

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2095: Mississippi Medical Cannabis Act; create.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

197           (a) "Allowable amount of medical cannabis" means an  
198 amount not to exceed the maximum amount of Mississippi Medical  
199 Cannabis Equivalency Units ("MMCEU").

200           (b) "Bona fide practitioner-patient relationship"  
201 means:

202           (i) A practitioner and patient have a treatment or  
203 consulting relationship, during the course of which the  
204 practitioner, within his or her scope of practice, has completed  
205 an in-person assessment of the patient's medical history and



206 current mental health and medical condition and has documented  
207 their certification in the patient's medical file;

208 (ii) The practitioner has consulted in person with  
209 the patient with respect to the patient's debilitating medical  
210 condition; and

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

213 (c) "Cannabis" means all parts of the plant of the  
214 genus cannabis, the flower, the seeds thereof, the resin extracted  
215 from any part of the plant and every compound, manufacture, salt,  
216 derivative, mixture or preparation of the plant, its seeds or its  
217 resin, including whole plant extracts. Such term shall not mean  
218 cannabis derived drug products approved by the federal Food and  
219 Drug Administration under Section 505 of the Federal Food, Drug,  
220 and Cosmetic Act.

221 (d) "Cannabis cultivation facility" means a business  
222 entity licensed and registered by the Mississippi Department of  
223 Health that acquires, grows, cultivates and harvests medical  
224 cannabis in an indoor, enclosed, locked and secure area.

225 (e) "Cannabis disposal entity" means a business  
226 licensed and registered by the Mississippi Department of Health  
227 that is involved in the commercial disposal or destruction of  
228 medical cannabis.



229 (f) "Cannabis processing facility" means a business  
230 entity that is licensed and registered by the Mississippi  
231 Department of Health that:

232 (i) Acquires or intends to acquire cannabis from a  
233 cannabis cultivation facility;

234 (ii) Possesses cannabis with the intent to  
235 manufacture a cannabis product;

236 (iii) Manufactures or intends to manufacture a  
237 cannabis product from unprocessed cannabis or a cannabis extract;  
238 and

239 (iv) Sells or intends to sell a cannabis product  
240 to a medical cannabis dispensary, cannabis testing facility or  
241 cannabis research facility.

242 (g) "Cannabis products" means cannabis flower,  
243 concentrated cannabis, cannabis extracts and products that are  
244 infused with cannabis or an extract thereof and are intended for  
245 use or consumption by humans. The term includes, without  
246 limitation, edible cannabis products, beverages, topical products,  
247 ointments, oils, tinctures and suppositories that contain  
248 tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those  
249 products excluded from control under Sections 41-29-113 and  
250 41-29-136.

251 (h) "Cannabis research facility" or "research facility"  
252 means a research facility at any university or college in this  
253 state or an independent entity licensed and registered by the



254 Mississippi Department of Health pursuant to this chapter that  
255 acquires cannabis from cannabis cultivation facilities and  
256 cannabis processing facilities in order to research cannabis,  
257 develop best practices for specific medical conditions, develop  
258 medicines and provide commercial access for medical use.

259 (i) "Cannabis testing facility" or "testing facility"  
260 means an independent entity licensed and registered by the  
261 Mississippi Department of Health that analyzes the safety and  
262 potency of cannabis.

263 (j) "Cannabis transportation entity" means an  
264 independent entity licensed and registered by the Mississippi  
265 Department of Health that is involved in the commercial  
266 transportation of medical cannabis.

267 (k) "Canopy" means the total surface area within a  
268 cultivation area that is dedicated to the cultivation of flowering  
269 cannabis plants. The surface area of the plant canopy must be  
270 calculated in square feet and measured and must include all of the  
271 area within the boundaries where the cultivation of the flowering  
272 cannabis plants occurs. If the surface area of the plant canopy  
273 consists of noncontiguous areas, each component area must be  
274 separated by identifiable boundaries. If a tiered or shelving  
275 system is used in the cultivation area the surface area of each  
276 tier or shelf must be included in calculating the area of the  
277 plant canopy. Calculation of the area of the plant canopy may not  
278 include the areas within the cultivation area that are used to



279 cultivate immature cannabis plants and seedlings, prior to  
280 flowering, and that are not used at any time to cultivate mature  
281 cannabis plants.

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

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

290 (n) "Concentrate" means a substance obtained by  
291 separating cannabinoids from cannabis by:

292 (i) A mechanical extraction process;

293 (ii) A chemical extraction process using a  
294 nonhydrocarbon-based or other solvent, such as water, vegetable  
295 glycerin, vegetable oils, animal fats, food-grade ethanol or steam  
296 distillation; or

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

300 (o) "Debilitating medical condition" means:

301 (i) Cancer, Parkinson's disease, Huntington's  
302 disease, muscular dystrophy, glaucoma, spastic quadriplegia,  
303 positive status for human immunodeficiency virus (HIV), acquired



304 immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral  
305 sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell  
306 anemia, Alzheimer's disease, agitation of dementia, post-traumatic  
307 stress disorder (PTSD), autism, pain refractory to appropriate  
308 opioid management, diabetic/peripheral neuropathy, spinal cord  
309 disease or severe injury, or the treatment of these conditions;

310 (ii) A chronic, terminal or debilitating disease  
311 or medical condition, or its treatment, that produces one or more  
312 of the following: cachexia or wasting syndrome, chronic pain,  
313 severe or intractable nausea, seizures, or severe and persistent  
314 muscle spasms, including, but not limited to, those characteristic  
315 of multiple sclerosis; or

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

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

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

322 (ii) Assists no more than five (5) registered  
323 qualifying patients with their medical use of medical cannabis,  
324 unless the designated caregiver's registered qualifying patients  
325 each reside in or are admitted to a health care facility or  
326 facility providing residential care services or day care services  
327 where the designated caregiver is employed;



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

331 (iv) Has not been convicted of a disqualifying  
332 felony offense.

333 (q) "Disqualifying felony offense" means:

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

336 (ii) A conviction for a crime that was defined as  
337 a violent crime in the law of the jurisdiction in which the  
338 offense was committed, and that was classified as a felony in the  
339 jurisdiction where the person was convicted; or

340 (iii) A conviction for a violation of a state or  
341 federal controlled substances law that was classified as a felony  
342 in the jurisdiction where the person was convicted, including the  
343 service of any term of probation, incarceration or supervised  
344 release within the previous five (5) years and the offender has  
345 not committed another similar offense since the conviction. Under  
346 this subparagraph (iii), a disqualifying felony offense shall not  
347 include a conviction that consisted of conduct for which this  
348 chapter would likely have prevented the conviction but for the  
349 fact that the conduct occurred before the effective date of this  
350 act.

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



352 (i) Contain or are infused with cannabis or an  
353 extract thereof;

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

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

359 (s) "Entity" means a corporation, general partnership,  
360 limited partnership or limited liability company that has been  
361 registered with the Secretary of State as applicable.

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

364 (i) Three and one-half (3.5) grams of medical  
365 cannabis flower;

366 (ii) One (1) gram of medical cannabis concentrate;  
367 or

368 (iii) One hundred (100) milligrams of THC in an  
369 infused product.

370 (u) "MDOH" means the Mississippi Department of Health.

371 (v) "MDOR" means the Mississippi Department of Revenue.

372 (w) "Medical cannabis" means cannabis, cannabis  
373 products and edible cannabis that are intended to be used by  
374 registered qualifying patients as provided in this chapter.

375 (x) "Medical cannabis dispensary" or "dispensary" means  
376 an entity licensed and registered with the MDOR that acquires,





377 possesses, stores, transfers, sells, supplies or dispenses medical  
378 cannabis, equipment used for medical cannabis, or related supplies  
379 and educational materials to cardholders.

380 (y) "Medical cannabis establishment" means a cannabis  
381 cultivation facility, cannabis processing facility, cannabis  
382 testing facility, cannabis dispensary, cannabis transportation  
383 entity, cannabis disposal entity or cannabis research facility  
384 licensed and registered by the appropriate agency.

385 (z) "Medical cannabis establishment agent" means an  
386 owner, officer, board member, employee, volunteer or agent of a  
387 medical cannabis establishment.

388 (aa) "Medical use" includes the acquisition,  
389 administration, cultivation, processing, delivery, harvest,  
390 possession, preparation, transfer, transportation, or use of  
391 medical cannabis or equipment relating to the administration of  
392 medical cannabis to treat or alleviate a registered qualifying  
393 patient's debilitating medical condition or symptoms associated  
394 with the patient's debilitating medical condition. The term  
395 "medical use" does not include:

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

398 (ii) The extraction of resin from cannabis by  
399 mechanical or chemical extraction unless the extraction is done by  
400 a cannabis processing facility.

401 (bb) "Nonresident cardholder" means a person who:



402 (i) Has been diagnosed with a debilitating medical  
403 condition by a practitioner in his or her respective state or  
404 territory, or is the parent, guardian, conservator or other person  
405 with authority to consent to the medical use of medical cannabis  
406 by a person who has been diagnosed with a debilitating medical  
407 condition;

408 (ii) Is not a resident of Mississippi or who has  
409 been a resident of Mississippi for less than forty-five (45) days;  
410 and

411 (iii) Has submitted any documentation required by  
412 MDOH rules and regulations and has received confirmation of  
413 registration.

414 (cc) "Practitioner" means a physician, certified nurse  
415 practitioner, physician assistant or optometrist who is licensed  
416 to prescribe medicine under the licensing requirements of their  
417 respective occupational boards and the laws of this state. In  
418 relation to a nonresident cardholder, the term means a physician,  
419 certified nurse practitioner, physician assistant or optometrist  
420 who is licensed to prescribe medicine under the licensing  
421 requirements of their respective occupational boards and under the  
422 laws of the state or territory in which the nonresident patient  
423 resides. For registered qualifying patients who are minors,  
424 "practitioner" shall mean a physician or doctor of osteopathic  
425 medicine who is licensed to prescribe medicine under the licensing



426 requirements of their respective occupational boards and the laws  
427 of this state.

428 (dd) "Public place" means a church or any area to which  
429 the general public is invited or in which the general public is  
430 permitted, regardless of the ownership of the area, and any area  
431 owned or controlled by a municipality, county, state or federal  
432 government, including, but not limited to, streets, sidewalks or  
433 other forms of public transportation. Such term shall not mean a  
434 private residential dwelling.

435 (ee) "Qualifying patient" means a person who has been  
436 diagnosed by a practitioner as having a debilitating medical  
437 condition and has been issued a written certification.

438 (ff) "Registry identification card" means a document  
439 issued by the MDOH that identifies a person as a registered  
440 qualifying patient, nonresident registered qualifying patient or  
441 registered designated caregiver.

442 (gg) "School" means an institution for the teaching of  
443 children, consisting of a physical location, whether owned or  
444 leased, including instructional staff members and students, and  
445 which is in session each school year. This definition shall  
446 include, but not be limited to, public, private, church and  
447 parochial programs for kindergarten, elementary, junior high and  
448 high schools. Such term shall not mean a home instruction  
449 program.



450 (hh) "Scope of practice" means the defined parameters  
451 of various duties, services or activities that may be provided or  
452 performed by a certified nurse practitioner as authorized under  
453 Sections 73-15-5 and 73-15-20, by an optometrist as authorized  
454 under Section 73-19-1, by a physician as authorized under Section  
455 73-25-33, or by a physician assistant under Section 73-26-5, and  
456 rules and regulations adopted by the respective licensing boards  
457 for those practitioners.

458 (ii) "THC" or "Tetrahydrocannabinol" means any and all  
459 forms of tetrahydrocannabinol that are contained naturally in the  
460 cannabis plant, as well as synthesized forms of THC and derived  
461 variations, derivatives, isomers and allotropes that have similar  
462 molecular and physiological characteristics of  
463 tetrahydrocannabinol, including, but not limited to THCA, THC  
464 Delta 9, THC Delta 8, THC Delta 10 and THC Delta 6.

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

469 (i) The date of issue and the effective date  
470 of the recommendation;

471 (ii) The patient's name, date of birth and  
472 address;

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



475 (iv) The practitioner's signature.

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

477 **requirements.** (1) No person shall be authorized to use medical  
478 cannabis in this state unless the person (a) has been diagnosed by  
479 a practitioner, with whom the person has a bona fide  
480 practitioner-patient relationship within his or her scope of  
481 practice, as having a debilitating medical condition for which the  
482 practitioner believes, in his or her professional opinion, that  
483 the person would likely receive medical or palliative benefit from  
484 the medical use of medical cannabis to treat or alleviate the  
485 person's debilitating medical condition or symptoms associated  
486 with the person's debilitating medical condition, (b) has received  
487 a written certification of that diagnosis from the practitioner,  
488 and (c) has been issued a registry identification card from the  
489 MDOH under Section 12 of this act. A person who has been  
490 diagnosed by a practitioner as specified in paragraph (a) of this  
491 subsection shall be a qualifying patient, and the practitioner who  
492 has diagnosed the patient shall document that diagnosis with a  
493 written certification. However, nothing herein shall require a  
494 practitioner to issue a written certification.

495 (2) A written certification shall:

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

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



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

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

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

507 (3) After a qualifying patient receives a written  
508 certification from a practitioner, the patient shall be required  
509 to make a follow-up visit with the practitioner not less than six  
510 (6) months after the date of issuance of the certification for the  
511 practitioner to evaluate and determine the effectiveness of the  
512 patient's medical use of medical cannabis to treat or alleviate  
513 the patient's debilitating medical condition or symptoms  
514 associated with the patient's debilitating medical condition.

515 (4) Before dispensing medical cannabis to a cardholder, the  
516 dispensary from which the cardholder is obtaining medical cannabis  
517 shall verify the identity of the cardholder and the authority of  
518 the cardholder to use medical cannabis as provided in Section 20  
519 of this act and shall determine the maximum amount of medical  
520 cannabis that a cardholder is eligible to receive and the amount  
521 of medical cannabis that the cardholder has received from all  
522 dispensaries during a specified period of time using the statewide  
523 seed-to-sale tracking system under Section 6 of this act.



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

533 (6) Only physicians and doctors of osteopathic medicine may  
534 issue written certifications to registered qualifying patients who  
535 are minors.

536 **SECTION 4. General Responsibilities of Departments.** (1)

537 The MDOH shall have the ultimate authority for oversight of the  
538 administration of the medical cannabis program, and the MDOH shall  
539 coordinate the activities of the MDOH and MDOR under the  
540 provisions of this chapter in order to best effectuate the purpose  
541 and intent of this chapter.

542 (2) The MDOH may contract with other governmental agencies  
543 and public or private third parties to assist the MDOH with  
544 carrying out any of the responsibilities delegated to the MDOH  
545 under this subsection. However, the MDOH shall be ultimately  
546 responsible for the performance of any responsibilities that are  
547 exercised by any agency or third party with which the MDOH has  
548 contracted under the authority of this subsection.



549 (3) The MDOH shall be responsible for:

550 (a) The licensing, oversight and inspection of cannabis  
551 testing facilities and cannabis research facilities;

552 (b) The licensing of cannabis cultivation facilities,  
553 cannabis processing facilities, cannabis transportation entities  
554 and cannabis disposal entities;

555 (c) The application and licensing of registry  
556 identification cards for qualifying patients and designated  
557 caregivers;

558 (d) The registering of practitioners in accordance with  
559 this chapter; and

560 (e) The selection, certification and oversight of the  
561 statewide seed-to-sale tracking system as provided for in Section  
562 6 of this act.

563 (4) Unless otherwise provided herein, the MDOR shall be  
564 responsible for the licensing, inspection and oversight of medical  
565 cannabis dispensaries.

566 (5) The MDOR and MDOH shall accept applications for and  
567 award licenses according to their respective duties as provided  
568 for in this chapter, subject to the following:

569 (a) After one hundred twenty (120) days from the  
570 effective date of this act, the MDOH shall begin accepting  
571 applications, registering and licensing registry identification  
572 cards and practitioners.





573           (b) After one hundred twenty (120) days from the  
574 effective date of this act, the MDOH shall begin licensing and  
575 registering cannabis cultivation facilities, cannabis processing  
576 facilities, cannabis testing facilities, cannabis research  
577 facilities, cannabis disposal entities and cannabis transportation  
578 entities. After one hundred fifty (150) days from the effective  
579 date of this act, the MDOR shall issue licenses for medical  
580 cannabis dispensaries as provided for in this chapter within  
581 thirty (30) days of receipt of the application from an applicant  
582 or within thirty (30) days after the initial one hundred fifty  
583 (150) day period, whichever is the later date.

584           (6) The MDOR and MDOH shall issue a registration certificate  
585 and a random ten-digit alphanumeric identification number to each  
586 licensed medical cannabis establishment, as applicable.

587           (7) After one hundred twenty (120) days from the effective  
588 date of this act, the MDOH shall issue licenses according to their  
589 respective duties as provided for in this chapter within thirty  
590 (30) days of receipt of the application from an applicant or  
591 within thirty (30) days after the initial one hundred twenty (120)  
592 day period, whichever is the later date. After one hundred fifty  
593 (150) days from the effective date of this act, the MDOR shall  
594 issue licenses according to their respective duties as provided  
595 for in this chapter within thirty (30) days of receipt of the  
596 application from an applicant or within thirty (30) days after the  
597 initial one-hundred-fifty-day period, whichever is the later date.



598 (8) It is the intent of the Legislature that the MDOH and  
599 MDOR and any other state agency, as needed, shall cooperate and  
600 collaborate together to accomplish the purposes of this chapter.

601 (9) (a) Subject to paragraph (b) of this subsection, the  
602 Department of Public Safety shall not be involved in or have any  
603 role regarding the administration, regulation or oversight of the  
604 medical cannabis program established under this chapter; however,  
605 this provision does not prohibit the department from carrying out  
606 any law enforcement activities that a law enforcement agency may  
607 exercise under this chapter or that the department may exercise  
608 under the authority of any other law.

609 (b) The Department of Public Safety may assist the MDOH  
610 in conducting background checks of individuals as required under  
611 this chapter.

612 **SECTION 5. Protections for the medical use of cannabis.** (1)

613 There is a presumption that a registered qualifying patient is  
614 engaged in the medical use of medical cannabis under this chapter  
615 if the person is in possession of a registry identification card  
616 and an amount of medical cannabis that does not exceed the  
617 allowable amount of medical cannabis. There is a presumption that  
618 a registered designated caregiver is assisting in the medical use  
619 of medical cannabis under this chapter if the person is in  
620 possession of a registry identification card and an amount of  
621 medical cannabis that does not exceed the allowable amount of  
622 medical cannabis. These presumptions may be rebutted by evidence



623 that conduct related to medical cannabis was not for the purpose  
624 of treating or alleviating a registered qualifying patient's  
625 debilitating medical condition or symptoms associated with the  
626 registered qualifying patient's debilitating medical condition  
627 under this chapter.

628 (2) Subject to the conditions, limitations, requirements and  
629 exceptions set forth in this chapter, the following activities  
630 related to medical cannabis shall be considered lawful:

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

633 (b) Financial reimbursement by a registered qualifying  
634 patient to the patient's registered designated caregiver for  
635 direct costs incurred by the registered designated caregiver for  
636 assisting with the registered qualifying patient's medical use of  
637 medical cannabis;

638 (c) Compensating a dispensary for goods or services  
639 provided;

640 (d) The provision, by a professional or occupational  
641 licensee, of advice or services related to medical cannabis  
642 activities allowed under this chapter, to the extent such advice  
643 or services meet or exceed the applicable professional or  
644 occupational standard of care;

645 (e) Providing or selling equipment used to ingest  
646 medical cannabis to a cardholder, nonresident cardholder or to a  
647 medical cannabis establishment;



648 (f) Acting as a designated caregiver to assist a  
649 registered qualifying patient with the act of using or  
650 administering medical cannabis;

651 (g) Activities by a medical cannabis establishment or a  
652 medical cannabis establishment agent that are allowed by its  
653 license and registration;

654 (h) Activities by a dispensary or a dispensary agent to  
655 possess, store or sell medical cannabis products, educational  
656 materials and products used to ingest medical cannabis to  
657 cardholders, nonresident cardholders and other dispensaries, or to  
658 purchase or otherwise acquire medical cannabis products from  
659 cannabis cultivation facilities, cannabis processing facilities,  
660 cannabis research facilities or other dispensaries;

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

663 (i) Possess, plant, propagate, cultivate, grow,  
664 harvest, produce, process, manufacture, compound, convert,  
665 prepare, pack, repack or store medical cannabis;

666 (ii) Purchase or otherwise acquire medical  
667 cannabis and cannabis products from medical cannabis  
668 establishments; or

669 (iii) Sell, supply or transfer medical cannabis  
670 products, equipment used to ingest medical cannabis, and related  
671 supplies and educational materials to other cannabis cultivation  
672 facilities, cannabis processing facilities or dispensaries.



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

675 (i) Purchase or otherwise acquire medical cannabis  
676 from medical cannabis establishments;

677 (ii) Possess, produce, process, compound, convert,  
678 prepare, pack, test, repack and store medical cannabis and  
679 cannabis products obtained from medical cannabis establishments;  
680 or

681 (iii) Sell, supply or transfer medical cannabis,  
682 educational materials and equipment used to ingest medical  
683 cannabis to cannabis cultivation facilities, cannabis processing  
684 facilities, cannabis testing facilities and cannabis research  
685 facilities.

686 (k) Activities by a cannabis transportation entity or a  
687 cannabis disposal entity to transport, supply, deliver, dispose of  
688 or destroy cannabis, as applicable.

689 (3) Any medical cannabis, cannabis product, equipment used  
690 to ingest medical cannabis, or other interest in or right to  
691 property that is possessed, owned or used in connection with the  
692 medical use of medical cannabis as authorized by this chapter, or  
693 acts incidental to such use, shall not be seized or forfeited.  
694 This chapter shall not prevent the seizure or forfeiture of  
695 medical cannabis exceeding the allowable amounts of medical  
696 cannabis, nor shall it prevent seizure or forfeiture if the basis  
697 for the action is unrelated to the medical cannabis that is



698 possessed, processed, transferred or used pursuant to this  
699 chapter.

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

702 (a) Constitute probable cause or reasonable suspicion;

703 (b) Be used to support a search of the person or  
704 property of the person possessing or applying for the registry  
705 identification card; or

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

708 (5) It is the public policy of the State of Mississippi that  
709 contracts related to medical cannabis that are entered into by  
710 cardholders, medical cannabis establishments, medical cannabis  
711 establishment agents and those who allow property to be used by  
712 those persons, should be enforceable to the extent that those  
713 activities comply with the other provisions of this chapter. It  
714 is the public policy of the State of Mississippi that no contract  
715 entered into by a cardholder, a medical cannabis establishment, or  
716 a medical cannabis establishment agent, or by a person who allows  
717 property to be used for activities that are authorized under this  
718 chapter, shall be unenforceable on the basis that activities  
719 related to cannabis are prohibited by federal law.

720 (6) An applicant for a professional or occupational license  
721 shall not be denied a license based on previous employment related



722 to medical cannabis activities that are allowed under this  
723 chapter.

724       **SECTION 6. Seed-to-sale tracking system.** (1) Each medical  
725 cannabis establishment shall use a statewide seed-to-sale tracking  
726 system certified by the MDOH to track medical cannabis from seed  
727 or immature plant stage until the medical cannabis is purchased by  
728 a registered qualifying patient or registered designated caregiver  
729 or destroyed. Records entered into the seed-to-sale tracking  
730 system shall include each day's beginning inventory, harvests,  
731 acquisitions, sales, disbursements, remediations, disposals,  
732 transfers, ending inventory, and any other data necessary for  
733 inventory control records in the statewide seed-to-sale tracking  
734 system. Each medical cannabis dispensary shall be responsible for  
735 ensuring that all medical cannabis sold or disbursed to a  
736 registered qualifying patient or registered designated caregiver  
737 is recorded in the seed-to-sale tracking system as a purchase by  
738 or on behalf of the applicable registered qualifying patients.

739       (2) Amounts of medical cannabis shall be recorded in the  
740 following manner:

741               (a) For dried, unprocessed cannabis, in ounces or  
742 grams;

743               (b) For concentrates, in grams; or

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

745       (3) The seed-to-sale tracking system used by cannabis  
746 cultivation facilities, dispensaries, cannabis processing



747 facilities, cannabis testing facilities, cannabis research  
748 facilities, cannabis transportation entities and cannabis disposal  
749 entities shall be capable of:

750 (a) Allowing those facilities and entities to interface  
751 with the statewide system such that a facility may enter and  
752 access information in the statewide system;

753 (b) Providing the MDOR and MDOH with access to all  
754 information stored in the system's database;

755 (c) Maintaining the confidentiality of all patient and  
756 caregiver data and records accessed or stored by the system such  
757 that all persons or entities other than the MDOR and MDOH may only  
758 access the information in the system that they are authorized by  
759 law to access;

760 (d) Producing analytical reports to the MDOR and MDOH  
761 regarding the total quantity of daily, monthly, and yearly sales  
762 at the facility per product type; the average prices of daily,  
763 monthly, and yearly sales at the facility per product type; and  
764 total inventory or sales record adjustments at the facility; and

765 (e) The ability to determine the amount of medical  
766 cannabis that a registered qualifying patient or registered  
767 designated caregiver has purchased that day in real time by  
768 searching a patient registration number.

769 (4) Banks and other financial institutions may be allowed  
770 access to specific limited information from the seed-to-sale  
771 tracking system. The information that may be available to these





772 institutions shall be limited to financial data of individuals and  
773 business entities that have a business relationship with these  
774 institutions. This information shall be limited to the  
775 information needed for banks to comply with applicable federal  
776 regulations and shall not disclose any medical or personal  
777 information about registered cardholders or designated caregivers.

778 **SECTION 7. Limitations.** (1) This chapter shall not be  
779 construed to do any of the following:

780 (a) Require an organization for managed care, health  
781 benefit plan, private health insurer, government medical  
782 assistance program, employer, property and casualty, or workers'  
783 compensation insurer or self-insured group providing coverage for  
784 a medical, pharmacy or health care service to pay for or reimburse  
785 any other individual or entity for costs associated with the  
786 medical use of cannabis;

787 (b) Require any employer to permit, accommodate, or  
788 allow the medical use of medical cannabis, or to modify any job or  
789 working conditions of any employee who engages in the medical use  
790 of medical cannabis or who for any reason seeks to engage in the  
791 medical use of medical cannabis;

792 (c) Prohibit any employer from refusing to hire,  
793 discharging, disciplining, or otherwise taking an adverse  
794 employment action against an individual with respect to hiring,  
795 discharging, tenure, terms, conditions, or privileges of  
796 employment as a result, in whole or in part, of that individual's



797 medical use of medical cannabis, regardless of the individual's  
798 impairment or lack of impairment resulting from the medical use of  
799 medical cannabis;

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

802 (e) Interfere with, impair or impede any federal  
803 restrictions or requirements on employment or contracting,  
804 including, but not limited to, regulations adopted by the United  
805 States Department of Transportation in Title 49, Code of Federal  
806 Regulations;

807 (f) Permit, authorize, or establish any individual's  
808 right to commence or undertake any legal action against an  
809 employer for refusing to hire, discharging, disciplining or  
810 otherwise taking an adverse employment action against an  
811 individual with respect to hiring, discharging, tenure, terms,  
812 conditions or privileges of employment due to the individual's  
813 medical use of medical cannabis;

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

818 (h) Affect, alter or otherwise impact an employer's  
819 right to deny or establish legal defenses to the payment of  
820 workers' compensation benefits to an employee on the basis of a  
821 positive drug test or refusal to submit to or cooperate with a



822 drug test, as provided under Section 71-3-7 and Section 71-3-121;  
823 or

824 (i) Affect, alter or supersede any obligation or  
825 condition imposed on a parolee, probationer or an individual  
826 participating in a pretrial diversion program or other  
827 court-ordered substance abuse rehabilitation program.

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

831 (a) Acting with negligence, gross negligence,  
832 recklessness, in breach of any applicable professional or  
833 occupational standard of care, or to effect an intentional wrong,  
834 as a result, in whole or in part, of that individual's medical use  
835 of medical cannabis;

836 (b) Possessing medical cannabis or otherwise engaging  
837 in the medical use of medical cannabis in any correctional  
838 facility, unless the correctional facility has elected to allow  
839 the cardholder to engage in the use of medical cannabis;

840 (c) Smoking medical cannabis in a public place or in a  
841 motor vehicle; for purposes of this paragraph (c), the term  
842 "smoking" includes vaping and any other method of inhalation of  
843 medical cannabis;

844 (d) Operating, navigating, or being in actual physical  
845 control of any motor vehicle, aircraft, train, motorboat or other  
846 conveyance in a manner that would violate Section 59-23-7, Section



847 63-11-30 or federal law as a result, in whole or in part, of that  
848 individual's medical use of medical cannabis;

849 (e) Possessing medical cannabis in excess of the  
850 allowable amount of medical cannabis; or

851 (f) Consumption, by a registered designated caregiver,  
852 of cannabis provided for use to a registered qualifying patient.

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

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

859 (3) A registered qualifying patient or registered designated  
860 caregiver shall not be denied the right to own, purchase or  
861 possess a firearm, firearm accessory or ammunition based solely on  
862 his or her status as a registered qualifying patient or registered  
863 designated caregiver. No state or local agency, municipal or  
864 county governing authority shall restrict, revoke, suspend or  
865 otherwise infringe upon the right of a person to own, purchase or  
866 possess a firearm, firearm accessory or ammunition or any related  
867 firearms license or certification based solely on his or her  
868 status as a registered qualifying patient or registered designated  
869 caregiver.



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

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

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

878 **SECTION 9. Addition of debilitating medical conditions.** (1)

879 Any resident of Mississippi may petition the MDOH to add serious  
880 medical conditions or their treatments to the list of debilitating  
881 medical conditions listed in Section 2 of this act. The MDOH  
882 shall consider petitions in accordance with its rules and  
883 regulations, including public notices and hearings. The MDOH  
884 shall approve or deny a petition within sixty (60) days of its  
885 submission.

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

890 **SECTION 10. Acts not required and acts not prohibited.** (1)

891 Nothing in this chapter requires a government medical assistance  
892 program or private insurer to reimburse a person for costs  
893 associated with the medical use of medical cannabis.



894 (2) Nothing in this chapter prohibits an employer from  
895 disciplining an employee for ingesting medical cannabis in the  
896 workplace or for working while under the influence of medical  
897 cannabis.

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

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

906 **SECTION 11. Facility restrictions.** (1) Any nursing  
907 facility, hospital, hospice, assisted living facility, personal  
908 care home, adult day care facility, or adult foster care facility  
909 may adopt reasonable restrictions on the use of medical cannabis  
910 by registered qualifying patients who are receiving health care  
911 services, residential care services, or day care services from the  
912 facility, including:

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

915 (b) That the facility, caregivers, or hospice agencies  
916 serving the facility's residents are not responsible for providing  
917 the medical cannabis for registered qualifying patients; and



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

920 (2) Nothing in this section requires a facility listed in  
921 subsection (1) of this section to adopt restrictions on the  
922 medical use of medical cannabis.

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

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

930 **cards.** (1) No later than one hundred twenty (120) days after the  
931 effective date of this act, the MDOH shall begin issuing registry  
932 identification cards to qualifying patients who submit the  
933 following:

934 (a) A written certification issued by a practitioner  
935 within sixty (60) days immediately preceding the date of the  
936 application;

937 (b) The application or renewal fee;

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

940 (d) The name, address, and telephone number of the  
941 qualifying patient's practitioner issuing the written  
942 certification;



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

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

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

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

957 (a) Verify the information contained in an application  
958 or renewal submitted under this section and approve or deny an  
959 application or renewal within thirty (30) days of receiving a  
960 completed application or renewal application; and

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

966 (4) The MDOH shall conduct a background check of the  
967 prospective designated caregiver or caregivers in order to carry





968 out the provisions of this section. The Department of Public  
969 Safety may assist the MDOH in conducting background checks.

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

973 (a) The qualifying patient's practitioner has explained  
974 the potential risks and benefits of the medical use of medical  
975 cannabis to the custodial parent or legal guardian with  
976 responsibility for health care decisions for the qualifying  
977 patient; and

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

981 (i) Acknowledge the potential harms related to the  
982 use of medical cannabis;

983 (ii) Allow the qualifying patient's medical use of  
984 medical cannabis;

985 (iii) Serve as the qualifying patient's designated  
986 caregiver; and

987 (iv) Control the acquisition of the medical  
988 cannabis, the dosage and the frequency of the use of medical  
989 cannabis by the qualifying patient.

990 (6) If a designated caregiver is an entity licensed to  
991 provide health care services, residential care services or day  
992 care services, then:



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

996 (b) The MDOH may issue individual registry  
997 identification cards for employees of the entity that may  
998 transport medical cannabis.

999 (7) The MDOH shall provide an electronic or physical list of  
1000 registered qualifying patients who have designated the entity as  
1001 their caregiver. This list shall be updated with each additional  
1002 designation.

1003 (8) The MDOH may deny an application or renewal of a  
1004 qualifying patient's registry identification card only if the  
1005 applicant:

1006 (a) Did not provide the required information or  
1007 materials;

1008 (b) Previously had a registry identification card  
1009 revoked;

1010 (c) Provided false information; or

1011 (d) Failed to meet the other requirements of this  
1012 chapter.

1013 (9) The MDOH may deny an application or renewal for a  
1014 designated caregiver chosen by a qualifying patient whose registry  
1015 identification card was granted only if the applicant:

1016 (a) Does not meet the definition of "designated  
1017 caregiver" under Section 2 of this act;



1018 (b) Did not provide the information required;  
1019 (c) Previously had a registry identification card  
1020 revoked;  
1021 (d) Provided false information;  
1022 (e) Is younger than twenty-one (21) years of age and is  
1023 not the parent or legal guardian of the qualifying patient who the  
1024 designated caregiver would assist; or  
1025 (f) Failed to meet the other requirements of this  
1026 chapter.

1027 (10) The MDOH shall give written notice to the qualifying  
1028 patient of the reason for denying a registry identification card  
1029 to the qualifying patient or to the qualifying patient's  
1030 designated caregiver.

1031 (11) Denial of an application or renewal is considered a  
1032 final MDOH action, subject to judicial review in accordance with  
1033 Section 31 of this act.

1034 **SECTION 13. Registry identification cards.** (1) Registry  
1035 identification cards must contain all of the following:

1036 (a) The name of the cardholder;  
1037 (b) A designation of whether the cardholder is a  
1038 qualifying patient, a designated caregiver or a nonresident;  
1039 (c) The date of issuance and expiration date of the  
1040 registry identification card;



1041 (d) A random ten-digit alphanumeric identification  
1042 number, containing at least four (4) numbers and at least four (4)  
1043 letters, that is unique to the cardholder;

1044 (e) If the cardholder is a designated caregiver, the  
1045 random identification number of the qualifying patient the  
1046 designated caregiver will assist;

1047 (f) A photograph of the cardholder;

1048 (g) The toll-free phone number or internet address  
1049 where the card can be verified;

1050 (h) A notice of the potential harm caused by medical  
1051 cannabis; and

1052 (i) A notice of the MMCEU daily, monthly and possession  
1053 limit.

1054 (2) The expiration date shall be visible on the registry  
1055 identification card. Except as provided in subsection (3) or  
1056 subsection (4) of this section, the expiration date for registry  
1057 identification cards for residents shall be one (1) year after the  
1058 date of issuance. The expiration date for registry identification  
1059 cards for nonresidents shall be fifteen (15) days after the date  
1060 of issuance, except as provided in subsection (4) of this section.

1061 (3) If the practitioner stated in the written certification  
1062 that the qualifying patient would benefit from the medical use of  
1063 medical cannabis until a specified earlier date, then the registry  
1064 identification card shall expire on that date, except as provided  
1065 in subsection (4) of this section.



1066 (4) (a) The expiration date for registry identification  
1067 cards for residents that are issued not later than one hundred  
1068 fifty (150) days after the effective date of this act shall be one  
1069 (1) year after the initial one-hundred-fifty-day period.

1070 (b) If the practitioner specified an earlier date for  
1071 the expiration of the registry identification card as provided  
1072 under subsection (3) of this section, then the registry  
1073 identification card shall be valid for the period specified by the  
1074 practitioner, which shall begin after the initial  
1075 one-hundred-fifty-day period.

1076 (c) The expiration date for registry identification  
1077 cards for nonresidents that are issued not later than one hundred  
1078 fifty (150) days after the effective date of this act shall be  
1079 fifteen (15) days after the initial one-hundred-fifty-day period.

1080 **SECTION 14. Annual reports.** (1) No later than December 31,  
1081 2022, and every December 31 thereafter, the MDOH and MDOR shall  
1082 provide an annual report to the Governor, Lieutenant Governor,  
1083 Speaker of the House of Representatives, Chairman of the Senate  
1084 Public Health and Welfare Committee, Chairman of the House of  
1085 Representatives Public Health and Human Services Committee and the  
1086 Chairmen of the Drug Policy Committees and Appropriation  
1087 Committees of the Senate and House of Representatives.

1088 (2) The MDOH and MDOR shall report every year to the  
1089 Governor, Lieutenant Governor, Speaker of the House of  
1090 Representatives, Chairman of the Senate Public Health and Welfare



1091 Committee, Chairman of the House of Representatives Public Health  
1092 and Human Services Committee and the Chairmen of the Drug Policy  
1093 Committees and Appropriation Committees of the Senate and House of  
1094 Representatives on the number of applications for registry  
1095 identification cards received, the amount of fees, fines and taxes  
1096 collected, any changes to the fees allowed to be charged under  
1097 this chapter, any addition to the list of debilitating medical  
1098 conditions, the number of qualifying patients and designated  
1099 caregivers approved, the number of registry identification cards  
1100 revoked and expenses incurred by the MDOH and MDOR. The MDOH  
1101 shall not include identifying information on qualifying patients,  
1102 designated caregivers or practitioners in the report.

1103 (3) The MDOR shall provide quarterly reports for all sales  
1104 of medical cannabis sold by dispensaries to registered qualified  
1105 patients to the Governor, Lieutenant Governor, Speaker of the  
1106 House of Representatives, Chairman of the Senate Public Health and  
1107 Welfare Committee, Chairman of the House of Representatives Public  
1108 Health and Human Services Committee, and the Chairmen of the Drug  
1109 Policy Committees and Appropriation Committees of the Senate and  
1110 House of Representatives. The MDOR shall report every year on the  
1111 number of each type of medical cannabis establishments that are  
1112 licensed and registered and the expenses incurred and revenues  
1113 generated from the medical cannabis program to the Governor,  
1114 Lieutenant Governor, Speaker of the House of Representatives,  
1115 Chairman of the Senate Public Health and Welfare Committee,



1116 Chairman of the House of Representatives Public Health and Human  
1117 Services Committee, and the Chairmen of the Drug Policy Committees  
1118 and Appropriation Committees of the Senate and House of  
1119 Representatives.

1120         **SECTION 15. Verification system.** (1) The MDOH shall  
1121 maintain a confidential list of the persons to whom the MDOH has  
1122 issued registry identification cards and their addresses, phone  
1123 numbers, and registry identification numbers. This confidential  
1124 list shall not be combined or linked in any manner with any other  
1125 lists or databases, nor shall it be used for any purpose not  
1126 provided for in this chapter.

1127         (2) All records containing the identity of registered  
1128 qualifying patients, registered designated caregivers or  
1129 practitioners shall be confidential and exempt from disclosure  
1130 under the Mississippi Public Records Act or any related statute,  
1131 rule or regulation pertaining to public disclosure of records.  
1132 Within one hundred twenty (120) days after the effective date of  
1133 this act, the MDOH shall establish a secure phone and  
1134 internet-based verification system. The verification system must  
1135 allow law enforcement personnel and medical cannabis  
1136 establishments to enter a registry identification number to  
1137 determine whether the number corresponds with a current, valid  
1138 registry identification card. The system may disclose only:

1139                 (a) Whether the identification card is valid;

1140                 (b) The name of the cardholder;



1141 (c) Whether the cardholder is a registered qualifying  
1142 patient, a registered designated caregiver, or a nonresident; and

1143 (d) If a cardholder is a registered designated  
1144 caregiver, the registry identification number of any affiliated  
1145 registered qualifying patient.

1146 **SECTION 16. Notifications to department and responses.** (1)

1147 The following notifications and MDOH responses are required:

1148 (a) A registered qualifying patient shall notify the  
1149 MDOH of any change in his or her name or address, or if the  
1150 registered qualifying patient ceases to have his or her diagnosed  
1151 debilitating medical condition, within twenty (20) days of the  
1152 change.

1153 (b) A registered designated caregiver shall notify the  
1154 MDOH of any change in his or her name or address, or if the  
1155 designated caregiver becomes aware that the registered qualifying  
1156 patient passed away, within twenty (20) days of the change.

1157 (c) Before a registered qualifying patient changes his  
1158 or her registered designated caregiver, the registered qualifying  
1159 patient must notify the MDOH.

1160 (d) If a cardholder loses his or her registry  
1161 identification card, he or she shall notify the MDOH within ten  
1162 (10) days of becoming aware that the card has been lost.

1163 (2) Each notification that a registered qualifying patient  
1164 is required to make shall instead be made by the patient's  
1165 registered designated caregiver if the qualifying patient is





1166 unable to make the notification due to his or her age or medical  
1167 condition.

1168 (3) When a cardholder notifies the MDOH of any of the  
1169 circumstances listed in subsection (1) of this section but remains  
1170 eligible under this chapter, the MDOH shall issue the cardholder a  
1171 new registry identification card within ten (10) days of receiving  
1172 the updated information and a Twenty-five Dollar (\$25.00) fee. If  
1173 the person notifying the MDOH is a registered qualifying patient,  
1174 the MDOH shall also issue his or her registered designated  
1175 caregiver, if any, a new registry identification card within ten  
1176 (10) days of receiving the updated information.

1177 (4) If the registered qualifying patient's certifying  
1178 practitioner notifies the patient and the MDOH in writing that  
1179 either the registered qualifying patient has ceased to have a  
1180 debilitating medical condition or that the practitioner no longer  
1181 believes, in his or her professional opinion and within his or her  
1182 scope of practice, that the patient would likely receive medical  
1183 or palliative benefit from the medical use of medical cannabis to  
1184 treat or alleviate the patient's debilitating medical condition or  
1185 symptoms associated with the patient's debilitating medical  
1186 condition, the card shall become null and void.

1187 (5) A medical cannabis establishment shall notify the MDOH  
1188 within one (1) business day of any theft or loss of medical  
1189 cannabis.



1190 (6) A medical cannabis establishment shall notify its  
1191 licensing agency within one (1) business day if there is a change  
1192 of ownership or closure of the entity.

1193 **SECTION 17. Reporting requirement of dispensaries.** Medical  
1194 cannabis dispensaries shall report medical cannabis dispensing  
1195 information every twenty-four (24) hours to the Prescription  
1196 Monitoring Program provided for in Section 73-21-127.  
1197 Dispensaries shall submit information as required by the  
1198 Prescription Monitoring Program, including, but not limited to,  
1199 the qualified patient's registry identification card number and  
1200 the amount of medical cannabis dispensed to the patient.

1201 **SECTION 18. Licensing of medical cannabis establishments.**  
1202 (1) The MDOH shall issue licenses for cannabis cultivation  
1203 facilities, cannabis processing facilities, cannabis  
1204 transportation entities, cannabis disposal entities, cannabis  
1205 research facilities and cannabis testing facilities. The MDOR  
1206 shall issue licenses for medical cannabis dispensaries.

1207 (2) The cannabis cultivation facility license application  
1208 fee shall be subject to the following tiers:

1209 (a) Micro-cultivators.

1210 (i) Tier 1. A cannabis cultivation facility with  
1211 a canopy of one thousand (1,000) square feet or less shall be  
1212 subject to a one-time nonrefundable license application fee of One  
1213 Thousand Five Hundred Dollars (\$1,500.00). The annual license fee  
1214 shall be a nonrefundable fee of Two Thousand Dollars (\$2,000.00).



1215 (ii) Tier 2. A cannabis cultivation facility with  
1216 a canopy of more than one thousand (1,000) square feet but not  
1217 more than two thousand (2,000) square feet shall be subject to a  
1218 one-time nonrefundable license application fee of Two Thousand  
1219 Five Hundred Dollars (\$2,500.00). The annual license fee shall be  
1220 a nonrefundable fee of Three Thousand Five Hundred Dollars  
1221 (\$3,500.00).

1222 (b) Cultivators.

1223 (i) Tier 1. A cannabis cultivation facility with  
1224 a canopy of not less than two thousand (2,000) square feet but not  
1225 more than five thousand (5,000) square feet shall be subject to a  
1226 one-time nonrefundable license application fee of Five Thousand  
1227 Dollars (\$5,000.00). The annual license fee shall be a  
1228 nonrefundable fee of Fifteen Thousand Dollars (\$15,000.00).

1229 (ii) Tier 2. A cannabis cultivation facility with  
1230 a canopy of not less than five thousand (5,000) square feet but  
1231 not more than fifteen thousand (15,000) square feet shall be  
1232 subject to a one-time nonrefundable license application fee of Ten  
1233 Thousand Dollars (\$10,000.00). The annual license fee shall be a  
1234 nonrefundable fee of Twenty-five Thousand Dollars (\$25,000.00).

1235 (iii) Tier 3. A cannabis cultivation facility  
1236 with a canopy of not less than fifteen thousand (15,000) square  
1237 feet but not more than thirty thousand (30,000) square feet shall  
1238 be subject to a one-time nonrefundable license application fee of  
1239 Twenty Thousand Dollars (\$20,000.00). The annual license fee



1240 shall be a nonrefundable fee of Fifty Thousand Dollars  
1241 (\$50,000.00).

1242 (iv) Tier 4. A cannabis cultivation facility with  
1243 a canopy of not less than thirty thousand (30,000) square feet but  
1244 not more than sixty thousand (60,000) square feet shall be subject  
1245 to a onetime nonrefundable license application fee of Thirty  
1246 Thousand Dollars (\$30,000.00). The annual license fee shall be a  
1247 nonrefundable fee of Seventy-five Thousand Dollars (\$75,000.00).

1248 (v) Tier 5. A cannabis cultivation facility with  
1249 a canopy of not less than sixty thousand (60,000) square feet but  
1250 not more than one hundred thousand (100,000) square feet shall be  
1251 subject to a one-time nonrefundable license application fee of  
1252 Forty Thousand Dollars (\$40,000.00). The annual license fee shall  
1253 be a nonrefundable fee of One Hundred Thousand Dollars  
1254 (\$100,000.00).

1255 (vi) Tier 6. A cannabis cultivation facility with  
1256 a canopy of one hundred thousand (100,000) square feet or more  
1257 shall be subject to a one-time nonrefundable license application  
1258 fee of Sixty Thousand Dollars (\$60,000.00). The annual license  
1259 fee shall be a nonrefundable fee of One Hundred Fifty Thousand  
1260 Dollars (\$150,000.00).

1261 (3) The cannabis processing facility license application fee  
1262 shall be subject to the following tiers:

1263 (a) Micro-processors.



1264 (i) Tier 1. A cannabis processing facility which  
1265 processes less than two thousand (2,000) pounds of dried biomass  
1266 cannabis material annually shall be subject to a one-time  
1267 nonrefundable license application fee of Two Thousand Dollars  
1268 (\$2,000.00). The annual license fee shall be a nonrefundable fee  
1269 of Three Thousand Five Hundred Dollars (\$3,500.00).

1270 (ii) Tier 2. A cannabis processing facility which  
1271 processes not less than two thousand (2,000) pounds but less than  
1272 three thousand (3,000) pounds of dried biomass cannabis material  
1273 annually shall be subject to a one-time nonrefundable license  
1274 application fee of Two Thousand Five Hundred Dollars (\$2,500.00).  
1275 The annual license fee shall be a nonrefundable fee of Five  
1276 Thousand Dollars (\$5,000.00).

1277 (b) Processors. A cannabis processing facility which  
1278 processes not less than three thousand (3,000) pounds of biomass  
1279 cannabis material annually shall be subject to a one-time  
1280 nonrefundable license application fee of Fifteen Thousand Dollars  
1281 (\$15,000.00). The annual license fee shall be a nonrefundable fee  
1282 of Twenty Thousand Dollars (\$20,000.00).

1283 (4) A medical cannabis dispensary shall be subject to a  
1284 one-time nonrefundable license application fee of Fifteen Thousand  
1285 Dollars (\$15,000.00). The annual license fee shall be a  
1286 nonrefundable fee of Twenty-five Thousand Dollars (\$25,000.00).

1287 (5) Cannabis transportation entities shall be subject to a  
1288 one-time nonrefundable application fee of Five Thousand Dollars



1289 (\$5,000.00). The annual license fee shall be a nonrefundable fee  
1290 of Seven Thousand Five Hundred Dollars (\$7,500.00).

1291 (6) Cannabis disposal entities shall be subject to a  
1292 one-time nonrefundable application fee of Five Thousand Dollars  
1293 (\$5,000.00). The annual license fee shall be a nonrefundable fee  
1294 of Seven Thousand Five Hundred Dollars (\$7,500.00).

1295 (7) Cannabis testing facilities shall be subject to a  
1296 one-time nonrefundable application fee of Ten Thousand Dollars  
1297 (\$10,000.00), and an annual license fee of Fifteen Thousand  
1298 Dollars (\$15,000.00). A cannabis testing facility shall not  
1299 employ an agent or employee who also is employed or has ownership  
1300 at any other medical cannabis establishment.

1301 (8) Cannabis research facilities shall be subject to a  
1302 one-time nonrefundable application fee of Ten Thousand Dollars  
1303 (\$10,000.00), and an annual license fee of Fifteen Thousand  
1304 Dollars (\$15,000.00). A research facility at any university or  
1305 college in this state shall be exempt from all fees imposed under  
1306 this section.

1307 (9) No individual or business entity shall have a direct or  
1308 indirect ownership or economic interest of greater than ten  
1309 percent (10%) in:

1310 (a) More than one (1) cannabis cultivation facility  
1311 license;

1312 (b) More than one (1) cannabis processing facility  
1313 license; and



1314 (c) More than five (5) medical cannabis dispensary  
1315 licenses.

1316 (10) Minimum qualifications for applicants for a cannabis  
1317 cultivation facility, a cannabis processing facility, a medical  
1318 cannabis dispensary, a medical cannabis transportation entity or a  
1319 medical cannabis disposal entity license(s) are as follows:

1320 (a) An individual applicant for a cannabis cultivation  
1321 facility, cannabis processing facility, medical cannabis  
1322 dispensary, medical cannabis transportation entity or medical  
1323 cannabis disposal license shall be a natural person who:

1324 (i) Is at least twenty-one (21) years of age;

1325 (ii) Has not previously held a license for a  
1326 cannabis cultivation facility, cannabis processing facility,  
1327 medical cannabis dispensary, medical cannabis transportation  
1328 entity or medical cannabis disposal entity that has been revoked;

1329 (iii) Has not been convicted of a disqualifying  
1330 felony offense;

1331 (iv) If possessing a professional or occupational  
1332 license, that the license is in good standing;

1333 (v) Has submitted a sworn statement indicating  
1334 that he or she is a true and actual owner of the entity for which  
1335 the license is desired, and that he or she intends to carry on the  
1336 business authorized for himself or herself and the entity and not  
1337 as the agent for any other entity.



1338 (vi) Has no outstanding tax delinquencies owed to  
1339 the State of Mississippi;

1340 (vii) Is not serving as a member of the  
1341 Mississippi Senate or Mississippi House of Representatives through  
1342 December 31, 2022;

1343 (viii) Is not the spouse of a person serving as a  
1344 member of the Mississippi Senate or Mississippi House of  
1345 Representatives through December 31, 2022; and

1346 (b) If the applicant is applying on behalf of an  
1347 entity, in addition to paragraph (a) of this subsection, the  
1348 individual applicant shall:

1349 (i) Be legally authorized to submit an application  
1350 on behalf of the entity;

1351 (ii) Serve as the primary point of contact with  
1352 the MDOR and MDOH;

1353 (iii) Submit sufficient proof that the entity has  
1354 no owner, board member, officer, or anyone with an economic  
1355 interest in the entity who:

1356 1. Is under the age of twenty-one (21);

1357 2. Has previously been an owner of a medical  
1358 cannabis dispensary, cannabis cultivation facility, a cannabis  
1359 processing facility, medical cannabis transportation entity or  
1360 medical cannabis disposal entity that has had its license revoked;

1361 3. Has been convicted of a disqualifying  
1362 felony offense;





1363 4. Owes delinquent taxes to the State of  
1364 Mississippi;

1365 5. Is serving as a member of the Mississippi  
1366 Senate or Mississippi House of Representatives through December  
1367 31, 2022; and

1368 6. Is the spouse of a person serving as a  
1369 member of the Mississippi Senate or Mississippi House of  
1370 Representatives through December 31, 2022; and

1371 (iv) Submit sufficient proof that if an owner,  
1372 board member, officer or anyone with an economic interest in the  
1373 entity has or had a professional or occupational license, that the  
1374 license is in good standing.

1375 (11) Applicants for cannabis cultivation facility licenses  
1376 and cannabis processing facility licenses shall both meet the  
1377 minimum qualifications in subsection (10) of this section and  
1378 shall also submit sufficient proof of the following:

1379 (a) If a natural person, proof that the person has been  
1380 a resident of the State of Mississippi and a citizen of the United  
1381 States of America for at least three (3) years prior to the  
1382 application date; or

1383 (b) If a business entity, proof that at least  
1384 thirty-five percent (35%) of the equity ownership interests in the  
1385 entity are held by individuals who have been residents of the  
1386 State of Mississippi and citizens of the United States of America



1387 for at least three (3) consecutive years prior to the application  
1388 date.

1389 This subsection (11) shall stand repealed on December 31,  
1390 2022.

1391 (12) A micro-cultivator or a micro-processor shall both meet  
1392 the minimum qualifications in subsection (10) of this section and  
1393 shall also submit sufficient proof of the following:

1394 (a) If a natural person, proof that the person has been  
1395 a resident of the State of Mississippi and a citizen of the United  
1396 States of America for at least three (3) years prior to the  
1397 application date; or

1398 (b) If a business entity, provide proof that:

1399 (i) It was registered as an entity with the  
1400 Secretary of State in Mississippi; and

1401 (ii) One-hundred percent (100%) of the equity  
1402 ownership interests in the entity are held by individuals who have  
1403 been residents of the State of Mississippi and citizens of the  
1404 United States of America for at least three (3) consecutive years  
1405 prior to the application date.

1406 (13) For purposes of this section, it shall be sufficient to  
1407 prove Mississippi residency for the individual(s) to submit two  
1408 (2) of the following source documents:

1409 (a) Mississippi Tax Return Form 80-105 or Form 80-205  
1410 for each of the three (3) years preceding the application without  
1411 schedules, worksheets, or attachments, and redacted to remove all



1412 financial information and all but the last four (4) digits of the  
1413 individual's social security number for the three (3) years  
1414 preceding the application;

1415 (b) Ownership, lease, or rental documents for place of  
1416 primary domicile for the three (3) years preceding the  
1417 application;

1418 (c) Billing statements, including utility bills for the  
1419 three (3) years preceding the application; or

1420 (d) Vehicle registration for the three (3) years  
1421 preceding the application.

1422 (14) Ownership in a cannabis cultivation facility license,  
1423 cannabis processing facility license or a medical cannabis  
1424 dispensary license or investment in a business that supports or  
1425 benefits from such a license shall not disqualify or otherwise  
1426 negatively impact the license or finding of suitability of such  
1427 owner who is otherwise engaged in any other form of business  
1428 operation in the state, if such business requires the owner to  
1429 hold a license or be found suitable under state law.

1430 (15) Any business or state entity applying for registration  
1431 as a medical cannabis establishment must meet all the requirements  
1432 specified in this chapter.

1433 (16) A prospective medical cannabis establishment shall  
1434 submit all of the following:

1435 (a) An application, including:



1436 (i) The legal name of the prospective medical  
1437 cannabis establishment;

1438 (ii) The physical address of the prospective  
1439 medical cannabis establishment, which shall not be within one  
1440 thousand (1,000) feet of the nearest property boundary line of a  
1441 school, church or child care facility which exists or has acquired  
1442 necessary real property for the operation of such facility before  
1443 the date of the medical cannabis establishment application unless  
1444 the entity has received approval from the school, church or child  
1445 care facility and received the applicable waiver from their  
1446 licensing agency, provided that the main point of entry of the  
1447 cannabis establishment is not located within five hundred (500)  
1448 feet of the nearest property boundary line of any school, church  
1449 or child care facility;

1450 (iii) The name of each principal officer and board  
1451 member of the proposed medical cannabis establishment; and

1452 (iv) Any additional information requested by the  
1453 MDOR and MDOH.

1454 (b) Operating procedures consistent with rules and  
1455 regulations for oversight of the proposed medical cannabis  
1456 establishment, including procedures to ensure accurate record  
1457 keeping and adequate security measures.

1458 (c) If the municipality or county where the proposed  
1459 medical cannabis establishment would be located has enacted zoning  
1460 restrictions, a sworn statement certifying that the proposed



1461 medical cannabis establishment is in compliance with the  
1462 restrictions.

1463 (d) If the municipality or county where the proposed  
1464 medical cannabis establishment would be located requires a local  
1465 registration, license, or permit, then proof of receiving such  
1466 registration, license or permit.

1467 (e) If the application is on behalf of an entity,  
1468 verification that none of the principal officers or board members  
1469 have served as a principal officer or board member for a medical  
1470 cannabis establishment that has had its license revoked.

1471 (f) If the application is on behalf of an entity,  
1472 verification that none of the principal officers or board members  
1473 is under twenty-one (21) years of age.

1474 (17) The MDOR and MDOH shall issue a renewal registration  
1475 certificate within ten (10) days of receipt of the prescribed  
1476 renewal application and renewal fee from a medical cannabis  
1477 establishment if its license is not under suspension and has not  
1478 been revoked.

1479 (18) A licensing agency shall require disclosure only of  
1480 persons, entities or affiliated entities who directly or  
1481 indirectly own ten percent (10%) or more of a medical cannabis  
1482 establishment issued a license by the licensing agency.

1483 (19) Otherwise eligible applicants for licenses to operate  
1484 as medical cannabis establishments under this chapter shall not be  
1485 disqualified from receipt of a license based on:



1486 (a) Their location on Mississippi Choctaw Indian  
1487 Reservation Lands; or

1488 (b) The involvement of the Mississippi Band of Choctaw  
1489 Indians or any entity owned or operated by the Mississippi Band of  
1490 Choctaw Indians as an owner or co-owner of such license, provided  
1491 that such license shall be subject to revocation for material  
1492 noncompliance with this chapter on the same basis as any other  
1493 license.

1494 (20) A cannabis processing facility that produces edible  
1495 cannabis products shall hold a permit to operate as a food  
1496 establishment and shall comply with all applicable requirements  
1497 for food establishments as set by the MDOH.

1498 (21) Denial of an application or renewal is considered a  
1499 final MDOH or MDOR action, subject to judicial review in  
1500 accordance with Section 31 of this act.

1501 **SECTION 19. Local ordinances.** (1) A municipality or county  
1502 may enact ordinances or regulations not in conflict with this  
1503 chapter, or with regulations enacted under this chapter, governing  
1504 the time, place, and manner of medical cannabis establishment  
1505 operations in the locality. A municipality or county may  
1506 establish penalties for violation of an ordinance or regulation  
1507 governing the time, place and manner of a medical cannabis  
1508 establishment that may operate in the municipality or county.

1509 (2) No municipality or county may prohibit dispensaries  
1510 either expressly or through the enactment of ordinances or



1511 regulations that make their operation impracticable in the  
1512 jurisdiction. The main point of entry of a medical cannabis  
1513 establishment shall not be located within one thousand (1,000)  
1514 feet of the nearest property boundary line of any school, church  
1515 or child care facility. A medical cannabis establishment may  
1516 receive a waiver to this distance restriction by receiving  
1517 approval from the school, church or child care facility and by  
1518 applying for a waiver with its respective licensing agency,  
1519 provided that the main point of entry of the cannabis  
1520 establishment is not located within five hundred (500) feet of the  
1521 nearest property boundary line of any school, church or child care  
1522 facility.

1523 (3) A dispensary, cannabis research facility or cannabis  
1524 testing facility may be located in any area in a municipality or  
1525 county that is zoned as commercial or for which commercial use is  
1526 otherwise authorized or not prohibited, provided that it being  
1527 located there does not violate any other provisions of this  
1528 chapter. A cannabis cultivation facility and/or cannabis  
1529 processing facility may be located in any area in a municipality  
1530 or county that is zoned as agricultural or industrial or for which  
1531 agricultural or industrial use is otherwise authorized or not  
1532 prohibited, provided that it being there does not violate any  
1533 other provision of this chapter. A cannabis cultivation facility  
1534 and/or cannabis processing facility may be located in any area in  
1535 a municipality or county that is zoned as commercial or for which



1536 commercial use is otherwise authorized or not prohibited, provided  
1537 that the municipality or county has authorized the entity to be  
1538 located in such area and that it being there does not violate any  
1539 other provision of this chapter. The municipality or county may  
1540 authorize this by granting a variance to an existing zoning  
1541 ordinance or by adopting a change in the zoning ordinance that  
1542 allows for those entities to be located in specific commercial  
1543 areas.

1544 (4) A municipality or county may require a medical cannabis  
1545 establishment to obtain a local license, permit or registration to  
1546 operate, and may charge a reasonable fee for the local license,  
1547 permit or registration, provided that this fee is consistent with  
1548 fees charged to businesses that are not involved in the cannabis  
1549 industry.

1550 (5) No medical cannabis dispensary may be located within a  
1551 one-thousand-five-hundred-foot radius from the main point of entry  
1552 of the dispensary to the main point of entry of another medical  
1553 cannabis dispensary. If the sole basis of denial by the licensing  
1554 agency in refusing to issue the medical cannabis dispensary a  
1555 license to operate is that the dispensary fails the distance  
1556 requirement of this subsection (5), then the licensing agency may  
1557 refund all or part of the license application fee in Section 18(5)  
1558 of this act to the applicant.

1559 **SECTION 20. Requirements, prohibitions and penalties.** (1)

1560 Medical cannabis establishments shall conduct a background check





1561 into the criminal history of every person seeking to become a  
1562 principal officer, board member, agent, volunteer, or employee  
1563 before the person begins working at or for the medical cannabis  
1564 establishment.

1565 (2) A medical cannabis establishment may not employ any  
1566 person who:

1567 (a) Was convicted of a disqualifying felony offense;  
1568 or

1569 (b) Is under twenty-one (21) years of age.

1570 (3) The operating documents of a medical cannabis  
1571 establishment must include procedures for the oversight of the  
1572 medical cannabis establishment and procedures to ensure accurate  
1573 record keeping and adequate security measures.

1574 (4) A medical cannabis establishment shall implement  
1575 appropriate security measures designed to deter and prevent the  
1576 theft of medical cannabis and unauthorized entrance into areas  
1577 containing medical cannabis.

1578 (5) All cultivation, harvesting, processing and packaging of  
1579 medical cannabis must take place in an enclosed, locked and secure  
1580 facility with a physical address provided to the MDOH during the  
1581 licensing and registration process. The facility shall be  
1582 equipped with locks or other security devices that permit access  
1583 only by agents of the medical cannabis establishment, emergency  
1584 personnel or adults who are twenty-one (21) years of age and older  
1585 and who are accompanied by medical cannabis establishment agents.



1586           (6) No medical cannabis establishment other than a cannabis  
1587 processing facility or cannabis research facility may produce  
1588 cannabis concentrates, cannabis extractions, or other cannabis  
1589 products.

1590           (7) A medical cannabis establishment may not share office  
1591 space with or refer patients to a practitioner.

1592           (8) Medical cannabis establishments are subject to  
1593 inspection by the MDOR and MDOH during business hours.

1594           (9) Before medical cannabis may be dispensed to a  
1595 cardholder, a dispensary agent must:

1596                   (a) Require that the individual present a registry  
1597 identification card;

1598                   (b) Make a diligent effort to verify that the registry  
1599 identification card presented to the dispensary is valid;

1600                   (c) Make a diligent effort to verify that the person  
1601 presenting the registry identification card is the person  
1602 identified on the registry identification card presented to the  
1603 dispensary agent; and

1604                   (d) Not believe that the amount of medical cannabis  
1605 dispensed would cause the person to possess more than the  
1606 allowable amount of medical cannabis.

1607           (10) A medical cannabis establishment shall not sell more  
1608 than the allowable amount of medical cannabis to a cardholder. A  
1609 resident cardholder shall not obtain more than a total of six (6)  
1610 MMCEUs of allowable medical cannabis in a week from a dispensary



1611 or a combination of dispensaries. A resident cardholder shall not  
1612 obtain more than a total of twenty-four (24) MMCEUs of allowable  
1613 medical cannabis in thirty (30) days from a dispensary or a  
1614 combination of dispensaries.

1615 The possession limit for resident cardholders of the  
1616 allowable amount of medical cannabis shall be a total of  
1617 twenty-eight (28) MMCEUs. There shall not be a possession limit  
1618 on nonconsumable medical cannabis, including, but not limited to,  
1619 suppositories, ointments, soaps, and lotions or other topical  
1620 agents.

1621 (11) For purposes of this chapter, total THC is defined as  
1622 THCA multiplied by .877 plus THC Delta 9 and all other  
1623 psychoactive forms or isomers of THC added together. A medical  
1624 cannabis establishment shall not sell cannabis flower or trim that  
1625 has a potency of greater than thirty percent (30%) total THC. A  
1626 medical cannabis dispensary shall not sell cannabis tinctures,  
1627 oils or concentrates that have a potency of greater than sixty  
1628 percent (60%) total THC. Cannabis products that have a potency of  
1629 over thirty percent (30%) total THC shall be clearly labeled as  
1630 "extremely potent." Edible cannabis products, including food or  
1631 drink products, that have been combined with usable cannabis or  
1632 cannabis products shall be physically demarked and labeled with a  
1633 clear determination of how much total THC is in a single-serving  
1634 size and how much THC is in the entire package.



1635           A medical cannabis product shall contain a notice of harm  
1636 regarding the use of cannabis products. Edible cannabis products  
1637 shall be homogenized to ensure uniform disbursement of  
1638 cannabinoids throughout the product. All molded edible cannabis  
1639 products shall be presented in the form of geometric shapes and  
1640 shall not be molded to contain any images or characters designed  
1641 or likely to appeal to minors, such as cartoons, toys, animals or  
1642 children.

1643           (12) A dispensary may not dispense more than the allowable  
1644 amount of cannabis to a registered qualifying patient or a  
1645 nonresident cardholder, directly or via a registered designated  
1646 caregiver. Dispensaries shall ensure compliance with this  
1647 limitation by maintaining internal, confidential records that  
1648 include records specifying how much medical cannabis is being  
1649 dispensed to the registered qualifying patient or nonresident  
1650 cardholder and whether it was dispensed directly to a registered  
1651 qualifying patient, nonresident cardholder or to the registered  
1652 designated caregiver.

1653           (13) A nonresident cardholder shall not obtain more than a  
1654 total of six (6) MMCEUs of allowable medical cannabis in a week  
1655 from a dispensary or a combination of dispensaries. A nonresident  
1656 cardholder shall not obtain more than a total of twelve (12)  
1657 MMCEUs of allowable cannabis from a dispensary or a combination of  
1658 dispensaries in a fifteen-day period.



1659           (14) A nonresident may apply to receive a nonresident  
1660 registry identification card up to thirty (30) days before  
1661 arriving in Mississippi. A nonresident registry identification  
1662 card shall be valid for fifteen (15) days. After the expiration  
1663 of the card, a nonresident may apply for a renewal of the card and  
1664 may be granted another card which shall be valid for another  
1665 fifteen-day period. A nonresident registry identification card  
1666 shall only be valid, at a maximum, for two (2) separate periods of  
1667 fifteen (15) days in a three-hundred-sixty-five-day period. An  
1668 applicant may indicate on his or her application the specific time  
1669 period that he or she wishes for the card to be valid. The  
1670 possession limit of the allowable amount of medical cannabis for  
1671 nonresident cardholders shall be fourteen (14) MMCEUs.

1672           (15) A medical cannabis dispensary agent or employee shall  
1673 not issue a written certification. Employees and agents of a  
1674 medical cannabis dispensary shall complete at least eight (8)  
1675 hours of continuing education in medical cannabis as regulated by  
1676 the MDOR in order to be certified to work at a medical cannabis  
1677 dispensary. After the first year of employment, these employees  
1678 shall complete five (5) hours of continuing education in medical  
1679 cannabis annually to maintain this certification.

1680           (16) Notwithstanding any other provision to the contrary, a  
1681 patient with a debilitating medical condition who is between  
1682 eighteen (18) years to twenty-five (25) years of age is not  
1683 eligible for a medical cannabis registry identification card



1684 unless two (2) practitioners from separate medical practices have  
1685 diagnosed the patient as having a debilitating medical condition  
1686 after an in-person consultation. One (1) of these practitioners  
1687 must be a physician or doctor of osteopathic medicine.

1688 If one (1) of the recommending practitioners is not the  
1689 patient's primary care practitioner, the recommending practitioner  
1690 shall review the records of a diagnosing practitioner. The  
1691 requirement that the two (2) practitioners be from separate  
1692 medical practices does not apply if the patient is homebound or if  
1693 the patient had a registry identification card before the age of  
1694 eighteen (18).

1695 (17) A medical cannabis establishment shall not allow an  
1696 individual who is younger than twenty-one (21) years old to enter  
1697 the premises of the establishment unless the individual possesses  
1698 a registry identification card and is accompanied by his or her  
1699 legal guardian.

1700 (18) A medical cannabis establishment shall only purchase,  
1701 grow, cultivate, and use cannabis that is grown and cultivated in  
1702 this state. Any medical cannabis that is grown and cultivated in  
1703 this state shall not be transported outside of this state.

1704 (19) Employees of all medical cannabis establishments shall  
1705 apply for a work permit with the MDOH and MDOR, as applicable,  
1706 before beginning employment with any establishment. The licensing  
1707 agency for the respective medical cannabis establishment may issue  
1708 work permits to these individuals. These licensing agencies shall



1709 maintain a work registry of all applicants and work permits  
1710 issued. The fee for a work permit shall be Twenty-five Dollars  
1711 (\$25.00) and the permit shall be valid for five (5) years. Work  
1712 permits shall be the property of the employee and shall not be  
1713 transferable to other employees.

1714 (20) For purposes of this subsection, "plant growth  
1715 regulator cannabis" shall mean a cannabis plant whose growth and  
1716 structure has been modified using plant growth hormones. A  
1717 cannabis cultivation facility shall not cultivate and a cannabis  
1718 dispensary shall not sell, transfer or provide for consumption  
1719 plant growth regulator cannabis.

1720 (21) A medical cannabis dispensary shall only make sales to  
1721 cardholders inside the dispensary. A medical cannabis dispensary  
1722 shall not sell or otherwise convey medical cannabis to a  
1723 cardholder through the means of a drive-through, curbside delivery  
1724 or other delivery outside the premises of the dispensary.

1725 (22) Any and all contracts or agreements entered into by the  
1726 MDOH and MDOR for information technology software, hardware,  
1727 and/or services for the purpose of implementing and/or operating  
1728 under the Mississippi Medical Cannabis Act shall include language  
1729 reasonably limiting the ability of the vendor to escalate the  
1730 ongoing cost of such software, hardware, and/or services during  
1731 the term of the contract, including any amendments and/or  
1732 extensions.



1733 (23) The MDOR and MDOH shall not share the name, address or  
1734 personal data of a registry identification cardholder to any  
1735 federal government entity.

