

By: Senator(s) Blackwell

To: Public Health and
Welfare

SENATE BILL NO. 2922

1 AN ACT TO AMEND SECTION 41-137-3, MISSISSIPPI CODE OF 1972,
2 TO REVISE CERTAIN DEFINITIONS RELATED TO THE MEDICAL CANNABIS ACT,
3 INCLUDING "CONCENTRATE," "DEBILITATING MEDICAL CONDITIONS,"
4 MEDICAL CANNABIS "UNIT" AND "HOMEBOUND"; TO AMEND SECTION
5 41-137-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE WRITTEN
6 CERTIFICATIONS TO BE ISSUED TO HOMEBOUND PATIENTS THROUGH A
7 TELEMEDICINE ASSESSMENT; TO AUTHORIZE TELEMEDICINE APPOINTMENTS
8 FOR FOLLOW-UP VISITS FOR ANY QUALIFYING PATIENT; TO AMEND SECTION
9 41-137-9, MISSISSIPPI CODE OF 1972, TO ADD NONRESIDENT CARDHOLDERS
10 INTO THE PRESUMPTION THAT THE INDIVIDUAL IS ENGAGED IN THE MEDICAL
11 USE OF CANNABIS UNDER THIS CHAPTER IF THEY HAVE A REGISTRY
12 IDENTIFICATION CARD AND AN AMOUNT OF MEDICAL CANNABIS THAT DOES
13 NOT EXCEED THE ALLOWABLE AMOUNT; TO AMEND SECTION 41-137-21,
14 MISSISSIPPI CODE OF 1972, TO AUTHORIZE A LICENSED MEDICAL CANNABIS
15 ESTABLISHMENT TO DELIVER MEDICAL CANNABIS DIRECTLY FROM A
16 DISPENSARY TO A NURSING FACILITY, HOSPITAL, HOSPICE, ASSISTED
17 LIVING FACILITY, PERSONAL CARE HOME, ADULT DAY CARE FACILITY, IF A
18 REGISTERED QUALIFYING PATIENT IS OTHERWISE UNABLE TO OBTAIN
19 MEDICAL CANNABIS; TO PROVIDE THAT AN EMPLOYEE OF SUCH FACILITY MAY
20 RECEIVE THE MEDICAL CANNABIS AND ENSURE THAT THE PATIENT RECEIVES
21 THE MEDICAL CANNABIS WITHOUT BEING REQUIRED TO OBTAIN A WORK
22 PERMIT OR BE LICENSED AS A PRACTITIONER UNDER THE ACT; TO AMEND
23 SECTION 41-137-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A
24 PROSPECTIVE DESIGNATED CAREGIVER HAS ALREADY COMPLETED A
25 BACKGROUND CHECK AS A CONDITION OF ANY OTHER PROVISION OF THE ACT,
26 THE CAREGIVER SHALL NOT HAVE TO COMPLETE AN ADDITIONAL BACKGROUND
27 CHECK; TO AMEND SECTION 41-137-25, MISSISSIPPI CODE OF 1972, TO
28 CONFORM TO THE PROVISIONS OF THE ACT; TO AMEND SECTION 41-137-35,
29 MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF HEALTH TO
30 CONTRACT WITH A PRIVATE LABORATORY FOR THE PURPOSE OF CONDUCTING
31 COMPLIANCE TESTING OVERSIGHT OF MEDICAL CANNABIS TESTING
32 FACILITIES LICENSED IN THE STATE; TO AUTHORIZE THE NATIONAL CENTER
33 FOR CANNABIS RESEARCH AND EDUCATION AT THE UNIVERSITY OF
34 MISSISSIPPI TO CONTRACT WITH, ENGAGE OR OTHERWISE PERFORM RESEARCH



35 IN TANDEM WITH ANY MEDICAL CANNABIS ESTABLISHMENT; TO PROVIDE THAT
36 EACH LICENSED CANNABIS PROCESSING FACILITY SHALL OBTAIN GMP
37 CERTIFICATION BY JULY 1, 2027, AND SHALL PRESENT PROOF OF SUCH
38 CERTIFICATION TO THE MDOH BY SUCH DATE; TO PROVIDE THAT FROM AND
39 AFTER JULY 1, 2024, UNTIL JULY 1, 2025, THE MDOH SHALL NOT ISSUE
40 ANY NEW LICENSES FOR CANNABIS CULTIVATION FACILITIES OR CANNABIS
41 PROCESSING FACILITIES; PROVIDED, HOWEVER, ANY APPLICANT THAT HAS
42 FILED AN APPLICATION WITH MDOH BUT HAS NOT RECEIVED A LICENSE BY
43 JULY 1, 2024, MAY RECEIVE A LICENSE IF MDOH DEEMS THE APPLICATION
44 COMPLETED BY JULY 1, 2024; TO REQUIRE MDOR AND MDOH TO INCLUDE
45 CERTAIN QUESTIONS ON ANY APPLICATION FOR A LICENSE UNDER THE ACT;
46 TO AMEND SECTION 41-137-37, MISSISSIPPI CODE OF 1972, TO PROVIDE
47 THAT FROM AND AFTER JULY 1, 2024, UNTIL JULY 1, 2025, A LICENSING
48 AGENCY SHALL NOT ISSUE A WAIVER FROM THE DISTANCE REQUIREMENT FOR
49 CANNABIS ESTABLISHMENTS FROM CHURCHES, SCHOOLS OR CHILD CARE
50 FACILITIES; TO AMEND SECTION 41-137-39, MISSISSIPPI CODE OF 1972,
51 TO AUTHORIZE MEDICAL CANNABIS ESTABLISHMENTS TO EMPLOY INDIVIDUALS
52 ABOVE THE AGE OF 18; TO REVISE THE ALLOWABLE AMOUNT OF MEDICAL
53 CANNABIS AND ALLOWABLE AMOUNT OF TOTAL THC; TO REQUIRE THAT A
54 CERTIFICATE OF ANALYSIS FOR EACH MEDICAL CANNABIS PRODUCT BE MADE
55 AVAILABLE TO A PATIENT IF REQUESTED; TO REVISE CERTAIN AGE
56 LIMITATIONS RELATED TO THE ACT; TO PROVIDE THAT MDOH AND MDOR
57 SHALL REQUIRE ANY INDIVIDUAL WITH A WORK PERMIT TO COMPLETE
58 EDUCATIONAL TRAINING WITHIN 90 DAYS OF BEING ISSUED A WORK PERMIT;
59 TO REQUIRE MDOH AND MDOR TO PROMULGATE AN APPROVED "RESPONSIBLE
60 VENDOR" LIST OF ALL APPROVED EDUCATIONAL TRAINING VENDORS; TO
61 REQUIRE INDIVIDUALS WITH WORK PERMITS TO COMPLETE CONTINUING
62 EDUCATION AS A CONDITION OF MAINTAINING THEIR WORK PERMIT; TO
63 AMEND SECTION 41-137-41, MISSISSIPPI CODE OF 1972, TO REVISE
64 CERTAIN ADVERTISING STANDARDS, INCLUDING THE MEDIA FORMATS THAT
65 MEDICAL CANNABIS ESTABLISHMENTS MAY BE ALLOWED TO ADVERTISE ON; TO
66 REQUIRE MDOH AND MDOR TO ADOPT STANDARDS AND PROTOCOL DEVELOPMENT
67 FOR THE SAFE DELIVERY OF MEDICAL CANNABIS BY CANNABIS
68 TRANSPORTATION ENTITIES FROM A MEDICAL CANNABIS DISPENSARY TO
69 REGISTERED QUALIFYING PATIENTS WHO ARE HOMEBOUND OR WHO ARE
70 OTHERWISE IN THE CARE OF ANY NURSING FACILITY, HOSPITAL, HOSPICE
71 AND ASSISTED LIVING; TO REQUIRE MDOR TO ADOPT PROCEDURES TO ALLOW
72 MEDICAL CANNABIS DISPENSARIES TO PROCESS AND ACCEPT ORDERS FOR
73 DELIVERY OR IN-STORE PICK-UP FOR MEDICAL CANNABIS PLACED THROUGH A
74 WEBSITE, APPLICATION OR OTHER INTERNET-BASED ORDERING SYSTEM; TO
75 AMEND SECTION 41-137-63, MISSISSIPPI CODE OF 1972, TO INCLUDE
76 ADDITIONAL MEMBERS TO THE MEDICAL CANNABIS ADVISORY COMMITTEE; TO
77 CREATE NEW SECTION 41-137-68, MISSISSIPPI CODE OF 1972, TO PROVIDE
78 THAT MDOH SHALL ENGAGE WITH ITS RESPECTIVE COUNTERPARTS IN OTHER
79 STATES WHO HAVE MEDICAL CANNABIS PROGRAMS TO EVALUATE THE
80 FEASIBILITY OF CREATING AN INTERSTATE MONITORING SYSTEM TO ENFORCE
81 THE PROVISIONS OF THIS CHAPTER; AND FOR RELATED PURPOSES.

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



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

85 41-137-3. For purposes of this chapter, unless the context
86 requires otherwise, the following terms shall have the meanings
87 ascribed herein:

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

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

95 (ii) Cannabinoids that are produced by
96 decarboxylation from a naturally occurring cannabinoid acid
97 without the use of a chemical catalyst; or

98 (iii) Any other chemical substance identified by
99 MDOH.

100 (b) "Allowable amount of medical cannabis" means an
101 amount not to exceed the maximum amount of * * * medical cannabis
102 units.

103 (c) "Bona fide practitioner-patient relationship"
104 means:

105 (i) A practitioner and patient have a treatment or
106 consulting relationship, during the course of which the
107 practitioner, within his or her scope of practice, has completed



108 an in-person assessment of the patient's medical history and
109 current mental health and medical condition and has documented
110 their certification in the patient's medical file;

111 (ii) The practitioner has consulted in person with
112 the patient with respect to the patient's debilitating medical
113 condition; and

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

116 (d) "Cannabis" means all parts of the plant of the
117 genus cannabis, the flower, the seeds thereof, the resin extracted
118 from any part of the plant and every compound, manufacture, salt,
119 derivative, mixture or preparation of the plant, its seeds or its
120 resin, including whole plant extracts. Such term shall not mean
121 cannabis-derived drug products approved by the federal Food and
122 Drug Administration under Section 505 of the Federal Food, Drug,
123 and Cosmetic Act.

