

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2014

By: Representatives Mims, Baria, Carpenter

To: Judiciary A

HOUSE BILL NO. 1231
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-29-113, MISSISSIPPI CODE OF 1972,
2 TO ADD CERTAIN HALLUCINOGENIC SUBSTANCES TO SCHEDULE I OF THE
3 UNIFORM CONTROLLED SUBSTANCES ACT AND TO EXEMPT CERTAIN USES OF
4 CANNABIDIOL; TO AMEND SECTION 41-29-119, MISSISSIPPI CODE OF 1972,
5 TO ADD LORCASERIN TO SCHEDULE IV OF THE UNIFORM CONTROLLED
6 SUBSTANCES ACT; TO AUTHORIZE A PILOT PROGRAM FOR RESEARCH AND
7 DISPENSING OF CANNABIDIOL; TO AMEND SECTION 41-29-176, MISSISSIPPI
8 CODE OF 1972, TO REVISE THE ADMINISTRATIVE FORFEITURE OF PROPERTY
9 UNDER THE UNIFORM CONTROLLED SUBSTANCES LAW; TO AMEND SECTION 2,
10 CHAPTER 484, LAWS OF 2013, TO EXTEND THE REPEAL DATE ON SECTION
11 41-29-176; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 41-29-113, Mississippi Code of 1972, is
14 amended as follows:

41-29-113. The controlled substances listed in this section
are included in Schedule I.

SCHEDULE I

18 (a) **Opiates.** Any of the following opiates, including their
19 isomers, esters, ethers, salts and salts of isomers, esters and
20 ethers, unless specifically excepted, whenever the existence of
21 these isomers, esters, ethers and salts is possible within the
22 specific chemical designation:



- 23 (1) Acetyl-alpha-methylfentanyl;
24 (2) Acetylmethadol;
25 (3) Allylprodine;
26 (4) Alphacetylmethadol, except levo-alphacetylmethadol
27 (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
28 (5) Alphameprodine;
29 (6) Alphamethadol;
30 (7) Alpha-methylfentanyl;
31 (8) Alpha-methylthiofentanyl;
32 (9) Benzethidine;
33 (10) Betacetylmethadol;
34 (11) Beta-hydroxyfentanyl;
35 (12) Beta-hydroxy-3-methylfentanyl;
36 (13) Betameprodine;
37 (14) Betamethadol;
38 (15) Betaprodine;
39 (16) Clonitazene;
40 (17) Dextromoramide;
41 (18) Diampromide;
42 (19) Diethylthiambutene;
43 (20) Difenoxin;
44 (21) Dimenoxadol;
45 (22) Dimepheptanol;
46 (23) Dimethylthiambutene;
47 (24) Dioxaphetyl butyrate;



48 (25) Dipipanone;
49 (26) Ethylmethylthiambutene;
50 (27) Etonitazene;
51 (28) Etoxeridine;
52 (29) Furethidine;
53 (30) Hydroxypethidine;
54 (31) Ketobemidone;
55 (32) Levomoramide;
56 (33) Levophenacylmorphan;
57 (34) 3-methylfentanyl;
58 (35) 3-methylthiofentanyl;
59 (36) Morpheridine;
60 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
61 (38) Noracymethadol;
62 (39) Norlevorphanol;
63 (40) Normethadone;
64 (41) Norpipanone;
65 (42) Para-fluorofentanyl;
66 (43) PEPAP
67 (1-(-2- * * phenethyl) -4-phenyl-4-acetoxypiperidine);
68 (44) Phenadoxone;
69 (45) Phenampromide;
70 (46) Phenomorphan;
71 (47) Phenoperidine;
72 (48) Piritramide;



73 (49) Proheptazine;
74 (50) Properidine;
75 (51) Propiram;
76 (52) Racemoramide;
77 (53) Thiofentanyl;
78 (54) Tiliidine;
79 (55) Trimeperidine.

