish the
383 identity of the applicant and that the applicant is not present in
384 the United States or the State of Mississippi illegally.

385 (3) Whenever a person who has applied for or who has been
386 issued a license or permit under this article moves from the
387 address listed in the application or on the permit or license, or
388 whenever the name of a licensee changes by marriage or otherwise,
389 such person, within thirty (30) days thereafter, shall notify, in
390 writing, the Department of Public Safety, Driver Services
391 Division, and inform the department of his or her previous address
392 and new address and of his or her former name and new name. The
393 department shall not change the name of a licensee or permittee on
394 his or her license or permit unless the applicant appears in
395 person at an office of the department and provides a certified
396 copy of his or her marriage license, court order, birth



397 certificate or divorce decree changing the licensee's or
398 permittee's name.

399 (4) (a) Any male who is at least eighteen (18) years of age
400 but less than twenty-six (26) years of age and who applies for a
401 permit or license or a renewal of a permit or license under this
402 chapter shall be registered in compliance with the requirements of
403 Section 3 of the Military Selective Service Act, 50 USCS Section
404 3802, as amended.

405 (b) The department shall forward in an electronic
406 format the necessary personal information of the applicant to the
407 Selective Service System. The applicant's submission of the
408 application shall serve as an indication that the applicant either
409 has already registered with the Selective Service System or that
410 he is authorizing the department to forward to the Selective
411 Service System the necessary information for registration. The
412 commissioner shall notify the applicant on, or as a part of, the
413 application that his submission of the application will serve as
414 his consent to registration with the Selective Service System, if
415 so required. The commissioner also shall notify any male
416 applicant under the age of eighteen (18) that he will be
417 registered upon turning age eighteen (18) as required by federal
418 law.

419 (4) If an applicant requests that his or her license
420 indicates that he or she holds a registry identification card as
421 provided under the Mississippi Medical Cannabis Act, such



422 applicant must show proof of a valid registry identification card
423 by providing a certified copy of such card with his or her
424 application in person at the Mississippi Department of Public
425 Safety Driver's License Station, along with all other requirements
426 as provided in this article.

427 **SECTION 3.** Section 63-1-35, Mississippi Code of 1972, is
428 amended as follows:

429 63-1-35. (1) The Commissioner of Public Safety shall
430 prescribe the form of license issued pursuant to this article
431 which shall, among other features, include a driver's license
432 number assigned by the Department of Public Safety. A licensee
433 shall list his or her social security number with the department
434 which shall cross reference the social security number with the
435 driver's license number for purposes of identification.
436 Additionally, each license shall bear a full-face color photograph
437 of the licensee in such form that the license and the photograph
438 cannot be separated. The photograph shall be taken so that one
439 (1) exposure will photograph the applicant and the application
440 simultaneously on the same film. The department shall use a
441 process in the issuance of a license with a color photograph that
442 shall prevent as nearly as possible any alteration,
443 counterfeiting, duplication, reproduction, forging or modification
444 of the license or the superimposition of a photograph without
445 ready detection. The photograph shall be replaced by the
446 department at the time of renewal. Drivers' licenses, including



447 photographs appearing thereon, may be renewed by electronic means
448 according to rules and regulations promulgated by the commissioner
449 in conformity to Section 27-104-33.

450 (2) The commissioner shall prescribe the form of license
451 issued pursuant to this article to licensees who are not United
452 States citizens and who do not possess a social security number
453 issued by the United States government. The license of such
454 persons shall include a number and/or other identifying features.

455 (3) Any new, renewal or duplicate driver's license,
456 temporary driving permit or commercial driver's license issued to
457 a person required to register as a sex offender pursuant to
458 Section 45-33-25 shall bear a designation identifying the licensee
459 or permittee as a sex offender.