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

128 (f) "Cannabis disposal entity" means a business
129 licensed and registered by the Mississippi Department of Health
130 that is involved in the commercial disposal or destruction of
131 medical cannabis.



132 (g) "Cannabis processing facility" means a business
133 entity that is licensed and registered by the Mississippi
134 Department of Health that:

135 (i) Acquires or intends to acquire cannabis from a
136 cannabis cultivation facility;

137 (ii) Possesses cannabis with the intent to
138 manufacture a cannabis product;

139 (iii) Manufactures or intends to manufacture a
140 cannabis product from unprocessed cannabis or a cannabis extract;
141 and

142 (iv) Sells or intends to sell a cannabis product
143 to a medical cannabis dispensary, cannabis testing facility or
144 cannabis research facility.

145 (h) "Cannabis products" means cannabis flower,
146 concentrated cannabis, cannabis extracts and products that are
147 infused with cannabis or an extract thereof and are intended for
148 use or consumption by humans. The term includes, without
149 limitation, edible cannabis products, beverages, topical products,
150 ointments, oils, tinctures and suppositories that contain
151 tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those
152 products excluded from control under Sections 41-29-113 and
153 41-29-136.

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



157 Mississippi Department of Health pursuant to this chapter that
158 acquires cannabis from cannabis cultivation facilities and
159 cannabis processing facilities in order to research cannabis,
160 develop best practices for specific medical conditions, develop
161 medicines and provide commercial access for medical use.

162 (j) "Cannabis testing facility" or "testing facility"
163 means an independent entity licensed and registered by the
164 Mississippi Department of Health that analyzes the safety and
165 potency of cannabis.

166 (k) "Cannabis transportation entity" means an
167 independent entity licensed and registered by the Mississippi
168 Department of Health that is involved in the commercial
169 transportation of medical cannabis.

170 (l) "Cannabis waste" means plant debris of the plant of
171 the genus cannabis, including dead plants and all unused plant
172 parts. This term shall not include seeds, roots, stems and
173 stalks.

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

176 (n) "Canopy" means the total surface area within a
177 cultivation area that is dedicated to the cultivation of flowering
178 cannabis plants. The surface area of the plant canopy must be
179 calculated in square feet and measured and must include all of the
180 area within the boundaries where the cultivation of the flowering
181 cannabis plants occurs. If the surface area of the plant canopy



182 consists of noncontiguous areas, each component area must be
183 separated by identifiable boundaries. If a tiered or shelving
184 system is used in the cultivation area the surface area of each
185 tier or shelf must be included in calculating the area of the
186 plant canopy. Calculation of the area of the plant canopy may not
187 include the areas within the cultivation area that are used to
188 cultivate immature cannabis plants and seedlings, prior to
189 flowering, and that are not used at any time to cultivate mature
190 cannabis plants.

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

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

199 (q) "Concentrate" means a substance obtained by
200 separating cannabinoids from cannabis by:

201 (i) A mechanical extraction process;

202 (ii) A * * * water-based extraction process * * *;

203 or

204 (iii) A * * * solvent-based extraction process

205 using * * * solvents such as:

206 1. Vegetable glycerin;



- 207 2. Vegetable oils;
208 3. Animal fats;
209 4. Food-grade ethanol;
210 5. Carbon dioxide; or
211 6. Hydrocarbon-based solvents, such as butane
212 and propane.

213 (r) "Debilitating medical condition" means:

214 (i) Cancer, Parkinson's disease, Huntington's
215 disease, muscular dystrophy, glaucoma, spastic quadriplegia,
216 positive status for human immunodeficiency virus (HIV), acquired
217 immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral
218 sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell
219 anemia, Alzheimer's disease, agitation of dementia, post-traumatic
220 stress disorder (PTSD), autism, pain refractory to appropriate
221 opioid management, diabetic/peripheral neuropathy, spinal cord
222 disease or severe injury, or the treatment of these conditions, or
223 any other medical condition as certified by a practitioner;

224 (ii) A chronic, terminal or debilitating disease
225 or medical condition, or its treatment, that produces one or more
226 of the following: cachexia or wasting syndrome, chronic pain,
227 severe or intractable nausea, seizures, or severe and persistent
228 muscle spasms, including, but not limited to, those characteristic
229 of multiple sclerosis; or



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

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

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

236 (ii) Assists no more than five (5) registered
237 qualifying patients with their medical use of medical cannabis,
238 unless the designated caregiver's registered qualifying patients
239 each reside in or are admitted to a health care facility or
240 facility providing residential care services or day care services
241 where the designated caregiver is employed;

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

245 (iv) Has not been convicted of a disqualifying
246 felony offense.

247 (t) "Disqualifying felony offense" means:

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

250 (ii) A conviction for a crime that was defined as
251 a violent crime in the law of the jurisdiction in which the
252 offense was committed, and that was classified as a felony in the
253 jurisdiction where the person was convicted; or



254 (iii) A conviction for a violation of a state or
255 federal controlled substances law that was classified as a felony
256 in the jurisdiction where the person was convicted, including the
257 service of any term of probation, incarceration or supervised
258 release within the previous five (5) years and the offender has
259 not committed another similar offense since the conviction. Under
260 this subparagraph (iii), a disqualifying felony offense shall not
261 include a conviction that consisted of conduct for which this
262 chapter would likely have prevented the conviction but for the
263 fact that the conduct occurred before February 2, 2022.

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

265 (i) Contain or are infused with cannabis or an
266 extract thereof;

267 (ii) Are intended for human consumption by oral
268 ingestion; and

269 (iii) Are presented in the form of foodstuffs,
270 beverages, extracts, oils, tinctures, lozenges and other similar
271 products.

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

275 (w) " * * * Unit" means * * * one (1) unit of medical
276 cannabis. One (1) unit * * * shall be considered equal * * * to
277 one (1) gram of THC in any medical cannabis product.

278 * * *



279 (x) "MDOH" means the Mississippi Department of Health.
280 (y) "MDOR" means the Mississippi Department of Revenue.
281 (z) "Medical cannabis" means cannabis, cannabis
282 products and edible cannabis that are intended to be used by
283 registered qualifying patients as provided in this chapter.
284 (aa) "Medical cannabis dispensary" or "dispensary"
285 means an entity licensed and registered with the MDOR that
286 acquires, possesses, stores, transfers, sells, supplies or
287 dispenses medical cannabis, equipment used for medical cannabis,
288 or related supplies and educational materials to cardholders.
289 (bb) "Medical cannabis establishment" means a cannabis
290 cultivation facility, cannabis processing facility, cannabis
291 testing facility, cannabis dispensary, cannabis transportation
292 entity, cannabis disposal entity or cannabis research facility
293 licensed and registered by the appropriate agency.
294 (cc) "Medical cannabis establishment agent" means an
295 owner, officer, board member, employee, volunteer or agent of a
296 medical cannabis establishment.
297 (dd) "Medical use" includes the acquisition,
298 administration, cultivation, processing, delivery, harvest,
299 possession, preparation, transfer, transportation, or use of
300 medical cannabis or equipment relating to the administration of
301 medical cannabis to treat or alleviate a registered qualifying
302 patient's debilitating medical condition or symptoms associated



303 with the patient's debilitating medical condition. The term
304 "medical use" does not include:

305 (i) The cultivation of cannabis unless the
306 cultivation is done by a cannabis cultivation facility; or

307 (ii) The extraction of resin from cannabis by
308 mechanical or chemical extraction unless the extraction is done by
309 a cannabis processing facility.

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

311 (i) Has been diagnosed with a debilitating medical
312 condition by a practitioner in his or her respective state or
313 territory, or is the parent, guardian, conservator or other person
314 with authority to consent to the medical use of medical cannabis
315 by a person who has been diagnosed with a debilitating medical
316 condition;

317 (ii) Is not a resident of Mississippi or who has
318 been a resident of Mississippi for less than forty-five (45) days;
319 and

320 (iii) Has submitted any documentation required by
321 MDOH rules and regulations and has received confirmation of
322 registration.

323 (ff) "Practitioner" means a physician, certified nurse
324 practitioner, physician assistant or optometrist who is licensed
325 to prescribe medicine under the licensing requirements of their
326 respective occupational boards and the laws of this state. In
327 relation to a nonresident cardholder, the term means a physician,



328 certified nurse practitioner, physician assistant or optometrist
329 who is licensed to prescribe medicine under the licensing
330 requirements of their respective occupational boards and under the
331 laws of the state or territory in which the nonresident patient
332 resides. For registered qualifying patients who are minors,
333 "practitioner" shall mean a physician or doctor of osteopathic
334 medicine who is licensed to prescribe medicine under the licensing
335 requirements of their respective occupational boards and the laws
336 of this state.

337 (gg) "Public place" means a church or any area to which
338 the general public is invited or in which the general public is
339 permitted, regardless of the ownership of the area, and any area
340 owned or controlled by a municipality, county, state or federal
341 government, including, but not limited to, streets, sidewalks or
342 other forms of public transportation. Such term shall not mean a
343 private residential dwelling.

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

347 (ii) "Registry identification card" means a document
348 issued by the MDOH that identifies a person as a registered
349 qualifying patient, nonresident registered qualifying patient or
350 registered designated caregiver.

351 (jj) "School" means an institution for the teaching of
352 children, consisting of a physical location, whether owned or



353 leased, including instructional staff members and students, and
354 which is in session each school year. This definition shall
355 include, but not be limited to, public, private, church and
356 parochial programs for kindergarten, elementary, junior high and
357 high schools. Such term shall not mean a home instruction
358 program.

359 (kk) "Scope of practice" means the defined parameters
360 of various duties, services or activities that may be provided or
361 performed by a certified nurse practitioner as authorized under
362 Sections 73-15-5 and 73-15-20, by an optometrist as authorized
363 under Section 73-19-1, by a physician as authorized under Section
364 73-25-33, or by a physician assistant under Section 73-26-5, and
365 rules and regulations adopted by the respective licensing boards
366 for those practitioners.

367 (ll) "THC" or "Tetrahydrocannabinol" means any and all
368 forms of tetrahydrocannabinol that are contained naturally in the
369 cannabis plant, as well as synthesized forms of THC and derived
370 variations, derivatives, isomers and allotropes that have similar
371 molecular and physiological characteristics of
372 tetrahydrocannabinol, including, but not limited to, THCA, THC
373 Delta 9, THC Delta 8, THC Delta 10 and THC Delta 6.