80 (b) **Opiate derivatives.** Any of the following opium
81 derivatives, their salts, isomers and salts of isomers, unless
82 specifically excepted, whenever the existence of these salts,
83 isomers and salts of isomers is possible within the specific
84 chemical designation:

85 (1) Acetorphine;
86 (2) Acetyldihydrocodeine;
87 (3) Benzylmorphine;
88 (4) Codeine methylbromide;
89 (5) Codeine-N-Oxide;
90 (6) Cyprenorphine;
91 (7) Desomorphine;
92 (8) Dihydromorphine;
93 (9) Drotebanol;
94 (10) Etorphine; (except hydrochloride salt);
95 (11) Heroin;
96 (12) Hydromorphenol;
97 (13) Methyldesorphine;





123 (* * *7) 4-methoxyamphetamine;
124 (* * *8) 5-methoxy-3,4-methylenedioxy-amphetamine;
125 (* * *9) 4-methyl-2,5-dimethoxy-amphetamine;
126 (* * *10) 3,4-methylenedioxy amphetamine;
127 (* * *11) 3,4-methylenedioxymethamphetamine (MDMA);
128 (* * *12) 3,4-methylenedioxy-N-ethylamphetamine (also
129 known as
130 N-ethyl-alpha-methyl-3,4(methylenedioxy) * * *phenethylamine,
131 N-ethyl MDA, MDE, MDEA);
132 (* * *13) N-hydroxy-3,4-methylenedioxyamphetamine
133 (also known as N-hydroxy MDA, N-OHMDA, and
134 N-hydroxy-alpha-methyl-3,4(methylenedioxy) * * *phenethylamine);
135 (* * *14) 3,4,5-trimethoxy amphetamine;
136 (* * *15) 5-methoxy-N,N-dimethyltryptamine
137 (5-MeO-DMT);
138 (* * *16) Alpha-methyltryptamine (also known as AMT);
139 (* * *17) Bufotenine;
140 (* * *18) Diethyltryptamine;
141 (* * *19) Dimethyltryptamine;
142 (* * *20) 5-methoxy-N,N-diisopropyltryptamine
143 (5-MeO-DIPT);
144 (* * *21) Ibogaine;
145 (* * *22) Lysergic acid diethylamide (LSD);
146 (* * *23) (A) Marihuana;
147 (B) Hashish;



148 (* * *24) Mescaline;
149 (* * *25) Parahexyl;
150 (* * *26) Peyote;
151 (* * *27) N-ethyl-3-piperidyl benzilate;
152 (* * *28) N-methyl-3-piperidyl benzilate;
153 (* * *29) Psilocybin;
154 (* * *30) Psilocyn;
155 (* * *31) Tetrahydrocannabinols, meaning
156 tetrahydrocannabinols contained in a plant of the genus Cannabis
157 (cannabis plant), as well as the synthetic equivalents of the
158 substances contained in the cannabis plant, or in the resinous
159 extractives of such plant, and/or synthetic substances,
160 derivatives, and their isomers with similar chemical structure and
161 pharmacological activity to those substances contained in the
162 plant such as the following:
163 (A) 1 cis or trans tetrahydrocannabinol;
164 (B) 6 cis or trans tetrahydrocannabinol;
165 (C) 3,4 cis or trans tetrahydrocannabinol.
166 (Since nomenclature of these substances is not
167 internationally standardized, compounds of these structures,
168 regardless of atomic positions are covered.)
169 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)
170 However, the following products are exempted from control:
171 (i) THC-containing industrial products made
172 from cannabis stalks (e.g., * * * paper, rope and clothing * * *);



173 (ii) Processed cannabis plant materials used
174 for industrial purposes, such as fiber retted from cannabis stalks
175 for use in manufacturing textiles or rope;

176 (iii) Animal feed mixtures that contain
177 sterilized cannabis seeds and other ingredients (not derived from
178 the cannabis plant) in a formula designed, marketed and
179 distributed for nonhuman consumption; * * *

