

By: Representative Arnold

To: Judiciary B

HOUSE BILL NO. 1572

1 AN ACT TO PROHIBIT THE POSSESSION OF AN OPEN CONTAINER OF  
 2 MEDICAL CANNABIS WHILE OPERATING A MOTOR VEHICLE, IN ANY PUBLIC  
 3 PLACE, ON THE PREMISES OF A MEDICAL CANNABIS DISPENSARY, OR ON ANY  
 4 PUBLIC STREET OR SIDEWALK; TO DEFINE CERTAIN TERMS RELATING TO  
 5 THIS ACT; TO PROVIDE PENALTIES FOR A VIOLATION OF THIS ACT; TO  
 6 BRING FORWARD SECTION 41-137-13, MISSISSIPPI CODE OF 1972, WHICH  
 7 RELATES TO THE MISSISSIPPI MEDICAL CANNABIS ACT, FOR PURPOSES OF  
 8 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 63-11-30, MISSISSIPPI  
 9 CODE OF 1972, WHICH RELATES TO THE OPERATION OF A MOTOR VEHICLE  
 10 UNDER INFLUENCE OF ALCOHOL OR OTHER IMPAIRING SUBSTANCE, FOR  
 11 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** As used in this act, the following terms have  
 14 the meanings as defined in this section, unless the context  
 15 clearly indicates otherwise:

16 (a) "Open container" means any opened package,  
 17 container or other vessel that contains medical cannabis and that  
 18 is not in its originally sealed condition as produced by the  
 19 manufacturer, and from which medical cannabis is readily  
 20 accessible and immediately capable of being consumed.

21 (b) "Public place" is defined as provided in Section  
 22 41-137-3.



23 (c) "Street" means any public street, avenue,  
24 boulevard, roadway, highway, alley, sidewalk, or other  
25 right-of-way located within a county or municipality.

26 (2) (a) It is unlawful for a person to possess an open  
27 container of medical cannabis while operating a motor vehicle on a  
28 public street. Nothing in this section prohibits transporting  
29 medical cannabis in the manufacturer's sealed container without  
30 regard to its location in the vehicle.

31 (b) It is unlawful for a person to have in his or her  
32 possession an open container of medical cannabis in a public  
33 place, or on any public grounds, buildings, parks, or places  
34 owned, maintained and operated by a county or municipality.

35 (c) It is unlawful for a person to remain on the  
36 premises of a medical cannabis dispensary while such person is in  
37 possession of an open container of medical cannabis.

38 (d) It is unlawful for a person to possess an open  
39 container of medical cannabis on any public street or sidewalk.

40 (4) A person who violates this section is guilty of a  
41 misdemeanor and, upon conviction, shall be fined not less than One  
42 Hundred Dollars (\$100.00) and not more than Two Hundred Dollars  
43 (\$200.00).

44 **SECTION 2.** Section 41-137-13, Mississippi Code of 1972, is  
45 brought forward as follows:

46 41-137-13. (1) This chapter shall not be construed to do  
47 any of the following:



48           (a) Require an organization for managed care, health  
49 benefit plan, private health insurer, government medical  
50 assistance program, employer, property and casualty, or workers'  
51 compensation insurer or self-insured group providing coverage for  
52 a medical, pharmacy or health care service to pay for or reimburse  
53 any other individual or entity for costs associated with the  
54 medical use of cannabis;

55           (b) Require any employer to permit, accommodate, or  
56 allow the medical use of medical cannabis, or to modify any job or  
57 working conditions of any employee who engages in the medical use  
58 of medical cannabis or who for any reason seeks to engage in the  
59 medical use of medical cannabis;

60           (c) Prohibit any employer from refusing to hire,  
61 discharging, disciplining, or otherwise taking an adverse  
62 employment action against an individual with respect to hiring,  
63 discharging, tenure, terms, conditions, or privileges of  
64 employment as a result, in whole or in part, of that individual's  
65 medical use of medical cannabis, regardless of the individual's  
66 impairment or lack of impairment resulting from the medical use of  
67 medical cannabis;

