MISSISSIPPI LEGISLATURE
REGULAR SESSION 2017
By: Representatives Bomgar, Sykes, Smith
To: Drug Policy; Public Health and Human Services

HOUSE BILL NO. 179

AN ACT TO BE KNOWN AS THE MISSISSIPPI MEDICAL MARIJUANA PILOT PROGRAM ACT; TO DEFINE CERTAIN TERMS; TO ALLOW THE THERAPEUTIC USE OF MARIJUANA FOR CERTAIN PATIENTS WHO HAVE DEBILITATING MEDICAL CONDITIONS; TO PROVIDE CERTAIN PROTECTIONS TO PATIENTS, CAREGIVERS, PHYSICIANS, THERAPEUTIC MARIJUANA ESTABLISHMENTS, DISPENSARIES AND TESTING FACILITIES FOR THE THERAPEUTIC USE OF MARIJUANA; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH WILL ADMINISTER THIS ACT, AND ISSUE REGISTRY IDENTIFICATION CARDS TO QUALIFYING PATIENTS AND REGISTRATIONS TO THERAPEUTIC ESTABLISHMENTS, DISPENSARIES AND TESTING FACILITIES; TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT CERTAIN ORDINANCES NOT IN CONFLICT WITH THIS ACT; TO PROVIDE CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; TO PROVIDE FOR AN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE LEGISLATURE AND THE DEPARTMENT; TO REQUIRE THE DEPARTMENT TO MAKE AN ANNUAL REPORT TO THE LEGISLATURE ABOUT THE OPERATION OF THIS ACT; TO PROVIDE THAT THIS ACT WILL STAND REPEALED FIVE YEARS AFTER THE FIRST DISPENSARY BEGINS SUPPLYING QUALIFYING PATIENTS WITH MARIJUANA; TO AMEND SECTIONS 41-29-125, 41-29-127, 41-29-136, 41-29-137, 41-29-139, 41-29-141 AND 41-29-143, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO BRING FORWARD SECTION 73-25-29, MISSISSIPPI CODE OF 1972, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. Title. This act shall be known as the Mississippi Medical Marijuana Pilot Program Act.
SECTION 2. Definitions. For purposes of this act, unless the context otherwise requires, the following terms shall be defined as provided in this section:

(a) "Allowable amount of marijuana" means:
   (i) Two and five-tenths (2.5) ounces of marijuana, and
   (ii) The quantity of marijuana products as established by regulation of the department.

(b) "Bona fide physician-patient relationship" means:
   (i) A physician and patient have a treatment or consulting relationship, during the course of which the physician has completed an assessment of the patient's medical history and current medical condition, including an appropriate examination;
   (ii) The physician has consulted with the patient with respect to the patient's debilitating medical condition; and
   (iii) The physician is available to or offers to provide follow-up care and treatment to the patient.

(c) "Marijuana products" means concentrated marijuana, marijuana extracts, and products that are infused with marijuana or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible marijuana products, beverages, topical products, ointments, oils, and tinctures.

(d) "Marijuana testing facility" or "testing facility" means an independent entity registered with the department.
pursuant to this act to analyze the safety and potency of
marijuana.

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

(f) "Debilitating medical condition" means any of the
following conditions: cancer, glaucoma, spastic quadriplegia,
positive status for human immunodeficiency virus (HIV), acquired
immune deficiency syndrome (AIDS), seizures, amyotrophic lateral
sclerosis (ALS), Crohn's disease, multiple sclerosis, ulcerative
colitis, intractable pain, or any other serious medical condition
or its treatment added by the department, as provided for in
Section 5 of this act.

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

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

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

(ii) Has significant responsibility for managing
the well-being of a patient;

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

(iv) Assists no more than five (5) qualifying
patients with their therapeutic use of marijuana, unless the
designated caregiver's qualifying patients each reside in or are
admitted to a health care facility or residential care facility
where the designated caregiver is employed.
(i) "Disqualifying felony offense" means:

   (i) A crime of violence, as defined in Section 97-3-2, that was classified as a felony in the jurisdiction where the person was convicted; or

   (ii) A violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction where the person was convicted, not including:

          1. An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed ten (10) or more years earlier; or

          2. An offense that consisted of conduct for which this act would likely have prevented a conviction, but the conduct either occurred before the effective date of this act or was prosecuted by an authority other than the State of Mississippi.

(j) "Edible marijuana products" means products that:

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

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

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

(k) "Physician" means a person who is licensed to practice medicine with authority to prescribe drugs to humans.
(l) "Qualifying patient" means a Mississippi resident who has been diagnosed by a physician as having a debilitating medical condition and who has otherwise met the requirements to qualify for a registry identification card.

(m) "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card under Section 7 of this act.

(n) "Smoked marijuana" or "smoking" means marijuana that is heated to at least the point of combustion, causing plant material to burn.

(o) "Therapeutic marijuana" or "marijuana" means any species of the genus marijuana plant, or any mixture or preparation of them, including whole plant extracts and resins. It does not include smoked marijuana.

(p) "Therapeutic marijuana dispensary" or "dispensary" means an entity registered with the department under this act that manufactures, grows, cultivates, prepares, acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses marijuana, marijuana products, paraphernalia, or related supplies and educational materials to cardholders.

(q) "Therapeutic marijuana establishment" means a dispensary or a testing facility registered with the department.
"Therapeutic marijuana establishment agent" means an owner, officer, board member, employee, volunteer, or agent of a therapeutic marijuana establishment.

"Written certification" means a document dated and signed by a physician, stating that in the physician's professional opinion the patient is likely to receive therapeutic or palliative benefit from the therapeutic use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. A written certification shall affirm that it is made in the course of a bona fide physician-patient relationship and shall specify the qualifying patient's debilitating medical condition.

SECTION 3. Protections for the therapeutic use of marijuana.

