APPENDIX A

PROPOSED AMENDMENT

RECEIVED
JUL 30 2018
ELECTIONS DIVISION

Section 1.

The purpose of this article is to ensure the availability of and safe access to medical marijuana for qualified persons with debilitating medical conditions.

Section 2.

(1) Except as otherwise provided for in this article, a qualified patient or caregiver shall not be subject to criminal or civil sanctions for the use of medical marijuana, obtained from a medical marijuana treatment center, for a debilitating medical condition.

(2) Except as otherwise provided for in this article, a physician shall not be subject to criminal or civil sanctions solely for issuing a physician certification to a person diagnosed with a debilitating medical condition.

(3) Except as otherwise provided for in this article, a medical marijuana treatment center and its officers, owners, operators, employees, contractors, and agents shall not be subject to criminal or civil sanctions for processing medical marijuana in compliance with regulations prescribed by the department.

Section 3.

(1) Except as otherwise provided for in this article, nothing in this article shall:

(a) Affect or repeal laws relating to the use of marijuana that is not intended for use for a debilitating medical condition.

(b) Authorize the use of medical marijuana for anyone other than a qualified patient, and, where authorized by this chapter, for caregivers and officers, owners, operators, employees, contractors, and agents of treatment centers.

(c) Permit a person to operate any motor vehicle, aircraft, train, or boat while consuming or impaired by medical marijuana.

(d) Require accommodation for the use of medical marijuana or require any on-site use of medical marijuana in any public or private correctional institution, detention facility, or place of education, or employment.

(e) Require any health insurance provider or any government agency or authority to reimburse any person for expenses related to the use of medical marijuana.

(f) Override any public laws, ordinances, regulations, or rules or any private rules, regulations, or provisions related to smoking in or on public or private places.

(g) Affect any existing drug testing laws, regulations, or rules.

(2) It is unlawful for any person to smoke medical marijuana in a public place. Any person who violates this subsection may, upon conviction, be punished by a fine of not more than One Hundred Dollars ($100.00).

Section 4.

For purposes of this article, the following terms shall have the following meanings:

(1) **"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. The department may limit the number of qualified patients a caregiver may assist at any one time. A qualified patient may have more than one caregiver. A caregiver is prohibited from consuming medical marijuana provided for use by a qualified patient.

(2) **"Criminal or civil sanctions"** shall 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.

(3) **"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 would reasonably outweigh potential health risks.

(4) **"Department"** shall mean the Mississippi State Department of Health or its successor agency.

(5) **"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 for in this article.

(6) **"Medical marijuana identification card"** shall mean a document, prescribed by and issued by the department, which identifies a person as a qualified patient or caregiver or officer, owner, operator, employee, contractor, or agent of a medical marijuana treatment center.

(7) **"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.

(8) **"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.

(9) **"Physician certification"** shall mean a form 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.

(10) "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.

(11) "Qualified patient" shall mean a person who has been diagnosed with a debilitating medical condition and who has been issued a physician certification.

(12) "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.

Section 5.

(1) The department shall implement, administer, and enforce the provisions of this article and shall issue reasonable rules and regulations, pursuant to the Mississippi Administrative Procedures Act, in the discharge of its responsibilities.

(2) The department shall prescribe reasonable rules and regulations pursuant to this section that shall include, but not be limited to, tracking and labelling of medical marijuana; qualifications for and safe and secure processing of medical marijuana by medical marijuana treatment centers; restrictions on advertising and marketing; issuance of medical marijuana identification cards; standards for testing facilities; use of medical marijuana in nursing homes, hospices, and assisted living facilities; reciprocal agreements with other states for patients registered in medical marijuana programs; qualifications of and limitations on caregivers and officers, owners, operators, employees, contractors, and agents of treatment centers; implementation and operation of a statewide data base system to support the utilization of identification cards; and penalties for violations of this article.

