MISSISSIPPI LEGISLATURE REGULAR SESSION 2026

By: Representative Yancey

To: Public Health and Human Services

HOUSE BILL NO. 1152

AN ACT TO BE KNOWN AS THE RIGHT TO TRY MEDICAL CANNABIS ACT; TO PROVIDE A PROCEDURE FOR PERSONS WHO DO NOT HAVE A QUALIFYING DEBILITATING MEDICAL CONDITION UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT BUT HAVE AN ILLNESS THAT IS CHRONIC, PROGRESSIVE, SEVERELY DISABLING OR TERMINAL IN NATURE, TO BE CONSIDERED FOR INCLUSION IN THE MISSISSIPPI MEDICAL CANNABIS PROGRAM; TO PROVIDE THAT THE PATIENT'S TREATING MEDICAL PROVIDER MAY SUBMIT A PETITION TO THE STATE DEPARTMENT OF HEALTH REQUESTING AUTHORIZATION FOR THE PATIENT TO ACCESS MEDICAL CANNABIS; TO SPECIFY THE INFORMATION THAT MUST BE INCLUDED IN THE PETITION; TO PROVIDE THAT THE STATE HEALTH OFFICER IS THE SOLE DECISION MAKING AUTHORITY ON ALL SUCH PETITIONS SUBMITTED; TO PROVIDE THAT IF THE PETITION IS APPROVED, THE PATIENT SHALL BECOME ELIGIBLE TO APPLY FOR A REGISTRY IDENTIFICATION CARD UNDER THE MISSISSIPPI MEDICAL CANNABIS PROGRAM, SUBJECT TO ALL APPLICABLE RULES, LIMITS AND REGULATIONS; TO PROVIDE THAT THE DECISION OF THE STATE HEALTH OFFICER ON A PETITION SHALL BE FINAL AND MAY NOT BE APPEALED; TO PROVIDE THAT THE DEPARTMENT MAY LIMIT THE TYPE, FORM OR VOLUME OF CANNABIS AUTHORIZED FOR PATIENTS APPROVED UNDER THIS ACT IN ACCORDANCE WITH PUBLIC HEALTH AND SAFETY STANDARDS; TO PROVIDE THAT PATIENTS APPROVED UNDER THIS ACT SHALL BE SUBJECT TO PERIODIC REEVALUATION BY THE TREATING PROVIDER NO LESS THAN ONCE EVERY TWELVE MONTHS; TO AMEND SECTIONS 41-137-3 AND 41-137-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. Short title. This act shall be known and may be cited as the "Right to Try Medical Cannabis Act."

SECTION 2. Definitions. For the purposes of this act, the following terms shall be defined as provided in this section:

(a) "Medical Cannabis Act" means the Mississippi Medical Cannabis Act, Section 41-137-1 et seq.

(b) "Treating medical provider" means a physician, nurse practitioner or physician assistant licensed to practice in Mississippi who:

(i) Maintains a bona fide provider-patient relationship with the individual, defined as an ongoing, documented clinical relationship involving diagnosis, treatment or management of the patient's condition for at least thirty (30) days; and

(ii) Has primary responsibility for managing the patient's debilitating or terminal illness.

(c) "Nonqualifying debilitating or terminal illness" means any illness that:

(i) Is chronic, progressive, severely disabling or terminal in nature; and

(ii) Is not specifically listed among the qualifying debilitating medical conditions under Section 41-137-3(r).

(d) "Department" means the State Department of Health.

(e) "State Health Officer" means the State Health Officer of the State Department of Health.

SECTION 3. Eligibility and petition process. (1) A patient with a nonqualifying debilitating or terminal illness may be

considered for inclusion in the Mississippi Medical Cannabis Program pursuant to this section.

(2) The patient's treating medical provider may submit a petition to the department requesting authorization for the patient to access medical cannabis.

(3) The petition shall include:

(a) A statement of the patient's diagnosis, prognosis, and medical history;

(b) A narrative explanation of how medical cannabis may benefit the patient, including past treatment outcomes and contraindications;

(c) An attestation that conventional therapies have been attempted, are unavailable, or are contraindicated;

(d) A recommendation that the patient be permitted to access medical cannabis;

(e) An outline of the proposed cannabis use regimen, if known, including route of administration and expected duration; and

(f) Consent by the patient or legal guardian authorizing the department to review medical records relevant to the petition.

SECTION 4. Review and determination. (1) The State Health Officer shall serve as the sole decision-making authority on all petitions submitted under this act.

(2) The State Health Officer shall issue a written determination approving or denying the petition within forty-five (45) calendar days of receipt.

(3) If the petition is denied, the decision shall include written findings explaining the basis for denial, which shall be limited to:

(a) Insufficient medical justification or documentation;

(b) Risks to public health or patient safety; or

(c) Lack of provider qualification or incomplete submission.

(4) If the petition is approved, the patient shall become eligible to apply for a registry identification card under the Mississippi Medical Cannabis Program, subject to all applicable rules, limits and regulations.

(5) The decision of the State Health Officer on a petition filed under this act shall be final and may not be appealed to any court.

SECTION 5. Provider standards and liability. (1) Treating medical providers submitting petitions under this act:

(a) Must be in good standing with their licensing board; and

(b) Must certify that the petition is submitted in good faith and consistent with generally accepted medical standards.

(2) A provider acting in good faith and in accordance with this act shall not be subject to civil, criminal or administrative liability solely for recommending medical cannabis.

(3) This act does not authorize providers to engage in dispensing, selling or possessing cannabis except as permitted under Mississippi law.

SECTION 6. Patient use conditions and monitoring. (1) The department may limit the type, form or volume of cannabis authorized for patients approved under this act in accordance with public health and safety standards.

