

1 AN ACT TO ENACT THE MISSISSIPPI MEDICAL CANNABIS ACT; TO
2 AMEND *****; AND FOR RELATED PURPOSES. VERSION
3 9/24/2021.

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

6 **SECTION 1.** **Title.** This chapter shall be known and may be
7 cited as the "Mississippi Medical Cannabis Act."

8 **SECTION 2.** **Definitions.** For purposes of this chapter,
9 unless the context requires otherwise, the following terms shall
10 have the meanings ascribed herein:

11 (a) "Allowable amount of medical cannabis" means an
12 amount not to exceed the maximum amount of Mississippi Medical
13 Cannabis Equivalency Units ("MMCEU");

14 (b) "Bona fide practitioner-patient relationship"
15 means:

16 (i) A practitioner and patient have a treatment
17 or consulting relationship, during the course of which the
18 practitioner has completed an in-person assessment of the
19 patient's medical history and current mental health and medical
20 condition and has documented their certification in the
21 patient's medical file;

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

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

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

35 (d) "Cannabis cultivation facility" means a business
36 entity licensed and registered by the Mississippi Department of
37 Agriculture and Commerce that acquires, grows, cultivates and
38 harvests medical cannabis in an indoor, enclosed and secure
39 area.

40 (e) "Cannabis disposal entity" means a business
41 licensed and registered by the Mississippi Department of
42 Agriculture and Commerce that is involved in the commercial
43 disposal or destruction of medical cannabis.

44 (f) "Cannabis processing facility" means a business
45 entity that is licensed and registered by the Mississippi
46 Department of Agriculture and Commerce that:

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

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

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

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

57 (g) "Cannabis products" means cannabis flower,
58 concentrated cannabis, cannabis extracts, and products that are
59 infused with cannabis or an extract thereof and are intended for
60 use or consumption by humans. The term includes, without
61 limitation, edible cannabis products, beverages, topical
62 products, ointments, oils, tinctures and suppositories that
63 contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD)
64 except those products excluded from control under Sections
65 41-29-113 and 41-29-136.

66 (h) "Cannabis research facility" or "research
67 facility" means an independent entity licensed and registered
68 with the Mississippi Department of Health pursuant to this
69 chapter that acquires cannabis from cannabis cultivation
70 facilities and cannabis processing facilities in order to
71 research cannabis, develop best practices for specific medical
72 conditions, develop medicines and provide commercial access for
73 medical use.

74 (i) "Cannabis testing facility" or "testing facility"
75 means an independent entity licensed and registered with the

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

78 (j) "Cannabis transportation entity" means an
79 independent entity licensed and registered with the Mississippi
80 Department of Agriculture and Commerce that is involved in the
81 commercial transportation of medical cannabis.

82 (k) "Canopy" means the square footage that a cannabis
83 cultivation facility dedicates to live cannabis plant
84 production, such as maintaining plants and propagating plants
85 from seed to plant tissue, clones, vegetation or flowering area.

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

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

94 (n) "Concentrate" means a substance obtained by
95 separating cannabinoids from cannabis by:

96 (i) A mechanical extraction process;

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

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

104 (o) "Debilitating medical condition" means:

105 (i) Cancer, Parkinson's disease, Huntington's
106 disease, muscular dystrophy, glaucoma, spastic quadriplegia,
107 positive status for human immunodeficiency virus (HIV), acquired
108 immune deficiency syndrome (AIDS), hepatitis, amyotrophic
109 lateral sclerosis (ALS), Crohn's disease, ulcerative colitis,
110 sickle-cell anemia, Alzheimer's disease, agitation of dementia,
111 post-traumatic stress disorder (PTSD), autism, pain refractory
112 to appropriate opioid management, diabetic/peripheral
113 neuropathy, spinal cord disease or severe injury, or the
114 treatment of these conditions;

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

121 (iii) Any other serious medical condition or its
122 treatment added by the Mississippi Department of Health, as
123 provided for in Section 9 of this act.

124 (p) "Designated caregiver" means a person who:

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

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

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

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

138 (q) "Disqualifying felony offense" means:

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

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

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

154 conviction but for the fact that the conduct occurred before the
155 effective date of this act.

156 (r) "Edible cannabis products" means products that:

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

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

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

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

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

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

173 (ii) One (1) gram of medical cannabis
174 concentrate; or

175 (iii) One hundred (100) milligrams of THC
176 infused product.

177 (u) "MDAC" means the Mississippi Department of
178 Agriculture and Commerce.

179 (v) "MDOH" means the Mississippi Department of
180 Health.

181 (w) "MDOR" means the Mississippi Department of
182 Revenue.

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

186 (y) "Medical cannabis dispensary" or "dispensary"
187 means an entity licensed and registered with the MDOR that
188 acquires, possesses, stores, transfers, sells, supplies, or
189 dispenses medical cannabis, equipment used for medical cannabis,
190 or related supplies and educational materials to cardholders.

191 (z) "Medical cannabis establishment" means a cannabis
192 cultivation facility, cannabis processing facility, cannabis
193 testing facility, cannabis dispensary, cannabis transportation
194 entity, cannabis disposal entity or cannabis research facility
195 licensed and registered by the appropriate agency.

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

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

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

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

212 (cc) "Nonresident cardholder" means a person who:

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

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

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

225 (dd) "Practitioner" means a physician, certified
226 nurse practitioner, physician assistant or optometrist who is
227 licensed to prescribe medicine under the licensing requirements
228 of their respective occupational boards and the laws of this
229 state. In relation to a nonresident cardholder, the term means
230 a physician, certified nurse practitioner, physician assistant
231 or optometrist who is licensed to prescribe medicine under the
232 licensing requirements of their respective occupational boards

233 and under the laws of the state or territory in which the
234 nonresident patient resides.

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

242 (ff) "Qualifying patient" means a person who has been
243 diagnosed by a practitioner as having a debilitating medical
244 condition and has been issued a written certification.

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

249 (hh) "School" means an institution for the teaching
250 of children, consisting of a physical location, whether owned or
251 leased, including instructional staff members and students, and
252 which is in session each school year. This definition shall
253 include, but not be limited to, public, private, church and
254 parochial programs for kindergarten, elementary, junior high and
255 high schools. Such term shall not mean a home instruction
256 program.

257 (ii) "THC" or "Tetrahydrocannabinol" means any and
258 all forms of tetrahydrocannabinol that are contained naturally
259 in the cannabis plant, as well as synthesized forms of THC and

260 derived variations, derivatives, isomers and allotropes that
261 have similar molecular and physiological characteristics of
262 tetrahydrocannabinol, including, but not limited to THCA, THC
263 Delta 9, THC Delta 8, THC Delta 10 and THC Delta 6.

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

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

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

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

274 (iv) The practitioner's signature.

275 **SECTION 3. Authorization to use medical cannabis;**

276 **requirements.** (1) No person shall be authorized to use medical
277 cannabis in this state unless the person (a) has been diagnosed
278 by a practitioner, with whom the person has a bona fide
279 practitioner-patient relationship, as having a debilitating
280 medical condition for which the practitioner believes, in his or
281 her professional opinion, that the person would likely receive
282 medical or palliative benefit from the medical use of medical
283 cannabis to treat or alleviate the person's debilitating medical
284 condition or symptoms associated with the person's debilitating
285 medical condition, (b) has received a written certification of
286 that diagnosis from the practitioner, and (c) has been issued a

287 registry identification card from the MDOH under Section 12 of
288 this act. A person who has been diagnosed by a practitioner as
289 specified in paragraph (a) of this subsection shall be a
290 qualifying patient, and the practitioner who has diagnosed the
291 patient shall document that diagnosis with a written
292 certification. However, nothing herein shall require a
293 practitioner to issue a written certification.

294 (2) A written certification shall:

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

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

299 (c) Be issued only after an in-person assessment of
300 the patient by a practitioner;

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

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

306 (3) After a qualifying patient receives a written
307 certification from a practitioner, the patient shall be required
308 to make a follow-up visit with the practitioner not less than
309 six (6) months after the date of issuance of the certification
310 for the practitioner to evaluate and determine the effectiveness
311 of the patient's medical use of medical cannabis to treat or
312 alleviate the patient's debilitating medical condition or

313 symptoms associated with the patient's debilitating medical
314 condition.

315 (4) Before dispensing medical cannabis to a cardholder,
316 the dispensary from which the cardholder is obtaining medical
317 cannabis shall verify the identity of the cardholder and the
318 authority of the cardholder to use medical cannabis as provided
319 in Section 20 of this act and shall determine the maximum
320 amount of medical cannabis that a cardholder is eligible to
321 receive and the amount of medical cannabis that the cardholder
322 has received from all dispensaries during a specified period of
323 time using the statewide seed-to-sale tracking system under
324 Section 6 of this act.

325 (5) A practitioner shall be registered to issue written
326 certifications to qualifying patients by completing the required
327 application process as set forth by the MDOH. The MDOH shall
328 require a practitioner to complete a minimum of eight (8) hours
329 of continuing education in medical cannabis in order to issue
330 written certifications. After the first year of registration,
331 these practitioners shall complete five (5) hours of continuing
332 education in medical cannabis annually to maintain this
333 registration.

334 **SECTION 4. General Responsibilities of Departments.**

335 (1) The MDAC shall be responsible for the licensing,
336 inspection and oversight of cannabis cultivation facilities,
337 cannabis processing facilities, cannabis transportation entities
338 and cannabis disposal entities. The MDAC may contract with
339 other governmental agencies and public or private third parties

340 to assist the MDAC with carrying out any of its powers and
341 duties under this chapter. However, the MDAC shall be
342 ultimately responsible for the performance of its powers and
343 duties under this chapter that are exercised by any agency or
344 third party with which the MDAC has contracted under the
345 authority of this subsection.

346 (2) The MDOH shall be responsible for:

347 (a) The licensing, oversight and inspection of
348 cannabis testing facilities and cannabis research facilities;

349 (b) The application and licensing of registry
350 identification cards for qualifying patients and designated
351 caregivers;

352 (c) The registering of practitioners in accordance
353 with this chapter; and

354 (d) The selection, certification and oversight of the
355 statewide seed-to-sale tracking system as provided for in
356 Section 6 of this act.

357 (3) Unless otherwise provided herein, the MDOR shall be
358 responsible for the licensing, inspection and oversight of
359 medical cannabis dispensaries.

360 (4) The MDAC, MDOR and MDOH shall accept applications for
361 and award licenses according to their respective duties as
362 provided for in this chapter, subject to the following:

363 (a) Not later than ninety (90) days after the
364 effective date of this act, the MDOH shall begin accepting
365 applications, registering and licensing registry identification
366 cards and practitioners.

367 (b) After ninety (90) days from the effective date of
368 this act, the MDAC and MDOH shall begin licensing and
369 registering cannabis cultivation facilities, cannabis
370 processing facilities, cannabis testing facilities, cannabis
371 research facilities, cannabis disposal entities, and cannabis
372 transportation entities. After one hundred and twenty (120)
373 days from the effective date of this act, the MDOR shall begin
374 licensing and registering medical cannabis dispensaries.

375 (5) The MDAC, MDOR and MDOH shall issue a registration
376 certificate and a random ten-digit alphanumeric identification
377 number to each licensed medical cannabis establishment, as
378 applicable.

379 (6) It is the intent of the Legislature that the MDOH,
380 MDAC, MDOR, the Department of Public Safety and any other state
381 agency, as needed, shall cooperate and collaborate together to
382 accomplish the purposes of this act.

383 (7) The MDOH shall have the ultimate authority for
384 oversight of the administration of the medical cannabis program,
385 and the MDOH shall coordinate the activities of the MDOH, MDAC
386 and MDOR under the provisions of this chapter in order to best
387 effectuate the purpose and intent of this chapter.

388 **SECTION 5. Protections for the medical use of cannabis.**

389 (1) There is a presumption that a registered qualifying
390 patient is engaged in the medical use of medical cannabis under
391 this chapter if the person is in possession of a registry
392 identification card and an amount of medical cannabis that does
393 not exceed the allowable amount of medical cannabis. There is a

394 presumption that a registered designated caregiver is assisting
395 in the medical use of medical cannabis under this chapter if the
396 person is in possession of a registry identification card and an
397 amount of medical cannabis that does not exceed the allowable
398 amount of medical cannabis. These presumptions may be rebutted
399 by evidence that conduct related to medical cannabis was not for
400 the purpose of treating or alleviating a registered qualifying
401 patient's debilitating medical condition or symptoms associated
402 with the registered qualifying patient's debilitating medical
403 condition under this chapter.

404 (2) Subject to the conditions, limitations, requirements
405 and exceptions set forth in this chapter, the following
406 activities related to medical cannabis shall be considered
407 lawful:

408 (a) The purchase, transportation or possession of up
409 to the allowable amount, or medical use of, medical cannabis;

410 (b) Financial reimbursement by a registered
411 qualifying patient to the patient's registered designated
412 caregiver for direct costs incurred by the registered designated
413 caregiver for assisting with the registered qualifying patient's
414 medical use of medical cannabis;

415 (c) Compensating a dispensary for goods or services
416 provided;

417 (d) The provision, by a professional or occupational
418 licensee, of advice or services related to medical cannabis
419 activities allowed under this chapter, to the extent such advice

420 or services meet or exceed the applicable professional or
421 occupational standard of care;

422 (e) Providing or selling equipment used to ingest
423 medical cannabis to a cardholder, nonresident cardholder, or to
424 a medical cannabis establishment;

425 (f) Acting as a designated caregiver to assist a
426 registered qualifying patient with the act of using or
427 administering medical cannabis;

428 (g) Activities by a medical cannabis establishment or
429 a medical cannabis establishment agent that are allowed by its
430 license and registration;

431 (h) Activities by a dispensary or a dispensary agent
432 to possess, store or sell medical cannabis products, educational
433 materials and products used to ingest medical cannabis to
434 cardholders, nonresident cardholders and other dispensaries, or
435 to purchase or otherwise acquire medical cannabis products from
436 cannabis cultivation facilities, cannabis processing facilities,
437 cannabis research facilities or other dispensaries;

438 (i) Activities by a cannabis cultivation facility,
439 cannabis processing facility or agents of these facilities to:

440 (i) Possess, plant, propagate, cultivate, grow,
441 harvest, produce, process, manufacture, compound, convert,
442 prepare, pack, repack or store medical cannabis;

443 (ii) Purchase or otherwise acquire medical
444 cannabis and cannabis products from medical cannabis
445 establishments; or

446 (iii) Sell, supply or transfer medical cannabis
447 products, equipment used to ingest medical cannabis, and related
448 supplies and educational materials to other cannabis cultivation
449 facilities, cannabis processing facilities or dispensaries.

450 (j) Activities by a cannabis research facility, a
451 cannabis testing facility or agents of these facilities to:

452 (i) Purchase or otherwise acquire medical
453 cannabis from medical cannabis establishments;

454 (ii) Possess, produce, process, compound,
455 convert, prepare, pack, test, repack and store medical cannabis
456 and cannabis products obtained from medical cannabis
457 establishments; or

458 (iii) Sell, supply or transfer medical cannabis,
459 educational materials and equipment used to ingest medical
460 cannabis to cannabis cultivation facilities, cannabis processing
461 facilities, cannabis testing facilities and cannabis research
462 facilities.

463 (k) Activities by a cannabis transportation entity or
464 a cannabis disposal entity to transport, supply, deliver,
465 dispose of or destroy cannabis, as applicable.

466 (3) Any medical cannabis, cannabis product, equipment used
467 to ingest medical cannabis, or other interest in or right to
468 property that is possessed, owned, or used in connection with
469 the medical use of medical cannabis as authorized by this
470 chapter, or acts incidental to such use, shall not be seized or
471 forfeited. This chapter shall not prevent the seizure or
472 forfeiture of medical cannabis exceeding the allowable amounts

473 of medical cannabis, nor shall it prevent seizure or forfeiture
474 if the basis for the action is unrelated to the medical cannabis
475 that is possessed, processed, transferred or used pursuant to
476 this chapter.

477 (4) Possession of, or application for, a registry
478 identification card shall not:

479 (a) Constitute probable cause or reasonable
480 suspicion;

481 (b) Be used to support a search of the person or
482 property of the person possessing or applying for the registry
483 identification card; or

484 (c) Subject the person or property of the person to
485 inspection by any governmental agency.

486 (5) No law enforcement officer employed by an agency which
487 receives state or local government funds shall expend any state
488 or local resources, including the officer's time, to effect any
489 arrest or seizure of medical cannabis or conduct any
490 investigation on the sole basis of activity that the officer
491 believes to constitute a violation of federal law if the officer
492 has reason to believe that such activity is in compliance with
493 this chapter, nor shall any such officer expend any state or
494 local resources, including the officer's time, to provide any
495 information or logistical support related to such activity to
496 any federal law enforcement authority or prosecuting entity.

497 (6) It is the public policy of the State of Mississippi
498 that contracts related to medical cannabis that are entered into
499 by cardholders, medical cannabis establishments, medical

500 cannabis establishment agents and those who allow property to be
501 used by those persons, should be enforceable to the extent that
502 those activities comply with the other provisions of this
503 chapter. It is the public policy of the State of Mississippi
504 that no contract entered into by a cardholder, a medical
505 cannabis establishment, or a medical cannabis establishment
506 agent, or by a person who allows property to be used for
507 activities that are authorized under this chapter, shall be
508 unenforceable on the basis that activities related to cannabis
509 are prohibited by federal law.

510 (7) An applicant for a professional or occupational
511 license shall not be denied a license based on previous
512 employment related to medical cannabis activities that are
513 allowed under this chapter.

514 **SECTION 6. Seed-to-sale tracking system.** (1) Each
515 medical cannabis establishment shall use a statewide
516 seed-to-sale tracking system certified by the MDAC and MDOH to
517 track medical cannabis from seed or immature plant stage until
518 the medical cannabis is purchased by a registered qualifying
519 patient or registered designated caregiver or destroyed.
520 Records entered into the seed-to-sale tracking system shall
521 include each day's beginning inventory, harvests, acquisitions,
522 sales, disbursements, remediations, disposals, transfers, ending
523 inventory, and any other data necessary for inventory control
524 records in the statewide seed-to-sale tracking system. Each
525 medical cannabis dispensary shall be responsible for ensuring
526 that all medical cannabis sold or disbursed to a registered

527 qualifying patient or registered designated caregiver is
528 recorded in the seed-to-sale tracking system as a purchase by or
529 on behalf of the applicable registered qualifying patients.

530 (2) Amounts of medical cannabis shall be recorded in the
531 following manner:

532 (a) For dried, unprocessed cannabis, in ounces or
533 grams;

534 (b) For concentrates, in grams; or

535 (c) For infused products, by milligrams of THC.

536 (3) The seed-to-sale tracking system used by cannabis
537 cultivation facilities, dispensaries, cannabis processing
538 facilities, cannabis testing facilities, cannabis research
539 facilities, cannabis transportation entities and cannabis
540 disposal entities shall be capable of:

541 (a) Allowing those facilities and entities to
542 interface with the statewide system such that a facility may
543 enter and access information in the statewide system;

544 (b) Providing the MDAC, MDOR and MDOH with access to
545 all information stored in the system's database;

546 (c) Maintaining the confidentiality of all patient and
547 caregiver data and records accessed or stored by the system such
548 that all persons or entities other than the MDAC, MDOR and MDOH
549 may only access the information in the system that they are
550 authorized by law to access;

551 (d) Producing analytical reports to the MDAC, MDOR and
552 MDOH regarding the total quantity of daily, monthly, and yearly
553 sales at the facility per product type; the average prices of

554 daily, monthly, and yearly sales at the facility per product
555 type; and total inventory or sales record adjustments at the
556 facility; and

557 (e) The ability to determine the amount of medical
558 cannabis that a registered qualifying patient or registered
559 designated caregiver has purchased that day in real time by
560 searching a patient registration number.

561 (4) Banks and other financial institutions may be allowed
562 access to specific limited information from the seed-to-sale
563 tracking system. The information that may be available to these
564 institutions shall be limited to financial data of individuals
565 and business entities that have a business relationship with
566 these institutions. This information shall be limited to the
567 information needed for banks to comply with applicable federal
568 regulations and shall not disclose any medical or personal
569 information about registered cardholders or designated
570 caregivers.

571 **SECTION 7. Limitations.**

572 (1) This chapter shall not be construed to do any of the
573 following:

574 (a) Require an organization for managed care, health
575 benefit plan, private health insurer, government medical
576 assistance program, employer, property and casualty, or workers'
577 compensation insurer or self-insured group providing coverage
578 for a medical, pharmacy or health care service to pay for or
579 reimburse any other individual or entity for costs associated
580 with the medical use of cannabis;

581 (b) Require any employer to permit, accommodate, or
582 allow the medical use of medical cannabis, or to modify any job
583 or working conditions of any employee who engages in the medical
584 use of medical cannabis or who for any reason seeks to engage in
585 the medical use of medical cannabis;

586 (c) Prohibit any employer from refusing to hire,
587 discharging, disciplining, or otherwise taking an adverse
588 employment action against an individual with respect to hiring,
589 discharging, tenure, terms, conditions, or privileges of
590 employment as a result, in whole or in part, of that
591 individual's medical use of medical cannabis, regardless of the
592 individual's impairment or lack of impairment resulting from the
593 medical use of medical cannabis;

594 (d) Prohibit or limit the ability of any employer
595 from establishing or enforcing a drug testing policy;

596 (e) Interfere with, impair or impede any federal
597 restrictions or requirements on employment or contracting,
598 including, but not limited to, regulations adopted by the United
599 States Department of Transportation in Title 49, Code of Federal
600 Regulations;

601 (f) Permit, authorize, or establish any individual's
602 right to commence or undertake any legal action against an
603 employer for refusing to hire, discharging, disciplining, or
604 otherwise taking an adverse employment action against an
605 individual with respect to hiring, discharging, tenure, terms,
606 conditions or privileges of employment due to the individual's
607 medical use of medical cannabis;

608 (g) Affect, alter or otherwise impact the workers'
609 compensation premium discount available to employers who
610 establish a drug-free workplace program in accordance with
611 Section 71-3-201 et seq.;

612 (h) Affect, alter or otherwise impact an employer's
613 right to deny or establish legal defenses to the payment of
614 workers' compensation benefits to an employee on the basis of a
615 positive drug test or refusal to submit to or cooperate with a
616 drug test, as provided under Section 71-3-7 and Section
617 71-3-121; or

618 (i) Affect, alter or supersede any obligation or
619 condition imposed on a parolee, probationer or an individual
620 participating in a pretrial diversion program or other
621 court-ordered substance abuse rehabilitation program.