(1) A qualifying patient who possesses a valid registry identification card is not subject to arrest, prosecution, or penalty in any manner, or denial of any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau for:

(a) Possession, transportation, or use of marijuana under this act, if the cardholder does not possess more than the allowable amount of marijuana;

(b) Transferring marijuana to a testing facility for testing; or

(c) Compensating a dispensary for goods or services provided.
(2) A caregiver who possesses a valid registry identification card is not subject to arrest, prosecution, or penalty in any manner, or denial of any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau for:

(a) Possession, transportation, or delivery to the caregiver's qualifying patient of marijuana under this act, if the cardholder does not possess more than the allowable amount of marijuana;

(b) Transferring marijuana to a testing facility for testing; or

(c) Compensating a dispensary for goods or services provided.

(3) There is a presumption that a qualifying patient or designated caregiver is engaged in the therapeutic use of marijuana under this act if the person is in possession of a registry identification card and an amount of marijuana that does not exceed the allowable amount. The presumption may be rebutted by evidence that conduct related to marijuana was not for the purpose of treating or alleviating a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition under this act.

(4) A physician shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,
including, but not limited to, civil penalty or disciplinary action by the State Board of Medical Licensure or by any other occupational or professional licensing board or bureau, solely for providing written certifications or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the therapeutic use of marijuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition, provided that nothing in this act shall prevent a physician from being sanctioned for:

(a) Issuing a written certification to a patient with whom the physician does not have a bona fide physician-patient relationship; or

(b) Failing to properly evaluate a patient's medical condition.

(5) An attorney may not be subject to disciplinary action by the Mississippi State Bar or other professional licensing association for providing legal assistance to prospective or registered therapeutic marijuana establishments or others related to activity that is no longer subject to criminal penalties under state law under this act.

(6) No person may be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for:
(a) Providing or selling marijuana paraphernalia to a cardholder or to a therapeutic marijuana establishment;

(b) Being in the presence or vicinity of the therapeutic use of marijuana that is exempt from criminal penalties by this act;

(c) Allowing the person's property to be used for activities that are exempt from criminal penalties by this act; or

(d) Assisting a registered qualifying patient with the act of using or administering marijuana.

(7) A therapeutic marijuana establishment or a therapeutic marijuana establishment agent is not subject to prosecution, search, or inspection, except by the department under Section 16 of this act, seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting in accordance with this act and rules authorized by this act to engage in activities related to therapeutic marijuana that are allowed by its registration.

(8) A dispensary or a dispensary agent is not subject to prosecution, search, or inspection, except by the department under Section 16 of this act, seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting in accordance with this act and rules authorized by this act to:
(a) Possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture, compound, convert, prepare, pack, repack, transport, or store marijuana and marijuana products;

(b) Deliver, transfer, and transport marijuana to testing facilities and compensate testing facilities for services provided;

(c) Purchase or otherwise acquire marijuana or marijuana products from dispensaries;

(d) Deliver, sell, supply, transfer, or transport marijuana, marijuana products, and marijuana paraphernalia, and related supplies and educational materials to cardholders or dispensaries; or

(e) Obtain marijuana seeds from qualifying patients from other states or from marijuana businesses that are registered in another jurisdiction.

(9) A testing facility or testing facility agent is not subject to prosecution, search, or inspection, except by the department under Section 16 of this act, seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting in accordance with this act and rules authorized by this act to:
(a) Acquire, possess, transport, and store marijuana and marijuana products obtained from cardholders and therapeutic marijuana establishments;

(b) Return the marijuana and marijuana products to the cardholders and therapeutic marijuana establishments from whom it was obtained;

(c) Test marijuana, including for potency, pesticides, mold, or contaminants; or

(d) Receive compensation for those services.

(10) The staffer of a therapeutic marijuana establishment that is registered in another jurisdiction may sell or donate marijuana seeds to cultivation facilities. A patient who is registered in another state may donate marijuana seeds to cultivation facilities.

(11) Any marijuana, marijuana product, marijuana paraphernalia, or other interest in or right to property that is possessed, owned, or used in connection with the therapeutic use of marijuana as allowed under this act, or acts incidental to that use, shall not be seized or forfeited. This act shall not prevent the seizure or forfeiture of marijuana exceeding the amounts allowed under this act, nor shall it prevent seizure or forfeiture if the basis for the action is unrelated to the marijuana that is possessed, manufactured, transferred, or used in accordance with this act.
(12) Possession of, or application for, a registry identification card does not constitute probable cause or reasonable suspicion, nor shall it be used to support a search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any governmental agency.

(13) For the purposes of state law, activities related to therapeutic marijuana shall be considered lawful as long as they are in accordance with this act.

(14) It is the public policy of the State of Mississippi that contracts related to therapeutic marijuana that are entered into by cardholders, therapeutic marijuana establishments, or therapeutic marijuana establishment agents, and those who allow property to be used by those persons, shall be enforceable. It is the public policy of the State of Mississippi that no contract entered into by a cardholder, a therapeutic marijuana establishment, or a therapeutic marijuana establishment agent, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this act, shall be unenforceable on the basis that activities related to marijuana are prohibited by federal law.

SECTION 4. Limitations. This act does not authorize any person to engage in, and does not prevent the imposition of any
civil, criminal, or other penalties for engaging in, the following conduct:

(a) Undertaking any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice;

(b) Possessing marijuana or otherwise engaging in the therapeutic use of marijuana in any correctional facility, unless the correctional facility has elected to allow the cardholder to engage in the therapeutic use of marijuana;

(c) Smoking marijuana; or

(d) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of marijuana.

SECTION 5. Addition of debilitating medical conditions.

Any resident of Mississippi may petition the department to add serious medical conditions or their treatments to the list of debilitating medical conditions listed in Section 2 of this act. The department shall consider petitions in the manner required by department regulation, including public notice and hearing. The department shall approve or deny a petition within one hundred eighty (180) days of its submission. The approval or denial of any petition is a final decision of the department, subject to judicial review. Jurisdiction and venue for judicial review are vested in the circuit court.

SECTION 6. Acts not required and acts not prohibited.
(1) Nothing in this act requires a government medical assistance program or private insurer to reimburse a person for costs associated with the therapeutic use of marijuana.

