

By: Senator(s) Simmons (12th)

To: Judiciary, Division B

SENATE BILL NO. 2620

1 AN ACT TO AMEND SECTION 41-29-113, MISSISSIPPI CODE OF 1972,  
 2 TO REMOVE MARIJUANA FROM THE LIST OF SCHEDULE I CONTROLLED  
 3 SUBSTANCES; TO AMEND SECTION 41-29-139, MISSISSIPPI CODE OF 1972,  
 4 TO CONFORM THE PENALTY FOR POSSESSION OF CONTROLLED SUBSTANCES  
 5 OTHER THAN MARIJUANA; TO AMEND SECTION 41-29-105, MISSISSIPPI CODE  
 6 OF 1972, TO CONFORM DEFINITIONS FOR THE UNIFORM CONTROLLED  
 7 SUBSTANCES ACT; TO AMEND SECTION 41-29-136, MISSISSIPPI CODE OF  
 8 1972, TO CONFORM AND TO EXTEND THE REPEALER; TO AMEND SECTIONS  
 9 33-13-520, 41-29-147, 41-29-149.1 AND 41-29-150, MISSISSIPPI CODE  
 10 OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 41-29-113, Mississippi Code of 1972, is  
 13 amended as follows:

14 41-29-113.

15 **SCHEDULE I**

16 (a) Schedule I consists of the drugs and other substances,  
 17 by whatever official name, common or usual name, chemical name, or  
 18 brand name designated, that is listed in this section.

19 (b) **Opiates.** Unless specifically excepted or unless listed  
 20 in another schedule, any of the following opiates, including their  
 21 isomers, esters, ethers, salts and salts of isomers, esters and



22 ethers, whenever the existence of these isomers, esters, ethers  
23 and salts is possible within the specific chemical designation:

24 (1) Acetyl-alpha-methylfentanyl  
25 (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

26 (2) Acetylmethadol;

27 (3) Acetyl fentanyl  
28 (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);

29 (4) Acryl fentanyl  
30 (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide), also known as  
31 acryloylfentanyl;

32 (5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)  
33 cyclohexylmethyl]benzamide);

34 (6) Allylprodine;

35 (7) Alphacetylmethadol, except levo-alphacetylmethadol  
36 (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

37 (8) Alphameprodine;

38 (9) Alphamethadol;

39 (10) Alpha-Methylfentanyl  
40 (N-[1-alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide;  
41 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine);

42 (11) Alpha-Methylthiofentanyl  
43 (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide  
44 );

45 (12) Benzethidine;

46 (13) Betacetylmethadol;



47 (14) Beta-Hydroxyfentanyl  
48 (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);  
49 (15) Beta-Hydroxy-3-methylfentanyl  
50 (N-[1-(2-hydroxy-2-phenylethyl)-3-methyl-4-piperidinyl]-N-phenylpr  
51 opanamide);  
52 (16) Beta-Hydroxythiofentanyl  
53 (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpr  
54 opionamide);  
55 (17) Betameprodine;  
56 (18) Betamethadol;  
57 (19) Beta-Methyl fentanyl  
58 (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide), also  
59 known as  $\beta$ -methyl fentanyl;  
60 (20) Beta'-Phenyl fentanyl  
61 (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide), also  
62 known as  $\beta'$ -phenyl fentanyl or 3-phenylpropanoyl fentanyl;  
63 (21) Betaprodine;  
64 (22) Butyrl fentanyl  
65 (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);  
66 (23) Clonitazene;  
67 (24) Crotonyl fentanyl  
68 ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);  
69 (25) Cyclopentyl fentanyl  
70 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);



71 (26) Cyclopropyl fentanyl  
72 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);  
73 (27) Dextromoramide;  
74 (28) Diampromide;  
75 (29) Diethylthiambutene;  
76 (30) Difenoxylin;  
77 (31) Dimenoxadol;  
78 (32) Dimepheptanol;  
79 (33) Dimethylthiambutene;  
80 (34) Dioxaphetyl butyrate;  
81 (35) Dipipanone;  
82 (36) Ethylmethylthiambutene;  
83 (37) Etonitazene;  
84 (38) Etoxeridine;  
85 (39) Fentanyl carbamate  
86 (ethyl(1-phenethylpiperidin-4-yl)(phenyl)carbamate);  
87 (40) Fentanyl-related substances, meaning any substance  
88 not otherwise listed under another schedule and for which no  
89 exemption or approval is in effect under Section 505 of the  
90 Federal Food, Drug, and Cosmetic Act [21 USC 355] that is  
91 structurally related to fentanyl by one or more of the following  
92 modifications:  
93 (A) Replacement of the phenyl portion of the  
94 phenethyl group by any monocycle, whether or not further  
95 substituted in or on the monocycle;



96 (B) Substitution in or on the phenethyl group with  
97 alkyl, alkenyl, alkoxy, hydroxy, halo, haloalkyl, amino or nitro  
98 groups;

99 (C) Substitution in or on the piperidine ring with  
100 alkyl, alkenyl, alkoxy, ester, ether, hydroxy, halo, haloalkyl,  
101 amino or nitro groups;

102 (D) Replacement of the aniline ring with any  
103 aromatic monocycle whether or not further substituted in or on the  
104 aromatic monocycle; and/or

105 (E) Replacement of the N-propionyl group by  
106 another acyl group.

107 (41) 4-Fluoroisobutyryl fentanyl  
108 (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide),  
109 also known as para-fluoroisobutyryl fentanyl);

110 (42) 2'-Fluoro ortho-fluorofentanyl  
111 (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)  
112 propionamide), also known as 2'-fluoro 2-fluorofentanyl;

113 (43) Furanyl fentanyl  
114 (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);

115 (44) Furethidine;

116 (45) Hydroxypethidine;

117 (46) Isobutyryl fentanyl  
118 (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);

119 (47) Isotonitazene (N,N-diethyl-2-(2-(4  
120 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);



121 (48) Ketobemidone (including the optical and geometric  
122 isomers);  
123 (49) Levomoramide;  
124 (50) Levophenacylmorphan;  
125 (51) Methoxyacetyl fentanyl  
126 (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);  
127 (52) 4'-Methyl acetyl fentanyl  
128 (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide);  
129 (53) 3-Methylfentanyl  
130 (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);  
131 (54) 3-Methylthiofentanyl (N-[3-methyl-1-  
132 (2-thienylethyl)-4-piperidinyl]-N-phenylpropanamide);  
133 (55) Morpheridine;  
134 (56) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);  
135 (57) MT-45  
136 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);  
137 (58) Noracymethadol;  
138 (59) Norlevorphanol;  
139 (60) Normethadone;  
140 (61) Norpipanone;  
141 (62) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-  
142 (1-phenethylpiperidin-4-yl)acetamide);  
143 (63) Ortho-Fluoroacryl fentanyl  
144 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide);



145 (64) Ortho-Fluorobutyryl fentanyl  
146 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide), also  
147 known as 2-fluorobutyryl fentanyl;  
148 (65) Ortho-Fluorofentanyl  
149 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide),  
150 also known as 2-fluorofentanyl;  
151 (66) Ortho-Fluoroisobutyryl fentanyl  
152 (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);  
153 (67) Ortho-Methyl acetylfentanyl  
154 (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide), also  
155 known as 2-methyl acetylfentanyl;  
156 (68) Ortho-Methyl methoxyacetyl fentanyl  
157 (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)  
158 acetamide), also known as 2-methyl methoxyacetyl fentanyl;  
159 (69) Para-Chloroisobutyryl fentanyl  
160 (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);  
161 (70) Para-Fluorobutyryl fentanyl  
162 (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);  
163 (71) Para-Fluorofentanyl (N-(4-fluorophenyl)  
164 -N-[1-(2-phenylethyl)-4-piperidinyl]propanamide);  
165 (72) Para-Fluoro furanyl fentanyl N-(4-fluorophenyl)-N-  
166 (1-phenethylpiperidin-4-yl)furan-2-carboxamide);  
167 (73) Para-Methoxybutyryl fentanyl  
168 (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);



169 (74) Para-Methylfentanyl  
170 (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide),  
171 also known as 4-methylfentanyl);  
172 (75) PEPAP  
173 (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
174 (76) Phenadoxone;  
175 (77) Phenampromide;  
176 (78) Phenomorphan;  
177 (79) Phenoperidine;  
178 (80) Phenyl fentanyl  
179 (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide), also known as  
180 benzoyl fentanyl;  
181 (81) Piritramide;  
182 (82) Proheptazine;  
183 (83) Properidine;  
184 (84) Propiram;  
185 (85) Racemoramide;  
186 (86) Tetrahydrofuranyl fentanyl  
187 (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-  
188 carboxamide);  
189 (87) Thiofentanyl  
190 (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide);  
191 (88) Thiofuranyl fentanyl  
192 (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide),  
193 also known as 2-thiofuranyl fentanyl or thiophene fentanyl;





- 194 (89) Tilidine;
- 195 (90) Trimeperidine;
- 196 (91) U-47700, (3,4-dichloro-N-
- 197 [2-(dimethylamino)cyclohexyl]-N-methylbenzamide);
- 198 (92) Valeryl fentanyl
- 199 (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).