460 (4) The commissioner is authorized to provide the new,
461 renewal or duplicate driver's license, temporary driving permit or
462 commercial driver's license to any honorably discharged veteran as
463 defined in Title 38 of the United States Code, and such license or
464 permit shall exhibit the letters "Vet" or any other mark
465 identifying the person as a veteran. The veteran requesting the
466 "Vet" designation shall present his DD-214, Military Retiree
467 Identification Card, United States Department of Veterans Affairs
468 Medical Identification Card, United States Department of Veterans
469 Affairs Identification Card or National Guard Form NGB 22. The
470 veteran requesting the "Vet" designation may present his DD-214,
471 Military Retiree Identification Card, United States Department of



472 Veterans Affairs Medical Identification Card, United States
473 Department of Veterans Affairs Identification Card or National
474 Guard Form NGB 22 in person at the Mississippi Department of
475 Public Safety Driver's License Station.

476 (5) Not later than July 1, 2021, the commissioner shall
477 develop and implement a driver's license or driving permit in
478 electronic format as an additional option for license or permit
479 holders. Acceptable electronic formats include display of
480 electronic images on a cellular phone or any other type of
481 electronic device.

482 (6) The commissioner shall develop and implement a driver's
483 license which indicates that a license holder possesses a valid
484 registry identification card as provided under the Mississippi
485 Medical Cannabis Act, as an additional option for license holders
486 upon request. The license of such persons shall include a
487 designation and/or other identifying features.

488 (7) If false documents are provided by an individual for
489 purposes of obtaining a veteran driver's license, such action
490 shall be considered fraudulent use of identity under Section
491 97-19-85, Mississippi Code of 1972, and shall be punishable, upon
492 conviction, as a felony pursuant to the provisions of that
493 section.

494 **SECTION 4.** Section 45-35-3, Mississippi Code of 1972, is
495 brought forward as follows:



496 45-35-3. (1) Any person six (6) years of age or older may
497 be issued an identification card by the department which is
498 certified by the registrant and attested by the commissioner as to
499 true name, correct age and such other identifying data as required
500 by Section 45-35-5.

501 (2) The new, renewal or duplicate identification card of a
502 person required to register as a sex offender pursuant to Section
503 45-33-25 shall bear a designation identifying the cardholder as a
504 sex offender.

505 (3) The commissioner is authorized to provide the new,
506 renewal or duplicate identification card to any honorably
507 discharged veteran as defined in Title 38 of the United States
508 Code, and such identification card shall exhibit the letters "Vet"
509 or any other mark identifying the person as a veteran. The
510 veteran requesting the "Vet" designation shall present his DD-214
511 or equivalent document that includes a notation from the State
512 Veterans Affairs Board that the applicant is a veteran.

513 (4) Not later than July 1, 2021, the commissioner shall
514 develop and implement an identification card in electronic format
515 as an additional option for card holders. Acceptable electronic
516 formats include display of electronic images on a cellular phone
517 or any other type of electronic device.

518 **SECTION 5.** Section 45-35-5, Mississippi Code of 1972, is
519 brought forward as follows:



520 45-35-5. Data for the issuance of an identification card
521 shall include a birth certificate or other document to establish
522 the age and identity of the applicant, the social security number
523 of the applicant, and such other identifying data as is required
524 on an application for issuance of a driver's license.

525 **SECTION 6.** Section 45-35-11, Mississippi Code of 1972, is
526 brought forward as follows:

527 45-35-11. All identification cards shall be centrally issued
528 by the department, adequately describe the registrant, bear a
529 color photograph of the registrant, and include other such
530 identifying data as required by Section 45-35-5.

531 **SECTION 7.** Section 45-35-53, Mississippi Code of 1972, is
532 brought forward as follows:

533 45-35-53. (1) The Department of Public Safety shall issue
534 personal identification cards to persons with disabilities who
535 make application to the department in accordance with rules and
536 regulations prescribed by the commissioner by filing with the
537 Secretary of State under the Administrative Procedures Act. The
538 identification card for persons with disabilities shall
539 prominently display the international handicapped symbol and, in
540 addition to any other information required by this article, may
541 contain a recent color photograph of the applicant and the
542 following information:

- 543 (a) Full legal name;
- 544 (b) Address of residence;



545 (c) Birth date;
546 (d) Date identification card was issued;
547 (e) Date identification card expires;
548 (f) Sex;
549 (g) Height;
550 (h) Weight;
551 (i) Eye color;
552 (j) Location where the identification card was issued;
553 (k) Signature of person identified or facsimile
554 thereof; and
555 (l) Such other information as required by the
556 department.

