

By: Representative Yancey

To: Public Health and Human Services

HOUSE BILL NO. 1152

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

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

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

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



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

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

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

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

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

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

46 (ii) Is not specifically listed among the
47 qualifying debilitating medical conditions under Section
48 41-137-3(r).

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

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

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



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

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

59 (3) The petition shall include:

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

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

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

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

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

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

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



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

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

84 (a) Insufficient medical justification or
85 documentation;

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

87 (c) Lack of provider qualification or incomplete
88 submission.

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

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

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

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

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



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

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

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

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

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

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

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

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

124 (b) General categories of illnesses approved;

125 (c) Trends or safety concerns identified;



126 (d) Recommendations for legislative or regulatory
127 updates.

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

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

133 (a) Require the violation of federal law;

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

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

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

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

144 41-137-3. For purposes of this chapter, unless the context
145 requires otherwise, the following terms shall have the meanings
146 ascribed herein:

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



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

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

157 (iii) Any other chemical substance identified by
158 MDOH.

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

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

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

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

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



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

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

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

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

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

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



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

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

204 (h) "Cannabis products" means cannabis flower,
205 concentrated cannabis, cannabis extracts and products that are
206 infused with cannabis or an extract thereof and are intended for
207 use or consumption by humans. The term includes, without
208 limitation, edible cannabis products, beverages, topical products,
209 ointments, oils, tinctures and suppositories that contain
210 tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those
211 products excluded from control under Sections 41-29-113 and
212 41-29-136.

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

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



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

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

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

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

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



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

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

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

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

260 (i) A mechanical extraction process;

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

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

268 (r) "Debilitating medical condition" means:

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



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

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

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

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

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

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



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

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

301 (t) "Disqualifying felony offense" means:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

420 (kk) "Scope of practice" means the defined parameters
421 of various duties, services or activities that may be provided or
422 performed by a certified nurse practitioner as authorized under
423 Sections 73-15-5 and 73-15-20, by an optometrist as authorized
424 under Section 73-19-1, by a physician as authorized under Section
425 73-25-33, or by a physician assistant under Section 73-26-5, and
426 rules and regulations adopted by the respective licensing boards
427 for those practitioners.

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

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

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

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



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

445 (iv) The practitioner's signature.

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

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

450 41-137-5. (1) Except as otherwise provided in Sections 1
451 through 10 of this act, no person shall be authorized to use
452 medical cannabis in this state unless the person (a) has been
453 diagnosed by a practitioner, with whom the person has a bona fide
454 practitioner-patient relationship within his or her scope of
455 practice, as having a debilitating medical condition for which the
456 practitioner believes, in his or her professional opinion, that
457 the person would likely receive medical or palliative benefit from
458 the medical use of medical cannabis to treat or alleviate the
459 person's debilitating medical condition or symptoms associated
460 with the person's debilitating medical condition, (b) has received
461 a written certification of that diagnosis from the practitioner,
462 and (c) has been issued a registry identification card from the
463 MDOH under Section 41-137-23. A person who has been diagnosed by
464 a practitioner as specified in paragraph (a) of this subsection
465 shall be a qualifying patient, and the practitioner who has
466 diagnosed the patient shall document that diagnosis with a written



467 certification. However, nothing herein shall require a
468 practitioner to issue a written certification.

469 (2) A written certification shall:

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

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

474 (c) Be issued after an in-person assessment of the
475 patient by a practitioner, or after a telemedicine evaluation for
476 patients who are homebound or bedbound as certified by a
477 practitioner with whom the patient has a bona fide
478 practitioner-patient relationship within his or her scope of
479 practice other than the practitioner making the written
480 certification. For purposes of this paragraph (c), an individual
481 is homebound or bedbound if such individual is physically unable
482 to leave his or her residence without another person's aid because
483 the individual has lost the capacity of independent transportation
484 due to a medical, physical, or mental health condition or
485 infirmity as documented in writing by a practitioner who has a
486 bona fide practitioner-patient relationship with the patient;

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

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



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

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

503 (5) After a qualifying patient receives a written
504 certification from a practitioner, the patient shall be required
505 to make a follow-up visit with the practitioner not less than six
506 (6) months after the date of issuance of the certification for the
507 practitioner to evaluate and determine the effectiveness of the
508 patient's medical use of medical cannabis to treat or alleviate
509 the patient's debilitating medical condition or symptoms
510 associated with the patient's debilitating medical condition.
511 Qualifying patients may make a follow-up visit with a different
512 practitioner than the practitioner who originally issued their
513 written certification, provided that such practitioner is
514 otherwise registered and acting within their scope of practice and
515 the provisions of this chapter.



516 (6) Before dispensing medical cannabis to a cardholder, the
517 dispensary from which the cardholder is obtaining medical cannabis
518 shall verify the identity of the cardholder and the authority of
519 the cardholder to use medical cannabis as provided in Section
520 41-137-39 and shall determine the maximum amount of medical
521 cannabis that a cardholder is eligible to receive and the amount
522 of medical cannabis that the cardholder has received from all
523 dispensaries during a specified period of time using the statewide
524 seed-to-sale tracking system under Section 41-137-11.

525 (7) (a) A practitioner shall be registered to issue written
526 certifications to qualifying patients by completing the required
527 application process as set forth by the MDOH. The MDOH shall
528 require a practitioner to complete a minimum of eight (8) hours of
529 continuing education in medical cannabis in order to issue written
530 certifications. After the first year of registration, these
531 practitioners shall complete five (5) hours of continuing
532 education in medical cannabis annually to maintain this
533 registration.

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



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

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

545 (9) The requirements of this section shall not apply to a
546 person who is authorized to purchase topical cannabis provided
547 under Section 41-137-39(* * *21), and such persons may possess
548 and use such products without being in violation of this chapter.

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

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

