

By: Representatives Horan, Arnold, Burch,  
Hall

To: Judiciary B

HOUSE BILL NO. 1613  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-29-139, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE ELEMENTS FOR THE CRIME OF AGGRAVATED DRUG  
3 TRAFFICKING TO INCLUDE 267 OR MORE DOSAGE UNITS; TO CREATE A NEW  
4 SECTION OF LAW TO RESTRICT THE SALE OF ABORTION-INDUCING DRUGS;  
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-29-139, Mississippi Code of 1972, is  
8 amended as follows:

9 41-29-139. (a) **Transfer and possession with intent to**  
10 **transfer.** Except as authorized by this article, it is unlawful  
11 for any person knowingly or intentionally:

12 (1) To sell, barter, transfer, manufacture, distribute,  
13 dispense or possess with intent to sell, barter, transfer,  
14 manufacture, distribute or dispense, a controlled substance; or

15 (2) To create, sell, barter, transfer, distribute,  
16 dispense or possess with intent to create, sell, barter, transfer,  
17 distribute or dispense, a counterfeit substance.

18 (b) **Punishment for transfer and possession with intent to**  
19 **transfer.** Except as otherwise provided in Section 41-29-142, any



20 person who violates subsection (a) of this section shall be, if  
21 convicted, sentenced as follows:

22 (1) For controlled substances classified in Schedule I  
23 or II, as set out in Sections 41-29-113 and 41-29-115, other than  
24 marijuana or synthetic cannabinoids:

25 (A) If less than two (2) grams or ten (10) dosage  
26 units, by imprisonment for not more than eight (8) years or a fine  
27 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

28 (B) If two (2) or more grams or ten (10) or more  
29 dosage units, but less than ten (10) grams or twenty (20) dosage  
30 units, by imprisonment for not less than three (3) years nor more  
31 than twenty (20) years or a fine of not more than Two Hundred  
32 Fifty Thousand Dollars (\$250,000.00), or both.

33 (C) If ten (10) or more grams or twenty (20) or  
34 more dosage units, but less than thirty (30) grams or forty (40)  
35 dosage units, by imprisonment for not less than five (5) years nor  
36 more than thirty (30) years or a fine of not more than Five  
37 Hundred Thousand Dollars (\$500,000.00), or both.

38 (2) (A) For marijuana:

39 1. If thirty (30) grams or less, by  
40 imprisonment for not more than three (3) years or a fine of not  
41 more than Three Thousand Dollars (\$3,000.00), or both;

42 2. If more than thirty (30) grams but less  
43 than two hundred fifty (250) grams, by imprisonment for not more



44 than five (5) years or a fine of not more than Five Thousand  
45 Dollars (\$5,000.00), or both;

46 3. If two hundred fifty (250) or more grams  
47 but less than five hundred (500) grams, by imprisonment for not  
48 less than three (3) years nor more than ten (10) years or a fine  
49 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

50 4. If five hundred (500) or more grams but  
51 less than one (1) kilogram, by imprisonment for not less than five  
52 (5) years nor more than twenty (20) years or a fine of not more  
53 than Twenty Thousand Dollars (\$20,000.00), or both.

54 (B) For synthetic cannabinoids:

55 1. If ten (10) grams or less, by imprisonment  
56 for not more than three (3) years or a fine of not more than Three  
57 Thousand Dollars (\$3,000.00), or both;

58 2. If more than ten (10) grams but less than  
59 twenty (20) grams, by imprisonment for not more than five (5)  
60 years or a fine of not more than Five Thousand Dollars  
61 (\$5,000.00), or both;

62 3. If twenty (20) or more grams but less than  
63 forty (40) grams, by imprisonment for not less than three (3)  
64 years nor more than ten (10) years or a fine of not more than  
65 Fifteen Thousand Dollars (\$15,000.00), or both;

66 4. If forty (40) or more grams but less than  
67 two hundred (200) grams, by imprisonment for not less than five



68 (5) years nor more than twenty (20) years or a fine of not more  
69 than Twenty Thousand Dollars (\$20,000.00), or both.

