

Title 15: Mississippi State Department of Health

Part 22: Medical Marijuana

Subpart 2: General Requirements

Chapter 1 GENERAL REQUIREMENTS FOR THE MEDICAL MARIJUANA PROGRAM

Subchapter 1 General Provisions

Rule 2.1.1 Purpose of Regulations: These regulations, and any guidelines set forth by the Department, governs the medical marijuana program in Mississippi. The purpose of this Part is to ensure the availability of and safe access to medical marijuana for qualified persons with debilitating medical conditions.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.1.2 Legal Authority: This regulation has been promulgated under the authority of and pursuant to Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2).

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.1.3 Definitions: The following terms as used in the rules and regulations related to the medical marijuana program (insert admin code reference) shall have the meaning hereinafter respectively ascribed to them:

1. **Applicant** - The term “Applicant” shall mean a person or entity that has submitted an application to the Department for a license but who has not yet received a determination from the Department.
2. **Assessment** – The term “Assessment” shall mean the amount, up to the equivalent of the state’s sales tax rate, that may be assessed by the Department or its designee to the final sale of medical marijuana.
3. **Caregiver** - The term “Caregiver” shall mean a person who is at least twenty-one (21) years of age, who complies with the regulations prescribed by the Department, and who assists with a Qualified Patient’s use of Medical Marijuana. A qualified patient may have more than one caregiver. A caregiver is prohibited from consuming medical marijuana provided for use by a qualified patient.
4. **Church** - The term “Church” shall mean a permanent structure with a permanent foundation and constructed roof, floors, and walls,

the intended purpose and current use of which is for a group of persons to meet at least weekly for religious services.

5. **Criminal or Civil Sanctions** – The term “criminal or civil sanctions” shall mean hall mean arrest; incarceration; prosecution; penalty; fine; sanction; the denial of any right, privilege, license, certification; and/or to be subject to disciplinary action by a licensing board or commission; and/or to be subject to seizure and/or forfeiture of assets pursuant to any Mississippi law, local ordinance, or board, commission, or agency regulation or rule.
6. **Cultivator** – The term “Cultivator” shall mean an entity holding a license issued by the Department that allows the entity to acquire, cultivate, cure, dry, grow, harvest, package, possess, purchase, research and trim medical marijuana. A cultivator may distribute, sell, transfer, and transport Medical Marijuana and Medical Marijuana Products between its licensed premises and any other licensed premises but not to Qualified Patients or Caregivers.
7. **Current Photograph** – The term “Current Photograph” shall mean an image on an individual, take no more than 60 calendar days before the submission of the application in a Department approved electronic format.
8. **Debilitating Medical Condition** - The term “Debilitating Medical Condition” shall mean cancer, epilepsy or other seizures, Parkinson’s disease, Huntington’s disease, muscular dystrophy, multiple sclerosis, cachexia, post-traumatic stress disorder, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, chronic or debilitating pain, amyotrophic lateral sclerosis, glaucoma, agitation of dementias, Crohn’s disease, ulcerative colitis, sickle-cell anemia, autism with aggressive or self-injurious behaviors, pain refractory to appropriate opioid management, spinal cord disease or severe injury, intractable nausea, severe muscle spasticity, or another Medical condition of the same kind or class to those herein enumerated and for which a physician believes the benefits of using Medical Marijuana may reasonably outweigh potential health risks.
9. **Department** - The term “Department” shall mean the Mississippi State Department of Health or its successor agency.
10. **Dispensary** – The term “Dispensary” shall mean the same as Medical Marijuana Treatment Center.
11. **Dispense** – The term “dispense” shall mean the means the retail selling of medical marijuana medical marijuana products that are packaged and labeled in accordance with the rules set forth in this Part to a qualified patient or caregiver.

12. **Disposal** – The term “Disposal” shall mean the final disposition of medical marijuana waste by either a process which renders the waste unusable through physical destruction or a recycling process.
13. **Edible** – The term “edible” shall mean cannabis products that are orally consumed. These products can contain THC, CBD or a combination of the two.
14. **Employee** – The term “Employee” shall mean any individual employed by a licensee. The term “Employee” shall also mean any individual employed by a licensee who by contract with a licensee provides routine services to the licensee.
15. **Extraction** – The term “Extraction” shall mean the conversion of target molecules in cannabis raw materials to a usable form.
16. **Harvest Batch** – The term “Harvest Batch” shall mean a specifically identified quantity of medical marijuana plant material that is uniform in strain, cultivated utilizing the same growing practices, harvested at the same time and at the same location, and cured under uniform conditions.
17. **Harvest Lot** – The term “Harvest Lot” shall mean specifically identified quantity of medical marijuana plant material taken from a harvest batch.
18. **Identification Card** - The term “Identification Card” shall mean a document issued by the Department, which identifies a person as a qualified patient, caregiver or officer, owner, operator, employee, contractor, or agent of a Medical Marijuana Treatment Center. An identification card is not transferable or assignable.
19. **Independent Medical Marijuana Testing Facility** – The term “Independent Medical Marijuana Testing Facility” shall mean any facility, entity or site that offers or performs testing of medical marijuana or medical marijuana products, including the equipment provided by such laboratory, facility, or entity and that is licensed/certified by the Department. An independent medical marijuana testing facility may acquire, possess, test and transport medical marijuana and medical marijuana products between its licensed premises and other licensed premises.
20. **Inventory Control System** – The term “Inventory Control System” means a process, device or other means that may be used to monitor the chain of custody of cannabis from the point of cultivation to the end consumer. This may also be referred to as a seed to sale system.
21. **License** – The term “License” shall mean a document, whether electronic or paper, permitting an entity to provide the services for a specific period of time

under the rules and regulations set forth by the Department. A license is not transferable or assignable.

22. **Licensed Child Care Facility** – The term “Licensed Child Care Facility” shall mean a place, licensed by the Department, which provides shelter and personal care for six or more children who are not related within the third degree computed according to the civil law to the operator and who are under 13 years of age, for any part of the twenty-four-hour (24) day, whether such place be organized or operated for profit or not. The term “childcare facility” includes day nurseries, day care centers, childcare centers, preschool programs, and any other facility that fall within the scope of the definition set forth above.
23. **Licensed Entity** - The term “Licensed Entity” shall mean a person or entity holding a license issued by the Medical Marijuana Program.
24. **Manufacturer** – The term “Manufacturer” shall mean entities licensed by the Department to compound, blend, extract, infuse, or otherwise make or prepare a medical marijuana product. Additionally, a manufacturer may distribute, sell, transfer, and transport Medical Marijuana and Medical Marijuana Products between its licensed premises and any other licensed premises, but not to Qualified Patients or Caregivers.
25. **Marijuana Testing Facility** – The term “Marijuana Testing Facility” shall mean an Independent Medical Marijuana Testing Facility.
26. **Medical Marijuana** - The term “Medical Marijuana” shall have the meanings given as of July 1, 2018 in Section 41-29-105(r) and/or Section 41-29-105(o), of the Mississippi Code of 1972, and which is used to treat the symptoms and/or effects of a debilitating medical condition as provided in the Mississippi Constitution.
27. **Medical Marijuana Program** – The term “Medical Marijuana Program” shall include all components of the system responsible for the implementation of Initiative Measure No. 65 of the Constitution of the State of Mississippi. This includes, but is not limited to, the Department, Licensed Entities, Qualified Patients, and Caregivers.
28. **Medical Marijuana Products** - The term Medical Marijuana Products shall mean any and all products that are comprised of Medical Marijuana, marijuana concentrate, or marijuana extract and other ingredients and are intended for use or consumption, including but not limited to edible products, topical ointments, and tinctures.
29. **Medical Marijuana Treatment Center** – The term “Medical Marijuana Treatment Center” shall mean an entity that is registered with and licensed and regulated by the department and that processes medical marijuana, related

supplies, and/or educational materials. A treatment center may engage in one or more of the activities involved in the processing of medical marijuana.