200 (c) **Opium derivatives.** Unless specifically excepted or

201 unless listed in another schedule, any of the following opium

202 derivatives, their salts, isomers and salts of isomers, whenever

203 the existence of these salts, isomers and salts of isomers is

204 possible within the specific chemical designation:

- 205 (1) Acetorphine;
- 206 (2) Acetyldihydrocodeine;
- 207 (3) Benzylmorphine;
- 208 (4) Codeine methylbromide;
- 209 (5) Codeine-N-Oxide;
- 210 (6) Cyprenorphine;
- 211 (7) Desomorphine;
- 212 (8) Dihydromorphine;
- 213 (9) Drotebanol;
- 214 (10) Etorphine (except hydrochloride salt);
- 215 (11) Heroin;
- 216 (12) Hydromorphinol;
- 217 (13) Methyldesorphine;
- 218 (14) Methyldihydromorphine;



- 219 (15) Monoacetylmorphine;
- 220 (16) Morphine methylbromide;
- 221 (17) Morphine methylsulfonate;
- 222 (18) Morphine-N-Oxide;
- 223 (19) Myrophine;
- 224 (20) Nicocodeine;
- 225 (21) Nicomorphine;
- 226 (22) Normorphine;
- 227 (23) Pholcodine;
- 228 (24) Thebacon.

229 (d) **Hallucinogenic substances.** Unless specifically excepted  
230 or unless listed in another schedule, any material, compound,  
231 mixture or preparation which contains any quantity of the  
232 following substances, their salts, isomers (whether optical,  
233 positional, or geometric) and salts of isomers, whenever the  
234 existence of these salts, isomers and salts of isomers is possible  
235 within the specific chemical designation:

- 236 (1) Alpha-ethyltryptamine;
- 237 (2) 4-bromo-2,5-dimethoxy-amphetamine;
- 238 (3) 4-bromo-2,5-dimethoxyphenethylamine;
- 239 (4) 2,5-dimethoxyamphetamine;
- 240 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 241 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine  
242 (2C-T-7);
- 243 (7) 4-methoxyamphetamine;



- 244 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 245 (9) 4-methyl-2,5-dimethoxy-amphetamine;
- 246 (10) 3,4-methylenedioxy amphetamine;
- 247 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 248 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
- 249 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl
- 250 MDA, MDE, MDEA);
- 251 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also
- 252 known as N-hydroxy MDA, N-OHMDA, and
- 253 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);
- 254 (14) 3,4,5-trimethoxy amphetamine;
- 255 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 256 (16) Alpha-methyltryptamine (also known as AMT);
- 257 (17) Bufotenine;
- 258 (18) Diethyltryptamine;
- 259 (19) Dimethyltryptamine;
- 260 (20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 261 (21) Ibogaine;
- 262 (22) Lysergic acid diethylamide (LSD);
- 263 (23) \* \* \* [Deleted]
- 264 (24) Mescaline;
- 265 (25) Parahexyl;
- 266 (26) Peyote;
- 267 (27) N-ethyl-3-piperidyl benzilate;
- 268 (28) N-methyl-3-piperidyl benzilate;



269 (29) Psilocybin;  
270 (30) Psilocyn;  
271 (31) Tetrahydrocannabinols, meaning  
272 tetrahydrocannabinols contained in a plant of the genus Cannabis  
273 (cannabis plant), as well as the synthetic equivalents of the  
274 substances contained in the cannabis plant, or in the resinous  
275 extractives of such plant, and/or synthetic substances,  
276 derivatives, and their isomers with similar chemical structure and  
277 pharmacological activity to those substances contained in the  
278 plant such as the following:

- 279 (A) 1 cis or trans tetrahydrocannabinol;
- 280 (B) 6 cis or trans tetrahydrocannabinol;
- 281 (C) 3,4 cis or trans tetrahydrocannabinol.

282 (Since nomenclature of these substances is not  
283 internationally standardized, compounds of these structures,  
284 regardless of atomic positions, are covered.)

285 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)  
286 For purposes of this paragraph, tetrahydrocannabinols do not  
287 include hemp or hemp products regulated under Sections 69-25-201  
288 through 69-25-221.

289 However, the following products are exempted from control:

- 290 (i) THC-containing industrial products made  
291 from cannabis stalks (e.g., paper, rope and clothing);



292 (ii) Processed cannabis plant materials used  
293 for industrial purposes, such as fiber retted from cannabis stalks  
294 for use in manufacturing textiles or rope;

295 (iii) Animal feed mixtures that contain  
296 sterilized cannabis seeds and other ingredients (not derived from  
297 the cannabis plant) in a formula designed, marketed and  
298 distributed for nonhuman consumption;

299 (iv) Personal care products that contain oil  
300 from sterilized cannabis seeds, such as shampoos, soaps, and body  
301 lotions (if the products do not cause THC to enter the human  
302 body);

303 (v) Hemp as regulated under Sections  
304 69-25-201 through 69-25-221; and

305 (vi) Any product derived from the hemp plant  
306 designed for human ingestion and/or consumption that is approved  
307 by the United States Food and Drug Administration;

308 (32) Phencyclidine;

309 (33) Ethylamine analog of phencyclidine (PCE);

310 (34) Pyrrolidine analog of phencyclidine (PHP, PCPy);

311 (35) Thiophene analog of phencyclidine;

312 (36) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);

313 (37) 4-methylmethcathinone (mephedrone);

314 (38) 3,4-methylenedioxypropylvalerone (MDPV);

315 (39) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E);

316 (40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);



317 (41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);  
318 (42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);  
319 or 2,5-dimethoxy-4-iodophenethylamine;  
320 (43) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine  
321 (2C-T-2);  
322 (44)  
323 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);  
324 (45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);  
325 (46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N);  
326 (47) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine  
327 (2C-P);  
328 (48) 3,4-methylenedioxy-N-methylcathinone (methydone);  
329 (49)  
330 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine  
331 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);  
332 (50)  
333 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine  
334 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);  
335 (51)  
336 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or  
337 N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;  
338 Cimbi-5);  
339 (52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,  
340 4-benzodiazepin-2-one (also known as Phenazepam);



341 (53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,  
342 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene  
343 (also known as Etizolam);

344 (54) Salvia divinorum;

345 (55) Synthetic cannabinoids. Unless specifically  
346 excepted or unless listed in another schedule, any material,  
347 compound, mixture, or preparation which contains any quantity of a  
348 synthetic cannabinoid found in any of the following chemical  
349 groups, whether or not substituted to any extent, or any of those  
350 groups which contain any synthetic cannabinoid salts, isomers, or  
351 salts of isomers, whenever the existence of such salts, isomers,  
352 or salts of isomers is possible within the specific chemical  
353 designation, including all synthetic cannabinoid chemical  
354 analogues in such groups:

355 (A) (6aR,10aR)-9-(hydroxymethyl)-6,  
356 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
357 chromen-1-ol (also known as HU-210 or  
358 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

359 (B) Naphthoylindoles and naphthylmethylinindoles,  
360 being any compound structurally derived from 3-(1-naphthoyl)indole  
361 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted  
362 in the indole ring to any extent, or in the naphthyl ring to any  
363 extent;

364 (C) Naphthoylpyrroles, being any compound  
365 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not



366 substituted in the pyrrole ring to any extent, or in the naphthyl  
367 ring to any extent;

368 (D) Naphthylmethylindenes, being any compound  
369 structurally derived from 1-(1-naphthylmethyl)indene, whether or  
370 not substituted in the indene ring to any extent or in the  
371 naphthyl ring to any extent;

372 (E) Phenylacetylindoles, being any compound  
373 structurally derived from 3-phenylacetylindole, whether or not  
374 substituted in the indole ring to any extent or in the phenyl ring  
375 to any extent;