(2) Nothing in this act prohibits an employer from disciplining an employee for ingesting marijuana in the workplace or for working while under the influence of marijuana.

SECTION 7. Issuance and denial of registry identification cards. (1) No later than one hundred forty (140) days after the effective date of this act, the department shall begin issuing registry identification cards to qualifying patients who submit the following, in accordance with the department's regulations:

(a) A written certification issued by a physician within ninety (90) days immediately preceding the date of the application;

(b) The name, address, and date of birth of the qualifying patient, except that if the applicant is homeless, no address is required;

(c) The name, address, and telephone number of the qualifying patient's physician;

(d) The name, address, and date of birth of the designated caregiver, or designated caregivers, chosen by the qualifying patient;

(e) If more than one (1) designated caregiver is designated at any given time, documentation demonstrating that a
greater number of designated caregivers is needed due to the patient's age or medical condition; and

(f) The name of the dispensary that the qualifying patient designates, if any.

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

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

(a) Verify the information contained in an application or renewal submitted under this act and approve or deny an application or renewal within fifteen (15) days of receiving a completed application or renewal application;

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

(c) Enter the registry identification number of the dispensary the patient designates into the verification system.

(4) The department may conduct a background check of the prospective designated caregiver in order to carry out this provision.
(5) The department shall not issue a registry identification card to a qualifying patient who is younger than eighteen (18) years of age unless:

(a) The qualifying patient's physician has explained the potential risks and benefits of the therapeutic use of marijuana to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and

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

(i) Allow the qualifying patient's therapeutic use of marijuana;

(ii) Serve as the qualifying patient's designated caregiver; and

(iii) Control the acquisition of the marijuana, the dosage, and the frequency of the therapeutic use of marijuana by the qualifying patient.

(6) The department may deny an application or renewal of a qualifying patient's registry identification card only if the applicant:

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

(b) Previously had a registry identification card revoked; or
(c) Provided false information.

(7) The department may deny an application or renewal for a designated caregiver chosen by a qualifying patient whose registry identification card was granted only if:

(a) The designated caregiver does not meet the requirements of Section 3 of this act;

(b) The applicant did not provide the information required;

(c) The designated caregiver previously had a registry identification card revoked; or

(d) The applicant or the designated caregiver provided false information.

(8) The department shall give written notice to the qualifying patient of the reason for denying a registry identification card to the qualifying patient or to the qualifying patient's designated caregiver.

(9) Denial of an application or renewal is considered a final department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the circuit court.

(10) Until a qualifying patient who has submitted an application to the department receives a registry identification card or a rejection, a copy of the individual's application, written certification, and proof that the application was submitted to the department shall be deemed a registry identification card.
(11) Until a designated caregiver whose qualifying patient has submitted an application receives a registry identification card or a rejection, a copy of the qualifying patient's application, written certification, and proof that the application was submitted to the department shall be deemed a registry identification card.

**SECTION 8. Contents of registry identification cards.**

(1) Registry identification cards must contain all of the following:

(a) The name of the cardholder;

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

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

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

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

(f) A photograph of the cardholder, if the department's regulations require one; and

(g) The phone number or Internet address where the card can be verified.
(2) Except as provided in subsection (3) of this section, the expiration date shall be one (1) year after the date of issuance.

(3) If the physician stated in the written certification that the qualifying patient would benefit from marijuana until a specified earlier date, then the registry identification card shall expire on that date.

SECTION 9. Verification system. (1) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards and their addresses, phone numbers, and registry identification numbers. This confidential list shall not be combined or linked in any manner with any other list or database, nor shall it be used for any purpose not provided for in this act.

(2) Within one hundred twenty (120) days after the effective date of this act, the department shall establish a secure phone or Internet-based verification system. The verification system must allow law enforcement personnel and therapeutic marijuana establishments to enter a registry identification number to determine whether the number corresponds with a current, valid registry identification card. The system may disclose only:

(a) Whether the identification card is valid;

(b) The name of the cardholder;

(c) Whether the cardholder is a qualifying patient or a designated caregiver;
(d) The registry identification number of any affiliated registered qualifying patient; and
(e) The registry identification of the qualifying patient's dispensary, if any.

SECTION 10. Notifications to department and responses.
(1) The following notifications and department responses are required:
   (a) A registered qualifying patient shall notify the department of any change in his or her name or address, or if the registered qualifying patient ceases to have his or her debilitating medical condition, within twenty (20) days of the change.
   (b) A registered designated caregiver shall notify the department of any change in his or her name or address, or if the designated caregiver becomes aware the qualifying patient passed away, within twenty (20) days of the change.
   (c) Before a registered qualifying patient changes his or her designated caregiver, the qualifying patient must notify the department.
   (d) If a cardholder loses his or her registry identification card, he or she shall notify the department within ten (10) days of becoming aware the card has been lost.
   (e) Before a registered qualifying patient changes his or her designated dispensary, the qualifying patient must notify the department.
(2) Each notification that a registered qualifying patient is required to make shall instead be made by the patient's designated caregiver if the qualifying patient is unable to make the notification due to his or her age or medical condition.

(3) When a cardholder notifies the department of items listed in subsection (1) of this section but remains eligible under this act, the department shall issue the cardholder a new registry identification card with a new random ten-digit alphanumeric identification number within ten (10) days of receiving the updated information. If the person notifying the department is a registered qualifying patient, the department shall also issue his or her registered designated caregiver, if any, a new registry identification card within ten (10) days of receiving the updated information.

(4) If the registered qualifying patient's certifying physician notifies the department in writing that either the registered qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive therapeutic or palliative benefit from the therapeutic use of marijuana, the card shall become null and void. However, the registered qualifying patient shall have fifteen (15) days to dispose of or give away his or her marijuana.
(5) A therapeutic marijuana establishment shall notify the department within one (1) business day of any theft or significant loss of marijuana.

SECTION 11. Registration of therapeutic marijuana establishments. (1) Not later than January 1, 2018, the department shall begin accepting applications for three (3) dispensaries and at least one (1) testing facility. The department shall begin accepting additional applications for dispensaries not later than January 1, 2019, and January 1, 2020.