30. **Minor** – The term “Minor” shall mean anyone who is under the age of eighteen (18).
31. **Mississippi Universal Symbol** - The term “Mississippi Universal Symbol” shall mean the symbol that must be placed upon Medical Marijuana and Medical Marijuana Products.
32. **Pesticide** – The term “Pesticide” shall mean chemical or organic substances that might be used on medical marijuana plants to protect against insects or fungus.
33. **Physician** – The term “Physician” shall mean a person with a valid Doctor of Medicine or Doctor of Osteopathic Medicine degree and who holds an unrestricted license to practice medicine in the state of Mississippi by the Mississippi Board of Medical Licensure, or its successor agency.
34. **Physician Certification** – The term “Physician Certification” shall mean an application/certification document (electronic and/or paper) approved by the Department, signed and dated by a physician, certifying that a person suffers from a debilitating medical condition for which the use of medical marijuana may mitigate the symptoms and/or effects. The certification shall remain current for twelve months, unless the physician specifies a shorter period of time, and shall be issued only after an in-person examination of the patient in Mississippi. A certification shall only be issued on behalf of a minor when the minor's parent or guardian is present and provides signed consent. Nothing herein shall require a physician to issue a certification.
35. **Political Subdivision** – The term “Political Subdivision” shall mean any county or municipal governments.
36. **Process** – The term “Process” shall mean to acquire, administer, compound, convert, cultivate, deliver, develop, disburse, dispense, distribute, grow, harvest, manufacture, package, possess, prepare, process, produce, propagate, research, sell, test, transport, or transfer medical marijuana or any related products such as foods, tinctures, aerosols, oils, or ointments.
37. **Process Lot** – The term “Process Lot” shall mean any amount of medical marijuana product of the same type and processed using the same ingredients and processed at the same time.
38. **Qualified Patient** – The term “Qualified Patient” shall mean a person who has been diagnosed with a debilitating medical condition and who has been issued a physician certification.

39. **Renewal Identification Card** – The term “Renewal Identification Card” shall mean a card issued annually to qualified patients.
40. **School** – The term “School” shall mean any public or private school providing education in kindergarten or any of the grades one through 12.
41. **“TCH”** – The acronym “THC” shall mean tetrahydrocannabinol, which is the primary psychotropic cannabinoid formed by decarboxylation of naturally tetrahydrocannabinolic acid, which generally occurs by exposure to heat.
42. **Transporter** – The term “Transporter” shall mean an entity licensed by the Department to acquire, deliver, disburse, distribute, possess, transfer and transport Medical Marijuana and Medical Marijuana Products between Licensees but not to Qualified Patients or Caregivers.
43. **Strain** – The term “Strain” shall mean variety of medical marijuana plants that have a particular characteristic(s) that might be used to express a specific desired effect.
44. **Trim** – The term “Trim” shall mean the trimming of the plant leaves to focus on the remaining buds. This is typically done when a plant is harvested.
45. **Use** – The term “Use” shall mean the acquisition, possession, preparation, use or use with an accessory, delivery, transfer, or administration of medical marijuana by a qualified patient or caregiver. For purposes of this chapter, "accessory" shall have the meaning given in Section 41-29-105(v) of the Mississippi Code of 1972, as of July 1, 2018.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 2 Severability

Rule 2.2.1 The provisions of this part are severable. If a court of competent jurisdiction declares any section, subsection, paragraph, or provision unconstitutional or invalid, the validity of the remaining provisions shall not be affected.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 3 Application Submission

Rule 2.3.1 Applicants must submit an electronic application, on a Department approved application, for the following:

1. Identification card – initial, renewal or replacement
2. Cultivator license
3. Manufacturer license

4. Dispensary license
5. Independent Medical Marijuana Testing Facility license

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.3.2 All applications shall be complete, accurate, and contain the information required by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.3.3 An applicant may apply for more than one license type at one time. The applicant will be responsible for the fee associated with each license type for which application is made.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 4 Application Fees

Rule 2.4.1 All applications must be accompanied by the non-refundable application fee. An application will not be considered complete until the application fee is received by the Department. Incomplete applications will be void after 90 calendar days from the first date of submission.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.4.2 Non-refundable application fees are as follows:

- a. Cultivator license application fee of \$15,000.00.
- b. Dispensary application fee of \$15,000.00.
- c. Independent Medical Marijuana Testing Facility application fee of \$15,000.00.
- d. Manufacturer License application fee of 15,000.00.
- e. Identification Card application fee of \$50.00 for initial and renewal cards
- f. Identification Card application fee of \$25.00 for replacement cards

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.4.3 With the exception of the Qualified Patient Identification Card fee, the Department may change application fees subject to public notification of the change.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.4.4 As soon as possible, but no later than 60 calendar days after the application was submitted, the Department will act upon the application. The Department may:

- a. Approve the application

- b. Request additional information
- c. Notify the applicant that the application that the application will be denied and provide the applicant an opportunity to cure the disqualifying aspect of the application. The Department will notify the applicant of the disqualifying aspects of the application and allow the applicant 60 calendar days to cure the disqualifying aspects of the application.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.4.5 Failure of the applicant to supply the requested information or failure to address any defects identified by the Department within the amount of time designated by the Department will result in an application being denied.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.4.6 The Department will notify the applicant, in writing, of approval or denial of the application.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 5 Medical Marijuana Program Licensure

Rule 2.5.1 The following license types will be issued by the Department:

- a. Cultivator license
- b. Dispensary License
- c. Independent Medical Marijuana Testing Facility
- d. Manufacturer License

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.2 Entities may hold more than one license type at one time. Entities must hold licensure based on the scope of their work as defined by this Part.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.3 All licenses issued by the Department for the Medical Marijuana Program will be valid for a one-year period from the date of issuance.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.4 Upon the awarding of a license and every year on or before that date in subsequent years as long as the license remains active, the Licensed Entity must submit to the Department the appropriate annual fees. The annual fees are non-refundable. Non-payment of an annual fees is grounds for suspension or revocation of a license.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.5 Non-refundable license fees are as follows:

- a. Cultivator license fee of \$10,000.00.
- b. Dispensary license fee of \$10,000.00.
- c. Independent Medical Marijuana Testing Facility license fee of \$10,000.00.
- d. Manufacturer License fee of \$10,000.00.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.6 No later than ninety (90) calendar days before a License expires, the Licensed Entity must apply for renewal.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.7 A license shall remain valid while under review by the Department, provided the Licensed Entity submitted the renewal application ninety (90) calendar days prior to its expiration date.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.8 The renewal application for licensure must be completed as required by the Department as included in Subchapters 3 and 4 of this Subpart.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.9 As soon as possible, but no later than thirty (30) calendar days after the application was submitted, the Department will act upon the application. The Department may:

- a. Approve the renewal
- b. Request additional information
- c. Notify the applicant that the renewal will be denied and provide the applicant an opportunity to cure the disqualifying aspect of the renewal. The Department will notify the Licensed Entity of the disqualifying aspects of the renewal and allow the Licensed Entity thirty (30) calendar days to cure the disqualifying aspects of the renewal.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.10 Failure of the Licensed Entity to supply the requested information or failure to address any defects identified by the Department within the amount of time designated by the Department will result in a license renewal being denied.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.11 The Department will notify the Licensed Entity, in writing, of approval or denial of the license renewal.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.5.12 A license shall be surrendered to the Department upon written notice and demand if the licensee fails to begin operations, to the satisfaction of the Department, within one (1) year of the date of issuance of the license.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 6 Appeal Following Denial of Application and/or Licensure

Rule 2.6.1 The Department will provide an opportunity for a fair hearing to every applicant or licensee who is dissatisfied with administrative decisions made in the denial of an application or suspension, denial or revocation of license.

- a. The Department shall notify the applicant or licensee by in writing of the reasons for the denial of application or suspension, denial or revocation of license. Upon written request of applicant or licensee within ten (10) calendar days of the date of notification the Department shall fix a date not less than thirty (30) calendar days from the date of notification at which time the applicant or licensee shall be given an opportunity for a prompt and fair hearing.
- b. On the basis of such hearing or upon default of the applicant or licensee, the Department shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail to the last known address of the applicant or licensee.
- c. The decision revoking, suspending, or denying the application or license shall become final thirty (30) calendar days after notification, within such thirty (30) calendar day period, appeals the decision to the State court having jurisdiction and such court issues a conditional permit for the duration of the judicial proceedings. An additional period of time may be granted at the discretion of the Department including a conditional license.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 7 Notifications to the Department

Rule 2.7.1 The information submitted to and maintained by the Department must remain accurate and current. Applicants and Licensees have a duty to notify the Department when information changes. All notifications of changes relating to a location change must be made prior to the change being made.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.7.2 Changes that require the applicant to notify the Department while the application is pending include:

- a. Name change;
- b. Location change;
- c. Contact information change; or
- d. Any change to controlling ownership.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.7.3 Changes that require a Licensed Entity to notify the Department include:

- a. Name change;
- b. Address change;
- c. Contact information change;
- d. Any change to controlling ownership;
- e. Changes in operating hours.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.7.4 Licensed Entities must report their start date of operations to the Department.