68           (d) Prohibit or limit the ability of any employer from  
69 establishing or enforcing a drug-testing policy;

70           (e) Interfere with, impair or impede any federal  
71 restrictions or requirements on employment or contracting,  
72 including, but not limited to, regulations adopted by the United



73 States Department of Transportation in Title 49, Code of Federal  
74 Regulations;

75 (f) Permit, authorize, or establish any individual's  
76 right to commence or undertake any legal action against an  
77 employer for refusing to hire, discharging, disciplining or  
78 otherwise taking an adverse employment action against an  
79 individual with respect to hiring, discharging, tenure, terms,  
80 conditions or privileges of employment due to the individual's  
81 medical use of medical cannabis;

82 (g) Affect, alter or otherwise impact the workers'  
83 compensation premium discount available to employers who establish  
84 a drug-free workplace program in accordance with Section 71-3-201  
85 et seq.;

86 (h) Affect, alter or otherwise impact an employer's  
87 right to deny or establish legal defenses to the payment of  
88 workers' compensation benefits to an employee on the basis of a  
89 positive drug test or refusal to submit to or cooperate with a  
90 drug test, as provided under Section 71-3-7 and Section 71-3-121;  
91 or

92 (i) Affect, alter or supersede any obligation or  
93 condition imposed on a parolee, probationer or an individual  
94 participating in a pretrial diversion program or other  
95 court-ordered substance abuse rehabilitation program.



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

99 (a) Acting with negligence, gross negligence,  
100 recklessness, in breach of any applicable professional or  
101 occupational standard of care, or to effect an intentional wrong,  
102 as a result, in whole or in part, of that individual's medical use  
103 of medical cannabis;

104 (b) Possessing medical cannabis or otherwise engaging  
105 in the medical use of medical cannabis in any correctional  
106 facility, unless the correctional facility has elected to allow  
107 the cardholder to engage in the use of medical cannabis;

108 (c) Smoking medical cannabis in a public place or in a  
109 motor vehicle; for purposes of this paragraph (c), the term  
110 "smoking" includes vaping and any other method of inhalation of  
111 medical cannabis;

112 (d) Operating, navigating, or being in actual physical  
113 control of any motor vehicle, aircraft, train, motorboat or other  
114 conveyance in a manner that would violate Section 59-23-7, Section  
115 63-11-30 or federal law as a result, in whole or in part, of that  
116 individual's medical use of medical cannabis;

117 (e) Possessing medical cannabis in excess of the  
118 allowable amount of medical cannabis; or

119 (f) Consumption, by a registered designated caregiver,  
120 of cannabis provided for use to a registered qualifying patient.



121           **SECTION 3.** Section 63-11-30, Mississippi Code of 1972, is  
122 brought forward as follows:

123           63-11-30. (1) It is unlawful for a person to drive or  
124 otherwise operate a vehicle within this state if the person:

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

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

128                   (c) Is under the influence of any drug or controlled  
129 substance, the possession of which is unlawful under the  
130 Mississippi Controlled Substances Law; or

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

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

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

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

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



146           (a) **First offense DUI.** (i) Upon conviction of any  
147 person for the first offense of violating subsection (1) of this  
148 section where chemical tests under Section 63-11-5 were given, or  
149 where chemical test results are not available, the person shall be  
150 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more  
151 than One Thousand Dollars (\$1,000.00), or imprisoned for not more  
152 than forty-eight (48) hours in jail, or both; the court shall  
153 order the person to attend and complete an alcohol safety  
154 education program as provided in Section 63-11-32 within six (6)  
155 months of sentencing. The court may substitute attendance at a  
156 victim impact panel instead of forty-eight (48) hours in jail.

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

159                   (iii) A qualifying first offense may be  
160 nonadjudicated by the court under subsection (14) of this section.  
161 The holder of a commercial driver's license or a commercial  
162 learning permit at the time of the offense is ineligible for  
163 nonadjudication.