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



378 (i) The date of issue and the effective date
379 of the recommendation;

380 (ii) The patient's name, date of birth and
381 address;

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

384 (iv) The practitioner's signature.

385 (nn) "Homebound" means having a condition that
386 restricts the ability to leave one's place of residence except
387 with the aid of supportive devices, the use of specialized
388 transportation, or the assistance of another person or that
389 medically contraindicates departure from the home.

390 (oo) "Telemedicine" means the delivery of health care
391 services such as diagnosis, consultation or treatment through the
392 use of HIPAA-compliant telecommunication systems, including
393 information, electronic and communication technologies, remote
394 patient monitoring services and store-and-forward telemedicine
395 services. Telemedicine, other than remote patient monitoring
396 services and store-and-forward telemedicine services, must be
397 "real-time" audio visual capable.

398 **SECTION 2.** Section 41-137-5, Mississippi Code of 1972, is
399 amended as follows:

400 41-137-5. (1) No person shall be authorized to use medical
401 cannabis in this state unless the person (a) has been diagnosed by
402 a practitioner, with whom the person has a bona fide



403 practitioner-patient relationship within his or her scope of
404 practice, as having a debilitating medical condition for which the
405 practitioner believes, in his or her professional opinion, that
406 the person would likely receive medical or palliative benefit from
407 the medical use of medical cannabis to treat or alleviate the
408 person's debilitating medical condition or symptoms associated
409 with the person's debilitating medical condition, (b) has received
410 a written certification of that diagnosis from the practitioner,
411 and (c) has been issued a registry identification card from the
412 MDOH under Section 41-137-23. A person who has been diagnosed by
413 a practitioner as specified in paragraph (a) of this subsection
414 shall be a qualifying patient, and the practitioner who has
415 diagnosed the patient shall document that diagnosis with a written
416 certification. However, nothing herein shall require a
417 practitioner to issue a written certification.

418 (2) A written certification shall:

419 (a) Affirm that it is made in the course of a bona fide
420 practitioner-patient relationship;

421 (b) Remain current for twelve (12) months, unless the
422 practitioner specifies a shorter period of time;

423 (c) Be issued only after an in-person assessment of the
424 patient by a practitioner; provided, however, that patients who
425 are homebound may be assessed through a telemedicine appointment;



426 (d) Only be issued on behalf of a minor when the
427 minor's parent or guardian is present and provides signed consent;
428 and

429 (e) Be limited to the allowable amount of cannabis in a
430 thirty-day period.

431 (3) No state agency, department, political subdivision or
432 board shall require a practitioner to require a patient to submit
433 to a drug test as a condition to receiving a certification for a
434 registry identification card. However, a practitioner may require
435 a drug test from a patient that is within his or her scope of
436 practice.

437 (4) After a practitioner has issued a written certification
438 to a qualifying patient, a practitioner may assist the patient in
439 registering for a registry identification card with the Department
440 of Health, in a manner provided by regulations of the Department
441 of Health.

442 (5) After a qualifying patient receives a written
443 certification from a practitioner, the patient shall be required
444 to make a follow-up visit with the practitioner not * * * later
445 than six (6) months after the date of issuance of the
446 certification for the practitioner to evaluate and determine the
447 effectiveness of the patient's medical use of medical cannabis to
448 treat or alleviate the patient's debilitating medical condition or
449 symptoms associated with the patient's debilitating medical
450 condition.



451 Such follow-up visits may be performed via telemedicine at
452 the discretion of the practitioner. Qualifying patients may make
453 a follow-up visit with a different practitioner than the
454 practitioner who originally issued their written certification,
455 provided that such practitioner is otherwise registered and acting
456 within their scope of practice and the provisions of this
457 chapter.

458 (6) Before dispensing medical cannabis to a cardholder, the
459 dispensary from which the cardholder is obtaining medical cannabis
460 shall verify the identity of the cardholder and the authority of
461 the cardholder to use medical cannabis as provided in Section
462 41-137-39 and shall determine the maximum amount of medical
463 cannabis that a cardholder is eligible to receive and the amount
464 of medical cannabis that the cardholder has received from all
465 dispensaries during a specified period of time using the statewide
466 seed-to-sale tracking system under Section 41-137-11.

467 (7) (a) A practitioner shall be registered to issue written
468 certifications to qualifying patients by completing the required
469 application process as set forth by the MDOH. The MDOH shall
470 require a practitioner to complete a minimum of eight (8) hours of
471 continuing education in medical cannabis in order to issue written
472 certifications. After the first year of registration, these
473 practitioners shall complete five (5) hours of continuing
474 education in medical cannabis annually to maintain this
475 registration.



476 (b) A practitioner shall not be required to have any
477 additional qualifications to be authorized to certify a qualifying
478 patient for a registry identification card, other than such
479 requirements for practitioners as provided under the Mississippi
480 Medical Cannabis Act.

481 (c) A practitioner shall not be required to be
482 registered to certify patients with any state agency or board
483 other than the MDOH.

484 (8) Only physicians and doctors of osteopathic medicine may
485 issue written certifications to registered qualifying patients who
486 are minors.

487 (9) The requirements of this section shall not apply to a
488 person who is authorized to purchase topical cannabis provided
489 under Section 41-137-39(22), and such persons may possess and use
490 such products without being in violation of this chapter.

491 **SECTION 3.** Section 41-137-9, Mississippi Code of 1972, is
492 amended as follows:

493 41-137-9. (1) There is a presumption that a registered
494 qualifying patient or a nonresident cardholder, as applicable, is
495 engaged in the medical use of medical cannabis under this chapter
496 if the person is in possession of a registry identification card
497 and an amount of medical cannabis that does not exceed the
498 allowable amount of medical cannabis. There is a presumption that
499 a registered designated caregiver is assisting in the medical use
500 of medical cannabis under this chapter if the person is in



501 possession of a registry identification card and an amount of
502 medical cannabis that does not exceed the allowable amount of
503 medical cannabis. These presumptions may be rebutted by evidence
504 that conduct related to medical cannabis was not for the purpose
505 of treating or alleviating a registered qualifying patient's
506 debilitating medical condition or symptoms associated with the
507 registered qualifying patient's debilitating medical condition
508 under this chapter.

509 (2) Subject to the conditions, limitations, requirements and
510 exceptions set forth in this chapter, the following activities
511 related to medical cannabis shall be considered lawful:

512 (a) The purchase, transportation or possession of up to
513 the allowable amount or medical use of medical cannabis;

514 (b) Financial reimbursement by a registered qualifying
515 patient to the patient's registered designated caregiver for
516 direct costs incurred by the registered designated caregiver for
517 assisting with the registered qualifying patient's medical use of
518 medical cannabis;

519 (c) Compensating a dispensary for goods or services
520 provided;

521 (d) The provision, by a professional or occupational
522 licensee, of advice or services related to medical cannabis
523 activities allowed under this chapter, to the extent such advice
524 or services meet or exceed the applicable professional or
525 occupational standard of care;



526 (e) Providing or selling equipment used to ingest
527 medical cannabis to a cardholder, nonresident cardholder or to a
528 medical cannabis establishment;

529 (f) Acting as a designated caregiver to assist a
530 registered qualifying patient with the act of using or
531 administering medical cannabis;

532 (g) Activities by a medical cannabis establishment or a
533 medical cannabis establishment agent that are allowed by its
534 license and registration;

535 (h) Activities by a dispensary or a dispensary agent to
536 possess, store or sell medical cannabis products, educational
537 materials and products used to ingest medical cannabis to
538 cardholders, nonresident cardholders and other dispensaries, or to
539 purchase or otherwise acquire medical cannabis products from
540 cannabis cultivation facilities, cannabis processing facilities,
541 cannabis research facilities or other dispensaries;

542 (i) Activities by a cannabis cultivation facility,
543 cannabis processing facility or agents of these facilities to:

544 (i) Possess, plant, propagate, cultivate, grow,
545 harvest, produce, process, manufacture, compound, convert,
546 prepare, pack, repack or store medical cannabis;

547 (ii) Purchase or otherwise acquire medical
548 cannabis and cannabis products from medical cannabis
549 establishments; or



550 (iii) Sell, supply or transfer medical cannabis
551 products, equipment used to ingest medical cannabis, and related
552 supplies and educational materials to other cannabis cultivation
553 facilities, cannabis processing facilities or dispensaries.

554 (j) Activities by a cannabis research facility, a
555 cannabis testing facility or agents of these facilities to:

556 (i) Purchase or otherwise acquire medical cannabis
557 from medical cannabis establishments;

558 (ii) Possess, produce, process, compound, convert,
559 prepare, pack, test, repack and store medical cannabis and
560 cannabis products obtained from medical cannabis establishments;
561 or

562 (iii) Sell, supply or transfer medical cannabis,
563 educational materials and equipment used to ingest medical
564 cannabis to cannabis cultivation facilities, cannabis processing
565 facilities, cannabis testing facilities and cannabis research
566 facilities.

567 (k) Activities by a cannabis transportation entity or a
568 cannabis disposal entity to transport, supply, deliver, dispose of
569 or destroy cannabis, as applicable.

570 (3) Any medical cannabis, cannabis product, equipment used
571 to ingest medical cannabis, or other interest in or right to
572 property that is possessed, owned or used in connection with the
573 medical use of medical cannabis as authorized by this chapter, or
574 acts incidental to such use, shall not be seized or forfeited.



575 This chapter shall not prevent the seizure or forfeiture of
576 medical cannabis exceeding the allowable amounts of medical
577 cannabis, nor shall it prevent seizure or forfeiture if the basis
578 for the action is unrelated to the medical cannabis that is
579 possessed, processed, transferred or used pursuant to this
580 chapter.

581 (4) Possession of, or application for, a registry
582 identification card shall not:

583 (a) Constitute probable cause or reasonable suspicion;

584 (b) Be used to support a search of the person or
585 property of the person possessing or applying for the registry
586 identification card; or

587 (c) Subject the person or property of the person to
588 inspection by any governmental agency.

589 (5) It is the public policy of the State of Mississippi that
590 contracts related to medical cannabis that are entered into by
591 cardholders, medical cannabis establishments, medical cannabis
592 establishment agents and those who allow property to be used by
593 those persons, should be enforceable to the extent that those
594 activities comply with the other provisions of this chapter. It
595 is the public policy of the State of Mississippi that no contract
596 entered into by a cardholder, a medical cannabis establishment, or
597 a medical cannabis establishment agent, or by a person who allows
598 property to be used for activities that are authorized under this



599 chapter, shall be unenforceable on the basis that activities
600 related to cannabis are prohibited by federal law.