1736 **SECTION 21. Agencies to issue rules and regulations.** (1)  
1737 From and after the effective date of this act, the MDOH and MDOR  
1738 shall each, where relevant to the role of that particular agency,  
1739 establish and promulgate the following rules and regulations:

1740 (a) Governing the manner in which it shall consider  
1741 petitions from the public to add debilitating medical conditions  
1742 or treatments to the list of debilitating medical conditions set  
1743 forth in Section 2 of this act, including public notice of and  
1744 opportunities to comment in public hearings on the petitions;

1745 (b) Establishing the form and content of license and  
1746 renewal applications and written certifications submitted under  
1747 this chapter;

1748 (c) Governing the manner in which it shall consider  
1749 applications for and renewals of registry identification cards,  
1750 which may include creating a standardized written certification  
1751 form;

1752 (d) Governing medical cannabis establishments with the  
1753 goals of ensuring the health and safety of registered qualifying  
1754 patients and preventing diversion and theft of medical cannabis  
1755 without imposing an undue burden or compromising the  
1756 confidentiality of cardholders, including:

1757 (i) Oversight requirements;





1758 (ii) Recordkeeping requirements;  
1759 (iii) Qualifications that are directly and  
1760 demonstrably related to the operation of medical cannabis  
1761 establishments;  
1762 (iv) Security requirements, including lighting,  
1763 physical security, and alarm requirements;  
1764 (v) Health and safety regulations, including  
1765 restrictions on the use of pesticides, herbicides or other  
1766 chemicals that are injurious to human health;  
1767 (vi) Standards for the processing of cannabis  
1768 products and the indoor cultivation of cannabis by cannabis  
1769 cultivation facilities;  
1770 (vii) Requirements for the transportation and  
1771 storage of cannabis by medical cannabis establishments;  
1772 (viii) Employment and training requirements,  
1773 including requiring that each medical cannabis establishment  
1774 create an identification badge for each agent of the  
1775 establishment;  
1776 (ix) Standards for the safe processing of medical  
1777 cannabis products, including extracts and concentrates;  
1778 (x) Restrictions on the advertising, signage, and  
1779 display of medical cannabis, provided that the restrictions may  
1780 not prevent appropriate signs on the property of a dispensary,  
1781 listings in business directories, including phone books, listings



1782 in cannabis-related or medical publications, or the sponsorship of  
1783 health or not-for-profit charity or advocacy events;

1784 (xi) Requirements and procedures for the safe and  
1785 accurate packaging and labeling of medical cannabis, including  
1786 prohibiting the use of any images designed or likely to appeal to  
1787 minors, such as cartoons, packaging that resembles popular candy  
1788 brands, toys, animals or children, or any other likeness or image  
1789 containing characters or phrases to advertise to minors;

1790 (xii) Standards for cannabis testing facilities,  
1791 including requirements for equipment and qualifications for  
1792 personnel;

1793 (xiii) Protocol development for the safe delivery  
1794 of medical cannabis from dispensaries to cardholders;

1795 (xiv) Reasonable requirements to ensure the  
1796 applicant has sufficient property or capital to operate the  
1797 applicant's proposed medical cannabis establishment;

1798 (xv) Procedures for suspending or terminating the  
1799 licenses or registry identification cards of cardholders and  
1800 medical cannabis establishments that commit multiple or serious  
1801 violations of the provisions of this chapter or the rules and  
1802 regulations promulgated pursuant to this section;

1803 (xvi) Procedures for the selection, certification  
1804 and oversight of a seed-to-sale tracking system as provided for in  
1805 Section 6 of this act;



1806 (xvii) Requirements for labeling medical cannabis  
1807 and cannabis products, including requiring medical cannabis  
1808 product labels to include the following:

1809 1. The length of time it typically takes for  
1810 the product to take effect;

1811 2. Disclosure of ingredients and possible  
1812 allergens;

1813 3. A nutritional fact panel;

1814 4. The amount of THC and CBD in the product;

1815 5. A notice of the potential harm caused by  
1816 consuming medical cannabis; and

1817 6. For edible cannabis products, when  
1818 practicable, a standard symbol indicating that the product  
1819 contains cannabis;

1820 (xviii) Procedures for the registration of  
1821 nonresident cardholders, which must require the submission of:

1822 1. A practitioner's statement confirming that  
1823 the patient has a debilitating medical condition; and

1824 2. Documentation demonstrating that the  
1825 nonresident cardholder is allowed to possess medical cannabis or  
1826 cannabis preparations in the jurisdiction where he or she resides;

1827 (xix) The amount of cannabis products, including  
1828 the amount of concentrated cannabis, each cardholder and  
1829 nonresident cardholder can possess;



1830 (xx) Reasonable application and renewal fees for  
1831 registry identification cards and registration certificates,  
1832 according to the following:

1833 1. The fee schedule shall be set as follows:

1834 a. The qualifying patient registry  
1835 identification card application fee shall be Twenty-five Dollars  
1836 (\$25.00);

1837 b. The designated caregiver registry  
1838 identification card application fee shall be Twenty-five Dollars  
1839 (\$25.00);

1840 c. The designated caregiver criminal  
1841 background fee shall be Thirty-seven Dollars (\$37.00);

1842 d. The fee for a renewal or replacement  
1843 of a card shall be Twenty-five Dollars (\$25.00);

1844 e. The fee for a card for a nonresident  
1845 patient shall be Seventy-five Dollars (\$75.00);

1846 f. The qualifying patient registry  
1847 identification card application fee for a Medicaid participant  
1848 shall be Fifteen Dollars (\$15.00) and the fee for a renewal of  
1849 such card shall be Fifteen Dollars (\$15.00); and

1850 g. The application fee for a qualifying  
1851 patient registry identification card for disabled veterans or  
1852 disabled first responders shall be waived. A disabled veteran or  
1853 first responder may prove their disability by providing written  
1854 documentation from their practitioner attesting to their



1855 debilitating medical condition, documentation from the Social  
1856 Security Disability Office, or documentation that attests the  
1857 applicant is a one-hundred percent (100%) disabled veteran as  
1858 determined by the U.S. Department of Veteran Affairs and codified  
1859 at 38 C.F.R., Section 3.340(a) (2013); and

1860                                   2. The MDOH may accept donations from private  
1861 sources to reduce the amount of the application and renewal fees;

1862                                   (xxi) Any other rules and regulations necessary to  
1863 implement and administer this chapter.

1864                   (2) The initial rules filed by the MDOH to implement the  
1865 medical cannabis program in accordance with this chapter shall be  
1866 effective immediately upon their filing.

1867                   **SECTION 22. Public registry.** (1) The MDOH and MDOR shall  
1868 jointly create and maintain a public registry of medical cannabis  
1869 establishments, which shall include, but shall not be limited to,  
1870 the following information:

1871                                   (a) The name of the establishment;

1872                                   (b) The owner and, if applicable, the beneficial owner  
1873 of the establishment;

1874                                   (c) The physical address, including municipality and  
1875 zip code, of the establishment;

1876                                   (d) The mailing address, including municipality and zip  
1877 code, of the establishment;

1878                                   (e) The county in which the establishment is domiciled;

1879                                   (f) The phone number of the establishment;



1880 (g) The electronic mail address of the establishment;  
1881 (h) The license number of the establishment;  
1882 (i) The issuance date of the establishment's license;  
1883 (j) The expiration date of the establishment's license;  
1884 (k) The NAICS code of the establishment;  
1885 (l) Any changes to the license holder's status; and  
1886 (m) Any other information determined necessary by the  
1887 MDOH and MDOR.

1888 (2) The public registry shall not include personal  
1889 information of an owner of a medical cannabis establishment.

1890 (3) The public registry shall be maintained electronically  
1891 and shall be easily accessible to the public.

1892 **SECTION 23. Violations.** (1) It shall be unlawful for any  
1893 person or entity to cultivate, process, transport, use, possess,  
1894 purchase, sell or transfer cannabis except as authorized by this  
1895 chapter.

1896 (2) A cardholder or medical cannabis establishment that  
1897 purposely or knowingly fails to provide a notice required by  
1898 Section 16 of this act is guilty of a civil offense, punishable by  
1899 a fine of no more than One Thousand Five Hundred Dollars  
1900 (\$1,500.00), which may be assessed and collected by the licensing  
1901 agency.

1902 (3) A medical cannabis establishment or an agent of a  
1903 medical cannabis establishment that purposely, knowingly, or  
1904 recklessly sells or otherwise transfers medical cannabis other



1905 than to a cardholder, a nonresident cardholder, or to a medical  
1906 cannabis establishment or its agent as authorized under this  
1907 chapter is guilty of a felony punishable by a fine of not more  
1908 than Ten Thousand Dollars (\$10,000.00), or by commitment to the  
1909 custody of the Department of Corrections for not more than two (2)  
1910 years, or both. A person convicted under this subsection may not  
1911 continue to be affiliated with the medical cannabis establishment  
1912 and is disqualified from further participation in the medical  
1913 cannabis program under this chapter.

1914 (4) A cardholder or nonresident cardholder who purposely,  
1915 knowingly, or recklessly sells or otherwise transfers medical  
1916 cannabis to a person or other entity is guilty of a felony  
1917 punishable by a fine of not more than Three Thousand Dollars  
1918 (\$3,000.00), or by commitment to the custody of the Department of  
1919 Corrections for not more than two (2) years, or both. A person  
1920 convicted under this subsection is disqualified from further  
1921 participation in the medical cannabis program under this chapter.

1922 (5) A person who purposely, knowingly, or recklessly makes a  
1923 false statement to a law enforcement official about any fact or  
1924 circumstance relating to the medical use of cannabis to avoid  
1925 arrest or prosecution is guilty of a misdemeanor punishable by a  
1926 fine of not more than One Thousand Dollars (\$1,000.00), by  
1927 imprisonment in the county jail for not more than ninety (90)  
1928 days, or both. If a person convicted of violating this subsection



1929 is a cardholder, the person is disqualified from further  
1930 participation in the medical cannabis program under this chapter.

1931 (6) A person who purposely submits false records or  
1932 documentation for an application for a license for a medical  
1933 cannabis establishment under this chapter is guilty of a felony  
1934 punishable by a fine of not more than Five Thousand Dollars  
1935 (\$5,000.00), or by commitment to the custody of the Department of  
1936 Corrections for not more than two (2) years, or both. A person  
1937 convicted under this subsection may not continue to be affiliated  
1938 with the medical cannabis establishment and is disqualified from  
1939 further participation in the medical cannabis program under this  
1940 chapter.

1941 (7) A practitioner who purposely refers patients to a  
1942 specific medical cannabis establishment or to a registered  
1943 designated caregiver, who advertises in a medical cannabis  
1944 establishment, or who issues written certifications while holding  
1945 a financial interest in a medical cannabis establishment, is  
1946 guilty of a civil offense for every false certification and shall  
1947 be fined up to Five Thousand Dollars (\$5,000.00) by the MDOH.

1948 (8) Any person, including an employee or official of an  
1949 agency or local government, who purposely, knowingly, or  
1950 recklessly breaches the confidentiality of information obtained  
1951 under this chapter is guilty of a misdemeanor punishable by a fine  
1952 of not more than One Thousand Dollars (\$1,000.00), or by





1953 imprisonment for not more than one hundred eighty (180) days in  
1954 the county jail, or both.

1955 (9) No person, other than a cannabis processing facility or  
1956 its agents, complying with this chapter and the rules and  
1957 regulations promulgated under it, may extract compounds from  
1958 cannabis that involves a chemical extraction process using a  
1959 nonhydrocarbon-based or other solvent, such as water, vegetable  
1960 glycerin, vegetable oils, animal fats, steam distillation,  
1961 food-grade ethanol, or hydrocarbon-based solvent carbon dioxide.  
1962 No person may extract compounds from cannabis using ethanol in the  
1963 presence or vicinity of an open flame. It shall be a felony  
1964 punishable by commitment to the custody of the Mississippi  
1965 Department of Corrections for up to three (3) years and a Ten  
1966 Thousand Dollar (\$10,000.00) fine for any person to purposely,  
1967 knowingly, or recklessly violate this subsection.

1968 (10) A medical cannabis establishment is guilty of a civil  
1969 offense for any purposeful, knowing or reckless violation of this  
1970 chapter or the rules and regulations issued under this chapter  
1971 where no penalty has been specified, and shall be fined not more  
1972 than Five Thousand Dollars (\$5,000.00) for each such violation by  
1973 its licensing agency.

1974 (11) The penalties provided for under this section are in  
1975 addition to any other criminal, civil or administrative penalties  
1976 provided for under law, rule or regulation.



1977 (12) In addition to peace officers within their  
1978 jurisdiction, all law enforcement officers of MDOH and MDOR may  
1979 enforce the provisions made unlawful by this chapter.

1980 **SECTION 24. Fines, suspensions and revocations.** (1) The  
1981 licensing agency may fine, suspend or revoke a license at its  
1982 discretion for a violation of this chapter or any rules and  
1983 regulations under this chapter by the licensee or any of its  
1984 employees or agents. If a licensee wishes to appeal this  
1985 decision, the licensee shall file its administrative appeal within  
1986 twenty (20) days of receipt of the initial notice. The licensing  
1987 agency shall then conduct a hearing on the record pursuant to the  
1988 licensing agency's rules and regulations governing such hearings,  
1989 at which time the burden shall be on the licensee to prove that  
1990 the agency's decision was:

- 1991 (a) Unsupported by substantial evidence;  
1992 (b) Arbitrary or capricious;  
1993 (c) Beyond the power of the administrative agency to  
1994 make; or  
1995 (d) Violated some statutory or constitutional right of  
1996 the aggrieved party.

1997 If the licensee fails to appeal the initial notice within the  
1998 prescribed time, the decision becomes final and cannot be further  
1999 appealed.

2000 (2) The licensing agency shall provide its initial notice of  
2001 suspension, revocation, fine or other sanction by personal



2002 delivery or mailing by certified mail, signature required, to the  
2003 medical cannabis establishment at the address on the registration  
2004 certificate. A suspension shall not be for a longer period than  
2005 six (6) months.

2006 (3) A medical cannabis establishment may continue to possess  
2007 and cultivate cannabis as otherwise authorized to do so under its  
2008 license during a suspension, but it may not dispense, transfer or  
2009 sell cannabis.

2010 (4) The MDOH shall immediately revoke the registry  
2011 identification card of any cardholder who sells or otherwise  
2012 transfers medical cannabis to a person or other entity, and the  
2013 cardholder shall be disqualified from further participation in the  
2014 medical cannabis program under this chapter.

2015 (5) Except as otherwise provided in subsection (4) of this  
2016 section, the MDOH may revoke the registry identification card of  
2017 any cardholder who knowingly commits a violation of this chapter.

2018 (6) The hearing decision of the agency on a revocation,  
2019 suspension or fine is a final decision of the applicable agency  
2020 subject to judicial review in accordance with Section 31 of this  
2021 act.

2022 (7) No license issued by the MDOH or MDOR shall be  
2023 transferred by the license holder to any other person or entity  
2024 except with the written consent of the applicable licensing  
2025 agency.



2026           **SECTION 25. Confidentiality.** (1) Data in license and  
2027 registration applications and supporting data submitted by  
2028 registered qualifying patients, registered designated caregivers,  
2029 medical cannabis establishments and nonresident cardholders,  
2030 including data on registered designated caregivers and  
2031 practitioners, shall be considered private data on individuals  
2032 that is confidential and exempt from disclosure under the  
2033 Mississippi Public Records Act of 1983, Sections 25-61-1 through  
2034 25-61-17.

2035           (2) Data kept or maintained by an agency shall not be used  
2036 for any purpose not provided for in this chapter and shall not be  
2037 combined or linked in any manner with any other list or database.

2038           (3) Data kept or maintained by an agency may be disclosed as  
2039 necessary for:

2040           (a) The verification of registration certificates and  
2041 registry identification cards under this chapter;

2042           (b) Submission of the annual report required by this  
2043 chapter;

2044           (c) Notification of state or local law enforcement of  
2045 apparent criminal violations of this chapter;

2046           (d) Notification of state and local law enforcement  
2047 about falsified or fraudulent information submitted for purposes  
2048 of obtaining or renewing a registry identification card; or

2049           (e) Notification of the State Board of Medical  
2050 Licensure or other occupational or professional licensing board or



2051 entity if there is reason to believe that a practitioner provided  
2052 a written certification in violation of this chapter, or if the  
2053 MDOH has reason to believe the practitioner otherwise violated the  
2054 standard of care for evaluating medical conditions.

2055 (4) Any information kept or maintained by medical cannabis  
2056 establishments must identify cardholders by their registry  
2057 identification numbers and must not contain names or other  
2058 personally identifying information.

2059 (5) At a cardholder's request, the MDOH may confirm the  
2060 cardholder's status as a registered qualifying patient or a  
2061 registered designated caregiver to a third party, such as a  
2062 landlord, school, medical professional, or court.

2063 (6) Any agency hard drives or other data-recording media  
2064 that are no longer in use and that contain cardholder information  
2065 shall be destroyed.

2066 **SECTION 26. Business expenses, deductions.** Notwithstanding  
2067 any federal tax law to the contrary, in computing net income for  
2068 medical cannabis establishments, there shall be allowed as a  
2069 deduction from income taxes imposed under Section 27-7-5,  
2070 Mississippi Code of 1972, all the ordinary and necessary expenses  
2071 paid or incurred during the taxable year in carrying on a trade or  
2072 business as a medical cannabis establishment, including reasonable  
2073 allowance for salaries or other compensation for personal services  
2074 actually rendered.



2075           **SECTION 27. Banks to be held harmless.** (1) A bank may  
2076 provide any services to any person or entity licensed in this  
2077 state to engage in the business of medical cannabis, or with any  
2078 person or entity engaging in business dealings with such licensee,  
2079 if the bank provides those services to any other business.

2080           (2) A bank and its officers, directors, agents and employees  
2081 shall not be held liable pursuant to any state law or regulation  
2082 solely for:

2083                   (a) Providing financial services to a licensed medical  
2084 cannabis establishment; or

2085                   (b) Investing any income derived from providing  
2086 financial services to a licensed medical cannabis establishment.

2087           (3) Nothing in this section shall require a bank to provide  
2088 financial services to a licensed medical cannabis establishment.

2089           **SECTION 28. Not applicable to CBD solution.** This chapter  
2090 does not apply to or supersede any of the provisions of Section  
2091 41-29-136.

2092           **SECTION 29. Medical cannabis taxes.** (1) (a) For purposes  
2093 of this section:

2094                   (i) "Cannabis cultivation facility," "dispensary,"  
2095 "medical cannabis" and "medical cannabis establishments" shall be  
2096 defined as provided in Section 2 of this act.

2097                   (ii) "Cannabis flower" means the flower, including  
2098 abnormal and immature flowers, of a plant of the genus cannabis  
2099 that has been harvested, dried and cured, and prior to any



2100 processing whereby the flower material is transformed into a  
2101 cannabis product. "Cannabis flower" does not include the leaves  
2102 or stem of such plant or hemp.

2103 (iii) "Cannabis trim" means all parts, including  
2104 abnormal or immature parts, of a plant of the genus cannabis,  
2105 other than cannabis flower, that have been harvested, dried and  
2106 cured, and prior to any processing whereby the plant material is  
2107 transformed into a cannabis product. "Cannabis trim" does not  
2108 include hemp.

2109 (2) (a) There is hereby imposed, levied and assessed an  
2110 excise tax on medical cannabis cultivation facilities. A cannabis  
2111 cultivation facility shall collect and remit an excise tax on  
2112 forms and in a manner specified by the Commissioner of Revenue.

2113 (b) The excise tax on cannabis cultivation facilities  
2114 shall be based on the sales price for which a cannabis cultivation  
2115 facility first sells cannabis flower or cannabis trim, as the case  
2116 may be, to a medical cannabis establishment, and the rate of the  
2117 excise tax shall be five percent (5%) of such sales price.

2118 However, if there is common ownership or other interest between  
2119 the cannabis cultivation facility and the medical cannabis  
2120 establishment to which the cannabis cultivation facility first  
2121 sells or transfers the cannabis flower or cannabis trim, as the  
2122 case may be, the excise tax shall be based on the fair market  
2123 value of the cannabis flower or cannabis trim, as the case may be,  
2124 at the time that the cannabis cultivation facility first sells or



2125 transfers the cannabis flower or cannabis trim to the medical  
2126 cannabis establishment, and the rate of the excise tax shall be  
2127 five percent (5%) of such fair market value. The fair market  
2128 value of cannabis flower and cannabis trim shall initially be  
2129 determined by the MDOR not later than November 1, 2022. Beginning  
2130 January 1, 2023, the MDOR shall recalculate and adjust the fair  
2131 market value of cannabis flower and cannabis trim twice per  
2132 calendar year on January 1 and July 1.

2133 (c) The excise tax imposed by this subsection shall  
2134 apply regardless of the ownership of the medical cannabis  
2135 establishment to which the cannabis cultivation facility sells or  
2136 transfers the cannabis flower or cannabis trim, as the case may  
2137 be.

2138 (d) All administrative provisions of the sales tax law  
2139 and amendments thereto, including those which fix damages,  
2140 penalties and interest for nonpayment of taxes and for  
2141 noncompliance with the provision of said sales tax law, and all  
2142 other requirements and duties imposed upon a taxpayer, shall apply  
2143 to all persons liable for taxes under the provisions of this  
2144 subsection. The commissioner shall exercise all power and  
2145 authority and perform all duties with respect to taxpayers under  
2146 this subsection as are provided in said sales tax law, except  
2147 where there is conflict, then the provisions of this subsection  
2148 shall control.





2149 (e) All excise taxes collected under the provisions of  
2150 this subsection shall be deposited into the State General Fund.

2151 (3) A dispensary, on forms and in a manner specified by the  
2152 Commissioner of Revenue, shall collect and remit the sales tax  
2153 levied in Section 27-65-17(1)(a) from the gross proceeds derived  
2154 from each retail sale of medical cannabis.

2155 **SECTION 30. Local government option.** (1) The cultivation,  
2156 processing, sale and distribution of medical cannabis and cannabis  
2157 products, as performed in accordance to the provisions of this  
2158 chapter, shall be legal in every county and municipality of this  
2159 state unless a county or municipality opts out through a vote by  
2160 the board of supervisors of the county or governing authorities of  
2161 the municipality, as applicable, within ninety (90) days after the  
2162 effective date of this act. The governing authorities of the  
2163 municipality or the board of supervisors of the county, as  
2164 applicable, shall provide a notice in accordance with the Open  
2165 Meetings Act (Section 25-41-1 et seq.) of its intent of holding a  
2166 vote regarding opting out of allowing the cultivation, processing,  
2167 sale and/or distribution of medical cannabis and cannabis  
2168 products, as applicable. The governing authorities of the  
2169 municipality or the board of supervisors of the county, as  
2170 applicable, may opt out of allowing one or more of the following:  
2171 cultivation, processing, sale or distribution of medical cannabis  
2172 and cannabis products. The governing authorities of a  
2173 municipality, by a vote entered upon their minutes, may opt out of



2174 allowing the cultivation, processing, sale and/or distribution of  
2175 medical cannabis and cannabis products, as applicable, in the  
2176 municipality. The board of supervisors of a county, by a vote  
2177 entered upon its minutes, may opt out of allowing the cultivation,  
2178 processing, sale and/or distribution of medical cannabis and  
2179 cannabis products, as applicable, in the unincorporated areas of  
2180 the county.

2181 (2) If the board of supervisors of a county or the governing  
2182 authorities of a municipality do not opt out of allowing the  
2183 cultivation, processing, sale and/or distribution of medical  
2184 cannabis and cannabis products, as applicable, within ninety (90)  
2185 days after the effective date of this act, then no vote by the  
2186 board of supervisors or governing authorities, as applicable, may  
2187 be held to so opt out, and the provisions of this chapter shall  
2188 remain applicable and operative in the county or municipality, as  
2189 applicable. If the board of supervisors of a county or governing  
2190 authorities of a municipality have opted out of allowing the  
2191 cultivation, processing, sale and/or distribution of medical  
2192 cannabis and cannabis products, as applicable, then the board of  
2193 supervisors or governing authorities of a municipality may later  
2194 opt in regarding the same through a vote by the board of  
2195 supervisors or governing authorities, as applicable, entered upon  
2196 its or their minutes, or an election duly held according to  
2197 subsection (3) or (4) of this section, as applicable.



2198           (3) (a) Upon presentation and filing of a proper petition  
2199 requesting that the cultivation, processing, sale and/or  
2200 distribution of medical cannabis and cannabis products, as  
2201 applicable, be legal in the unincorporated areas of the county  
2202 signed by at least twenty percent (20%) or fifteen hundred (1500),  
2203 whichever number is the lesser, of the qualified electors of the  
2204 county, it shall be the duty of the board of supervisors to call  
2205 an election at which there shall be submitted to the qualified  
2206 electors of the county the question of whether or not the  
2207 cultivation, processing, sale and/or distribution of medical  
2208 cannabis and cannabis products, as applicable, shall be legal in  
2209 the unincorporated areas of such county as provided in this  
2210 chapter. Such election shall be held and conducted by the county  
2211 election commissioners on a date fixed by the order of the board  
2212 of supervisors, which date shall not be more than sixty (60) days  
2213 from the date of the filing of the petition. Notice thereof shall  
2214 be given by publishing such notice once each week for at least  
2215 three (3) consecutive weeks in some newspaper published in the  
2216 county or if no newspaper be published therein, by such  
2217 publication in a newspaper in an adjoining county and having a  
2218 general circulation in the county involved. The election shall be  
2219 held not earlier than fifteen (15) days from the first publication  
2220 of such notice.

2221           (b) The election shall be held and conducted as far as  
2222 may be possible in the same manner as is provided by law for the



2223 holding of general elections. The ballots used at the election  
2224 shall contain a brief statement of the proposition submitted and,  
2225 on separate lines, the words "I vote FOR allowing the cultivation,  
2226 processing, sale and/or distribution of medical cannabis and  
2227 cannabis products, as applicable, in the unincorporated areas of  
2228 \_\_\_\_\_ [Name of County] ( )" or "I vote AGAINST allowing the  
2229 cultivation, processing, sale and/or distribution of medical  
2230 cannabis and cannabis products, as applicable, in the  
2231 unincorporated areas of \_\_\_\_\_ [Name of County] ( )" with  
2232 appropriate boxes in which the voters may express their choice.  
2233 All qualified electors may vote by marking the ballot with a cross  
2234 (x) or check (√) mark opposite the words of their choice.

2235 (c) The election commissioners shall canvass and  
2236 determine the results of the election and shall certify the same  
2237 to the board of supervisors which shall adopt and spread upon its  
2238 minutes an order declaring such results. If, in such election, a  
2239 majority of the qualified electors participating therein vote in  
2240 favor of allowing the cultivation, processing, sale and/or  
2241 distribution of medical cannabis and cannabis products, as  
2242 applicable, in the unincorporated areas of the county, this  
2243 chapter shall be applicable and operative in the unincorporated  
2244 areas of such county, and the cultivation, processing, sale and/or  
2245 distribution of medical cannabis and cannabis products, as  
2246 applicable, in the unincorporated areas of the county shall be  
2247 lawful to the extent and in the manner permitted in this chapter.



2248 If, on the other hand, a majority of the qualified electors  
2249 participating in the election vote against allowing the  
2250 cultivation, processing, sale and/or distribution of medical  
2251 cannabis and cannabis products, as applicable, then it shall be  
2252 illegal to cultivate, process, sell and/or distribute medical  
2253 cannabis and cannabis products, as applicable, in the  
2254 unincorporated areas of the county. In either case, no further  
2255 election shall be held in the county under the provisions of this  
2256 section for a period of two (2) years from the date of the prior  
2257 election and then only upon the filing of a petition requesting  
2258 same signed by at least twenty percent (20%) or fifteen hundred  
2259 (1500), whichever number is the lesser, of the qualified electors  
2260 of the county as provided in this section.

2261 (4) (a) Upon presentation and filing of a proper petition  
2262 requesting that the cultivation, processing, sale and/or  
2263 distribution of medical cannabis and cannabis products, as  
2264 applicable, be legal in the municipality signed by at least twenty  
2265 percent (20%) or fifteen hundred (1500), whichever number is the  
2266 lesser, of the qualified electors of the municipality, it shall be  
2267 the duty of the governing authorities of the municipality to call  
2268 an election at which there shall be submitted to the qualified  
2269 electors of the municipality the question of whether or not the  
2270 cultivation, processing, sale and/or distribution of medical  
2271 cannabis and cannabis products, as applicable, shall be legal in  
2272 the municipality as provided in this chapter. Such election shall



2273 be held and conducted on a date fixed by the order of the  
2274 governing authorities of the municipality, which date shall not be  
2275 more than sixty (60) days from the date of the filing of the  
2276 petition. Notice thereof shall be given by publishing such notice  
2277 once each week for at least three (3) consecutive weeks in some  
2278 newspaper published in the municipality or if no newspaper be  
2279 published therein, by such publication in a newspaper having a  
2280 general circulation in the municipality involved. The election  
2281 shall be held not earlier than fifteen (15) days from the first  
2282 publication of such notice.

2283 (b) The election shall be held and conducted as far as  
2284 may be possible in the same manner as is provided by law for the  
2285 holding of municipal elections. The ballots used at the election  
2286 shall contain a brief statement of the proposition submitted and,  
2287 on separate lines, the words "I vote FOR allowing the cultivation,  
2288 processing, sale and/or distribution of medical cannabis and  
2289 cannabis products, as applicable, in \_\_\_\_\_ [Name of  
2290 Municipality] ( )" or "I vote AGAINST allowing the cultivation,  
2291 processing, sale and/or distribution of medical cannabis and  
2292 cannabis products, as applicable, in \_\_\_\_\_ [Name of  
2293 Municipality] ( )" with appropriate boxes in which the voters may  
2294 express their choice. All qualified electors may vote by marking  
2295 the ballot with a cross (x) or check (✓) mark opposite the words  
2296 of their choice.



2297           (c) The election commissioners shall canvass and  
2298 determine the results of the election and shall certify the same  
2299 to the governing authorities which shall adopt and spread upon  
2300 their minutes an order declaring such results. If, in such  
2301 election, a majority of the qualified electors participating  
2302 therein vote in favor of allowing the cultivation, processing,  
2303 sale and/or distribution of medical cannabis and cannabis  
2304 products, as applicable, this chapter shall be applicable and  
2305 operative in such municipality and the cultivation, processing,  
2306 sale, and/or distribution of medical cannabis and cannabis  
2307 products, as applicable, therein shall be lawful to the extent and  
2308 in the manner permitted in this chapter. If, on the other hand, a  
2309 majority of the qualified electors participating in the election  
2310 vote against allowing the cultivation, processing, sale and/or  
2311 distribution of medical cannabis and cannabis products, as  
2312 applicable, then it shall be illegal to cultivate, process, sell  
2313 and/or distribute medical cannabis and cannabis products, as  
2314 applicable, in the municipality. In either case, no further  
2315 election shall be held in the municipality under the provisions of  
2316 this section for a period of two (2) years from the date of the  
2317 prior election and then only upon the filing of a petition  
2318 requesting same signed by at least twenty percent (20%) or fifteen  
2319 hundred (1500), whichever number is the lesser, of the qualified  
2320 electors of the municipality as provided in this section.



2321 (5) Regardless of whether a county or municipality opts out  
2322 of allowing the cultivation, processing, sale and/or distribution  
2323 of medical cannabis and cannabis products, cardholders, cannabis  
2324 testing facilities, cannabis research facilities, cannabis  
2325 transportation entities and cannabis disposal entities may possess  
2326 medical cannabis in the municipality or county if done in  
2327 accordance with this chapter.

2328 (6) (a) If a municipality that has opted out under this  
2329 section annexes a geographic area which contains a licensed entity  
2330 operating under the provisions of this chapter, then the licensed  
2331 entity may continue its operation in that municipality's newly  
2332 annexed geographic area.

2333 (b) If a licensed entity operating under the provisions  
2334 of this chapter is located in a municipality that contracts its  
2335 corporate boundaries thereby causing the geographic area in which  
2336 the licensed entity is located to no longer be in the municipality  
2337 and instead in an unincorporated area of a county that has opted  
2338 out under this section, then the licensed entity may continue its  
2339 operation in that area of the county.

2340 **SECTION 31. Judicial review.** (1) Any person or entity  
2341 aggrieved by a final decision or order of an agency under the  
2342 provisions of this chapter may petition for judicial review of the  
2343 final decision or order.

2344 (2) (a) The petition shall be filed within twenty (20) days  
2345 after the issuance of the agency's final decision or order. The





2346 petition shall be filed in the circuit court of the county in  
2347 which the appellant resides. If the appellant is a nonresident of  
2348 this state, the appeal shall be made to the Circuit Court of the  
2349 First Judicial District of Hinds County, Mississippi.

2350 (b) Any person or entity aggrieved by the decision of  
2351 the circuit court may appeal to the Mississippi Supreme Court.

2352 **SECTION 32. Fees and fines allocation.** All fees and fines  
2353 collected by the MDOR and MDOH according to the provisions of this  
2354 chapter shall be deposited into the State General Fund.

2355 **SECTION 33. Medical Cannabis Advisory Committee.** (1) (a)  
2356 There is established a Medical Cannabis Advisory Committee, which  
2357 shall be the committee that is required to advise the Legislature  
2358 about medical cannabis and cannabis product, patient care,  
2359 services and industry.

2360 (b) The advisory committee shall consist of nine (9)  
2361 members, as follows:

2362 (i) The Governor shall appoint three (3) members  
2363 to the committee, as follows:

- 2364 1. One (1) representative from the MDOH;  
2365 2. One (1) registered qualifying patient; and  
2366 3. One (1) physician with experience in  
2367 medical cannabis issues;

2368 (ii) The Lieutenant Governor shall appoint three  
2369 (3) members, as follows:



- 2370                           1. One (1) owner or agent of a medical  
2371 cannabis cultivation facility;  
2372                           2. One (1) representative from the MDOH; and  
2373                           3. One (1) qualified certified nurse  
2374 practitioner, physician assistant or optometrist;

2375                           (iii) The Speaker of the House shall appoint three  
2376 (3) members, as follows:

- 2377                           1. One (1) owner or agent of a medical  
2378 cannabis processing facility;  
2379                           2. One (1) owner or agent of a medical  
2380 cannabis dispensary; and  
2381                           3. One (1) representative from the MDOR.

2382                           (c) The advisory committee shall meet at least two (2)  
2383 times per year for the purpose of evaluating and making  
2384 recommendations to the Legislature and the MDOH and MDOR  
2385 regarding:

2386                           (i) The ability of qualifying patients in all  
2387 areas of the state to obtain timely access to high-quality medical  
2388 cannabis;

2389                           (ii) The effectiveness of the medical cannabis  
2390 establishments in serving the needs of registered qualifying  
2391 patients, including the provision of educational and support  
2392 services by dispensaries, the reasonableness of their prices,  
2393 security issues, and the sufficiency of the number operating to  
2394 serve the state's registered qualifying patients;



2395 (iii) The effectiveness of the cannabis testing  
2396 facilities, including whether a sufficient number are operating;

2397 (iv) The sufficiency of the regulatory and  
2398 security safeguards contained in this chapter and adopted by the  
2399 MDOH to ensure that access to and use of cannabis cultivated is  
2400 provided only to cardholders;

2401 (v) Any recommended additions or revisions to the  
2402 MDOH and MDOR rules and regulations or this chapter, including  
2403 relating to security, safe handling, labeling, nomenclature, and  
2404 whether additional types of licenses should be made available; and  
2405 (vi) Any research studies regarding health effects  
2406 of medical cannabis for patients.

2407 (d) The advisory committee shall accept public comment  
2408 in writing and in-person at least once per year. The advisory  
2409 committee shall meet at least two (2) times per year and advisory  
2410 committee members shall be furnished written notice of the  
2411 meetings at least ten (10) days before the date of the meeting.

2412 (e) The chairman of the advisory committee shall be  
2413 elected by the voting members of the committee annually and shall  
2414 not serve more than two (2) consecutive years as chairman.

2415 (f) The members of the advisory committee specified in  
2416 paragraph (b) of this subsection shall serve for terms that are  
2417 concurrent with the terms of members of the Legislature, and any  
2418 member appointed under paragraph (b) may be reappointed to the  
2419 advisory committee. The members of the advisory committee



2420 specified in paragraph (b) shall serve without compensation, but  
2421 shall receive reimbursement to defray actual expenses incurred in  
2422 the performance of committee business as authorized by law.

2423 (2) This section shall stand repealed on December 31, 2025.

2424 **SECTION 34.** Section 25-53-5, Mississippi Code of 1972, is  
2425 amended as follows:

2426 25-53-5. The authority shall have the following powers,  
2427 duties, and responsibilities:

2428 (a) (i) The authority shall provide for the  
2429 development of plans for the efficient acquisition and utilization  
2430 of computer equipment and services by all agencies of state  
2431 government, and provide for their implementation. In so doing,  
2432 the authority may use the MDITS' staff, at the discretion of the  
2433 executive director of the authority, or the authority may contract  
2434 for the services of qualified consulting firms in the field of  
2435 information technology and utilize the service of such consultants  
2436 as may be necessary for such purposes. Pursuant to Section  
2437 25-53-1, the provisions of this section shall not apply to the  
2438 Department of Human Services for a period of three (3) years  
2439 beginning on July 1, 2017. Pursuant to Section 25-53-1, the  
2440 provisions of this section shall not apply to the Department of  
2441 Child Protection Services for a period of three (3) years  
2442 beginning July 1, 2017.

2443 (ii) [Repealed]



2444 (b) The authority shall immediately institute  
2445 procedures for carrying out the purposes of this chapter and  
2446 supervise the efficient execution of the powers and duties of the  
2447 office of executive director of the authority. In the execution  
2448 of its functions under this chapter, the authority shall maintain  
2449 as a paramount consideration the successful internal organization  
2450 and operation of the several agencies so that efficiency existing  
2451 therein shall not be adversely affected or impaired. In executing  
2452 its functions in relation to the institutions of higher learning  
2453 and junior colleges in the state, the authority shall take into  
2454 consideration the special needs of such institutions in relation  
2455 to the fields of teaching and scientific research.

2456 (c) Title of whatever nature of all computer equipment  
2457 now vested in any agency of the State of Mississippi is hereby  
2458 vested in the authority, and no such equipment shall be disposed  
2459 of in any manner except in accordance with the direction of the  
2460 authority or under the provisions of such rules and regulations as  
2461 may hereafter be adopted by the authority in relation thereto.

2462 (d) The authority shall adopt rules, regulations, and  
2463 procedures governing the acquisition of computer and  
2464 telecommunications equipment and services which shall, to the  
2465 fullest extent practicable, insure the maximum of competition  
2466 between all manufacturers of supplies or equipment or services.  
2467 In the writing of specifications, in the making of contracts  
2468 relating to the acquisition of such equipment and services, and in



2469 the performance of its other duties the authority shall provide  
2470 for the maximum compatibility of all information systems hereafter  
2471 installed or utilized by all state agencies and may require the  
2472 use of common computer languages where necessary to accomplish the  
2473 purposes of this chapter. The authority may establish by  
2474 regulation and charge reasonable fees on a nondiscriminatory basis  
2475 for the furnishing to bidders of copies of bid specifications and  
2476 other documents issued by the authority.

2477 (e) The authority shall adopt rules and regulations  
2478 governing the sharing with, or the sale or lease of information  
2479 technology services to any nonstate agency or person. Such  
2480 regulations shall provide that any such sharing, sale or lease  
2481 shall be restricted in that same shall be accomplished only where  
2482 such services are not readily available otherwise within the  
2483 state, and then only at a charge to the user not less than the  
2484 prevailing rate of charge for similar services by private  
2485 enterprise within this state.

2486 (f) The authority may, in its discretion, establish a  
2487 special technical advisory committee or committees to study and  
2488 make recommendations on technology matters within the competence  
2489 of the authority as the authority may see fit. Persons serving on  
2490 the Information Resource Council, its task forces, or any such  
2491 technical advisory committees shall be entitled to receive their  
2492 actual and necessary expenses actually incurred in the performance  
2493 of such duties, together with mileage as provided by law for state



2494 employees, provided the same has been authorized by a resolution  
2495 duly adopted by the authority and entered on its minutes prior to  
2496 the performance of such duties.

2497 (g) The authority may provide for the development and  
2498 require the adoption of standardized computer programs and may  
2499 provide for the dissemination of information to and the  
2500 establishment of training programs for the personnel of the  
2501 various information technology centers of state agencies and  
2502 personnel of the agencies utilizing the services thereof.

2503 (h) The authority shall adopt reasonable rules and  
2504 regulations requiring the reporting to the authority through the  
2505 office of executive director of such information as may be  
2506 required for carrying out the purposes of this chapter and may  
2507 also establish such reasonable procedures to be followed in the  
2508 presentation of bills for payment under the terms of all contracts  
2509 for the acquisition of computer equipment and services now or  
2510 hereafter in force as may be required by the authority or by the  
2511 executive director in the execution of their powers and duties.

2512 (i) The authority shall require such adequate  
2513 documentation of information technology procedures utilized by the  
2514 various state agencies and may require the establishment of such  
2515 organizational structures within state agencies relating to  
2516 information technology operations as may be necessary to  
2517 effectuate the purposes of this chapter.



2518           (j) The authority may adopt such further reasonable  
2519 rules and regulations as may be necessary to fully implement the  
2520 purposes of this chapter. All rules and regulations adopted by  
2521 the authority shall be published and disseminated in readily  
2522 accessible form to all affected state agencies, and to all current  
2523 suppliers of computer equipment and services to the state, and to  
2524 all prospective suppliers requesting the same. Such rules and  
2525 regulations shall be kept current, be periodically revised, and  
2526 copies thereof shall be available at all times for inspection by  
2527 the public at reasonable hours in the offices of the authority.  
2528 Whenever possible no rule, regulation or any proposed amendment to  
2529 such rules and regulations shall be finally adopted or enforced  
2530 until copies of the proposed rules and regulations have been  
2531 furnished to all interested parties for their comment and  
2532 suggestions.

2533           (k) The authority shall establish rules and regulations  
2534 which shall provide for the submission of all contracts proposed  
2535 to be executed by the executive director for computer equipment or  
2536 services to the authority for approval before final execution, and  
2537 the authority may provide that such contracts involving the  
2538 expenditure of less than such specified amount as may be  
2539 established by the authority may be finally executed by the  
2540 executive director without first obtaining such approval by the  
2541 authority.





2542           (1) The authority is authorized to purchase, lease, or  
2543 rent computer equipment or services and to operate that equipment  
2544 and use those services in providing services to one or more state  
2545 agencies when in its opinion such operation will provide maximum  
2546 efficiency and economy in the functions of any such agency or  
2547 agencies.

2548           (m) Upon the request of the governing body of a  
2549 political subdivision or instrumentality, the authority shall  
2550 assist the political subdivision or instrumentality in its  
2551 development of plans for the efficient acquisition and utilization  
2552 of computer equipment and services. An appropriate fee shall be  
2553 charged the political subdivision by the authority for such  
2554 assistance.

2555           (n) The authority shall adopt rules and regulations  
2556 governing the protest procedures to be followed by any actual or  
2557 prospective bidder, offerer or contractor who is aggrieved in  
2558 connection with the solicitation or award of a contract for the  
2559 acquisition of computer equipment or services. Such rules and  
2560 regulations shall prescribe the manner, time and procedure for  
2561 making protests and may provide that a protest not timely filed  
2562 shall be summarily denied. The authority may require the  
2563 protesting party, at the time of filing the protest, to post a  
2564 bond, payable to the state, in an amount that the authority  
2565 determines sufficient to cover any expense or loss incurred by the  
2566 state, the authority or any state agency as a result of the



2567 protest if the protest subsequently is determined by a court of  
2568 competent jurisdiction to have been filed without any substantial  
2569 basis or reasonable expectation to believe that the protest was  
2570 meritorious; however, in no event may the amount of the bond  
2571 required exceed a reasonable estimate of the total project cost.  
2572 The authority, in its discretion, also may prohibit any  
2573 prospective bidder, offerer or contractor who is a party to any  
2574 litigation involving any such contract with the state, the  
2575 authority or any agency of the state to participate in any other  
2576 such bid, offer or contract, or to be awarded any such contract,  
2577 during the pendency of the litigation.

2578 (o) The authority shall make a report in writing to the  
2579 Legislature each year in the month of January. Such report shall  
2580 contain a full and detailed account of the work of the authority  
2581 for the preceding year as specified in Section 25-53-29(3).

2582 All acquisitions of computer equipment and services involving  
2583 the expenditure of funds in excess of the dollar amount  
2584 established in Section 31-7-13(c), or rentals or leases in excess  
2585 of the dollar amount established in Section 31-7-13(c) for the  
2586 term of the contract, shall be based upon competitive and open  
2587 specifications, and contracts therefor shall be entered into only  
2588 after advertisements for bids are published in one or more daily  
2589 newspapers having a general circulation in the state not less than  
2590 fourteen (14) days prior to receiving sealed bids therefor. The  
2591 authority may reserve the right to reject any or all bids, and if



2592 all bids are rejected, the authority may negotiate a contract  
2593 within the limitations of the specifications so long as the terms  
2594 of any such negotiated contract are equal to or better than the  
2595 comparable terms submitted by the lowest and best bidder, and so  
2596 long as the total cost to the State of Mississippi does not exceed  
2597 the lowest bid. If the authority accepts one (1) of such bids, it  
2598 shall be that which is the lowest and best. Through December 31,  
2599 2022, the provisions of this paragraph shall not apply to  
2600 acquisitions of information technology equipment and services made  
2601 by the Mississippi Department of Health and/or the Mississippi  
2602 Department of Revenue for the purposes of implementing,  
2603 administering and/or enforcing the provisions of the Mississippi  
2604 Medical Cannabis Act.

2605 (p) When applicable, the authority may procure  
2606 equipment, systems and related services in accordance with the law  
2607 or regulations, or both, which govern the Bureau of Purchasing of  
2608 the Office of General Services or which govern the Mississippi  
2609 Department of Information Technology Services procurement of  
2610 telecommunications equipment, software and services.

2611 (q) The authority is authorized to purchase, lease, or  
2612 rent information technology and services for the purpose of  
2613 establishing pilot projects to investigate emerging technologies.  
2614 These acquisitions shall be limited to new technologies and shall  
2615 be limited to an amount set by annual appropriation of the



2616 Legislature. These acquisitions shall be exempt from the  
2617 advertising and bidding requirement.

2618 (r) All fees collected by the Mississippi Department of  
2619 Information Technology Services shall be deposited into the  
2620 Mississippi Department of Information Technology Services  
2621 Revolving Fund unless otherwise specified by the Legislature.

2622 (s) The authority shall work closely with the council  
2623 to bring about effective coordination of policies, standards and  
2624 procedures relating to procurement of remote sensing and  
2625 geographic information systems (GIS) resources. In addition, the  
2626 authority is responsible for development, operation and  
2627 maintenance of a delivery system infrastructure for geographic  
2628 information systems data. The authority shall provide a warehouse  
2629 for Mississippi's geographic information systems data.

2630 (t) The authority shall manage one or more State Data  
2631 Centers to provide information technology services on a  
2632 cost-sharing basis. In determining the appropriate services to be  
2633 provided through the State Data Center, the authority should  
2634 consider those services that:

2635 (i) Result in savings to the state as a whole;

2636 (ii) Improve and enhance the security and  
2637 reliability of the state's information and business systems; and

2638 (iii) Optimize the efficient use of the state's  
2639 information technology assets, including, but not limited to,  
2640 promoting partnerships with the state institutions of higher



2641 learning and community colleges to capitalize on advanced  
2642 information technology resources.

2643 (u) The authority shall increase federal participation  
2644 in the cost of the State Data Center to the extent provided by law  
2645 and its shared technology infrastructure through providing such  
2646 shared services to agencies that receive federal funds. With  
2647 regard to state institutions of higher learning and community  
2648 colleges, the authority may provide shared services when mutually  
2649 agreeable, following a determination by both the authority and the  
2650 Board of Trustees of State Institutions of Higher Learning or the  
2651 Mississippi Community College Board, as the case may be, that the  
2652 sharing of services is mutually beneficial.

2653 (v) The authority, in its discretion, may require new  
2654 or replacement agency business applications to be hosted at the  
2655 State Data Center. With regard to state institutions of higher  
2656 learning and community colleges, the authority and the Board of  
2657 Trustees of State Institutions of Higher Learning or the  
2658 Mississippi Community College Board, as the case may be, may agree  
2659 that institutions of higher learning or community colleges may  
2660 utilize business applications that are hosted at the State Data  
2661 Center, following a determination by both the authority and the  
2662 applicable board that the hosting of those applications is  
2663 mutually beneficial. In addition, the authority may establish  
2664 partnerships to capitalize on the advanced technology resources of  
2665 the Board of Trustees of State Institutions of Higher Learning or



2666 the Mississippi Community College Board, following a determination  
2667 by both the authority and the applicable board that such a  
2668 partnership is mutually beneficial.

2669 (w) The authority shall provide a periodic update  
2670 regarding reform-based information technology initiatives to the  
2671 Chairmen of the House and Senate Accountability, Efficiency and  
2672 Transparency Committees.

2673 From and after July 1, 2018, the expenses of this agency  
2674 shall be defrayed by appropriation from the State General Fund.  
2675 In addition, in order to receive the maximum use and benefit from  
2676 information technology and services, expenses for the provision of  
2677 statewide shared services that facilitate cost-effective  
2678 information processing and telecommunication solutions shall be  
2679 defrayed by pass-through funding and shall be deposited into the  
2680 Mississippi Department of Information Technology Services  
2681 Revolving Fund unless otherwise specified by the Legislature.  
2682 These funds shall only be utilized to pay the actual costs  
2683 incurred by the Mississippi Department of Information Technology  
2684 Services for providing these shared services to state agencies.  
2685 Furthermore, state agencies shall work in full cooperation with  
2686 the Board of the Mississippi Department of Information Technology  
2687 Services to identify computer equipment or services to minimize  
2688 duplication, reduce costs, and improve the efficiency of providing  
2689 common technology services across agency boundaries.



2690           **SECTION 35.** Section 27-104-203, Mississippi Code of 1972, is  
2691 amended as follows:

2692           27-104-203. \* \* \* From and after July 1, 2016, no state  
2693 agency shall charge another state agency a fee, assessment, rent,  
2694 audit fee, personnel fee or other charge for services or resources  
2695 received. The provisions of this section shall not apply (a) to  
2696 grants, contracts, pass-through funds, project fees or other  
2697 charges for services between state agencies and the Board of  
2698 Trustees of State Institutions of Higher Learning, any public  
2699 university, the Mississippi Community College Board, any public  
2700 community or junior college, and the State Department of  
2701 Education, nor (b) to charges for services between the Board of  
2702 Trustees of State Institutions of Higher Learning, any public  
2703 university, the Mississippi Community College Board, any public  
2704 community or junior college, and the State Department of  
2705 Education, nor (c) to federal grants, pass-through funds, cost  
2706 allocation charges, surplus property charges or project fees  
2707 between state agencies as approved or determined by the State  
2708 Fiscal Officer, nor (d) telecommunications, data center services,  
2709 and/or other information technology services that are used on an  
2710 as-needed basis and those costs shall be passed through to the  
2711 using agency, nor (e) to federal grants, special funds, or  
2712 pass-through funds, available for payment by state agencies to the  
2713 Department of Finance and Administration related to Mississippi  
2714 Management and Reporting Systems (MMRS) Statewide Application



2715 charges and utilities as approved or determined by the State  
2716 Fiscal Officer, nor (f) \* \* \* to grants, contracts, pass-through  
2717 funds, project fees or charges for services between the State  
2718 Department of Health and the State Department of Revenue, and  
2719 other state agencies or entities, including, but not limited to,  
2720 the Board of Trustees of State Institutions of Higher Learning,  
2721 any public university, the Mississippi Community College Board,  
2722 any public community or junior college, and the State Department  
2723 of Education, for the operation of the \* \* \* medical \* \* \*  
2724 cannabis program as established by \* \* \* the Mississippi Medical  
2725 Cannabis Act. The Board of Trustees of State Institutions of  
2726 Higher Learning, any public university, the Mississippi Community  
2727 College Board, any public community or junior college, and the  
2728 State Department of Education shall retain the authority to charge  
2729 and be charged for expenditures that they deemed nonrecurring in  
2730 nature by the State Fiscal Officer.

2731 \* \* \*

2732 **SECTION 36.** Section 17-1-3, Mississippi Code of 1972, is  
2733 brought forward as follows:

2734 17-1-3. (1) Except as otherwise provided in Section  
2735 17-1-21(2) and in Article VII of the Chickasaw Trail Economic  
2736 Development Compact described in Section 57-36-1, for the purpose  
2737 of promoting health, safety, morals, or the general welfare of the  
2738 community, the governing authority of any municipality, and, with  
2739 respect to the unincorporated part of any county, the governing





2740 authority of any county, in its discretion, are empowered to  
2741 regulate the height, number of stories and size of building and  
2742 other structures, the percentage of lot that may be occupied, the  
2743 size of the yards, courts and other open spaces, the density of  
2744 population, and the location and use of buildings, structures and  
2745 land for trade, industry, residence or other purposes, but no  
2746 permits shall be required with reference to land used for  
2747 agricultural purposes, including forestry activities as defined in  
2748 Section 95-3-29(2)(b), or for the erection, maintenance, repair or  
2749 extension of farm buildings or farm structures, including forestry  
2750 buildings and structures, outside the corporate limits of  
2751 municipalities. The governing authority of each county and  
2752 municipality may create playgrounds and public parks, and for  
2753 these purposes, each of such governing authorities shall possess  
2754 the power, where requisite, of eminent domain and the right to  
2755 apply public money thereto, and may issue bonds therefor as  
2756 otherwise permitted by law.

2757 (2) Local land use regulation ordinances involving the  
2758 placement, screening, or height of amateur radio antenna  
2759 structures must reasonably accommodate amateur communications and  
2760 must constitute the minimum practicable regulation to accomplish  
2761 local authorities' legitimate purposes of addressing health,  
2762 safety, welfare and aesthetic considerations. Judgments as to the  
2763 types of reasonable accommodation to be made and the minimum  
2764 practicable regulation necessary to address these purposes will be



2765 determined by local governing authorities within the parameters of  
2766 the law. This legislation supports the amateur radio service in  
2767 preparing for and providing emergency communications for the State  
2768 of Mississippi and local emergency management agencies.

2769 **SECTION 37.** Section 19-5-9, Mississippi Code of 1972, is  
2770 brought forward as follows:

2771 19-5-9. The construction codes published by a nationally  
2772 recognized code group which sets minimum standards and has the  
2773 proper provisions to maintain up-to-date amendments are adopted as  
2774 minimum standard guides for building, plumbing, electrical, gas,  
2775 sanitary, and other related codes in Mississippi. Any county  
2776 within the State of Mississippi, in the discretion of the board of  
2777 supervisors, may adopt building codes, plumbing codes, electrical  
2778 codes, sanitary codes, or other related codes dealing with general  
2779 public health, safety or welfare, or a combination of the same,  
2780 within but not exceeding the provisions of the construction codes  
2781 published by nationally recognized code groups, by order or  
2782 resolution in the manner prescribed in this section, but those  
2783 codes so adopted shall apply only to the unincorporated areas of  
2784 the county. However, those codes shall not apply to the erection,  
2785 maintenance, repair or extension of farm buildings or farm  
2786 structures, except as may be required under the terms of the  
2787 "Flood Disaster Protection Act of 1973," and shall apply to a  
2788 master planned community as defined in Section 19-5-10 only to the  
2789 extent allowed in Section 19-5-10. The provisions of this section



2790 shall not be construed to authorize the adoption of any code which  
2791 applies to the installation, repair or maintenance of electric  
2792 wires, pipelines, apparatus, equipment or devices by or for a  
2793 utility rendering public utility services, required by it to be  
2794 utilized in the rendition of its duly authorized service to the  
2795 public. Before any such code shall be adopted, it shall be either  
2796 printed or typewritten and shall be presented in pamphlet form to  
2797 the board of supervisors at a regular meeting. The order or  
2798 resolution adopting the code shall not set out the code in full,  
2799 but shall merely identify the same. The vote or passage of the  
2800 order or resolution shall be the same as on any other order or  
2801 resolution. After its adoption, the code or codes shall be  
2802 certified to by the president and clerk of the board of  
2803 supervisors and shall be filed as a permanent record in the office  
2804 of the clerk who shall not be required to transcribe and record  
2805 the same in the minute book as other orders and resolutions.

2806         If the board of supervisors of any county adopts or has  
2807 adopted construction codes which do not have proper provisions to  
2808 maintain up-to-date amendments, specifications in such codes for  
2809 cements used in portland cement concrete shall be superseded by  
2810 nationally recognized specifications referenced in any code  
2811 adopted by the Mississippi Building Code Council.

2812         All provisions of this section shall apply to amendments and  
2813 revisions of the codes mentioned in this section. The provisions  
2814 of this section shall be in addition and supplemental to any



2815 existing laws authorizing the adoption, amendment or revision of  
2816 county orders, resolutions or codes.

2817 Any code adopted under the provisions of this section shall  
2818 not be in operation or force until sixty (60) days have elapsed  
2819 from the adoption of same; however, any code adopted for the  
2820 immediate preservation of the public health, safety and general  
2821 welfare may be effective from and after its adoption by a  
2822 unanimous vote of the members of the board. Within five (5) days  
2823 after the adoption or passage of an order or resolution adopting  
2824 that code or codes the clerk of the board of supervisors shall  
2825 publish in a legal newspaper published in the county the full text  
2826 of the order or resolution adopting and approving the code, and  
2827 the publication shall be inserted at least three (3) times, and  
2828 shall be completed within thirty (30) days after the passage of  
2829 the order or resolution.

2830 Any person or persons objecting to the code or codes may  
2831 object in writing to the provisions of the code or codes within  
2832 sixty (60) days after the passage of the order or resolution  
2833 approving same, and if the board of supervisors adjudicates that  
2834 ten percent (10%) or more of the qualified electors residing in  
2835 the affected unincorporated areas of the county have objected in  
2836 writing to the code or codes, then in such event the code shall be  
2837 inoperative and not in effect unless adopted for the immediate  
2838 preservation of the public health, safety and general welfare  
2839 until approved by a special election called by the board of



2840 supervisors as other special elections are called and conducted by  
2841 the election commissioners of the county as other special  
2842 elections are conducted, the special election to be participated  
2843 in by all the qualified electors of the county residing in the  
2844 unincorporated areas of the county. If the voters approve the  
2845 code or codes in the special election it shall be in force and in  
2846 operation thereafter until amended or modified as provided in this  
2847 section. If the majority of the qualified electors voting in the  
2848 special election vote against the code or codes, then, in such  
2849 event, the code or codes shall be void and of no force and effect,  
2850 and no other code or codes dealing with that subject shall be  
2851 adopted under the provisions of this section until at least two  
2852 (2) years thereafter.

2853 After any such code shall take effect the board of  
2854 supervisors is authorized to employ such directors and other  
2855 personnel as the board, in its discretion, deems necessary and to  
2856 expend general county funds or any other funds available to the  
2857 board to fulfill the purposes of this section.

2858 For the purpose of promoting health, safety, morals or the  
2859 general welfare of the community, the governing authority of any  
2860 municipality, and, with respect to the unincorporated part of any  
2861 county, the governing authority of any county, in its discretion,  
2862 is empowered to regulate the height, number of stories and size of  
2863 building and other structures, the percentage of lot that may be  
2864 occupied, the size of the yards, courts and other open spaces, the



2865 density or population, and the location and use of buildings,  
2866 structures and land for trade, industry, residence or other  
2867 purposes, but no permits shall be required except as may be  
2868 required under the terms of the "Flood Disaster Protection Act of  
2869 1973" for the erection, maintenance, repair or extension of farm  
2870 buildings or farm structures outside the corporate limits of  
2871 municipalities.

2872 The authority granted in this section is cumulative and  
2873 supplemental to any other authority granted by law.

2874 Notwithstanding any provision of this section to the  
2875 contrary, any code adopted by a county before or after April 12,  
2876 2001, is subject to the provisions of Section 41-26-14(10).

2877 Notwithstanding any provision of this section to the  
2878 contrary, the Boards of Supervisors of Jackson, Harrison, Hancock,  
2879 Stone and Pearl River Counties shall enforce the requirements  
2880 imposed under Section 17-2-1 as provided in such section.

2881 **SECTION 38.** Section 25-43-1.103, Mississippi Code of 1972,  
2882 is brought forward as follows:

2883 25-43-1.103. (1) This chapter applies to all agencies and  
2884 all proceedings not expressly exempted under this chapter.

2885 (2) This chapter creates only procedural rights and imposes  
2886 only procedural duties. They are in addition to those created and  
2887 imposed by other statutes.

2888 (3) Specific statutory provisions which govern agency  
2889 proceedings and which are in conflict with any of the provisions



2890 of this chapter shall continue to be applied to all proceedings of  
2891 any such agency to the extent of such conflict only.

2892 (4) The provisions of this chapter shall not be construed to  
2893 amend, repeal or supersede the provisions of any other law; and,  
2894 to the extent that the provisions of any other law conflict or are  
2895 inconsistent with the provisions of this chapter, the provisions  
2896 of such other law shall govern and control.

2897 (5) An agency may grant procedural rights to persons in  
2898 addition to those conferred by this chapter so long as rights  
2899 conferred upon other persons by any provision of law are not  
2900 substantially prejudiced.

2901 **SECTION 39.** Section 25-43-2.101, Mississippi Code of 1972,  
2902 is brought forward as follows:

2903 25-43-2.101. (1) Subject to the provisions of this chapter,  
2904 the Secretary of State shall prescribe a uniform numbering system,  
2905 form, style and transmitting format for all proposed and adopted  
2906 rules caused to be published by him and, with prior approval of  
2907 each respective agency involved, may edit rules for publication  
2908 and codification without changing the meaning or effect of any  
2909 rule.

2910 (2) The Secretary of State shall cause an administrative  
2911 bulletin to be published in a format and at such regular intervals  
2912 as the Secretary of State shall prescribe by rule. Upon proper  
2913 filing of proposed rules, the Secretary of State shall publish



2914 them in the administrative bulletin as expeditiously as possible.

2915 The administrative bulletin must contain:

2916 (a) Notices of proposed rule adoption prepared so that  
2917 the text of the proposed rule shows the text of any existing rule  
2918 proposed to be changed and the change proposed;

2919 (b) Any other notices and materials designated by law  
2920 for publication therein; and

2921 (c) An index to its contents by subject.

2922 (3) The Secretary of State shall cause an administrative  
2923 bulletin to be published in a format and at such regular intervals  
2924 as the Secretary of State shall prescribe by rule. Upon proper  
2925 filing of newly adopted rules, the Secretary of State shall  
2926 publish them as expeditiously as possible. The administrative  
2927 bulletin must contain:

2928 (a) Newly filed adopted rules prepared so that the text  
2929 shows the text of any existing rule being changed and the change  
2930 being made;

2931 (b) Any other notices and materials designated by law  
2932 for publication therein; and

2933 (c) An index to its contents by subject.

2934 (4) The Secretary of State retains the authority to reject  
2935 proposed and newly adopted rules not properly filed in accordance  
2936 with the Secretary of State's rules prescribing the numbering  
2937 system, form, style or transmitting format for such filings. The  
2938 Secretary of State shall not be empowered to reject filings for





2939 reasons of the substance or content or any proposed or newly  
2940 adopted rule. The Secretary of State shall notify the agency of  
2941 its rejection of a proposed or newly adopted rule as expeditiously  
2942 as possible and accompany such notification with a stated reason  
2943 for the rejection. A rejected filing of a proposed or newly  
2944 adopted rule does not constitute filing pursuant to Section  
2945 25-43-3.101 et seq. of this chapter.

2946 (5) (a) The Secretary of State shall cause an  
2947 administrative code to be compiled, indexed by subject and  
2948 published in a format prescribed by the Secretary of State by  
2949 rule. All of the effective rules of each agency must be published  
2950 and indexed in that publication. The Secretary of State shall  
2951 also cause supplements to the administrative code to be published  
2952 in a format and at such regular intervals as the Secretary of  
2953 State shall prescribe by rule.

2954 (b) The Joint Legislative Committee on Compilation,  
2955 Revision and Publication of Legislation is hereby authorized to  
2956 contract with a reputable and competent publishing company on such  
2957 terms and conditions and at such prices as may be deemed proper to  
2958 digest, compile, annotate, index and publish the state agency  
2959 rules and regulations.

2960 (6) (a) Copyrights of the Mississippi Administrative Code,  
2961 including, but not limited to, cross references, tables of cases,  
2962 notes of decisions, tables of contents, indices, source notes,  
2963 authority notes, numerical lists and codification guides, other



2964 than the actual text of rules or regulations, shall be taken by  
2965 and in the name of the publishers of said compilation. Such  
2966 publishers shall thereafter promptly assign the same to the State  
2967 of Mississippi and said copyright shall be owned by the state.

2968 (b) Any information appearing on the same leaf with the  
2969 text of any rule or regulation may be incidentally reproduced in  
2970 connection with the reproduction of such rule or regulation, if  
2971 such reproduction is for private use and not for resale.

2972 (7) The Secretary of State may omit from the administrative  
2973 bulletin or code any proposed or filed adopted rule, the  
2974 publication in hard copy of which would be unduly cumbersome,  
2975 expensive or otherwise inexpedient, if:

2976 (a) Knowledge of the rule is likely to be important to  
2977 only a small class of persons;

2978 (b) On application to the issuing agency, the proposed  
2979 or adopted rule in printed or processed form is made available at  
2980 no more than its cost of reproduction; and

2981 (c) The administrative bulletin or code contains a  
2982 notice stating in detail the specific subject matter of the  
2983 omitted proposed or adopted rule and how a copy of the omitted  
2984 material may be obtained.

2985 (8) The administrative bulletin and administrative code with  
2986 supplements must be furnished to designated officials without  
2987 charge and to all subscribers at a reasonable cost to be  
2988 determined by the Secretary of State. Each agency shall also make



2989 available for public inspection and copying those portions of the  
2990 administrative bulletin and administrative code containing all  
2991 rules adopted or used by the agency in the discharge of its  
2992 functions, and the index to those rules.

2993         **SECTION 40.** Section 25-43-3.102, Mississippi Code of 1972,  
2994 is brought forward as follows:

2995             25-43-3.102. (1) Each agency shall maintain a current,  
2996 public rule-making docket.

2997             (2) The rule-making docket may, but need not, contain a  
2998 listing of the subject matter of possible rules currently under  
2999 active consideration within the agency for proposal under Section  
3000 25-43-3.103 and the name and address of agency personnel with whom  
3001 persons may communicate with respect to the matter.

3002             (3) The rule-making docket must list each pending  
3003 rule-making proceeding. A rule-making proceeding is pending from  
3004 the time it is commenced, by proper filing with the Secretary of  
3005 State of a notice of proposed rule adoption, to the time it is  
3006 terminated by the filing with the Secretary of State of a notice  
3007 of termination or the rule becoming effective. For each pending  
3008 rule-making proceeding, the docket must indicate:

3009                     (a) The subject matter of the proposed rule;

3010                     (b) A citation to all published notices relating to the  
3011 proceeding;



3012 (c) Where written submissions or written requests for  
3013 an opportunity to make oral presentations on the proposed rule may  
3014 be inspected;

3015 (d) The time during which written submissions may be  
3016 made;

3017 (e) If applicable, where and when oral presentations  
3018 may be made;

3019 (f) Where any economic impact statement and written  
3020 requests for the issuance of and other information concerning an  
3021 economic impact statement of the proposed rule may be inspected;

3022 (g) The current status of the proposed rule;

3023 (h) The date of the rule's adoption; and

3024 (i) When the rule will become effective.

3025 **SECTION 41.** Section 25-43-3.103, Mississippi Code of 1972,  
3026 is brought forward as follows:

3027 25-43-3.103. (1) At least twenty-five (25) days before the  
3028 adoption of a rule an agency shall cause notice of its  
3029 contemplated action to be properly filed with the Secretary of  
3030 State for publication in the administrative bulletin. The notice  
3031 of proposed rule adoption must include:

3032 (a) A short explanation of the purpose of the proposed  
3033 rule and the agency's reasons for proposing the rule;

3034 (b) The specific legal authority authorizing the  
3035 promulgation of rules;



3036 (c) A reference to all rules repealed, amended or  
3037 suspended by the proposed rule;

3038 (d) Subject to Section 25-43-2.101(5), the text of the  
3039 proposed rule;

3040 (e) Where, when and how persons may present their views  
3041 on the proposed rule; and

3042 (f) Where, when and how persons may demand an oral  
3043 proceeding on the proposed rule if the notice does not already  
3044 provide for one.

3045 (2) Within three (3) days after its proper filing with the  
3046 Secretary of State for publication in the administrative bulletin,  
3047 the agency shall cause a copy of the notice of proposed rule  
3048 adoption to be provided to each person who has made a timely  
3049 request to the agency to be placed on the mailing list maintained  
3050 by the agency of persons who have requested notices of proposed  
3051 rule adoptions. An agency may mail the copy to the person and may  
3052 charge the person a reasonable fee for such service, which fee may  
3053 be in excess of the actual cost of providing the person with a  
3054 mailed copy. Alternatively, the agency may provide the copy via  
3055 the Internet or by transmitting it to the person by electronic  
3056 means, including, but not limited to, facsimile transfer or e-mail  
3057 at no charge to the person, if the person consents to this form of  
3058 delivery.

3059 **SECTION 42.** Section 25-43-3.104, Mississippi Code of 1972,  
3060 is brought forward as follows:



3061           25-43-3.104. (1) For at least twenty-five (25) days after  
3062 proper filing with the Secretary of State of the notice of  
3063 proposed rule adoption, an agency shall afford persons the  
3064 opportunity to submit, in writing, argument, data and views on the  
3065 proposed rule.

3066           (2) (a) An agency, in its discretion, may schedule an oral  
3067 proceeding on any proposed rule. However, an agency shall  
3068 schedule an oral proceeding on a proposed rule if, within twenty  
3069 (20) days after the proper filing of the notice of proposed rule  
3070 adoption, a written request for an oral proceeding is submitted by  
3071 a political subdivision, an agency or ten (10) persons. At that  
3072 proceeding, persons may present oral or written argument, data and  
3073 views on the proposed rule.

3074           (b) An oral proceeding on a proposed rule, if required,  
3075 may not be held earlier than twenty (20) days after notice of its  
3076 location and time is properly filed with the Secretary of State  
3077 for publication in the administrative bulletin. Within three (3)  
3078 days after its proper filing with the Secretary of State for  
3079 publication in the administrative bulletin, the agency shall cause  
3080 a copy of the notice of the location and time of the oral  
3081 proceeding to be mailed to each person who has made a timely  
3082 request to the agency to be placed on the mailing list maintained  
3083 by the agency of persons who have requested notices of proposed  
3084 rule adoptions.



3085 (c) The agency, a member of the agency, or another  
3086 presiding officer designated by the agency shall preside at a  
3087 required oral proceeding on a proposed rule. Oral proceedings  
3088 must be open to the public and may be recorded by stenographic or  
3089 other means.

3090 (d) An agency may issue rules for the conduct of oral  
3091 rule-making proceedings or prepare reasonable guidelines or  
3092 procedures for the conduct of any such proceedings. Those rules  
3093 may include, but not be limited to, provisions calculated to  
3094 prevent undue repetition in the oral proceedings.

3095 **SECTION 43.** Section 25-43-3.105, Mississippi Code of 1972,  
3096 is brought forward as follows:

3097 25-43-3.105. (1) Prior to giving the notice required in  
3098 Section 25-43-3.103, each agency proposing the adoption of a rule  
3099 or significant amendment of an existing rule imposing a duty,  
3100 responsibility or requirement on any person shall consider the  
3101 economic impact the rule will have on the citizens of our state  
3102 and the benefits the rule will cause to accrue to those citizens.  
3103 For purposes of this section, a "significant amendment" means any  
3104 amendment to a rule for which the total aggregate cost to all  
3105 persons required to comply with that rule exceeds One Hundred  
3106 Thousand Dollars (\$100,000.00).

3107 (2) Each agency shall prepare a written report providing an  
3108 economic impact statement for the adoption of a rule or  
3109 significant amendment to an existing rule imposing a duty,



3110 responsibility or requirement on any person, except as provided in  
3111 subsection (7) of this section. The economic impact statement  
3112 shall include the following:

3113 (a) A description of the need for and the benefits  
3114 which will likely accrue as the result of the proposed action;

3115 (b) An estimate of the cost to the agency, and to any  
3116 other state or local government entities, of implementing and  
3117 enforcing the proposed action, including the estimated amount of  
3118 paperwork, and any anticipated effect on state or local revenues;

3119 (c) An estimate of the cost or economic benefit to all  
3120 persons directly affected by the proposed action;

3121 (d) An analysis of the impact of the proposed rule on  
3122 small business;

3123 (e) A comparison of the costs and benefits of the  
3124 proposed rule to the probable costs and benefits of not adopting  
3125 the proposed rule or significantly amending an existing rule;

3126 (f) A determination of whether less costly methods or  
3127 less intrusive methods exist for achieving the purpose of the  
3128 proposed rule where reasonable alternative methods exist which are  
3129 not precluded by law;

3130 (g) A description of reasonable alternative methods,  
3131 where applicable, for achieving the purpose of the proposed action  
3132 which were considered by the agency and a statement of reasons for  
3133 rejecting those alternatives in favor of the proposed rule; and





3134 (h) A detailed statement of the data and methodology  
3135 used in making estimates required by this subsection.

3136 (3) No rule or regulation shall be declared invalid based on  
3137 a challenge to the economic impact statement for the rule unless  
3138 the issue is raised in the agency proceeding. No person shall  
3139 have standing to challenge a rule, based upon the economic impact  
3140 statement or lack thereof, unless that person provided the agency  
3141 with information sufficient to make the agency aware of specific  
3142 concerns regarding the statement in an oral proceeding or in  
3143 written comments regarding the rule. The grounds for invalidation  
3144 of an agency action, based upon the economic impact statement, are  
3145 limited to the agency's failure to adhere to the procedure for  
3146 preparation of the economic impact statement as provided in this  
3147 section, or the agency's failure to consider information submitted  
3148 to the agency regarding specific concerns about the statement, if  
3149 that failure substantially impairs the fairness of the rule-making  
3150 proceeding.