Rule 2.7.5 The Department may charge a reasonable fee for these notifications that shall not exceed \$100.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 8 Confidential Information, Exceptions

Rule 2.8.1 All information received and records kept by the Department for purposes of administering the medical marijuana program are confidential and not subject to disclosure except to:

- a. Employees or contractors of the Department as necessary to perform their official duties;
- b. Federal, state or local law enforcement agencies for the purpose of verifying licensure/registration with the Department;
- c. A person or entity pursuant to an order or subpoena from a court or agency of competent jurisdiction;
- d. A person or entity with the written permission of the qualifying patient or, if the qualifying patient is a minor or adult lacking legal capacity, to the qualifying patient's parent, guardian or person having legal custody;
- e. Employees or contractors of the Medical Marijuana Program's dispensary system;
- f. Employees or contractors of the Department's contracted computer software tracking system used within the Medical Marijuana Program;

- g. Medical Marijuana Treatment Center/ Dispensaries licensed by the Department as deemed necessary by the Department for the purposes of:
 - i. Verifying the status of a person as a qualifying patient or caregiver, and;
 - ii. Tracking a qualified patient's allowable medical marijuana limits; and
- h. Other persons or entities deemed necessary by the Department to administer the Medical Marijuana Program.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 2.8.2 Nothing in this Chapter precludes the Department from the following:

- 1. Notifying law enforcement or relevant authorities about falsified or fraudulent information submitted to the Department;
- 2. Notifying state or local law enforcement about suspected criminal violations; and,
- 3. Publishing non-identifying aggregated data or statistics of information related to the Medical Marijuana Program.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 9 Health Insurance Portability and Accountability Act of 1996 (HIPAA)

Rule 2.9.1 All records maintained by entities licensed as Medical Marijuana Treatment Centers/Dispensaries which pertain to a qualified patient or caregiver shall be considered protected health care information for purposes of the Federal Health Insurance Portability and Accountability Act of 1996, (HIPAA) and the Health Information Technology for Economic and Clinical Health Act (HITECH Act), and their implementing regulations.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Title 15: Mississippi State Department of Health

Part 22: Medical Marijuana

Subpart 5: Issuance of Medical Marijuana Identification Cards

Chapter 1 MEDICAL MARIJUANA IDENTIFICATION CARDS

Subchapter 1 Types of Medical Marijuana Identification Cards or Registration and Associated Fees

Rule 5.1.1 The following types of medical marijuana identification cards or registration will be issued (in a form and manner set by the Department) upon satisfaction of all application criteria:

- a. Patient Identification Cards
- b. Caregiver Identification Cards
- c. Caregiver Institution/Program Identification Cards
- d. Licensed Entity Identification Cards
 - i. Owner
 - ii. Operator
 - iii. Officer
 - iv. Agent
 - v. Employee
 - vi. Contractor
- e. Physician Registration

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.1.2 At a minimum, Identification Cards issued by the Department will identify the type of card, valid dates of the card, the legal name and date of birth of the cardholder, and a unique identification number.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.1.3 The initial fee for Patient Identification Cards is as follows:

- a. If the applicant is currently receiving assistance through SNAP, TanF, or WIC, the identification card fee is reduced to \$25.00. State issued evidence of current enrollment in SNAP, TanF or WIC must be submitted as part of the application process. If evidence of current enrollment is not provided, the full fee will be applicable.
- b. For all other participants, the identification card fee is \$50.00.
- c. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.1.4 The renewal fee for Patient Identification Cards is as follows:

- a. If the applicant is currently receiving assistance through SNAP, TanF, or WIC, the identification card fee is reduced to \$25.00. State issued evidence of current enrollment in SNAP, TanF or WIC must be submitted as part of the application process. If evidence of current enrollment is not provided, the full fee will be applicable.
- b. For all other participants, the identification card fee is \$50.00.
- c. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.1.5 The initial fee for Caregiver Identification Cards is as follows:

- a. If the applicant is currently receiving assistance through SNAP, TanF, or WIC, the identification card fee is reduced to \$25.00. State issued evidence of current enrollment in SNAP, TanF or WIC must be submitted as part of the application process. If evidence of current enrollment is not provided, the full fee will be applicable.
- b. For all other participants, the identification card fee is \$50.00.
- c. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.1.6 The annual renewal fee for Caregiver Identification Cards is as follows:

- a. If the applicant is currently receiving assistance through SNAP, TanF, or WIC, the identification card fee is reduced to \$25.00. State issued evidence of current enrollment in SNAP, TanF or WIC must be submitted as part of the application process. If evidence of current enrollment is not provided, the full fee will be applicable.
- b. For all other participants, the identification card fee is \$50.00.
- c. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.1.7 The initial fee for all Licensed Entity Identification Cards is \$50.00. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.1.8 The renewal fee for all Licensed Entity Identification Cards is \$50.00. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.1.9 Both initial and renewal fees for all medical marijuana identification cards may be waived by the Department in the event of extenuating circumstances approved by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 2 Patient Identification Cards

Rule 5.2.1 Patient Identification Cards will only be issued by the Department when all application and physician certification criteria is met. Upon issuance of the identification card, the applicant is recognized as a qualified patient of the medical marijuana program.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.2.2 Patient Identification Cards issued by the Department are valid for one (1) year from the date of issuance unless a lesser timeframe is otherwise indicated by the physician issuing the physician certification or circumstances determined by the Department outlined in Rule 5.2.6 of this subchapter.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.2.3 Utilizing the same process outlined in Rule 5.3.1, Qualified Patients may apply for renewal of their Patient Identification Card no later than one (1) year from the date of issuance or last renewal of the Qualified Patient's Identification Card.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.2.4 When there a change in the patient's name, address, or designated caregiver, the patient is responsible for notifying the Department within ten (10) calendar days of the change.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.2.5 If a patient no longer has a debilitating medical condition that qualifies him/her for the medical marijuana program, the patient is responsible for notifying the Department and returning/surrendering his/her patient identification card within ten (10) calendar days of receiving such information from his/her physician.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

- Rule 5.2.6 Patient Identification Cards may be suspended or revoked for the following:
- a. The patient provided false information to the Department;
 - b. The patient uses his/her card to obtain marijuana for another individual; and/or,
 - c. The certifying physician has terminated the physician certification.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 3 Application to Participate in the Medical Marijuana Program as a Qualified Patient

Rule 5.3.1 To obtain a Qualified Patient Identification Card, an applicant must submit (in a form and manner determined by the Department) the following information:

- a. Full legal name and any aliases, such as a nickname (e.g., Bill as a nickname for William);
- b. Date of birth;
- c. Current physical address;
- d. Current telephone number and/or email address;
- e. Identification issued by the State of MS – driver’s license, state-issued ID
- f. Current photograph
 - i. clear, color photograph of the head and top of shoulders;
 - ii. be an image in a .jpg, .png, or .gif digital image format no larger than 3 mb in size;
 - iii. be taken in the last sixty days to reflect the applicant’s appearance;
 - iv. be taken in front of a plain white or off-white background;
 - v. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
 - vi. must not be digitally enhanced to change the appearance of the applicant (e.g. use of “filters”).
- g. Physician certification (as set forth by the Department);
- h. Identification card fee (see Rules 5.1.3 and 5.1.4);
- i. An attestation, signed and dated by the applicant, that the information provided is true and correct;
- j. An attestation, signed and dated by the applicant, pledging not to divert medical marijuana or medical marijuana products to any individual or entity; and,

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.3.2 To obtain a Qualified Patient Identification Card for a Minor, a Legal Guardian or Parent, on behalf of the minor applicant, must submit (in a form and manner determined by the Department) the following information:

- a. The full legal name and aliases, such as a nickname (e.g., Bill as a nickname for William) of the applicant;
- b. The applicant’s date of birth;
- c. A copy of the applicant’s birth certificate;