180 (iv) Personal care products that contain oil
181 from sterilized cannabis seeds, such as shampoos, soaps, and body
182 lotions (* * * if the products do not cause THC to enter the
183 human body); and

(32) Phencyclidine;

190 (* * * 33) Ethylamine analog of phenylcyclidine (PCE);

191 (* * *34) Pyrrolidine analog of phencyclidine (PHP,
192 PCPy);

193 (* * * 35) Thiophene analog of phenacyclidine;

194 (* * *36) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine
195 (TCPy);

196 (37) 4-methylmethcathinone (mephedrone);

197 (38) 3,4-methylenedioxypyrovalerone (MDPV);



198 (* * * 39) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine
199 (2C-E) ;
200 (* * * 40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine
201 (2C-D) ;
202 (* * * 41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine
203 (2C-C) ;
204 (* * * 42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine
205 (2C-I) ; or 2,5-dimethoxy-4-iodophenethylamine;
206 (* * * 43)
207 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2) ;
208 (* * * 44)
209 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4) ;
210 (* * * 45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H) ;
211 (* * * 46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine
212 (2C-N) ;
213 (* * * 47)
214 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) ;
215 (48) 3,4-methylenedioxy-N-methylcathinone (methylone) ;
216 (* * * 49)
217 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
218 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36) ;
219 (* * * 50)
220 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
221 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82) ;



222 (* * * 51)

223 2-(4-*iodo*-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or
224 N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;
225 Cimbi-5);

226 (52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,

227 4-benzodiazepin-2-one (also known as Phenazepam);

228 (53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,

229 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene

230 (also known as Etizolam);

231 (* * * 54) *Salvia divinorum*;

(* * *55) Synthetic cannabinoids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of a synthetic cannabinoid found in any of the following chemical groups, whether or not substituted to any extent, or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, including all synthetic cannabinoid chemical analogues in such groups:

242 (A) (6aR, 10aR)-9-(hydroxymethyl)-6,

243 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
244 chromen-1-ol (also known as HU-210 or
245 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);



246 (B) Naphthoylindoles and naphthylmethylindoles,
247 being any compound structurally derived from 3-(1-naphthoyl)indole
248 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted
249 in the indole ring to any extent, or in the naphthyl ring to any
250 extent;

251 (C) Naphthoylpyrroles, being any compound
252 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not
253 substituted in the pyrrole ring to any extent, or in the naphthyl
254 ring to any extent;

255 (D) Naphthylmethylindenes, being any compound
256 structurally derived from 1-(1-naphthylmethyl)indene, whether or
257 not substituted in the indene ring to any extent or in the
258 naphthyl ring to any extent;

263 (F) Cyclohexylphenols, being any compound
264 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether
265 or not substituted in the cyclohexyl ring to any extent or in the
266 phenolic ring to any extent:

267 (G) Benzoylindoles, whether or not substituted in
268 the indole ring to any extent or in the phenyl ring to any extent;



269 (H) Adamantoylindoles, whether or not substituted
270 in the indole ring to any extent or in the adamantoyl ring system
271 to any extent;

272 (I) Tetrahydro derivatives of cannabinol and
273 3-alkyl homologues of cannabiniol or of its tetrahydro
274 derivatives, except where contained in cannabis or cannabis
275 resin * * *;

276 (J) 3-Cyclopropylmethanone indole or
277 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by
278 substitution at the nitrogen atom of the indole ring, whether or
279 not further substituted in the indole ring to any extent, whether
280 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl
281 rings to any extent;

282 (K) Quinolinyl ester indoles, being any compound
283 structurally derived from 1H-indole-3carboxylic acid-8-quinolinyl
284 ester, whether or not substituted in the indole ring to any extent
285 or the quinolone ring to any extent;

286 (L) 3-carbozamide-1H-indazoles, whether or not
287 substituted in the indazole ring to any extent and substituted to
288 any degree on the carboxamide nitrogen and
289 3-carboxamide-1H-indoles, whether or not substituted in the indole
290 ring to any extent and substituted to any degree on the
291 carboxamide nitrogen;

292 (M) Cycloalkanemethanone Indoles, whether or not
293 substituted at the nitrogen atom on the indole ring, whether or



294 not further substituted in the indole ring to any extent, whether
295 or not substituted on the cycloalkane ring to any extent.