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

167           (b) **Second offense DUI.** (i) Upon any second  
168 conviction of any person violating subsection (1) of this section,  
169 the offenses being committed within a period of five (5) years,  
170 the person shall be guilty of a misdemeanor, fined not less than



171 Six Hundred Dollars (\$600.00) nor more than One Thousand Five  
172 Hundred Dollars (\$1,500.00), shall be imprisoned not less than  
173 five (5) days nor more than six (6) months and sentenced to  
174 community service work for not less than ten (10) days nor more  
175 than six (6) months. The minimum penalties shall not be suspended  
176 or reduced by the court and no prosecutor shall offer any  
177 suspension or sentence reduction as part of a plea bargain.

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

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

183 (c) **Third offense DUI.** (i) For a third conviction of  
184 a person for violating subsection (1) of this section, the  
185 offenses being committed within a period of five (5) years, the  
186 person shall be guilty of a felony and fined not less than Two  
187 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars  
188 (\$5,000.00), and shall serve not less than one (1) year nor more  
189 than five (5) years in the custody of the Department of  
190 Corrections. For any offense that does not result in serious  
191 injury or death to any person, the sentence of incarceration may  
192 be served in the county jail rather than in the State Penitentiary  
193 at the discretion of the circuit court judge. The minimum  
194 penalties shall not be suspended or reduced by the court and no





195 prosecutor shall offer any suspension or sentence reduction as  
196 part of a plea bargain.

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

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

201 (d) **Fourth and subsequent offense DUI.** (i) For any  
202 fourth or subsequent conviction of a violation of subsection (1)  
203 of this section, without regard to the time period within which  
204 the violations occurred, the person shall be guilty of a felony  
205 and fined not less than Three Thousand Dollars (\$3,000.00) nor  
206 more than Ten Thousand Dollars (\$10,000.00), and shall serve not  
207 less than two (2) years nor more than ten (10) years in the  
208 custody of the Department of Corrections.

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

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

215 (e) Any person convicted of a second or subsequent  
216 violation of subsection (1) of this section shall receive an  
217 in-depth diagnostic assessment, and if as a result of the  
218 assessment is determined to be in need of treatment for alcohol or  
219 drug abuse, the person must successfully complete treatment at a



220 program site certified by the Department of Mental Health. Each  
221 person who receives a diagnostic assessment shall pay a fee  
222 representing the cost of the assessment. Each person who  
223 participates in a treatment program shall pay a fee representing  
224 the cost of treatment.

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

227 (3) **Zero Tolerance for Minors.** (a) This subsection shall  
228 be known and may be cited as Zero Tolerance for Minors. The  
229 provisions of this subsection shall apply only when a person under  
230 the age of twenty-one (21) years has a blood alcohol concentration  
231 of two one-hundredths percent (.02%) or more, but lower than eight  
232 one-hundredths percent (.08%). If the person's blood alcohol  
233 concentration is eight one-hundredths percent (.08%) or more, the  
234 provisions of subsection (2) shall apply.

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

238 (ii) Upon conviction of any person under the age  
239 of twenty-one (21) years for the first offense of violating  
240 subsection (1) of this section where chemical tests provided for  
241 under Section 63-11-5 were given, or where chemical test results  
242 are not available, the person shall be fined Two Hundred Fifty  
243 Dollars (\$250.00); the court shall order the person to attend and  
244 complete an alcohol safety education program as provided in



245 Section 63-11-32 within six (6) months. The court may also  
246 require attendance at a victim impact panel.

247 (c) A person under the age of twenty-one (21) years who  
248 is convicted of a second violation of subsection (1) of this  
249 section, the offenses being committed within a period of five (5)  
250 years, shall be fined not more than Five Hundred Dollars  
251 (\$500.00).

252 (d) A person under the age of twenty-one (21) years who  
253 is convicted of a third or subsequent violation of subsection (1)  
254 of this section, the offenses being committed within a period of  
255 five (5) years, shall be fined not more than One Thousand Dollars  
256 (\$1,000.00).