- d. A copy of any court orders pertaining to custody of the minor applicant (including, but not limited to custody order through chancery or youth court);
- e. The applicant's current physical address;
- f. The applicant's telephone number and/or email address if the applicant has a telephone number and/or email address and that telephone number and/or email address is different from one provided by the applicant's parent(s) or legal guardian(s);
- g. The full legal name(s) of the applicant's parent(s) or legal guardian(s);
- h. The date(s) of birth of the applicant's parent(s) or legal guardian(s);
- i. The current physical address(es) of the applicant's parent(s) or legal guardian(s);
- j. The current telephone number(s) and/or email address(es) of the applicant's parent(s) or legal guardian(s);
- k. Identification issued by the State of MS – driver's license, state-issued ID;
- l. Current photograph
 - i. clear, color photograph of the head and top of shoulders;
 - ii. be an image in a .jpg, .png, or .gif digital image format no larger than 3 mb in size;
 - iii. be taken in the last sixty days to reflect the applicant's appearance;
 - iv. be taken in front of a plain white or off-white background;
 - v. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
 - vi. must not be digitally enhanced to change the appearance of the applicant (e.g. use of "filters").
- m. Physician certification (as set forth by the Department);
- n. Identification card fee (see Rules 5.1.3 and 5.1.4);
- o. An attestation that the information provided is true and correct;
- p. Parental or legal guardian consent for the minor to participate in the medical marijuana program;
- q. An attestation, signed and dated by the applicant and parent(s)/legal guardian(s), pledging not to divert medical marijuana or medical marijuana products to any individual or entity; and,

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.3.3 For all qualified patients who are minors, parental consent or consent of the legal guardian(s) is required.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 4 Caregiver Identification Cards

Rule 5.4.1 Caregiver Identification Cards will only be issued by the Department when all application criteria is met. Upon issuance of the identification card, the applicant is recognized as a caregiver to a patient or patients of the medical marijuana program. The Department will not issue a caregiver identification card before the

Department issues the designated caregiver's qualifying patient's identification card.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.4.2 Applicants are prohibited from having a disqualifying criminal conviction 15 Miss. Admin. Code, Part 22, Subpart 2, Rule 2.1.3.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.4.3 Caregiver Identification Cards issued by the Department are valid for one (1) year from the date of issuance.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.4.4 Utilizing the same process outlined in Rule 5.5.1, Caregivers may apply for renewal of their Patient Identification Card no later than one (1) year from the date of issuance or last renewal of the Caregiver Identification Card.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.4.5 Caregiver Identification Cards may be suspended or revoked for the following:

- a. The caregiver provided false information to the Department;
- b. The caregiver uses his/her card to obtain marijuana for an individual who has not designated them as their caregiver or who is not a qualified patient; and/or,
- c. The caregiver uses the medical marijuana of the patient for whom he/she is providing care.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 5 Application to Participate in the Medical Marijuana Program as a Caregiver

Rule 5.5.1 To obtain a Caregiver Identification Card, an applicant must submit (in a form and manner determined by the Department) the following information:

- a. Full legal name and any aliases, such as a nickname (e.g., Bill as a nickname for William);
- b. Date of birth;
- c. Current physical address;
- d. Current telephone number and/or email address;
- e. Identification issued by the State of MS – driver's license, state-issued ID;
- f. Current photograph
 - i. clear, color photograph of the head and top of shoulders;

- ii. be an image in a .jpg, .png, or .gif digital image format no larger than 3 mb in size;
- iii. be taken in the last sixty days to reflect the applicant’s appearance;
- iv. be taken in front of a plain white or off-white background;
- v. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
- vi. must not be digitally enhanced to change the appearance of the applicant (e.g. use of “filters”).
- g. Names, dates of birth, and identification numbers (if available at the time of application) of the patients they will be providing services to;
- h. Identification card fee (See Rules 5.1.5 and 5.1.6);
- i. Fingerprints on a fingerprint card or a live scan print to be submitted to conduct a state and federal criminal records checks;
- j. Authorization to conduct state and federal criminal records checks;
- j. An attestation that the information provided is true and correct;
- k. An attestation, signed and dated by the applicant, pledging not to divert medical marijuana or medical marijuana products to any individual or entity; and,
- l. Any other documentation required by the Department such as an acknowledgement of caregiver responsibilities.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.5.2 In the event that an applicant is applying to become a caregiver for qualified patient who is a minor and the applicant is not the patient’s parent and/or legal guardian, the applicant must also submit authorization from the patient’s parent and/or legal guardian to serve in a caregiver capacity. The form of the authorization may be determined by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 6 Application to Obtain a Caregiver Institution/Program Identification Card

Rule 5.6.1 The following entities, licensed by the Department, may facilitate the use of Medical Marijuana by a Qualified Patient after registering with the Department as a Caregiver Institution/Program:

- a. Hospitals;
- b. Hospice Programs;
- c. Assisted Living Programs;
- d. ICF/IDD Institutions; and,
- e. Nursing Homes.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.6.2 To register as a Caregiving Institution/Program, the institution/program shall submit, in a form and manner determined by the Department, the following information:

- a. The name, address, and telephone number of the institution, as well as the contact information for a primary contact person at that institution;
- b. A copy of the institution's current facility license; and,
- c. An attestation that the information provided is true and correct and must be signed and dated by an authorized signatory of the institution.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.6.3 The Caregiving Institution shall update the Department with any changes to the institution's primary contact person and shall file a copy of their facility licenses each time that license is renewed or updated.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.6.4 A Caregiving Institution/Program identification card shall remain valid unless or until the institution's/program's state license or certification (whichever is applicable) is no longer valid or the registration is suspended, revoked, or restricted by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.6.5 The Department shall provide identification cards to Caregiving Institutions/Programs to distribute to employees designated by the institution/program to serve as Caregivers for Qualified Patients at the Caregiving Institution.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.6.6 Caregivers in recognized Caregiver Institutions/Programs are subject to all other Caregiver requirements included in this Part.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 7 Identification Cards for Owners, Operators, Employees, Contractors, and Agents

Rule 5.7.1 To obtain an Identification Card for an owner, operator, board member, officer, agent, employee, or contractor of a licensed entity participating in the medical marijuana program, the licensed entity must submit (in a form and manner determined by the Department) the following information on behalf of its owners, operators, board members, officers, agents, employees, or contractors:

- a. Full legal name and any aliases, such as a nickname (e.g., Bill as a nickname for William);
- b. Date of birth;
- c. Current physical address;
- d. Current telephone number and/or email address;
- e. Current photograph
 - i. clear, color photograph of the head and top of shoulders;
 - ii. be an image in a .jpg, .png, or .gif digital image format no larger than 3 mb in size;
 - iii. be taken in the last sixty days to reflect the applicant's appearance;
 - iv. be taken in front of a plain white or off-white background;
 - v. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
 - vi. must not be digitally enhanced to change the appearance of the applicant (e.g. use of "filters");
- f. Role with the licensed entity;
- g. Date of hire with the licensed entity (if an employee, officer, or agent);
- h. Effective contract date (if a contractor, officer, or operator); and,
- i. Dated evidence of ownership.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.7.2 All owners, operators, board members, officers, agents, employees, and contractors are subject to the requirements in 15 Miss. Admin. Code. Chapter 22, Subpart 7.