296 (d) **Depressants.** Unless specifically excepted or unless
297 listed in another schedule, any material, compound, mixture, or
298 preparation which contains any quantity of the following
299 substances having a depressant effect on the central nervous
300 system, including their salts, isomers, and salts of isomers,
301 whenever the existence of such salts, isomers, and salts of
302 isomers is possible within the specific chemical designation:

303 (1) Gamma-hydroxybutyric acid (other names include:
304 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic
305 acid; sodium oxybate; sodium oxybutyrate);
306 (2) Mecloqualone;
307 (3) Methaqualone.

308 (e) **Stimulants.** Any material, compound, mixture or
309 preparation which contains any quantity of the following central
310 nervous system stimulants including optical salts, isomers and
311 salts of isomers unless specifically excepted or unless listed in
312 another schedule:

313 (1) Aminorex;
314 (2) N-benzylpiperazine (also known as BZP;
315 1-benzylpiperazine);
316 (* * *3) Cathinone * * *;
317 (* * *4) Fenethylline;
318 (5) Methcathinone;



319 (* * *6) 4-methylaminorex (also known as
320 2-amino-4-methyl-5-phenyl-2-oxazoline);
321 (* * *7) N-ethylamphetamine;
322 (* * *8) Any material, compound, mixture or
323 preparation which contains any quantity of
324 N,N-dimethylamphetamine. (Other names include:
325 N,N,-alpha-trimethyl-benzeneethanamine, and
326 N,N-alphatrimethylphenethylamine);
327 (9) Unless listed in another schedule, any compound
328 other than bupropion that is structurally derived from
329 2-Amino-1-phenyl-1-propanone by modification in any of the
330 following ways:
331 (i) By substitution in the phenyl ring to any
332 extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide
333 substituents, whether or not further substituted in the phenyl
334 ring by one or more other univalent substituents;
335 (ii) By substitution at the 3-position with an
336 alkyl substituent;
337 (iii) By substitution at the nitrogen atom with
338 alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a
339 cyclic structure.
340 **SECTION 2.** Section 41-29-119, Mississippi Code of 1972, is
341 amended as follows:
342 41-29-119. (A) The controlled substances listed in this
343 section are included in Schedule IV.



SCHEDULE IV

345 (a) **Narcotic drugs.** Unless specifically excepted or
346 unless listed in another schedule, any material, compound, mixture
347 or preparation which contains limited quantities of the following
348 narcotic drugs, or any salts thereof:

352 (2) Dextropropoxyphene, including its salts
353 (Darvon, Darvon-N; also found in Darvon compound and Darvocet-N,
354 etc.).

358 (1) Alprazolam;
359 (2) Barbital;
360 (3) Bromazepam;
361 (4) Camazepam;
362 (5) Carisoprodol;
363 (6) Chloral betaine;
364 (7) Chloral hydrate;
365 (8) Chlordiazepoxide and its salts, but does not
366 include chlordiazepoxide hydrochloride and clidinium bromide or
367 chlordiazepoxide and esterified estrogens;
368 (9) Clobazam;