601 (6) An applicant for a professional or occupational license
602 shall not be denied a license based on previous employment related
603 to medical cannabis activities that are allowed under this
604 chapter.

605 **SECTION 4.** Section 41-137-21, Mississippi Code of 1972, is
606 amended as follows:

607 41-137-21. (1) Any nursing facility, hospital, hospice,
608 assisted living facility, personal care home, adult day care
609 facility, or adult foster care facility may adopt reasonable
610 restrictions on the use of medical cannabis by registered
611 qualifying patients who are receiving health care services,
612 residential care services, or day care services from the facility,
613 including:

614 (a) That the facility will not store or maintain the
615 patient's supply of medical cannabis;

616 (b) That the facility, caregivers, or hospice agencies
617 serving the facility's residents are not responsible for providing
618 the medical cannabis for registered qualifying patients; and

619 (c) That medical cannabis be consumed only in a place
620 specified by the facility.

621 (2) Nothing in this section requires a facility listed in
622 subsection (1) of this section to adopt restrictions on the
623 medical use of medical cannabis.



624 (3) A facility listed in subsection (1) of this section may
625 not unreasonably limit a registered qualifying patient's access to
626 or medical use of medical cannabis authorized under this chapter,
627 unless failing to do so would cause the facility to lose a
628 monetary or licensing-related benefit under federal law or
629 regulations.

630 (4) A licensed medical cannabis transportation entity may
631 deliver medical cannabis directly from a dispensary to a facility
632 listed in subsection (1) of this section if a registered
633 qualifying patient is otherwise unable to obtain medical cannabis.
634 An employee of any such facility may receive the medical cannabis
635 on behalf of the patient and shall ensure the patient receives the
636 medical cannabis. Any such employee may facilitate this receipt
637 of medical cannabis under this subsection without being required
638 to obtain a work permit or otherwise be certified as a
639 practitioner under this chapter.

640 **SECTION 5.** Section 41-137-23, Mississippi Code of 1972, is
641 amended as follows:

642 41-137-23. (1) No later than one hundred twenty (120) days
643 after February 2, 2022, the MDOH shall begin issuing registry
644 identification cards to qualifying patients who submit the
645 following:

646 (a) A written certification issued by a practitioner
647 within six (6) months immediately preceding the date of the
648 application;



649 (b) The application or renewal fee;

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

652 (d) The name, address, and telephone number of the
653 qualifying patient's practitioner issuing the written
654 certification;

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

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

662 (2) If the qualifying patient is unable to submit the
663 information required by subsection (1) of this section due to the
664 person's age or medical condition, the person responsible for
665 making medical decisions for the qualifying patient may do so on
666 behalf of the qualifying patient.

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

669 (a) Verify the information contained in an application
670 or renewal submitted under this section and approve or deny an
671 application or renewal within ten (10) days of receiving a
672 completed application or renewal application; and



673 (b) Issue registry identification cards to a qualifying
674 patient and his or her designated caregiver(s), if any, within
675 five (5) days of approving the application or renewal. A
676 designated caregiver must have a registry identification card for
677 each of his or her qualifying patients.

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

680 (b) The MDOH shall require that the prospective
681 designated caregiver or caregiver's applicant apply for or
682 authorize the division to obtain state and national criminal
683 background checks to be conducted by the Mississippi Justice
684 Information Center of the Department of Public Safety and the
685 Federal Bureau of Investigation; provided, however, that if the
686 prospective designated caregiver has already completed a
687 background check as a condition of any other provision of this
688 chapter, the caregiver shall not have to complete an additional
689 background check.

690 (c) Such criminal background checks shall conform to
691 the applicable federal standards, and shall include the taking of
692 fingerprints.

693 (d) The applicant shall authorize the release of such
694 criminal background checks to the MDOH, and shall be responsible
695 for the payment of any fee associated with the criminal background
696 checks.



697 (e) Upon completion of such criminal background checks,
698 the Mississippi Justice Information Center of the Department of
699 Public Safety shall forward to the MDOH all information obtained
700 concerning the applicant.

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

704 (a) The qualifying patient's practitioner has explained
705 the potential risks and benefits of the medical use of medical
706 cannabis to the custodial parent or legal guardian with
707 responsibility for health care decisions for the qualifying
708 patient; and

709 (b) The custodial parent or legal guardian with
710 responsibility for health care decisions for the qualifying
711 patient consents in writing to:

712 (i) Acknowledge the potential harms related to the
713 use of medical cannabis;

714 (ii) Allow the qualifying patient's medical use of
715 medical cannabis;

716 (iii) Serve as the qualifying patient's designated
717 caregiver; and

718 (iv) Control the acquisition of the medical
719 cannabis, the dosage and the frequency of the use of medical
720 cannabis by the qualifying patient.



721 (6) If a designated caregiver is an entity licensed to
722 provide health care services, residential care services or day
723 care services, then:

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

727 (b) The MDOH may issue individual registry
728 identification cards for employees of the entity that may
729 transport medical cannabis.

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

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

737 (a) Did not provide the required information or
738 materials;

739 (b) Previously had a registry identification card
740 revoked;

741 (c) Provided false information; or

742 (d) Failed to meet the other requirements of this
743 chapter.



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

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

749 (b) Did not provide the information required;

750 (c) Previously had a registry identification card
751 revoked;

752 (d) Provided false information;

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

756 (f) Failed to meet the other requirements of this
757 chapter.

758 (10) The MDOH shall give written notice to the qualifying
759 patient of the reason for denying a registry identification card
760 to the qualifying patient or to the qualifying patient's
761 designated caregiver.

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

765 **SECTION 6.** Section 41-137-25, Mississippi Code of 1972, is
766 amended as follows:

767 41-137-25. (1) Registry identification cards must contain
768 all of the following:



769 (a) The name of the cardholder;

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

772 (c) The date of issuance and expiration date of the
773 registry identification card;

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

777 (e) If the cardholder is a designated caregiver, the
778 random identification number of the qualifying patient the
779 designated caregiver will assist;

780 (f) A photograph of the cardholder;

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

783 (h) A notice of the potential harm caused by medical
784 cannabis; and

785 (i) A notice of the * * * medical cannabis units daily,
786 monthly and possession limit.

787 (2) The expiration date shall be visible on the registry
788 identification card. Except as provided in subsection (3) or
789 subsection (4) of this section, the expiration date for registry
790 identification cards for residents shall be one (1) year after the
791 date of issuance. The expiration date for registry identification
792 cards for nonresidents shall be fifteen (15) days after the date
793 of issuance, except as provided in subsection (4) of this section.



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

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

803 (b) If the practitioner specified an earlier date for
804 the expiration of the registry identification card as provided
805 under subsection (3) of this section, then the registry
806 identification card shall be valid for the period specified by the
807 practitioner, which shall begin after the initial
808 one-hundred-fifty-day period.

809 (c) The expiration date for registry identification
810 cards for nonresidents that are issued not later than one hundred
811 fifty (150) days after February 2, 2020, shall be fifteen (15)
812 days after the initial one-hundred-fifty-day period.

813 **SECTION 7.** Section 41-137-35, Mississippi Code of 1972, is
814 amended as follows:

815 41-137-35. (1) The MDOH shall issue licenses for cannabis
816 cultivation facilities, cannabis processing facilities, cannabis
817 transportation entities, cannabis disposal entities, cannabis



818 research facilities and cannabis testing facilities. The MDOR
819 shall issue licenses for medical cannabis dispensaries.

820 (2) The cannabis cultivation facility license application
821 fee shall be subject to the following tiers:

822 (a) Micro-cultivators.

823 (i) Tier 1. A cannabis cultivation facility with
824 a canopy of one thousand (1,000) square feet or less shall be
825 subject to a one-time nonrefundable license application fee of One
826 Thousand Five Hundred Dollars (\$1,500.00). The annual license fee
827 shall be a nonrefundable fee of Two Thousand Dollars (\$2,000.00).

828 (ii) Tier 2. A cannabis cultivation facility with
829 a canopy of more than one thousand (1,000) square feet but not
830 more than two thousand (2,000) square feet shall be subject to a
831 one-time nonrefundable license application fee of Two Thousand
832 Five Hundred Dollars (\$2,500.00). The annual license fee shall be
833 a nonrefundable fee of Three Thousand Five Hundred Dollars
834 (\$3,500.00).

835 (b) Cultivators.

836 (i) Tier 1. A cannabis cultivation facility with
837 a canopy of not less than two thousand (2,000) square feet but not
838 more than five thousand (5,000) square feet shall be subject to a
839 one-time nonrefundable license application fee of Five Thousand
840 Dollars (\$5,000.00). The annual license fee shall be a
841 nonrefundable fee of Fifteen Thousand Dollars (\$15,000.00).



842 (ii) Tier 2. A cannabis cultivation facility with
843 a canopy of not less than five thousand (5,000) square feet but
844 not more than fifteen thousand (15,000) square feet shall be
845 subject to a one-time nonrefundable license application fee of Ten
846 Thousand Dollars (\$10,000.00). The annual license fee shall be a
847 nonrefundable fee of Twenty-five Thousand Dollars (\$25,000.00).

848 (iii) Tier 3. A cannabis cultivation facility
849 with a canopy of not less than fifteen thousand (15,000) square
850 feet but not more than thirty thousand (30,000) square feet shall
851 be subject to a one-time nonrefundable license application fee of
852 Twenty Thousand Dollars (\$20,000.00). The annual license fee
853 shall be a nonrefundable fee of Fifty Thousand Dollars
854 (\$50,000.00).

855 (iv) Tier 4. A cannabis cultivation facility with
856 a canopy of not less than thirty thousand (30,000) square feet but
857 not more than sixty thousand (60,000) square feet shall be subject
858 to a one-time nonrefundable license application fee of Thirty
859 Thousand Dollars (\$30,000.00). The annual license fee shall be a
860 nonrefundable fee of Seventy-five Thousand Dollars (\$75,000.00).

861 (v) Tier 5. A cannabis cultivation facility with
862 a canopy of not less than sixty thousand (60,000) square feet but
863 not more than one hundred thousand (100,000) square feet shall be
864 subject to a one-time nonrefundable license application fee of
865 Forty Thousand Dollars (\$40,000.00). The annual license fee shall



866 be a nonrefundable fee of One Hundred Thousand Dollars
867 (\$100,000.00).