622 (2) This chapter does not authorize any individual to
623 engage in, and does not prevent the imposition of any civil,
624 criminal or other penalties for engaging in, the following
625 conduct:

626 (a) Acting with negligence, gross negligence,
627 recklessness, in breach of any applicable professional or
628 occupational standard of care, or to effect an intentional
629 wrong, as a result, in whole or in part, of that individual's
630 medical use of medical cannabis;

631 (b) Possessing medical cannabis or otherwise engaging
632 in the medical use of medical cannabis in any correctional
633 facility, unless the correctional facility has elected to allow
634 the cardholder to engage in the use of medical cannabis;

635 (c) Smoking medical cannabis in a public place; for
636 purposes of this paragraph (c), the term "smoking" includes
637 vaping and any other method of inhalation of medical cannabis;

638 (d) Operating, navigating, or being in actual
639 physical control of any motor vehicle, aircraft, train,
640 motorboat or other conveyance in a manner that would violate
641 Section 59-23-7, Section 63-11-30 or federal law as a result, in
642 whole or in part, of that individual's medical use of medical
643 cannabis;

644 (e) Possessing medical cannabis in excess of the
645 allowable amount of medical cannabis; or

646 (f) Consumption, by a registered designated
647 caregiver, of cannabis provided for use to a registered
648 qualifying patient.

649 **SECTION 8. Discrimination prohibited.** (1) A person shall
650 not be denied custody of or visitation rights or parenting time
651 with a minor solely for the person's status as a cardholder.

652 (2) No school, landlord or employer may be penalized or
653 denied any benefit under state law for enrolling, leasing to or
654 employing a cardholder.

655 (3) A registered qualifying patient or registered
656 designated caregiver shall not be denied the right to own,
657 purchase or possess a firearm, firearm accessory or ammunition
658 based solely on his or her status as a registered qualifying
659 patient or registered designated caregiver. No state or local
660 agency, municipal or county governing authority shall restrict,
661 revoke, suspend or otherwise infringe upon the right of a person

662 to own, purchase or possess a firearm, firearm accessory or
663 ammunition or any related firearms license or certification
664 based solely on his or her status as a registered qualifying
665 patient or registered designated caregiver.

666 (4) Facilities such as schools, child care facilities and
667 temporary care providers shall be allowed to administer medical
668 cannabis in the same manner as with medical prescriptions.

669 (5) Nothing in this chapter shall be construed as to
670 create a private right of action by an employee against an
671 employer.

672 (6) Nothing in this chapter shall be construed to affect
673 the existing legal relationship between an employer and employee
674 or any existing law or regulation relating to such relationship.

675 **SECTION 9. Addition of debilitating medical conditions.**

676 (1) Any resident of Mississippi may petition the MDOH to add
677 serious medical conditions or their treatments to the list of
678 debilitating medical conditions listed in Section 2 of this act.
679 The MDOH shall consider petitions in accordance with its rules
680 and regulations, including public notices and hearings. The
681 MDOH shall approve or deny a petition within sixty (60) days of
682 its submission.

683 (2) The approval or denial of any petition is a final
684 decision of the MDOH. Any person aggrieved by a final decision
685 may obtain judicial review thereof in accordance with Section 31
686 of this act.

687 **SECTION 10. Acts not required and acts not prohibited.**

688 (1) Nothing in this chapter requires a government medical

689 assistance program or private insurer to reimburse a person for
690 costs associated with the medical use of medical cannabis.

691 (2) Nothing in this chapter prohibits an employer from
692 disciplining an employee for ingesting medical cannabis in the
693 workplace or for working while under the influence of medical
694 cannabis.

695 (3) Any person or establishment that is in lawful
696 possession of property may allow a guest, client, customer or
697 other visitor to use medical cannabis on or in that property as
698 authorized under this chapter.

699 (4) A landlord may, but shall not be required to, allow
700 the lawful cultivation, processing, testing, research, sale or
701 use of medical cannabis on rental property as authorized under
702 this chapter.

703 **SECTION 11. Facility restrictions.** (1) Any nursing
704 facility, hospital, hospice, assisted living facility, personal
705 care home, adult day care facility, or adult foster care
706 facility may adopt reasonable restrictions on the use of medical
707 cannabis by registered qualifying patients who are receiving
708 healthcare services, residential care services, or day care
709 services from the facility, including:

710 (a) That the facility will not store or maintain the
711 patient's supply of medical cannabis;

712 (b) That the facility, caregivers, or hospice
713 agencies serving the facility's residents are not responsible
714 for providing the medical cannabis for registered qualifying
715 patients; and

716 (c) That medical cannabis be consumed only in a place
717 specified by the facility.

718 (2) Nothing in this section requires a facility listed in
719 subsection (1) of this section to adopt restrictions on the
720 medical use of medical cannabis.

721 (3) A facility listed in subsection (1) of this section
722 may not unreasonably limit a registered qualifying patient's
723 access to or medical use of medical cannabis authorized under
724 this chapter unless failing to do so would cause the facility to
725 lose a monetary or licensing-related benefit under federal law
726 or regulations.

727 **SECTION 12. Issuance and denial of registry identification**

728 **cards.** (1) No later than sixty (60) days after the effective
729 date of this act, the MDOH shall begin issuing registry
730 identification cards to qualifying patients who submit the
731 following:

732 (a) A written certification issued by a practitioner
733 within sixty (60) days immediately preceding the date of the
734 application;

735 (b) The application or renewal fee;

736 (c) The name, address, social security number, and
737 date of birth of the qualifying patient;

738 (d) The name, address, and telephone number of the
739 qualifying patient's practitioner issuing the written
740 certification;

741 (e) The name, address, social security number, and
742 date of birth of the designated caregiver, or designated
743 caregivers, chosen by the qualifying patient; and

744 (f) If more than one (1) designated caregiver is
745 designated at any given time, documentation demonstrating that a
746 greater number of designated caregivers is needed due to the
747 patient's age or medical condition.

748 (2) If the qualifying patient is unable to submit the
749 information required by subsection (1) of this section due to
750 the person's age or medical condition, the person responsible
751 for making medical decisions for the qualifying patient may do
752 so on behalf of the qualifying patient.

753 (3) Except as provided in subsection (5) of this section,
754 the MDOH shall:

755 (a) Verify the information contained in an
756 application or renewal submitted under this section and approve
757 or deny an application or renewal within thirty (30) days of
758 receiving a completed application or renewal application; and

759 (b) Issue registry identification cards to a
760 qualifying patient and his or her designated caregiver(s), if
761 any, within five (5) days of approving the application or
762 renewal. A designated caregiver must have a registry
763 identification card for each of his or her qualifying patients.

764 (4) The MDOH may conduct a background check of the
765 prospective designated caregiver or caregivers in order to carry
766 out the provisions of this section.

767 (5) The MDOH shall not issue a registry identification
768 card to a qualifying patient who is younger than eighteen (18)
769 years of age unless:

770 (a) The qualifying patient's practitioner has
771 explained the potential risks and benefits of the medical use of
772 medical cannabis to the custodial parent or legal guardian with
773 responsibility for health care decisions for the qualifying
774 patient; and

775 (b) The custodial parent or legal guardian with
776 responsibility for health care decisions for the qualifying
777 patient consents in writing to:

778 (i) Acknowledge the potential harms related to
779 the use of medical cannabis;

780 (ii) Allow the qualifying patient's medical use
781 of medical cannabis;

782 (iii) Serve as the qualifying patient's
783 designated caregiver; and

784 (iv) Control the acquisition of the medical
785 cannabis, the dosage and the frequency of the use of medical
786 cannabis by the qualifying patient.

787 (6) If a designated caregiver is an entity licensed to
788 provide healthcare services, residential care services or day
789 care services, then:

790 (a) The MDOH may provide a single registry
791 identification card to the entity, regardless of the number of
792 registered qualifying patients the entity serves; and

793 (b) The MDOH may issue individual registry
794 identification cards for employees of the entity that may
795 transport medical cannabis.

796 (7) The MDOH shall provide an electronic or physical list
797 of registered qualifying patients who have designated the entity
798 as their caregiver. This list shall be updated with each
799 additional designation.

800 (8) The MDOH may deny an application or renewal of a
801 qualifying patient's registry identification card only if the
802 applicant:

803 (a) Did not provide the required information or
804 materials;

805 (b) Previously had a registry identification card
806 revoked;

807 (c) Provided false information; or

808 (d) Failed to meet the other requirements of this
809 chapter.

810 (9) The MDOH may deny an application or renewal for a
811 designated caregiver chosen by a qualifying patient whose
812 registry identification card was granted only if the applicant:

813 (a) Does not meet the definition of "designated
814 caregiver" under Section 2 of this act;

815 (b) Did not provide the information required;

816 (c) Previously had a registry identification card
817 revoked;

818 (d) Provided false information;

819 (e) Is younger than twenty-one (21) years of age and
820 is not the parent or legal guardian of the qualifying patient
821 who the designated caregiver would assist; or

822 (f) Failed to meet the other requirements of this
823 chapter.

824 (10) The MDOH shall give written notice to the qualifying
825 patient of the reason for denying a registry identification card
826 to the qualifying patient or to the qualifying patient's
827 designated caregiver.

828 (11) Denial of an application or renewal is considered a
829 final MDOH action, subject to judicial review in accordance with
830 Section 31 of this act.

831 **SECTION 13. Registry identification cards.** (1) Registry
832 identification cards must contain all of the following:

833 (a) The name of the cardholder;

834 (b) A designation of whether the cardholder is a
835 qualifying patient, a designated caregiver or a nonresident;

836 (c) The date of issuance and expiration date of the
837 registry identification card;

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

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

844 (f) A photograph of the cardholder;

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

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

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

851 (2) The expiration date shall be visible on the registry
852 identification card. Except as provided in subsection (3) of
853 this section, the expiration date for registry identification
854 cards for residents shall be one (1) year after the date of
855 issuance. The expiration date for registry identification cards
856 for nonresidents shall be fifteen (15) days after the date of
857 issuance.

858 (3) If the practitioner stated in the written
859 certification that the qualifying patient would benefit from the
860 medical use of medical cannabis until a specified earlier date,
861 then the registry identification card shall expire on that date.

862 **SECTION 14. Annual reports.** (1) No later than December
863 31, 2022, and every December 31 thereafter, the MDOH, MDAC, and
864 MDOR shall provide an annual report to the Governor, Lieutenant
865 Governor, Speaker of the House of Representatives, Chairman of
866 the Senate Public Health and Welfare Committee, Chairman of the
867 House of Representatives Public Health and Human Services
868 Committee and the Chairmen of the Drug Policy Committees and
869 Appropriation Committees of the Senate and House of
870 Representatives.

871 (2) The MDOH, MDAC and MDOR shall report every year to the
872 Governor, Lieutenant Governor, Speaker of the House of
873 Representatives, Chairman of the Senate Public Health and
874 Welfare Committee, Chairman of the House of Representatives
875 Public Health and Human Services Committee and the Chairmen of
876 the Drug Policy Committees and Appropriation Committees of the
877 Senate and House of Representatives on the number of
878 applications for registry identification cards received, the
879 amount of fees, fines and taxes collected, any changes to the
880 fees allowed to be charged under this chapter, any addition to
881 the list of debilitating medical conditions, the number of
882 qualifying patients and designated caregivers approved and the
883 number of registry identification cards revoked. The MDOH shall
884 not include identifying information on qualifying patients,
885 designated caregivers or practitioners in the report.

886 (3) The MDOR shall provide quarterly reports for all sales
887 of medical cannabis sold by dispensaries to registered qualified
888 patients to the Governor, Lieutenant Governor, Speaker of the
889 House of Representatives, Chairman of the Senate Public Health
890 and Welfare Committee, Chairman of the House of Representatives
891 Public Health and Human Services Committee, and the Chairmen of
892 the Drug Policy Committees and Appropriation Committees of the
893 Senate and House of Representatives. The MDOR shall report
894 every year on the number of each type of medical cannabis
895 establishments that are licensed and registered and the expenses
896 incurred and revenues generated from the medical cannabis
897 program to the Governor, Lieutenant Governor, Speaker of the

898 House of Representatives, Chairman of the Senate Public Health
899 and Welfare Committee, Chairman of the House of Representatives
900 Public Health and Human Services Committee, and the Chairmen of
901 the Drug Policy Committees and Appropriation Committees of the
902 Senate and House of Representatives.

903 **SECTION 15. Verification system.** (1) The MDOH shall
904 maintain a confidential list of the persons to whom the MDOH has
905 issued registry identification cards and their addresses, phone
906 numbers, and registry identification numbers. This confidential
907 list shall not be combined or linked in any manner with any
908 other lists or databases, nor shall it be used for any purpose
909 not provided for in this chapter.

910 (2) All records containing the identity of registered
911 qualifying patients, registered designated caregivers or
912 practitioners shall be confidential and exempt from disclosure
913 under the Mississippi Public Records Act or any related statute,
914 rule or regulation pertaining to public disclosure of records.
915 Within sixty (60) days after the effective date of this act, the
916 MDOH shall establish a secure phone and internet-based
917 verification system. The verification system must allow law
918 enforcement personnel and medical cannabis establishments to
919 enter a registry identification number to determine whether the
920 number corresponds with a current, valid registry identification
921 card. The system may disclose only:

- 922 (a) Whether the identification card is valid;
- 923 (b) The name of the cardholder;

924 (c) Whether the cardholder is a registered qualifying
925 patient, a registered designated caregiver, or a nonresident;
926 and

927 (d) If a cardholder is a registered designated
928 caregiver, the registry identification number of any affiliated
929 registered qualifying patient.

930 **SECTION 16. Notifications to department and responses.**

931 (1) The following notifications and MDOH responses are
932 required:

933 (a) A registered qualifying patient shall notify the
934 MDOH of any change in his or her name or address, or if the
935 registered qualifying patient ceases to have his or her
936 diagnosed debilitating medical condition, within twenty (20)
937 days of the change.

938 (b) A registered designated caregiver shall notify
939 the MDOH of any change in his or her name or address, or if the
940 designated caregiver becomes aware that the registered
941 qualifying patient passed away, within twenty (20) days of the
942 change.

943 (c) Before a registered qualifying patient changes
944 his or her registered designated caregiver, the registered
945 qualifying patient must notify the MDOH.

946 (d) If a cardholder loses his or her registry
947 identification card, he or she shall notify the MDOH within ten
948 (10) days of becoming aware that the card has been lost.

949 (2) Each notification that a registered qualifying patient
950 is required to make shall instead be made by the patient's

951 registered designated caregiver if the qualifying patient is
952 unable to make the notification due to his or her age or medical
953 condition.

954 (3) When a cardholder notifies the MDOH of any of the
955 circumstances listed in subsection (1) of this section but
956 remains eligible under this chapter, the MDOH shall issue the
957 cardholder a new registry identification card within ten (10)
958 days of receiving the updated information and a Twenty-five
959 Dollar (\$25.00) fee. If the person notifying the MDOH is a
960 registered qualifying patient, the MDOH shall also issue his or
961 her registered designated caregiver, if any, a new registry
962 identification card within ten (10) days of receiving the
963 updated information.

964 (4) If the registered qualifying patient's certifying
965 practitioner notifies the patient and the MDOH in writing that
966 either the registered qualifying patient has ceased to have a
967 debilitating medical condition or that the practitioner no
968 longer believes, in his or her professional opinion, that the
969 patient would likely receive medical or palliative benefit from
970 the medical use of medical cannabis to treat or alleviate the
971 patient's debilitating medical condition or symptoms associated
972 with the patient's debilitating medical condition, the card
973 shall become null and void.

974 (5) A medical cannabis establishment shall notify the MDOH
975 within one (1) business day of any theft or loss of medical
976 cannabis.

977 (6) A medical cannabis establishment shall notify its
978 licensing agency within one (1) business day if there is a
979 change of ownership or closure of the entity.

980 **SECTION 17. Reporting requirement of dispensaries.**

981 Medical cannabis dispensaries shall report medical cannabis
982 dispensing information every twenty-four (24) hours to the
983 Prescription Monitoring Program provided for in Section
984 73-21-127. Dispensaries shall submit information as required by
985 the Prescription Monitoring Program, including, but not limited
986 to, the qualified patient's registry identification card number
987 and the amount of medical cannabis dispensed to the patient.

988 **SECTION 18. Licensing of medical cannabis establishments.**

989 (1) The MDAC shall issue licenses for cannabis cultivation
990 facilities, cannabis processing facilities, cannabis
991 transportation entities and cannabis disposal entities. The
992 MDOH shall issue licenses for cannabis testing facilities, and
993 the MDOR shall issue licenses for medical cannabis dispensaries.

994 (2) The cannabis cultivation facility license application
995 fee shall be subject to the following tiers:

996 (a) Micro-cultivators.

997 (i) Tier 1. A cannabis cultivation facility
998 with a canopy of one thousand (1,000) square feet or less shall
999 be subject to a one-time nonrefundable license application fee
1000 of One Thousand Five Hundred Dollars (\$1,500.00). The annual
1001 license fee shall be a nonrefundable fee of Two Thousand Dollars
1002 (\$2,000.00).

1003 (ii) Tier 2. A cannabis cultivation facility
1004 with a canopy of more than one thousand (1,000) square feet but
1005 less than two thousand (2,000) square feet shall be subject to a
1006 one-time nonrefundable license application fee of Two Thousand
1007 Five Hundred Dollars (\$2,500.00). The annual license fee shall
1008 be a nonrefundable fee of Three Thousand Five Hundred Dollars
1009 (\$3,500.00).

1010 (b) Cultivators.

1011 (i) Tier 1. A cannabis cultivation facility
1012 with a canopy of not less than two thousand (2,000) square feet
1013 but less than five thousand (5,000) square feet shall be subject
1014 to a one-time nonrefundable license application fee of Five
1015 Thousand Dollars (\$5,000.00). The annual license fee shall be a
1016 nonrefundable fee of Fifteen Thousand Dollars (\$15,000.00).

1017 (ii) Tier 2. A cannabis cultivation facility
1018 with a canopy of not less than five thousand (5,000) square feet
1019 but less than fifteen thousand (15,000) square feet shall be
1020 subject to a one-time nonrefundable license application fee of
1021 Ten Thousand Dollars (\$10,000.00). The annual license fee shall
1022 be a nonrefundable fee of Twenty-five Thousand Dollars
1023 (\$25,000.00).

1024 (iii) Tier 3. A cannabis cultivation facility
1025 with a canopy of not less than fifteen thousand (15,000) square
1026 feet but less than thirty thousand (30,000) square feet shall be
1027 subject to a one-time nonrefundable license application fee of
1028 Twenty Thousand Dollars (\$20,000.00). The annual license fee

1029 shall be a nonrefundable fee of Fifty Thousand Dollars
1030 (\$50,000.00).

1031 (iv) Tier 4. A cannabis cultivation facility
1032 with a canopy of not less than thirty thousand (30,000) square
1033 feet but less than sixty thousand (60,000) square feet shall be
1034 subject to a onetime nonrefundable license application fee of
1035 Thirty Thousand Dollars (\$30,000.00). The annual license fee
1036 shall be a nonrefundable fee of Seventy-five Thousand Dollars
1037 (\$75,000.00).

1038 (v) Tier 5. A cannabis cultivation facility
1039 with a canopy of not less than sixty thousand (60,000) square
1040 feet but less than one hundred thousand (100,000.00) square feet
1041 shall be subject to a one-time nonrefundable license application
1042 fee of Forty Thousand Dollars (\$40,000.00). The annual license
1043 fee shall be a nonrefundable fee of One Hundred Thousand Dollars
1044 (\$100,000.00).

1045 (3) A cannabis cultivation facility shall not have a
1046 canopy greater than one hundred thousand (100,000.00) square
1047 feet.

1048 (4) The cannabis processing facility license application
1049 fee shall be subject to the following tiers:

1050 (a) Micro-processors.

1051 (i) Tier 1. A cannabis processing facility
1052 which processes less than two thousand (2,000) pounds of dried
1053 bio mass cannabis material annually shall be subject to a
1054 one-time nonrefundable license application fee of Two Thousand
1055 Dollars (\$2,000.00). The annual license fee shall be a

1056 nonrefundable fee of Three Thousand Five Hundred Dollars
1057 (\$3,500.00).

1058 (ii) Tier 2. A cannabis processing facility
1059 which processes not less than two thousand (2,000) pounds but
1060 less than three thousand (3,000) pounds of dried bio mass
1061 cannabis material annually shall be subject to a one-time
1062 nonrefundable license application fee of Two Thousand Five
1063 Hundred Dollars (\$2,500.00). The annual license fee shall be a
1064 nonrefundable fee of Five Thousand Dollars (\$5,000.00).

1065 (b) Processors. A cannabis processing facility which
1066 processes not less than three thousand (3,000) pounds of bio
1067 mass cannabis material annually shall be subject to a one-time
1068 nonrefundable license application fee of Fifteen Thousand
1069 Dollars (\$15,000.00). The annual license fee shall be a
1070 nonrefundable fee of Twenty Thousand Dollars (\$20,000.00).

1071 (5) A medical cannabis dispensary shall be subject to a
1072 one-time nonrefundable license application fee of Fifteen
1073 Thousand Dollars (\$15,000.00). The annual license fee shall be
1074 a nonrefundable fee of Twenty-five Thousand Dollars
1075 (\$25,000.00).

1076 (6) Cannabis transportation entities shall be subject to a
1077 one-time nonrefundable application fee of Five Thousand
1078 (\$5,000.00). The annual license fee shall be a nonrefundable
1079 fee of Seven Thousand Five Hundred Dollars (\$7,500.00).

1080 (7) Cannabis disposal entities shall be subject to a
1081 one-time nonrefundable application fee of Five Thousand Dollars

1082 (\$5,000.00). The annual license fee shall be a nonrefundable
1083 fee of Seven Thousand Five Hundred Dollars (\$7,500.00).

1084 (8) Cannabis testing facilities shall be subject to a
1085 one-time nonrefundable application fee of Ten Thousand Dollars
1086 (\$10,000.00), and an annual license fee of Fifteen Thousand
1087 Dollars (\$15,000.00). A cannabis testing facility shall not
1088 employ an agent or employee who also is employed or has
1089 ownership at any other medical cannabis establishment.

1090 (9) Cannabis research facilities shall be subject to a
1091 one-time nonrefundable application fee of Ten Thousand Dollars
1092 (\$10,000.00), and an annual license fee of Fifteen Thousand
1093 Dollars (\$15,000.00). A research facility at any university or
1094 college in this state shall be exempt from all fees imposed
1095 under this section.

1096 (10) No individual or business entity shall have a direct
1097 or indirect ownership or economic interest in:

1098 (a) More than one (1) cannabis cultivation facility
1099 license;

1100 (b) More than one (1) cannabis processing facility
1101 license; and

1102 (c) More than five (5) medical cannabis dispensary
1103 licenses.