369 (10) Clonazepam;
370 (11) Clorazepate;
371 (12) Clotiazepam;
372 (13) Cloxazolam;
373 (14) Delorazepam;
374 (15) Diazepam;
375 (16) Dichloralphenazone;
376 (17) Estazolam;
377 (18) Ethchlorvynol;
378 (19) Ethinamate;
379 (20) Ethyl loflazepate;
380 (21) Fludiazepam;
381 (22) Flunitrazepam;
382 (23) Flurazepam;
383 (24) Fospropofol;
384 (25) Halazepam;
385 (26) Haloxazolam;
386 (27) Ketazolam;
387 (28) Loprazolam;
388 (29) Lorazepam;
389 (30) Lormetazepam;
390 (31) Mazindol;
391 (32) Mebutamate;
392 (33) Medazepam;
393 (34) Meprobamate;



394 (35) Methohexital;
395 (36) Methylphenobarbital;
396 (37) Midazolam;
397 (38) Nimetazepam;
398 (39) Nitrazepam;
399 (40) Nordiazepam;
400 (41) Oxazepam;
401 (42) Oxazolam;
402 (43) Paraldehyde;
403 (44) Petrichloral;
404 (45) Phenobarbital;
405 (46) Pinazepam;
406 (47) Prazepam;
407 (48) Quazepam;
408 (49) Temazepam;
409 (50) Tetrazepam;
410 (51) Triazolam;
411 (52) Zaleplon;
412 (53) Zolpidem;
413 (54) Zopiclone.
414 (c) Fenfluramine.
415 (d) Lorcaserin. Any material, compound, mixture, or
416 preparation which contains any quantity of Lorcaserin, including
417 its salts, isomers, and salts of such isomers, whenever the

418 existence of such salts, isomers, and salts of isomers is
419 possible.

420 (* * *e) **Stimulants.** Any material, compound, mixture
421 or preparation which contains any quantity of the following
422 substances:

- 423 (1) Diethylpropion;
- 424 (2) Phentermine;
- 425 (3) Pemoline (including any organometallic
426 complexes and chelates thereof);
- 427 (4) Pipradrol;
- 428 (5) Sibutramine;
- 429 (6) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 430 (7) Cathine ((+/-) Norpseudoephedrine);
- 431 (8) Fencamfamin;
- 432 (9) Fenproporex;
- 433 (10) Mefenorex;
- 434 (11) Modafinil.

435 (* * *f) **Other substances.**

- 436 (1) Butorphanol (including its optical isomers);
- 437 (2) Tramadol.

438 (B) Any material, compound, mixture or preparation which
439 contains any quantity of a Schedule IV controlled substance and is
440 listed as an exempt substance in 21 CFR, Section 1308.22, 1308.24,
441 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions
442 of the Uniform Controlled Substances Law.



443 **SECTION 3.** (1) "CBD oil" means processed cannabis plant
444 extract, oil or resin that contains more than fifteen percent
445 (15%) cannabidiol, or a dilution of the resin that contains at
446 least fifty (50) milligrams of cannabidiol per milliliter, but not
447 more than one-half of one percent (0.5%) of tetrahydrocannabinol.
448 (2) (a) CBD oil may only be obtained on the order of a
449 physician who is licensed to practice in Mississippi and
450 administered to a patient by or under the direction or supervision
451 of the physician.
452 (b) (i) The CBD oil must be obtained from or tested by
453 the National Center for Natural Products Research at the
454 University of Mississippi and dispensed by the Department of
455 Pharmacy Services at the University of Mississippi Medical Center.
456 (ii) The patient or the patient's parent, guardian
457 or custodian must execute a hold-harmless agreement that releases
458 from liability the state and any division, agency, institution or
459 employee thereof involved in the research, cultivation,
460 processing, dispensing, prescribing or administration of CBD oil.
461 (c) The National Center for Natural Products Research
462 at the University of Mississippi, the Department of Pharmacy
463 Services at the University of Mississippi Medical Center and the
464 Mississippi Agricultural and Forestry Experiment Station at
465 Mississippi State University are the only entities authorized to
466 produce or possess cannabidiol for research.