868 (vi) Tier 6. A cannabis cultivation facility with
869 a canopy of not less than one hundred thousand (100,000) square
870 feet but not more than one hundred fifty thousand (150,000) square
871 feet shall be subject to a one-time nonrefundable license
872 application fee of Sixty Thousand Dollars (\$60,000.00). The
873 annual license fee shall be a nonrefundable fee of One Hundred
874 Fifty Thousand Dollars (\$150,000.00). Tier 6 cannabis cultivation
875 facilities shall have not more than two (2) locations; however,
876 the total canopy space of both locations combined may not exceed
877 one hundred fifty thousand (150,000) square feet.

878 (3) The cannabis processing facility license application fee
879 shall be subject to the following tiers:

880 (a) Micro-processors.

881 (i) Tier 1. A cannabis processing facility which
882 processes less than two thousand (2,000) pounds of dried biomass
883 cannabis material annually shall be subject to a one-time
884 nonrefundable license application fee of Two Thousand Dollars
885 (\$2,000.00). The annual license fee shall be a nonrefundable fee
886 of Three Thousand Five Hundred Dollars (\$3,500.00).

887 (ii) Tier 2. A cannabis processing facility which
888 processes not less than two thousand (2,000) pounds but less than
889 three thousand (3,000) pounds of dried biomass cannabis material
890 annually shall be subject to a one-time nonrefundable license



891 application fee of Two Thousand Five Hundred Dollars (\$2,500.00).
892 The annual license fee shall be a nonrefundable fee of Five
893 Thousand Dollars (\$5,000.00).

894 (b) Processors. A cannabis processing facility which
895 processes not less than three thousand (3,000) pounds of biomass
896 cannabis material annually shall be subject to a one-time
897 nonrefundable license application fee of Fifteen Thousand Dollars
898 (\$15,000.00). The annual license fee shall be a nonrefundable fee
899 of Twenty Thousand Dollars (\$20,000.00).

900 (4) A medical cannabis dispensary shall be subject to a
901 one-time nonrefundable license application fee of Fifteen Thousand
902 Dollars (\$15,000.00). The annual license fee shall be a
903 nonrefundable fee of Twenty-five Thousand Dollars (\$25,000.00).

904 (5) Cannabis transportation entities shall be subject to a
905 one-time nonrefundable application fee of Five Thousand Dollars
906 (\$5,000.00). The annual license fee shall be a nonrefundable fee
907 of Seven Thousand Five Hundred Dollars (\$7,500.00).

908 (6) Cannabis disposal entities shall be subject to a
909 one-time nonrefundable application fee of Five Thousand Dollars
910 (\$5,000.00). The annual license fee shall be a nonrefundable fee
911 of Seven Thousand Five Hundred Dollars (\$7,500.00).

912 (7) Cannabis testing facilities shall be subject to a
913 one-time nonrefundable application fee of Ten Thousand Dollars
914 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars
915 (\$15,000.00). An individual or business entity that has a direct



916 or indirect ownership or economic interest in a licensed cannabis
917 testing facility may also have a direct or indirect ownership or
918 economic interest in a licensed medical cannabis transportation
919 entity. A cannabis testing facility may enter into an agreement
920 for the transportation of medical cannabis by a licensed medical
921 cannabis transportation entity. MDOH * * * shall contract with a
922 private laboratory for the purpose of conducting compliance
923 testing oversight of medical cannabis testing facilities licensed
924 in the state. Any such laboratory under contract for compliance
925 testing oversight shall be prohibited from conducting any other
926 commercial medical cannabis testing in this state. The National
927 Center for Cannabis Research and Education at the University of
928 Mississippi may contract with, engage or otherwise perform
929 research in tandem with any medical cannabis establishment.

930 (8) Cannabis research facilities shall be subject to a
931 one-time nonrefundable application fee of Ten Thousand Dollars
932 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars
933 (\$15,000.00). A research facility at any university or college in
934 this state shall be exempt from all fees imposed under this
935 section.

936 (9) No individual or business entity shall have a direct or
937 indirect ownership or economic interest of greater than ten
938 percent (10%) in:

939 (a) More than one (1) cannabis cultivation facility
940 license;



941 (b) More than one (1) cannabis processing facility
942 license; and

943 (c) More than five (5) medical cannabis dispensary
944 licenses.

945 (10) Minimum qualifications for applicants for a cannabis
946 cultivation facility, a cannabis processing facility, a medical
947 cannabis dispensary, a medical cannabis transportation entity or a
948 medical cannabis disposal entity license(s) are as follows:

949 (a) An individual applicant for a cannabis cultivation
950 facility, cannabis processing facility, medical cannabis
951 dispensary, medical cannabis transportation entity or medical
952 cannabis disposal license shall be a natural person who:

953 (i) Is at least twenty-one (21) years of age;

954 (ii) Has not previously held a license for a
955 cannabis cultivation facility, cannabis processing facility,
956 medical cannabis dispensary, medical cannabis transportation
957 entity or medical cannabis disposal entity that has been revoked;

958 (iii) Has not been convicted of a disqualifying
959 felony offense;

960 (iv) If possessing a professional or occupational
961 license, that the license is in good standing;

962 (v) Has submitted a sworn statement indicating
963 that he or she is a true and actual owner of the entity for which
964 the license is desired, and that he or she intends to carry on the



965 business authorized for himself or herself and the entity and not
966 as the agent for any other entity * * *;

967 (vi) Has no outstanding tax delinquencies owed to
968 the State of Mississippi;

969 (vii) Is not serving as a member of the
970 Mississippi Senate or Mississippi House of Representatives through
971 December 31, 2022;

972 (viii) Is not the spouse of a person serving as a
973 member of the Mississippi Senate or Mississippi House of
974 Representatives through December 31, 2022; and

975 (b) If the applicant is applying on behalf of an
976 entity, in addition to paragraph (a) of this subsection, the
977 individual applicant shall:

978 (i) Be legally authorized to submit an application
979 on behalf of the entity;

980 (ii) Serve as the primary point of contact with
981 the MDOR and MDOH;

982 (iii) Submit sufficient proof that the entity has
983 no owner, board member, officer, or anyone with an economic
984 interest in the entity who:

985 1. Is under the age of twenty-one (21);

986 2. Has previously been an owner of a medical
987 cannabis dispensary, cannabis cultivation facility, a cannabis
988 processing facility, medical cannabis transportation entity or
989 medical cannabis disposal entity that has had its license revoked;



990 3. Has been convicted of a disqualifying
991 felony offense;
992 4. Owes delinquent taxes to the State of
993 Mississippi;
994 5. Is serving as a member of the Mississippi
995 Senate or Mississippi House of Representatives through December
996 31, 2022; and
997 6. Is the spouse of a person serving as a
998 member of the Mississippi Senate or Mississippi House of
999 Representatives through December 31, 2022; and
1000 (iv) Submit sufficient proof that if an owner,
1001 board member, officer or anyone with an economic interest in the
1002 entity has or had a professional or occupational license, that the
1003 license is in good standing.
1004 (11) [Repealed]
1005 (12) A micro-cultivator or a micro-processor shall both meet
1006 the minimum qualifications in subsection (10) of this section and
1007 shall also submit sufficient proof of the following:
1008 (a) If a natural person, proof that the person has been
1009 a resident of the State of Mississippi and a citizen of the United
1010 States of America for at least three (3) years prior to the
1011 application date; or
1012 (b) If a business entity, provide proof that:
1013 (i) It was registered as an entity with the
1014 Secretary of State in Mississippi; and



1015 (ii) One-hundred percent (100%) of the equity
1016 ownership interests in the entity are held by individuals who have
1017 been residents of the State of Mississippi and citizens of the
1018 United States of America for at least three (3) consecutive years
1019 prior to the application date.

1020 (13) For purposes of this section, it shall be sufficient to
1021 prove Mississippi residency for the individual(s) to submit two
1022 (2) of the following source documents:

1023 (a) Mississippi Tax Return Form 80-105 or Form 80-205
1024 for each of the three (3) years preceding the application without
1025 schedules, worksheets, or attachments, and redacted to remove all
1026 financial information and all but the last four (4) digits of the
1027 individual's social security number for the three (3) years
1028 preceding the application;

1029 (b) Ownership, lease, or rental documents for place of
1030 primary domicile for the three (3) years preceding the
1031 application;

1032 (c) Billing statements, including utility bills for the
1033 three (3) years preceding the application; or

1034 (d) Vehicle registration for the three (3) years
1035 preceding the application.

1036 (14) Ownership in a cannabis cultivation facility license,
1037 cannabis processing facility license or a medical cannabis
1038 dispensary license or investment in a business that supports or
1039 benefits from such a license shall not disqualify or otherwise



1040 negatively impact the license or finding of suitability of such
1041 owner who is otherwise engaged in any other form of business
1042 operation in the state, if such business requires the owner to
1043 hold a license or be found suitable under state law.

1044 (15) Any business or state entity applying for registration
1045 as a medical cannabis establishment must meet all the requirements
1046 specified in this chapter.

1047 (16) A prospective medical cannabis establishment shall
1048 submit all of the following:

1049 (a) An application, including:

1050 (i) The legal name of the prospective medical
1051 cannabis establishment;

1052 (ii) The physical address of the prospective
1053 medical cannabis establishment, which shall not be within one
1054 thousand (1,000) feet of the nearest property boundary line of a
1055 school, church or child care facility which exists or has acquired
1056 necessary real property for the operation of such facility before
1057 the date of the medical cannabis establishment application unless
1058 the entity has received approval from the school, church or child
1059 care facility and received the applicable waiver from their
1060 licensing agency, provided that the main point of entry of the
1061 cannabis establishment is not located within five hundred (500)
1062 feet of the nearest property boundary line of any school, church
1063 or child care facility;



1064 (iii) The name of each principal officer and board
1065 member of the proposed medical cannabis establishment; and

1066 (iv) Any additional information requested by the
1067 MDOR and MDOH.

1068 (b) Operating procedures consistent with rules and
1069 regulations for oversight of the proposed medical cannabis
1070 establishment, including procedures to ensure accurate record
1071 keeping and adequate security measures.

1072 (c) If the municipality or county where the proposed
1073 medical cannabis establishment would be located has enacted zoning
1074 restrictions, a sworn statement certifying that the proposed
1075 medical cannabis establishment is in compliance with the
1076 restrictions.

1077 (d) If the municipality or county where the proposed
1078 medical cannabis establishment would be located requires a local
1079 registration, license or permit, then proof of receiving such
1080 registration, license or permit.

