

By: Representative Yancey

To: Business and Commerce

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 895

1 AN ACT TO AMEND SECTION 41-137-5, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE VALIDITY PERIOD OF A PRACTITIONER'S WRITTEN  
3 CERTIFICATION OF DIAGNOSIS FOR A PERSON UNDER THE MEDICAL CANNABIS  
4 ACT TO 24 MONTHS; TO ELIMINATE THE MANDATORY SIX-MONTH FOLLOW-UP  
5 VISIT WITH THE PRACTITIONER AFTER THE PATIENT RECEIVES THE  
6 CERTIFICATION; TO AUTHORIZE THE PRACTITIONER TO REQUEST OR REQUIRE  
7 A FOLLOW-UP EVALUATION OF THE PATIENT; TO AMEND SECTION 41-137-25,  
8 MISSISSIPPI CODE OF 1972, TO EXTEND THE VALIDITY PERIOD FOR  
9 REGISTRY IDENTIFICATION CARDS FOR RESIDENTS TO 24 MONTHS AND THE  
10 VALIDITY PERIOD FOR REGISTRY IDENTIFICATION CARDS FOR RESIDENT  
11 DESIGNATED CAREGIVERS TO FIVE YEARS; TO AMEND SECTION 41-137-39,  
12 MISSISSIPPI CODE OF 1972, TO REMOVE THE THC POTENCY LIMITS FOR  
13 CANNABIS TINCTURES, OILS AND CONCENTRATES; AND FOR RELATED  
14 PURPOSES.

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

16 **SECTION 1.** Section 41-137-5, Mississippi Code of 1972, is  
17 amended as follows:

18 41-137-5. (1) No person shall be authorized to use medical  
19 cannabis in this state unless the person (a) has been diagnosed by  
20 a practitioner, with whom the person has a bona fide  
21 practitioner-patient relationship within his or her scope of  
22 practice, as having a debilitating medical condition for which the  
23 practitioner believes, in his or her professional opinion, that  
24 the person would likely receive medical or palliative benefit from



the medical use of medical cannabis to treat or alleviate the person's debilitating medical condition or symptoms associated with the person's debilitating medical condition, (b) has received a written certification of that diagnosis from the practitioner, and (c) has been issued a registry identification card from the MDOH under Section 41-137-23. A person who has been diagnosed by a practitioner as specified in paragraph (a) of this subsection shall be a qualifying patient, and the practitioner who has diagnosed the patient shall document that diagnosis with a written certification. However, nothing herein shall require a practitioner to issue a written certification.

(2) A written certification shall:

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

(b) Remain current for \* \* \* up to twenty-four (24) months, unless the practitioner specifies a shorter period of time;

(c) Be issued after an in-person assessment of the patient by a practitioner, or after a telemedicine evaluation for patients who are homebound or bedbound as certified by a practitioner with whom the patient has a bona fide practitioner-patient relationship within his or her scope of practice other than the practitioner making the written certification. For purposes of this paragraph (c), an individual is homebound or bedbound if such individual is physically unable



to leave his or her residence without another person's aid because the individual has lost the capacity of independent transportation due to a medical, physical, or mental health condition or infirmity as documented in writing by a practitioner who has a bona fide practitioner-patient relationship with the patient;

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

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

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

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

(5) After a qualifying patient receives a written certification from a practitioner, the \* \* \* practitioner may, at his or her discretion, request or require a follow-up \* \* \* evaluation to determine the effectiveness of the patient's medical



75 use of medical cannabis to treat or alleviate the patient's  
76 debilitating medical condition or symptoms associated with the  
77 patient's debilitating medical condition. Qualifying patients may  
78 make a follow-up visit with a different practitioner than the  
79 practitioner who originally issued their written certification,  
80 provided that such practitioner is otherwise registered and acting  
81 within their scope of practice and the provisions of this chapter.

82 (6) Before dispensing medical cannabis to a cardholder, the  
83 dispensary from which the cardholder is obtaining medical cannabis  
84 shall verify the identity of the cardholder and the authority of  
85 the cardholder to use medical cannabis as provided in Section  
86 41-137-39 and shall determine the maximum amount of medical  
87 cannabis that a cardholder is eligible to receive and the amount  
88 of medical cannabis that the cardholder has received from all  
89 dispensaries during a specified period of time using the statewide  
90 seed-to-sale tracking system under Section 41-137-11.

91 (7) (a) A practitioner shall be registered to issue written  
92 certifications to qualifying patients by completing the required  
93 application process as set forth by the MDOH. The MDOH shall  
94 require a practitioner to complete a minimum of eight (8) hours of  
95 continuing education in medical cannabis in order to issue written  
96 certifications. After the first year of registration, these  
97 practitioners shall complete five (5) hours of continuing  
98 education in medical cannabis annually to maintain this  
99 registration.



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

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

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

(9) The requirements of this section shall not apply to a person who is authorized to purchase topical cannabis provided under Section 41-137-39( \* \* \*20), and such persons may possess and use such products without being in violation of this chapter.

**SECTION 2.** Section 41-137-25, Mississippi Code of 1972, is amended as follows:

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

- (a) The name of the cardholder;
- (b) A designation of whether the cardholder is a qualifying patient, a designated caregiver or a nonresident;
- (c) The date of issuance and expiration date of the registry identification card;



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

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

(f) A photograph of the cardholder;

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

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

(i) A notice of the MMCEU daily, monthly and possession limit.