467 (3) (a) Research of CBD oil under this section must comply
468 with the provisions of Section 41-29-125 regarding lawful
469 possession of controlled substances, of Section 41-29-137
470 regarding record-keeping requirements relative to the dispensing,
471 use or administration of controlled substances, and of Section
472 41-29-133 regarding inventory requirements, insofar as they are
473 applicable.

474 (b) The National Center for Natural Products Research
475 at the University of Mississippi, the Department of Pharmacy
476 Services at the University of Mississippi Medical Center and the
477 Mississippi Agricultural and Forestry Experiment Station at
478 Mississippi State University are authorized to pursue any federal
479 permits or waivers necessary to conduct the programs authorized
480 under this section.

481 (4) (a) In a prosecution for the unlawful possession of
482 marihuana under the laws of this state, it is an affirmative and
483 complete defense to prosecution that:

484 (i) The defendant suffered from a debilitating
485 epileptic condition or related illness and the use or possession
486 of CBD oil was pursuant to the order of a physician as authorized
487 under this section; or

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



491 of CBD oil was pursuant to the order of a physician as authorized
492 under this section.

493 (b) An agency of this state or a political subdivision
494 thereof, including any law enforcement agency, may not initiate
495 proceedings to remove a child from the home based solely upon the
496 possession or use of CBD oil by the child or parent, guardian or
497 custodian of the child as authorized under this section.

498 (c) An employee of the state or any division, agency,
499 institution thereof involved in the research, cultivation,
500 processing, dispensing, prescribing or administration of CBD oil
501 shall not be subject to prosecution for unlawful possession, use,
502 distribution or prescription of marihuana under the laws of this
503 state for activities arising from or related to the use of CBD oil
504 in the treatment of individuals diagnosed with a debilitating
505 epileptic condition under this section.

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

507 (6) This section shall stand repealed from and after July 1,
508 2017.

509 **SECTION 4.** Section 41-29-176, Mississippi Code of 1972, is
510 amended as follows:

511 [Until July 1, 2015, this section shall read as follows:]

512 41-29-176. (1) When any property other than a controlled
513 substance, raw material or paraphernalia, the value of which does
514 not exceed Twenty Thousand Dollars (\$20,000.00), is seized under
515 the Uniform Controlled Substances Law, the property may be



516 forfeited by the administrative forfeiture procedures provided for
517 in this section.

518 (2) The attorney for or any representative of the seizing
519 law enforcement agency shall provide notice of intention to
520 forfeit the seized property administratively, either by certified
521 mail, return receipt requested, or by personal delivery, to all
522 persons who are required to be notified pursuant to Section
523 41-29-177(2) * * *.

524 (3) * * * If notice of intention to forfeit the seized
525 property administratively cannot be given as provided in
526 subsection (2) of this section because of refusal, failure to
527 claim, insufficient address or any other reason, the attorney for
528 or representative of the seizing law enforcement agency shall
529 provide notice by publication in a newspaper of general
530 circulation in the county in which the seizure occurred for once a
531 week for three (3) consecutive weeks. However, if the value of
532 the property seized does not exceed Ten Thousand Dollars
533 (\$10,000.00), substitute notice under this subsection (3) of
534 intention to administratively forfeit the property may be made by
535 posting a notice on an official state government forfeiture site
536 for at least thirty (30) consecutive days. The site shall be
537 created and maintained by the Mississippi Bureau of Narcotics.
538 Should other seizing law enforcement agencies choose to utilize
539 the site for Internet publication, the bureau may charge a
540 reasonable fee for such usage.



541 (4) Notice pursuant to subsections (2) and (3) of this
542 section shall include the following information:

543 (a) A description of the property;
544 (b) The approximate value of the property;
545 (c) The date and place of the seizure;
546 (d) The connection between the property and the
547 violation of the Uniform Controlled Substances Law;
548 (e) The instructions for filing a request for judicial
549 review; and
550 (f) A statement that the property will be forfeited to
551 the seizing law enforcement agency if a request for judicial
552 review is not timely filed.