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

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

263 (4) **DUI test refusal.** In addition to the other penalties  
264 provided in this section, every person refusing a law enforcement  
265 officer's request to submit to a chemical test of the person's  
266 breath as provided in this chapter, or who was unconscious at the  
267 time of a chemical test and refused to consent to the introduction  
268 of the results of the test in any prosecution, shall suffer an



269 additional administrative suspension of driving privileges as set  
270 forth in Section 63-11-23.

271 (5) **Aggravated DUI.** (a) Every person who operates any  
272 motor vehicle in violation of the provisions of subsection (1) of  
273 this section and who in a negligent manner causes the death of  
274 another or mutilates, disfigures, permanently disables or destroys  
275 the tongue, eye, lip, nose or any other limb, organ or member of  
276 another shall, upon conviction, be guilty of a separate felony for  
277 each victim who suffers death, mutilation, disfigurement or other  
278 injury and shall be committed to the custody of the State  
279 Department of Corrections for a period of time of not less than  
280 five (5) years and not to exceed twenty-five (25) years for each  
281 death, mutilation, disfigurement or other injury, and the  
282 imprisonment for the second or each subsequent conviction, in the  
283 discretion of the court, shall commence either at the termination  
284 of the imprisonment for the preceding conviction or run  
285 concurrently with the preceding conviction. Any person charged  
286 with causing the death of another as described in this subsection  
287 shall be required to post bail before being released after arrest.

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



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

301 (6) **DUI citations.** (a) Upon conviction of a violation of  
302 subsection (1) of this section, the trial judge shall sign in the  
303 place provided on the traffic ticket, citation or affidavit  
304 stating that the person arrested either employed an attorney or  
305 waived his right to an attorney after having been properly  
306 advised. If the person arrested employed an attorney, the name,  
307 address and telephone number of the attorney shall be written on  
308 the ticket, citation or affidavit. The court clerk must  
309 immediately send a copy of the traffic ticket, citation or  
310 affidavit, and any other pertinent documents concerning the  
311 conviction or other order of the court, to the Department of  
312 Public Safety as provided in Section 63-11-37.

313 (b) A copy of the traffic ticket, citation or affidavit  
314 and any other pertinent documents, having been attested as true  
315 and correct by the Commissioner of Public Safety, or his designee,  
316 shall be sufficient proof of the conviction for purposes of  
317 determining the enhanced penalty for any subsequent convictions of  
318 violations of subsection (1) of this section. The Department of



319 Public Safety shall maintain a central database for verification  
320 of prior offenses and convictions.

321       (7) **Out-of-state prior convictions.** Convictions in another  
322 state, territory or possession of the United States, or under the  
323 law of a federally recognized Native American tribe, of violations  
324 for driving or operating a vehicle while under the influence of an  
325 intoxicating liquor or while under the influence of any other  
326 substance that has impaired the person's ability to operate a  
327 motor vehicle occurring within five (5) years before an offense  
328 shall be counted for the purposes of determining if a violation of  
329 subsection (1) of this section is a second, third, fourth or  
330 subsequent offense and the penalty that shall be imposed upon  
331 conviction for a violation of subsection (1) of this section.

332       (8) **Charging of subsequent offenses.** (a) For the purposes  
333 of determining how to impose the sentence for a second, third,  
334 fourth or subsequent conviction under this section, the affidavit  
335 or indictment shall not be required to enumerate previous  
336 convictions. It shall only be necessary that the affidavit or  
337 indictment states the number of times that the defendant has been  
338 convicted and sentenced within the past five (5) years for a  
339 second or third offense, or without a time limitation for a fourth  
340 or subsequent offense, under this section to determine if an  
341 enhanced penalty shall be imposed. The amount of fine and  
342 imprisonment imposed in previous convictions shall not be



343 considered in calculating offenses to determine a second, third,  
344 fourth or subsequent offense of this section.