70 (3) For controlled substances classified in Schedules  
71 III and IV, as set out in Sections 41-29-117 and 41-29-119:

72 (A) If less than two (2) grams or ten (10) dosage  
73 units, by imprisonment for not more than five (5) years or a fine  
74 of not more than Five Thousand Dollars (\$5,000.00), or both;

75 (B) If two (2) or more grams or ten (10) or more  
76 dosage units, but less than ten (10) grams or twenty (20) dosage  
77 units, by imprisonment for not more than eight (8) years or a fine  
78 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

79 (C) If ten (10) or more grams or twenty (20) or  
80 more dosage units, but less than thirty (30) grams or forty (40)  
81 dosage units, by imprisonment for not more than fifteen (15) years  
82 or a fine of not more than One Hundred Thousand Dollars  
83 (\$100,000.00), or both;

84 (D) If thirty (30) or more grams or forty (40) or  
85 more dosage units, but less than five hundred (500) grams or two  
86 thousand five hundred (2,500) dosage units, by imprisonment for  
87 not more than twenty (20) years or a fine of not more than Two  
88 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

89 (4) For controlled substances classified in Schedule V,  
90 as set out in Section 41-29-121:



91 (A) If less than two (2) grams or ten (10) dosage  
92 units, by imprisonment for not more than one (1) year or a fine of  
93 not more than Five Thousand Dollars (\$5,000.00), or both;

94 (B) If two (2) or more grams or ten (10) or more  
95 dosage units, but less than ten (10) grams or twenty (20) dosage  
96 units, by imprisonment for not more than five (5) years or a fine  
97 of not more than Ten Thousand Dollars (\$10,000.00), or both;

98 (C) If ten (10) or more grams or twenty (20) or  
99 more dosage units, but less than thirty (30) grams or forty (40)  
100 dosage units, by imprisonment for not more than ten (10) years or  
101 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
102 both;

103 (D) For thirty (30) or more grams or forty (40) or  
104 more dosage units, but less than five hundred (500) grams or two  
105 thousand five hundred (2,500) dosage units, by imprisonment for  
106 not more than fifteen (15) years or a fine of not more than Fifty  
107 Thousand Dollars (\$50,000.00), or both.

108 (c) **Simple possession.** Except as otherwise provided under  
109 subsection (i) of this section for actions that are lawful under  
110 the Mississippi Medical Cannabis Act and in compliance with rules  
111 and regulations adopted thereunder, it is unlawful for any person  
112 knowingly or intentionally to possess any controlled substance  
113 unless the substance was obtained directly from, or pursuant to, a  
114 valid prescription or order of a practitioner while acting in the  
115 course of his professional practice, or except as otherwise



116 authorized by this article. The penalties for any violation of  
117 this subsection (c) with respect to a controlled substance  
118 classified in Schedules I, II, III, IV or V, as set out in Section  
119 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including  
120 marijuana or synthetic cannabinoids, shall be based on dosage unit  
121 as defined herein or the weight of the controlled substance as set  
122 forth herein as appropriate:

123 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
124 case of a liquid solution, one (1) milliliter. In the case of  
125 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
126 stamp, square, dot, microdot, tablet or capsule of a controlled  
127 substance.

128 For any controlled substance that does not fall within the  
129 definition of the term "dosage unit," the penalties shall be based  
130 upon the weight of the controlled substance.

131 The weight set forth refers to the entire weight of any  
132 mixture or substance containing a detectable amount of the  
133 controlled substance.

134 If a mixture or substance contains more than one (1)  
135 controlled substance, the weight of the mixture or substance is  
136 assigned to the controlled substance that results in the greater  
137 punishment.

138 A person shall be charged and sentenced as follows for a  
139 violation of this subsection with respect to:



140 (1) A controlled substance classified in Schedule I or  
141 II, except marijuana and synthetic cannabinoids:

142 (A) If less than one-tenth (0.1) gram or two (2)  
143 dosage units, the violation is a misdemeanor and punishable by  
144 imprisonment for not more than one (1) year or a fine of not more  
145 than One Thousand Dollars (\$1,000.00), or both.

