

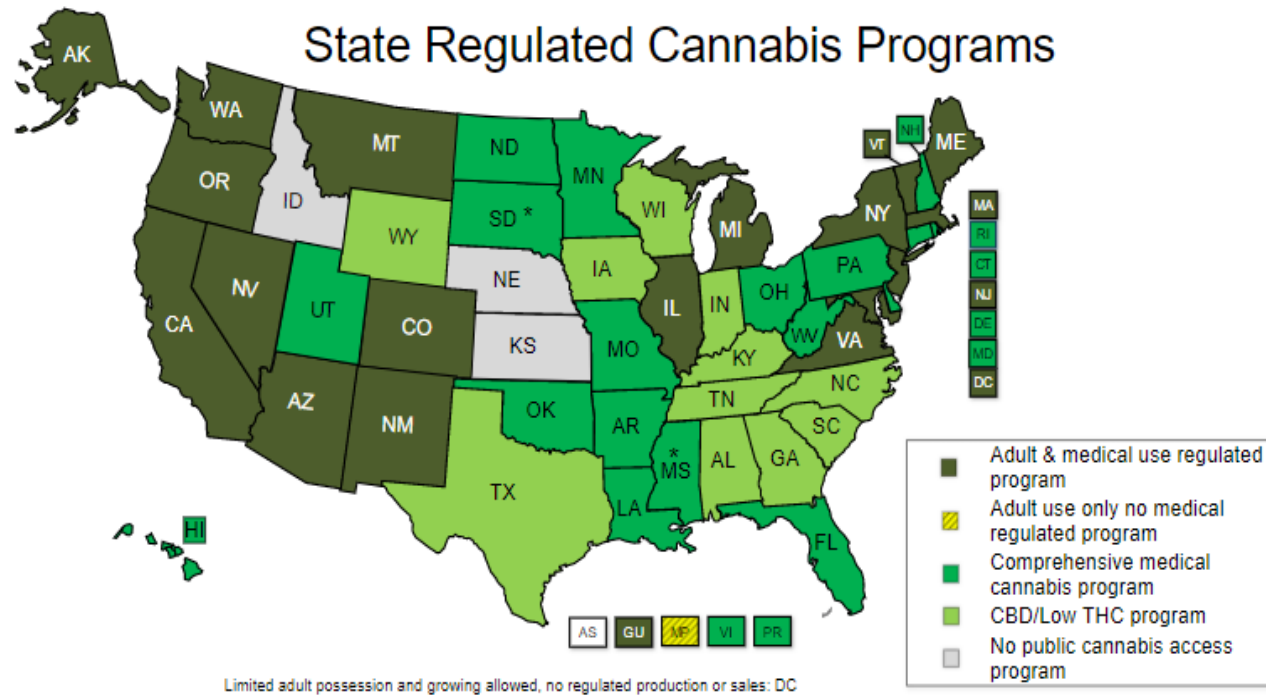
# THE MISSISSIPPI MEDICAL CANNABIS ACT 2022

Kris Adcock  
Director, Medical Cannabis Program  
MS State Department of Health



# State v. Federal Perspective – Medical Use of Cannabis

## States



## Federal

- Schedule I substance – Controlled Substances Act (high dependence; no medical use)
- Remains illegal

### Alternative by Legislature

**Initiative Measure No. 65.** Should Mississippi allow qualified patients with debilitating medical conditions, as certified by Mississippi licensed physicians, to use medical marijuana?

#### Legislative Budget Office Fiscal Analysis for Initiative 65:

The overall cost to Mississippi for the first year is estimated to be \$11,068,150. The anticipated expenses for the first year to implement a medical marijuana program is \$24,068,150 (Plants - seeds to Sale: \$5,000,000; Licensing, Monitoring, Inspection: \$16,220,150; and Cost to Collect Revenue: \$2,848,000). The anticipated revenue is \$13,000,000 (User ID Cards: \$2,500,000; Commercial Licenses: \$500,000 and sales fee at 7 percent: \$10,000,000).

The anticipated expenses for years following the first for a medical marijuana program is \$15,338,000 (Plants - seeds to Sale: \$5,000,000; Licensing, Monitoring, Inspection: \$8,756,000; and Cost to Collect Revenue: \$1,582,000). The anticipated revenue is \$26,000,000 (User ID Cards: \$5,000,000; Commercial Licenses: \$1,000,000 and sales fee at 7 percent: \$20,000,000). The overall annual revenue is anticipated to be \$10,662,000, all of which must be used to support the state marijuana program.

**Alternative Measure No. 65 A.** Shall Mississippi establish a program to allow the medical use of marijuana products by qualified persons with debilitating medical conditions?