553 (5) Any person claiming an interest in property which is the
554 subject of a notice under this section may, within thirty (30)
555 days after receipt of the notice or of the date of the first
556 publication of the notice, file a petition to contest forfeiture
557 signed by the claimant in the county court, if a county court
558 exists, or otherwise in the circuit court of the county in which
559 the seizure is made or the county in which the criminal
560 prosecution is brought, in order to claim an interest in the
561 property. Upon the filing of the petition and the payment of the
562 filing fees, service of the petition shall be made on the attorney
563 for or representative of the seizing law enforcement agency, and
564 the proceedings shall thereafter be governed by the rules of civil
565 procedure.



566 (6) If no petition to contest forfeiture is timely filed,
567 the attorney for the seizing law enforcement agency shall prepare
568 a written declaration of forfeiture of the subject property and
569 the forfeited property shall be used, distributed or disposed of
570 in accordance with the provisions of Section 41-29-181 * * *.

571 **[From and after July 1, 2015, this section shall read as**
572 **follows:]**

573 41-29-176. (1) When any property other than a controlled
574 substance, raw material or paraphernalia, the value of which does
575 not exceed Twenty Thousand Dollars (\$20,000.00), is seized under
576 the Uniform Controlled Substances Law, the property may be
577 forfeited by the administrative forfeiture procedures provided for
578 in this section.

579 (2) The attorney for or any representative of the seizing
580 law enforcement agency shall provide notice of intention to
581 forfeit the seized property administratively, either by certified
582 mail, return receipt requested, or by personal delivery, to all
583 persons who are required to be notified pursuant to Section
584 41-29-177(2) * * *.

585 (3) * * * If notice of intention to forfeit the seized
586 property administratively cannot be given as provided in
587 subsection (2) of this section because of refusal, failure to
588 claim, insufficient address or any other reason, the attorney for
589 or representative of the seizing law enforcement agency shall
590 provide notice by publication in a newspaper of general



591 circulation in the county in which the seizure occurred for once a
592 week for three (3) consecutive weeks. * * *

593 (4) Notice pursuant to subsections (2) and (3) of this
594 section shall include the following information:

595 (a) A description of the property;
596 (b) The approximate value of the property;
597 (c) The date and place of the seizure;
598 (d) The connection between the property and the
599 violation of the Uniform Controlled Substances Law;
600 (e) The instructions for filing a request for judicial
601 review; and

602 (f) A statement that the property will be forfeited to
603 the seizing law enforcement agency if a request for judicial
604 review is not timely filed.

605 (5) Any person claiming an interest in property which is the
606 subject of a notice under this section may, within thirty (30)
607 days after receipt of the notice or of the date of the first
608 publication of the notice, file a petition to contest forfeiture
609 signed by the claimant in the county court, if a county court
610 exists, or otherwise in the circuit court of the county in which
611 the seizure is made or the county in which the criminal
612 prosecution is brought, in order to claim an interest in the
613 property. Upon the filing of the petition and the payment of the
614 filing fees, service of the petition shall be made on the attorney
615 for or representative of the seizing law enforcement agency, and



616 the proceedings shall thereafter be governed by the rules of civil
617 procedure.

618 (6) If no petition to contest forfeiture is timely filed,
619 the attorney for the seizing law enforcement agency shall prepare
620 a written declaration of forfeiture of the subject property and
621 the forfeited property shall be used, distributed or disposed of
622 in accordance with the provisions of Section 41-29-181 * * *.

623 **SECTION 5.** Section 2, Chapter 484, Laws of 2013, is amended
624 as follows:

625 Section 2. This act shall take effect and be in force from
626 and after July 1, 2013, and shall stand repealed on July 1, * * *
627 2015.

628 **SECTION 6.** Sections 1 and 3 of this act shall take effect
629 and be in force from and after its passage, and the remainder of
630 this act shall take effect and be in force from and after July 1,
631 2014.