1081 (e) If the application is on behalf of an entity,
1082 verification that none of the principal officers or board members
1083 have served as a principal officer or board member for a medical
1084 cannabis establishment that has had its license revoked.

1085 (f) If the application is on behalf of an entity,
1086 verification that none of the principal officers or board members
1087 is under twenty-one (21) years of age.



1088 (17) If a dispensary license is issued to an applicant that
1089 is still constructing the licensed premises, the applicant must
1090 complete construction and fulfill all obligations required by the
1091 Department of Revenue to open for business within eighteen (18)
1092 months, or the license shall be * * * administratively dissolved.

1093 (18) The MDOR and MDOH shall issue a renewal registration
1094 certificate within ten (10) days of receipt of the prescribed
1095 renewal application and renewal fee from a medical cannabis
1096 establishment if its license is not under suspension and has not
1097 been revoked.

1098 (19) A licensing agency shall require disclosure only of
1099 persons, entities or affiliated entities who directly or
1100 indirectly own ten percent (10%) or more of a medical cannabis
1101 establishment issued a license by the licensing agency.

1102 (20) Otherwise eligible applicants for licenses to operate
1103 as medical cannabis establishments under this chapter shall not be
1104 disqualified from receipt of a license based on:

1105 (a) Their location on Mississippi Choctaw Indian
1106 Reservation Lands; or

1107 (b) The involvement of the Mississippi Band of Choctaw
1108 Indians or any entity owned or operated by the Mississippi Band of
1109 Choctaw Indians as an owner or co-owner of such license, provided
1110 that such license shall be subject to revocation for material
1111 noncompliance with this chapter on the same basis as any other
1112 license.



1113 (21) A cannabis processing facility that produces edible
1114 cannabis products shall hold a permit to operate as a food
1115 establishment and shall comply with all applicable requirements
1116 for food establishments as set by the MDOH.

1117 (22) Any cannabis that contains less than three tenths
1118 percent (.3%) THC that was addressed by the 2018 Farm Bill, Public
1119 Law No. 115-334, shall be exempt from regulations applicable to
1120 medical cannabis establishments licensed under this chapter.

1121 (23) Each licensed cannabis processing facility shall obtain
1122 GMP certification by July 1, 2027, and shall present proof of such
1123 certification to the MDOH by such date.

1124 (24) From and after July 1, 2024, until July 1, 2025, the
1125 MDOH shall not issue any new licenses for cannabis cultivation
1126 facilities or cannabis processing facilities; provided, however,
1127 any applicant that has filed an application with MDOH but has not
1128 received a license by July 1, 2024, may receive the applicable
1129 license after that date if MDOH deems that the applicant
1130 completed the application process by July 1, 2024, and the
1131 applicant otherwise meets the requirements of this chapter.

1132 (25) A licensing agency shall include the following
1133 questions on any application for a license issued in accordance
1134 with this chapter:

1135 "Have you or your business had any similar license revoked,
1136 suspended or subjected to discipline in the past, including in
1137 this state or any other state? Have you or your business



1138 surrendered any similar license in the past? If you answered yes
1139 to either of these questions, please provide the state and as much
1140 detail as possible. Failure to disclose this information may
1141 result in a license suspension or revocation."

1142 **SECTION 8.** Section 41-137-37, Mississippi Code of 1972, is
1143 amended as follows:

1144 41-137-37. (1) A municipality or county may enact
1145 ordinances or regulations not in conflict with this chapter, or
1146 with regulations enacted under this chapter, governing the time,
1147 place, and manner of medical cannabis establishment operations in
1148 the locality. A municipality or county may establish penalties
1149 for violation of an ordinance or regulation governing the time,
1150 place and manner of a medical cannabis establishment that may
1151 operate in the municipality or county.

1152 (2) No municipality or county may prohibit dispensaries
1153 either expressly or through the enactment of ordinances or
1154 regulations that make their operation impracticable in the
1155 jurisdiction. The main point of entry of a medical cannabis
1156 establishment shall not be located within one thousand (1,000)
1157 feet of the nearest property boundary line of any school, church
1158 or child care facility. A medical cannabis establishment may
1159 receive a waiver to this distance restriction by receiving
1160 approval from the school, church or child care facility and by
1161 applying for a waiver with its respective licensing agency,
1162 provided that the main point of entry of the cannabis



1163 establishment is not located within five hundred (500) feet of the
1164 nearest property boundary line of any school, church or child care
1165 facility. From and after July 1, 2024, until July 1, 2025, a
1166 licensing agency shall not issue a waiver under this subsection.

1167 (3) A dispensary, cannabis research facility or cannabis
1168 testing facility may be located in any area in a municipality or
1169 county that is zoned as commercial or for which commercial use is
1170 otherwise authorized or not prohibited, provided that it being
1171 located there does not violate any other provisions of this
1172 chapter. A cannabis cultivation facility and/or cannabis
1173 processing facility may be located in any area in a municipality
1174 or county that is zoned as agricultural or industrial or for which
1175 agricultural or industrial use is otherwise authorized or not
1176 prohibited, provided that it being there does not violate any
1177 other provision of this chapter. A cannabis cultivation facility
1178 and/or cannabis processing facility may be located in any area in
1179 a municipality or county that is zoned as commercial or for which
1180 commercial use is otherwise authorized or not prohibited, provided
1181 that the municipality or county has authorized the entity to be
1182 located in such area and that it being there does not violate any
1183 other provision of this chapter. The municipality or county may
1184 authorize this by granting a variance to an existing zoning
1185 ordinance or by adopting a change in the zoning ordinance that
1186 allows for those entities to be located in specific commercial
1187 areas.



1188 (4) A municipality or county may require a medical cannabis
1189 establishment to obtain a local license, permit or registration to
1190 operate, and may charge a reasonable fee for the local license,
1191 permit or registration, provided that this fee is consistent with
1192 fees charged to businesses that are not involved in the cannabis
1193 industry.

1194 (5) No medical cannabis dispensary may be located within a
1195 one-thousand-five-hundred-foot radius from the main point of entry
1196 of the dispensary to the main point of entry of another medical
1197 cannabis dispensary. If the sole basis of denial by the licensing
1198 agency in refusing to issue the medical cannabis dispensary a
1199 license to operate is that the dispensary fails the distance
1200 requirement of this subsection (5), then the licensing agency may
1201 refund all or part of the license application fee in Section
1202 41-137-35(5) to the applicant.

1203 **SECTION 9.** Section 41-137-39, Mississippi Code of 1972, is
1204 amended as follows:

1205 41-137-39. (1) (a) Medical cannabis establishments shall
1206 conduct a background check into the criminal history of every
1207 person seeking to become a principal officer, board member, agent,
1208 volunteer, or employee before the person begins working at or for
1209 the medical cannabis establishment.

1210 (b) Every person seeking to become a principal officer,
1211 board member, agent, volunteer, or employee shall apply for or
1212 authorize the division to obtain state and national criminal



1213 background checks to be conducted by the Mississippi Justice
1214 Information Center of the Department of Public Safety and the
1215 Federal Bureau of Investigation.

1216 (c) Such criminal background checks shall conform to
1217 the applicable federal standards, and shall include the taking of
1218 fingerprints.

1219 (d) The applicant shall authorize the release of such
1220 criminal background checks to the MDOH, and shall be responsible
1221 for the payment of any fee associated with the criminal background
1222 checks.

1223 (e) Upon completion of such criminal background checks,
1224 the Mississippi Justice Information Center of the Department of
1225 Public Safety shall forward to the MDOH all information obtained
1226 concerning the applicant.

1227 (2) A medical cannabis establishment may not employ any
1228 person who:

1229 (a) Was convicted of a disqualifying felony offense; or

1230 (b) Is under * * * eighteen (18) years of age.

1231 (3) The operating documents of a medical cannabis
1232 establishment must include procedures for the oversight of the
1233 medical cannabis establishment and procedures to ensure accurate
1234 record keeping and adequate security measures.

1235 (4) A medical cannabis establishment shall implement
1236 appropriate security measures designed to deter and prevent the



1237 theft of medical cannabis and unauthorized entrance into areas
1238 containing medical cannabis.

1239 (5) All cultivation, harvesting, processing and packaging of
1240 medical cannabis must take place in an enclosed, locked and secure
1241 facility with a physical address provided to the MDOH during the
1242 licensing and registration process. The facility shall be
1243 equipped with locks or other security devices that permit access
1244 only by agents of the medical cannabis establishment, emergency
1245 personnel or adults who are twenty-one (21) years of age and older
1246 and who are accompanied by medical cannabis establishment agents;
1247 provided, however, employees of the facility who are younger than
1248 twenty-one (21) years of age may be granted access to such
1249 facility, as applicable.

1250 (6) No medical cannabis establishment other than a cannabis
1251 processing facility or cannabis research facility may produce
1252 cannabis concentrates, cannabis extractions, or other cannabis
1253 products.

1254 (7) A medical cannabis establishment may not share office
1255 space with or refer patients to a practitioner.

1256 (8) Medical cannabis establishments are subject to
1257 inspection by the MDOR and MDOH during business hours.

1258 (9) Before medical cannabis may be dispensed to a
1259 cardholder, a dispensary agent must:

1260 (a) Require that the individual present a registry
1261 identification card;



1262 (b) Make a diligent effort to verify that the registry
1263 identification card presented to the dispensary is valid;

1264 (c) Make a diligent effort to verify that the person
1265 presenting the registry identification card is the person
1266 identified on the registry identification card presented to the
1267 dispensary agent; and

1268 (d) Not believe that the amount of medical cannabis
1269 dispensed would cause the person to possess more than the
1270 allowable amount of medical cannabis.

1271 (10) A medical cannabis establishment shall not sell more
1272 than the allowable amount of medical cannabis to a cardholder. A
1273 resident cardholder shall not obtain more than a total of six
1274 (6) * * * medical cannabis units of allowable medical cannabis in
1275 a week from a dispensary or a combination of dispensaries. A
1276 resident cardholder shall not obtain more than a total of * * *
1277 thirty (30) medical cannabis units of allowable medical cannabis
1278 in thirty (30) days from a dispensary or a combination of
1279 dispensaries.

1280 The possession limit for resident cardholders of the
1281 allowable amount of medical cannabis shall be a total of * * *
1282 forty (40) medical cannabis units. There shall not be a
1283 possession limit on nonconsumable medical cannabis, including, but
1284 not limited to, suppositories, ointments, soaps, and lotions or
1285 other topical agents.



