

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1676: Mississippi Intoxicating Hemp Regulation Act and Mississippi Medical Cannabis Act; revise certain provisions of.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

111 **SECTION 1.** Section 69-25-201, Mississippi Code of 1972, is
112 amended as follows:

113 69-25-201. This article shall be known as the "Mississippi
114 Hemp * * * Regulation Act." The regulation of hemp cultivation
115 and processing shall be governed * * * by the provisions of the
116 Mississippi Hemp * * * Regulation Act and the Mississippi Medical
117 Cannabis Act, as applicable. A municipality, county or other
118 political subdivision of this state shall not enact, adopt or
119 enforce a rule, ordinance, order, resolution or other regulation
120 that allows, prohibits or penalizes the cultivation, production or
121 processing of hemp in this state.

122 **SECTION 2.** Section 69-25-203, Mississippi Code of 1972, is
123 amended as follows:



124 69-25-203. For purposes of this article, the following words
125 and phrases shall have the meanings set forth below unless the
126 context clearly indicates otherwise:

127 * * *

128 (* * *a) "Business entity" means a nonnatural person
129 and includes nonprofit and for-profit corporations, partnerships,
130 limited liability corporations, and other legal entities
131 recognized by law.

132 (* * *b) "Commissioner" means the Commissioner of
133 Agriculture and Commerce of the State of Mississippi. Where
134 applicable under the provisions of this article, "commissioner"
135 shall include the commissioner's designee.

136 (* * *c) "Delta-9-tetrahydrocannabinol" means the sum
137 of the percentage by weight of tetrahydrocannabinol acid
138 multiplied by eight hundred seventy-seven thousandths (0.877) plus
139 the percentage by weight of delta-9-tetrahydrocannabinol.

140 (* * *d) "Department" means the Mississippi Department
141 of Agriculture and Commerce.

142 (* * *e) "Grower" means a person, business entity,
143 joint venture or cooperative that cultivates, grows or harvests
144 hemp.

145 (* * *f) "Hemp" means the plant Cannabis sativa L. and
146 any part of that plant, including the seeds thereof and all
147 derivatives, extracts, cannabinoids, isomers, acids, salts and
148 salts of isomers, whether growing or not, with a



149 delta-9-tetrahydrocannabinol (THC) concentration of not more than
150 three-tenths percent (0.3%) on a dry weight basis that is grown or
151 processed under this article.

152 (g) "Intoxicating hemp product" means a finished
153 product intended for human or animal consumption containing any
154 hemp, including naturally occurring cannabinoids, compounds,
155 extracts, isolates, or resins, and that contains greater than five
156 (5) milligrams of total THC per container.

157 (h) "Legal description of land" means Global Position
158 System coordinates and shall also include the metes and bounds to
159 include township, range, and section for the location in which
160 hemp is grown.

161 (i) "Person" means any person, firm, association,
162 corporation or business entity.

163 (j) "Processor" means a person, business entity, joint
164 venture or cooperative that receives hemp for processing into
165 commodities, products or hemp seed. A processor also includes any
166 such entity that brokers and/or stores hemp.

167 (k) "State plan" means the plan contemplated by 7
168 C.F.R. Part 990 Subpart B that a state must file for approval with
169 the United States Secretary of Agriculture.

170 (l) "Total THC" means any and all forms of
171 tetrahydrocannabinol that are contained naturally in the cannabis
172 plant, as well as synthesized forms of THC and derived variations,
173 derivatives, isomers and allotropes that have similar molecular



174 and physiological characteristics of tetrahydrocannabinol,
175 including, but not limited to, THCA, THC Delta 9, THC Delta 8, THC
176 Delta 10 and THC Delta 6.

177 (* * *m) "USDA" means the United States Department of
178 Agriculture.

179 **SECTION 3.** Section 69-25-207, Mississippi Code of 1972, is
180 amended as follows:

181 69-25-207. (1) Pursuant to the provisions of this
182 article, * * * growing and processing of hemp, as defined in
183 Section 69-25-203, are authorized in this state. * * * Growing
184 and processing of hemp are subject to regulation by the department
185 and may only be performed by persons or business entities that
186 hold a valid license or registration issued * * * under this
187 article.

188 (2) The commissioner shall create a State Plan for
189 submission to and approval by the United States Department of
190 Agriculture and the United States Secretary of Agriculture. The
191 commissioner and the department shall promulgate such reasonable
192 regulations as necessary to implement the State Plan and
193 provisions of this article. The commissioner and the department
194 shall be authorized to promulgate any rule or regulation deemed
195 necessary for the administration of the provisions of this article
196 in compliance with any federal law, rule or regulation promulgated
197 by the United States Department of Agriculture.



198 (3) The department is authorized to accept applications, and
199 issue licenses and/or registrations for all hemp growers and hemp
200 processors. The department shall adopt and enforce all rules and
201 regulations related to those licenses and/or registrations.

202 (4) All hemp growers must be licensed by the department.

203 (5) All hemp processors must register with the department.

204 (6) All licensed * * * growers and registered processors
205 shall keep and maintain crop and/or processing records in
206 accordance with rules and regulations adopted and enforced by the
207 department. The department may subject the required records to
208 inspection. The department may make an inspection for the purpose
209 of ensuring compliance with:

210 (a) USDA guidelines;

211 (b) Provisions of this article;

212 (c) Department rules and regulations;

213 (d) Any terms or conditions of a license issued
214 hereunder;

215 (e) Registration with the department; or

216 (f) A final department order directed to the grower's
217 or processor's hemp operations or activities.

218 (7) All hemp growers and processors shall be subject to a
219 background investigation conducted by the Department of Public
220 Safety, which shall include both a state and federal background
221 check.



222 **SECTION 4.** Section 69-25-213, Mississippi Code of 1972, is
223 amended as follows:

224 69-25-213. **Negligent violations.** (1) Upon a determination
225 by the commissioner or the commissioner's designee, the following
226 may constitute negligent violations:

227 (a) Failing to provide a legal description of land on
228 which the grower produces hemp;

229 (b) Failing to obtain a license or other required
230 authorization from the department;

231 (c) Failing to register with the department;

232 (d) Producing Cannabis sativa L. with a
233 delta-9-tetrahydrocannabinol concentration of more than * * *
234 three-tenths percent (0.3%) on a dry weight basis; or

235 (e) Any other violation of the State Plan, including
236 any rules and regulations set forth by the department.

237 (2) **Corrective action plan.** (a) A hemp grower shall comply
238 with a plan established by the commissioner or the commissioner's
239 designee to correct the negligent violation, including:

240 (i) A reasonable date by which the hemp grower
241 shall correct the negligent violation; and

242 (ii) A requirement that the hemp grower shall
243 periodically report to the commissioner or the commissioner's
244 designee regarding the compliance with the corrective plan for a
245 period of not less than the next two (2) calendar years.



246 (b) The department shall notify the Mississippi Bureau
247 of Narcotics of all corrective action plans implemented by the
248 commissioner or the commissioner's designee.

249 (3) **Result of negligent violation.** A hemp grower that
250 negligently violates the State Plan shall not, as a result of that
251 violation, be subject to any criminal enforcement action by a
252 state, county or local government entity.

253 (4) **Repeat violations.** A hemp grower that negligently
254 violates the State Plan three (3) times in a five-year period
255 shall be ineligible to produce hemp for a period of five (5) years
256 beginning on the date of the third violation.

257 **SECTION 5.** Section 69-25-217, Mississippi Code of 1972, is
258 amended as follows:

259 69-25-217. (1) It shall be unlawful for any person or
260 business entity to:

261 (a) Violate this chapter or any rules or regulations
262 promulgated under this chapter;

263 (b) Fail to comply with a corrective action plan issued
264 by the commissioner under Section 69-25-213(2);

265 (c) Transport hemp or hemp materials in violation of
266 Section 69-25-209 or rules or regulations adopted under this
267 chapter; * * *

268 (d) Cultivate or grow hemp with a
269 delta-9-tetrahydrocannabinol (THC) concentration of more than
270 three-tenths percent (0.3%) on a dry weight basis * * *;



271 (e) Produce, process or sell any intoxicating hemp
272 products within the State of Mississippi, except as authorized
273 through this Act or the Mississippi Medical Cannabis Act;

274 (f) Produce, process, or sell any hemp product that
275 contains an artificially derived cannabinoid as defined in Section
276 41-137-3; or

277 (g) Sell or distribute any intoxicating hemp product to
278 any person under the age of twenty-one (21) years old.

279 (2) In addition to any other penalty, fine or conviction, as
280 applicable, any person or business entity that purposely,
281 knowingly or recklessly violates this provision of this chapter
282 relating to hemp production, sales, distribution or processing
283 shall be guilty of a misdemeanor and, upon conviction of the
284 violation, shall be fined in an amount not to exceed Five Thousand
285 Dollars (\$5,000.00), or sentenced to imprisonment in the county
286 jail for not more than one (1) year, or both such fine and
287 imprisonment.

288 (3) Notwithstanding subsection (2) of this section, if any
289 person or entity purposely, recklessly or knowingly cultivates or
290 grows hemp with a delta-9-tetrahydrocannabinol (THC) concentration
291 of more than one percent (1%) on a dry weight basis that person or
292 entity shall be guilty of a felony punishable by imprisonment for
293 not more than five (5) years, or a fine of not more than Ten
294 Thousand Dollars (\$10,000.00), or both such fine and imprisonment.



295 (4) For purposes of this section, the terms "purposely",
296 "knowingly" and "recklessly" have the following meanings:

297 (a) "Purposefully" means a person acts purposely with
298 respect to a material element of an offense if:

299 (i) The element involves the nature of his or her
300 conduct or a result thereof, it is his or her conscious object to
301 engage in conduct of that nature or to cause such a result; and

302 (ii) The element involves the attendant
303 circumstances, he or she is aware of the existence of such
304 circumstances or he or she believes or hopes that they exist.

305 (b) "Knowingly" means a person acts knowingly with
306 respect to a material element of an offense if:

307 (i) The element involves the nature of his or her
308 conduct or the attendant circumstances, he or she is aware that
309 his or her conduct is of that nature or that such circumstances
310 exist; and

311 (ii) The element involves a result of his or her
312 conduct, he or she is aware that it is practically certain that
313 his or her conduct will cause such a result.

314 (c) "Recklessly" means a person acts recklessly with
315 respect to a material element of an offense when he or she
316 consciously disregards a substantial and unjustifiable risk that
317 the material element exists or will result from his or her
318 conduct. The risk must be of such a nature and degree that,
319 considering the nature and purpose of the actor's conduct and the



320 circumstances known to him or her, its disregard involves a gross
321 deviation from the standard of conduct that a law-abiding person
322 would observe in the actor's situation.

323 **SECTION 6.** (1) Intoxicating hemp products may only be sold
324 to consumers in Mississippi by dispensaries licensed under the
325 Mississippi Medical Cannabis Act.

326 (2) Nothing in this article shall limit or affect the
327 interstate transport of hemp or hemp products through the state.

328 (3) Nothing in this article prohibits the transfer of hemp,
329 hemp ingredients, or intoxicating hemp products by growers and
330 processors to medical cannabis establishments in accordance with
331 the Medical Cannabis Act.

332 **SECTION 7.** All labels for any product containing finished
333 nonintoxicating hemp shall be approved by the Department of
334 Agriculture And Commerce, provided that packaging, labeling,
335 marketing, and other finished product regulation for intoxicating
336 hemp products shall be governed by the Medical Cannabis Act.

337 **SECTION 8.** (1) Any medical cannabis processing facility
338 that intends to process intoxicating hemp products shall register
339 with the Department of Health. Any such facility shall be subject
340 to a nonrefundable annual registration fee of Five Thousand
341 Dollars (\$5,000.00), which shall be in addition to the prescribed
342 licensing fee to operate as a medical cannabis processing
343 facility. The Department of Health may register a medical
344 cannabis processing facility as a medical cannabis processing



345 facility that also processes intoxicating hemp products after such
346 facility pays the fees required of this subsection. The
347 Department of Health shall be responsible for oversight of any
348 medical cannabis processing facility that processes intoxicating
349 hemp products.

350 (2) Any medical cannabis dispensary that intends to acquire,
351 possess, store, transfer, sell, supply or dispense intoxicating
352 hemp products shall register with the Department of Revenue. Any
353 such facility shall be subject to a nonrefundable annual
354 registration fee of Five Thousand Dollars (\$5,000.00), which shall
355 be in addition to the prescribed licensing fee to operate as a
356 medical cannabis dispensary. The Department of Revenue may
357 register a medical cannabis dispensary as a medical cannabis
358 dispensary that also acquires, possesses, stores, transfers,
359 sells, supplies or dispenses intoxicating hemp products after such
360 facility pays the fees required of this subsection. The
361 Department of Revenue shall be responsible for the oversight of
362 any such medical cannabis dispensary that acquires, possesses,
363 stores, transfers, sells, supplies or dispenses intoxicating hemp
364 products.

365 **SECTION 9.** (1) There is imposed, levied and assessed an
366 excise tax on intoxicating hemp products. Dispensaries shall
367 collect and remit an excise tax on forms and in a manner specified
368 by the Commissioner of Revenue.



369 The excise tax on intoxicating hemp products shall be based
370 on the sales price for which a dispensary sells to a consumer, and
371 the rate of the excise tax shall be five percent (5%) of such
372 sales price.

373 (2) All administrative provisions of the sales tax law and
374 amendments thereto, including those which fix damages, penalties
375 and interest for nonpayment of taxes and for noncompliance with
376 the provision of the sales tax law, and all other requirements and
377 duties imposed upon a taxpayer, shall apply to all persons liable
378 for taxes under the provisions of this subsection. The
379 Commissioner of the Department of Revenue shall exercise all power
380 and authority and perform all duties with respect to taxpayers
381 under this subsection as are provided in the sales tax law, except
382 where there is conflict, then the provisions of this subsection
383 shall control.

384 All excise taxes collected under the provisions of this
385 section shall be deposited into the State General Fund.

386 (3) A dispensary, on forms and in a manner specified by the
387 Commissioner of Revenue, shall collect and remit the sales tax
388 levied in Section 27-65-17(1)(a) from the gross proceeds derived
389 from each retail sale of intoxicating hemp products.

390 **SECTION 10.** Section 69-25-219, Mississippi Code of 1972, is
391 amended as follows:

392 69-25-219. (1) Any person convicted of a felony relating to
393 a controlled substance under state or federal law before, on or



394 after * * * June 29, 2020, shall be ineligible, during the
395 ten-year period following the date of the conviction to
396 participate in the program established under this article and
397 to * * * grow or process hemp under any regulations or guidelines
398 issued under this article.

399 (2) Any person who materially falsifies any information
400 contained in an application to participate in the State Plan
401 established under this article shall be ineligible to participate
402 in the State Plan.

403 (3) In addition to any inspection conducted, the department
404 may inspect any hemp crop at any time and take a representative
405 composite sample for analysis. It shall be the duty of the
406 department to take such samples and deliver them to the State
407 Chemist for examination and analysis. It shall be the duty of the
408 State Chemist to cause as many analyses to be made of samples
409 delivered to him or her by the department as may be necessary to
410 properly implement the intent of this article. The State Chemist
411 shall make a report of such analyses to the department.

412 (4) The department shall charge growers and processors a fee
413 or fees as determined by the department in a sufficient amount to
414 cover the costs required to administer and enforce the provisions
415 of this * * * article.

416 **SECTION 11.** Section 69-25-223, Mississippi Code of 1972, is
417 amended as follows:



418 69-25-223. (1) The provisions of this article which provide
419 authority to the Commission of Agriculture and Commerce and the
420 Mississippi Department of Agriculture and Commerce to administer
421 the provisions, related to hemp operators, of the "Mississippi
422 Hemp * * * Regulation Act * * *" shall be subject to legislative
423 appropriation or receipt of necessary funding from any private or
424 public entity for purposes of implementation.

425 (2) The provisions of this article shall not have any effect
426 upon any programs administered by Mississippi State University,
427 which shall remain exempt, as such programs related to the
428 educational, research or testing functions performed by
429 Mississippi State Chemical Laboratory, shall continue to function
430 in accordance with the mission of the university, as approved by
431 the Board of Trustees of State Institutions of Higher Learning.

432 **SECTION 12.** Section 41-137-3, Mississippi Code of 1972, is
433 amended as follows:

434 41-137-3. For purposes of this chapter, unless the context
435 requires otherwise, the following terms shall have the meanings
436 ascribed herein:

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



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

444 (ii) Cannabinoids that are produced or processed
445 by decarboxylation from a naturally occurring cannabinoid acid
446 without the use of a chemical catalyst; or

447 (iii) Any other chemical substance identified by
448 MDOH.

449 (b) "Allowable amount of medical cannabis" means an
450 amount not to exceed the maximum amount of Mississippi Medical
451 Cannabis Equivalency Units ("MMCEU").

452 (c) "Bona fide practitioner-patient relationship"
453 means:

454 (i) A practitioner and patient have a treatment or
455 consulting relationship, during the course of which the
456 practitioner, within his or her scope of practice, has completed
457 an in-person assessment of the patient's medical history and
458 current mental health and medical condition and has documented
459 their certification in the patient's medical file;

460 (ii) The practitioner has consulted in person with
461 the patient with respect to the patient's debilitating medical
462 condition; and

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



465 (d) "Cannabis" means all parts of the plant of the
466 genus cannabis, the flower, the seeds thereof, the resin extracted
467 from any part of the plant and every compound, * * * process,
468 salt, derivative, mixture or preparation of the plant, its seeds
469 or its resin, including whole plant extracts. Such term shall not
470 mean cannabis-derived drug products approved by the federal Food
471 and Drug Administration under Section 505 of the Federal Food,
472 Drug, and Cosmetic Act.

473 (e) "Cannabis cultivation facility" means a business
474 entity licensed and registered by the Mississippi Department of
475 Health that * * * is authorized to:

476 (i) Acquire, grow, cultivate and harvest medical
477 cannabis in an indoor, enclosed, locked and secure area for sale
478 to other medical cannabis establishments;

479 (ii) Acquire and possess hemp-derived ingredients
480 and intoxicating hemp products to sell to other medical cannabis
481 establishments.

482 (f) "Cannabis disposal entity" means a business
483 licensed and registered by the Mississippi Department of Health
484 that is involved in the commercial disposal or destruction of
485 medical cannabis.

486 (g) "Cannabis processing facility" means a business
487 entity that is licensed and registered by the Mississippi
488 Department of Health that:



489 (i) Acquires or intends to acquire cannabis from a
490 cannabis cultivation facility;

491 (ii) Possesses cannabis or hemp with the intent
492 to * * * process a cannabis product;

493 (iii) * * * Processes or intends to * * * process
494 a cannabis or intoxicating hemp product from unprocessed hemp
495 ingredients, cannabis or a cannabis extract; and

496 (iv) Sells or intends to sell a cannabis product
497 and/or intoxicating hemp products to a medical cannabis
498 dispensary, cannabis testing facility or cannabis research
499 facility.

500 (h) "Cannabis products" means cannabis flower,
501 concentrated cannabis, cannabis extracts and products that are
502 infused with cannabis or an extract thereof and are intended for
503 use or consumption by humans. The term includes, without
504 limitation, edible cannabis products, beverages, topical products,
505 ointments, oils, tinctures and suppositories that contain
506 tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those
507 products excluded from control under Sections 41-29-113 and
508 41-29-136.

509 (i) "Cannabis research facility" or "research facility"
510 means a research facility at any university or college in this
511 state or an independent entity licensed and registered by the
512 Mississippi Department of Health pursuant to this chapter that
513 acquires cannabis from cannabis cultivation facilities and



514 cannabis processing facilities in order to research cannabis,
515 develop best practices for specific medical conditions, develop
516 medicines and provide commercial access for medical use.

517 (j) "Cannabis testing facility" or "testing facility"
518 means an independent entity licensed and registered by the
519 Mississippi Department of Health that analyzes the safety and
520 potency of cannabis, cannabis products and hemp products,
521 including, but not limited to, intoxicating hemp products.

522 (k) "Cannabis transportation entity" means an
523 independent entity licensed and registered by the Mississippi
524 Department of Health that is involved in the commercial
525 transportation of medical cannabis, cannabis products and
526 intoxicating hemp products.

527 (l) "Cannabis waste" means plant debris of the plant of
528 the genus cannabis, including dead plants and all unused plant
529 parts. This term shall not include seeds, roots, stems and
530 stalks.

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

533 (n) "Canopy" means the total surface area within a
534 cultivation area that is dedicated to the cultivation of flowering
535 cannabis plants. The surface area of the plant canopy must be
536 calculated in square feet and measured and must include all of the
537 area within the boundaries where the cultivation of the flowering
538 cannabis plants occurs. If the surface area of the plant canopy



539 consists of noncontiguous areas, each component area must be
540 separated by identifiable boundaries. If a tiered or shelving
541 system is used in the cultivation area the surface area of each
542 tier or shelf must be included in calculating the area of the
543 plant canopy. Calculation of the area of the plant canopy may not
544 include the areas within the cultivation area that are used to
545 cultivate immature cannabis plants and seedlings, prior to
546 flowering, and that are not used at any time to cultivate mature
547 cannabis plants.

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

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

556 (q) "Concentrate" means a substance obtained by
557 separating cannabinoids from cannabis by:

558 (i) A mechanical extraction process;

559 (ii) A chemical extraction process using a
560 nonhydrocarbon-based or other solvent, such as water, vegetable
561 glycerin, vegetable oils, animal fats, food-grade ethanol or steam
562 distillation; or



563 (iii) A chemical extraction process using the
564 hydrocarbon-based solvent carbon dioxide, provided that the
565 process does not involve the use of high heat or pressure.

566 (r) "Debilitating medical condition" means:

567 (i) Cancer, Parkinson's disease, Huntington's
568 disease, muscular dystrophy, glaucoma, spastic quadriplegia,
569 positive status for human immunodeficiency virus (HIV), acquired
570 immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral
571 sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell
572 anemia, Alzheimer's disease, agitation of dementia, post-traumatic
573 stress disorder (PTSD), autism, pain refractory to appropriate
574 opioid management, diabetic/peripheral neuropathy, spinal cord
575 disease or severe injury, or the treatment of these conditions;

576 (ii) A chronic, terminal or debilitating disease
577 or medical condition, or its treatment, that produces one or more
578 of the following: cachexia or wasting syndrome, chronic pain,
579 severe or intractable nausea, seizures, or severe and persistent
580 muscle spasms, including, but not limited to, those characteristic
581 of multiple sclerosis; or

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

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

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



588 (ii) Assists no more than five (5) registered
589 qualifying patients with their medical use of medical cannabis,
590 unless the designated caregiver's registered qualifying patients
591 each reside in or are admitted to a health care facility or
592 facility providing residential care services or day care services
593 where the designated caregiver is employed;

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

597 (iv) Has not been convicted of a disqualifying
598 felony offense.

599 (t) "Delta-9-tetrahydrocannabinol" means the sum of the
600 percentage by weight of tetrahydrocannabinol acid multiplied by
601 eight hundred seventy-seven thousandths (0.877) plus the
602 percentage by weight of delta-9-tetrahydrocannabinol.

603 (* * *u) "Disqualifying felony offense" means:

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

606 (ii) A conviction for a crime that was defined as
607 a violent crime in the law of the jurisdiction in which the
608 offense was committed, and that was classified as a felony in the
609 jurisdiction where the person was convicted; or

610 (iii) A conviction for a violation of a state or
611 federal controlled substances law that was classified as a felony
612 in the jurisdiction where the person was convicted, including the



613 service of any term of probation, incarceration or supervised
614 release within the previous five (5) years and the offender has
615 not committed another similar offense since the conviction. Under
616 this subparagraph (iii), a disqualifying felony offense shall not
617 include a conviction that consisted of conduct for which this
618 chapter would likely have prevented the conviction but for the
619 fact that the conduct occurred before February 2, 2022.

620 (* * *y) "Edible cannabis products" means products
621 that:

622 (i) Contain or are infused with cannabis or an
623 extract thereof;

624 (ii) Are intended for human consumption by oral
625 ingestion; and

626 (iii) Are presented in the form of foodstuffs,
627 beverages, extracts, oils, tinctures, lozenges and other similar
628 products.