Subchapter 8 Physician Certification

Rule 5.8.1 A physician certification (in a manner set for the by the Department) is required for a person to apply to become a qualified patient of the medical marijuana program.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.8.2 The purpose of the physician certification is to determine and certify that a person suffers from a debilitating medical condition for which the use of medical marijuana may mitigate the symptoms and/or effects.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.8.3 Before issuing a Physician Certification for an individual, a Physician must:

- a. Examine the individual in person in Mississippi; and
- b. Determine that the individual suffers from a Debilitating Medical Condition for which the use of Medical Marijuana may mitigate the symptoms and/or the effects.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.8.4 A physician certification is valid for twelve months from the date of issue unless a shorter timeframe is specified by the certifying physician.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 9 Physician Registration

Rule 5.9.1 Physicians participating in the medical marijuana program with the intent of issuing physician certifications must register with the Department in order to issue physician certifications for the medical marijuana program.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.9.2 The initial and renewal fees for the physician registration is \$50.00. Fees are nonrefundable. Fees must be paid in the manner set forth by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.9.3 In order to register with the Department, the physician (i.e., applicant) must submit the following information in a manner set by the Department:

- a. Evidence of unrestricted licensure in Mississippi by the Mississippi State Board of Medical Licensure;
- b. Issue date and expiration date of licensure in Mississippi;
- c. Area of specialty;
- d. Physical address of practice;
- e. Current telephone number and email address;
- f. Fee of \$50.00;
- g. Evidence of completion of continuing medical education approved by the Department;
- h. A waiver, signed and dated by the physician, allowing, and authorizing the Department to fully communicate with the Mississippi State Board of Medical Licensure and receive licensure information; and,
- i. If applicable, a disclosure that the applicant has a direct or indirect familial or financial relationship with or interest in a licensed entity participating in the medical marijuana program.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.9.4 Physician Registration may be suspended or revoked for the following:

- a. The physician provided false information to the Department; and/or
- b. The physician is the subject of disciplinary action from the Mississippi Board of Medical Licensure.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 10 Requirements of Physicians Participating in the Medical Marijuana Program

Rule 5.10.1 Physicians must complete four (4) hours of initial training related to the use of medical marijuana prior to offering physician certification. Annual training in the amount of two (2) hours related to the use of medical marijuana must also be completed in order to renew participation in the medical marijuana program. All training must be approved by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.10.2 Participation in the program does not negate the authority of the Mississippi State Board of Medical Licensure to investigate physicians and freely communicate with the Department should those instances occur.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.10.3 Physicians must utilize the Prescription Monitoring Program in order to complete an assessment of the patient prior to issuing a physician certification for the medical marijuana program.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.10.4 If a physician has a direct or indirect familial or financial relationship with or interest in a licensed entity participating in the medical marijuana program, he/she must disclose that information to all patients of the medical marijuana program. Evidence of this disclosure must be maintained in the patient's medical record.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.10.5 All patients must be advised of their freedom of choice as to the medical marijuana treatment center/dispensary they wish to utilize. Evidence of this must be maintained in the patient's medical record.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.10.6 In addition to the requirements set forth in this Part, physicians must also follow the rules, regulations, and policies set forth by the Mississippi State Board of Medical Licensure. This includes, but is not limited to, Part 2640: Chapter 1: Rules Pertaining to Prescribing, Administering and Dispensing of Medication.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 5.10.7 A certifying physician may determine that a patient no longer meets the requirements related to a debilitating medical condition; no longer believes that the patient receives therapeutic benefit from the use of medical marijuana; or does not believe the patient is using the medical marijuana for medical purposes. The

physician may notify the Department of that determination and intent to terminate the physician certification. Termination of physician certification renders the patient identification card null and void.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Title 15: Mississippi State Department of Health

Part 22: Medical Marijuana

Subpart 6: Reciprocity with Other States for Qualified Patients

Chapter 1 REGULATIONS FOR RECIPROCAL AGREEMENTS WITH OTHER STATES FOR PATIENTS REGISTERED IN MEDICAL MARIJUANA PROGRAMS

Subchapter 1 General Provisions

Rule 6.1.1 Legal Authority: This regulation has been promulgated under the authority of and pursuant to Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2).

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.1.2 A qualified out-of-state patient participating in another state’s medical marijuana program (i.e., home medical marijuana program) must register with the Department as established by this Part in order to purchase medical marijuana at a dispensary in Mississippi. This type of registration will identify the individual as a “guest patient” of the Medical Marijuana Program in Mississippi.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.1.3 If the guest patient is a minor, as defined in this Part, a guest caregiver must also register with the Department as a “guest caregiver” as established by this Part.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.1.4 If the guest patient requires the use of the caregiver in his/her home medical marijuana program, the guest patient’s caregiver will also be required to register as a guest caregiver as established by this Part.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.1.5 A guest patient registration will be effective for no more than sixty (60) calendar days from the date of issue from the Department or the ending date of the term of registration of the temporary qualified patient’s home medical marijuana program, if less than sixty dates from the date of issue in Mississippi.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.1.6 Guest patient registration renewal is limited to an additional thirty (30) calendar day period within one calendar year that begins with the initial registration date.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.1.7 Guest patients must adhere to the possession limits set forth in this Part. Guest patients must not exceed 2.5 ounces of medical marijuana during any one fourteen (14) day period.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.1.8 All licensed Dispensaries are responsible for ensuring an out of state patient is registered with the Department as a guest patient of the medical marijuana program prior to dispensing any form of medical marijuana. The guest patient registration must be active.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.1.9 The Department may temporarily suspend the registration of guest patients for a period of up to thirty (30) calendar days if the Department determines that the registration process for qualified patients from Mississippi and caregivers is being adversely impacted or the supply of medical marijuana in licensed Dispensaries is insufficient to serve qualified patients from Mississippi, caregivers, and guest patients.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.1.10 The Department may extend the suspension of guest patient registration by thirty (30) calendar day periods until the Department determines:

- a. Adequate capacity exists to register guest patients, qualified patients from Mississippi, and caregivers; and,
- b. Licensed Dispensaries can meet the needs of qualified patients from Mississippi.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 2 Guest Patient Registration

Rule 6.2.1 All guest patients of the medical marijuana program must submit an application as required by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.2.2 At a minimum, guest patients of the medical marijuana program must meet the following criteria for registration:

- a. Provide a valid government issued medical marijuana/cannabis program card issued to the guest patient by his/her “home” state with a medical

- marijuana/cannabis program. The medical marijuana/cannabis program card must have an expiration date and must not be expired.
- b. Provide a valid photographic identification card or driver's license issued by the same state that issued the medical marijuana/cannabis card.
 - c. Applicant must be certified in his/her "home" state as having one or more of the debilitating medical conditions as defined by this Part.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.2.3 Each guest patient must submit a nonrefundable application fee in the amount of \$50.00.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 3 Guest Caregiver Registration

Rule 6.3.1 All guest caregivers of the medical marijuana program must submit an application as required by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.3.2 At a minimum, guest caregivers of the medical marijuana program must meet the following criteria for registration:

- a. Provide a valid government issued medical marijuana/cannabis program card issued to the guest caregiver by another state with a medical marijuana/cannabis program. The medical marijuana/cannabis program card must have an expiration date and must not be expired.
- b. Provide a valid photographic identification card or driver's license issued by the same state that issued the medical marijuana/cannabis card.
- c. Meet the definition of caregiver as included in this Part.
- d. Identify the guest patient approved by the Department for whom the caregiver will provide services.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.3.3 Each guest caregiver must submit a nonrefundable application fee in the amount of \$50.00.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.3.4 A guest caregiver registration/license will be effective for no more than sixty (60) calendar days from the date of issue from the Department or the ending date of the

term of registration of the temporary qualified patient's home medical marijuana program, if less than sixty dates from the date of issue in Mississippi.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.3.5 Guest caregiver registration/license renewal is limited to an additional thirty (30) calendar day period within one calendar year that begins with the initial registration date.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.3.6 Guest caregivers are subject to the same regulations as outlined in this Part.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 6.3.7 Guest caregiver registrations/licenses may not extend beyond the expiration date of the identified guest patient registration regardless of the date.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Title 15: Mississippi State Department of Health

Chapter 22: Medical Marijuana Program

Subpart 7: Qualifications and Limitations on Owners, Board Members, Officers, Agents, Employees, and Contractors, of Licensed Entities (Cultivators, Manufacturers, Dispensaries) Participating in the Medical Marijuana Program

Chapter 1 GENERAL REQUIREMENTS

Rule 7.1.1 Purpose of Regulations: These regulations, and any guidelines set forth by the Department, governs the medical marijuana program in Mississippi. The purpose of this Part is to ensure the availability of and safe access to medical marijuana for qualified persons with debilitating medical conditions.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 7.1.2 Legal Authority: This regulation has been promulgated under the authority of and pursuant to Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2).

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 7.1.3 Definitions. In addition to the general definitions and terms in 15 Miss. Admin. Code Pt. 22, R. 2.1.3 the following terms shall have the meaning hereinafter respectively ascribed to them as they relate to the Medical Marijuana Program:

- a. **Owner** – The term “owner” or “owners” shall mean any individual who holds any portion of the economic or voting interests of a licensed entity and who will have access to medical marijuana, medical marijuana products, or a medical marijuana business/entity licensed by the Department.
- b. **Board Member** – The term “board member” or “board members” shall mean any individuals who jointly supervise the activities of an organization.
- c. **Officer** – The term “officer” or “officers” shall mean any individual responsible for managing an organization’s daily operations.
- d. **Agent** – The term “agent” or “agents” shall mean any individual, corporation, or LLC who or that has been legally empowered to act on behalf of any Mississippi company.
- e. **Employee** – The term “employee” or “employees” shall mean an individual hired to work for another person or business for compensation and is subject to the employer’s direction as to the details of performing the job.
- f. **Contractor** – The term “contractor” or “contractors” shall mean any person or company that undertakes a contract with a licensed entity to perform work that would include access to medical marijuana, medical marijuana products, or related equipment or supplies for a time period greater than fourteen (14) calendar days or who has routine access for shorter periods of time (e.g., weekly scheduled services).