(2) Each applicant to operate a therapeutic marijuana establishment must submit all of the following:

(a) An application, including:

(i) The legal name of the prospective therapeutic marijuana establishment;

(ii) The physical address of the prospective therapeutic marijuana establishment, and any secondary location for cultivation, that is not within one thousand (1,000) feet of a public or private school existing before the date of the therapeutic marijuana establishment application;

(iii) The name and date of birth of each principal officer and board member of the proposed therapeutic marijuana establishment;

(iv) The qualifications of the proposed managers, including experience in botany or therapeutic marijuana; and
(v) Any additional information requested by the department.

(b) Operating procedures consistent with rules for oversight of the proposed therapeutic marijuana establishments, including procedures to ensure accurate recordkeeping and adequate security measures;

(c) If the municipality or county where the proposed therapeutic marijuana establishment would be located has enacted zoning restrictions, a sworn statement certifying that the proposed therapeutic marijuana establishment is in compliance with the restrictions; and

(d) If the municipality or county where the proposed therapeutic marijuana establishment would be located requires a local registration, license, or permit, a copy of the registration, license, or permit.

(3) Not later than March 1, 2018, the department shall issue registrations to three (3) dispensaries to produce and provide therapeutic marijuana. Not later than March 1, 2019, the department shall issue a registration to at least one (1) more dispensary, so that the total number of dispensaries registered in the state is four (4). Not later than March 1, 2020, the department shall issue a registration to at least one (1) more dispensary, so that the total number of dispensaries registered in the state is five (5).
(4) Not later than March 1, 2018, the department shall issue a registration to at least one (1) testing facility.

(5) When granting registrations to therapeutic marijuana establishments, the department shall consider:

(a) The technical expertise of the establishment;

(b) The qualifications of the establishment's employees;

(c) The long-term financial stability of the establishment;

(d) The ability to provide appropriate security measures on the premises of the establishment; and

(e) The qualifications of the establishment's managers and principals.

(6) When granting registrations to dispensaries, the department shall also consider:

(a) Whether the establishment has an ability to meet the therapeutic marijuana production and consumption needs;

(b) Geographic distribution of dispensaries throughout the state; and

(c) If the establishment would have an on-site medical director with expertise in medicine or pharmacy.

(7) The department shall issue a renewal registration certificate within ten (10) days of receipt of the prescribed renewal application from a therapeutic marijuana establishment if
its registration certificate is not under suspension and has not been revoked.

**SECTION 12. Local ordinances.** (1) A local government may enact ordinances or regulations not in conflict with this act, or with regulations enacted under this act, governing the time, place, and manner of therapeutic marijuana establishment operations in the locality. A local government may establish penalties for violation of an ordinance or regulations governing the time, place, and manner of a therapeutic marijuana establishment that may operate in the locality.

(2) No local government may prohibit dispensaries, either expressly or through the enactment of ordinances or regulations that make their operation impracticable in the jurisdiction.

**SECTION 13. Requirements, prohibitions and penalties.**

(1) Therapeutic marijuana establishments shall conduct a background check into the criminal history of every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at the therapeutic marijuana establishment.

(2) A therapeutic marijuana establishment may not employ any person who:

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

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

(3) The operating documents of a therapeutic marijuana establishment must include procedures for the oversight of the
therapeutic marijuana establishment and procedures to ensure accurate recordkeeping.

(4) A therapeutic marijuana establishment shall implement appropriate security measures designed to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(5) Each therapeutic marijuana dispensary shall provide a reliable and ongoing supply of therapeutic marijuana needed for the registry program.

(6) All cultivation, harvesting, manufacture, and packaging of marijuana must take place in a secure facility with a physical address provided to the department during the registration process. The secure facility may only be accessed by agents of the therapeutic marijuana establishment, emergency personnel, and adults who are twenty-one (21) years of age and older and who are accompanied by therapeutic marijuana establishment agents.

(7) No therapeutic marijuana establishment other than a marijuana dispensary may produce marijuana concentrates, marijuana extractions, or other marijuana products.

(8) A therapeutic marijuana establishment may not share office space with or refer patients to a physician.

(9) Therapeutic marijuana establishments are subject to inspection by the department during business hours.

(10) Before marijuana may be dispensed to a cardholder, a dispensary agent must:
(a) Make a diligent effort to verify that the registry identification card or registration presented to the dispensary is valid;

(b) Make a diligent effort to verify that the person presenting the documentation is the person identified on the document presented to the dispensary agent;

(c) Do not believe that the amount dispensed would cause the person to possess more than the allowable amount of marijuana; and

(d) Make a diligent effort to verify that the dispensary is the current dispensary that was designated by the cardholder.

(11) A dispensary may not dispense more than two and five-tenths (2.5) ounces of marijuana to a registered qualifying patient, directly or via a designated caregiver, in any fourteen-day period. Dispensaries shall ensure compliance with this limitation by maintaining internal, confidential records that include records specifying how much marijuana is being dispensed to the registered qualifying patient and whether it was dispensed directly to a registered qualifying patient or to the designated caregiver.

SECTION 14. Department to issue regulations. (1) Not later than November 1, 2017, the department shall promulgate regulations:
(a) After having first sought the advice of the Department of Agriculture and Commerce pertaining to manufacturing or growing of therapeutic marijuana;

(b) Establishing the form and content of registration and renewal applications for therapeutic marijuana establishments;

(c) Governing therapeutic marijuana establishments with the goals of ensuring the health and safety of qualifying patients and preventing diversion and theft without imposing an undue burden or compromising the confidentiality of cardholders, including:

(i) Oversight requirements;

(ii) Recordkeeping requirements;

(iii) Security requirements, including lighting, physical security, and alarm requirements;

(iv) Health and safety regulations, including restrictions on the use of pesticides that are injurious to human health;

(v) Standards for the manufacture of marijuana products;

(vi) Requirements for the transportation and storage of marijuana by therapeutic marijuana establishments;

(vii) Employment and training requirements, including requiring that each therapeutic marijuana establishment create an identification badge for each agent;
(viii) Standards for the safe manufacture of marijuana products, including extracts and concentrates; and
(ix) Requirements and procedures for the safe and accurate packaging and labeling of therapeutic marijuana.