629 (* * *w) "Entity" means a corporation, general
630 partnership, limited partnership or limited liability company that
631 has been registered with the Secretary of State as applicable.

632 (x) "Hemp" has the same meaning as set forth in Section
633 69-25-203.

634 (y) "Hemp-derived ingredient" means a hemp biomass,
635 hemp-derived distillate, or other substance derived from hemp to
636 be used in the production of an intoxicating hemp product.



637 (z) "Intoxicating hemp product" means a product as
638 defined in Section 69-25-203.

639 (* * *aa) "MMCEU" means Mississippi Medical Cannabis
640 Equivalency Unit. One unit of MMCEU shall be considered equal
641 to * * * one (1) gram of THC in any medical cannabis product.

642 (* * *bb) "MDOH" means the Mississippi Department of
643 Health.

644 (* * *cc) "MDOR" means the Mississippi Department of
645 Revenue.

646 (* * *dd) "Medical cannabis" means cannabis, cannabis
647 products and edible cannabis that are intended to be used by
648 registered qualifying patients as provided in this chapter.

649 (* * *ee) "Medical cannabis dispensary" or
650 "dispensary" means an entity licensed and registered with the MDOR
651 that acquires, possesses, stores, transfers, sells, supplies or
652 dispenses medical cannabis, equipment used for medical cannabis,
653 cannabis products, intoxicating hemp products or related supplies
654 and educational materials to cardholders or to other individuals
655 as authorized by this act.

656 (* * *ff) "Medical cannabis establishment" means a
657 cannabis cultivation facility, cannabis processing facility,
658 cannabis testing facility, cannabis dispensary, cannabis
659 transportation entity, cannabis disposal entity or cannabis
660 research facility licensed and registered by the appropriate
661 agency.



662 (* * *gg) "Medical cannabis establishment agent" means
663 an owner, officer, board member, employee, volunteer or agent of a
664 medical cannabis establishment.

665 (* * *hh) "Medical use" includes the acquisition,
666 administration, cultivation, processing, delivery, harvest,
667 possession, preparation, transfer, transportation, or use of
668 medical cannabis or equipment relating to the administration of
669 medical cannabis to treat or alleviate a registered qualifying
670 patient's debilitating medical condition or symptoms associated
671 with the patient's debilitating medical condition. The term
672 "medical use" does not include:

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

675 (ii) The extraction of resin from cannabis by
676 mechanical or chemical extraction unless the extraction is done by
677 a cannabis processing facility.

678 (* * *ii) "Nonresident cardholder" means a person who:

679 (i) Has been diagnosed with a debilitating medical
680 condition by a practitioner in his or her respective state or
681 territory, or is the parent, guardian, conservator or other person
682 with authority to consent to the medical use of medical cannabis
683 by a person who has been diagnosed with a debilitating medical
684 condition;



685 (ii) Is not a resident of Mississippi or who has
686 been a resident of Mississippi for less than forty-five (45) days;
687 and

688 (iii) Has submitted any documentation required by
689 MDOH rules and regulations and has received confirmation of
690 registration.

691 (* * * jj) "Practitioner" means a physician, certified
692 nurse practitioner, physician assistant or optometrist who is
693 licensed to prescribe medicine under the licensing requirements of
694 their respective occupational boards and the laws of this state.
695 In relation to a nonresident cardholder, the term means a
696 physician, certified nurse practitioner, physician assistant or
697 optometrist who is licensed to prescribe medicine under the
698 licensing requirements of their respective occupational boards and
699 under the laws of the state or territory in which the nonresident
700 patient resides. For registered qualifying patients who are
701 minors, "practitioner" shall mean a physician or doctor of
702 osteopathic medicine who is licensed to prescribe medicine under
703 the licensing requirements of their respective occupational boards
704 and the laws of this state.

705 (* * * kk) "Public place" means a church or any area to
706 which the general public is invited or in which the general public
707 is permitted, regardless of the ownership of the area, and any
708 area owned or controlled by a municipality, county, state or
709 federal government, including, but not limited to, streets,



710 sidewalks or other forms of public transportation. Such term
711 shall not mean a private residential dwelling.

712 (* * *ll) "Qualifying patient" means a person who has
713 been diagnosed by a practitioner as having a debilitating medical
714 condition and has been issued a written certification.

715 (* * *mm) "Registry identification card" means a
716 document issued by the MDOH that identifies a person as a
717 registered qualifying patient, nonresident registered qualifying
718 patient or registered designated caregiver.

719 (* * *nn) "School" means an institution for the
720 teaching of children, consisting of a physical location, whether
721 owned or leased, including instructional staff members and
722 students, and which is in session each school year. This
723 definition shall include, but not be limited to, public, private,
724 church and parochial programs for kindergarten, elementary, junior
725 high and high schools. Such term shall not mean a home
726 instruction program.

727 (* * *oo) "Scope of practice" means the defined
728 parameters of various duties, services or activities that may be
729 provided or performed by a certified nurse practitioner as
730 authorized under Sections 73-15-5 and 73-15-20, by an optometrist
731 as authorized under Section 73-19-1, by a physician as authorized
732 under Section 73-25-33, or by a physician assistant under Section
733 73-26-5, and rules and regulations adopted by the respective
734 licensing boards for those practitioners.



735 (* * * pp) * * * "Total THC" means any and all forms of
736 tetrahydrocannabinol that are contained naturally in the cannabis
737 plant, as well as synthesized forms of THC and derived variations,
738 derivatives, isomers and allotropes that have similar molecular
739 and physiological characteristics of tetrahydrocannabinol,
740 including, but not limited to, THCA, THC Delta 9, THC Delta 8, THC
741 Delta 10 and THC Delta 6.

742 (* * * qq) "Written certification" means a form
743 approved by the MDOH, signed and dated by a practitioner,
744 certifying that a person has a debilitating medical condition. A
745 written certification shall include the following:

746 (i) The date of issue and the effective date
747 of the recommendation;

748 (ii) The patient's name, date of birth and
749 address;

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

752 (iv) The practitioner's signature.

753 **SECTION 13.** Section 41-137-9, Mississippi Code of 1972, is
754 amended as follows:

755 41-137-9. (1) There is a presumption that a registered
756 qualifying patient is engaged in the medical use of medical
757 cannabis under this chapter if the person is in possession of a
758 registry identification card and an amount of medical cannabis
759 that does not exceed the allowable amount of medical cannabis.



760 There is a presumption that a registered designated caregiver is
761 assisting in the medical use of medical cannabis under this
762 chapter if the person is in possession of a registry
763 identification card and an amount of medical cannabis that does
764 not exceed the allowable amount of medical cannabis. These
765 presumptions may be rebutted by evidence that conduct related to
766 medical cannabis was not for the purpose of treating or
767 alleviating a registered qualifying patient's debilitating medical
768 condition or symptoms associated with the registered qualifying
769 patient's debilitating medical condition under this chapter.

770 (2) Subject to the conditions, limitations, requirements and
771 exceptions set forth in this chapter, the following activities
772 related to medical cannabis or intoxicating hemp products shall be
773 considered lawful:

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

776 (b) Financial reimbursement by a registered qualifying
777 patient to the patient's registered designated caregiver for
778 direct costs incurred by the registered designated caregiver for
779 assisting with the registered qualifying patient's medical use of
780 medical cannabis;

781 (c) Compensating a dispensary for goods or services
782 provided;

783 (d) The provision, by a professional or occupational
784 licensee, of advice or services related to medical cannabis



785 activities allowed under this chapter, to the extent such advice
786 or services meet or exceed the applicable professional or
787 occupational standard of care;

788 (e) Providing or selling equipment used to ingest
789 medical cannabis to a cardholder, nonresident cardholder or to a
790 medical cannabis establishment;

791 (f) Acting as a designated caregiver to assist a
792 registered qualifying patient with the act of using or
793 administering medical cannabis;

794 (g) Activities by a medical cannabis establishment or a
795 medical cannabis establishment agent that are allowed by its
796 license and registration;

797 (h) Activities by a dispensary or a dispensary agent
798 to:

799 (i) Possess, store or sell medical cannabis,
800 intoxicating hemp products * * * and educational materials * * *
801 to cardholders, nonresident cardholders * * *,
802 dispensaries, * * * and other individuals as permitted under the
803 act;

804 (ii) To purchase or otherwise acquire medical
805 cannabis products, cannabis products and intoxicating hemp
806 products from cannabis cultivation facilities, cannabis processing
807 facilities, cannabis research facilities or other dispensaries; or

808 (iii) Possess, store or sell intoxicating hemp
809 products to any consumer twenty-one (21) years of age or older;



810 (i) Activities by a cannabis cultivation facility,
811 cannabis processing facility or agents of these facilities to:
812 (i) Possess, plant, propagate, cultivate, grow,
813 harvest, produce, process, manufacture, compound, convert,
814 prepare, pack, repack or store medical cannabis and hemp-derived
815 ingredients or intoxicating hemp products;
816 (ii) Purchase or otherwise acquire medical
817 cannabis * * *, cannabis products, and intoxicating hemp products
818 from medical cannabis establishments; or
819 (iii) Purchase or otherwise acquire hemp-derived
820 ingredients from any lawful source; or
821 (* * *iv) Sell, supply or transfer medical
822 cannabis products, cannabis products, intoxicating hemp products,
823 equipment used to ingest medical cannabis, and related supplies
824 and educational materials to other cannabis cultivation
825 facilities, cannabis processing facilities or dispensaries * * *;
826 (j) Activities by a cannabis research facility, a
827 cannabis testing facility or agents of these facilities to:
828 (i) Purchase or otherwise acquire medical cannabis
829 from medical cannabis establishments;
830 (ii) Possess, purchase or otherwise acquire
831 hemp-derived ingredients, or cannabis products, or intoxicating
832 hemp products;
833 (* * *iii) Possess, produce, process, compound,
834 convert, prepare, pack, test, repack and store medical cannabis,



835 hemp-derived ingredients and cannabis products obtained from
836 medical cannabis establishments; or

837 (* * *iv) Sell, supply or transfer medical
838 cannabis, educational materials and equipment used to ingest
839 medical cannabis to cannabis cultivation facilities, cannabis
840 processing facilities, cannabis testing facilities and cannabis
841 research facilities * * *;

842 (k) Activities by a cannabis transportation entity or a
843 cannabis disposal entity to transport, supply, deliver, dispose of
844 or destroy cannabis, cannabis products, intoxicating hemp products
845 or hemp-derived ingredients, as applicable.

846 (3) Any medical cannabis, cannabis product, * * *
847 intoxicating hemp product, or other interest in or right to
848 property that is possessed, owned or used in connection with the
849 medical use of medical cannabis as authorized by this chapter, or
850 acts incidental to such use, shall not be seized or forfeited.
851 This chapter shall not prevent the seizure or forfeiture of
852 medical cannabis exceeding the allowable amounts of medical
853 cannabis, nor shall it prevent seizure or forfeiture if the basis
854 for the action is unrelated to the medical cannabis that is
855 possessed, processed, transferred or used pursuant to this
856 chapter. This section shall not be construed to prevent the
857 seizure of intoxicating hemp products by the proper agency under
858 this act.



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

861 (a) Constitute probable cause or reasonable suspicion;

862 (b) Be used to support a search of the person or
863 property of the person possessing or applying for the registry
864 identification card; or

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

867 (5) It is the public policy of the State of Mississippi that
868 contracts related to medical cannabis that are entered into by
869 cardholders, medical cannabis establishments, medical cannabis
870 establishment agents and those who allow property to be used by
871 those persons, should be enforceable to the extent that those
872 activities comply with the other provisions of this chapter. It
873 is the public policy of the State of Mississippi that no contract
874 entered into by a cardholder, a medical cannabis establishment, or
875 a medical cannabis establishment agent, or by a person who allows
876 property to be used for activities that are authorized under this
877 chapter, shall be unenforceable on the basis that activities
878 related to cannabis are prohibited by federal law.

879 (6) An applicant for a professional or occupational license
880 shall not be denied a license based on previous employment related
881 to medical cannabis activities that are allowed under this
882 chapter.



883 **SECTION 14.** Section 41-137-11, Mississippi Code of 1972, is
884 amended as follows:

885 41-137-11. (1) Each medical cannabis establishment shall
886 use a statewide seed-to-sale tracking system certified by the MDOH
887 to track medical cannabis from seed or immature plant stage until
888 the medical cannabis is purchased by a registered qualifying
889 patient or registered designated caregiver or destroyed. Records
890 entered into the seed-to-sale tracking system shall include each
891 day's beginning inventory, harvests, acquisitions, sales,
892 disbursements, remediations, disposals, transfers, ending
893 inventory, and any other data necessary for inventory control
894 records in the statewide seed-to-sale tracking system. Each
895 medical cannabis dispensary shall be responsible for ensuring that
896 all medical cannabis sold or disbursed to a registered qualifying
897 patient or registered designated caregiver is recorded in the
898 seed-to-sale tracking system as a purchase by or on behalf of the
899 applicable registered qualifying patients.

900 (2) Amounts of medical cannabis shall be recorded in the
901 following manner:

902 (a) For dried, unprocessed cannabis, in ounces or
903 grams;

904 (b) For concentrates, in grams; or

905 (c) For infused products, by milligrams of THC.

906 (3) The seed-to-sale tracking system used by cannabis
907 cultivation facilities, dispensaries, cannabis processing



908 facilities, cannabis testing facilities, cannabis research
909 facilities, cannabis transportation entities and cannabis disposal
910 entities shall be capable of:

911 (a) Allowing those facilities and entities to interface
912 with the statewide system such that a facility may enter and
913 access information in the statewide system;

914 (b) Providing the MDOR and MDOH with access to all
915 information stored in the system's database;

916 (c) Maintaining the confidentiality of all patient and
917 caregiver data and records accessed or stored by the system such
918 that all persons or entities other than the MDOR and MDOH may only
919 access the information in the system that they are authorized by
920 law to access;

921 (d) Producing analytical reports to the MDOR and MDOH
922 regarding the total quantity of daily, monthly, and yearly sales
923 at the facility per product type; the average prices of daily,
924 monthly, and yearly sales at the facility per product type; and
925 total inventory or sales record adjustments at the facility; * * *

926 (e) The ability to determine the amount of medical
927 cannabis that a registered qualifying patient or registered
928 designated caregiver has purchased that day in real time by
929 searching a patient registration number * * *; and

930 (f) Incorporating hemp-derived ingredients,
931 intoxicating hemp products, and cannabis products purchased and
932 sold by medical cannabis establishments.



933 (4) Banks and other financial institutions may be allowed
934 access to specific limited information from the seed-to-sale
935 tracking system. The information that may be available to these
936 institutions shall be limited to financial data of individuals and
937 business entities that have a business relationship with these
938 institutions. This information shall be limited to the
939 information needed for banks to comply with applicable federal
940 regulations and shall not disclose any medical or personal
941 information about registered cardholders or designated caregivers.

942 **SECTION 15.** Section 41-137-35, Mississippi Code of 1972, is
943 amended as follows:

944 41-137-35. (1) The MDOH shall issue licenses for cannabis
945 cultivation facilities, cannabis processing facilities, cannabis
946 transportation entities, cannabis disposal entities, cannabis
947 research facilities and cannabis testing facilities. The MDOR
948 shall issue licenses for medical cannabis dispensaries.

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

951 (a) Micro-cultivators.

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



957 (ii) Tier 2. A cannabis cultivation facility with
958 a canopy of more than one thousand (1,000) square feet but not
959 more than two thousand (2,000) square feet shall be subject to a
960 one-time nonrefundable license application fee of Two Thousand
961 Five Hundred Dollars (\$2,500.00). The annual license fee shall be
962 a nonrefundable fee of Three Thousand Five Hundred Dollars
963 (\$3,500.00).

964 (b) Cultivators.

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

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

977 (iii) Tier 3. A cannabis cultivation facility
978 with a canopy of not less than fifteen thousand (15,000) square
979 feet but not more than thirty thousand (30,000) square feet shall
980 be subject to a one-time nonrefundable license application fee of
981 Twenty Thousand Dollars (\$20,000.00). The annual license fee



982 shall be a nonrefundable fee of Fifty Thousand Dollars
983 (\$50,000.00).

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

990 (v) Tier 5. A cannabis cultivation facility with
991 a canopy of not less than sixty thousand (60,000) square feet but
992 not more than one hundred thousand (100,000) square feet shall be
993 subject to a one-time nonrefundable license application fee of
994 Forty Thousand Dollars (\$40,000.00). The annual license fee shall
995 be a nonrefundable fee of One Hundred Thousand Dollars
996 (\$100,000.00).

997 (vi) Tier 6. A cannabis cultivation facility with
998 a canopy of not less than one hundred thousand (100,000) square
999 feet but not more than one hundred fifty thousand (150,000) square
1000 feet shall be subject to a one-time nonrefundable license
1001 application fee of Sixty Thousand Dollars (\$60,000.00). The
1002 annual license fee shall be a nonrefundable fee of One Hundred
1003 Fifty Thousand Dollars (\$150,000.00). Tier 6 cannabis cultivation
1004 facilities shall have not more than two (2) locations; however,
1005 the total canopy space of both locations combined may not exceed
1006 one hundred fifty thousand (150,000) square feet.



1007 (3) The cannabis processing facility license application fee
1008 shall be subject to the following tiers:

1009 (a) Micro-processors.

1010 (i) Tier 1. A cannabis processing facility which
1011 processes less than two thousand (2,000) pounds of dried biomass
1012 cannabis material annually shall be subject to a one-time
1013 nonrefundable license application fee of Two Thousand Dollars
1014 (\$2,000.00). The annual license fee shall be a nonrefundable fee
1015 of Three Thousand Five Hundred Dollars (\$3,500.00).

1016 (ii) Tier 2. A cannabis processing facility which
1017 processes not less than two thousand (2,000) pounds but less than
1018 three thousand (3,000) pounds of dried biomass cannabis material
1019 annually shall be subject to a one-time nonrefundable license
1020 application fee of Two Thousand Five Hundred Dollars (\$2,500.00).
1021 The annual license fee shall be a nonrefundable fee of Five
1022 Thousand Dollars (\$5,000.00).

1023 (b) Processors. A cannabis processing facility which
1024 processes not less than three thousand (3,000) pounds of biomass
1025 cannabis material annually shall be subject to a one-time
1026 nonrefundable license application fee of Fifteen Thousand Dollars
1027 (\$15,000.00). The annual license fee shall be a nonrefundable fee
1028 of Twenty Thousand Dollars (\$20,000.00).

1029 (4) A medical cannabis dispensary shall be subject to a
1030 one-time nonrefundable license application fee of Fifteen Thousand



1031 Dollars (\$15,000.00). The annual license fee shall be a
1032 nonrefundable fee of Twenty-five Thousand Dollars (\$25,000.00).

1033 (5) Cannabis transportation entities shall be subject to a
1034 one-time nonrefundable application fee of Five Thousand Dollars
1035 (\$5,000.00). The annual license fee shall be a nonrefundable fee
1036 of Seven Thousand Five Hundred Dollars (\$7,500.00).

1037 (6) Cannabis disposal entities shall be subject to a
1038 one-time nonrefundable application fee of Five Thousand Dollars
1039 (\$5,000.00). The annual license fee shall be a nonrefundable fee
1040 of Seven Thousand Five Hundred Dollars (\$7,500.00).

1041 (7) Cannabis testing facilities shall be subject to a
1042 one-time nonrefundable application fee of Ten Thousand Dollars
1043 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars
1044 (\$15,000.00). An individual or business entity that has a direct
1045 or indirect ownership or economic interest in a licensed cannabis
1046 testing facility may also have a direct or indirect ownership or
1047 economic interest in a licensed medical cannabis transportation
1048 entity. A cannabis testing facility may enter into an agreement
1049 for the transportation of medical cannabis by a licensed medical
1050 cannabis transportation entity. MDOH may contract with a private
1051 laboratory for the purpose of conducting compliance testing
1052 oversight of medical cannabis testing facilities licensed in the
1053 state. Any such laboratory under contract for compliance testing
1054 oversight shall be prohibited from conducting any other commercial
1055 medical cannabis testing in this state.



1056 (8) Cannabis research facilities shall be subject to a
1057 one-time nonrefundable application fee of Ten Thousand Dollars
1058 (\$10,000.00) and an annual license fee of Fifteen Thousand Dollars
1059 (\$15,000.00). A research facility at any university or college in
1060 this state shall be exempt from all fees imposed under this
1061 section.

1062 (9) No individual or business entity shall have a direct or
1063 indirect ownership or economic interest of greater than ten
1064 percent (10%) in:

1065 (a) More than one (1) cannabis cultivation facility
1066 license;

1067 (b) More than one (1) cannabis processing facility
1068 license; and

1069 (c) More than five (5) medical cannabis dispensary
1070 licenses.

1071 (10) Minimum qualifications for applicants for a cannabis
1072 cultivation facility, a cannabis processing facility, a medical
1073 cannabis dispensary, a medical cannabis transportation entity or a
1074 medical cannabis disposal entity license(s) are as follows:

1075 (a) An individual applicant for a cannabis cultivation
1076 facility, cannabis processing facility, medical cannabis
1077 dispensary, medical cannabis transportation entity or medical
1078 cannabis disposal license shall be a natural person who:

1079 (i) Is at least twenty-one (21) years of age;



1080 (ii) Has not previously held a license for a
1081 cannabis cultivation facility, cannabis processing facility,
1082 medical cannabis dispensary, medical cannabis transportation
1083 entity or medical cannabis disposal entity that has been revoked;

1084 (iii) Has not been convicted of a disqualifying
1085 felony offense;

1086 (iv) If possessing a professional or occupational
1087 license, that the license is in good standing;

1088 (v) Has submitted a sworn statement indicating
1089 that he or she is a true and actual owner of the entity for which
1090 the license is desired, and that he or she intends to carry on the
1091 business authorized for himself or herself and the entity and not
1092 as the agent for any other entity * * *;

1093 (vi) Has no outstanding tax delinquencies owed to
1094 the State of Mississippi; and

1095 * * *

1096 (b) If the applicant is applying on behalf of an
1097 entity, in addition to paragraph (a) of this subsection, the
1098 individual applicant shall:

1099 (i) Be legally authorized to submit an application
1100 on behalf of the entity;

1101 (ii) Serve as the primary point of contact with
1102 the MDOR and MDOH;



1103 (iii) Submit sufficient proof that the entity has
1104 no owner, board member, officer, or anyone with an economic
1105 interest in the entity who:

- 1106 1. Is under the age of twenty-one (21);
- 1107 2. Has previously been an owner of a medical
1108 cannabis dispensary, cannabis cultivation facility, a cannabis
1109 processing facility, medical cannabis transportation entity or
1110 medical cannabis disposal entity that has had its license revoked;
- 1111 3. Has been convicted of a disqualifying
1112 felony offense;
- 1113 4. Owes delinquent taxes to the State of
1114 Mississippi; and

1115 * * *

1116 (iv) Submit sufficient proof that if an owner,
1117 board member, officer or anyone with an economic interest in the
1118 entity has or had a professional or occupational license, that the
1119 license is in good standing.

1120 (11) [Repealed]

1121 (12) A micro-cultivator or a micro-processor shall both meet
1122 the minimum qualifications in subsection (10) of this section and
1123 shall also submit sufficient proof of the following:

1124 (a) If a natural person, proof that the person has been
1125 a resident of the State of Mississippi and a citizen of the United
1126 States of America for at least three (3) years prior to the
1127 application date; or



1128 (b) If a business entity, provide proof that:
1129 (i) It was registered as an entity with the
1130 Secretary of State in Mississippi; and
1131 (ii) One-hundred percent (100%) of the equity
1132 ownership interests in the entity are held by individuals who have
1133 been residents of the State of Mississippi and citizens of the
1134 United States of America for at least three (3) consecutive years
1135 prior to the application date.

1136 (13) For purposes of this section, it shall be sufficient to
1137 prove Mississippi residency for the individual(s) to submit two
1138 (2) of the following source documents:

1139 (a) Mississippi Tax Return Form 80-105 or Form 80-205
1140 for each of the three (3) years preceding the application without
1141 schedules, worksheets, or attachments, and redacted to remove all
1142 financial information and all but the last four (4) digits of the
1143 individual's social security number for the three (3) years
1144 preceding the application;

1145 (b) Ownership, lease, or rental documents for place of
1146 primary domicile for the three (3) years preceding the
1147 application;

1148 (c) Billing statements, including utility bills for the
1149 three (3) years preceding the application; or

1150 (d) Vehicle registration for the three (3) years
1151 preceding the application.