1104 (11) Minimum qualifications for applicants for a cannabis
1105 cultivation facility, a cannabis processing facility, a medical
1106 cannabis dispensary, a medical cannabis transportation entity or
1107 a medical cannabis disposal entity license(s) are as follows:

1108 (a) An individual applicant for a cannabis
1109 cultivation facility, cannabis processing facility, medical
1110 cannabis dispensary, medical cannabis transportation entity or
1111 medical cannabis disposal license shall be a natural person who:

1112 (i) Is at least twenty-one (21) years of age;

1113 (ii) Has not previously held a license for a
1114 cannabis cultivation facility, cannabis processing facility,
1115 medical cannabis dispensary, medical cannabis transportation
1116 entity or medical cannabis disposal entity that has been
1117 revoked;

1118 (iii) Has not been convicted of a disqualifying
1119 felony offense;

1120 (iv) If possessing a professional or
1121 occupational license, that the license is in good standing;

1122 (v) Has no outstanding tax delinquencies owed to
1123 the State of Mississippi;

1124 (vi) Is not serving as a member of the
1125 Mississippi Senate or Mississippi House of Representatives on
1126 the date of application; and

1127 (vii) Has submitted a sworn statement indicating
1128 that he or she is a true and actual owner of the entity for
1129 which the license is desired, and that he or she intends to
1130 carry on the business authorized for himself or herself and the
1131 entity and not as the agent for any other entity.

1132 (b) If the applicant is applying on behalf of an
1133 entity, in addition to paragraph (a) of this subsection, the
1134 individual applicant shall:

1135 (i) Be legally authorized to submit an
1136 application on behalf of the entity;

1137 (ii) Serve as the primary point of contact with
1138 the MDAC, MDOR and MDOH;

1139 (iii) Submit sufficient proof that the entity
1140 has no owner, board member, officer, or anyone with an economic
1141 interest in the entity who:

- 1142 1. Is under the age of twenty-one (21);
- 1143 2. Has previously been an owner of a
1144 medical cannabis dispensary, cannabis cultivation facility, a
1145 cannabis processing facility, medical cannabis transportation
1146 entity or medical cannabis disposal entity that has had its
1147 license revoked;
- 1148 3. Has been convicted of a disqualifying
1149 felony offense;
- 1150 4. Owes delinquent taxes to the State of
1151 Mississippi; and
- 1152 5. Is serving as a member of the
1153 Mississippi Senate or Mississippi House of Representatives on
1154 the date of application; and

1155 (iv) Submit sufficient proof that if an owner,
1156 board member, officer or anyone with an economic interest in the
1157 entity has or had a professional or occupational license, that
1158 the license is in good standing.

1159 (12) Applicants for cannabis cultivation facility licenses
1160 and cannabis processing facility licenses shall both meet the

1161 minimum qualifications in subsection (10) of this section and
1162 shall also submit sufficient proof of the following:

1163 (a) If a natural person, proof that the person has
1164 been a resident of the State of Mississippi and a citizen of the
1165 United States of America for at least three (3) years prior to
1166 the application date; or

1167 (b) If a business entity, proof that at least
1168 thirty-five percent (35%) of the equity ownership interests in
1169 the entity are held by individuals who have been residents of
1170 the State of Mississippi and citizens of the United States of
1171 America for at least three (3) consecutive years prior to the
1172 application date.

1173 This subsection (11) shall stand repealed on December 31,
1174 2022.

1175 (13) A micro-cultivator or a micro-processor shall both
1176 meet the minimum qualifications in subsection (10) of this
1177 section and shall also submit sufficient proof of the following:

1178 (a) If a natural person, proof that the person has
1179 been a resident of the State of Mississippi and a citizen of the
1180 United States of America for at least three (3) years prior to
1181 the application date; or

1182 (b) If a business entity, provide proof that:

1183 (i) It was registered as an entity with the
1184 Secretary of State in Mississippi; and

1185 (ii) One-hundred percent (100%) of the equity
1186 ownership interests in the entity are held by individuals who
1187 have been residents of the State of Mississippi and citizens of

1188 the United States of America for at least three (3) consecutive
1189 years prior to the application date.

1190 (14) For purposes of this section, it shall be sufficient
1191 to prove Mississippi residency for the individual(s) to submit
1192 two (2) of the following source documents:

1193 (a) Mississippi Tax Return Form 80-105 or Form 80-205
1194 for each of the three (3) years preceding the application
1195 without schedules, worksheets, or attachments, and redacted to
1196 remove all financial information and all but the last four (4)
1197 digits of the individual's social security number for the three
1198 (3) years preceding the application;

1199 (b) Ownership, lease, or rental documents for place
1200 of primary domicile for the three (3) years preceding the
1201 application;

1202 (c) Billing statements, including utility bills for
1203 the three (3) years preceding the application; or

1204 (d) Vehicle registration for the three (3) years
1205 preceding the application.

1206 (15) Ownership in a cannabis cultivation facility license,
1207 cannabis processing facility license or a medical cannabis
1208 dispensary license or investment in a business that supports or
1209 benefits from such a license shall not disqualify or otherwise
1210 negatively impact the license or finding of suitability of such
1211 owner who is otherwise engaged in any other form of business
1212 operation in the state, if such business requires the owner to
1213 hold a license or be found suitable under state law.

1214 (16) Any business or state entity applying for
1215 registration as a medical cannabis establishment must meet all
1216 the requirements specified in this chapter.

1217 (17) A prospective medical cannabis establishment shall
1218 submit all of the following:

1219 (a) An application, including:

1220 (i) The legal name of the prospective medical
1221 cannabis establishment;

1222 (ii) The physical address of the prospective
1223 medical cannabis establishment, which shall not be within one
1224 thousand (1,000) feet of the main point of entry of a school,
1225 church, or child care facility which exists or has acquired
1226 necessary real property for the operation of such facility
1227 before the date of the medical cannabis establishment
1228 application unless the entity has received approval from the
1229 school, church or child care facility and received the
1230 applicable waiver from their licensing agency;

1231 (iii) The name of each principal officer and
1232 board member of the proposed medical cannabis establishment; and

1233 (iv) Any additional information requested by the
1234 MDAC, MDOR and MDOH.

1235 (b) Operating procedures consistent with rules and
1236 regulations for oversight of the proposed medical cannabis
1237 establishment, including procedures to ensure accurate record
1238 keeping and adequate security measures.

1239 (c) If the municipality or county where the proposed
1240 medical cannabis establishment would be located has enacted

1241 zoning restrictions, a sworn statement certifying that the
1242 proposed medical cannabis establishment is in compliance with
1243 the restrictions.

1244 (d) If the municipality or county where the proposed
1245 medical cannabis establishment would be located requires a local
1246 registration, license, or permit, then proof of receiving such
1247 registration, license or permit.

1248 (e) If the application is on behalf of an entity,
1249 verification that none of the principal officers or board
1250 members have served as a principal officer or board member for a
1251 medical cannabis establishment that has had its license revoked.

1252 (f) If the application is on behalf of an entity,
1253 verification that none of the principal officers or board
1254 members is under twenty-one (21) years of age.

1255 (18) The MDAC, MDOR and MDOH shall issue a renewal
1256 registration certificate within ten (10) days of receipt of the
1257 prescribed renewal application and renewal fee from a medical
1258 cannabis establishment if its license is not under suspension
1259 and has not been revoked.

1260 (19) A licensing agency shall require disclosure only of
1261 persons, entities or affiliated entities who directly or
1262 indirectly own ten percent (10%) or more of a medical cannabis
1263 establishment issued a license by the licensing agency.

1264 (20) Otherwise eligible applicants for licenses to operate
1265 as medical cannabis establishments under this chapter shall not
1266 be disqualified from receipt of a license based on:

1267 (a) Their location on Mississippi Choctaw Indian
1268 Reservation Lands; or

1269 (b) The involvement of the Mississippi Band of
1270 Choctaw Indians or any entity owned or operated by the
1271 Mississippi Band of Choctaw Indians as an owner or co-owner of
1272 such license, provided that such license shall be subject to
1273 revocation for material noncompliance with this chapter on the
1274 same basis as any other license.

1275 (21) A cannabis processing facility that produces edible
1276 cannabis products shall hold a permit to operate as a food
1277 establishment and shall comply with all applicable requirements
1278 for food establishments as set by the MDOH.

1279 **SECTION 19. Local ordinances.** (1) A municipality or
1280 county may enact ordinances or regulations not in conflict with
1281 this chapter, or with regulations enacted under this chapter,
1282 governing the time, place, and manner of medical cannabis
1283 establishment operations in the locality. A municipality or
1284 county may establish penalties for violation of an ordinance or
1285 regulation governing the time, place and manner of a medical
1286 cannabis establishment that may operate in the municipality or
1287 county.

1288 (2) No municipality or county may prohibit dispensaries
1289 either expressly or through the enactment of ordinances or
1290 regulations that make their operation impracticable in the
1291 jurisdiction. The main point of entry of a medical cannabis
1292 establishment shall not be located within one thousand (1,000)
1293 feet of the main point of entry of any school, church or child

1294 care facility. A medical cannabis establishment may receive a
1295 waiver to these restrictions by receiving approval from the
1296 school, church or child care facility and by applying for a
1297 waiver with its respective licensing agency.

1298 (3) A dispensary, cannabis research facility or cannabis
1299 testing facility may be located in any area in a municipality or
1300 county that is zoned as commercial or for which commercial use
1301 is otherwise authorized or not prohibited, provided that it
1302 being located there does not violate any other provisions of
1303 this chapter. A cannabis cultivation facility and/or cannabis
1304 processing facility may be located in any area in a municipality
1305 or county that is zoned as agricultural or industrial or for
1306 which agricultural or industrial use is otherwise authorized or
1307 not prohibited, provided that it being there does not violate
1308 any other provision of this chapter.

1309 (4) A municipality or county may require a medical
1310 cannabis establishment to obtain a local license, permit or
1311 registration to operate, and may charge a reasonable fee for the
1312 local license, permit or registration, provided that this fee is
1313 consistent with fees charged to businesses that are not involved
1314 in the cannabis industry.

1315 (5) No medical cannabis dispensary may be located within a
1316 one-thousand five hundred feet (1,500) radius from the main
1317 point of entry of the dispensary to the main point of entry of
1318 another medical cannabis dispensary.

1319 **SECTION 20. Requirements, prohibitions and penalties.** (1)
1320 Medical cannabis establishments shall conduct a background check

1321 into the criminal history of every person seeking to become a
1322 principal officer, board member, agent, volunteer, or employee
1323 before the person begins working at or for the medical cannabis
1324 establishment.

1325 (2) A medical cannabis establishment may not employ any
1326 person who:

1327 (a) Was convicted of a disqualifying felony offense;
1328 or

1329 (b) Is under twenty-one (21) years of age.

1330 (3) The operating documents of a medical cannabis
1331 establishment must include procedures for the oversight of the
1332 medical cannabis establishment and procedures to ensure accurate
1333 record keeping and adequate security measures.

1334 (4) A medical cannabis establishment shall implement
1335 appropriate security measures designed to deter and prevent the
1336 theft of medical cannabis and unauthorized entrance into areas
1337 containing medical cannabis.

1338 (5) All cultivation, harvesting, processing and packaging
1339 of medical cannabis must take place in an enclosed, locked and
1340 secure facility with a physical address provided to the MDAC
1341 during the licensing and registration process. The facility
1342 shall be equipped with locks or other security devices that
1343 permit access only by agents of the medical cannabis
1344 establishment, emergency personnel or adults who are twenty-one
1345 (21) years of age and older and who are accompanied by medical
1346 cannabis establishment agents.

1347 (6) No medical cannabis establishment other than a
1348 cannabis processing facility or cannabis research facility may
1349 produce cannabis concentrates, cannabis extractions, or other
1350 cannabis products.

1351 (7) A medical cannabis establishment may not share office
1352 space with or refer patients to a practitioner.

1353 (8) Medical cannabis establishments are subject to
1354 inspection by the MDAC, MDOR and MDOH during business hours.

1355 (9) Before medical cannabis may be dispensed to a
1356 cardholder, a dispensary agent must:

1357 (a) Require that the individual present a registry
1358 identification card;

1359 (b) Make a diligent effort to verify that the
1360 registry identification card presented to the dispensary is
1361 valid;

1362 (c) Make a diligent effort to verify that the person
1363 presenting the registry identification card is the person
1364 identified on the registry identification card presented to the
1365 dispensary agent; and

1366 (d) Not believe that the amount of medical cannabis
1367 dispensed would cause the person to possess more than the
1368 allowable amount of medical cannabis.

1369 (10) A medical cannabis establishment shall not sell more
1370 than the allowable amount of medical cannabis to a cardholder.
1371 A cardholder shall not obtain more than a total of eight (8)
1372 MMCEUs of allowable medical cannabis in a day from a dispensary
1373 or a combination of dispensaries. A cardholder shall not obtain

1374 more than a total of thirty-two (32) MMCEUs of allowable medical
1375 cannabis in thirty (30) days from a dispensary or a combination
1376 of dispensaries.

1377 The possession limit for resident cardholders of the
1378 allowable amount of medical cannabis shall be a total of forty
1379 (40) MMCEUs. There shall not be a possession limit on
1380 non-consumable medical cannabis, including, but not limited to,
1381 suppositories, ointments, soaps, and lotions or other topical
1382 agents.

1383 (11) For purposes of this chapter, total THC is defined as
1384 THCA multiplied by (.877) plus THC Delta 9 and all other
1385 psychoactive forms or isomers of THC added together. A medical
1386 cannabis establishment shall not sell cannabis flower or trim
1387 that has a potency of greater than thirty percent (30%) total
1388 THC. A medical cannabis dispensary shall not sell cannabis
1389 tinctures, oils or concentrates that have a potency of greater
1390 than sixty percent (60%) total THC. Cannabis products that have
1391 a potency of over thirty percent (30%) total THC shall be
1392 clearly labeled as "extremely potent." Edible cannabis
1393 products, including food or drink products, that have been
1394 combined with usable cannabis or cannabis products shall be
1395 physically demarked and labeled with a clear determination of
1396 how much total THC is in a single serving size and how much THC
1397 is in the entire package.

1398 A medical cannabis product shall contain a notice of harm
1399 regarding the use of cannabis products. Edible cannabis
1400 products shall be homogenized to ensure uniform disbursement of

1401 cannabinoids throughout the product. All edible cannabis
1402 products shall be presented in the form of geometric shapes.

1403 (12) A dispensary may not dispense more than the allowable
1404 amount of cannabis to a registered qualifying patient or a
1405 nonresident cardholder, directly or via a registered designated
1406 caregiver. Dispensaries shall ensure compliance with this
1407 limitation by maintaining internal, confidential records that
1408 include records specifying how much medical cannabis is being
1409 dispensed to the registered qualifying patient or nonresident
1410 cardholder and whether it was dispensed directly to a registered
1411 qualifying patient, nonresident cardholder or to the registered
1412 designated caregiver.

1413 (13) A nonresident cardholder shall not obtain more than a
1414 total of four (4) MMCEUs of allowable medical cannabis in a day
1415 from a dispensary or a combination of dispensaries. A
1416 nonresident cardholder shall not obtain more than a total of
1417 sixteen (16) MMCEUs of allowable cannabis from a dispensary or a
1418 combination of dispensaries in a fifteen (15) day period.

1419 (14) A nonresident may apply to receive a nonresident
1420 registry identification card up to thirty (30) days before
1421 arriving in Mississippi. A nonresident registry identification
1422 card shall be valid for fifteen (15) days. After the expiration
1423 of the card, a nonresident may apply for a renewal of the card
1424 and may be granted another card which shall be valid for another
1425 fifteen day period. A nonresident registry identification card
1426 shall only be valid, at a maximum, for two separate periods of
1427 fifteen (15) days in a three hundred and sixty-five (365) day

1428 period. An applicant may indicate on his or her application the
1429 specific time period that he or she wishes for the card to be
1430 valid. The possession limit of the allowable amount of medical
1431 cannabis for nonresident cardholders shall be sixteen (16)
1432 MMCEUs.

1433 (15) A medical cannabis dispensary agent or employee shall
1434 not issue a written certification. Employees and agents of a
1435 medical cannabis dispensary shall complete at least eight (8)
1436 hours of continuing education in medical cannabis as regulated
1437 by the MDOR in order to be certified to work at a medical
1438 cannabis dispensary. After the first year of employment, these
1439 employees shall complete five (5) hours of continuing education
1440 in medical cannabis annually to maintain this certification.

1441 (16) Notwithstanding any other provision to the contrary,
1442 a patient with a debilitating medical condition who is at least
1443 eighteen (18) years of age but younger than twenty-one (21)
1444 years of age is not eligible for a medical cannabis registry
1445 identification card unless two (2) practitioners from separate
1446 medical practices have diagnosed the patient as having a
1447 debilitating medical condition after an in-person consultation.

1448 If one (1) of the recommending practitioners is not the
1449 patient's primary care practitioner, the recommending
1450 practitioner shall review the records of a diagnosing
1451 practitioner. The requirement that the two (2) practitioners be
1452 from separate medical practices does not apply if the patient is
1453 homebound or if the patient had a registry identification card
1454 before the age of eighteen (18).

1455 (17) A medical cannabis establishment shall not allow an
1456 individual who is younger than twenty-one (21) years old to
1457 enter the premises of the establishment unless the individual
1458 possesses a registry identification card and is accompanied by
1459 his or her legal guardian.

1460 (18) A medical cannabis establishment shall only purchase,
1461 grow, cultivate, and use cannabis that is grown and cultivated
1462 in this state. Any medical cannabis that is grown and
1463 cultivated in this state shall not be transported outside of
1464 this state.

1465 (19) Employees of all medical cannabis establishments
1466 shall apply for a work permit with the MDOH, MDOR and MDAC, as
1467 applicable, before beginning employment with any establishment.
1468 The licensing agency for the respective medical cannabis
1469 establishment may issue work permits to these individuals.
1470 These licensing agencies shall maintain a work registry of all
1471 applicants and work permits issued. The fee for a work permit
1472 shall be Twenty-five Dollars (\$25.00) and the permit shall be
1473 valid for five (5) years. Work permits shall be the property of
1474 the employee and shall not be transferable to other employees.

1475 (20) For purposes of this subsection, "Plant Growth
1476 Regulator cannabis" shall mean a cannabis plant whose growth and
1477 structure has been modified using plant growth hormones. A
1478 cannabis cultivation facility shall not cultivate and a cannabis
1479 dispensary shall not sell, transfer or provide for consumption
1480 Plant Growth Regulator cannabis.

1481 (21) A medical cannabis dispensary shall only make sales
1482 to cardholders inside the dispensary. A medical cannabis
1483 dispensary shall not sell or otherwise convey medical cannabis
1484 to a cardholder through the means of a drive-through, curbside
1485 delivery or other delivery outside the premises of the
1486 dispensary.

1487 **SECTION 21. Agencies to issue rules and regulations.** (1)
1488 From and after the effective date of this act, the MDOH, MDAC
1489 and MDOR shall each, where relevant to the role of that
1490 particular agency, establish and promulgate the following rules
1491 and regulations:

1492 (a) Governing the manner in which it shall consider
1493 petitions from the public to add debilitating medical conditions
1494 or treatments to the list of debilitating medical conditions set
1495 forth in Section 2 of this act, including public notice of and
1496 opportunities to comment in public hearings on the petitions;

1497 (b) Establishing the form and content of license and
1498 renewal applications and written certifications submitted under
1499 this chapter;

1500 (c) Governing the manner in which it shall consider
1501 applications for and renewals of registry identification cards,
1502 which may include creating a standardized written certification
1503 form;

1504 (d) Governing medical cannabis establishments with
1505 the goals of ensuring the health and safety of registered
1506 qualifying patients and preventing diversion and theft of

1507 medical cannabis without imposing an undue burden or
1508 compromising the confidentiality of cardholders, including:

- 1509 (i) Oversight requirements;
- 1510 (ii) Recordkeeping requirements;
- 1511 (iii) Qualifications that are directly and
1512 demonstrably related to the operation of medical cannabis
1513 establishments;
- 1514 (iv) Security requirements, including lighting,
1515 physical security, and alarm requirements;
- 1516 (v) Health and safety regulations, including
1517 restrictions on the use of pesticides, herbicides or other
1518 chemicals that are injurious to human health;
- 1519 (vi) Standards for the processing of cannabis
1520 products and the indoor cultivation of cannabis by cannabis
1521 cultivation facilities;
- 1522 (vii) Requirements for the transportation and
1523 storage of cannabis by medical cannabis establishments;
- 1524 (viii) Employment and training requirements,
1525 including requiring that each medical cannabis establishment
1526 create an identification badge for each agent of the
1527 establishment;
- 1528 (ix) Standards for the safe processing of
1529 medical cannabis products, including extracts and concentrates;
- 1530 (x) Restrictions on the advertising, signage,
1531 and display of medical cannabis, provided that the restrictions
1532 may not prevent appropriate signs on the property of a
1533 dispensary, listings in business directories, including phone

1534 books, listings in cannabis-related or medical publications, or
1535 the sponsorship of health or not-for-profit charity or advocacy
1536 events;

1537 (xi) Requirements and procedures for the safe
1538 and accurate packaging and labeling of medical cannabis,
1539 including prohibiting the use of any images designed or likely
1540 to appeal to minors, such as cartoons, packaging that resembles
1541 popular candy brands, toys, animals or children, or any other
1542 likeness or image containing characters or phrases to advertise
1543 to minors;

1544 (xii) Standards for cannabis testing facilities,
1545 including requirements for equipment and qualifications for
1546 personnel;

1547 (xiii) Protocol development for the safe
1548 delivery of medical cannabis from dispensaries to cardholders;

1549 (xiv) Reasonable requirements to ensure the
1550 applicant has sufficient property or capital to operate the
1551 applicant's proposed medical cannabis establishment;

1552 (xv) Procedures for suspending or terminating
1553 the licenses or registry identification cards of cardholders and
1554 medical cannabis establishments that commit multiple or serious
1555 violations of the provisions of this chapter or the rules and
1556 regulations promulgated pursuant to this section;

1557 (xvi) Procedures for the selection,
1558 certification and oversight of a seed-to-sale tracking system as
1559 provided for in Section 6 of this act;

1560 (xvii) Requirements for labeling medical
1561 cannabis and cannabis products, including requiring medical
1562 cannabis product labels to include the following:

- 1563 1. The length of time it typically takes
1564 for the product to take effect;
- 1565 2. Disclosure of ingredients and possible
1566 allergens;
- 1567 3. A nutritional fact panel;
- 1568 4. The amount of THC and CBD in the
1569 product;
- 1570 5. A notice of the potential harm caused by
1571 consuming medical cannabis; and
- 1572 6. For edible cannabis products, when
1573 practicable, a standard symbol indicating that the product
1574 contains cannabis;

1575 (xviii) Procedures for the registration of
1576 nonresident cardholders, which must require the submission of:

- 1577 1. A practitioner's statement confirming
1578 that the patient has a debilitating medical condition; and
- 1579 2. Documentation demonstrating that the
1580 nonresident cardholder is allowed to possess medical cannabis or
1581 cannabis preparations in the jurisdiction where he or she
1582 resides;

1583 (xix) The amount of cannabis products, including
1584 the amount of concentrated cannabis, each cardholder and
1585 nonresident cardholder can possess;

1586 (xx) Reasonable application and renewal fees for
1587 registry identification cards and registration certificates,
1588 according to the following:

1589 1. The fee schedule shall be set as
1590 follows:

1591 a. The qualifying patient registry
1592 identification card application fee shall be Twenty-five Dollars
1593 (\$25.00);

1594 b. The designated caregiver registry
1595 identification card application fee shall be Twenty-five Dollars
1596 (\$25.00);

1597 c. The designated caregiver criminal
1598 background fee shall be Thirty-seven Dollars (\$37.00);

1599 d. The fee for a renewal or
1600 replacement of a card shall be Twenty-five Dollars (\$25.00);

1601 e. The fee for a card for a
1602 nonresident patient shall be Seventy-five Dollars (\$75.00);

1603 f. The qualifying patient registry
1604 identification card application fee for a Medicaid participant
1605 shall be Fifteen Dollars (\$15.00) and the fee for a renewal of
1606 such card shall be Fifteen Dollars (\$15.00); and

1607 g. The application fee for a
1608 qualifying patient registry identification card for disabled
1609 veterans or disabled first responders shall be waived. A
1610 disabled veteran or first responder may prove their disability
1611 by providing written documentation from their practitioner
1612 attesting to their debilitating medical condition, documentation

1613 from the Social Security Disability Office, or documentation
1614 that attests the applicant is a one-hundred percent (100%)
1615 disabled veteran as determined by the U.S. Department of Veteran
1616 Affairs and codified at 38 C.F.R., Section 3.340(a) (2013); and

1617 2. The MDOH may accept donations from
1618 private sources to reduce the amount of the application and
1619 renewal fees;

1620 (xxi) Any other rules and regulations necessary
1621 to implement and administer this chapter.