(2) Not later than September 1, 2017, the department shall promulgate regulations:

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

(b) Governing the manner in which it will consider applications for and renewals of registry identification cards, which may include creating a standardized written certification form; and

(c) Establishing procedures for suspending or terminating the registration certificates or registry identification cards of cardholders and therapeutic marijuana establishments that commit multiple or serious violations of the provisions of this act or the regulations promulgated under this section.

(3) Not later than January 1, 2018, the department shall promulgate regulations:
(a) Establishing the form and content of registration and renewal applications submitted under this act;

(b) Governing therapeutic marijuana dispensaries and testing facilities with the goals of ensuring the health and safety of qualifying patients and preventing diversion and theft without imposing an undue burden or compromising the confidentiality of cardholders, including:

(i) Oversight requirements;

(ii) Recordkeeping requirements;

(iii) Security requirements, including lighting, physical security, and alarm requirements;

(iv) Requirements for the storage of marijuana by therapeutic marijuana establishments;

(v) Employment and training requirements, including requiring that each therapeutic marijuana establishment create an identification badge for each agent;

(vi) Restrictions on the advertising, signage, and display of therapeutic marijuana;

(vii) Requirements and procedures for the safe and accurate packaging and labeling of therapeutic marijuana;

(viii) Standards for testing facilities, including requirements for equipment and qualifications for personnel; and

(ix) Protocol development for the safe delivery of marijuana from dispensaries to cardholders;
(c) Establishing labeling requirements for marijuana and marijuana products, including requiring marijuana product labels to include the following:

(i) The length of time it typically takes for the product to take effect;

(ii) Disclosure of ingredients and possible allergens;

(iii) A nutritional fact panel; and

(iv) Requiring that edible marijuana products be clearly identifiable, when practicable, with a standard symbol indicating that the product contains marijuana; and

(d) Establishing the amount of marijuana products, including the amount of concentrated marijuana, each cardholder can possess.

SECTION 15. Violations. (1) A cardholder or therapeutic marijuana establishment that willfully fails to provide a notice required by Section 10 of this act is guilty of a civil offense, punishable by a fine of no more than One Hundred Fifty Dollars ($150.00), which may be assessed and collected by the department.

(2) In addition to any other penalty provided by law, a therapeutic marijuana establishment or an agent of a therapeutic marijuana establishment that intentionally sells or otherwise transfers marijuana in exchange for anything of value to a person other than a cardholder or to a therapeutic marijuana establishment or its agent is guilty of a felony punishable by a
fine of not more than Three Thousand Dollars ($3,000.00), or by commitment to the Department of Corrections for not more than two (2) years, or both. A person convicted under this subsection may not continue to be affiliated with the therapeutic marijuana establishment and is disqualified from further participation under this act.

(3) In addition to any other penalty provided by law, a cardholder who intentionally sells or otherwise transfers marijuana in exchange for anything of value to a person other than a cardholder or to a therapeutic marijuana establishment or its agent is guilty of a felony punishable by a fine of not more than Three Thousand Dollars ($3,000.00), or by commitment to the Department of Corrections for not more than two (2) years, or both.

(4) A person who intentionally makes a false statement to a law enforcement official about any fact or circumstance relating to the therapeutic use of marijuana to avoid arrest or prosecution is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), by imprisonment in the county jail for not more than ninety (90) days, or both. This penalty is in addition to any other penalties that may apply for making a false statement or for the possession, cultivation, or sale of marijuana not protected by this act. If a person convicted of violating this subsection is a cardholder, the person is disqualified from further participation under this act.
(5) A person who knowingly submits false records or documentation required by the department to certify a therapeutic marijuana establishment under this act is guilty of a felony punishable by a fine of not more than Three Thousand Dollars ($3,000.00), or by commitment to the Department of Corrections for not more than two (2) years, or both.

(6) A physician who knowingly refers patients to a therapeutic marijuana establishment or to a designated caregiver, who advertises in a therapeutic marijuana establishment, or who issues written certifications while holding a financial interest in a therapeutic marijuana establishment, is guilty of a civil offense and shall be fined up to One Thousand Dollars ($1,000.00) by the department.

(7) Any person, including an employee or official of the department or another state agency or local government, who breaches the confidentiality of information obtained under this act is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment for not more than one hundred eighty (180) days in the county jail, or both.

(8) A therapeutic marijuana establishment is guilty of a civil offense for any violation of this act or the regulations issued under this act where no penalty has been specified, and shall be fined not more than One Thousand Dollars ($1,000.00) by
the department for each such violation. This penalty is in
addition to any other penalties provided by law.

SECTION 16. Suspension and revocation. (1) The department
may on its own motion or on complaint, after investigation and
opportunity for a public hearing at which the therapeutic
marijuana establishment has been afforded an opportunity to be
heard, suspend or revoke a registration certificate for multiple
negligent or knowing violations or for a serious and knowing
violation of this act or any rules under this act by the
registrant or any of its agents.

(2) The department shall provide notice of suspension,
revocation, fine, or other sanction, as well as the required
notice of the hearing, by mailing the same in writing to the
therapeutic marijuana establishment at the address on the
registration certificate. A suspension shall not be for a longer
period than six (6) months.

(3) A therapeutic marijuana establishment may continue to
possess and cultivate marijuana during a suspension, but it may
not dispense, transfer, or sell marijuana.

(4) The department shall immediately revoke the registry
identification card of any cardholder who sells marijuana to a
person who is not allowed to possess marijuana for therapeutic
purposes under this act, and the cardholder is disqualified from
further participation under this act.
(5) The department may revoke the registry identification card of any cardholder who knowingly commits multiple unintentional violations or a serious knowing violation of this act.

(6) Revocation is a final decision of the department subject to judicial review. Jurisdiction and venue for judicial review are vested in the circuit court.