376 (F) Cyclohexylphenols, being any compound  
377 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether  
378 or not substituted in the cyclohexyl ring to any extent or in the  
379 phenolic ring to any extent;

380 (G) Benzoylindoles, whether or not substituted in  
381 the indole ring to any extent or in the phenyl ring to any extent;

382 (H) Adamantoylindoles, whether or not substituted  
383 in the indole ring to any extent or in the adamantoyl ring system  
384 to any extent;

385 (I) Tetrahydro derivatives of cannabinal and  
386 3-alkyl homologues of cannabinal or of its tetrahydro derivatives,  
387 except where contained in cannabis or cannabis resin;

388 (J) 3-Cyclopropylmethanone indole or  
389 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by  
390 substitution at the nitrogen atom of the indole ring, whether or





391 not further substituted in the indole ring to any extent, whether  
392 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl  
393 rings to any extent;

394 (K) Quinoliny ester indoles, being any compound  
395 structurally derived from 1H-indole-3carboxylic acid-8-quinoliny  
396 ester, whether or not substituted in the indole ring to any extent  
397 or the quinolone ring to any extent;

398 (L) 3-carboxamide-1H-indazoles, whether or not  
399 substituted in the indazole ring to any extent and substituted to  
400 any degree on the carboxamide nitrogen and  
401 3-carboxamide-1H-indoles, whether or not substituted in the indole  
402 ring to any extent and substituted to any degree on the  
403 carboxamide nitrogen;

404 (M) Cycloalkanemethanone Indoles, whether or not  
405 substituted at the nitrogen atom on the indole ring, whether or  
406 not further substituted in the indole ring to any extent, whether  
407 or not substituted on the cycloalkane ring to any extent;

408 (56) Naphthalen-1-yl  
409 1-(5-fluoropentyl)-1H-indole-3-carboxylate, also known as NM2201  
410 or CBL2201;

411 (57) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-  
412 pyrrolo[2,3-b]pyridine-3-carboxamide, also known as  
413 5F-CUMYL-P7AICA or SGT-25;



414 (58) Methyl  
415 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutano  
416 ate, also known as 4F-MDMB-BINACA or 4F-MDMB-BUTINACA)

417 (59) 1-(4-methoxyphenyl)-N-methylpropan-2-amine, also  
418 known as para-methoxymethamphetamine or PMMA

419 (60) Ethyl 2-(1-(5-fluoropentyl)  
420 -1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, also known as  
421 5F-EDMB-PINACA;

422 (61) Methyl  
423 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoa  
424 te, also known as 5F-MDMB-PICA or 5F-MDMB-2201;

425 (62)  
426 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide,  
427 also known as FUB-AKB48 or FUB-APINACA or AKB48  
428 N-(4-fluorobenzyl);

429 (63)  
430 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)  
431 methanone, also known as FUB-144;

432 (64) N-ethylhexedrone, also known as  
433  $\alpha$ -ethylaminohexanophenone or 2-(ethylamino)-1-phenylhexan-1-one;

434 (65) Alpha-pyrrolidinohexanophenone, also known as  
435  $\alpha$ -PHP or  $\alpha$ -pyrrolidinohexanophenone or  
436 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one);

437 (66) 4-methyl-alpha-ethylaminopentiophenone, also known  
438 as 4-MEAP or 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one);



439 (67) 4'-methyl-alpha-pyrrolidinohexiophenone, also  
440 known as MPHP or 4'-methyl-alpha-pyrrolidinohexanophenone or  
441 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);

442 (68) Alpha-pyrrolidinoheptaphenone (also known as PV8;  
443 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);

444 (69) 4'-chloro-alpha-pyrrolidinovalerophenone, also  
445 known as 4-chloro- $\alpha$ -PVP or 4'-chloro- $\alpha$ -pyrrolidinopentiophenone or  
446 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one);

447 (70)  
448 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one, also known as  
449 methoxetamine or MXE.

450 (e) **Depressants.** Unless specifically excepted or unless  
451 listed in another schedule, any material, compound, mixture, or  
452 preparation which contains any quantity of the following  
453 substances having a depressant effect on the central nervous  
454 system, including their salts, isomers, and salts of isomers,  
455 whenever the existence of such salts, isomers, and salts of  
456 isomers is possible within the specific chemical designation:

457 (1) Clonazolam,  
458 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]  
459 benzodiazepine;

460 (2) Flualprazolam,  
461 8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4  
462 ]benzodiazepine;

463 (3) Flubromazepam,



464 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one;

465 (4) Flubromazolam,

466 8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]

467 benzodiazepin;

468 (5) Gamma-hydroxybutyric acid (other names include:

469 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic

470 acid; sodium oxybate; sodium oxybutyrate);

471 (6) Mecloqualone;

472 (7) Methaqualone.

473 (f) **Stimulants.** Any material, compound, mixture or

474 preparation which contains any quantity of the following central

475 nervous system stimulants including optical salts, isomers and

476 salts of isomers unless specifically excepted or unless listed in

477 another schedule:

478 (1) Aminorex;

479 (2) N-benzylpiperazine (also known as BZP and

480 1-benzylpiperazine);

481 (3) Cathinone;

482 (4) 4,4'-Dimethylaminorex, also known as 4,4'-DMAR or

483 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine;

484 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine);

485 (5) Fenethylamine;

486 (6) Methcathinone;

487 (7) 4-methylaminorex (also known as

488 2-amino-4-methyl-5-phenyl-2-oxazoline);



489 (8) N-ethylamphetamine;

490 (9) Any material, compound, mixture or preparation  
491 which contains any quantity of N,N-dimethylamphetamine. (Other  
492 names include: N,N,-alpha-trimethyl-benzeneethanamine and  
493 N,N-alpha-trimethylphenethylamine);

494 (10) Synthetic cathinones. (A) Unless listed in  
495 another schedule, any compound other than bupropion that is  
496 structurally derived from 2-Amino-1-phenyl-1-propanone by  
497 modification in any of the following ways:

498 (i) By substitution in the phenyl ring to any  
499 extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide  
500 substituents, whether or not further substituted in the phenyl  
501 ring by one or more other univalent substituents;

502 (ii) By substitution at the 3-position with  
503 an alkyl substituent;

504 (iii) By substitution at the nitrogen atom  
505 with alkyl or dialkyl groups, or by inclusion of the nitrogen atom  
506 in a cyclic structure.

507 (B) The compounds covered in this paragraph (10)  
508 include, but are not limited to, any material, compound, mixture  
509 or preparation which contains any quantity of a synthetic  
510 cathinone found in any of the following compounds, whether or not  
511 substituted to any extent, or any of these compounds which contain  
512 any synthetic cathinone, or salts, isomers, or salts of isomers,  
513 whenever the existence of such salts, isomers or salts of isomers



514 is possible, unless specifically excepted or listed in another  
515 schedule:

516 (i) 4-methyl-N-ethylcathinone ("4-MEC");

517 (ii) 4-methyl-alpha-pyrrolidinopropiophenone  
518 ("4-MePPP");

519 (iii) Alpha-pyrrolidinopentiophenone  
520 (" $\alpha$ -PVP");

521 (iv) 1-(1,3-benzodioxol-5-yl)-2-  
522 (methylamino)butan-1-one ("butylone");

523 (v) 2-(methylamino)-1-phenylpentan-1-one  
524 ("pentedrone");

525 (vi) 1-(1,3-benzodioxol-5-yl)-2-  
526 (methylamino)pentan-1-one ("pentylone");

527 (vii) 4-fluoro-N-methylcathinone ("4-FMC");

528 (viii) 3-fluoro-N-methylcathinone ("3-FMC");

529 (ix) 1-(naphthalen-2-yl)-2- (pyrrolidin-1-yl)  
530 pentan-1-one ("naphyrone");

531 (x) Alpha-pyrrolidinobutiophenone (" $\alpha$ -PBP");

532 and

533 (xi) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)  
534 -pentan-1-one (N-ethylpentylone, ephylone).

535 **SECTION 2.** Section 41-29-139, Mississippi Code of 1972, is  
536 amended as follows:



537 41-29-139. (a) **Transfer and possession with intent to**  
538 **transfer.** Except as authorized by this article, it is unlawful  
539 for any person knowingly or intentionally:

540 (1) To sell, barter, transfer, manufacture, distribute,  
541 dispense or possess with intent to sell, barter, transfer,  
542 manufacture, distribute or dispense, a controlled substance; or

543 (2) To create, sell, barter, transfer, distribute,  
544 dispense or possess with intent to create, sell, barter, transfer,  
545 distribute or dispense, a counterfeit substance.