3151 (4) A concise summary of the economic impact statement must  
3152 be properly filed with the Secretary of State for publication in  
3153 the administrative bulletin and the period during which persons  
3154 may make written submissions on the proposed rule shall not expire  
3155 until at least twenty (20) days after the date of such proper  
3156 filing.

3157 (5) The properly filed summary of the economic impact  
3158 statement must also indicate where persons may obtain copies of



3159 the full text of the economic impact statement and where, when and  
3160 how persons may present their views on the proposed rule and  
3161 demand an oral proceeding on the proposed rule if one is not  
3162 already provided.

3163 (6) If the agency has made a good-faith effort to comply  
3164 with the requirements of subsections (1) and (2) of this section,  
3165 the rule may not be invalidated on the ground that the contents of  
3166 the economic impact statement are insufficient or inaccurate.

3167 (7) This section does not apply to the adoption of:

3168 (a) Any rule which is required by the federal  
3169 government pursuant to a state/federal program delegation  
3170 agreement or contract;

3171 (b) Any rule which is expressly required by state law;  
3172 and

3173 (c) A temporary rule adopted pursuant to Section  
3174 25-43-3.108.

3175 **SECTION 44.** Section 25-43-3.106, Mississippi Code of 1972,  
3176 is brought forward as follows:

3177 25-43-3.106. (1) An agency may not adopt a rule until the  
3178 period for making written submissions and oral presentations has  
3179 expired.

3180 (2) Following the proper filing with the Secretary of State  
3181 of the notice of proposed rule adoption, an agency shall adopt a  
3182 rule pursuant to the rule-making proceeding or terminate the  
3183 proceeding by proper filing with the Secretary of State of a



3184 notice to that effect for publication in the administrative  
3185 bulletin.

3186 (3) Before the adoption of a rule, an agency shall consider  
3187 the written submissions, oral submissions or any memorandum  
3188 summarizing oral submissions, and any economic impact statement,  
3189 provided for by this Article III.

3190 (4) Within the scope of its delegated authority, an agency  
3191 may use its own experience, technical competence, specialized  
3192 knowledge and judgment in the adoption of a rule.

3193 **SECTION 45.** Section 25-43-3.107, Mississippi Code of 1972,  
3194 is brought forward as follows:

3195 25-43-3.107. (1) An agency shall not adopt a rule that  
3196 differs from the rule proposed in the notice of proposed rule  
3197 adoption on which the rule is based unless all of the following  
3198 apply:

3199 (a) The differences are within the scope of the matter  
3200 announced in the notice of proposed rule adoption and are in  
3201 character with the issues raised in that notice;

3202 (b) The differences are a logical outgrowth of the  
3203 contents of that notice of proposed rule adoption and the comments  
3204 submitted in response thereto; and

3205 (c) The notice of proposed rule adoption provided fair  
3206 warning that the outcome of that rulemaking proceeding could be  
3207 the rule in question.



3208 (2) In determining whether the notice of proposed rule  
3209 adoption provided fair warning that the outcome of that rulemaking  
3210 proceeding could be the rule in question, an agency shall consider  
3211 all of the following factors:

3212 (a) The extent to which persons who will be affected by  
3213 the rule should have understood that the rulemaking proceeding on  
3214 which it is based could affect their interests;

3215 (b) The extent to which the subject matter of the rule  
3216 or issues determined by the rule are different from the subject  
3217 matter or issues contained in the notice of proposed rule  
3218 adoption; and

3219 (c) The extent to which the effects of the rule differ  
3220 from the effects of the proposed rule contained in the notice of  
3221 proposed rule adoption.

3222 **SECTION 46.** Section 25-43-3.108, Mississippi Code of 1972,  
3223 is amended as follows:

3224 25-43-3.108. If an agency finds that an imminent peril to  
3225 the public health, safety or welfare requires adoption of a rule  
3226 upon fewer than twenty-five (25) days' notice and states in  
3227 writing its reasons for that finding, it may proceed without prior  
3228 notice of hearing or upon any abbreviated notice and hearing that  
3229 it finds practicable to adopt an emergency rule. The rule may be  
3230 effective for a period of not longer than one hundred twenty (120)  
3231 days, renewable once for a period not exceeding ninety (90) days,



3232 but the adoption of an identical rule under \* \* \* this Article III  
3233 is not precluded.

3234         **SECTION 47.** Section 25-43-3.109, Mississippi Code of 1972,  
3235 is brought forward as follows:

3236             25-43-3.109. (1) Each rule adopted by an agency must  
3237 contain the text of the rule and:

3238                     (a) The date the agency adopted the rule;

3239                     (b) An indication of any change between the text of the  
3240 proposed rule contained in the published notice of proposed rule  
3241 adoption and the text of the rule as finally adopted, with the  
3242 reasons for any substantive change;

3243                     (c) Any changes to the information contained in the  
3244 notice of proposed rule adoption as required by subsection (1)(a),  
3245 (b) or (c) of Section 25-43-3.103;

3246                     (d) Any findings required by any provision of law as a  
3247 prerequisite to adoption or effectiveness of the rule; and

3248                     (e) The effective date of the rule if other than that  
3249 specified in Section 25-43-3.113(1).

3250             (2) To the extent feasible, each rule should be written in  
3251 clear and concise language understandable to persons who may be  
3252 affected by it.

3253             (3) An agency may incorporate, by reference in its rules and  
3254 without publishing the incorporated matter in full, all or any  
3255 part of a code, standard, rule or regulation that has been adopted  
3256 by an agency of the United States or of this state, another state



3257 or by a nationally recognized organization or association, if  
3258 incorporation of its text in agency rules would be unduly  
3259 cumbersome, expensive or otherwise inexpedient. The reference in  
3260 the agency rules must fully identify the incorporated matter with  
3261 an appropriate citation. An agency may incorporate by reference  
3262 such matter in its rules only if the agency, organization or  
3263 association originally issuing that matter makes copies of it  
3264 readily available to the public. The rules must state if copies  
3265 of the incorporated matter are available from the agency issuing  
3266 the rule or where copies of the incorporated matter are available  
3267 from the agency of the United States, this state, another state or  
3268 the organization or association originally issuing that matter.

3269 (4) In preparing its rules pursuant to this Article III,  
3270 each agency shall follow the uniform numbering system, form and  
3271 style prescribed by the Secretary of State.

3272 **SECTION 48.** Section 25-43-3.110, Mississippi Code of 1972,  
3273 is brought forward as follows:

3274 25-43-3.110. (1) An agency shall maintain an official  
3275 rule-making record for each rule it (a) proposes or (b) adopts.  
3276 The agency has the exclusive authority to prepare and exclusive  
3277 authority to certify the record or any part thereof, including,  
3278 but not limited to, any transcript of the proceedings, and the  
3279 agency's certificate shall be accepted by the court and by any  
3280 other agency. The record must be available for public inspection.

3281 (2) The agency rule-making record must contain:



3282 (a) Copies of all notices of proposed rule-making or  
3283 oral proceedings or other publications in the administrative  
3284 bulletin with respect to the rule or the proceeding upon which the  
3285 rule is based;

3286 (b) Copies of any portions of the agency's public  
3287 rule-making docket containing entries relating to the rule or the  
3288 proceeding upon which the rule is based;

3289 (c) All written requests, submissions and comments  
3290 received by the agency and all other written materials considered  
3291 by the agency in connection with the formulation, proposal or  
3292 adoption of the rule or the proceeding upon which the rule is  
3293 based;

3294 (d) Any official transcript of oral presentations made  
3295 in the proceeding upon which the rule is based or, if not  
3296 transcribed, any tape recording or stenographic record of those  
3297 presentations, and any memorandum prepared by a presiding official  
3298 summarizing the contents of those presentations. The word  
3299 "transcript" includes a written transcript, a printed transcript,  
3300 an audible audiotape or videotape that is indexed and annotated so  
3301 that it is readily accessible and any other means that the agency  
3302 may have by rule provided for the reliable and accessible  
3303 preservation of the proceeding;

3304 (e) A copy of any economic impact statement prepared  
3305 for the proceeding upon which the rule is based; and



3306 (f) A copy of the rule and related information set out  
3307 in Section 25-43-3.109 as filed in the Office of the Secretary of  
3308 State.

3309 (3) The agency shall have authority to engage such persons  
3310 and acquire such equipment as may be reasonably necessary to  
3311 record and preserve in any technically and practicably feasible  
3312 manner all matters and all proceedings had at any rule-making  
3313 proceeding.

3314 (4) Upon judicial review, the record required by this  
3315 section constitutes the official agency rule-making record with  
3316 respect to a rule. Except as otherwise required by a provision of  
3317 law, the agency rule-making record need not constitute the  
3318 exclusive basis for agency action on that rule or for judicial  
3319 review thereof.

3320 **SECTION 49.** Section 25-43-3.113, Mississippi Code of 1972,  
3321 is brought forward as follows:

3322 25-43-3.113. (1) Except to the extent subsection (2) or (3)  
3323 of this section provides otherwise, each rule adopted after July  
3324 1, 2005, becomes effective thirty (30) days after its proper  
3325 filing in the Office of the Secretary of State.

3326 (2) (a) A rule becomes effective on a date later than that  
3327 established by subsection (1) of this section if a later date is  
3328 required by another statute or specified in the rule.

3329 (b) A rule may become effective immediately upon its  
3330 filing or on any subsequent date earlier than that established by





3331 subsection (1) of this section if the agency establishes such an  
3332 effective date and finds that:

3333 (i) It is required by Constitution, statute or  
3334 court order;

3335 (ii) The rule only confers a benefit or removes a  
3336 restriction on the public or some segment thereof;

3337 (iii) The rule only delays the effective date of  
3338 another rule that is not yet effective; or

3339 (iv) The earlier effective date is necessary  
3340 because of imminent peril to the public health, safety or welfare.

3341 (c) The finding and a brief statement of the reasons  
3342 therefor required by paragraph (b) of this subsection must be made  
3343 a part of the rule. In any action contesting the effective date  
3344 of a rule made effective under paragraph (b) of this subsection,  
3345 the burden is on the agency to justify its finding.

3346 (d) A temporary rule may become effective immediately  
3347 upon its filing or on any subsequent date earlier than that  
3348 established by subsection (1) of this section.

3349 (e) Each agency shall make a reasonable effort to make  
3350 known to persons who may be affected by it a rule made effective  
3351 before any date established by subsection (1) of this section.

3352 (3) This section does not relieve an agency from compliance  
3353 with any provision of law requiring that some or all of its rules  
3354 be approved by other designated officials or bodies before they  
3355 become effective.



3356           **SECTION 50.** Section 27-7-17, Mississippi Code of 1972, is  
3357 amended as follows:

3358           27-7-17. In computing taxable income, there shall be allowed  
3359 as deductions:

3360           (1) **Business deductions.**

3361           (a) **Business expenses.** All the ordinary and necessary  
3362 expenses paid or incurred during the taxable year in carrying on  
3363 any trade or business, including a reasonable allowance for  
3364 salaries or other compensation for personal services actually  
3365 rendered; nonreimbursable traveling expenses incident to current  
3366 employment, including a reasonable amount expended for meals and  
3367 lodging while away from home in the pursuit of a trade or  
3368 business; and rentals or other payments required to be made as a  
3369 condition of the continued use or possession, for purposes of the  
3370 trade or business of property to which the taxpayer has not taken  
3371 or is not taking title or in which he had no equity. Expense  
3372 incurred in connection with earning and distributing nontaxable  
3373 income is not an allowable deduction. Limitations on  
3374 entertainment expenses shall conform to the provisions of the  
3375 Internal Revenue Code of 1986. There shall also be allowed a  
3376 deduction for expenses as provided in Section 26 of this act.

3377           (b) **Interest.** All interest paid or accrued during the  
3378 taxable year on business indebtedness, except interest upon the  
3379 indebtedness for the purchase of tax-free bonds, or any stocks,  
3380 the dividends from which are nontaxable under the provisions of



3381 this article; provided, however, in the case of securities  
3382 dealers, interest payments or accruals on loans, the proceeds of  
3383 which are used to purchase tax-exempt securities, shall be  
3384 deductible if income from otherwise tax-free securities is  
3385 reported as income. Investment interest expense shall be limited  
3386 to investment income. Interest expense incurred for the purchase  
3387 of treasury stock, to pay dividends, or incurred as a result of an  
3388 undercapitalized affiliated corporation may not be deducted unless  
3389 an ordinary and necessary business purpose can be established to  
3390 the satisfaction of the commissioner. For the purposes of this  
3391 paragraph, the phrase "interest upon the indebtedness for the  
3392 purchase of tax-free bonds" applies only to the indebtedness  
3393 incurred for the purpose of directly purchasing tax-free bonds and  
3394 does not apply to any other indebtedness incurred in the regular  
3395 course of the taxpayer's business. Any corporation, association,  
3396 organization or other entity taxable under Section 27-7-23(c)  
3397 shall allocate interest expense as provided in Section  
3398 27-7-23(c) (3) (I).

3399 (c) **Taxes.** Taxes paid or accrued within the taxable  
3400 year, except state and federal income taxes, excise taxes based on  
3401 or measured by net income, estate and inheritance taxes, gift  
3402 taxes, cigar and cigarette taxes, gasoline taxes, and sales and  
3403 use taxes unless incurred as an item of expense in a trade or  
3404 business or in the production of taxable income. In the case of  
3405 an individual, taxes permitted as an itemized deduction under the



3406 provisions of subsection (3)(a) of this section are to be claimed  
3407 thereunder.

3408 (d) **Business losses.**

3409 (i) Losses sustained during the taxable year not  
3410 compensated for by insurance or otherwise, if incurred in trade or  
3411 business, or nonbusiness transactions entered into for profit.

3412 (ii) Limitations on losses from passive activities  
3413 and rental real estate shall conform to the provisions of the  
3414 Internal Revenue Code of 1986.

3415 (e) **Bad debts.** Losses from debts ascertained to be  
3416 worthless and charged off during the taxable year, if sustained in  
3417 the conduct of the regular trade or business of the taxpayer;  
3418 provided, that such losses shall be allowed only when the taxpayer  
3419 has reported as income, on the accrual basis, the amount of such  
3420 debt or account.

3421 (f) **Depreciation.** A reasonable allowance for  
3422 exhaustion, wear and tear of property used in the trade or  
3423 business, or rental property, and depreciation upon buildings  
3424 based upon their reasonable value as of March 16, 1912, if  
3425 acquired prior thereto, and upon cost if acquired subsequent to  
3426 that date. In the case of new or used aircraft, equipment,  
3427 engines, or other parts and tools used for aviation, allowance for  
3428 bonus depreciation conforms with the federal bonus depreciation  
3429 rates and reasonable allowance for depreciation under this section  
3430 is no less than one hundred percent (100%).



3431 (g) **Depletion.** In the case of mines, oil and gas  
3432 wells, other natural deposits and timber, a reasonable allowance  
3433 for depletion and for depreciation of improvements, based upon  
3434 cost, including cost of development, not otherwise deducted, or  
3435 fair market value as of March 16, 1912, if acquired prior to that  
3436 date, such allowance to be made upon regulations prescribed by the  
3437 commissioner, with the approval of the Governor.

3438 (h) **Contributions or gifts.** Except as otherwise  
3439 provided in paragraph (p) of this subsection or subsection (3)(a)  
3440 of this section for individuals, contributions or gifts made by  
3441 corporations within the taxable year to corporations,  
3442 organizations, associations or institutions, including Community  
3443 Chest funds, foundations and trusts created solely and exclusively  
3444 for religious, charitable, scientific or educational purposes, or  
3445 for the prevention of cruelty to children or animals, no part of  
3446 the net earnings of which inure to the benefit of any private  
3447 stockholder or individual. This deduction shall be allowed in an  
3448 amount not to exceed twenty percent (20%) of the net income. Such  
3449 contributions or gifts shall be allowable as deductions only if  
3450 verified under rules and regulations prescribed by the  
3451 commissioner, with the approval of the Governor. Contributions  
3452 made in any form other than cash shall be allowed as a deduction,  
3453 subject to the limitations herein provided, in an amount equal to  
3454 the actual market value of the contributions at the time the  
3455 contribution is actually made and consummated.



3456           (i) **Reserve funds - insurance companies.** In the case  
3457 of insurance companies the net additions required by law to be  
3458 made within the taxable year to reserve funds when such reserve  
3459 funds are maintained for the purpose of liquidating policies at  
3460 maturity.

3461           (j) **Annuity income.** The sums, other than dividends,  
3462 paid within the taxpayer year on policy or annuity contracts when  
3463 such income has been included in gross income.

3464           (k) **Contributions to employee pension plans.**  
3465 Contributions made by an employer to a plan or a trust forming  
3466 part of a pension plan, stock bonus plan, disability or  
3467 death-benefit plan, or profit-sharing plan of such employer for  
3468 the exclusive benefit of some or all of his, their, or its  
3469 employees, or their beneficiaries, shall be deductible from his,  
3470 their, or its income only to the extent that, and for the taxable  
3471 year in which, the contribution is deductible for federal income  
3472 tax purposes under the Internal Revenue Code of 1986 and any other  
3473 provisions of similar purport in the Internal Revenue Laws of the  
3474 United States, and the rules, regulations, rulings and  
3475 determinations promulgated thereunder, provided that:

3476                   (i) The plan or trust be irrevocable.

3477                   (ii) The plan or trust constitute a part of a  
3478 pension plan, stock bonus plan, disability or death-benefit plan,  
3479 or profit-sharing plan for the exclusive benefit of some or all of  
3480 the employer's employees and/or officers, or their beneficiaries,



3481 for the purpose of distributing the corpus and income of the plan  
3482 or trust to such employees and/or officers, or their  
3483 beneficiaries.

3484 (iii) No part of the corpus or income of the plan  
3485 or trust can be used for purposes other than for the exclusive  
3486 benefit of employees and/or officers, or their beneficiaries.

3487 Contributions to all plans or to all trusts of real or  
3488 personal property (or real and personal property combined) or to  
3489 insured plans created under a retirement plan for which provision  
3490 has been made under the laws of the United States of America,  
3491 making such contributions deductible from income for federal  
3492 income tax purposes, shall be deductible only to the same extent  
3493 under the Income Tax Laws of the State of Mississippi.

3494 (1) **Net operating loss carrybacks and carryovers.** A  
3495 net operating loss for any taxable year ending after December 31,  
3496 1993, and taxable years thereafter, shall be a net operating loss  
3497 carryback to each of the three (3) taxable years preceding the  
3498 taxable year of the loss. If the net operating loss for any  
3499 taxable year is not exhausted by carrybacks to the three (3)  
3500 taxable years preceding the taxable year of the loss, then there  
3501 shall be a net operating loss carryover to each of the fifteen  
3502 (15) taxable years following the taxable year of the loss  
3503 beginning with any taxable year after December 31, 1991.

3504 For any taxable year ending after December 31, 1997, the  
3505 period for net operating loss carrybacks and net operating loss



3506 carryovers shall be the same as those established by the Internal  
3507 Revenue Code and the rules, regulations, rulings and  
3508 determinations promulgated thereunder as in effect at the taxable  
3509 year end or on December 31, 2000, whichever is earlier.

3510 A net operating loss for any taxable year ending after  
3511 December 31, 2001, and taxable years thereafter, shall be a net  
3512 operating loss carryback to each of the two (2) taxable years  
3513 preceding the taxable year of the loss. If the net operating loss  
3514 for any taxable year is not exhausted by carrybacks to the two (2)  
3515 taxable years preceding the taxable year of the loss, then there  
3516 shall be a net operating loss carryover to each of the twenty (20)  
3517 taxable years following the taxable year of the loss beginning  
3518 with any taxable year after the taxable year of the loss.

3519 The term "net operating loss," for the purposes of this  
3520 paragraph, shall be the excess of the deductions allowed over the  
3521 gross income; provided, however, the following deductions shall  
3522 not be allowed in computing same:

3523 (i) No net operating loss deduction shall be  
3524 allowed.

3525 (ii) No personal exemption deduction shall be  
3526 allowed.

3527 (iii) Allowable deductions which are not  
3528 attributable to taxpayer's trade or business shall be allowed only  
3529 to the extent of the amount of gross income not derived from such  
3530 trade or business.





3531 Any taxpayer entitled to a carryback period as provided by  
3532 this paragraph may elect to relinquish the entire carryback period  
3533 with respect to a net operating loss for any taxable year ending  
3534 after December 31, 1991. The election shall be made in the manner  
3535 prescribed by the Department of Revenue and shall be made by the  
3536 due date, including extensions of time, for filing the taxpayer's  
3537 return for the taxable year of the net operating loss for which  
3538 the election is to be in effect. The election, once made for any  
3539 taxable year, shall be irrevocable for that taxable year.

3540 (m) **Amortization of pollution or environmental control**  
3541 **facilities.** Allowance of deduction. Every taxpayer, at his  
3542 election, shall be entitled to a deduction for pollution or  
3543 environmental control facilities to the same extent as that  
3544 allowed under the Internal Revenue Code and the rules,  
3545 regulations, rulings and determinations promulgated thereunder.

3546 (n) **Dividend distributions - real estate investment**  
3547 **trusts.** "Real estate investment trust" (hereinafter referred to  
3548 as REIT) shall have the meaning ascribed to such term in Section  
3549 856 of the federal Internal Revenue Code of 1986, as amended. A  
3550 REIT is allowed a dividend distributed deduction if the dividend  
3551 distributions meet the requirements of Section 857 or are  
3552 otherwise deductible under Section 858 or 860, federal Internal  
3553 Revenue Code of 1986, as amended. In addition:

3554 (i) A dividend distributed deduction shall only be  
3555 allowed for dividends paid by a publicly traded REIT. A qualified



3556 REIT subsidiary shall be allowed a dividend distributed deduction  
3557 if its owner is a publicly traded REIT.

3558 (ii) Income generated from real estate contributed  
3559 or sold to a REIT by a shareholder or related party shall not give  
3560 rise to a dividend distributed deduction, unless the shareholder  
3561 or related party would have received the dividend distributed  
3562 deduction under this chapter.

3563 (iii) A holding corporation receiving a dividend  
3564 from a REIT shall not be allowed the deduction in Section  
3565 27-7-15(4)(t).

3566 (iv) Any REIT not allowed the dividend distributed  
3567 deduction in the federal Internal Revenue Code of 1986, as  
3568 amended, shall not be allowed a dividend distributed deduction  
3569 under this chapter.

3570 The commissioner is authorized to promulgate rules and  
3571 regulations consistent with the provisions in Section 269 of the  
3572 federal Internal Revenue Code of 1986, as amended, so as to  
3573 prevent the evasion or avoidance of state income tax.

3574 (o) **Contributions to college savings trust fund**  
3575 **accounts.** Contributions or payments to a Mississippi Affordable  
3576 College Savings Program account are deductible as provided under  
3577 Section 37-155-113. Payments made under a prepaid tuition  
3578 contract entered into under the Mississippi Prepaid Affordable  
3579 College Tuition Program are deductible as provided under Section  
3580 37-155-17.



3581           (p) **Contributions of human pharmaceutical products.** To  
3582 the extent that a "major supplier" as defined in Section  
3583 27-13-13(2) (d) contributes human pharmaceutical products in excess  
3584 of Two Hundred Fifty Million Dollars (\$250,000,000.00) as  
3585 determined under Section 170 of the Internal Revenue Code, the  
3586 charitable contribution limitation associated with those donations  
3587 shall follow the federal limitation but cannot result in the  
3588 Mississippi net income being reduced below zero.

3589           (q) **Contributions to ABLE trust fund accounts.**  
3590 Contributions or payments to a Mississippi Achieving a Better Life  
3591 Experience (ABLE) Program account are deductible as provided under  
3592 Section 43-28-13.

3593           (2) **Restrictions on the deductibility of certain intangible**  
3594 **expenses and interest expenses with a related member.**

3595           (a) As used in this subsection (2):

3596           (i) "Intangible expenses and costs" include:

3597                   1. Expenses, losses and costs for, related  
3598 to, or in connection directly or indirectly with the direct or  
3599 indirect acquisition, use, maintenance or management, ownership,  
3600 sale, exchange or any other disposition of intangible property to  
3601 the extent such amounts are allowed as deductions or costs in  
3602 determining taxable income under this chapter;

3603                   2. Expenses or losses related to or incurred  
3604 in connection directly or indirectly with factoring transactions  
3605 or discounting transactions;



3606 3. Royalty, patent, technical and copyright  
3607 fees;

3608 4. Licensing fees; and

3609 5. Other similar expenses and costs.

3610 (ii) "Intangible property" means patents, patent  
3611 applications, trade names, trademarks, service marks, copyrights  
3612 and similar types of intangible assets.

3613 (iii) "Interest expenses and cost" means amounts  
3614 directly or indirectly allowed as deductions for purposes of  
3615 determining taxable income under this chapter to the extent such  
3616 interest expenses and costs are directly or indirectly for,  
3617 related to, or in connection with the direct or indirect  
3618 acquisition, maintenance, management, ownership, sale, exchange or  
3619 disposition of intangible property.

3620 (iv) "Related member" means an entity or person  
3621 that, with respect to the taxpayer during all or any portion of  
3622 the taxable year, is a related entity, a component member as  
3623 defined in the Internal Revenue Code, or is an entity or a person  
3624 to or from whom there is attribution of stock ownership in  
3625 accordance with Section 1563(e) of the Internal Revenue Code.

3626 (v) "Related entity" means:

3627 1. A stockholder who is an individual or a  
3628 member of the stockholder's family, as defined in regulations  
3629 prescribed by the commissioner, if the stockholder and the members  
3630 of the stockholder's family own, directly, indirectly,



3631 beneficially or constructively, in the aggregate, at least fifty  
3632 percent (50%) of the value of the taxpayer's outstanding stock;

3633           2. A stockholder, or a stockholder's  
3634 partnership, limited liability company, estate, trust or  
3635 corporation, if the stockholder and the stockholder's  
3636 partnerships, limited liability companies, estates, trusts and  
3637 corporations own, directly, indirectly, beneficially or  
3638 constructively, in the aggregate, at least fifty percent (50%) of  
3639 the value of the taxpayer's outstanding stock;

3640           3. A corporation, or a party related to the  
3641 corporation in a manner that would require an attribution of stock  
3642 from the corporation to the party or from the party to the  
3643 corporation, if the taxpayer owns, directly, indirectly,  
3644 beneficially or constructively, at least fifty percent (50%) of  
3645 the value of the corporation's outstanding stock under regulation  
3646 prescribed by the commissioner;

3647           4. Any entity or person which would be a  
3648 related member under this section if the taxpayer were considered  
3649 a corporation for purposes of this section.

3650           (b) In computing net income, a taxpayer shall add back  
3651 otherwise deductible interest expenses and costs and intangible  
3652 expenses and costs directly or indirectly paid, accrued to or  
3653 incurred, in connection directly or indirectly with one or more  
3654 direct or indirect transactions with one or more related members.



3655 (c) The adjustments required by this subsection shall  
3656 not apply to such portion of interest expenses and costs and  
3657 intangible expenses and costs that the taxpayer can establish  
3658 meets one (1) of the following:

3659 (i) The related member directly or indirectly  
3660 paid, accrued or incurred such portion to a person during the same  
3661 income year who is not a related member; or

3662 (ii) The transaction giving rise to the interest  
3663 expenses and costs or intangible expenses and costs between the  
3664 taxpayer and related member was done primarily for a valid  
3665 business purpose other than the avoidance of taxes, and the  
3666 related member is not primarily engaged in the acquisition, use,  
3667 maintenance or management, ownership, sale, exchange or any other  
3668 disposition of intangible property.

3669 (d) Nothing in this subsection shall require a taxpayer  
3670 to add to its net income more than once any amount of interest  
3671 expenses and costs or intangible expenses and costs that the  
3672 taxpayer pays, accrues or incurs to a related member.

3673 (e) The commissioner may prescribe such regulations as  
3674 necessary or appropriate to carry out the purposes of this  
3675 subsection, including, but not limited to, clarifying definitions  
3676 of terms, rules of stock attribution, factoring and discount  
3677 transactions.

3678 (3) **Individual nonbusiness deductions.**



3679 (a) The amount allowable for individual nonbusiness  
3680 itemized deductions for federal income tax purposes where the  
3681 individual is eligible to elect, for the taxable year, to itemize  
3682 deductions on his federal return except the following:

3683 (i) The deduction for state income taxes paid or  
3684 other taxes allowed for federal purposes in lieu of state income  
3685 taxes paid;

3686 (ii) The deduction for gaming losses from gaming  
3687 establishments;

3688 (iii) The deduction for taxes collected by  
3689 licensed gaming establishments pursuant to Section 27-7-901;

3690 (iv) The deduction for taxes collected by gaming  
3691 establishments pursuant to Section 27-7-903.

3692 (b) In lieu of the individual nonbusiness itemized  
3693 deductions authorized in paragraph (a), for all purposes other  
3694 than ordinary and necessary expenses paid or incurred during the  
3695 taxable year in carrying on any trade or business, an optional  
3696 standard deduction of:

3697 (i) Three Thousand Four Hundred Dollars  
3698 (\$3,400.00) through calendar year 1997, Four Thousand Two Hundred  
3699 Dollars (\$4,200.00) for the calendar year 1998 and Four Thousand  
3700 Six Hundred Dollars (\$4,600.00) for each calendar year thereafter  
3701 in the case of married individuals filing a joint or combined  
3702 return;



3703                   (ii) One Thousand Seven Hundred Dollars  
3704   (\$1,700.00) through calendar year 1997, Two Thousand One Hundred  
3705 Dollars (\$2,100.00) for the calendar year 1998 and Two Thousand  
3706 Three Hundred Dollars (\$2,300.00) for each calendar year  
3707 thereafter in the case of married individuals filing separate  
3708 returns;

3709                   (iii) Three Thousand Four Hundred Dollars  
3710   (\$3,400.00) in the case of a head of family; or

3711                   (iv) Two Thousand Three Hundred Dollars  
3712   (\$2,300.00) in the case of an individual who is not married.

3713           In the case of a husband and wife living together, having  
3714 separate incomes, and filing combined returns, the standard  
3715 deduction authorized may be divided in any manner they choose. In  
3716 the case of separate returns by a husband and wife, the standard  
3717 deduction shall not be allowed to either if the taxable income of  
3718 one of the spouses is determined without regard to the standard  
3719 deduction.

3720           (c) A nonresident individual shall be allowed the same  
3721 individual nonbusiness deductions as are authorized for resident  
3722 individuals in paragraph (a) or (b) of this subsection; however,  
3723 the nonresident individual is entitled only to that proportion of  
3724 the individual nonbusiness deductions as his net income from  
3725 sources within the State of Mississippi bears to his total or  
3726 entire net income from all sources.





3727 (4) Nothing in this section shall permit the same item to be  
3728 deducted more than once, either in fact or in effect.

3729 **SECTION 51.** Section 27-65-111, Mississippi Code of 1972, is  
3730 amended as follows:

3731 27-65-111. The exemptions from the provisions of this  
3732 chapter which are not industrial, agricultural or governmental, or  
3733 which do not relate to utilities or taxes, or which are not  
3734 properly classified as one (1) of the exemption classifications of  
3735 this chapter, shall be confined to persons or property exempted by  
3736 this section or by the Constitution of the United States or the  
3737 State of Mississippi. No exemptions as now provided by any other  
3738 section, except the classified exemption sections of this chapter  
3739 set forth herein, shall be valid as against the tax herein levied.  
3740 Any subsequent exemption from the tax levied hereunder, except as  
3741 indicated above, shall be provided by amendments to this section.

3742 No exemption provided in this section shall apply to taxes  
3743 levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972.

3744 The tax levied by this chapter shall not apply to the  
3745 following:

3746 (a) Sales of tangible personal property and services to  
3747 hospitals or infirmaries owned and operated by a corporation or  
3748 association in which no part of the net earnings inures to the  
3749 benefit of any private shareholder, group or individual, and which  
3750 are subject to and governed by Sections 41-7-123 through 41-7-127.



3751           Only sales of tangible personal property or services which  
3752 are ordinary and necessary to the operation of such hospitals and  
3753 infirmaries are exempted from tax.

3754           (b) Sales of daily or weekly newspapers, and  
3755 periodicals or publications of scientific, literary or educational  
3756 organizations exempt from federal income taxation under Section  
3757 501(c) (3) of the Internal Revenue Code of 1954, as it exists as of  
3758 March 31, 1975, and subscription sales of all magazines.

3759           (c) Sales of coffins, caskets and other materials used  
3760 in the preparation of human bodies for burial.

3761           (d) Sales of tangible personal property for immediate  
3762 export to a foreign country.

3763           (e) Sales of tangible personal property to an  
3764 orphanage, old men's or ladies' home, supported wholly or in part  
3765 by a religious denomination, fraternal nonprofit organization or  
3766 other nonprofit organization.

3767           (f) Sales of tangible personal property, labor or  
3768 services taxable under Sections 27-65-17, 27-65-19 and 27-65-23,  
3769 to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a  
3770 corporation or association in which no part of the net earnings  
3771 inures to the benefit of any private shareholder, group or  
3772 individual.

3773           (g) Sales to elementary and secondary grade schools,  
3774 junior and senior colleges owned and operated by a corporation or  
3775 association in which no part of the net earnings inures to the



3776 benefit of any private shareholder, group or individual, and which  
3777 are exempt from state income taxation, provided that this  
3778 exemption does not apply to sales of property or services which  
3779 are not to be used in the ordinary operation of the school, or  
3780 which are to be resold to the students or the public.

3781 (h) The gross proceeds of retail sales and the use or  
3782 consumption in this state of drugs and medicines:

3783 (i) Prescribed for the treatment of a human being  
3784 by a person authorized to prescribe the medicines, and dispensed  
3785 or prescription filled by a registered pharmacist in accordance  
3786 with law; or

3787 (ii) Furnished by a licensed physician, surgeon,  
3788 dentist or podiatrist to his own patient for treatment of the  
3789 patient; or

3790 (iii) Furnished by a hospital for treatment of any  
3791 person pursuant to the order of a licensed physician, surgeon,  
3792 dentist or podiatrist; or

3793 (iv) Sold to a licensed physician, surgeon,  
3794 podiatrist, dentist or hospital for the treatment of a human  
3795 being; or

3796 (v) Sold to this state or any political  
3797 subdivision or municipal corporation thereof, for use in the  
3798 treatment of a human being or furnished for the treatment of a  
3799 human being by a medical facility or clinic maintained by this



3800 state or any political subdivision or municipal corporation  
3801 thereof.

3802 "Medicines," as used in this paragraph (h), shall mean and  
3803 include any substance or preparation intended for use by external  
3804 or internal application to the human body in the diagnosis, cure,  
3805 mitigation, treatment or prevention of disease and which is  
3806 commonly recognized as a substance or preparation intended for  
3807 such use; provided that "medicines" do not include any auditory,  
3808 prosthetic, ophthalmic or ocular device or appliance, any dentures  
3809 or parts thereof or any artificial limbs or their replacement  
3810 parts, articles which are in the nature of splints, bandages,  
3811 pads, compresses, supports, dressings, instruments, apparatus,  
3812 contrivances, appliances, devices or other mechanical, electronic,  
3813 optical or physical equipment or article or the component parts  
3814 and accessories thereof, or any alcoholic beverage or any other  
3815 drug or medicine not commonly referred to as a prescription drug.

3816 Notwithstanding the preceding sentence of this paragraph (h),  
3817 "medicines" as used in this paragraph (h), shall mean and include  
3818 sutures, whether or not permanently implanted, bone screws, bone  
3819 pins, pacemakers and other articles permanently implanted in the  
3820 human body to assist the functioning of any natural organ, artery,  
3821 vein or limb and which remain or dissolve in the body.

3822 The exemption provided in this paragraph (h) shall not apply  
3823 to medical cannabis sold in accordance with the provisions of the



3824 Mississippi Medical Cannabis Act and in compliance with rules and  
3825 regulations adopted thereunder.

3826 "Hospital," as used in this paragraph (h), shall have the  
3827 meaning ascribed to it in Section 41-9-3, Mississippi Code of  
3828 1972.

3829 Insulin furnished by a registered pharmacist to a person for  
3830 treatment of diabetes as directed by a physician shall be deemed  
3831 to be dispensed on prescription within the meaning of this  
3832 paragraph (h).

3833 (i) Retail sales of automobiles, trucks and  
3834 truck-tractors if exported from this state within forty-eight (48)  
3835 hours and registered and first used in another state.

3836 (j) Sales of tangible personal property or services to  
3837 the Salvation Army and the Muscular Dystrophy Association, Inc.

3838 (k) From July 1, 1985, through December 31, 1992,  
3839 retail sales of "alcohol-blended fuel" as such term is defined in  
3840 Section 75-55-5. The gasoline-alcohol blend or the straight  
3841 alcohol eligible for this exemption shall not contain alcohol  
3842 distilled outside the State of Mississippi.

3843 (l) Sales of tangible personal property or services to  
3844 the Institute for Technology Development.

3845 (m) The gross proceeds of retail sales of food and  
3846 drink for human consumption made through vending machines serviced  
3847 by full-line vendors from and not connected with other taxable  
3848 businesses.



3849           (n) The gross proceeds of sales of motor fuel.

3850           (o) Retail sales of food for human consumption

3851 purchased with food stamps issued by the United States Department

3852 of Agriculture, or other federal agency, from and after October 1,

3853 1987, or from and after the expiration of any waiver granted

3854 pursuant to federal law, the effect of which waiver is to permit

3855 the collection by the state of tax on such retail sales of food

3856 for human consumption purchased with food stamps.

3857           (p) Sales of cookies for human consumption by the Girl

3858 Scouts of America no part of the net earnings from which sales

3859 inures to the benefit of any private group or individual.

3860           (q) Gifts or sales of tangible personal property or

3861 services to public or private nonprofit museums of art.

3862           (r) Sales of tangible personal property or services to

3863 alumni associations of state-supported colleges or universities.

3864           (s) Sales of tangible personal property or services to

3865 National Association of Junior Auxiliaries, Inc., and chapters of

3866 the National Association of Junior Auxiliaries, Inc.

3867           (t) Sales of tangible personal property or services to

3868 domestic violence shelters which qualify for state funding under

3869 Sections 93-21-101 through 93-21-113.

3870           (u) Sales of tangible personal property or services to

3871 the National Multiple Sclerosis Society, Mississippi Chapter.

3872           (v) Retail sales of food for human consumption

3873 purchased with food instruments issued the Mississippi Band of



3874 Choctaw Indians under the Women, Infants and Children Program  
3875 (WIC) funded by the United States Department of Agriculture.

3876 (w) Sales of tangible personal property or services to  
3877 a private company, as defined in Section 57-61-5, which is making  
3878 such purchases with proceeds of bonds issued under Section 57-61-1  
3879 et seq., the Mississippi Business Investment Act.

3880 (x) The gross collections from the operation of  
3881 self-service, coin-operated car washing equipment and sales of the  
3882 service of washing motor vehicles with portable high-pressure  
3883 washing equipment on the premises of the customer.

3884 (y) Sales of tangible personal property or services to  
3885 the Mississippi Technology Alliance.

3886 (z) Sales of tangible personal property to nonprofit  
3887 organizations that provide foster care, adoption services and  
3888 temporary housing for unwed mothers and their children if the  
3889 organization is exempt from federal income taxation under Section  
3890 501(c)(3) of the Internal Revenue Code.

3891 (aa) Sales of tangible personal property to nonprofit  
3892 organizations that provide residential rehabilitation for persons  
3893 with alcohol and drug dependencies if the organization is exempt  
3894 from federal income taxation under Section 501(c)(3) of the  
3895 Internal Revenue Code.

3896 (bb) (i) Retail sales of an article of clothing or  
3897 footwear designed to be worn on or about the human body and retail  
3898 sales of school supplies if the sales price of the article of



3899 clothing or footwear or school supply is less than One Hundred  
3900 Dollars (\$100.00) and the sale takes place during a period  
3901 beginning at 12:01 a.m. on the last Friday in July and ending at  
3902 12:00 midnight the following Saturday. This paragraph (bb) shall  
3903 not apply to:

3904                   1. Accessories including jewelry, handbags,  
3905 luggage, umbrellas, wallets, watches, briefcases, garment bags and  
3906 similar items carried on or about the human body, without regard  
3907 to whether worn on the body in a manner characteristic of  
3908 clothing;

3909                   2. The rental of clothing or footwear; and

3910                   3. Skis, swim fins, roller blades, skates and  
3911 similar items worn on the foot.

3912                   (ii) For purposes of this paragraph (bb), "school  
3913 supplies" means items that are commonly used by a student in a  
3914 course of study. The following is an all-inclusive list:

3915                   1. Backpacks;

3916                   2. Binder pockets;

3917                   3. Binders;

3918                   4. Blackboard chalk;

3919                   5. Book bags;

3920                   6. Calculators;

3921                   7. Cellophane tape;

3922                   8. Clays and glazes;

3923                   9. Compasses;





- 3924 10. Composition books;
- 3925 11. Crayons;
- 3926 12. Dictionaries and thesauruses;
- 3927 13. Dividers;
- 3928 14. Erasers;
- 3929 15. Folders: expandable, pocket, plastic and
- 3930 manila;
- 3931 16. Glue, paste and paste sticks;
- 3932 17. Highlighters;
- 3933 18. Index card boxes;
- 3934 19. Index cards;
- 3935 20. Legal pads;
- 3936 21. Lunch boxes;
- 3937 22. Markers;
- 3938 23. Notebooks;
- 3939 24. Paintbrushes for artwork;
- 3940 25. Paints: acrylic, tempera and oil;
- 3941 26. Paper: loose-leaf ruled notebook paper,
- 3942 copy paper, graph paper, tracing paper, manila paper, colored
- 3943 paper, poster board and construction paper;
- 3944 27. Pencil boxes and other school supply
- 3945 boxes;
- 3946 28. Pencil sharpeners;
- 3947 29. Pencils;
- 3948 30. Pens;



- 3949 31. Protractors;
- 3950 32. Reference books;
- 3951 33. Reference maps and globes;
- 3952 34. Rulers;
- 3953 35. Scissors;
- 3954 36. Sheet music;
- 3955 37. Sketch and drawing pads;
- 3956 38. Textbooks;
- 3957 39. Watercolors;
- 3958 40. Workbooks; and
- 3959 41. Writing tablets.

3960 (iii) From and after January 1, 2010, the  
3961 governing authorities of a municipality, for retail sales  
3962 occurring within the corporate limits of the municipality, may  
3963 suspend the application of the exemption provided for in this  
3964 paragraph (bb) by adoption of a resolution to that effect stating  
3965 the date upon which the suspension shall take effect. A certified  
3966 copy of the resolution shall be furnished to the Department of  
3967 Revenue at least ninety (90) days prior to the date upon which the  
3968 municipality desires such suspension to take effect.

3969 (cc) The gross proceeds of sales of tangible personal  
3970 property made for the sole purpose of raising funds for a school  
3971 or an organization affiliated with a school.



3972           As used in this paragraph (cc), "school" means any public or  
3973 private school that teaches courses of instruction to students in  
3974 any grade from Kindergarten through Grade 12.

3975           (dd) Sales of durable medical equipment and home  
3976 medical supplies when ordered or prescribed by a licensed  
3977 physician for medical purposes of a patient. As used in this  
3978 paragraph (dd), "durable medical equipment" and "home medical  
3979 supplies" mean equipment, including repair and replacement parts  
3980 for the equipment or supplies listed under Title XVIII of the  
3981 Social Security Act or under the state plan for medical assistance  
3982 under Title XIX of the Social Security Act, prosthetics,  
3983 orthotics, hearing aids, hearing devices, prescription eyeglasses,  
3984 oxygen and oxygen equipment. Payment does not have to be made, in  
3985 whole or in part, by any particular person to be eligible for this  
3986 exemption. Purchases of home medical equipment and supplies by a  
3987 provider of home health services or a provider of hospice services  
3988 are eligible for this exemption if the purchases otherwise meet  
3989 the requirements of this paragraph.

3990           (ee) Sales of tangible personal property or services to  
3991 Mississippi Blood Services.

3992           (ff) (i) Subject to the provisions of this paragraph  
3993 (ff), retail sales of firearms, ammunition and hunting supplies if  
3994 sold during the annual Mississippi Second Amendment Weekend  
3995 holiday beginning at 12:01 a.m. on the last Friday in August and  
3996 ending at 12:00 midnight the following Sunday. For the purposes



3997 of this paragraph (ff), "hunting supplies" means tangible personal  
3998 property used for hunting, including, and limited to, archery  
3999 equipment, firearm and archery cases, firearm and archery  
4000 accessories, hearing protection, holsters, belts and slings.  
4001 Hunting supplies does not include animals used for hunting.

4002 (ii) This paragraph (ff) shall apply only if one  
4003 or more of the following occur:

4004 1. Title to and/or possession of an eligible  
4005 item is transferred from a seller to a purchaser; and/or

4006 2. A purchaser orders and pays for an  
4007 eligible item and the seller accepts the order for immediate  
4008 shipment, even if delivery is made after the time period provided  
4009 in subparagraph (i) of this paragraph (ff), provided that the  
4010 purchaser has not requested or caused the delay in shipment.

4011 (gg) Sales of nonperishable food items to charitable  
4012 organizations that are exempt from federal income taxation under  
4013 Section 501(c)(3) of the Internal Revenue Code and operate a food  
4014 bank or food pantry or food lines.

4015 (hh) Sales of tangible personal property or services to  
4016 the United Way of the Pine Belt Region, Inc.

4017 (ii) Sales of tangible personal property or services to  
4018 the Mississippi Children's Museum or any subsidiary or affiliate  
4019 thereof operating a satellite or branch museum within this state.

4020 (jj) Sales of tangible personal property or services to  
4021 the Jackson Zoological Park.



4022                   (kk) Sales of tangible personal property or services to  
4023 the Hattiesburg Zoo.

4024                   (ll) Gross proceeds from sales of food, merchandise or  
4025 other concessions at an event held solely for religious or  
4026 charitable purposes at livestock facilities, agriculture  
4027 facilities or other facilities constructed, renovated or expanded  
4028 with funds for the grant program authorized under Section 18,  
4029 Chapter 530, Laws of 1995.

4030                   (mm) Sales of tangible personal property and services  
4031 to the Diabetes Foundation of Mississippi and the Mississippi  
4032 Chapter of the Juvenile Diabetes Research Foundation.

4033                   (nn) Sales of potting soil, mulch, or other soil  
4034 amendments used in growing ornamental plants which bear no fruit  
4035 of commercial value when sold to commercial plant nurseries that  
4036 operate exclusively at wholesale and where no retail sales can be  
4037 made.

4038                   (oo) Sales of tangible personal property or services to  
4039 the University of Mississippi Medical Center Research Development  
4040 Foundation.

4041                   (pp) Sales of tangible personal property or services to  
4042 Keep Mississippi Beautiful, Inc., and all affiliates of Keep  
4043 Mississippi Beautiful, Inc.

4044                   (qq) Sales of tangible personal property or services to  
4045 the Friends of Children's Hospital.



4046 (rr) Sales of tangible personal property or services to  
4047 the Pinecrest Weekend Backpacks for Kids located in Corinth,  
4048 Mississippi.

4049 (ss) Sales of hearing aids when ordered or prescribed  
4050 by a licensed physician, audiologist or hearing aid specialist for  
4051 the medical purposes of a patient.

4052 (tt) Sales exempt under the Facilitating Business Rapid  
4053 Response to State Declared Disasters Act of 2015 (Sections  
4054 27-113-1 through 27-113-9).

4055 (uu) Sales of tangible personal property or services to  
4056 the Junior League of Jackson.

4057 (vv) Sales of tangible personal property or services to  
4058 the Mississippi's Toughest Kids Foundation for use in the  
4059 construction, furnishing and equipping of buildings and related  
4060 facilities and infrastructure at Camp Kamassa in Copiah County,  
4061 Mississippi. This paragraph (vv) shall stand repealed on July 1,  
4062 2022.

4063 (ww) Sales of tangible personal property or services to  
4064 MS Gulf Coast Buddy Sports, Inc.

4065 (xx) Sales of tangible personal property or services to  
4066 Biloxi Lions, Inc.

4067 (yy) Sales of tangible personal property or services to  
4068 Lions Sight Foundation of Mississippi, Inc.



4069 (zz) Sales of tangible personal property and services  
4070 to the Goldring/Woldenberg Institute of Southern Jewish Life  
4071 (ISJL).

4072 **SECTION 52.** Section 33-13-520, Mississippi Code of 1972, is  
4073 amended as follows:

4074 33-13-520. (1) Any person subject to this code who uses,  
4075 while on duty, any controlled substance listed in the Uniform  
4076 Controlled Substances Law, not legally prescribed, or is found, by  
4077 a chemical analysis of such person's blood or urine, to have in  
4078 his blood, while on duty, any controlled substance described in  
4079 subsection (3), not legally prescribed, shall be punished as a  
4080 court-martial may direct.

4081 (2) Any person subject to this code who wrongfully uses,  
4082 possesses, manufactures, distributes, imports into the customs  
4083 territory of the United States, exports from the United States, or  
4084 introduces into an installation, vessel, vehicle or aircraft used  
4085 by or under the control of the state military forces a substance  
4086 described in subsection (3) shall be punished as a court-martial  
4087 may direct.

4088 (3) The substances referred to in subsections (1) and (2)  
4089 are the following:

4090 (a) Opium, heroin, cocaine, amphetamine, lysergic acid  
4091 diethylamide, methamphetamine, phencyclidine, barbituric acid, and  
4092 marijuana and any compound or derivative of any such substance.

4093 For the purposes of this paragraph (a), "marijuana" shall not



4094 include medical cannabis that is lawful under the Mississippi  
4095 Medical Cannabis Act and in compliance with rules and regulations  
4096 adopted thereunder.

4097 (b) Any substance not specified in paragraph (a) that  
4098 is listed on a schedule of controlled substance prescribed by the  
4099 President for the purposes of the federal Uniform Code of Military  
4100 Justice.

4101 (c) Any other substance not specified in paragraph (a)  
4102 or contained on a list prescribed by the President under paragraph  
4103 (b) that is listed in Schedules I through V of Section 202 of the  
4104 federal Controlled Substances Act (21 USCS 812).

4105 **SECTION 53.** Section 37-11-29, Mississippi Code of 1972, is  
4106 amended as follows:

4107 37-11-29. (1) Any principal, teacher or other school  
4108 employee who has knowledge of any unlawful activity which occurred  
4109 on educational property or during a school related activity or  
4110 which may have occurred shall report such activity to the  
4111 superintendent of the school district or his designee who shall  
4112 notify the appropriate law enforcement officials as required by  
4113 this section. In the event of an emergency or if the  
4114 superintendent or his designee is unavailable, any principal may  
4115 make a report required under this subsection.

4116 (2) Whenever any person who shall be an enrolled student in  
4117 any school or educational institution in this state supported in  
4118 whole or in part by public funds, or who shall be an enrolled





4119 student in any private school or educational institution, is  
4120 arrested for, and lawfully charged with, the commission of any  
4121 crime and convicted upon the charge for which he was arrested, or  
4122 convicted of any crime charged against him after his arrest and  
4123 before trial, the office or law enforcement department of which  
4124 the arresting officer is a member, and the justice court judge and  
4125 any circuit judge or court before whom such student is tried upon  
4126 said charge or charges, shall make or cause to be made a report  
4127 thereof to the superintendent or the president or chancellor, as  
4128 the case may be, of the school district or other educational  
4129 institution in which such student is enrolled.

4130 If the charge upon which such student was arrested, or any  
4131 other charges preferred against him are dismissed or nol prossed,  
4132 or if upon trial he is either convicted or acquitted of such  
4133 charge or charges, same shall be reported to said respective  
4134 superintendent or president, or chancellor, as the case may be. A  
4135 copy of said report shall be sent to the Secretary of the Board of  
4136 Trustees of State Institutions of Higher Learning of the State of  
4137 Mississippi, at Jackson, Mississippi.

4138 Said report shall be made within one (1) week after the  
4139 arrest of such student and within one (1) week after any charge  
4140 placed against him is dismissed or nol prossed, and within one (1)  
4141 week after he shall have pled guilty, been convicted, or have been  
4142 acquitted by trial upon any charge placed against him. This



4143 section shall not apply to ordinary traffic violations involving a  
4144 penalty of less than Fifty Dollars (\$50.00) and costs.

4145 The State Superintendent of Public Education shall gather  
4146 annually all of the reports provided under this section and  
4147 prepare a report on the number of students arrested as a result of  
4148 any unlawful activity which occurred on educational property or  
4149 during a school related activity. All data must be disaggregated  
4150 by race, ethnicity, gender, school, offense and law enforcement  
4151 agency involved. However, the report prepared by the State  
4152 Superintendent of Public Education shall not include the identity  
4153 of any student who was arrested.

4154 On or before January 1 of each year, the State Superintendent  
4155 of Public Education shall report to the Governor, the Lieutenant  
4156 Governor, the Speaker of the House of Representatives and the  
4157 Joint PEER Committee on this section. The report must include  
4158 data regarding arrests as a result of any unlawful activity which  
4159 occurred on educational property or during a school related  
4160 activity.

4161 (3) When the superintendent or his designee has a reasonable  
4162 belief that an act has occurred on educational property or during  
4163 a school related activity involving any of the offenses set forth  
4164 in subsection (6) of this section, the superintendent or his  
4165 designee shall immediately report the act to the appropriate local  
4166 law enforcement agency. For purposes of this subsection, "school  
4167 property" shall include any public school building, bus, public



4168 school campus, grounds, recreational area or athletic field in the  
4169 charge of the superintendent. The State Board of Education shall  
4170 prescribe a form for making reports required under this  
4171 subsection. Any superintendent or his designee who fails to make  
4172 a report required by this section shall be subject to the  
4173 penalties provided in Section 37-11-35.

4174 (4) The law enforcement authority shall immediately dispatch  
4175 an officer to the educational institution and with probable cause  
4176 the officer is authorized to make an arrest if necessary as  
4177 provided in Section 99-3-7.

4178 (5) Any superintendent, principal, teacher or other school  
4179 personnel participating in the making of a required report  
4180 pursuant to this section or participating in any judicial  
4181 proceeding resulting therefrom shall be presumed to be acting in  
4182 good faith. Any person reporting in good faith shall be immune  
4183 from any civil liability that might otherwise be incurred or  
4184 imposed.

4185 (6) For purposes of this section, "unlawful activity" means  
4186 any of the following:

4187 (a) Possession or use of a deadly weapon, as defined in  
4188 Section 97-37-1;

4189 (b) Possession, sale or use of any controlled  
4190 substance;

4191 (c) Aggravated assault, as defined in Section 97-3-7;



- 4192 (d) Simple assault, as defined in Section 97-3-7, upon  
4193 any school employee;
- 4194 (e) Rape, as defined under Mississippi law;
- 4195 (f) Sexual battery, as defined under Mississippi law;
- 4196 (g) Murder, as defined under Mississippi law;
- 4197 (h) Kidnapping, as defined under Mississippi law; or
- 4198 (i) Fondling, touching, handling, etc., a child for  
4199 lustful purposes, as defined in Section 97-5-23.

4200 For the purposes of this subsection (6), the term "controlled  
4201 substance" does not include the possession or use of medical  
4202 cannabis that is lawful under the Mississippi Medical Cannabis Act  
4203 and in compliance with rules and regulations adopted thereunder.

4204 **SECTION 54.** Section 41-3-15, Mississippi Code of 1972, is  
4205 brought forward as follows:

4206 41-3-15. (1) (a) There shall be a State Department of  
4207 Health.

4208 (b) The State Board of Health shall have the following  
4209 powers and duties:

4210 (i) To formulate the policy of the State  
4211 Department of Health regarding public health matters within the  
4212 jurisdiction of the department;

4213 (ii) To adopt, modify, repeal and promulgate,  
4214 after due notice and hearing, and enforce rules and regulations  
4215 implementing or effectuating the powers and duties of the



4216 department under any and all statutes within the department's  
4217 jurisdiction, and as the board may deem necessary;

4218 (iii) To apply for, receive, accept and expend any  
4219 federal or state funds or contributions, gifts, trusts, devises,  
4220 bequests, grants, endowments or funds from any other source or  
4221 transfers of property of any kind;

4222 (iv) To enter into, and to authorize the executive  
4223 officer to execute contracts, grants and cooperative agreements  
4224 with any federal or state agency or subdivision thereof, or any  
4225 public or private institution located inside or outside the State  
4226 of Mississippi, or any person, corporation or association in  
4227 connection with carrying out the provisions of this chapter, if it  
4228 finds those actions to be in the public interest and the contracts  
4229 or agreements do not have a financial cost that exceeds the  
4230 amounts appropriated for those purposes by the Legislature;

4231 (v) To appoint, upon recommendation of the  
4232 Executive Officer of the State Department of Health, a Director of  
4233 Internal Audit who shall be either a Certified Public Accountant  
4234 or Certified Internal Auditor, and whose employment shall be  
4235 continued at the discretion of the board, and who shall report  
4236 directly to the board, or its designee; and

4237 (vi) To discharge such other duties,  
4238 responsibilities and powers as are necessary to implement the  
4239 provisions of this chapter.



4240 (c) The Executive Officer of the State Department of  
4241 Health shall have the following powers and duties:

4242 (i) To administer the policies of the State Board  
4243 of Health within the authority granted by the board;

4244 (ii) To supervise and direct all administrative  
4245 and technical activities of the department, except that the  
4246 department's internal auditor shall be subject to the sole  
4247 supervision and direction of the board;

4248 (iii) To organize the administrative units of the  
4249 department in accordance with the plan adopted by the board and,  
4250 with board approval, alter the organizational plan and reassign  
4251 responsibilities as he or she may deem necessary to carry out the  
4252 policies of the board;

4253 (iv) To coordinate the activities of the various  
4254 offices of the department;

4255 (v) To employ, subject to regulations of the State  
4256 Personnel Board, qualified professional personnel in the subject  
4257 matter or fields of each office, and such other technical and  
4258 clerical staff as may be required for the operation of the  
4259 department. The executive officer shall be the appointing  
4260 authority for the department, and shall have the power to delegate  
4261 the authority to appoint or dismiss employees to appropriate  
4262 subordinates, subject to the rules and regulations of the State  
4263 Personnel Board;



4264 (vi) To recommend to the board such studies and  
4265 investigations as he or she may deem appropriate, and to carry out  
4266 the approved recommendations in conjunction with the various  
4267 offices;

4268 (vii) To prepare and deliver to the Legislature  
4269 and the Governor on or before January 1 of each year, and at such  
4270 other times as may be required by the Legislature or Governor, a  
4271 full report of the work of the department and the offices thereof,  
4272 including a detailed statement of expenditures of the department  
4273 and any recommendations the board may have;

4274 (viii) To prepare and deliver to the Chairmen of  
4275 the Public Health and Welfare/Human Services Committees of the  
4276 Senate and House on or before January 1 of each year, a plan for  
4277 monitoring infant mortality in Mississippi and a full report of  
4278 the work of the department on reducing Mississippi's infant  
4279 mortality and morbidity rates and improving the status of maternal  
4280 and infant health; and

4281 (ix) To enter into contracts, grants and  
4282 cooperative agreements with any federal or state agency or  
4283 subdivision thereof, or any public or private institution located  
4284 inside or outside the State of Mississippi, or any person,  
4285 corporation or association in connection with carrying out the  
4286 provisions of this chapter, if he or she finds those actions to be  
4287 in the public interest and the contracts or agreements do not have  
4288 a financial cost that exceeds the amounts appropriated for those



4289 purposes by the Legislature. Each contract or agreement entered  
4290 into by the executive officer shall be submitted to the board  
4291 before its next meeting.

4292 (2) The State Board of Health shall have the authority to  
4293 establish an Office of Rural Health within the department. The  
4294 duties and responsibilities of this office shall include the  
4295 following:

4296 (a) To collect and evaluate data on rural health  
4297 conditions and needs;

4298 (b) To engage in policy analysis, policy development  
4299 and economic impact studies with regard to rural health issues;

4300 (c) To develop and implement plans and provide  
4301 technical assistance to enable community health systems to respond  
4302 to various changes in their circumstances;

4303 (d) To plan and assist in professional recruitment and  
4304 retention of medical professionals and assistants; and

4305 (e) To establish information clearinghouses to improve  
4306 access to and sharing of rural health care information.

4307 (3) The State Board of Health shall have general supervision  
4308 of the health interests of the people of the state and to exercise  
4309 the rights, powers and duties of those acts which it is authorized  
4310 by law to enforce.

4311 (4) The State Board of Health shall have authority:

4312 (a) To make investigations and inquiries with respect  
4313 to the causes of disease and death, and to investigate the effect





4314 of environment, including conditions of employment and other  
4315 conditions that may affect health, and to make such other  
4316 investigations as it may deem necessary for the preservation and  
4317 improvement of health.

4318 (b) To make such sanitary investigations as it may,  
4319 from time to time, deem necessary for the protection and  
4320 improvement of health and to investigate nuisance questions that  
4321 affect the security of life and health within the state.

4322 (c) To direct and control sanitary and quarantine  
4323 measures for dealing with all diseases within the state possible  
4324 to suppress same and prevent their spread.

4325 (d) To obtain, collect and preserve such information  
4326 relative to mortality, morbidity, disease and health as may be  
4327 useful in the discharge of its duties or may contribute to the  
4328 prevention of disease or the promotion of health in this state.

4329 (e) To charge and collect reasonable fees for health  
4330 services, including immunizations, inspections and related  
4331 activities, and the board shall charge fees for those services;  
4332 however, if it is determined that a person receiving services is  
4333 unable to pay the total fee, the board shall collect any amount  
4334 that the person is able to pay. Any increase in the fees charged  
4335 by the board under this paragraph shall be in accordance with the  
4336 provisions of Section 41-3-65.

4337 (f) (i) To establish standards for, issue permits and  
4338 exercise control over, any cafes, restaurants, food or drink



4339 stands, sandwich manufacturing establishments, and all other  
4340 establishments, other than churches, church-related and private  
4341 schools, and other nonprofit or charitable organizations, where  
4342 food or drink is regularly prepared, handled and served for pay;  
4343 and

4344 (ii) To require that a permit be obtained from the  
4345 Department of Health before those persons begin operation. If any  
4346 such person fails to obtain the permit required in this  
4347 subparagraph (ii), the State Board of Health, after due notice and  
4348 opportunity for a hearing, may impose a monetary penalty not to  
4349 exceed One Thousand Dollars (\$1,000.00) for each violation.  
4350 However, the department is not authorized to impose a monetary  
4351 penalty against any person whose gross annual prepared food sales  
4352 are less than Five Thousand Dollars (\$5,000.00). Money collected  
4353 by the board under this subparagraph (ii) shall be deposited to  
4354 the credit of the State General Fund of the State Treasury.

4355 (g) To promulgate rules and regulations and exercise  
4356 control over the production and sale of milk pursuant to the  
4357 provisions of Sections 75-31-41 through 75-31-49.

4358 (h) On presentation of proper authority, to enter into  
4359 and inspect any public place or building where the State Health  
4360 Officer or his representative deems it necessary and proper to  
4361 enter for the discovery and suppression of disease and for the  
4362 enforcement of any health or sanitary laws and regulations in the  
4363 state.



4364 (i) To conduct investigations, inquiries and hearings,  
4365 and to issue subpoenas for the attendance of witnesses and the  
4366 production of books and records at any hearing when authorized and  
4367 required by statute to be conducted by the State Health Officer or  
4368 the State Board of Health.

4369 (j) To promulgate rules and regulations, and to collect  
4370 data and information, on (i) the delivery of services through the  
4371 practice of telemedicine; and (ii) the use of electronic records  
4372 for the delivery of telemedicine services.

4373 (k) To enforce and regulate domestic and imported fish  
4374 as authorized under Section 69-7-601 et seq.

4375 (5) (a) The State Board of Health shall have the authority,  
4376 in its discretion, to establish programs to promote the public  
4377 health, to be administered by the State Department of Health.  
4378 Specifically, those programs may include, but shall not be limited  
4379 to, programs in the following areas:

- 4380 (i) Maternal and child health;
- 4381 (ii) Family planning;
- 4382 (iii) Pediatric services;
- 4383 (iv) Services to crippled and disabled children;
- 4384 (v) Control of communicable and noncommunicable  
4385 disease;
- 4386 (vi) Chronic disease;
- 4387 (vii) Accidental deaths and injuries;
- 4388 (viii) Child care licensure;



- 4389 (ix) Radiological health;  
4390 (x) Dental health;  
4391 (xi) Milk sanitation;  
4392 (xii) Occupational safety and health;  
4393 (xiii) Food, vector control and general  
4394 sanitation;  
4395 (xiv) Protection of drinking water;  
4396 (xv) Sanitation in food handling establishments  
4397 open to the public;  
4398 (xvi) Registration of births and deaths and other  
4399 vital events;  
4400 (xvii) Such public health programs and services as  
4401 may be assigned to the State Board of Health by the Legislature or  
4402 by executive order; and  
4403 (xviii) Regulation of domestic and imported fish  
4404 for human consumption.

4405 (b) The State Board of Health and State Department of  
4406 Health shall not be authorized to sell, transfer, alienate or  
4407 otherwise dispose of any of the home health agencies owned and  
4408 operated by the department on January 1, 1995, and shall not be  
4409 authorized to sell, transfer, assign, alienate or otherwise  
4410 dispose of the license of any of those home health agencies,  
4411 except upon the specific authorization of the Legislature by an  
4412 amendment to this section. However, this paragraph (b) shall not  
4413 prevent the board or the department from closing or terminating



4414 the operation of any home health agency owned and operated by the  
4415 department, or closing or terminating any office, branch office or  
4416 clinic of any such home health agency, or otherwise discontinuing  
4417 the providing of home health services through any such home health  
4418 agency, office, branch office or clinic, if the board first  
4419 demonstrates that there are other providers of home health  
4420 services in the area being served by the department's home health  
4421 agency, office, branch office or clinic that will be able to  
4422 provide adequate home health services to the residents of the area  
4423 if the department's home health agency, office, branch office or  
4424 clinic is closed or otherwise discontinues the providing of home  
4425 health services. This demonstration by the board that there are  
4426 other providers of adequate home health services in the area shall  
4427 be spread at length upon the minutes of the board at a regular or  
4428 special meeting of the board at least thirty (30) days before a  
4429 home health agency, office, branch office or clinic is proposed to  
4430 be closed or otherwise discontinue the providing of home health  
4431 services.

4432 (c) The State Department of Health may undertake such  
4433 technical programs and activities as may be required for the  
4434 support and operation of those programs, including maintaining  
4435 physical, chemical, bacteriological and radiological laboratories,  
4436 and may make such diagnostic tests for diseases and tests for the  
4437 evaluation of health hazards as may be deemed necessary for the  
4438 protection of the people of the state.



4439           (6)   (a)   The State Board of Health shall administer the  
4440 local governments and rural water systems improvements loan  
4441 program in accordance with the provisions of Section 41-3-16.

4442                   (b)   The State Board of Health shall have authority:

4443                           (i)   To enter into capitalization grant agreements  
4444 with the United States Environmental Protection Agency, or any  
4445 successor agency thereto;

4446                           (ii)   To accept capitalization grant awards made  
4447 under the federal Safe Drinking Water Act, as amended;

4448                           (iii)   To provide annual reports and audits to the  
4449 United States Environmental Protection Agency, as may be required  
4450 by federal capitalization grant agreements; and

4451                           (iv)   To establish and collect fees to defray the  
4452 reasonable costs of administering the revolving fund or emergency  
4453 fund if the State Board of Health determines that those costs will  
4454 exceed the limitations established in the federal Safe Drinking  
4455 Water Act, as amended. The administration fees may be included in  
4456 loan amounts to loan recipients for the purpose of facilitating  
4457 payment to the board; however, those fees may not exceed five  
4458 percent (5%) of the loan amount.

4459           (7)   Notwithstanding any other provision to the contrary, the  
4460 State Department of Health shall have the following specific  
4461 powers: The department shall issue a license to Alexander Milne  
4462 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the  
4463 construction, conversion, expansion and operation of not more than



4464 forty-five (45) beds for developmentally disabled adults who have  
4465 been displaced from New Orleans, Louisiana, with the beds to be  
4466 located in a certified ICF-MR facility in the City of Laurel,  
4467 Mississippi. There shall be no prohibition or restrictions on  
4468 participation in the Medicaid program for the person receiving the  
4469 license under this subsection (7). The license described in this  
4470 subsection shall expire five (5) years from the date of its issue.  
4471 The license authorized by this subsection shall be issued upon the  
4472 initial payment by the licensee of an application fee of  
4473 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of  
4474 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of  
4475 the license, to be paid as long as the licensee continues to  
4476 operate. The initial and monthly licensing fees shall be  
4477 deposited by the State Department of Health into the special fund  
4478 created under Section 41-7-188.

4479 (8) Notwithstanding any other provision to the contrary, the  
4480 State Department of Health shall have the following specific  
4481 powers: The State Department of Health is authorized to issue a  
4482 license to an existing home health agency for the transfer of a  
4483 county from that agency to another existing home health agency,  
4484 and to charge a fee for reviewing and making a determination on  
4485 the application for such transfer not to exceed one-half (1/2) of  
4486 the authorized fee assessed for the original application for the  
4487 home health agency, with the revenue to be deposited by the State



4488 Department of Health into the special fund created under Section  
4489 41-7-188.

4490 (9) Notwithstanding any other provision to the contrary, the  
4491 State Department of Health shall have the following specific  
4492 powers: For the period beginning July 1, 2010, through July 1,  
4493 2017, the State Department of Health is authorized and empowered  
4494 to assess a fee in addition to the fee prescribed in Section  
4495 41-7-188 for reviewing applications for certificates of need in an  
4496 amount not to exceed twenty-five one-hundredths of one percent  
4497 (.25 of 1%) of the amount of a proposed capital expenditure, but  
4498 shall be not less than Two Hundred Fifty Dollars (\$250.00)  
4499 regardless of the amount of the proposed capital expenditure, and  
4500 the maximum additional fee permitted shall not exceed Fifty  
4501 Thousand Dollars (\$50,000.00). Provided that the total  
4502 assessments of fees for certificate of need applications under  
4503 Section 41-7-188 and this section shall not exceed the actual cost  
4504 of operating the certificate of need program.

4505 (10) Notwithstanding any other provision to the contrary,  
4506 the State Department of Health shall have the following specific  
4507 powers: The State Department of Health is authorized to extend  
4508 and renew any certificate of need that has expired, and to charge  
4509 a fee for reviewing and making a determination on the application  
4510 for such action not to exceed one-half (1/2) of the authorized fee  
4511 assessed for the original application for the certificate of need,





4512 with the revenue to be deposited by the State Department of Health  
4513 into the special fund created under Section 41-7-188.

4514 (11) Notwithstanding any other provision to the contrary,  
4515 the State Department of Health shall have the following specific  
4516 powers: The State Department of Health is authorized and  
4517 empowered, to revoke, immediately, the license and require closure  
4518 of any institution for the aged or infirm, including any other  
4519 remedy less than closure to protect the health and safety of the  
4520 residents of said institution or the health and safety of the  
4521 general public.

4522 (12) Notwithstanding any other provision to the contrary,  
4523 the State Department of Health shall have the following specific  
4524 powers: The State Department of Health is authorized and  
4525 empowered, to require the temporary detainment of individuals for  
4526 disease control purposes based upon violation of any order of the  
4527 State Health Officer, as provided in Section 41-23-5. For the  
4528 purpose of enforcing such orders of the State Health Officer,  
4529 persons employed by the department as investigators shall have  
4530 general arrest powers. All law enforcement officers are  
4531 authorized and directed to assist in the enforcement of such  
4532 orders of the State Health Officer.

4533 **SECTION 55.** Section 41-29-125, Mississippi Code of 1972, is  
4534 amended as follows:

4535 41-29-125. (1) The State Board of Pharmacy may promulgate  
4536 rules and regulations relating to the registration and control of



4537 the manufacture, distribution and dispensing of controlled  
4538 substances within this state and the distribution and dispensing  
4539 of controlled substances into this state from an out-of-state  
4540 location.

4541 (a) Every person who manufactures, distributes or  
4542 dispenses any controlled substance within this state or who  
4543 distributes or dispenses any controlled substance into this state  
4544 from an out-of-state location, or who proposes to engage in the  
4545 manufacture, distribution or dispensing of any controlled  
4546 substance within this state or the distribution or dispensing of  
4547 any controlled substance into this state from an out-of-state  
4548 location, must obtain a registration issued by the State Board of  
4549 Pharmacy, the State Board of Medical Licensure, the State Board of  
4550 Dental Examiners, the Mississippi Board of Nursing or the  
4551 Mississippi Board of Veterinary Medicine, as appropriate, in  
4552 accordance with its rules and the law of this state. Such  
4553 registration shall be obtained annually or biennially, as  
4554 specified by the issuing board, and a reasonable fee may be  
4555 charged by the issuing board for such registration.