SECTION 17. Confidentiality. (1) Data in registration applications and supporting data submitted by qualifying patients, designated caregivers and therapeutic marijuana establishments, including data on designated caregivers and physicians, are private data on individuals that is confidential and exempt from disclosure under the Mississippi Public Records Act of 1983, Sections 25-61-1 through 25-61-17.

(2) Data kept or maintained by the department may not be used for any purpose not provided for in this act and may not be combined or linked in any manner with any other list or database.

(3) Data kept or maintained by the department may be disclosed as necessary for:

(a) The verification of registration certificates and registry identification cards under Section 9 of this act;

(b) Submission of the annual report required by Section 19 of this act;

(c) Notification of state or local law enforcement of apparent criminal violations of this act;
(d) Notification of state and local law enforcement about falsified or fraudulent information submitted for purposes of obtaining or renewing a registry identification card; or

(e) Notification of the State Board of Medical Licensure if there is reason to believe that a physician provided a written certification in violation of this act, or if the department has reason to believe the physician otherwise violated the standard of care for evaluating medical conditions.

(4) Any information kept or maintained by therapeutic marijuana establishments must identify cardholders by their registry identification numbers and must not contain names or other personally identifying information.

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

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

SECTION 18. Advisory committee. (1) There is created an advisory committee of nine (9) members comprised of: one (1) member of the House of Representatives appointed by the Speaker of the House; one (1) member of the Senate appointed by the Lieutenant Governor; one (1) physician with experience in therapeutic marijuana issues; one (1) nurse; one (1) board member
or principal officer of a marijuana testing facility; one (1) individual with experience in policy development or implementation in the field of therapeutic marijuana; and three (3) qualifying patients. All members of the advisory committee other than the members of the House and Senate shall be appointed by the Governor.

(2) The advisory committee shall meet at least two (2) times per year for the purpose of evaluating and making recommendations to the Legislature and the department regarding:

(a) The ability of qualifying patients in all areas of the state to obtain timely access to a variety of strains of high-quality therapeutic marijuana;

(b) The effectiveness of the therapeutic marijuana establishment dispensaries, individually and together, in serving the needs of qualifying patients, including the provision of educational and support services by dispensaries, the reasonableness of their prices, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve the state's registered qualifying patients;

(c) Whether the therapeutic marijuana dispensaries are sufficient to provide steady access to a variety of marijuana products and strains at a reasonable cost;

(d) The effectiveness of the marijuana testing facilities, including whether a sufficient number are operating;
(e) The sufficiency of the regulatory and security safeguards contained in this act and adopted by the department to ensure that access to and use of marijuana cultivated is provided only to cardholders;

(f) Whether additional qualifying medical conditions should be approved;

(g) Any recommended additions or revisions to the department regulations or this act, including relating to security, safe handling, labeling, nomenclature, and whether additional types of licenses should be made available; and

(h) Any research studies regarding health effects of therapeutic marijuana for patients.

SECTION 19. Annual report. (1) The department shall report annually to the Legislature on the findings and recommendations of the advisory committee, the number of applications for registry identification cards received, the number of qualifying patients and designated caregivers approved, the number of registry identification cards revoked, the number of each type of therapeutic marijuana establishment that is registered, and the expenses incurred and revenues generated from the therapeutic marijuana program.

(2) The department shall not include identifying information on qualifying patients, designated caregivers, or physicians in the report.
SECTION 20. Not applicable to CBD oil. This act does not apply to or supersede any of the provisions of Section 41-29-136.

SECTION 21. Repeal of act. This act shall stand repealed five (5) years after the date that the first dispensary begins supplying qualifying patients with marijuana. The department shall determine the repeal date of this act and shall issue a public statement declaring that the act will be repealed on that date.

SECTION 22. Section 41-29-125, Mississippi Code of 1972, is amended as follows:

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

(a) Every person who manufactures, distributes or dispenses any controlled substance within this state or who distributes or dispenses any controlled substance into this state from an out-of-state location, or who proposes to engage in the manufacture, distribution or dispensing of any controlled substance within this state or the distribution or dispensing of any controlled substance into this state from an out-of-state location, must obtain a registration issued by the State Board of Pharmacy, the State Board of Medical Licensure, the State Board of
Dental Examiners, the Mississippi Board of Nursing or the Mississippi Board of Veterinary Medicine, as appropriate, in accordance with its rules and the law of this state. Such registration shall be obtained annually or biennially, as specified by the issuing board, and a reasonable fee may be charged by the issuing board for such registration.

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

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

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

(2) A common or contract carrier or warehouse, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;
(3) An ultimate user or a person in possession of any controlled substance pursuant to a valid prescription or in lawful possession of a Schedule V substance as defined in Section 41-29-121.

(d) The State Board of Pharmacy may waive by rule the requirement for registration of certain manufacturers, distributors or dispensers if it finds it consistent with the public health and safety.

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

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

(2) Whenever a pharmacy ships, mails or delivers any Schedule II controlled substance listed in Section 41-29-115 to a private residence in this state, the pharmacy shall arrange with the entity that will actually deliver the controlled substance to
a recipient in this state that the entity will: (a) deliver the
controlled substance only to a person who is eighteen (18) years
of age or older; and (b) obtain the signature of that person
before delivering the controlled substance. The requirements of
this subsection shall not apply to a pharmacy serving a nursing
facility or to a pharmacy owned and/or operated by a hospital,
nursing facility or clinic to which the general public does not
have access to purchase pharmaceuticals on a retail basis.

(3) This section does not apply to any of the actions
regarding the therapeutic use of marijuana that are lawful under
the Mississippi Medical Marijuana Pilot Program Act. This
subsection shall stand repealed on the date that the Mississippi
Medical Marijuana Pilot Program Act is repealed as provided in
Section 21 of this act.

