

By: Senator(s) Bryan

To: Public Health and
Welfare

SENATE BILL NO. 2340

1 AN ACT TO AMEND SECTION 41-29-136, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF THE REPEALER ON HARPER GRACE'S LAW, WHICH
3 AUTHORIZES RESEARCH AND THE DISPENSING, POSSESSION AND USE OF
4 CANNABIDIOL (CBD OIL) FOR MEDICAL PURPOSES; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 41-29-136, Mississippi Code of 1972, is
8 amended as follows:

9 41-29-136. (1) "CBD solution" means a pharmaceutical
10 preparation consisting of processed cannabis plant extract in oil
11 or other suitable vehicle.

12 (2) (a) CBD solution prepared from (i) cannabis plant
13 extract that is provided by the National Center for Natural
14 Products Research at the University of Mississippi under
15 appropriate federal and state regulatory approvals, or (ii)
16 cannabis extract from hemp produced pursuant to Sections 69-25-201
17 through 69-25-221, which is prepared and tested to meet compliance
18 with regulatory specifications, may be dispensed by the Department
19 of Pharmacy Services at the University of Mississippi Medical



20 Center (UMMC Pharmacy) after mixing the extract with a suitable
21 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or
22 by another pharmacy or laboratory in the state under appropriate
23 federal and state regulatory approvals and registrations.

24 (b) The patient or the patient's parent, guardian or
25 custodian must execute a hold-harmless agreement that releases
26 from liability the state and any division, agency, institution or
27 employee thereof involved in the research, cultivation,
28 processing, formulating, dispensing, prescribing or administration
29 of CBD solution obtained from entities authorized under this
30 section to produce or possess cannabidiol for research under
31 appropriate federal and state regulatory approvals and
32 registrations.

33 (c) The National Center for Natural Products Research
34 at the University of Mississippi and the Mississippi Agricultural
35 and Forestry Experiment Station at Mississippi State University
36 are the only entities authorized to produce cannabis plants for
37 cannabidiol research.

38 (d) Research of CBD solution under this section must
39 comply with the provisions of Section 41-29-125 regarding lawful
40 possession of controlled substances, of Section 41-29-137
41 regarding record-keeping requirements relative to the dispensing,
42 use or administration of controlled substances, and of Section
43 41-29-133 regarding inventory requirements, insofar as they are



44 applicable. Authorized entities may enter into public-private
45 partnerships to facilitate research.

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

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

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

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

63 (c) An employee of the state or any division, agency,
64 institution thereof involved in the research, cultivation,
65 processing, formulation, dispensing, prescribing or administration
66 of CBD solution shall not be subject to prosecution for unlawful
67 possession, use, distribution or prescription of marijuana under
68 the laws of this state for activities arising from or related to



69 the use of CBD solution in the treatment of individuals diagnosed
70 with a debilitating epileptic condition.

71 (4) This section does not apply to any of the actions that
72 are lawful under the Mississippi Medical Cannabis Act and in
73 compliance with rules and regulations adopted thereunder.

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

75 (6) This section shall stand repealed from and after July
76 1, * * * 2027.

77 **SECTION 2.** This act shall take effect and be in force from
78 and after July 1, 2024.