1152 (14) Ownership in a cannabis cultivation facility license,
1153 cannabis processing facility license or a medical cannabis
1154 dispensary license or investment in a business that supports or
1155 benefits from such a license shall not disqualify or otherwise
1156 negatively impact the license or finding of suitability of such
1157 owner who is otherwise engaged in any other form of business
1158 operation in the state, if such business requires the owner to
1159 hold a license or be found suitable under state law.

1160 (15) Any business or state entity applying for registration
1161 as a medical cannabis establishment must meet all the requirements
1162 specified in this chapter.

1163 (16) A prospective medical cannabis establishment shall
1164 submit all of the following:

1165 (a) An application, including:

1166 (i) The legal name of the prospective medical
1167 cannabis establishment;

1168 (ii) The physical address of the prospective
1169 medical cannabis establishment, which shall not be within one
1170 thousand (1,000) feet of the nearest property boundary line of a
1171 school, church or child care facility which exists or has acquired
1172 necessary real property for the operation of such facility before
1173 the date of the medical cannabis establishment application unless
1174 the entity has received approval from the school, church or child
1175 care facility and received the applicable waiver from their
1176 licensing agency, provided that the main point of entry of the



1177 cannabis establishment is not located within five hundred (500)
1178 feet of the nearest property boundary line of any school, church
1179 or child care facility;

1180 (iii) The name of each principal officer and board
1181 member of the proposed medical cannabis establishment; and

1182 (iv) Any additional information requested by the
1183 MDOR and MDOH.

1184 (b) Operating procedures consistent with rules and
1185 regulations for oversight of the proposed medical cannabis
1186 establishment, including procedures to ensure accurate record
1187 keeping and adequate security measures.

1188 (c) If the municipality or county where the proposed
1189 medical cannabis establishment would be located has enacted zoning
1190 restrictions, a sworn statement certifying that the proposed
1191 medical cannabis establishment is in compliance with the
1192 restrictions.

1193 (d) If the municipality or county where the proposed
1194 medical cannabis establishment would be located requires a local
1195 registration, license or permit, then proof of receiving such
1196 registration, license or permit.

1197 (e) If the application is on behalf of an entity,
1198 verification that none of the principal officers or board members
1199 have served as a principal officer or board member for a medical
1200 cannabis establishment that has had its license revoked.



1201 (f) If the application is on behalf of an entity,
1202 verification that none of the principal officers or board members
1203 is under twenty-one (21) years of age.

1204 (17) If a dispensary license is issued to an applicant that
1205 is still constructing the licensed premises, the applicant must
1206 complete construction and fulfill all obligations required by the
1207 Department of Revenue to open for business within eighteen (18)
1208 months, or the license shall be revoked.

1209 (18) The MDOR and MDOH shall issue a renewal registration
1210 certificate within ten (10) days of receipt of the prescribed
1211 renewal application and renewal fee from a medical cannabis
1212 establishment if its license is not under suspension and has not
1213 been revoked.

1214 (19) A licensing agency shall require disclosure only of
1215 persons, entities or affiliated entities who directly or
1216 indirectly own ten percent (10%) or more of a medical cannabis
1217 establishment issued a license by the licensing agency.

1218 (20) Otherwise eligible applicants for licenses to operate
1219 as medical cannabis establishments under this chapter shall not be
1220 disqualified from receipt of a license based on:

1221 (a) Their location on Mississippi Choctaw Indian
1222 Reservation Lands; or

1223 (b) The involvement of the Mississippi Band of Choctaw
1224 Indians or any entity owned or operated by the Mississippi Band of
1225 Choctaw Indians as an owner or co-owner of such license, provided



1226 that such license shall be subject to revocation for material
1227 noncompliance with this chapter on the same basis as any other
1228 license.

1229 (21) A cannabis processing facility that produces edible
1230 cannabis products shall hold a permit to operate as a food
1231 establishment and shall comply with all applicable requirements
1232 for food establishments as set by the MDOH.

1233 * * *

1234 **SECTION 16.** Section 41-137-39, Mississippi Code of 1972, as
1235 amended by Senate Bill No. 2857, 2024 Regular Session, is amended
1236 as follows:

1237 41-137-39. (1) (a) * * * The MDOH shall obtain criminal
1238 records background checks on all persons applying to become a
1239 licensee, an agent, or representative as defined herein, of a
1240 medical cannabis establishment. This shall include performing
1241 criminal records background checks on all potential employees,
1242 current employees, or representatives/agents of the MDOH Medical
1243 Cannabis Program. The required criminal history background
1244 includes information provided by the Federal Bureau of
1245 Investigation.

1246 (b) * * * For the purposes of this section, an
1247 applicant is any person who registers with or applies for an
1248 initial medical cannabis work permit, or a renewal of a medical
1249 cannabis work permit. Such a person or applicant may also be
1250 defined as an agent, an employee, a representative, etc. as



1251 further defined and sometimes used interchangeably as referenced
1252 in this section.

1253 (c) * * * For purposes of this section, an agent is a
1254 person who acts for or on behalf of, or who represents a medical
1255 cannabis establishment while in the course of business or
1256 employment with the Mississippi Medical Cannabis Program and may
1257 also be referred to as an agent, a representative, or vice versa.

1258 (d) * * * Representative means a principal officer,
1259 owner of ten percent (10%) or greater economic interest in a
1260 medical cannabis establishment with direct or indirect interest,
1261 officer, director, manager, employee, agent, volunteer, or other
1262 type representative of a registered medical cannabis licensee
1263 establishment.

1264 (e) * * * Principal officer means a person(s) who has
1265 ultimate responsibility for implementing the decisions of a
1266 cannabis testing facility or other such medical cannabis
1267 establishment and includes, but are not necessarily limited to,
1268 the Chief Executive Officer (CEO), Chief Administrative Office
1269 (CAO), Chief Financial Officer, (CFO), as applicable. Elected or
1270 appointed, the board as a whole creates agency policies and
1271 oversees the agency's managerial positions.

1272 (f) Board member means an individual on a medical
1273 cannabis establishment's company or agency board which serves as
1274 an organization's governing body.



1275 (g) Principal owner means the primary owner of a
1276 medical cannabis establishment, but often may be the sole owner.

1277 (h) Any and every person/applicant seeking to become an
1278 owner or principal owner, principal officer, or officer, board
1279 member, director, manager, agent/representative, employee, care
1280 giver, or volunteer of a medical cannabis establishment shall
1281 apply for, or authorize the MDOH to obtain state and national
1282 criminal background checks to be conducted by the Mississippi
1283 Justice Information Center of the Department of Public Safety and
1284 the Federal Bureau of Investigation.

1285 (i) Such criminal background checks shall conform to
1286 the applicable federal standards and shall include the taking of
1287 fingerprints.

1288 (j) Once the Mississippi Justice Information Center of
1289 the Department of Public Safety completes a state level criminal
1290 history background check, they will forward the fingerprints to
1291 the Federal Bureau of Investigation for a national criminal
1292 history background check.

1293 (k) The person seeking to become an
1294 agent/representative of a medical cannabis establishment shall
1295 authorize the release of such criminal background check to the
1296 MDOH and shall be responsible for the payment of any fee that the
1297 Mississippi Justice Information Center of the Department of Public
1298 Safety charges to process fingerprint based state and national
1299 criminal background checks. MDOH shall forward any fee charged



1300 for such background check to the Mississippi Justice Information
1301 Center of the Department of Public Safety.

1302 (1) The Mississippi Justice Information Center of the
1303 Department of Public Safety shall forward to the MDOH all
1304 information obtained concerning the applicant. MDOH will not
1305 disseminate the information and will only use such information as
1306 required to fulfill the purposes of this act.

1307 (2) A medical cannabis establishment may not employ any
1308 person who:

1309 (a) Was convicted of a disqualifying felony offense; or

1310 (b) Is under twenty-one (21) years of age.

1311 (3) The operating documents of a medical cannabis
1312 establishment must include procedures for the oversight of the
1313 medical cannabis establishment and procedures to ensure accurate
1314 record keeping and adequate security measures.

1315 (4) A medical cannabis establishment shall implement
1316 appropriate security measures designed to deter and prevent the
1317 theft of medical cannabis and unauthorized entrance into areas
1318 containing medical cannabis.

1319 (5) All cultivation, harvesting, processing and packaging of
1320 medical cannabis must take place in an enclosed, locked and secure
1321 facility with a physical address provided to the MDOH during the
1322 licensing and registration process. The facility shall be
1323 equipped with locks or other security devices that permit access
1324 only by agents of the medical cannabis establishment, emergency



1325 personnel or adults who are twenty-one (21) years of age and older
1326 and who are accompanied by medical cannabis establishment agents.

1327 (6) No medical cannabis establishment other than a cannabis
1328 processing facility or cannabis research facility may * * *
1329 process cannabis concentrates, cannabis extractions, or other
1330 cannabis products.

1331 (7) A medical cannabis establishment may not share office
1332 space with or refer patients to a practitioner.

1333 (8) Medical cannabis establishments are subject to
1334 inspection by the MDOR and MDOH during business hours.

1335 (9) Before medical cannabis may be dispensed to a
1336 cardholder, a medical cannabis dispensary agent must:

1337 (a) Require that the individual present a registry
1338 identification card;

1339 (b) Make a diligent effort to verify that the registry
1340 identification card presented to the dispensary is valid;

1341 (c) Make a diligent effort to verify that the person
1342 presenting the registry identification card is the person
1343 identified on the registry identification card presented to the
1344 medical cannabis dispensary agent; and

1345 (d) Not believe that the amount of medical cannabis
1346 dispensed would cause the person to possess more than the
1347 allowable amount of medical cannabis.

1348 (10) A medical cannabis establishment shall not sell more
1349 than the allowable amount of medical cannabis to a



1350 cardholder. * * * A resident cardholder shall not obtain more
1351 than a total of twenty-four (24) MMCEUs of allowable medical
1352 cannabis in thirty (30) days from a dispensary or a combination of
1353 dispensaries.

1354 The possession limit for resident cardholders of the
1355 allowable amount of medical cannabis shall be a total of
1356 twenty-eight (28) MMCEUs. There shall not be a possession limit
1357 on intoxicating hemp products or nonconsumable medical cannabis,
1358 including, but not limited to, suppositories, ointments, soaps,
1359 and lotions or other topical agents.

1360 (11) For purposes of this chapter, total THC is defined as
1361 THCA multiplied by .877 plus THC Delta 9 and all other
1362 psychoactive forms or isomers of THC added together. A medical
1363 cannabis establishment shall not sell cannabis flower or trim that
1364 has a potency of greater than thirty percent (30%) total THC. A
1365 medical cannabis dispensary shall not sell cannabis tinctures,
1366 oils or concentrates that have a potency of greater than sixty
1367 percent (60%) total THC. Cannabis products that have a potency of
1368 over thirty percent (30%) total THC shall be clearly labeled as
1369 "extremely potent." Edible cannabis products, including food or
1370 drink products, that have been combined with usable cannabis or
1371 cannabis products shall be physically demarked and labeled with a
1372 clear determination of how much total THC is in a single-serving
1373 size and how much THC is in the entire package.



1374 A medical cannabis product shall contain a notice of harm
1375 regarding the use of cannabis products. Edible cannabis products
1376 shall be homogenized to ensure uniform disbursement of
1377 cannabinoids throughout the product. All molded edible cannabis
1378 products shall be presented in the form of geometric shapes and
1379 shall not be molded to contain any images or characters designed
1380 or likely to appeal to minors, such as cartoons, toys, animals or
1381 children.

1382 (12) A dispensary may not dispense more than the allowable
1383 amount of cannabis to a registered qualifying patient or a
1384 nonresident cardholder, directly or via a registered designated
1385 caregiver. Dispensaries shall ensure compliance with this
1386 limitation by maintaining internal, confidential records that
1387 include records specifying how much medical cannabis is being
1388 dispensed to the registered qualifying patient or nonresident
1389 cardholder and whether it was dispensed directly to a registered
1390 qualifying patient, nonresident cardholder or to the registered
1391 designated caregiver.

1392 (13) A nonresident cardholder shall not obtain more than a
1393 total of six (6) MMCEUs of allowable medical cannabis in a week
1394 from a dispensary or a combination of dispensaries. A nonresident
1395 cardholder shall not obtain more than a total of twelve (12)
1396 MMCEUs of allowable cannabis from a dispensary or a combination of
1397 dispensaries in a fifteen-day period.



1398 (14) A nonresident may apply to receive a nonresident
1399 registry identification card up to thirty (30) days before
1400 arriving in Mississippi. A nonresident registry identification
1401 card shall be valid for fifteen (15) days. After the expiration
1402 of the card, a nonresident may apply for a renewal of the card and
1403 may be granted another card which shall be valid for another
1404 fifteen-day period. A nonresident registry identification card
1405 shall only be valid, at a maximum, for two (2) separate periods of
1406 fifteen (15) days in a three-hundred-sixty-five-day period. An
1407 applicant may indicate on his or her application the specific time
1408 period that he or she wishes for the card to be valid. The
1409 possession limit of the allowable amount of medical cannabis for
1410 nonresident cardholders shall be fourteen (14) MMCEUs.

1411 (15) A medical cannabis dispensary agent or employee shall
1412 not issue a written certification. Employees and agents of a
1413 medical cannabis dispensary shall complete at least eight (8)
1414 hours of continuing education in medical cannabis as regulated by
1415 the MDOR in order to be certified to work at a medical cannabis
1416 dispensary. After the first year of employment, these employees
1417 shall complete five (5) hours of continuing education in medical
1418 cannabis annually to maintain this certification.

1419 (16) Notwithstanding any other provision to the contrary, a
1420 patient with a debilitating medical condition who is between
1421 eighteen (18) years to twenty-five (25) years of age is not
1422 eligible for a medical cannabis registry identification card



1423 unless two (2) practitioners from separate medical practices have
1424 diagnosed the patient as having a debilitating medical condition
1425 after an in-person consultation. One (1) of these practitioners
1426 must be a physician or doctor of osteopathic medicine.

1427 If one (1) of the recommending practitioners is not the
1428 patient's primary care practitioner, the recommending practitioner
1429 shall review the records of a diagnosing practitioner. The
1430 requirement that the two (2) practitioners be from separate
1431 medical practices does not apply if the patient is homebound or if
1432 the patient had a registry identification card before the age of
1433 eighteen (18).

1434 (17) Except as otherwise provided in this section, a medical
1435 cannabis establishment shall not allow an individual who is
1436 younger than twenty-one (21) years old to enter the premises of
1437 the establishment unless the individual possesses a registry
1438 identification card and is accompanied by his or her legal
1439 guardian.

1440 (18) A medical cannabis establishment shall only purchase,
1441 grow, cultivate, and use cannabis that is grown and cultivated in
1442 this state.

1443 (19) Any medical cannabis that is grown and cultivated in
1444 this state shall not be transported outside of this state. A hemp
1445 grower, hemp processor, medical cannabis cultivator and medical
1446 cannabis processor shall be permitted to purchase intoxicating
1447 hemp products and hemp-derived ingredients, as applicable, from



1448 outside of the state, provided that the intoxicating hemp
1449 products, or hemp-derived ingredients, as applicable, were
1450 produced using, or are, lawful hemp grown under another state's
1451 U.S.D.A. approved hemp program, and the intoxicating hemp products
1452 are in compliance with this act, the Mississippi Hemp Regulation
1453 Act, and the Agriculture Improvement Act of 2018 and any
1454 subsequent authorizations. Such materials shall be subject to
1455 laboratory testing requirements set forth in this act. A medical
1456 cannabis processor shall provide proof of compliance with the
1457 testing requirements of this act to the Department of Health. A
1458 medical cannabis processor shall upload each intoxicating hemp
1459 product into the seed-to-sale tracking system.

1460 (* * *20) Employees of all medical cannabis establishments
1461 shall apply for a work permit with the MDOH and MDOR, as
1462 applicable, before beginning employment with any establishment.
1463 The licensing agency for the respective medical cannabis
1464 establishment may issue work permits to these individuals. These
1465 licensing agencies shall maintain a work registry of all
1466 applicants and work permits issued. The fee for a work permit
1467 shall be Twenty-five Dollars (\$25.00) and the permit shall be
1468 valid for five (5) years. Work permits shall be the property of
1469 the employee and shall not be transferable to other employees.

1470 (* * *21) For purposes of this subsection, "plant growth
1471 regulator cannabis" shall mean a cannabis plant whose growth and
1472 structure has been modified using plant growth hormones. A



1473 cannabis cultivation facility shall not cultivate and a cannabis
1474 dispensary shall not sell, transfer or provide for consumption
1475 plant growth regulator cannabis.

1476 (* * * 22) A medical cannabis dispensary shall only make
1477 medical cannabis sales to cardholders inside the dispensary. A
1478 medical cannabis dispensary shall not sell or otherwise convey
1479 medical cannabis to a cardholder through the means of a
1480 drive-through, curbside delivery or other delivery outside the
1481 premises of the dispensary. Any topical cannabis product that is
1482 purchased by a dispensary from a licensed processor, and that is
1483 not ingested by the liver, may be sold to a cardholder or any
1484 person over the age of twenty-one (21) years old who is not a
1485 cardholder. Any intoxicating hemp product may be sold by a
1486 medical cannabis dispensary to a cardholder or any person over the
1487 age of twenty-one (21) years old who is not a cardholder. Such
1488 products * * * may be placed in an area of the dispensary that
1489 does not require access with a registry identification card;
1490 provided, however, that all such products shall be placed in an
1491 area of the store that is separate and distinguishable from the
1492 area of the store that offers medical cannabis.

1493 (* * * 23) Any and all contracts or agreements entered into
1494 by the MDOH and MDOR for information technology software,
1495 hardware, and/or services for the purpose of implementing and/or
1496 operating under the Mississippi Medical Cannabis Act shall include
1497 language reasonably limiting the ability of the vendor to escalate



1498 the ongoing cost of such software, hardware, and/or services
1499 during the term of the contract, including any amendments and/or
1500 extensions.

1501 (* * *24) The MDOR and MDOH shall not share the name,
1502 address or personal data of a registry identification cardholder
1503 to any federal government entity.

1504 **SECTION 17.** Section 41-137-45, Mississippi Code of 1972, is
1505 amended as follows:

1506 41-137-45. (1) It shall be unlawful for any person or
1507 entity to cultivate, process, transport, use, possess, purchase,
1508 sell or transfer cannabis except as authorized by this chapter.

1509 (2) A cardholder or medical cannabis establishment that
1510 purposely or knowingly fails to provide a notice required by
1511 Section 41-137-31 is guilty of a civil offense, punishable by a
1512 fine of no more than One Thousand Five Hundred Dollars
1513 (\$1,500.00), which may be assessed and collected by the licensing
1514 agency.

1515 (3) A medical cannabis establishment or an agent of a
1516 medical cannabis establishment that purposely, knowingly, or
1517 recklessly sells or otherwise transfers medical cannabis other
1518 than to a cardholder, a nonresident cardholder, or to a medical
1519 cannabis establishment or its agent as authorized under this
1520 chapter is guilty of a felony punishable by a fine of not more
1521 than Ten Thousand Dollars (\$10,000.00), or by commitment to the
1522 custody of the Department of Corrections for not more than two (2)



1523 years, or both. A person convicted under this subsection may not
1524 continue to be affiliated with the medical cannabis establishment
1525 and is disqualified from further participation in the medical
1526 cannabis program under this chapter.

1527 (4) A cardholder or nonresident cardholder who purposely,
1528 knowingly, or recklessly sells or otherwise transfers medical
1529 cannabis to a person or other entity is guilty of a felony
1530 punishable by a fine of not more than Three Thousand Dollars
1531 (\$3,000.00), or by commitment to the custody of the Department of
1532 Corrections for not more than two (2) years, or both. A person
1533 convicted under this subsection is disqualified from further
1534 participation in the medical cannabis program under this chapter.

1535 (5) A person who purposely, knowingly, or recklessly makes a
1536 false statement to a law enforcement official about any fact or
1537 circumstance relating to the medical use of cannabis to avoid
1538 arrest or prosecution is guilty of a misdemeanor punishable by a
1539 fine of not more than One Thousand Dollars (\$1,000.00), by
1540 imprisonment in the county jail for not more than ninety (90)
1541 days, or both. If a person convicted of violating this subsection
1542 is a cardholder, the person is disqualified from further
1543 participation in the medical cannabis program under this chapter.

1544 (6) A person who purposely submits false records or
1545 documentation for an application for a license for a medical
1546 cannabis establishment under this chapter is guilty of a felony
1547 punishable by a fine of not more than Five Thousand Dollars



1548 (\$5,000.00), or by commitment to the custody of the Department of
1549 Corrections for not more than two (2) years, or both. A person
1550 convicted under this subsection may not continue to be affiliated
1551 with the medical cannabis establishment and is disqualified from
1552 further participation in the medical cannabis program under this
1553 chapter.

1554 (7) A practitioner who purposely refers patients to a
1555 specific medical cannabis establishment or to a registered
1556 designated caregiver, who advertises in a medical cannabis
1557 establishment, or who issues written certifications while holding
1558 a financial interest in a medical cannabis establishment, is
1559 guilty of a civil offense for every false certification and shall
1560 be fined up to Five Thousand Dollars (\$5,000.00) by the MDOH.

1561 (8) Any person, including an employee or official of an
1562 agency or local government, who purposely, knowingly, or
1563 recklessly breaches the confidentiality of information obtained
1564 under this chapter is guilty of a misdemeanor punishable by a fine
1565 of not more than One Thousand Dollars (\$1,000.00), or by
1566 imprisonment for not more than one hundred eighty (180) days in
1567 the county jail, or both.

1568 (9) No person, other than a cannabis or hemp processing
1569 facility or its agents, complying with this chapter, or Chapter 25
1570 of Title 69, Mississippi Code of 1972, as applicable to hemp
1571 operations, and the rules and regulations promulgated under * * *
1572 those chapters, may extract compounds from cannabis that involves



1573 a chemical extraction process using a nonhydrocarbon-based or
1574 other solvent, such as water, vegetable glycerin, vegetable oils,
1575 animal fats, steam distillation, food-grade ethanol, or
1576 hydrocarbon-based solvent carbon dioxide. No person may extract
1577 compounds from cannabis using ethanol in the presence or vicinity
1578 of an open flame. It shall be a felony punishable by commitment
1579 to the custody of the Mississippi Department of Corrections for up
1580 to three (3) years and a Ten Thousand Dollar (\$10,000.00) fine for
1581 any person to purposely, knowingly, or recklessly violate this
1582 subsection.

1583 (10) A medical cannabis establishment is guilty of a civil
1584 offense for any purposeful, knowing or reckless violation of this
1585 chapter or the rules and regulations issued under this chapter
1586 where no penalty has been specified, and shall be fined not more
1587 than Five Thousand Dollars (\$5,000.00) for each such violation by
1588 its licensing agency.

1589 (11) The penalties provided for under this section are in
1590 addition to any other criminal, civil or administrative penalties
1591 provided for under law, rule or regulation.

1592 (12) In addition to peace officers within their
1593 jurisdiction, all law enforcement officers of MDOH and MDOR may
1594 enforce the provisions made unlawful by this chapter.

1595 (13) It is unlawful for any person or entity to sell or
1596 transfer intoxicating hemp products to individuals in the State of
1597 Mississippi except as authorized by this chapter. Nothing in this



1598 act shall prohibit interstate transport of hemp as allowed under
1599 federal law and the Mississippi Hemp Regulation Act.

1600 (14) In addition to any other penalty, fine or conviction,
1601 as applicable, a person or business entity that purposely,
1602 knowingly, or recklessly sells or otherwise transfers intoxicating
1603 hemp products to a person in the State of Mississippi except as
1604 authorized under this chapter is guilty of a misdemeanor
1605 punishable by a fine of not more than Five Thousand Dollars
1606 (\$5,000.00), or by commitment to the custody of the Department of
1607 Corrections for not more than one (1) year, or both. A person
1608 convicted under this subsection is disqualified from further
1609 participation in the medical cannabis program under this chapter
1610 and the hemp program under the Mississippi Hemp Regulation Act.