(3) The rules and regulations may include a reasonable fee of up to Fifty Dollars ($50.00) for issuing an identification card and reasonable fees for licensing treatment centers, which shall be fixed by and paid to the department, pursuant to Section 6.

(4) The rules and regulations shall not limit the number of licensed medical marijuana treatment centers nor set the price of medical marijuana.

(5) The rules and regulations shall require the department to issue an identification card or a license for a treatment center within a reasonable time following an application for a card or license.

(6) The department shall issue a qualified patient a medical marijuana identification card upon presentation of a physician certification. Such card shall be renewed, as applicable, upon presentation of a new physician certification, but in no case shall a card have an expiration term longer than twelve (12) months. A qualified patient is authorized to receive medical marijuana from a treatment center upon presentation of his or her identification card.

(7) The department and medical marijuana treatment centers shall protect the confidentiality of all qualified patients. All records containing the identity of qualified patients, caregivers, and physicians shall be confidential and exempt from disclosure

under the Mississippi Public Records Act or any related statute, regulation, or rule pertaining to the public disclosure of records.

(8) The department may establish an advisory committee to assist the department in the promulgation of rules and regulations and the regulation and enforcement of the provisions of this article.

(9) The department shall adopt final rules and regulations pursuant to this article no later than July 1, 2021. The department shall begin issuing identification cards and treatment center licenses no later than August 15, 2021.

(10) To ensure timely implementation of this chapter for qualified patients, and only for activities associated with implementation and operation, the department is exempt from the Mississippi Department of Information Technology Services laws, rules, and regulations for any information technology procurements made up to Two Hundred Fifty Thousand Dollars ($250,000) for two years from the effective date of this chapter. This exemption shall not apply to any reporting requirements.

(11) The department is authorized to adopt and levy administrative fines to enforce the provisions of this article. Payment of any fines shall be deposited in the special fund created by Section 6 of this article.

(12) The department is authorized to adopt and levy the following sanctions, singly or in combination, when it finds an applicant or licensee has committed any violation of this article or department rules or regulations: revoke or suspend a license, censure a licensee, impose a fine in an amount not to exceed Five Thousand Dollars ($5,000) for the first violation and an amount not to exceed Twenty Five Thousand Dollars ($25,000) for each subsequent violation, place a licensee on a probationary status, require the licensee to file regular reports and submit to reasonable requirements and restrictions, revoke probationary status of a licensee and impose other authorized sanctions, and refuse to issue or renew a license, restrict a license, or accept a voluntary surrendering of a license. The department is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements of a licensee. The notice and hearing requirements and judicial review provisions contained in Section 43-11-11 of the Mississippi Code of 1972, as of July 1, 2018, shall apply to the denial, suspension, or revocation of a license.

Section 6.

In addition to the fees applied to issuing identification cards and licensing medical marijuana treatment centers, the department may assess up to the equivalent of the state's sales tax rate to the final sale of medical marijuana. Revenue generated under this section or through the issuance of identification cards or the licensing of medical marijuana treatment centers shall pay for the costs incurred by the department in implementing and enforcing the provisions of this article and shall be deposited into a special fund in the state treasury to be expended by the department without prior appropriation or authorization. The department shall administer the fund and make expenditures from the fund for costs or other services or programs associated with this article. Fund balances shall not revert to the General Fund. The department shall have the authority to utilize these special funds to escalate personnel positions in the department where needed, as non-state-service, to administer and enforce the provisions of this article. Upon request of the department, the State Treasurer shall provide a line of credit from the Working Cash Stabilization Fund or any other available special source

funds maintained in the state treasury in an amount not to exceed Two Million Five Hundred Thousand Dollars ($2,500,000), for deposit to this special fund to provide sufficient working cash to implement the provisions of this article. Any such loans shall be repaid from the available funds received by the department under this article.

Section 7.

A medical marijuana identification card issued pursuant to this article shall serve to identify a person as a qualified patient or caregiver or officer, owner, operator, employee, contractor, or agent of a medical marijuana treatment center and thus exempt such person from criminal or civil sanctions for the conduct authorized by this article.