#### Legislative Budget Office Fiscal Analysis for Initiative 65A:

The cost or revenue impact associated with this initiative is undeterminable.

#### VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH

- ☐ FOR APPROVAL OF EITHER Initiative Measure No. 65 OR Alternative Measure No. 65A
- ☐ AGAINST BOTH Initiative Measure No. 65 and Alternative Measure No. 65A

#### AND VOTE FOR ONE

- ☐ FOR Initiative Measure No. 65
- ☐ FOR Alternative Measure No. 65A

This amendment provides that to be elected Governor, or to any other statewide office, a candidate must receive a majority of the votes in the general election. If no candidate receives a majority of the votes, then a runoff election shall be held as provided by general law. The requirement of receiving the most votes in a majority of Mississippi House of Representative's districts is removed.

#### VOTE FOR ONE

- ☐ YES
- ☐ NO

#### Statewide Ballot Measure 3 House Bill 1796 - Flag Referendum

Please vote 'Yes' or 'No' on whether the following design shall be the official Mississippi State Flag



- ☐ YES
- ☐ NO

# From I-65 to SB 2095 – The MS Medical Cannabis Act

# Objectives for Medical Cannabis Program

Enable distribution of medical cannabis consistent with MS Medical Cannabis Act

Compliance (prevent fraud/unintended effects)

Transparency

Prevent drug diversion

Fiscal sustainability

Ensure Product Safety

# SB 2095 – MS Medical Cannabis Act (“The Act”)



- Authorizes the use of medical cannabis in the State for qualified patients
- Establishes licensure for businesses associated with the medical cannabis industry (aka medical cannabis establishments)
- Defines practitioners who can certify patient conditions for the program
- Establishes MS Medical Cannabis Equivalency Units
- Charges the MS State Department of Health with overall responsibility and authority for the program in partnership with the MS Department of Revenue

# Components Common to Medical Cannabis Programs

- Qualifying conditions as a limiting factor ✓
- Practitioner certifications ✓
- Patient registries – use of patient identification cards ✓
- Typical restrictions on types of medical cannabis products ✓
- Testing requirements ✓
- Reporting into prescription monitoring programs ✓
- Dispensing and Possession Limits ✓



MISSISSIPPI STATE DEPARTMENT OF HEALTH



# Types of Business Licensure via The Act

- Licenses are not limited by state statute
  - Cannabis Cultivation Facility
  - Cannabis Processing Facility
  - Cannabis Disposal Entity
  - Cannabis Transportation Entity
  - Cannabis Testing Facility
  - Cannabis Dispensary - MDOR
  - Cannabis Research Facility



— DEPARTMENT OF —  
**REVENUE**  
STATE OF MISSISSIPPI



# Practitioner Requirements for the Medical Cannabis Program

Must be registered  
for the program  
with MSDH

Applications to  
become available  
in June online

Physicians  
(MD/DO)