1611 (15) Notwithstanding the foregoing, nothing in this section
1612 shall prohibit:

1613 (a) Any licensed medical cannabis establishment from
1614 making, purchasing, selling, giving away, exchanging,
1615 distributing, marketing, or otherwise holding out for sale any
1616 cannabis product or intoxicating hemp product in accordance with
1617 the Medical Cannabis Act;

1618 (b) The sale of an intoxicating hemp product to a
1619 medical cannabis cultivator or processor by an entity operating in
1620 accordance with the Agricultural Improvement Act of 2018, any
1621 subsequent authorizations and applicable state law.



1622 (16) In addition to any other enforcement authority
1623 previously granted thereto, the Department of Health and the
1624 Department of Revenue as applicable, may each investigate, either
1625 on the basis of complaints filed with it or on its own initiative
1626 through compliance visits, reviews or audits, instances of
1627 suspected violations of any nature, including, but not limited to:

1628 (a) The inversion or diversion of medical cannabis,
1629 medical cannabis products, intoxicating hemp products or of any
1630 other matter that may violate the provisions of this act or pose a
1631 serious danger to the public;

1632 (b) The sale of medical cannabis, medical cannabis
1633 products or intoxicating hemp products by an unlicensed entity; or

1634 (c) The sale of medical cannabis, medical cannabis
1635 products or intoxicating hemp products by an entity to anyone who
1636 is ineligible to receive such product under the laws of this
1637 state.

1638 (17) On the basis of information developed during such an
1639 investigation, any of the agencies listed in subsection (16) of
1640 this section may exercise any number of actions including:

1641 (a) To revoke, suspend or refuse to renew any license
1642 issued by the licensing agency;

1643 (b) Deny an application for a license;

1644 (c) Reprimand, fine and/or take any other actions in
1645 relation to a license, as the licensing agency may deem proper
1646 under the circumstances; or



1647 (d) Seize medical cannabis, medical cannabis products
1648 or intoxicating hemp products that were used in violation of the
1649 laws of this state.

1650 (18) In cases where violations of this chapter have been
1651 substantiated, the licensing agency may assess a monetary penalty
1652 or recoupment of costs for those reasonable costs that are
1653 expended by the licensing agency in the investigation and conduct
1654 of a proceeding for the compliance issue or violation that is the
1655 subject matter of the hearing, including, but not limited to, the
1656 costs of process service, court reporters, expert witnesses and
1657 investigations. The licensing agency shall determine the amount
1658 of investigative fees and costs owed by an individual or entity
1659 that violated the provisions of this chapter, as applicable, based
1660 on an itemized accounting after the investigation has been
1661 officially completed and a final determination or action has been
1662 determined.

1663 (19) A dispensary shall not sell, transfer or distribute any
1664 intoxicating hemp product to a consumer online, or via electronic
1665 or digital application.

1666 **SECTION 18.** Section 41-137-13, Mississippi Code of 1972, is
1667 amended as follows:

1668 41-137-13. (1) This chapter shall not be construed to do
1669 any of the following:

1670 (a) Require an organization for managed care, health
1671 benefit plan, private health insurer, government medical



1672 assistance program, employer, property and casualty, or workers'
1673 compensation insurer or self-insured group providing coverage for
1674 a medical, pharmacy or health care service to pay for or reimburse
1675 any other individual or entity for costs associated with the
1676 medical use of cannabis;

1677 (b) Require any employer to permit, accommodate, or
1678 allow the medical use of medical cannabis, or to modify any job or
1679 working conditions of any employee who engages in the medical use
1680 of medical cannabis or who for any reason seeks to engage in the
1681 medical use of medical cannabis;

1682 (c) Prohibit any employer from refusing to hire,
1683 discharging, disciplining, or otherwise taking an adverse
1684 employment action against an individual with respect to hiring,
1685 discharging, tenure, terms, conditions, or privileges of
1686 employment as a result, in whole or in part, of that individual's
1687 medical use of medical cannabis, regardless of the individual's
1688 impairment or lack of impairment resulting from the medical use of
1689 medical cannabis;

1690 (d) Prohibit or limit the ability of any employer from
1691 establishing or enforcing a drug-testing policy;

1692 (e) Interfere with, impair or impede any federal
1693 restrictions or requirements on employment or contracting,
1694 including, but not limited to, regulations adopted by the United
1695 States Department of Transportation in Title 49, Code of Federal
1696 Regulations;



1697 (f) Permit, authorize, or establish any individual's
1698 right to commence or undertake any legal action against an
1699 employer for refusing to hire, discharging, disciplining or
1700 otherwise taking an adverse employment action against an
1701 individual with respect to hiring, discharging, tenure, terms,
1702 conditions or privileges of employment due to the individual's
1703 medical use of medical cannabis;

1704 (g) Affect, alter or otherwise impact the workers'
1705 compensation premium discount available to employers who establish
1706 a drug-free workplace program in accordance with Section 71-3-201
1707 et seq.;

1708 (h) Affect, alter or otherwise impact an employer's
1709 right to deny or establish legal defenses to the payment of
1710 workers' compensation benefits to an employee on the basis of a
1711 positive drug test or refusal to submit to or cooperate with a
1712 drug test, as provided under Section 71-3-7 and Section 71-3-121;
1713 or

1714 (i) Affect, alter or supersede any obligation or
1715 condition imposed on a parolee, probationer or an individual
1716 participating in a pretrial diversion program or other
1717 court-ordered substance abuse rehabilitation program.

1718 (2) This chapter does not authorize any individual to engage
1719 in, and does not prevent the imposition of any civil, criminal or
1720 other penalties for engaging in, the following conduct:



1721 (a) Acting with negligence, gross negligence,
1722 recklessness, in breach of any applicable professional or
1723 occupational standard of care, or to effect an intentional wrong,
1724 as a result, in whole or in part, of that individual's medical use
1725 of medical cannabis;

1726 (b) Possessing medical cannabis or otherwise engaging
1727 in the medical use of medical cannabis in any correctional
1728 facility, unless the correctional facility has elected to allow
1729 the cardholder to engage in the use of medical cannabis;

1730 (c) Smoking medical cannabis or a hemp product,
1731 including, but not limited to, an intoxicating hemp product, in a
1732 public place or in a motor vehicle; for purposes of this paragraph
1733 (c), the term "smoking" includes vaping and any other method of
1734 inhalation of medical cannabis or a hemp product, as applicable;

1735 (d) Operating, navigating, or being in actual physical
1736 control of any motor vehicle, aircraft, train, motorboat or other
1737 conveyance in a manner that would violate Section 59-23-7, Section
1738 63-11-30 or federal law as a result, in whole or in part, of that
1739 individual's medical use of medical cannabis;

1740 (e) Possessing medical cannabis in excess of the
1741 allowable amount of medical cannabis; or

1742 (f) Consumption, by a registered designated caregiver,
1743 of cannabis provided for use to a registered qualifying patient.



1744 **SECTION 19.** Sections 6 through 9 of this act shall be
1745 codified in Article 4 of Chapter 25, Title 69, Mississippi Code of
1746 1972.

1747 **SECTION 20.** Section 25-9-107, Mississippi Code of 1972, is
1748 amended as follows:

1749 25-9-107. The following terms, when used in this chapter,
1750 unless a different meaning is plainly required by the context,
1751 shall have the following meanings:

1752 (a) "Board" means the State Personnel Board created
1753 under the provisions of this chapter.

1754 (b) "State service" means all employees of state
1755 departments, agencies and institutions as defined herein, except
1756 those officers and employees excluded by this chapter.

1757 (c) "Nonstate service" means the following officers and
1758 employees excluded from the state service by this chapter. The
1759 following are excluded from the state service:

1760 (i) Members of the State Legislature, their staff
1761 and other employees of the legislative branch;

1762 (ii) The Governor and staff members of the
1763 immediate Office of the Governor;

1764 (iii) Justices and judges of the judicial branch
1765 or members of appeals boards on a per diem basis;

1766 (iv) The Lieutenant Governor, staff members of the
1767 immediate Office of the Lieutenant Governor and officers and
1768 employees directly appointed by the Lieutenant Governor;



1769 (v) Officers and officials elected by popular vote
1770 and persons appointed to fill vacancies in elective offices;

1771 (vi) Members of boards and commissioners appointed
1772 by the Governor, Lieutenant Governor or the State Legislature;

1773 (vii) All academic officials, members of the
1774 teaching staffs and employees of the state institutions of higher
1775 learning, the Mississippi Community College Board, and community
1776 and junior colleges;

1777 (viii) Officers and enlisted members of the
1778 National Guard of the state;

1779 (ix) Prisoners, inmates, student or patient help
1780 working in or about institutions;

1781 (x) Contract personnel; provided that any agency
1782 which employs state service employees may enter into contracts for
1783 personal and professional services only if such contracts are
1784 approved in compliance with the rules and regulations promulgated
1785 by the Public Procurement Review Board under Section 27-104-7.
1786 Before paying any warrant for such contractual services in excess
1787 of Seventy-five Thousand Dollars (\$75,000.00), the Auditor of
1788 Public Accounts, or the successor to those duties, shall determine
1789 whether the contract involved was for personal or professional
1790 services, and, if so, was approved by the Public Procurement
1791 Review Board as required by law;

1792 (xi) Part-time employees; however, part-time
1793 employees shall only be hired into authorized employment positions



1794 classified by the board, shall meet minimum qualifications as set
1795 by the board, and shall be paid in accordance with the Variable
1796 Compensation Plan as certified by the board;

1797 (xii) Persons appointed on an emergency basis for
1798 the duration of the emergency; the effective date of the emergency
1799 appointments shall not be earlier than the date approved by the
1800 State Personnel Director, and shall be limited to thirty (30)
1801 working days. Emergency appointments may be extended to sixty
1802 (60) working days by the State Personnel Board;

1803 (xiii) Physicians, dentists, veterinarians, nurse
1804 practitioners and attorneys, while serving in their professional
1805 capacities in authorized employment positions who are required by
1806 statute to be licensed, registered or otherwise certified as such,
1807 provided that the State Personnel Director shall verify that the
1808 statutory qualifications are met prior to issuance of a payroll
1809 warrant by the Auditor;

1810 (xiv) Personnel who are employed and paid from
1811 funds received from a federal grant program which has been
1812 approved by the Legislature or the Department of Finance and
1813 Administration whose length of employment has been determined to
1814 be time-limited in nature. This subparagraph shall apply to
1815 personnel employed under the provisions of the Comprehensive
1816 Employment and Training Act of 1973, as amended, and other special
1817 federal grant programs which are not a part of regular federally
1818 funded programs wherein appropriations and employment positions



1819 are appropriated by the Legislature. Such employees shall be paid
1820 in accordance with the Variable Compensation Plan and shall meet
1821 all qualifications required by federal statutes or by the
1822 Mississippi Classification Plan;

1823 (xv) The administrative head who is in charge of
1824 any state department, agency, institution, board or commission,
1825 wherein the statute specifically authorizes the Governor, board,
1826 commission or other authority to appoint said administrative head;
1827 however, the salary of such administrative head shall be
1828 determined by the State Personnel Board in accordance with the
1829 Variable Compensation Plan unless otherwise fixed by statute;

1830 (xvi) The State Personnel Board shall exclude
1831 top-level positions if the incumbents determine and publicly
1832 advocate substantive program policy and report directly to the
1833 agency head, or the incumbents are required to maintain a direct
1834 confidential working relationship with a key excluded official.
1835 Further, a written job classification shall be approved by the
1836 board for each such position, and positions so excluded shall be
1837 paid in conformity with the Variable Compensation Plan;

1838 (xvii) Employees whose employment is solely in
1839 connection with an agency's contract to produce, store or
1840 transport goods, and whose compensation is derived therefrom;

1841 (xviii) Repealed;



1842 (xix) The associate director, deputy directors and
1843 bureau directors within the Department of Agriculture and
1844 Commerce;

1845 (xx) Personnel employed by the Mississippi
1846 Industries for the Blind; provided that any agency may enter into
1847 contracts for the personal services of MIB employees without the
1848 prior approval of the State Personnel Board or the State Personal
1849 Service Contract Review Board; however, any agency contracting for
1850 the personal services of an MIB employee shall provide the MIB
1851 employee with not less than the entry-level compensation and
1852 benefits that the agency would provide to a full-time employee of
1853 the agency who performs the same services;

1854 (xxi) Personnel employed by the Mississippi
1855 Department of Wildlife, Fisheries and Parks and the Mississippi
1856 Department of Marine Resources as law enforcement trainees
1857 (cadets); such personnel shall be paid in accordance with the
1858 Colonel Guy Groff State Variable Compensation Plan;

1859 (xxii) Administrators and instructional employees
1860 under contract or employed by the Mississippi School of the Arts
1861 (MSA) established in Section 37-140-1 et seq.;

1862 (xxiii) The President of the Mississippi Lottery
1863 Corporation and personnel employed by the Mississippi Lottery
1864 Corporation;

1865 (xxiv) Employees, excluding administrative
1866 employees, of the State Veterans Affairs Board who are employed at



1867 a veterans home established by the State Veterans Affairs Board
1868 under Section 35-1-19;

1869 (xxv) Personnel employed by the Mississippi
1870 Department of Health whose employment is * * * in connection with
1871 the department's responsibilities in implementing, administering
1872 and enforcing provisions of the Mississippi Medical Cannabis Act,
1873 and enforcing any provision of Sections 1 through 23 of this act,
1874 as applicable to the department. This subparagraph shall stand
1875 repealed on June 30, 2026; and

1876 (xxvi) Personnel employed by the Mississippi
1877 Department of Revenue whose employment is * * * in connection with
1878 the department's responsibilities in implementing, administering
1879 and enforcing provisions of the Mississippi Medical Cannabis Act,
1880 and enforcing any provision of Sections 1 through 23 of this act,
1881 as applicable to the department. This subparagraph shall stand
1882 repealed on June 30, 2026.

1883 (d) "Agency" means any state board, commission,
1884 committee, council, department or unit thereof created by the
1885 Constitution or statutes if such board, commission, committee,
1886 council, department, unit or the head thereof, is authorized to
1887 appoint subordinate staff by the Constitution or statute, except a
1888 legislative or judicial board, commission, committee, council,
1889 department or unit thereof.

1890 **SECTION 21.** Section 25-43-1.103, Mississippi Code of 1972,
1891 is amended as follows:



1892 25-43-1.103. (1) This chapter applies to all agencies and
1893 all proceedings not expressly exempted under this chapter.

1894 (2) This chapter creates only procedural rights and imposes
1895 only procedural duties. They are in addition to those created and
1896 imposed by other statutes.

1897 (3) Specific statutory provisions which govern agency
1898 proceedings and which are in conflict with any of the provisions
1899 of this chapter shall continue to be applied to all proceedings of
1900 any such agency to the extent of such conflict only.

1901 (4) The provisions of this chapter shall not be construed to
1902 amend, repeal or supersede the provisions of any other law; and,
1903 to the extent that the provisions of any other law conflict or are
1904 inconsistent with the provisions of this chapter, the provisions
1905 of such other law shall govern and control.

1906 (5) An agency may grant procedural rights to persons in
1907 addition to those conferred by this chapter so long as rights
1908 conferred upon other persons by any provision of law are not
1909 substantially prejudiced.

1910 (6) For the purposes of implementing, administering and/or
1911 enforcing the provisions of rules and regulations promulgated
1912 pursuant to the Mississippi Medical Cannabis Act, and the
1913 provisions in Sections 1 through 23 of this act, as applicable to
1914 each department, the Mississippi State Department of Health and
1915 the Mississippi Department of Revenue shall be exempted from this



1916 chapter from February 2, 2022, through June 30, 2026. This
1917 subsection shall stand repealed on June 30, 2026.

1918 **SECTION 22.** Section 25-53-1, Mississippi Code of 1972, is
1919 amended as follows:

1920 25-53-1. The Legislature recognizes that in order for the
1921 State of Mississippi to receive the maximum use and benefit from
1922 information technology and services now in operation or which will
1923 in the future be placed in operation, there should be full
1924 cooperation and cohesive planning and effort by and between the
1925 several state agencies and that it is the responsibility of the
1926 Legislature to provide statutory authority therefor. The
1927 Legislature, therefore, declares and determines that for these and
1928 other related purposes there is hereby established an agency of
1929 state government to be known as the Mississippi Department of
1930 Information Technology Services (MDITS). The Legislature further
1931 declares that the Mississippi Department of Information Technology
1932 Services (MDITS) shall provide statewide services that facilitate
1933 cost-effective information processing and telecommunication
1934 solutions. State agencies shall work in full cooperation with the
1935 board of MDITS to identify opportunities to minimize duplication,
1936 reduce costs and improve the efficiency of providing common
1937 technology services across agency boundaries. The provisions of
1938 this chapter shall not apply to the Department of Human Services
1939 for a period of three (3) years beginning July 1, 2017. The
1940 provisions of this chapter shall not apply to the Department of



1941 Child Protection Services for a period of three (3) years
1942 beginning July 1, 2017. Through June 30, * * * 2026, the
1943 provisions of this chapter shall not apply to the Department of
1944 Health and the Department of Revenue for the purposes of
1945 implementing, administering and enforcing the provisions of the
1946 Mississippi Medical Cannabis Act, and any provision in Sections 1
1947 through 23 of this act that are applicable to the departments
1948 individually or jointly.

1949 **SECTION 23.** Section 25-53-5, Mississippi Code of 1972, is
1950 amended as follows:

1951 25-53-5. The authority shall have the following powers,
1952 duties, and responsibilities:

1953 (a) (i) The authority shall provide for the
1954 development of plans for the efficient acquisition and utilization
1955 of computer equipment and services by all agencies of state
1956 government, and provide for their implementation. In so doing,
1957 the authority may use the MDITS' staff, at the discretion of the
1958 executive director of the authority, or the authority may contract
1959 for the services of qualified consulting firms in the field of
1960 information technology and utilize the service of such consultants
1961 as may be necessary for such purposes. Pursuant to Section
1962 25-53-1, the provisions of this section shall not apply to the
1963 Department of Human Services for a period of three (3) years
1964 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
1965 provisions of this section shall not apply to the Department of



1966 Child Protection Services for a period of three (3) years
1967 beginning July 1, 2017.

1968 (ii) [Repealed]

1969 (b) The authority shall immediately institute
1970 procedures for carrying out the purposes of this chapter and
1971 supervise the efficient execution of the powers and duties of the
1972 office of executive director of the authority. In the execution
1973 of its functions under this chapter, the authority shall maintain
1974 as a paramount consideration the successful internal organization
1975 and operation of the several agencies so that efficiency existing
1976 therein shall not be adversely affected or impaired. In executing
1977 its functions in relation to the institutions of higher learning
1978 and junior colleges in the state, the authority shall take into
1979 consideration the special needs of such institutions in relation
1980 to the fields of teaching and scientific research.

1981 (c) Title of whatever nature of all computer equipment
1982 now vested in any agency of the State of Mississippi is hereby
1983 vested in the authority, and no such equipment shall be disposed
1984 of in any manner except in accordance with the direction of the
1985 authority or under the provisions of such rules and regulations as
1986 may hereafter be adopted by the authority in relation thereto.

1987 (d) The authority shall adopt rules, regulations, and
1988 procedures governing the acquisition of computer and
1989 telecommunications equipment and services which shall, to the
1990 fullest extent practicable, ensure the maximum of competition



1991 between all manufacturers of supplies or equipment or services.
1992 In the writing of specifications, in the making of contracts
1993 relating to the acquisition of such equipment and services, and in
1994 the performance of its other duties the authority shall provide
1995 for the maximum compatibility of all information systems hereafter
1996 installed or utilized by all state agencies and may require the
1997 use of common computer languages where necessary to accomplish the
1998 purposes of this chapter. The authority may establish by
1999 regulation and charge reasonable fees on a nondiscriminatory basis
2000 for the furnishing to bidders of copies of bid specifications and
2001 other documents issued by the authority.

2002 (e) The authority shall adopt rules and regulations
2003 governing the sharing with, or the sale or lease of information
2004 technology services to any nonstate agency or person. Such
2005 regulations shall provide that any such sharing, sale or lease
2006 shall be restricted in that same shall be accomplished only where
2007 such services are not readily available otherwise within the
2008 state, and then only at a charge to the user not less than the
2009 prevailing rate of charge for similar services by private
2010 enterprise within this state.

2011 (f) The authority may, in its discretion, establish a
2012 special technical advisory committee or committees to study and
2013 make recommendations on technology matters within the competence
2014 of the authority as the authority may see fit. Persons serving on
2015 the Information Resource Council, its task forces, or any such



2016 technical advisory committees shall be entitled to receive their
2017 actual and necessary expenses actually incurred in the performance
2018 of such duties, together with mileage as provided by law for state
2019 employees, provided the same has been authorized by a resolution
2020 duly adopted by the authority and entered on its minutes prior to
2021 the performance of such duties.

2022 (g) The authority may provide for the development and
2023 require the adoption of standardized computer programs and may
2024 provide for the dissemination of information to and the
2025 establishment of training programs for the personnel of the
2026 various information technology centers of state agencies and
2027 personnel of the agencies utilizing the services thereof.

2028 (h) The authority shall adopt reasonable rules and
2029 regulations requiring the reporting to the authority through the
2030 office of executive director of such information as may be
2031 required for carrying out the purposes of this chapter and may
2032 also establish such reasonable procedures to be followed in the
2033 presentation of bills for payment under the terms of all contracts
2034 for the acquisition of computer equipment and services now or
2035 hereafter in force as may be required by the authority or by the
2036 executive director in the execution of their powers and duties.

2037 (i) The authority shall require such adequate
2038 documentation of information technology procedures utilized by the
2039 various state agencies and may require the establishment of such
2040 organizational structures within state agencies relating to



2041 information technology operations as may be necessary to
2042 effectuate the purposes of this chapter.

2043 (j) The authority may adopt such further reasonable
2044 rules and regulations as may be necessary to fully implement the
2045 purposes of this chapter. All rules and regulations adopted by
2046 the authority shall be published and disseminated in readily
2047 accessible form to all affected state agencies, and to all current
2048 suppliers of computer equipment and services to the state, and to
2049 all prospective suppliers requesting the same. Such rules and
2050 regulations shall be kept current, be periodically revised, and
2051 copies thereof shall be available at all times for inspection by
2052 the public at reasonable hours in the offices of the authority.
2053 Whenever possible no rule, regulation or any proposed amendment to
2054 such rules and regulations shall be finally adopted or enforced
2055 until copies of the proposed rules and regulations have been
2056 furnished to all interested parties for their comment and
2057 suggestions.

2058 (k) The authority shall establish rules and regulations
2059 which shall provide for the submission of all contracts proposed
2060 to be executed by the executive director for computer equipment
2061 and/or telecommunications or services, including cloud computing,
2062 to the authority for approval before final execution, and the
2063 authority may provide that such contracts involving the
2064 expenditure of less than such specified amount as may be
2065 established by the authority may be finally executed by the



2066 executive director without first obtaining such approval by the
2067 authority.

2068 (l) The authority is authorized to consider new
2069 technologies, such as cloud computing, to purchase, lease, or rent
2070 computer equipment or services and to operate that equipment and
2071 use those services in providing services to one or more state
2072 agencies when in its opinion such operation will provide maximum
2073 efficiency and economy in the functions of any such agency or
2074 agencies.

2075 (m) Upon the request of the governing body of a
2076 political subdivision or instrumentality, the authority shall
2077 assist the political subdivision or instrumentality in its
2078 development of plans for the efficient acquisition and utilization
2079 of computer equipment and services. An appropriate fee shall be
2080 charged the political subdivision by the authority for such
2081 assistance.