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

550 (1) For controlled substances classified in Schedule I  
551 or II, as set out in Sections 41-29-113 and 41-29-115, other  
552 than \* \* \* synthetic cannabinoids:

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

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



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

566 (2) \* \* \* For synthetic cannabinoids:

567 \* \* \* (A) If ten (10) grams or less, by  
568 imprisonment for not more than three (3) years or a fine of not  
569 more than Three Thousand Dollars (\$3,000.00), or both;

570 \* \* \* (B) If more than ten (10) grams but less  
571 than twenty (20) grams, by imprisonment for not more than five (5)  
572 years or a fine of not more than Five Thousand Dollars  
573 (\$5,000.00), or both;

574 \* \* \* (C) If twenty (20) or more grams but less  
575 than forty (40) grams, by imprisonment for not less than three (3)  
576 years nor more than ten (10) years or a fine of not more than  
577 Fifteen Thousand Dollars (\$15,000.00), or both;

578 \* \* \* (D) If forty (40) or more grams but less  
579 than two hundred (200) grams, by imprisonment for not less than  
580 five (5) years nor more than twenty (20) years or a fine of not  
581 more than Twenty Thousand Dollars (\$20,000.00), or both.

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





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

587 (B) If two (2) or more grams or ten (10) or more  
588 dosage units, but less than ten (10) grams or twenty (20) dosage  
589 units, by imprisonment for not more than eight (8) years or a fine  
590 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

591 (C) If ten (10) or more grams or twenty (20) or  
592 more dosage units, but less than thirty (30) grams or forty (40)  
593 dosage units, by imprisonment for not more than fifteen (15) years  
594 or a fine of not more than One Hundred Thousand Dollars  
595 (\$100,000.00), or both;

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

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

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

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



608 units, by imprisonment for not more than five (5) years or a fine  
609 of not more than Ten Thousand Dollars (\$10,000.00), or both;

610 (C) If ten (10) or more grams or twenty (20) or  
611 more dosage units, but less than thirty (30) grams or forty (40)  
612 dosage units, by imprisonment for not more than ten (10) years or  
613 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
614 both;

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

620 (c) **Simple possession.** Except as otherwise provided under  
621 subsection (i) of this section for actions that are lawful under  
622 the Mississippi Medical Cannabis Act and in compliance with rules  
623 and regulations adopted thereunder, it is unlawful for any person  
624 knowingly or intentionally to possess any controlled substance  
625 unless the substance was obtained directly from, or pursuant to, a  
626 valid prescription or order of a practitioner while acting in the  
627 course of his professional practice, or except as otherwise  
628 authorized by this article. The penalties for any violation of  
629 this subsection (c) with respect to a controlled substance  
630 classified in Schedules I, II, III, IV or V, as set out in Section  
631 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121,  
632 including \* \* \* synthetic cannabinoids, shall be based on dosage



633 unit as defined herein or the weight of the controlled substance  
634 as set forth herein as appropriate:

635 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
636 case of a liquid solution, one (1) milliliter. In the case of  
637 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
638 stamp, square, dot, microdot, tablet or capsule of a controlled  
639 substance.

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

643 The weight set forth refers to the entire weight of any  
644 mixture or substance containing a detectable amount of the  
645 controlled substance.

646 If a mixture or substance contains more than one (1)  
647 controlled substance, the weight of the mixture or substance is  
648 assigned to the controlled substance that results in the greater  
649 punishment.

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

652 (1) A controlled substance classified in Schedule I or  
653 II, except \* \* \* synthetic cannabinoids:

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



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

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

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

672 (2) (A) \* \* \* Synthetic cannabinoids:

673 1. If \* \* \* ten (10) grams or less of  
674 synthetic cannabinoids, by a fine of not less than One Hundred  
675 Dollars (\$100.00) nor more than Two Hundred Fifty Dollars  
676 (\$250.00). The provisions of this paragraph (2) (A) may be  
677 enforceable by summons if the offender provides proof of identity  
678 satisfactory to the arresting officer and gives written promise to  
679 appear in court satisfactory to the arresting officer, as directed  
680 by the summons. A second conviction under this section within two  
681 (2) years is a misdemeanor punishable by a fine of Two Hundred  
682 Fifty Dollars (\$250.00), not more than sixty (60) days in the



683 county jail, and mandatory participation in a drug education  
684 program approved by the Division of Alcohol and Drug Abuse of the  
685 State Department of Mental Health, unless the court enters a  
686 written finding that a drug education program is inappropriate. A  
687 third or subsequent conviction under this paragraph (2) (A) within  
688 two (2) years is a misdemeanor punishable by a fine of not less  
689 than Two Hundred Fifty Dollars (\$250.00) nor more than One  
690 Thousand Dollars (\$1,000.00) and confinement for not more than six  
691 (6) months in the county jail.

692       Upon a first or second conviction under this paragraph  
693 (2) (A), the courts shall forward a report of the conviction to the  
694 Mississippi Bureau of Narcotics which shall make and maintain a  
695 private, nonpublic record for a period not to exceed two (2) years  
696 from the date of conviction. The private, nonpublic record shall  
697 be solely for the use of the courts in determining the penalties  
698 which attach upon conviction under this paragraph (2) (A) and shall  
699 not constitute a criminal record for the purpose of private or  
700 administrative inquiry and the record of each conviction shall be  
701 expunged at the end of the period of two (2) years following the  
702 date of such conviction;

703               2. Additionally, a person who is the operator  
704 of a motor vehicle, who possesses on his person or knowingly keeps  
705 or allows to be kept in a motor vehicle within the area of the  
706 vehicle normally occupied by the driver or passengers, more than  
707 one (1) gram, but not more than \* \* \* ten (10) grams of synthetic



708 cannabinoids is guilty of a misdemeanor and, upon conviction, may  
709 be fined not more than One Thousand Dollars (\$1,000.00) or  
710 confined for not more than ninety (90) days in the county jail, or  
711 both. For the purposes of this subsection, such area of the  
712 vehicle shall not include the trunk of the motor vehicle or the  
713 areas not normally occupied by the driver or passengers if the  
714 vehicle is not equipped with a trunk. A utility or glove  
715 compartment shall be deemed to be within the area occupied by the  
716 driver and passengers.

717 (B) \* \* \* Synthetic cannabinoids:

718 1. If more than ten (10) grams but less than  
719 twenty (20) grams, by a fine of not more than One Thousand Dollars  
720 (\$1,000.00), or confinement in the county jail for not more than  
721 one (1) year, or both; or by a fine of not more than Three  
722 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
723 the Department of Corrections for not more than three (3) years,  
724 or both;

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

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



733                   4. If two hundred (200) or more grams, by  
734 imprisonment for not less than six (6) years nor more than  
735 twenty-four (24) years or a fine of not more than Five Hundred  
736 Thousand Dollars (\$500,000.00), or both.

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

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

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

749                   (C) If one hundred fifty (150) or more grams or  
750 five hundred (500) or more dosage units, but less than three  
751 hundred (300) grams or one thousand (1,000) dosage units, by  
752 imprisonment for not less than two (2) years nor more than eight  
753 (8) years or a fine of not more than Fifty Thousand Dollars  
754 (\$50,000.00), or both.

755                   (D) If three hundred (300) or more grams or one  
756 thousand (1,000) or more dosage units, but less than five hundred  
757 (500) grams or two thousand five hundred (2,500) dosage units, by



758 imprisonment for not less than four (4) years nor more than  
759 sixteen (16) years or a fine of not more than Two Hundred Fifty  
760 Thousand Dollars (\$250,000.00), or both.

761 (d) **Paraphernalia.** (1) Except as otherwise provided under  
762 subsection (i) of this section for actions that are lawful under  
763 the Mississippi Medical Cannabis Act and in compliance with rules  
764 and regulations adopted thereunder, it is unlawful for a person  
765 who is not authorized by the State Board of Medical Licensure,  
766 State Board of Pharmacy, or other lawful authority to use, or to  
767 possess with intent to use, paraphernalia to plant, propagate,  
768 cultivate, grow, harvest, manufacture, compound, convert, produce,  
769 process, prepare, test, analyze, pack, repack, store, contain,  
770 conceal, inject, ingest, inhale or otherwise introduce into the  
771 human body a controlled substance in violation of the Uniform  
772 Controlled Substances Law. Any person who violates this  
773 subsection (d) (1) is guilty of a misdemeanor and, upon conviction,  
774 may be confined in the county jail for not more than six (6)  
775 months, or fined not more than Five Hundred Dollars (\$500.00), or  
776 both \* \* \*.