146 (B) If one-tenth (0.1) gram or more or two (2) or  
147 more dosage units, but less than two (2) grams or ten (10) dosage  
148 units, by imprisonment for not more than three (3) years or a fine  
149 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

150 (C) If two (2) or more grams or ten (10) or more  
151 dosage units, but less than ten (10) grams or twenty (20) dosage  
152 units, by imprisonment for not more than eight (8) years or a fine  
153 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),  
154 or both.

155 (D) If ten (10) or more grams or twenty (20) or  
156 more dosage units, but less than thirty (30) grams or forty (40)  
157 dosage units, by imprisonment for not less than three (3) years  
158 nor more than twenty (20) years or a fine of not more than Five  
159 Hundred Thousand Dollars (\$500,000.00), or both.

160 (2) (A) Marijuana and synthetic cannabinoids:

161 1. If thirty (30) grams or less of marijuana  
162 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
163 not less than One Hundred Dollars (\$100.00) nor more than Two  
164 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph



165 (2) (A) may be enforceable by summons if the offender provides  
166 proof of identity satisfactory to the arresting officer and gives  
167 written promise to appear in court satisfactory to the arresting  
168 officer, as directed by the summons. A second conviction under  
169 this section within two (2) years is a misdemeanor punishable by a  
170 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty  
171 (60) days in the county jail, and mandatory participation in a  
172 drug education program approved by the Division of Alcohol and  
173 Drug Abuse of the State Department of Mental Health, unless the  
174 court enters a written finding that a drug education program is  
175 inappropriate. A third or subsequent conviction under this  
176 paragraph (2) (A) within two (2) years is a misdemeanor punishable  
177 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor  
178 more than One Thousand Dollars (\$1,000.00) and confinement for not  
179 more than six (6) months in the county jail.

180 Upon a first or second conviction under this paragraph  
181 (2) (A), the courts shall forward a report of the conviction to the  
182 Mississippi Bureau of Narcotics which shall make and maintain a  
183 private, nonpublic record for a period not to exceed two (2) years  
184 from the date of conviction. The private, nonpublic record shall  
185 be solely for the use of the courts in determining the penalties  
186 which attach upon conviction under this paragraph (2) (A) and shall  
187 not constitute a criminal record for the purpose of private or  
188 administrative inquiry and the record of each conviction shall be



189 expunged at the end of the period of two (2) years following the  
190 date of such conviction;

191                   2. Additionally, a person who is the operator  
192 of a motor vehicle, who possesses on his person or knowingly keeps  
193 or allows to be kept in a motor vehicle within the area of the  
194 vehicle normally occupied by the driver or passengers, more than  
195 one (1) gram, but not more than thirty (30) grams of marijuana or  
196 not more than ten (10) grams of synthetic cannabinoids is guilty  
197 of a misdemeanor and, upon conviction, may be fined not more than  
198 One Thousand Dollars (\$1,000.00) or confined for not more than  
199 ninety (90) days in the county jail, or both. For the purposes of  
200 this subsection, such area of the vehicle shall not include the  
201 trunk of the motor vehicle or the areas not normally occupied by  
202 the driver or passengers if the vehicle is not equipped with a  
203 trunk. A utility or glove compartment shall be deemed to be  
204 within the area occupied by the driver and passengers.

205                   (B) Marijuana:

206                   1. If more than thirty (30) grams but less  
207 than two hundred fifty (250) grams, by a fine of not more than One  
208 Thousand Dollars (\$1,000.00), or confinement in the county jail  
209 for not more than one (1) year, or both; or by a fine of not more  
210 than Three Thousand Dollars (\$3,000.00), or imprisonment in the  
211 custody of the Department of Corrections for not more than three  
212 (3) years, or both;



213                   2. If two hundred fifty (250) or more grams  
214 but less than five hundred (500) grams, by imprisonment for not  
215 less than two (2) years nor more than eight (8) years or by a fine  
216 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

217                   3. If five hundred (500) or more grams but  
218 less than one (1) kilogram, by imprisonment for not less than four  
219 (4) years nor more than sixteen (16) years or a fine of not more  
220 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

221                   4. If one (1) kilogram or more but less than  
222 five (5) kilograms, by imprisonment for not less than six (6)  
223 years nor more than twenty-four (24) years or a fine of not more  
224 than Five Hundred Thousand Dollars (\$500,000.00), or both;

225                   5. If five (5) kilograms or more, by  
226 imprisonment for not less than ten (10) years nor more than thirty  
227 (30) years or a fine of not more than One Million Dollars  
228 (\$1,000,000.00), or both.