2082 (n) The authority shall adopt rules and regulations
2083 governing the protest procedures to be followed by any actual or
2084 prospective bidder, offerer or contractor who is aggrieved in
2085 connection with the solicitation or award of a contract for the
2086 acquisition of computer equipment or services. Such rules and
2087 regulations shall prescribe the manner, time and procedure for
2088 making protests and may provide that a protest not timely filed
2089 shall be summarily denied. The authority may require the
2090 protesting party, at the time of filing the protest, to post a



2091 bond, payable to the state, in an amount that the authority
2092 determines sufficient to cover any expense or loss incurred by the
2093 state, the authority or any state agency as a result of the
2094 protest if the protest subsequently is determined by a court of
2095 competent jurisdiction to have been filed without any substantial
2096 basis or reasonable expectation to believe that the protest was
2097 meritorious; however, in no event may the amount of the bond
2098 required exceed a reasonable estimate of the total project cost.
2099 The authority, in its discretion, also may prohibit any
2100 prospective bidder, offerer or contractor who is a party to any
2101 litigation involving any such contract with the state, the
2102 authority or any agency of the state to participate in any other
2103 such bid, offer or contract, or to be awarded any such contract,
2104 during the pendency of the litigation.

2105 (o) The authority shall make a report in writing to the
2106 Legislature each year in the month of January. Such report shall
2107 contain a full and detailed account of the work of the authority
2108 for the preceding year as specified in Section 25-53-29(3).

2109 All acquisitions of computer equipment and services involving
2110 the expenditure of funds in excess of the dollar amount
2111 established in Section 31-7-13(c), or rentals or leases in excess
2112 of the dollar amount established in Section 31-7-13(c) for the
2113 term of the contract, shall be based upon competitive and open
2114 specifications, and contracts therefor shall be entered into only
2115 after advertisements for bids are published in one or more daily



2116 newspapers having a general circulation in the state not less than
2117 fourteen (14) days prior to receiving sealed bids therefor. The
2118 authority may reserve the right to reject any or all bids, and if
2119 all bids are rejected, the authority may negotiate a contract
2120 within the limitations of the specifications so long as the terms
2121 of any such negotiated contract are equal to or better than the
2122 comparable terms submitted by the lowest and best bidder, and so
2123 long as the total cost to the State of Mississippi does not exceed
2124 the lowest bid. If the authority accepts one (1) of such bids, it
2125 shall be that which is the lowest and best. Through June
2126 30, * * * 2026, the provisions of this paragraph shall not apply
2127 to acquisitions of information technology equipment and services
2128 made by the Mississippi Department of Health and the Mississippi
2129 Department of Revenue for the purposes of implementing,
2130 administering and enforcing the provisions of the Mississippi
2131 Medical Cannabis Act, and any provision in Sections 1 through 23
2132 of this act that are applicable to the departments individually or
2133 jointly.

2134 (p) When applicable, the authority may procure
2135 equipment, systems and related services in accordance with the law
2136 or regulations, or both, which govern the Bureau of Purchasing of
2137 the Office of General Services or which govern the Mississippi
2138 Department of Information Technology Services procurement of
2139 telecommunications equipment, software and services.



2140 (q) The authority is authorized to purchase, lease, or
2141 rent information technology and services for the purpose of
2142 establishing pilot projects to investigate emerging technologies.
2143 These acquisitions shall be limited to new technologies and shall
2144 be limited to an amount set by annual appropriation of the
2145 Legislature. These acquisitions shall be exempt from the
2146 advertising and bidding requirement.

2147 (r) To promote the maximum use and benefit from
2148 technology and services now in operation or which will in the
2149 future be placed in operation and to identify opportunities,
2150 minimize duplication, reduce costs and improve the efficiency of
2151 providing common technology services the authority is authorized
2152 to:

2153 (i) Enter into master agreements for computer or
2154 telecommunications equipment or services, including cloud
2155 computing, available for shared use by state agencies, * * *
2156 institutions of higher learning and governing authorities; and

2157 (ii) Enter into contracts for the acquisition of
2158 computer or telecommunications equipment or services, including
2159 cloud computing, that have been acquired by other entities,
2160 located within or outside of the State of Mississippi, so long as
2161 it is determined by the authority to be in the best interest of
2162 the state. The acquisitions provided in this paragraph (r) shall
2163 be exempt from the advertising and bidding requirements of Section
2164 25-53-1 et seq.



2165 (s) All fees collected by the Mississippi Department of
2166 Information Technology Services shall be deposited into the
2167 Mississippi Department of Information Technology Services
2168 Revolving Fund unless otherwise specified by the Legislature.

2169 (t) The authority shall work closely with the council
2170 to bring about effective coordination of policies, standards and
2171 procedures relating to procurement of remote sensing and
2172 geographic information systems (GIS) resources. In addition, the
2173 authority is responsible for development, operation and
2174 maintenance of a delivery system infrastructure for geographic
2175 information systems data. The authority shall provide a warehouse
2176 for Mississippi's geographic information systems data.

2177 (u) The authority shall manage one or more State Data
2178 Centers to provide information technology services on a
2179 cost-sharing basis. In determining the appropriate services to be
2180 provided through the State Data Center, the authority should
2181 consider those services that:

2182 (i) Result in savings to the state as a whole;

2183 (ii) Improve and enhance the security and
2184 reliability of the state's information and business systems; and

2185 (iii) Optimize the efficient use of the state's
2186 information technology assets, including, but not limited to,
2187 promoting partnerships with the state institutions of higher
2188 learning and community colleges to capitalize on advanced
2189 information technology resources.



2190 (v) The authority shall increase federal participation
2191 in the cost of the State Data Center to the extent provided by law
2192 and its shared technology infrastructure through providing such
2193 shared services to agencies that receive federal funds. With
2194 regard to state institutions of higher learning and community
2195 colleges, the authority may provide shared services when mutually
2196 agreeable, following a determination by both the authority and the
2197 Board of Trustees of State Institutions of Higher Learning or the
2198 Mississippi Community College Board, as the case may be, that the
2199 sharing of services is mutually beneficial.

2200 (w) The authority, in its discretion, may require new
2201 or replacement agency business applications to be hosted at the
2202 State Data Center. With regard to state institutions of higher
2203 learning and community colleges, the authority and the Board of
2204 Trustees of State Institutions of Higher Learning or the
2205 Mississippi Community College Board, as the case may be, may agree
2206 that institutions of higher learning or community colleges may
2207 utilize business applications that are hosted at the State Data
2208 Center, following a determination by both the authority and the
2209 applicable board that the hosting of those applications is
2210 mutually beneficial. In addition, the authority may establish
2211 partnerships to capitalize on the advanced technology resources of
2212 the Board of Trustees of State Institutions of Higher Learning or
2213 the Mississippi Community College Board, following a determination



2214 by both the authority and the applicable board that such a
2215 partnership is mutually beneficial.

2216 (x) The authority shall provide a periodic update
2217 regarding reform-based information technology initiatives to the
2218 Chairmen of the House and Senate Accountability, Efficiency and
2219 Transparency Committees.

2220 From and after July 1, 2018, the expenses of this agency
2221 shall be defrayed by appropriation from the State General Fund.
2222 In addition, in order to receive the maximum use and benefit from
2223 information technology and services, expenses for the provision of
2224 statewide shared services that facilitate cost-effective
2225 information processing and telecommunication solutions shall be
2226 defrayed by pass-through funding and shall be deposited into the
2227 Mississippi Department of Information Technology Services
2228 Revolving Fund unless otherwise specified by the Legislature.
2229 These funds shall only be utilized to pay the actual costs
2230 incurred by the Mississippi Department of Information Technology
2231 Services for providing these shared services to state agencies.
2232 Furthermore, state agencies shall work in full cooperation with
2233 the Board of the Mississippi Department of Information Technology
2234 Services to identify computer equipment or services to minimize
2235 duplication, reduce costs, and improve the efficiency of providing
2236 common technology services across agency boundaries.



2237 **SECTION 24.** Section 27-104-7, Mississippi Code of 1972, as
2238 amended by House Bill No. 770, 2024 Regular Session, and Senate
2239 Bill No. 2649, 2024 Regular Session, is amended as follows:

2240 27-104-7. (1) (a) There is created the Public Procurement
2241 Review Board, which shall be reconstituted on January 1, 2018, and
2242 shall be composed of the following members:

2243 (i) Three (3) individuals appointed by the
2244 Governor with the advice and consent of the Senate;

2245 (ii) Two (2) individuals appointed by the
2246 Lieutenant Governor with the advice and consent of the Senate; and

2247 (iii) The Executive Director of the Department of
2248 Finance and Administration, serving as an ex officio and nonvoting
2249 member.

2250 (b) The initial terms of each appointee shall be as
2251 follows:

2252 (i) One (1) member appointed by the Governor to
2253 serve for a term ending on June 30, 2019;

2254 (ii) One (1) member appointed by the Governor to
2255 serve for a term ending on June 30, 2020;

2256 (iii) One (1) member appointed by the Governor to
2257 serve for a term ending on June 30, 2021;

2258 (iv) One (1) member appointed by the Lieutenant
2259 Governor to serve for a term ending on June 30, 2019; and

2260 (v) One (1) member appointed by the Lieutenant
2261 Governor to serve for a term ending on June 30, 2020.



2262 After the expiration of the initial terms, all appointed
2263 members' terms shall be for a period of four (4) years from the
2264 expiration date of the previous term, and until such time as the
2265 member's successor is duly appointed and qualified.

2266 (c) When appointing members to the Public Procurement
2267 Review Board, the Governor and Lieutenant Governor shall take into
2268 consideration persons who possess at least five (5) years of
2269 management experience in general business, health care or finance
2270 for an organization, corporation or other public or private
2271 entity. Any person, or any employee or owner of a company, who
2272 receives any grants, procurements or contracts that are subject to
2273 approval under this section shall not be appointed to the Public
2274 Procurement Review Board. Any person, or any employee or owner of
2275 a company, who is a principal of the source providing a personal
2276 or professional service shall not be appointed to the Public
2277 Procurement Review Board if the principal owns or controls a
2278 greater than five percent (5%) interest or has an ownership value
2279 of One Million Dollars (\$1,000,000.00) in the source's business,
2280 whichever is smaller. No member shall be an officer or employee
2281 of the State of Mississippi while serving as a voting member on
2282 the Public Procurement Review Board.

2283 (d) Members of the Public Procurement Review Board
2284 shall be entitled to per diem as authorized by Section 25-3-69 and
2285 travel reimbursement as authorized by Section 25-3-41.



2286 (e) The members of the Public Procurement Review Board
2287 shall elect a chair from among the membership, and he or she shall
2288 preside over the meetings of the board. The board shall annually
2289 elect a vice chair, who shall serve in the absence of the chair.
2290 No business shall be transacted, including adoption of rules of
2291 procedure, without the presence of a quorum of the board. Three
2292 (3) members shall be a quorum. No action shall be valid unless
2293 approved by a majority of the members present and voting, entered
2294 upon the minutes of the board and signed by the chair. Necessary
2295 clerical and administrative support for the board shall be
2296 provided by the Department of Finance and Administration. Minutes
2297 shall be kept of the proceedings of each meeting, copies of which
2298 shall be filed on a monthly basis with the chairs of the
2299 Accountability, Efficiency and Transparency Committees of the
2300 Senate and House of Representatives and the chairs of the
2301 Appropriations Committees of the Senate and House of
2302 Representatives.

2303 (2) The Public Procurement Review Board shall have the
2304 following powers and responsibilities:

2305 (a) Approve all purchasing regulations governing the
2306 purchase or lease by any agency, as defined in Section 31-7-1, of
2307 commodities and equipment, except computer equipment acquired
2308 pursuant to Sections 25-53-1 through 25-53-29;

2309 (b) Adopt regulations governing the approval of
2310 contracts let for the construction and maintenance of state



2311 buildings and other state facilities as well as related contracts
2312 for architectural and engineering services.

2313 The provisions of this paragraph (b) shall not apply to such
2314 contracts involving buildings and other facilities of state
2315 institutions of higher learning which are self-administered as
2316 provided under this paragraph (b) or Section 37-101-15(m);

2317 (c) Adopt regulations governing any lease or rental
2318 agreement by any state agency or department, including any state
2319 agency financed entirely by federal funds, for space outside the
2320 buildings under the jurisdiction of the Department of Finance and
2321 Administration. These regulations shall require each agency
2322 requesting to lease such space to provide the following
2323 information that shall be published by the Department of Finance
2324 and Administration on its website: the agency to lease the space;
2325 the terms of the lease; the approximate square feet to be leased;
2326 the use for the space; a description of a suitable space; the
2327 general location desired for the leased space; the contact
2328 information for a person from the agency; the deadline date for
2329 the agency to have received a lease proposal; any other specific
2330 terms or conditions of the agency; and any other information
2331 deemed appropriate by the Division of Real Property Management of
2332 the Department of Finance and Administration or the Public
2333 Procurement Review Board. The information shall be provided
2334 sufficiently in advance of the time the space is needed to allow
2335 the Division of Real Property Management of the Department of



2336 Finance and Administration to review and preapprove the lease
2337 before the time for advertisement begins;

2338 (d) Adopt, in its discretion, regulations to set aside
2339 at least five percent (5%) of anticipated annual expenditures for
2340 the purchase of commodities from minority businesses; however, all
2341 such set-aside purchases shall comply with all purchasing
2342 regulations promulgated by the department and shall be subject to
2343 all bid requirements. Set-aside purchases for which competitive
2344 bids are required shall be made from the lowest and best minority
2345 business bidder; however, if no minority bid is available or if
2346 the minority bid is more than two percent (2%) higher than the
2347 lowest bid, then bids shall be accepted and awarded to the lowest
2348 and best bidder. However, the provisions in this paragraph shall
2349 not be construed to prohibit the rejection of a bid when only one
2350 (1) bid is received. Such rejection shall be placed in the
2351 minutes. For the purposes of this paragraph, the term "minority
2352 business" means a business which is owned by a person who is a
2353 citizen or lawful permanent resident of the United States and who
2354 is:

2355 (i) Black: having origins in any of the black
2356 racial groups of Africa;

2357 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
2358 Central or South American, or other Spanish or Portuguese culture
2359 or origin regardless of race;



2360 (iii) Asian-American: having origins in any of
2361 the original people of the Far East, Southeast Asia, the Indian
2362 subcontinent, or the Pacific Islands;

2363 (iv) American Indian or Alaskan Native: having
2364 origins in any of the original people of North America; or

2365 (v) Female;

2366 (e) In consultation with and approval by the Chairs of
2367 the Senate and House Public Property Committees, approve leases,
2368 for a term not to exceed eighteen (18) months, entered into by
2369 state agencies for the purpose of providing parking arrangements
2370 for state employees who work in the Woolfolk Building, the Carroll
2371 Gartin Justice Building or the Walter Sillers Office Building;

2372 (f) (i) Except as otherwise provided in subparagraph
2373 (ii) of this paragraph, promulgate rules and regulations governing
2374 the solicitation and selection of contractual services personnel,
2375 including personal and professional services contracts for any
2376 form of consulting, policy analysis, public relations, marketing,
2377 public affairs, legislative advocacy services or any other
2378 contract that the board deems appropriate for oversight, with the
2379 exception of:

2380 1. Any personal service contracts entered
2381 into by any agency that employs only nonstate service employees as
2382 defined in Section 25-9-107(c);

2383 2. Any personal service contracts entered
2384 into for computer or information technology-related services



2385 governed by the Mississippi Department of Information Technology
2386 Services;

2387 3. Any personal service contracts entered
2388 into by the individual state institutions of higher learning;

2389 4. Any personal service contracts entered
2390 into by the Mississippi Department of Transportation;

2391 5. Any personal service contracts entered
2392 into by the Department of Human Services through June 30, 2019,
2393 which the Executive Director of the Department of Human Services
2394 determines would be useful in establishing and operating the
2395 Department of Child Protection Services;

2396 6. Any personal service contracts entered
2397 into by the Department of Child Protection Services through June
2398 30, 2019;

2399 7. Any contracts for entertainers and/or
2400 performers at the Mississippi State Fairgrounds entered into by
2401 the Mississippi Fair Commission;

2402 8. Any contracts entered into by the
2403 Department of Finance and Administration when procuring aircraft
2404 maintenance, parts, equipment and/or services;

2405 9. Any contract entered into by the
2406 Department of Public Safety for service on specialized equipment
2407 and/or software required for the operation of such specialized
2408 equipment for use by the Office of Forensics Laboratories;



2409 10. Any personal or professional service
2410 contract entered into by the Mississippi Department of Health or
2411 the Department of Revenue * * * in connection with their
2412 respective responsibilities under the Mississippi Medical Cannabis
2413 Act, and any provision in Sections 1 through 23 of this act that
2414 are applicable to the departments individually or jointly, from
2415 February 2, 2022, through June 30, 2026;

2416 11. Any contract for attorney, accountant,
2417 actuary auditor, architect, engineer, anatomical pathologist, or
2418 utility rate expert services;

2419 12. Any personal service contracts approved
2420 by the Executive Director of the Department of Finance and
2421 Administration and entered into by the Coordinator of Mental
2422 Health Accessibility through June 30, 2022;

2423 13. Any personal or professional services
2424 contract entered into by the State Department of Health in
2425 carrying out its responsibilities under the ARPA Rural Water
2426 Associations Infrastructure Grant Program through June 30,
2427 2026; * * *

2428 14. * * * Any personal or professional
2429 services contract entered into by the Mississippi Department of
2430 Environmental Quality in carrying out its responsibilities under
2431 the Mississippi Municipality and County Water Infrastructure Grant
2432 Program Act of 2022, through June 30, 2026; and



2433 15. Any personal or professional services
2434 contract entered into by the Mississippi Department of
2435 Environmental Quality in carrying out its responsibilities under
2436 Section 49-2-13(1). This item 15 shall stand repealed on July 1,
2437 2028.

2438 Any such rules and regulations shall provide for maintaining
2439 continuous internal audit covering the activities of such agency
2440 affecting its revenue and expenditures as required under Section
2441 7-7-3(6) (d). Any rules and regulation changes related to personal
2442 and professional services contracts that the Public Procurement
2443 Review Board may propose shall be submitted to the Chairs of the
2444 Accountability, Efficiency and Transparency Committees of the
2445 Senate and House of Representatives and the Chairs of the
2446 Appropriation Committees of the Senate and House of
2447 Representatives at least fifteen (15) days before the board votes
2448 on the proposed changes, and those rules and regulation changes,
2449 if adopted, shall be promulgated in accordance with the
2450 Mississippi Administrative Procedures Act.

2451 (ii) From and after July 1, 2024, the Public
2452 Procurement Review Board shall promulgate rules and regulations
2453 that require the Department of Finance and Administration to
2454 conduct personal and professional services solicitations as
2455 provided in subparagraph (i) of this paragraph for those services
2456 in excess of Seventy-five Thousand Dollars (\$75,000.00) for the
2457 Department of Marine Resources, the Department of Wildlife,



2458 Fisheries and Parks, the Mississippi Emergency Management Agency
2459 and the Mississippi Development Authority, with assistance to be
2460 provided from these entities. Any powers that have been conferred
2461 upon agencies in order to comply with the provisions of this
2462 section for personal and professional services solicitations shall
2463 be conferred upon the Department of Finance and Administration to
2464 conduct personal and professional services solicitations for the
2465 Department of Marine Resources, the Department of Wildlife,
2466 Fisheries and Parks, the Mississippi Emergency Management Agency
2467 and the Mississippi Development Authority for those services in
2468 excess of Seventy-five Thousand Dollars (\$75,000.00). The
2469 Department of Finance and Administration shall make any
2470 submissions that are required to be made by other agencies to the
2471 Public Procurement Review Board for the Department of Marine
2472 Resources, the Department of Wildlife, Fisheries and Parks, the
2473 Mississippi Emergency Management Agency and the Mississippi
2474 Development Authority.

2475 The provisions of this subparagraph (ii) shall stand repealed
2476 on June 30, 2027;

2477 (g) Approve all personal and professional services
2478 contracts involving the expenditures of funds in excess of
2479 Seventy-five Thousand Dollars (\$75,000.00), except as provided in
2480 paragraph (f) of this subsection (2) and in subsection (8);

2481 (h) Develop mandatory standards with respect to
2482 contractual services personnel that require invitations for public



2483 bid, requests for proposals, record keeping and financial
2484 responsibility of contractors. The Public Procurement Review
2485 Board shall, unless exempted under this paragraph (h) or under
2486 paragraph (i) or (o) of this subsection (2), require the agency
2487 involved to submit the procurement to a competitive procurement
2488 process, and may reserve the right to reject any or all resulting
2489 procurements;

2490 (i) Prescribe certain circumstances by which agency
2491 heads may enter into contracts for personal and professional
2492 services without receiving prior approval from the Public
2493 Procurement Review Board. The Public Procurement Review Board may
2494 establish a preapproved list of providers of various personal and
2495 professional services for set prices with which state agencies may
2496 contract without bidding or prior approval from the board;

2497 (i) Agency requirements may be fulfilled by
2498 procuring services performed incident to the state's own programs.
2499 The agency head shall determine in writing whether the price
2500 represents a fair market value for the services. When the
2501 procurements are made from other governmental entities, the
2502 private sector need not be solicited; however, these contracts
2503 shall still be submitted for approval to the Public Procurement
2504 Review Board.

2505 (ii) Contracts between two (2) state agencies,
2506 both under Public Procurement Review Board purview, shall not
2507 require Public Procurement Review Board approval. However, the



2508 contracts shall still be entered into the enterprise resource
2509 planning system;

2510 (j) Provide standards for the issuance of requests for
2511 proposals, the evaluation of proposals received, consideration of
2512 costs and quality of services proposed, contract negotiations, the
2513 administrative monitoring of contract performance by the agency
2514 and successful steps in terminating a contract;

2515 (k) Present recommendations for governmental
2516 privatization and to evaluate privatization proposals submitted by
2517 any state agency;

2518 (l) Authorize personal and professional service
2519 contracts to be effective for more than one (1) year provided a
2520 funding condition is included in any such multiple year contract,
2521 except the State Board of Education, which shall have the
2522 authority to enter into contractual agreements for student
2523 assessment for a period up to ten (10) years. The State Board of
2524 Education shall procure these services in accordance with the
2525 Public Procurement Review Board procurement regulations;

2526 (m) Request the State Auditor to conduct a performance
2527 audit on any personal or professional service contract;

2528 (n) Prepare an annual report to the Legislature
2529 concerning the issuance of personal and professional services
2530 contracts during the previous year, collecting any necessary
2531 information from state agencies in making such report;



2532 (o) Develop and implement the following standards and
2533 procedures for the approval of any sole source contract for
2534 personal and professional services regardless of the value of the
2535 procurement:

2536 (i) For the purposes of this paragraph (o), the
2537 term "sole source" means only one (1) source is available that can
2538 provide the required personal or professional service.

2539 (ii) An agency that has been issued a binding,
2540 valid court order mandating that a particular source or provider
2541 must be used for the required service must include a copy of the
2542 applicable court order in all future sole source contract reviews
2543 for the particular personal or professional service referenced in
2544 the court order.

2545 (iii) Any agency alleging to have a sole source
2546 for any personal or professional service, other than those
2547 exempted under paragraph (f) of this subsection (2) and subsection
2548 (8), shall publish on the procurement portal website established
2549 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
2550 days, the terms of the proposed contract for those services. In
2551 addition, the publication shall include, but is not limited to,
2552 the following information:

2553 1. The personal or professional service
2554 offered in the contract;



2555 2. An explanation of why the personal or
2556 professional service is the only one that can meet the needs of
2557 the agency;

2558 3. An explanation of why the source is the
2559 only person or entity that can provide the required personal or
2560 professional service;

2561 4. An explanation of why the amount to be
2562 expended for the personal or professional service is reasonable;
2563 and

2564 5. The efforts that the agency went through
2565 to obtain the best possible price for the personal or professional
2566 service.

2567 (iv) If any person or entity objects and proposes
2568 that the personal or professional service published under
2569 subparagraph (iii) of this paragraph (o) is not a sole source
2570 service and can be provided by another person or entity, then the
2571 objecting person or entity shall notify the Public Procurement
2572 Review Board and the agency that published the proposed sole
2573 source contract with a detailed explanation of why the personal or
2574 professional service is not a sole source service.

2575 (v) 1. If the agency determines after review that
2576 the personal or professional service in the proposed sole source
2577 contract can be provided by another person or entity, then the
2578 agency must withdraw the sole source contract publication from the
2579 procurement portal website and submit the procurement of the



2580 personal or professional service to an advertised competitive bid
2581 or selection process.