777 (2) It is unlawful for any person to deliver, sell,  
778 possess with intent to deliver or sell, or manufacture with intent  
779 to deliver or sell, paraphernalia, knowing, or under circumstances  
780 where one reasonably should know, that it will be used to plant,  
781 propagate, cultivate, grow, harvest, manufacture, compound,  
782 convert, produce, process, prepare, test, analyze, pack, repack,





783 store, contain, conceal, inject, ingest, inhale, or otherwise  
784 introduce into the human body a controlled substance in violation  
785 of the Uniform Controlled Substances Law. Except as provided in  
786 subsection (d) (3), a person who violates this subsection (d) (2) is  
787 guilty of a misdemeanor and, upon conviction, may be confined in  
788 the county jail for not more than six (6) months, or fined not  
789 more than Five Hundred Dollars (\$500.00), or both.

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

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

806 (e) It shall be unlawful for any physician practicing  
807 medicine in this state to prescribe, dispense or administer any



808 amphetamine or amphetamine-like anorectics and/or central nervous  
809 system stimulants classified in Schedule II, pursuant to Section  
810 41-29-115, for the exclusive treatment of obesity, weight control  
811 or weight loss. Any person who violates this subsection, upon  
812 conviction, is guilty of a misdemeanor and may be confined for a  
813 period not to exceed six (6) months, or fined not more than One  
814 Thousand Dollars (\$1,000.00), or both.

815 (f) **Trafficking.** (1) Any person trafficking in controlled  
816 substances shall be guilty of a felony and, upon conviction, shall  
817 be imprisoned for a term of not less than ten (10) years nor more  
818 than forty (40) years and shall be fined not less than Five  
819 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
820 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
821 reduced or suspended. The person shall not be eligible for  
822 probation or parole, the provisions of Sections 41-29-149,  
823 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

824 (2) "Trafficking in controlled substances" as used  
825 herein means:

826 (A) A violation of subsection (a) of this section  
827 involving thirty (30) or more grams or forty (40) or more dosage  
828 units of a Schedule I or II controlled substance except \* \* \*  
829 synthetic cannabinoids;

830 (B) A violation of subsection (a) of this section  
831 involving five hundred (500) or more grams or two thousand five



832 hundred (2,500) or more dosage units of a Schedule III, IV or V  
833 controlled substance;

834 (C) A violation of subsection (c) of this section  
835 involving thirty (30) or more grams or forty (40) or more dosage  
836 units of a Schedule I or II controlled substance except \* \* \*  
837 synthetic cannabinoids;

838 (D) A violation of subsection (c) of this section  
839 involving five hundred (500) or more grams or two thousand five  
840 hundred (2,500) or more dosage units of a Schedule III, IV or V  
841 controlled substance; or

842 (E) A violation of subsection (a) of this section  
843 involving \* \* \* two hundred (200) grams or more of synthetic  
844 cannabinoids.

845 (g) **Aggravated trafficking.** Any person trafficking in  
846 Schedule I or II controlled substances, except \* \* \* synthetic  
847 cannabinoids, of two hundred (200) grams or more shall be guilty  
848 of aggravated trafficking and, upon conviction, shall be sentenced  
849 to a term of not less than twenty-five (25) years nor more than  
850 life in prison and shall be fined not less than Five Thousand  
851 Dollars (\$5,000.00) nor more than One Million Dollars  
852 (\$1,000,000.00). The twenty-five-year sentence shall be a  
853 mandatory sentence and shall not be reduced or suspended. The  
854 person shall not be eligible for probation or parole, the  
855 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
856 the contrary notwithstanding.



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

866                           (A) The offender was not a leader of the criminal  
867 enterprise;

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

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

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

875           The court may also consider whether information and  
876 assistance were furnished to a law enforcement agency, or its  
877 designee, which, in the opinion of the trial judge, objectively  
878 should or would have aided in the arrest or prosecution of others  
879 who violate this subsection. The accused shall have adequate  
880 opportunity to develop and make a record of all information and  
881 assistance so furnished.



882           (2) If the court reduces the prescribed sentence  
883 pursuant to this subsection, it must specify on the record the  
884 circumstances warranting the departure.

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

888           **SECTION 3.** Section 41-29-105, Mississippi Code of 1972, is  
889 amended as follows:

890           41-29-105. The following words and phrases, as used in this  
891 article, shall have the following meanings, unless the context  
892 otherwise requires:

893           (a) "Administer" means the direct application of a  
894 controlled substance, whether by injection, inhalation, ingestion  
895 or any other means, to the body of a patient or research subject  
896 by:

897                   (i) A practitioner (or, in his presence, by his  
898 authorized agent); or

899                   (ii) The patient or research subject at the  
900 direction and in the presence of the practitioner.

901           (b) "Agent" means an authorized person who acts on  
902 behalf of or at the direction of a manufacturer, distributor or  
903 dispenser. Such word does not include a common or contract  
904 carrier, public warehouseman or employee of the carrier or  
905 warehouseman. This definition shall not be applied to the term



906 "agent" when such term clearly designates a member or officer of  
907 the Bureau of Narcotics or other law enforcement organization.

908 (c) "Board" means the Mississippi State Board of  
909 Medical Licensure.

910 (d) "Bureau" means the Mississippi Bureau of Narcotics.  
911 However, where the title "Bureau of Drug Enforcement" occurs, that  
912 term shall also refer to the Mississippi Bureau of Narcotics.

913 (e) "Commissioner" means the Commissioner of the  
914 Department of Public Safety.

915 (f) "Controlled substance" means a drug, substance or  
916 immediate precursor in Schedules I through V of Sections 41-29-113  
917 through 41-29-121.

918 (g) "Counterfeit substance" means a controlled  
919 substance which, or the container or labeling of which, without  
920 authorization, bears the trademark, trade name, or other  
921 identifying mark, imprint, number or device, or any likeness  
922 thereof, of a manufacturer, distributor or dispenser other than  
923 the person who in fact manufactured, distributed or dispensed the  
924 substance.

925 (h) "Deliver" or "delivery" means the actual,  
926 constructive, or attempted transfer from one person to another of  
927 a controlled substance, whether or not there is an agency  
928 relationship.

929 (i) "Director" means the Director of the Bureau of  
930 Narcotics.



931 (j) "Dispense" means to deliver a controlled substance  
932 to an ultimate user or research subject by or pursuant to the  
933 lawful order of a practitioner, including the prescribing,  
934 administering, packaging, labeling or compounding necessary to  
935 prepare the substance for that delivery.

936 (k) "Dispenser" means a practitioner who dispenses.

937 (l) "Distribute" means to deliver other than by  
938 administering or dispensing a controlled substance.

939 (m) "Distributor" means a person who distributes.

940 (n) "Drug" means (i) a substance recognized as a drug  
941 in the official United States Pharmacopoeia, official Homeopathic  
942 Pharmacopoeia of the United States, or official National  
943 Formulary, or any supplement to any of them; (ii) a substance  
944 intended for use in the diagnosis, cure, mitigation, treatment, or  
945 prevention of disease in man or animals; (iii) a substance (other  
946 than food) intended to affect the structure or any function of the  
947 body of man or animals; and (iv) a substance intended for use as a  
948 component of any article specified in this paragraph. Such word  
949 does not include devices or their components, parts, or  
950 accessories.

951 (o) "Hashish" means the resin extracted from any part  
952 of the plants of the genus Cannabis and all species thereof or any  
953 preparation, mixture or derivative made from or with that resin.

954 (p) "Immediate precursor" means a substance which the  
955 board has found to be and by rule designates as being the



956 principal compound commonly used or produced primarily for use,  
957 and which is an immediate chemical intermediary used or likely to  
958 be used in the manufacture of a controlled substance, the control  
959 of which is necessary to prevent, curtail, or limit manufacture.