Chapter 2 QUALIFICATIONS FOR OWNERS, BOARD MEMBERS, OFFICERS, AND/OR AGENTS OF LICENSED ENTITIES – CULTIVATORS, MANUFACTURERS, DISPENSARIES

Rule 7.2.1 Minimum qualifications for cultivators, manufacturers, and dispensaries, are as follows:

- a. An individual applicant for a license under this chapter shall be a natural person that:
 - i. Is twenty-one (21) years of age or older;
 - ii. Has not previously held a license for any type of licensed entity participating in the medical marijuana program in Mississippi or any other state that has been revoked by the state licensing authority;
 - iii. Has not been convicted of a disqualifying criminal conviction in the past five (5) years from the date of application;
 - iv. If possessing a professional license, that the license is in good standing; and
 - v. Does not owe a debt to the State of Mississippi or its political subdivisions.
 - vi. A minimum of twenty-five (25) percent of the controlling ownership is held by a current Mississippi resident.

- b. If the applicant is applying on behalf of an entity, in addition to (a) of this Section, the applicant:
 - i. Shall be legally authorized to submit an application (as prescribed by the Department) on behalf of the entity;
 - ii. Shall serve as the primary point of contact with the Department;
 - iii. Shall submit sufficient proof that:
 1. The entity has no owner, board member, or officer under the age of twenty-one (21);
 2. The entity has no owner, board member, officer, or agent that has previously been an owner, board member, officer, or agent of a licensed entity of any type participating in the medical marijuana program in Mississippi or any other state that has been revoked by the state licensing authority;
 3. The entity has no owner, board member, officer, or agent that has been convicted of disqualifying criminal conviction in the past five years from the date of application;
 4. If an owner, board member, officer, or agent has a professional license, that the license is in good standing; and
 5. The entity has no owner, board member, officer, or agent that owes a debt to the State of Mississippi or its political subdivisions.
 6. A minimum of twenty-five (25) percent of the controlling ownership of the entity is held by current Mississippi residents.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 7.2.2 If an applicant posts a surety bond, the bond must be maintained until:

- a. An applicant withdraws an application;
- b. An applicant's application is denied by the Department; and/or,
- c. An applicant, following approval by the Department for licensure, pays the licensing fee and posts the required performance bond.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 7.2.3 At the time of application, the following documentation must be provided for individual applicants and all owners, board members, officers, or agents for applicants representing entities:

- a. Legal name;
- b. Date of birth;
- c. Legal residence;
- d. Social security number or tax identification number;
- e. Mailing address or principal residence address if different from the mailing address;
- f. Phone number;
- g. Email address; and,
- h. Statement of individual's authority to act on behalf of an entity, if applicable;
- i. Consent to state and federal background checks; and,
- j. Fingerprint card or live scan fingerprint image.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 7.2.4 At the time of application, the following documentation related to the proposed operations, must be provided:

- a. Evidence of authorization to occupy the location (e.g., confirmation of land ownership, identification of mortgages and lienholders, lease agreements, contingency agreements for sale or lease based on licensure status);
- b. Plan for operating as a cultivator, manufacturer, dispensary (as applicable to the application);
- c. Timeline for beginning operations at the identified location;
- d. Tax identification number issued by the Mississippi Department of Revenue;

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 7.2.5 If the Department receives any notification that an owner, board member, officer, or agent, is found guilty of a disqualifying criminal conviction that renders the individual to serve in his/her named capacity with the licensed entity, the Department will provide written notification to the licensed entity. Within 24 hours of receiving written notice from the Department, a licensed entity must ensure that

the named individual is no longer serving in his/her capacity with the licensed entity.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 3 QUALIFICATIONS FOR EMPLOYEES AND CONTRACTORS OF LICENSED ENTITIES – CULTIVATORS, MANUFACTURERS, AND DISPENSARIES

Rule 7.3.1 All employees and contractors of entities licensed by the Department as Cultivators, Manufacturers, and Dispensaries are subject to the following:

- a. Must be at least twenty-one (21) years of age;
- b. Must have a valid driver’s license;
- c. Must not have a disqualifying criminal conviction within five (5) years of the date of hire or initial date of the term of the contract;
- d. Must not have a disqualifying criminal conviction during employment or covered terms of the contract with the licensed entity;

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 4 LIMITATIONS ON CULTIVATORS, MANUFACTURERS AND DISPENSARIES

Rule 7.4.1 All licensed entities are subject to the limitations of licensure issued by the Department. The limitations describe the procedures, actions, and processes that a licensed entity is permitted to undertake in keeping with the terms of their licenses.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 7.4.2 The following limits shall apply based on each license type:

- a. A Cultivator may acquire, cultivate, cure, dry, grow, harvest, package, possess, purchase and trim medical marijuana. A cultivator may distribute, sell, transfer, and transport Medical Marijuana and Medical Marijuana Products between its licensed premises and any other licensed entities and premises, but not to Qualified Patients and/or Caregivers.
- b. Manufacturer – The term “Manufacturer” shall mean entities licensed by the Department to compound, blend, extract, infuse, or otherwise make or prepare a medical marijuana product. Additionally, a manufacturer may distribute, sell, transfer, and transport Medical Marijuana and Medical Marijuana Products between its licensed premises and any other licensed premises, but not to Qualified Patients or Caregivers.
- c. A Dispensary may process medical marijuana, related supplies, and/or educational materials. A Dispensary may engage in one or more activities involved in the processing of medical marijuana and medical marijuana products. In addition to retail sales and dispensing of medical marijuana and medical marijuana products, a Dispensary may serve as a Cultivator,

Manufacturer, and Transporter. Separate licensure is required for each. A Dispensary is the only entity that can provide medical marijuana and/or medical marijuana products to Qualified Patients and/or Caregivers. A medical marijuana treatment center/dispensary is prohibited from delivering medical marijuana or medical marijuana products to Qualified Patients and/or Caregivers.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 7.4.3 Licensed entities shall only sell or otherwise transfer, purchase, obtain, or otherwise accept the transfer of medical marijuana or medical marijuana products from an entity licensed by the Department to participate in the medical marijuana program. No licensed entity shall purchase or sell medical marijuana or medical marijuana products from any unlicensed or out-of-state individual or entity.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Title 15: Mississippi State Department of Health

Part 22: Medical Marijuana Program

Subpart 8: Qualifications and Limitation of Caregivers

Chapter 1 GENERAL REQUIREMENTS

Rule 7.1.1 Purpose of Regulations: These regulations, and any guidelines set forth by the Department, governs the medical marijuana program in Mississippi. The purpose of this Part is to ensure the availability of and safe access to medical marijuana for qualified persons with debilitating medical conditions.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 7.1.2 Legal Authority: This regulation has been promulgated under the authority of and pursuant to Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2).

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 7.1.3 Caregivers participating in the medical marijuana program must obtain a Caregiver Identification Card issued by the Department in compliance with 15 Miss. Admin Code, Pt. 22, Subpart. 5.