1622 (2) The initial rules filed by the MDOH to implement the
1623 medical cannabis program in accordance with this chapter shall
1624 be effective immediately upon their filing.

1625 **SECTION 22. Public registry.** (1) The MDAC, MDOH and the
1626 MDOR shall jointly create and maintain a public registry of
1627 medical cannabis establishments, which shall include, but shall
1628 not be limited to, the following information:

1629 (a) The name of the establishment;

1630 (b) The owner and, if applicable, the beneficial
1631 owner of the establishment;

1632 (c) The physical address, including municipality and
1633 zip code, of the establishment;

1634 (d) The mailing address, including municipality and
1635 zip code, of the establishment;

1636 (e) The county in which the establishment is
1637 domiciled;

1638 (f) The phone number of the establishment;

1639 (g) The electronic mail address of the establishment;

1640 (h) The license number of the establishment;
1641 (i) The issuance date of the establishment's license;
1642 (j) The expiration date of the establishment's
1643 license;
1644 (k) The NAICS code of the establishment;
1645 (l) Any changes to the license holder's status; and
1646 (m) Any other information determined necessary by the
1647 MDAC, MDOH and MDOR.

1648 (2) The public registry shall not include personal
1649 information of an owner of a medical cannabis establishment.

1650 (3) The registry shall be maintained electronically and
1651 shall be easily accessible to the public.

1652 **SECTION 23. Violations.**

1653 (1) It shall be unlawful for any person or entity to
1654 cultivate, process, transport, use, possess, purchase, sell or
1655 transfer cannabis except as authorized by this chapter.

1656 (2) A cardholder or medical cannabis establishment that
1657 purposely or knowingly fails to provide a notice required by
1658 Section 16 of this act is guilty of a civil offense, punishable
1659 by a fine of no more than One Thousand Five Hundred Dollars
1660 (\$1,500.00), which may be assessed and collected by the
1661 licensing agency.

1662 (3) A medical cannabis establishment or an agent of a
1663 medical cannabis establishment that purposely, knowingly, or
1664 recklessly sells or otherwise transfers medical cannabis other
1665 than to a cardholder, a nonresident cardholder, or to a medical
1666 cannabis establishment or its agent as authorized under this

1667 chapter is guilty of a felony punishable by a fine of not more
1668 than Ten Thousand Dollars (\$10,000.00), or by commitment to the
1669 custody of the Department of Corrections for not more than two
1670 (2) years, or both. A person convicted under this subsection
1671 may not continue to be affiliated with the medical cannabis
1672 establishment and is disqualified from further participation in
1673 the medical cannabis program under this chapter.

1674 (4) A cardholder or nonresident cardholder who purposely,
1675 knowingly, or recklessly sells or otherwise transfers medical
1676 cannabis to a person or other entity is guilty of a felony
1677 punishable by a fine of not more than Three Thousand Dollars
1678 (\$3,000.00), or by commitment to the custody of the Department
1679 of Corrections for not more than two (2) years, or both. A
1680 person convicted under this subsection is disqualified from
1681 further participation in the medical cannabis program under this
1682 chapter. (5) A person who purposely, knowingly, or recklessly
1683 makes a false statement to a law enforcement official about any
1684 fact or circumstance relating to the medical use of cannabis to
1685 avoid arrest or prosecution is guilty of a misdemeanor
1686 punishable by a fine of not more than One Thousand Dollars
1687 (\$1,000.00), by imprisonment in the county jail for not more
1688 than ninety (90) days, or both. If a person convicted of
1689 violating this subsection is a cardholder, the person is
1690 disqualified from further participation in the medical cannabis
1691 program under this chapter.

1692 (6) A person who purposely submits false records or
1693 documentation for an application for a license for a medical

1694 cannabis establishment under this chapter is guilty of a felony
1695 punishable by a fine of not more than Five Thousand Dollars
1696 (\$5,000.00), or by commitment to the custody of the Department
1697 of Corrections for not more than two (2) years, or both. A
1698 person convicted under this subsection may not continue to be
1699 affiliated with the medical cannabis establishment and is
1700 disqualified from further participation in the medical cannabis
1701 program under this chapter.

1702 (7) A practitioner who purposely refers patients to a
1703 specific medical cannabis establishment or to a registered
1704 designated caregiver, who advertises in a medical cannabis
1705 establishment, or who issues written certifications while
1706 holding a financial interest in a medical cannabis
1707 establishment, is guilty of a civil offense for every false
1708 certification and shall be fined up to Five Thousand Dollars
1709 (\$5,000.00) by the MDOH.

1710 (8) Any person, including an employee or official of an
1711 agency or local government, who purposely, knowingly, or
1712 recklessly breaches the confidentiality of information obtained
1713 under this chapter is guilty of a misdemeanor punishable by a
1714 fine of not more than One Thousand Dollars (\$1,000.00), or by
1715 imprisonment for not more than one hundred eighty (180) days in
1716 the county jail, or both.

1717 (9) No person, other than a cannabis processing facility
1718 or its agents, complying with this chapter and the rules and
1719 regulations promulgated under it, may extract compounds from
1720 cannabis that involves a chemical extraction process using a

1721 nonhydrocarbon-based or other solvent, such as water, vegetable
1722 glycerin, vegetable oils, animal fats, steam distillation,
1723 food-grade ethanol, or hydrocarbon-based solvent carbon dioxide.
1724 No person may extract compounds from cannabis using ethanol in
1725 the presence or vicinity of an open flame. It shall be a felony
1726 punishable by commitment to the custody of the Mississippi
1727 Department of Corrections for up to the three (3) years and a
1728 Ten Thousand Dollar (\$10,000.00) fine for any person to
1729 purposely, knowingly, or recklessly violate this subsection.

1730 (10) A medical cannabis establishment is guilty of a civil
1731 offense for any purposeful, knowing or reckless violation of
1732 this chapter or the rules and regulations issued under this
1733 chapter where no penalty has been specified, and shall be fined
1734 not more than Five Thousand Dollars (\$5,000.00) for each such
1735 violation by its licensing agency.

1736 (11) The penalties provided for under this section are in
1737 addition to any other criminal, civil or administrative
1738 penalties provided for under law, rule or regulation.

1739 **SECTION 24. Fines, Suspensions and Revocations.** (1) The
1740 licensing agency may fine, suspend or revoke a license at its
1741 discretion for a violation of this chapter or any rules and
1742 regulations under this chapter by the licensee or any of its
1743 employees or agents. If a licensee wishes to appeal this
1744 decision, the licensee shall file its administrative appeal
1745 within twenty (20) days of receipt of the initial notice. The
1746 licensing agency shall then conduct a hearing on the record
1747 pursuant to the licensing agency's rules and regulations

1748 governing such hearings, at which time the burden shall be on
1749 the licensee to prove that the agency's decision was:

1750 (a) Unsupported by substantial evidence;
1751 (b) Arbitrary or capricious;
1752 (c) Beyond the power of the administrative agency to
1753 make; or

1754 (d) Violated some statutory or constitutional right
1755 of the aggrieved party.

1756 If the licensee fails to appeal the initial notice within
1757 the prescribed time, the decision becomes final and cannot be
1758 further appealed.

1759 (2) The licensing agency shall provide its initial notice
1760 of suspension, revocation, fine or other sanction by personal
1761 delivery or mailing by certified mail, signature required, to
1762 the medical cannabis establishment at the address on the
1763 registration certificate. A suspension shall not be for a
1764 longer period than six (6) months.

1765 (3) A medical cannabis establishment may continue to
1766 possess and cultivate cannabis as otherwise authorized to do so
1767 under its license during a suspension, but it may not dispense,
1768 transfer or sell cannabis.

1769 (4) The MDOH shall immediately revoke the registry
1770 identification card of any cardholder who sells or otherwise
1771 transfers medical cannabis to a person or other entity, and the
1772 cardholder shall be disqualified from further participation in
1773 the medical cannabis program under this chapter.

1774 (5) Except as otherwise provided in subsection (4) of this
1775 section, the MDOH may revoke the registry identification card of
1776 any cardholder who knowingly commits a violation of this
1777 chapter.

1778 (6) The hearing decision of the agency on a revocation,
1779 suspension or fine is a final decision of the applicable agency
1780 subject to judicial review in accordance with Section 31 of this
1781 act.

1782 (7) No license issued by the MDOH, MDOR or MDAC shall be
1783 transferred by the license holder to any other person or entity
1784 except with the written consent of the applicable licensing
1785 agency.

1786 **SECTION 25. Confidentiality.** (1) Data in license and
1787 registration applications and supporting data submitted by
1788 registered qualifying patients, registered designated
1789 caregivers, medical cannabis establishments and nonresident
1790 cardholders, including data on registered designated caregivers
1791 and practitioners, shall be considered private data on
1792 individuals that is confidential and exempt from disclosure
1793 under the Mississippi Public Records Act of 1983, Sections
1794 25-61-1 through 25-61-17.

1795 (2) Data kept or maintained by an agency shall not be used
1796 for any purpose not provided for in this chapter and shall not
1797 be combined or linked in any manner with any other list or
1798 database.

1799 (3) Data kept or maintained by an agency may be disclosed
1800 as necessary for:

1801 (a) The verification of registration certificates and
1802 registry identification cards under this chapter;

1803 (b) Submission of the annual report required by this
1804 chapter;

1805 (c) Notification of state or local law enforcement of
1806 apparent criminal violations of this chapter;

1807 (d) Notification of state and local law enforcement
1808 about falsified or fraudulent information submitted for purposes
1809 of obtaining or renewing a registry identification card; or

1810 (e) Notification of the State Board of Medical
1811 Licensure or other occupational or professional licensing board
1812 or entity if there is reason to believe that a practitioner
1813 provided a written certification in violation of this chapter,
1814 or if the MDOH has reason to believe the practitioner otherwise
1815 violated the standard of care for evaluating medical conditions.

1816 (4) Any information kept or maintained by medical cannabis
1817 establishments must identify cardholders by their registry
1818 identification numbers and must not contain names or other
1819 personally identifying information.

1820 (5) At a cardholder's request, the MDOH may confirm the
1821 cardholder's status as a registered qualifying patient or a
1822 registered designated caregiver to a third party, such as a
1823 landlord, school, medical professional, or court.

1824 (6) Any agency hard drives or other data-recording media
1825 that are no longer in use and that contain cardholder
1826 information shall be destroyed.

1827 **SECTION 26. Business expenses, deductions.**

1828 Notwithstanding any federal tax law to the contrary, in
1829 computing net income for medical cannabis establishments, there
1830 shall be allowed as a deduction from income taxes imposed under
1831 Section 27-7-5, Mississippi Code of 1972, all the ordinary and
1832 necessary expenses paid or incurred during the taxable year in
1833 carrying on a trade or business as a medical cannabis
1834 establishment, including reasonable allowance for salaries or
1835 other compensation for personal services actually rendered.

1836 **SECTION 27. Banks to be held harmless.** (1) A bank may
1837 provide any services to any person or entity licensed in this
1838 state to engage in the business of medical cannabis, or with any
1839 person or entity engaging in business dealings with such
1840 licensee, if the bank provides those services to any other
1841 business.

1842 (2) A bank and its officers, directors, agents and
1843 employees shall not be held liable pursuant to any state law or
1844 regulation solely for:

1845 (a) Providing financial services to a licensed medical
1846 cannabis establishment; or

1847 (b) Investing any income derived from providing
1848 financial services to a licensed medical cannabis establishment.

1849 (3) Nothing in this section shall require a bank to
1850 provide financial services to a licensed medical cannabis
1851 establishment.

1852 **SECTION 28.** **Not applicable to CBD solution.** This chapter
1853 does not apply to or supersede any of the provisions of Section
1854 41-29-136.

1855 **SECTION 29.** **Medical Cannabis taxes.** (1) There is hereby
1856 imposed, levied and assessed an excise tax on medical cannabis
1857 cultivation facilities. A cannabis cultivation facility shall
1858 collect and remit an excise tax on forms and in a manner
1859 specified by the Commissioner of Revenue.

1860 (2) For purposes of this section:

1861 (a) "Cannabis flower" means the flower, including
1862 abnormal and immature flowers, of a plant of the genus cannabis
1863 that has been harvested, dried and cured, and prior to any
1864 processing whereby the flower material is transformed into a
1865 cannabis product. "Cannabis flower" does not include the leaves
1866 or stem of such plant or hemp.

1867 (b) "Cannabis trim" means all parts, including
1868 abnormal or immature parts, of a plant of the genus cannabis,
1869 other than cannabis flower, that have been harvested, dried and
1870 cured, and prior to any processing whereby the plant material is
1871 transformed into a cannabis product. "Cannabis trim" does not
1872 include hemp. (3) The excise tax on medical cannabis

1873 cultivation facilities shall be based on the weight of the
1874 medical cannabis at the time the cultivation facility sells or
1875 transfers the cannabis product. The excise tax shall amount to
1876 Fifteen Dollars (\$15.00) per ounce of cannabis flower and
1877 Fifteen Dollars (\$15.00) per ounce of cannabis trim.

1878 (4) The excise tax imposed by this section shall apply
1879 regardless of the ownership of the medical cannabis
1880 establishment to which the cannabis cultivation facility sells
1881 or transfers the cannabis product.

1882 (5) A dispensary, on forms and in a manner specified by
1883 the Commissioner of Revenue, shall collect and remit the sales
1884 tax levied in Section 27-65-17(1)(a) from the gross proceeds
1885 derived from each retail sale of medical cannabis.

1886 **SECTION 30. Local government option.** (1) The
1887 cultivation, processing, sale and distribution of medical
1888 cannabis and cannabis products, as performed in accordance to
1889 the provisions of this chapter, shall be legal in every county
1890 and municipality of this state unless a county or municipality
1891 opts out through a vote by the board of supervisors of the
1892 county or governing authorities of the municipality, as
1893 applicable, within ninety (90) days after the effective date of
1894 this act. The governing authorities of the municipality or the
1895 board of supervisors of the county, as applicable, shall publish
1896 a notice in accordance with the Open Meetings Act (Section
1897 25-41-1 et seq.) of its intent of holding a vote regarding
1898 opting out of allowing the cultivation, processing, sale and/or
1899 distribution of medical cannabis and cannabis products, as
1900 applicable. The governing authorities of the municipality or
1901 the board of supervisors of the county, as applicable, may opt
1902 out of allowing one (1) or more of the following: cultivation,
1903 processing, sale or distribution of medical cannabis and
1904 cannabis products. The governing authorities of a municipality,

1905 by a vote entered upon their minutes, may opt out of allowing
1906 the cultivation, processing, sale and/or distribution of medical
1907 cannabis and cannabis products, as applicable, in the
1908 municipality. The board of supervisors of a county, by a vote
1909 entered upon its minutes, may opt out of allowing the
1910 cultivation, processing, sale and/or distribution of medical
1911 cannabis and cannabis products, as applicable, in the
1912 unincorporated areas of the county.

1913 (2) If the board of supervisors of a county or the
1914 governing authorities of a municipality do not opt out of
1915 allowing the cultivation, processing, sale and/or distribution
1916 of medical cannabis and cannabis products, as applicable, within
1917 ninety (90) days after the effective date of this act, then no
1918 vote by the board of supervisors or governing authorities, as
1919 applicable, may be held to so opt out, and the provisions of
1920 this chapter shall remain applicable and operative in the county
1921 or municipality, as applicable. If the board of supervisors of
1922 a county or governing authorities of a municipality have opted
1923 out of allowing the cultivation, processing, sale and/or
1924 distribution of medical cannabis and cannabis products, as
1925 applicable, then the board of supervisors or governing
1926 authorities of a municipality may later opt in regarding the
1927 same through a vote by the board of supervisors or governing
1928 authorities, as applicable, entered upon its or their minutes,
1929 or an election duly held according to subsection (3) or (4) of
1930 this section, as applicable.

1931 (3) (a) Upon presentation and filing of a proper petition
1932 requesting that the cultivation, processing, sale and/or
1933 distribution of medical cannabis and cannabis products, as
1934 applicable, be legal in the unincorporated areas of the county
1935 signed by at least twenty percent (20%) or fifteen hundred
1936 (1,500), whichever number is the lesser, of the qualified
1937 electors of the county, it shall be the duty of the board of
1938 supervisors to call an election at which there shall be
1939 submitted to the qualified electors of the county the question
1940 of whether or not the cultivation, processing, sale and/or
1941 distribution of medical cannabis and cannabis products, as
1942 applicable, shall be legal in the unincorporated areas of such
1943 county as provided in this chapter. Such election shall be held
1944 and conducted by the county election commissioners on a date
1945 fixed by the order of the board of supervisors, which date shall
1946 not be more than sixty (60) days from the date of the filing of
1947 the petition. Notice thereof shall be given by publishing such
1948 notice once each week for at least three (3) consecutive weeks
1949 in some newspaper published in the county or if no newspaper be
1950 published therein, by such publication in a newspaper in an
1951 adjoining county and having a general circulation in the county
1952 involved. The election shall be held not earlier than fifteen
1953 (15) days from the first publication of such notice.

1954 (b) The election shall be held and conducted as far
1955 as may be possible in the same manner as is provided by law for
1956 the holding of general elections. The ballots used at the
1957 election shall contain a brief statement of the proposition

1958 submitted and, on separate lines, the words "I vote FOR allowing
1959 the cultivation, processing, sale and/or distribution of medical
1960 cannabis and cannabis products, as applicable, in the
1961 unincorporated areas of _____ [Name of County] ()" or "I
1962 vote AGAINST allowing the cultivation, processing, sale and/or
1963 distribution of medical cannabis and cannabis products, as
1964 applicable, in the unincorporated areas of _____ [Name of
1965 County] ()" with appropriate boxes in which the voters may
1966 express their choice. All qualified electors may vote by
1967 marking the ballot with a cross (x) or check (√) mark opposite
1968 the words of their choice.

1969 (c) The election commissioners shall canvass and
1970 determine the results of the election and shall certify the same
1971 to the board of supervisors which shall adopt and spread upon
1972 its minutes an order declaring such results. If, in such
1973 election, a majority of the qualified electors participating
1974 therein vote in favor of allowing the cultivation, processing,
1975 sale and/or distribution of medical cannabis and cannabis
1976 products, as applicable, in the unincorporated areas of the
1977 county, this chapter shall be applicable and operative in the
1978 unincorporated areas of such county, and the cultivation,
1979 processing, sale and/or distribution of medical cannabis and
1980 cannabis products, as applicable, in the unincorporated areas of
1981 the county shall be lawful to the extent and in the manner
1982 permitted in this chapter. If, on the other hand, a majority of
1983 the qualified electors participating in the election vote
1984 against allowing the cultivation, processing, sale and/or

1985 distribution of medical cannabis and cannabis products, as
1986 applicable, then it shall be illegal to cultivate, process, sell
1987 and/or distribute medical cannabis and cannabis products, as
1988 applicable, in the unincorporated areas of the county. In
1989 either case, no further election shall be held in the county
1990 under the provisions of this section for a period of two (2)
1991 years from the date of the prior election and then only upon the
1992 filing of a petition requesting same signed by at least twenty
1993 percent (20%) or fifteen hundred (1,500), whichever number is
1994 the lesser, of the qualified electors of the county as provided
1995 in this section.

1996 (4) (a) Upon presentation and filing of a proper petition
1997 requesting that the cultivation, processing, sale and/or
1998 distribution of medical cannabis and cannabis products, as
1999 applicable, be legal in the municipality signed by at least
2000 twenty percent (20%) or fifteen hundred (1,500), whichever
2001 number is the lesser, of the qualified electors of the
2002 municipality, it shall be the duty of the governing authorities
2003 of the municipality to call an election at which there shall be
2004 submitted to the qualified electors of the municipality the
2005 question of whether or not the cultivation, processing, sale
2006 and/or distribution of medical cannabis and cannabis products,
2007 as applicable, shall be legal in the municipality as provided in
2008 this chapter. Such election shall be held and conducted on a
2009 date fixed by the order of the governing authorities of the
2010 municipality, which date shall not be more than sixty (60) days
2011 from the date of the filing of the petition. Notice thereof

2012 shall be given by publishing such notice once each week for at
2013 least three (3) consecutive weeks in some newspaper published in
2014 the municipality or if no newspaper be published therein, by
2015 such publication in a newspaper having a general circulation in
2016 the municipality involved. The election shall be held not
2017 earlier than fifteen (15) days from the first publication of
2018 such notice.

2019 (b) The election shall be held and conducted as far
2020 as may be possible in the same manner as is provided by law for
2021 the holding of municipal elections. The ballots used at the
2022 election shall contain a brief statement of the proposition
2023 submitted and, on separate lines, the words "I vote FOR allowing
2024 the cultivation, processing, sale and/or distribution of medical
2025 cannabis and cannabis products, as applicable, in _____ [Name
2026 of Municipality] ()" or "I vote AGAINST allowing the
2027 cultivation, processing, sale and/or distribution of medical
2028 cannabis and cannabis products, as applicable, in _____ [Name
2029 of Municipality] ()" with appropriate boxes in which the voters
2030 may express their choice. All qualified electors may vote by
2031 marking the ballot with a cross (x) or check (√) mark opposite
2032 the words of their choice.