SECTION 23. Section 41-29-127, Mississippi Code of 1972, is
amended as follows:

41-29-127. (a) The State Board of Pharmacy shall register
an applicant to manufacture or distribute controlled substances
included in Sections 41-29-113 through 41-29-121 unless it
determines that the issuance of that registration would be
inconsistent with the public interest. In determining the public
interest, the State Board of Pharmacy shall consider the following
factors:
(1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

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

(4) Past experience in the manufacture or distribution of controlled substances and the existence in the applicant’s establishment of effective controls against diversion;

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

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

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

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

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

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

(e) This section does not apply to any of the actions regarding the therapeutic use of marijuana that are lawful under the Mississippi Medical Marijuana Pilot Program Act. This subsection shall stand repealed on the date that the Mississippi Medical Marijuana Pilot Program Act is repealed as provided in Section 21 of this act.

SECTION 24. Section 41-29-136, Mississippi Code of 1972, is amended as follows:

41-29-136. (1) "CBD oil" means processed cannabis plant extract, oil or resin that contains more than fifteen percent (15%) cannabidiol, or a dilution of the resin that contains at least fifty (50) milligrams of cannabidiol per milliliter, but not more than one-half of one percent (0.5%) of tetrahydrocannabinol.
(2) (a) CBD oil may only be obtained on the order of a physician who is licensed to practice in Mississippi and administered to a patient by or under the direction or supervision of the physician.

(b) (i) The CBD oil must be obtained from or tested by the National Center for Natural Products Research at the University of Mississippi and dispensed by the Department of Pharmacy Services at the University of Mississippi Medical Center.

(ii) The patient or the patient's parent, guardian or custodian must execute a hold-harmless agreement that releases from liability the state and any division, agency, institution or employee thereof involved in the research, cultivation, processing, dispensing, prescribing or administration of CBD oil.

(c) The National Center for Natural Products Research at the University of Mississippi, the Department of Pharmacy Services at the University of Mississippi Medical Center and the Mississippi Agricultural and Forestry Experiment Station at Mississippi State University are the only entities authorized to produce or possess cannabidiol for research.

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

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

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

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

(ii) The defendant is the parent, guardian or custodian of an individual who suffered from a debilitating epileptic condition or related illness and the use or possession of CBD oil was pursuant to the order of a physician as authorized under this section.

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

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

(5) This section does not apply to any of the actions
regarding the therapeutic use of marijuana that are lawful under
the Mississippi Medical Marijuana Pilot Program Act. This
subsection shall stand repealed on the date that the Mississippi
Medical Marijuana Pilot Program Act is repealed as provided in
Section 21 of this act.

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

(7) This section shall stand repealed from and after
July 1, 2017.

SECTION 25. Section 41-29-137, Mississippi Code of 1972, is
amended as follows:

41-29-137. (a) (1) Except when dispensed directly by a
practitioner, other than a pharmacy, to an ultimate user, no
controlled substance in Schedule II, as set out in Section
41-29-115, may be dispensed without the written valid prescription of a practitioner. A practitioner shall keep a record of all controlled substances in Schedule I, II and III administered, dispensed or professionally used by him otherwise than by prescription.

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

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

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

(d) An optometrist certified to prescribe and use therapeutic pharmaceutical agents under Sections 73-19-153 through
73-19-165 shall be authorized to prescribe oral analgesic controlled substances in Schedule IV or V, as pertains to treatment and management of eye disease by written prescription only.

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

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

        (A) A practitioner who has conducted at least one in-person medical evaluation of the patient; or

        (B) A covering practitioner.

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

        (B) "Covering practitioner" means a practitioner who conducts a medical evaluation other than an in-person medical evaluation at the request of a practitioner who has conducted at least one (1) in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine.
within the previous twenty-four (24) months and who is temporarily unavailable to conduct the evaluation of the patient.

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

(4) Nothing in this subsection (**) shall apply to:

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

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

(g) This section does not apply to any of the actions regarding the therapeutic use of marijuana that are lawful under the Mississippi Medical Marijuana Pilot Program Act. This subsection shall stand repealed on the date that the Mississippi Medical Marijuana Pilot Program Act is repealed as provided in Section 21 of this act.

SECTION 26. Section 41-29-139, Mississippi Code of 1972, is amended as follows:

41-29-139. (a) Transfer and possession with intent to transfer. Except as authorized by this article, it is unlawful for any person knowingly or intentionally:
(1) To sell, barter, transfer, manufacture, distribute, dispense or possess with intent to sell, barter, transfer, manufacture, distribute or dispense, a controlled substance; or

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

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

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

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

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

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

(2) (A) For marijuana:

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

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

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

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

(B) For synthetic cannabinoids:

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

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

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

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

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

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

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

(C) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not more than fifteen (15) years or a fine of not more than One Hundred Thousand Dollars ($100,000.00), or both;
(D) If thirty (30) or more grams or forty (40) or more dosage units, but less than five hundred (500) grams or two thousand five hundred (2,500) dosage units, by imprisonment for not more than twenty (20) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both.

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

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

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

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

(D) For thirty (30) or more grams or forty (40) or more dosage units, but less than five hundred (500) grams or two thousand five hundred (2,500) dosage units, by imprisonment for not more than fifteen (15) years or a fine of not more than Fifty Thousand Dollars ($50,000.00), or both.
(c) **Simple possession.** It is unlawful for any person knowingly or intentionally to possess any controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article. The penalties for any violation of this subsection (c) with respect to a controlled substance classified in Schedules I, II, III, IV or V, as set out in Section 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including marijuana or synthetic cannabinoids, shall be based on dosage unit as defined herein or the weight of the controlled substance as set forth herein as appropriate:

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

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

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

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

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

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

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

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

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

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

(2) (A) Marijuana and synthetic cannabinoids:
1. If thirty (30) grams or less of marijuana or ten (10) grams or less of synthetic cannabinoids, by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00). The provisions of this paragraph (2)(A) may be enforceable by summons if the offender provides proof of identity satisfactory to the arresting officer and gives written promise to appear in court satisfactory to the arresting officer, as directed by the summons. A second conviction under this section within two (2) years is a misdemeanor punishable by a fine of Two Hundred Fifty Dollars ($250.00), not more than sixty (60) days in the county jail, and mandatory participation in a drug education program approved by the Division of Alcohol and Drug Abuse of the State Department of Mental Health, unless the court enters a written finding that a drug education program is inappropriate. A third or subsequent conviction under this paragraph (2)(A) within two (2) years is a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) and confinement for not more than six (6) months in the county jail.