229                   (C) Synthetic cannabinoids:

230                   1. If more than ten (10) grams but less than  
231 twenty (20) grams, by a fine of not more than One Thousand Dollars  
232 (\$1,000.00), or confinement in the county jail for not more than  
233 one (1) year, or both; or by a fine of not more than Three  
234 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
235 the Department of Corrections for not more than three (3) years,  
236 or both;



237                   2. If twenty (20) or more grams but less than  
238 forty (40) grams, by imprisonment for not less than two (2) years  
239 nor more than eight (8) years or by a fine of not more than Fifty  
240 Thousand Dollars (\$50,000.00), or both;

241                   3. If forty (40) or more grams but less than  
242 two hundred (200) grams, by imprisonment for not less than four  
243 (4) years nor more than sixteen (16) years or a fine of not more  
244 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

245                   4. If two hundred (200) or more grams, by  
246 imprisonment for not less than six (6) years nor more than  
247 twenty-four (24) years or a fine of not more than Five Hundred  
248 Thousand Dollars (\$500,000.00), or both.

249                   (3) A controlled substance classified in Schedule III,  
250 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
251 conviction, may be punished as follows:

252                   (A) If less than fifty (50) grams or less than one  
253 hundred (100) dosage units, the offense is a misdemeanor and  
254 punishable by not more than one (1) year or a fine of not more  
255 than One Thousand Dollars (\$1,000.00), or both.

256                   (B) If fifty (50) or more grams or one hundred  
257 (100) or more dosage units, but less than one hundred fifty (150)  
258 grams or five hundred (500) dosage units, by imprisonment for not  
259 less than one (1) year nor more than four (4) years or a fine of  
260 not more than Ten Thousand Dollars (\$10,000.00), or both.



261 (C) If one hundred fifty (150) or more grams or  
262 five hundred (500) or more dosage units, but less than three  
263 hundred (300) grams or one thousand (1,000) dosage units, by  
264 imprisonment for not less than two (2) years nor more than eight  
265 (8) years or a fine of not more than Fifty Thousand Dollars  
266 (\$50,000.00), or both.

267 (D) If three hundred (300) or more grams or one  
268 thousand (1,000) or more dosage units, but less than five hundred  
269 (500) grams or two thousand five hundred (2,500) dosage units, by  
270 imprisonment for not less than four (4) years nor more than  
271 sixteen (16) years or a fine of not more than Two Hundred Fifty  
272 Thousand Dollars (\$250,000.00), or both.

273 (d) **Paraphernalia.** (1) Except as otherwise provided under  
274 subsection (i) of this section for actions that are lawful under  
275 the Mississippi Medical Cannabis Act and in compliance with rules  
276 and regulations adopted thereunder, it is unlawful for a person  
277 who is not authorized by the State Board of Medical Licensure,  
278 State Board of Pharmacy, or other lawful authority to use, or to  
279 possess with intent to use, paraphernalia to plant, propagate,  
280 cultivate, grow, harvest, manufacture, compound, convert, produce,  
281 process, prepare, test, analyze, pack, repack, store, contain,  
282 conceal, inject, ingest, inhale or otherwise introduce into the  
283 human body a controlled substance in violation of the Uniform  
284 Controlled Substances Law. Any person who violates this  
285 subsection (d) (1) is guilty of a misdemeanor and, upon conviction,



286 may be confined in the county jail for not more than six (6)  
287 months, or fined not more than Five Hundred Dollars (\$500.00), or  
288 both; however, no person shall be charged with a violation of this  
289 subsection when such person is also charged with the possession of  
290 thirty (30) grams or less of marijuana under subsection (c) (2) (A)  
291 of this section.