2033 (c) The election commissioners shall canvass and
2034 determine the results of the election and shall certify the same
2035 to the governing authorities which shall adopt and spread upon
2036 their minutes an order declaring such results. If, in such
2037 election, a majority of the qualified electors participating
2038 therein vote in favor of allowing the cultivation, processing,

2039 sale and/or distribution of medical cannabis and cannabis
2040 products, as applicable, this chapter shall be applicable and
2041 operative in such municipality and the cultivation, processing,
2042 sale, and/or distribution of medical cannabis and cannabis
2043 products, as applicable, therein shall be lawful to the extent
2044 and in the manner permitted in this chapter. If, on the other
2045 hand, a majority of the qualified electors participating in the
2046 election vote against allowing the cultivation, processing,
2047 sale and/or distribution of medical cannabis and cannabis
2048 products, as applicable, then it shall be illegal to cultivate,
2049 process, sell and/or distribute medical cannabis and cannabis
2050 products, as applicable, in the municipality. In either case,
2051 no further election shall be held in the municipality under the
2052 provisions of this section for a period of two (2) years from
2053 the date of the prior election and then only upon the filing of
2054 a petition requesting same signed by at least twenty percent
2055 (20%) or fifteen hundred (1,500), whichever number is the
2056 lesser, of the qualified electors of the municipality as
2057 provided in this section.

2058 (5) Regardless of whether a county or municipality opts
2059 out of allowing the cultivation, processing, sale and/or
2060 distribution of medical cannabis and cannabis products,
2061 cardholders, cannabis testing facilities, cannabis research
2062 facilities, cannabis transportation entities and cannabis
2063 disposal entities may possess medical cannabis in the
2064 municipality or county if done in accordance with this chapter.

2065 (6) (a) If a municipality that has opted out under this
2066 section annexes a geographic area which contains a licensed
2067 entity operating under the provisions of this chapter, then the
2068 licensed entity may continue its operation in that
2069 municipality's newly annexed geographic area.

2070 (b) If a licensed entity operating under the
2071 provisions of this chapter is located in a municipality that
2072 contracts its corporate boundaries thereby causing the
2073 geographic area in which the licensed entity is located to no
2074 longer be in the municipality and instead in an unincorporated
2075 area of a county that has opted out under this section, then the
2076 licensed entity may continue its operation in that area of the
2077 county.

2078 **SECTION 31. Judicial review.** (1) Any person or entity
2079 aggrieved by a final decision or order of an agency under the
2080 provisions of this chapter may petition for judicial review of
2081 the final decision or order.

2082 (2) (a) The petition shall be filed within twenty (20)
2083 days after the issuance of the agency's final decision or order.
2084 The petition shall be filed in the circuit court of the county
2085 in which the appellant resides. If the appellant is a
2086 nonresident of this state, the appeal shall be made to the
2087 Circuit Court of the First Judicial District of Hinds County,
2088 Mississippi.

2089 (b) Any person or entity aggrieved by the decision of
2090 the circuit court may appeal to the Mississippi Supreme Court.

2091 **SECTION 32. Fees, fines and taxes allocation.** All fees,
2092 fines and excise taxes collected by the MDOR, MDOH and MDAC
2093 according to the provisions of this chapter shall be deposited
2094 into the State General Fund.

2095 **SECTION 33. Medical Cannabis Advisory Committee.** (1) (a)
2096 There is established a Medical Cannabis Advisory Committee,
2097 which shall be the committee that is required to advise the
2098 Legislature about medical cannabis and cannabis product, patient
2099 care, services and industry.

2100 (b) The advisory committee shall consist of nine (9)
2101 members, as follows:

2102 (i) The Governor shall appoint three (3) members
2103 to the committee, as follows:

2104 1. One (1) representative from the MDAC;

2105 2. One (1) registered qualifying patient;

2106 and

2107 3. One (1) physician with experience in
2108 medical cannabis issues;

2109 (ii) The Lieutenant Governor shall appoint three
2110 (3) members, as follows:

2111 1. One (1) owner or agent of a medical
2112 cannabis cultivation facility;

2113 2. One (1) representative from the MDOH;

2114 and

2115 3. One (1) qualified certified nurse
2116 practitioner, physician assistant or optometrist;

2117 (iii) The Speaker of the House shall appoint
2118 three (3) members, as follows:

2119 1. One (1) owner or agent of a medical
2120 cannabis processing facility;

2121 2. One (1) owner or agent of a medical
2122 cannabis dispensary; and

2123 3. One (1) representative from the MDOR.

2124 (c) The advisory committee shall meet at least two
2125 (2) times per year for the purpose of evaluating and making
2126 recommendations to the Legislature and the MDOH, MDOR and MDAC
2127 regarding:

2128 (i) The ability of qualifying patients in all
2129 areas of the state to obtain timely access to high-quality
2130 medical cannabis;

2131 (ii) The effectiveness of the medical cannabis
2132 establishments in serving the needs of registered qualifying
2133 patients, including the provision of educational and support
2134 services by dispensaries, the reasonableness of their prices,
2135 security issues, and the sufficiency of the number operating to
2136 serve the state's registered qualifying patients;

2137 (iii) The effectiveness of the cannabis testing
2138 facilities, including whether a sufficient number are operating;

2139 (iv) The sufficiency of the regulatory and
2140 security safeguards contained in this chapter and adopted by the
2141 MDOH and MDAC to ensure that access to and use of cannabis
2142 cultivated is provided only to cardholders;

2143 (v) Any recommended additions or revisions to
2144 the MDAC, MDOH and MDOR rules and regulations or this chapter,
2145 including relating to security, safe handling, labeling,
2146 nomenclature, and whether additional types of licenses should be
2147 made available; and

2148 (vi) Any research studies regarding health
2149 effects of medical cannabis for patients.

2150 (d) The advisory committee shall accept public
2151 comment in writing and in-person at least once per year. The
2152 advisory committee shall meet at least quarterly and advisory
2153 committee members shall be furnished written notice of the
2154 meetings at least ten (10) days before the date of the meeting.

2155 (e) The chairman of the advisory committee shall be
2156 elected by the voting members of the committee annually and
2157 shall not serve more than two (2) consecutive years as chairman.

2158 (f) The members of the advisory committee specified
2159 in paragraph (b) of this subsection shall serve for terms that
2160 are concurrent with the terms of members of the Legislature, and
2161 any member appointed under paragraph (b) may be reappointed to
2162 the advisory committee. The members of the advisory committee
2163 specified in paragraph (b) shall serve without compensation, but
2164 shall receive reimbursement to defray actual expenses incurred
2165 in the performance of committee business as authorized by law.

2166 (2) This section shall stand repealed on December 31,
2167 2025.

2168 **SECTION 34.** Section 25-53-5, Mississippi Code of 1972, is
2169 amended as follows: [BS1]

2170 25-53-5. The authority shall have the following powers,
2171 duties, and responsibilities:

2172 (a) (i) The authority shall provide for the
2173 development of plans for the efficient acquisition and
2174 utilization of computer equipment and services by all agencies
2175 of state government, and provide for their implementation. In
2176 so doing, the authority may use the MDITS' staff, at the
2177 discretion of the executive director of the authority, or the
2178 authority may contract for the services of qualified consulting
2179 firms in the field of information technology and utilize the
2180 service of such consultants as may be necessary for such
2181 purposes. Pursuant to Section 25-53-1, the provisions of this
2182 section shall not apply to the Department of Human Services for
2183 a period of three (3) years beginning on July 1, 2017. Pursuant
2184 to Section 25-53-1, the provisions of this section shall not
2185 apply to the Department of Child Protection Services for a
2186 period of three (3) years beginning July 1, 2017.

2187 (ii) [Repealed]

2188 (b) The authority shall immediately institute
2189 procedures for carrying out the purposes of this chapter and
2190 supervise the efficient execution of the powers and duties of
2191 the office of executive director of the authority. In the
2192 execution of its functions under this chapter, the authority
2193 shall maintain as a paramount consideration the successful
2194 internal organization and operation of the several agencies so
2195 that efficiency existing therein shall not be adversely affected
2196 or impaired. In executing its functions in relation to the

2197 institutions of higher learning and junior colleges in the
2198 state, the authority shall take into consideration the special
2199 needs of such institutions in relation to the fields of teaching
2200 and scientific research.

2201 (c) Title of whatever nature of all computer
2202 equipment now vested in any agency of the State of Mississippi
2203 is hereby vested in the authority, and no such equipment shall
2204 be disposed of in any manner except in accordance with the
2205 direction of the authority or under the provisions of such rules
2206 and regulations as may hereafter be adopted by the authority in
2207 relation thereto.

2208 (d) The authority shall adopt rules, regulations, and
2209 procedures governing the acquisition of computer and
2210 telecommunications equipment and services which shall, to the
2211 fullest extent practicable, insure the maximum of competition
2212 between all manufacturers of supplies or equipment or services.
2213 In the writing of specifications, in the making of contracts
2214 relating to the acquisition of such equipment and services, and
2215 in the performance of its other duties the authority shall
2216 provide for the maximum compatibility of all information systems
2217 hereafter installed or utilized by all state agencies and may
2218 require the use of common computer languages where necessary to
2219 accomplish the purposes of this chapter. The authority may
2220 establish by regulation and charge reasonable fees on a
2221 nondiscriminatory basis for the furnishing to bidders of copies
2222 of bid specifications and other documents issued by the
2223 authority.

2224 (e) The authority shall adopt rules and regulations
2225 governing the sharing with, or the sale or lease of information
2226 technology services to any nonstate agency or person. Such
2227 regulations shall provide that any such sharing, sale or lease
2228 shall be restricted in that same shall be accomplished only
2229 where such services are not readily available otherwise within
2230 the state, and then only at a charge to the user not less than
2231 the prevailing rate of charge for similar services by private
2232 enterprise within this state.

2233 (f) The authority may, in its discretion, establish a
2234 special technical advisory committee or committees to study and
2235 make recommendations on technology matters within the competence
2236 of the authority as the authority may see fit. Persons serving
2237 on the Information Resource Council, its task forces, or any
2238 such technical advisory committees shall be entitled to receive
2239 their actual and necessary expenses actually incurred in the
2240 performance of such duties, together with mileage as provided by
2241 law for state employees, provided the same has been authorized
2242 by a resolution duly adopted by the authority and entered on its
2243 minutes prior to the performance of such duties.

2244 (g) The authority may provide for the development and
2245 require the adoption of standardized computer programs and may
2246 provide for the dissemination of information to and the
2247 establishment of training programs for the personnel of the
2248 various information technology centers of state agencies and
2249 personnel of the agencies utilizing the services thereof.

2250 (h) The authority shall adopt reasonable rules and
2251 regulations requiring the reporting to the authority through the
2252 office of executive director of such information as may be
2253 required for carrying out the purposes of this chapter and may
2254 also establish such reasonable procedures to be followed in the
2255 presentation of bills for payment under the terms of all
2256 contracts for the acquisition of computer equipment and services
2257 now or hereafter in force as may be required by the authority or
2258 by the executive director in the execution of their powers and
2259 duties.

2260 (i) The authority shall require such adequate
2261 documentation of information technology procedures utilized by
2262 the various state agencies and may require the establishment of
2263 such organizational structures within state agencies relating to
2264 information technology operations as may be necessary to
2265 effectuate the purposes of this chapter.

2266 (j) The authority may adopt such further reasonable
2267 rules and regulations as may be necessary to fully implement the
2268 purposes of this chapter. All rules and regulations adopted by
2269 the authority shall be published and disseminated in readily
2270 accessible form to all affected state agencies, and to all
2271 current suppliers of computer equipment and services to the
2272 state, and to all prospective suppliers requesting the same.
2273 Such rules and regulations shall be kept current, be
2274 periodically revised, and copies thereof shall be available at
2275 all times for inspection by the public at reasonable hours in
2276 the offices of the authority. Whenever possible no rule,

2277 regulation or any proposed amendment to such rules and
2278 regulations shall be finally adopted or enforced until copies of
2279 the proposed rules and regulations have been furnished to all
2280 interested parties for their comment and suggestions.

2281 (k) The authority shall establish rules and
2282 regulations which shall provide for the submission of all
2283 contracts proposed to be executed by the executive director for
2284 computer equipment or services to the authority for approval
2285 before final execution, and the authority may provide that such
2286 contracts involving the expenditure of less than such specified
2287 amount as may be established by the authority may be finally
2288 executed by the executive director without first obtaining such
2289 approval by the authority.

2290 (l) The authority is authorized to purchase, lease,
2291 or rent computer equipment or services and to operate that
2292 equipment and use those services in providing services to one or
2293 more state agencies when in its opinion such operation will
2294 provide maximum efficiency and economy in the functions of any
2295 such agency or agencies.

2296 (m) Upon the request of the governing body of a
2297 political subdivision or instrumentality, the authority shall
2298 assist the political subdivision or instrumentality in its
2299 development of plans for the efficient acquisition and
2300 utilization of computer equipment and services. An appropriate
2301 fee shall be charged the political subdivision by the authority
2302 for such assistance.

2303 (n) The authority shall adopt rules and regulations
2304 governing the protest procedures to be followed by any actual or
2305 prospective bidder, offerer or contractor who is aggrieved in
2306 connection with the solicitation or award of a contract for the
2307 acquisition of computer equipment or services. Such rules and
2308 regulations shall prescribe the manner, time and procedure for
2309 making protests and may provide that a protest not timely filed
2310 shall be summarily denied. The authority may require the
2311 protesting party, at the time of filing the protest, to post a
2312 bond, payable to the state, in an amount that the authority
2313 determines sufficient to cover any expense or loss incurred by
2314 the state, the authority or any state agency as a result of the
2315 protest if the protest subsequently is determined by a court of
2316 competent jurisdiction to have been filed without any
2317 substantial basis or reasonable expectation to believe that the
2318 protest was meritorious; however, in no event may the amount of
2319 the bond required exceed a reasonable estimate of the total
2320 project cost. The authority, in its discretion, also may
2321 prohibit any prospective bidder, offerer or contractor who is a
2322 party to any litigation involving any such contract with the
2323 state, the authority or any agency of the state to participate
2324 in any other such bid, offer or contract, or to be awarded any
2325 such contract, during the pendency of the litigation.

2326 (o) The authority shall make a report in writing to
2327 the Legislature each year in the month of January. Such report
2328 shall contain a full and detailed account of the work of the

2329 authority for the preceding year as specified in Section
2330 25-53-29(3).

2331 All acquisitions of computer equipment and services
2332 involving the expenditure of funds in excess of the dollar
2333 amount established in Section 31-7-13(c), or rentals or leases
2334 in excess of the dollar amount established in Section 31-7-13(c)
2335 for the term of the contract, shall be based upon competitive
2336 and open specifications, and contracts therefor shall be entered
2337 into only after advertisements for bids are published in one or
2338 more daily newspapers having a general circulation in the state
2339 not less than fourteen (14) days prior to receiving sealed bids
2340 therefor. The authority may reserve the right to reject any or
2341 all bids, and if all bids are rejected, the authority may
2342 negotiate a contract within the limitations of the
2343 specifications so long as the terms of any such negotiated
2344 contract are equal to or better than the comparable terms
2345 submitted by the lowest and best bidder, and so long as the
2346 total cost to the State of Mississippi does not exceed the
2347 lowest bid. If the authority accepts one (1) of such bids, it
2348 shall be that which is the lowest and best. Through July 1,
2349 2024, the provisions of this paragraph shall not apply to
2350 acquisitions of information technology equipment and services
2351 made by the Mississippi Department of Agriculture and Commerce,
2352 the Mississippi Department of Health and/or the Mississippi
2353 Department of Revenue for the purposes of implementing,
2354 administering and/or enforcing the provisions of the Mississippi
2355 Medical Cannabis Act.

2356 (p) When applicable, the authority may procure
2357 equipment, systems and related services in accordance with the
2358 law or regulations, or both, which govern the Bureau of
2359 Purchasing of the Office of General Services or which govern the
2360 Mississippi Department of Information Technology Services
2361 procurement of telecommunications equipment, software and
2362 services.

2363 (q) The authority is authorized to purchase, lease,
2364 or rent information technology and services for the purpose of
2365 establishing pilot projects to investigate emerging
2366 technologies. These acquisitions shall be limited to new
2367 technologies and shall be limited to an amount set by annual
2368 appropriation of the Legislature. These acquisitions shall be
2369 exempt from the advertising and bidding requirement.

2370 (r) All fees collected by the Mississippi Department
2371 of Information Technology Services shall be deposited into the
2372 Mississippi Department of Information Technology Services
2373 Revolving Fund unless otherwise specified by the Legislature.

2374 (s) The authority shall work closely with the council
2375 to bring about effective coordination of policies, standards and
2376 procedures relating to procurement of remote sensing and
2377 geographic information systems (GIS) resources. In addition,
2378 the authority is responsible for development, operation and
2379 maintenance of a delivery system infrastructure for geographic
2380 information systems data. The authority shall provide a
2381 warehouse for Mississippi's geographic information systems data.

2382 (t) The authority shall manage one or more State Data
2383 Centers to provide information technology services on a
2384 cost-sharing basis. In determining the appropriate services to
2385 be provided through the State Data Center, the authority should
2386 consider those services that:

2387 (i) Result in savings to the state as a whole;

2388 (ii) Improve and enhance the security and
2389 reliability of the state's information and business systems; and

2390 (iii) Optimize the efficient use of the state's
2391 information technology assets, including, but not limited to,
2392 promoting partnerships with the state institutions of higher
2393 learning and community colleges to capitalize on advanced
2394 information technology resources.

2395 (u) The authority shall increase federal
2396 participation in the cost of the State Data Center to the extent
2397 provided by law and its shared technology infrastructure through
2398 providing such shared services to agencies that receive federal
2399 funds. With regard to state institutions of higher learning and
2400 community colleges, the authority may provide shared services
2401 when mutually agreeable, following a determination by both the
2402 authority and the Board of Trustees of State Institutions of
2403 Higher Learning or the Mississippi Community College Board, as
2404 the case may be, that the sharing of services is mutually
2405 beneficial.

2406 (v) The authority, in its discretion, may require new
2407 or replacement agency business applications to be hosted at the
2408 State Data Center. With regard to state institutions of higher

2409 learning and community colleges, the authority and the Board of
2410 Trustees of State Institutions of Higher Learning or the
2411 Mississippi Community College Board, as the case may be, may
2412 agree that institutions of higher learning or community colleges
2413 may utilize business applications that are hosted at the State
2414 Data Center, following a determination by both the authority and
2415 the applicable board that the hosting of those applications is
2416 mutually beneficial. In addition, the authority may establish
2417 partnerships to capitalize on the advanced technology resources
2418 of the Board of Trustees of State Institutions of Higher
2419 Learning or the Mississippi Community College Board, following a
2420 determination by both the authority and the applicable board
2421 that such a partnership is mutually beneficial.

2422 (w) The authority shall provide a periodic update
2423 regarding reform-based information technology initiatives to the
2424 Chairmen of the House and Senate Accountability, Efficiency and
2425 Transparency Committees.

2426 From and after July 1, 2018, the expenses of this agency
2427 shall be defrayed by appropriation from the State General Fund.
2428 In addition, in order to receive the maximum use and benefit
2429 from information technology and services, expenses for the
2430 provision of statewide shared services that facilitate
2431 cost-effective information processing and telecommunication
2432 solutions shall be defrayed by pass-through funding and shall be
2433 deposited into the Mississippi Department of Information
2434 Technology Services Revolving Fund unless otherwise specified by
2435 the Legislature. These funds shall only be utilized to pay the

2436 actual costs incurred by the Mississippi Department of
2437 Information Technology Services for providing these shared
2438 services to state agencies. Furthermore, state agencies shall
2439 work in full cooperation with the Board of the Mississippi
2440 Department of Information Technology Services to identify
2441 computer equipment or services to minimize duplication, reduce
2442 costs, and improve the efficiency of providing common technology
2443 services across agency boundaries.

2444 **SECTION 35.** Section 27-104-203, Mississippi Code of 1972,
2445 is amended as follows: [SM2]

2446 27-104-203. ~~(1)~~ From and after July 1, 2016, no state
2447 agency shall charge another state agency a fee, assessment,
2448 rent, audit fee, personnel fee or other charge for services or
2449 resources received. The provisions of this section shall not
2450 apply (a) to grants, contracts, pass-through funds, project fees
2451 or other charges for services between state agencies and the
2452 Board of Trustees of State Institutions of Higher Learning, any
2453 public university, the Mississippi Community College Board, any
2454 public community or junior college, and the State Department of
2455 Education, nor (b) to charges for services between the Board of
2456 Trustees of State Institutions of Higher Learning, any public
2457 university, the Mississippi Community College Board, any public
2458 community or junior college, and the State Department of
2459 Education, nor (c) to federal grants, pass-through funds, cost
2460 allocation charges, surplus property charges or project fees
2461 between state agencies as approved or determined by the State
2462 Fiscal Officer, nor (d) telecommunications, data center

2463 services, and/or other information technology services that are
2464 used on an as-needed basis and those costs shall be passed
2465 through to the using agency, nor (e) to federal grants, special
2466 funds, or pass-through funds, available for payment by state
2467 agencies to the Department of Finance and Administration related
2468 to Mississippi Management and Reporting Systems (MMRS) Statewide
2469 Application charges and utilities as approved or determined by
2470 the State Fiscal Officer, nor (f) ~~Repealed — see subsection~~
2471 ~~(2)~~ to grants, contracts, pass-through funds, project fees or
2472 charges for services between the State Department of Health,
2473 State Department of Agriculture and Commerce, and State
2474 Department of Revenue, and other state agencies or entities,
2475 including, but not limited to, the Board of Trustees of State
2476 Institutions of Higher Learning, any public university, the
2477 Mississippi Community College Board, any public community or
2478 junior college, and the State Department of Education, for the
2479 operation of the ~~state's~~ medical ~~marijuana~~ cannabis program as
2480 established by ~~Sections 288.1 through 288.10, Mississippi~~
2481 ~~Constitution of 1890~~ the Mississippi Medical Cannabis Act. The
2482 Board of Trustees of State Institutions of Higher Learning, any
2483 public university, the Mississippi Community College Board, any
2484 public community or junior college, and the State Department of
2485 Education shall retain the authority to charge and be charged
2486 for expenditures that they deemed nonrecurring in nature by the
2487 State Fiscal Officer.

2488 ~~(2) If at any time after April 9, 2021, the Mississippi~~
2489 ~~Supreme Court issues a final opinion that strikes down or~~

2490 ~~otherwise holds invalid in its entirety Initiative 65, which~~
2491 ~~establishes a medical marijuana program in the State of~~
2492 ~~Mississippi, then paragraph (f) of subsection (1) of this~~
2493 ~~section shall stand repealed on the date that the opinion is~~
2494 ~~issued by the Supreme Court.~~

2495 **SECTION 36.** Section 41-29-125, Mississippi Code of 1972,
2496 is amended as follows: [BS3]

2497 41-29-125. (1) The State Board of Pharmacy may promulgate
2498 rules and regulations relating to the registration and control
2499 of the manufacture, distribution and dispensing of controlled
2500 substances within this state and the distribution and dispensing
2501 of controlled substances into this state from an out-of-state
2502 location.