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

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

(B) Marijuana:

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

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

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

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

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

(C) Synthetic cannabinoids:

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

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

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

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

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

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

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

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

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

(d) Paraphernalia. (1) It is unlawful for a person who is
not authorized by the State Board of Medical Licensure, State
Board of Pharmacy, or other lawful authority to use, or to possess
with intent to use, paraphernalia to plant, propagate, cultivate,
grow, harvest, manufacture, compound, convert, produce, process,
prepare, test, analyze, pack, repack, store, contain, conceal,
inject, ingest, inhale or otherwise introduce into the human body
a controlled substance in violation of the Uniform Controlled
Substances Law. Any person who violates this subsection (d)(1) is
guilty of a misdemeanor and, upon conviction, may be confined in
the county jail for not more than six (6) months, or fined not
more than Five Hundred Dollars ($500.00), or both; however, no person shall be charged with a violation of this subsection when such person is also charged with the possession of thirty (30) grams or less of marijuana under subsection (c)(2)(A) of this section.

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

(3) Any person eighteen (18) years of age or over who violates subsection (d)(2) of this section by delivering or selling paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than one (1) year, or fined not more than One Thousand Dollars ($1,000.00), or both.
(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as paraphernalia. Any person who violates this subsection is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.

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

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

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

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

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

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

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

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

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

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

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

(B) The offender did not use violence or a weapon
during the crime;
(C) The offense did not result in a death or serious bodily injury of a person not a party to the criminal enterprise; and

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

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

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

(i) **Mississippi Medical Marijuana Pilot Program.** This section does not apply to any of the actions regarding the therapeutic use of marijuana that are lawful under the Mississippi Medical Marijuana Pilot Program Act. This subsection shall stand repealed on the date that the Mississippi Medical Marijuana Pilot Program Act is repealed as provided in Section 21 of this act.

**SECTION 27.** Section 41-29-141, Mississippi Code of 1972, is amended as follows:

41-29-141. It is unlawful for any person:
(1) Who is subject to Section 41-29-125 to distribute or dispense a controlled substance in violation of Section 41-29-137;

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

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

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

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

Any person who violates this section shall, with respect to such violation, be subject to a civil penalty payable to the State of Mississippi of not more than Twenty-five Thousand Dollars ($25,000.00).

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

This section does not apply to any of the actions regarding the therapeutic use of marijuana that are lawful under the Mississippi Medical Marijuana Pilot Program Act. This paragraph shall stand repealed on the date that the Mississippi Medical Marijuana Pilot Program Act is repealed as provided in Section 21 of this act.

SECTION 28. Section 41-29-143, Mississippi Code of 1972, is amended as follows:

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

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

(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person.

(3) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this article, or any record required to be kept by this article; or
(4) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

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

This section does not apply to any of the actions regarding the therapeutic use of marijuana that are lawful under the Mississippi Medical Marijuana Pilot Program Act. This paragraph shall stand repealed on the date that the Mississippi Medical Marijuana Pilot Program Act is repealed as provided in Section 21 of this act.

SECTION 29. Section 73-25-29, Mississippi Code of 1972, is brought forward as follows:

73-25-29. The grounds for the nonissuance, suspension, revocation or restriction of a license or the denial of reinstatement or renewal of a license are:

(1) Habitual personal use of narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability.

(2) Habitual use of intoxicating liquors, or any beverage, to an extent which affects professional competency.
(3) Administering, dispensing or prescribing any narcotic drug, or any other drug having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice.

(4) Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or any drug considered a controlled substance under state or federal law, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(5) Procuring, or attempting to procure, or aiding in, an abortion that is not medically indicated.

(6) Conviction of a felony or misdemeanor involving moral turpitude, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(7) Obtaining or attempting to obtain a license by fraud or deception.

(8) Unprofessional conduct, which includes, but is not limited to:

(a) Practicing medicine under a false or assumed name or impersonating another practitioner, living or dead.

(b) Knowingly performing any act which in any way assists an unlicensed person to practice medicine.
(c) Making or willfully causing to be made any flamboyant claims concerning the licensee's professional excellence.

(d) Being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

(e) Obtaining a fee as personal compensation or gain from a person on fraudulent representation of a disease or injury condition generally considered incurable by competent medical authority in the light of current scientific knowledge and practice can be cured or offering, undertaking, attempting or agreeing to cure or treat the same by a secret method, which he refuses to divulge to the board upon request.

(f) Use of any false, fraudulent or forged statement or document, or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity any certificate that is known to be false at the time he makes or signs such certificate.

(g) Failing to identify a physician's school of practice in all professional uses of his name by use of his earned degree or a description of his school of practice.

(9) The refusal of a licensing authority of another state or jurisdiction to issue or renew a license, permit or certificate to practice medicine in that jurisdiction or the revocation, suspension or other restriction imposed on a license,
permit or certificate issued by such licensing authority which prevents or restricts practice in that jurisdiction, a certified copy of the disciplinary order or action taken by the other state or jurisdiction being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(10) Surrender of a license or authorization to practice medicine in another state or jurisdiction or surrender of membership on any medical staff or in any medical or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this section.

(11) Final sanctions imposed by the United States Department of Health and Human Services, Office of Inspector General or any successor federal agency or office, based upon a finding of incompetency, gross misconduct or failure to meet professionally recognized standards of health care; a certified copy of the notice of final sanction being prima facie evidence thereof. As used in this paragraph, the term "final sanction" means the written notice to a physician from the United States Department of Health and Human Services, Officer of Inspector General or any successor federal agency or office, which implements the exclusion.

(12) Failure to furnish the board, its investigators or representatives information legally requested by the board.
(13) Violation of any provision(s) of the Medical Practice Act or the rules and regulations of the board or of any order, stipulation or agreement with the board.

(14) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners.

(15) Performing or inducing an abortion on a woman in violation of any provision of Sections 41-41-131 through 41-41-145.

In addition to the grounds specified above, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.

If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 30. This act shall take effect and be in force from and after its passage.