1286 (11) For purposes of this chapter, total THC is defined as
1287 THCA multiplied by .877 plus THC Delta 9 and all other
1288 psychoactive forms or isomers of THC added together. A medical
1289 cannabis establishment shall not sell cannabis flower or trim that
1290 has a potency of greater than * * * thirty-five percent (35%)
1291 total THC. * * * Cannabis products that have a potency of over
1292 thirty percent (30%) total THC shall be clearly labeled as
1293 "extremely potent." Edible cannabis products, including food or
1294 drink products, that have been combined with usable cannabis or
1295 cannabis products shall be physically demarked and labeled with a
1296 clear determination of how much total THC is in a single-serving
1297 size and how much THC is in the entire package. A certificate of
1298 analysis for each medical cannabis product shall be made available
1299 to a patient if requested. For purposes of this chapter,
1300 "certificate of analysis" shall mean a formal document prepared by
1301 a cannabis testing facility that details the results of one or
1302 more laboratory analyses.

1303 A medical cannabis product shall contain a notice of harm
1304 regarding the use of cannabis products. Edible cannabis products
1305 shall be homogenized to ensure uniform disbursement of
1306 cannabinoids throughout the product. All molded edible cannabis
1307 products shall be presented in the form of geometric shapes and
1308 shall not be molded to contain any images or characters designed
1309 or likely to appeal to minors, such as cartoons, toys, animals or
1310 children.



1311 (12) A dispensary may not dispense more than the allowable
1312 amount of cannabis to a registered qualifying patient or a
1313 nonresident cardholder, directly or via a registered designated
1314 caregiver. Dispensaries shall ensure compliance with this
1315 limitation by maintaining internal, confidential records that
1316 include records specifying how much medical cannabis is being
1317 dispensed to the registered qualifying patient or nonresident
1318 cardholder and whether it was dispensed directly to a registered
1319 qualifying patient, nonresident cardholder or to the registered
1320 designated caregiver.

1321 (13) A nonresident cardholder shall not obtain more than a
1322 total of six (6) * * * medical cannabis units of allowable medical
1323 cannabis in a week from a dispensary or a combination of
1324 dispensaries. A nonresident cardholder shall not obtain more than
1325 a total of twelve (12) * * * medical cannabis units of allowable
1326 cannabis from a dispensary or a combination of dispensaries in a
1327 fifteen-day period.

1328 (14) A nonresident may apply to receive a nonresident
1329 registry identification card up to thirty (30) days before
1330 arriving in Mississippi. A nonresident registry identification
1331 card shall be valid for fifteen (15) days. After the expiration
1332 of the card, a nonresident may apply for a renewal of the card and
1333 may be granted another card which shall be valid for another
1334 fifteen-day period. A nonresident registry identification card
1335 shall only be valid, at a maximum, for two (2) separate periods of



1336 fifteen (15) days in a three-hundred-sixty-five-day period. An
1337 applicant may indicate on his or her application the specific time
1338 period that he or she wishes for the card to be valid. The
1339 possession limit of the allowable amount of medical cannabis for
1340 nonresident cardholders shall be fourteen (14) * * * medical
1341 cannabis units.

1342 (15) A medical cannabis dispensary agent or employee shall
1343 not issue a written certification. Employees and agents of a
1344 medical cannabis dispensary shall complete at least eight (8)
1345 hours of continuing education in medical cannabis as regulated by
1346 the MDOR in order to be certified to work at a medical cannabis
1347 dispensary. After the first year of employment, these employees
1348 shall complete five (5) hours of continuing education in medical
1349 cannabis annually to maintain this certification. An employee
1350 shall complete such required continuing education with an entity
1351 that is on the MDOR's responsible vendor list in accordance with
1352 subsection (19) of this section.

1353 (16) Notwithstanding any other provision to the contrary, a
1354 patient with a debilitating medical condition who is between
1355 eighteen (18) years to * * * twenty-one (21) years of age is not
1356 eligible for a medical cannabis registry identification card
1357 unless two (2) practitioners from separate medical practices have
1358 diagnosed the patient as having a debilitating medical condition
1359 after an in-person consultation. One (1) of these practitioners
1360 must be a physician or doctor of osteopathic medicine.



1361 If one (1) of the recommending practitioners is not the
1362 patient's primary care practitioner, the recommending practitioner
1363 shall review the records of a diagnosing practitioner. The
1364 requirement that the two (2) practitioners be from separate
1365 medical practices does not apply if the patient is homebound or if
1366 the patient had a registry identification card before the age of
1367 eighteen (18).

1368 (17) Except as otherwise provided in this section, a medical
1369 cannabis establishment shall not allow an individual who is
1370 younger than twenty-one (21) years old to enter the premises of
1371 the establishment unless:

1372 (a) The individual possesses a registry identification
1373 card and is accompanied by his or her legal guardian * * *; or

1374 (b) The individual possesses a valid work permit and is
1375 employed at the medical cannabis establishment.

1376 (18) A medical cannabis establishment shall only purchase,
1377 grow, cultivate, and use cannabis that is grown and cultivated in
1378 this state. Any medical cannabis that is grown and cultivated in
1379 this state shall not be transported outside of this state.

1380 (19) Employees of all medical cannabis establishments shall
1381 apply for a work permit with the MDOH and MDOR, as applicable,
1382 before beginning employment with any establishment. The licensing
1383 agency for the respective medical cannabis establishment may issue
1384 work permits to these individuals. These licensing agencies shall
1385 maintain a work registry of all applicants and work permits



1386 issued. The fee for a work permit shall be Twenty-five Dollars
1387 (\$25.00) and the permit shall be valid for five (5) years. Work
1388 permits shall be the property of the employee and shall not be
1389 transferable to other employees. MDOH and MDOR shall require any
1390 individual with a work permit to complete educational training
1391 within ninety (90) days of being issued a work permit. Such
1392 training shall educate applicants on the Medical Cannabis Act, and
1393 compliance and regulations related thereto. MDOH and MDOR shall
1394 promulgate an approved "Responsible Vendor" list of all entities
1395 that are approved by the MDOH and MDOR as educational training
1396 vendors under this subsection. An applicant for a work permit
1397 must complete state-required training from an entity on such list
1398 as a condition of being awarded a work permit. No medical
1399 cannabis establishment may apply as a "responsible vendor" for
1400 training purposes. An individual with a work permit shall
1401 complete at least eight (8) hours of continuing education in
1402 medical cannabis as regulated by their respective licensing agency
1403 in order to maintain their work permit. After the first year of
1404 employment, these employees shall complete five (5) hours of
1405 continuing education in medical cannabis annually to maintain
1406 their work permit. A medical cannabis establishment may host a
1407 responsible vendor at its facility to provide a continuing
1408 education presentation for all employees.

1409 (20) For purposes of this subsection, "plant growth
1410 regulator cannabis" shall mean a cannabis plant whose growth and



1411 structure has been modified using plant growth hormones. A
1412 cannabis cultivation facility shall not cultivate and a cannabis
1413 dispensary shall not sell, transfer or provide for consumption
1414 plant growth regulator cannabis.

1415 (21) A medical cannabis dispensary shall only make sales to
1416 cardholders inside the dispensary. A medical cannabis dispensary
1417 shall not sell or otherwise convey medical cannabis to a
1418 cardholder through the means of a drive-through, curbside delivery
1419 or other delivery outside the premises of the dispensary. Any
1420 topical cannabis product that is purchased by a dispensary from a
1421 licensed processor, and that is not ingested by the liver, may be
1422 sold to a cardholder or any person over the age of twenty-one (21)
1423 years old who is not a cardholder. Such products shall be placed
1424 in an area of the dispensary that does not require access with a
1425 registry identification card.

1426 (22) Any and all contracts or agreements entered into by the
1427 MDOH and MDOR for information technology software, hardware,
1428 and/or services for the purpose of implementing and/or operating
1429 under the Mississippi Medical Cannabis Act shall include language
1430 reasonably limiting the ability of the vendor to escalate the
1431 ongoing cost of such software, hardware, and/or services during
1432 the term of the contract, including any amendments and/or
1433 extensions.



1434 (23) The MDOR and MDOH shall not share the name, address or
1435 personal data of a registry identification cardholder to any
1436 federal government entity.

1437 **SECTION 10.** Section 41-137-41, Mississippi Code of 1972, is
1438 amended as follows:

1439 41-137-41. (1) From and after February 2, 2022, the MDOH
1440 and MDOR shall each, where relevant to the role of that particular
1441 agency, establish and promulgate the following rules and
1442 regulations:

1443 (a) Governing the manner in which it shall consider
1444 petitions from the public to add debilitating medical conditions
1445 or treatments to the list of debilitating medical conditions set
1446 forth in Section 41-137-3, including public notice of and
1447 opportunities to comment in public hearings on the petitions;

1448 (b) Establishing the form and content of license and
1449 renewal applications and written certifications submitted under
1450 this chapter;

1451 (c) Governing the manner in which it shall consider
1452 applications for and renewals of registry identification cards,
1453 which may include creating a standardized written certification
1454 form;

1455 (d) Governing medical cannabis establishments with the
1456 goals of ensuring the health and safety of registered qualifying
1457 patients and preventing diversion and theft of medical cannabis



1458 without imposing an undue burden or compromising the
1459 confidentiality of cardholders, including:

- 1460 (i) Oversight requirements;
- 1461 (ii) Recordkeeping requirements;
- 1462 (iii) Qualifications that are directly and
1463 demonstrably related to the operation of medical cannabis
1464 establishments;
- 1465 (iv) Security requirements, including lighting,
1466 physical security, and alarm requirements;
- 1467 (v) Health and safety regulations, including
1468 restrictions on the use of pesticides, herbicides or other
1469 chemicals that are injurious to human health;
- 1470 (vi) Standards for the processing of cannabis
1471 products and the indoor cultivation of cannabis by cannabis
1472 cultivation facilities;
- 1473 (vii) Requirements for the transportation and
1474 storage of cannabis by medical cannabis establishments;
- 1475 (viii) Employment and training requirements,
1476 including requiring that each medical cannabis establishment
1477 create an identification badge for each agent of the
1478 establishment;
- 1479 (ix) Standards for the safe processing of medical
1480 cannabis products, including extracts and concentrates;
- 1481 (x) * * * Standards on the advertising, marketing,
1482 signage, and display of medical cannabis, provided that the * * *