2582 2. If the agency determines after review that
2583 there is only one (1) source for the required personal or
2584 professional service, then the agency may appeal to the Public
2585 Procurement Review Board. The agency has the burden of proving
2586 that the personal or professional service is only provided by one
2587 (1) source.

2588 3. If the Public Procurement Review Board has
2589 any reasonable doubt as to whether the personal or professional
2590 service can only be provided by one (1) source, then the agency
2591 must submit the procurement of the personal or professional
2592 service to an advertised competitive bid or selection process. No
2593 action taken by the Public Procurement Review Board in this appeal
2594 process shall be valid unless approved by a majority of the
2595 members of the Public Procurement Review Board present and voting.

2596 (vi) The Public Procurement Review Board shall
2597 prepare and submit a quarterly report to the House of
2598 Representatives and Senate Accountability, Efficiency and
2599 Transparency Committees that details the sole source contracts
2600 presented to the Public Procurement Review Board and the reasons
2601 that the Public Procurement Review Board approved or rejected each
2602 contract. These quarterly reports shall also include the
2603 documentation and memoranda required in subsection (4) of this
2604 section. An agency that submitted a sole source contract shall be



2605 prepared to explain the sole source contract to each committee by
2606 December 15 of each year upon request by the committee;

2607 (p) Assess any fines and administrative penalties
2608 provided for in Sections 31-7-401 through 31-7-423.

2609 (3) All submissions shall be made sufficiently in advance of
2610 each monthly meeting of the Public Procurement Review Board as
2611 prescribed by the Public Procurement Review Board. If the Public
2612 Procurement Review Board rejects any contract submitted for review
2613 or approval, the Public Procurement Review Board shall clearly set
2614 out the reasons for its action, including, but not limited to, the
2615 policy that the agency has violated in its submitted contract and
2616 any corrective actions that the agency may take to amend the
2617 contract to comply with the rules and regulations of the Public
2618 Procurement Review Board.

2619 (4) All sole source contracts for personal and professional
2620 services awarded by state agencies, other than those exempted
2621 under Section 27-104-7(2)(f) and (8), whether approved by an
2622 agency head or the Public Procurement Review Board, shall contain
2623 in the procurement file a written determination for the approval,
2624 using a request form furnished by the Public Procurement Review
2625 Board. The written determination shall document the basis for the
2626 determination, including any market analysis conducted in order to
2627 ensure that the service required was practicably available from
2628 only one (1) source. A memorandum shall accompany the request
2629 form and address the following four (4) points:



2630 (a) Explanation of why this service is the only service
2631 that can meet the needs of the purchasing agency;

2632 (b) Explanation of why this vendor is the only
2633 practicably available source from which to obtain this service;

2634 (c) Explanation of why the price is considered
2635 reasonable; and

2636 (d) Description of the efforts that were made to
2637 conduct a noncompetitive negotiation to get the best possible
2638 price for the taxpayers.

2639 (5) In conjunction with the State Personnel Board, the
2640 Public Procurement Review Board shall develop and promulgate rules
2641 and regulations to define the allowable legal relationship between
2642 contract employees and the contracting departments, agencies and
2643 institutions of state government under the jurisdiction of the
2644 State Personnel Board, in compliance with the applicable rules and
2645 regulations of the federal Internal Revenue Service (IRS) for
2646 federal employment tax purposes. Under these regulations, the
2647 usual common law rules are applicable to determine and require
2648 that such worker is an independent contractor and not an employee,
2649 requiring evidence of lawful behavioral control, lawful financial
2650 control and lawful relationship of the parties. Any state
2651 department, agency or institution shall only be authorized to
2652 contract for personnel services in compliance with those
2653 regulations.



2654 (6) No member of the Public Procurement Review Board shall
2655 use his or her official authority or influence to coerce, by
2656 threat of discharge from employment, or otherwise, the purchase of
2657 commodities, the contracting for personal or professional
2658 services, or the contracting for public construction under this
2659 chapter.

2660 (7) Notwithstanding any other laws or rules to the contrary,
2661 the provisions of subsection (2) of this section shall not be
2662 applicable to the Mississippi State Port Authority at Gulfport.

2663 (8) Nothing in this section shall impair or limit the
2664 authority of the Board of Trustees of the Public Employees'
2665 Retirement System to enter into any personal or professional
2666 services contracts directly related to their constitutional
2667 obligation to manage the trust funds, including, but not limited
2668 to, actuarial, custodial banks, cash management, investment
2669 consultant and investment management contracts. Nothing in this
2670 section shall impair or limit the authority of the State Treasurer
2671 to enter into any personal or professional services contracts
2672 involving the management of trust funds, including, but not
2673 limited to, actuarial, custodial banks, cash management,
2674 investment consultant and investment management contracts.

2675 (9) Through December 31, * * *2026, the provisions of this
2676 section related to rental agreements or leasing of real property
2677 for the purpose of conducting agency business shall not apply to
2678 the Office of Workforce Development created in Section 37-153-7.



2679 **SECTION 25.** Section 31-7-13, Mississippi Code of 1972, as
2680 amended by House Bill No. 297, 2024 Regular Session, Senate Bill
2681 No. 2486, 2024 Regular Session, and Senate Bill No. 3070, 2024
2682 Regular Session, is amended as follows:

2683 31-7-13. All agencies and governing authorities shall
2684 purchase their commodities and printing; contract for garbage
2685 collection or disposal; contract for solid waste collection or
2686 disposal; contract for sewage collection or disposal; contract for
2687 public construction; and contract for rentals as herein provided.

2688 (a) **Bidding procedure for purchases not over \$5,000.00.**

2689 Purchases which do not involve an expenditure of more than Five
2690 Thousand Dollars (\$5,000.00), exclusive of freight or shipping
2691 charges, may be made without advertising or otherwise requesting
2692 competitive bids. However, nothing contained in this paragraph

2693 (a) shall be construed to prohibit any agency or governing
2694 authority from establishing procedures which require competitive
2695 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

2696 (b) **Bidding procedure for purchases over \$5,000.00 but**

2697 **not over \$75,000.00.** Purchases which involve an expenditure of
2698 more than Five Thousand Dollars (\$5,000.00) but not more than
2699 Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight
2700 and shipping charges, may be made from the lowest and best bidder
2701 without publishing or posting advertisement for bids, provided at
2702 least two (2) competitive written bids have been obtained. Any
2703 state agency or community or junior college purchasing commodities



2704 or procuring construction pursuant to this paragraph (b) may
2705 authorize its purchasing agent, or his designee, to accept the
2706 lowest competitive written bid under Seventy-five Thousand Dollars
2707 (\$75,000.00). Any governing authority purchasing commodities
2708 pursuant to this paragraph (b) may authorize its purchasing agent,
2709 or his designee, with regard to governing authorities other than
2710 counties, or its purchase clerk, or his designee, with regard to
2711 counties, to accept the lowest and best competitive written bid.
2712 Such authorization shall be made in writing by the governing
2713 authority and shall be maintained on file in the primary office of
2714 the agency and recorded in the official minutes of the governing
2715 authority, as appropriate. The purchasing agent or the purchase
2716 clerk, or his designee, as the case may be, and not the governing
2717 authority, shall be liable for any penalties and/or damages as may
2718 be imposed by law for any act or omission of the purchasing agent
2719 or purchase clerk, or his designee, constituting a violation of
2720 law in accepting any bid without approval by the governing
2721 authority. The term "competitive written bid" shall mean a bid
2722 submitted on a bid form furnished by the buying agency or
2723 governing authority and signed by authorized personnel
2724 representing the vendor, or a bid submitted on a vendor's
2725 letterhead or identifiable bid form and signed by authorized
2726 personnel representing the vendor. "Competitive" shall mean that
2727 the bids are developed based upon comparable identification of the
2728 needs and are developed independently and without knowledge of



2729 other bids or prospective bids. Any bid item for construction in
2730 excess of Five Thousand Dollars (\$5,000.00) shall be broken down
2731 by components to provide detail of component description and
2732 pricing. These details shall be submitted with the written bids
2733 and become part of the bid evaluation criteria. Bids may be
2734 submitted by facsimile, electronic mail or other generally
2735 accepted method of information distribution. Bids submitted by
2736 electronic transmission shall not require the signature of the
2737 vendor's representative unless required by agencies or governing
2738 authorities.

2739 (c) **Bidding procedure for purchases over \$75,000.00.**

2740 (i) **Publication requirement.**

2741 1. Purchases which involve an expenditure of
2742 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of
2743 freight and shipping charges, may be made from the lowest and best
2744 bidder after advertising for competitive bids once each week for
2745 two (2) consecutive weeks in a regular newspaper published in the
2746 county or municipality in which such agency or governing authority
2747 is located. However, all American Recovery and Reinvestment Act
2748 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
2749 shall be bid. All references to American Recovery and
2750 Reinvestment Act projects in this section shall not apply to
2751 programs identified in Division B of the American Recovery and
2752 Reinvestment Act.



2753 2. Reverse auctions shall be the primary
2754 method for receiving bids during the bidding process. If a
2755 purchasing entity determines that a reverse auction is not in the
2756 best interest of the state, then that determination must be
2757 approved by the Public Procurement Review Board. The purchasing
2758 entity shall submit a detailed explanation of why a reverse
2759 auction would not be in the best interest of the state and present
2760 an alternative process to be approved by the Public Procurement
2761 Review Board. If the Public Procurement Review Board authorizes
2762 the purchasing entity to solicit bids with a method other than
2763 reverse auction, then the purchasing entity may designate the
2764 other methods by which the bids will be received, including, but
2765 not limited to, bids sealed in an envelope, bids received
2766 electronically in a secure system, or bids received by any other
2767 method that promotes open competition and has been approved by the
2768 Office of Purchasing and Travel. However, reverse auction shall
2769 not be used for any public contract for design, construction,
2770 improvement, repair or remodeling of any public facilities,
2771 including the purchase of materials, supplies, equipment or goods
2772 for same and including buildings, roads and bridges. The Public
2773 Procurement Review Board must approve any contract entered into by
2774 alternative process. The provisions of this item 2 shall not
2775 apply to the individual state institutions of higher learning.
2776 The provisions of this item 2 requiring reverse auction as the
2777 primary method of receiving bids shall not apply to term contract



2778 purchases as provided in paragraph (n) of this section; however, a
2779 purchasing entity may, in its discretion, utilize reverse auction
2780 for such purchases. The provisions of this item 2 shall not apply
2781 to individual public schools, including public charter schools and
2782 public school districts, only when purchasing copyrighted
2783 educational supplemental materials and software as a service
2784 product. For such purchases, a local school board may authorize a
2785 purchasing entity in its jurisdiction to use a Request for
2786 Qualifications which promotes open competition and meets the
2787 requirements of the Office of Purchasing and Travel.

2788 3. The date as published for the bid opening
2789 shall not be less than seven (7) working days after the last
2790 published notice; however, if the purchase involves a construction
2791 project in which the estimated cost is in excess of Seventy-five
2792 Thousand Dollars (\$75,000.00), such bids shall not be opened in
2793 less than fifteen (15) working days after the last notice is
2794 published and the notice for the purchase of such construction
2795 shall be published once each week for two (2) consecutive weeks.
2796 However, all American Recovery and Reinvestment Act projects in
2797 excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid.
2798 For any projects in excess of Twenty-five Thousand Dollars
2799 (\$25,000.00) under the American Recovery and Reinvestment Act,
2800 publication shall be made one (1) time and the bid opening for
2801 construction projects shall not be less than ten (10) working days
2802 after the date of the published notice. The notice of intention



2803 to let contracts or purchase equipment shall state the time and
2804 place at which bids shall be received, list the contracts to be
2805 made or types of equipment or supplies to be purchased, and, if
2806 all plans and/or specifications are not published, refer to the
2807 plans and/or specifications on file. If there is no newspaper
2808 published in the county or municipality, then such notice shall be
2809 given by posting same at the courthouse, or for municipalities at
2810 the city hall, and at two (2) other public places in the county or
2811 municipality, and also by publication once each week for two (2)
2812 consecutive weeks in some newspaper having a general circulation
2813 in the county or municipality in the above-provided manner. On
2814 the same date that the notice is submitted to the newspaper for
2815 publication, the agency or governing authority involved shall mail
2816 written notice to, or provide electronic notification to the main
2817 office of the Mississippi Procurement Technical Assistance Program
2818 under the Mississippi Development Authority that contains the same
2819 information as that in the published notice. Submissions received
2820 by the Mississippi Procurement Technical Assistance Program for
2821 projects funded by the American Recovery and Reinvestment Act
2822 shall be displayed on a separate and unique Internet web page
2823 accessible to the public and maintained by the Mississippi
2824 Development Authority for the Mississippi Procurement Technical
2825 Assistance Program. Those American Recovery and Reinvestment Act
2826 related submissions shall be publicly posted within twenty-four
2827 (24) hours of receipt by the Mississippi Development Authority and



2828 the bid opening shall not occur until the submission has been
2829 posted for ten (10) consecutive days. The Department of Finance
2830 and Administration shall maintain information regarding contracts
2831 and other expenditures from the American Recovery and Reinvestment
2832 Act, on a unique Internet web page accessible to the public. The
2833 Department of Finance and Administration shall promulgate rules
2834 regarding format, content and deadlines, unless otherwise
2835 specified by law, of the posting of award notices, contract
2836 execution and subsequent amendments, links to the contract
2837 documents, expenditures against the awarded contracts and general
2838 expenditures of funds from the American Recovery and Reinvestment
2839 Act. Within one (1) working day of the contract award, the agency
2840 or governing authority shall post to the designated web page
2841 maintained by the Department of Finance and Administration, notice
2842 of the award, including the award recipient, the contract amount,
2843 and a brief summary of the contract in accordance with rules
2844 promulgated by the department. Within one (1) working day of the
2845 contract execution, the agency or governing authority shall post
2846 to the designated web page maintained by the Department of Finance
2847 and Administration a summary of the executed contract and make a
2848 copy of the appropriately redacted contract documents available
2849 for linking to the designated web page in accordance with the
2850 rules promulgated by the department. The information provided by
2851 the agency or governing authority shall be posted to the web page



2852 for the duration of the American Recovery and Reinvestment Act
2853 funding or until the project is completed, whichever is longer.

2854 (ii) **Bidding process amendment procedure.** If all
2855 plans and/or specifications are published in the notification,
2856 then the plans and/or specifications may not be amended. If all
2857 plans and/or specifications are not published in the notification,
2858 then amendments to the plans/specifications, bid opening date, bid
2859 opening time and place may be made, provided that the agency or
2860 governing authority maintains a list of all prospective bidders
2861 who are known to have received a copy of the bid documents and all
2862 such prospective bidders are sent copies of all amendments. This
2863 notification of amendments may be made via mail, facsimile,
2864 electronic mail or other generally accepted method of information
2865 distribution. No addendum to bid specifications may be issued
2866 within two (2) working days of the time established for the
2867 receipt of bids unless such addendum also amends the bid opening
2868 to a date not less than five (5) working days after the date of
2869 the addendum.

2870 (iii) **Filing requirement.** In all cases involving
2871 governing authorities, before the notice shall be published or
2872 posted, the plans or specifications for the construction or
2873 equipment being sought shall be filed with the clerk of the board
2874 of the governing authority. In addition to these requirements, a
2875 bid file shall be established which shall indicate those vendors
2876 to whom such solicitations and specifications were issued, and



2877 such file shall also contain such information as is pertinent to
2878 the bid.

2879 (iv) **Specification restrictions.**

2880 1. Specifications pertinent to such bidding
2881 shall be written so as not to exclude comparable equipment of
2882 domestic manufacture. However, if valid justification is
2883 presented, the Department of Finance and Administration or the
2884 board of a governing authority may approve a request for specific
2885 equipment necessary to perform a specific job. Further, such
2886 justification, when placed on the minutes of the board of a
2887 governing authority, may serve as authority for that governing
2888 authority to write specifications to require a specific item of
2889 equipment needed to perform a specific job. In addition to these
2890 requirements, from and after July 1, 1990, vendors of relocatable
2891 classrooms and the specifications for the purchase of such
2892 relocatable classrooms published by local school boards shall meet
2893 all pertinent regulations of the State Board of Education,
2894 including prior approval of such bid by the State Department of
2895 Education.

2896 2. Specifications for construction projects
2897 may include an allowance for commodities, equipment, furniture,
2898 construction materials or systems in which prospective bidders are
2899 instructed to include in their bids specified amounts for such
2900 items so long as the allowance items are acquired by the vendor in
2901 a commercially reasonable manner and approved by the



2902 agency/governing authority. Such acquisitions shall not be made
2903 to circumvent the public purchasing laws.

2904 (v) **Electronic bids.** Agencies and governing
2905 authorities shall provide a secure electronic interactive system
2906 for the submittal of bids requiring competitive bidding that shall
2907 be an additional bidding option for those bidders who choose to
2908 submit their bids electronically. The Department of Finance and
2909 Administration shall provide, by regulation, the standards that
2910 agencies must follow when receiving electronic bids. Agencies and
2911 governing authorities shall make the appropriate provisions
2912 necessary to accept electronic bids from those bidders who choose
2913 to submit their bids electronically for all purchases requiring
2914 competitive bidding under this section. Any special condition or
2915 requirement for the electronic bid submission shall be specified
2916 in the advertisement for bids required by this section. Agencies
2917 or governing authorities that are currently without available high
2918 speed Internet access shall be exempt from the requirement of this
2919 subparagraph (v) until such time that high speed Internet access
2920 becomes available. Any county having a population of less than
2921 twenty thousand (20,000) shall be exempt from the provisions of
2922 this subparagraph (v). Any municipality having a population of
2923 less than ten thousand (10,000) shall be exempt from the
2924 provisions of this subparagraph (v). The provisions of this
2925 subparagraph (v) shall not require any bidder to submit bids
2926 electronically. When construction bids are submitted



2927 electronically, the requirement for including a certificate of
2928 responsibility, or a statement that the bid enclosed does not
2929 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
2930 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
2931 deemed in compliance with by including same as an attachment with
2932 the electronic bid submittal.

2933 (d) **Lowest and best bid decision procedure.**

2934 (i) **Decision procedure.** Purchases may be made
2935 from the lowest and best bidder. In determining the lowest and
2936 best bid, freight and shipping charges shall be included.
2937 Life-cycle costing, total cost bids, warranties, guaranteed
2938 buy-back provisions and other relevant provisions may be included
2939 in the best bid calculation. All best bid procedures for state
2940 agencies must be in compliance with regulations established by the
2941 Department of Finance and Administration. If any governing
2942 authority accepts a bid other than the lowest bid actually
2943 submitted, it shall place on its minutes detailed calculations and
2944 narrative summary showing that the accepted bid was determined to
2945 be the lowest and best bid, including the dollar amount of the
2946 accepted bid and the dollar amount of the lowest bid. No agency
2947 or governing authority shall accept a bid based on items not
2948 included in the specifications.

2949 (ii) **Decision procedure for Certified Purchasing**
2950 **Offices.** In addition to the decision procedure set forth in
2951 subparagraph (i) of this paragraph (d), Certified Purchasing



2952 Offices may also use the following procedure: Purchases may be
2953 made from the bidder offering the best value. In determining the
2954 best value bid, freight and shipping charges shall be included.
2955 Life-cycle costing, total cost bids, warranties, guaranteed
2956 buy-back provisions, documented previous experience, training
2957 costs and other relevant provisions, including, but not limited
2958 to, a bidder having a local office and inventory located within
2959 the jurisdiction of the governing authority, may be included in
2960 the best value calculation. This provision shall authorize
2961 Certified Purchasing Offices to utilize a Request For Proposals
2962 (RFP) process when purchasing commodities. All best value
2963 procedures for state agencies must be in compliance with
2964 regulations established by the Department of Finance and
2965 Administration. No agency or governing authority shall accept a
2966 bid based on items or criteria not included in the specifications.

2967 (iii) **Decision procedure for Mississippi**

2968 **Landmarks.** In addition to the decision procedure set forth in
2969 subparagraph (i) of this paragraph (d), where purchase involves
2970 renovation, restoration, or both, of the State Capitol Building or
2971 any other historical building designated for at least five (5)
2972 years as a Mississippi Landmark by the Board of Trustees of the
2973 Department of Archives and History under the authority of Sections
2974 39-7-7 and 39-7-11, the agency or governing authority may use the
2975 following procedure: Purchases may be made from the lowest and
2976 best prequalified bidder. Prequalification of bidders shall be



2977 determined not less than fifteen (15) working days before the
2978 first published notice of bid opening. Prequalification criteria
2979 shall be limited to bidder's knowledge and experience in
2980 historical restoration, preservation and renovation. In
2981 determining the lowest and best bid, freight and shipping charges
2982 shall be included. Life-cycle costing, total cost bids,
2983 warranties, guaranteed buy-back provisions and other relevant
2984 provisions may be included in the best bid calculation. All best
2985 bid and prequalification procedures for state agencies must be in
2986 compliance with regulations established by the Department of
2987 Finance and Administration. If any governing authority accepts a
2988 bid other than the lowest bid actually submitted, it shall place
2989 on its minutes detailed calculations and narrative summary showing
2990 that the accepted bid was determined to be the lowest and best
2991 bid, including the dollar amount of the accepted bid and the
2992 dollar amount of the lowest bid. No agency or governing authority
2993 shall accept a bid based on items not included in the
2994 specifications.

2995 (iv) **Construction project negotiations authority.**
2996 If the lowest and best bid is not more than ten percent (10%)
2997 above the amount of funds allocated for a public construction or
2998 renovation project, then the agency or governing authority shall
2999 be permitted to negotiate with the lowest bidder in order to enter
3000 into a contract for an amount not to exceed the funds allocated.



3001 (e) **Lease-purchase authorization.** For the purposes of
3002 this section, the term "equipment" shall mean equipment, furniture
3003 and, if applicable, associated software and other applicable
3004 direct costs associated with the acquisition. Any lease-purchase
3005 of equipment which an agency is not required to lease-purchase
3006 under the master lease-purchase program pursuant to Section
3007 31-7-10 and any lease-purchase of equipment which a governing
3008 authority elects to lease-purchase may be acquired by a
3009 lease-purchase agreement under this paragraph (e). Lease-purchase
3010 financing may also be obtained from the vendor or from a
3011 third-party source after having solicited and obtained at least
3012 two (2) written competitive bids, as defined in paragraph (b) of
3013 this section, for such financing without advertising for such
3014 bids. Solicitation for the bids for financing may occur before or
3015 after acceptance of bids for the purchase of such equipment or,
3016 where no such bids for purchase are required, at any time before
3017 the purchase thereof. No such lease-purchase agreement shall be
3018 for an annual rate of interest which is greater than the overall
3019 maximum interest rate to maturity on general obligation
3020 indebtedness permitted under Section 75-17-101, and the term of
3021 such lease-purchase agreement shall not exceed the useful life of
3022 equipment covered thereby as determined according to the upper
3023 limit of the asset depreciation range (ADR) guidelines for the
3024 Class Life Asset Depreciation Range System established by the
3025 Internal Revenue Service pursuant to the United States Internal



3026 Revenue Code and regulations thereunder as in effect on December
3027 31, 1980, or comparable depreciation guidelines with respect to
3028 any equipment not covered by ADR guidelines. Any lease-purchase
3029 agreement entered into pursuant to this paragraph (e) may contain
3030 any of the terms and conditions which a master lease-purchase
3031 agreement may contain under the provisions of Section 31-7-10(5),
3032 and shall contain an annual allocation dependency clause
3033 substantially similar to that set forth in Section 31-7-10(8).
3034 Each agency or governing authority entering into a lease-purchase
3035 transaction pursuant to this paragraph (e) shall maintain with
3036 respect to each such lease-purchase transaction the same
3037 information as required to be maintained by the Department of
3038 Finance and Administration pursuant to Section 31-7-10(13).
3039 However, nothing contained in this section shall be construed to
3040 permit agencies to acquire items of equipment with a total
3041 acquisition cost in the aggregate of less than Ten Thousand
3042 Dollars (\$10,000.00) by a single lease-purchase transaction. All
3043 equipment, and the purchase thereof by any lessor, acquired by
3044 lease-purchase under this paragraph and all lease-purchase
3045 payments with respect thereto shall be exempt from all Mississippi
3046 sales, use and ad valorem taxes. Interest paid on any
3047 lease-purchase agreement under this section shall be exempt from
3048 State of Mississippi income taxation.