345 (b) Before a defendant enters a plea of guilty to an  
346 offense under this section, law enforcement must submit  
347 certification to the prosecutor that the defendant's driving  
348 record, the confidential registry and National Crime Information  
349 Center record have been searched for all prior convictions,  
350 nonadjudications, pretrial diversions and arrests for driving or  
351 operating a vehicle while under the influence of an intoxicating  
352 liquor or while under the influence of any other substance that  
353 has impaired the person's ability to operate a motor vehicle. The  
354 results of the search must be included in the certification.

355 (9) **License eligibility for underage offenders.** A person  
356 who is under the legal age to obtain a license to operate a motor  
357 vehicle at the time of the offense and who is convicted under this  
358 section shall not be eligible to receive a driver's license until  
359 the person reaches the age of eighteen (18) years.

360 (10) **License suspensions and restrictions to run**  
361 **consecutively.** Suspension or restriction of driving privileges  
362 for any person convicted of or nonadjudicated for violations of  
363 subsection (1) of this section shall run consecutively to and not  
364 concurrently with any other administrative license suspension.

365 (11) **Ignition interlock.** If the court orders installation  
366 and use of an ignition-interlock device as provided in Section  
367 63-11-31 for every vehicle operated by a person convicted or



368 nonadjudicated under this section, each device shall be installed,  
369 maintained and removed as provided in Section 63-11-31.

370           (12) **DUI child endangerment.** A person over the age of  
371 twenty-one (21) who violates subsection (1) of this section while  
372 transporting in a motor vehicle a child under the age of sixteen  
373 (16) years is guilty of the separate offense of endangering a  
374 child by driving under the influence of alcohol or any other  
375 substance which has impaired the person's ability to operate a  
376 motor vehicle. The offense of endangering a child by driving  
377 under the influence of alcohol or any other substance which has  
378 impaired the person's ability to operate a motor vehicle shall not  
379 be merged with an offense of violating subsection (1) of this  
380 section for the purposes of prosecution and sentencing. An  
381 offender who is convicted of a violation of this subsection shall  
382 be punished as follows:

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

389           (b) A person who commits a violation of this subsection  
390 which does not result in the serious injury or death of a child  
391 and which is a second conviction shall be guilty of a misdemeanor  
392 and, upon conviction, shall be fined not less than One Thousand





393 Dollars (\$1,000.00) nor more than Five Thousand Dollars  
394 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

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

401 (d) A person who commits a violation of this subsection  
402 which results in the serious injury or death of a child, without  
403 regard to whether the offense was a first, second, third or  
404 subsequent offense, shall be guilty of a felony and, upon  
405 conviction, shall be punished by a fine of not less than Ten  
406 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less  
407 than five (5) years nor more than twenty-five (25) years.

408 (13) **Expunction.** (a) Any person convicted under subsection  
409 (2) or (3) of this section of a first offense of driving under the  
410 influence and who was not the holder of a commercial driver's  
411 license or a commercial learning permit at the time of the offense  
412 may petition the circuit court of the county in which the  
413 conviction was had for an order to expunge the record of the  
414 conviction at least five (5) years after successful completion of  
415 all terms and conditions of the sentence imposed for the  
416 conviction. Expunction under this subsection will only be  
417 available to a person:



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

420 (ii) Who did not refuse to submit to a test of his  
421 blood or breath;

422 (iii) Whose blood alcohol concentration tested  
423 below sixteen one-hundredths percent (.16%) if test results are  
424 available;

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

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

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

431 (b) A person is eligible for only one (1) expunction  
432 under this subsection, and the Department of Public Safety shall  
433 maintain a permanent confidential registry of all cases of  
434 expunction under this subsection for the sole purpose of  
435 determining a person's eligibility for expunction, for  
436 nonadjudication, or as a first offender under this section.

437 (c) The court in its order of expunction shall state in  
438 writing the justification for which the expunction was granted and  
439 forward the order to the Department of Public Safety within five  
440 (5) days of the entry of the order.