Chapter 2 QUALIFICATIONS FOR CAREGIVERS

Rule 8.2.1 An individual applicant for a caregiver identification care under this chapter shall be a natural person that:

- a. Is twenty-one (21) years of age or older;
- b. Is a current resident of the State of Mississippi;
- c. Has not previously held a license, identification card, or other state issued document participating in the medical marijuana program in Mississippi or any other state that has been revoked by the state authority for the medical marijuana program.
- d. Has not been convicted of a disqualifying criminal conviction in the past five (5) years from the date of application; and,
- e. If possessing a professional license, that the license is in good standing.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 3 LIMITATIONS ON CAREGIVERS

Rule 8.3.1 All caregivers are subject to the limitations of medical marijuana program as set forth by the Department. The limitations describe the procedures, actions, and processes that a caregiver is permitted to undertake in keeping with their participation in the program.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 8.3.2 The following limits shall apply to caregivers participating in the medical marijuana program:

- a. Caregivers must only assist qualified patients the use of medical marijuana;
- b. A qualified patient can only have one caregiver at any given time;
- c. A caregiver may serve as a caregiver to no more than ten (10) qualified patients at any given time;
- d. On behalf of the qualified patients being served by a caregiver, the caregiver may:
 - i. Purchase medical marijuana or medical marijuana products from a licensed dispensary;
 - ii. Acquire medical marijuana or medical marijuana products from a licensed dispensary;
 - iii. Possess medical marijuana or medical marijuana products, not to exceed individual possession limits;
 - iv. Deliver medical marijuana or medical marijuana products to qualified patients from licensed dispensaries;
 - v. Prepare medical marijuana or medical marijuana products for use by qualified patients; and,
 - vi. Administer medical marijuana or medical marijuana products to qualified patients.
- e. At no time shall a caregiver engage in the following:
 - i. Consumption or use of medical marijuana or medical marijuana products that have been obtained for qualified patients;
 - ii. Purchase any medical marijuana or medical marijuana products for personal consumption or use;
 - iii. Sale or diversion of any medical marijuana or medical marijuana products; and/or,
 - iv. Grow, cultivate, manufacture, or process marijuana for medical use by qualified patients.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Title 15: Mississippi State Department of Health

Part 22: Medical Marijuana

Subpart 9: Safe and Secure Processing of Medical Marijuana

Chapter 1 GENERAL REQUIREMENTS

Rule 9.1.1 Purpose of Regulations: These regulations, and any guidelines set forth by the Department, governs the medical marijuana program in Mississippi. The purpose of this Part is to ensure the availability of and safe access to medical marijuana for qualified persons with debilitating medical conditions.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.1.2 Legal Authority: This regulation has been promulgated under the authority of and pursuant to Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2).

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 2 RECORD KEEPING

Rule 9.2.1 All licensed entities must keep onsite and readily accessible, either in paper or electronic form, a copy of the records listed below. Unless otherwise stated in this Part, all records must be maintained by the licensed entity for at least five (5) years from the date of creation.

- a. Business records, which may include but are not limited to employee records, organizational documents or other records relating to the governance and structure of the licensee, manual or computerized records of assets and liabilities, monetary transactions, tax records, journals, ledgers, and supporting documents, including agreements, checks, invoices, receipts, and vouchers.
- b. As applicable, any documents related to the processing, preparation, transportation, sampling, and/or testing of medical marijuana and medical marijuana products, including but not limited to sample field logs, lab reports, testing records, equipment inspections, training materials, and standard operating procedures.
- c. As applicable, any documents related to the processing, preparation, transportation, sampling, and/or testing of medical marijuana and medical marijuana products, including but not limited to sample field logs, lab reports, testing records, equipment inspections, training materials, and standard operating procedures.
- d. Documentation of every instance in which medical marijuana was sold or otherwise transferred to or purchased or otherwise obtained from another licensed entity, which shall include, but is not limited to:
 - i. The name, license number, address, and phone number of all licensees involved in each transaction; and

- ii. The quantity and type of medical marijuana or medical marijuana products involved in each transaction;
- iii. The batch number of the medical marijuana or medical marijuana products involved in each transaction;
- iv. The date of each transaction;
- v. The monetary value of the medical marijuana or medical marijuana products involved in each transaction, including the total sale or purchase amounts;
- vi. All point-of-sale, tax records, and assessments on the sale of medical marijuana;
- vii. All transportation manifests and other documentation relating to the transport of medical marijuana and medical marijuana products; and,
- viii. All documents relating to the disposal or destruction of medical marijuana, medical marijuana products, and medical marijuana waste.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 3 MEDICAL MARIJUANA TRANSACTION AND POSSESSION LIMITS

Rule 9.3.1 A transaction by a medical marijuana treatment center/ dispensary with a qualified patient, or caregiver shall be limited to 2.5 ounces during a fourteen (14) day period.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.3.2 All qualified patients and caregivers are limited to a possession limit of 2.5 ounces at any one time every fourteen (14) day period.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.3.3 Licensed entities shall verify and ensure that all medical marijuana transactions are conducted with a qualified patient, caregiver, or other licensed entity in accordance with this Part and shall take all reasonable steps necessary to prevent the sale or other transfer of medical marijuana and medical marijuana products to a person or entity who does not hold a valid, unexpired license or identified card issued by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.3.4 Verification of all qualified patients, caregivers and licensed entities shall include, at a minimum: name; unexpired license number or identification card number; and expiration date.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.3.5 In addition to the items required in Rule 9.5.4 above, verification identification cards issued to qualified patients or caregivers must include verification of the photo of the qualified patient or caregiver.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.3.6 Any transaction not in accordance with this Chapter will constitute an unlawful purchase and sale.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 4 LOSS AND THEFT

Rule 9.4.1 If a licensed entity has reason to believe that an actual loss, theft, or diversion of medical marijuana has occurred, the commercial licensee shall notify immediately the Department and law enforcement. The licensed entity shall provide the notice by attaching and submitting electronically a signed statement that details the estimated time, location, and circumstances of the event, including an accurate inventory of the quantity and type of medical marijuana unaccounted for due to diversion or theft. The notice shall be provided no later than seventy-two hours after discovery of the event.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 5 ENTRY TO AND ACTS OCCURRING ON PREMISES OF LICENSED ENTITIES

Rule 9.5.1 No minors under the age of eighteen (18) may enter licensed premises unless the minor is accompanied by his or her parent or legal guardian.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.5.2 No licensed entity shall allow the consumption or use of medical marijuana or medical marijuana products on the premises.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 6 SECURITY REQUIREMENTS

Rule 9.6.1 Entities licensed as cultivators, manufacturers and medical marijuana treatment centers/ dispensaries must ensure the security measures are in place where marijuana is cultivated, manufactured, processed, and sold to prevent unauthorized access to medical marijuana. Access to the enclosed, locked facility where marijuana is cultivated, manufactured, and processed must be limited to the licensed entity's owners, operators, officers, board members, and authorized personnel.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.6.2 Each cultivation site/location, manufacturing site/location, processing site/location, and dispensing site/location must have the following security equipment to deter and prevent unauthorized access to the site/location:

- a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
- b. Interior and/or exterior lighting to facilitate surveillance;
- c. Electronic monitoring to include, but not limited to:
 - i. Call up monitors;
 - ii. The ability to produce a clear still photo from any video camera image;
 - iii. Video cameras (as described in Rule 9.6.3);
 - iv. Storage capability of video recordings from all video cameras for at least 30 calendar days;
 - v. A failure notification system that provides audible and visual notification of any failures in the electronic monitoring system; and,
 - vi. Sufficient battery backup for video cameras and recording equipment to support at leaves five minutes of recording in the event of power outage.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.6.3 Video cameras at each site/location must:

- a. Provide coverage of all entrances to and exits from limited access cultivation, manufacturing, processing, or dispensing areas;
- b. Provide coverage of all entrances to and exits from the building;
- c. Be capable of identifying any activity occurring in or adjacent to cultivation, manufacturing, processing, and dispensing sites/locations;
- d. Have a recording resolution of at least 704 x 480;
- e. Be directed at each point-of-sale location allowing for the identifying of any qualified patients or caregiver purchasing medical marijuana or medical marijuana products; and,
- f. Provide coverage of each grow room/area, manufacturing area, and processing area capable of identifying any activity occurring within the room/area in low light conditions.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.6.4 Licensed Entities must have security policies and procedures that:

- a. Restrict access to the cultivation sites/locations, manufacturing sites/locations, processing sites/locations, and dispensing sites/locations;
- b. Provide for the identification for authorized personnel;

- c. Prevent loitering; and,
- d. Address how electronic monitoring and surveillance is conducted.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 7 CLEANING AND SANITATION