4556 (b) Persons registered by the State Board of Pharmacy,  
4557 with the consent of the United States Drug Enforcement  
4558 Administration and the State Board of Medical Licensure, the State  
4559 Board of Dental Examiners, the Mississippi Board of Nursing or the  
4560 Mississippi Board of Veterinary Medicine to manufacture,  
4561 distribute, dispense or conduct research with controlled



4562 substances may possess, manufacture, distribute, dispense or  
4563 conduct research with those substances to the extent authorized by  
4564 their registration and in conformity with the other provisions of  
4565 this article.

4566 (c) The following persons need not register and may  
4567 lawfully possess controlled substances under this article:

4568 (1) An agent or employee of any registered  
4569 manufacturer, distributor or dispenser of any controlled substance  
4570 if he is acting in the usual course of his business or employment;

4571 (2) A common or contract carrier or warehouse, or  
4572 an employee thereof, whose possession of any controlled substance  
4573 is in the usual course of business or employment;

4574 (3) An ultimate user or a person in possession of  
4575 any controlled substance pursuant to a valid prescription or in  
4576 lawful possession of a Schedule V substance as defined in Section  
4577 41-29-121.

4578 (d) The State Board of Pharmacy may waive by rule the  
4579 requirement for registration of certain manufacturers,  
4580 distributors or dispensers if it finds it consistent with the  
4581 public health and safety.

4582 (e) A separate registration is required at each  
4583 principal place of business or professional practice where an  
4584 applicant within the state manufactures, distributes or dispenses  
4585 controlled substances and for each principal place of business or



4586 professional practice located out-of-state from which controlled  
4587 substances are distributed or dispensed into the state.

4588 (f) The State Board of Pharmacy, the Mississippi Bureau  
4589 of Narcotics, the State Board of Medical Licensure, the State  
4590 Board of Dental Examiners, the Mississippi Board of Nursing and  
4591 the Mississippi Board of Veterinary Medicine may inspect the  
4592 establishment of a registrant or applicant for registration in  
4593 accordance with the regulations of these agencies as approved by  
4594 the board.

4595 (2) Whenever a pharmacy ships, mails or delivers any  
4596 Schedule II controlled substance listed in Section 41-29-115 to a  
4597 private residence in this state, the pharmacy shall arrange with  
4598 the entity that will actually deliver the controlled substance to  
4599 a recipient in this state that the entity will: (a) deliver the  
4600 controlled substance only to a person who is eighteen (18) years  
4601 of age or older; and (b) obtain the signature of that person  
4602 before delivering the controlled substance. The requirements of  
4603 this subsection shall not apply to a pharmacy serving a nursing  
4604 facility or to a pharmacy owned and/or operated by a hospital,  
4605 nursing facility or clinic to which the general public does not  
4606 have access to purchase pharmaceuticals on a retail basis.

4607 (3) This section does not apply to any of the actions that  
4608 are lawful under the Mississippi Medical Cannabis Act and in  
4609 compliance with rules and regulations adopted thereunder.



4610           **SECTION 56.** Section 41-29-127, Mississippi Code of 1972, is  
4611 amended as follows:

4612           41-29-127. (a) The State Board of Pharmacy shall register  
4613 an applicant to manufacture or distribute controlled substances  
4614 included in Sections 41-29-113 through 41-29-121 unless it  
4615 determines that the issuance of that registration would be  
4616 inconsistent with the public interest. In determining the public  
4617 interest, the State Board of Pharmacy shall consider the following  
4618 factors:

4619                   (1) Maintenance of effective controls against diversion  
4620 of controlled substances into other than legitimate medical,  
4621 scientific, or industrial channels;

4622                   (2) Compliance with applicable state and local law;

4623                   (3) Any convictions of the applicant under any federal  
4624 and state laws relating to any controlled substance;

4625                   (4) Past experience in the manufacture or distribution  
4626 of controlled substances and the existence in the applicant's  
4627 establishment of effective controls against diversion;

4628                   (5) Furnishing by the applicant of false or fraudulent  
4629 material in any application filed under this article;

4630                   (6) Suspension or revocation of the applicant's federal  
4631 registration to manufacture, distribute, or dispense controlled  
4632 substances as authorized by federal law; and

4633                   (7) Any other factors relevant to and consistent with  
4634 the public health and safety.



4635 (b) Registration under subsection (a) does not entitle a  
4636 registrant to manufacture and distribute controlled substances in  
4637 Schedule I or II, as set out in Sections 41-29-113 and 41-29-115,  
4638 other than those specified in the registration.

4639 (c) Practitioners must be registered to dispense any  
4640 controlled substances or to conduct research with controlled  
4641 substances in Schedules II through V, as set out in Sections  
4642 41-29-115 through 41-29-121, if they are authorized to dispense or  
4643 conduct research under the law of this state. The State Board of  
4644 Pharmacy need not require separate registration under this section  
4645 for practitioners engaging in research with nonnarcotic controlled  
4646 substances in the said Schedules II through V where the registrant  
4647 is already registered therein in another capacity. Practitioners  
4648 registered under federal law to conduct research with Schedule I  
4649 substances, as set out in Section 41-29-113, may conduct research  
4650 with Schedule I substances within this state upon furnishing the  
4651 State Board of Health evidence of that federal registration.

4652 (d) Compliance by manufacturers and distributors with the  
4653 provisions of the federal law respecting registration (excluding  
4654 fees) entitles them to be registered under this article.

4655 (e) This section does not apply to any of the actions that  
4656 are lawful under the Mississippi Medical Cannabis Act and in  
4657 compliance with rules and regulations adopted thereunder.

4658 **SECTION 57.** Section 41-29-136, Mississippi Code of 1972, is  
4659 amended as follows:



4660 41-29-136. (1) "CBD solution" means a pharmaceutical  
4661 preparation consisting of processed cannabis plant extract in oil  
4662 or other suitable vehicle.

4663 (2) (a) CBD solution prepared from (i) cannabis plant  
4664 extract that is provided by the National Center for Natural  
4665 Products Research at the University of Mississippi under  
4666 appropriate federal and state regulatory approvals, or (ii)  
4667 cannabis extract from hemp produced pursuant to Sections 69-25-201  
4668 through 69-25-221, which is prepared and tested to meet compliance  
4669 with regulatory specifications, may be dispensed by the Department  
4670 of Pharmacy Services at the University of Mississippi Medical  
4671 Center (UMMC Pharmacy) after mixing the extract with a suitable  
4672 vehicle. The CBD solution may be prepared by the UMMC Pharmacy or  
4673 by another pharmacy or laboratory in the state under appropriate  
4674 federal and state regulatory approvals and registrations.

4675 (b) The patient or the patient's parent, guardian or  
4676 custodian must execute a hold-harmless agreement that releases  
4677 from liability the state and any division, agency, institution or  
4678 employee thereof involved in the research, cultivation,  
4679 processing, formulating, dispensing, prescribing or administration  
4680 of CBD solution obtained from entities authorized under this  
4681 section to produce or possess cannabidiol for research under  
4682 appropriate federal and state regulatory approvals and  
4683 registrations.



4684           (c) The National Center for Natural Products Research  
4685 at the University of Mississippi and the Mississippi Agricultural  
4686 and Forestry Experiment Station at Mississippi State University  
4687 are the only entities authorized to produce cannabis plants for  
4688 cannabidiol research.

4689           (d) Research of CBD solution under this section must  
4690 comply with the provisions of Section 41-29-125 regarding lawful  
4691 possession of controlled substances, of Section 41-29-137  
4692 regarding record-keeping requirements relative to the dispensing,  
4693 use or administration of controlled substances, and of Section  
4694 41-29-133 regarding inventory requirements, insofar as they are  
4695 applicable. Authorized entities may enter into public-private  
4696 partnerships to facilitate research.

4697           (3) (a) In a prosecution for the unlawful possession of  
4698 marijuana under the laws of this state, it is an affirmative and  
4699 complete defense to prosecution that:

4700                   (i) The defendant suffered from a debilitating  
4701 epileptic condition or related illness and the use or possession  
4702 of CBD solution was pursuant to the order of a physician as  
4703 authorized under this section; or

4704                   (ii) The defendant is the parent, guardian or  
4705 custodian of an individual who suffered from a debilitating  
4706 epileptic condition or related illness and the use or possession  
4707 of CBD solution was pursuant to the order of a physician as  
4708 authorized under this section.





4709 (b) An agency of this state or a political subdivision  
4710 thereof, including any law enforcement agency, may not initiate  
4711 proceedings to remove a child from the home based solely upon the  
4712 possession or use of CBD solution by the child or parent, guardian  
4713 or custodian of the child as authorized under this section.

4714 (c) An employee of the state or any division, agency,  
4715 institution thereof involved in the research, cultivation,  
4716 processing, formulation, dispensing, prescribing or administration  
4717 of CBD solution shall not be subject to prosecution for unlawful  
4718 possession, use, distribution or prescription of marijuana under  
4719 the laws of this state for activities arising from or related to  
4720 the use of CBD solution in the treatment of individuals diagnosed  
4721 with a debilitating epileptic condition.

4722 (4) This section does not apply to any of the actions that  
4723 are lawful under the Mississippi Medical Cannabis Act and in  
4724 compliance with rules and regulations adopted thereunder.

4725 ( \* \* \*5) This section shall be known as "Harper Grace's  
4726 Law."

4727 ( \* \* \*6) This section shall stand repealed from and after  
4728 July 1, 2024.

4729 **SECTION 58.** Section 41-29-137, Mississippi Code of 1972, is  
4730 amended as follows:

4731 41-29-137. (a) (1) Except when dispensed directly by a  
4732 practitioner, other than a pharmacy, to an ultimate user, no  
4733 controlled substance in Schedule II, as set out in Section



4734 41-29-115, may be dispensed without the written valid prescription  
4735 of a practitioner. A practitioner shall keep a record of all  
4736 controlled substances in Schedule I, II and III administered,  
4737 dispensed or professionally used by him otherwise than by  
4738 prescription.

4739 (2) In emergency situations, as defined by rule of the  
4740 State Board of Pharmacy, Schedule II drugs may be dispensed upon  
4741 the oral valid prescription of a practitioner, reduced promptly to  
4742 writing and filed by the pharmacy. Prescriptions shall be  
4743 retained in conformity with the requirements of Section 41-29-133.  
4744 No prescription for a Schedule II substance may be refilled unless  
4745 renewed by prescription issued by a licensed medical doctor.

4746 (b) Except when dispensed directly by a practitioner, other  
4747 than a pharmacy, to an ultimate user, a controlled substance  
4748 included in Schedule III or IV, as set out in Sections 41-29-117  
4749 and 41-29-119, shall not be dispensed without a written or oral  
4750 valid prescription of a practitioner. The prescription shall not  
4751 be filled or refilled more than six (6) months after the date  
4752 thereof or be refilled more than five (5) times, unless renewed by  
4753 the practitioner.

4754 (c) A controlled substance included in Schedule V, as set  
4755 out in Section 41-29-121, shall not be distributed or dispensed  
4756 other than for a medical purpose.

4757 (d) An optometrist certified to prescribe and use  
4758 therapeutic pharmaceutical agents under Sections 73-19-153 through



4759 73-19-165 shall be authorized to prescribe oral analgesic  
4760 controlled substances in Schedule IV or V, as pertains to  
4761 treatment and management of eye disease by written prescription  
4762 only.

4763 (e) Administration by injection of any pharmaceutical  
4764 product authorized in this section is expressly prohibited except  
4765 when dispensed directly by a practitioner other than a pharmacy.

4766 (f) (1) For the purposes of this article, Title 73, Chapter  
4767 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it  
4768 pertains to prescriptions for controlled substances, a "valid  
4769 prescription" means a prescription that is issued for a legitimate  
4770 medical purpose in the usual course of professional practice by:

4771 (A) A practitioner who has conducted at least one  
4772 (1) in-person medical evaluation of the patient, except as  
4773 otherwise authorized by Section 41-29-137.1; or

4774 (B) A covering practitioner.

4775 (2) (A) "In-person medical evaluation" means a medical  
4776 evaluation that is conducted with the patient in the physical  
4777 presence of the practitioner, without regard to whether portions  
4778 of the evaluation are conducted by other health professionals.

4779 (B) "Covering practitioner" means a practitioner  
4780 who conducts a medical evaluation other than an in-person medical  
4781 evaluation at the request of a practitioner who has conducted at  
4782 least one (1) in-person medical evaluation of the patient or an  
4783 evaluation of the patient through the practice of telemedicine



4784 within the previous twenty-four (24) months and who is temporarily  
4785 unavailable to conduct the evaluation of the patient.

4786 (3) A prescription for a controlled substance based  
4787 solely on a consumer's completion of an online medical  
4788 questionnaire is not a valid prescription.

4789 (4) Nothing in this subsection (f) shall apply to:

4790 (A) A prescription issued by a practitioner  
4791 engaged in the practice of telemedicine as authorized under state  
4792 or federal law; or

4793 (B) The dispensing or selling of a controlled  
4794 substance pursuant to practices as determined by the United States  
4795 Attorney General by regulation.

4796 (g) This section does not apply to any of the actions that  
4797 are lawful under the Mississippi Medical Cannabis Act and in  
4798 compliance with rules and regulations adopted thereunder.

4799 **SECTION 59.** Section 41-29-139, Mississippi Code of 1972, is  
4800 amended as follows:

4801 41-29-139. (a) **Transfer and possession with intent to**  
4802 **transfer.** Except as authorized by this article, it is unlawful  
4803 for any person knowingly or intentionally:

4804 (1) To sell, barter, transfer, manufacture, distribute,  
4805 dispense or possess with intent to sell, barter, transfer,  
4806 manufacture, distribute or dispense, a controlled substance; or



4807           (2) To create, sell, barter, transfer, distribute,  
4808 dispense or possess with intent to create, sell, barter, transfer,  
4809 distribute or dispense, a counterfeit substance.

4810           (b) **Punishment for transfer and possession with intent to**  
4811 **transfer.** Except as otherwise provided in Section 41-29-142, any  
4812 person who violates subsection (a) of this section shall be, if  
4813 convicted, sentenced as follows:

4814           (1) For controlled substances classified in Schedule I  
4815 or II, as set out in Sections 41-29-113 and 41-29-115, other than  
4816 marijuana or synthetic cannabinoids:

4817           (A) If less than two (2) grams or ten (10) dosage  
4818 units, by imprisonment for not more than eight (8) years or a fine  
4819 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

4820           (B) If two (2) or more grams or ten (10) or more  
4821 dosage units, but less than ten (10) grams or twenty (20) dosage  
4822 units, by imprisonment for not less than three (3) years nor more  
4823 than twenty (20) years or a fine of not more than Two Hundred  
4824 Fifty Thousand Dollars (\$250,000.00), or both.

4825           (C) If ten (10) or more grams or twenty (20) or  
4826 more dosage units, but less than thirty (30) grams or forty (40)  
4827 dosage units, by imprisonment for not less than five (5) years nor  
4828 more than thirty (30) years or a fine of not more than Five  
4829 Hundred Thousand Dollars (\$500,000.00), or both.

4830           (2) (A) For marijuana:



4831                   1. If thirty (30) grams or less, by  
4832 imprisonment for not more than three (3) years or a fine of not  
4833 more than Three Thousand Dollars (\$3,000.00), or both;

4834                   2. If more than thirty (30) grams but less  
4835 than two hundred fifty (250) grams, by imprisonment for not more  
4836 than five (5) years or a fine of not more than Five Thousand  
4837 Dollars (\$5,000.00), or both;

4838                   3. If two hundred fifty (250) or more grams  
4839 but less than five hundred (500) grams, by imprisonment for not  
4840 less than three (3) years nor more than ten (10) years or a fine  
4841 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

4842                   4. If five hundred (500) or more grams but  
4843 less than one (1) kilogram, by imprisonment for not less than five  
4844 (5) years nor more than twenty (20) years or a fine of not more  
4845 than Twenty Thousand Dollars (\$20,000.00), or both.

4846                   (B) For synthetic cannabinoids:

4847                   1. If ten (10) grams or less, by imprisonment  
4848 for not more than three (3) years or a fine of not more than Three  
4849 Thousand Dollars (\$3,000.00), or both;

4850                   2. If more than ten (10) grams but less than  
4851 twenty (20) grams, by imprisonment for not more than five (5)  
4852 years or a fine of not more than Five Thousand Dollars  
4853 (\$5,000.00), or both;

4854                   3. If twenty (20) or more grams but less than  
4855 forty (40) grams, by imprisonment for not less than three (3)



4856 years nor more than ten (10) years or a fine of not more than  
4857 Fifteen Thousand Dollars (\$15,000.00), or both;

4858                   4. If forty (40) or more grams but less than  
4859 two hundred (200) grams, by imprisonment for not less than five  
4860 (5) years nor more than twenty (20) years or a fine of not more  
4861 than Twenty Thousand Dollars (\$20,000.00), or both.

4862                   (3) For controlled substances classified in Schedules  
4863 III and IV, as set out in Sections 41-29-117 and 41-29-119:

4864                   (A) If less than two (2) grams or ten (10) dosage  
4865 units, by imprisonment for not more than five (5) years or a fine  
4866 of not more than Five Thousand Dollars (\$5,000.00), or both;

4867                   (B) If two (2) or more grams or ten (10) or more  
4868 dosage units, but less than ten (10) grams or twenty (20) dosage  
4869 units, by imprisonment for not more than eight (8) years or a fine  
4870 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

4871                   (C) If ten (10) or more grams or twenty (20) or  
4872 more dosage units, but less than thirty (30) grams or forty (40)  
4873 dosage units, by imprisonment for not more than fifteen (15) years  
4874 or a fine of not more than One Hundred Thousand Dollars  
4875 (\$100,000.00), or both;

4876                   (D) If thirty (30) or more grams or forty (40) or  
4877 more dosage units, but less than five hundred (500) grams or two  
4878 thousand five hundred (2,500) dosage units, by imprisonment for  
4879 not more than twenty (20) years or a fine of not more than Two  
4880 Hundred Fifty Thousand Dollars (\$250,000.00), or both.



4881 (4) For controlled substances classified in Schedule V,  
4882 as set out in Section 41-29-121:

4883 (A) If less than two (2) grams or ten (10) dosage  
4884 units, by imprisonment for not more than one (1) year or a fine of  
4885 not more than Five Thousand Dollars (\$5,000.00), or both;

4886 (B) If two (2) or more grams or ten (10) or more  
4887 dosage units, but less than ten (10) grams or twenty (20) dosage  
4888 units, by imprisonment for not more than five (5) years or a fine  
4889 of not more than Ten Thousand Dollars (\$10,000.00), or both;

4890 (C) If ten (10) or more grams or twenty (20) or  
4891 more dosage units, but less than thirty (30) grams or forty (40)  
4892 dosage units, by imprisonment for not more than ten (10) years or  
4893 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
4894 both;

4895 (D) For thirty (30) or more grams or forty (40) or  
4896 more dosage units, but less than five hundred (500) grams or two  
4897 thousand five hundred (2,500) dosage units, by imprisonment for  
4898 not more than fifteen (15) years or a fine of not more than Fifty  
4899 Thousand Dollars (\$50,000.00), or both.

4900 (c) **Simple possession.** Except as otherwise provided under  
4901 subsection (i) of this section for actions that are lawful under  
4902 the Mississippi Medical Cannabis Act and in compliance with rules  
4903 and regulations adopted thereunder, it is unlawful for any person  
4904 knowingly or intentionally to possess any controlled substance  
4905 unless the substance was obtained directly from, or pursuant to, a





4906 valid prescription or order of a practitioner while acting in the  
4907 course of his professional practice, or except as otherwise  
4908 authorized by this article. The penalties for any violation of  
4909 this subsection (c) with respect to a controlled substance  
4910 classified in Schedules I, II, III, IV or V, as set out in Section  
4911 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including  
4912 marijuana or synthetic cannabinoids, shall be based on dosage unit  
4913 as defined herein or the weight of the controlled substance as set  
4914 forth herein as appropriate:

4915 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
4916 case of a liquid solution, one (1) milliliter. In the case of  
4917 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
4918 stamp, square, dot, microdot, tablet or capsule of a controlled  
4919 substance.

4920 For any controlled substance that does not fall within the  
4921 definition of the term "dosage unit," the penalties shall be based  
4922 upon the weight of the controlled substance.

4923 The weight set forth refers to the entire weight of any  
4924 mixture or substance containing a detectable amount of the  
4925 controlled substance.

4926 If a mixture or substance contains more than one (1)  
4927 controlled substance, the weight of the mixture or substance is  
4928 assigned to the controlled substance that results in the greater  
4929 punishment.



4930 A person shall be charged and sentenced as follows for a  
4931 violation of this subsection with respect to:

4932 (1) A controlled substance classified in Schedule I or  
4933 II, except marijuana and synthetic cannabinoids:

4934 (A) If less than one-tenth (0.1) gram or two (2)  
4935 dosage units, the violation is a misdemeanor and punishable by  
4936 imprisonment for not more than one (1) year or a fine of not more  
4937 than One Thousand Dollars (\$1,000.00), or both.

4938 (B) If one-tenth (0.1) gram or more or two (2) or  
4939 more dosage units, but less than two (2) grams or ten (10) dosage  
4940 units, by imprisonment for not more than three (3) years or a fine  
4941 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

4942 (C) If two (2) or more grams or ten (10) or more  
4943 dosage units, but less than ten (10) grams or twenty (20) dosage  
4944 units, by imprisonment for not more than eight (8) years or a fine  
4945 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),  
4946 or both.

4947 (D) If ten (10) or more grams or twenty (20) or  
4948 more dosage units, but less than thirty (30) grams or forty (40)  
4949 dosage units, by imprisonment for not less than three (3) years  
4950 nor more than twenty (20) years or a fine of not more than Five  
4951 Hundred Thousand Dollars (\$500,000.00), or both.

4952 (2) (A) Marijuana and synthetic cannabinoids:

4953 1. If thirty (30) grams or less of marijuana  
4954 or ten (10) grams or less of synthetic cannabinoids, by a fine of



4955 not less than One Hundred Dollars (\$100.00) nor more than Two  
4956 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph  
4957 (2) (A) may be enforceable by summons if the offender provides  
4958 proof of identity satisfactory to the arresting officer and gives  
4959 written promise to appear in court satisfactory to the arresting  
4960 officer, as directed by the summons. A second conviction under  
4961 this section within two (2) years is a misdemeanor punishable by a  
4962 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty  
4963 (60) days in the county jail, and mandatory participation in a  
4964 drug education program approved by the Division of Alcohol and  
4965 Drug Abuse of the State Department of Mental Health, unless the  
4966 court enters a written finding that a drug education program is  
4967 inappropriate. A third or subsequent conviction under this  
4968 paragraph (2) (A) within two (2) years is a misdemeanor punishable  
4969 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor  
4970 more than One Thousand Dollars (\$1,000.00) and confinement for not  
4971 more than six (6) months in the county jail.

4972       Upon a first or second conviction under this paragraph  
4973 (2) (A), the courts shall forward a report of the conviction to the  
4974 Mississippi Bureau of Narcotics which shall make and maintain a  
4975 private, nonpublic record for a period not to exceed two (2) years  
4976 from the date of conviction. The private, nonpublic record shall  
4977 be solely for the use of the courts in determining the penalties  
4978 which attach upon conviction under this paragraph (2) (A) and shall  
4979 not constitute a criminal record for the purpose of private or



4980 administrative inquiry and the record of each conviction shall be  
4981 expunged at the end of the period of two (2) years following the  
4982 date of such conviction;

4983                   2. Additionally, a person who is the operator  
4984 of a motor vehicle, who possesses on his person or knowingly keeps  
4985 or allows to be kept in a motor vehicle within the area of the  
4986 vehicle normally occupied by the driver or passengers, more than  
4987 one (1) gram, but not more than thirty (30) grams of marijuana or  
4988 not more than ten (10) grams of synthetic cannabinoids is guilty  
4989 of a misdemeanor and, upon conviction, may be fined not more than  
4990 One Thousand Dollars (\$1,000.00) or confined for not more than  
4991 ninety (90) days in the county jail, or both. For the purposes of  
4992 this subsection, such area of the vehicle shall not include the  
4993 trunk of the motor vehicle or the areas not normally occupied by  
4994 the driver or passengers if the vehicle is not equipped with a  
4995 trunk. A utility or glove compartment shall be deemed to be  
4996 within the area occupied by the driver and passengers \* \* \*.

4997                   (B) Marijuana:

4998                   1. If more than thirty (30) grams but less  
4999 than two hundred fifty (250) grams, by a fine of not more than One  
5000 Thousand Dollars (\$1,000.00), or confinement in the county jail  
5001 for not more than one (1) year, or both; or by a fine of not more  
5002 than Three Thousand Dollars (\$3,000.00), or imprisonment in the  
5003 custody of the Department of Corrections for not more than three  
5004 (3) years, or both;



5005                   2. If two hundred fifty (250) or more grams  
5006 but less than five hundred (500) grams, by imprisonment for not  
5007 less than two (2) years nor more than eight (8) years or by a fine  
5008 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

5009                   3. If five hundred (500) or more grams but  
5010 less than one (1) kilogram, by imprisonment for not less than four  
5011 (4) years nor more than sixteen (16) years or a fine of not more  
5012 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

5013                   4. If one (1) kilogram or more but less than  
5014 five (5) kilograms, by imprisonment for not less than six (6)  
5015 years nor more than twenty-four (24) years or a fine of not more  
5016 than Five Hundred Thousand Dollars (\$500,000.00), or both;

5017                   5. If five (5) kilograms or more, by  
5018 imprisonment for not less than ten (10) years nor more than thirty  
5019 (30) years or a fine of not more than One Million Dollars  
5020 (\$1,000,000.00), or both.

5021                   (C) Synthetic cannabinoids:

5022                   1. If more than ten (10) grams but less than  
5023 twenty (20) grams, by a fine of not more than One Thousand Dollars  
5024 (\$1,000.00), or confinement in the county jail for not more than  
5025 one (1) year, or both; or by a fine of not more than Three  
5026 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
5027 the Department of Corrections for not more than three (3) years,  
5028 or both;



5029                   2. If twenty (20) or more grams but less than  
5030 forty (40) grams, by imprisonment for not less than two (2) years  
5031 nor more than eight (8) years or by a fine of not more than Fifty  
5032 Thousand Dollars (\$50,000.00), or both;

5033                   3. If forty (40) or more grams but less than  
5034 two hundred (200) grams, by imprisonment for not less than four  
5035 (4) years nor more than sixteen (16) years or a fine of not more  
5036 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

5037                   4. If two hundred (200) or more grams, by  
5038 imprisonment for not less than six (6) years nor more than  
5039 twenty-four (24) years or a fine of not more than Five Hundred  
5040 Thousand Dollars (\$500,000.00), or both.

5041                   (3) A controlled substance classified in Schedule III,  
5042 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
5043 conviction, may be punished as follows:

5044                   (A) If less than fifty (50) grams or less than one  
5045 hundred (100) dosage units, the offense is a misdemeanor and  
5046 punishable by not more than one (1) year or a fine of not more  
5047 than One Thousand Dollars (\$1,000.00), or both.

5048                   (B) If fifty (50) or more grams or one hundred  
5049 (100) or more dosage units, but less than one hundred fifty (150)  
5050 grams or five hundred (500) dosage units, by imprisonment for not  
5051 less than one (1) year nor more than four (4) years or a fine of  
5052 not more than Ten Thousand Dollars (\$10,000.00), or both.



5053 (C) If one hundred fifty (150) or more grams or  
5054 five hundred (500) or more dosage units, but less than three  
5055 hundred (300) grams or one thousand (1,000) dosage units, by  
5056 imprisonment for not less than two (2) years nor more than eight  
5057 (8) years or a fine of not more than Fifty Thousand Dollars  
5058 (\$50,000.00), or both.

5059 (D) If three hundred (300) or more grams or one  
5060 thousand (1,000) or more dosage units, but less than five hundred  
5061 (500) grams or two thousand five hundred (2,500) dosage units, by  
5062 imprisonment for not less than four (4) years nor more than  
5063 sixteen (16) years or a fine of not more than Two Hundred Fifty  
5064 Thousand Dollars (\$250,000.00), or both.

5065 (d) **Paraphernalia.** (1) Except as otherwise provided under  
5066 subsection (i) of this section for actions that are lawful under  
5067 the Mississippi Medical Cannabis Act and in compliance with rules  
5068 and regulations adopted thereunder, it is unlawful for a person  
5069 who is not authorized by the State Board of Medical Licensure,  
5070 State Board of Pharmacy, or other lawful authority to use, or to  
5071 possess with intent to use, paraphernalia to plant, propagate,  
5072 cultivate, grow, harvest, manufacture, compound, convert, produce,  
5073 process, prepare, test, analyze, pack, repack, store, contain,  
5074 conceal, inject, ingest, inhale or otherwise introduce into the  
5075 human body a controlled substance in violation of the Uniform  
5076 Controlled Substances Law. Any person who violates this  
5077 subsection (d) (1) is guilty of a misdemeanor and, upon conviction,



5078 may be confined in the county jail for not more than six (6)  
5079 months, or fined not more than Five Hundred Dollars (\$500.00), or  
5080 both; however, no person shall be charged with a violation of this  
5081 subsection when such person is also charged with the possession of  
5082 thirty (30) grams or less of marijuana under subsection (c) (2) (A)  
5083 of this section.

5084           (2) It is unlawful for any person to deliver, sell,  
5085 possess with intent to deliver or sell, or manufacture with intent  
5086 to deliver or sell, paraphernalia, knowing, or under circumstances  
5087 where one reasonably should know, that it will be used to plant,  
5088 propagate, cultivate, grow, harvest, manufacture, compound,  
5089 convert, produce, process, prepare, test, analyze, pack, repack,  
5090 store, contain, conceal, inject, ingest, inhale, or otherwise  
5091 introduce into the human body a controlled substance in violation  
5092 of the Uniform Controlled Substances Law. Except as provided in  
5093 subsection (d) (3), a person who violates this subsection (d) (2) is  
5094 guilty of a misdemeanor and, upon conviction, may be confined in  
5095 the county jail for not more than six (6) months, or fined not  
5096 more than Five Hundred Dollars (\$500.00), or both.

5097           (3) Any person eighteen (18) years of age or over who  
5098 violates subsection (d) (2) of this section by delivering or  
5099 selling paraphernalia to a person under eighteen (18) years of age  
5100 who is at least three (3) years his junior is guilty of a  
5101 misdemeanor and, upon conviction, may be confined in the county





5102 jail for not more than one (1) year, or fined not more than One  
5103 Thousand Dollars (\$1,000.00), or both.

5104 (4) It is unlawful for any person to place in any  
5105 newspaper, magazine, handbill, or other publication any  
5106 advertisement, knowing, or under circumstances where one  
5107 reasonably should know, that the purpose of the advertisement, in  
5108 whole or in part, is to promote the sale of objects designed or  
5109 intended for use as paraphernalia. Any person who violates this  
5110 subsection is guilty of a misdemeanor and, upon conviction, may be  
5111 confined in the county jail for not more than six (6) months, or  
5112 fined not more than Five Hundred Dollars (\$500.00), or both.

5113 (e) It shall be unlawful for any physician practicing  
5114 medicine in this state to prescribe, dispense or administer any  
5115 amphetamine or amphetamine-like anorectics and/or central nervous  
5116 system stimulants classified in Schedule II, pursuant to Section  
5117 41-29-115, for the exclusive treatment of obesity, weight control  
5118 or weight loss. Any person who violates this subsection, upon  
5119 conviction, is guilty of a misdemeanor and may be confined for a  
5120 period not to exceed six (6) months, or fined not more than One  
5121 Thousand Dollars (\$1,000.00), or both.

5122 (f) **Trafficking.** (1) Any person trafficking in controlled  
5123 substances shall be guilty of a felony and, upon conviction, shall  
5124 be imprisoned for a term of not less than ten (10) years nor more  
5125 than forty (40) years and shall be fined not less than Five  
5126 Thousand Dollars (\$5,000.00) nor more than One Million Dollars



5127 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
5128 reduced or suspended. The person shall not be eligible for  
5129 probation or parole, the provisions of Sections 41-29-149,  
5130 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

5131 (2) "Trafficking in controlled substances" as used  
5132 herein means:

5133 (A) A violation of subsection (a) of this section  
5134 involving thirty (30) or more grams or forty (40) or more dosage  
5135 units of a Schedule I or II controlled substance except marijuana  
5136 and synthetic cannabinoids;

5137 (B) A violation of subsection (a) of this section  
5138 involving five hundred (500) or more grams or two thousand five  
5139 hundred (2,500) or more dosage units of a Schedule III, IV or V  
5140 controlled substance;

5141 (C) A violation of subsection (c) of this section  
5142 involving thirty (30) or more grams or forty (40) or more dosage  
5143 units of a Schedule I or II controlled substance except marijuana  
5144 and synthetic cannabinoids;

5145 (D) A violation of subsection (c) of this section  
5146 involving five hundred (500) or more grams or two thousand five  
5147 hundred (2,500) or more dosage units of a Schedule III, IV or V  
5148 controlled substance; or

5149 (E) A violation of subsection (a) of this section  
5150 involving one (1) kilogram or more of marijuana or two hundred  
5151 (200) grams or more of synthetic cannabinoids.



5152           (g) **Aggravated trafficking.** Any person trafficking in  
5153 Schedule I or II controlled substances, except marijuana and  
5154 synthetic cannabinoids, of two hundred (200) grams or more shall  
5155 be guilty of aggravated trafficking and, upon conviction, shall be  
5156 sentenced to a term of not less than twenty-five (25) years nor  
5157 more than life in prison and shall be fined not less than Five  
5158 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
5159 (\$1,000,000.00). The twenty-five-year sentence shall be a  
5160 mandatory sentence and shall not be reduced or suspended. The  
5161 person shall not be eligible for probation or parole, the  
5162 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
5163 the contrary notwithstanding.

5164           (h) **Sentence mitigation.** (1) Notwithstanding any provision  
5165 of this section, a person who has been convicted of an offense  
5166 under this section that requires the judge to impose a prison  
5167 sentence which cannot be suspended or reduced and is ineligible  
5168 for probation or parole may, at the discretion of the court,  
5169 receive a sentence of imprisonment that is no less than  
5170 twenty-five percent (25%) of the sentence prescribed by the  
5171 applicable statute. In considering whether to apply the departure  
5172 from the sentence prescribed, the court shall conclude that:

5173                           (A) The offender was not a leader of the criminal  
5174 enterprise;

5175                           (B) The offender did not use violence or a weapon  
5176 during the crime;



5177 (C) The offense did not result in a death or  
5178 serious bodily injury of a person not a party to the criminal  
5179 enterprise; and

5180 (D) The interests of justice are not served by the  
5181 imposition of the prescribed mandatory sentence.

5182 The court may also consider whether information and  
5183 assistance were furnished to a law enforcement agency, or its  
5184 designee, which, in the opinion of the trial judge, objectively  
5185 should or would have aided in the arrest or prosecution of others  
5186 who violate this subsection. The accused shall have adequate  
5187 opportunity to develop and make a record of all information and  
5188 assistance so furnished.

5189 (2) If the court reduces the prescribed sentence  
5190 pursuant to this subsection, it must specify on the record the  
5191 circumstances warranting the departure.

5192 (i) This section does not apply to any of the actions that  
5193 are lawful under the Mississippi Medical Cannabis Act and in  
5194 compliance with rules and regulations adopted thereunder.

5195 **SECTION 60.** Section 41-29-141, Mississippi Code of 1972, is  
5196 amended as follows:

5197 41-29-141. It is unlawful for any person:

5198 (1) Who is subject to Section 41-29-125 to distribute  
5199 or dispense a controlled substance in violation of Section  
5200 41-29-137;



5201           (2) Who is a registrant under Section 41-29-125 to  
5202 manufacture a controlled substance not authorized by his  
5203 registration, or to distribute or dispense a controlled substance  
5204 not authorized by his registration to another registrant or other  
5205 authorized person;

5206           (3) To refuse or fail to make, keep or furnish any  
5207 record, notification, order form, statement, invoice or  
5208 information required under this article;

5209           (4) To refuse a lawful entry into any premises for any  
5210 inspection authorized by this article; or

5211           (5) Knowingly to keep or maintain any store, shop,  
5212 warehouse, dwelling, building, vehicle, boat, aircraft, or other  
5213 structure or place, which is resorted to by persons using  
5214 controlled substances in violation of this article for the purpose  
5215 of using these substances, or which is used for keeping or selling  
5216 them in violation of this article.

5217           Any person who violates this section shall, with respect to  
5218 such violation, be subject to a civil penalty payable to the State  
5219 of Mississippi of not more than Twenty-five Thousand Dollars  
5220 (\$25,000.00).

5221           In addition to the civil penalty provided in the preceding  
5222 paragraph, any person who knowingly or intentionally violates this  
5223 section shall be guilty of a crime and upon conviction thereof may  
5224 be confined for a period of not more than one (1) year or fined  
5225 not more than One Thousand Dollars (\$1,000.00), or both.



5226           This section does not apply to any of the actions that are  
5227 lawful under the Mississippi Medical Cannabis Act and in  
5228 compliance with rules and regulations adopted thereunder.

5229           **SECTION 61.** Section 41-29-143, Mississippi Code of 1972, is  
5230 amended as follows:

5231           41-29-143. It is unlawful for any person knowingly or  
5232 intentionally:

5233                   (1) To distribute as a registrant a controlled  
5234 substance classified in Schedule I or II, as set out in Sections  
5235 41-29-113 and 41-29-115, except pursuant to an order form as  
5236 required by Section 41-29-135;

5237                   (2) To use in the course of the manufacture or  
5238 distribution of a controlled substance a registration number which  
5239 is fictitious, revoked, suspended, or issued to another  
5240 person \* \* \*;

5241                   (3) To furnish false or fraudulent material information  
5242 in, or omit any material information from, any application,  
5243 report, or other document required to be kept or filed under this  
5244 article, or any record required to be kept by this article; or

5245                   (4) To make, distribute, or possess any punch, die,  
5246 plate, stone, or other thing designed to print, imprint, or  
5247 reproduce the trademark, trade name, or other identifying mark,  
5248 imprint or device of another or any likeness of any of the  
5249 foregoing upon any drug or container or labeling thereof so as to  
5250 render the drug a counterfeit substance.



5251 Any person who violates this section is guilty of a crime and  
5252 upon conviction may be confined for not more than one (1) year or  
5253 fined not more than One Thousand Dollars (\$1,000.00) or both.

5254 This section does not apply to any of the actions that are  
5255 lawful under the Mississippi Medical Cannabis Act and in  
5256 compliance with rules and regulations adopted thereunder.

5257 **SECTION 62.** Section 43-21-301, Mississippi Code of 1972, is  
5258 amended as follows:

5259 43-21-301. (1) No court other than the youth court shall  
5260 issue an arrest warrant or custody order for a child in a matter  
5261 in which the youth court has exclusive original jurisdiction but  
5262 shall refer the matter to the youth court.

5263 (2) Except as otherwise provided, no child in a matter in  
5264 which the youth court has exclusive original jurisdiction shall be  
5265 taken into custody by a law enforcement officer, the Department of  
5266 Human Services, the Department of Child Protection Services, or  
5267 any other person unless the judge or his designee has issued a  
5268 custody order to take the child into custody.

5269 (3) The judge or his designee may require a law enforcement  
5270 officer, the Department of Human Services, the Department of Child  
5271 Protection Services, or any suitable person to take a child into  
5272 custody for a period not longer than forty-eight (48) hours,  
5273 excluding Saturdays, Sundays, and statutory state holidays.

5274 (a) Custody orders under this subsection may be issued  
5275 if it appears that there is probable cause to believe that:



5276 (i) The child is within the jurisdiction of the  
5277 court;

5278 (ii) Custody is necessary because of any of the  
5279 following reasons: the child is in danger of a significant risk  
5280 of harm, any person would be in danger of a significant risk of  
5281 harm by the child, to ensure the child's attendance in court at  
5282 such time as required, or a parent, guardian or custodian is not  
5283 available to provide for the care and supervision of the child;  
5284 and

5285 (iii) There is no reasonable alternative to  
5286 custody.

5287 A finding of probable cause under this subsection (3) (a)  
5288 shall not be based solely upon a positive drug test of a newborn  
5289 or parent for marijuana or solely upon the status of a parent as a  
5290 cardholder under the Mississippi Medical Cannabis Act; however, a  
5291 finding of probable cause may be based upon an evidence-based  
5292 finding of harm to the child or a parent's inability to provide  
5293 for the care and supervision of the child due to the parent's use  
5294 of marijuana. Probable cause for unlawful use of any controlled  
5295 substance, except as otherwise provided in this subsection (3) (a)  
5296 for marijuana, may be based: 1. upon a parent's positive drug  
5297 test for unlawful use of a controlled substance only if the child  
5298 is in danger of a significant risk of harm or the parent is unable  
5299 to provide proper care or supervision of the child because of the  
5300 unlawful use and there is no reasonable alternative to custody;





5301 and 2. upon a newborn's positive drug screen for a controlled  
5302 substance that was used unlawfully only if the child is in danger  
5303 of a significant risk of harm or the parent is unable to provide  
5304 proper care or supervision of the child because of the unlawful  
5305 use and there is no reasonable alternative to custody.

5306 (b) Custody orders under this subsection shall be  
5307 written. In emergency cases, a judge or his designee may issue an  
5308 oral custody order, but the order shall be reduced to writing  
5309 within forty-eight (48) hours of its issuance.

5310 (c) Each youth court judge shall develop and make  
5311 available to law enforcement a list of designees who are available  
5312 after hours, on weekends and on holidays.

5313 (4) The judge or his designee may order, orally or in  
5314 writing, the immediate release of any child in the custody of any  
5315 person or agency. Except as otherwise provided in subsection (3)  
5316 of this section, custody orders as provided by this chapter and  
5317 authorizations of temporary custody may be written or oral, but,  
5318 if oral, reduced to writing within forty-eight (48) hours,  
5319 excluding Saturdays, Sundays and statutory state holidays. The  
5320 written order shall:

5321 (a) Specify the name and address of the child, or, if  
5322 unknown, designate him or her by any name or description by which  
5323 he or she can be identified with reasonable certainty;



5324           (b) Specify the age of the child, or, if unknown, that  
5325 he or she is believed to be of an age subject to the jurisdiction  
5326 of the youth court;

5327           (c) Except in cases where the child is alleged to be a  
5328 delinquent child or a child in need of supervision, state that the  
5329 effect of the continuation of the child's residing within his or  
5330 her own home would be contrary to the welfare of the child, that  
5331 the placement of the child in foster care is in the best interests  
5332 of the child, and unless the reasonable efforts requirement is  
5333 bypassed under Section 43-21-603(7)(c), also state that (i)  
5334 reasonable efforts have been made to maintain the child within his  
5335 or her own home, but that the circumstances warrant his removal  
5336 and there is no reasonable alternative to custody; or (ii) the  
5337 circumstances are of such an emergency nature that no reasonable  
5338 efforts have been made to maintain the child within his own home,  
5339 and that there is no reasonable alternative to custody. If the  
5340 court makes a finding in accordance with (ii) of this paragraph,  
5341 the court shall order that reasonable efforts be made toward the  
5342 reunification of the child with his or her family;

5343           (d) State that the child shall be brought immediately  
5344 before the youth court or be taken to a place designated by the  
5345 order to be held pending review of the order;

5346           (e) State the date issued and the youth court by which  
5347 the order is issued; and



5348 (f) Be signed by the judge or his designee with the  
5349 title of his office.

5350 (5) The taking of a child into custody shall not be  
5351 considered an arrest except for evidentiary purposes.

5352 (6) (a) No child who has been accused or adjudicated of any  
5353 offense that would not be a crime if committed by an adult shall  
5354 be placed in an adult jail or lockup. An accused status offender  
5355 shall not be held in secure detention longer than twenty-four (24)  
5356 hours prior to and twenty-four (24) hours after an initial court  
5357 appearance, excluding Saturdays, Sundays and statutory state  
5358 holidays, except under the following circumstances: a status  
5359 offender may be held in secure detention for violating a valid  
5360 court order pursuant to the criteria as established by the federal  
5361 Juvenile Justice and Delinquency Prevention Act of 2002, and any  
5362 subsequent amendments thereto, and out-of-state runaways may be  
5363 detained pending return to their home state.

5364 (b) No accused or adjudicated juvenile offender, except  
5365 for an accused or adjudicated juvenile offender in cases where  
5366 jurisdiction is waived to the adult criminal court, shall be  
5367 detained or placed into custody of any adult jail or lockup for a  
5368 period in excess of six (6) hours.

5369 (c) If any county violates the provisions of paragraph  
5370 (a) or (b) of this subsection, the state agency authorized to  
5371 allocate federal funds received pursuant to the Juvenile Justice  
5372 and Delinquency Prevention Act of 1974, 88 Stat. 2750 (codified in



5373 scattered Sections of 5, 18, 42 USCS), shall withhold the county's  
5374 share of such funds.

5375 (d) Any county that does not have a facility in which  
5376 to detain its juvenile offenders in compliance with the provisions  
5377 of paragraphs (a) and (b) of this subsection may enter into a  
5378 contractual agreement to detain or place into custody the juvenile  
5379 offenders of that county with any county or municipality that does  
5380 have such a facility, or with the State of Mississippi, or with  
5381 any private entity that maintains a juvenile correctional  
5382 facility.

5383 (e) Notwithstanding the provisions of paragraphs (a),  
5384 (b), (c) and (d) of this subsection, all counties shall be allowed  
5385 a one-year grace period from March 27, 1993, to comply with the  
5386 provisions of this subsection.

5387 **SECTION 63.** Section 43-21-303, Mississippi Code of 1972, is  
5388 amended as follows:

5389 43-21-303. (1) No child in a matter in which the youth  
5390 court has original exclusive jurisdiction shall be taken into  
5391 custody by any person without a custody order except that:

5392 (a) A law enforcement officer may take a child in  
5393 custody if:

5394 (i) Grounds exist for the arrest of an adult in  
5395 identical circumstances; and



5396 (ii) Such law enforcement officer has probable  
5397 cause to believe that custody is necessary as defined in Section  
5398 43-21-301; and

5399 (iii) Such law enforcement officer can find no  
5400 reasonable alternative to custody; or

5401 (b) A law enforcement officer or an agent of the  
5402 Department of Child Protection Services or the Department of Human  
5403 Services may take a child into immediate custody if:

5404 (i) There is probable cause to believe that the  
5405 child is in immediate danger of personal harm; however, probable  
5406 cause shall not be based solely upon a positive drug test of a  
5407 newborn or parent for marijuana or solely upon the status of a  
5408 parent as a cardholder under the Mississippi Medical Cannabis Act,  
5409 but a finding of probable cause may be based upon an  
5410 evidence-based finding of harm to the child or a parent's  
5411 inability to provide for the care and supervision of the child due  
5412 to the parent's use of marijuana. Probable cause for unlawful use  
5413 of any controlled substance, except as otherwise provided in this  
5414 subparagraph (i) for marijuana, may be based: 1. upon a parent's  
5415 positive drug test for unlawful use of a controlled substance only  
5416 if the child is in danger of a significant risk of harm or the  
5417 parent is unable to provide proper care or supervision of the  
5418 child because of the unlawful use and there is no reasonable  
5419 alternative to custody; and 2. upon a newborn's positive drug  
5420 screen for a controlled substance that was used unlawfully only if



5421 the child is in danger of a significant risk of harm or the parent  
5422 is unable to provide proper care or supervision of the child  
5423 because of the unlawful use and there is no reasonable alternative  
5424 to custody; and

5425 (ii) There is probable cause to believe that  
5426 immediate custody is necessary as set forth in Section  
5427 43-21-301(3); and

5428 (iii) There is no reasonable alternative to  
5429 custody; and

5430 (c) Any other person may take a child into custody if  
5431 grounds exist for the arrest of an adult in identical  
5432 circumstances. Such other person shall immediately surrender  
5433 custody of the child to the proper law enforcement officer who  
5434 shall thereupon continue custody only as provided in subsection  
5435 (1)(a) of this section.

5436 (2) When it is necessary to take a child into custody, the  
5437 least restrictive custody should be selected.

5438 (3) Unless the child is immediately released, the person  
5439 taking the child into custody shall immediately notify the judge  
5440 or his designee. A person taking a child into custody shall also  
5441 make continuing reasonable efforts to notify the child's parent,  
5442 guardian or custodian and invite the parent, guardian or custodian  
5443 to be present during any questioning.

5444 (4) A child taken into custody shall not be held in custody  
5445 for a period longer than reasonably necessary, but not to exceed



5446 twenty-four (24) hours, and shall be released to his parent,  
5447 guardian or custodian unless the judge or his designee authorizes  
5448 temporary custody.

5449         **SECTION 64.** Section 45-9-101, Mississippi Code of 1972, is  
5450 amended as follows:

5451             45-9-101. (1) (a) Except as otherwise provided, the  
5452 Department of Public Safety is authorized to issue licenses to  
5453 carry stun guns, concealed pistols or revolvers to persons  
5454 qualified as provided in this section. Such licenses shall be  
5455 valid throughout the state for a period of five (5) years from the  
5456 date of issuance, except as provided in subsection (25) of this  
5457 section. Any person possessing a valid license issued pursuant to  
5458 this section may carry a stun gun, concealed pistol or concealed  
5459 revolver.

5460             (b) The licensee must carry the license, together with  
5461 valid identification, at all times in which the licensee is  
5462 carrying a stun gun, concealed pistol or revolver and must display  
5463 both the license and proper identification upon demand by a law  
5464 enforcement officer. A violation of the provisions of this  
5465 paragraph (b) shall constitute a noncriminal violation with a  
5466 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
5467 by summons.

5468             (2) The Department of Public Safety shall issue a license if  
5469 the applicant:



5470           (a) Is a resident of the state. However, this  
5471 residency requirement may be waived if the applicant possesses a  
5472 valid permit from another state, is a member of any active or  
5473 reserve component branch of the United States of America Armed  
5474 Forces stationed in Mississippi, is the spouse of a member of any  
5475 active or reserve component branch of the United States of America  
5476 Armed Forces stationed in Mississippi, or is a retired law  
5477 enforcement officer establishing residency in the state;

5478           (b) (i) Is twenty-one (21) years of age or older; or

5479                   (ii) Is at least eighteen (18) years of age but  
5480 not yet twenty-one (21) years of age and the applicant:

5481                           1. Is a member or veteran of the United  
5482 States Armed Forces, including National Guard or Reserve; and

5483                           2. Holds a valid Mississippi driver's license  
5484 or identification card issued by the Department of Public Safety  
5485 or a valid and current tribal identification card issued by a  
5486 federally recognized Indian tribe containing a photograph of the  
5487 holder;

5488           (c) Does not suffer from a physical infirmity which  
5489 prevents the safe handling of a stun gun, pistol or revolver;

5490           (d) Is not ineligible to possess a firearm by virtue of  
5491 having been convicted of a felony in a court of this state, of any  
5492 other state, or of the United States without having been pardoned  
5493 or without having been expunged for same;





5494           (e) Does not chronically or habitually abuse controlled  
5495 substances to the extent that his normal faculties are impaired.  
5496 It shall be presumed that an applicant chronically and habitually  
5497 uses controlled substances to the extent that his faculties are  
5498 impaired if the applicant has been voluntarily or involuntarily  
5499 committed to a treatment facility for the abuse of a controlled  
5500 substance or been found guilty of a crime under the provisions of  
5501 the Uniform Controlled Substances Law or similar laws of any other  
5502 state or the United States relating to controlled substances  
5503 within a three-year period immediately preceding the date on which  
5504 the application is submitted;

5505           (f) Does not chronically and habitually use alcoholic  
5506 beverages to the extent that his normal faculties are impaired.  
5507 It shall be presumed that an applicant chronically and habitually  
5508 uses alcoholic beverages to the extent that his normal faculties  
5509 are impaired if the applicant has been voluntarily or  
5510 involuntarily committed as an alcoholic to a treatment facility or  
5511 has been convicted of two (2) or more offenses related to the use  
5512 of alcohol under the laws of this state or similar laws of any  
5513 other state or the United States within the three-year period  
5514 immediately preceding the date on which the application is  
5515 submitted;

5516           (g) Desires a legal means to carry a stun gun,  
5517 concealed pistol or revolver to defend himself;



5518 (h) Has not been adjudicated mentally incompetent, or  
5519 has waited five (5) years from the date of his restoration to  
5520 capacity by court order;

5521 (i) Has not been voluntarily or involuntarily committed  
5522 to a mental institution or mental health treatment facility unless  
5523 he possesses a certificate from a psychiatrist licensed in this  
5524 state that he has not suffered from disability for a period of  
5525 five (5) years;

5526 (j) Has not had adjudication of guilt withheld or  
5527 imposition of sentence suspended on any felony unless three (3)  
5528 years have elapsed since probation or any other conditions set by  
5529 the court have been fulfilled;

5530 (k) Is not a fugitive from justice; and

5531 (l) Is not disqualified to possess a weapon based on  
5532 federal law.

5533 (3) The Department of Public Safety may deny a license if  
5534 the applicant has been found guilty of one or more crimes of  
5535 violence constituting a misdemeanor unless three (3) years have  
5536 elapsed since probation or any other conditions set by the court  
5537 have been fulfilled or expunction has occurred prior to the date  
5538 on which the application is submitted, or may revoke a license if  
5539 the licensee has been found guilty of one or more crimes of  
5540 violence within the preceding three (3) years. The department  
5541 shall, upon notification by a law enforcement agency or a court  
5542 and subsequent written verification, suspend a license or the



5543 processing of an application for a license if the licensee or  
5544 applicant is arrested or formally charged with a crime which would  
5545 disqualify such person from having a license under this section,  
5546 until final disposition of the case. The provisions of subsection  
5547 (7) of this section shall apply to any suspension or revocation of  
5548 a license pursuant to the provisions of this section.

5549 (4) The application shall be completed, under oath, on a  
5550 form promulgated by the Department of Public Safety and shall  
5551 include only:

5552 (a) The name, address, place and date of birth, race,  
5553 sex and occupation of the applicant;

5554 (b) The driver's license number or social security  
5555 number of applicant;

5556 (c) Any previous address of the applicant for the two  
5557 (2) years preceding the date of the application;

5558 (d) A statement that the applicant is in compliance  
5559 with criteria contained within subsections (2) and (3) of this  
5560 section;

5561 (e) A statement that the applicant has been furnished a  
5562 copy of this section and is knowledgeable of its provisions;

5563 (f) A conspicuous warning that the application is  
5564 executed under oath and that a knowingly false answer to any  
5565 question, or the knowing submission of any false document by the  
5566 applicant, subjects the applicant to criminal prosecution; and



5567 (g) A statement that the applicant desires a legal  
5568 means to carry a stun gun, concealed pistol or revolver to defend  
5569 himself.

5570 (5) The applicant shall submit only the following to the  
5571 Department of Public Safety:

5572 (a) A completed application as described in subsection  
5573 (4) of this section;

5574 (b) A full-face photograph of the applicant taken  
5575 within the preceding thirty (30) days in which the head, including  
5576 hair, in a size as determined by the Department of Public Safety,  
5577 except that an applicant who is younger than twenty-one (21) years  
5578 of age must submit a photograph in profile of the applicant;

5579 (c) A nonrefundable license fee of Eighty Dollars  
5580 (\$80.00). Costs for processing the set of fingerprints as  
5581 required in paragraph (d) of this subsection shall be borne by the  
5582 applicant. Honorably retired law enforcement officers, disabled  
5583 veterans and active duty members of the Armed Forces of the United  
5584 States, and law enforcement officers employed with a law  
5585 enforcement agency of a municipality, county or state at the time  
5586 of application for the license, shall be exempt from the payment  
5587 of the license fee;

5588 (d) A full set of fingerprints of the applicant  
5589 administered by the Department of Public Safety; and

5590 (e) A waiver authorizing the Department of Public  
5591 Safety access to any records concerning commitments of the



5592 applicant to any of the treatment facilities or institutions  
5593 referred to in subsection (2) of this section and permitting  
5594 access to all the applicant's criminal records.

5595 (6) (a) The Department of Public Safety, upon receipt of  
5596 the items listed in subsection (5) of this section, shall forward  
5597 the full set of fingerprints of the applicant to the appropriate  
5598 agencies for state and federal processing.

5599 (b) The Department of Public Safety shall forward a  
5600 copy of the applicant's application to the sheriff of the  
5601 applicant's county of residence and, if applicable, the police  
5602 chief of the applicant's municipality of residence. The sheriff  
5603 of the applicant's county of residence, and, if applicable, the  
5604 police chief of the applicant's municipality of residence may, at  
5605 his discretion, participate in the process by submitting a  
5606 voluntary report to the Department of Public Safety containing any  
5607 readily discoverable prior information that he feels may be  
5608 pertinent to the licensing of any applicant. The reporting shall  
5609 be made within thirty (30) days after the date he receives the  
5610 copy of the application. Upon receipt of a response from a  
5611 sheriff or police chief, such sheriff or police chief shall be  
5612 reimbursed at a rate set by the department.

5613 (c) The Department of Public Safety shall, within  
5614 forty-five (45) days after the date of receipt of the items listed  
5615 in subsection (5) of this section:

5616 (i) Issue the license;



5617                   (ii) Deny the application based solely on the  
5618 ground that the applicant fails to qualify under the criteria  
5619 listed in subsections (2) and (3) of this section. If the  
5620 Department of Public Safety denies the application, it shall  
5621 notify the applicant in writing, stating the ground for denial,  
5622 and the denial shall be subject to the appeal process set forth in  
5623 subsection (7); or

5624                   (iii) Notify the applicant that the department is  
5625 unable to make a determination regarding the issuance or denial of  
5626 a license within the forty-five-day period prescribed by this  
5627 subsection, and provide an estimate of the amount of time the  
5628 department will need to make the determination.

5629                   (d) In the event a legible set of fingerprints, as  
5630 determined by the Department of Public Safety and the Federal  
5631 Bureau of Investigation, cannot be obtained after a minimum of two  
5632 (2) attempts, the Department of Public Safety shall determine  
5633 eligibility based upon a name check by the Mississippi Highway  
5634 Safety Patrol and a Federal Bureau of Investigation name check  
5635 conducted by the Mississippi Highway Safety Patrol at the request  
5636 of the Department of Public Safety.

5637                   (7) (a) If the Department of Public Safety denies the  
5638 issuance of a license, or suspends or revokes a license, the party  
5639 aggrieved may appeal such denial, suspension or revocation to the  
5640 Commissioner of Public Safety, or his authorized agent, within  
5641 thirty (30) days after the aggrieved party receives written notice



5642 of such denial, suspension or revocation. The Commissioner of  
5643 Public Safety, or his duly authorized agent, shall rule upon such  
5644 appeal within thirty (30) days after the appeal is filed and  
5645 failure to rule within this thirty-day period shall constitute  
5646 sustaining such denial, suspension or revocation. Such review  
5647 shall be conducted pursuant to such reasonable rules and  
5648 regulations as the Commissioner of Public Safety may adopt.

5649 (b) If the revocation, suspension or denial of issuance  
5650 is sustained by the Commissioner of Public Safety, or his duly  
5651 authorized agent pursuant to paragraph (a) of this subsection, the  
5652 aggrieved party may file within ten (10) days after the rendition  
5653 of such decision a petition in the circuit or county court of his  
5654 residence for review of such decision. A hearing for review shall  
5655 be held and shall proceed before the court without a jury upon the  
5656 record made at the hearing before the Commissioner of Public  
5657 Safety or his duly authorized agent. No such party shall be  
5658 allowed to carry a stun gun, concealed pistol or revolver pursuant  
5659 to the provisions of this section while any such appeal is  
5660 pending.

5661 (8) The Department of Public Safety shall maintain an  
5662 automated listing of license holders and such information shall be  
5663 available online, upon request, at all times, to all law  
5664 enforcement agencies through the Mississippi Crime Information  
5665 Center. However, the records of the department relating to  
5666 applications for licenses to carry stun guns, concealed pistols or



5667 revolvers and records relating to license holders shall be exempt  
5668 from the provisions of the Mississippi Public Records Act of 1983,  
5669 and shall be released only upon order of a court having proper  
5670 jurisdiction over a petition for release of the record or records.

5671 (9) Within thirty (30) days after the changing of a  
5672 permanent address, or within thirty (30) days after having a  
5673 license lost or destroyed, the licensee shall notify the  
5674 Department of Public Safety in writing of such change or loss.  
5675 Failure to notify the Department of Public Safety pursuant to the  
5676 provisions of this subsection shall constitute a noncriminal  
5677 violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
5678 be enforceable by a summons.

5679 (10) In the event that a stun gun, concealed pistol or  
5680 revolver license is lost or destroyed, the person to whom the  
5681 license was issued shall comply with the provisions of subsection  
5682 (9) of this section and may obtain a duplicate, or substitute  
5683 thereof, upon payment of Fifteen Dollars (\$15.00) to the  
5684 Department of Public Safety, and furnishing a notarized statement  
5685 to the department that such license has been lost or destroyed.

5686 (11) A license issued under this section shall be revoked if  
5687 the licensee becomes ineligible under the criteria set forth in  
5688 subsection (2) of this section.

5689 (12) (a) Except as provided in subsection (25) of this  
5690 section, no less than ninety (90) days prior to the expiration  
5691 date of the license, the Department of Public Safety shall mail to





5692 each licensee a written notice of the expiration and a renewal  
5693 form prescribed by the department. The licensee must renew his  
5694 license on or before the expiration date by filing with the  
5695 department the renewal form, a notarized affidavit stating that  
5696 the licensee remains qualified pursuant to the criteria specified  
5697 in subsections (2) and (3) of this section, and a full set of  
5698 fingerprints administered by the Department of Public Safety or  
5699 the sheriff of the county of residence of the licensee. The first  
5700 renewal may be processed by mail and the subsequent renewal must  
5701 be made in person. Thereafter every other renewal may be  
5702 processed by mail to assure that the applicant must appear in  
5703 person every ten (10) years for the purpose of obtaining a new  
5704 photograph.

5705 (i) Except as provided in this subsection, a  
5706 renewal fee of Forty Dollars (\$40.00) shall also be submitted  
5707 along with costs for processing the fingerprints;

5708 (ii) Honorably retired law enforcement officers,  
5709 disabled veterans, active duty members of the Armed Forces of the  
5710 United States and law enforcement officers employed with a law  
5711 enforcement agency of a municipality, county or state at the time  
5712 of renewal, shall be exempt from the renewal fee; and

5713 (iii) The renewal fee for a Mississippi resident  
5714 aged sixty-five (65) years of age or older shall be Twenty Dollars  
5715 (\$20.00).



5716 (b) The Department of Public Safety shall forward the  
5717 full set of fingerprints of the applicant to the appropriate  
5718 agencies for state and federal processing. The license shall be  
5719 renewed upon receipt of the completed renewal application and  
5720 appropriate payment of fees.

5721 (c) A licensee who fails to file a renewal application  
5722 on or before its expiration date must renew his license by paying  
5723 a late fee of Fifteen Dollars (\$15.00). No license shall be  
5724 renewed six (6) months or more after its expiration date, and such  
5725 license shall be deemed to be permanently expired. A person whose  
5726 license has been permanently expired may reapply for licensure;  
5727 however, an application for licensure and fees pursuant to  
5728 subsection (5) of this section must be submitted, and a background  
5729 investigation shall be conducted pursuant to the provisions of  
5730 this section.

5731 (13) No license issued pursuant to this section shall  
5732 authorize any person, except a law enforcement officer as defined  
5733 in Section 45-6-3 with a distinct license authorized by the  
5734 Department of Public Safety, to carry a stun gun, concealed pistol  
5735 or revolver into any place of nuisance as defined in Section  
5736 95-3-1, Mississippi Code of 1972; any police, sheriff or highway  
5737 patrol station; any detention facility, prison or jail; any  
5738 courthouse; any courtroom, except that nothing in this section  
5739 shall preclude a judge from carrying a concealed weapon or  
5740 determining who will carry a concealed weapon in his courtroom;



5741 any polling place; any meeting place of the governing body of any  
5742 governmental entity; any meeting of the Legislature or a committee  
5743 thereof; any school, college or professional athletic event not  
5744 related to firearms; any portion of an establishment, licensed to  
5745 dispense alcoholic beverages for consumption on the premises, that  
5746 is primarily devoted to dispensing alcoholic beverages; any  
5747 portion of an establishment in which beer, light spirit product or  
5748 light wine is consumed on the premises, that is primarily devoted  
5749 to such purpose; any elementary or secondary school facility; any  
5750 junior college, community college, college or university facility  
5751 unless for the purpose of participating in any authorized  
5752 firearms-related activity; inside the passenger terminal of any  
5753 airport, except that no person shall be prohibited from carrying  
5754 any legal firearm into the terminal if the firearm is encased for  
5755 shipment, for purposes of checking such firearm as baggage to be  
5756 lawfully transported on any aircraft; any church or other place of  
5757 worship, except as provided in Section 45-9-171; or any place  
5758 where the carrying of firearms is prohibited by federal law. In  
5759 addition to the places enumerated in this subsection, the carrying  
5760 of a stun gun, concealed pistol or revolver may be disallowed in  
5761 any place in the discretion of the person or entity exercising  
5762 control over the physical location of such place by the placing of  
5763 a written notice clearly readable at a distance of not less than  
5764 ten (10) feet that the "carrying of a pistol or revolver is  
5765 prohibited." No license issued pursuant to this section shall



5766 authorize the participants in a parade or demonstration for which  
5767 a permit is required to carry a stun gun, concealed pistol or  
5768 revolver.

5769 (14) A law enforcement officer as defined in Section 45-6-3,  
5770 chiefs of police, sheriffs and persons licensed as professional  
5771 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
5772 1972, shall be exempt from the licensing requirements of this  
5773 section.

5774 (a) The Commissioner of Public Safety shall promulgate  
5775 rules and regulations to provide licenses to law enforcement  
5776 officers as defined in Section 45-6-3 who choose to obtain a  
5777 license under the provisions of this section, which shall include  
5778 a distinction that the officer is an "active duty" law enforcement  
5779 officer and an endorsement that such officer is authorized to  
5780 carry in the locations listed in subsection (13). A law  
5781 enforcement officer shall provide the following information to  
5782 receive the license described in this subsection: (i) a letter,  
5783 with the official letterhead of the agency or department for which  
5784 the officer is employed at the time of application and (ii) a  
5785 letter with the official letterhead of the agency or department,  
5786 which explains that such officer has completed a certified law  
5787 enforcement training academy.

5788 (b) The licensing requirements of this section do not  
5789 apply to the carrying by any person of a stun gun, pistol or



5790 revolver, knife, or other deadly weapon that is not concealed as  
5791 defined in Section 97-37-1.

5792 (15) Any person who knowingly submits a false answer to any  
5793 question on an application for a license issued pursuant to this  
5794 section, or who knowingly submits a false document when applying  
5795 for a license issued pursuant to this section, shall, upon  
5796 conviction, be guilty of a misdemeanor and shall be punished as  
5797 provided in Section 99-19-31, Mississippi Code of 1972.

5798 (16) All fees collected by the Department of Public Safety  
5799 pursuant to this section shall be deposited into a special fund  
5800 hereby created in the State Treasury and shall be used for  
5801 implementation and administration of this section. After the  
5802 close of each fiscal year, the balance in this fund shall be  
5803 certified to the Legislature and then may be used by the  
5804 Department of Public Safety as directed by the Legislature.

5805 (17) All funds received by a sheriff or police chief  
5806 pursuant to the provisions of this section shall be deposited into  
5807 the general fund of the county or municipality, as appropriate,  
5808 and shall be budgeted to the sheriff's office or police department  
5809 as appropriate.

5810 (18) Nothing in this section shall be construed to require  
5811 or allow the registration, documentation or providing of serial  
5812 numbers with regard to any stun gun or firearm.

5813 (19) Any person holding a valid unrevoked and unexpired  
5814 license to carry stun guns, concealed pistols or revolvers issued



5815 in another state shall have such license recognized by this state  
5816 to carry stun guns, concealed pistols or revolvers. The  
5817 Department of Public Safety is authorized to enter into a  
5818 reciprocal agreement with another state if that state requires a  
5819 written agreement in order to recognize licenses to carry stun  
5820 guns, concealed pistols or revolvers issued by this state.

5821 (20) The provisions of this section shall be under the  
5822 supervision of the Commissioner of Public Safety. The  
5823 commissioner is authorized to promulgate reasonable rules and  
5824 regulations to carry out the provisions of this section.

5825 (21) For the purposes of this section, the term "stun gun"  
5826 means a portable device or weapon from which an electric current,  
5827 impulse, wave or beam may be directed, which current, impulse,  
5828 wave or beam is designed to incapacitate temporarily, injure,  
5829 momentarily stun, knock out, cause mental disorientation or  
5830 paralyze.

5831 (22) (a) From and after January 1, 2016, the Commissioner  
5832 of Public Safety shall promulgate rules and regulations which  
5833 provide that licenses authorized by this section for honorably  
5834 retired law enforcement officers and honorably retired  
5835 correctional officers from the Mississippi Department of  
5836 Corrections shall (i) include the words "retired law enforcement  
5837 officer" on the front of the license, and (ii) unless the licensee  
5838 chooses to have this license combined with a driver's license or  
5839 identification card under subsection (25) of this section, that



5840 the license itself have a red background to distinguish it from  
5841 other licenses issued under this section.

5842 (b) An honorably retired law enforcement officer and  
5843 honorably retired correctional officer shall provide the following  
5844 information to receive the license described in this section: (i)  
5845 a letter, with the official letterhead of the agency or department  
5846 from which such officer is retiring, which explains that such  
5847 officer is honorably retired, and (ii) a letter with the official  
5848 letterhead of the agency or department, which explains that such  
5849 officer has completed a certified law enforcement training  
5850 academy.

5851 (23) A disabled veteran who seeks to qualify for an  
5852 exemption under this section shall be required to provide a  
5853 veterans health services identification card issued by the United  
5854 States Department of Veterans Affairs indicating a  
5855 service-connected disability, which shall be sufficient proof of  
5856 such service-connected disability.

5857 (24) A license under this section is not required for a  
5858 loaded or unloaded pistol or revolver to be carried upon the  
5859 person in a sheath, belt holster or shoulder holster or in a  
5860 purse, handbag, satchel, other similar bag or briefcase or fully  
5861 enclosed case if the person is not engaged in criminal activity  
5862 other than a misdemeanor traffic offense, is not otherwise  
5863 prohibited from possessing a pistol or revolver under state or  
5864 federal law, and is not in a location prohibited under subsection



5865 (13) of this section. However, the medical use of medical  
5866 cannabis by a cardholder who is a registered qualifying patient  
5867 which is lawful under the provisions of the Mississippi Medical  
5868 Cannabis Act and in compliance with rules and regulations adopted  
5869 thereunder shall not disqualify a person under this subsection  
5870 (24) solely because the person is prohibited from possessing a  
5871 firearm under 18 USCS Section 922(g) (3) due to such medical use of  
5872 medical cannabis.

5873 (25) An applicant for a license under this section shall  
5874 have the option of, instead of being issued a separate card for  
5875 the license, having the license appear as a notation on the  
5876 individual's driver's license or identification card. If the  
5877 applicant chooses this option, the license issued under this  
5878 section shall have the same expiration date as the driver's  
5879 license or identification card, and renewal shall take place at  
5880 the same time and place as renewal of the driver's license or  
5881 identification card. The Commissioner of Public Safety shall have  
5882 the authority to promulgate rules and regulations which may be  
5883 necessary to ensure the effectiveness of the concurrent  
5884 application and renewal processes.

5885 **SECTION 65.** Section 59-23-7, Mississippi Code of 1972, is  
5886 amended as follows:

5887 59-23-7. (1) It is unlawful for any person to operate a  
5888 watercraft on the public waters of this state who:

5889 (a) Is under the influence of intoxicating liquor;





5890           (b) Is under the influence of any other substance which  
5891 has impaired such person's ability to operate a watercraft; or

5892           (c) Has eight one-hundredths percent (.08%) or more by  
5893 weight volume of alcohol in the person's blood based upon  
5894 milligrams of alcohol per one hundred (100) cubic centimeters of  
5895 blood as shown by a chemical analysis of such person's breath,  
5896 blood or urine administered as authorized by this chapter.