3049 (f) **Alternate bid authorization.** When necessary to
3050 ensure ready availability of commodities for public works and the



3051 timely completion of public projects, no more than two (2)
3052 alternate bids may be accepted by a governing authority for
3053 commodities. No purchases may be made through use of such
3054 alternate bids procedure unless the lowest and best bidder cannot
3055 deliver the commodities contained in his bid. In that event,
3056 purchases of such commodities may be made from one (1) of the
3057 bidders whose bid was accepted as an alternate.

3058 (g) **Construction contract change authorization.** In the
3059 event a determination is made by an agency or governing authority
3060 after a construction contract is let that changes or modifications
3061 to the original contract are necessary or would better serve the
3062 purpose of the agency or the governing authority, such agency or
3063 governing authority may, in its discretion, order such changes
3064 pertaining to the construction that are necessary under the
3065 circumstances without the necessity of further public bids;
3066 provided that such change shall be made in a commercially
3067 reasonable manner and shall not be made to circumvent the public
3068 purchasing statutes. In addition to any other authorized person,
3069 the architect or engineer hired by an agency or governing
3070 authority with respect to any public construction contract shall
3071 have the authority, when granted by an agency or governing
3072 authority, to authorize changes or modifications to the original
3073 contract without the necessity of prior approval of the agency or
3074 governing authority when any such change or modification is less
3075 than one percent (1%) of the total contract amount. The agency or



3076 governing authority may limit the number, manner or frequency of
3077 such emergency changes or modifications.

3078 (h) **Petroleum purchase alternative.** In addition to
3079 other methods of purchasing authorized in this chapter, when any
3080 agency or governing authority shall have a need for gas, diesel
3081 fuel, oils and/or other petroleum products in excess of the amount
3082 set forth in paragraph (a) of this section, such agency or
3083 governing authority may purchase the commodity after having
3084 solicited and obtained at least two (2) competitive written bids,
3085 as defined in paragraph (b) of this section. If two (2)
3086 competitive written bids are not obtained, the entity shall comply
3087 with the procedures set forth in paragraph (c) of this section.
3088 In the event any agency or governing authority shall have
3089 advertised for bids for the purchase of gas, diesel fuel, oils and
3090 other petroleum products and coal and no acceptable bids can be
3091 obtained, such agency or governing authority is authorized and
3092 directed to enter into any negotiations necessary to secure the
3093 lowest and best contract available for the purchase of such
3094 commodities.

3095 (i) **Road construction petroleum products price**
3096 **adjustment clause authorization.** Any agency or governing
3097 authority authorized to enter into contracts for the construction,
3098 maintenance, surfacing or repair of highways, roads or streets,
3099 may include in its bid proposal and contract documents a price
3100 adjustment clause with relation to the cost to the contractor,



3101 including taxes, based upon an industry-wide cost index, of
3102 petroleum products including asphalt used in the performance or
3103 execution of the contract or in the production or manufacture of
3104 materials for use in such performance. Such industry-wide index
3105 shall be established and published monthly by the Mississippi
3106 Department of Transportation with a copy thereof to be mailed,
3107 upon request, to the clerks of the governing authority of each
3108 municipality and the clerks of each board of supervisors
3109 throughout the state. The price adjustment clause shall be based
3110 on the cost of such petroleum products only and shall not include
3111 any additional profit or overhead as part of the adjustment. The
3112 bid proposals or document contract shall contain the basis and
3113 methods of adjusting unit prices for the change in the cost of
3114 such petroleum products.

3115 (j) **State agency emergency purchase procedure.** If the
3116 governing board or the executive head, or his designees, of any
3117 agency of the state shall determine that an emergency exists in
3118 regard to the purchase of any commodities or repair contracts, so
3119 that the delay incident to giving opportunity for competitive
3120 bidding would be detrimental to the interests of the state, then
3121 the head of such agency, or his designees, shall file with the
3122 Department of Finance and Administration (i) a statement
3123 explaining the conditions and circumstances of the emergency,
3124 which shall include a detailed description of the events leading
3125 up to the situation and the negative impact to the entity if the



3126 purchase is made following the statutory requirements set forth in
3127 paragraph (a), (b) or (c) of this section, and (ii) a certified
3128 copy of the appropriate minutes of the board of such agency
3129 requesting the emergency purchase, if applicable. Upon receipt of
3130 the statement and applicable board certification, the State Fiscal
3131 Officer, or his designees, may, in writing, authorize the purchase
3132 or repair without having to comply with competitive bidding
3133 requirements.

3134 If the governing board or the executive head, or his
3135 designees, of any agency determines that an emergency exists in
3136 regard to the purchase of any commodities or repair contracts, so
3137 that the delay incident to giving opportunity for competitive
3138 bidding would threaten the health or safety of any person, or the
3139 preservation or protection of property, then the provisions in
3140 this section for competitive bidding shall not apply, and any
3141 officer or agent of the agency having general or specific
3142 authority for making the purchase or repair contract shall approve
3143 the bill presented for payment, and he shall certify in writing
3144 from whom the purchase was made, or with whom the repair contract
3145 was made.

3146 Total purchases made under this paragraph (j) shall only be
3147 for the purpose of meeting needs created by the emergency
3148 situation. Following the emergency purchase, documentation of the
3149 purchase, including a description of the commodity purchased, the
3150 purchase price thereof and the nature of the emergency shall be



3151 filed with the Department of Finance and Administration. Any
3152 contract awarded pursuant to this paragraph (j) shall not exceed a
3153 term of one (1) year.

3154 Purchases under the grant program established under Section
3155 37-68-7 in response to COVID-19 and the directive that school
3156 districts create a distance learning plan and fulfill technology
3157 needs expeditiously shall be deemed an emergency purchase for
3158 purposes of this paragraph (j).

3159 (k) **Governing authority emergency purchase procedure.**

3160 If the governing authority, or the governing authority acting
3161 through its designee, shall determine that an emergency exists in
3162 regard to the purchase of any commodities or repair contracts, so
3163 that the delay incident to giving opportunity for competitive
3164 bidding would be detrimental to the interest of the governing
3165 authority, then the provisions herein for competitive bidding
3166 shall not apply and any officer or agent of such governing
3167 authority having general or special authority therefor in making
3168 such purchase or repair shall approve the bill presented therefor,
3169 and he shall certify in writing thereon from whom such purchase
3170 was made, or with whom such a repair contract was made. At the
3171 board meeting next following the emergency purchase or repair
3172 contract, documentation of the purchase or repair contract,
3173 including a description of the commodity purchased, the price
3174 thereof and the nature of the emergency shall be presented to the
3175 board and shall be placed on the minutes of the board of such



3176 governing authority. Purchases under the grant program
3177 established under Section 37-68-7 in response to COVID-19 and the
3178 directive that school districts create a distance learning plan
3179 and fulfill technology needs expeditiously shall be deemed an
3180 emergency purchase for purposes of this paragraph (k).

3181 (1) **Hospital purchase, lease-purchase and lease**
3182 **authorization.**

3183 (i) The commissioners or board of trustees of any
3184 public hospital may contract with such lowest and best bidder for
3185 the purchase or lease-purchase of any commodity under a contract
3186 of purchase or lease-purchase agreement whose obligatory payment
3187 terms do not exceed five (5) years.

3188 (ii) In addition to the authority granted in
3189 subparagraph (i) of this paragraph (1), the commissioners or board
3190 of trustees is authorized to enter into contracts for the lease of
3191 equipment or services, or both, which it considers necessary for
3192 the proper care of patients if, in its opinion, it is not
3193 financially feasible to purchase the necessary equipment or
3194 services. Any such contract for the lease of equipment or
3195 services executed by the commissioners or board shall not exceed a
3196 maximum of five (5) years' duration and shall include a
3197 cancellation clause based on unavailability of funds. If such
3198 cancellation clause is exercised, there shall be no further
3199 liability on the part of the lessee. Any such contract for the
3200 lease of equipment or services executed on behalf of the



3201 commissioners or board that complies with the provisions of this
3202 subparagraph (ii) shall be excepted from the bid requirements set
3203 forth in this section.

3204 (m) **Exceptions from bidding requirements.** Excepted
3205 from bid requirements are:

3206 (i) **Purchasing agreements approved by department.**
3207 Purchasing agreements, contracts and maximum price regulations
3208 executed or approved by the Department of Finance and
3209 Administration.

3210 (ii) **Outside equipment repairs.** Repairs to
3211 equipment, when such repairs are made by repair facilities in the
3212 private sector; however, engines, transmissions, rear axles and/or
3213 other such components shall not be included in this exemption when
3214 replaced as a complete unit instead of being repaired and the need
3215 for such total component replacement is known before disassembly
3216 of the component; however, invoices identifying the equipment,
3217 specific repairs made, parts identified by number and name,
3218 supplies used in such repairs, and the number of hours of labor
3219 and costs therefor shall be required for the payment for such
3220 repairs.

3221 (iii) **In-house equipment repairs.** Purchases of
3222 parts for repairs to equipment, when such repairs are made by
3223 personnel of the agency or governing authority; however, entire
3224 assemblies, such as engines or transmissions, shall not be



3225 included in this exemption when the entire assembly is being
3226 replaced instead of being repaired.

3227 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
3228 of gravel or fill dirt which are to be removed and transported by
3229 the purchaser.

3230 (v) **Governmental equipment auctions.** Motor
3231 vehicles or other equipment purchased from a federal agency or
3232 authority, another governing authority or state agency of the
3233 State of Mississippi, or any governing authority or state agency
3234 of another state at a public auction held for the purpose of
3235 disposing of such vehicles or other equipment. Any purchase by a
3236 governing authority under the exemption authorized by this
3237 subparagraph (v) shall require advance authorization spread upon
3238 the minutes of the governing authority to include the listing of
3239 the item or items authorized to be purchased and the maximum bid
3240 authorized to be paid for each item or items.

3241 (vi) **Intergovernmental sales and transfers.**
3242 Purchases, sales, transfers or trades by governing authorities or
3243 state agencies when such purchases, sales, transfers or trades are
3244 made by a private treaty agreement or through means of
3245 negotiation, from any federal agency or authority, another
3246 governing authority or state agency of the State of Mississippi,
3247 or any state agency or governing authority of another state.
3248 Nothing in this section shall permit such purchases through public
3249 auction except as provided for in subparagraph (v) of this



3250 paragraph (m). It is the intent of this section to allow
3251 governmental entities to dispose of and/or purchase commodities
3252 from other governmental entities at a price that is agreed to by
3253 both parties. This shall allow for purchases and/or sales at
3254 prices which may be determined to be below the market value if the
3255 selling entity determines that the sale at below market value is
3256 in the best interest of the taxpayers of the state. Governing
3257 authorities shall place the terms of the agreement and any
3258 justification on the minutes, and state agencies shall obtain
3259 approval from the Department of Finance and Administration, prior
3260 to releasing or taking possession of the commodities.

3261 (vii) **Perishable supplies or food.** Perishable
3262 supplies or food purchased for use in connection with hospitals,
3263 the school lunch programs, homemaking programs and for the feeding
3264 of county or municipal prisoners.

3265 (viii) **Single-source items.** Noncompetitive items
3266 available from one (1) source only. In connection with the
3267 purchase of noncompetitive items only available from one (1)
3268 source, a certification of the conditions and circumstances
3269 requiring the purchase shall be filed by the agency with the
3270 Department of Finance and Administration and by the governing
3271 authority with the board of the governing authority. Upon receipt
3272 of that certification the Department of Finance and Administration
3273 or the board of the governing authority, as the case may be, may,
3274 in writing, authorize the purchase, which authority shall be noted



3275 on the minutes of the body at the next regular meeting thereafter.
3276 In those situations, a governing authority is not required to
3277 obtain the approval of the Department of Finance and
3278 Administration. Following the purchase, the executive head of the
3279 state agency, or his designees, shall file with the Department of
3280 Finance and Administration, documentation of the purchase,
3281 including a description of the commodity purchased, the purchase
3282 price thereof and the source from whom it was purchased.

3283 (ix) **Waste disposal facility construction**
3284 **contracts.** Construction of incinerators and other facilities for
3285 disposal of solid wastes in which products either generated
3286 therein, such as steam, or recovered therefrom, such as materials
3287 for recycling, are to be sold or otherwise disposed of; however,
3288 in constructing such facilities, a governing authority or agency
3289 shall publicly issue requests for proposals, advertised for in the
3290 same manner as provided herein for seeking bids for public
3291 construction projects, concerning the design, construction,
3292 ownership, operation and/or maintenance of such facilities,
3293 wherein such requests for proposals when issued shall contain
3294 terms and conditions relating to price, financial responsibility,
3295 technology, environmental compatibility, legal responsibilities
3296 and such other matters as are determined by the governing
3297 authority or agency to be appropriate for inclusion; and after
3298 responses to the request for proposals have been duly received,
3299 the governing authority or agency may select the most qualified



3300 proposal or proposals on the basis of price, technology and other
3301 relevant factors and from such proposals, but not limited to the
3302 terms thereof, negotiate and enter contracts with one or more of
3303 the persons or firms submitting proposals.

3304 (x) **Hospital group purchase contracts.** Supplies,
3305 commodities and equipment purchased by hospitals through group
3306 purchase programs pursuant to Section 31-7-38.

3307 (xi) **Information technology products.** Purchases
3308 of information technology products made by governing authorities
3309 under the provisions of purchase schedules, or contracts executed
3310 or approved by the Mississippi Department of Information
3311 Technology Services and designated for use by governing
3312 authorities.

3313 (xii) **Energy efficiency services and equipment.**
3314 Energy efficiency services and equipment acquired by school
3315 districts, community and junior colleges, institutions of higher
3316 learning and state agencies or other applicable governmental
3317 entities on a shared-savings, lease or lease-purchase basis
3318 pursuant to Section 31-7-14.

3319 (xiii) **Municipal electrical utility system fuel.**
3320 Purchases of coal and/or natural gas by municipally owned electric
3321 power generating systems that have the capacity to use both coal
3322 and natural gas for the generation of electric power.

3323 (xiv) **Library books and other reference materials.**
3324 Purchases by libraries or for libraries of books and periodicals;



3325 processed film, videocassette tapes, filmstrips and slides;
3326 recorded audiotapes, cassettes and diskettes; and any such items
3327 as would be used for teaching, research or other information
3328 distribution; however, equipment such as projectors, recorders,
3329 audio or video equipment, and monitor televisions are not exempt
3330 under this subparagraph.

3331 (xv) **Unmarked vehicles.** Purchases of unmarked
3332 vehicles when such purchases are made in accordance with
3333 purchasing regulations adopted by the Department of Finance and
3334 Administration pursuant to Section 31-7-9(2).

3335 (xvi) **Election ballots.** Purchases of ballots
3336 printed pursuant to Section 23-15-351.

3337 (xvii) **Multichannel interactive video systems.**
3338 From and after July 1, 1990, contracts by Mississippi Authority
3339 for Educational Television with any private educational
3340 institution or private nonprofit organization whose purposes are
3341 educational in regard to the construction, purchase, lease or
3342 lease-purchase of facilities and equipment and the employment of
3343 personnel for providing multichannel interactive video systems
3344 (ITSF) in the school districts of this state.

3345 (xviii) **Purchases of prison industry products by**
3346 **the Department of Corrections, regional correctional facilities or**
3347 **privately owned prisons.** Purchases made by the Mississippi
3348 Department of Corrections, regional correctional facilities or



3349 privately owned prisons involving any item that is manufactured,
3350 processed, grown or produced from the state's prison industries.

3351 (xix) **Undercover operations equipment.** Purchases
3352 of surveillance equipment or any other high-tech equipment to be
3353 used by law enforcement agents in undercover operations, provided
3354 that any such purchase shall be in compliance with regulations
3355 established by the Department of Finance and Administration.

3356 (xx) **Junior college books for rent.** Purchases by
3357 community or junior colleges of textbooks which are obtained for
3358 the purpose of renting such books to students as part of a book
3359 service system.

3360 (xxi) **Certain school district purchases.**
3361 Purchases of commodities made by school districts from vendors
3362 with which any levying authority of the school district, as
3363 defined in Section 37-57-1, has contracted through competitive
3364 bidding procedures for purchases of the same commodities.

3365 (xxii) **Garbage, solid waste and sewage contracts.**
3366 Contracts for garbage collection or disposal, contracts for solid
3367 waste collection or disposal and contracts for sewage collection
3368 or disposal.

3369 (xxiii) **Municipal water tank maintenance**
3370 **contracts.** Professional maintenance program contracts for the
3371 repair or maintenance of municipal water tanks, which provide
3372 professional services needed to maintain municipal water storage



3373 tanks for a fixed annual fee for a duration of two (2) or more
3374 years.

3375 (xxiv) **Purchases of Mississippi Industries for the**
3376 **Blind products or services.** Purchases made by state agencies or
3377 governing authorities involving any item that is manufactured,
3378 processed or produced by, or any services provided by, the
3379 Mississippi Industries for the Blind.

3380 (xxv) **Purchases of state-adopted textbooks.**
3381 Purchases of state-adopted textbooks by public school districts.

3382 (xxvi) **Certain purchases under the Mississippi**
3383 **Major Economic Impact Act.** Contracts entered into pursuant to the
3384 provisions of Section 57-75-9(2), (3) and (4).

3385 (xxvii) **Used heavy or specialized machinery or**
3386 **equipment for installation of soil and water conservation**
3387 **practices purchased at auction.** Used heavy or specialized
3388 machinery or equipment used for the installation and
3389 implementation of soil and water conservation practices or
3390 measures purchased subject to the restrictions provided in
3391 Sections 69-27-331 through 69-27-341. Any purchase by the State
3392 Soil and Water Conservation Commission under the exemption
3393 authorized by this subparagraph shall require advance
3394 authorization spread upon the minutes of the commission to include
3395 the listing of the item or items authorized to be purchased and
3396 the maximum bid authorized to be paid for each item or items.



3397 (xxviii) **Hospital lease of equipment or services.**
3398 Leases by hospitals of equipment or services if the leases are in
3399 compliance with paragraph (1)(ii).

3400 (xxix) **Purchases made pursuant to qualified**
3401 **cooperative purchasing agreements.** Purchases made by certified
3402 purchasing offices of state agencies or governing authorities
3403 under cooperative purchasing agreements previously approved by the
3404 Office of Purchasing and Travel and established by or for any
3405 municipality, county, parish or state government or the federal
3406 government, provided that the notification to potential
3407 contractors includes a clause that sets forth the availability of
3408 the cooperative purchasing agreement to other governmental
3409 entities. Such purchases shall only be made if the use of the
3410 cooperative purchasing agreements is determined to be in the best
3411 interest of the governmental entity.

3412 (xxx) **School yearbooks.** Purchases of school
3413 yearbooks by state agencies or governing authorities; however,
3414 state agencies and governing authorities shall use for these
3415 purchases the RFP process as set forth in the Mississippi
3416 Procurement Manual adopted by the Office of Purchasing and Travel.

3417 (xxxii) **Design-build method of contracting and**
3418 **certain other contracts.** Contracts entered into under the
3419 provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.



3420 (xxxiii) **Toll roads and bridge construction**
3421 **projects.** Contracts entered into under the provisions of Section
3422 65-43-1 or 65-43-3.

3423 (xxxiii) **Certain purchases under Section 57-1-221.**
3424 Contracts entered into pursuant to the provisions of Section
3425 57-1-221.

3426 (xxxiv) **Certain transfers made pursuant to the**
3427 **provisions of Section 57-105-1(7).** Transfers of public property
3428 or facilities under Section 57-105-1(7) and construction related
3429 to such public property or facilities.

3430 (xxxv) **Certain purchases or transfers entered into**
3431 **with local electrical power associations.** Contracts or agreements
3432 entered into under the provisions of Section 55-3-33.

3433 (xxxvi) **Certain purchases by an academic medical**
3434 **center or health sciences school.** Purchases by an academic
3435 medical center or health sciences school, as defined in Section
3436 37-115-50, of commodities that are used for clinical purposes and
3437 1. intended for use in the diagnosis of disease or other
3438 conditions or in the cure, mitigation, treatment or prevention of
3439 disease, and 2. medical devices, biological, drugs and
3440 radiation-emitting devices as defined by the United States Food
3441 and Drug Administration.

3442 (xxxvii) **Certain purchases made under the Alyce G.**
3443 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi



3444 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi
3445 Lottery Law.

3446 (xxxviii) **Certain purchases made by the Department**
3447 **of Health and the Department of Revenue.** Purchases made by the
3448 Department of Health and the Department of Revenue * * * for the
3449 purpose of fulfilling their respective responsibilities under the
3450 Mississippi Medical Cannabis Act, and any provision in Sections 1
3451 through 23 of this act that are applicable to the departments
3452 individually or jointly. This subparagraph shall stand repealed
3453 on June 30, 2026.

3454 (xxxvix) **Purchases made by state agencies related**
3455 **to museum exhibits.** Purchases made by an agency related to the
3456 fabrication, construction, installation or refurbishing of museum
3457 exhibits. An agency making a purchase under this exemption in
3458 excess of the bid threshold set forth in 31-7-13(c) shall publicly
3459 advertise a Request for Qualifications or Request for Proposals in
3460 which price as an evaluation factor is at least twenty percent
3461 (20%) out of the one hundred percent (100%) total weight, but
3462 shall be otherwise exempt. Any contract arising from a purchase
3463 using this exemption must be approved by the Public Procurement
3464 Review Board prior to execution by the agency. The agency shall
3465 submit a written report on December 1 of each year to the Chairs
3466 of the Senate and House Appropriations Committees, the Chairs of
3467 the Senate and House Accountability, Efficiency and Transparency
3468 Committees and the Chair of the Public Procurement Review Board,



3469 identifying all purchases made by the agency using this exemption
3470 in which the cost of the option selected by the agency was more
3471 than twenty-five percent (25%) higher than the lowest cost option
3472 available.

3473 (xxxx) **Certain transfers made pursuant to the**
3474 **provisions of Section 1(7) of this act.** Transfers of public
3475 property or facilities under Section 1(7) of this act and
3476 construction related to such public property or facilities.

3477 (n) **Term contract authorization.** All contracts for the
3478 purchase of:

3479 (i) All contracts for the purchase of commodities,
3480 equipment and public construction (including, but not limited to,
3481 repair and maintenance), may be let for periods of not more than
3482 sixty (60) months in advance, subject to applicable statutory
3483 provisions prohibiting the letting of contracts during specified
3484 periods near the end of terms of office. Term contracts for a
3485 period exceeding twenty-four (24) months shall also be subject to
3486 ratification or cancellation by governing authority boards taking
3487 office subsequent to the governing authority board entering the
3488 contract.

3489 (ii) Bid proposals and contracts may include price
3490 adjustment clauses with relation to the cost to the contractor
3491 based upon a nationally published industry-wide or nationally
3492 published and recognized cost index. The cost index used in a
3493 price adjustment clause shall be determined by the Department of



3494 Finance and Administration for the state agencies and by the
3495 governing board for governing authorities. The bid proposal and
3496 contract documents utilizing a price adjustment clause shall
3497 contain the basis and method of adjusting unit prices for the
3498 change in the cost of such commodities, equipment and public
3499 construction.

3500 (o) **Purchase law violation prohibition and vendor**
3501 **penalty.** No contract or purchase as herein authorized shall be
3502 made for the purpose of circumventing the provisions of this
3503 section requiring competitive bids, nor shall it be lawful for any
3504 person or concern to submit individual invoices for amounts within
3505 those authorized for a contract or purchase where the actual value
3506 of the contract or commodity purchased exceeds the authorized
3507 amount and the invoices therefor are split so as to appear to be
3508 authorized as purchases for which competitive bids are not
3509 required. Submission of such invoices shall constitute a
3510 misdemeanor punishable by a fine of not less than Five Hundred
3511 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
3512 or by imprisonment for thirty (30) days in the county jail, or
3513 both such fine and imprisonment. In addition, the claim or claims
3514 submitted shall be forfeited.