441 (14) **Nonadjudication.** (a) For the purposes of this  
442 chapter, "nonadjudication" means that the court withholds



443 adjudication of guilt and sentencing, either at the conclusion of  
444 a trial on the merits or upon the entry of a plea of guilt by a  
445 defendant, and places the defendant in a nonadjudication program  
446 conditioned upon the successful completion of the requirements  
447 imposed by the court under this subsection.

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

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

455 (ii) Who was not the holder of a commercial  
456 driver's license or a commercial learning permit at the time of  
457 the offense;

458 (iii) Who has not previously been convicted of and  
459 does not have pending any former or subsequent charges under this  
460 section; and

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

463 (c) Nonadjudication may be initiated upon the filing of  
464 a petition for nonadjudication or at any stage of the proceedings  
465 in the discretion of the court; the court may withhold  
466 adjudication of guilt, defer sentencing, and upon the agreement of  
467 the offender to participate in a nonadjudication program, enter an



468 order imposing requirements on the offender for a period of court  
469 supervision before the order of nonadjudication is entered.  
470 Failure to successfully complete a nonadjudication program  
471 subjects the person to adjudication of the charges against him and  
472 to imposition of all penalties previously withheld due to entrance  
473 into a nonadjudication program. The court shall immediately  
474 inform the commissioner of the conviction as required in Section  
475 63-11-37.

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

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

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

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

484 4. a. If the court determines that the  
485 person violated this section with respect to alcohol or  
486 intoxicating liquor, the person must install an ignition-interlock  
487 device on every motor vehicle operated by the person, obtain an  
488 interlock-restricted license, and maintain that license for one  
489 hundred twenty (120) days or suffer a one-hundred-twenty-day  
490 suspension of the person's regular driver's license, during which  
491 time the person must not operate any vehicle.



492                                   b. If the court determines that the  
493 person violated this section by operating a vehicle when under the  
494 influence of a substance other than alcohol that has impaired the  
495 person's ability to operate a motor vehicle, including any drug or  
496 controlled substance which is unlawful to possess under the  
497 Mississippi Controlled Substances Law, the person must submit to a  
498 one-hundred-twenty-day period of a nonadjudication program that  
499 includes court-ordered drug testing at the person's own expense  
500 not less often than every thirty (30) days, during which time the  
501 person may drive if compliant with the terms of the program, or  
502 suffer a one-hundred-twenty-day suspension of the person's regular  
503 driver's license, during which time the person will not operate  
504 any vehicle.

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

511                                   (d) The court may enter an order of nonadjudication  
512 only if the court finds, after a hearing or after ex parte  
513 examination of reliable documentation of compliance, that the  
514 offender has successfully completed all conditions imposed by law  
515 and previous orders of the court. The court shall retain



516 jurisdiction over cases involving nonadjudication for a period of  
517 not more than two (2) years.

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

523 (ii) Judges, clerks and prosecutors involved in  
524 the trial of implied consent violations and law enforcement  
525 officers involved in the issuance of citations for implied consent  
526 violations shall have secure online access to the confidential  
527 registry for the purpose of determining whether a person has  
528 previously been the subject of a nonadjudicated case and 1. is  
529 therefore ineligible for another nonadjudication; 2. is ineligible  
530 as a first offender for a violation of this section; or 3. is  
531 ineligible for expunction of a conviction of a violation of this  
532 section.

533 (iii) The Driver Services Bureau of the department  
534 shall have access to the confidential registry for the purpose of  
535 determining whether a person is eligible for a form of license not  
536 restricted to operating a vehicle equipped with an  
537 ignition-interlock device.

538 (iv) The Mississippi Alcohol Safety Education  
539 Program shall have secure online access to the confidential  
540 registry for research purposes only.



541 (15) The provisions of this section are fully applicable to  
542 any person who is under the influence of medical cannabis that is  
543 lawful under the Mississippi Medical Cannabis Act and in  
544 compliance with rules and regulations adopted thereunder which has  
545 impaired the person's ability to operate a motor vehicle.

546 **SECTION 4.** This act shall take effect and be in force from  
547 and after July 1, 2024.