5897           (2) (a) Upon conviction of any person for the first offense  
5898 of violating subsection (1) of this section where chemical tests  
5899 provided for under Section 59-23-5 were given, or where chemical  
5900 test results are not available, such person shall be fined not  
5901 less than Two Hundred Fifty Dollars (\$250.00) nor more than One  
5902 Thousand Dollars (\$1,000.00), or imprisoned for not more than  
5903 twenty-four (24) hours in jail, or both; and the court shall order  
5904 such person to attend and complete a boating safety education  
5905 course developed by the Department of Wildlife, Fisheries and  
5906 Parks.

5907           (b) Upon any second conviction of any person violating  
5908 subsection (1) of this section, the offenses being committed  
5909 within a period of five (5) years, the person shall be fined not  
5910 less than Six Hundred Dollars (\$600.00) nor more than One Thousand  
5911 Dollars (\$1,000.00) and shall be imprisoned not less than  
5912 forty-eight (48) consecutive hours nor more than one (1) year or  
5913 sentenced to community service work for not less than ten (10)



5914 days nor more than one (1) year. The court shall order the person  
5915 not to operate a watercraft for one (1) year.

5916 (c) For any third conviction of any person violating  
5917 subsection (1) of this section, the offenses being committed  
5918 within a period of five (5) years, the person shall be fined not  
5919 less than Eight Hundred Dollars (\$800.00) nor more than One  
5920 Thousand Dollars (\$1,000.00) and shall be imprisoned not less than  
5921 thirty (30) days nor more than one (1) year. The court shall  
5922 order the person not to operate a watercraft for two (2) years.

5923 (d) Any fourth or subsequent violation of subsection  
5924 (1) of this section shall be a felony offense and, upon  
5925 conviction, the offenses being committed within a period of five  
5926 (5) years, the person shall be fined not less than Two Thousand  
5927 Dollars (\$2,000.00) nor more than Five Thousand Dollars  
5928 (\$5,000.00) and shall be imprisoned not less than ninety (90) days  
5929 nor more than five (5) years in the custody of the Department of  
5930 Corrections. The court shall order the person not to operate a  
5931 watercraft for three (3) years.

5932 (3) Any person convicted of operating any watercraft in  
5933 violation of subsection (1) of this section where the person (a)  
5934 refused a law enforcement officer's request to submit to a  
5935 chemical test, or (b) was unconscious at the time of a chemical  
5936 test and refused to consent to the introduction of the results of  
5937 such test in any prosecution, shall be punished consistent with  
5938 the penalties prescribed herein for persons submitting to the test



5939 and the court shall order the person not to operate a watercraft  
5940 for the time periods specified in subsection (2) of this section.

5941 (4) Any person who operates any watercraft in violation of  
5942 the provisions of subsection (1) of this section and who in a  
5943 negligent manner causes the death of another or mutilates,  
5944 disfigures, permanently disables or destroys the tongue, eye, lip,  
5945 nose or any other member or limb of another shall, upon  
5946 conviction, be guilty of a felony and shall be committed to the  
5947 custody of the Department of Corrections for a period of time not  
5948 to exceed ten (10) years.

5949 (5) Upon conviction of any violation of subsection (1) of  
5950 this section, the judge shall cause a copy of the citation and any  
5951 other pertinent documents concerning the conviction to be sent  
5952 immediately to the Mississippi Department of Wildlife, Fisheries  
5953 and Parks and the Department of Marine Resources. A copy of the  
5954 citation or other pertinent documents, having been attested as  
5955 true and correct by the Director of the Mississippi Department of  
5956 Wildlife, Fisheries and Parks, or his designee, or the Director of  
5957 the Department of Marine Resources, or his designee, shall be  
5958 sufficient proof of the conviction for purposes of determining the  
5959 enhanced penalty for any subsequent convictions of violations of  
5960 subsection (1) of this section.

5961 (6) The provisions of this section are fully applicable to  
5962 any person who is under the influence of medical cannabis that is  
5963 lawful under the Mississippi Medical Cannabis Act and in



5964 compliance with rules and regulations adopted thereunder which has  
5965 impaired the person's ability to operate a watercraft.

5966 **SECTION 66.** Section 63-11-30, Mississippi Code of 1972, is  
5967 amended as follows:

5968 63-11-30. (1) It is unlawful for a person to drive or  
5969 otherwise operate a vehicle within this state if the person:

5970 (a) Is under the influence of intoxicating liquor;

5971 (b) Is under the influence of any other substance that  
5972 has impaired the person's ability to operate a motor vehicle;

5973 (c) Is under the influence of any drug or controlled  
5974 substance, the possession of which is unlawful under the  
5975 Mississippi Controlled Substances Law; or

5976 (d) Has an alcohol concentration in the person's blood,  
5977 based upon grams of alcohol per one hundred (100) milliliters of  
5978 blood, or grams of alcohol per two hundred ten (210) liters of  
5979 breath, as shown by a chemical analysis of the person's breath,  
5980 blood or urine administered as authorized by this chapter, of:

5981 (i) Eight one-hundredths percent (.08%) or more  
5982 for a person who is above the legal age to purchase alcoholic  
5983 beverages under state law;

5984 (ii) Two one-hundredths percent (.02%) or more for  
5985 a person who is below the legal age to purchase alcoholic  
5986 beverages under state law; or

5987 (iii) Four one-hundredths percent (.04%) or more  
5988 for a person operating a commercial motor vehicle.



5989           (2) Except as otherwise provided in subsection (3) of this  
5990 section (Zero Tolerance for Minors):

5991           (a) **First offense DUI.** (i) Upon conviction of any  
5992 person for the first offense of violating subsection (1) of this  
5993 section where chemical tests under Section 63-11-5 were given, or  
5994 where chemical test results are not available, the person shall be  
5995 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more  
5996 than One Thousand Dollars (\$1,000.00), or imprisoned for not more  
5997 than forty-eight (48) hours in jail, or both; the court shall  
5998 order the person to attend and complete an alcohol safety  
5999 education program as provided in Section 63-11-32 within six (6)  
6000 months of sentencing. The court may substitute attendance at a  
6001 victim impact panel instead of forty-eight (48) hours in jail.

6002                       (ii) Suspension of commercial driving privileges  
6003 is governed by Section 63-1-216.

6004                       (iii) A qualifying first offense may be  
6005 nonadjudicated by the court under subsection (14) of this section.  
6006 The holder of a commercial driver's license or a commercial  
6007 learning permit at the time of the offense is ineligible for  
6008 nonadjudication.

6009                       (iv) Eligibility for an interlock-restricted  
6010 license is governed by Section 63-11-31 and suspension of regular  
6011 driving privileges is governed by Section 63-11-23.

6012           (b) **Second offense DUI.** (i) Upon any second  
6013 conviction of any person violating subsection (1) of this section,



6014 the offenses being committed within a period of five (5) years,  
6015 the person shall be guilty of a misdemeanor, fined not less than  
6016 Six Hundred Dollars (\$600.00) nor more than One Thousand Five  
6017 Hundred Dollars (\$1,500.00), shall be imprisoned not less than  
6018 five (5) days nor more than six (6) months and sentenced to  
6019 community service work for not less than ten (10) days nor more  
6020 than six (6) months. The minimum penalties shall not be suspended  
6021 or reduced by the court and no prosecutor shall offer any  
6022 suspension or sentence reduction as part of a plea bargain.

6023 (ii) Suspension of commercial driving privileges  
6024 is governed by Section 63-1-216.

6025 (iii) Eligibility for an interlock-restricted  
6026 license is governed by Section 63-11-31 and suspension of regular  
6027 driving privileges is governed by Section 63-11-23.

6028 (c) **Third offense DUI.** (i) For a third conviction of  
6029 a person for violating subsection (1) of this section, the  
6030 offenses being committed within a period of five (5) years, the  
6031 person shall be guilty of a felony and fined not less than Two  
6032 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars  
6033 (\$5,000.00), and shall serve not less than one (1) year nor more  
6034 than five (5) years in the custody of the Department of  
6035 Corrections. For any offense that does not result in serious  
6036 injury or death to any person, the sentence of incarceration may  
6037 be served in the county jail rather than in the State Penitentiary  
6038 at the discretion of the circuit court judge. The minimum



6039 penalties shall not be suspended or reduced by the court and no  
6040 prosecutor shall offer any suspension or sentence reduction as  
6041 part of a plea bargain.

6042 (ii) The suspension of commercial driving  
6043 privileges is governed by Section 63-1-216.

6044 (iii) The suspension of regular driving privileges  
6045 is governed by Section 63-11-23.

6046 (d) **Fourth and subsequent offense DUI.** (i) For any  
6047 fourth or subsequent conviction of a violation of subsection (1)  
6048 of this section, without regard to the time period within which  
6049 the violations occurred, the person shall be guilty of a felony  
6050 and fined not less than Three Thousand Dollars (\$3,000.00) nor  
6051 more than Ten Thousand Dollars (\$10,000.00), and shall serve not  
6052 less than two (2) years nor more than ten (10) years in the  
6053 custody of the Department of Corrections.

6054 (ii) The suspension of commercial driving  
6055 privileges is governed by Section 63-1-216.

6056 (iii) A person convicted of a fourth or subsequent  
6057 offense is ineligible to exercise the privilege to operate a motor  
6058 vehicle that is not equipped with an ignition-interlock device for  
6059 ten (10) years.

6060 (e) Any person convicted of a second or subsequent  
6061 violation of subsection (1) of this section shall receive an  
6062 in-depth diagnostic assessment, and if as a result of the  
6063 assessment is determined to be in need of treatment for alcohol or



6064 drug abuse, the person must successfully complete treatment at a  
6065 program site certified by the Department of Mental Health. Each  
6066 person who receives a diagnostic assessment shall pay a fee  
6067 representing the cost of the assessment. Each person who  
6068 participates in a treatment program shall pay a fee representing  
6069 the cost of treatment.

6070 (f) The use of ignition-interlock devices is governed  
6071 by Section 63-11-31.

6072 (3) **Zero Tolerance for Minors.** (a) This subsection shall  
6073 be known and may be cited as Zero Tolerance for Minors. The  
6074 provisions of this subsection shall apply only when a person under  
6075 the age of twenty-one (21) years has a blood alcohol concentration  
6076 of two one-hundredths percent (.02%) or more, but lower than eight  
6077 one-hundredths percent (.08%). If the person's blood alcohol  
6078 concentration is eight one-hundredths percent (.08%) or more, the  
6079 provisions of subsection (2) shall apply.

6080 (b) (i) A person under the age of twenty-one (21) is  
6081 eligible for nonadjudication of a qualifying first offense by the  
6082 court pursuant to subsection (14) of this section.

6083 (ii) Upon conviction of any person under the age  
6084 of twenty-one (21) years for the first offense of violating  
6085 subsection (1) of this section where chemical tests provided for  
6086 under Section 63-11-5 were given, or where chemical test results  
6087 are not available, the person shall be fined Two Hundred Fifty  
6088 Dollars (\$250.00); the court shall order the person to attend and





6089 complete an alcohol safety education program as provided in  
6090 Section 63-11-32 within six (6) months. The court may also  
6091 require attendance at a victim impact panel.

6092 (c) A person under the age of twenty-one (21) years who  
6093 is convicted of a second violation of subsection (1) of this  
6094 section, the offenses being committed within a period of five (5)  
6095 years, shall be fined not more than Five Hundred Dollars  
6096 (\$500.00).

6097 (d) A person under the age of twenty-one (21) years who  
6098 is convicted of a third or subsequent violation of subsection (1)  
6099 of this section, the offenses being committed within a period of  
6100 five (5) years, shall be fined not more than One Thousand Dollars  
6101 (\$1,000.00).

6102 (e) License suspension is governed by Section 63-11-23  
6103 and ignition interlock is governed by Section 63-11-31.

6104 (f) Any person under the age of twenty-one (21) years  
6105 convicted of a third or subsequent violation of subsection (1) of  
6106 this section must complete treatment of an alcohol or drug abuse  
6107 program at a site certified by the Department of Mental Health.

6108 (4) **DUI test refusal.** In addition to the other penalties  
6109 provided in this section, every person refusing a law enforcement  
6110 officer's request to submit to a chemical test of the person's  
6111 breath as provided in this chapter, or who was unconscious at the  
6112 time of a chemical test and refused to consent to the introduction  
6113 of the results of the test in any prosecution, shall suffer an



6114 additional administrative suspension of driving privileges as set  
6115 forth in Section 63-11-23.

6116         (5) **Aggravated DUI.** (a) Every person who operates any  
6117 motor vehicle in violation of the provisions of subsection (1) of  
6118 this section and who in a negligent manner causes the death of  
6119 another or mutilates, disfigures, permanently disables or destroys  
6120 the tongue, eye, lip, nose or any other limb, organ or member of  
6121 another shall, upon conviction, be guilty of a separate felony for  
6122 each victim who suffers death, mutilation, disfigurement or other  
6123 injury and shall be committed to the custody of the State  
6124 Department of Corrections for a period of time of not less than  
6125 five (5) years and not to exceed twenty-five (25) years for each  
6126 death, mutilation, disfigurement or other injury, and the  
6127 imprisonment for the second or each subsequent conviction, in the  
6128 discretion of the court, shall commence either at the termination  
6129 of the imprisonment for the preceding conviction or run  
6130 concurrently with the preceding conviction. Any person charged  
6131 with causing the death of another as described in this subsection  
6132 shall be required to post bail before being released after arrest.

6133         (b) A holder of a commercial driver's license who is  
6134 convicted of operating a commercial motor vehicle with an alcohol  
6135 concentration of eight one- \* \* \* hundredths percent (.08%) or more  
6136 shall be guilty of a felony and shall be committed to the custody  
6137 of the Department of Corrections for not less than two (2) years  
6138 and not more than ten (10) years.



6139           (c) The court shall order an ignition-interlock  
6140 restriction on the offender's privilege to drive as a condition of  
6141 probation or post-release supervision not to exceed five (5) years  
6142 unless a longer restriction is required under other law. The  
6143 ignition-interlock restriction shall not be applied to commercial  
6144 license privileges until the driver serves the full  
6145 disqualification period required by Section 63-1-216.

6146           (6) **DUI citations.** (a) Upon conviction of a violation of  
6147 subsection (1) of this section, the trial judge shall sign in the  
6148 place provided on the traffic ticket, citation or affidavit  
6149 stating that the person arrested either employed an attorney or  
6150 waived his right to an attorney after having been properly  
6151 advised. If the person arrested employed an attorney, the name,  
6152 address and telephone number of the attorney shall be written on  
6153 the ticket, citation or affidavit. The court clerk must  
6154 immediately send a copy of the traffic ticket, citation or  
6155 affidavit, and any other pertinent documents concerning the  
6156 conviction or other order of the court, to the Department of  
6157 Public Safety as provided in Section 63-11-37.

6158           (b) A copy of the traffic ticket, citation or affidavit  
6159 and any other pertinent documents, having been attested as true  
6160 and correct by the Commissioner of Public Safety, or his designee,  
6161 shall be sufficient proof of the conviction for purposes of  
6162 determining the enhanced penalty for any subsequent convictions of  
6163 violations of subsection (1) of this section. The Department of



6164 Public Safety shall maintain a central database for verification  
6165 of prior offenses and convictions.

6166         (7) **Out-of-state prior convictions.** Convictions in another  
6167 state, territory or possession of the United States, or under the  
6168 law of a federally recognized Native American tribe, of violations  
6169 for driving or operating a vehicle while under the influence of an  
6170 intoxicating liquor or while under the influence of any other  
6171 substance that has impaired the person's ability to operate a  
6172 motor vehicle occurring within five (5) years before an offense  
6173 shall be counted for the purposes of determining if a violation of  
6174 subsection (1) of this section is a second, third, fourth or  
6175 subsequent offense and the penalty that shall be imposed upon  
6176 conviction for a violation of subsection (1) of this section.

6177         (8) **Charging of subsequent offenses.** (a) For the purposes  
6178 of determining how to impose the sentence for a second, third,  
6179 fourth or subsequent conviction under this section, the affidavit  
6180 or indictment shall not be required to enumerate previous  
6181 convictions. It shall only be necessary that the affidavit or  
6182 indictment states the number of times that the defendant has been  
6183 convicted and sentenced within the past five (5) years for a  
6184 second or third offense, or without a time limitation for a fourth  
6185 or subsequent offense, under this section to determine if an  
6186 enhanced penalty shall be imposed. The amount of fine and  
6187 imprisonment imposed in previous convictions shall not be



6188 considered in calculating offenses to determine a second, third,  
6189 fourth or subsequent offense of this section.

6190 (b) Before a defendant enters a plea of guilty to an  
6191 offense under this section, law enforcement must submit  
6192 certification to the prosecutor that the defendant's driving  
6193 record, the confidential registry and National Crime Information  
6194 Center record have been searched for all prior convictions,  
6195 nonadjudications, pretrial diversions and arrests for driving or  
6196 operating a vehicle while under the influence of an intoxicating  
6197 liquor or while under the influence of any other substance that  
6198 has impaired the person's ability to operate a motor vehicle. The  
6199 results of the search must be included in the certification.

6200 (9) **License eligibility for underage offenders.** A person  
6201 who is under the legal age to obtain a license to operate a motor  
6202 vehicle at the time of the offense and who is convicted under this  
6203 section shall not be eligible to receive a driver's license until  
6204 the person reaches the age of eighteen (18) years.

6205 (10) **License suspensions and restrictions to run**  
6206 **consecutively.** Suspension or restriction of driving privileges  
6207 for any person convicted of or nonadjudicated for violations of  
6208 subsection (1) of this section shall run consecutively to and not  
6209 concurrently with any other administrative license suspension.

6210 (11) **Ignition interlock.** If the court orders installation  
6211 and use of an ignition-interlock device as provided in Section  
6212 63-11-31 for every vehicle operated by a person convicted or



6213 nonadjudicated under this section, each device shall be installed,  
6214 maintained and removed as provided in Section 63-11-31.

6215           (12) **DUI child endangerment.** A person over the age of  
6216 twenty-one (21) who violates subsection (1) of this section while  
6217 transporting in a motor vehicle a child under the age of sixteen  
6218 (16) years is guilty of the separate offense of endangering a  
6219 child by driving under the influence of alcohol or any other  
6220 substance which has impaired the person's ability to operate a  
6221 motor vehicle. The offense of endangering a child by driving  
6222 under the influence of alcohol or any other substance which has  
6223 impaired the person's ability to operate a motor vehicle shall not  
6224 be merged with an offense of violating subsection (1) of this  
6225 section for the purposes of prosecution and sentencing. An  
6226 offender who is convicted of a violation of this subsection shall  
6227 be punished as follows:

6228           (a) A person who commits a violation of this subsection  
6229 which does not result in the serious injury or death of a child  
6230 and which is a first conviction shall be guilty of a misdemeanor  
6231 and, upon conviction, shall be fined not more than One Thousand  
6232 Dollars (\$1,000.00) or shall be imprisoned for not more than  
6233 twelve (12) months, or both;

6234           (b) A person who commits a violation of this subsection  
6235 which does not result in the serious injury or death of a child  
6236 and which is a second conviction shall be guilty of a misdemeanor  
6237 and, upon conviction, shall be fined not less than One Thousand



6238 Dollars (\$1,000.00) nor more than Five Thousand Dollars  
6239 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

6240 (c) A person who commits a violation of this subsection  
6241 which does not result in the serious injury or death of a child  
6242 and which is a third or subsequent conviction shall be guilty of a  
6243 felony and, upon conviction, shall be fined not less than Ten  
6244 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less  
6245 than one (1) year nor more than five (5) years, or both; and

6246 (d) A person who commits a violation of this subsection  
6247 which results in the serious injury or death of a child, without  
6248 regard to whether the offense was a first, second, third or  
6249 subsequent offense, shall be guilty of a felony and, upon  
6250 conviction, shall be punished by a fine of not less than Ten  
6251 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less  
6252 than five (5) years nor more than twenty-five (25) years.

6253 (13) **Expunction.** (a) Any person convicted under subsection  
6254 (2) or (3) of this section of a first offense of driving under the  
6255 influence and who was not the holder of a commercial driver's  
6256 license or a commercial learning permit at the time of the offense  
6257 may petition the circuit court of the county in which the  
6258 conviction was had for an order to expunge the record of the  
6259 conviction at least five (5) years after successful completion of  
6260 all terms and conditions of the sentence imposed for the  
6261 conviction. Expunction under this subsection will only be  
6262 available to a person:



6263 (i) Who has successfully completed all terms and  
6264 conditions of the sentence imposed for the conviction;  
6265 (ii) Who did not refuse to submit to a test of his  
6266 blood or breath;  
6267 (iii) Whose blood alcohol concentration tested  
6268 below sixteen one-hundredths percent (.16%) if test results are  
6269 available;  
6270 (iv) Who has not been convicted of and does not  
6271 have pending any other offense of driving under the influence;  
6272 (v) Who has provided the court with justification  
6273 as to why the conviction should be expunged; and  
6274 (vi) Who has not previously had a nonadjudication  
6275 or expunction of a violation of this section.  
6276 (b) A person is eligible for only one (1) expunction  
6277 under this subsection, and the Department of Public Safety shall  
6278 maintain a permanent confidential registry of all cases of  
6279 expunction under this subsection for the sole purpose of  
6280 determining a person's eligibility for expunction, for  
6281 nonadjudication, or as a first offender under this section.  
6282 (c) The court in its order of expunction shall state in  
6283 writing the justification for which the expunction was granted and  
6284 forward the order to the Department of Public Safety within five  
6285 (5) days of the entry of the order.  
6286 (14) **Nonadjudication.** (a) For the purposes of this  
6287 chapter, "nonadjudication" means that the court withholds





6288 adjudication of guilt and sentencing, either at the conclusion of  
6289 a trial on the merits or upon the entry of a plea of guilt by a  
6290 defendant, and places the defendant in a nonadjudication program  
6291 conditioned upon the successful completion of the requirements  
6292 imposed by the court under this subsection.

6293 (b) A person is eligible for nonadjudication of an  
6294 offense under this Section 63-11-30 only one (1) time under any  
6295 provision of a law that authorizes nonadjudication and only for an  
6296 offender:

6297 (i) Who has successfully completed all terms and  
6298 conditions imposed by the court after placement of the defendant  
6299 in a nonadjudication program;

6300 (ii) Who was not the holder of a commercial  
6301 driver's license or a commercial learning permit at the time of  
6302 the offense;

6303 (iii) Who has not previously been convicted of and  
6304 does not have pending any former or subsequent charges under this  
6305 section; and

6306 (iv) Who has provided the court with justification  
6307 as to why nonadjudication is appropriate.

6308 (c) Nonadjudication may be initiated upon the filing of  
6309 a petition for nonadjudication or at any stage of the proceedings  
6310 in the discretion of the court; the court may withhold  
6311 adjudication of guilt, defer sentencing, and upon the agreement of  
6312 the offender to participate in a nonadjudication program, enter an



6313 order imposing requirements on the offender for a period of court  
6314 supervision before the order of nonadjudication is entered.  
6315 Failure to successfully complete a nonadjudication program  
6316 subjects the person to adjudication of the charges against him and  
6317 to imposition of all penalties previously withheld due to entrance  
6318 into a nonadjudication program. The court shall immediately  
6319 inform the commissioner of the conviction as required in Section  
6320 63-11-37.

6321 (i) The court shall order the person to:

6322 1. Pay the nonadjudication fee imposed under  
6323 Section 63-11-31 if applicable;

6324 2. Pay all fines, penalties and assessments  
6325 that would have been imposed for conviction;

6326 3. Attend and complete an alcohol safety  
6327 education program as provided in Section 63-11-32 within six (6)  
6328 months of the date of the order;

6329 4. a. If the court determines that the  
6330 person violated this section with respect to alcohol or  
6331 intoxicating liquor, the person must install an ignition-interlock  
6332 device on every motor vehicle operated by the person, obtain an  
6333 interlock-restricted license, and maintain that license for one  
6334 hundred twenty (120) days or suffer a one-hundred-twenty-day  
6335 suspension of the person's regular driver's license, during which  
6336 time the person must not operate any vehicle.



6337                                    b. If the court determines that the  
6338 person violated this section by operating a vehicle when under the  
6339 influence of a substance other than alcohol that has impaired the  
6340 person's ability to operate a motor vehicle, including any drug or  
6341 controlled substance which is unlawful to possess under the  
6342 Mississippi Controlled Substances Law, the person must submit to a  
6343 one-hundred-twenty-day period of a nonadjudication program that  
6344 includes court-ordered drug testing at the person's own expense  
6345 not less often than every thirty (30) days, during which time the  
6346 person may drive if compliant with the terms of the program, or  
6347 suffer a one-hundred-twenty-day suspension of the person's regular  
6348 driver's license, during which time the person will not operate  
6349 any vehicle.

6350                                    (ii) Other conditions that may be imposed by the  
6351 court include, but are not limited to, alcohol or drug screening,  
6352 or both, proof that the person has not committed any other traffic  
6353 violations while under court supervision, proof of immobilization  
6354 or impoundment of vehicles owned by the offender if required, and  
6355 attendance at a victim-impact panel.

6356                                    (d) The court may enter an order of nonadjudication  
6357 only if the court finds, after a hearing or after ex parte  
6358 examination of reliable documentation of compliance, that the  
6359 offender has successfully completed all conditions imposed by law  
6360 and previous orders of the court. The court shall retain



6361 jurisdiction over cases involving nonadjudication for a period of  
6362 not more than two (2) years.

6363 (e) (i) The clerk shall immediately forward a record  
6364 of every person placed in a nonadjudication program and of every  
6365 nonadjudication order to the Department of Public Safety for  
6366 inclusion in the permanent confidential registry of all cases that  
6367 are nonadjudicated under this subsection (14).

6368 (ii) Judges, clerks and prosecutors involved in  
6369 the trial of implied consent violations and law enforcement  
6370 officers involved in the issuance of citations for implied consent  
6371 violations shall have secure online access to the confidential  
6372 registry for the purpose of determining whether a person has  
6373 previously been the subject of a nonadjudicated case and 1. is  
6374 therefore ineligible for another nonadjudication; 2. is ineligible  
6375 as a first offender for a violation of this section; or 3. is  
6376 ineligible for expunction of a conviction of a violation of this  
6377 section.

6378 (iii) The Driver Services Bureau of the department  
6379 shall have access to the confidential registry for the purpose of  
6380 determining whether a person is eligible for a form of license not  
6381 restricted to operating a vehicle equipped with an  
6382 ignition-interlock device.

6383 (iv) The Mississippi Alcohol Safety Education  
6384 Program shall have secure online access to the confidential  
6385 registry for research purposes only.



6386           (15) The provisions of this section are fully applicable to  
6387 any person who is under the influence of medical cannabis that is  
6388 lawful under the Mississippi Medical Cannabis Act and in  
6389 compliance with rules and regulations adopted thereunder which has  
6390 impaired the person's ability to operate a motor vehicle.

6391           **SECTION 67.** Section 71-3-7, Mississippi Code of 1972, is  
6392 amended as follows:

6393           71-3-7. (1) Compensation shall be payable for disability or  
6394 death of an employee from injury or occupational disease arising  
6395 out of and in the course of employment, without regard to fault as  
6396 to the cause of the injury or occupational disease. An  
6397 occupational disease shall be deemed to arise out of and in the  
6398 course of employment when there is evidence that there is a direct  
6399 causal connection between the work performed and the occupational  
6400 disease. In all claims in which no benefits, including  
6401 disability, death and medical benefits, have been paid, the  
6402 claimant shall file medical records in support of his claim for  
6403 benefits when filing a petition to controvert. If the claimant is  
6404 unable to file the medical records in support of his claim for  
6405 benefits at the time of filing the petition to controvert because  
6406 of a limitation of time established by Section 71-3-35 or Section  
6407 71-3-53, the claimant shall file medical records in support of his  
6408 claim within sixty (60) days after filing the petition to  
6409 controvert.



6410           (2) Where a preexisting physical handicap, disease, or  
6411 lesion is shown by medical findings to be a material contributing  
6412 factor in the results following injury, the compensation which,  
6413 but for this subsection, would be payable shall be reduced by that  
6414 proportion which such preexisting physical handicap, disease, or  
6415 lesion contributed to the production of the results following the  
6416 injury. The preexisting condition does not have to be  
6417 occupationally disabling for this apportionment to apply.

6418           (3) The following provisions shall apply to subsections (1)  
6419 and (2) of this section:

6420                   (a) Apportionment shall not be applied until the  
6421 claimant has reached maximum medical recovery.

6422                   (b) The employer or carrier does not have the power to  
6423 determine the date of maximum medical recovery or percentage of  
6424 apportionment. This must be done by the attorney-referee, subject  
6425 to review by the commission as the ultimate finder of fact.

6426                   (c) After the date the claimant reaches maximum medical  
6427 recovery, weekly compensation benefits and maximum recovery shall  
6428 be reduced by that proportion which the preexisting physical  
6429 handicap, disease, or lesion contributes to the results following  
6430 injury.

6431                   (d) If maximum medical recovery has occurred before the  
6432 hearing and order of the attorney-referee, credit for excess  
6433 payments shall be allowed in future payments. Such allowances and  
6434 method of accomplishment of the same shall be determined by the



6435 attorney-referee, subject to review by the commission. However,  
6436 no actual repayment of such excess shall be made to the employer  
6437 or carrier.

6438 (4) No compensation shall be payable if the use of drugs  
6439 illegally, or the use of a valid prescription medication(s) taken  
6440 contrary to the prescriber's instructions and/or contrary to label  
6441 warnings, or the use of medical cannabis in accordance with the  
6442 Mississippi Medical Cannabis Act and rules and regulations adopted  
6443 thereunder, or intoxication due to the use of alcohol of the  
6444 employee was the proximate cause of the injury, or if it was the  
6445 willful intention of the employee to injure or kill himself or  
6446 another.

6447 (5) Every employer to whom this chapter applies shall be  
6448 liable for and shall secure the payment to his employees of the  
6449 compensation payable under its provisions.

6450 (6) In the case of an employer who is a subcontractor, the  
6451 contractor shall be liable for and shall secure the payment of  
6452 such compensation to employees of the subcontractor, unless the  
6453 subcontractor has secured such payment.

6454 **SECTION 68.** Section 71-3-121, Mississippi Code of 1972, is  
6455 amended as follows:

6456 71-3-121. (1) In the event that an employee sustains an  
6457 injury at work or asserts a work-related injury, the employer  
6458 shall have the right to administer drug and alcohol testing or  
6459 require that the employee submit himself to drug and alcohol



6460 testing. If the employee has a positive test indicating the  
6461 presence, at the time of injury, of any drug illegally used or the  
6462 use of a valid prescription medication(s) taken contrary to the  
6463 prescriber's instructions and/or contrary to label warnings, or  
6464 the use of medical cannabis in accordance with the Mississippi  
6465 Medical Cannabis Act and rules and regulations adopted thereunder,  
6466 or eight one-hundredths percent (.08%) or more by weight volume of  
6467 alcohol in the person's blood, it shall be presumed that the  
6468 proximate cause of the injury was the use of a drug illegally, or  
6469 the use of a valid prescription medication(s) taken contrary to  
6470 the prescriber's instructions and/or contrary to label warnings,  
6471 or the use of medical cannabis in accordance with the Mississippi  
6472 Medical Cannabis Act and rules and regulations adopted thereunder,  
6473 or the intoxication due to the use of alcohol by the employee. If  
6474 the employee refuses to submit himself to drug and alcohol testing  
6475 immediately after the alleged work-related injury, then it shall  
6476 be presumed that the employee was using a drug illegally, or was  
6477 using a valid prescription medication(s) contrary to the  
6478 prescriber's instructions and/or contrary to label warnings, or  
6479 the use of medical cannabis in accordance with the Mississippi  
6480 Medical Cannabis Act and rules and regulations adopted thereunder,  
6481 or was intoxicated due to the use of alcohol at the time of the  
6482 accident and that the proximate cause of the injury was the use of  
6483 a drug illegally, or the use of a valid prescription medication(s)  
6484 taken contrary to the prescriber's instructions and/or contrary to





6485 label warnings, or the use of medical cannabis in accordance with  
6486 the Mississippi Medical Cannabis Act and rules and regulations  
6487 adopted thereunder, or the intoxication due to the use of alcohol  
6488 of the employee. The burden of proof will then be placed upon the  
6489 employee to prove that the use of drugs illegally, or the use of a  
6490 valid prescription medication(s) taken contrary to the  
6491 prescriber's instructions and/or contrary to label warnings, or  
6492 the use of medical cannabis in accordance with the Mississippi  
6493 Medical Cannabis Act and rules and regulations adopted thereunder,  
6494 or intoxication due to the use of alcohol was not a contributing  
6495 cause of the accident in order to defeat the defense of the  
6496 employer provided under Section 71-3-7.

6497 (2) The results of the drug and alcohol tests,  
6498 employer-administered or otherwise, shall be considered admissible  
6499 evidence solely on the issue of causation in the determination of  
6500 the use of drugs illegally, or the use of a valid prescription  
6501 medication(s) taken contrary to the prescriber's instructions  
6502 and/or contrary to label warnings, or the use of medical cannabis  
6503 in accordance with the Mississippi Medical Cannabis Act and rules  
6504 and regulations adopted thereunder, or the intoxication due to the  
6505 use of alcohol of an employee at the time of injury for workers'  
6506 compensation purposes under Section 71-3-7.

6507 (3) No cause of action for defamation of character, libel,  
6508 slander or damage to reputation arises in favor of any person  
6509 against an employer under the provisions of this section.



6510           **SECTION 69.** Section 73-15-29, Mississippi Code of 1972, is  
6511 amended as follows:

6512           73-15-29. (1) The board shall have power to revoke, suspend  
6513 or refuse to renew any license issued by the board, or to revoke  
6514 or suspend any privilege to practice, or to deny an application  
6515 for a license, or to fine, place on probation and/or discipline a  
6516 licensee, in any manner specified in this article, upon proof that  
6517 such person:

6518                   (a) Has committed fraud or deceit in securing or  
6519 attempting to secure such license;

6520                   (b) Has been convicted of a felony, or a crime  
6521 involving moral turpitude or has had accepted by a court a plea of  
6522 nolo contendere to a felony or a crime involving moral turpitude  
6523 (a certified copy of the judgment of the court of competent  
6524 jurisdiction of such conviction or pleas shall be prima facie  
6525 evidence of such conviction);

6526                   (c) Has negligently or willfully acted in a manner  
6527 inconsistent with the health or safety of the persons under the  
6528 licensee's care;

6529                   (d) Has had a license or privilege to practice as a  
6530 registered nurse or a licensed practical nurse suspended or  
6531 revoked in any jurisdiction, has voluntarily surrendered such  
6532 license or privilege to practice in any jurisdiction, has been  
6533 placed on probation as a registered nurse or licensed practical  
6534 nurse in any jurisdiction or has been placed under a disciplinary



6535 order(s) in any manner as a registered nurse or licensed practical  
6536 nurse in any jurisdiction, (a certified copy of the order of  
6537 suspension, revocation, probation or disciplinary action shall be  
6538 prima facie evidence of such action);

6539 (e) Has negligently or willfully practiced nursing in a  
6540 manner that fails to meet generally accepted standards of such  
6541 nursing practice;

6542 (f) Has negligently or willfully violated any order,  
6543 rule or regulation of the board pertaining to nursing practice or  
6544 licensure;

6545 (g) Has falsified or in a repeatedly negligent manner  
6546 made incorrect entries or failed to make essential entries on  
6547 records;

6548 (h) Is addicted to or dependent on alcohol or other  
6549 habit-forming drugs or is a habitual user of narcotics,  
6550 barbiturates, amphetamines, hallucinogens, or other drugs having  
6551 similar effect, or has misappropriated any medication;

6552 (i) Has a physical, mental or emotional condition that  
6553 renders the licensee unable to perform nursing services or duties  
6554 with reasonable skill and safety;

6555 (j) Has engaged in any other conduct, whether of the  
6556 same or of a different character from that specified in this  
6557 article, that would constitute a crime as defined in Title 97 of  
6558 the Mississippi Code of 1972, as now or hereafter amended, and



6559 that relates to such person's employment as a registered nurse or  
6560 licensed practical nurse;

6561 (k) Engages in conduct likely to deceive, defraud or  
6562 harm the public;

6563 (l) Engages in any unprofessional conduct as identified  
6564 by the board in its rules;

6565 (m) Has violated any provision of this article; or

6566 (n) Violation(s) of the provisions of Sections 41-121-1  
6567 through 41-121-9 relating to deceptive advertisement by health  
6568 care practitioners. This paragraph shall stand repealed on July  
6569 1, 2025.

6570 (2) When the board finds any person unqualified because of  
6571 any of the grounds set forth in subsection (1) of this section, it  
6572 may enter an order imposing one or more of the following  
6573 penalties:

6574 (a) Denying application for a license or other  
6575 authorization to practice nursing or practical nursing;

6576 (b) Administering a reprimand;

6577 (c) Suspending or restricting the license or other  
6578 authorization to practice as a registered nurse or licensed  
6579 practical nurse for up to two (2) years without review;

6580 (d) Revoking the license or other authorization to  
6581 practice nursing or practical nursing;

6582 (e) Requiring the discipline to submit to care,  
6583 counseling or treatment by persons and/or agencies approved or



6584 designated by the board as a condition for initial, continued or  
6585 renewed licensure or other authorization to practice nursing or  
6586 practical nursing;

6587 (f) Requiring the discipline to participate in a  
6588 program of education prescribed by the board as a condition for  
6589 initial, continued or renewed licensure or other authorization to  
6590 practice;

6591 (g) Requiring the discipline to practice under the  
6592 supervision of a registered nurse for a specified period of time;  
6593 or

6594 (h) Imposing a fine not to exceed Five Hundred Dollars  
6595 (\$500.00).

6596 (3) In addition to the grounds specified in subsection (1)  
6597 of this section, the board shall be authorized to suspend the  
6598 license or privilege to practice of any licensee for being out of  
6599 compliance with an order for support, as defined in Section  
6600 93-11-153. The procedure for suspension of a license or privilege  
6601 to practice for being out of compliance with an order for support,  
6602 and the procedure for the reissuance or reinstatement of a license  
6603 or privilege to practice suspended for that purpose, and the  
6604 payment of any fees for the reissuance or reinstatement of a  
6605 license or privilege to practice suspended for that purpose, shall  
6606 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
6607 If there is any conflict between any provision of Section  
6608 93-11-157 or 93-11-163 and any provision of this article, the



6609 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
6610 shall control.

6611 (4) If the public health, safety or welfare imperatively  
6612 requires emergency action and the board incorporates a finding to  
6613 that effect in an order, the board may order summary suspension of  
6614 a license pending proceedings for revocation or other action.  
6615 These proceedings shall be promptly instituted and determined by  
6616 the board.

6617 (5) The board may establish by rule an alternative to  
6618 discipline program for licensees who have an impairment as a  
6619 result of substance abuse or a mental health condition, which  
6620 program shall include at least the following components:

6621 (a) Participation in the program is voluntary with the  
6622 licensee, and the licensee must enter the program before the board  
6623 holds a disciplinary action hearing regarding the licensee;

6624 (b) The full cost of participation in the program,  
6625 including the cost of any care, counseling, treatment and/or  
6626 education received by the licensee, shall be borne by the  
6627 licensee;

6628 (c) All of the procedures and records regarding the  
6629 licensee's participation in the program shall be confidential,  
6630 shall not be disclosed and shall be exempt from the provisions of  
6631 the Mississippi Public Records Act of 1983; and



6632 (d) A licensee may not participate in the program more  
6633 often than one (1) time during any period of five (5) years or  
6634 such longer period as set by the board.

6635 (6) A nurse practitioner who provides a written  
6636 certification as authorized under the Mississippi Medical Cannabis  
6637 Act and in compliance with rules and regulations adopted  
6638 thereunder shall not be subject to any disciplinary action under  
6639 this section solely due to providing the written certification.

6640 **SECTION 70.** Section 73-19-23, Mississippi Code of 1972, is  
6641 amended as follows:

6642 73-19-23. (1) (a) The board shall refuse to grant a  
6643 certificate of licensure to any applicant and may cancel, revoke  
6644 or suspend the operation of any certificate by it granted for any  
6645 or all of the following reasons: unprofessional and unethical  
6646 conduct or the conviction of a crime involving moral turpitude,  
6647 habitual intemperance in the use of ardent spirits, or stimulants,  
6648 narcotics, or any other substance that impairs the intellect and  
6649 judgment to such an extent as to incapacitate one for the  
6650 performance of the duties of an optometrist. The certificate of  
6651 licensure of any person can be revoked for violating any section  
6652 of this chapter.

6653 (b) The board shall conduct a criminal history records  
6654 check on licensure applicants and on licensees whose licenses are  
6655 subject to investigation.



6656 (i) The applicant or licensee shall undergo a  
6657 fingerprint-based criminal history records check of the  
6658 Mississippi central criminal database and the Federal Bureau of  
6659 Investigation criminal history database. Each applicant or  
6660 licensee shall submit a full set of the applicant's fingerprints  
6661 in a form or manner prescribed by the board, which shall be  
6662 forwarded to the Bureau of Investigation Identification Division  
6663 for this purpose.

6664 (ii) Any and all state or national criminal  
6665 history records information obtained by the board that is not  
6666 already a matter of public record shall be deemed nonpublic and  
6667 confidential information restricted to the exclusive use of the  
6668 board, its members, officers, investigators, agents and attorneys  
6669 in evaluating the applicant's eligibility or disqualification for  
6670 licensure, and shall be exempt from the Mississippi Public Records  
6671 Act of 1983. Except when introduced into evidence in a hearing  
6672 before the board to determine licensure, no such information or  
6673 records related thereto shall, except with the written consent of  
6674 the applicant or licensee or by order of a court of competent  
6675 jurisdiction, be released or otherwise disclosed by the board to  
6676 any other person or agency.

6677 (iii) The board shall provide to the department  
6678 the fingerprints of the applicant or licensee, any additional  
6679 information that may be required by the department, and a form  
6680 signed by the applicant consenting to the check of the criminal





6681 records and to the use of the fingerprints and other identifying  
6682 information required by the state or national repositories.

6683 (iv) The board shall charge and collect from the  
6684 applicant or licensee, in addition to all other applicable fees  
6685 and costs, such amount as may be incurred by the board in  
6686 requesting and obtaining state and national criminal history  
6687 records information on the applicant or licensee.

6688 (2) The board shall further be authorized to take  
6689 disciplinary action against a licensee for any unlawful acts,  
6690 which shall include violations of regulations promulgated by the  
6691 board, as well as the following acts:

6692 (a) Fraud or misrepresentation in applying for or  
6693 procuring an optometric license or in connection with applying for  
6694 or procuring periodic renewal of an optometric license.

6695 (b) Cheating on or attempting to subvert the optometric  
6696 licensing examination(s).

6697 (c) The conviction of a felony in this state or any  
6698 other jurisdiction, or the entry of a guilty or nolo contendere  
6699 plea to a felony charge.

6700 (d) The conviction of a felony as defined by federal  
6701 law, or the entry of a guilty or nolo contendere plea to a felony  
6702 charge.

6703 (e) Conduct likely to deceive, defraud or harm the  
6704 public.



6705 (f) Making a false or misleading statement regarding  
6706 his or her skill or the efficacy or value of the medicine, device,  
6707 treatment or remedy prescribed by him or her or used at his or her  
6708 direction in the treatment of any disease or other condition.

6709 (g) Willfully or negligently violating the  
6710 confidentiality between doctor and patient, except as required by  
6711 law.

6712 (h) Negligence or gross incompetence in the practice of  
6713 optometry as determined by the board.

6714 (i) Being found to be a person with mental illness or  
6715 with an intellectual disability by any court of competent  
6716 jurisdiction.

6717 (j) The use of any false, fraudulent, deceptive or  
6718 misleading statement in any document connected with the practice  
6719 of optometry.

6720 (k) Aiding or abetting the practice of optometry by an  
6721 unlicensed, incompetent or impaired person.

6722 (l) Commission of any act of sexual abuse, misconduct  
6723 or exploitation related to the licensee's practice of optometry.

6724 (m) Being addicted or habituated to a drug or  
6725 intoxicant.

6726 (n) Violating any state or federal law or regulation  
6727 relating to a drug legally classified as a controlled substance.

6728 (o) Obtaining any fee by fraud, deceit or  
6729 misrepresentation.



6730                   (p) Disciplinary action of another state or  
6731 jurisdiction against a licensee or other authorization to practice  
6732 optometry based upon acts or conduct by the licensee similar to  
6733 acts or conduct that would constitute grounds for action as  
6734 defined in this chapter, a certified copy of the record of the  
6735 action taken by the other state or jurisdiction being conclusive  
6736 evidence thereof.

6737                   (q) Failure to report to the board the relocation of  
6738 his or her office in or out of the jurisdiction, or to furnish  
6739 floor plans as required by regulation.

6740                   (r) Violation of any provision(s) of the Optometry  
6741 Practice Act or the rules and regulations of the board or of an  
6742 action, stipulation or agreement of the board.

6743                   (s) To advertise in a manner that tends to deceive,  
6744 mislead or defraud the public.

6745                   (t) The designation of any person licensed under this  
6746 chapter, other than by the terms "optometrist," "Doctor of  
6747 Optometry" or "O.D.," which through June 30, 2025, shall include  
6748 any violation(s) of the provisions of Sections 41-121-1 through  
6749 41-121-9 relating to deceptive advertisement by health care  
6750 practitioners.

6751                   (u) To knowingly submit or cause to be submitted any  
6752 misleading, deceptive or fraudulent representation on a claim  
6753 form, bill or statement.



6754 (v) To practice or attempt to practice optometry while  
6755 his or her license is suspended.

6756 (3) Any person who is a holder of a certificate of licensure  
6757 or who is an applicant for examination for a certificate of  
6758 licensure, against whom is preferred any charges, shall be  
6759 furnished by the board with a copy of the complaint and shall have  
6760 a hearing in Jackson, Mississippi, before the board, at which  
6761 hearing he may be represented by counsel. At the hearing,  
6762 witnesses may be examined for and against the accused respecting  
6763 those charges, and the hearing orders or appeals will be conducted  
6764 according to the procedure now provided in Section 73-25-27. The  
6765 suspension of a certificate of licensure by reason of the use of  
6766 stimulants or narcotics may be removed when the holder of the  
6767 certificate has been adjudged by the board to be cured and capable  
6768 of practicing optometry.

6769 (4) In addition to the reasons specified in subsections (1)  
6770 and (2) of this section, the board shall be authorized to suspend  
6771 the license of any licensee for being out of compliance with an  
6772 order for support, as defined in Section 93-11-153. The procedure  
6773 for suspension of a license for being out of compliance with an  
6774 order for support, and the procedure for the reissuance or  
6775 reinstatement of a license suspended for that purpose, and the  
6776 payment of any fees for the reissuance or reinstatement of a  
6777 license suspended for that purpose, shall be governed by Section  
6778 93-11-157 or 93-11-163, as the case may be. If there is any



6779 conflict between any provision of Section 93-11-157 or 93-11-163  
6780 and any provision of this chapter, the provisions of Section  
6781 93-11-157 or 93-11-163, as the case may be, shall control.

6782 (5) A licensee who provides a written certification as  
6783 authorized under the Mississippi Medical Cannabis Act and in  
6784 compliance with rules and regulations adopted thereunder shall not  
6785 be subject to any disciplinary action under this section solely  
6786 due to providing the written certification.

6787 **SECTION 71.** Section 73-21-127, Mississippi Code of 1972, is  
6788 amended as follows:

6789 73-21-127. (1) The Board of Pharmacy shall develop and  
6790 implement a computerized program to track prescriptions for  
6791 controlled substances and to report suspected abuse and misuse of  
6792 controlled substances in compliance with the federal regulations  
6793 promulgated under authority of the National All Schedules  
6794 Prescription Electronic Reporting Act of 2005 and in compliance  
6795 with the federal HIPAA law, under the following conditions:

6796 (a) Submission or reporting of dispensing information  
6797 shall be mandatory and required by the State Board of Pharmacy for  
6798 any entity dispensing controlled substances in or into the State  
6799 of Mississippi, except for the dispensing of controlled substance  
6800 drugs by a veterinarian residing in the State of Mississippi.

6801 (b) The prescriptions tracked shall be prescriptions  
6802 for controlled substances listed in Schedule II, III, IV or V and  
6803 specified noncontrolled substances identified by the State Board



6804 of Pharmacy that are dispensed to residents in the State of  
6805 Mississippi by licensed pharmacies, nonresident pharmacies,  
6806 institutions and dispensing practitioners, regardless of dispenser  
6807 location.

6808 (c) The Board of Pharmacy shall report any activity it  
6809 reasonably suspects may be fraudulent or illegal to the  
6810 appropriate law enforcement agency or occupational licensing board  
6811 and provide them with the relevant information obtained for  
6812 further investigation.

6813 (d) The program shall provide information regarding the  
6814 potential inappropriate use of controlled substances and the  
6815 specified noncontrolled substances to practitioners,  
6816 pharmacists-in-charge and appropriate state agencies in order to  
6817 prevent the inappropriate or illegal use of these controlled  
6818 substances. The specific purposes of the program shall be to: be  
6819 proactive in safeguarding public health and safety; support the  
6820 legitimate use of controlled substances; facilitate and encourage  
6821 the identification, intervention with and treatment of individuals  
6822 addicted to controlled substances and specified noncontrolled  
6823 drugs; identify and prevent drug diversion; provide assistance to  
6824 those state and federal law enforcement and regulatory agencies  
6825 investigating cases of drug diversion or other misuse; and inform  
6826 the public and health care professionals of the use and abuse  
6827 trends related to controlled substance and specified noncontrolled  
6828 drugs.



6829                   (e)   (i)   Access to collected data shall be confidential  
6830 and not subject to the provisions of the federal Freedom of  
6831 Information Act or the Mississippi Public Records Act. Upon  
6832 request, the State Board of Pharmacy shall provide collected  
6833 information to: pharmacists or practitioners who are properly  
6834 registered with the State Board of Pharmacy and are authorized to  
6835 prescribe or dispense controlled substances for the purpose of  
6836 providing medical and pharmaceutical care for their patients;  
6837 local, state and federal law enforcement officials engaged in the  
6838 administration, investigation or enforcement of the laws governing  
6839 illicit drug use; regulatory and licensing boards in this state;  
6840 Division of Medicaid regarding Medicaid and Medicare Program  
6841 recipients; judicial authorities under grand jury subpoena; an  
6842 individual who requests the individual's own prescription  
6843 monitoring information; and prescription monitoring programs in  
6844 other states through mutual agreement adhering to State Board of  
6845 Pharmacy policies.

6846                   (ii)   The Director of the Mississippi Bureau of  
6847 Narcotics, or his designee, shall have access to the Prescription  
6848 Monitoring Program (PMP) database for the purpose of investigating  
6849 the potential illegal acquisition, distribution, dispensing,  
6850 prescribing or administering of the controlled and noncontrolled  
6851 substances monitored by the program, subject to all legal  
6852 restrictions on further dissemination of the information obtained.



6853 (iii) The State Board of Pharmacy may also provide  
6854 statistical data for research or educational purposes if the board  
6855 determines the use of the data to be of significant benefit to  
6856 public health and safety. The board maintains the right to refuse  
6857 any request for PMP data.

6858 (iv) A pharmacist licensed by the Mississippi  
6859 Board of Pharmacy must be a registered user of the PMP. Failure  
6860 of a pharmacist licensed by the Mississippi Board of Pharmacy to  
6861 register as a user of the PMP is grounds for disciplinary action  
6862 by the board.

6863 (v) All licensed practitioners as defined under  
6864 Section 73-21-73(ee) holding an active DEA number shall register  
6865 as users of the PMP.

6866 (f) The Prescription Monitoring Program through the  
6867 Board of Pharmacy may:

6868 (i) Establish the cost of administration,  
6869 maintenance, and operation of the program and charge to like  
6870 agencies a fee based on a formula to be determined by the board  
6871 with collaboration and input from participating agencies; and

6872 (ii) Assess charges for information and/or  
6873 statistical data provided to agencies, institutions and  
6874 individuals. The amounts of those fees shall be set by the  
6875 Executive Director of the Board of Pharmacy based on the  
6876 recommendation of the Director of the PMP.





6877 All such fees collected shall be deposited into the special  
6878 fund of the State Board of Pharmacy and used to support the  
6879 operations of the PMP.

6880 (g) A dispenser pharmacist or practitioner licensed to  
6881 dispense controlled substances and specified noncontrolled  
6882 substance drugs who knowingly fails to submit drug-monitoring  
6883 information or knowingly submits incorrect dispensing information  
6884 shall be subject to actions against the pharmacist's or  
6885 practitioner's license, registrations or permit and/or an  
6886 administrative penalty as provided in Sections 73-21-97 and  
6887 73-21-103. Any misuse of the PMP is subject to penalties as  
6888 provided in Sections 73-21-97 and 73-21-103.

6889 (h) The Board of Pharmacy and the Prescription  
6890 Monitoring Program shall be immune from civil liability arising  
6891 from inaccuracy of any of the information submitted to the  
6892 program.

6893 (i) "Practitioner," as used in this section, shall  
6894 include any person licensed, registered or otherwise permitted to  
6895 distribute, dispense, prescribe or administer a controlled  
6896 substance, as defined under Section 41-29-105(y), and any person  
6897 defined as a "practitioner" under Section 73-21-73(ee).

6898 (j) In addition to any funds appropriated by the  
6899 Legislature, the State Board of Pharmacy may apply for any  
6900 available grants and accept any gifts, grants or donations to  
6901 assist in future development or in maintaining the program.



6902           (2) In addition to receiving the dispensing information  
6903 regarding controlled substances as provided in subsection (1) of  
6904 this section, the State Board of Pharmacy shall receive and  
6905 maintain in the Prescription Monitoring Program (a) the medical  
6906 cannabis dispensing information that medical cannabis dispensaries  
6907 under the Mississippi Medical Cannabis Act are required to report  
6908 to the PMP under Section 17 of this act, and (b) any other medical  
6909 cannabis dispensing information that dispensaries are required to  
6910 report to the PMP. The medical cannabis dispensing information  
6911 reported by medical cannabis dispensaries under Section 17 of this  
6912 act shall not be considered to be a prescription for the purposes  
6913 of the Mississippi Pharmacy Practice Act or the Uniform Controlled  
6914 Substances Law.

6915           **SECTION 72.** Section 73-25-29, Mississippi Code of 1972, is  
6916 amended as follows:

6917           73-25-29. The grounds for the nonissuance, suspension,  
6918 revocation or restriction of a license or the denial of  
6919 reinstatement or renewal of a license are:

6920           (1) Habitual personal use of narcotic drugs, or any  
6921 other drug having addiction-forming or addiction-sustaining  
6922 liability.

6923           (2) Habitual use of intoxicating liquors, or any  
6924 beverage, to an extent which affects professional competency.

6925           (3) Administering, dispensing or prescribing any  
6926 narcotic drug, or any other drug having addiction-forming or



6927 addiction-sustaining liability otherwise than in the course of  
6928 legitimate professional practice.

6929           (4) Conviction of violation of any federal or state law  
6930 regulating the possession, distribution or use of any narcotic  
6931 drug or any drug considered a controlled substance under state or  
6932 federal law, a certified copy of the conviction order or judgment  
6933 rendered by the trial court being prima facie evidence thereof,  
6934 notwithstanding the pendency of any appeal.

6935           (5) Procuring, or attempting to procure, or aiding in,  
6936 an abortion that is not medically indicated.

6937           (6) Conviction of a felony or misdemeanor involving  
6938 moral turpitude, a certified copy of the conviction order or  
6939 judgment rendered by the trial court being prima facie evidence  
6940 thereof, notwithstanding the pendency of any appeal.

6941           (7) Obtaining or attempting to obtain a license by  
6942 fraud or deception.

6943           (8) Unprofessional conduct, which includes, but is not  
6944 limited to:

6945                   (a) Practicing medicine under a false or assumed  
6946 name or impersonating another practitioner, living or dead.

6947                   (b) Knowingly performing any act which in any way  
6948 assists an unlicensed person to practice medicine.

6949                   (c) Making or willfully causing to be made any  
6950 flamboyant claims concerning the licensee's professional  
6951 excellence.



6952 (d) Being guilty of any dishonorable or unethical  
6953 conduct likely to deceive, defraud or harm the public.

6954 (e) Obtaining a fee as personal compensation or  
6955 gain from a person on fraudulent representation of a disease or  
6956 injury condition generally considered incurable by competent  
6957 medical authority in the light of current scientific knowledge and  
6958 practice can be cured or offering, undertaking, attempting or  
6959 agreeing to cure or treat the same by a secret method, which he  
6960 refuses to divulge to the board upon request.

6961 (f) Use of any false, fraudulent or forged  
6962 statement or document, or the use of any fraudulent, deceitful,  
6963 dishonest or immoral practice in connection with any of the  
6964 licensing requirements, including the signing in his professional  
6965 capacity any certificate that is known to be false at the time he  
6966 makes or signs such certificate.

6967 (g) Failing to identify a physician's school of  
6968 practice in all professional uses of his name by use of his earned  
6969 degree or a description of his school of practice.

6970 (9) The refusal of a licensing authority of another  
6971 state or jurisdiction to issue or renew a license, permit or  
6972 certificate to practice medicine in that jurisdiction or the  
6973 revocation, suspension or other restriction imposed on a license,  
6974 permit or certificate issued by such licensing authority which  
6975 prevents or restricts practice in that jurisdiction, a certified  
6976 copy of the disciplinary order or action taken by the other state



6977 or jurisdiction being prima facie evidence thereof,  
6978 notwithstanding the pendency of any appeal.

6979 (10) Surrender of a license or authorization to  
6980 practice medicine in another state or jurisdiction or surrender of  
6981 membership on any medical staff or in any medical or professional  
6982 association or society while under disciplinary investigation by  
6983 any of those authorities or bodies for acts or conduct similar to  
6984 acts or conduct which would constitute grounds for action as  
6985 defined in this section.

6986 (11) Final sanctions imposed by the United States  
6987 Department of Health and Human Services, Office of Inspector  
6988 General or any successor federal agency or office, based upon a  
6989 finding of incompetency, gross misconduct or failure to meet  
6990 professionally recognized standards of health care; a certified  
6991 copy of the notice of final sanction being prima facie evidence  
6992 thereof. As used in this paragraph, the term "final sanction"  
6993 means the written notice to a physician from the United States  
6994 Department of Health and Human Services, Officer of Inspector  
6995 General or any successor federal agency or office, which  
6996 implements the exclusion.

6997 (12) Failure to furnish the board, its investigators or  
6998 representatives information legally requested by the board.

6999 (13) Violation of any provision(s) of the Medical  
7000 Practice Act or the rules and regulations of the board or of any  
7001 order, stipulation or agreement with the board.



7002 (14) Violation(s) of the provisions of Sections  
7003 41-121-1 through 41-121-9 relating to deceptive advertisement by  
7004 health care practitioners.

7005 (15) Performing or inducing an abortion on a woman in  
7006 violation of any provision of Sections 41-41-131 through  
7007 41-41-145.

7008 (16) Performing an abortion on a pregnant woman after  
7009 determining that the unborn human individual that the pregnant  
7010 woman is carrying has a detectable fetal heartbeat as provided in  
7011 Section 41-41-34.1.

7012 In addition to the grounds specified above, the board shall  
7013 be authorized to suspend the license of any licensee for being out  
7014 of compliance with an order for support, as defined in Section  
7015 93-11-153. The procedure for suspension of a license for being  
7016 out of compliance with an order for support, and the procedure for  
7017 the reissuance or reinstatement of a license suspended for that  
7018 purpose, and the payment of any fees for the reissuance or  
7019 reinstatement of a license suspended for that purpose, shall be  
7020 governed by Section 93-11-157 or 93-11-163, as the case may be.  
7021 If there is any conflict between any provision of Section  
7022 93-11-157 or 93-11-163 and any provision of this chapter, the  
7023 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
7024 shall control.

7025 A physician who provides a written certification as  
7026 authorized under the Mississippi Medical Cannabis Act and in



7027 compliance with rules and regulations adopted thereunder shall not  
7028 be subject to any disciplinary action under this section solely  
7029 due to providing the written certification.

7030 **SECTION 73.** Section 83-9-22, Mississippi Code of 1972, is  
7031 amended as follows:

7032 83-9-22. (1) (a) Notwithstanding any other provision of  
7033 the law to the contrary, except as otherwise provided in  
7034 subsection (3) of this section, no health coverage plan shall  
7035 restrict coverage for medically appropriate treatment prescribed  
7036 by a physician and agreed to by a fully informed insured, or if  
7037 the insured lacks legal capacity to consent by a person who has  
7038 legal authority to consent on his or her behalf, based on an  
7039 insured's diagnosis with a terminal condition. Refusing to pay  
7040 for treatment rendered to an insured near the end of life that is  
7041 consistent with best practices for treatment of a disease or  
7042 condition, approved uses of a drug or device, or uses supported by  
7043 peer reviewed medical literature, is a per se violation of this  
7044 section.

7045 (b) Violations of this section shall constitute an  
7046 unfair trade practice and subject the violator to the penalties  
7047 provided by law.

7048 (c) As used in this section "terminal condition" means  
7049 any aggressive malignancy, chronic end-stage cardiovascular or  
7050 cerebral vascular disease, or any other disease, illness or  
7051 condition which a physician diagnoses as terminal.



7052 (d) As used in this section, a "health coverage plan"  
7053 shall mean any hospital, health or medical expense insurance  
7054 policy, hospital or medical service contract, employee welfare  
7055 benefit plan, contract or agreement with a health maintenance  
7056 organization or a preferred provider organization, health and  
7057 accident insurance policy, or any other insurance contract of this  
7058 type, including a group insurance plan and the State Health and  
7059 Life Insurance Plan.

7060 (2) (a) Notwithstanding any other provision of the law to  
7061 the contrary, no health benefit paid directly or indirectly with  
7062 state funds, specifically Medicaid, shall restrict coverage for  
7063 medically appropriate treatment prescribed by a physician and  
7064 agreed to by a fully informed individual, or if the individual  
7065 lacks legal capacity to consent by a person who has legal  
7066 authority to consent on his or her behalf, based on an  
7067 individual's diagnosis with a terminal condition.

7068 (b) Refusing to pay for treatment rendered to an  
7069 individual near the end of life that is consistent with best  
7070 practices for treatment of a disease or condition, approved uses  
7071 of a drug or device, or uses supported by peer reviewed medical  
7072 literature, is a per se violation of this section.

7073 (c) As used in this section "terminal condition" means  
7074 any aggressive malignancy, chronic end-stage cardiovascular or  
7075 cerebral vascular disease, or any other disease, illness or  
7076 condition which a physician diagnoses as terminal.





7077           (3) This section does not require a health coverage plan to  
7078 cover and pay for the treatment of a person who is a cardholder  
7079 and registered qualifying patient with medical cannabis that is  
7080 lawful under the Mississippi Medical Cannabis Act and in  
7081 compliance with rules and regulations adopted thereunder.

7082           **SECTION 74.** Sections 1 through 28 and Sections 30 through 33  
7083 of this act shall be codified as a new chapter in Title 41,  
7084 Mississippi Code of 1972. Section 29 of this act shall be  
7085 codified as a new chapter in Title 27, Mississippi Code of 1972.

7086           **SECTION 75.** Section 27-7-22.5, Mississippi Code of 1972, is  
7087 amended as follows:

7088           27-7-22.5. (1) (a) For any manufacturer, distributor,  
7089 wholesale or retail merchant who pays to a county, municipality,  
7090 school district, levee district or any other taxing authority of  
7091 the state or a political subdivision thereof, ad valorem taxes  
7092 imposed on commodities, raw materials, works-in-process, products,  
7093 goods, wares and merchandise held for resale, a credit against the  
7094 income taxes imposed under this chapter shall be allowed for the  
7095 portion of the ad valorem taxes so paid in the amounts prescribed  
7096 in subsection (2).

7097           (b) (i) For any person, firm or corporation who pays  
7098 to a county, municipality, school district, levee district or any  
7099 other taxing authority of the state or a political subdivision  
7100 thereof, ad valorem taxes imposed on rental equipment, a credit  
7101 against the income taxes imposed under this chapter shall be



7102 allowed for the portion of the ad valorem taxes so paid in the  
7103 amounts prescribed in subsection (2).

7104 (ii) As used in this paragraph, "rental equipment"  
7105 means any rental equipment or other rental items which are held  
7106 for short-term rental to the public:

- 7107 1. Under rental agreements with no specific  
7108 term;
- 7109 2. Under at-will or open-ended agreements; or
- 7110 3. Under rental agreements with terms  
7111 ordinarily of less than three hundred sixty-five (365) days; and
- 7112 4. Is not subject to privilege taxes imposed  
7113 in Chapter 19, Title 27, Mississippi Code of 1972.

7114 (c) The tax credit allowed by this section may not be  
7115 claimed by a taxpayer that is a medical cannabis establishment as  
7116 defined in the Mississippi Medical Cannabis Act.

7117 (2) The tax credit allowed by this section shall not exceed  
7118 the amounts set forth in paragraphs (a) through (g) of this  
7119 subsection; and may be claimed for each location where such  
7120 commodities, raw material, works-in-process, products, goods,  
7121 wares, merchandise and/or rental equipment are found and upon  
7122 which the ad valorem taxes have been paid. Any tax credit claimed  
7123 under this section but not used in any taxable year may be carried  
7124 forward for five (5) consecutive years from the close of the tax  
7125 year in which the credit was earned.



7126 (a) For the 1994 taxable year, the tax credit for each  
7127 location of the taxpayer shall not exceed the lesser of Two  
7128 Thousand Dollars (\$2,000.00) or the amount of income taxes due the  
7129 State of Mississippi that are attributable to such location.

7130 (b) For the 1995 taxable year, the tax credit for each  
7131 location of the taxpayer shall not exceed the lesser of Three  
7132 Thousand Dollars (\$3,000.00) or the amount of income taxes due the  
7133 State of Mississippi that are attributable to such location.

7134 (c) For the 1996 taxable year, the tax credit for each  
7135 location of the taxpayer shall not exceed the lesser of Four  
7136 Thousand Dollars (\$4,000.00) or the amount of income taxes due the  
7137 State of Mississippi that are attributable to such location.

7138 (d) For the 1997 taxable year and each taxable year  
7139 thereafter through taxable year 2013, the tax credit for each  
7140 location of the taxpayer shall not exceed the lesser of Five  
7141 Thousand Dollars (\$5,000.00) or the amount of income taxes due the  
7142 State of Mississippi that are attributable to such location.

7143 (e) For the 2014 taxable year, the tax credit for each  
7144 location of the taxpayer shall not exceed the lesser of Ten  
7145 Thousand Dollars (\$10,000.00) or the amount of income taxes due  
7146 the State of Mississippi that are attributable to such location.

7147 (f) For the 2015 taxable year, the tax credit for each  
7148 location of the taxpayer shall not exceed the lesser of Fifteen  
7149 Thousand Dollars (\$15,000.00) or the amount of income taxes due  
7150 the State of Mississippi that are attributable to such location.



7151 (g) For the 2016 taxable year and each taxable year  
7152 thereafter, the tax credit of the taxpayer shall be the lesser of  
7153 the amount of the ad valorem taxes described in subsection (1)  
7154 paid or the amount of income taxes due the State of Mississippi  
7155 that are attributable to such location.

7156 (3) Any amount of ad valorem taxes paid by a taxpayer that  
7157 is applied toward the tax credit allowed in this section may not  
7158 be used as a deduction by the taxpayer for state income tax  
7159 purposes. In the case of a taxpayer that is a partnership,  
7160 limited liability company or S corporation, the credit may be  
7161 applied only to the tax attributable to partnership, limited  
7162 liability company or S corporation income derived from the  
7163 taxpayer.

7164 **SECTION 76.** Section 27-7-22.30, Mississippi Code of 1972, is  
7165 amended as follows:

7166 27-7-22.30. (1) As used in this section:

7167 (a) "Manufacturing enterprise" means an enterprise  
7168 that:

7169 (i) Falls within the definition of the term  
7170 "manufacturer" in Section 27-65-11; and

7171 (ii) Has operated in this state for not less than  
7172 two (2) years prior to application for the credit authorized by  
7173 this section \* \* \*.



7174 (b) "Eligible investment" means an investment of at  
7175 least One Million Dollars (\$1,000,000.00) in buildings and/or  
7176 equipment for the manufacturing enterprise.

7177 The term "manufacturing enterprise" does not include any  
7178 medical cannabis establishment as defined in the Mississippi  
7179 Medical Cannabis Act.

7180 (2) A manufacturing enterprise is allowed a manufacturing  
7181 investment tax credit for taxes imposed by Section 27-7-5 equal to  
7182 five percent (5%) of the eligible investments made by the  
7183 manufacturing enterprise.

7184 (3) Any tax credit claimed under this section but not used  
7185 in any taxable year may be carried forward for five (5) years from  
7186 the close of the tax year in which the eligible investment was  
7187 made, but the credit established by this section taken in any one  
7188 tax year shall not exceed fifty percent (50%) of the taxpayer's  
7189 state income tax liability which is attributable to income derived  
7190 from operations in the state for that year reduced by the sum of  
7191 all other income tax credits allowable to the taxpayer, except  
7192 credit for tax payments made by or on behalf of the taxpayer.

7193 (4) The maximum credit that may be claimed by a taxpayer on  
7194 any project shall be limited to One Million Dollars  
7195 (\$1,000,000.00).

7196 (5) The credit received under this section is subject to  
7197 recapture if the property for which the tax credit was received is  
7198 disposed of, or converted to, other than business use. The amount



7199 of the credit subject to recapture is one hundred percent (100%)  
7200 of the credit in the first year and fifty percent (50%) of the  
7201 credit in the second year. This subsection shall not apply in  
7202 cases in which an entire facility is sold.

7203 (6) The sale, merger, acquisition, reorganization,  
7204 bankruptcy or relocation from one (1) county to another county  
7205 within the state of any manufacturing enterprise may not create  
7206 new eligibility in any succeeding business entity, but any unused  
7207 manufacturing investment tax credit may be transferred and  
7208 continued by any transferee of the enterprise. The \* \* \*  
7209 department shall determine whether or not qualifying net increases  
7210 or decreases have occurred or proper transfers of credit have been  
7211 made and may require reports, promulgate regulations, and hold  
7212 hearings as needed for substantiation and qualification.

7213 (7) No manufacturing enterprise for the transportation,  
7214 handling, storage, processing or disposal of hazardous waste is  
7215 eligible to receive the tax credits provided in this section.

7216 (8) The credits allowed under this section shall not be used  
7217 by any business enterprise or corporation other than the  
7218 manufacturing enterprise actually qualifying for the credits.

7219 **SECTION 77.** Section 27-31-51, Mississippi Code of 1972, is  
7220 amended as follows:

7221 27-31-51. (1) As used in Sections 27-31-51 through  
7222 27-31-61:



7223 (a) "Warehouse" or "storage facility" shall not apply  
7224 to caves or cavities in the earth, whether natural or artificial;

7225 (b) "Governing authorities" means the board of  
7226 supervisors of the county wherein the warehouse or storage  
7227 facility is located or the governing authorities of the  
7228 municipality wherein the warehouse or storage facility is located,  
7229 as the case may be;

7230 (c) "Tax assessor" means the tax assessor of each  
7231 taxing jurisdiction in which the warehouse or storage facility may  
7232 be located.

7233 (2) All warehouses, public or private, or other storage  
7234 facilities in the State of Mississippi regularly engaged in the  
7235 handling and storage of personal property in structures or in  
7236 places adopted for such handling and storage which is consigned or  
7237 transferred to such warehouse or storage facility for storage and  
7238 handling shall be eligible for licensing under the provisions of  
7239 Sections 27-31-51 through 27-31-61 as a "free port warehouse." A  
7240 manufacturer of personal property that maintains separate  
7241 facilities, structures, places or areas for the temporary storage  
7242 and handling of such personal property pending transit to a final  
7243 destination outside the State of Mississippi shall be eligible for  
7244 licensing under Sections 27-31-51 through 27-31-61 as a "free port  
7245 warehouse," and any license issued to such a manufacturer before  
7246 January 1, 2012, is hereby ratified, approved and confirmed. No  
7247 medical cannabis establishment, as defined in the Mississippi



7248 Medical Cannabis Act, or warehouses, facilities, structures,  
7249 places or areas belonging to or used by a medical cannabis  
7250 establishment may be licensed as a free port warehouse.

7251 (3) Such licenses shall be issued by the governing  
7252 authorities to such warehouse or storage facility as will qualify  
7253 under the definition of "free port warehouse" as herein defined,  
7254 upon application by the warehouse or storage facility operator.