557 (2) The identification card for persons with disabilities
558 shall bear an identification card number which shall not be the
559 same as the applicant's social security number. The commissioner
560 shall prescribe the form of identification cards issued pursuant
561 to this article to persons who are not United States citizens.
562 The identification cards of such persons shall include a number
563 and any other identifying information prescribed by the
564 commissioner.

565 **SECTION 8.** Section 45-35-71, Mississippi Code of 1972, is
566 brought forward as follows:

567 45-35-71. The Department of Public Safety shall be the state
568 agency with responsibility for regulating a digital wallet for
569 state agency credentials. The Commissioner of Public Safety may



570 promulgate rules and regulations regarding such digital wallet
571 technology.

572 **SECTION 9.** Section 41-137-23, Mississippi Code of 1972, is
573 brought forward as follows:

574 41-137-23. (1) No later than one hundred twenty (120) days
575 after February 2, 2022, the MDOH shall begin issuing registry
576 identification cards to qualifying patients who submit the
577 following:

578 (a) A written certification issued by a practitioner
579 within six (6) months immediately preceding the date of the
580 application;

581 (b) The application or renewal fee;

582 (c) The name, address, social security number, and date
583 of birth of the qualifying patient;

584 (d) The name, address, and telephone number of the
585 qualifying patient's practitioner issuing the written
586 certification;

587 (e) The name, address, social security number, and date
588 of birth of the designated caregiver, or designated caregivers,
589 chosen by the qualifying patient; and

590 (f) If more than one (1) designated caregiver is
591 designated at any given time, documentation demonstrating that a
592 greater number of designated caregivers is needed due to the
593 patient's age or medical condition.



594 (2) If the qualifying patient is unable to submit the
595 information required by subsection (1) of this section due to the
596 person's age or medical condition, the person responsible for
597 making medical decisions for the qualifying patient may do so on
598 behalf of the qualifying patient.

599 (3) Except as provided in subsection (5) of this section,
600 the MDOH shall:

601 (a) Verify the information contained in an application
602 or renewal submitted under this section and approve or deny an
603 application or renewal within ten (10) days of receiving a
604 completed application or renewal application; and

605 (b) Issue registry identification cards to a qualifying
606 patient and his or her designated caregiver(s), if any, within
607 five (5) days of approving the application or renewal. A
608 designated caregiver must have a registry identification card for
609 each of his or her qualifying patients.

610 (4) (a) The MDOH shall require criminal background checks
611 in order to carry out this section.

612 (b) The MDOH shall require that the prospective
613 designated caregiver or caregiver's applicant apply for or
614 authorize the division to obtain state and national criminal
615 background checks to be conducted by the Mississippi Justice
616 Information Center of the Department of Public Safety and the
617 Federal Bureau of Investigation.



618 (c) Such criminal background checks shall conform to
619 the applicable federal standards, and shall include the taking of
620 fingerprints.

621 (d) The applicant shall authorize the release of such
622 criminal background checks to the MDOH, and shall be responsible
623 for the payment of any fee associated with the criminal background
624 checks.

625 (e) Upon completion of such criminal background checks,
626 the Mississippi Justice Information Center of the Department of
627 Public Safety shall forward to the MDOH all information obtained
628 concerning the applicant.

629 (5) The MDOH shall not issue a registry identification card
630 to a qualifying patient who is younger than eighteen (18) years of
631 age, unless:

632 (a) The qualifying patient's practitioner has explained
633 the potential risks and benefits of the medical use of medical
634 cannabis to the custodial parent or legal guardian with
635 responsibility for health care decisions for the qualifying
636 patient; and

637 (b) The custodial parent or legal guardian with
638 responsibility for health care decisions for the qualifying
639 patient consents in writing to:

640 (i) Acknowledge the potential harms related to the
641 use of medical cannabis;



642 (ii) Allow the qualifying patient's medical use of
643 medical cannabis;

644 (iii) Serve as the qualifying patient's designated
645 caregiver; and

646 (iv) Control the acquisition of the medical
647 cannabis, the dosage and the frequency of the use of medical
648 cannabis by the qualifying patient.