2503 (a) Every person who manufactures, distributes or
2504 dispenses any controlled substance within this state or who
2505 distributes or dispenses any controlled substance into this
2506 state from an out-of-state location, or who proposes to engage
2507 in the manufacture, distribution or dispensing of any controlled
2508 substance within this state or the distribution or dispensing of
2509 any controlled substance into this state from an out-of-state
2510 location, must obtain a registration issued by the State Board
2511 of Pharmacy, the State Board of Medical Licensure, the State
2512 Board of Dental Examiners, the Mississippi Board of Nursing or
2513 the Mississippi Board of Veterinary Medicine, as appropriate, in
2514 accordance with its rules and the law of this state. Such
2515 registration shall be obtained annually or biennially, as

2516 specified by the issuing board, and a reasonable fee may be
2517 charged by the issuing board for such registration.

2518 (b) Persons registered by the State Board of
2519 Pharmacy, with the consent of the United States Drug Enforcement
2520 Administration and the State Board of Medical Licensure, the
2521 State Board of Dental Examiners, the Mississippi Board of
2522 Nursing or the Mississippi Board of Veterinary Medicine to
2523 manufacture, distribute, dispense or conduct research with
2524 controlled substances may possess, manufacture, distribute,
2525 dispense or conduct research with those substances to the extent
2526 authorized by their registration and in conformity with the
2527 other provisions of this article.

2528 (c) The following persons need not register and may
2529 lawfully possess controlled substances under this article:

2530 (1) An agent or employee of any registered
2531 manufacturer, distributor or dispenser of any controlled
2532 substance if he is acting in the usual course of his business or
2533 employment;

2534 (2) A common or contract carrier or warehouse,
2535 or an employee thereof, whose possession of any controlled
2536 substance is in the usual course of business or employment;

2537 (3) An ultimate user or a person in possession
2538 of any controlled substance pursuant to a valid prescription or
2539 in lawful possession of a Schedule V substance as defined in
2540 Section 41-29-121.

2541 (d) The State Board of Pharmacy may waive by rule the
2542 requirement for registration of certain manufacturers,

2543 distributors or dispensers if it finds it consistent with the
2544 public health and safety.

2545 (e) A separate registration is required at each
2546 principal place of business or professional practice where an
2547 applicant within the state manufactures, distributes or
2548 dispenses controlled substances and for each principal place of
2549 business or professional practice located out-of-state from
2550 which controlled substances are distributed or dispensed into
2551 the state.

2552 (f) The State Board of Pharmacy, the Mississippi
2553 Bureau of Narcotics, the State Board of Medical Licensure, the
2554 State Board of Dental Examiners, the Mississippi Board of
2555 Nursing and the Mississippi Board of Veterinary Medicine may
2556 inspect the establishment of a registrant or applicant for
2557 registration in accordance with the regulations of these
2558 agencies as approved by the board.

2559 (2) Whenever a pharmacy ships, mails or delivers any
2560 Schedule II controlled substance listed in Section 41-29-115 to
2561 a private residence in this state, the pharmacy shall arrange
2562 with the entity that will actually deliver the controlled
2563 substance to a recipient in this state that the entity will:

2564 (a) deliver the controlled substance only to a person who is
2565 eighteen (18) years of age or older; and (b) obtain the
2566 signature of that person before delivering the controlled
2567 substance. The requirements of this subsection shall not apply
2568 to a pharmacy serving a nursing facility or to a pharmacy owned
2569 and/or operated by a hospital, nursing facility or clinic to

2570 which the general public does not have access to purchase
2571 pharmaceuticals on a retail basis.

2572 (3) This section does not apply to any of the actions that
2573 are lawful under the Mississippi Medical Cannabis Act and in
2574 compliance with rules and regulations adopted thereunder.

2575 **SECTION 37.** Section 41-29-127, Mississippi Code of 1972,
2576 is amended as follows: [BS4]

2577 41-29-127. (a) The State Board of Pharmacy shall register
2578 an applicant to manufacture or distribute controlled substances
2579 included in Sections 41-29-113 through 41-29-121 unless it
2580 determines that the issuance of that registration would be
2581 inconsistent with the public interest. In determining the
2582 public interest, the State Board of Pharmacy shall consider the
2583 following factors:

2584 (1) Maintenance of effective controls against
2585 diversion of controlled substances into other than legitimate
2586 medical, scientific, or industrial channels;

2587 (2) Compliance with applicable state and local law;

2588 (3) Any convictions of the applicant under any
2589 federal and state laws relating to any controlled substance;

2590 (4) Past experience in the manufacture or
2591 distribution of controlled substances and the existence in the
2592 applicant's establishment of effective controls against
2593 diversion;

2594 (5) Furnishing by the applicant of false or
2595 fraudulent material in any application filed under this article;

2596 (6) Suspension or revocation of the applicant's
2597 federal registration to manufacture, distribute, or dispense
2598 controlled substances as authorized by federal law; and

2599 (7) Any other factors relevant to and consistent with
2600 the public health and safety.

2601 (b) Registration under subsection (a) does not entitle a
2602 registrant to manufacture and distribute controlled substances
2603 in Schedule I or II, as set out in Sections 41-29-113 and
2604 41-29-115, other than those specified in the registration.

2605 (c) Practitioners must be registered to dispense any
2606 controlled substances or to conduct research with controlled
2607 substances in Schedules II through V, as set out in Sections
2608 41-29-115 through 41-29-121, if they are authorized to dispense
2609 or conduct research under the law of this state. The State
2610 Board of Pharmacy need not require separate registration under
2611 this section for practitioners engaging in research with
2612 nonnarcotic controlled substances in the said Schedules II
2613 through V where the registrant is already registered therein in
2614 another capacity. Practitioners registered under federal law to
2615 conduct research with Schedule I substances, as set out in
2616 Section 41-29-113, may conduct research with Schedule I
2617 substances within this state upon furnishing the State Board of
2618 Health evidence of that federal registration.

2619 (d) Compliance by manufacturers and distributors with the
2620 provisions of the federal law respecting registration (excluding
2621 fees) entitles them to be registered under this article.

2622 (e) This section does not apply to any of the actions that
2623 are lawful under the Mississippi Medical Cannabis Act and in
2624 compliance with rules and regulations adopted thereunder.

2625 **SECTION 38.** Section 41-29-136, Mississippi Code of 1972,
2626 is amended as follows: [BS5]

2627 41-29-136. (1) "CBD solution" means a pharmaceutical
2628 preparation consisting of processed cannabis plant extract in
2629 oil or other suitable vehicle.

2630 (2) (a) CBD solution prepared from (i) Cannabis plant
2631 extract that is provided by the National Center for Natural
2632 Products Research at the University of Mississippi under
2633 appropriate federal and state regulatory approvals, or (ii)
2634 Cannabis extract from hemp produced pursuant to Sections
2635 69-25-201 through 69-25-221, which is prepared and tested to
2636 meet compliance with regulatory specifications, may be dispensed
2637 by the Department of Pharmacy Services at the University of
2638 Mississippi Medical Center (UMMC Pharmacy) after mixing the
2639 extract with a suitable vehicle. The CBD solution may be
2640 prepared by the UMMC Pharmacy or by another pharmacy or
2641 laboratory in the state under appropriate federal and state
2642 regulatory approvals and registrations.

2643 (b) The patient or the patient's parent, guardian or
2644 custodian must execute a hold-harmless agreement that releases
2645 from liability the state and any division, agency, institution
2646 or employee thereof involved in the research, cultivation,
2647 processing, formulating, dispensing, prescribing or
2648 administration of CBD solution obtained from entities authorized

2649 under this section to produce or possess cannabidiol for
2650 research under appropriate federal and state regulatory
2651 approvals and registrations.

2652 (c) The National Center for Natural Products Research
2653 at the University of Mississippi and the Mississippi
2654 Agricultural and Forestry Experiment Station at Mississippi
2655 State University are the only entities authorized to produce
2656 cannabis plants for cannabidiol research.

2657 (d) Research of CBD solution under this section must
2658 comply with the provisions of Section 41-29-125 regarding lawful
2659 possession of controlled substances, of Section 41-29-137
2660 regarding record-keeping requirements relative to the
2661 dispensing, use or administration of controlled substances, and
2662 of Section 41-29-133 regarding inventory requirements, insofar
2663 as they are applicable. Authorized entities may enter into
2664 public-private partnerships to facilitate research.

2665 (3) (a) In a prosecution for the unlawful possession of
2666 marijuana under the laws of this state, it is an affirmative and
2667 complete defense to prosecution that:

2668 (i) The defendant suffered from a debilitating
2669 epileptic condition or related illness and the use or possession
2670 of CBD solution was pursuant to the order of a physician as
2671 authorized under this section; or

2672 (ii) The defendant is the parent, guardian or
2673 custodian of an individual who suffered from a debilitating
2674 epileptic condition or related illness and the use or possession

2675 of CBD solution was pursuant to the order of a physician as
2676 authorized under this section.

2677 (b) An agency of this state or a political
2678 subdivision thereof, including any law enforcement agency, may
2679 not initiate proceedings to remove a child from the home based
2680 solely upon the possession or use of CBD solution by the child
2681 or parent, guardian or custodian of the child as authorized
2682 under this section.

2683 (c) An employee of the state or any division, agency,
2684 institution thereof involved in the research, cultivation,
2685 processing, formulation, dispensing, prescribing or
2686 administration of CBD solution shall not be subject to
2687 prosecution for unlawful possession, use, distribution or
2688 prescription of marijuana under the laws of this state for
2689 activities arising from or related to the use of CBD solution in
2690 the treatment of individuals diagnosed with a debilitating
2691 epileptic condition.

2692 (4) This section does not apply to any of the actions that
2693 are lawful under the Mississippi Medical Cannabis Act and in
2694 compliance with rules and regulations adopted thereunder.

2695 (4~~5~~) This section shall be known as "Harper Grace's Law."

2696 (5~~6~~) This section shall stand repealed from and after July
2697 1, 2024.

2698 **SECTION 39.** Section 41-29-137, Mississippi Code of 1972,
2699 is amended as follows: [BS6]

2700 41-29-137. (a) (1) Except when dispensed directly by a
2701 practitioner, other than a pharmacy, to an ultimate user, no

2702 controlled substance in Schedule II, as set out in Section
2703 41-29-115, may be dispensed without the written valid
2704 prescription of a practitioner. A practitioner shall keep a
2705 record of all controlled substances in Schedule I, II and III
2706 administered, dispensed or professionally used by him otherwise
2707 than by prescription.

2708 (2) In emergency situations, as defined by rule of
2709 the State Board of Pharmacy, Schedule II drugs may be dispensed
2710 upon the oral valid prescription of a practitioner, reduced
2711 promptly to writing and filed by the pharmacy. Prescriptions
2712 shall be retained in conformity with the requirements of Section
2713 41-29-133. No prescription for a Schedule II substance may be
2714 refilled unless renewed by prescription issued by a licensed
2715 medical doctor.

2716 (b) Except when dispensed directly by a practitioner,
2717 other than a pharmacy, to an ultimate user, a controlled
2718 substance included in Schedule III or IV, as set out in Sections
2719 41-29-117 and 41-29-119, shall not be dispensed without a
2720 written or oral valid prescription of a practitioner. The
2721 prescription shall not be filled or refilled more than six (6)
2722 months after the date thereof or be refilled more than five (5)
2723 times, unless renewed by the practitioner.

2724 (c) A controlled substance included in Schedule V, as set
2725 out in Section 41-29-121, shall not be distributed or dispensed
2726 other than for a medical purpose.

2727 (d) An optometrist certified to prescribe and use
2728 therapeutic pharmaceutical agents under Sections 73-19-153

2729 through 73-19-165 shall be authorized to prescribe oral
2730 analgesic controlled substances in Schedule IV or V, as pertains
2731 to treatment and management of eye disease by written
2732 prescription only.

2733 (e) Administration by injection of any pharmaceutical
2734 product authorized in this section is expressly prohibited
2735 except when dispensed directly by a practitioner other than a
2736 pharmacy.

2737 (f) (1) For the purposes of this article, Title 73,
2738 Chapter 21, and Title 73, Chapter 25, Mississippi Code of 1972,
2739 as it pertains to prescriptions for controlled substances, a
2740 "valid prescription" means a prescription that is issued for a
2741 legitimate medical purpose in the usual course of professional
2742 practice by:

2743 (A) A practitioner who has conducted at least
2744 one (1) in-person medical evaluation of the patient, except as
2745 otherwise authorized by Section 41-29-137.1; or

2746 (B) A covering practitioner.

2747 (2) (A) "In-person medical evaluation" means a
2748 medical evaluation that is conducted with the patient in the
2749 physical presence of the practitioner, without regard to whether
2750 portions of the evaluation are conducted by other health
2751 professionals.

2752 (B) "Covering practitioner" means a practitioner
2753 who conducts a medical evaluation other than an in-person
2754 medical evaluation at the request of a practitioner who has
2755 conducted at least one (1) in-person medical evaluation of the

2756 patient or an evaluation of the patient through the practice of
2757 telemedicine within the previous twenty-four (24) months and who
2758 is temporarily unavailable to conduct the evaluation of the
2759 patient.

2760 (3) A prescription for a controlled substance based
2761 solely on a consumer's completion of an online medical
2762 questionnaire is not a valid prescription.

2763 (4) Nothing in this subsection (f) shall apply to:

2764 (A) A prescription issued by a practitioner
2765 engaged in the practice of telemedicine as authorized under
2766 state or federal law; or

2767 (B) The dispensing or selling of a controlled
2768 substance pursuant to practices as determined by the United
2769 States Attorney General by regulation.

2770 (g) This section does not apply to any of the actions that
2771 are lawful under the Mississippi Medical Cannabis Act and in
2772 compliance with rules and regulations adopted thereunder.

2773 **SECTION 40.** Section 41-29-139, Mississippi Code of 1972,
2774 is amended as follows: [BS7]

2775 41-29-139. (a) **Transfer and possession with intent to**
2776 **transfer.** Except as authorized by this article, it is unlawful
2777 for any person knowingly or intentionally:

2778 (1) To sell, barter, transfer, manufacture,
2779 distribute, dispense or possess with intent to sell, barter,
2780 transfer, manufacture, distribute or dispense, a controlled
2781 substance; or

2782 (2) To create, sell, barter, transfer, distribute,
2783 dispense or possess with intent to create, sell, barter,
2784 transfer, distribute or dispense, a counterfeit substance.

2785 (b) **Punishment for transfer and possession with intent to**
2786 **transfer.** Except as otherwise provided in Section 41-29-142,
2787 any person who violates subsection (a) of this section shall be,
2788 if convicted, sentenced as follows:

2789 (1) For controlled substances classified in Schedule
2790 I or II, as set out in Sections 41-29-113 and 41-29-115, other
2791 than marijuana or synthetic cannabinoids:

2792 (A) If less than two (2) grams or ten (10)
2793 dosage units, by imprisonment for not more than eight (8) years
2794 or a fine of not more than Fifty Thousand Dollars (\$50,000.00),
2795 or both.

2796 (B) If two (2) or more grams or ten (10) or more
2797 dosage units, but less than ten (10) grams or twenty (20) dosage
2798 units, by imprisonment for not less than three (3) years nor
2799 more than twenty (20) years or a fine of not more than Two
2800 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

2801 (C) If ten (10) or more grams or twenty (20) or
2802 more dosage units, but less than thirty (30) grams or forty (40)
2803 dosage units, by imprisonment for not less than five (5) years
2804 nor more than thirty (30) years or a fine of not more than Five
2805 Hundred Thousand Dollars (\$500,000.00), or both.

2806 (2) (A) For marijuana:

2807 1. If thirty (30) grams or less, by
2808 imprisonment for not more than three (3) years or a fine of not
2809 more than Three Thousand Dollars (\$3,000.00), or both;

2810 2. If more than thirty (30) grams but less
2811 than two hundred fifty (250) grams, by imprisonment for not more
2812 than five (5) years or a fine of not more than Five Thousand
2813 Dollars (\$5,000.00), or both;

2814 3. If two hundred fifty (250) or more grams
2815 but less than five hundred (500) grams, by imprisonment for not
2816 less than three (3) years nor more than ten (10) years or a fine
2817 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

2818 4. If five hundred (500) or more grams but
2819 less than one (1) kilogram, by imprisonment for not less than
2820 five (5) years nor more than twenty (20) years or a fine of not
2821 more than Twenty Thousand Dollars (\$20,000.00), or both.

2822 (B) For synthetic cannabinoids:

2823 1. If ten (10) grams or less, by
2824 imprisonment for not more than three (3) years or a fine of not
2825 more than Three Thousand Dollars (\$3,000.00), or both;

2826 2. If more than ten (10) grams but less
2827 than twenty (20) grams, by imprisonment for not more than five
2828 (5) years or a fine of not more than Five Thousand Dollars
2829 (\$5,000.00), or both;

2830 3. If twenty (20) or more grams but less
2831 than forty (40) grams, by imprisonment for not less than three
2832 (3) years nor more than ten (10) years or a fine of not more
2833 than Fifteen Thousand Dollars (\$15,000.00), or both;

2834 4. If forty (40) or more grams but less
2835 than two hundred (200) grams, by imprisonment for not less than
2836 five (5) years nor more than twenty (20) years or a fine of not
2837 more than Twenty Thousand Dollars (\$20,000.00), or both.

2838 (3) For controlled substances classified in Schedules
2839 III and IV, as set out in Sections 41-29-117 and 41-29-119:

2840 (A) If less than two (2) grams or ten (10)
2841 dosage units, by imprisonment for not more than five (5) years
2842 or a fine of not more than Five Thousand Dollars (\$5,000.00), or
2843 both;

2844 (B) If two (2) or more grams or ten (10) or more
2845 dosage units, but less than ten (10) grams or twenty (20) dosage
2846 units, by imprisonment for not more than eight (8) years or a
2847 fine of not more than Fifty Thousand Dollars (\$50,000.00), or
2848 both;

2849 (C) If ten (10) or more grams or twenty (20) or
2850 more dosage units, but less than thirty (30) grams or forty (40)
2851 dosage units, by imprisonment for not more than fifteen (15)
2852 years or a fine of not more than One Hundred Thousand Dollars
2853 (\$100,000.00), or both;

2854 (D) If thirty (30) or more grams or forty (40)
2855 or more dosage units, but less than five hundred (500) grams or
2856 two thousand five hundred (2,500) dosage units, by imprisonment
2857 for not more than twenty (20) years or a fine of not more than
2858 Two Hundred Fifty Thousand Dollars (\$250,000.00), or both.

2859 (4) For controlled substances classified in Schedule
2860 V, as set out in Section 41-29-121:

2861 (A) If less than two (2) grams or ten (10)
2862 dosage units, by imprisonment for not more than one (1) year or
2863 a fine of not more than Five Thousand Dollars (\$5,000.00), or
2864 both;

2865 (B) If two (2) or more grams or ten (10) or more
2866 dosage units, but less than ten (10) grams or twenty (20) dosage
2867 units, by imprisonment for not more than five (5) years or a
2868 fine of not more than Ten Thousand Dollars (\$10,000.00), or
2869 both;

2870 (C) If ten (10) or more grams or twenty (20) or
2871 more dosage units, but less than thirty (30) grams or forty (40)
2872 dosage units, by imprisonment for not more than ten (10) years
2873 or a fine of not more than Twenty Thousand Dollars (\$20,000.00),
2874 or both;

2875 (D) For thirty (30) or more grams or forty (40)
2876 or more dosage units, but less than five hundred (500) grams or
2877 two thousand five hundred (2,500) dosage units, by imprisonment
2878 for not more than fifteen (15) years or a fine of not more than
2879 Fifty Thousand Dollars (\$50,000.00), or both.

2880 (c) **Simple possession.** Except as otherwise provided under
2881 subsection (i) of this section for actions that are lawful under
2882 the Mississippi Medical Cannabis Act and in compliance with
2883 rules and regulations adopted thereunder, ~~it~~ is unlawful for
2884 any person knowingly or intentionally to possess any controlled
2885 substance unless the substance was obtained directly from, or
2886 pursuant to, a valid prescription or order of a practitioner
2887 while acting in the course of his professional practice, or

2888 except as otherwise authorized by this article. The penalties
2889 for any violation of this subsection (c) with respect to a
2890 controlled substance classified in Schedules I, II, III, IV or
2891 V, as set out in Section 41-29-113, 41-29-115, 41-29-117,
2892 41-29-119 or 41-29-121, including marijuana or synthetic
2893 cannabinoids, shall be based on dosage unit as defined herein or
2894 the weight of the controlled substance as set forth herein as
2895 appropriate:

2896 "Dosage unit (d.u.)" means a tablet or capsule, or in the
2897 case of a liquid solution, one (1) milliliter. In the case of
2898 lysergic acid diethylamide (LSD) the term, "dosage unit" means a
2899 stamp, square, dot, microdot, tablet or capsule of a controlled
2900 substance.

2901 For any controlled substance that does not fall within the
2902 definition of the term "dosage unit," the penalties shall be
2903 based upon the weight of the controlled substance.

2904 The weight set forth refers to the entire weight of any
2905 mixture or substance containing a detectable amount of the
2906 controlled substance.

2907 If a mixture or substance contains more than one (1)
2908 controlled substance, the weight of the mixture or substance is
2909 assigned to the controlled substance that results in the greater
2910 punishment.

2911 A person shall be charged and sentenced as follows for a
2912 violation of this subsection with respect to:

2913 (1) A controlled substance classified in Schedule I
2914 or II, except marijuana and synthetic cannabinoids:

2915 (A) If less than one-tenth (0.1) gram or two (2)
2916 dosage units, the violation is a misdemeanor and punishable by
2917 imprisonment for not more than one (1) year or a fine of not
2918 more than One Thousand Dollars (\$1,000.00), or both.

2919 (B) If one-tenth (0.1) gram or more or two (2)
2920 or more dosage units, but less than two (2) grams or ten (10)
2921 dosage units, by imprisonment for not more than three (3) years
2922 or a fine of not more than Fifty Thousand Dollars (\$50,000.00),
2923 or both.

2924 (C) If two (2) or more grams or ten (10) or more
2925 dosage units, but less than ten (10) grams or twenty (20) dosage
2926 units, by imprisonment for not more than eight (8) years or a
2927 fine of not more than Two Hundred Fifty Thousand Dollars
2928 (\$250,000.00), or both.

2929 (D) If ten (10) or more grams or twenty (20) or
2930 more dosage units, but less than thirty (30) grams or forty (40)
2931 dosage units, by imprisonment for not less than three (3) years
2932 nor more than twenty (20) years or a fine of not more than Five
2933 Hundred Thousand Dollars (\$500,000.00), or both.