7255 **SECTION 78.** Section 27-31-53, Mississippi Code of 1972, is  
7256 amended as follows:

7257 27-31-53. All personal property in transit through this  
7258 state which is (a) moving in interstate commerce through or over  
7259 the territory of the State of Mississippi, (b) which was consigned  
7260 or transferred to a licensed "free port warehouse," public or  
7261 private, within the State of Mississippi for storage in transit to  
7262 a final destination outside the State of Mississippi, whether  
7263 specified when transportation begins or afterward, (c)  
7264 manufactured in the State of Mississippi and stored in separate  
7265 facilities, structures, places or areas maintained by a  
7266 manufacturer, licensed as a free port warehouse, for temporary  
7267 storage or handling pending transit to a final destination outside  
7268 the State of Mississippi, or (d) consigned or transferred to a  
7269 licensed free port warehouse, public or private, within the State  
7270 of Mississippi, for storage pending transit to not more than one  
7271 (1) other location in this state for production or processing into  
7272 a component or part that is then transported to a final





7273 destination outside of the State of Mississippi, may, in the  
7274 discretion of the board of supervisors of the county wherein the  
7275 warehouse or storage facility is located, and in the discretion of  
7276 the governing authorities of the municipality wherein the  
7277 warehouse or storage facility is located, as the case may be, be  
7278 exempt from all ad valorem taxes imposed by the respective county  
7279 or municipality and the property exempted therefrom shall not be  
7280 deemed to have acquired a situs in the State of Mississippi for  
7281 the purposes of such taxation. Any exemption granted to a  
7282 licensed "free port warehouse" pursuant to this section shall be  
7283 effective as of the first calendar day of the taxable year in  
7284 which the warehouse applied for the exemption by virtue of  
7285 submitting the application for licensure, and shall remain in  
7286 effect for such period of time as the respective governing  
7287 authority may prescribe. Such property shall not be deprived of  
7288 exemption because while in a warehouse the property is bound,  
7289 divided, broken in bulk, labeled, relabeled or repackaged. Any  
7290 exemption from ad valorem taxes granted before January 1, 2012, is  
7291 hereby ratified, approved and confirmed.

7292 The exemption provided for in this section shall not be  
7293 authorized for any personal property of a medical cannabis  
7294 establishment as defined in the Mississippi Medical Cannabis Act.

7295 **SECTION 79.** Section 27-31-101, Mississippi Code of 1972, is  
7296 amended as follows:

7297 **[Through June 30, 2022, this section shall read as follows:]**



7298           27-31-101. (1) County boards of supervisors and municipal  
7299 authorities are hereby authorized and empowered, in their  
7300 discretion, to grant exemptions from ad valorem taxation, except  
7301 state ad valorem taxation; however, such governing authorities  
7302 shall not exempt ad valorem taxes for school district purposes on  
7303 tangible property used in, or necessary to, the operation of the  
7304 manufacturers and other new enterprises enumerated by classes in  
7305 this section, except to the extent authorized in Sections  
7306 27-31-104 and 27-31-105(2), nor shall they exempt from ad valorem  
7307 taxes the products of the manufacturers or other new enterprises  
7308 or automobiles and trucks belonging to the manufacturers or other  
7309 new enterprises operating on and over the highways of the State of  
7310 Mississippi. The time of such exemption shall be for a period not  
7311 to exceed a total of ten (10) years which shall begin on the date  
7312 of completion of the new enterprise for which the exemption is  
7313 granted; however, boards of supervisors and municipal authorities,  
7314 in lieu of granting the exemption for one (1) period of ten (10)  
7315 years, may grant the exemption in a period of less than ten (10)  
7316 years. When the initial exemption period granted is less than ten  
7317 (10) years, the boards of supervisors and municipal authorities  
7318 may grant a subsequent consecutive period or periods to follow the  
7319 initial period of exemption, provided that the total of all  
7320 periods of exemption shall not exceed ten (10) years. The date of  
7321 completion of the new enterprise, from which the initial period of  
7322 exemption shall begin, shall be the date on which operations of



7323 the new enterprise begin. The initial request for an exemption  
7324 must be made in writing by June 1 of the year immediately  
7325 following the year in which the date of completion of a new  
7326 enterprise occurs. If the initial request for the exemption is  
7327 not timely made, the board of supervisors or municipal authorities  
7328 may grant a subsequent request for the exemption and, in such  
7329 case, the exemption shall begin on the anniversary date of  
7330 completion of the enterprise in the year in which the request is  
7331 made and may be for a period of time extending not more than ten  
7332 (10) years from the date of completion of the new enterprise. Any  
7333 subsequent request for the exemption must be made in writing by  
7334 June 1 of the year in which it is granted.

7335 (2) Any board of supervisors or municipal authority which  
7336 has granted an exemption for a period of less than ten (10) years  
7337 may grant subsequent periods of exemption to run consecutively  
7338 with the initial exemption period, or a subsequently granted  
7339 exemption period, but in no case shall the total of the exemption  
7340 periods granted for a new enterprise exceed ten (10) years. Any  
7341 consecutive period of exemption shall be granted by entry of an  
7342 order by the board or the authority granting the consecutive  
7343 exemption on its minutes, reflecting the granting of the  
7344 consecutive exemption period and the dates upon which such  
7345 consecutive exemption period begins and expires. The entry of  
7346 this order granting the consecutive period of exemption shall be



7347 made before the expiration of the exemption period immediately  
7348 preceding the consecutive exemption period being granted.

7349 (3) (a) The new enterprises for which any or all of the  
7350 tangible property described in paragraph (b) of this subsection  
7351 (3) may be exempt from ad valorem taxation, except state ad  
7352 valorem taxation, ad valorem taxes for school district purposes,  
7353 and ad valorem taxes on the products thereof or on automobiles and  
7354 trucks belonging thereto and operating on and over the highways of  
7355 the State of Mississippi, are enumerated as and limited to the  
7356 following, as determined by the Department of Revenue:

7357 (i) Warehouse and/or distribution centers;

7358 (ii) Manufacturing, processors and refineries;

7359 (iii) Research facilities;

7360 (iv) Corporate regional and national headquarters  
7361 meeting minimum criteria established by the Mississippi  
7362 Development Authority;

7363 (v) Movie industry studios meeting minimum  
7364 criteria established by the Mississippi Development Authority;

7365 (vi) Air transportation and maintenance facilities  
7366 meeting minimum criteria established by the Mississippi  
7367 Development Authority;

7368 (vii) Recreational facilities that impact tourism  
7369 meeting minimum criteria established by the Mississippi  
7370 Development Authority;



7371                   (viii) Data/information processing enterprises  
7372 meeting minimum criteria established by the Mississippi  
7373 Development Authority;

7374                   (ix) Technology intensive enterprises or  
7375 facilities meeting criteria established by the Mississippi  
7376 Development Authority;

7377                   (x) Health care industry facilities as defined in  
7378 Section 57-117-3;

7379                   (xi) Data centers as defined in Section 57-113-21;  
7380 and

7381                   (xii) Telecommunications enterprises meeting  
7382 minimum criteria established by the Mississippi Development  
7383 Authority. The term "telecommunications enterprises" means  
7384 entities engaged in the creation, display, management, storage,  
7385 processing, transmission or distribution for compensation of  
7386 images, text, voice, video or data by wire or by wireless means,  
7387 or entities engaged in the construction, design, development,  
7388 manufacture, maintenance or distribution for compensation of  
7389 devices, products, software or structures used in the above  
7390 activities. Companies organized to do business as commercial  
7391 broadcast radio stations, television stations or news  
7392 organizations primarily serving in-state markets shall not be  
7393 included within the definition of the term "telecommunications  
7394 enterprises."



7395           The new enterprises enumerated in this paragraph (a) do not  
7396 include medical cannabis establishments as defined in the  
7397 Mississippi Medical Cannabis Act.

7398           (b) An exemption from ad valorem taxes granted under  
7399 this section may include any or all tangible property, real or  
7400 personal, including any leasehold interests therein but excluding  
7401 automobiles and trucks operating on and over the highways of the  
7402 State of Mississippi, used in connection with, or necessary to,  
7403 the operation of an enterprise enumerated in paragraph (a) of this  
7404 subsection (3), whether or not such property is owned, leased,  
7405 subleased, licensed or otherwise obtained by such enterprise,  
7406 irrespective of the taxpayer to which any such leased property is  
7407 assessed for ad valorem tax purposes. If an exemption is granted  
7408 pursuant to this section with respect to any leasehold interest  
7409 under a lease, sublease or license of tangible property used in  
7410 connection with, or necessary to, the operation of an enterprise  
7411 enumerated in paragraph (a) of this subsection (3), the  
7412 corresponding ownership interest of the owner, lessor and  
7413 sublessor of such tangible property shall similarly and  
7414 automatically be exempt without any action being required to be  
7415 taken by such owner, lessor or sublessor.

7416           (4) Any exemption from ad valorem taxes granted under this  
7417 section before March 28, 2019, and consistent herewith, is hereby  
7418 ratified, approved and confirmed.



7419           **[From and after July 1, 2022, this section shall read as**  
7420 **follows:]**

7421           27-31-101. (1) County boards of supervisors and municipal  
7422 authorities are hereby authorized and empowered, in their  
7423 discretion, to grant exemptions from ad valorem taxation, except  
7424 state ad valorem taxation; however, such governing authorities  
7425 shall not exempt ad valorem taxes for school district purposes on  
7426 tangible property used in, or necessary to, the operation of the  
7427 manufacturers and other new enterprises enumerated by classes in  
7428 this section, except to the extent authorized in Sections  
7429 27-31-104 and 27-31-105(2), nor shall they exempt from ad valorem  
7430 taxes the products of the manufacturers or other new enterprises  
7431 or automobiles and trucks belonging to the manufacturers or other  
7432 new enterprises operating on and over the highways of the State of  
7433 Mississippi. The time of such exemption shall be for a period not  
7434 to exceed a total of ten (10) years which shall begin on the date  
7435 of completion of the new enterprise for which the exemption is  
7436 granted; however, boards of supervisors and municipal authorities,  
7437 in lieu of granting the exemption for one (1) period of ten (10)  
7438 years, may grant the exemption in a period of less than ten (10)  
7439 years. When the initial exemption period granted is less than ten  
7440 (10) years, the boards of supervisors and municipal authorities  
7441 may grant a subsequent consecutive period or periods to follow the  
7442 initial period of exemption, provided that the total of all  
7443 periods of exemption shall not exceed ten (10) years. The date of



7444 completion of the new enterprise, from which the initial period of  
7445 exemption shall begin, shall be the date on which operations of  
7446 the new enterprise begin. The initial request for an exemption  
7447 must be made in writing by June 1 of the year immediately  
7448 following the year in which the date of completion of a new  
7449 enterprise occurs. If the initial request for the exemption is  
7450 not timely made, the board of supervisors or municipal authorities  
7451 may grant a subsequent request for the exemption and, in such  
7452 case, the exemption shall begin on the anniversary date of  
7453 completion of the enterprise in the year in which the request is  
7454 made and may be for a period of time extending not more than ten  
7455 (10) years from the date of completion of the new enterprise. Any  
7456 subsequent request for the exemption must be made in writing by  
7457 June 1 of the year in which it is granted.

7458 (2) Any board of supervisors or municipal authority which  
7459 has granted an exemption for a period of less than ten (10) years  
7460 may grant subsequent periods of exemption to run consecutively  
7461 with the initial exemption period, or a subsequently granted  
7462 exemption period, but in no case shall the total of the exemption  
7463 periods granted for a new enterprise exceed ten (10) years. Any  
7464 consecutive period of exemption shall be granted by entry of an  
7465 order by the board or the authority granting the consecutive  
7466 exemption on its minutes, reflecting the granting of the  
7467 consecutive exemption period and the dates upon which such  
7468 consecutive exemption period begins and expires. The entry of





7469 this order granting the consecutive period of exemption shall be  
7470 made before the expiration of the exemption period immediately  
7471 preceding the consecutive exemption period being granted.

7472 (3) (a) The new enterprises for which any or all of the  
7473 tangible property described in paragraph (b) of this subsection  
7474 (3) may be exempt from ad valorem taxation, except state ad  
7475 valorem taxation, ad valorem taxes for school district purposes,  
7476 and ad valorem taxes on the products thereof or on automobiles and  
7477 trucks belonging thereto and operating on and over the highways of  
7478 the State of Mississippi, are enumerated as and limited to the  
7479 following, as determined by the Department of Revenue:

7480 (i) Warehouse and/or distribution centers;

7481 (ii) Manufacturing, processors and refineries;

7482 (iii) Research facilities;

7483 (iv) Corporate regional and national headquarters  
7484 meeting minimum criteria established by the Mississippi  
7485 Development Authority;

7486 (v) Movie industry studios meeting minimum  
7487 criteria established by the Mississippi Development Authority;

7488 (vi) Air transportation and maintenance facilities  
7489 meeting minimum criteria established by the Mississippi  
7490 Development Authority;

7491 (vii) Recreational facilities that impact tourism  
7492 meeting minimum criteria established by the Mississippi  
7493 Development Authority;



7494 (viii) Data/information processing enterprises  
7495 meeting minimum criteria established by the Mississippi  
7496 Development Authority;

7497 (ix) Technology intensive enterprises or  
7498 facilities meeting criteria established by the Mississippi  
7499 Development Authority;

7500 (x) Data centers as defined in Section 57-113-21;  
7501 and

7502 (xi) Telecommunications enterprises meeting  
7503 minimum criteria established by the Mississippi Development  
7504 Authority. The term "telecommunications enterprises" means  
7505 entities engaged in the creation, display, management, storage,  
7506 processing, transmission or distribution for compensation of  
7507 images, text, voice, video or data by wire or by wireless means,  
7508 or entities engaged in the construction, design, development,  
7509 manufacture, maintenance or distribution for compensation of  
7510 devices, products, software or structures used in the above  
7511 activities. Companies organized to do business as commercial  
7512 broadcast radio stations, television stations or news  
7513 organizations primarily serving in-state markets shall not be  
7514 included within the definition of the term "telecommunications  
7515 enterprises."

7516 The new enterprises enumerated in this paragraph (a) do not  
7517 include medical cannabis establishments as defined in the  
7518 Mississippi Medical Cannabis Act.



7519 (b) An exemption from ad valorem taxes granted under  
7520 this section may include any or all tangible property, real or  
7521 personal, including any leasehold interests therein but excluding  
7522 automobiles and trucks operating on and over the highways of the  
7523 State of Mississippi, used in connection with, or necessary to,  
7524 the operation of an enterprise enumerated in paragraph (a) of this  
7525 subsection (3), whether or not such property is owned, leased,  
7526 subleased, licensed or otherwise obtained by such enterprise,  
7527 irrespective of the taxpayer to which any such leased property is  
7528 assessed for ad valorem tax purposes. If an exemption is granted  
7529 pursuant to this section with respect to any leasehold interest  
7530 under a lease, sublease or license of tangible property used in  
7531 connection with, or necessary to, the operation of an enterprise  
7532 enumerated in paragraph (a) of this subsection (3), the  
7533 corresponding ownership interest of the owner, lessor and  
7534 sublessor of such tangible property shall similarly and  
7535 automatically be exempt without any action being required to be  
7536 taken by such owner, lessor or sublessor.

7537 (4) Any exemption from ad valorem taxes granted under this  
7538 section before March 28, 2019, and consistent herewith, is hereby  
7539 ratified, approved and confirmed.

7540 **SECTION 80.** Section 27-31-104, Mississippi Code of 1972, is  
7541 amended as follows:

7542 **[Through June 30, 2022, this section shall read as follows:]**



7543           27-31-104. (1) (a) County boards of supervisors and  
7544 municipal authorities are each hereby authorized and empowered to  
7545 enter into an agreement with an enterprise granting, and pursuant  
7546 to such agreement grant a fee-in-lieu of ad valorem taxes,  
7547 including ad valorem taxes levied for school purposes, for the  
7548 following:

7549                   (i) Projects totaling over Sixty Million Dollars  
7550 (\$60,000,000.00) by any new enterprises enumerated in Section  
7551 27-31-101;

7552                   (ii) Projects by a private company (as such term  
7553 is defined in Section 57-61-5) having a minimum capital investment  
7554 of Sixty Million Dollars (\$60,000,000.00);

7555                   (iii) Projects by a qualified business (as such  
7556 term is defined in Section 57-117-3) meeting minimum criteria  
7557 established by the Mississippi Development Authority;

7558                   (iv) Projects, in addition to those projects  
7559 referenced in Section 27-31-105, totaling over Sixty Million  
7560 Dollars (\$60,000,000.00) by an existing enterprise that has been  
7561 doing business in the county or municipality for twenty-four (24)  
7562 months. For purposes of this subparagraph (iv), the term  
7563 "existing enterprise" includes those enterprises enumerated in  
7564 Section 27-31-101; or

7565                   (v) A private company (as such term is defined in  
7566 Section 57-61-5) having a minimum capital investment of One  
7567 Hundred Million Dollars (\$100,000,000.00) from any source or



7568 combination of sources, provided that a majority of the capital  
7569 investment is from private sources, when such project is located  
7570 within a geographic area for which a Presidential Disaster  
7571 Declaration was issued on or after January 1, 2014.

7572 County boards of supervisors and municipal authorities may  
7573 not enter into an agreement with an enterprise that is a medical  
7574 cannabis establishment, as defined in the Mississippi Medical  
7575 Cannabis Act, granting, and pursuant to such agreement grant a  
7576 fee-in-lieu of ad valorem taxes.

7577 (b) A fee-in-lieu of ad valorem taxes granted in  
7578 accordance with this section may include any or all tangible  
7579 property, real or personal, including any leasehold interests  
7580 therein but excluding automobiles and trucks operating on and over  
7581 the highways of the State of Mississippi, used in connection with,  
7582 or necessary to, the operation of any enterprise, private company  
7583 or business described in paragraph (a) of this subsection (1), as  
7584 applicable, whether or not such property is owned, leased,  
7585 subleased, licensed or otherwise obtained by such enterprise,  
7586 private company or business, as applicable, irrespective of the  
7587 taxpayer to which any such leased property is assessed for ad  
7588 valorem tax purposes. If a fee-in-lieu of ad valorem taxes is  
7589 granted pursuant to this section with respect to any leasehold  
7590 interest under a lease, sublease or license of tangible property  
7591 used in connection with, or necessary to, the operation of an  
7592 enterprise, private company or business described in paragraph (a)



7593 of this subsection (1), as applicable, the corresponding ownership  
7594 interest of the owner, lessor and sublessor of such tangible  
7595 property shall similarly and automatically be exempt and subject  
7596 to the fee-in-lieu granted in accordance herewith without any  
7597 action being required to be taken by such owner, lessor or  
7598 sublessor.

7599 (2) A county board of supervisors may enter into a  
7600 fee-in-lieu agreement on behalf of the county and any county  
7601 school district, and a municipality may enter into such a  
7602 fee-in-lieu agreement on behalf of the municipality and any  
7603 municipal school district located in the municipality; however, if  
7604 the project is located outside the limits of a municipality but  
7605 within the boundaries of the municipal school district, then the  
7606 county board of supervisors may enter into such a fee-in-lieu  
7607 agreement on behalf of the school district granting a fee-in-lieu  
7608 of ad valorem taxes for school district purposes.

7609 (3) Any grant of a fee-in-lieu of ad valorem taxes shall be  
7610 evidenced by a written agreement negotiated by the enterprise and  
7611 the county board of supervisors and/or municipal authority, as the  
7612 case may be, and given final approval by the Mississippi  
7613 Development Authority as satisfying the requirements of this  
7614 section.

7615 (4) The minimum sum allowable as a fee-in-lieu shall not be  
7616 less than one-third (1/3) of the ad valorem levy, including ad  
7617 valorem taxes for school district purposes, and except as



7618 otherwise provided, the sum allowed shall be apportioned between  
7619 the county or municipality, as appropriate, and the school  
7620 districts in such amounts as may be determined by the county board  
7621 of supervisors or municipal governing authority, as the case may  
7622 be, however, except as otherwise provided in this section, from  
7623 the sum allowed the apportionment to school districts shall not be  
7624 less than the school districts' pro rata share based upon the  
7625 proportion that the millage imposed for the school districts by  
7626 the appropriate levying authority bears to the millage imposed by  
7627 such levying authority for all other county or municipal purposes.  
7628 Any fee-in-lieu agreement entered into under this section shall  
7629 become a binding obligation of the parties to the agreement, be  
7630 effective upon its execution by the parties and approval by the  
7631 Mississippi Development Authority and, except as otherwise  
7632 provided in Section 17-25-23 or Section 57-75-33, or any other  
7633 provision of law, continue in effect for a period not to exceed  
7634 thirty (30) years commencing on the date that the fee-in-lieu  
7635 granted thereunder begins in accordance with the agreement;  
7636 however, no particular parcel of land, real property improvement  
7637 or item of personal property shall be subject to a fee-in-lieu for  
7638 a duration of more than ten (10) years. Any such agreement shall  
7639 be binding, according to its terms, on future boards of  
7640 supervisors of the county and/or governing authorities of a  
7641 municipality, as the case may be, for the duration of the  
7642 agreement.



7643           (5) The fee-in-lieu may be a stated fraction or percentage  
7644 of the ad valorem taxes otherwise payable or a stated dollar  
7645 amount. If the fee is a fraction or percentage of the ad valorem  
7646 tax levy, it shall be annually computed on all ad valorem taxes  
7647 otherwise payable, including school taxes, as the same may vary  
7648 from year to year based upon changes in the millage rate or  
7649 assessed value and shall not be less than one-third (1/3) of that  
7650 amount. If the fee is a stated dollar amount, said amount shall  
7651 be the higher of the sum provided for fixed payment or one-third  
7652 (1/3) of the total of all ad valorem taxes otherwise payable as  
7653 annually determined during each year of the fee-in-lieu.

7654           (6) Notwithstanding Section 27-31-111, the parties to a  
7655 fee-in-lieu may agree on terms and conditions providing for the  
7656 reduction, suspension, termination or reinstatement of a  
7657 fee-in-lieu agreement or any fee-in-lieu period granted thereunder  
7658 upon the cessation of operations by project for twelve (12) or  
7659 more consecutive months or due to other conditions set forth in  
7660 the agreement.

7661           (7) For a project as defined in Section 57-75-5(f)(xxi) and  
7662 located in a county that is a member of a regional economic  
7663 development alliance created under Section 57-64-1 et seq., the  
7664 members of the regional economic development alliance may divide  
7665 the sum allowed as a fee-in-lieu in a manner as determined by the  
7666 alliance agreement, and the boards of supervisors of the member





7667 counties may then apportion the sum allowed between school  
7668 district purposes and all other county purposes.

7669 (8) For a project as defined in Section 57-75-5(f) (xxvi),  
7670 the board of supervisors of the county in which the project is  
7671 located may negotiate with the school district in which the  
7672 project is located and apportion to the school district an amount  
7673 of the fee-in-lieu that is agreed upon in the negotiations  
7674 different than the amount provided for in subsection (3) of this  
7675 section.

7676 (9) For a project as defined in Section 57-75-5(f) (xxviii),  
7677 the annual amount of the fee-in-lieu apportioned to the county  
7678 shall not be less than the amount necessary to pay the debt  
7679 service on bonds issued by the county pursuant to Section  
7680 57-75-37(3) (c) .

7681 (10) Any fee-in-lieu of ad valorem taxes granted under this  
7682 section before the effective date of this act, and consistent  
7683 herewith, is hereby ratified, approved and confirmed.

7684 **[From and after July 1, 2022, this section shall read as**  
7685 **follows:]**

7686 27-31-104. (1) (a) County boards of supervisors and  
7687 municipal authorities are each hereby authorized and empowered to  
7688 enter into an agreement with an enterprise granting, and pursuant  
7689 to such agreement grant a fee-in-lieu of ad valorem taxes,  
7690 including ad valorem taxes levied for school purposes, for the  
7691 following:



7692 (i) Projects totaling over Sixty Million Dollars  
7693 (\$60,000,000.00) by any new enterprises enumerated in Section  
7694 27-31-101;

7695 (ii) Projects by a private company (as such term  
7696 is defined in Section 57-61-5, Mississippi Code of 1972) having a  
7697 minimum capital investment of Sixty Million Dollars  
7698 (\$60,000,000.00);

7699 (iii) Projects, in addition to those projects  
7700 referenced in Section 27-31-105, totaling over Sixty Million  
7701 Dollars (\$60,000,000.00) by an existing enterprise that has been  
7702 doing business in the county or municipality for twenty-four (24)  
7703 months. For purposes of this subparagraph (iii), the term  
7704 "existing enterprise" includes those enterprises enumerated in  
7705 Section 27-31-101; or

7706 (iv) A private company (as such term is defined in  
7707 Section 57-61-5) having a minimum capital investment of One  
7708 Hundred Million Dollars (\$100,000,000.00) from any source or  
7709 combination of sources, provided that a majority of the capital  
7710 investment is from private sources, when such project is located  
7711 within a geographic area for which a Presidential Disaster  
7712 Declaration was issued on or after January 1, 2014.

7713 County boards of supervisors and municipal authorities may  
7714 not enter into an agreement with an enterprise that is a medical  
7715 cannabis establishment, as defined in the Mississippi Medical



7716 Cannabis Act, granting, and pursuant to such agreement grant a  
7717 fee-in-lieu of ad valorem taxes.

7718 (b) A fee-in-lieu of ad valorem taxes granted in  
7719 accordance with this section may include any or all tangible  
7720 property, real or personal, including any leasehold interests  
7721 therein but excluding automobiles and trucks operating on and over  
7722 the highways of the State of Mississippi, used in connection with,  
7723 or necessary to, the operation of any enterprise, private company  
7724 or business described in paragraph (a) of this subsection (1), as  
7725 applicable, whether or not such property is owned, leased,  
7726 subleased, licensed or otherwise obtained by such enterprise,  
7727 private company or business, as applicable, irrespective of the  
7728 taxpayer to which any such leased property is assessed for ad  
7729 valorem tax purposes. If a fee-in-lieu of ad valorem taxes is  
7730 granted pursuant to this section with respect to any leasehold  
7731 interest under a lease, sublease or license of tangible property  
7732 used in connection with, or necessary to, the operation of an  
7733 enterprise, private company or business described in paragraph (a)  
7734 of this subsection (1), as applicable, the corresponding ownership  
7735 interest of the owner, lessor and sublessor of such tangible  
7736 property shall similarly and automatically be exempt and subject  
7737 to the fee-in-lieu granted in accordance herewith without any  
7738 action being required to be taken by such owner, lessor or  
7739 sublessor.



7740 (2) A county board of supervisors may enter into a  
7741 fee-in-lieu agreement on behalf of the county and any county  
7742 school district, and a municipality may enter into such a  
7743 fee-in-lieu agreement on behalf of the municipality and any  
7744 municipal school district located in the municipality; however, if  
7745 the project is located outside the limits of a municipality but  
7746 within the boundaries of the municipal school district, then the  
7747 county board of supervisors may enter into such a fee-in-lieu  
7748 agreement on behalf of the school district granting a fee-in-lieu  
7749 of ad valorem taxes for school district purposes.

7750 (3) Any grant of a fee-in-lieu of ad valorem taxes shall be  
7751 evidenced by a written agreement negotiated by the enterprise and  
7752 the county board of supervisors and/or municipal authority, as the  
7753 case may be, and given final approval by the Mississippi  
7754 Development Authority as satisfying the requirements of this  
7755 section.

7756 (4) The minimum sum allowable as a fee-in-lieu shall not be  
7757 less than one-third (1/3) of the ad valorem levy, including ad  
7758 valorem taxes for school district purposes, and except as  
7759 otherwise provided, the sum allowed shall be apportioned between  
7760 the county or municipality, as appropriate, and the school  
7761 districts in such amounts as may be determined by the county board  
7762 of supervisors or municipal governing authority, as the case may  
7763 be, however, except as otherwise provided in this section, from  
7764 the sum allowed the apportionment to school districts shall not be



7765 less than the school districts' pro rata share based upon the  
7766 proportion that the millage imposed for the school districts by  
7767 the appropriate levying authority bears to the millage imposed by  
7768 such levying authority for all other county or municipal purposes.  
7769 Any fee-in-lieu agreement entered into under this section shall  
7770 become a binding obligation of the parties to the agreement, be  
7771 effective upon its execution by the parties and approval by the  
7772 Mississippi Development Authority and, except as otherwise  
7773 provided in Section 17-25-23 or Section 57-75-33, or any other  
7774 provision of law, continue in effect for a period not to exceed  
7775 thirty (30) years commencing on the date that the fee-in-lieu  
7776 granted thereunder begins in accordance with the agreement;  
7777 however, no particular parcel of land, real property improvement  
7778 or item of personal property shall be subject to a fee-in-lieu for  
7779 a duration of more than ten (10) years. Any such agreement shall  
7780 be binding, according to its terms, on future boards of  
7781 supervisors of the county and/or governing authorities of a  
7782 municipality, as the case may be, for the duration of the  
7783 agreement.

7784 (5) The fee-in-lieu may be a stated fraction or percentage  
7785 of the ad valorem taxes otherwise payable or a stated dollar  
7786 amount. If the fee is a fraction or percentage of the ad valorem  
7787 tax levy, it shall be annually computed on all ad valorem taxes  
7788 otherwise payable, including school taxes, as the same may vary  
7789 from year to year based upon changes in the millage rate or



7790 assessed value and shall not be less than one-third (1/3) of that  
7791 amount. If the fee is a stated dollar amount, said amount shall  
7792 be the higher of the sum provided for fixed payment or one-third  
7793 (1/3) of the total of all ad valorem taxes otherwise payable as  
7794 annually determined during each year of the fee-in-lieu.

7795 (6) Notwithstanding Section 27-31-111, the parties to a  
7796 fee-in-lieu may agree on terms and conditions providing for the  
7797 reduction, suspension, termination or reinstatement of a  
7798 fee-in-lieu agreement or any fee-in-lieu period granted thereunder  
7799 upon the cessation of operations by project for twelve (12) or  
7800 more consecutive months or due to other conditions set forth in  
7801 the agreement.

7802 (7) For a project as defined in Section 57-75-5(f)(xxi) and  
7803 located in a county that is a member of a regional economic  
7804 development alliance created under Section 57-64-1 et seq., the  
7805 members of the regional economic development alliance may divide  
7806 the sum allowed as a fee-in-lieu in a manner as determined by the  
7807 alliance agreement, and the boards of supervisors of the member  
7808 counties may then apportion the sum allowed between school  
7809 district purposes and all other county purposes.

7810 (8) For a project as defined in Section 57-75-5(f)(xxvi),  
7811 the board of supervisors of the county in which the project is  
7812 located may negotiate with the school district in which the  
7813 project is located and apportion to the school district an amount  
7814 of the fee-in-lieu that is agreed upon in the negotiations



7815 different than the amount provided for in subsection (3) of this  
7816 section.

7817 (9) For a project as defined in Section 57-75-5(f) (xxviii),  
7818 the annual amount of the fee-in-lieu apportioned to the county  
7819 shall not be less than the amount necessary to pay the annual debt  
7820 service on bonds issued by the county pursuant to Section  
7821 57-75-37(3) (c) .

7822 (10) Any fee-in-lieu of ad valorem taxes granted under this  
7823 section before the effective date of this act, and consistent  
7824 herewith, is hereby ratified, approved and confirmed.

7825 **SECTION 81.** Section 27-65-17, Mississippi Code of 1972, is  
7826 amended as follows:

7827 27-65-17. (1) (a) Except as otherwise provided in this  
7828 section, upon every person engaging or continuing within this  
7829 state in the business of selling any tangible personal property  
7830 whatsoever there is hereby levied, assessed and shall be collected  
7831 a tax equal to seven percent (7%) of the gross proceeds of the  
7832 retail sales of the business.

7833 (b) Retail sales of farm tractors and parts and labor  
7834 used to maintain and/or repair such tractors shall be taxed at the  
7835 rate of one and one-half percent (1-1/2%) when made to farmers for  
7836 agricultural purposes.

7837 (c) (i) Retail sales of farm implements sold to  
7838 farmers and used directly in the production of poultry, ratite,  
7839 domesticated fish as defined in Section 69-7-501, livestock,



7840 livestock products, agricultural crops or ornamental plant crops  
7841 or used for other agricultural purposes, and parts and labor used  
7842 to maintain and/or repair such implements, shall be taxed at the  
7843 rate of one and one-half percent (1-1/2%) when used on the farm.

7844 (ii) The one and one-half percent (1-1/2%) rate  
7845 shall also apply to all equipment used in logging, pulpwood  
7846 operations or tree farming, and parts and labor used to maintain  
7847 and/or repair such equipment, which is either:

- 7848 1. Self-propelled, or
- 7849 2. Mounted so that it is permanently attached  
7850 to other equipment which is self-propelled or attached to other  
7851 equipment drawn by a vehicle which is self-propelled.

7852 In order to be eligible for the rate of tax provided for in  
7853 this subparagraph (ii), such sales must be made to a professional  
7854 logger. For the purposes of this subparagraph (ii), a  
7855 "professional logger" is a person, corporation, limited liability  
7856 company or other entity, or an agent thereof, who possesses a  
7857 professional logger's permit issued by the Department of Revenue  
7858 and who presents the permit to the seller at the time of purchase.  
7859 The department shall establish an application process for a  
7860 professional logger's permit to be issued, which shall include a  
7861 requirement that the applicant submit a copy of documentation  
7862 verifying that the applicant is certified according to Sustainable  
7863 Forestry Initiative guidelines. Upon a determination that an





7864 applicant is a professional logger, the department shall issue the  
7865 applicant a numbered professional logger's permit.

7866 (d) Except as otherwise provided in subsection (3) of  
7867 this section, retail sales of aircraft, automobiles, trucks,  
7868 truck-tractors, semitrailers and manufactured or mobile homes  
7869 shall be taxed at the rate of three percent (3%).

7870 (e) Sales of manufacturing machinery or manufacturing  
7871 machine parts when made to a manufacturer or custom processor for  
7872 plant use only when the machinery and machine parts will be used  
7873 exclusively and directly within this state in manufacturing a  
7874 commodity for sale, rental or in processing for a fee shall be  
7875 taxed at the rate of one and one-half percent (1-1/2%).

7876 (f) Sales of machinery and machine parts when made to a  
7877 technology intensive enterprise for plant use only when the  
7878 machinery and machine parts will be used exclusively and directly  
7879 within this state for industrial purposes, including, but not  
7880 limited to, manufacturing or research and development activities,  
7881 shall be taxed at the rate of one and one-half percent (1-1/2%).  
7882 In order to be considered a technology intensive enterprise for  
7883 purposes of this paragraph:

7884 (i) The enterprise shall meet minimum criteria  
7885 established by the Mississippi Development Authority;

7886 (ii) The enterprise shall employ at least ten (10)  
7887 persons in full-time jobs;



7888 (iii) At least ten percent (10%) of the workforce  
7889 in the facility operated by the enterprise shall be scientists,  
7890 engineers or computer specialists;

7891 (iv) The enterprise shall manufacture plastics,  
7892 chemicals, automobiles, aircraft, computers or electronics; or  
7893 shall be a research and development facility, a computer design or  
7894 related facility, or a software publishing facility or other  
7895 technology intensive facility or enterprise as determined by the  
7896 Mississippi Development Authority;

7897 (v) The average wage of all workers employed by  
7898 the enterprise at the facility shall be at least one hundred fifty  
7899 percent (150%) of the state average annual wage; and

7900 (vi) The enterprise must provide a basic health  
7901 care plan to all employees at the facility.

7902 A medical cannabis establishment, as defined in the  
7903 Mississippi Medical Cannabis Act, shall not be considered to be a  
7904 technology intensive enterprise for the purposes of this paragraph  
7905 (f).

7906 (g) Sales of materials for use in track and track  
7907 structures to a railroad whose rates are fixed by the Interstate  
7908 Commerce Commission or the Mississippi Public Service Commission  
7909 shall be taxed at the rate of three percent (3%).

7910 (h) Sales of tangible personal property to electric  
7911 power associations for use in the ordinary and necessary operation



7912 of their generating or distribution systems shall be taxed at the  
7913 rate of one percent (1%).

7914 (i) Wholesale sales of beer shall be taxed at the rate  
7915 of seven percent (7%), and the retailer shall file a return and  
7916 compute the retail tax on retail sales but may take credit for the  
7917 amount of the tax paid to the wholesaler on said return covering  
7918 the subsequent sales of same property, provided adequate invoices  
7919 and records are maintained to substantiate the credit.

7920 (j) Wholesale sales of food and drink for human  
7921 consumption to full-service vending machine operators to be sold  
7922 through vending machines located apart from and not connected with  
7923 other taxable businesses shall be taxed at the rate of eight  
7924 percent (8%).

7925 (k) Sales of equipment used or designed for the purpose  
7926 of assisting disabled persons, such as wheelchair equipment and  
7927 lifts, that is mounted or attached to or installed on a private  
7928 carrier of passengers or light carrier of property, as defined in  
7929 Section 27-51-101, at the time when the private carrier of  
7930 passengers or light carrier of property is sold shall be taxed at  
7931 the same rate as the sale of such vehicles under this section.

7932 (l) Sales of the factory-built components of modular  
7933 homes, panelized homes and precut homes, and panel constructed  
7934 homes consisting of structural insulated panels, shall be taxed at  
7935 the rate of three percent (3%).



7936 (m) Sales of materials used in the repair, renovation,  
7937 addition to, expansion and/or improvement of buildings and related  
7938 facilities used by a dairy producer shall be taxed at the rate of  
7939 three and one-half percent (3-1/2%). For the purposes of this  
7940 paragraph (m), "dairy producer" means any person engaged in the  
7941 production of milk for commercial use.

7942 (2) From and after January 1, 1995, retail sales of private  
7943 carriers of passengers and light carriers of property, as defined  
7944 in Section 27-51-101, shall be taxed an additional two percent  
7945 (2%).

7946 (3) A manufacturer selling at retail in this state shall be  
7947 required to make returns of the gross proceeds of such sales and  
7948 pay the tax imposed in this section.

7949 **SECTION 82.** Section 27-65-101, Mississippi Code of 1972, is  
7950 amended as follows:

7951 27-65-101. (1) The exemptions from the provisions of this  
7952 chapter which are of an industrial nature or which are more  
7953 properly classified as industrial exemptions than any other  
7954 exemption classification of this chapter shall be confined to  
7955 those persons or property exempted by this section or by the  
7956 provisions of the Constitution of the United States or the State  
7957 of Mississippi. No industrial exemption as now provided by any  
7958 other section except Section 57-3-33 shall be valid as against the  
7959 tax herein levied. Any subsequent industrial exemption from the  
7960 tax levied hereunder shall be provided by amendment to this



7961 section. No exemption provided in this section shall apply to  
7962 taxes levied by Section 27-65-15 or 27-65-21.

7963 The tax levied by this chapter shall not apply to the  
7964 following:

7965 (a) Sales of boxes, crates, cartons, cans, bottles and  
7966 other packaging materials to manufacturers and wholesalers for use  
7967 as containers or shipping materials to accompany goods sold by  
7968 said manufacturers or wholesalers where possession thereof will  
7969 pass to the customer at the time of sale of the goods contained  
7970 therein and sales to anyone of containers or shipping materials  
7971 for use in ships engaged in international commerce.

7972 (b) Sales of raw materials, catalysts, processing  
7973 chemicals, welding gases or other industrial processing gases  
7974 (except natural gas) to a manufacturer for use directly in  
7975 manufacturing or processing a product for sale or rental or  
7976 repairing or reconditioning vessels or barges of fifty (50) tons  
7977 load displacement and over. For the purposes of this exemption,  
7978 electricity used directly in the electrolysis process in the  
7979 production of sodium chlorate shall be considered a raw material.  
7980 This exemption shall not apply to any property used as fuel except  
7981 to the extent that such fuel comprises by-products which have no  
7982 market value.

7983 (c) The gross proceeds of sales of dry docks, offshore  
7984 drilling equipment for use in oil or natural gas exploration or  
7985 production, vessels or barges of fifty (50) tons load displacement



7986 and over, when the vessels or barges are sold by the manufacturer  
7987 or builder thereof. In addition to other types of equipment,  
7988 offshore drilling equipment for use in oil or natural gas  
7989 exploration or production shall include aircraft used  
7990 predominately to transport passengers or property to or from  
7991 offshore oil or natural gas exploration or production platforms or  
7992 vessels, and engines, accessories and spare parts for such  
7993 aircraft.

7994 (d) Sales to commercial fishermen of commercial fishing  
7995 boats of over five (5) tons load displacement and not more than  
7996 fifty (50) tons load displacement as registered with the United  
7997 States Coast Guard and licensed by the Mississippi Commission on  
7998 Marine Resources.

7999 (e) The gross income from repairs to vessels and barges  
8000 engaged in foreign trade or interstate transportation.

8001 (f) Sales of petroleum products to vessels or barges  
8002 for consumption in marine international commerce or interstate  
8003 transportation businesses.

8004 (g) Sales and rentals of rail rolling stock (and  
8005 component parts thereof) for ultimate use in interstate commerce  
8006 and gross income from services with respect to manufacturing,  
8007 repairing, cleaning, altering, reconditioning or improving such  
8008 rail rolling stock (and component parts thereof).

8009 (h) Sales of raw materials, catalysts, processing  
8010 chemicals, welding gases or other industrial processing gases



8011 (except natural gas) used or consumed directly in manufacturing,  
8012 repairing, cleaning, altering, reconditioning or improving such  
8013 rail rolling stock (and component parts thereof). This exemption  
8014 shall not apply to any property used as fuel.

8015 (i) Sales of machinery or tools or repair parts  
8016 therefor or replacements thereof, fuel or supplies used directly  
8017 in manufacturing, converting or repairing ships, vessels or barges  
8018 of three thousand (3,000) tons load displacement and over, but not  
8019 to include office and plant supplies or other equipment not  
8020 directly used on the ship, vessel or barge being built, converted  
8021 or repaired. For purposes of this exemption, "ships, vessels or  
8022 barges" shall not include floating structures described in Section  
8023 27-65-18.

8024 (j) Sales of tangible personal property to persons  
8025 operating ships in international commerce for use or consumption  
8026 on board such ships. This exemption shall be limited to cases in  
8027 which procedures satisfactory to the commissioner, ensuring  
8028 against use in this state other than on such ships, are  
8029 established.

8030 (k) Sales of materials used in the construction of a  
8031 building, or any addition or improvement thereon, and sales of any  
8032 machinery and equipment not later than three (3) months after the  
8033 completion of construction of the building, or any addition  
8034 thereon, to be used therein, to qualified businesses, as defined  
8035 in Section 57-51-5, which are located in a county or portion



8036 thereof designated as an enterprise zone pursuant to Sections  
8037 57-51-1 through 57-51-15.

8038           (1) Sales of materials used in the construction of a  
8039 building, or any addition or improvement thereon, and sales of any  
8040 machinery and equipment not later than three (3) months after the  
8041 completion of construction of the building, or any addition  
8042 thereon, to be used therein, to qualified businesses, as defined  
8043 in Section 57-54-5.

8044           (m) Income from storage and handling of perishable  
8045 goods by a public storage warehouse.

8046           (n) The value of natural gas lawfully injected into the  
8047 earth for cycling, repressuring or lifting of oil, or lawfully  
8048 vented or flared in connection with the production of oil;  
8049 however, if any gas so injected into the earth is sold for such  
8050 purposes, then the gas so sold shall not be exempt.

8051           (o) The gross collections from self-service commercial  
8052 laundering, drying, cleaning and pressing equipment.

8053           (p) Sales of materials used in the construction of a  
8054 building, or any addition or improvement thereon, and sales of any  
8055 machinery and equipment not later than three (3) months after the  
8056 completion of construction of the building, or any addition  
8057 thereon, to be used therein, to qualified companies, certified as  
8058 such by the Mississippi Development Authority under Section  
8059 57-53-1.





8060 (q) Sales of component materials used in the  
8061 construction of a building, or any addition or improvement  
8062 thereon, sales of machinery and equipment to be used therein, and  
8063 sales of manufacturing or processing machinery and equipment which  
8064 is permanently attached to the ground or to a permanent foundation  
8065 and which is not by its nature intended to be housed within a  
8066 building structure, not later than three (3) months after the  
8067 initial start-up date, to permanent business enterprises engaging  
8068 in manufacturing or processing in Tier Three areas (as such term  
8069 is defined in Section 57-73-21), which businesses are certified by  
8070 the Department of Revenue as being eligible for the exemption  
8071 granted in this paragraph (q). The exemption provided in this  
8072 paragraph (q) shall not apply to sales to any business enterprise  
8073 that is a medical cannabis establishment as defined in the  
8074 Mississippi Medical Cannabis Act.

8075 (r) (i) Sales of component materials used in the  
8076 construction of a building, or any addition or improvement  
8077 thereon, and sales of any machinery and equipment not later than  
8078 three (3) months after the completion of the building, addition or  
8079 improvement thereon, to be used therein, for any company  
8080 establishing or transferring its national or regional headquarters  
8081 from within or outside the State of Mississippi and creating a  
8082 minimum of twenty (20) jobs at the new headquarters in this state.  
8083 The exemption provided in this subparagraph (i) shall not apply to  
8084 sales for any company that is a medical cannabis establishment as



8085 defined in the Mississippi Medical Cannabis Act. The Department  
8086 of Revenue shall establish criteria and prescribe procedures to  
8087 determine if a company qualifies as a national or regional  
8088 headquarters for the purpose of receiving the exemption provided  
8089 in this subparagraph (i).

8090 (ii) Sales of component materials used in the  
8091 construction of a building, or any addition or improvement  
8092 thereon, and sales of any machinery and equipment not later than  
8093 three (3) months after the completion of the building, addition or  
8094 improvement thereon, to be used therein, for any company expanding  
8095 or making additions after January 1, 2013, to its national or  
8096 regional headquarters within the State of Mississippi and creating  
8097 a minimum of twenty (20) new jobs at the headquarters as a result  
8098 of the expansion or additions. The exemption provided in this  
8099 subparagraph (ii) shall not apply to sales for any company that is  
8100 a medical cannabis establishment as defined in the Mississippi

8101 Medical Cannabis Act. The Department of Revenue shall establish  
8102 criteria and prescribe procedures to determine if a company  
8103 qualifies as a national or regional headquarters for the purpose  
8104 of receiving the exemption provided in this subparagraph (ii).

8105 (s) The gross proceeds from the sale of semitrailers,  
8106 trailers, boats, travel trailers, motorcycles, all-terrain cycles  
8107 and rotary-wing aircraft if exported from this state within  
8108 forty-eight (48) hours and registered and first used in another  
8109 state.



8110 (t) Gross income from the storage and handling of  
8111 natural gas in underground salt domes and in other underground  
8112 reservoirs, caverns, structures and formations suitable for such  
8113 storage.

8114 (u) Sales of machinery and equipment to nonprofit  
8115 organizations if the organization:

8116 (i) Is tax exempt pursuant to Section 501(c)(4) of  
8117 the Internal Revenue Code of 1986, as amended;

8118 (ii) Assists in the implementation of the  
8119 contingency plan or area contingency plan, and which is created in  
8120 response to the requirements of Title IV, Subtitle B of the Oil  
8121 Pollution Act of 1990, Public Law 101-380; and

8122 (iii) Engages primarily in programs to contain,  
8123 clean up and otherwise mitigate spills of oil or other substances  
8124 occurring in the United States coastal and tidal waters.

8125 For purposes of this exemption, "machinery and equipment"  
8126 means any ocean-going vessels, barges, booms, skimmers and other  
8127 capital equipment used primarily in the operations of nonprofit  
8128 organizations referred to herein.

8129 (v) Sales or leases of materials and equipment to  
8130 approved business enterprises as provided under the Growth and  
8131 Prosperity Act.

8132 (w) From and after July 1, 2001, sales of pollution  
8133 control equipment to manufacturers or custom processors for  
8134 industrial use. For the purposes of this exemption, "pollution



8135 control equipment" means equipment, devices, machinery or systems  
8136 used or acquired to prevent, control, monitor or reduce air, water  
8137 or groundwater pollution, or solid or hazardous waste as required  
8138 by federal or state law or regulation.

8139 (x) Sales or leases to a manufacturer of motor vehicles  
8140 or powertrain components operating a project that has been  
8141 certified by the Mississippi Major Economic Impact Authority as a  
8142 project as defined in Section 57-75-5(f)(iv)1, Section  
8143 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and  
8144 equipment; special tooling such as dies, molds, jigs and similar  
8145 items treated as special tooling for federal income tax purposes;  
8146 or repair parts therefor or replacements thereof; repair services  
8147 thereon; fuel, supplies, electricity, coal and natural gas used  
8148 directly in the manufacture of motor vehicles or motor vehicle  
8149 parts or used to provide climate control for manufacturing areas.

8150 (y) Sales or leases of component materials, machinery  
8151 and equipment used in the construction of a building, or any  
8152 addition or improvement thereon to an enterprise operating a  
8153 project that has been certified by the Mississippi Major Economic  
8154 Impact Authority as a project as defined in Section  
8155 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi), Section 57-75-5(f)(xxii)  
8156 or Section 57-75-5(f)(xxviii) and any other sales or leases  
8157 required to establish or operate such project.

8158 (z) Sales of component materials and equipment to a  
8159 business enterprise as provided under Section 57-64-33.



8160                   (aa) The gross income from the stripping and painting  
8161 of commercial aircraft engaged in foreign or interstate  
8162 transportation business.

8163                   (bb) [Repealed]

8164                   (cc) Sales or leases to an enterprise owning or  
8165 operating a project that has been designated by the Mississippi  
8166 Major Economic Impact Authority as a project as defined in Section  
8167 57-75-5(f) (xviii) of machinery and equipment; special tooling such  
8168 as dies, molds, jigs and similar items treated as special tooling  
8169 for federal income tax purposes; or repair parts therefor or  
8170 replacements thereof; repair services thereon; fuel, supplies,  
8171 electricity, coal and natural gas used directly in the  
8172 manufacturing/production operations of the project or used to  
8173 provide climate control for manufacturing/production areas.

8174                   (dd) Sales or leases of component materials, machinery  
8175 and equipment used in the construction of a building, or any  
8176 addition or improvement thereon to an enterprise owning or  
8177 operating a project that has been designated by the Mississippi  
8178 Major Economic Impact Authority as a project as defined in Section  
8179 57-75-5(f) (xviii) and any other sales or leases required to  
8180 establish or operate such project.

8181                   (ee) Sales of parts used in the repair and servicing of  
8182 aircraft not registered in Mississippi engaged exclusively in the  
8183 business of foreign or interstate transportation to businesses  
8184 engaged in aircraft repair and maintenance.



8185 (ff) Sales of component materials used in the  
8186 construction of a facility, or any addition or improvement  
8187 thereon, and sales or leases of machinery and equipment not later  
8188 than three (3) months after the completion of construction of the  
8189 facility, or any addition or improvement thereto, to be used in  
8190 the building or any addition or improvement thereto, to a  
8191 permanent business enterprise operating a data/information  
8192 enterprise in Tier Three areas (as such areas are designated in  
8193 accordance with Section 57-73-21), meeting minimum criteria  
8194 established by the Mississippi Development Authority. The  
8195 exemption provided in this paragraph (ff) shall not apply to sales  
8196 to any business enterprise that is a medical cannabis  
8197 establishment as defined in the Mississippi Medical Cannabis Act.

8198 (gg) Sales of component materials used in the  
8199 construction of a facility, or any addition or improvement  
8200 thereto, and sales of machinery and equipment not later than three  
8201 (3) months after the completion of construction of the facility,  
8202 or any addition or improvement thereto, to be used in the facility  
8203 or any addition or improvement thereto, to technology intensive  
8204 enterprises for industrial purposes in Tier Three areas (as such  
8205 areas are designated in accordance with Section 57-73-21), as  
8206 certified by the Department of Revenue. For purposes of this  
8207 paragraph, an enterprise must meet the criteria provided for in  
8208 Section 27-65-17(1) (f) in order to be considered a technology  
8209 intensive enterprise.



8210                   (hh) Sales of component materials used in the  
8211 replacement, reconstruction or repair of a building or facility  
8212 that has been destroyed or sustained extensive damage as a result  
8213 of a disaster declared by the Governor, sales of machinery and  
8214 equipment to be used therein to replace machinery or equipment  
8215 damaged or destroyed as a result of such disaster, including, but  
8216 not limited to, manufacturing or processing machinery and  
8217 equipment which is permanently attached to the ground or to a  
8218 permanent foundation and which is not by its nature intended to be  
8219 housed within a building structure, to enterprises or companies  
8220 that were eligible for the exemptions authorized in paragraph (q),  
8221 (r), (ff) or (gg) of this subsection during initial construction  
8222 of the building that was destroyed or damaged, which enterprises  
8223 or companies are certified by the Department of Revenue as being  
8224 eligible for the exemption granted in this paragraph.

8225                   (ii) Sales of software or software services transmitted  
8226 by the Internet to a destination outside the State of Mississippi  
8227 where the first use of such software or software services by the  
8228 purchaser occurs outside the State of Mississippi.

8229                   (jj) Gross income of public storage warehouses derived  
8230 from the temporary storage of raw materials that are to be used in  
8231 an eligible facility as defined in Section 27-7-22.35.

8232                   (kk) Sales of component building materials and  
8233 equipment for initial construction of facilities or expansion of



8234 facilities as authorized under Sections 57-113-1 through 57-113-7  
8235 and Sections 57-113-21 through 57-113-27.

8236 (ll) Sales and leases of machinery and equipment  
8237 acquired in the initial construction to establish facilities as  
8238 authorized in Sections 57-113-1 through 57-113-7.

8239 (mm) Sales and leases of replacement hardware, software  
8240 or other necessary technology to operate a data center as  
8241 authorized under Sections 57-113-21 through 57-113-27.

8242 (nn) Sales of component materials used in the  
8243 construction of a building, or any addition or improvement  
8244 thereon, and sales or leases of machinery and equipment not later  
8245 than three (3) months after the completion of the construction of  
8246 the facility, to be used in the facility, to permanent business  
8247 enterprises operating a facility producing renewable crude oil  
8248 from biomass harvested or produced, in whole or in part, in  
8249 Mississippi, which businesses meet minimum criteria established by  
8250 the Mississippi Development Authority. As used in this paragraph,  
8251 the term "biomass" shall have the meaning ascribed to such term in  
8252 Section 57-113-1.

8253 (oo) Sales of supplies, equipment and other personal  
8254 property to an organization that is exempt from taxation under  
8255 Section 501(c)(3) of the Internal Revenue Code and is the host  
8256 organization coordinating a professional golf tournament played or  
8257 to be played in this state and the supplies, equipment or other





8258 personal property will be used for purposes related to the golf  
8259 tournament and related activities.

8260 (pp) Sales of materials used in the construction of a  
8261 health care industry facility, as defined in Section 57-117-3, or  
8262 any addition or improvement thereon, and sales of any machinery  
8263 and equipment not later than three (3) months after the completion  
8264 of construction of the facility, or any addition thereon, to be  
8265 used therein, to qualified businesses, as defined in Section  
8266 57-117-3. This paragraph shall be repealed from and after July 1,  
8267 2022.

8268 (qq) Sales or leases to a manufacturer of automotive  
8269 parts operating a project that has been certified by the  
8270 Mississippi Major Economic Impact Authority as a project as  
8271 defined in Section 57-75-5(f) (xxviii) of machinery and equipment;  
8272 or repair parts therefor or replacements thereof; repair services  
8273 thereon; fuel, supplies, electricity, coal, nitrogen and natural  
8274 gas used directly in the manufacture of automotive parts or used  
8275 to provide climate control for manufacturing areas.

8276 (rr) Gross collections derived from guided tours on any  
8277 navigable waters of this state, which include providing  
8278 accommodations, guide services and/or related equipment operated  
8279 by or under the direction of the person providing the tour, for  
8280 the purposes of outdoor tourism. The exemption provided in this  
8281 paragraph (rr) does not apply to the sale of tangible personal  
8282 property by a person providing such tours.



8283           (ss) Retail sales of truck-tractors and semitrailers  
8284 used in interstate commerce and registered under the International  
8285 Registration Plan (IRP) or any similar reciprocity agreement or  
8286 compact relating to the proportional registration of commercial  
8287 vehicles entered into as provided for in Section 27-19-143.

8288           (tt) Sales exempt under the Facilitating Business Rapid  
8289 Response to State Declared Disasters Act of 2015 (Sections  
8290 27-113-1 through 27-113-9).

8291           (uu) Sales or leases to an enterprise and its  
8292 affiliates operating a project that has been certified by the  
8293 Mississippi Major Economic Impact Authority as a project as  
8294 defined in Section 57-75-5(f)(xxix) of:

8295                   (i) All personal property and fixtures, including  
8296 without limitation, sales or leases to the enterprise and its  
8297 affiliates of:

8298                               1. Manufacturing machinery and equipment;

8299                               2. Special tooling such as dies, molds, jigs  
8300 and similar items treated as special tooling for federal income  
8301 tax purposes;

8302                               3. Component building materials, machinery  
8303 and equipment used in the construction of buildings, and any other  
8304 additions or improvements to the project site for the project;

8305                               4. Nonmanufacturing furniture, fixtures and  
8306 equipment (inclusive of all communications, computer, server,  
8307 software and other hardware equipment); and



8308                           5. Fuel, supplies (other than  
8309 nonmanufacturing consumable supplies and water), electricity,  
8310 nitrogen gas and natural gas used directly in the  
8311 manufacturing/production operations of such project or used to  
8312 provide climate control for manufacturing/production areas of such  
8313 project;

8314                           (ii) All replacements of, repair parts for or  
8315 services to repair items described in subparagraph (i)1, 2 and 3  
8316 of this paragraph; and

8317                           (iii) All services taxable pursuant to Section  
8318 27-65-23 required to establish, support, operate, repair and/or  
8319 maintain such project.

8320                           (vv) Sales or leases to an enterprise operating a  
8321 project that has been certified by the Mississippi Major Economic  
8322 Impact Authority as a project as defined in Section  
8323 57-75-5(f) (xxx) of:

8324                           (i) Purchases required to establish and operate  
8325 the project, including, but not limited to, sales of component  
8326 building materials, machinery and equipment required to establish  
8327 the project facility and any additions or improvements thereon;  
8328 and

8329                           (ii) Machinery, special tools (such as dies,  
8330 molds, and jigs) or repair parts thereof, or replacements and  
8331 lease thereof, repair services thereon, fuel, supplies and  
8332 electricity, coal and natural gas used in the manufacturing



8333 process and purchased by the enterprise owning or operating the  
8334 project for the benefit of the project.

8335 (ww) Sales of component materials used in the  
8336 construction of a building, or any expansion or improvement  
8337 thereon, sales of machinery and/or equipment to be used therein,  
8338 and sales of processing machinery and equipment which is  
8339 permanently attached to the ground or to a permanent foundation  
8340 which is not by its nature intended to be housed in a building  
8341 structure, no later than three (3) months after initial startup,  
8342 expansion or improvement of a permanent enterprise solely engaged  
8343 in the conversion of natural sand into proppants used in oil and  
8344 gas exploration and development with at least ninety-five percent  
8345 (95%) of such proppants used in the production of oil and/or gas  
8346 from horizontally drilled wells and/or horizontally drilled  
8347 recompletion wells as defined in Sections 27-25-501 and 27-25-701.

8348 (2) Sales of component materials used in the construction of  
8349 a building, or any addition or improvement thereon, sales of  
8350 machinery and equipment to be used therein, and sales of  
8351 manufacturing or processing machinery and equipment which is  
8352 permanently attached to the ground or to a permanent foundation  
8353 and which is not by its nature intended to be housed within a  
8354 building structure, not later than three (3) months after the  
8355 initial start-up date, to permanent business enterprises engaging  
8356 in manufacturing or processing in Tier Two areas and Tier One  
8357 areas (as such areas are designated in accordance with Section



8358 57-73-21), which businesses are certified by the Department of  
8359 Revenue as being eligible for the exemption granted in this  
8360 subsection, shall be exempt from one-half (1/2) of the taxes  
8361 imposed on such transactions under this chapter. The exemption  
8362 provided in this subsection (2) shall not apply to sales to any  
8363 business enterprise that is a medical cannabis establishment as  
8364 defined in the Mississippi Medical Cannabis Act.

8365 (3) Sales of component materials used in the construction of  
8366 a facility, or any addition or improvement thereon, and sales or  
8367 leases of machinery and equipment not later than three (3) months  
8368 after the completion of construction of the facility, or any  
8369 addition or improvement thereto, to be used in the building or any  
8370 addition or improvement thereto, to a permanent business  
8371 enterprise operating a data/information enterprise in Tier Two  
8372 areas and Tier One areas (as such areas are designated in  
8373 accordance with Section 57-73-21), which businesses meet minimum  
8374 criteria established by the Mississippi Development Authority,  
8375 shall be exempt from one-half (1/2) of the taxes imposed on such  
8376 transaction under this chapter. The exemption provided in this  
8377 subsection (3) shall not apply to sales to any business enterprise  
8378 that is a medical cannabis establishment as defined in the  
8379 Mississippi Medical Cannabis Act.

8380 (4) Sales of component materials used in the construction of  
8381 a facility, or any addition or improvement thereto, and sales of  
8382 machinery and equipment not later than three (3) months after the



8383 completion of construction of the facility, or any addition or  
8384 improvement thereto, to be used in the building or any addition or  
8385 improvement thereto, to technology intensive enterprises for  
8386 industrial purposes in Tier Two areas and Tier One areas (as such  
8387 areas are designated in accordance with Section 57-73-21), which  
8388 businesses are certified by the Department of Revenue as being  
8389 eligible for the exemption granted in this subsection, shall be  
8390 exempt from one-half (1/2) of the taxes imposed on such  
8391 transactions under this chapter. For purposes of this subsection,  
8392 an enterprise must meet the criteria provided for in Section  
8393 27-65-17(1)(f) in order to be considered a technology intensive  
8394 enterprise.

8395 (5) (a) For purposes of this subsection:

8396 (i) "Telecommunications enterprises" shall have  
8397 the meaning ascribed to such term in Section 57-73-21;

8398 (ii) "Tier One areas" mean counties designated as  
8399 Tier One areas pursuant to Section 57-73-21;

8400 (iii) "Tier Two areas" mean counties designated as  
8401 Tier Two areas pursuant to Section 57-73-21;

8402 (iv) "Tier Three areas" mean counties designated  
8403 as Tier Three areas pursuant to Section 57-73-21; and

8404 (v) "Equipment used in the deployment of broadband  
8405 technologies" means any equipment capable of being used for or in  
8406 connection with the transmission of information at a rate, prior  
8407 to taking into account the effects of any signal degradation, that



8408 is not less than three hundred eighty-four (384) kilobits per  
8409 second in at least one (1) direction, including, but not limited  
8410 to, asynchronous transfer mode switches, digital subscriber line  
8411 access multiplexers, routers, servers, multiplexers, fiber optics  
8412 and related equipment.

8413 (b) Sales of equipment to telecommunications  
8414 enterprises after June 30, 2003, and before July 1, 2025, that is  
8415 installed in Tier One areas and used in the deployment of  
8416 broadband technologies shall be exempt from one-half (1/2) of the  
8417 taxes imposed on such transactions under this chapter.

8418 (c) Sales of equipment to telecommunications  
8419 enterprises after June 30, 2003, and before July 1, 2025, that is  
8420 installed in Tier Two and Tier Three areas and used in the  
8421 deployment of broadband technologies shall be exempt from the  
8422 taxes imposed on such transactions under this chapter.

8423 (6) Sales of component materials used in the replacement,  
8424 reconstruction or repair of a building that has been destroyed or  
8425 sustained extensive damage as a result of a disaster declared by  
8426 the Governor, sales of machinery and equipment to be used therein  
8427 to replace machinery or equipment damaged or destroyed as a result  
8428 of such disaster, including, but not limited to, manufacturing or  
8429 processing machinery and equipment which is permanently attached  
8430 to the ground or to a permanent foundation and which is not by its  
8431 nature intended to be housed within a building structure, to  
8432 enterprises that were eligible for the partial exemptions provided



8433 for in subsections (2), (3) and (4) of this section during initial  
8434 construction of the building that was destroyed or damaged, which  
8435 enterprises are certified by the Department of Revenue as being  
8436 eligible for the partial exemption granted in this subsection,  
8437 shall be exempt from one-half (1/2) of the taxes imposed on such  
8438 transactions under this chapter.

8439         **SECTION 83.** Section 37-148-3, Mississippi Code of 1972, is  
8440 amended as follows:

8441             37-148-3. As used in this chapter, the following words and  
8442 phrases have the meanings ascribed in this section unless the  
8443 context clearly indicates otherwise:

8444             (a) "College" means the state institutions of higher  
8445 learning in Mississippi which are accredited by the Southern  
8446 Association of Colleges and Schools.

8447             (b) "Investor" means a natural person, partnership,  
8448 limited liability company, association, corporation, business  
8449 trust or other business entity, not formed for the specific  
8450 purpose of acquiring the rebate offered, which is subject to  
8451 Mississippi income tax. The term "investor" does not include any  
8452 medical cannabis establishment as defined in the Mississippi  
8453 Medical Cannabis Act.

8454             (c) "Qualified research" means the systematic  
8455 investigative process that is undertaken for the purpose of  
8456 discovering information. The term "qualified research" does not  
8457 include research conducted outside the State of Mississippi or





8458 research expenses that are already being funded by any grant,  
8459 contract or otherwise by another person or governmental entity.

8460 (d) "Research agreement" means a written contract,  
8461 grant or cooperative agreement entered into between a person and a  
8462 college or research corporation for the performance of qualified  
8463 research. All qualified research costs generating a SMART  
8464 Business Rebate must be spent by the college or research  
8465 corporation on qualified research undertaken according to a  
8466 research agreement.

8467 (e) "Research corporation" means any research  
8468 corporation formed under Section 37-147-15 if the corporation is  
8469 wholly owned by or affiliated with a college and all income and  
8470 profits of the corporation inure to the benefit of the college.

8471 (f) "Qualified research costs" means costs paid or  
8472 incurred by an investor to a college or research corporation for  
8473 qualified research undertaken according to a research agreement.

8474 (g) "State" means the State of Mississippi or a  
8475 governmental entity of the State of Mississippi.

8476 (h) "IHL" means the Board of Trustees of State  
8477 Institutions of Higher Learning in Mississippi.

8478 (i) "SMART Business" means Strengthening Mississippi  
8479 Academic Research Through Business.

8480 (j) "Applicant" means a college or research corporation  
8481 applying for SMART Business Accelerate Initiative funds to develop  
8482 state-owned intellectual property into products and services.



8483 (k) "Qualified validation expense" includes, but is not  
8484 limited to, services that accelerate the development of early  
8485 product concepts, conducting proof-of-concept studies, and  
8486 manufacturing prototypes to perform research validation.

8487 Qualified validation expense does not include salaries or wages  
8488 associated with a licensee of state-owned intellectual property,  
8489 legal fees or any payment in conflict with state law.

8490 (l) "Research validation" means research intended to  
8491 validate the commercial viability of state-owned intellectual  
8492 property.

8493 (m) "Disbursement" means a grant of funds to support  
8494 research validation.

8495 **SECTION 84.** Section 57-1-16, Mississippi Code of 1972, is  
8496 amended as follows:

8497 57-1-16. (1) As used in this section:

8498 (a) "Extraordinary economic development opportunity"  
8499 means a new or expanded business or industry which maintains a  
8500 strong financial condition and minimal credit risk and creates  
8501 substantial employment, particularly in areas of high  
8502 unemployment. The term "extraordinary economic development  
8503 opportunity" does not include any medical cannabis establishment  
8504 as defined in the Mississippi Medical Cannabis Act.

8505 (b) "Local economic development entities" means state  
8506 institutions of higher learning or public or private nonprofit  
8507 local economic development entities including, but not limited to,



8508 chambers of commerce, local authorities, commissions or other  
8509 entities created by local and private legislation or districts  
8510 created pursuant to Section 19-5-99.

8511 (c) "MDA" means the Mississippi Development Authority.

8512 (2) (a) There is hereby created in the State Treasury a  
8513 special fund to be designated as the ACE Fund, which shall consist  
8514 of money from any public or private source designated for deposit  
8515 into such fund. Unexpended amounts remaining in the fund at the  
8516 end of a fiscal year shall not lapse into the State General Fund,  
8517 and any interest earned on amounts in the fund shall be deposited  
8518 to the credit of the fund. The purpose of the fund shall be to  
8519 assist in maximizing extraordinary economic development  
8520 opportunities related to any new or expanded business or industry  
8521 or to assist a local unit of government as authorized in  
8522 subsection (5) of this section. Such funds may be used to make  
8523 grants to local economic development entities to assist any new or  
8524 expanding business or industry that meets the criteria provided in  
8525 this section when such assistance aids the consummation of a  
8526 project within the State of Mississippi, including any federal  
8527 Indian reservation located within the geographical boundary of  
8528 Mississippi, or to make grants to a local unit of government as  
8529 authorized in subsection (5) of this section.

8530 (b) Monies in the fund which are derived from the  
8531 proceeds of general obligation bonds may be used to reimburse  
8532 reasonable actual and necessary costs incurred by the MDA for the



8533 administration of the various grant, loan and financial incentive  
8534 programs administered by the MDA. An accounting of actual costs  
8535 incurred for which reimbursement is sought shall be maintained by  
8536 the MDA. Reimbursement of reasonable actual and necessary costs  
8537 shall not exceed three percent (3%) of the proceeds of bonds  
8538 issued. Reimbursements made under this subsection shall satisfy  
8539 any applicable federal tax law requirements.

8540 (3) The MDA shall establish a grant program to make grants  
8541 from the ACE Fund created under this section. Local economic  
8542 development entities may apply to the MDA for a grant under this  
8543 section in the manner provided for in subsection (4) of this  
8544 section. Local units of government may apply to the MDA for a  
8545 grant under this section in the manner provided in subsection (5)  
8546 of this section.

8547 (4) (a) Any business or industry desiring assistance from a  
8548 local economic development entity under this section shall submit  
8549 an application to the local economic development entity which  
8550 shall include, at a minimum:

8551 (i) Evidence that the business or industry meets  
8552 the definition of an extraordinary economic development  
8553 opportunity;

8554 (ii) A demonstration that the business or industry  
8555 is at an economic disadvantage by locating the new or expanded  
8556 project in the county;



8557 (iii) A description, including the cost, of the  
8558 requested assistance;

8559 (iv) A description of the purpose for which the  
8560 assistance is requested;

8561 (v) A two-year business plan;

8562 (vi) Financial statements or tax returns for the  
8563 three (3) years immediately prior to the application;

8564 (vii) Credit reports on all persons or entities  
8565 with a twenty percent (20%) or greater interest in the business or  
8566 industry; and

8567 (viii) Any other information required by the MDA.

8568 (b) The MDA shall require that binding commitments be  
8569 entered into requiring that:

8570 (i) The minimum requirements of this section and  
8571 such other requirements as the MDA considers proper shall be met;  
8572 and

8573 (ii) If such requirements are not met, all or a  
8574 portion of the funds provided by this section as determined by the  
8575 MDA shall be repaid.

8576 (c) Upon receipt of the application from a business or  
8577 industry, the local economic development entity may apply to the  
8578 MDA for assistance under this section. Such application must  
8579 contain evidence that the business or industry meets the  
8580 definition of an extraordinary economic development opportunity, a  
8581 demonstration that the business or industry is at an economic



8582 disadvantage by locating the new or expanded project in the  
8583 county, a description, including the cost, of the requested  
8584 assistance, and a statement of what efforts have been made or are  
8585 being made by the business or industry for securing or qualifying  
8586 for other local, state, federal or private funds for the project.

8587 (d) The MDA shall have sole discretion in the awarding  
8588 of ACE funds, provided that the business or industry and the local  
8589 economic development entity have met the statutory requirements of  
8590 this section. However, in making grants under this section, the  
8591 MDA shall attempt to provide for an equitable distribution of such  
8592 grants among each of the congressional districts of this state in  
8593 order to promote economic development across the entire state.

8594 (5) (a) The MDA may make grants to local units of  
8595 government to assist the local unit of government in purchasing  
8596 real property for the benefit of an existing industry that commits  
8597 to maintain a minimum of one thousand three hundred (1,300) jobs  
8598 for a minimum of ten (10) years after the date the grant is made.  
8599 The MDA shall not make grants under this subsection to assist  
8600 local units of government for the benefit of any medical cannabis  
8601 establishment as defined in the Mississippi Medical Cannabis Act.

8602 (b) Any local unit of government seeking a grant  
8603 authorized under this subsection shall apply to MDA. The  
8604 application shall contain such information as the MDA may require.

8605 (c) The MDA shall require that binding commitments be  
8606 entered into requiring that:



8607 (i) The minimum requirements of this subsection  
8608 and such other requirements as the MDA considers proper shall be  
8609 met; and

8610 (ii) If such requirements are not met, all or a  
8611 portion of the funds provided by this section as determined by the  
8612 MDA shall be repaid.

8613 (6) The MDA shall promulgate rules and regulations, in  
8614 accordance with the Mississippi Administrative Procedures Law, for  
8615 the implementation of this section. However, before the  
8616 implementation of any such rules and regulations, they shall be  
8617 submitted to a committee consisting of five (5) members of the  
8618 Senate Finance Committee and five (5) members of the House of  
8619 Representatives Ways and Means Committee, appointed by the  
8620 respective committee chairmen.