292 (2) It is unlawful for any person to deliver, sell,  
293 possess with intent to deliver or sell, or manufacture with intent  
294 to deliver or sell, paraphernalia, knowing, or under circumstances  
295 where one reasonably should know, that it will be used to plant,  
296 propagate, cultivate, grow, harvest, manufacture, compound,  
297 convert, produce, process, prepare, test, analyze, pack, repack,  
298 store, contain, conceal, inject, ingest, inhale, or otherwise  
299 introduce into the human body a controlled substance in violation  
300 of the Uniform Controlled Substances Law. Except as provided in  
301 subsection (d) (3), a person who violates this subsection (d) (2) is  
302 guilty of a misdemeanor and, upon conviction, may be confined in  
303 the county jail for not more than six (6) months, or fined not  
304 more than Five Hundred Dollars (\$500.00), or both.

305 (3) Any person eighteen (18) years of age or over who  
306 violates subsection (d) (2) of this section by delivering or  
307 selling paraphernalia to a person under eighteen (18) years of age  
308 who is at least three (3) years his junior is guilty of a  
309 misdemeanor and, upon conviction, may be confined in the county



310 jail for not more than one (1) year, or fined not more than One  
311 Thousand Dollars (\$1,000.00), or both.

312 (4) It is unlawful for any person to place in any  
313 newspaper, magazine, handbill, or other publication any  
314 advertisement, knowing, or under circumstances where one  
315 reasonably should know, that the purpose of the advertisement, in  
316 whole or in part, is to promote the sale of objects designed or  
317 intended for use as paraphernalia. Any person who violates this  
318 subsection is guilty of a misdemeanor and, upon conviction, may be  
319 confined in the county jail for not more than six (6) months, or  
320 fined not more than Five Hundred Dollars (\$500.00), or both.

321 (e) It shall be unlawful for any physician practicing  
322 medicine in this state to prescribe, dispense or administer any  
323 amphetamine or amphetamine-like anorectics and/or central nervous  
324 system stimulants classified in Schedule II, pursuant to Section  
325 41-29-115, for the exclusive treatment of obesity, weight control  
326 or weight loss. Any person who violates this subsection, upon  
327 conviction, is guilty of a misdemeanor and may be confined for a  
328 period not to exceed six (6) months, or fined not more than One  
329 Thousand Dollars (\$1,000.00), or both.

330 (f) **Trafficking.** (1) Any person trafficking in controlled  
331 substances shall be guilty of a felony and, upon conviction, shall  
332 be imprisoned for a term of not less than ten (10) years nor more  
333 than forty (40) years and shall be fined not less than Five  
334 Thousand Dollars (\$5,000.00) nor more than One Million Dollars



335 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
336 reduced or suspended. The person shall not be eligible for  
337 probation or parole, the provisions of Sections 41-29-149,  
338 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

339 (2) "Trafficking in controlled substances" as used  
340 herein means:

341 (A) A violation of subsection (a) of this section  
342 involving thirty (30) or more grams or forty (40) or more dosage  
343 units of a Schedule I or II controlled substance except marijuana  
344 and synthetic cannabinoids;

345 (B) A violation of subsection (a) of this section  
346 involving five hundred (500) or more grams or two thousand five  
347 hundred (2,500) or more dosage units of a Schedule III, IV or V  
348 controlled substance;

349 (C) A violation of subsection (c) of this section  
350 involving thirty (30) or more grams or forty (40) or more dosage  
351 units of a Schedule I or II controlled substance except marijuana  
352 and synthetic cannabinoids;

353 (D) A violation of subsection (c) of this section  
354 involving five hundred (500) or more grams or two thousand five  
355 hundred (2,500) or more dosage units of a Schedule III, IV or V  
356 controlled substance; or

357 (E) A violation of subsection (a) of this section  
358 involving one (1) kilogram or more of marijuana or two hundred  
359 (200) grams or more of synthetic cannabinoids.



360 (g) **Aggravated trafficking.** Any person trafficking in  
361 Schedule I or II controlled substances, except marijuana and  
362 synthetic cannabinoids, of two hundred (200) grams or more or of  
363 two hundred sixty-seven (267) dosage units or more, shall be  
364 guilty of aggravated trafficking and, upon conviction, shall be  
365 sentenced to a term of not less than twenty-five (25) years nor  
366 more than life in prison and shall be fined not less than Five  
367 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
368 (\$1,000,000.00). The twenty-five-year sentence shall be a  
369 mandatory sentence and shall not be reduced or suspended. The  
370 person shall not be eligible for probation or parole, the  
371 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
372 the contrary notwithstanding.