649 (6) If a designated caregiver is an entity licensed to
650 provide health care services, residential care services or day
651 care services, then:

652 (a) The MDOH may provide a single registry
653 identification card to the entity, regardless of the number of
654 registered qualifying patients the entity serves; and

655 (b) The MDOH may issue individual registry
656 identification cards for employees of the entity that may
657 transport medical cannabis.

658 (7) The MDOH shall provide an electronic or physical list of
659 registered qualifying patients who have designated the entity as
660 their caregiver. This list shall be updated with each additional
661 designation.

662 (8) The MDOH may deny an application or renewal of a
663 qualifying patient's registry identification card only if the
664 applicant:

665 (a) Did not provide the required information or
666 materials;



667 (b) Previously had a registry identification card
668 revoked;
669 (c) Provided false information; or
670 (d) Failed to meet the other requirements of this
671 chapter.

672 (9) The MDOH may deny an application or renewal for a
673 designated caregiver chosen by a qualifying patient whose registry
674 identification card was granted only if the applicant:

675 (a) Does not meet the definition of "designated
676 caregiver" under Section 41-137-3;

677 (b) Did not provide the information required;

678 (c) Previously had a registry identification card
679 revoked;

680 (d) Provided false information;

681 (e) Is younger than twenty-one (21) years of age and is
682 not the parent or legal guardian of the qualifying patient who the
683 designated caregiver would assist; or

684 (f) Failed to meet the other requirements of this
685 chapter.

686 (10) The MDOH shall give written notice to the qualifying
687 patient of the reason for denying a registry identification card
688 to the qualifying patient or to the qualifying patient's
689 designated caregiver.



690 (11) Denial of an application or renewal is considered a
691 final MDOH action, subject to judicial review in accordance with
692 Section 41-137-59.

693 **SECTION 10.** Section 41-137-25, Mississippi Code of 1972, is
694 brought forward as follows:

695 41-137-25. (1) Registry identification cards must contain
696 all of the following:

697 (a) The name of the cardholder;

698 (b) A designation of whether the cardholder is a
699 qualifying patient, a designated caregiver or a nonresident;

700 (c) The date of issuance and expiration date of the
701 registry identification card;

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

705 (e) If the cardholder is a designated caregiver, the
706 random identification number of the qualifying patient the
707 designated caregiver will assist;

708 (f) A photograph of the cardholder;

709 (g) The toll-free phone number or internet address
710 where the card can be verified;

711 (h) A notice of the potential harm caused by medical
712 cannabis; and

713 (i) A notice of the MMCEU daily, monthly and possession
714 limit.



715 (2) The expiration date shall be visible on the registry
716 identification card. Except as provided in subsection (3) or
717 subsection (4) of this section, the expiration date for registry
718 identification cards for residents shall be one (1) year after the
719 date of issuance. The expiration date for registry identification
720 cards for nonresidents shall be fifteen (15) days after the date
721 of issuance, except as provided in subsection (4) of this section.

722 (3) If the practitioner stated in the written certification
723 that the qualifying patient would benefit from the medical use of
724 medical cannabis until a specified earlier date, then the registry
725 identification card shall expire on that date, except as provided
726 in subsection (4) of this section.

727 (4) (a) The expiration date for registry identification
728 cards for residents that are issued not later than one hundred
729 fifty (150) days after February 2, 2022, shall be one (1) year
730 after the initial one-hundred-fifty-day period.

731 (b) If the practitioner specified an earlier date for
732 the expiration of the registry identification card as provided
733 under subsection (3) of this section, then the registry
734 identification card shall be valid for the period specified by the
735 practitioner, which shall begin after the initial
736 one-hundred-fifty-day period.

737 (c) The expiration date for registry identification
738 cards for nonresidents that are issued not later than one hundred



739 fifty (150) days after February 2, 2020, shall be fifteen (15)
740 days after the initial one-hundred-fifty-day period.

741 **SECTION 11.** This act shall take effect and be in force from
742 and after July 1, 2024.