8621 **SECTION 85.** Section 57-1-221, Mississippi Code of 1972, is  
8622 amended as follows:

8623 57-1-221. (1) As used in this section:

8624 (a) "Approved business enterprise" means any project  
8625 that:

8626 (i) Locates or expands in this state, including  
8627 any federal Indian reservation located within the geographical  
8628 boundary of this state, and creates a minimum of two hundred fifty  
8629 (250) new, full-time jobs with a total capital investment in the  
8630 state of a minimum of Thirty Million Dollars (\$30,000,000.00) in  
8631 Tier 1 or Tier 2 counties;



8632 (ii) Locates or expands in this state, including  
8633 any federal Indian reservation located within the geographical  
8634 boundary of this state, and creates a minimum of one hundred fifty  
8635 (150) new, full-time jobs with a total capital investment in the  
8636 state of a minimum of Fifteen Million Dollars (\$15,000,000.00) in  
8637 areas federally designated as low-income census tracts;

8638 (iii) Locates or expands in this state, including  
8639 any federal Indian reservation located within the geographical  
8640 boundary of this state, and creates a minimum of one thousand  
8641 (1,000) new, full-time jobs;

8642 (iv) Is a manufacturer of high-end kitchen  
8643 appliances having at least four hundred (400) employees working at  
8644 its Mississippi facilities on January 1, 2015, and with a capital  
8645 investment of at least Five Million Dollars (\$5,000,000.00) made  
8646 after July 1, 2014, through four (4) years after July 1, 2015,  
8647 that expands in this state, including any federal Indian  
8648 reservation located within the geographical boundary of this  
8649 state, and retains a minimum of four hundred (400) jobs; or

8650 (v) Locates or expands in this state, including  
8651 any federal Indian reservation located within the geographical  
8652 boundary of this state, with significant regional impact as  
8653 determined by MDA.

8654 (b) "MDA" means the Mississippi Development Authority.

8655 (c) "Facility related to the project" means and  
8656 includes any of the following, as they may pertain to the project:





8657 (i) Facilities to provide potable and industrial  
8658 water supply systems, sewage and waste disposal systems and water,  
8659 natural gas and electric transmission systems to the site of the  
8660 project;

8661 (ii) Building facilities and equipment necessary  
8662 to operate the facility;

8663 (iii) Rail lines;

8664 (iv) Airports, airfields, air terminals and port  
8665 facilities;

8666 (v) Highways, streets and other roadways; and

8667 (vi) Fire protection facilities, equipment and  
8668 elevated water tanks.

8669 (d) "Project" means any industrial, commercial,  
8670 research and development, warehousing, distribution,  
8671 transportation, processing, mining, United States government or  
8672 tourism enterprise together with all real property required for  
8673 construction, maintenance and operation of the enterprise that is  
8674 approved by the MDA. The term "project" does not include any  
8675 medical cannabis establishment as defined in the Mississippi  
8676 Medical Cannabis Act.

8677 (2) (a) There is created a special fund in the State  
8678 Treasury to be known as the Mississippi Industry Incentive  
8679 Financing Revolving Fund which shall consist of monies from any  
8680 source designated for deposit into the fund. Unexpended amounts  
8681 remaining in the fund at the end of a fiscal year shall not lapse



8682 into the State General Fund, and any interest earned on amounts in  
8683 the fund shall be deposited to the credit of the fund. Except as  
8684 otherwise provided, monies in the fund shall be disbursed by the  
8685 Mississippi Development Authority for the purposes authorized in  
8686 subsection (3) of this section. The Mississippi Development  
8687 Authority shall allocate and disburse Thirty Million Dollars  
8688 (\$30,000,000.00) from the fund as a grant to Mississippi State  
8689 University for the construction, furnishing and equipping of a  
8690 high-performance computing data center that is home to federally  
8691 designated centers of computing excellence. The disbursement of  
8692 such funds shall not be subject to any requirements of this  
8693 section relating to grants and loans made by the Mississippi  
8694 Development Authority under this section. The Mississippi  
8695 Development Authority shall allocate and disburse Three Million  
8696 Dollars (\$3,000,000.00) from the fund as a grant to Delta Health  
8697 System for capital costs related to hospital systems expansion.  
8698 The disbursement of such funds shall not be subject to any  
8699 requirements of this section relating to grants and loans made by  
8700 the Mississippi Development Authority under this section. The  
8701 Mississippi Development Authority shall disburse such funds to  
8702 Delta Health System not later than thirty (30) days after April  
8703 22, 2021.

8704 (b) Monies in the fund that are derived from the  
8705 proceeds of general obligation bonds may be used to reimburse  
8706 reasonable actual and necessary costs incurred by the MDA for the



8707 administration of the various grant, loan and financial incentive  
8708 programs administered by the MDA. An accounting of actual costs  
8709 incurred for which reimbursement is sought shall be maintained by  
8710 the MDA. Reimbursement of reasonable actual and necessary costs  
8711 shall not exceed three percent (3%) of the proceeds of bonds  
8712 issued. Reimbursements made under this subsection shall satisfy  
8713 any applicable federal tax law requirements.

8714 (3) The MDA shall establish a program to make grants or  
8715 loans from the Mississippi Industry Incentive Financing Revolving  
8716 Fund to local governments, including, but not limited to,  
8717 counties, municipalities, industrial development authorities and  
8718 economic development districts, and approved business enterprises  
8719 to construct or otherwise provide facilities related to the  
8720 project. Local governments are authorized to accept grants and  
8721 enter into loans authorized under the program, and to sell, lease  
8722 or otherwise dispose of a project or any property related to the  
8723 project in whole or in part.

8724 (4) (a) Except as otherwise provided in this section, any  
8725 business enterprise or local government desiring a grant or loan  
8726 under this section shall submit an application to the MDA which  
8727 shall include, at a minimum:

8728 (i) Evidence that the business or industry meets  
8729 the definition of an approved business enterprise;

8730 (ii) A description, including the cost, of the  
8731 requested assistance;



8732 (iii) A description of the purpose for which the  
8733 assistance is requested; and

8734 (iv) Any other information required by the MDA.

8735 (b) Except as otherwise provided in this section, the  
8736 MDA shall require that binding commitments be entered into  
8737 requiring that:

8738 (i) The minimum requirements of this section and  
8739 such other requirements as the MDA considers proper shall be met;  
8740 and

8741 (ii) If such requirements are not met, all or a  
8742 portion of the funds provided by this section as determined by the  
8743 MDA shall be repaid.

8744 (c) Upon receipt of the application from a business  
8745 enterprise or local government for a grant or loan under this  
8746 section, the MDA shall determine whether the enterprise meets the  
8747 definition of an approved business enterprise and determine  
8748 whether to provide the assistance requested in the form of a grant  
8749 or a loan.

8750 (d) Except as otherwise provided in subsection (2) (a)  
8751 of this section, the MDA shall have sole discretion in providing  
8752 grants or loans under this section. The terms of a grant or loan  
8753 provided under this section and the manner of repayment of any  
8754 loan shall be within the discretion of the MDA. Repayments of  
8755 loans made under this section shall be deposited to the credit of  
8756 the Mississippi Industry Incentive Financing Revolving Fund until



8757 the uncommitted balance in the fund reaches Fifty Million Dollars  
8758 (\$50,000,000.00). Once the uncommitted balance in the fund  
8759 reaches Fifty Million Dollars (\$50,000,000.00), repayments of  
8760 loans under this section shall be deposited to the credit of Fund  
8761 No. 3951 in the State Treasury to pay debt service on bonds until  
8762 such time as the uncommitted balance in the fund falls below Fifty  
8763 Million Dollars (\$50,000,000.00).

8764 (e) The MDA shall notify the Chairman of the Senate  
8765 Finance Committee and the Chairman of the House Ways and Means  
8766 Committee of the approval of any grant or loan application thirty  
8767 (30) days prior to the disbursement of any monies for the loan or  
8768 grant from the Mississippi Industry Incentive Financing Revolving  
8769 Fund. The notification shall identify the applicant and the  
8770 purposes for which the loan or grant is made.

8771 (5) (a) Contracts, by local governments, including, but not  
8772 limited to, design and construction contracts, for the  
8773 acquisition, purchase, construction or installation of a project  
8774 shall be exempt from the provisions of Section 31-7-13 if:

8775 (i) The MDA finds and records such finding on its  
8776 minutes, that because of availability or the particular nature of  
8777 a project, it would not be in the public interest or would less  
8778 effectively achieve the purposes of this section to enter into  
8779 such contracts on the basis of Section 31-7-13; and

8780 (ii) The approved business enterprise that is  
8781 involved in the project concurs in such finding.



8782 (b) When the requirements of paragraph (a) of this  
8783 subsection are met:

8784 (i) The requirements of Section 31-7-13 shall not  
8785 apply to such contracts; and

8786 (ii) The contracts may be entered into on the  
8787 basis of negotiation.

8788 (6) It is the policy of the MDA and the MDA is authorized to  
8789 accommodate and support any enterprise that receives a loan under  
8790 this section for a project defined in Section 17-25-23 that wishes  
8791 to have a program of diversity in contracting, and/or that wishes  
8792 to do business with or cause its prime contractor to do business  
8793 with Mississippi companies, including those companies that are  
8794 small business concerns owned and controlled by socially and  
8795 economically disadvantaged individuals. The term "socially and  
8796 economically disadvantaged individuals" shall have the meaning  
8797 ascribed to such term under Section 8(d) of the Small Business Act  
8798 (15 USCS 637(d)) and relevant subcontracting regulations  
8799 promulgated pursuant thereto; except that women shall be presumed  
8800 to be socially and economically disadvantaged individuals for the  
8801 purposes of this subsection.

8802 (7) The MDA shall promulgate rules and regulations, in  
8803 accordance with the Mississippi Administrative Procedures Law, for  
8804 the implementation of this section.

8805 **SECTION 86.** Section 57-10-401, Mississippi Code of 1972, is  
8806 amended as follows:



8807           **[In cases involving an economic development project for which**  
8808 **the Mississippi Business Finance Corporation has issued bonds for**  
8809 **the purpose of financing the approved costs of such project prior**  
8810 **to July 1, 1994, this section shall read as follows:]**

8811           57-10-401. As used in Sections 57-10-401 through 57-10-445,  
8812 the following terms shall have the meanings ascribed to them  
8813 herein unless the context clearly indicates otherwise:

8814           (a) "Approved company" means any eligible company  
8815 seeking to locate an economic development project in a county,  
8816 which eligible company is approved by the corporation.

8817           (b) "Approved costs" means:

8818           (i) Obligations incurred for equipment and labor  
8819 and to contractors, subcontractors, builders and materialmen in  
8820 connection with the acquisition, construction and installation of  
8821 an economic development project;

8822           (ii) The cost of acquiring land or rights in land  
8823 and any cost incidental thereto, including recording fees;

8824           (iii) The cost of contract bonds and of insurance  
8825 of all kinds that may be required or necessary during the course  
8826 of acquisition, construction and installation of an economic  
8827 development project which is not paid by the contractor or  
8828 contractors or otherwise provided for;

8829           (iv) All costs of architectural and engineering  
8830 services, including test borings, surveys, estimates, plans and  
8831 specifications, preliminary investigations, and supervision of



8832 construction, as well as for the performance of all the duties  
8833 required by or consequent upon the acquisition, construction and  
8834 installation of an economic development project;

8835 (v) All costs which shall be required to be paid  
8836 under the terms of any contract or contracts for the acquisition,  
8837 construction and installation of an economic development project;

8838 (vi) All costs, expenses and fees incurred in  
8839 connection with the issuance of bonds pursuant to Sections  
8840 57-10-401 through 57-10-445;

8841 (vii) All costs funded by a loan made under the  
8842 Mississippi Small Enterprise Development Finance Act; and

8843 (viii) All costs of professionals permitted to be  
8844 engaged under the Mississippi Small Enterprise Development Finance  
8845 Act for a loan made under such act.

8846 (c) "Assessment" means the job development assessment  
8847 fee authorized in Section 57-10-413.

8848 (d) "Bonds" means the revenue bonds, notes or other  
8849 debt obligations of the corporation authorized to be issued by the  
8850 corporation on behalf of an eligible company or other state  
8851 agency.

8852 (e) "Corporation" means the Mississippi Business  
8853 Finance Corporation created under Section 57-10-167, Mississippi  
8854 Code of 1972.

8855 (f) "Economic development project" means and includes  
8856 the acquisition of any equipment or real estate in a county and





8857 the construction and installation thereon, and with respect  
8858 thereto, of improvements and facilities necessary or desirable for  
8859 improvement of the real estate, including surveys, site tests and  
8860 inspections, subsurface site work, excavation, removal of  
8861 structures, roadways, cemeteries and other surface obstructions,  
8862 filling, grading and provision of drainage, storm water detention,  
8863 installation of utilities such as water, sewer, sewage treatment,  
8864 gas, electricity, communications and similar facilities, off-site  
8865 construction of utility extensions to the boundaries of the real  
8866 estate, and the acquisition, construction and installation of  
8867 manufacturing, telecommunications, data processing, distribution  
8868 or warehouse facilities on the real estate, for lease or financial  
8869 arrangement by the corporation to an approved company for use and  
8870 occupancy by the approved company or its affiliates for  
8871 manufacturing, telecommunications, data processing, distribution  
8872 or warehouse purposes. Such term also includes, without  
8873 limitation, any project the financing of which has been approved  
8874 under the Mississippi Small Enterprise Development Finance Act.  
8875 From and after January 1, 2014, such term also includes the  
8876 economic development project of a related approved company that is  
8877 merged into or consolidated with another approved company where  
8878 the approved companies are engaged in a vertically integrated  
8879 manufacturing or warehouse operation.



8880 (g) "Eligible company" means any corporation,  
8881 partnership, sole proprietorship, business trust, or other entity  
8882 which is:

8883 (i) Engaged in manufacturing which meets the  
8884 standards promulgated by the corporation under Sections 57-10-401  
8885 through 57-10-445;

8886 (ii) A private company approved by the corporation  
8887 for a loan under the Mississippi Small Enterprise Development  
8888 Finance Act;

8889 (iii) A distribution or warehouse facility  
8890 employing a minimum of fifty (50) people or employing a minimum of  
8891 twenty (20) people and having a capital investment in such  
8892 facility of at least Five Million Dollars (\$5,000,000.00); or

8893 (iv) A telecommunications or data processing  
8894 business.

8895 (h) "Executive director" means the Executive Director  
8896 of the Mississippi Business Finance Corporation.

8897 (i) "Financing agreement" means any financing documents  
8898 and agreements, indentures, loan agreements, lease agreements,  
8899 security agreements and the like, entered into by and among the  
8900 corporation, private lenders and an approved company with respect  
8901 to an economic development project.

8902 (j) "Manufacturing" means any activity involving the  
8903 manufacturing, processing, assembling or production of any  
8904 property, including the processing resulting in a change in the



8905 conditions of the property and any activity functionally related  
8906 thereto, together with the storage, warehousing, distribution and  
8907 related office facilities in respect thereof as determined by the  
8908 Mississippi Business Finance Corporation; however, in no event  
8909 shall "manufacturing" include mining, coal or mineral processing,  
8910 or extraction of Mississippi minerals.

8911 (k) "State agency" means any state board, commission,  
8912 committee, council, university, department or unit thereof created  
8913 by the Constitution or laws of this state.

8914 (l) "Revenues" shall not be considered state funds.

8915 (m) "State" means the State of Mississippi.

8916 (n) "Mississippi Small Enterprise Development Finance  
8917 Act" means the provisions of law contained in Section 57-71-1 et  
8918 seq.

8919 **[In cases involving an economic development project for which**  
8920 **the Mississippi Business Finance Corporation has not issued bonds**  
8921 **for the purpose of financing the approved costs of such project**  
8922 **prior to July 1, 1994, this section shall read as follows:]**

8923 57-10-401. As used in Sections 57-10-401 through 57-10-445,  
8924 the following terms shall have the meanings ascribed to them  
8925 herein unless the context clearly indicates otherwise:

8926 (a) "Approved company" means any eligible company  
8927 seeking to locate an economic development project in a county,  
8928 which eligible company is approved by the corporation.

8929 (b) "Approved costs" means:



8930 (i) Obligations incurred for equipment and labor  
8931 and to contractors, subcontractors, builders and materialmen in  
8932 connection with the acquisition, construction and installation of  
8933 an economic development project;

8934 (ii) The cost of acquiring land or rights in land  
8935 and any cost incidental thereto, including recording fees;

8936 (iii) The cost of contract bonds and of insurance  
8937 of all kinds that may be required or necessary during the course  
8938 of acquisition, construction and installation of an economic  
8939 development project which is not paid by the contractor or  
8940 contractors or otherwise provided for;

8941 (iv) All costs of architectural and engineering  
8942 services, including test borings, surveys, estimates, plans and  
8943 specifications, preliminary investigations, and supervision of  
8944 construction, as well as for the performance of all the duties  
8945 required by or consequent upon the acquisition, construction and  
8946 installation of an economic development project;

8947 (v) All costs which shall be required to be paid  
8948 under the terms of any contract or contracts for the acquisition,  
8949 construction and installation of an economic development project;

8950 (vi) All costs, expenses and fees incurred in  
8951 connection with the issuance of bonds pursuant to Sections  
8952 57-10-401 through 57-10-445;

8953 (vii) All costs funded by a loan made under the  
8954 Mississippi Small Enterprise Development Finance Act; and



8955 (viii) All costs of professionals permitted to be  
8956 engaged under the Mississippi Small Enterprise Development Finance  
8957 Act for a loan made under such act.

8958 (c) "Assessment" means the job development assessment  
8959 fee authorized in Section 57-10-413.

8960 (d) "Bonds" means the revenue bonds, notes or other  
8961 debt obligations of the corporation authorized to be issued by the  
8962 corporation on behalf of an eligible company or other state  
8963 agency.

8964 (e) "Corporation" means the Mississippi Business  
8965 Finance Corporation created under Section 57-10-167, Mississippi  
8966 Code of 1972.

8967 (f) "Economic development project" means and includes  
8968 the acquisition of any equipment or real estate in a county and  
8969 the construction and installation thereon, and with respect  
8970 thereto, of improvements and facilities necessary or desirable for  
8971 improvement of the real estate, including surveys, site tests and  
8972 inspections, subsurface site work, excavation, removal of  
8973 structures, roadways, cemeteries and other surface obstructions,  
8974 filling, grading and provision of drainage, storm water detention,  
8975 installation of utilities such as water, sewer, sewage treatment,  
8976 gas, electricity, communications and similar facilities, off-site  
8977 construction of utility extensions to the boundaries of the real  
8978 estate, and the acquisition, construction and installation of  
8979 manufacturing, telecommunications, data processing, distribution



8980 or warehouse facilities on the real estate, for lease or financial  
8981 arrangement by the corporation to an approved company for use and  
8982 occupancy by the approved company or its affiliates for  
8983 manufacturing, telecommunications, data processing, distribution  
8984 or warehouse purposes. Such term also includes, without  
8985 limitation, any project the financing of which has been approved  
8986 under the Mississippi Small Enterprise Development Finance Act.

8987 If an eligible company closes a facility in this state and  
8988 becomes an approved company under the provisions of Sections  
8989 57-10-401 through 57-10-449, only that portion of the project for  
8990 which such company is attempting to obtain financing that is in  
8991 excess of the value of the closed facility shall be included  
8992 within the definition of the term "economic development project."  
8993 The Mississippi Business Finance Corporation shall promulgate  
8994 rules and regulations to govern the determination of the  
8995 difference between the value of the closed facility and the new  
8996 facility.

8997 (g) "Eligible company" means any corporation,  
8998 partnership, sole proprietorship, business trust, or other entity  
8999 which:

9000 (i) Engaged in manufacturing which meets the  
9001 standards promulgated by the corporation under Sections 57-10-401  
9002 through 57-10-445;



9003 (ii) A private company approved by the corporation  
9004 for a loan under the Mississippi Small Enterprise Development  
9005 Finance Act;

9006 (iii) A distribution or warehouse facility  
9007 employing a minimum of fifty (50) people or employing a minimum of  
9008 twenty (20) people and having a capital investment in such  
9009 facility of at least Five Million Dollars (\$5,000,000.00);

9010 (iv) A telecommunications or data/information  
9011 processing business meeting criteria established by the  
9012 Mississippi Business Finance Corporation;

9013 (v) National or regional headquarters meeting  
9014 criteria established by the Mississippi Business Finance  
9015 Corporation;

9016 (vi) Research and development facilities meeting  
9017 criteria established by the Mississippi Business Finance  
9018 Corporation; or

9019 (vii) Technology intensive enterprises or  
9020 facilities meeting criteria established by the Mississippi  
9021 Business Finance Corporation.

9022 The term "eligible company" does not include any medical  
9023 cannabis establishment as defined in the Mississippi Medical  
9024 Cannabis Act.

9025 (h) "Executive director" means the Executive Director  
9026 of the Mississippi Business Finance Corporation.



9027 (i) "Financing agreement" means any financing documents  
9028 and agreements, indentures, loan agreements, lease agreements,  
9029 security agreements and the like, entered into by and among the  
9030 corporation, private lenders and an approved company with respect  
9031 to an economic development project.

9032 (j) "Manufacturing" means any activity involving the  
9033 manufacturing, processing, assembling or production of any  
9034 property, including the processing resulting in a change in the  
9035 conditions of the property and any activity functionally related  
9036 thereto, together with the storage, warehousing, distribution and  
9037 related office facilities in respect thereof as determined by the  
9038 Mississippi Business Finance Corporation; however, in no event  
9039 shall "manufacturing" include mining, coal or mineral processing,  
9040 or extraction of Mississippi minerals.

9041 (k) "State agency" means any state board, commission,  
9042 committee, council, university, department or unit thereof created  
9043 by the Constitution or laws of this state.

9044 (l) "Revenues" shall not be considered state funds.

9045 (m) "State" means the State of Mississippi.

9046 (n) "Mississippi Small Enterprise Development Finance  
9047 Act" means the provisions of law contained in Section 57-71-1 et  
9048 seq.

9049 **SECTION 87.** Section 57-61-5, Mississippi Code of 1972, is  
9050 amended as follows:





9051           57-61-5. The following words and phrases when used in this  
9052 chapter shall have the meanings given to them in this section  
9053 unless the context clearly indicates otherwise:

9054           (a) "Department" means the Mississippi \* \* \*  
9055 Development Authority.

9056           (b) "Board" means the Mississippi \* \* \* Development  
9057 Authority operating through its executive director.

9058           (c) "Improvements" means the construction,  
9059 rehabilitation or repair of drainage systems; energy facilities  
9060 (power generation and distribution); fire safety facilities  
9061 (excluding vehicles); sewer systems (pipe treatment);  
9062 transportation directly affecting the site of the proposed  
9063 investment, including roads, sidewalks, bridges, rail, port,  
9064 river, airport or pipeline (excluding vehicles); bulkheads;  
9065 buildings; and facilities necessary to accommodate a United States  
9066 Navy home port; and means land reclamation; waste disposal; water  
9067 supply (storage, treatment and distribution); land acquisition;  
9068 and the dredging of channels and basins.

9069           (d) "Municipality" means any county or any incorporated  
9070 city, or town, acting individually or jointly, or any agency of  
9071 the State of Mississippi operating a state-owned port.

9072           (e) "Private company" means any agricultural,  
9073 aquacultural, maricultural, industrial, manufacturing, service,  
9074 tourism, or research and development enterprise or enterprises.  
9075 The term "private company" shall not include any retail trade



9076 enterprise except regional shopping malls having a minimum capital  
9077 investment of One Hundred Million Dollars (\$100,000,000.00). The  
9078 term "private company" shall not include any medical cannabis  
9079 establishment as defined in the Mississippi Medical Cannabis Act.  
9080 No more than fifteen percent (15%) of the aggregate funds made  
9081 available under this chapter shall be used to fund aquacultural,  
9082 maricultural and tourism enterprises. The funds made available to  
9083 tourism enterprises under this chapter shall be limited to  
9084 infrastructure improvements and to the acquisition of land and  
9085 shall not be made available to fund tourism promotions or to fund  
9086 the construction, improvement or acquisition of hotels and/or  
9087 motels or to finance or refinance any obligations of hotels and/or  
9088 motels.

9089 (f) "Governmental unit" means a department or  
9090 subsidiary of the United States government, or an agency of the  
9091 State of Mississippi operating a state-owned port.

9092 (g) "Private match" means any new private investment by  
9093 the private company and/or governmental unit in land, buildings,  
9094 depreciable fixed assets, and improvements of the project used to  
9095 match improvements funded under this chapter. The term "private  
9096 match" includes improvements made prior to the effective date of  
9097 this chapter [Laws, 1986, Chapter 419, effective March 31, 1986]  
9098 pursuant to contracts entered into contingent upon assistance  
9099 being made available under this chapter.



9100 (h) "Publicly owned property" means property which is  
9101 owned by the local, state or United States government and is not  
9102 under the control of a private company.

9103 (i) "Director" means the Executive Director of  
9104 the \* \* \* Mississippi Development Authority.

9105 (j) "Small community" means a county with a population  
9106 of twenty-five thousand (25,000) or less; or a municipality with a  
9107 population of ten thousand (10,000) or less and any area within  
9108 five (5) miles of the limits of such municipality, according to  
9109 the most recent federal decennial census.

9110 (k) "Strategic investment" means an investment by the  
9111 private and public sectors that will have a major impact on job  
9112 creation and maintenance in the state of no less than one hundred  
9113 fifty (150) jobs, that will have a major impact on enlargement and  
9114 enhancement of international and foreign trade and commerce to and  
9115 from the State of Mississippi, or which is considered to be unique  
9116 to the state and have statewide or regional impact as determined  
9117 by the department.

9118 (l) "Seller" means the State Bond Commission or the  
9119 State Development Bank.

9120 **SECTION 88.** Section 57-62-5, Mississippi Code of 1972, is  
9121 amended as follows:

9122 **[For businesses or industries that received or applied for**  
9123 **incentive payments prior to July 1, 2005, this section shall read**  
9124 **as follows:]**



9125           57-62-5. As used in this chapter, the following words and  
9126 phrases shall have the meanings ascribed in this section unless  
9127 the context clearly indicates otherwise:

9128           (a) "Qualified business or industry" means any  
9129 corporation, limited liability company, partnership, sole  
9130 proprietorship, business trust or other legal entity and subunits  
9131 or affiliates thereof, pursuant to rules and regulations of the  
9132 MDA, which provides an average annual salary, excluding benefits  
9133 which are not subject to Mississippi income taxes, of at least one  
9134 hundred twenty-five percent (125%) of the most recently published  
9135 state average annual wage or the most recently published average  
9136 annual wage of the county in which the qualified business or  
9137 industry is located as determined by the Mississippi Department of  
9138 Employment Security, whichever is the lesser. An establishment  
9139 shall not be considered to be a qualified business or industry  
9140 unless it offers, or will offer within one hundred eighty (180)  
9141 days of the date it receives the first incentive payment pursuant  
9142 to the provisions of this chapter, a basic health benefits plan to  
9143 the individuals it employs in new direct jobs in this state which  
9144 is approved by the MDA. Qualified business or industry does not  
9145 include retail business or gaming business;

9146           (b) "New direct job" means full-time employment in this  
9147 state in a qualified business or industry that has qualified to  
9148 receive an incentive payment pursuant to this chapter, which  
9149 employment did not exist in this state before the date of approval



9150 by the MDA of the application of the qualified business or  
9151 industry pursuant to the provisions of this chapter. "New direct  
9152 job" shall include full-time employment in this state of employees  
9153 who are employed by an entity other than the establishment that  
9154 has qualified to receive an incentive payment and who are leased  
9155 to the qualified business or industry, if such employment did not  
9156 exist in this state before the date of approval by the MDA of the  
9157 application of the establishment;

9158 (c) "Full-time job" means a job of at least thirty-five  
9159 (35) hours per week;

9160 (d) "Estimated direct state benefits" means the tax  
9161 revenues projected by the MDA to accrue to the state as a result  
9162 of the qualified business or industry;

9163 (e) "Estimated direct state costs" means the costs  
9164 projected by the MDA to accrue to the state as a result of the  
9165 qualified business or industry;

9166 (f) "Estimated net direct state benefits" means the  
9167 estimated direct state benefits less the estimated direct state  
9168 costs;

9169 (g) "Net benefit rate" means the estimated net direct  
9170 state benefits computed as a percentage of gross payroll, provided  
9171 that:

9172 (i) Except as otherwise provided in this paragraph  
9173 (g), the net benefit rate may be variable and shall not exceed



9174 four percent (4%) of the gross payroll; and shall be set in the  
9175 sole discretion of the MDA;

9176 (ii) In no event shall incentive payments,  
9177 cumulatively, exceed the estimated net direct state benefits;

9178 (h) "Gross payroll" means wages for new direct jobs of  
9179 the qualified business or industry; and

9180 (i) "MDA" means the Mississippi Development Authority.

9181 **[For businesses or industries that received or applied for**  
9182 **incentive payments from and after July 1, 2005, but prior to July**  
9183 **1, 2010, this section shall read as follows:]**

9184 57-62-5. As used in this chapter, the following words and  
9185 phrases shall have the meanings ascribed in this section unless  
9186 the context clearly indicates otherwise:

9187 (a) "Qualified business or industry" means any  
9188 corporation, limited liability company, partnership, sole  
9189 proprietorship, business trust or other legal entity and subunits  
9190 or affiliates thereof, pursuant to rules and regulations of the  
9191 MDA, which:

9192 (i) Is a data/information processing enterprise  
9193 meeting minimum criteria established by the MDA that provides an  
9194 average annual salary, excluding benefits which are not subject to  
9195 Mississippi income taxes, of at least one hundred percent (100%)  
9196 of the most recently published state average annual wage or the  
9197 most recently published average annual wage of the county in which  
9198 the qualified business or industry is located as determined by the



9199 Mississippi Department of Employment Security, whichever is the  
9200 lesser, and creates not less than two hundred (200) new direct  
9201 jobs if the enterprise is located in a Tier One or Tier Two area  
9202 (as such areas are designated in accordance with Section  
9203 57-73-21), or which creates not less than one hundred (100) new  
9204 jobs if the enterprise is located in a Tier Three area (as such  
9205 areas are designated in accordance with Section 57-73-21);

9206                   (ii) Is a manufacturing or distribution enterprise  
9207 meeting minimum criteria established by the MDA that provides an  
9208 average annual salary, excluding benefits which are not subject to  
9209 Mississippi income taxes, of at least one hundred ten percent  
9210 (110%) of the most recently published state average annual wage or  
9211 the most recently published average annual wage of the county in  
9212 which the qualified business or industry is located as determined  
9213 by the Mississippi Department of Employment Security, whichever is  
9214 the lesser, invests not less than Twenty Million Dollars  
9215 (\$20,000,000.00) in land, buildings and equipment, and creates not  
9216 less than fifty (50) new direct jobs if the enterprise is located  
9217 in a Tier One or Tier Two area (as such areas are designated in  
9218 accordance with Section 57-73-21), or which creates not less than  
9219 twenty (20) new jobs if the enterprise is located in a Tier Three  
9220 area (as such areas are designated in accordance with Section  
9221 57-73-21);

9222                   (iii) Is a corporation, limited liability company,  
9223 partnership, sole proprietorship, business trust or other legal



9224 entity and subunits or affiliates thereof, pursuant to rules and  
9225 regulations of the MDA, which provides an average annual salary,  
9226 excluding benefits which are not subject to Mississippi income  
9227 taxes, of at least one hundred twenty-five percent (125%) of the  
9228 most recently published state average annual wage or the most  
9229 recently published average annual wage of the county in which the  
9230 qualified business or industry is located as determined by the  
9231 Mississippi Department of Employment Security, whichever is the  
9232 lesser, and creates not less than twenty-five (25) new direct jobs  
9233 if the enterprise is located in a Tier One or Tier Two area (as  
9234 such areas are designated in accordance with Section 57-73-21), or  
9235 which creates not less than ten (10) new jobs if the enterprise is  
9236 located in a Tier Three area (as such areas are designated in  
9237 accordance with Section 57-73-21). An establishment shall not be  
9238 considered to be a qualified business or industry unless it  
9239 offers, or will offer within one hundred eighty (180) days of the  
9240 date it receives the first incentive payment pursuant to the  
9241 provisions of this chapter, a basic health benefits plan to the  
9242 individuals it employs in new direct jobs in this state which is  
9243 approved by the MDA. Qualified business or industry does not  
9244 include retail business or gaming business; or

9245 (iv) Is a research and development or a technology  
9246 intensive enterprise meeting minimum criteria established by the  
9247 MDA that provides an average annual salary, excluding benefits  
9248 which are not subject to Mississippi income taxes, of at least one





9249 hundred fifty percent (150%) of the most recently published state  
9250 average annual wage or the most recently published average annual  
9251 wage of the county in which the qualified business or industry is  
9252 located as determined by the Mississippi Department of Employment  
9253 Security, whichever is the lesser, and creates not less than ten  
9254 (10) new direct jobs.

9255 An establishment shall not be considered to be a qualified  
9256 business or industry unless it offers, or will offer within one  
9257 hundred eighty (180) days of the date it receives the first  
9258 incentive payment pursuant to the provisions of this chapter, a  
9259 basic health benefits plan to the individuals it employs in new  
9260 direct jobs in this state which is approved by the MDA. Qualified  
9261 business or industry does not include retail business or gaming  
9262 business.

9263 (b) "New direct job" means full-time employment in this  
9264 state in a qualified business or industry that has qualified to  
9265 receive an incentive payment pursuant to this chapter, which  
9266 employment did not exist in this state before the date of approval  
9267 by the MDA of the application of the qualified business or  
9268 industry pursuant to the provisions of this chapter. "New direct  
9269 job" shall include full-time employment in this state of employees  
9270 who are employed by an entity other than the establishment that  
9271 has qualified to receive an incentive payment and who are leased  
9272 to the qualified business or industry, if such employment did not



9273 exist in this state before the date of approval by the MDA of the  
9274 application of the establishment.

9275 (c) "Full-time job" or "full-time employment" means a  
9276 job of at least thirty-five (35) hours per week.

9277 (d) "Estimated direct state benefits" means the tax  
9278 revenues projected by the MDA to accrue to the state as a result  
9279 of the qualified business or industry.

9280 (e) "Estimated direct state costs" means the costs  
9281 projected by the MDA to accrue to the state as a result of the  
9282 qualified business or industry.

9283 (f) "Estimated net direct state benefits" means the  
9284 estimated direct state benefits less the estimated direct state  
9285 costs.

9286 (g) "Net benefit rate" means the estimated net direct  
9287 state benefits computed as a percentage of gross payroll, provided  
9288 that:

9289 (i) Except as otherwise provided in this paragraph  
9290 (g), the net benefit rate may be variable and shall not exceed  
9291 four percent (4%) of the gross payroll; and shall be set in the  
9292 sole discretion of the MDA;

9293 (ii) In no event shall incentive payments,  
9294 cumulatively, exceed the estimated net direct state benefits.

9295 (h) "Gross payroll" means wages for new direct jobs of  
9296 the qualified business or industry.

9297 (i) "MDA" means the Mississippi Development Authority.



9298           **[For businesses or industries that apply for incentive**  
9299 **payments from and after July 1, 2010, this section shall read as**  
9300 **follows:]**

9301           57-62-5. As used in this chapter, the following words and  
9302 phrases shall have the meanings ascribed in this section unless  
9303 the context clearly indicates otherwise:

9304           (a) "Qualified business or industry" means any  
9305 corporation, limited liability company, partnership, sole  
9306 proprietorship, business trust or other legal entity and subunits  
9307 or affiliates thereof, pursuant to rules and regulations of the  
9308 MDA, which:

9309                   (i) Is a data/information processing enterprise  
9310 meeting minimum criteria established by the MDA that provides an  
9311 average annual salary, excluding benefits which are not subject to  
9312 Mississippi income taxes, of at least one hundred percent (100%)  
9313 of the most recently published state average annual wage or the  
9314 most recently published average annual wage of the county in which  
9315 the qualified business or industry is located as determined by the  
9316 Mississippi Department of Employment Security, whichever is the  
9317 lesser, and creates not less than two hundred (200) new direct  
9318 jobs;

9319                   (ii) Is a corporation, limited liability company,  
9320 partnership, sole proprietorship, business trust or other legal  
9321 entity and subunits or affiliates thereof, pursuant to rules and  
9322 regulations of the MDA, which provides an average annual salary,



9323 excluding benefits which are not subject to Mississippi income  
9324 taxes, of at least one hundred ten percent (110%) of the most  
9325 recently published state average annual wage or the most recently  
9326 published average annual wage of the county in which the qualified  
9327 business or industry is located as determined by the Mississippi  
9328 Department of Employment Security, whichever is the lesser, and  
9329 creates not less than twenty-five (25) new direct jobs; or

9330 (iii) Is a corporation, limited liability company,  
9331 partnership, sole proprietorship, business trust or other legal  
9332 entity and subunits or affiliates thereof, pursuant to rules and  
9333 regulations of the MDA, which is a manufacturer that:

9334 1. Provides an average annual salary,  
9335 excluding benefits which are not subject to Mississippi income  
9336 taxes, of at least one hundred ten percent (110%) of the most  
9337 recently published state average annual wage or the most recently  
9338 published average annual wage of the county in which the qualified  
9339 business or industry is located as determined by the Mississippi  
9340 Department of Employment Security, whichever is the lesser;

9341 2. Has a minimum of five thousand (5,000)  
9342 existing employees as of the last day of the previous calendar  
9343 year; and

9344 3. MDA determines will create not less than  
9345 three thousand (3,000) new direct jobs within forty-eight (48)  
9346 months of the date the MDA determines that the applicant is  
9347 qualified to receive incentive payments.



9348           An establishment shall not be considered to be a qualified  
9349 business or industry unless it offers, or will offer within one  
9350 hundred eighty (180) days of the date it receives the first  
9351 incentive payment pursuant to the provisions of this chapter, a  
9352 basic health benefits plan to the individuals it employs in new  
9353 direct jobs in this state which is approved by the MDA. Qualified  
9354 business or industry does not include retail business or gaming  
9355 business, or any medical cannabis establishment as defined in the  
9356 Mississippi Medical Cannabis Act.

9357           (b) "New direct job" means full-time employment in this  
9358 state in a qualified business or industry that has qualified to  
9359 receive an incentive payment pursuant to this chapter, which  
9360 employment did not exist in this state:

9361           (i) Before the date of approval by the MDA of the  
9362 application of the qualified business or industry pursuant to the  
9363 provisions of this chapter; or

9364           (ii) Solely with respect to any farm equipment  
9365 manufacturer that locates its North American headquarters to  
9366 Mississippi between January 1, 2018, and December 31, 2020, before  
9367 a specific date determined by the MDA that falls on or after the  
9368 date that the MDA first issues to such farm equipment manufacturer  
9369 one or more written commitments or offers of any incentives in  
9370 connection with the new headquarters project and related  
9371 facilities expected to result in the creation of such new job.



9372 "New direct job" shall include full-time employment in this  
9373 state of employees who are employed by an entity other than the  
9374 establishment that has qualified to receive an incentive payment  
9375 and who are leased to the qualified business or industry, if such  
9376 employment did not exist in this state before the date of approval  
9377 by the MDA of the application of the establishment.

9378 (c) "Full-time job" or "full-time employment" means a  
9379 job of at least thirty-five (35) hours per week.

9380 (d) "Gross payroll" means wages for new direct jobs of  
9381 the qualified business or industry.

9382 (e) "MDA" means the Mississippi Development Authority.

9383 **SECTION 89.** Section 57-69-3, Mississippi Code of 1972, is  
9384 amended as follows:

9385 57-69-3. Unless the context requires otherwise, the  
9386 following words shall have the following meanings for the purposes  
9387 of this chapter:

9388 (a) "Class of contract basis" means an entire group of  
9389 contracts having a common characteristic.

9390 (b) "Commercially useful function" means being  
9391 responsible for execution of a contract or a distinct element of  
9392 the work under a contract by actually performing, managing, and  
9393 supervising the work involved.

9394 (c) "Contract" means all types of state agreements,  
9395 regardless of what they may be called, for the purchase of



9396 supplies or services or for construction or major repairs.

9397 "Contract" includes the following:

9398 (i) Awards and notices of award.

9399 (ii) Contracts of a fixed price, cost,  
9400 cost-plus-a-fixed-fee, or incentive types.

9401 (iii) Contracts providing for the issuance of job  
9402 or task orders.

9403 (iv) Leases.

9404 (v) Letter contracts.

9405 (vi) Purchase orders.

9406 (vii) Any supplemental agreements with respect to  
9407 (i) through (vi) of this \* \* \* paragraph.

9408 (d) "Contracting base" means the dollar amount of  
9409 contracts for public works and procurement of goods and services  
9410 awarded by a state agency or a state educational institution  
9411 during a fiscal year.

9412 (e) "Contract by contract basis" means a single  
9413 contract within a specific class of contracts.

9414 (f) "Contractor" means a party who enters into a  
9415 contract to provide a state or educational institution with goods  
9416 or services, including construction, or a subcontractor or  
9417 sublessee of such a party.

9418 (g) "Director" means the Executive Director of the  
9419 Office of Minority Business Enterprises of the Mississippi  
9420 Development Authority.



9421           (h) "Educational institutions" means the state  
9422 universities, vocational institutions, and any other  
9423 state-supported educational institutions.

9424           (i) "Joint venture" means an association of two (2) or  
9425 more persons or businesses to carry out a single business  
9426 enterprise for profit for which purpose they combine their  
9427 property, capital, efforts, skills, and knowledge, and in which  
9428 they exercise control and share in profits and losses in  
9429 proportion to their contribution to the enterprise.

9430           (j) "Minority" means a person who is a citizen or  
9431 lawful permanent resident of the United States and who is:

9432               (i) Black: having origins in any of the black  
9433 racial groups of Africa.

9434               (ii) Hispanic: of Mexican, Puerto Rican, Cuban,  
9435 Central or South American, or other Spanish or Portuguese culture  
9436 or origin regardless of race.

9437               (iii) Asian American: having origins in any of  
9438 the original peoples of the Far East, Southeast Asia, the Indian  
9439 subcontinent, or the Pacific Islands.

9440               (iv) American Indian or Alaskan Native: having  
9441 origins in any of the original peoples of North America.

9442               (v) Female.

9443           (k) "Minority business enterprise" or "minority owned  
9444 business" means a socially and economically disadvantaged small  
9445 business concern organized for profit performing a commercially





9446 useful function which is owned and controlled by one or more  
9447 individuals or minority business enterprises certified by the  
9448 office, at least seventy-five percent (75%) of whom are resident  
9449 citizens of the State of Mississippi. For purposes of this  
9450 paragraph, the term "socially and economically disadvantaged small  
9451 business concern" shall have the meaning ascribed to such term  
9452 under the Small Business Act (15 USCS, Section 637(a)). Owned and  
9453 controlled means a business in which one or more minorities or  
9454 minority business enterprises certified by the office own at least  
9455 fifty-one percent (51%) or in the case of a corporation at least  
9456 fifty-one percent (51%) of the voting stock and control at least  
9457 fifty-one percent (51%) of the management and daily business  
9458 operations of the business. The term "minority business  
9459 enterprise" does not include any medical cannabis establishment as  
9460 defined in the Mississippi Medical Cannabis Act.

9461 (1) "Minority business enterprise supplier" means a  
9462 socially and economically disadvantaged small business concern  
9463 which is owned and controlled by one or more individuals, at least  
9464 seventy-five percent (75%) of whom are resident citizens of the  
9465 State of Mississippi. For purposes of this paragraph, the term  
9466 "socially and economically disadvantaged small business concern"  
9467 shall have the meaning ascribed to such term under the Small  
9468 Business Act (15 USCS, Section 637(a)) except that the net worth  
9469 of the business may not be greater than Seven Hundred Fifty  
9470 Thousand Dollars (\$750,000.00). Owned and controlled means a



9471 business in which one or more minorities own at least fifty-one  
9472 percent (51%) or in the case of a corporation at least fifty-one  
9473 percent (51%) of the voting stock and control at least fifty-one  
9474 percent (51%) of the management and daily business operations of  
9475 the business. The term "minority business enterprise supplier"  
9476 does not include any medical cannabis establishment as defined in  
9477 the Mississippi Medical Cannabis Act.

9478 (m) "Office" means the Office of Minority Business  
9479 Enterprises of the Mississippi Development Authority.

9480 (n) "Procurement" means the purchase, lease, or rental  
9481 of any goods or services.

9482 (o) "Commodities" means the various items described in  
9483 Section 31-7-1(e).

9484 (p) "Professional services" means all personal service  
9485 contracts utilized by state agencies and institutions.

9486 (q) "Small business" means a small business as defined  
9487 by the Small Business Administration of the United States  
9488 government which for purposes of size eligibility or other factors  
9489 meets the applicable criteria set forth in Part 121 of Title 13 of  
9490 the Code of Federal Regulations as amended, and which has its  
9491 principal place of business in Mississippi.

9492 (r) "State agency" includes the State of Mississippi  
9493 and all agencies, departments, offices, divisions, boards,  
9494 commissions, and correctional and other types of institutions.

9495 "State agency" does not include the Mississippi Department of



9496 Transportation nor the judicial or legislative branches of  
9497 government except to the extent that procurement or public works  
9498 for these branches is performed by a state agency.

9499       **SECTION 90.** Section 57-71-5, Mississippi Code of 1972, is  
9500 amended as follows:

9501           57-71-5. The following words and phrases when used in this  
9502 act shall have the meaning given to them in this section unless  
9503 the context clearly indicates otherwise:

9504           (a) "MBFC" or "company" means the Mississippi Business  
9505 Finance Corporation.

9506           (b) "Private company" means any agricultural,  
9507 aquacultural, horticultural, industrial, manufacturing or research  
9508 and development enterprise or enterprises, or the lessor thereof,  
9509 or any commercial enterprise approved by the Mississippi Business  
9510 Finance Corporation; however, the term "private company" shall not  
9511 include any business, corporation or entity having a gaming  
9512 license issued under Section 75-76-1 et seq., or any medical  
9513 cannabis establishment as defined in the Mississippi Medical  
9514 Cannabis Act.

9515           (c) "Qualified financial institution" means any  
9516 commercial bank or savings and loan institution approved by the  
9517 Mississippi Business Finance Corporation to provide letters of  
9518 credit under this act.



9519 (d) "Letter of credit" means a letter of credit  
9520 obligation from a qualified financial institution approved by the  
9521 Mississippi Business Finance Corporation.

9522 (e) "Planning and development districts" means the  
9523 organized planning and development districts in Mississippi.

9524 (f) "Director" means the Executive Director of the  
9525 Mississippi Business Finance Corporation.

9526 (g) "Seller" means the State Bond Commission.

9527 **SECTION 91.** Section 57-73-21, Mississippi Code of 1972, is  
9528 amended as follows:

9529 **[In cases involving business enterprises that received or**  
9530 **applied for the job tax credit authorized by this section prior to**  
9531 **January 1, 2005, this section shall read as follows:]**

9532 57-73-21. (1) Annually by December 31, using the most  
9533 current data available from the University Research Center,  
9534 Mississippi Department of Employment Security and the United  
9535 States Department of Commerce, the State Tax Commission shall rank  
9536 and designate the state's counties as provided in this section.  
9537 The twenty-eight (28) counties in this state having a combination  
9538 of the highest unemployment rate and lowest per capita income for  
9539 the most recent thirty-six-month period, with equal weight being  
9540 given to each category, are designated Tier Three areas. The  
9541 twenty-seven (27) counties in the state with a combination of the  
9542 next highest unemployment rate and next lowest per capita income  
9543 for the most recent thirty-six-month period, with equal weight



9544 being given to each category, are designated Tier Two areas. The  
9545 twenty-seven (27) counties in the state with a combination of the  
9546 lowest unemployment rate and the highest per capita income for the  
9547 most recent thirty-six-month period, with equal weight being given  
9548 to each category, are designated Tier One areas. Counties  
9549 designated by the Tax Commission qualify for the appropriate tax  
9550 credit for jobs as provided in subsections (2), (3) and (4) of  
9551 this section. The designation by the Tax Commission is effective  
9552 for the tax years of permanent business enterprises which begin  
9553 after the date of designation. For companies which plan an  
9554 expansion in their labor forces, the Tax Commission shall  
9555 prescribe certification procedures to ensure that the companies  
9556 can claim credits in future years without regard to whether or not  
9557 a particular county is removed from the list of Tier Three or Tier  
9558 Two areas.

9559 (2) Permanent business enterprises primarily engaged in  
9560 manufacturing, processing, warehousing, distribution, wholesaling  
9561 and research and development, or permanent business enterprises  
9562 designated by rule and regulation of the Mississippi Development  
9563 Authority as air transportation and maintenance facilities, final  
9564 destination or resort hotels having a minimum of one hundred fifty  
9565 (150) guest rooms, recreational facilities that impact tourism,  
9566 movie industry studios, telecommunications enterprises, data or  
9567 information processing enterprises or computer software  
9568 development enterprises or any technology intensive facility or



9569 enterprise, in counties designated by the Tax Commission as Tier  
9570 Three areas are allowed a job tax credit for taxes imposed by  
9571 Section 27-7-5 equal to Two Thousand Dollars (\$2,000.00) annually  
9572 for each net new full-time employee job for five (5) years  
9573 beginning with years two (2) through six (6) after the creation of  
9574 the job; however, if the permanent business enterprise is located  
9575 in an area that has been declared by the Governor to be a disaster  
9576 area and as a direct result of the disaster the permanent business  
9577 enterprise is unable to maintain the required number of jobs, the  
9578 Chairman of the State Tax Commission may extend this time period  
9579 for not more two (2) years. The number of new full-time jobs must  
9580 be determined by comparing the monthly average number of full-time  
9581 employees subject to the Mississippi income tax withholding for  
9582 the taxable year with the corresponding period of the prior  
9583 taxable year. Only those permanent businesses that increase  
9584 employment by ten (10) or more in a Tier Three area are eligible  
9585 for the credit. Credit is not allowed during any of the five (5)  
9586 years if the net employment increase falls below ten (10). The  
9587 Tax Commission shall adjust the credit allowed each year for the  
9588 net new employment fluctuations above the minimum level of ten  
9589 (10).

9590 (3) Permanent business enterprises primarily engaged in  
9591 manufacturing, processing, warehousing, distribution, wholesaling  
9592 and research and development, or permanent business enterprises  
9593 designated by rule and regulation of the Mississippi Development



9594 Authority as air transportation and maintenance facilities, final  
9595 destination or resort hotels having a minimum of one hundred fifty  
9596 (150) guest rooms, recreational facilities that impact tourism,  
9597 movie industry studios, telecommunications enterprises, data or  
9598 information processing enterprises or computer software  
9599 development enterprises or any technology intensive facility or  
9600 enterprise, in counties that have been designated by the Tax  
9601 Commission as Tier Two areas are allowed a job tax credit for  
9602 taxes imposed by Section 27-7-5 equal to One Thousand Dollars  
9603 (\$1,000.00) annually for each net new full-time employee job for  
9604 five (5) years beginning with years two (2) through six (6) after  
9605 the creation of the job; however, if the permanent business  
9606 enterprise is located in an area that has been declared by the  
9607 Governor to be a disaster area and as a direct result of the  
9608 disaster the permanent business enterprise is unable to maintain  
9609 the required number of jobs, the Chairman of the State Tax  
9610 Commission may extend this time period for not more two (2) years.  
9611 The number of new full-time jobs must be determined by comparing  
9612 the monthly average number of full-time employees subject to  
9613 Mississippi income tax withholding for the taxable year with the  
9614 corresponding period of the prior taxable year. Only those  
9615 permanent businesses that increase employment by fifteen (15) or  
9616 more in Tier Two areas are eligible for the credit. The credit is  
9617 not allowed during any of the five (5) years if the net employment  
9618 increase falls below fifteen (15). The Tax Commission shall



9619 adjust the credit allowed each year for the net new employment  
9620 fluctuations above the minimum level of fifteen (15).

9621 (4) Permanent business enterprises primarily engaged in  
9622 manufacturing, processing, warehousing, distribution, wholesaling  
9623 and research and development, or permanent business enterprises  
9624 designated by rule and regulation of the Mississippi Development  
9625 Authority as air transportation and maintenance facilities, final  
9626 destination or resort hotels having a minimum of one hundred fifty  
9627 (150) guest rooms, recreational facilities that impact tourism,  
9628 movie industry studios, telecommunications enterprises, data or  
9629 information processing enterprises or computer software  
9630 development enterprises or any technology intensive facility or  
9631 enterprise, in counties designated by the Tax Commission as Tier  
9632 One areas are allowed a job tax credit for taxes imposed by  
9633 Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually  
9634 for each net new full-time employee job for five (5) years  
9635 beginning with years two (2) through six (6) after the creation of  
9636 the job; however, if the permanent business enterprise is located  
9637 in an area that has been declared by the Governor to be a disaster  
9638 area and as a direct result of the disaster the permanent business  
9639 enterprise is unable to maintain the required number of jobs, the  
9640 Chairman of the State Tax Commission may extend this time period  
9641 for not more than two (2) years. The number of new full-time jobs  
9642 must be determined by comparing the monthly average number of  
9643 full-time employees subject to Mississippi income tax withholding





9644 for the taxable year with the corresponding period of the prior  
9645 taxable year. Only those permanent businesses that increase  
9646 employment by twenty (20) or more in Tier One areas are eligible  
9647 for the credit. The credit is not allowed during any of the five  
9648 (5) years if the net employment increase falls below twenty (20).  
9649 The Tax Commission shall adjust the credit allowed each year for  
9650 the net new employment fluctuations above the minimum level of  
9651 twenty (20).

9652 (5) In addition to the credits authorized in subsections  
9653 (2), (3) and (4), an additional Five Hundred Dollars (\$500.00)  
9654 credit for each net new full-time employee or an additional One  
9655 Thousand Dollars (\$1,000.00) credit for each net new full-time  
9656 employee who is paid a salary, excluding benefits which are not  
9657 subject to Mississippi income taxation, of at least one hundred  
9658 twenty-five percent (125%) of the average annual wage of the state  
9659 or an additional Two Thousand Dollars (\$2,000.00) credit for each  
9660 net new full-time employee who is paid a salary, excluding  
9661 benefits which are not subject to Mississippi income taxation, of  
9662 at least two hundred percent (200%) of the average annual wage of  
9663 the state, shall be allowed for any company establishing or  
9664 transferring its national or regional headquarters from within or  
9665 outside the State of Mississippi. A minimum of thirty-five (35)  
9666 jobs must be created to qualify for the additional credit. The  
9667 State Tax Commission shall establish criteria and prescribe  
9668 procedures to determine if a company qualifies as a national or



9669 regional headquarters for purposes of receiving the credit awarded  
9670 in this subsection. As used in this subsection, the average  
9671 annual wage of the state is the most recently published average  
9672 annual wage as determined by the Mississippi Department of  
9673 Employment Security.

9674 (6) In addition to the credits authorized in subsections  
9675 (2), (3), (4) and (5), any job requiring research and development  
9676 skills (chemist, engineer, etc.) shall qualify for an additional  
9677 One Thousand Dollars (\$1,000.00) credit for each net new full-time  
9678 employee.

9679 (7) In lieu of the tax credits provided in subsections (2)  
9680 through (6), any commercial or industrial property owner which  
9681 remediates contaminated property in accordance with Sections  
9682 49-35-1 through 49-35-25, is allowed a job tax credit for taxes  
9683 imposed by Section 27-7-5 equal to the amounts provided in  
9684 subsection (2), (3) or (4) for each net new full-time employee job  
9685 for five (5) years beginning with years two (2) through six (6)  
9686 after the creation of the job. The number of new full-time jobs  
9687 must be determined by comparing the monthly average number of  
9688 full-time employees subject to Mississippi income tax withholding  
9689 for the taxable year with the corresponding period of the prior  
9690 taxable year. This subsection shall be administered in the same  
9691 manner as subsections (2), (3) and (4), except the landowner shall  
9692 not be required to increase employment by the levels provided in  
9693 subsections (2), (3) and (4) to be eligible for the tax credit.



9694 (8) Tax credits for five (5) years for the taxes imposed by  
9695 Section 27-7-5 shall be awarded for additional net new full-time  
9696 jobs created by business enterprises qualified under subsections  
9697 (2), (3), (4), (5), (6) and (7) of this section. Except as  
9698 otherwise provided, the Tax Commission shall adjust the credit  
9699 allowed in the event of employment fluctuations during the  
9700 additional five (5) years of credit.

9701 (9) (a) The sale, merger, acquisition, reorganization,  
9702 bankruptcy or relocation from one (1) county to another county  
9703 within the state of any business enterprise may not create new  
9704 eligibility in any succeeding business entity, but any unused job  
9705 tax credit may be transferred and continued by any transferee of  
9706 the business enterprise. The Tax Commission shall determine  
9707 whether or not qualifying net increases or decreases have occurred  
9708 or proper transfers of credit have been made and may require  
9709 reports, promulgate regulations, and hold hearings as needed for  
9710 substantiation and qualification.

9711 (b) This subsection shall not apply in cases in which a  
9712 business enterprise has ceased operation, laid off all its  
9713 employees and is subsequently acquired by another unrelated  
9714 business entity that continues operation of the enterprise in the  
9715 same or a similar type of business. In such a case the succeeding  
9716 business entity shall be eligible for the credit authorized by  
9717 this section unless the cessation of operation of the business



9718 enterprise was for the purpose of obtaining new eligibility for  
9719 the credit.

9720 (10) Any tax credit claimed under this section but not used  
9721 in any taxable year may be carried forward for five (5) years from  
9722 the close of the tax year in which the qualified jobs were  
9723 established but the credit established by this section taken in  
9724 any one (1) tax year must be limited to an amount not greater than  
9725 fifty percent (50%) of the taxpayer's state income tax liability  
9726 which is attributable to income derived from operations in the  
9727 state for that year. If the permanent business enterprise is  
9728 located in an area that has been declared by the Governor to be a  
9729 disaster area and as a direct result of the disaster the business  
9730 enterprise is unable to use the existing carryforward, the  
9731 Chairman of the State Tax Commission may extend the period that  
9732 the credit may be carried forward for a period of time not to  
9733 exceed two (2) years.

9734 (11) No business enterprise for the transportation,  
9735 handling, storage, processing or disposal of hazardous waste is  
9736 eligible to receive the tax credits provided in this section.

9737 (12) The credits allowed under this section shall not be  
9738 used by any business enterprise or corporation other than the  
9739 business enterprise actually qualifying for the credits.

9740 (13) The tax credits provided for in this section shall be  
9741 in addition to any tax credits described in Sections 57-51-13(b),  
9742 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official



9743 action by the Mississippi Development Authority prior to July 1,  
9744 1989, to any business enterprise determined prior to July 1, 1989,  
9745 by the Mississippi Development Authority to be a qualified  
9746 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or  
9747 a qualified company as described in Section 57-53-1, as the case  
9748 may be; however, from and after July 1, 1989, tax credits shall be  
9749 allowed only under either this section or Sections 57-51-13(b),  
9750 57-53-1(1) (a) and Section 57-54-9(b) for each net new full-time  
9751 employee.

9752 (14) As used in this section, the term "telecommunications  
9753 enterprises" means entities engaged in the creation, display,  
9754 management, storage, processing, transmission or distribution for  
9755 compensation of images, text, voice, video or data by wire or by  
9756 wireless means, or entities engaged in the construction, design,  
9757 development, manufacture, maintenance or distribution for  
9758 compensation of devices, products, software or structures used in  
9759 the above activities. Companies organized to do business as  
9760 commercial broadcast radio stations, television stations or news  
9761 organizations primarily serving in-state markets shall not be  
9762 included within the definition of the term "telecommunications  
9763 enterprises."

9764 **[In cases involving business enterprises that apply for the**  
9765 **job tax credit authorized by this section from and after January**  
9766 **1, 2005, this section shall read as follows:]**



9767           57-73-21. (1) Annually by December 31, using the most  
9768 current data available from the University Research Center,  
9769 Mississippi Department of Employment Security and the United  
9770 States Department of Commerce, the Department of Revenue shall  
9771 rank and designate the state's counties as provided in this  
9772 section. The twenty-eight (28) counties in this state having a  
9773 combination of the highest unemployment rate and lowest per capita  
9774 income for the most recent thirty-six-month period, with equal  
9775 weight being given to each category, are designated Tier Three  
9776 areas. The twenty-seven (27) counties in the state with a  
9777 combination of the next highest unemployment rate and next lowest  
9778 per capita income for the most recent thirty-six-month period,  
9779 with equal weight being given to each category, are designated  
9780 Tier Two areas. The twenty-seven (27) counties in the state with  
9781 a combination of the lowest unemployment rate and the highest per  
9782 capita income for the most recent thirty-six-month period, with  
9783 equal weight being given to each category, are designated Tier One  
9784 areas. Counties designated by the Department of Revenue qualify  
9785 for the appropriate tax credit for jobs as provided in this  
9786 section. The designation by the Department of Revenue is  
9787 effective for the tax years of permanent business enterprises  
9788 which begin after the date of designation. For companies which  
9789 plan an expansion in their labor forces, the Department of Revenue  
9790 shall prescribe certification procedures to ensure that the  
9791 companies can claim credits in future years without regard to



9792 whether or not a particular county is removed from the list of  
9793 Tier Three or Tier Two areas.

9794 (2) Permanent business enterprises in counties designated by  
9795 the Department of Revenue as Tier Three areas are allowed a job  
9796 tax credit for taxes imposed by Section 27-7-5 equal to ten  
9797 percent (10%) of the payroll of the enterprise for net new  
9798 full-time employee jobs for five (5) years beginning with years  
9799 two (2) through six (6) after the creation of the minimum number  
9800 of jobs required by this subsection; however, if the permanent  
9801 business enterprise is located in an area that has been declared  
9802 by the Governor to be a disaster area and as a direct result of  
9803 the disaster the permanent business enterprise is unable to  
9804 maintain the required number of jobs, the Commissioner of Revenue  
9805 may extend this time period for not more than two (2) years. The  
9806 number of new full-time jobs must be determined by comparing the  
9807 monthly average number of full-time employees subject to the  
9808 Mississippi income tax withholding for the taxable year with the  
9809 corresponding period of the prior taxable year. Only those  
9810 permanent business enterprises that increase employment by ten  
9811 (10) or more in a Tier Three area are eligible for the credit.  
9812 Credit is not allowed during any of the five (5) years if the net  
9813 employment increase falls below ten (10). The Department of  
9814 Revenue shall adjust the credit allowed each year for the net new  
9815 employment fluctuations above the minimum level of ten (10).  
9816 Medical cannabis establishments as defined in the Mississippi



9817 Medical Cannabis Act shall not be eligible for the tax credit  
9818 authorized in this subsection (2).

9819 (3) Permanent business enterprises in counties that have  
9820 been designated by the Department of Revenue as Tier Two areas are  
9821 allowed a job tax credit for taxes imposed by Section 27-7-5 equal  
9822 to five percent (5%) of the payroll of the enterprise for net new  
9823 full-time employee jobs for five (5) years beginning with years  
9824 two (2) through six (6) after the creation of the minimum number  
9825 of jobs required by this subsection; however, if the permanent  
9826 business enterprise is located in an area that has been declared  
9827 by the Governor to be a disaster area and as a direct result of  
9828 the disaster the permanent business enterprise is unable to  
9829 maintain the required number of jobs, the Commissioner of Revenue  
9830 may extend this time period for not more than two (2) years. The  
9831 number of new full-time jobs must be determined by comparing the  
9832 monthly average number of full-time employees subject to  
9833 Mississippi income tax withholding for the taxable year with the  
9834 corresponding period of the prior taxable year. Only those  
9835 permanent business enterprises that increase employment by fifteen  
9836 (15) or more in Tier Two areas are eligible for the credit. The  
9837 credit is not allowed during any of the five (5) years if the net  
9838 employment increase falls below fifteen (15). The Department of  
9839 Revenue shall adjust the credit allowed each year for the net new  
9840 employment fluctuations above the minimum level of fifteen (15).  
9841 Medical cannabis establishments as defined in the Mississippi





9842 Medical Cannabis Act shall not be eligible for the tax credit  
9843 authorized in this subsection (3).

9844 (4) Permanent business enterprises in counties designated by  
9845 the Department of Revenue as Tier One areas are allowed a job tax  
9846 credit for taxes imposed by Section 27-7-5 equal to two and  
9847 one-half percent (2.5%) of the payroll of the enterprise for net  
9848 new full-time employee jobs for five (5) years beginning with  
9849 years two (2) through six (6) after the creation of the minimum  
9850 number of jobs required by this subsection; however, if the  
9851 permanent business enterprise is located in an area that has been  
9852 declared by the Governor to be a disaster area and as a direct  
9853 result of the disaster the permanent business enterprise is unable  
9854 to maintain the required number of jobs, the Commissioner of  
9855 Revenue may extend this time period for not more than two (2)  
9856 years. The number of new full-time jobs must be determined by  
9857 comparing the monthly average number of full-time employees  
9858 subject to Mississippi income tax withholding for the taxable year  
9859 with the corresponding period of the prior taxable year. Only  
9860 those permanent business enterprises that increase employment by  
9861 twenty (20) or more in Tier One areas are eligible for the credit.  
9862 The credit is not allowed during any of the five (5) years if the  
9863 net employment increase falls below twenty (20). The Department  
9864 of Revenue shall adjust the credit allowed each year for the net  
9865 new employment fluctuations above the minimum level of twenty  
9866 (20). Medical cannabis establishments as defined in the



9867 Mississippi Medical Cannabis Act shall not be eligible for the tax  
9868 credit authorized in this subsection (4).

9869 (5) (a) In addition to the other credits authorized in this  
9870 section, an additional Five Hundred Dollars (\$500.00) credit for  
9871 each net new full-time employee or an additional One Thousand  
9872 Dollars (\$1,000.00) credit for each net new full-time employee who  
9873 is paid a salary, excluding benefits which are not subject to  
9874 Mississippi income taxation, of at least one hundred twenty-five  
9875 percent (125%) of the average annual wage of the state or an  
9876 additional Two Thousand Dollars (\$2,000.00) credit for each net  
9877 new full-time employee who is paid a salary, excluding benefits  
9878 which are not subject to Mississippi income taxation, of at least  
9879 two hundred percent (200%) of the average annual wage of the  
9880 state, shall be allowed for any company establishing or  
9881 transferring its national or regional headquarters from within or  
9882 outside the State of Mississippi. A minimum of twenty (20) jobs  
9883 must be created to qualify for the additional credit. The  
9884 Department of Revenue shall establish criteria and prescribe  
9885 procedures to determine if a company qualifies as a national or  
9886 regional headquarters for purposes of receiving the credit awarded  
9887 in this paragraph (a). As used in this paragraph (a), the average  
9888 annual wage of the state is the most recently published average  
9889 annual wage as determined by the Mississippi Department of  
9890 Employment Security. Medical cannabis establishments as defined



9891 in the Mississippi Medical Cannabis Act shall not be eligible for  
9892 the tax credit authorized in this paragraph (a).

9893 (b) In addition to the other credits authorized in this  
9894 section, an additional Five Hundred Dollars (\$500.00) credit for  
9895 each net new full-time employee or an additional One Thousand  
9896 Dollars (\$1,000.00) credit for each net new full-time employee who  
9897 is paid a salary, excluding benefits which are not subject to  
9898 Mississippi income taxation, of at least one hundred twenty-five  
9899 percent (125%) of the average annual wage of the state or an  
9900 additional Two Thousand Dollars (\$2,000.00) credit for each net  
9901 new full-time employee who is paid a salary, excluding benefits  
9902 which are not subject to Mississippi income taxation, of at least  
9903 two hundred percent (200%) of the average annual wage of the  
9904 state, shall be allowed for any company expanding or making  
9905 additions after January 1, 2013, to its national or regional  
9906 headquarters within the State of Mississippi. A minimum of twenty  
9907 (20) new jobs must be created to qualify for the additional  
9908 credit. The Department of Revenue shall establish criteria and  
9909 prescribe procedures to determine if a company qualifies as a  
9910 national or regional headquarters for purposes of receiving the  
9911 credit awarded in this paragraph (b). As used in this paragraph  
9912 (b), the average annual wage of the state is the most recently  
9913 published average annual wage as determined by the Mississippi  
9914 Department of Employment Security. Medical cannabis  
9915 establishments as defined in the Mississippi Medical Cannabis Act



9916 shall not be eligible for the tax credit authorized in this  
9917 paragraph (b).

9918 (6) In addition to the other credits authorized in this  
9919 section, any job requiring research and development skills  
9920 (chemist, engineer, etc.) shall qualify for an additional One  
9921 Thousand Dollars (\$1,000.00) credit for each net new full-time  
9922 employee. Medical cannabis establishments as defined in the  
9923 Mississippi Medical Cannabis Act shall not be eligible for the tax  
9924 credit authorized in this subsection (6).

9925 (7) (a) In addition to the other credits authorized in this  
9926 section, any company that transfers or relocates its national or  
9927 regional headquarters to the State of Mississippi from outside the  
9928 State of Mississippi may receive a tax credit in an amount equal  
9929 to the actual relocation costs paid by the company. A minimum of  
9930 twenty (20) jobs must be created in order to qualify for the  
9931 additional credit authorized under this subsection. Relocation  
9932 costs for which a credit may be awarded shall be determined by the  
9933 Department of Revenue and shall include those nondepreciable  
9934 expenses that are necessary to relocate headquarters employees to  
9935 the national or regional headquarters, including, but not limited  
9936 to, costs such as travel expenses for employees and members of  
9937 their households to and from Mississippi in search of homes and  
9938 moving expenses to relocate furnishings, household goods and  
9939 personal property of the employees and members of their  
9940 households. Medical cannabis establishments as defined in the



9941 Mississippi Medical Cannabis Act shall not be eligible for the tax  
9942 credit authorized in this subsection (7).

9943           (b) The tax credit authorized under this subsection  
9944 shall be applied for the taxable year in which the relocation  
9945 costs are paid. The maximum cumulative amount of tax credits that  
9946 may be claimed by all taxpayers claiming a credit under this  
9947 subsection in any one (1) state fiscal year shall not exceed One  
9948 Million Dollars (\$1,000,000.00), exclusive of credits that might  
9949 be carried forward from previous taxable years. A company may not  
9950 receive a credit for the relocation of an employee more than one  
9951 (1) time in a twelve-month period for that employee.

9952           (c) The Department of Revenue shall establish criteria  
9953 and prescribe procedures to determine if a company creates the  
9954 required number of jobs and qualifies as a national or regional  
9955 headquarters for purposes of receiving the credit awarded in this  
9956 subsection. A company desiring to claim a credit under this  
9957 subsection must submit an application for such credit with the  
9958 Department of Revenue in a manner prescribed by the department.

9959           (d) In order to participate in the provisions of this  
9960 section, a company must certify to the Mississippi Department of  
9961 Revenue that it complies with the equal pay provisions of the  
9962 federal Equal Pay Act of 1963, the Americans with Disabilities Act  
9963 of 1990 and the fair pay provisions of the Civil Rights Act of  
9964 1964.



9965 (e) This subsection shall stand repealed on July 1,  
9966 2022.

9967 (8) In lieu of the other tax credits provided in this  
9968 section, any commercial or industrial property owner which  
9969 remediates contaminated property in accordance with Sections  
9970 49-35-1 through 49-35-25, is allowed a job tax credit for taxes  
9971 imposed by Section 27-7-5 equal to the percentage of payroll  
9972 provided in subsection (2), (3) or (4) of this section for net new  
9973 full-time employee jobs for five (5) years beginning with years  
9974 two (2) through six (6) after the creation of the jobs. The  
9975 number of new full-time jobs must be determined by comparing the  
9976 monthly average number of full-time employees subject to  
9977 Mississippi income tax withholding for the taxable year with the  
9978 corresponding period of the prior taxable year. This subsection  
9979 shall be administered in the same manner as subsections (2), (3)  
9980 and (4), except the landowner shall not be required to increase  
9981 employment by the levels provided in subsections (2), (3) and (4)  
9982 to be eligible for the tax credit.

9983 (9) (a) Tax credits for five (5) years for the taxes  
9984 imposed by Section 27-7-5 shall be awarded for increases in the  
9985 annual payroll for net new full-time jobs created by business  
9986 enterprises qualified under this section. The Department of  
9987 Revenue shall adjust the credit allowed in the event of payroll  
9988 fluctuations during the additional five (5) years of credit.



9989                   (b) Tax credits for five (5) years for the taxes  
9990 imposed by Section 27-7-5 shall be awarded for additional net new  
9991 full-time jobs created by business enterprises qualified under  
9992 subsections (5) and (6) of this section and for additional  
9993 relocation costs paid by companies qualified under subsection (7)  
9994 of this section. The Department of Revenue shall adjust the  
9995 credit allowed in the event of employment fluctuations during the  
9996 additional five (5) years of credit.