Section 8.

(1) Medical marijuana treatment centers shall not provide to a qualified patient, during any one fourteen-day period, an amount of medical marijuana that exceeds 2.5 ounces by weight. At no one time shall a qualified patient possess more than 2.5 ounces of medical marijuana. The weight limitation herein shall not include any ingredients combined with medical marijuana to prepare edible products, topical products, ointments, oils, tinctures, or other products.

(2) Medical marijuana shall only be dispensed to a qualified patient or caregiver with a current medical marijuana identification card by a medical marijuana treatment center.

(3) All contracts under this article and related to the operation of medical marijuana treatment centers shall be enforceable and rules applicable to other similar businesses by the Department of Revenue shall apply to medical marijuana treatment centers created pursuant to this article, except that the processing and use of medical marijuana shall be exempt from the application of any state and/or local sales tax or other fee, other than that authorized by this article.

(4) No medical marijuana treatment center shall be located within five hundred (500) feet of a pre-existing school, church, or licensed child care center.

(5) Except as otherwise provided in this article, any zoning ordinances, regulations and/or provisions of a municipality or county shall be consistent with Section 1 of this article and shall not impair the availability of and reasonable access to medical marijuana. Zoning provisions applicable to retail dispensaries shall be no more restrictive than those for a licensed retail pharmacy and zoning provisions applicable to other businesses that fall within the definition of medical marijuana treatment centers shall be no more restrictive than other comparably sized and staffed lawful commercial or industrial businesses.

Section 9.
No later than two years from the implementation of this article, and every two years thereafter, the department shall provide to the Legislature a comprehensive public report of the operation of this article.

Section 10.
The provisions of this article are declared to be severable, and if any provision, word, phrase, or clause of this article or the application thereof shall be held invalid, such invalidity shall not affect the validity of the remaining portions of this article.

AMOUNT AND SOURCE OF REVENUE

The amendment is required to pay for itself and would require no general fund appropriation. The amendment creates three sources of operating revenue for the State Department of Health to use in implementing and enforcing the provisions of the amendment: fee for identification cards, fee for treatment center licenses, and a charge that the Department of Health may assess at the point of retail sale of medical marijuana. The revenue generated by the medical marijuana program in Arizona was used as a basis for a projection in Mississippi. Based on those calculations, implementation of this amendment would generate an estimated $6 million in special fund revenue on an annual basis.

APPENDIX B

RECEIVED
AUG 08 2018
ELECTIONS DIVISION

STATE OF MISSISSIPPI

JIM HOOD
ATTORNEY GENERAL

CERTIFICATE OF REVIEW

IN THE MATTER OF PROPOSED INITIATIVE TO AMEND THE MISSISSIPPI CONSTITUTION OF 1890 RELATING TO MEDICAL MARIJUANA

PETITIONER: Ashley Ann Durval

I hereby certify that the petitioner's proposal was received in this office on August 1, 2018; and that I have reviewed the proposal for form and style and that any recommendations thereon have been communicated to the petitioner in accordance with Section 23-17-5 of the Mississippi Code of 1972.

This Certificate of Review does not constitute an endorsement of the Constitutional, statutory, or substantive validity of the proposed initiative, and does not purport to validate the fiscal effect, if any, of the proposed amendment.

August 7, 2018

Beebe Garrard
Special Assistant Attorney General

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RECEIVED
AUG 17 2018
Elections Division
MS Secretary of State

STATE OF MISSISSIPPI

JIM HOOD
ATTORNEY GENERAL

August 15, 2018

The Honorable Delbert Hosemann
Secretary of State
Post Office Box 136
Jackson, Mississippi 39205-0136

Re: Ballot Title for Initiative Measure No. 65

Dear Secretary Hosemann:

Pursuant to Miss. Code Ann. Sections 23-17-1 *et seq.* (1972), we supply to you the ballot title and ballot summary for Initiative Measure No. 65.