373 (h) **Sentence mitigation.** (1) Notwithstanding any provision  
374 of this section, a person who has been convicted of an offense  
375 under this section that requires the judge to impose a prison  
376 sentence which cannot be suspended or reduced and is ineligible  
377 for probation or parole may, at the discretion of the court,  
378 receive a sentence of imprisonment that is no less than  
379 twenty-five percent (25%) of the sentence prescribed by the  
380 applicable statute. In considering whether to apply the departure  
381 from the sentence prescribed, the court shall conclude that:

382 (A) The offender was not a leader of the criminal  
383 enterprise;



384 (B) The offender did not use violence or a weapon  
385 during the crime;

386 (C) The offense did not result in a death or  
387 serious bodily injury of a person not a party to the criminal  
388 enterprise; and

389 (D) The interests of justice are not served by the  
390 imposition of the prescribed mandatory sentence.

391 The court may also consider whether information and  
392 assistance were furnished to a law enforcement agency, or its  
393 designee, which, in the opinion of the trial judge, objectively  
394 should or would have aided in the arrest or prosecution of others  
395 who violate this subsection. The accused shall have adequate  
396 opportunity to develop and make a record of all information and  
397 assistance so furnished.

398 (2) If the court reduces the prescribed sentence  
399 pursuant to this subsection, it must specify on the record the  
400 circumstances warranting the departure.

401 (i) This section does not apply to any of the actions that  
402 are lawful under the Mississippi Medical Cannabis Act and in  
403 compliance with rules and regulations adopted thereunder.

404 **SECTION 2.** (1) It is unlawful for any person to knowingly  
405 or intentionally create, sell, barter, transfer, manufacture,  
406 distribute, dispense, prescribe or possess with knowledge or  
407 intent to create, sell, barter, transfer, manufacture, distribute,  
408 dispense or prescribe an "abortion-inducing drug," which is



409 defined as a medicine, drug or any other substance prescribed or  
410 dispensed with the intent of terminating the clinically  
411 diagnosable pregnancy of a woman to cause the death of the unborn  
412 child, except as otherwise provided by the laws of the State of  
413 Mississippi. This includes the use of drugs known to have  
414 abortion-inducing properties, which are prescribed specifically  
415 with the intent of causing an abortion. Use of those drugs to  
416 induce abortion is also known as "medical abortion." This  
417 definition does not apply to drugs that may be known to cause an  
418 abortion but are prescribed for other medical indications, such as  
419 chemotherapeutic agents and diagnostic drugs, or are used in the  
420 course of medical care that is lawful under the laws of the State  
421 of Mississippi and within the physician's reasonable medical  
422 judgment and the applicable standard of care, including, but not  
423 limited to, the treatment of miscarriage, ectopic pregnancy, fetal  
424 demise, induction of labor, and management of postpartum  
425 complications.

426 (2) Any person who violates subsection (1) of this section  
427 shall be, if convicted, punished by imprisonment in the custody of  
428 the Department of Corrections for not less than one (1) year nor  
429 more than ten (10) years. In addition to the criminal penalties  
430 provided for in this subsection (2), the Attorney General may  
431 bring a civil action in the name of the State of Mississippi to  
432 enjoin any violation of subsection (1) of this section related to  
433 abortion-inducing drugs, to obtain declaratory or injunctive



434 relief, and to recover civil penalties and costs. The court may  
435 make such additional orders or judgments, including restitution,  
436 as may be necessary for damages proximately caused by a violation  
437 of this section related to abortion-inducing drugs. It is not a  
438 defense to civil liability under this subsection (2) that a  
439 defendant has been acquitted or has not been prosecuted or  
440 convicted under this section or has been convicted of a different  
441 offense or of a different type or class of offense, for the  
442 conduct that is alleged to give rise to liability under this  
443 subsection (2). Civil actions provided under this subsection (2)  
444 are cumulative and do not preclude criminal prosecution.

445       **SECTION 3.** This act shall take effect and be in force from  
446 and after July 1, 2026.