Certified Nurse  
Practitioners

Physician  
Assistants

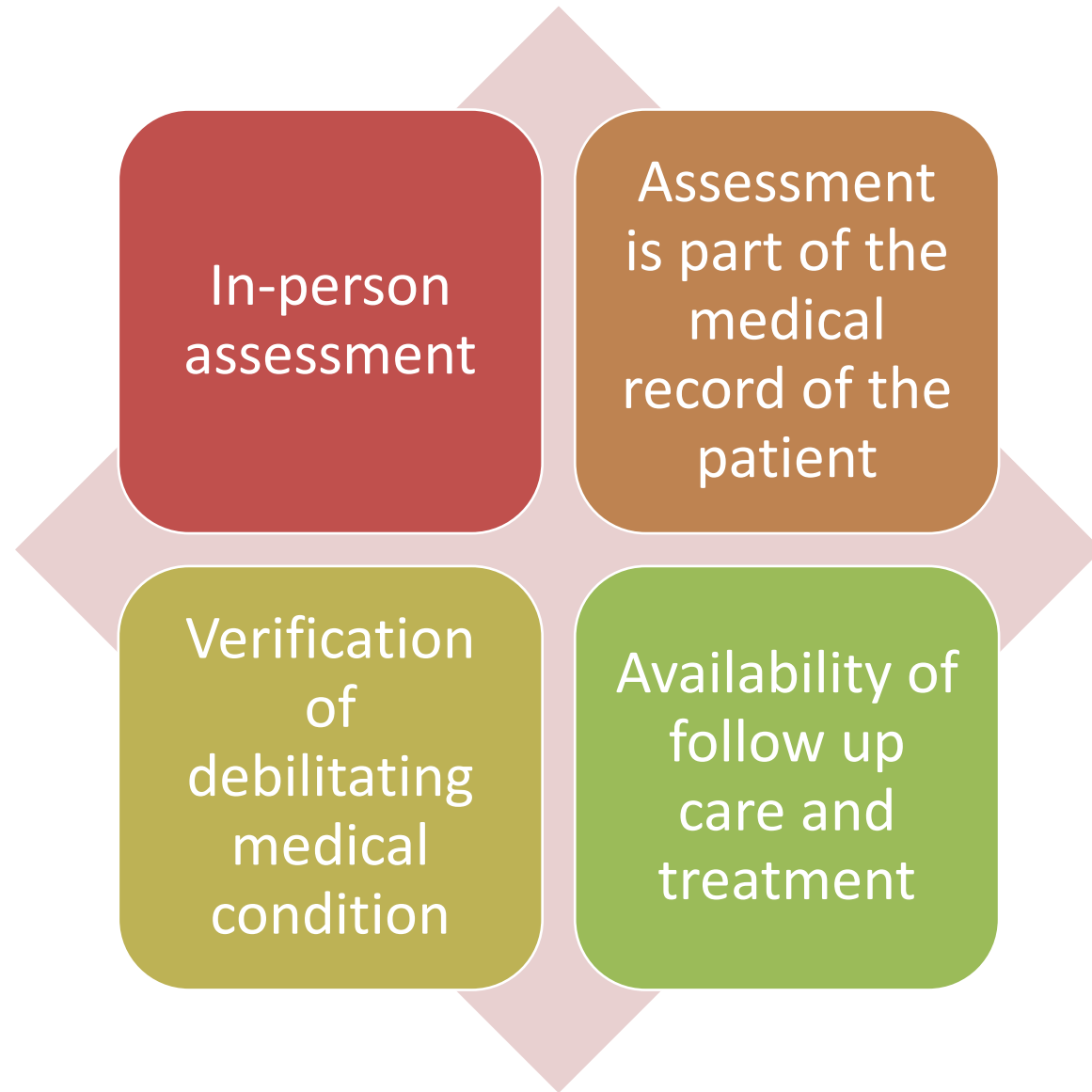
Optometrists

Licensed by  
professional board  
to prescribe

8 hours of continuing  
education in medical  
cannabis required for  
initial registration; 5  
hours for annual renewal

Registry with  
professional licensing  
boards within 30 days of  
MSDH approval.

# Practitioner Patient Relationship Is Required



# Qualifying Patients

Person diagnosed by a practitioner with a debilitating medical condition

Issued a written certification by a practitioner

18-25 must be seen by two separate practitioners to diagnose the debilitating medical condition – 1 must be a physician (MD/DO)

Children must be seen by a physician (MD/DO) with parental consent for the program and parent serving as the caregiver as defined by the program

# Debilitating Medical Conditions

- Cancer
- Parkinson's Disease
- Huntington's Disease
- Muscular Dystrophy
- Glaucoma
- Spastic Quadriplegia
- Positive for HIV
- AIDS
- Hepatitis
- ALS
- Crohn's Disease
- Ulcerative Colitis
- Sickle-cell Anemia
- Alzheimer's Disease
- Agitation of dementia
- PTSD
- Autism
- Pain refractory to appropriate opioid management
- Diabetic/peripheral Neuropathy
- Spinal cord disease or severe injury
- A chronic, terminal or debilitating disease or medical condition, or its treatment, that produces one or more:
  - Cachexia or wasting syndrome
  - Chronic pain
  - Severe or intractable nausea
  - Seizures
  - Severe or persistent muscle spasms (including multiple sclerosis)

# Written Certification For Participation In the Medical Marijuana Program

Once practitioners have been issued registration with MSDH, they will be able to access the online system to issue the written certification.