(2) The expiration date shall be visible on the registry identification card. Except as provided in subsection (3) \* \* \* of this section, the expiration date for registry identification cards for residents shall be \* \* \* twenty-four (24) months after the date of issuance, and the expiration date for registry identification cards for resident designated caregivers shall be five (5) years after the date of issuance. The expiration date for registry identification cards for nonresidents shall be fifteen (15) days after the date of issuance \* \* \*.

(3) If the practitioner stated in the written certification that the qualifying patient would benefit from the medical use of



medical cannabis until a specified earlier date, then the registry  
identification card shall expire on that date \* \* \*.

\* \* \*

**SECTION 3.** Section 41-137-39, Mississippi Code of 1972, is  
amended as follows:

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

(b) For the purposes of this section, an applicant is  
any person who registers with or applies for an initial medical  
cannabis work permit, or a renewal of a medical cannabis work  
permit. Such a person or applicant may also be defined as an  
agent, an employee, a representative, etc., as further defined and  
sometimes used interchangeably as referenced in this section.

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



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

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

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

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

(h) Any and every person/applicant seeking to become an owner or principal owner, principal officer, or officer, board member, director, manager, agent/representative, employee, care giver, or volunteer of a medical cannabis establishment shall apply for, or authorize the MDOH to obtain state and national criminal background checks to be conducted by the Mississippi





Justice Information Center of the Department of Public Safety and the Federal Bureau of Investigation.

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

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

(k) The person seeking to become an agent/representative of a medical cannabis establishment shall authorize the release of such criminal background checks to the MDOH and shall be responsible for the payment of any fee that the Mississippi Justice Information Center of the Department of Public Safety or the MDOH charges to process fingerprint-based state and national criminal background checks. The Department of Public Safety and the MDOH each may charge and retain a fee not to exceed Sixty Dollars (\$60.00) for each applicant.

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



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

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

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

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

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

(5) All cultivation, harvesting, processing and packaging of medical cannabis must take place in an enclosed, locked and secure facility with a physical address provided to the MDOH during the licensing and registration process. The facility shall be equipped with locks or other security devices that permit access only by agents of the medical cannabis establishment, emergency personnel or adults who are twenty-one (21) years of age and older and who are accompanied by medical cannabis establishment agents.

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



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

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

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

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

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

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

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

(10) A medical cannabis establishment shall not sell more than the allowable amount of medical cannabis to a cardholder. A resident cardholder shall not obtain more than a total of twenty-four (24) MMCEUs of allowable medical cannabis in thirty (30) days from a dispensary or a combination of dispensaries.

The possession limit for resident cardholders of the allowable amount of medical cannabis shall be a total of twenty-eight (28) MMCEUs. There shall not be a possession limit



on nonconsumable medical cannabis, including, but not limited to, suppositories, ointments, soaps, and lotions or other topical agents.

(11) For purposes of this chapter, total THC is defined as THCA multiplied by .877 plus THC Delta 9 and all other psychoactive forms or isomers of THC added together. A medical cannabis establishment shall not sell cannabis flower or trim that has a potency of greater than thirty percent (30%) total THC.

\* \* \* Cannabis products that have a potency of over thirty percent (30%) total THC shall be clearly labeled as "extremely potent." Edible cannabis products, including food or drink products, that have been combined with usable cannabis or cannabis products shall be physically demarked and labeled with a clear determination of how much total THC is in a single-serving size and how much THC is in the entire package.

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

(12) A dispensary may not dispense more than the allowable amount of cannabis to a registered qualifying patient or a



nonresident cardholder, directly or via a registered designated caregiver. Dispensaries shall ensure compliance with this limitation by maintaining internal, confidential records that include records specifying how much medical cannabis is being dispensed to the registered qualifying patient or nonresident cardholder and whether it was dispensed directly to a registered qualifying patient, nonresident cardholder or to the registered designated caregiver.

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

(14) A nonresident may apply to receive a nonresident registry identification card up to thirty (30) days before arriving in Mississippi. A nonresident registry identification card shall be valid for fifteen (15) days. After the expiration of the card, a nonresident may apply for a renewal of the card and may be granted another card which shall be valid for another fifteen-day period. A nonresident registry identification card shall only be valid, at a maximum, for two (2) separate periods of fifteen (15) days in a three-hundred-sixty-five-day period. An applicant may indicate on his or her application the specific time period that he or she wishes for the card to be valid. The



possession limit of the allowable amount of medical cannabis for nonresident cardholders shall be fourteen (14) MMCEUs.

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

(16) Notwithstanding any other provision to the contrary, a patient with a debilitating medical condition who is between eighteen (18) years to twenty-five (25) years of age is not eligible for a medical cannabis registry identification card unless two (2) practitioners from separate medical practices have diagnosed the patient as having a debilitating medical condition after an in-person consultation. One (1) of these practitioners must be a physician or doctor of osteopathic medicine.

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



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

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

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

(20) For purposes of this subsection, "plant growth regulator cannabis" shall mean a cannabis plant whose growth and structure has been modified using plant growth hormones. A cannabis cultivation facility shall not cultivate and a cannabis



dispensary shall not sell, transfer or provide for consumption  
plant growth regulator cannabis.

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

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

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





393           **SECTION 4.** This act shall take effect and be in force from  
394 and after July 1, 2026.