960 (q) "Manufacture" means the production, preparation,  
961 propagation, compounding, conversion or processing of a controlled  
962 substance, either directly or indirectly, by extraction from  
963 substances of natural origin, or independently by means of  
964 chemical synthesis, or by a combination of extraction and chemical  
965 synthesis, and includes any packaging or repackaging of the  
966 substance or labeling or relabeling of its container. The term  
967 "manufacture" does not include the preparation, compounding,  
968 packaging or labeling of a controlled substance in conformity with  
969 applicable state and local law:

970 (i) By a practitioner as an incident to his  
971 administering or dispensing of a controlled substance in the  
972 course of his professional practice; or

973 (ii) By a practitioner, or by his authorized agent  
974 under his supervision, for the purpose of, or as an incident to,  
975 research, teaching or chemical analysis and not for sale.

976 \* \* \*

977 ( \* \* \*r) "Narcotic drug" means any of the following,  
978 whether produced directly or indirectly by extraction from  
979 substances of vegetable origin, or independently by means of





980 chemical synthesis, or by a combination of extraction and chemical  
981 synthesis:

982 (i) Opium and opiate, and any salt, compound,  
983 derivative or preparation of opium or opiate;

984 (ii) Any salt, compound, isomer, derivative or  
985 preparation thereof which is chemically equivalent or identical  
986 with any of the substances referred to in subparagraph (i), but  
987 not including the isoquinoline alkaloids of opium;

988 (iii) Opium poppy and poppy straw; and

989 (iv) Cocaine, coca leaves and any salt, compound,  
990 derivative or preparation of cocaine, coca leaves, and any salt,  
991 compound, isomer, derivative or preparation thereof which is  
992 chemically equivalent or identical with any of these substances,  
993 but not including decocainized coca leaves or extractions of coca  
994 leaves which do not contain cocaine or ecgonine.

995 ( \* \* \*s) "Opiate" means any substance having an  
996 addiction-forming or addiction-sustaining liability similar to  
997 morphine or being capable of conversion into a drug having  
998 addiction-forming or addiction-sustaining liability. It does not  
999 include, unless specifically designated as controlled under  
1000 Section 41-29-111, the dextrorotatory isomer of  
1001 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).  
1002 Such word does include its racemic and levorotatory forms.

1003 ( \* \* \*t) "Opium poppy" means the plant of the species  
1004 Papaver somniferum L., except its seeds.



1005 ( \* \* \*u) (i) "Paraphernalia" means all equipment,  
1006 products and materials of any kind which are used, intended for  
1007 use, or designed for use, in planting, propagating, cultivating,  
1008 growing, harvesting, manufacturing, compounding, converting,  
1009 producing, processing, preparing, testing, analyzing, packaging,  
1010 repackaging, storing, containing, concealing, injecting,  
1011 ingesting, inhaling or otherwise introducing into the human body a  
1012 controlled substance in violation of the Uniform Controlled  
1013 Substances Law. It includes, but is not limited to:

1014 1. Kits used, intended for use, or designed  
1015 for use in planting, propagating, cultivating, growing or  
1016 harvesting of any species of plant which is a controlled substance  
1017 or from which a controlled substance can be derived;

1018 2. Kits used, intended for use, or designed  
1019 for use in manufacturing, compounding, converting, producing,  
1020 processing or preparing controlled substances;

1021 3. Isomerization devices used, intended for  
1022 use or designed for use in increasing the potency of any species  
1023 of plant which is a controlled substance;

1024 4. Testing equipment used, intended for use,  
1025 or designed for use in identifying or in analyzing the strength,  
1026 effectiveness or purity of controlled substances;

1027 5. Scales and balances used, intended for use  
1028 or designed for use in weighing or measuring controlled  
1029 substances;



1030                   6. Diluents and adulterants, such as quinine  
1031 hydrochloride, mannitol, mannite, dextrose and lactose, used,  
1032 intended for use or designed for use in cutting controlled  
1033 substances;

1034     \* \* \*

1035                   \* \* \*7. Blenders, bowls, containers, spoons  
1036 and mixing devices used, intended for use or designed for use in  
1037 compounding controlled substances;

1038                   \* \* \*8. Capsules, balloons, envelopes and  
1039 other containers used, intended for use or designed for use in  
1040 packaging small quantities of controlled substances;

1041                   \* \* \*9. Containers and other objects used,  
1042 intended for use or designed for use in storing or concealing  
1043 controlled substances;

1044                   \* \* \*10. Hypodermic syringes, needles and  
1045 other objects used, intended for use or designed for use in  
1046 parenterally injecting controlled substances into the human body;

1047                   \* \* \*11. Objects used, intended for use or  
1048 designed for use in ingesting, inhaling or otherwise  
1049 introducing \* \* \* cocaine \* \* \* into the human body, such as:

1050                   a. Metal, wooden, acrylic, glass, stone,  
1051 plastic or ceramic pipes with or without screens, permanent  
1052 screens, hashish heads or punctured metal bowls;

1053                   b. Water pipes;

1054                   c. Carburetion tubes and devices;



1055 d. Smoking and carburetion masks;

1056 \* \* \*

1057 \* \* \*e. Miniature cocaine spoons and  
1058 cocaine vials;

1059 \* \* \*f. Chamber pipes;

1060 \* \* \*g. Carburetor pipes;

1061 \* \* \*h. Electric pipes;

1062 \* \* \*i. Air-driven pipes;

1063 \* \* \*j. Chillums;

1064 \* \* \*k. Bongs; and

1065 \* \* \*l. Ice pipes or chillers.

1066 (ii) In determining whether an object is  
1067 paraphernalia, a court or other authority should consider, in  
1068 addition to all other logically relevant factors, the following:

1069 1. Statements by an owner or by anyone in  
1070 control of the object concerning its use;

1071 2. Prior convictions, if any, of an owner, or  
1072 of anyone in control of the object, under any state or federal law  
1073 relating to any controlled substance;

1074 3. The proximity of the object, in time and  
1075 space, to a direct violation of the Uniform Controlled Substances  
1076 Law;

1077 4. The proximity of the object to controlled  
1078 substances;



1079                   5. The existence of any residue of controlled  
1080 substances on the object;

1081                   6. Direct or circumstantial evidence of the  
1082 intent of an owner, or of anyone in control of the object, to  
1083 deliver it to persons whom he knows, or should reasonably know,  
1084 intend to use the object to facilitate a violation of the Uniform  
1085 Controlled Substances Law; the innocence of an owner, or of anyone  
1086 in control of the object, as to a direct violation of the Uniform  
1087 Controlled Substances Law shall not prevent a finding that the  
1088 object is intended for use, or designed for use as paraphernalia;

1089                   7. Instructions, oral or written, provided  
1090 with the object concerning its use;

1091                   8. Descriptive materials accompanying the  
1092 object which explain or depict its use;

1093                   9. National and local advertising concerning  
1094 its use;

1095                   10. The manner in which the object is  
1096 displayed for sale;

1097                   11. Whether the owner or anyone in control of  
1098 the object is a legitimate supplier of like or related items to  
1099 the community, such as a licensed distributor or dealer of tobacco  
1100 products;

1101                   12. Direct or circumstantial evidence of the  
1102 ratio of sales of the object(s) to the total sales of the business  
1103 enterprise;



1104 13. The existence and scope of legitimate  
1105 uses for the object in the community;

1106 14. Expert testimony concerning its use.

1107 (iii) "Paraphernalia" does not include any  
1108 materials used or intended for use in testing for the presence of  
1109 fentanyl or a fentanyl analog in a substance.

1110 ( \* \* \*y) "Person" means individual, corporation,  
1111 government or governmental subdivision or agency, business trust,  
1112 estate, trust, partnership or association, or any other legal  
1113 entity.

1114 ( \* \* \*w) "Poppy straw" means all parts, except the  
1115 seeds, of the opium poppy, after mowing.

1116 ( \* \* \*x) "Practitioner" means:

1117 (i) A physician, dentist, veterinarian, scientific  
1118 investigator, optometrist certified to prescribe and use  
1119 therapeutic pharmaceutical agents under Sections 73-19-153 through  
1120 73-19-165, or other person licensed, registered or otherwise  
1121 permitted to distribute, dispense, conduct research with respect  
1122 to or to administer a controlled substance in the course of  
1123 professional practice or research in this state; and

1124 (ii) A pharmacy, hospital or other institution  
1125 licensed, registered, or otherwise permitted to distribute,  
1126 dispense, conduct research with respect to or to administer a  
1127 controlled substance in the course of professional practice or  
1128 research in this state.



1129 ( \* \* \*y) "Production" includes the manufacture,  
1130 planting, cultivation, growing or harvesting of a controlled  
1131 substance.