9997                   (10) (a) The sale, merger, acquisition, reorganization,  
9998 bankruptcy or relocation from one (1) county to another county  
9999 within the state of any business enterprise may not create new  
10000 eligibility in any succeeding business entity, but any unused job  
10001 tax credit may be transferred and continued by any transferee of  
10002 the business enterprise. The Department of Revenue shall  
10003 determine whether or not qualifying net increases or decreases  
10004 have occurred or proper transfers of credit have been made and may  
10005 require reports, promulgate regulations, and hold hearings as  
10006 needed for substantiation and qualification.

10007                   (b) This subsection shall not apply in cases in which a  
10008 business enterprise has ceased operation, laid off all its  
10009 employees and is subsequently acquired by another unrelated  
10010 business entity that continues operation of the enterprise in the  
10011 same or a similar type of business. In such a case the succeeding  
10012 business entity shall be eligible for the credit authorized by  
10013 this section unless the cessation of operation of the business



10014 enterprise was for the purpose of obtaining new eligibility for  
10015 the credit.

10016 (11) Any tax credit claimed under this section but not used  
10017 in any taxable year may be carried forward for five (5) years from  
10018 the close of the tax year in which the qualified jobs were  
10019 established and/or headquarters relocation costs paid, as  
10020 applicable, but the credit established by this section taken in  
10021 any one (1) tax year must be limited to an amount not greater than  
10022 fifty percent (50%) of the taxpayer's state income tax liability  
10023 which is attributable to income derived from operations in the  
10024 state for that year. If the permanent business enterprise is  
10025 located in an area that has been declared by the Governor to be a  
10026 disaster area and as a direct result of the disaster the business  
10027 enterprise is unable to use the existing carryforward, the  
10028 Commissioner of Revenue may extend the period that the credit may  
10029 be carried forward for a period of time not to exceed two (2)  
10030 years.

10031 (12) No business enterprise for the transportation,  
10032 handling, storage, processing or disposal of hazardous waste is  
10033 eligible to receive the tax credits provided in this section.

10034 (13) The credits allowed under this section shall not be  
10035 used by any business enterprise or corporation other than the  
10036 business enterprise actually qualifying for the credits.

10037 (14) As used in this section:





10038 (a) "Business enterprises" means entities primarily  
10039 engaged in:

10040 (i) Manufacturing, processing, warehousing,  
10041 warehousing activities, distribution, wholesaling and research and  
10042 development, or

10043 (ii) Permanent business enterprises designated by  
10044 rule and regulation of the Mississippi Development Authority as  
10045 air transportation and maintenance facilities, final destination  
10046 or resort hotels having a minimum of one hundred fifty (150) guest  
10047 rooms, recreational facilities that impact tourism, movie industry  
10048 studios, telecommunications enterprises, data or information  
10049 processing enterprises or computer software development  
10050 enterprises or any technology intensive facility or enterprise.

10051 (b) "Telecommunications enterprises" means entities  
10052 engaged in the creation, display, management, storage, processing,  
10053 transmission or distribution for compensation of images, text,  
10054 voice, video or data by wire or by wireless means, or entities  
10055 engaged in the construction, design, development, manufacture,  
10056 maintenance or distribution for compensation of devices, products,  
10057 software or structures used in the above activities. Companies  
10058 organized to do business as commercial broadcast radio stations,  
10059 television stations or news organizations primarily serving  
10060 in-state markets shall not be included within the definition of  
10061 the term "telecommunications enterprises."



10062           (c) "Warehousing activities" means entities that  
10063 establish or expand facilities that service and support multiple  
10064 retail or wholesale locations within and outside the state.  
10065 Warehousing activities may be performed solely to support the  
10066 primary activities of the entity, and credits generated shall  
10067 offset the income of the entity based on an apportioned ratio of  
10068 payroll for warehouse employees of the entity to total Mississippi  
10069 payroll of the entity that includes the payroll of retail  
10070 employees of the entity.

10071           (15) The tax credits provided for in this section shall be  
10072 in addition to any tax credits described in Sections 57-51-13(b),  
10073 57-53-1(1) (a) and 57-54-9(b) and granted pursuant to official  
10074 action by the Mississippi Development Authority prior to July 1,  
10075 1989, to any business enterprise determined prior to July 1, 1989,  
10076 by the Mississippi Development Authority to be a qualified  
10077 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or  
10078 a qualified company as described in Section 57-53-1, as the case  
10079 may be; however, from and after July 1, 1989, tax credits shall be  
10080 allowed only under either this section or Sections 57-51-13(b),  
10081 57-53-1(1) (a) and Section 57-54-9(b) for each net new full-time  
10082 employee.

10083           (16) A business enterprise that chooses to receive job  
10084 training assistance pursuant to Section 57-1-451 shall not be  
10085 eligible for the tax credits provided for in this section.



10086           **SECTION 92.** Section 57-80-5, Mississippi Code of 1972, is  
10087 amended as follows:

10088           57-80-5. As used in this chapter, the following words and  
10089 phrases shall have the meanings ascribed herein unless the context  
10090 clearly indicates otherwise:

10091           (a) "Approved business enterprise" means any business  
10092 enterprise seeking to locate or expand in a growth and prosperity  
10093 county, which business enterprise is approved by the MDA.

10094           (b) "Business enterprise" means any new or expanded (i)  
10095 industry for the manufacturing, processing, assembling, storing,  
10096 warehousing, servicing, distributing or selling of any products or  
10097 goods, including products of agriculture; (ii) enterprises for  
10098 research and development, including, but not limited to,  
10099 scientific laboratories; or (iii) such other businesses or  
10100 industry as will be in furtherance of the public purposes of this  
10101 chapter as determined by the MDA and which creates a minimum of  
10102 ten (10) jobs. "Business enterprise" does not include retail or  
10103 gaming businesses or electrical generation facilities, or medical  
10104 cannabis establishments as defined in the Mississippi Medical  
10105 Cannabis Act.

10106           (c) "Eligible supervisors district" means:

10107           (i) A supervisors district:

10108                   1. As such district exists on January 1,  
10109 2001, in which thirty percent (30%) or more of such district's  
10110 population as of June 30, 2000, is at or below the federal poverty



10111 level according to the official data compiled by the United States  
10112 Census Bureau as of June 30, 2000, or the official 1990 census  
10113 poverty rate data (the official 1990 census poverty rate data  
10114 shall not be used to make any such determination after December  
10115 31, 2002); or

10116                                   2. In which thirty percent (30%) or more of  
10117 such district's population is at or below the federal poverty  
10118 level according to the latest official data compiled by the United  
10119 States Census Bureau;

10120                                   (ii) Which is contiguous to a county that meets  
10121 the criteria of Section 57-80-7(1)(b); and

10122                                   (iii) Which is located in a county which has been  
10123 issued a certificate of public convenience and necessity under  
10124 this chapter.

10125                                   (d) "Growth and prosperity counties" means those  
10126 counties which meet the requirements of this chapter and which  
10127 have by resolution or order given its consent to participate in  
10128 the Growth and Prosperity Program.

10129                                   (e) "Local tax" means any county or municipal ad  
10130 valorem tax imposed on the approved business enterprise pursuant  
10131 to law, except the school portion of the tax and any portion of  
10132 the tax imposed to pay the cost of providing fire and police  
10133 protection.

10134                                   (f) "Local taxing authority" means any county or  
10135 municipality which by resolution or order has given its consent to



10136 participate in the Growth and Prosperity Program acting through  
10137 its respective board of supervisors or the municipal governing  
10138 board, council, commission or other legal authority.

10139 (g) "MDA" means the Mississippi Development Authority.

10140 (h) "State tax" means:

10141 (i) Any sales and use tax imposed on the business  
10142 enterprise pursuant to law related to the purchase of component  
10143 building materials and equipment for initial construction of  
10144 facilities or expansion of facilities in a growth and prosperity  
10145 county or supervisors districts, as the case may be;

10146 (ii) All income tax imposed pursuant to law on  
10147 income earned by the business enterprise in a growth and  
10148 prosperity county, or supervisors district, as the case may be;

10149 (iii) Franchise tax imposed pursuant to law on the  
10150 value of capital used, invested or employed by the business  
10151 enterprise in a growth and prosperity county, or supervisors  
10152 district, as the case may be; and

10153 (iv) Any sales and use tax imposed on the lease of  
10154 machinery and equipment acquired in the initial construction to  
10155 establish the facility or for an expansion, including, but not  
10156 limited to, leases in existence prior to January 1, 2001, as  
10157 certified by the MDA, in a growth and prosperity county, or  
10158 supervisors district, as the case may be.

10159 **SECTION 93.** Section 57-85-5, Mississippi Code of 1972, is  
10160 amended as follows:



10161           57-85-5. (1) For the purposes of this section, the  
10162 following words and phrases shall have the meanings ascribed in  
10163 this section unless the context clearly indicates otherwise:

10164           (a) "MDA" means the Mississippi Development Authority.

10165           (b) "Project" means construction, rehabilitation or  
10166 repair of buildings; sewer systems and transportation directly  
10167 affecting the site of the proposed rural business; sewer  
10168 facilities, acquisition of real property, development of real  
10169 property, improvements to real property, and any other project  
10170 approved by the Mississippi Development Authority. The term  
10171 "project" does not include any medical cannabis establishment as  
10172 defined in the Mississippi Medical Cannabis Act.

10173           (c) "Rural business" means a new or existing business  
10174 located or to be located in a rural community or a business or  
10175 industry located or to be located within five (5) miles of a rural  
10176 community. "Rural business" does not include gaming businesses or  
10177 utility businesses, or medical cannabis establishments as defined  
10178 in the Mississippi Medical Cannabis Act.

10179           (d) "Rural community" means a county in the State of  
10180 Mississippi that meets the population criteria for the term  
10181 "limited population county" as provided in Section 57-1-18.  
10182 "Rural community" also means a municipality in the State of  
10183 Mississippi that meets the population criteria for the term "small  
10184 municipality" as provided in Section 57-1-18.



10185           (2)   (a)   There is created in the State Treasury a special  
10186 fund to be designated as the "Mississippi Rural Impact Fund,"  
10187 which shall consist of funds appropriated or otherwise made  
10188 available by the Legislature in any manner and funds from any  
10189 other source designated for deposit into such fund. Unexpended  
10190 amounts remaining in the fund at the end of a fiscal year shall  
10191 not lapse into the State General Fund, and any investment earnings  
10192 or interest earned on amounts in the fund shall be deposited to  
10193 the credit of the fund. Monies in the fund shall be used to make  
10194 grants and loans to rural communities and loan guaranties on  
10195 behalf of rural businesses to assist in completing projects under  
10196 this section.

10197           (b)   Monies in the fund which are derived from proceeds  
10198 of bonds issued after April 15, 2003, may be used to reimburse  
10199 reasonable actual and necessary costs incurred by the MDA for the  
10200 administration of the various grant, loan and financial incentive  
10201 programs administered by the MDA. An accounting of actual costs  
10202 incurred for which reimbursement is sought shall be maintained by  
10203 the MDA. Reimbursement of reasonable actual and necessary costs  
10204 shall not exceed three percent (3%) of the proceeds of bonds  
10205 issued. Reimbursements under this paragraph (b) shall satisfy any  
10206 applicable federal tax law requirements.

10207           (c)   The MDA may use monies in the fund to pay for the  
10208 services of architects, engineers, attorneys and such other  
10209 advisors, consultants and agents that the MDA determines are



10210 necessary to review loan and grant applications and to implement  
10211 and administer the program established under this section.

10212 (d) The State Auditor may conduct performance and  
10213 compliance audits under this chapter according to Section  
10214 7-7-211(o) and may bill the oversight agency.

10215 (3) The MDA shall establish a program to make grants and  
10216 loans to rural communities and loan guaranties on behalf of rural  
10217 businesses from the Mississippi Rural Impact Fund. A rural  
10218 community may apply to the MDA for a grant or loan under this  
10219 section in the manner provided for in this section. A rural  
10220 business may apply to the MDA for a loan guaranty under this  
10221 section in the manner provided in this section.

10222 (4) A rural community desiring assistance under this section  
10223 must submit an application to the MDA. The application must  
10224 include a description of the project for which assistance is  
10225 requested, the cost of the project for which assistance is  
10226 requested and any other information required by the MDA. A rural  
10227 business desiring assistance under this section must submit an  
10228 application to the MDA. The application must include a  
10229 description of the purpose for which assistance is requested and  
10230 any other information required by the MDA. The MDA may waive any  
10231 requirements of the program established under this section in  
10232 order to expedite funding for unique projects.

10233 (5) The MDA shall have all powers necessary to implement and  
10234 administer the program established under this section, and the MDA





10235 shall promulgate rules and regulations, in accordance with the  
10236 Mississippi Administrative Procedures Law, necessary for the  
10237 implementation of this section.

10238           **SECTION 94.** Section 57-91-5, Mississippi Code of 1972, is  
10239 amended as follows:

10240           57-91-5. As used in this chapter, the following words and  
10241 phrases shall have the meanings ascribed herein unless the context  
10242 clearly indicates otherwise:

10243           (a) "Business enterprise" means any permanent business  
10244 enterprise locating or relocating within a redevelopment project  
10245 area, including, without limitation:

10246                   (i) Industry for the manufacturing, processing,  
10247 assembling, storing, warehousing, servicing, distributing or  
10248 selling of any products or goods, including products of  
10249 agriculture;

10250                   (ii) Enterprises for research and development,  
10251 including, but not limited to, scientific laboratories;

10252                   (iii) Industry for the retail sale of goods and  
10253 services;

10254                   (iv) The industry for recreation and hospitality,  
10255 including, but not limited to, restaurants, hotels and sports  
10256 facilities; and

10257                   (v) Such other businesses or industry as will be  
10258 in furtherance of the public purposes of this chapter as  
10259 determined by the MDA.



10260           The term "business enterprise" shall not include gaming  
10261 businesses, or medical cannabis establishments as defined in the  
10262 Mississippi Medical Cannabis Act.

10263           (b) "Contaminated site" means real property that is  
10264 either (i) subject to a bankruptcy court order in which the  
10265 property has been abandoned from the bankruptcy estate, or (ii)  
10266 Brownfield property that is subject to a Brownfield agreement  
10267 under Section 49-35-11, and the expansion, redevelopment or reuse  
10268 of which is complicated by the presence or potential presence of a  
10269 hazardous substance, pollutant or contaminant.

10270           (c) "County" means any county of this state.

10271           (d) "Developer" means any person who assumes certain  
10272 environmental liability at a contaminated site and enters into an  
10273 agreement with a redevelopment county or municipality whereby the  
10274 developer agrees to undertake a redevelopment project. "Developer  
10275 agreement" means said agreement.

10276           (e) "Governing body" means the board of supervisors of  
10277 any county or the governing board of a municipality.

10278           (f) "Law" means any act or statute, general, special or  
10279 local, of this state.

10280           (g) "MDA" means the Mississippi Development Authority.

10281           (h) "MDEQ" means the Mississippi Department of  
10282 Environmental Quality.

10283           (i) "Municipality" means any incorporated municipality  
10284 in the state.



10285 (j) "Person" means a natural person, partnership,  
10286 association, corporation, business trust or other business entity.

10287 (k) "Redevelopment counties and municipalities" means  
10288 those counties or municipalities which meet the requirements of  
10289 this chapter and which have by resolution or order designated a  
10290 redevelopment project area and given its consent to participate in  
10291 the program established under this chapter.

10292 (l) "Redevelopment project" means a project that  
10293 combines remediation of a contaminated site with the planned  
10294 development of such site and surrounding land in a manner  
10295 conducive to use by the public or business enterprises including  
10296 the construction of recreational facilities.

10297 (m) "Redevelopment project area" means the geographic  
10298 area defined by resolution of the county or municipality within  
10299 which the remediation and planned development will take place  
10300 containing the contaminated site and additional surrounding and  
10301 adjacent land and waterfront, not exceeding six hundred fifty  
10302 (650) acres, suitable for development.

10303 (n) "Resolution" means an order, resolution, ordinance,  
10304 act, record of minutes or other appropriate enactment of a  
10305 governing body.

10306 (o) "State taxes and fees" means any sales tax imposed  
10307 on the sales or certain purchases by a business enterprise  
10308 pursuant to law within a redevelopment project area, all income  
10309 tax imposed pursuant to law on income earned by the approved



10310 business enterprise within a redevelopment project area and all  
10311 franchise tax imposed pursuant to law on the value of capital  
10312 used, invested or employed by the approved business enterprise in  
10313 a redevelopment project area.

10314       **SECTION 95.** Section 57-117-3, Mississippi Code of 1972, is  
10315 amended as follows:

10316           57-117-3. In this chapter:

10317               (a) "Health care industry facility" means:

10318                       (i) A business engaged in the research and  
10319 development of pharmaceuticals, biologics, biotechnology,  
10320 diagnostic imaging, medical supplies, medical equipment or  
10321 medicine and related manufacturing or processing, medical service  
10322 providers, medical product distribution, or laboratory testing  
10323 that creates a minimum of twenty-five (25) new full-time jobs  
10324 and/or Ten Million Dollars (\$10,000,000.00) of capital investment  
10325 after July 1, 2012; or

10326                       (ii) A business that \* \* \* 1. is located on land  
10327 owned by or leased from an academic health science center with a  
10328 medical school accredited by the Liaison Committee on Medical  
10329 Education and a hospital accredited by the Joint Committee on  
10330 Accreditation of Healthcare Organizations and \* \* \* 2. creates a  
10331 minimum of twenty-five (25) new jobs and/or Twenty Million Dollars  
10332 (\$20,000,000.00) of capital investment after July 1, 2012.



10333           The term "health care industry facility" does not include any  
10334 medical cannabis establishment as defined in the Mississippi  
10335 Medical Cannabis Act.

10336           (b) "MDA" means the Mississippi Development Authority.

10337           (c) "Health care industry zone" means a geographical  
10338 area certified by the MDA as provided for in Section 57-117-5.

10339           (d) "Local government unit" means any county or  
10340 incorporated city, town or village in the State of Mississippi.

10341           (e) "Person" means a natural person, partnership,  
10342 limited liability company, association, corporation, business  
10343 trust or other business entity.

10344           (f) "Qualified business" means a business or health  
10345 care industry facility that meets the requirements of Section  
10346 57-117-7 and any other requirements of this chapter. The term  
10347 "qualified business" does not include any medical cannabis  
10348 establishment as defined in the Mississippi Medical Cannabis Act.

10349           **SECTION 96.** Section 57-119-11, Mississippi Code of 1972, is  
10350 amended as follows:

10351           57-119-11. (1) MDA is further authorized, on such terms and  
10352 conditions consistent with the criteria set forth in this section  
10353 as it may determine, to establish programs for making loans, loan  
10354 guarantees, grants and any other financial assistance from the  
10355 GCRF to applicants whose projects are approved for assistance  
10356 under this section. MDA shall establish criteria, rules and  
10357 procedures for accepting, reviewing, granting or denying



10358 applications, and for terms and conditions of financial assistance  
10359 under this section in accordance with state law. The Legislature  
10360 shall appropriate monies from the GCRF to the MDA to fund the  
10361 programs established under this section in an amount requested  
10362 annually by MDA for such purpose.

10363 (2) Applicants who are eligible for assistance under this  
10364 section include, but are not limited to, local units of  
10365 government, nongovernmental organizations, institutions of higher  
10366 learning, community colleges, ports, airports, public-private  
10367 partnerships, private for-profit entities, private nonprofit  
10368 entities, and local economic development entities.

10369 (3) MDA shall establish programs and an application process  
10370 to provide assistance to applicants under this section that  
10371 prioritize:

10372 (a) Projects that will impact the long-term  
10373 competitiveness of the region and may result in a significant  
10374 positive impact on tax base, private sector job creation and  
10375 private sector investment in the region;

10376 (b) Projects that demonstrate the maximum long-term  
10377 economic benefits and long-term growth potential of the region  
10378 based on a financial analysis such as a cost-benefit analysis or a  
10379 return-on-investment analysis;

10380 (c) Projects that demonstrate long-term financial  
10381 sustainability, including clear performance metrics, over the  
10382 duration of the project;



10383 (d) Projects that leverage or encourage leveraging of  
10384 other private sector, local, state and federal funding sources  
10385 with preference to projects that can demonstrate contributions  
10386 from other sources than funds from the BP settlement;

10387 (e) Projects that are supported by multiple government  
10388 or private sector entities;

10389 (f) Projects that can move quickly and efficiently to  
10390 the design, engineering, and permitting phase;

10391 (g) Projects that enhance the quality of life/place and  
10392 business environment of the region, including tourism and  
10393 recreational opportunities;

10394 (h) Projects that expand the region's ability to  
10395 attract high-growth industries or establish new high-growth  
10396 industries in the region;

10397 (i) Projects that leverage or further enhance key  
10398 regional assets, including educational institutions, research  
10399 facilities, ports, airports, rails and military bases;

10400 (j) Projects that are transformational for the future  
10401 of the region but create a wider regional impact;

10402 (k) Projects that enhance the marketability of existing  
10403 industrial properties;

10404 (l) Projects that enhance a targeted industry cluster  
10405 or create a Center of Excellence unique to the region;

10406 (m) Infrastructure projects for business retention and  
10407 development;



10408 (n) Projects that enhance research and innovative  
10409 technologies in the region; and

10410 (o) Projects that provide outcome and return on  
10411 investment measures, to be judged by clear performance metrics,  
10412 over the duration of the project or program.

10413 (4) The MDA shall not approve any application for assistance  
10414 or provide any assistance under this section for projects that are  
10415 medical cannabis establishments as defined in the Mississippi  
10416 Medical Cannabis Act or for projects related in any manner to  
10417 medical cannabis establishments.

10418 **SECTION 97.** Section 65-4-5, Mississippi Code of 1972, is  
10419 amended as follows:

10420 65-4-5. (1) The following words when used in this chapter  
10421 shall have the meanings herein ascribed unless the context  
10422 otherwise clearly requires:

10423 (a) "Board" means the Mississippi Development  
10424 Authority;

10425 (b) "Department" means the Mississippi Department of  
10426 Transportation;

10427 (c) "High economic benefit project" means:

10428 (i) Any new investment by a private company with  
10429 capital investments in land, buildings, depreciable fixed assets  
10430 and improvements of at least Seventy Million Dollars  
10431 (\$70,000,000.00);





10432 (ii) Any new investment of at least Twenty Million  
10433 Dollars (\$20,000,000.00) by a private company having capital  
10434 investments in this state in land, buildings, depreciable fixed  
10435 assets and improvements of at least One Billion Dollars  
10436 (\$1,000,000,000.00) in the aggregate;

10437 (iii) Public investment of at least One Hundred  
10438 Million Dollars (\$100,000,000.00) to take place over a specified  
10439 period of time and in accordance with a master plan duly adopted  
10440 by the controlling political subdivision;

10441 (iv) Any new investments in land, buildings,  
10442 depreciable fixed assets and improvements by two (2) private  
10443 companies upon land that is adjacent whenever the new investments  
10444 of both companies are at least Sixty Million Dollars  
10445 (\$60,000,000.00) in the aggregate, and such new investments by  
10446 both private companies provide for the employment of at least five  
10447 hundred (500) employees in the aggregate;

10448 (v) Any project which would benefit from the  
10449 construction of any highway bypass which would aid in economic  
10450 development and would provide an alternate route to avoid an  
10451 existing route which underpasses a railroad and which would aid in  
10452 existing or proposed industry;

10453 (vi) Any master planned community;

10454 (vii) Any new investments in land, buildings,  
10455 depreciable fixed assets and improvements by not more than three  
10456 (3) private companies physically located within a one-half-mile



10457 radius of each other whenever the new investments of such  
10458 companies are at least Sixty Million Dollars (\$60,000,000.00) in  
10459 the aggregate, and such new investments by such companies provide  
10460 for the employment of at least three hundred (300) new employees  
10461 in the aggregate;

10462 (viii) Any new investments in land, buildings,  
10463 depreciable fixed assets and improvements by two (2) or more  
10464 private companies upon lands originally adjacent, but now divided  
10465 by a four-lane state highway and bordered by a two-lane state  
10466 highway, and the new investments of the companies are at least  
10467 Fifty Million Dollars (\$50,000,000.00) in the aggregate, and a  
10468 portion of such new investment will be utilized for the  
10469 construction of a hospital;

10470 (ix) [Repealed]

10471 (x) Any project as defined in Section  
10472 57-75-5(f)(xxi); however, the term "high economic benefit project"  
10473 does not include the construction of Mississippi Highway 348;

10474 (xi) Any project as defined in Section 17-25-17;

10475 (xii) Any project which would allow access to a  
10476 national intermodal facility with a minimum capital investment of  
10477 One Hundred Million Dollars (\$100,000,000.00) that is located  
10478 within five (5) miles of the State of Mississippi and has direct  
10479 access into an industrial park within the state;

10480 (xiii) Any new investments in land, buildings and  
10481 depreciable fixed assets and improvements by a private company of



10482 at least One Hundred Million Dollars (\$100,000,000.00) over a  
10483 specified period of time in accordance with a defined capital  
10484 improvement project approved by the board;

10485 (xiv) Any new investments in land, buildings,  
10486 depreciable fixed assets and improvements of at least Fifteen  
10487 Million Dollars (\$15,000,000.00) by a private company to establish  
10488 a private regional or national headquarters and such new  
10489 investments provide for the employment of at least one hundred  
10490 (100) new employees in the aggregate over a five-year period with  
10491 those new employees earning an annual average salary, excluding  
10492 benefits which are not subject to Mississippi income taxes, of at  
10493 least one hundred fifty percent (150%) of the most recently  
10494 published state average annual wage or the most recently published  
10495 average annual wage of the county in which the qualified private  
10496 regional or national headquarters is located, as determined by the  
10497 Mississippi Department of Employment Security, whichever is less;

10498 However, if the initial investments that a private company  
10499 made in order to meet the definition of a high economic benefit  
10500 project under this paragraph (c) (i) and in order to be approved  
10501 for such project exceeded Fifty Million Dollars (\$50,000,000.00),  
10502 or if subsequent to being approved for the initial project the  
10503 same company and/or one or more other private companies made  
10504 additional capital investments exceeding Fifty Million Dollars  
10505 (\$50,000,000.00) in aggregate value in land, buildings,  
10506 depreciable fixed assets and improvements physically attached to



10507 or forming a part of the initially planned site development, then  
10508 an amount equal to fifty percent (50%) of all such investments  
10509 that exceeds Fifty Million Dollars (\$50,000,000.00) shall be  
10510 subtracted from the Sixty Million Dollars (\$60,000,000.00) in  
10511 aggregate value of new investments required under this paragraph  
10512 (c) (vii).

10513 The term "high economic benefit project" does not include any  
10514 medical cannabis establishment as defined in the Mississippi  
10515 Medical Cannabis Act or any form of investment related thereto;

10516 (d) "Political subdivision" means one or more counties  
10517 or incorporated municipalities in the state, or a state-owned port  
10518 located in a county bordering on the Gulf of Mexico;

10519 (e) "Private company" means:

10520 (i) Any agricultural, aquacultural, maricultural,  
10521 processing, distribution, warehousing, manufacturing,  
10522 transportation, tourism or research and development enterprise;

10523 (ii) Any air transportation and maintenance  
10524 facility, regional shopping mall, hospital, large hotel, resort or  
10525 movie industry studio;

10526 (iii) The federal government with respect to any  
10527 specific project which meets the criteria established in paragraph  
10528 (c) (i) of this subsection;

10529 (iv) Any existing or proposed industry in regard  
10530 to a project described in paragraph (c) (v) of this subsection;



10531 (v) A developer with respect to any specific  
10532 project which meets the criteria established in paragraph (c) (vi)  
10533 of this subsection; or

10534 (vi) A tourism project approved by the  
10535 board \* \* \*.

10536 The term "private company" does not include any medical  
10537 cannabis establishment as defined in the Mississippi Medical  
10538 Cannabis Act;

10539 (f) "Master planned community" shall have the same  
10540 meaning as that term is defined in Section 19-5-10.

10541 (2) The Mississippi Department of Transportation is hereby  
10542 authorized to purchase rights-of-way and construct and maintain  
10543 roads and highways authorized to be constructed pursuant to this  
10544 chapter.

10545 **SECTION 98.** Section 69-2-11, Mississippi Code of 1972, is  
10546 amended as follows:

10547 69-2-11. Emerging crop designations shall include, but not  
10548 be limited to:

10549 (a) Blueberries;

10550 (b) Muscadines;

10551 (c) Christmas trees;

10552 (d) Aquaculture, including any species from the Gulf of  
10553 Mexico and its tributaries;

10554 (e) Horticulture;

10555 (f) Rabbit farming and processing; and



10556 (g) Others designated by the \* \* \* Mississippi  
10557 Development Authority or Legislature.

10558 Emerging crop designations shall not include medical cannabis  
10559 establishments as defined in the Mississippi Medical Cannabis Act.

10560 **SECTION 99.** Section 69-2-13, Mississippi Code of 1972, is  
10561 amended as follows:

10562 69-2-13. (1) There is hereby established in the State  
10563 Treasury a fund to be known as the "Emerging Crops Fund," which  
10564 shall be used to pay the interest on loans made to farmers for  
10565 nonland capital costs of establishing production of emerging crops  
10566 on land in Mississippi, and to make loans and grants which are  
10567 authorized under this section to be made from the fund. The fund  
10568 shall be administered by the Mississippi Development Authority. A  
10569 board comprised of the directors of the authority, the Mississippi  
10570 Cooperative Extension Service, the Mississippi Small Farm  
10571 Development Center and the Mississippi Agricultural and Forestry  
10572 Experiment Station, or their designees, shall develop definitions,  
10573 guidelines and procedures for the implementation of this chapter.  
10574 Funds for the Emerging Crops Fund shall be provided from the  
10575 issuance of bonds or notes under Sections 69-2-19 through 69-2-37  
10576 and from repayment of interest loans made from the fund.

10577 (2) (a) The Mississippi Development Authority shall develop  
10578 a program which gives fair consideration to making loans for the  
10579 processing and manufacturing of goods and services by  
10580 agribusiness, greenhouse production horticulture, and small



10581 business concerns. It is the policy of the State of Mississippi  
10582 that the Mississippi Development Authority shall give due  
10583 recognition to and shall aid, counsel, assist and protect, insofar  
10584 as is possible, the interests of agribusiness, greenhouse  
10585 production horticulture, and small business concerns. To ensure  
10586 that the purposes of this subsection are carried out, the  
10587 Mississippi Development Authority shall loan not more than One  
10588 Million Dollars (\$1,000,000.00) to finance any single  
10589 agribusiness, greenhouse production horticulture, or small  
10590 business concern. Loans made pursuant to this subsection shall be  
10591 made in accordance with the criteria established in Section  
10592 57-71-11.

10593 (b) The Mississippi Development Authority may, out of  
10594 the total amount of bonds authorized to be issued under this  
10595 chapter, make available funds to any planning and development  
10596 district in accordance with the criteria established in Section  
10597 57-71-11. Planning and development districts which receive monies  
10598 pursuant to this provision shall use such monies to make loans to  
10599 private companies for purposes consistent with this subsection.

10600 (c) The Mississippi Development Authority is hereby  
10601 authorized to engage legal services, financial advisors,  
10602 appraisers and consultants if needed to review and close loans  
10603 made hereunder and to establish and assess reasonable fees,  
10604 including, but not limited to, liquidation expenses.



10605           (d) The State Auditor may conduct performance and  
10606 compliance audits under this chapter according to Section  
10607 7-7-211(o) and may bill the oversight agency.

10608           (3) (a) The Mississippi Development Authority shall, in  
10609 addition to the other programs described in this section, provide  
10610 for the following programs of loans to be made to agribusiness or  
10611 greenhouse production horticulture enterprises for the purpose of  
10612 encouraging thereby the extension of conventional financing and  
10613 the issuance of letters of credit to such agribusiness or  
10614 greenhouse production horticulture enterprises by private  
10615 institutions. Monies to make such loans by the Mississippi  
10616 Development Authority shall be drawn from the Emerging Crops Fund.

10617           (b) The Mississippi Development Authority may make  
10618 loans to agribusiness or greenhouse production horticulture  
10619 enterprises. The amount of any loan to any single enterprise  
10620 under this paragraph (b) shall not exceed twenty percent (20%) of  
10621 the total cost of the project for which financing is sought or Two  
10622 Hundred Fifty Thousand Dollars (\$250,000.00), whichever is less.  
10623 No interest shall be charged on such loans, and only the amount  
10624 actually loaned shall be required to be repaid. Repayments shall  
10625 be deposited into the Emerging Crops Fund.

10626           (c) The Mississippi Development Authority also may make  
10627 loans under this subsection (3) to existing agribusiness or  
10628 greenhouse production horticulture enterprises for the purpose of  
10629 assisting such enterprises to make upgrades, renovations, repairs





10630 and other improvements to their equipment, facilities and  
10631 operations, which shall not exceed Two Hundred Fifty Thousand  
10632 Dollars (\$250,000.00) or thirty percent (30%) of the total cost of  
10633 the project for which financing is sought, whichever is less. No  
10634 interest shall be charged on loans made under this paragraph, and  
10635 only the amount actually loaned shall be required to be repaid.  
10636 Repayments shall be deposited into the Emerging Crops Fund.

10637 (d) The maximum aggregate amount of loans that may be  
10638 made under this subsection (3) to any one (1) agribusiness shall  
10639 be not more than Five Hundred Thousand Dollars (\$500,000.00).

10640 (4) (a) Through June 30, 2010, the Mississippi Development  
10641 Authority may loan or grant to qualified planning and development  
10642 districts, and to small business investment corporations,  
10643 bank-based community development corporations, the Recruitment and  
10644 Training Program, Inc., the City of Jackson Business Development  
10645 Loan Fund, the Lorman Southwest Mississippi Development  
10646 Corporation, the West Jackson Community Development Corporation,  
10647 the East Mississippi Development Corporation, and other entities  
10648 meeting the criteria established by the Mississippi Development  
10649 Authority (all referred to hereinafter as "qualified entities"),  
10650 funds for the purpose of establishing loan revolving funds to  
10651 assist in providing financing for minority economic development.  
10652 The monies loaned or granted by the Mississippi Development  
10653 Authority shall be drawn from the Emerging Crops Fund and shall  
10654 not exceed Twenty-nine Million Dollars (\$29,000,000.00) in the



10655 aggregate. Planning and development districts or qualified  
10656 entities which receive monies pursuant to this provision shall use  
10657 such monies to make loans to minority business enterprises  
10658 consistent with criteria established by the Mississippi  
10659 Development Authority. Such criteria shall include, at a minimum,  
10660 the following:

10661 (i) The business enterprise must be a private,  
10662 for-profit enterprise.

10663 (ii) If the business enterprise is a  
10664 proprietorship, the borrower must be a resident citizen of the  
10665 State of Mississippi; if the business enterprise is a corporation  
10666 or partnership, at least fifty percent (50%) of the owners must be  
10667 resident citizens of the State of Mississippi.

10668 (iii) The borrower must have at least five percent  
10669 (5%) equity interest in the business enterprise.

10670 (iv) The borrower must demonstrate ability to  
10671 repay the loan.

10672 (v) The borrower must not be in default of any  
10673 previous loan from the state or federal government.

10674 (vi) Loan proceeds may be used for financing all  
10675 project costs associated with development or expansion of a new  
10676 small business, including fixed assets, working capital, start-up  
10677 costs, rental payments, interest expense during construction and  
10678 professional fees related to the project.



10679 (vii) Loan proceeds shall not be used to pay off  
10680 existing debt for loan consolidation purposes; to finance the  
10681 acquisition, construction, improvement or operation of real  
10682 property which is to be held primarily for sale or investment; to  
10683 provide for, or free funds, for speculation in any kind of  
10684 property; or as a loan to owners, partners or stockholders of the  
10685 applicant which do not change ownership interest by the applicant.  
10686 However, this does not apply to ordinary compensation for services  
10687 rendered in the course of business.

10688 (viii) The maximum amount that may be loaned to  
10689 any one (1) borrower shall be Two Hundred Fifty Thousand Dollars  
10690 (\$250,000.00).

10691 (ix) The Mississippi Development Authority shall  
10692 review each loan before it is made, and no loan shall be made to  
10693 any borrower until the loan has been reviewed and approved by the  
10694 Mississippi Development Authority.

10695 (b) For the purpose of this subsection, the term  
10696 "minority business enterprise" means a socially and economically  
10697 disadvantaged small business concern, organized for profit,  
10698 performing a commercially useful function which is owned and  
10699 controlled by one or more minorities or minority business  
10700 enterprises certified by the Mississippi Development Authority, at  
10701 least fifty percent (50%) of whom are resident citizens of the  
10702 State of Mississippi. Except as otherwise provided, for purposes  
10703 of this subsection, the term "socially and economically



10704 disadvantaged small business concern" shall have the meaning  
10705 ascribed to such term under the Small Business Act (15 USCS,  
10706 Section 637(a)), or women, and the term "owned and controlled"  
10707 means a business in which one or more minorities or minority  
10708 business enterprises certified by the Mississippi Development  
10709 Authority own sixty percent (60%) or, in the case of a  
10710 corporation, sixty percent (60%) of the voting stock, and control  
10711 sixty percent (60%) of the management and daily business  
10712 operations of the business. However, an individual whose personal  
10713 net worth exceeds Five Hundred Thousand Dollars (\$500,000.00)  
10714 shall not be considered to be an economically disadvantaged  
10715 individual.

10716       From and after July 1, 2010, monies not loaned or granted by  
10717 the Mississippi Development Authority to planning and development  
10718 districts or qualified entities under this subsection, and monies  
10719 not loaned by planning and development districts or qualified  
10720 entities, shall be deposited to the credit of the sinking fund  
10721 created and maintained in the State Treasury for the retirement of  
10722 bonds issued under Section 69-2-19.

10723       (c) Notwithstanding any other provision of this  
10724 subsection to the contrary, if federal funds are not available for  
10725 commitments made by a planning and development district to provide  
10726 assistance under any federal loan program administered by the  
10727 planning and development district in coordination with the  
10728 Appalachian Regional Commission or Economic Development



10729 Administration, or both, a planning and development district may  
10730 use funds in its loan revolving fund, which have not been  
10731 committed otherwise to provide assistance, for the purpose of  
10732 providing temporary funding for such commitments. If a planning  
10733 and development district uses uncommitted funds in its loan  
10734 revolving fund to provide such temporary funding, the district  
10735 shall use funds repaid to the district under the temporarily  
10736 funded federal loan program to replenish the funds used to provide  
10737 the temporary funding. Funds used by a planning and development  
10738 district to provide temporary funding under this paragraph (c)  
10739 must be repaid to the district's loan revolving fund no later than  
10740 twelve (12) months after the date the district provides the  
10741 temporary funding. A planning and development district may not  
10742 use uncommitted funds in its loan revolving fund to provide  
10743 temporary funding under this paragraph (c) on more than two (2)  
10744 occasions during a calendar year. A planning and development  
10745 district may provide temporary funding for multiple commitments on  
10746 each such occasion. The maximum aggregate amount of uncommitted  
10747 funds in a loan revolving fund that may be used for such purposes  
10748 during a calendar year shall not exceed seventy percent (70%) of  
10749 the uncommitted funds in the loan revolving fund on the date the  
10750 district first provides temporary funding during the calendar  
10751 year.

10752 (d) If the Mississippi Development Authority determines  
10753 that a planning and development district or qualified entity has



10754 provided loans to minority businesses in a manner inconsistent  
10755 with the provisions of this subsection, then the amount of such  
10756 loans so provided shall be withheld by the Mississippi Development  
10757 Authority from any additional grant funds to which the planning  
10758 and development district or qualified entity becomes entitled  
10759 under this subsection. If the Mississippi Development Authority  
10760 determines, after notifying such planning and development district  
10761 or qualified entity twice in writing and providing such planning  
10762 and development district or qualified entity a reasonable  
10763 opportunity to comply, that a planning and development district or  
10764 qualified entity has consistently failed to comply with this  
10765 subsection, the Mississippi Development Authority may declare such  
10766 planning and development district or qualified entity in default  
10767 under this subsection and, upon receipt of notice thereof from the  
10768 Mississippi Development Authority, such planning and development  
10769 district or qualified entity shall immediately cease providing  
10770 loans under this subsection, shall refund to the Mississippi  
10771 Development Authority for distribution to other planning and  
10772 development districts or qualified entities all funds held in its  
10773 revolving loan fund and, if required by the Mississippi  
10774 Development Authority, shall convey to the Mississippi Development  
10775 Authority all administrative and management control of loans  
10776 provided by it under this subsection.

10777 (e) If the Mississippi Development Authority  
10778 determines, after notifying a planning and development district or



10779 qualified entity twice in writing and providing copies of such  
10780 notification to each member of the Legislature in whose district  
10781 or in a part of whose district such planning and development  
10782 district or qualified entity is located and providing such  
10783 planning and development district or qualified entity a reasonable  
10784 opportunity to take corrective action, that a planning and  
10785 development district or qualified entity administering a revolving  
10786 loan fund under the provisions of this subsection is not actively  
10787 engaged in lending as defined by the rules and regulations of the  
10788 Mississippi Development Authority, the Mississippi Development  
10789 Authority may declare such planning and development district or  
10790 qualified entity in default under this subsection and, upon  
10791 receipt of notice thereof from the Mississippi Development  
10792 Authority, such planning and development district or qualified  
10793 entity shall immediately cease providing loans under this  
10794 subsection, shall refund to the Mississippi Development Authority  
10795 for distribution to other planning and development districts or  
10796 qualified entities all funds held in its revolving loan fund and,  
10797 if required by the Mississippi Development Authority, shall convey  
10798 to the Mississippi Development Authority all administrative and  
10799 management control of loans provided by it under this subsection.

10800 (5) The Mississippi Development Authority shall develop a  
10801 program which will assist minority business enterprises by  
10802 guaranteeing bid, performance and payment bonds which such  
10803 minority businesses are required to obtain in order to contract



10804 with federal agencies, state agencies or political subdivisions of  
10805 the state. The Mississippi Development Authority may secure  
10806 letters of credit, as determined necessary by the authority, to  
10807 guarantee bid, performance and payment bonds pursuant to this  
10808 subsection. Monies for such program shall be drawn from the  
10809 monies allocated under subsection (4) of this section to assist  
10810 the financing of minority economic development and shall not  
10811 exceed Three Million Dollars (\$3,000,000.00) in the aggregate.  
10812 The Mississippi Development Authority may promulgate rules and  
10813 regulations for the operation of the program established pursuant  
10814 to this subsection. For the purpose of this subsection (5), the  
10815 term "minority business enterprise" has the meaning assigned such  
10816 term in subsection (4) of this section.

10817 (6) The Mississippi Development Authority may loan or grant  
10818 to public entities and to nonprofit corporations funds to defray  
10819 the expense of financing (or to match any funds available from  
10820 other public or private sources for the expense of financing)  
10821 projects in this state which are devoted to the study, teaching  
10822 and/or promotion of regional crafts and which are deemed by the  
10823 authority to be significant tourist attractions. The monies  
10824 loaned or granted shall be drawn from the Emerging Crops Fund and  
10825 shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00)  
10826 in the aggregate.

10827 (7) Through June 30, 2006, the Mississippi Development  
10828 Authority shall make available to the Mississippi Department of





10829 Agriculture and Commerce funds for the purpose of establishing  
10830 loan revolving funds and other methods of financing for  
10831 agribusiness programs administered under the Mississippi  
10832 Agribusiness Council Act of 1993. The monies made available by  
10833 the Mississippi Development Authority shall be drawn from the  
10834 Emerging Crops Fund and shall not exceed One Million Two Hundred  
10835 Thousand Dollars (\$1,200,000.00) in the aggregate. The  
10836 Mississippi Department of Agriculture and Commerce shall establish  
10837 control and auditing procedures for use of these funds. These  
10838 funds will be used primarily for quick payment to farmers for  
10839 vegetable and fruit crops processed and sold through vegetable  
10840 processing plants associated with the Department of Agriculture  
10841 and Commerce and the Mississippi State Extension Service.

10842 (8) From and after July 1, 1996, the Mississippi Development  
10843 Authority shall make available to the Mississippi Small Farm  
10844 Development Center One Million Dollars (\$1,000,000.00) to be used  
10845 by the center to assist small entrepreneurs as provided in Section  
10846 37-101-25, Mississippi Code of 1972. The monies made available by  
10847 the Mississippi Development Authority shall be drawn from the  
10848 Emerging Crops Fund.

10849 (9) [Repealed]

10850 (10) The Mississippi Development Authority shall make  
10851 available to the Small Farm Development Center at Alcorn State  
10852 University funds in an aggregate amount not to exceed Three  
10853 Hundred Thousand Dollars (\$300,000.00), to be drawn from the cash



10854 balance of the Emerging Crops Fund. The Small Farm Development  
10855 Center at Alcorn State University shall use such funds to make  
10856 loans to producers of sweet potatoes and cooperatives anywhere in  
10857 the State of Mississippi owned by sweet potato producers to assist  
10858 in the planting of sweet potatoes and the purchase of sweet potato  
10859 production and harvesting equipment. A report of the loans made  
10860 under this subsection shall be furnished by January 15 of each  
10861 year to the Chairman of the Senate Agriculture Committee and the  
10862 Chairman of the House Agriculture Committee.

10863 (11) The Mississippi Development Authority shall make  
10864 available to the Mississippi Department of Agriculture and  
10865 Commerce "Make Mine Mississippi" program an amount not to exceed  
10866 One Hundred Fifty Thousand Dollars (\$150,000.00) to be drawn from  
10867 the cash balance of the Emerging Crops Fund.

10868 (12) The Mississippi Development Authority shall make  
10869 available to the Mississippi Department of Agriculture and  
10870 Commerce an amount not to exceed One Hundred Fifty Thousand  
10871 Dollars (\$150,000.00) to be drawn from the cash balance of the  
10872 Emerging Crops Fund to be used for the rehabilitation and  
10873 maintenance of the Mississippi Farmers Central Market in Jackson,  
10874 Mississippi.

10875 (13) The Mississippi Development Authority shall make  
10876 available to the Mississippi Department of Agriculture and  
10877 Commerce an amount not to exceed Twenty-five Thousand Dollars  
10878 (\$25,000.00) to be drawn from the cash balance of the Emerging



10879 Crops Fund to be used for advertising purposes related to the  
10880 Mississippi Farmers Central Market in Jackson, Mississippi.

10881 (14) (a) The Mississippi Development Authority shall, in  
10882 addition to the other programs described in this section, provide  
10883 for a program of loan guaranties to be made on behalf of any  
10884 nonprofit entity qualified under Section 501(c)(3) of the Internal  
10885 Revenue Code and certified by the United States Department of the  
10886 Treasury as a community development financial institution for the  
10887 purpose of encouraging the extension of financing to such an  
10888 entity which financing the entity will use to make funds available  
10889 to other entities for the purpose of making loans available in  
10890 low-income communities in Mississippi. Monies to make such loan  
10891 guaranties by the Mississippi Development Authority shall be drawn  
10892 from the Emerging Crops Fund and shall not exceed Two Million  
10893 Dollars (\$2,000,000.00) in the aggregate. The amount of a loan  
10894 guaranty on behalf of such an entity under this subsection (14)  
10895 shall not exceed Two Million Dollars (\$2,000,000.00). Assistance  
10896 received by an entity under this subsection (14) shall not  
10897 disqualify the entity from obtaining any other assistance under  
10898 this chapter.

10899 (b) An entity desiring assistance under this subsection  
10900 (14) must submit an application to the Mississippi Development  
10901 Authority. The application must include any information required  
10902 by the Mississippi Development Authority.



10903           (c) The Mississippi Development Authority shall have  
10904 all powers necessary to implement and administer the program  
10905 established under this subsection (14), and the Mississippi  
10906 Development Authority shall promulgate rules and regulations, in  
10907 accordance with the Mississippi Administrative Procedures Law,  
10908 necessary for the implementation of this subsection (14).

10909           (15) (a) The Mississippi Development Authority shall, in  
10910 addition to the other programs described in this section, provide  
10911 for a program of grants to agribusiness enterprises that process,  
10912 dry, store or ship peanuts and if the enterprise has invested  
10913 prior to April 17, 2009, a minimum of Six Million Dollars  
10914 (\$6,000,000.00) in land, facilities and equipment in this state  
10915 that are utilized to process, dry, store or ship peanuts. Monies  
10916 to make such grants by the Mississippi Development Authority shall  
10917 be drawn from the Emerging Crops Fund and shall not exceed One  
10918 Million Dollars (\$1,000,000.00) in the aggregate. The amount of a  
10919 grant under this subsection (15) shall not exceed One Million  
10920 Dollars (\$1,000,000.00).

10921           (b) An entity desiring assistance under this subsection  
10922 (15) must submit an application to the Mississippi Development  
10923 Authority. The application must include a description of the  
10924 project for which assistance is requested, the cost of the project  
10925 for which assistance is requested, the amount of assistance  
10926 requested and any other information required by the Mississippi  
10927 Development Authority.



10928 (c) As a condition of the receipt of a grant under this  
10929 subsection (15), an entity must agree to remain in business in  
10930 this state for not less than five (5) years and must meet other  
10931 conditions established by the Mississippi Development Authority to  
10932 ensure that the assistance results in an economic benefit to the  
10933 state. The Mississippi Development Authority shall require that  
10934 binding commitments be entered into requiring that:

10935 (i) The minimum requirements provided for in this  
10936 subsection (15) and the conditions established by the Mississippi  
10937 Development Authority are met; and

10938 (ii) If such commitments and conditions are not  
10939 met, all or a portion of the funds provided pursuant to this  
10940 subsection (15) shall be repaid.

10941 (d) The Mississippi Development Authority shall have  
10942 all powers necessary to implement and administer the program  
10943 established under this subsection (15), and the Mississippi  
10944 Development Authority shall promulgate rules and regulations, in  
10945 accordance with the Mississippi Administrative Procedures Law,  
10946 necessary for the implementation of this subsection (15).

10947 (16) (a) The Mississippi Development Authority, in addition  
10948 to the other programs described in this section, shall provide for  
10949 a program of loan guaranties to be made on behalf of certain  
10950 agribusinesses engaged in sweet potato growing and farming for the  
10951 purpose of encouraging thereby the extension of conventional  
10952 financing and the issuance of letters of credit to such



10953 agribusinesses by lenders. The amount of a loan guaranty made on  
10954 behalf of such an agribusiness shall be ninety percent (90%) of  
10955 the amount of assistance made available by a lender for the  
10956 purposes authorized under this subsection (16). Monies to make  
10957 such loan guaranties by the Mississippi Development Authority  
10958 shall be drawn from the Emerging Crops Fund and shall not exceed  
10959 Seventeen Million Dollars (\$17,000,000.00) in the aggregate.

10960 (b) In order to be eligible for assistance under this  
10961 subsection (16) an agribusiness must:

10962 (i) Have been actively engaged in sweet potato  
10963 growing and farming in this state before January 1, 2010;

10964 (ii) Have incurred a disaster-related loss for  
10965 sweet potato growing and farming purposes for calendar year 2009,  
10966 as determined by a lender;

10967 (iii) Agree to obtain and maintain federal  
10968 Noninsured Agricultural Program (NAP) insurance coverage for the  
10969 outstanding balance of any assistance received under this  
10970 subsection (16); and

10971 (iv) Satisfy underwriting criteria established by  
10972 a lender related to loans under this subsection (16).

10973 (c) (i) An entity desiring assistance under this  
10974 subsection must submit an application for assistance to a lender  
10975 not later than August 1, 2010. The application must include:



10976 1. Information verifying the length of time  
10977 the applicant has been actively engaged in sweet potato growing  
10978 and farming in this state;

10979 2. Information regarding the number of acres  
10980 used by the applicant for sweet potato growing and farming  
10981 purposes during the 2009 calendar year, as certified to by the  
10982 Farm Services Authority (FSA) or the Mississippi Department of  
10983 Agriculture and Commerce (MDAC), and the number of acres the  
10984 applicant intends to use for such purposes during the 2010  
10985 calendar year;

10986 3. The average cost per acre incurred by the  
10987 applicant for sweet potato growing and farming purposes during the  
10988 2009 calendar year, as certified to by the FSA or MDAC, and an  
10989 estimate of the average cost per acre to be incurred by the  
10990 applicant for such purposes during the calendar year for which  
10991 application is made;

10992 4. The amount of assistance requested;

10993 5. A statement from the applicant agreeing  
10994 that he will obtain and maintain NAP insurance coverage for the  
10995 outstanding balance of any assistance received under this  
10996 subsection (16); and

10997 6. Any other information required by the  
10998 lender and/or the MDA.

10999 (ii) The lender shall review the application for  
11000 assistance and determine whether the applicant qualifies for



11001 assistance under this subsection (16). If the lender determines  
11002 that the applicant qualifies for assistance, the lender shall loan  
11003 funds to the applicant subject to the provisions of this  
11004 subsection (16).

11005 (d) Loans made under this subsection (16) shall be  
11006 subject to the following conditions:

11007 (i) The maximum amount of a loan to a borrower  
11008 shall not exceed One Thousand Seven Hundred Dollars (\$1,700.00)  
11009 per acre and shall exclude any machinery and equipment costs.

11010 (ii) The proceeds of a loan may be used only for  
11011 paying a borrower's sweet potato planting, production and  
11012 harvesting costs, excluding machinery and equipment costs.

11013 (iii) The proceeds of a loan may not be used to  
11014 repay, satisfy or finance existing debt.

11015 (iv) The time allowed for repayment of a loan  
11016 shall not be more than five (5) years, and there shall be no  
11017 penalty, fee or other charge imposed for the prepayment of a loan.

11018 (e) The receipt of assistance by a person or other  
11019 entity under any other program described in this section shall not  
11020 disqualify the person or entity from obtaining a loan under the  
11021 program established in this subsection (16) if the person or  
11022 entity is otherwise eligible under this program. In addition, the  
11023 receipt of a loan by a person or other entity under the program  
11024 established under this subsection (16) shall not disqualify the





11025 person or entity from obtaining assistance under any other program  
11026 described in this section.

11027 (f) The Mississippi Development Authority shall have  
11028 all powers necessary to implement and administer the program  
11029 established under this subsection (16), and the Mississippi  
11030 Development Authority shall promulgate rules and regulations, in  
11031 accordance with the Mississippi Administrative Procedures Law,  
11032 necessary for the implementation of this subsection (16).

11033 (17) Notwithstanding any other provision of this section to  
11034 the contrary, the Mississippi Development Authority shall not  
11035 provide loans, loan guaranties, grants or any other form of  
11036 assistance to medical cannabis establishments as defined in the  
11037 Mississippi Medical Cannabis Act.

11038 **SECTION 100.** This act shall take effect and be in force from  
11039 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO ENACT THE MISSISSIPPI MEDICAL CANNABIS ACT; TO  
2 AUTHORIZE MEDICAL CANNABIS USE BY CERTAIN PATIENTS WHO HAVE  
3 DEBILITATING MEDICAL CONDITIONS; TO REQUIRE A PATIENT TO RECEIVE A  
4 WRITTEN CERTIFICATION FROM A QUALIFIED PRACTITIONER TO QUALIFY FOR  
5 A REGISTRY IDENTIFICATION CARD FOR THE USE OF MEDICAL CANNABIS; TO  
6 PROVIDE FOR THE PROCESS BY WHICH A PATIENT MAY REGISTER AS A  
7 CARDHOLDER FOR THE USE OF MEDICAL CANNABIS; TO PROVIDE CERTAIN  
8 PROTECTIONS TO PATIENTS, CAREGIVERS, MEDICAL PROVIDERS AND MEDICAL  
9 CANNABIS ESTABLISHMENTS FOR THE MEDICAL USE OF CANNABIS; TO  
10 PROVIDE FOR THE ALLOWABLE AMOUNT OF MEDICAL CANNABIS BY A  
11 QUALIFIED PATIENT; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH  
12 WILL ISSUE REGISTRY IDENTIFICATION CARDS TO QUALIFYING PATIENTS  
13 AND REGISTRATIONS TO QUALIFYING FACILITIES; TO ALLOW FOR A  
14 DEDUCTION FROM INCOME TAXES FOR ALL OF THE ORDINARY AND NECESSARY



15 EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A  
16 BUSINESS AS A MEDICAL CANNABIS ESTABLISHMENT; TO PROVIDE THAT THE  
17 MISSISSIPPI DEPARTMENT OF HEALTH SHALL HAVE THE ULTIMATE AUTHORITY  
18 FOR OVERSIGHT OF THE ADMINISTRATION OF THE MEDICAL CANNABIS  
19 PROGRAM; TO REQUIRE THE DEPARTMENT OF HEALTH TO LICENSE CANNABIS  
20 CULTIVATION FACILITIES, CANNABIS PROCESSING FACILITIES, CANNABIS  
21 TRANSPORTATION ENTITIES, CANNABIS DISPOSAL ENTITIES, CANNABIS  
22 TESTING FACILITIES AND CANNABIS RESEARCH FACILITIES; TO REQUIRE  
23 THE DEPARTMENT OF REVENUE TO LICENSE MEDICAL CANNABIS  
24 DISPENSARIES; TO REQUIRE THE DEPARTMENT OF HEALTH TO REGISTER  
25 QUALIFIED PRACTITIONERS AND GRANT REGISTRY IDENTIFICATION CARDS TO  
26 QUALIFIED PATIENTS AND DESIGNATED CAREGIVERS; TO PROVIDE FOR A  
27 STATEWIDE SEED-TO-SALE TRACKING SYSTEM; TO PROVIDE FOR DEADLINES  
28 FOR THE IMPLEMENTATION OF THE PROGRAM; TO PROVIDE FOR CERTAIN  
29 LIMITATIONS OF THE APPLICATION OF THE ACT; TO PROVIDE THAT THE ACT  
30 DOES NOT AUTHORIZE ANY INDIVIDUAL TO ENGAGE IN NOR PREVENT THE  
31 IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTIES FOR CERTAIN  
32 ACTS RELATED TO THE USE OF MEDICAL CANNABIS; TO PROVIDE THAT  
33 CERTAIN DISCRIMINATORY ACTS AGAINST MEDICAL CANNABIS CARDHOLDERS  
34 ARE PROHIBITED; TO PROVIDE FOR PROCESS OF THE ADDITION OF  
35 DEBILITATING MEDICAL CONDITIONS BY THE DEPARTMENT OF HEALTH; TO  
36 PROVIDE THAT NOTHING IN THE ACT PROHIBITS AN EMPLOYER FROM  
37 DISCIPLINING AN EMPLOYEE FOR INGESTING MEDICAL CANNABIS IN THE  
38 WORKPLACE OR FOR WORKING WHILE UNDER THE INFLUENCE OF MEDICAL  
39 CANNABIS; TO PROVIDE THAT NOTHING IN THE ACT REQUIRES A GOVERNMENT  
40 MEDICAL ASSISTANCE PROGRAM OR PRIVATE INSURER TO REIMBURSE A  
41 PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF MEDICAL  
42 CANNABIS; TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT  
43 OF REVENUE TO PROVIDE ANNUAL REPORTS TO THE GOVERNOR AND CERTAIN  
44 MEMBERS OF THE LEGISLATURE; TO REQUIRE THE DEPARTMENT OF HEALTH TO  
45 MAINTAIN A CONFIDENTIAL LIST OF REGISTRY IDENTIFICATION CARDS; TO  
46 REQUIRE CERTAIN NOTIFICATIONS FROM QUALIFYING PATIENTS; TO PROVIDE  
47 FOR THE FEES FOR LICENSES OF MEDICAL CANNABIS ESTABLISHMENTS; TO  
48 ALLOW MUNICIPALITIES AND COUNTIES TO ENACT ORDINANCES OR  
49 REGULATIONS NOT IN CONFLICT WITH THE ACT; TO PROHIBIT MEDICAL  
50 CANNABIS ESTABLISHMENTS FROM BEING LOCATED WITHIN 1,000 FEET OF  
51 THE NEAREST BOUNDARY LINE OF ANY SCHOOL, CHURCH OR CHILD CARE  
52 FACILITY UNLESS IT HAS RECEIVED A WAIVER; TO PROVIDE CERTAIN  
53 REQUIREMENTS, PROHIBITIONS AND PENALTIES FOR MEDICAL CANNABIS  
54 ESTABLISHMENTS; TO PROVIDE THAT NO MEDICAL CANNABIS ESTABLISHMENT  
55 SHALL SELL CANNABIS FLOWER OR TRIM THAT HAS A POTENCY OF GREATER  
56 THAN 30% TOTAL THC; TO REQUIRE ALL MEDICAL CANNABIS PRODUCTS TO  
57 CONTAIN A NOTICE OF HARM REGARDING THE USE OF MEDICAL CANNABIS; TO  
58 PROVIDE FOR THE WEEKLY AND MONTHLY ALLOWABLE AMOUNT OF MEDICAL  
59 CANNABIS; TO PROVIDE THE POSSESSION LIMIT OF MEDICAL CANNABIS FOR  
60 RESIDENT AND NONRESIDENT CARDHOLDERS; TO REQUIRE THE DEPARTMENT  
61 OF HEALTH AND THE DEPARTMENT OF REVENUE TO ESTABLISH AND  
62 PROMULGATE RULES AND REGULATIONS RELATING TO THE PROGRAM; TO  
63 ESTABLISH VIOLATIONS RELATED TO THE USE OF MEDICAL CANNABIS AND  
64 THE PROGRAM; TO PROVIDE FOR FINES, SUSPENSIONS AND REVOCATIONS FOR



65 VIOLATIONS OF THE ACT; TO PROVIDE THAT BANKS SHALL NOT BE HELD  
66 LIABLE FOR PROVIDING FINANCIAL SERVICES TO A MEDICAL CANNABIS  
67 ESTABLISHMENT; TO IMPOSE AN EXCISE TAX ON MEDICAL CANNABIS  
68 CULTIVATION FACILITIES AT A RATE OF 5% OF THE SALE PRICE OF  
69 CANNABIS TRIM OR CANNABIS FLOWER; TO REQUIRE DISPENSARIES TO  
70 COLLECT AND REMIT THE SALES TAX LEVIED IN SECTION 27-65-17(1) (a)  
71 FROM THE GROSS PROCEEDS OF EACH SALE OF MEDICAL CANNABIS; TO ALLOW  
72 THE GOVERNING AUTHORITIES OF MUNICIPALITIES AND BOARD OF  
73 SUPERVISORS OF COUNTIES TO OPT OUT OF ALLOWING THE PROCESSING,  
74 SALE AND DISTRIBUTION OF MEDICAL CANNABIS WITHIN 90 DAYS AFTER THE  
75 EFFECTIVE DATE OF THE ACT; TO PROVIDE FOR THE REFERENDUM PROCESS  
76 FOR A MUNICIPALITY OR COUNTY TO OPT INTO ALLOWING THE CULTIVATION,  
77 PROCESSING, SALE AND DISTRIBUTION OF MEDICAL CANNABIS IN A  
78 MUNICIPALITY OR COUNTY THAT HAS OPTED OUT; TO PROVIDE FOR THE  
79 JUDICIAL REVIEW FOR THOSE AGGRIEVED BY A FINAL DECISION OR ORDER  
80 RELATED TO THE MEDICAL CANNABIS PROGRAM; TO REQUIRE ALL FINES AND  
81 FEES COLLECTED BY THE DEPARTMENT OF HEALTH AND DEPARTMENT OF  
82 REVENUE TO BE DEPOSITED INTO THE STATE GENERAL FUND; TO ESTABLISH  
83 A MEDICAL CANNABIS ADVISORY COMMITTEE; TO AMEND SECTION 25-53-5,  
84 MISSISSIPPI CODE OF 1972, TO TEMPORARILY EXEMPT ACQUISITIONS OF  
85 INFORMATION TECHNOLOGY EQUIPMENT AND SERVICES MADE BY THE  
86 MISSISSIPPI DEPARTMENT OF HEALTH AND THE MISSISSIPPI DEPARTMENT OF  
87 REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND  
88 ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT,  
89 FROM MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES  
90 PROCUREMENT LAWS, RULES, AND REGULATIONS; TO AMEND SECTION  
91 27-104-203, MISSISSIPPI CODE OF 1972, TO AUTHORIZE GRANTS,  
92 CONTRACTS, PASS-THROUGH FUNDS, PROJECT FEES OR CHARGES FOR  
93 SERVICES BETWEEN THE STATE DEPARTMENT OF HEALTH, STATE DEPARTMENT  
94 OF REVENUE, AND OTHER STATE AGENCIES OR ENTITIES FOR THE OPERATION  
95 OF THE MEDICAL MARIJUANA PROGRAM ESTABLISHED UNDER THIS ACT; TO  
96 AMEND SECTION 37-11-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
97 THE TERM CONTROLLED SUBSTANCE SHALL NOT INCLUDE THE POSSESSION OR  
98 USE OF MEDICAL CANNABIS THAT IS LAWFUL UNDER THIS ACT; TO AMEND  
99 SECTIONS 27-7-17, 27-65-111, 33-13-520, 41-29-125, 41-29-127,  
100 41-29-136, 41-29-137, 41-29-139; 41-29-141, 41-29-143, 43-21-301,  
101 43-21-303, 45-9-101, 59-23-7, 63-11-30, 71-3-7, 71-3-121,  
102 73-15-29, 73-19-23, 73-21-127, 73-25-29 AND 83-9-22, MISSISSIPPI  
103 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING  
104 FORWARD SECTIONS 17-1-3, 19-5-9, 25-43-1.103, 25-43-2.101,  
105 25-43-3.102, 25-43-3.103, 25-43-3.104, 25-43-3.105, 25-43-3.106,  
106 25-43-3.107, 25-43-3.109, 25-43-3.110 AND 25-43-3.113, MISSISSIPPI  
107 CODE OF 1972, WHICH ARE SECTIONS OF THE MISSISSIPPI ADMINISTRATIVE  
108 PROCEDURES LAW AND THE PROVISIONS RELATING TO THE ADOPTION OF  
109 BUILDING CODES IN COUNTIES, FOR THE PURPOSES OF POSSIBLE  
110 AMENDMENT; TO AMEND SECTION 25-43-3.108, MISSISSIPPI CODE OF 1972,  
111 TO MAKE SOME MINOR NONSUBSTANTIVE CHANGES; TO BRING FORWARD  
112 SECTION 41-3-15, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR  
113 POWERS AND DUTIES OF THE STATE BOARD OF HEALTH, FOR THE PURPOSES  
114 OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 27-7-22.5 AND 27-7-22.30,



115 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL CANNABIS  
116 ESTABLISHMENTS ARE NOT ELIGIBLE FOR CERTAIN INCOME TAX CREDITS  
117 AUTHORIZED BY SUCH SECTIONS; TO AMEND SECTIONS 27-31-51 AND  
118 27-31-53, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONAL  
119 PROPERTY OF MEDICAL CANNABIS ESTABLISHMENTS IS NOT ELIGIBLE FOR  
120 FREEPORT WAREHOUSE AD VALOREM TAX EXEMPTIONS; TO AMEND SECTIONS  
121 27-31-101 AND 27-31-104, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
122 COUNTY BOARDS OF SUPERVISORS AND MUNICIPAL AUTHORITIES CANNOT  
123 GRANT CERTAIN AD VALOREM TAX EXEMPTIONS FOR MEDICAL CANNABIS  
124 ESTABLISHMENTS OR ENTER INTO FEE-IN-LIEU OF AD VALOREM TAX  
125 AGREEMENTS WITH MEDICAL CANNABIS ESTABLISHMENTS; TO AMEND SECTION  
126 27-65-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL  
127 CANNABIS ESTABLISHMENTS ARE NOT CONSIDERED TO BE TECHNOLOGY  
128 INTENSIVE ENTERPRISES FOR PURPOSES OF THE REDUCED SALES TAX RATE  
129 AUTHORIZED FOR SALES OF MACHINERY AND MACHINE PARTS TO TECHNOLOGY  
130 INTENSIVE ENTERPRISES; TO AMEND SECTION 27-65-101, MISSISSIPPI  
131 CODE OF 1972, TO PROVIDE THAT CERTAIN INDUSTRIAL SALES TAX  
132 EXEMPTIONS DO NOT APPLY TO SALES TO MEDICAL CANNABIS  
133 ESTABLISHMENTS; TO AMEND SECTION 37-148-3, MISSISSIPPI CODE OF  
134 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE  
135 DEFINITION OF THE TERM "INVESTOR" UNDER THE STRENGTHENING  
136 MISSISSIPPI ACADEMIC RESEARCH THROUGH BUSINESS ACT; TO AMEND  
137 SECTION 57-1-16, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL  
138 CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM  
139 "EXTRAORDINARY ECONOMIC DEVELOPMENT OPPORTUNITY" FOR PURPOSES OF  
140 THE ACE FUND; TO AMEND SECTION 57-1-221, MISSISSIPPI CODE OF 1972,  
141 TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF  
142 THE TERM "PROJECT" FOR PURPOSES OF THE MISSISSIPPI INDUSTRY  
143 INCENTIVE FINANCING REVOLVING FUND; TO AMEND SECTION 57-10-401,  
144 MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS  
145 ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "ELIGIBLE COMPANY"  
146 FOR PURPOSES OF THE SECTIONS OF LAW THAT PROVIDE FOR THE ISSUANCE  
147 OF BONDS BY THE MISSISSIPPI BUSINESS FINANCE CORPORATION TO  
148 FINANCE ECONOMIC DEVELOPMENT PROJECTS IN ORDER TO INDUCE THE  
149 LOCATION OR EXPANSION OF CERTAIN BUSINESSES WITHIN THIS STATE; TO  
150 AMEND SECTION 57-61-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE  
151 MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM  
152 "PRIVATE COMPANY" UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT;  
153 TO AMEND SECTION 57-62-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE  
154 MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM  
155 "QUALIFIED BUSINESS OR INDUSTRY" UNDER THE MISSISSIPPI ADVANTAGE  
156 JOBS ACT; TO AMEND SECTION 57-69-3, MISSISSIPPI CODE OF 1972, TO  
157 EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE  
158 TERMS "MINORITY BUSINESS ENTERPRISE" AND "MINORITY BUSINESS  
159 ENTERPRISE SUPPLIER" UNDER THE MISSISSIPPI MINORITY BUSINESS  
160 ENTERPRISE ACT; TO AMEND SECTION 57-71-5, MISSISSIPPI CODE OF  
161 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE  
162 DEFINITION OF PRIVATE COMPANY; TO AMEND SECTION 57-73-21,  
163 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL CANNABIS  
164 ESTABLISHMENTS ARE NOT ELIGIBLE FOR CERTAIN INCOME TAX CREDITS



165 AUTHORIZED BY SUCH SECTION; TO AMEND SECTION 57-80-5, MISSISSIPPI  
166 CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE  
167 DEFINITION OF THE TERM "BUSINESS ENTERPRISE" UNDER THE GROWTH AND  
168 PROSPERITY ACT; TO AMEND SECTION 57-85-5, MISSISSIPPI CODE OF  
169 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE  
170 DEFINITION OF THE TERMS "PROJECT" AND "RURAL BUSINESS" UNDER THE  
171 MISSISSIPPI RURAL IMPACT ACT; TO AMEND SECTION 57-91-5,  
172 MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS  
173 ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "BUSINESS  
174 ENTERPRISE" UNDER THE ECONOMIC REDEVELOPMENT ACT; TO AMEND SECTION  
175 57-117-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS  
176 ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "HEALTH CARE  
177 INDUSTRY FACILITY" AND "QUALIFIED BUSINESS" UNDER THE MISSISSIPPI  
178 HEALTH CARE INDUSTRY ZONE ACT; TO AMEND SECTION 57-119-11,  
179 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI  
180 DEVELOPMENT AUTHORITY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FROM  
181 THE GULF COAST RESTORATION FUND FOR PROJECTS THAT ARE MEDICAL  
182 CANNABIS ESTABLISHMENTS OR PROJECTS RELATED TO MEDICAL CANNABIS  
183 ESTABLISHMENTS; TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972,  
184 TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF  
185 THE TERMS "HIGH ECONOMIC BENEFIT PROJECT" AND "PRIVATE COMPANY"  
186 UNDER THE ECONOMIC DEVELOPMENT HIGHWAY ACT; TO AMEND SECTIONS  
187 69-2-11 AND 69-2-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
188 MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT PROVIDE FINANCIAL  
189 ASSISTANCE TO MEDICAL CANNABIS ESTABLISHMENTS UNDER THE  
190 MISSISSIPPI FARM REFORM ACT OF 1987; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X (SIGNED)  
Bryan

X (SIGNED)  
White

X (SIGNED)  
Blackwell

X (SIGNED)  
Mims

X (SIGNED)  
Wiggins

X (SIGNED)  
Yancey