(2) Patients approved under this act shall be subject to:

(a) Periodic reevaluation by the treating provider no less than once every twelve (12) months;

(b) Revocation of eligibility upon loss of bona fide provider-patient relationship or upon clinical deterioration inconsistent with safe cannabis use.

SECTION 7. Oversight and reporting. (1) The department shall submit an annual report to the Chair of the Senate Public Health and Welfare Committee and the Chair of the House Drug Policy Committee, which shall include:

(a) The number of petitions received, granted and denied;

(b) General categories of illnesses approved;

(c) Trends or safety concerns identified;

(d) Recommendations for legislative or regulatory updates.

(2) All data reported under this section shall be de-identified and comply with the Health Insurance Portability and Accountability Act (HIPAA) and other applicable privacy laws.

SECTION 8. Federal law disclaimer. Nothing in this act shall be construed to:

(a) Require the violation of federal law;

(b) Authorize interstate transport or distribution of cannabis; or

(c) Interfere with employment drug policies or school regulations.

SECTION 9. Rulemaking authority. The department may promulgate rules and adopt procedures as necessary to implement the provisions of this act, including forms, standards and renewal procedures.

SECTION 10. Section 41-137-3, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(iii) Any other chemical substance identified by MDOH.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) "Cannabis research facility" or "research facility" means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

(j) "Cannabis testing facility" or "testing facility" means an independent entity licensed and registered by the

Mississippi Department of Health that analyzes the safety and potency of cannabis.

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

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

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

(n) "Canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature cannabis plants and seedlings, prior to

flowering, and that are not used at any time to cultivate mature cannabis plants.

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

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

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

(i) A mechanical extraction process;

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

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

(r) "Debilitating medical condition" means:

(i) Cancer, Parkinson's disease, Huntington's disease, muscular dystrophy, glaucoma, spastic quadriplegia, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral

sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell anemia, Alzheimer's disease, agitation of dementia, post-traumatic stress disorder (PTSD), autism, pain refractory to appropriate opioid management, diabetic/peripheral neuropathy, spinal cord disease or severe injury, or the treatment of these conditions;

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

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

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

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

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

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

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

(t) "Disqualifying felony offense" means:

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

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

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

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

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

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

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

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

(w) "MMCEU" means Mississippi Medical Cannabis Equivalency Unit. One unit of MMCEU shall be considered equal to:

(i) Three and one-half (3.5) grams of medical cannabis flower;

(ii) One (1) gram of total THC in a medical cannabis concentrate; or

(iii) One (1) gram of total THC in an infused product.

(x) "MDOH" means the Mississippi Department of Health.

(y) "MDOR" means the Mississippi Department of Revenue.

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

(aa) "Medical cannabis dispensary" or "dispensary" means an entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or

dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

(bb) "Medical cannabis establishment" means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.

(cc) "Medical cannabis establishment agent" means an owner, officer, board member, employee, volunteer or agent of a medical cannabis establishment.

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

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

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

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

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

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

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

(ff) "Practitioner" means a physician, certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state. In relation to a nonresident cardholder, the term means a physician, certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and under the laws of the state or territory in which the nonresident patient resides. For registered qualifying patients who are minors, "practitioner" shall mean a physician or doctor of osteopathic medicine who is licensed to prescribe medicine under the licensing

requirements of their respective occupational boards and the laws of this state.

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

(hh) "Qualifying patient" means a person who has been diagnosed by a practitioner as having a debilitating medical condition and has been issued a written certification. <u>This term includes a person with a nonqualifying debilitating or terminal illness who is authorized under Section 4 of this act to receive a registry identification card under this chapter.</u>

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

(jj) "School" means an institution for the teaching of children, consisting of a physical location, whether owned or leased, including instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, public, private, church and parochial programs for kindergarten, elementary, junior high and

high schools. Such term shall not mean a home instruction program.

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

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

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

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

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

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

(iv) The practitioner's signature.

(nn) "Nonqualifying debilitating or terminal illness" has the meaning as defined in Section 2 of this act.

SECTION 11. Section 41-137-5, Mississippi Code of 1972, is amended as follows:

41-137-5. (1) Except as otherwise provided in Sections 1 through 10 of this act, no person shall be authorized to use medical cannabis in this state unless the person (a) has been diagnosed by a practitioner, with whom the person has a bona fide practitioner-patient relationship within his or her scope of practice, as having a debilitating medical condition for which the practitioner believes, in his or her professional opinion, that 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 twelve (12) 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 patient shall be required to make a follow-up visit with the practitioner not less than six (6) months after the date of issuance of the certification for the practitioner to evaluate and determine the effectiveness of the patient's medical use of medical cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. Qualifying patients may make a follow-up visit with a different practitioner than the practitioner who originally issued their written certification, provided that such practitioner is otherwise registered and acting within their scope of practice and the provisions of this chapter.

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

(7) (a) A practitioner shall be registered to issue written certifications to qualifying patients by completing the required application process as set forth by the MDOH. The MDOH shall require a practitioner to complete a minimum of eight (8) hours of continuing education in medical cannabis in order to issue written certifications. After the first year of registration, these practitioners shall complete five (5) hours of continuing education in medical cannabis annually to maintain this 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(* * *21), and such persons may possess and use such products without being in violation of this chapter.

(10) The provisions of this chapter shall apply to persons with a nonqualifying debilitating or terminal illness who is authorized under Section 4 of this act to receive a registry identification card under this chapter; however, for such persons, the provisions of Sections 1 through 10 of this act shall control over any provision of this chapter that conflicts with any provision of Sections 1 through 10 of this act.

SECTION 12. This act shall take effect and be in force from and after July 1, 2026.