2934 (2) (A) Marijuana and synthetic cannabinoids:

2935 1. If thirty (30) grams or less of
2936 marijuana or ten (10) grams or less of synthetic cannabinoids,
2937 by a fine of not less than One Hundred Dollars (\$100.00) nor
2938 more than Two Hundred Fifty Dollars (\$250.00). The provisions
2939 of this paragraph (2) (A) may be enforceable by summons if the
2940 offender provides proof of identity satisfactory to the
2941 arresting officer and gives written promise to appear in court

2942 satisfactory to the arresting officer, as directed by the
2943 summons. A second conviction under this section within two (2)
2944 years is a misdemeanor punishable by a fine of Two Hundred Fifty
2945 Dollars (\$250.00), not more than sixty (60) days in the county
2946 jail, and mandatory participation in a drug education program
2947 approved by the Division of Alcohol and Drug Abuse of the State
2948 Department of Mental Health, unless the court enters a written
2949 finding that a drug education program is inappropriate. A third
2950 or subsequent conviction under this paragraph (2) (A) within two
2951 (2) years is a misdemeanor punishable by a fine of not less than
2952 Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand
2953 Dollars (\$1,000.00) and confinement for not more than six (6)
2954 months in the county jail.

2955 Upon a first or second conviction under this paragraph
2956 (2) (A), the courts shall forward a report of the conviction to
2957 the Mississippi Bureau of Narcotics which shall make and
2958 maintain a private, nonpublic record for a period not to exceed
2959 two (2) years from the date of conviction. The private,
2960 nonpublic record shall be solely for the use of the courts in
2961 determining the penalties which attach upon conviction under
2962 this paragraph (2) (A) and shall not constitute a criminal record
2963 for the purpose of private or administrative inquiry and the
2964 record of each conviction shall be expunged at the end of the
2965 period of two (2) years following the date of such conviction;

2966 2. Additionally, a person who is the
2967 operator of a motor vehicle, who possesses on his person or
2968 knowingly keeps or allows to be kept in a motor vehicle within

2969 the area of the vehicle normally occupied by the driver or
2970 passengers, more than one (1) gram, but not more than thirty
2971 (30) grams of marijuana or not more than ten (10) grams of
2972 synthetic cannabinoids is guilty of a misdemeanor and, upon
2973 conviction, may be fined not more than One Thousand Dollars
2974 (\$1,000.00) or confined for not more than ninety (90) days in
2975 the county jail, or both. For the purposes of this subsection,
2976 such area of the vehicle shall not include the trunk of the
2977 motor vehicle or the areas not normally occupied by the driver
2978 or passengers if the vehicle is not equipped with a trunk. A
2979 utility or glove compartment shall be deemed to be within the
2980 area occupied by the driver and passengers;

2981 (B) Marijuana:

2982 1. If more than thirty (30) grams but less
2983 than two hundred fifty (250) grams, by a fine of not more than
2984 One Thousand Dollars (\$1,000.00), or confinement in the county
2985 jail for not more than one (1) year, or both; or by a fine of
2986 not more than Three Thousand Dollars (\$3,000.00), or
2987 imprisonment in the custody of the Department of Corrections for
2988 not more than three (3) years, or both;

2989 2. If two hundred fifty (250) or more grams
2990 but less than five hundred (500) grams, by imprisonment for not
2991 less than two (2) years nor more than eight (8) years or by a
2992 fine of not more than Fifty Thousand Dollars (\$50,000.00), or
2993 both;

2994 3. If five hundred (500) or more grams but
2995 less than one (1) kilogram, by imprisonment for not less than

2996 four (4) years nor more than sixteen (16) years or a fine of not
2997 more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or
2998 both;

2999 4. If one (1) kilogram or more but less
3000 than five (5) kilograms, by imprisonment for not less than six
3001 (6) years nor more than twenty-four (24) years or a fine of not
3002 more than Five Hundred Thousand Dollars (\$500,000.00), or both;

3003 5. If five (5) kilograms or more, by
3004 imprisonment for not less than ten (10) years nor more than
3005 thirty (30) years or a fine of not more than One Million Dollars
3006 (\$1,000,000.00), or both.

3007 (C) Synthetic cannabinoids:

3008 1. If more than ten (10) grams but less
3009 than twenty (20) grams, by a fine of not more than One Thousand
3010 Dollars (\$1,000.00), or confinement in the county jail for not
3011 more than one (1) year, or both; or by a fine of not more than
3012 Three Thousand Dollars (\$3,000.00), or imprisonment in the
3013 custody of the Department of Corrections for not more than three
3014 (3) years, or both;

3015 2. If twenty (20) or more grams but less
3016 than forty (40) grams, by imprisonment for not less than two (2)
3017 years nor more than eight (8) years or by a fine of not more
3018 than Fifty Thousand Dollars (\$50,000.00), or both;

3019 3. If forty (40) or more grams but less
3020 than two hundred (200) grams, by imprisonment for not less than
3021 four (4) years nor more than sixteen (16) years or a fine of not

3022 more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or
3023 both;

3024 4. If two hundred (200) or more grams, by
3025 imprisonment for not less than six (6) years nor more than
3026 twenty-four (24) years or a fine of not more than Five Hundred
3027 Thousand Dollars (\$500,000.00), or both.

3028 (3) A controlled substance classified in Schedule
3029 III, IV or V as set out in Sections 41-29-117 through 41-29-121,
3030 upon conviction, may be punished as follows:

3031 (A) If less than fifty (50) grams or less than
3032 one hundred (100) dosage units, the offense is a misdemeanor and
3033 punishable by not more than one (1) year or a fine of not more
3034 than One Thousand Dollars (\$1,000.00), or both.

3035 (B) If fifty (50) or more grams or one hundred
3036 (100) or more dosage units, but less than one hundred fifty
3037 (150) grams or five hundred (500) dosage units, by imprisonment
3038 for not less than one (1) year nor more than four (4) years or a
3039 fine of not more than Ten Thousand Dollars (\$10,000.00), or
3040 both.

3041 (C) If one hundred fifty (150) or more grams or
3042 five hundred (500) or more dosage units, but less than three
3043 hundred (300) grams or one thousand (1,000) dosage units, by
3044 imprisonment for not less than two (2) years nor more than eight
3045 (8) years or a fine of not more than Fifty Thousand Dollars
3046 (\$50,000.00), or both.

3047 (D) If three hundred (300) or more grams or one
3048 thousand (1,000) or more dosage units, but less than five

3049 hundred (500) grams or two thousand five hundred (2,500) dosage
3050 units, by imprisonment for not less than four (4) years nor more
3051 than sixteen (16) years or a fine of not more than Two Hundred
3052 Fifty Thousand Dollars (\$250,000.00), or both.

3053 (d) **Paraphernalia.** (1) Except as otherwise provided
3054 under subsection (i) of this section for actions that are lawful
3055 under the Mississippi Medical Cannabis Act and in compliance
3056 with rules and regulations adopted thereunder, ~~it~~ is unlawful
3057 for a person who is not authorized by the State Board of Medical
3058 Licensure, State Board of Pharmacy, or other lawful authority to
3059 use, or to possess with intent to use, paraphernalia to plant,
3060 propagate, cultivate, grow, harvest, manufacture, compound,
3061 convert, produce, process, prepare, test, analyze, pack, repack,
3062 store, contain, conceal, inject, ingest, inhale or otherwise
3063 introduce into the human body a controlled substance in
3064 violation of the Uniform Controlled Substances Law. Any person
3065 who violates this subsection (d)(1) is guilty of a misdemeanor
3066 and, upon conviction, may be confined in the county jail for not
3067 more than six (6) months, or fined not more than Five Hundred
3068 Dollars (\$500.00), or both; however, no person shall be charged
3069 with a violation of this subsection when such person is also
3070 charged with the possession of thirty (30) grams or less of
3071 marijuana under subsection (c)(2)(A) of this section.

3072 (2) It is unlawful for any person to deliver, sell,
3073 possess with intent to deliver or sell, or manufacture with
3074 intent to deliver or sell, paraphernalia, knowing, or under
3075 circumstances where one reasonably should know, that it will be

3076 used to plant, propagate, cultivate, grow, harvest, manufacture,
3077 compound, convert, produce, process, prepare, test, analyze,
3078 pack, repack, store, contain, conceal, inject, ingest, inhale,
3079 or otherwise introduce into the human body a controlled
3080 substance in violation of the Uniform Controlled Substances Law.
3081 Except as provided in subsection (d)(3), a person who violates
3082 this subsection (d)(2) is guilty of a misdemeanor and, upon
3083 conviction, may be confined in the county jail for not more than
3084 six (6) months, or fined not more than Five Hundred Dollars
3085 (\$500.00), or both.

3086 (3) Any person eighteen (18) years of age or over who
3087 violates subsection (d)(2) of this section by delivering or
3088 selling paraphernalia to a person under eighteen (18) years of
3089 age who is at least three (3) years his junior is guilty of a
3090 misdemeanor and, upon conviction, may be confined in the county
3091 jail for not more than one (1) year, or fined not more than One
3092 Thousand Dollars (\$1,000.00), or both.

3093 (4) It is unlawful for any person to place in any
3094 newspaper, magazine, handbill, or other publication any
3095 advertisement, knowing, or under circumstances where one
3096 reasonably should know, that the purpose of the advertisement,
3097 in whole or in part, is to promote the sale of objects designed
3098 or intended for use as paraphernalia. Any person who violates
3099 this subsection is guilty of a misdemeanor and, upon conviction,
3100 may be confined in the county jail for not more than six (6)
3101 months, or fined not more than Five Hundred Dollars (\$500.00),
3102 or both.

3103 (e) It shall be unlawful for any physician practicing
3104 medicine in this state to prescribe, dispense or administer any
3105 amphetamine or amphetamine-like anorectics and/or central
3106 nervous system stimulants classified in Schedule II, pursuant to
3107 Section 41-29-115, for the exclusive treatment of obesity,
3108 weight control or weight loss. Any person who violates this
3109 subsection, upon conviction, is guilty of a misdemeanor and may
3110 be confined for a period not to exceed six (6) months, or fined
3111 not more than One Thousand Dollars (\$1,000.00), or both.

3112 (f) **Trafficking.** (1) Any person trafficking in
3113 controlled substances shall be guilty of a felony and, upon
3114 conviction, shall be imprisoned for a term of not less than ten
3115 (10) years nor more than forty (40) years and shall be fined not
3116 less than Five Thousand Dollars (\$5,000.00) nor more than One
3117 Million Dollars (\$1,000,000.00). The ten-year mandatory
3118 sentence shall not be reduced or suspended. The person shall
3119 not be eligible for probation or parole, the provisions of
3120 Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to the
3121 contrary notwithstanding.

3122 (2) "Trafficking in controlled substances" as used
3123 herein means:

3124 (A) A violation of subsection (a) of this
3125 section involving thirty (30) or more grams or forty (40) or
3126 more dosage units of a Schedule I or II controlled substance
3127 except marijuana and synthetic cannabinoids;

3128 (B) A violation of subsection (a) of this
3129 section involving five hundred (500) or more grams or two

3130 thousand five hundred (2,500) or more dosage units of a Schedule
3131 III, IV or V controlled substance;

3132 (C) A violation of subsection (c) of this
3133 section involving thirty (30) or more grams or forty (40) or
3134 more dosage units of a Schedule I or II controlled substance
3135 except marijuana and synthetic cannabinoids;

3136 (D) A violation of subsection (c) of this
3137 section involving five hundred (500) or more grams or two
3138 thousand five hundred (2,500) or more dosage units of a Schedule
3139 III, IV or V controlled substance; or

3140 (E) A violation of subsection (a) of this
3141 section involving one (1) kilogram or more of marijuana or two
3142 hundred (200) grams or more of synthetic cannabinoids.

3143 (g) **Aggravated trafficking.** Any person trafficking in
3144 Schedule I or II controlled substances, except marijuana and
3145 synthetic cannabinoids, of two hundred (200) grams or more shall
3146 be guilty of aggravated trafficking and, upon conviction, shall
3147 be sentenced to a term of not less than twenty-five (25) years
3148 nor more than life in prison and shall be fined not less than
3149 Five Thousand Dollars (\$5,000.00) nor more than One Million
3150 Dollars (\$1,000,000.00). The twenty-five-year sentence shall be
3151 a mandatory sentence and shall not be reduced or suspended. The
3152 person shall not be eligible for probation or parole, the
3153 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33,
3154 to the contrary notwithstanding.

3155 (h) **Sentence mitigation.** (1) Notwithstanding any
3156 provision of this section, a person who has been convicted of an

3157 offense under this section that requires the judge to impose a
3158 prison sentence which cannot be suspended or reduced and is
3159 ineligible for probation or parole may, at the discretion of the
3160 court, receive a sentence of imprisonment that is no less than
3161 twenty-five percent (25%) of the sentence prescribed by the
3162 applicable statute. In considering whether to apply the
3163 departure from the sentence prescribed, the court shall conclude
3164 that:

3165 (A) The offender was not a leader of the
3166 criminal enterprise;

3167 (B) The offender did not use violence or a
3168 weapon during the crime;

3169 (C) The offense did not result in a death or
3170 serious bodily injury of a person not a party to the criminal
3171 enterprise; and

3172 (D) The interests of justice are not served by
3173 the imposition of the prescribed mandatory sentence.

3174 The court may also consider whether information and
3175 assistance were furnished to a law enforcement agency, or its
3176 designee, which, in the opinion of the trial judge, objectively
3177 should or would have aided in the arrest or prosecution of
3178 others who violate this subsection. The accused shall have
3179 adequate opportunity to develop and make a record of all
3180 information and assistance so furnished.

3181 (2) If the court reduces the prescribed sentence
3182 pursuant to this subsection, it must specify on the record the
3183 circumstances warranting the departure.

3184 (i) This section does not apply to any of the actions that
3185 are lawful under the Mississippi Medical Cannabis Act and in
3186 compliance with rules and regulations adopted thereunder.

3187 **SECTION 41.** Section 41-29-141, Mississippi Code of 1972,
3188 is amended as follows: [BS8]

3189 41-29-141. It is unlawful for any person:

3190 (1) Who is subject to Section 41-29-125 to distribute
3191 or dispense a controlled substance in violation of Section
3192 41-29-137;

3193 (2) Who is a registrant under Section 41-29-125 to
3194 manufacture a controlled substance not authorized by his
3195 registration, or to distribute or dispense a controlled
3196 substance not authorized by his registration to another
3197 registrant or other authorized person;

3198 (3) To refuse or fail to make, keep or furnish any
3199 record, notification, order form, statement, invoice or
3200 information required under this article;

3201 (4) To refuse a lawful entry into any premises for
3202 any inspection authorized by this article; or

3203 (5) Knowingly to keep or maintain any store, shop,
3204 warehouse, dwelling, building, vehicle, boat, aircraft, or other
3205 structure or place, which is resorted to by persons using
3206 controlled substances in violation of this article for the
3207 purpose of using these substances, or which is used for keeping
3208 or selling them in violation of this article.

3209 Any person who violates this section shall, with respect to
3210 such violation, be subject to a civil penalty payable to the

3211 State of Mississippi of not more than Twenty-five Thousand
3212 Dollars (\$25,000.00).

3213 In addition to the civil penalty provided in the preceding
3214 paragraph, any person who knowingly or intentionally violates
3215 this section shall be guilty of a crime and upon conviction
3216 thereof may be confined for a period of not more than one (1)
3217 year or fined not more than One Thousand Dollars (\$1,000.00), or
3218 both.

3219 This section does not apply to any of the actions that are
3220 lawful under the Mississippi Medical Cannabis Act and in
3221 compliance with rules and regulations adopted thereunder.

3222 **SECTION 42.** Section 41-29-143, Mississippi Code of 1972,
3223 is amended as follows: [BS9]

3224 41-29-143. It is unlawful for any person knowingly or
3225 intentionally:

3226 (1) To distribute as a registrant a controlled
3227 substance classified in Schedule I or II, as set out in Sections
3228 41-29-113 and 41-29-115, except pursuant to an order form as
3229 required by Section 41-29-135;

3230 (2) To use in the course of the manufacture or
3231 distribution of a controlled substance a registration number
3232 which is fictitious, revoked, suspended, or issued to another
3233 person * * *;

3234 (3) To furnish false or fraudulent material
3235 information in, or omit any material information from, any
3236 application, report, or other document required to be kept or

3237 filed under this article, or any record required to be kept by
3238 this article; or

3239 (4) To make, distribute, or possess any punch, die,
3240 plate, stone, or other thing designed to print, imprint, or
3241 reproduce the trademark, trade name, or other identifying mark,
3242 imprint or device of another or any likeness of any of the
3243 foregoing upon any drug or container or labeling thereof so as
3244 to render the drug a counterfeit substance.

3245 Any person who violates this section is guilty of a crime
3246 and upon conviction may be confined for not more than one (1)
3247 year or fined not more than One Thousand Dollars (\$1,000.00) or
3248 both.

3249 This section does not apply to any of the actions that are
3250 lawful under the Mississippi Medical Cannabis Act and in
3251 compliance with rules and regulations adopted thereunder.

3252 **SECTION 43.** Section 45-9-101, Mississippi Code of 1972, is
3253 amended as follows: [BS10]

3254 45-9-101. (1) (a) Except as otherwise provided, the
3255 Department of Public Safety is authorized to issue licenses to
3256 carry stun guns, concealed pistols or revolvers to persons
3257 qualified as provided in this section. Such licenses shall be
3258 valid throughout the state for a period of five (5) years from
3259 the date of issuance, except as provided in subsection (25) of
3260 this section. Any person possessing a valid license issued
3261 pursuant to this section may carry a stun gun, concealed pistol
3262 or concealed revolver.

3263 (b) The licensee must carry the license, together
3264 with valid identification, at all times in which the licensee is
3265 carrying a stun gun, concealed pistol or revolver and must
3266 display both the license and proper identification upon demand
3267 by a law enforcement officer. A violation of the provisions of
3268 this paragraph (b) shall constitute a noncriminal violation with
3269 a penalty of Twenty-five Dollars (\$25.00) and shall be
3270 enforceable by summons.

3271 (2) The Department of Public Safety shall issue a license
3272 if the applicant:

3273 (a) Is a resident of the state. However, this
3274 residency requirement may be waived if the applicant possesses a
3275 valid permit from another state, is a member of any active or
3276 reserve component branch of the United States of America Armed
3277 Forces stationed in Mississippi, is the spouse of a member of
3278 any active or reserve component branch of the United States of
3279 America Armed Forces stationed in Mississippi, or is a retired
3280 law enforcement officer establishing residency in the state;

3281 (b) (i) Is twenty-one (21) years of age or older; or
3282 (ii) Is at least eighteen (18) years of age but
3283 not yet twenty-one (21) years of age and the applicant:

3284 1. Is a member or veteran of the United
3285 States Armed Forces, including National Guard or Reserve; and

3286 2. Holds a valid Mississippi driver's
3287 license or identification card issued by the Department of
3288 Public Safety or a valid and current tribal identification card

3289 issued by a federally recognized Indian tribe containing a
3290 photograph of the holder;

3291 (c) Does not suffer from a physical infirmity which
3292 prevents the safe handling of a stun gun, pistol or revolver;

3293 (d) Is not ineligible to possess a firearm by virtue
3294 of having been convicted of a felony in a court of this state,
3295 of any other state, or of the United States without having been
3296 pardoned or without having been expunged for same;

3297 (e) Does not chronically or habitually abuse
3298 controlled substances to the extent that his normal faculties
3299 are impaired. It shall be presumed that an applicant
3300 chronically and habitually uses controlled substances to the
3301 extent that his faculties are impaired if the applicant has been
3302 voluntarily or involuntarily committed to a treatment facility
3303 for the abuse of a controlled substance or been found guilty of
3304 a crime under the provisions of the Uniform Controlled
3305 Substances Law or similar laws of any other state or the United
3306 States relating to controlled substances within a three-year
3307 period immediately preceding the date on which the application
3308 is submitted;

3309 (f) Does not chronically and habitually use alcoholic
3310 beverages to the extent that his normal faculties are impaired.
3311 It shall be presumed that an applicant chronically and
3312 habitually uses alcoholic beverages to the extent that his
3313 normal faculties are impaired if the applicant has been
3314 voluntarily or involuntarily committed as an alcoholic to a
3315 treatment facility or has been convicted of two (2) or more

3316 offenses related to the use of alcohol under the laws of this
3317 state or similar laws of any other state or the United States
3318 within the three-year period immediately preceding the date on
3319 which the application is submitted;

3320 (g) Desires a legal means to carry a stun gun,
3321 concealed pistol or revolver to defend himself;

3322 (h) Has not been adjudicated mentally incompetent, or
3323 has waited five (5) years from the date of his restoration to
3324 capacity by court order;

3325 (i) Has not been voluntarily or involuntarily
3326 committed to a mental institution or mental health treatment
3327 facility unless he possesses a certificate from a psychiatrist
3328 licensed in this state that he has not suffered from disability
3329 for a period of five (5) years;

3330 (j) Has not had adjudication of guilt withheld or
3331 imposition of sentence suspended on any felony unless three (3)
3332 years have elapsed since probation or any other conditions set
3333 by the court have been fulfilled;

3334 (k) Is not a fugitive from justice; and

3335 (l) Is not disqualified to possess a weapon based on
3336 federal law.

3337 (3) The Department of Public Safety may deny a license if
3338 the applicant has been found guilty of one or more crimes of
3339 violence constituting a misdemeanor unless three (3) years have
3340 elapsed since probation or any other conditions set by the court
3341 have been fulfilled or expunction has occurred prior to the date
3342 on which the application is submitted, or may revoke a license

3343 if the licensee has been found guilty of one or more crimes of
3344 violence within the preceding three (3) years. The department
3345 shall, upon notification by a law enforcement agency or a court
3346 and subsequent written verification, suspend a license or the
3347 processing of an application for a license if the licensee or
3348 applicant is arrested or formally charged with a crime which
3349 would disqualify such person from having a license under this
3350 section, until final disposition of the case. The provisions of
3351 subsection (7) of this section shall apply to any suspension or
3352 revocation of a license pursuant to the provisions of this
3353 section.

3354 (4) The application shall be completed, under oath, on a
3355 form promulgated by the Department of Public Safety and shall
3356 include only:

3357 (a) The name, address, place and date of birth, race,
3358 sex and occupation of the applicant;

3359 (b) The driver's license number or social security
3360 number of applicant;

3361 (c) Any previous address of the applicant for the two
3362 (2) years preceding the date of the application;

3363 (d) A statement that the applicant is in compliance
3364 with criteria contained within subsections (2) and (3) of this
3365 section;

3366 (e) A statement that the applicant has been furnished
3367 a copy of this section and is knowledgeable of its provisions;

3368 (f) A conspicuous warning that the application is
3369 executed under oath and that a knowingly false answer to any

3370 question, or the knowing submission of any false document by the
3371 applicant, subjects the applicant to criminal prosecution; and

3372 (g) A statement that the applicant desires a legal
3373 means to carry a stun gun, concealed pistol or revolver to
3374 defend himself.