Rule 9.7.1 Any building and/or equipment used by a licensed entity to cultivate, manufacture, process, and/or dispense medical marijuana must be maintained in a clean and sanitary manner.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.7.2 Medical marijuana or marijuana products, in the process of production, preparation, manufacture, packing, storage, sale, distribution, or transportation, are protected from contaminants.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.7.3 Waste products incident to the manufacture, preparation, packing, selling, distributing, or transportation of medical marijuana or marijuana products are removed from the building used as a cultivation, manufacturing, processing, or dispensing site at least once every 24 hours or more often as necessary to maintain a clean and sanitary conditions.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.7.4 All supplies used in the preparation of medical marijuana or medical marijuana products that is flammable or volatile chemicals are stored in a manner to avoid a hazardous condition (such as combustion, accidental ingestion, etc.) from occurring.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.7.5 All stored medical marijuana and medical marijuana products must be securely covered and labelled according to this Part.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 8 TRANSPORTATION MANIFESTS

Rule 9.8.1 In addition to requirements in this Part, all licensed entities responsible for the transportation of medical marijuana and/or medical marijuana products must adhere to the requirements outlined in this Subpart.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.8.2 All licensed entities shall utilize an electronic inventory management system to create and maintain transportation manifests documenting all transport of medical marijuana and medical marijuana products throughout the State of Mississippi.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.8.3 When transporting medical marijuana or medical marijuana products, all licensed entities shall provide copies of the inventory manifests to each originating and receiving licensed entity at the time the product changes possession.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.8.4 The copy of the inventory manifest to be left with the originating licensed entity shall include, at a minimum:

- a. The license number, business name, address, and contact information of the originating licensed entity;
- b. A complete inventory of the medical marijuana and medical marijuana products to be transported, including the quantities by weight or unit of each type of medical marijuana and medical marijuana products and the batch number(s);
- c. The date of transportation and the approximate time of departure;
- d. Printed names, signatures, and identification card numbers of personnel accompanying the transport;
- e. The license number(s), business name(s), address(es), and contact information for all end point recipients.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.8.5 The copy of the inventory manifest to be left with the receiving licensed entity shall include, at a minimum:

- a. The license number, business name, address, and contact information for the receiving licensed entity;
- b. The license number, business name, address, and contact information of the originating licensed entity;
- c. A complete inventory of the medical marijuana and medical marijuana products delivered to the receiving licensed entity, including the quantities by weight or unit of each type of medical marijuana and medical marijuana products and the batch number(s);
- d. The date and estimated time of arrival;
- e. The printed names, signatures, and identification card numbers of the personnel accompanying the transport; and
- f. The printed names, titles, and signatures of any personnel accepting delivery on behalf of the receiving licensed entity.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.8.6 A separate inventory manifest shall be prepared for each licensee receiving the medical marijuana or medical marijuana products.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.8.7 Transportation manifests should reflect a complete chain of custody of all medical marijuana and medical marijuana products being transported, including all instances in which the medical marijuana and medical marijuana products are stored.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.8.8 Originating and receiving licensed entities shall maintain copies of transportation manifests and inventory records logging the quantity of medical marijuana or medical marijuana products received for at least three (3) years from the date of receipt.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.8.9 A transportation manifest must not be altered after departing from the originating licensed entity's premises, except for the addition of the printed names, titles, and signatures of any personnel accepting delivery on behalf of the receiving licensed entity.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.8.10 A receiving licensed entity must refuse to accept any medical marijuana or medical marijuana products that are not accompanied by a transportation manifest.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.8.11 If a receiving licensed entity refuses to accept delivery of any medical marijuana and/or medical marijuana product or if delivery of the medical marijuana or medical marijuana is impossible:

- a. The medical marijuana and/or medical marijuana products shall be immediately returned to originating licensed entity who retains legal ownership of the products; and,
- b. The refusal of acceptance must be documented in writing by the licensed entity refusing to accept the transfer. The refusal must document the following:
 - i. Identification of licensed entity refusing acceptance;
 - ii. A complete inventory of what is being returned to the originating licensed entity;

- iii. The date and time of refusal;
- iv. The printed name and signature of the employee authorizing the refusal.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Chapter 9 MEDICAL MARIJUANA WASTE DISPOSAL

Rule 9.9.1 All medical marijuana plant material and waste generated during the cultivation, production, processing, handling, and testing of medical marijuana and medical marijuana products must be stored, managed, and disposed of in accordance with these Rules, and any other applicable Mississippi statutes and rules.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.9.2 Licensed entities may dispose of root balls, stems, fan leaves, seeds, and the mature stalks or fiber produced from such stalks at the license premises by open burning, incineration, burying, mulching, composting or any other technique approved by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.9.3 Licensed entities engaged in the disposal of root balls, stems, fan leaves, seeds, and the mature stalks or fiber produced from such stalks shall create and maintain a disposal log that contains, at a minimum, the following information:

- a. Name and license number of the commercial licensee;
- b. A description of the plant material being disposed;
- c. A brief description of the method used for disposal;
- d. Date and time of the disposal; and
- e. Printed names of employee(s) conducting the disposal and signatures.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.9.4 The waste disposal log shall contain a signed statement from an authorized representative of the licensed entity attesting to the lawful disposal of the medical marijuana waste under penalty of perjury.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 9.9.5 All disposal records shall be maintained by the licensed entities for a period of five (5) years and shall be subject to inspection and auditing by the Department.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Title 15: Mississippi State Department of Health

Part 22: Medical Marijuana Program

Subpart 10: Use of Medical Marijuana in Long Term Care Settings

Chapter 1 REQUIREMENTS FOR THE USE OF MEDICAL MARIJUANA IN LONG TERM CARE SETTINGS

Subchapter 1 General Provisions:

Rule 10.1.1 Purpose of Regulations: These regulations, and any guidelines set forth by the Department, govern the medical marijuana program in Mississippi. The purpose of this Part is to ensure the availability of and safe access to medical marijuana for qualified persons with debilitating medical conditions.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 10.1.2 Legal Authority: This regulation has been promulgated under the authority of and pursuant to Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2).

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 10.1.3 Definitions. In addition to the general definitions and terms included in 15 Miss. Admin. Code, Part 22, Subpart 2, Rule 2.1.3, the following terms shall have the meaning hereinafter respectively ascribed to them as they relate to the Medical Marijuana Program:

1. Long Term Care Setting – The term “long term care setting” shall include the following program types: assisted living, nursing homes, hospice programs, and intermediate care facilities for individuals with intellectual disabilities (ICF/IID)

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 10.1.4 All long-term care settings participating in the medical marijuana program with residents/clients who are qualified patients and the long-term care program is facilitating the residents’/clients’ use of medical marijuana must be approved by the Department as a Caregiver Institution/Program and obtain a Caregiver Institution/Program Identified Card as outlined in 15 Miss. Admin. Code Subpart 5.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 10.1.5 Patients participating in the medical marijuana program adhere to all requirements set forth in 15 Miss. Admin. Code, Part 22.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 10.1.6 Any long-term care setting may adopt reasonable written requirements on the use of medical marijuana by their residents/clients, including:

- a. That the facility will not store or maintain the patient's supply of medical marijuana;
- b. That only the identified caregivers, with training required by the long-term care setting, are responsible for facilitating the use of medical marijuana by qualified patients;
- c. That only physicians affiliated with the long-term care settings, either as employees or through a contractual relationship, can provide physician certification for individuals seeking to participate in the medical marijuana program;
- d. That medical marijuana be consumed by a method other than smoking;
- e. That medical marijuana be consumed only in place specified by the long-term care program; and,
- f. That the long-term care settings have plans for safe administration and monitoring of residents/clients who use medical marijuana.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 10.1.7 Nothing in this Part requires a long-term care setting to adopt restrictions on the use of medical marijuana.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 10.1.8 Provided that the provisions of this Subpart are followed, a long-term care setting may not unreasonably limit a qualified patient's access to or use of medical marijuana authorized under this Part unless failing to do so would cause the long-term care setting to lose a monetary or licensing-related benefit under federal law or regulations.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Subchapter 2 Physician Requirements for Use of Medical Marijuana as a Component of Palliative Care

Rule 10.2.1 Physicians providing certification for individuals receiving palliative care services through a hospice care team and as an identified member of a caregiver institution/program are exempt from the following requirements:

- a. 15 Miss. Admin. Code Subpart 5, Subchapter 9; and,
- b. 15 Miss. Admin. Code Subpart 5, Rule 5.10.1.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 10.2.2 All other requirements of 15 Miss. Admin. Code Subpart 5 remain applicable.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)

Rule 10.2.3 The Caregiver Institution/ Program is responsible for ensuring the physician's license is unrestricted through the Mississippi Board of Medical Licensure and that the physician is practicing within his/her area of specialty.

SOURCE: Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)