1132 ( \* \* \*z) "Sale," "sell" or "selling" means the actual,  
1133 constructive or attempted transfer or delivery of a controlled  
1134 substance for remuneration, whether in money or other  
1135 consideration.

1136 ( \* \* \*aa) "State," when applied to a part of the  
1137 United States, includes any state, district, commonwealth,  
1138 territory, insular possession thereof, and any area subject to the  
1139 legal authority of the United States of America.

1140 ( \* \* \*ab) "Ultimate user" means a person who lawfully  
1141 possesses a controlled substance for his own use or for the use of  
1142 a member of his household or for administering to an animal owned  
1143 by him or by a member of his household.

1144 **SECTION 4.** Section 41-29-136, Mississippi Code of 1972, is  
1145 amended as follows:

1146 41-29-136. (1) "CBD solution" means a pharmaceutical  
1147 preparation consisting of processed cannabis plant extract in oil  
1148 or other suitable vehicle.

1149 (2) (a) CBD solution prepared from (i) cannabis plant  
1150 extract that is provided by the National Center for Natural  
1151 Products Research at the University of Mississippi under  
1152 appropriate federal and state regulatory approvals, or (ii)  
1153 cannabis extract from hemp produced pursuant to Sections 69-25-201



1154 through 69-25-221, which is prepared and tested to meet compliance  
1155 with regulatory specifications, may be dispensed by the Department  
1156 of Pharmacy Services at the University of Mississippi Medical  
1157 Center (UMMC Pharmacy) after mixing the extract with a suitable  
1158 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or  
1159 by another pharmacy or laboratory in the state under appropriate  
1160 federal and state regulatory approvals and registrations.

1161 (b) The patient or the patient's parent, guardian or  
1162 custodian must execute a hold-harmless agreement that releases  
1163 from liability the state and any division, agency, institution or  
1164 employee thereof involved in the research, cultivation,  
1165 processing, formulating, dispensing, prescribing or administration  
1166 of CBD solution obtained from entities authorized under this  
1167 section to produce or possess cannabidiol for research under  
1168 appropriate federal and state regulatory approvals and  
1169 registrations.

1170 (c) The National Center for Natural Products Research  
1171 at the University of Mississippi and the Mississippi Agricultural  
1172 and Forestry Experiment Station at Mississippi State University  
1173 are the only entities authorized to produce cannabis plants for  
1174 cannabidiol research.

1175 (d) Research of CBD solution under this section must  
1176 comply with the provisions of Section 41-29-125 regarding lawful  
1177 possession of controlled substances, of Section 41-29-137  
1178 regarding record-keeping requirements relative to the dispensing,





1179 use or administration of controlled substances, and of Section  
1180 41-29-133 regarding inventory requirements, insofar as they are  
1181 applicable. Authorized entities may enter into public-private  
1182 partnerships to facilitate research.

1183 (3) (a) In a prosecution for the unlawful possession of  
1184 marijuana under the laws of this state, it is an affirmative and  
1185 complete defense to prosecution that:

1186 (i) The defendant suffered from a debilitating  
1187 epileptic condition or related illness and the use or possession  
1188 of CBD solution was pursuant to the order of a physician as  
1189 authorized under this section; or

1190 (ii) The defendant is the parent, guardian or  
1191 custodian of an individual who suffered from a debilitating  
1192 epileptic condition or related illness and the use or possession  
1193 of CBD solution was pursuant to the order of a physician as  
1194 authorized under this section.

1195 (b) An agency of this state or a political subdivision  
1196 thereof, including any law enforcement agency, may not initiate  
1197 proceedings to remove a child from the home based solely upon the  
1198 possession or use of CBD solution by the child or parent, guardian  
1199 or custodian of the child as authorized under this section.

1200 (c) An employee of the state or any division, agency,  
1201 institution thereof involved in the research, cultivation,  
1202 processing, formulation, dispensing, prescribing or administration  
1203 of CBD solution shall not be subject to prosecution for unlawful



1204 possession, use \* \* \* or distribution \* \* \* under the laws of this  
1205 state for activities arising from or related to the use of CBD  
1206 solution in the treatment of individuals diagnosed with a  
1207 debilitating epileptic condition.

1208 (4) This section does not apply to any of the actions that  
1209 are lawful under the Mississippi Medical Cannabis Act and in  
1210 compliance with rules and regulations adopted thereunder.

1211 (5) This section shall be known as "Harper Grace's Law."

1212 (6) This section shall stand repealed from and after July 1,  
1213 2024.

1214 **SECTION 5.** Section 33-13-520, Mississippi Code of 1972, is  
1215 amended as follows:

1216 33-13-520. (1) Any person subject to this code who uses,  
1217 while on duty, any controlled substance listed in the Uniform  
1218 Controlled Substances Law, not legally prescribed, or is found, by  
1219 a chemical analysis of such person's blood or urine, to have in  
1220 his blood, while on duty, any controlled substance described in  
1221 subsection (3), not legally prescribed, shall be punished as a  
1222 court-martial may direct.

1223 (2) Any person subject to this code who wrongfully uses,  
1224 possesses, manufactures, distributes, imports into the customs  
1225 territory of the United States, exports from the United States, or  
1226 introduces into an installation, vessel, vehicle or aircraft used  
1227 by or under the control of the state military forces a substance



1228 described in subsection (3) shall be punished as a court-martial  
1229 may direct.

1230 (3) The substances referred to in subsections (1) and (2)  
1231 are the following:

1232 (a) Opium, heroin, cocaine, amphetamine, lysergic acid  
1233 diethylamide, methamphetamine, phencyclidine \* \* \* and barbituric  
1234 acid \* \* \*.

1235 (b) Any substance not specified in paragraph (a) that  
1236 is listed on a schedule of controlled substance prescribed by the  
1237 President for the purposes of the federal Uniform Code of Military  
1238 Justice.

1239 (c) Any other substance not specified in paragraph (a)  
1240 or contained on a list prescribed by the President under paragraph  
1241 (b) that is listed in Schedules I through V of Section 202 of the  
1242 federal Controlled Substances Act (21 USCS 812).

1243 **SECTION 6.** Section 41-29-147, Mississippi Code of 1972, is  
1244 amended as follows:

1245 41-29-147. Except as otherwise provided in Section  
1246 41-29-142, any person convicted of a second or subsequent offense  
1247 under this article may be imprisoned for a term up to twice the  
1248 term otherwise authorized, fined an amount up to twice that  
1249 otherwise authorized, or both.

1250 For purposes of this section, an offense is considered a  
1251 second or subsequent offense, if, prior to his conviction of the  
1252 offense, the offender has at any time been convicted under this



1253 article or under any statute of the United States or of any state  
1254 relating to narcotic drugs, \* \* \* depressant, stimulant or  
1255 hallucinogenic drugs.

1256 **SECTION 7.** Section 41-29-149.1, Mississippi Code of 1972, is  
1257 amended as follows:

1258 41-29-149.1. (1) This section shall be known as the  
1259 "Mississippi Medical Emergency Good Samaritan Act."

1260 (2) As used in this section, the following words shall have  
1261 the meanings ascribed:

1262 (a) "Drug overdose" means an acute condition,  
1263 including, but not limited to, extreme physical illness, decreased  
1264 level of consciousness, respiratory depression, coma, mania, or  
1265 death, resulting from the consumption or use of a controlled  
1266 substance or dangerous drug in violation of this chapter or that a  
1267 layperson would reasonably believe to be resulting from the  
1268 consumption or use of a controlled substance or dangerous drug for  
1269 which medical assistance is required.

1270 (b) "Drug violation" means:

1271 (i) A violation of Section 41-29-139 for  
1272 possession of a controlled substance if the aggregate weight,  
1273 including any mixture, is less than four (4) grams of a solid  
1274 substance, less than twenty (20) dosage units, less than one (1)  
1275 milliliter of liquid substance, or, if the substance is placed  
1276 onto a secondary medium, has a combined weight of less than four  
1277 (4) grams;



1278 (ii) A violation of Section 41-29-139 for  
1279 possession of \* \* \* ten (10) grams or less of synthetic  
1280 cannabinoids; or

1281 (iii) A violation of Section 41-29-139(d) (2)  
1282 relating to possession and use of paraphernalia.

1283 (c) "Medical assistance" means aid provided to a person  
1284 experiencing or believed to be experiencing a drug overdose by a  
1285 health care professional who is licensed, registered, or certified  
1286 under the laws of this state and who, acting within the lawful  
1287 scope of practice, may provide diagnosis, treatment, or emergency  
1288 services relative to the overdose.