3375 (5) The applicant shall submit only the following to the
3376 Department of Public Safety:

3377 (a) A completed application as described in
3378 subsection (4) of this section;

3379 (b) A full-face photograph of the applicant taken
3380 within the preceding thirty (30) days in which the head,
3381 including hair, in a size as determined by the Department of
3382 Public Safety, except that an applicant who is younger than
3383 twenty-one (21) years of age must submit a photograph in profile
3384 of the applicant;

3385 (c) A nonrefundable license fee of Eighty Dollars
3386 (\$80.00). Costs for processing the set of fingerprints as
3387 required in paragraph (d) of this subsection shall be borne by
3388 the applicant. Honorably retired law enforcement officers,
3389 disabled veterans and active duty members of the Armed Forces of
3390 the United States, and law enforcement officers employed with a
3391 law enforcement agency of a municipality, county or state at the
3392 time of application for the license, shall be exempt from the
3393 payment of the license fee;

3394 (d) A full set of fingerprints of the applicant
3395 administered by the Department of Public Safety; and

3396 (e) A waiver authorizing the Department of Public
3397 Safety access to any records concerning commitments of the
3398 applicant to any of the treatment facilities or institutions
3399 referred to in subsection (2) of this section and permitting
3400 access to all the applicant's criminal records.

3401 (6) (a) The Department of Public Safety, upon receipt of
3402 the items listed in subsection (5) of this section, shall
3403 forward the full set of fingerprints of the applicant to the
3404 appropriate agencies for state and federal processing.

3405 (b) The Department of Public Safety shall forward a
3406 copy of the applicant's application to the sheriff of the
3407 applicant's county of residence and, if applicable, the police
3408 chief of the applicant's municipality of residence. The sheriff
3409 of the applicant's county of residence, and, if applicable, the
3410 police chief of the applicant's municipality of residence may,
3411 at his discretion, participate in the process by submitting a
3412 voluntary report to the Department of Public Safety containing
3413 any readily discoverable prior information that he feels may be
3414 pertinent to the licensing of any applicant. The reporting
3415 shall be made within thirty (30) days after the date he receives
3416 the copy of the application. Upon receipt of a response from a
3417 sheriff or police chief, such sheriff or police chief shall be
3418 reimbursed at a rate set by the department.

3419 (c) The Department of Public Safety shall, within
3420 forty-five (45) days after the date of receipt of the items
3421 listed in subsection (5) of this section:

3422 (i) Issue the license;

3423 (ii) Deny the application based solely on the
3424 ground that the applicant fails to qualify under the criteria
3425 listed in subsections (2) and (3) of this section. If the
3426 Department of Public Safety denies the application, it shall
3427 notify the applicant in writing, stating the ground for denial,
3428 and the denial shall be subject to the appeal process set forth
3429 in subsection (7); or

3430 (iii) Notify the applicant that the department
3431 is unable to make a determination regarding the issuance or
3432 denial of a license within the forty-five-day period prescribed
3433 by this subsection, and provide an estimate of the amount of
3434 time the department will need to make the determination.

3435 (d) In the event a legible set of fingerprints, as
3436 determined by the Department of Public Safety and the Federal
3437 Bureau of Investigation, cannot be obtained after a minimum of
3438 two (2) attempts, the Department of Public Safety shall
3439 determine eligibility based upon a name check by the Mississippi
3440 Highway Safety Patrol and a Federal Bureau of Investigation name
3441 check conducted by the Mississippi Highway Safety Patrol at the
3442 request of the Department of Public Safety.

3443 (7) (a) If the Department of Public Safety denies the
3444 issuance of a license, or suspends or revokes a license, the
3445 party aggrieved may appeal such denial, suspension or revocation
3446 to the Commissioner of Public Safety, or his authorized agent,
3447 within thirty (30) days after the aggrieved party receives
3448 written notice of such denial, suspension or revocation. The
3449 Commissioner of Public Safety, or his duly authorized agent,

3450 shall rule upon such appeal within thirty (30) days after the
3451 appeal is filed and failure to rule within this thirty-day
3452 period shall constitute sustaining such denial, suspension or
3453 revocation. Such review shall be conducted pursuant to such
3454 reasonable rules and regulations as the Commissioner of Public
3455 Safety may adopt.

3456 (b) If the revocation, suspension or denial of
3457 issuance is sustained by the Commissioner of Public Safety, or
3458 his duly authorized agent pursuant to paragraph (a) of this
3459 subsection, the aggrieved party may file within ten (10) days
3460 after the rendition of such decision a petition in the circuit
3461 or county court of his residence for review of such decision. A
3462 hearing for review shall be held and shall proceed before the
3463 court without a jury upon the record made at the hearing before
3464 the Commissioner of Public Safety or his duly authorized agent.
3465 No such party shall be allowed to carry a stun gun, concealed
3466 pistol or revolver pursuant to the provisions of this section
3467 while any such appeal is pending.

3468 (8) The Department of Public Safety shall maintain an
3469 automated listing of license holders and such information shall
3470 be available online, upon request, at all times, to all law
3471 enforcement agencies through the Mississippi Crime Information
3472 Center. However, the records of the department relating to
3473 applications for licenses to carry stun guns, concealed pistols
3474 or revolvers and records relating to license holders shall be
3475 exempt from the provisions of the Mississippi Public Records Act
3476 of 1983, and shall be released only upon order of a court having

3477 proper jurisdiction over a petition for release of the record or
3478 records.

3479 (9) Within thirty (30) days after the changing of a
3480 permanent address, or within thirty (30) days after having a
3481 license lost or destroyed, the licensee shall notify the
3482 Department of Public Safety in writing of such change or loss.
3483 Failure to notify the Department of Public Safety pursuant to
3484 the provisions of this subsection shall constitute a noncriminal
3485 violation with a penalty of Twenty-five Dollars (\$25.00) and
3486 shall be enforceable by a summons.

3487 (10) In the event that a stun gun, concealed pistol or
3488 revolver license is lost or destroyed, the person to whom the
3489 license was issued shall comply with the provisions of
3490 subsection (9) of this section and may obtain a duplicate, or
3491 substitute thereof, upon payment of Fifteen Dollars (\$15.00) to
3492 the Department of Public Safety, and furnishing a notarized
3493 statement to the department that such license has been lost or
3494 destroyed.

3495 (11) A license issued under this section shall be revoked
3496 if the licensee becomes ineligible under the criteria set forth
3497 in subsection (2) of this section.

3498 (12) (a) Except as provided in subsection (25) of this
3499 section, no less than ninety (90) days prior to the expiration
3500 date of the license, the Department of Public Safety shall mail
3501 to each licensee a written notice of the expiration and a
3502 renewal form prescribed by the department. The licensee must
3503 renew his license on or before the expiration date by filing

3504 with the department the renewal form, a notarized affidavit
3505 stating that the licensee remains qualified pursuant to the
3506 criteria specified in subsections (2) and (3) of this section,
3507 and a full set of fingerprints administered by the Department of
3508 Public Safety or the sheriff of the county of residence of the
3509 licensee. The first renewal may be processed by mail and the
3510 subsequent renewal must be made in person. Thereafter every
3511 other renewal may be processed by mail to assure that the
3512 applicant must appear in person every ten (10) years for the
3513 purpose of obtaining a new photograph.

3514 (i) Except as provided in this subsection, a
3515 renewal fee of Forty Dollars (\$40.00) shall also be submitted
3516 along with costs for processing the fingerprints;

3517 (ii) Honorably retired law enforcement officers,
3518 disabled veterans, active duty members of the Armed Forces of
3519 the United States and law enforcement officers employed with a
3520 law enforcement agency of a municipality, county or state at the
3521 time of renewal, shall be exempt from the renewal fee; and

3522 (iii) The renewal fee for a Mississippi resident
3523 aged sixty-five (65) years of age or older shall be Twenty
3524 Dollars (\$20.00).

3525 (b) The Department of Public Safety shall forward the
3526 full set of fingerprints of the applicant to the appropriate
3527 agencies for state and federal processing. The license shall be
3528 renewed upon receipt of the completed renewal application and
3529 appropriate payment of fees.

3530 (c) A licensee who fails to file a renewal
3531 application on or before its expiration date must renew his
3532 license by paying a late fee of Fifteen Dollars (\$15.00). No
3533 license shall be renewed six (6) months or more after its
3534 expiration date, and such license shall be deemed to be
3535 permanently expired. A person whose license has been
3536 permanently expired may reapply for licensure; however, an
3537 application for licensure and fees pursuant to subsection (5) of
3538 this section must be submitted, and a background investigation
3539 shall be conducted pursuant to the provisions of this section.

3540 (13) No license issued pursuant to this section shall
3541 authorize any person, except a law enforcement officer as
3542 defined in Section 45-6-3 with a distinct license authorized by
3543 the Department of Public Safety, to carry a stun gun, concealed
3544 pistol or revolver into any place of nuisance as defined in
3545 Section 95-3-1, Mississippi Code of 1972; any police, sheriff or
3546 highway patrol station; any detention facility, prison or jail;
3547 any courthouse; any courtroom, except that nothing in this
3548 section shall preclude a judge from carrying a concealed weapon
3549 or determining who will carry a concealed weapon in his
3550 courtroom; any polling place; any meeting place of the governing
3551 body of any governmental entity; any meeting of the Legislature
3552 or a committee thereof; any school, college or professional
3553 athletic event not related to firearms; any portion of an
3554 establishment, licensed to dispense alcoholic beverages for
3555 consumption on the premises, that is primarily devoted to
3556 dispensing alcoholic beverages; any portion of an establishment

3557 in which beer, light spirit product or light wine is consumed on
3558 the premises, that is primarily devoted to such purpose; any
3559 elementary or secondary school facility; any junior college,
3560 community college, college or university facility unless for the
3561 purpose of participating in any authorized firearms-related
3562 activity; inside the passenger terminal of any airport, except
3563 that no person shall be prohibited from carrying any legal
3564 firearm into the terminal if the firearm is encased for
3565 shipment, for purposes of checking such firearm as baggage to be
3566 lawfully transported on any aircraft; any church or other place
3567 of worship, except as provided in Section 45-9-171; or any place
3568 where the carrying of firearms is prohibited by federal law. In
3569 addition to the places enumerated in this subsection, the
3570 carrying of a stun gun, concealed pistol or revolver may be
3571 disallowed in any place in the discretion of the person or
3572 entity exercising control over the physical location of such
3573 place by the placing of a written notice clearly readable at a
3574 distance of not less than ten (10) feet that the "carrying of a
3575 pistol or revolver is prohibited." No license issued pursuant
3576 to this section shall authorize the participants in a parade or
3577 demonstration for which a permit is required to carry a stun
3578 gun, concealed pistol or revolver.

3579 (14) A law enforcement officer as defined in Section
3580 45-6-3, chiefs of police, sheriffs and persons licensed as
3581 professional bondsmen pursuant to Chapter 39, Title 83,
3582 Mississippi Code of 1972, shall be exempt from the licensing
3583 requirements of this section.

3584 (a) The Commissioner of Public Safety shall
3585 promulgate rules and regulations to provide licenses to law
3586 enforcement officers as defined in Section 45-6-3 who choose to
3587 obtain a license under the provisions of this section, which
3588 shall include a distinction that the officer is an "active duty"
3589 law enforcement officer and an endorsement that such officer is
3590 authorized to carry in the locations listed in subsection (13).
3591 A law enforcement officer shall provide the following
3592 information to receive the license described in this subsection:
3593 (i) a letter, with the official letterhead of the agency or
3594 department for which the officer is employed at the time of
3595 application and (ii) a letter with the official letterhead of
3596 the agency or department, which explains that such officer has
3597 completed a certified law enforcement training academy.

3598 (b) The licensing requirements of this section do not
3599 apply to the carrying by any person of a stun gun, pistol or
3600 revolver, knife, or other deadly weapon that is not concealed as
3601 defined in Section 97-37-1.

3602 (15) Any person who knowingly submits a false answer to
3603 any question on an application for a license issued pursuant to
3604 this section, or who knowingly submits a false document when
3605 applying for a license issued pursuant to this section, shall,
3606 upon conviction, be guilty of a misdemeanor and shall be
3607 punished as provided in Section 99-19-31, Mississippi Code of
3608 1972.

3609 (16) All fees collected by the Department of Public Safety
3610 pursuant to this section shall be deposited into a special fund

3611 hereby created in the State Treasury and shall be used for
3612 implementation and administration of this section. After the
3613 close of each fiscal year, the balance in this fund shall be
3614 certified to the Legislature and then may be used by the
3615 Department of Public Safety as directed by the Legislature.

3616 (17) All funds received by a sheriff or police chief
3617 pursuant to the provisions of this section shall be deposited
3618 into the general fund of the county or municipality, as
3619 appropriate, and shall be budgeted to the sheriff's office or
3620 police department as appropriate.

3621 (18) Nothing in this section shall be construed to require
3622 or allow the registration, documentation or providing of serial
3623 numbers with regard to any stun gun or firearm.

3624 (19) Any person holding a valid unrevoked and unexpired
3625 license to carry stun guns, concealed pistols or revolvers
3626 issued in another state shall have such license recognized by
3627 this state to carry stun guns, concealed pistols or revolvers.
3628 The Department of Public Safety is authorized to enter into a
3629 reciprocal agreement with another state if that state requires a
3630 written agreement in order to recognize licenses to carry stun
3631 guns, concealed pistols or revolvers issued by this state.

3632 (20) The provisions of this section shall be under the
3633 supervision of the Commissioner of Public Safety. The
3634 commissioner is authorized to promulgate reasonable rules and
3635 regulations to carry out the provisions of this section.

3636 (21) For the purposes of this section, the term "stun gun"
3637 means a portable device or weapon from which an electric

3638 current, impulse, wave or beam may be directed, which current,
3639 impulse, wave or beam is designed to incapacitate temporarily,
3640 injure, momentarily stun, knock out, cause mental disorientation
3641 or paralyze.

3642 (22) (a) From and after January 1, 2016, the Commissioner
3643 of Public Safety shall promulgate rules and regulations which
3644 provide that licenses authorized by this section for honorably
3645 retired law enforcement officers and honorably retired
3646 correctional officers from the Mississippi Department of
3647 Corrections shall (i) include the words "retired law enforcement
3648 officer" on the front of the license, and (ii) unless the
3649 licensee chooses to have this license combined with a driver's
3650 license or identification card under subsection (25) of this
3651 section, that the license itself have a red background to
3652 distinguish it from other licenses issued under this section.

3653 (b) An honorably retired law enforcement officer and
3654 honorably retired correctional officer shall provide the
3655 following information to receive the license described in this
3656 section: (i) a letter, with the official letterhead of the
3657 agency or department from which such officer is retiring, which
3658 explains that such officer is honorably retired, and (ii) a
3659 letter with the official letterhead of the agency or department,
3660 which explains that such officer has completed a certified law
3661 enforcement training academy.

3662 (23) A disabled veteran who seeks to qualify for an
3663 exemption under this section shall be required to provide a
3664 veterans health services identification card issued by the

3665 United States Department of Veterans Affairs indicating a
3666 service-connected disability, which shall be sufficient proof of
3667 such service-connected disability.

3668 (24) A license under this section is not required for a
3669 loaded or unloaded pistol or revolver to be carried upon the
3670 person in a sheath, belt holster or shoulder holster or in a
3671 purse, handbag, satchel, other similar bag or briefcase or fully
3672 enclosed case if the person is not engaged in criminal activity
3673 other than a misdemeanor traffic offense, is not otherwise
3674 prohibited from possessing a pistol or revolver under state or
3675 federal law, and is not in a location prohibited under
3676 subsection (13) of this section. However, the medical use of
3677 medical cannabis by a cardholder who is a registered qualifying
3678 patient which is lawful under the provisions of the Mississippi
3679 Medical Cannabis Act and in compliance with rules and
3680 regulations adopted thereunder shall not disqualify a person
3681 under this subsection (24) solely because the person is
3682 prohibited from possessing a firearm under 18 USCS Section
3683 922(g) (3) due to such medical use of medical cannabis.

3684 (25) An applicant for a license under this section shall
3685 have the option of, instead of being issued a separate card for
3686 the license, having the license appear as a notation on the
3687 individual's driver's license or identification card. If the
3688 applicant chooses this option, the license issued under this
3689 section shall have the same expiration date as the driver's
3690 license or identification card, and renewal shall take place at
3691 the same time and place as renewal of the driver's license or

3692 identification card. The Commissioner of Public Safety shall
3693 have the authority to promulgate rules and regulations which may
3694 be necessary to ensure the effectiveness of the concurrent
3695 application and renewal processes.

3696 **SECTION 44.** Section 71-3-7, Mississippi Code of 1972, is
3697 amended as follows: [BS11]

3698 71-3-7. (1) Compensation shall be payable for disability
3699 or death of an employee from injury or occupational disease
3700 arising out of and in the course of employment, without regard
3701 to fault as to the cause of the injury or occupational disease.
3702 An occupational disease shall be deemed to arise out of and in
3703 the course of employment when there is evidence that there is a
3704 direct causal connection between the work performed and the
3705 occupational disease. In all claims in which no benefits,
3706 including disability, death and medical benefits, have been
3707 paid, the claimant shall file medical records in support of his
3708 claim for benefits when filing a petition to controvert. If the
3709 claimant is unable to file the medical records in support of his
3710 claim for benefits at the time of filing the petition to
3711 controvert because of a limitation of time established by
3712 Section 71-3-35 or Section 71-3-53, the claimant shall file
3713 medical records in support of his claim within sixty (60) days
3714 after filing the petition to controvert.

3715 (2) Where a preexisting physical handicap, disease, or
3716 lesion is shown by medical findings to be a material
3717 contributing factor in the results following injury, the
3718 compensation which, but for this subsection, would be payable

3719 shall be reduced by that proportion which such preexisting
3720 physical handicap, disease, or lesion contributed to the
3721 production of the results following the injury. The preexisting
3722 condition does not have to be occupationally disabling for this
3723 apportionment to apply.

3724 (3) The following provisions shall apply to subsections
3725 (1) and (2) of this section:

3726 (a) Apportionment shall not be applied until the
3727 claimant has reached maximum medical recovery.

3728 (b) The employer or carrier does not have the power
3729 to determine the date of maximum medical recovery or percentage
3730 of apportionment. This must be done by the attorney-referee,
3731 subject to review by the commission as the ultimate finder of
3732 fact.

3733 (c) After the date the claimant reaches maximum
3734 medical recovery, weekly compensation benefits and maximum
3735 recovery shall be reduced by that proportion which the
3736 preexisting physical handicap, disease, or lesion contributes to
3737 the results following injury.

3738 (d) If maximum medical recovery has occurred before
3739 the hearing and order of the attorney-referee, credit for excess
3740 payments shall be allowed in future payments. Such allowances
3741 and method of accomplishment of the same shall be determined by
3742 the attorney-referee, subject to review by the commission.
3743 However, no actual repayment of such excess shall be made to the
3744 employer or carrier.

3745 (4) No compensation shall be payable if the use of drugs
3746 illegally, or the use of a valid prescription medication(s)
3747 taken contrary to the prescriber's instructions and/or contrary
3748 to label warnings, or the use of medical cannabis in accordance
3749 with the Mississippi Medical Cannabis Act and rules and
3750 regulations adopted thereunder, or intoxication due to the use
3751 of alcohol of the employee was the proximate cause of the
3752 injury, or if it was the willful intention of the employee to
3753 injure or kill himself or another.

3754 (5) Every employer to whom this chapter applies shall be
3755 liable for and shall secure the payment to his employees of the
3756 compensation payable under its provisions.

3757 (6) In the case of an employer who is a subcontractor, the
3758 contractor shall be liable for and shall secure the payment of
3759 such compensation to employees of the subcontractor, unless the
3760 subcontractor has secured such payment.

3761 **SECTION 45. SECTION *.** Section 71-3-121, Mississippi Code
3762 of 1972, is amended as follows: [BS12]

3763 71-3-121.

3764 (1) In the event that an employee sustains an injury at
3765 work or asserts a work-related injury, the employer shall have
3766 the right to administer drug and alcohol testing or require that
3767 the employee submit himself to drug and alcohol testing. If the
3768 employee has a positive test indicating the presence, at the
3769 time of injury, of any drug illegally used or the use of a valid
3770 prescription medication(s) taken contrary to the prescriber's
3771 instructions and/or contrary to label warnings, or the use of

3772 medical cannabis in accordance with the Mississippi Medical
3773 Cannabis Act and rules and regulations adopted thereunder, or
3774 eight one-hundredths percent (.08%) or more by weight volume of
3775 alcohol in the person's blood, it shall be presumed that the
3776 proximate cause of the injury was the use of a drug illegally,
3777 or the use of a valid prescription medication(s) taken contrary
3778 to the prescriber's instructions and/or contrary to label
3779 warnings, or the use of medical cannabis in accordance with the
3780 Mississippi Medical Cannabis Act and rules and regulations
3781 adopted thereunder, or the intoxication due to the use of
3782 alcohol by the employee. If the employee refuses to submit
3783 himself to drug and alcohol testing immediately after the
3784 alleged work-related injury, then it shall be presumed that the
3785 employee was using a drug illegally, or was using a valid
3786 prescription medication(s) contrary to the prescriber's
3787 instructions and/or contrary to label warnings, or was using
3788 medical cannabis in accordance with the Mississippi Medical
3789 Cannabis Act and rules and regulations adopted thereunder, or
3790 was intoxicated due to the use of alcohol at the time of the
3791 accident and that the proximate cause of the injury was the use
3792 of a drug illegally, or the use of a valid prescription
3793 medication(s) taken contrary to the prescriber's instructions
3794 and/or contrary to label warnings, or the use of medical
3795 cannabis in accordance with the Mississippi Medical Cannabis Act
3796 and rules and regulations adopted thereunder, or the
3797 intoxication due to the use of alcohol of the employee. The
3798 burden of proof will then be placed upon the employee to prove

3799 that the use of drugs illegally, or the use of a valid
3800 prescription medication(s) taken contrary to the prescriber's
3801 instructions and/or contrary to label warnings, or the use of
3802 medical cannabis in accordance with the Mississippi Medical
3803 Cannabis Act and rules and regulations adopted thereunder, or
3804 intoxication due to the use of alcohol was not a contributing
3805 cause of the accident in order to defeat the defense of the
3806 employer provided under Section 71-3-7.

3807 (2) The results of the drug and alcohol tests,
3808 employer-administered or otherwise, shall be considered
3809 admissible evidence solely on the issue of causation in the
3810 determination of the use of drugs illegally, or the use of a
3811 valid prescription medication(s) taken contrary to the
3812 prescriber's instructions and/or contrary to label warnings, or
3813 the use of medical cannabis in accordance with the Mississippi
3814 Medical Cannabis Act and rules and regulations adopted
3815 thereunder, or the intoxication due to the use of alcohol of an
3816 employee at the time of injury for workers' compensation
3817 purposes under Section 71-3-7.

3818 (3) No cause of action for defamation of character, libel,
3819 slander or damage to reputation arises in favor of any person
3820 against an employer under the provisions of this section.

3821 **SECTION **.** This act shall take effect and be in force
3822 from and after passage.

3823

3824 ST: Mississippi Medical Cannabis Act; create.