

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

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

36 (2) A written certification shall:

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

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

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



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

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

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

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

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

71 (5) After a qualifying patient receives a written  
72 certification from a practitioner, the \* \* \* practitioner may, at  
73 his or her discretion, request or require a follow-up \* \* \*  
74 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.



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

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

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

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

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

117 41-137-25. (1) Registry identification cards must contain  
118 all of the following:

119 (a) The name of the cardholder;

120 (b) A designation of whether the cardholder is a  
121 qualifying patient, a designated caregiver or a nonresident.

122 (c) The date of issuance and expiration date of the  
123 registry identification card:



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

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

130 (f) A photograph of the cardholder;

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

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

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

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

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



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

150 \* \* \*

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

153 41-137-39. (1) (a) The MDOH shall obtain criminal records  
154 background checks on all persons applying to become a licensee, an  
155 agent, or representative as defined herein, of a medical cannabis  
156 establishment. This shall include performing criminal records  
157 background checks on all potential employees, current employees,  
158 or representatives/agents of the MDOH Medical Cannabis Program.  
159 The required criminal history background check includes  
160 information provided by the Federal Bureau of Investigation.

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

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

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

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

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

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

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



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

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

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

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

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



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

223                   (a) Was convicted of a disqualifying felony offense; or  
224                   (b) Is under twenty-one (21) years of age.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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



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

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

355 (19) Employees of all medical cannabis establishments shall  
356 apply for a work permit with the MDOH and MDOR, as applicable,  
357 before beginning employment with any establishment. The licensing  
358 agency for the respective medical cannabis establishment may issue  
359 work permits to these individuals. These licensing agencies shall  
360 maintain a work registry of all applicants and work permits  
361 issued. The fee for a work permit shall be Twenty-five Dollars  
362 (\$25.00) and the permit shall be valid for five (5) years. Work  
363 permits shall be the property of the employee and shall not be  
364 transferable to other employees.

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



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

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

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

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

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

