MISSISSIPPI LEGISLATURE REGULAR SESSION 2024

By: Senator(s) Simmons (13th), Simmons (12th)

To: Public Health and Welfare

SENATE BILL NO. 2865

AN ACT TO AMEND SECTION 41-137-41, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY MEDICAL CANNABIS ESTABLISHMENT MAY ADVERTISE OR MARKET IN ANY FORM OF MEDIA, INCLUDING ELECTRONIC MEDIA, PRINT MEDIA, SOCIAL MEDIA PLATFORMS, WEBSITES AND ELECTRONIC COMMERCE PLATFORMS, BROADCAST, OR THROUGH MASS MESSAGING OR EMAIL COMMUNICATIONS, AND SIGNS ON OR OFF THE PROPERTY OF A MEDICAL CANNABIS ESTABLISHMENT; AND FOR RELATED PURPOSES.

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

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

41-137-41. (1) From and after February 2, 2022, the MDOH and MDOR shall each, where relevant to the role of that particular agency, establish and promulgate the following rules and regulations:

(a) Governing the manner in which it shall consider petitions from the public to add debilitating medical conditions or treatments to the list of debilitating medical conditions set forth in Section 41-137-3, including public notice of and opportunities to comment in public hearings on the petitions;

(b) Establishing the form and content of license and renewal applications and written certifications submitted under this chapter;

(c) Governing the manner in which it shall consider applications for and renewals of registry identification cards, which may include creating a standardized written certification form;

(d) Governing medical cannabis establishments with the goals of ensuring the health and safety of registered qualifying patients and preventing diversion and theft of medical cannabis without imposing an undue burden or compromising the confidentiality of cardholders, including:

(i) Oversight requirements;

(ii) Recordkeeping requirements;

(iii) Qualifications that are directly and demonstrably related to the operation of medical cannabis establishments;

(iv) Security requirements, including lighting, physical security, and alarm requirements;

(v) Health and safety regulations, including restrictions on the use of pesticides, herbicides or other chemicals that are injurious to human health;

(vi) Standards for the processing of cannabis products and the indoor cultivation of cannabis by cannabis cultivation facilities;

(vii) Requirements for the transportation and storage of cannabis by medical cannabis establishments;

(viii) Employment and training requirements, including requiring that each medical cannabis establishment create an identification badge for each agent of the establishment;

(ix) Standards for the safe processing of medical cannabis products, including extracts and concentrates;

(x) Restrictions on the advertising, signage, and display of medical cannabis, provided that * * * any medical cannabis establishment may advertise or market in any form of media, including electronic media, print media, social media platforms, websites and electronic commerce platforms, broadcast, or through mass messaging or email communications, signs on or off the property of a * * * medical cannabis establishment, listings in business directories, including phone books, listings in cannabis-related or medical publications, display of cannabis in company logos and other branding activities, display on dispensary websites of pictures of products that the dispensary sells, or the sponsorship of health or not-for-profit charity or advocacy events;

(xi) Requirements and procedures for the safe and accurate packaging and labeling of medical cannabis, including prohibiting the use of any images designed or likely to appeal to minors, such as cartoons, packaging that resembles popular candy

brands, toys, animals or children, or any other likeness or image containing characters or phrases to advertise to minors;

(xii) Standards for cannabis testing facilities, including requirements for equipment and qualifications for personnel;

(xiii) Protocol development for the safe delivery of medical cannabis from dispensaries to cardholders;

(xiv) Reasonable requirements to ensure the applicant has sufficient property or capital to operate the applicant's proposed medical cannabis establishment;

(xv) Procedures for suspending or terminating the licenses or registry identification cards of cardholders and medical cannabis establishments that commit multiple or serious violations of the provisions of this chapter or the rules and regulations promulgated pursuant to this section;

(xvi) Procedures for the selection, certification and oversight of a seed-to-sale tracking system as provided for in Section 41-137-11;

(xvii) Requirements for labeling medical cannabis and cannabis products, including requiring medical cannabis product labels to include the following:

1. The length of time it typically takes for the product to take effect;

2. Disclosure of ingredients and possible allergens;

3. A nutritional fact panel;

4. The amount of THC and CBD in the product;

5. A notice of the potential harm caused by consuming medical cannabis; and

6. For edible cannabis products, when practicable, a standard symbol indicating that the product contains cannabis;

(xviii) Procedures for the registration of nonresident cardholders, which must require the submission of:

1. A practitioner's statement confirming that the patient has a debilitating medical condition; and

2. Documentation demonstrating that the nonresident cardholder is allowed to possess medical cannabis or cannabis preparations in the jurisdiction where he or she resides;

(xix) The amount of cannabis products, including the amount of concentrated cannabis, each cardholder and nonresident cardholder can possess;

(xx) Reasonable application and renewal fees for registry identification cards and registration certificates, according to the following:

1. The fee schedule shall be set as follows:

a. The qualifying patient registry identification card application fee shall be Twenty-five Dollars ($25.00);

b. The designated caregiver registry identification card application fee shall be Twenty-five Dollars ($25.00);

c. The designated caregiver criminal background fee shall be Thirty-seven Dollars ($37.00);

d. The fee for a renewal or replacement of a card shall be Twenty-five Dollars ($25.00);

e. The fee for a card for a nonresident patient shall be Seventy-five Dollars ($75.00);

f. The qualifying patient registry identification card application fee for a Medicaid participant shall be Fifteen Dollars ($15.00) and the fee for a renewal of such card shall be Fifteen Dollars ($15.00); and

g. The application fee for a qualifying patient registry identification card for disabled veterans or disabled first responders shall be waived. A disabled veteran or first responder may prove their disability by providing written documentation from their practitioner attesting to their debilitating medical condition, documentation from the Social Security Disability Office, or documentation that attests the applicant is a one-hundred percent (100%) disabled veteran as determined by the U.S. Department of Veteran Affairs and codified at 38 CFR, Section 3.340(a)(2013); and

2. The MDOH may accept donations from private sources to reduce the amount of the application and renewal fees;

(xxi) Any other rules and regulations necessary to implement and administer this chapter.

(2) The initial rules filed by the MDOH to implement the medical cannabis program in accordance with this chapter shall be effective immediately upon their filing.

(3) No state agency, political subdivision or board shall implement any rule, regulation, policy, or requirement that is contrary to the provisions of the Mississippi Medical Cannabis Act.

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