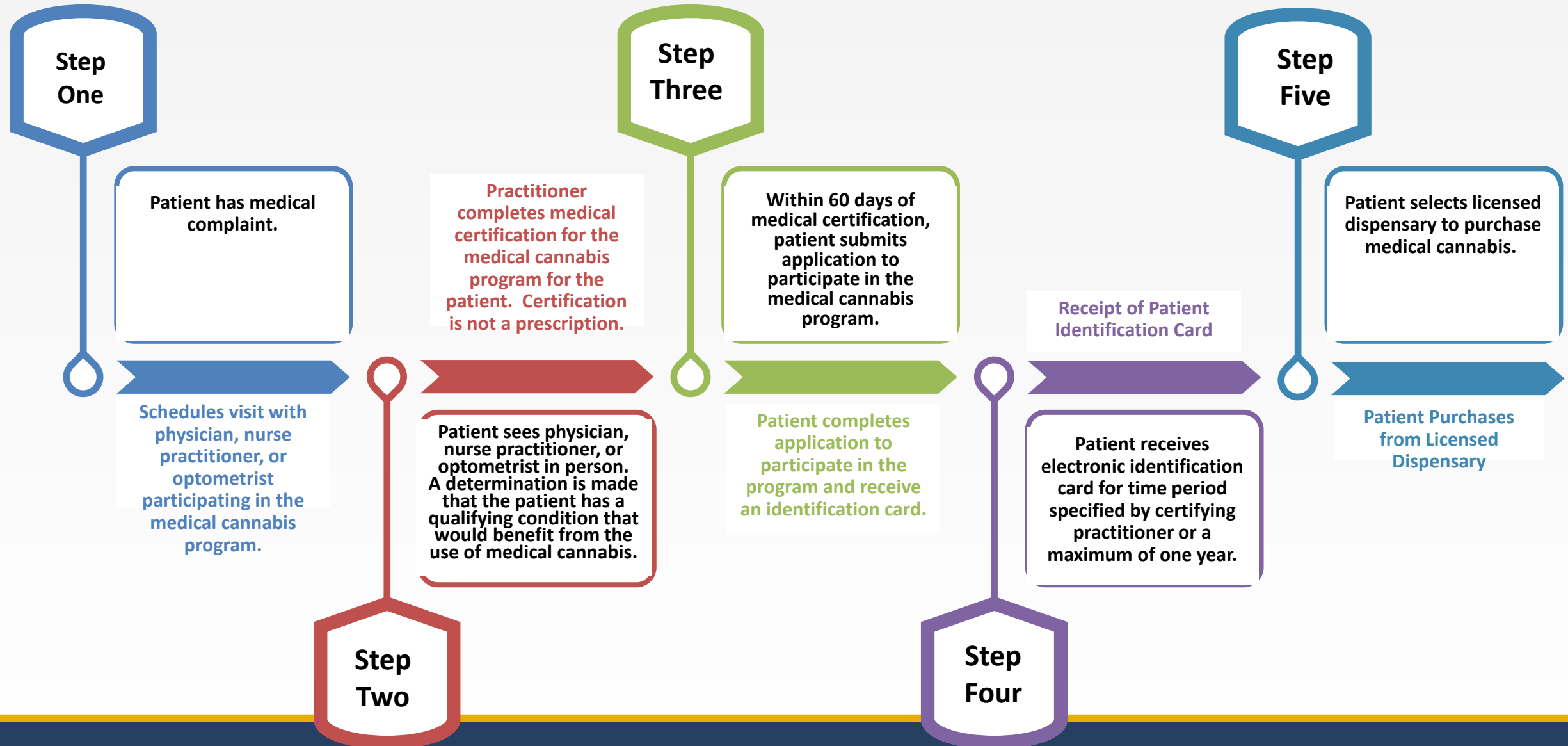
It is a certification of the person's debilitating condition.

The certification is valid for one year unless limited by the practitioner.

The practitioner may recommend the amount of medical marijuana and method of administration available from the dispensary to the patient.

Patient applies to MSDH online within 60 days of the certification.

# Medical Cannabis Patient Overview



# MS Medical Cannabis Equivalency Units (MMCEUs)

- 1 Unit = 3.5 grams of flower
  - = 1 gram of concentrate
  - = 100 milligrams infused THC
- Allowable limits for sale to patients:
  - One week – 6 MMCEUs
  - 30-day period – 24 MMCEUs
- Possession limits for patients – 28 MMCEUs (*non-consumables aren't included*)



# Allowable Forms of Medical Cannabis In MS



# Providing Medical Cannabis to Patients In Healthcare Facilities



- Caregiver entity application and license
- Providers certified by the Centers for Medicare and Medicaid Services (CMS) are bound by a Condition of Participation which requires providers to operate and provide services in accordance with all state and federal laws.
- Since marijuana is still classified as a Schedule 1 controlled substance under federal law, it remains unlawful for CMS-certified providers @ the federal level.

# Providing Medical Cannabis to Patients In Healthcare Facilities



- Hospitals
- Nursing Homes
- ICF/IDD facilities
- Hospice
- Adult Day Services
- May place restrictions on use of medical cannabis due to conflicts and concerns with conditions of participation



**Mississippi's  
Seed to Sale System**

Individual  
Compliance

Regulatory  
COmpliance

# What's Next?

- FAQs posted for “hot topics”
- Business Licenses are under review for cultivators, processors, testing facilities, transporters, and disposal entities
- July 2022 – DOR to begin accepting applications for dispensaries
- [MSMedicalCannabis@msdh.ms.gov](mailto:MSMedicalCannabis@msdh.ms.gov)