Ballot Title

Should Mississippi allow qualified patients with debilitating medical conditions, as certified by Mississippi licensed physicians, to use medical marijuana?

Ballot Summary

Initiative Measure No. 65 proposes to amend the Mississippi Constitution to allow qualified patients with debilitating medical conditions, as certified by Mississippi licensed physicians, to use medical marijuana. This amendment would allow medical marijuana to be provided only by licensed treatment centers. The Mississippi State Department of Health would regulate and enforce the provisions of this amendment.

Please contact me if you have any questions.

WALTER SILLERS BUILDING • POST OFFICE BOX 220 •JACKSON, MISSISSIPPI 39205-0220
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Sincerely,

Beebe Garrard
Special Assistant Attorney General

cc: Kimberly P. Turner
Assistant Secretary of State, Elections

Ms. Ashley Ann Durval
Petitioner

Spence Flatgard, Esq. (via email only)

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APPENDIX C

Miss. Code Ann. § 23-15-1037

§ 23-15-1037. Districts established

(1) The State of Mississippi is hereby divided into five (5) congressional districts below:

FIRST DISTRICT. The First Congressional District shall be composed of the following counties and portions of counties: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba, Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Yalobusha; in Grenada County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge; in Montgomery County the precincts of North Winona, Lodi, Stewart, Nations and Poplar Creek; in Oktibbeha County, the precincts of Double Springs, Maben and Sturgis; in Panola County the precincts of East Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North Springport, South Springport, Eureka, Williamson, East Batesville 4, West Batesville 4, Fern Hill, North Batesville A, East Batesville 5 and West Batesville 5; and in Tallahatchie County the precincts of Teasdale, Enid, Springhill, Charleston Beat 1, Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla, Murphreesboro and Rosebloom.

SECOND DISTRICT. The Second Congressional District shall be composed of the following counties and portions of counties: Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower, Tunica, Warren, Washington, Yazoo; in Attala County the precincts of Northeast, Hesterville, Possomneck, North Central, McAdams, Newport, Sallis and Southwest; that portion of Grenada County not included in the First Congressional District; in Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41, 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga, Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas, St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the precincts of Conway, West Carthage, Wiggins, Thomastown and Ofahoma; in Madison County the precincts of Farmhaven, Canton Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6, Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora, Virlilia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon, Canton Precinct 1 and Canton Precinct 4; that portion of Montgomery County not included in the First Congressional District; that portion of Panola County not included in the First Congressional District; and that portion of Tallahatchie County not included in the First Congressional District.

THIRD DISTRICT. The Third Congressional District shall be composed of the following counties and portions of counties: Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba, Newton, Noxubee, Rankin, Scott, Smith, Winston; that portion of Attala County

not included in the Second Congressional District; in Jones County the precincts of Northwest High School, Shady Grove, Sharon, Erata, Glade, Myrick School, Northeast High School, Rustin, Sandersville Civic Center, Tuckers, Antioch and Landrum; that portion of Leake County not included in the Second Congressional District; that portion of Madison County not included in the Second Congressional District; that portion of Oktibbeha County not included in the First Congressional District; and in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee, Diamond, Chaparral, Matherville, Coit and Eucutta.

FOURTH DISTRICT. The Fourth Congressional District shall be composed of the following counties and portions of counties: Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Simpson, Walthall, Wilkinson; that portion of Hinds County not included in the Second Congressional District; and that portion of Jones county not included in the Third Congressional District.

FIFTH DISTRICT. The Fifth Congressional District shall be composed of the following counties and portions of counties: Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry, Stone; and that portion of Wayne County not included in the Third Congressional District.

(2) The boundaries of the congressional districts described in subsection (1) of this section shall be the boundaries of the counties and precincts listed in subsection (1) as such boundaries existed on October 1, 1990.

Credits
Laws 1986, Ch. 495, § 307; Laws 1991, 1st Ex. Sess., Ch. 2, § 1, eff. February 21, 1992.