3515 (p) **Electrical utility petroleum-based equipment**
3516 **purchase procedure.** When in response to a proper advertisement
3517 therefor, no bid firm as to price is submitted to an electric
3518 utility for power transformers, distribution transformers, power



3519 breakers, reclosers or other articles containing a petroleum
3520 product, the electric utility may accept the lowest and best bid
3521 therefor although the price is not firm.

3522 (q) **Fuel management system bidding procedure.** Any
3523 governing authority or agency of the state shall, before
3524 contracting for the services and products of a fuel management or
3525 fuel access system, enter into negotiations with not fewer than
3526 two (2) sellers of fuel management or fuel access systems for
3527 competitive written bids to provide the services and products for
3528 the systems. In the event that the governing authority or agency
3529 cannot locate two (2) sellers of such systems or cannot obtain
3530 bids from two (2) sellers of such systems, it shall show proof
3531 that it made a diligent, good-faith effort to locate and negotiate
3532 with two (2) sellers of such systems. Such proof shall include,
3533 but not be limited to, publications of a request for proposals and
3534 letters soliciting negotiations and bids. For purposes of this
3535 paragraph (q), a fuel management or fuel access system is an
3536 automated system of acquiring fuel for vehicles as well as
3537 management reports detailing fuel use by vehicles and drivers, and
3538 the term "competitive written bid" shall have the meaning as
3539 defined in paragraph (b) of this section. Governing authorities
3540 and agencies shall be exempt from this process when contracting
3541 for the services and products of fuel management or fuel access
3542 systems under the terms of a state contract established by the
3543 Office of Purchasing and Travel.



3544 (r) **Solid waste contract proposal procedure.** Before
3545 entering into any contract for garbage collection or disposal,
3546 contract for solid waste collection or disposal or contract for
3547 sewage collection or disposal, which involves an expenditure of
3548 more than Seventy-five Thousand Dollars (\$75,000.00), a governing
3549 authority or agency shall issue publicly a request for proposals
3550 concerning the specifications for such services which shall be
3551 advertised for in the same manner as provided in this section for
3552 seeking bids for purchases which involve an expenditure of more
3553 than the amount provided in paragraph (c) of this section. Any
3554 request for proposals when issued shall contain terms and
3555 conditions relating to price, financial responsibility,
3556 technology, legal responsibilities and other relevant factors as
3557 are determined by the governing authority or agency to be
3558 appropriate for inclusion; all factors determined relevant by the
3559 governing authority or agency or required by this paragraph (r)
3560 shall be duly included in the advertisement to elicit proposals.
3561 After responses to the request for proposals have been duly
3562 received, the governing authority or agency shall select the most
3563 qualified proposal or proposals on the basis of price, technology
3564 and other relevant factors and from such proposals, but not
3565 limited to the terms thereof, negotiate and enter into contracts
3566 with one or more of the persons or firms submitting proposals. If
3567 the governing authority or agency deems none of the proposals to
3568 be qualified or otherwise acceptable, the request for proposals



3569 process may be reinitiated. Notwithstanding any other provisions
3570 of this paragraph, where a county with at least thirty-five
3571 thousand (35,000) nor more than forty thousand (40,000)
3572 population, according to the 1990 federal decennial census, owns
3573 or operates a solid waste landfill, the governing authorities of
3574 any other county or municipality may contract with the governing
3575 authorities of the county owning or operating the landfill,
3576 pursuant to a resolution duly adopted and spread upon the minutes
3577 of each governing authority involved, for garbage or solid waste
3578 collection or disposal services through contract negotiations.

3579 (s) **Minority set-aside authorization.** Notwithstanding
3580 any provision of this section to the contrary, any agency or
3581 governing authority, by order placed on its minutes, may, in its
3582 discretion, set aside not more than twenty percent (20%) of its
3583 anticipated annual expenditures for the purchase of commodities
3584 from minority businesses; however, all such set-aside purchases
3585 shall comply with all purchasing regulations promulgated by the
3586 Department of Finance and Administration and shall be subject to
3587 bid requirements under this section. Set-aside purchases for
3588 which competitive bids are required shall be made from the lowest
3589 and best minority business bidder. For the purposes of this
3590 paragraph, the term "minority business" means a business which is
3591 owned by a majority of persons who are United States citizens or
3592 permanent resident aliens (as defined by the Immigration and
3593 Naturalization Service) of the United States, and who are Asian,



3594 Black, Hispanic or Native American, according to the following
3595 definitions:

3596 (i) "Asian" means persons having origins in any of
3597 the original people of the Far East, Southeast Asia, the Indian
3598 subcontinent, or the Pacific Islands.

3599 (ii) "Black" means persons having origins in any
3600 black racial group of Africa.

3601 (iii) "Hispanic" means persons of Spanish or
3602 Portuguese culture with origins in Mexico, South or Central
3603 America, or the Caribbean Islands, regardless of race.

3604 (iv) "Native American" means persons having
3605 origins in any of the original people of North America, including
3606 American Indians, Eskimos and Aleuts.

3607 (t) **Construction punch list restriction.** The
3608 architect, engineer or other representative designated by the
3609 agency or governing authority that is contracting for public
3610 construction or renovation may prepare and submit to the
3611 contractor only one (1) preliminary punch list of items that do
3612 not meet the contract requirements at the time of substantial
3613 completion and one (1) final list immediately before final
3614 completion and final payment.

3615 (u) **Procurement of construction services by state**
3616 **institutions of higher learning.** Contracts for privately financed
3617 construction of auxiliary facilities on the campus of a state
3618 institution of higher learning may be awarded by the Board of



3619 Trustees of State Institutions of Higher Learning to the lowest
3620 and best bidder, where sealed bids are solicited, or to the
3621 offeror whose proposal is determined to represent the best value
3622 to the citizens of the State of Mississippi, where requests for
3623 proposals are solicited.

3624 (v) **Insurability of bidders for public construction or**
3625 **other public contracts.** In any solicitation for bids to perform
3626 public construction or other public contracts to which this
3627 section applies, including, but not limited to, contracts for
3628 repair and maintenance, for which the contract will require
3629 insurance coverage in an amount of not less than One Million
3630 Dollars (\$1,000,000.00), bidders shall be permitted to either
3631 submit proof of current insurance coverage in the specified amount
3632 or demonstrate ability to obtain the required coverage amount of
3633 insurance if the contract is awarded to the bidder. Proof of
3634 insurance coverage shall be submitted within five (5) business
3635 days from bid acceptance.

3636 (w) **Purchase authorization clarification.** Nothing in
3637 this section shall be construed as authorizing any purchase not
3638 authorized by law.

3639 (x) **Mississippi Regional Pre-Need Disaster Clean Up**
3640 **Act.** (i) * * * The Department of Finance and Administration
3641 shall develop and implement a process that creates a preferred
3642 vendor list for both disaster debris removal and monitoring.



3643 (ii) Any board of supervisors of any county or any
3644 governing authority of any municipality may opt in to the benefits
3645 and services provided under the appropriate and relevant contract
3646 established in subparagraph (i) of this paragraph at the time of a
3647 disaster event in that county or municipality. At the time of opt
3648 in, the county or municipality shall assume responsibility for
3649 payment in full to the contractor for the disaster-related solid
3650 waste collection, disposal or monitoring services provided.
3651 Nothing in this subparagraph (ii) shall be construed as requiring
3652 a county or municipality to opt in to any such contract
3653 established in subparagraph (i) of this paragraph.

3654 **SECTION 26.** (1) It shall be unlawful for any person to have
3655 or possess, with the intent to sell, intoxicating hemp intended
3656 for use in violating the provisions of this chapter, or
3657 regulations prescribed under this chapter. No property rights
3658 shall exist in any such products. All such property shall be
3659 considered contraband and shall be seized and forfeited to the
3660 State of Mississippi.

3661 (2) An individual or entity that is not authorized to sell
3662 intoxicating hemp products in accordance with the provisions of
3663 this act that advertises the sale of intoxicating hemp products or
3664 offers to consumers products that are packaged and labeled as
3665 intoxicating hemp products shall be presumed to be violating the
3666 provisions of this act and such products shall be subject to
3667 seizure and forfeiture.



3668 (3) The following are subject to forfeiture:

3669 (a) All intoxicating hemp products, as defined in
3670 69-25-203, which have been distributed, dispensed or acquired in
3671 violation of this chapter;

3672 (b) All property which is used, or intended for use, as
3673 a container for property described in items (a) of this
3674 subsection;

3675 (c) All money, deadly weapons, books, records and
3676 research products and materials, including formulas, microfilm,
3677 tapes and data which are used, or intended for use, in violation
3678 of this chapter.

3679 (4) Property subject to forfeiture may be seized by the
3680 Department of Health, Department of Revenue, and Department of
3681 Agriculture and its agents, and duly sworn law enforcement
3682 officers acting within their jurisdiction upon process issued by
3683 any appropriate court having jurisdiction over the property.
3684 Seizure without process may be made if:

3685 (a) The seizure is incident to an arrest or a search
3686 under a search warrant or an investigation under Section
3687 41-137-45;

3688 (b) The property subject to seizure has been the
3689 subject of a prior judgment in favor of the state in a criminal
3690 injunction or forfeiture proceeding based upon this chapter; or

3691 (c) The Department of Health, Department of Revenue,
3692 and Department of Agriculture and Commerce, as applicable, and



3693 other law enforcement personnel described in this subsection have
3694 probable cause to believe that the property was used or is
3695 intended to be used in violation of this chapter.

3696 (5) Intoxicating hemp products, seized or detained under the
3697 authority of this chapter, are deemed to be in the custody of the
3698 agent or agency so seizing the property and subject only to the
3699 orders and decrees of the court having jurisdiction over the
3700 property. When such property is seized, it may be retained as
3701 evidence until final disposition of the cause in which such
3702 property is involved.

3703 (6) Any intoxicating hemp seized under the authority of this
3704 chapter, shall be destroyed, adulterated and disposed of or
3705 otherwise rendered harmless and disposed of, upon written
3706 authorization of the Commissioner of Agriculture, Commissioner of
3707 the Mississippi Department of Revenue, or the State Health Officer
3708 of the Mississippi Department of Health, as applicable, after such
3709 intoxicating hemp product has served its usefulness as evidence or
3710 after such product is no longer useful for training or
3711 demonstration purposes. No intoxicating hemp product shall be
3712 disposed of, destroyed or rendered harmless under the authority of
3713 this section without an order from the director, Commissioner of
3714 the Mississippi Department of Revenue or the State Health Officer
3715 of the Mississippi Department of Health, as applicable, and
3716 without at least two (2) officers or agents of the bureau present
3717 as witnesses.



3718 (7) A record of the disposition of such intoxicating hemp
3719 products and the method of destruction or adulteration employed
3720 along with the names of witnesses to such destruction or
3721 adulteration shall be retained by the applicable department.

3722 (8) Any person under the age of twenty-one (21) years who
3723 purchases, receives, or has in his or her possession in any public
3724 place, any intoxicating hemp product(s), shall be guilty of a
3725 misdemeanor and shall be punished by a fine of not less than Two
3726 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars
3727 (\$500.00). If a person under the age of twenty-one (21) years is
3728 convicted or enters a plea of guilty of purchasing, receiving or
3729 having in his or her possession in any public place any
3730 intoxicating hemp product(s) in violation of this subsection, the
3731 trial judge, in lieu of the penalties otherwise provided under
3732 this subsection, shall suspend the minor's driver's license by
3733 taking and keeping it in the custody of the court for a period of
3734 time not to exceed ninety (90) days. The judge so ordering the
3735 suspension shall enter upon his docket "DEFENDANT'S DRIVER'S
3736 LICENSE SUSPENDED FOR ___ DAYS IN LIEU OF CONVICTION" and such
3737 action by the trial judge shall not constitute a conviction.
3738 During the period that the minor's driver's license is suspended,
3739 the trial judge shall suspend the imposition of any fines or
3740 penalties that may be imposed under this subsection and may place
3741 the minor on probation subject to such conditions as the judge
3742 deems appropriate. If the minor violates any of the conditions of



3743 probation, then the trial judge shall return the driver's license
3744 to the minor and impose the fines, penalties or both, that he
3745 would have otherwise imposed, and such action shall constitute a
3746 conviction.

3747 **SECTION 27.** This act shall take effect and be in force from
3748 and after its passage, subject to the following provisions:

3749 (a) Within one hundred twenty (120) days of the
3750 effective date of this act, the Department of Health and
3751 Department of Revenue shall promulgate rules and regulations
3752 related to their responsibilities under this act;

3753 (b) Beginning on October 1, 2024, each licensed medical
3754 cannabis testing facility may test hemp products, including, but
3755 not limited to, intoxicating hemp products;

3756 (c) Until November 1, 2024, all hemp products that
3757 would be considered intoxicating hemp products as of the effective
3758 date of this act may continue to be sold in retail entities that
3759 are not licensed as medical cannabis dispensaries; and

3760 (d) Beginning on November 1, 2024, all intoxicating
3761 hemp products shall only be sold to consumers through licensed
3762 medical cannabis dispensaries that are registered with the
3763 Department of Revenue to sell such products.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 69-25-201, MISSISSIPPI CODE OF 1972,
2 TO RENAME THE "MISSISSIPPI HEMP CULTIVATION ACT" AS THE



3 "MISSISSIPPI HEMP REGULATION ACT"; TO AMEND SECTION 69-25-203,
4 MISSISSIPPI CODE OF 1972, TO DEFINE THE TERMS "INTOXICATING HEMP
5 PRODUCT" AND "TOTAL THC"; TO AMEND SECTION 69-25-207, MISSISSIPPI
6 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THE ACT; TO AMEND
7 SECTION 69-25-213, MISSISSIPPI CODE OF 1972, TO REDUCE FROM A
8 CONCENTRATION OF MORE THAN 0.5% TO A CONCENTRATION OF MORE THAN
9 0.3%, THE VIOLATION OF PRODUCING CANNABIS SATIVA L. WITH A CERTAIN
10 DELTA 9 TETRAHYDROCANNABINOL CONCENTRATION ON A DRY WEIGHT BASIS;
11 TO AMEND SECTION 69-25-217, MISSISSIPPI CODE OF 1972, TO PROHIBIT
12 THE PROCESSING OR GROWING OF ANY INTOXICATING HEMP PRODUCTS FOR
13 SALE WITHIN THE STATE OF MISSISSIPPI, WITH CERTAIN EXCEPTIONS; TO
14 PROHIBIT THE PROCESSING, GROWING, OR SALE OF ANY HEMP PRODUCTS
15 THAT CONTAIN AN ARTIFICIALLY DERIVED CANNABINOID; TO PROHIBIT THE
16 SALE OF ANY HEMP PRODUCT TO ANY PERSON UNDER THE AGE OF 21 YEARS;
17 TO REGULATE THE PROCESSING, GROWING, DISTRIBUTION, AND SALE OF AN
18 INTOXICATING HEMP PRODUCT THAT CONTAINS MORE THAN FIVE MILLIGRAMS
19 OF TOTAL THC PER CONTAINER; TO PROVIDE THAT INTOXICATING HEMP
20 PRODUCTS MAY ONLY BE SOLD TO CONSUMERS IN MISSISSIPPI BY PERSONS
21 OR BUSINESS ENTITIES LICENSED UNDER THE MISSISSIPPI MEDICAL
22 CANNABIS ACT; TO REQUIRE THAT LABELS FOR INTOXICATING HEMP
23 PRODUCTS BE APPROVED BY THE DEPARTMENT OF AGRICULTURE; TO REQUIRE
24 ANY MEDICAL CANNABIS PROCESSING FACILITY THAT INTENDS TO PROCESS
25 INTOXICATING HEMP PRODUCTS REGISTER WITH THE DEPARTMENT OF HEALTH;
26 TO REQUIRE SUCH ENTITY PAY A NONREFUNDABLE ANNUAL REGISTRATION FEE
27 OF \$5,000.00; TO REQUIRE ANY MEDICAL CANNABIS DISPENSARY THAT
28 INTENDS TO ACQUIRE OR SELL INTOXICATING HEMP PRODUCTS TO REGISTER
29 WITH THE DEPARTMENT OF REVENUE; TO REQUIRE SUCH ENTITY PAY A
30 NONREFUNDABLE ANNUAL REGISTRATION FEE OF \$5,000.00; TO IMPOSE A 5%
31 EXCISE TAX ON INTOXICATING HEMP PRODUCTS; TO AMEND SECTIONS
32 69-25-219 AND 69-25-223, MISSISSIPPI CODE OF 1972, TO CONFORM TO
33 THE PROVISIONS OF THE ACT; TO AMEND SECTION 41-137-3, MISSISSIPPI
34 CODE OF 1972, TO DEFINE THE TERMS "HEMP-DERIVED INGREDIENT" AND
35 "INTOXICATING HEMP PRODUCT"; TO REVISE VARIOUS DEFINITIONS RELATED
36 TO THE MEDICAL CANNABIS ACT, INCLUDING "TOTAL THC" AND "UNIT"; TO
37 AMEND SECTION 41-137-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
38 PURCHASE OR ACQUISITION OF HEMP-DERIVED INGREDIENTS AND
39 INTOXICATING HEMP PRODUCTS BY A CANNABIS CULTIVATION, PROCESSING,
40 DISPENSING, OR RESEARCH FACILITY FOR THE MEDICAL USE OF CANNABIS;
41 TO AMEND SECTION 41-137-11, MISSISSIPPI CODE OF 1972, TO INCLUDE
42 INCORPORATING HEMP-DERIVED INGREDIENTS PURCHASED BY MEDICAL
43 CANNABIS ESTABLISHMENTS IN THE CAPABILITIES OF THE SEED-TO-SALE
44 TRACKING SYSTEM; TO AMEND SECTION 41-137-35, MISSISSIPPI CODE OF
45 1972, TO CONFORM WITH THE PROVISIONS OF THE ACT; TO AMEND SECTION
46 41-137-39, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO.
47 2857, 2024 REGULAR SESSION, TO PROVIDE THAT ENTITIES NOT LICENSED
48 UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT ARE PROHIBITED FROM
49 SELLING INTOXICATING HEMP PRODUCTS TO CONSUMERS; TO AUTHORIZE
50 ENTITIES TO PURCHASE HEMP PRODUCTS FROM OUTSIDE OF THE STATE IF
51 THE PRODUCTS WERE TESTED ACCORDING TO CERTAIN STATE AND FEDERAL
52 STANDARDS; TO REQUIRE A MEDICAL CANNABIS PROCESSOR TO UPLOAD EACH



53 INTOXICATING HEMP PRODUCT INTO THE SEED TO SALE TRACKING SYSTEM;
54 TO PROVIDE THAT MEDICAL CANNABIS AND INTOXICATING HEMP PRODUCTS
55 SHALL BE IN SEPARATE AND DISTINGUISHABLE AREAS IN DISPENSARIES;
56 TO AMEND SECTION 41-137-45, MISSISSIPPI CODE OF 1972, TO PROVIDE
57 THAT IT IS UNLAWFUL FOR ANY PERSON OR ENTITY NOT LICENSED AS A
58 DISPENSARY UNDER THE MEDICAL CANNABIS ACT TO SELL OR TRANSFER
59 INTOXICATING HEMP PRODUCTS TO CONSUMERS IN THE STATE OF
60 MISSISSIPPI, WITH CERTAIN EXCEPTIONS; TO PROVIDE PENALTIES FOR A
61 PERSON OR BUSINESS ENTITY THAT UNLAWFULLY SELLS INTOXICATING HEMP
62 PRODUCTS; TO PROVIDE CERTAIN ENFORCEMENT AUTHORITY TO THE
63 DEPARTMENT OF HEALTH AND DEPARTMENT OF REVENUE, AS APPLICABLE, TO
64 ADMINISTER THE PROVISIONS OF THIS ACT; TO AUTHORIZE LICENSING
65 AGENCIES TO ASSESS A MONETARY PENALTY OR RECOUPMENT OF COSTS FOR
66 THOSE REASONABLE COSTS THAT ARE EXPENDED BY THE AGENCY IN THE
67 INVESTIGATION AND CONDUCT OF A PROCEEDING FOR A COMPLIANCE ISSUE
68 OR VIOLATION OF THE ACT; TO AMEND SECTION 41-137-13, MISSISSIPPI
69 CODE OF 1972, TO AMEND SECTION 41-137-13, MISSISSIPPI CODE OF
70 1972, TO PROVIDE THAT THIS CHAPTER DOES NOT PREVENT THE IMPOSITION
71 OF ANY CIVIL, CRIMINAL OR OTHER PENALTIES FROM THE SMOKING OF HEMP
72 PRODUCTS IN PUBLIC PLACES; TO AMEND SECTION 25-9-107, MISSISSIPPI
73 CODE OF 1972, TO PROVIDE THAT PERSONNEL EMPLOYED BY THE
74 MISSISSIPPI DEPARTMENT OF HEALTH AND/OR THE DEPARTMENT OF REVENUE
75 WHOSE EMPLOYMENT IS IN CONNECTION WITH EITHER DEPARTMENT'S
76 RESPONSIBILITIES IN IMPLEMENTING, ADMINISTERING AND ENFORCING
77 PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT OR PROVISIONS
78 OF THIS ACT SHALL BE EXEMPT FROM BEING CONSIDERED AS STATE SERVICE
79 EMPLOYEES FOR PURPOSES OF THE STATE PERSONNEL BOARD; TO AMEND
80 SECTION 25-43-1.103, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR
81 THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND/OR ENFORCING THE
82 PROVISIONS OF THE RULES AND REGULATIONS PROMULGATED PURSUANT TO
83 THE MISSISSIPPI MEDICAL CANNABIS ACT AND THE PROVISIONS OF THIS
84 ACT, THE MISSISSIPPI STATE DEPARTMENT OF HEALTH AND THE
85 MISSISSIPPI DEPARTMENT OF REVENUE SHALL BE EXEMPTED FROM THE
86 ADMINISTRATIVE PROCEDURE ACT UNTIL 2026; TO AMEND SECTION 25-53-1,
87 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THROUGH JUNE 30, 2026,
88 THE PROVISIONS OF THE MISSISSIPPI DEPARTMENT OF INFORMATION
89 TECHNOLOGY SERVICES BID AND CONTRACT REQUIREMENTS SHALL NOT APPLY
90 TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE FOR THE
91 PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE
92 PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT AND THE
93 PROVISIONS OF THIS ACT; TO AMEND SECTION 25-53-5, MISSISSIPPI CODE
94 OF 1972, TO CONFORM TO THE PROVISIONS OF THE ACT; TO AMEND SECTION
95 27-104-7, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO.
96 770, 2024 REGULAR SESSION AND SENATE BILL NO. 2649, 2024 REGULAR
97 SESSION, TO PROVIDE THAT ANY PERSONAL OR PROFESSIONAL SERVICE
98 CONTRACT ENTERED INTO BY THE MISSISSIPPI DEPARTMENT OF HEALTH
99 AND/OR THE DEPARTMENT OF REVENUE IN CONNECTION WITH THEIR
100 RESPECTIVE RESPONSIBILITIES UNDER THE MISSISSIPPI MEDICAL CANNABIS
101 ACT OR THE PROVISIONS OF THIS ACT UNTIL JUNE 30, 2026; TO AMEND
102 SECTION 31-7-13, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE



103 BILL NO. 297, 2024 REGULAR SESSION, SENATE BILL NO. 2486, 2024
104 REGULAR SESSION AND SENATE BILL NO. 3070, 2024 REGULAR SESSION, TO
105 PROVIDE THAT CERTAIN PURCHASES MADE BY THE DEPARTMENT OF HEALTH
106 AND/OR THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF FULFILLING
107 THEIR RESPECTIVE RESPONSIBILITIES UNDER THE MISSISSIPPI MEDICAL
108 CANNABIS ACT AND THE PROVISIONS OF THIS ACT TO BE EXEMPT FROM
109 CERTAIN BIDDING REQUIREMENTS; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Creekmore IV

X (SIGNED)
Yancey

X (SIGNED)
Aguirre

CONFEREES FOR THE SENATE

X (SIGNED)
Bryan

X (SIGNED)
Blackwell

(NOT SIGNED)
Johnson