1289 (d) "Seeks medical assistance" means accesses or  
1290 assists in accessing the E-911 system or otherwise contacts or  
1291 assists in contacting law enforcement or a poison control center  
1292 or provides care to a person experiencing or believed to be  
1293 experiencing a drug overdose while awaiting the arrival of medical  
1294 assistance to aid the person.

1295 (3) (a) Any person who in good faith seeks medical  
1296 assistance for someone who is experiencing a drug overdose shall  
1297 not be arrested, charged, or prosecuted for a drug violation if  
1298 there is evidence that the person is under the influence of a  
1299 controlled substance or in possession of a controlled substance as  
1300 referenced in subsection (2) (b) of this section.

1301 (b) Any person who is experiencing a drug overdose and,  
1302 in good faith, seeks medical assistance or is the subject of a



1303 request for medical assistance shall not be arrested, charged, or  
1304 prosecuted for a drug violation if there is evidence that the  
1305 person is under the influence of a controlled substance or in  
1306 possession of a controlled substance as referenced in subsection  
1307 (2)(b) of this section.

1308 (c) A person shall also not be subject to, if related  
1309 to the seeking of medical assistance:

1310 (i) Penalties for a violation of a permanent or  
1311 temporary protective order or restraining order;

1312 (ii) Sanctions for a violation of a condition of  
1313 pretrial release, condition of probation, or condition of parole  
1314 based on a drug violation; or

1315 (iii) Forfeiture of property pursuant to Section  
1316 41-29-153 or 41-29-176 for a drug violation, except that prima  
1317 facie contraband shall be subject to forfeiture.

1318 (4) Nothing in this section shall be construed:

1319 (a) To limit the admissibility of any evidence in  
1320 connection with the investigation or prosecution of a crime with  
1321 regard to a defendant who does not qualify for the protections of  
1322 subsection (3) of this section or with regard to other crimes  
1323 committed by a person who otherwise qualifies for protection  
1324 pursuant to subsection (3) of this section;

1325 (b) To limit any seizure of evidence or contraband  
1326 otherwise permitted by law; and



1327 (c) To limit or abridge the authority of a law  
1328 enforcement officer to detain or take into custody a person in the  
1329 course of an investigation or to effectuate an arrest for any  
1330 offense except as provided in subsection (3) of this section.

1331 **SECTION 8.** Section 41-29-150, Mississippi Code of 1972, is  
1332 amended as follows:

1333 41-29-150. (a) Any person convicted under Section 41-29-139  
1334 may be required, in the discretion of the court, as a part of the  
1335 sentence otherwise imposed, or in lieu of imprisonment in cases of  
1336 probation or suspension of sentence, to attend a course of  
1337 instruction conducted by the bureau, the State Board of Health, or  
1338 any similar agency, on the effects, medically, psychologically and  
1339 socially, of the misuse of controlled substances. The course may  
1340 be conducted at any correctional institution, detention center or  
1341 hospital, or at any center or treatment facility established for  
1342 the purpose of education and rehabilitation of those persons  
1343 committed because of abuse of controlled substances.

1344 (b) Any person convicted under Section 41-29-139 who is  
1345 found to be dependent upon or addicted to any controlled substance  
1346 shall be required, as a part of the sentence otherwise imposed, or  
1347 in lieu of imprisonment in cases of parole, probation or  
1348 suspension of sentence, to receive medical treatment for such  
1349 dependency or addiction. The regimen of medical treatment may  
1350 include confinement in a medical facility of any correctional  
1351 institution, detention center or hospital, or at any center or



1352 facility established for treatment of those persons committed  
1353 because of a dependence or addiction to controlled substances.

1354 (c) Those persons previously convicted of a felony under  
1355 Section 41-29-139 and who are now confined at the Mississippi  
1356 State Hospital at Whitfield, Mississippi, or at the East  
1357 Mississippi State Hospital at Meridian, Mississippi, for the term  
1358 of their sentence shall remain under the jurisdiction of the  
1359 Mississippi Department of Corrections and shall be required to  
1360 abide by all reasonable rules and regulations promulgated by the  
1361 director and staff of said institutions and of the Department of  
1362 Corrections. Any persons so confined who shall refuse to abide by  
1363 said rules or who attempt an escape or who shall escape shall be  
1364 transferred to the State Penitentiary or to a county jail, where  
1365 appropriate, to serve the remainder of the term of imprisonment;  
1366 this provision shall not preclude prosecution and conviction for  
1367 escape from said institutions.

1368 (d) (1) If any person who has not previously been convicted  
1369 of violating Section 41-29-139, or the laws of the United States  
1370 or of another state relating to narcotic drugs, stimulant or  
1371 depressant substances \* \* \* or other controlled substances \* \* \*  
1372 is found to be guilty of a violation of subsection (c) or (d) of  
1373 Section 41-29-139, after trial or upon a plea of guilty, the court  
1374 may, without entering a judgment of guilty and with the consent of  
1375 such person, defer further proceedings and place him on probation  
1376 upon such reasonable conditions as it may require and for such





1377 period, not to exceed three (3) years, as the court may prescribe.  
1378 Upon violation of a condition of the probation, the court may  
1379 enter an adjudication of guilt and proceed as otherwise provided.  
1380 The court may, in its discretion, dismiss the proceedings against  
1381 such person and discharge him from probation before the expiration  
1382 of the maximum period prescribed for such person's probation. If  
1383 during the period of his probation such person does not violate  
1384 any of the conditions of the probation, then upon expiration of  
1385 such period the court shall discharge such person and dismiss the  
1386 proceedings against him. Discharge and dismissal under this  
1387 subsection shall be without court adjudication of guilt, but a  
1388 nonpublic record thereof shall be retained by the bureau solely  
1389 for the purpose of use by the courts in determining whether or  
1390 not, in subsequent proceedings, such person qualifies under this  
1391 subsection. Such discharge or dismissal shall not be deemed a  
1392 conviction for purposes of disqualifications or disabilities  
1393 imposed by law upon conviction of a crime, including the penalties  
1394 prescribed under this article for second or subsequent conviction,  
1395 or for any other purpose. Discharge and dismissal under this  
1396 subsection may occur only once with respect to any person; and  
1397           (2) Upon the dismissal of a person and discharge of  
1398 proceedings against him under paragraph (1) of this subsection,  
1399 the person may apply to the court for an order to expunge from all  
1400 official records, other than the nonpublic records to be retained  
1401 by the bureau under paragraph (1) of this subsection, all



1402 recordation relating to his arrest, indictment, trial, finding of  
1403 guilt, and dismissal and discharge pursuant to this section. If  
1404 the court determines, after hearing, that such person was  
1405 dismissed and the proceedings against him discharged, or that the  
1406 person had satisfactorily served his sentence or period of  
1407 probation and parole, it shall enter an order of expunction. The  
1408 effect of the order shall be to restore the person, in the  
1409 contemplation of the law, to the status he occupied before such  
1410 arrest or indictment. No person as to whom such an order has been  
1411 entered shall be held thereafter under any provision of any law to  
1412 be guilty of perjury or otherwise giving a false statement by  
1413 reason of his failures to recite or acknowledge such arrest,  
1414 indictment or trial in response to any inquiry made of him for any  
1415 purpose. A person as to whom an order has been entered, upon  
1416 request, shall be required to advise the court, in camera, of the  
1417 previous conviction and expunction in any legal proceeding wherein  
1418 the person has been called as a prospective juror. The court  
1419 shall thereafter and before the selection of the jury advise the  
1420 attorneys representing the parties of the previous conviction and  
1421 expunction.

1422 (e) Every person who has been or may hereafter be convicted  
1423 of a felony offense under Section 41-29-139 and sentenced under  
1424 Section 41-29-150(c) shall be under the jurisdiction of the  
1425 Mississippi Department of Corrections.



1426 (f) It shall be unlawful for any person confined under the  
1427 provisions of subsection (b) or (c) of this section to escape or  
1428 attempt to escape from said institution, and, upon conviction,  
1429 said person shall be guilty of a felony and shall be imprisoned  
1430 for a term not to exceed two (2) years.

1431 (g) It is the intent and purpose of the Legislature to  
1432 promote the rehabilitation of persons convicted of offenses under  
1433 the Uniform Controlled Substances Law.

1434 **SECTION 9.** This act shall take effect and be in force from  
1435 and after July 1, 2024.