1483 standards may restrict but not prohibit advertising and marketing
1484 through broadcast, electronic or print media or through mass
1485 messaging or email communications, and provided further that the
1486 standards may not prevent appropriate signs on the property of
1487 a * * * medical cannabis establishment, listings in business
1488 directories, including phone books, listings in cannabis-related
1489 or medical publications, display of cannabis in company
1490 logos * * *, display of cannabis, cannabis products, packaging of
1491 cannabis, packaging of cannabis products, the process of
1492 cultivating cannabis, and the process of manufacturing cannabis
1493 products in branding activities, such as electronic media and
1494 print media, including, but not limited to, social media
1495 platforms, websites and electronic commerce platforms, display
1496 on * * * medical cannabis establishments' websites of pictures of
1497 products that the * * * medical cannabis establishment sells, or
1498 the sponsorship of health or not-for-profit charity or advocacy
1499 events;

1500 (xi) Requirements and procedures for the safe and
1501 accurate packaging and labeling of medical cannabis, including
1502 prohibiting the use of any images designed or likely to appeal to
1503 minors, such as cartoons, packaging that resembles popular candy
1504 brands, toys, animals or children, or any other likeness or image
1505 containing characters or phrases to advertise to minors;



1506 (xii) Standards for cannabis testing facilities,
1507 including requirements for equipment and qualifications for
1508 personnel;

1509 (xiii) Protocol development for the safe delivery
1510 of medical cannabis from dispensaries to cardholders;

1511 (xiv) Reasonable requirements to ensure the
1512 applicant has sufficient property or capital to operate the
1513 applicant's proposed medical cannabis establishment;

1514 (xv) Procedures for suspending or terminating the
1515 licenses or registry identification cards of cardholders and
1516 medical cannabis establishments that commit multiple or serious
1517 violations of the provisions of this chapter or the rules and
1518 regulations promulgated pursuant to this section;

1519 (xvi) Procedures for the selection, certification
1520 and oversight of a seed-to-sale tracking system as provided for in
1521 Section 41-137-11;

1522 (xvii) Requirements for labeling medical cannabis
1523 and cannabis products, including requiring medical cannabis
1524 product labels to include the following:

1525 1. The length of time it typically takes for
1526 the product to take effect;

1527 2. Disclosure of ingredients and possible
1528 allergens;

1529 3. A nutritional fact panel;

1530 4. The amount of THC and CBD in the product;



1531 5. A notice of the potential harm caused by
1532 consuming medical cannabis; and

1533 6. For edible cannabis products, when
1534 practicable, a standard symbol indicating that the product
1535 contains cannabis;

1536 (xviii) Procedures for the registration of
1537 nonresident cardholders, which must require the submission of:

1538 1. A practitioner's statement confirming that
1539 the patient has a debilitating medical condition; and

1540 2. Documentation demonstrating that the
1541 nonresident cardholder is allowed to possess medical cannabis or
1542 cannabis preparations in the jurisdiction where he or she resides;

1543 (xix) The amount of cannabis products, including
1544 the amount of concentrated cannabis, each cardholder and
1545 nonresident cardholder can possess;

1546 (xx) Reasonable application and renewal fees for
1547 registry identification cards and registration certificates,
1548 according to the following:

1549 1. The fee schedule shall be set as follows:

1550 a. The qualifying patient registry
1551 identification card application fee shall be Twenty-five Dollars
1552 (\$25.00);

1553 b. The designated caregiver registry
1554 identification card application fee shall be Twenty-five Dollars
1555 (\$25.00);



1556 c. The designated caregiver criminal
1557 background fee shall be Thirty-seven Dollars (\$37.00);
1558 d. The fee for a renewal or replacement
1559 of a card shall be Twenty-five Dollars (\$25.00);
1560 e. The fee for a card for a nonresident
1561 patient shall be Seventy-five Dollars (\$75.00);
1562 f. The qualifying patient registry
1563 identification card application fee for a Medicaid participant
1564 shall be Fifteen Dollars (\$15.00) and the fee for a renewal of
1565 such card shall be Fifteen Dollars (\$15.00); and
1566 g. The application fee for a qualifying
1567 patient registry identification card for disabled veterans or
1568 disabled first responders shall be waived. A disabled veteran or
1569 first responder may prove their disability by providing written
1570 documentation from their practitioner attesting to their
1571 debilitating medical condition, documentation from the Social
1572 Security Disability Office, or documentation that attests the
1573 applicant is a one-hundred percent (100%) disabled veteran as
1574 determined by the U.S. Department of Veteran Affairs and codified
1575 at 38 CFR, Section 3.340(a)(2013); and
1576 2. The MDOH may accept donations from private
1577 sources to reduce the amount of the application and renewal fees;
1578 (xxi) Standards and protocol development for the
1579 safe delivery of medical cannabis by cannabis transportation
1580 entities from a medical cannabis dispensary to registered



1581 qualifying patients who are homebound or who are otherwise in the
1582 care of any nursing facility, hospital, hospice, assisted living
1583 facility, personal care home, adult day care facility, or adult
1584 foster care facility in accordance with Section 41-137-21;

1585 (xxii) Standards allowing medical cannabis
1586 dispensaries to process and accept orders for delivery or in-store
1587 pick-up for medical cannabis placed through a website, application
1588 or other internet-based ordering system; and

1589 (* * *xxiii) Any other rules and regulations
1590 necessary to implement and administer this chapter.

1591 (2) The initial rules filed by the MDOH to implement the
1592 medical cannabis program in accordance with this chapter shall be
1593 effective immediately upon their filing.

1594 (3) No state agency, political subdivision or board shall
1595 implement any rule, regulation, policy, or requirement that is
1596 contrary to, or conflicts with, the provisions of the Mississippi
1597 Medical Cannabis Act.

1598 **SECTION 11.** Section 41-137-63, Mississippi Code of 1972, is
1599 amended as follows:

1600 41-137-63. * * * (a) There is established a Medical
1601 Cannabis Advisory Committee, which shall be the committee that is
1602 required to advise the Legislature about medical cannabis and
1603 cannabis product, patient care, services and industry.

1604 (b) The advisory committee shall consist of * * *
1605 fifteen (15) members, as follows:



1606 (i) The Governor shall appoint * * * five (5)
1607 members to the committee, as follows:
1608 1. One (1) representative from the MDOH;
1609 2. One (1) registered qualifying
1610 patient; * * *
1611 3. One (1) physician with experience in
1612 medical cannabis issues;
1613 4. One (1) licensed practitioner who is
1614 registered to issue written certifications to qualifying patients
1615 under the program; and
1616 5. One (1) owner or agent of a medical
1617 cannabis transportation entity;
1618 (ii) The Lieutenant Governor shall appoint * * *
1619 five (5) members, as follows:
1620 1. One (1) owner or agent of a medical
1621 cannabis cultivation facility;
1622 2. One (1) representative from the
1623 MDOH; * * *
1624 3. One (1) qualified certified nurse
1625 practitioner, physician assistant or optometrist;
1626 4. One (1) registered qualifying patient
1627 under the program; and
1628 5. One (1) owner or agent of a medical
1629 cannabis testing facility;



1630 (iii) The Speaker of the House shall appoint * * *

1631 four (4) members, as follows:

1632 1. One (1) owner or agent of a medical
1633 cannabis processing facility;

1634 2. One (1) owner or agent of a medical
1635 cannabis dispensary; * * *

1636 3. One (1) representative from the
1637 MDOR * * *;

1638 4. One (1) representative from the National
1639 Center for Cannabis Research and Education at the University of
1640 Mississippi; and

1641 5. One (1) patient advocate of a registered
1642 qualifying patient.

1643 If the Governor fails to appoint any of his assigned members
1644 within sixty (60) days of a vacancy, the Lieutenant Governor may
1645 appoint such member. If the Lieutenant Governor fails to appoint
1646 any of his assigned members within sixty (60) days of a vacancy,
1647 the Speaker of the House may appoint such member.

1648 (c) The advisory committee shall meet at least two (2)
1649 times per year for the purpose of evaluating and making
1650 recommendations to the Legislature and the MDOH and MDOR
1651 regarding:

1652 (i) The ability of qualifying patients in all
1653 areas of the state to obtain timely access to high-quality medical
1654 cannabis;



1655 (ii) The effectiveness of the medical cannabis
1656 establishments in serving the needs of registered qualifying
1657 patients, including the provision of educational and support
1658 services by dispensaries, the reasonableness of their prices,
1659 security issues, and the sufficiency of the number operating to
1660 serve the state's registered qualifying patients;

1661 (iii) The effectiveness of the cannabis testing
1662 facilities, including whether a sufficient number are operating;

1663 (iv) The sufficiency of the regulatory and
1664 security safeguards contained in this chapter and adopted by the
1665 MDOH to ensure that access to and use of cannabis cultivated is
1666 provided only to cardholders;

1667 (v) Any recommended additions or revisions to the
1668 MDOH and MDOR rules and regulations or this chapter, including
1669 relating to security, safe handling, labeling, nomenclature, and
1670 whether additional types of licenses should be made available; and
1671 (vi) Any research studies regarding health effects
1672 of medical cannabis for patients.

1673 (d) The advisory committee shall accept public comment
1674 in writing and in person at least once per year. The advisory
1675 committee shall meet at least two (2) times per year and advisory
1676 committee members shall be furnished written notice of the
1677 meetings at least ten (10) days before the date of the meeting.



1678 (e) The chairman of the advisory committee shall be
1679 elected by the voting members of the committee annually and shall
1680 not serve more than two (2) consecutive years as chairman.

1681 (f) The members of the advisory committee specified in
1682 paragraph (b) of this subsection shall serve for terms that are
1683 concurrent with the terms of members of the Legislature, and any
1684 member appointed under paragraph (b) may be reappointed to the
1685 advisory committee. The members of the advisory committee
1686 specified in paragraph (b) shall serve without compensation, but
1687 shall receive reimbursement to defray actual expenses incurred in
1688 the performance of committee business as authorized by law.

1689 * * *

1690 **SECTION 12.** The following shall be codified as Section
1691 41-137-68, Mississippi Code of 1972:

1692 41-137-68. The MDOH shall engage with its respective
1693 counterparts in other states who have medical cannabis programs to
1694 evaluate the feasibility of creating an interstate monitoring
1695 system to enforce the provisions of this chapter.

1696 **SECTION 13.** This act shall take effect and be in force from
1697 and after July 1, 2024.

