

Title 15: Mississippi State Department of Health

Part 22: Medical Cannabis Program

Subpart 2: Program Registry and Registry Identification Cards

Chapter 1 REGULATIONS FOR THE PROGRAM REGISTRY AND REGISTRY IDENTIFICATION CARDS

Subchapter 1 General Provisions:

Rule 2.1.1 Legal Authority: This regulation has been promulgated under the authority of and pursuant to *Miss. Code Ann. §§ 41-137-1 – 41-137-67*.

Rule 2.1.2 Definitions:

1. **“Allowable Amount of Medical Cannabis”** means an amount not to exceed the maximum amount of Mississippi Medical Cannabis Equivalency Units ("MMCEU").
2. **“Cardholder”** means a registered qualifying patient or a registered designated caregiver who has been issued and possesses a valid registration identification card by the Mississippi State Department of Health.
3. **“Chronic Pain”** means a pain state in which the cause of the pain cannot be removed or otherwise treated, and which in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts by a practitioner.
4. **“Department”** means the Mississippi State Department of Health.
5. **“Designated Caregiver”** means a person, at least 21 years of age, who has agreed to assist no more than five (5) registered qualifying patients with their medical use of medical cannabis. A designated caregiver may also be referred to as a “caregiver”.
6. **“Designated Caregiver Entity”** means a health care facility or facility providing residential care services or day services that has agreed to assist registered qualifying patients with their medical use of medical cannabis. A designated caregiver entity may also be referred to as a “caregiver entity”.
7. **“Disqualifying Felony Offense”** means:
 - A. A conviction for a crime of violence, as defined in Section 97-3-2 Mississippi Code of 1972, as amended, or

- B. A conviction for a crime that was defined as a violent crime in the law of the jurisdiction in which the offense was committed, and that was classified as a felony in the jurisdiction where the person was convicted; or a conviction for a violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction where the person was convicted, including the service of any term of probation, incarceration or supervised release within the previous five (5) years and the offender has not committed another similar offense since the conviction A disqualifying felony offense shall not include a conviction that consisted of conduct for which the Mississippi Medical Cannabis Act would likely have prevented the conviction but for the fact that the conduct occurred before the effective date of the Medical Cannabis Act.
8. **“D.O.”** means a Doctor of Osteopathy. Also includes DO as an abbreviation.
 9. **“Medical Cannabis”** means cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided in this chapter.
 10. **“Medical Cannabis establishment”** means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.
 11. **“M.D.”** means a Doctor of Medicine. Also includes MD as an abbreviation.
 12. **“MMCEU”** means Mississippi Medical Cannabis Equivalency Unit. One unit of MMCEU shall be considered equal to:
 - A. Three and one-half (3.5) grams of medical cannabis flower;
 - B. One (1) gram of medical cannabis concentrate; or,
 - C. One hundred (100) milligrams of THC in an infused product.
 13. **“Program”** means the Mississippi Medical Cannabis Program.
 14. **“Public Place”** means a church or any area to which the general public is invited or in which the general public is permitted, regardless of the ownership of the area, and any area owned or controlled by a municipality, county, state or federal government, including, but not

limited to, streets, sidewalks or other forms of public transportation. Such term shall not mean a private residential dwelling.

15. **“Practitioner”** means a physician (MD/DO), certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state. In relation to a nonresident cardholder, the term means a physician (MD/DO), certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the requirements of their respective occupational boards and under the laws of the state or territory in which the nonresident patient resides. For registered qualifying patients who are minors, “practitioner” shall mean a physician (MD/DO) who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state.
16. **“Registry Identification Card”** means a document issued by the Department that identifies a person as a registered qualifying patient, nonresident registered qualifying patient or registered designated caregiver.
17. **“Written Certification”** means a form approved by the Department, signed and dated by a practitioner, certifying that a person has a debilitating medical condition. This written certification may also be referred to as a “practitioner certification”.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Subchapter 2 Types of Medical Cannabis Registries & Fee Types Associated with Registry

Rule 2.2.1 The following types of medical cannabis registry and registry identification cards (may also be referred to as identification cards or patient cards) will be issued, in a form and manner set by the Department, upon satisfaction of all application criteria:

1. Registered Qualifying Patient Identification Card
2. Nonresident Qualifying Patient Identification Card (i.e., temporary patient card or nonresident cardholder)
3. Registered Designated Caregiver Identification Card
4. Practitioner Registration

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.2.2 At a minimum, identification cards issued by the Department will identify:

1. Type of card;
2. Valid dates of the card;
3. Legal name of the cardholder;
4. Date of birth of the cardholder;
5. Photograph (passport style) of the cardholder;
6. Unique identification number;
7. MMCEU limits; and,
8. How the card may be verified.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.2.3 The initial fees for Registered Qualifying Patient Identification Card are as follows:

1. The standard nonrefundable fee is \$25.00.
2. The nonrefundable fee for a 100% disabled veteran or disabled first responder is waived. A disabled veteran or disabled first responder may prove their disability by providing written documentation to the Department from the Social Security Disability Office or documentation that attests the applicant is a 100% disabled veteran as determined by the U.S. Department of Veteran Affairs.
3. The nonrefundable fee for a Mississippi Medicaid participant shall be \$15.00. Medicaid status will be verified at the time of application.
4. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department at the time of application.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.2.4 The renewal fees for Registered Qualifying Patient Identification Cards are as follows:

1. The standard nonrefundable fee is \$25.00.

2. The nonrefundable fee for a 100% disabled veteran or disabled first responder is waived. A disabled veteran or disabled first responder may prove their disability by providing written documentation to the Department from the Social Security Disability Office or documentation that attests the applicant is a 100% disabled veteran as determined by the U.S. Department of Veteran Affairs.
3. The nonrefundable fee for a Mississippi Medicaid participant shall be \$15.00. Medicaid status will be verified at the time of renewal.
4. All renewal fees are nonrefundable. Fees must be paid in the manner set forth by the Department at the time of renewal.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.2.5 The initial nonrefundable fees for a Designated Caregiver Registry Identification Card are as follows:

1. The standard initial nonrefundable fee is \$25.00.
2. The designated caregiver criminal background check nonrefundable fee is \$37.00 to be paid to MSDH for conducting the required background checks.
3. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department at the time of application.

Source: Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.2.6 The annual renewal nonrefundable fees for a Designated Caregiver Registry Identification Card are as follows:

1. The standard initial nonrefundable fee is \$25.00.
2. The designated caregiver criminal background check nonrefundable fee is \$37.00.
3. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department at the time of application.

Source: Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.2.7 Both initial and renewal fees for all medical cannabis identification cards may be waived by the Department in the event of extenuating circumstances approved by the Department.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Subchapter 3 Registered Qualifying Patient Identification Cards

Rule 2.3.1 Registered Qualifying Patient Identification Cards will only be issued by the Department when all application and practitioner certification criteria is met. Upon issuance of the identification card, the applicant is recognized as a qualified patient, or cardholder, of the medical cannabis program.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.3.2 Registered Qualifying Patient Identification Cards issued by the Department are valid for one (1) year from the date of issuance unless a lesser timeframe is otherwise through the written certification or circumstances determined by the Department.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.3.3 Utilizing the same process outlined in Rule 2.4.1, Qualified Patients may apply for renewal of their identification card no later than one (1) year from the date of issuance or last renewal of the identification card.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.3.4 When there a change in the cardholder’s name, address, designated caregiver, or if the registered qualifying patient ceases to have his or her diagnosed debilitating medical condition (as determined by the practitioner issuing the patient’s written certification) that qualified him/her for the medical cannabis program, the patient is responsible for notifying the Department within twenty (20) calendar days of the change. If the patient is unable to make these notifications, the patient’s registered designated caregiver with the program or legal representative shall make these notifications to the Department of behalf of the patient in the same required timeframes as stated above in this Rule.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.3.5 Reporting of changes required in Rule 2.3.4 must be done in a format required by the Department.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.3.6 Registered Qualifying Patient Identification Cards may be denied or revoked for the following:

1. The cardholder provided false or incomplete information to the Department during application or renewal;

2. The cardholder uses his/her card to obtain medical cannabis or medical cannabis products for another individual; and,
3. The certifying practitioner has terminated the written certification.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.3.7 In addition to Rule 2.3.6, if the cardholder is under the age of 18, the Registered Qualifying Patient Identification Card may be denied or revoked if the custodial parent or legal guardian with responsibility for health care decisions doesn't provide written consent to the patient's use of medical cannabis, agree to serve as the patient's designated caregiver; and control the acquisition, dosage and frequency of use of the patient's medical cannabis.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Subchapter 4 Application to Participate in the Medical Cannabis Program as a Registered Qualifying Patient

Rule 2.4.1 To obtain a Registered Qualifying Patient Identification Card, an applicant must submit (in a form and manner determined by the Department) the following information:

1. Full legal name and any aliases, such as a nickname (e.g., Bill as a nickname for William);
2. Date of birth;
3. Current physical address;
4. Current mailing address;
5. Current telephone number and/or email address;
6. Identification issued by the State of MS – driver's license, state-issued ID card issued by the department of motor vehicles;
7. Current photograph
 - A. clear, color photograph of the head and top of shoulders;
 - B. be an image in a .jpg, .png, or .gif digital image format
 - C. be taken in the last six months to reflect the applicant's appearance;
 - D. be taken in front of a plain white or off-white background;

- E. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
- F. must not be digitally enhanced to change the appearance of the applicant (e.g., use of “filters”).
- 8. Written certification (as set forth by the Department);
- 9. Identification card nonrefundable fee (see Rules 2.2.3 and 2.2.4);
- 10. An attestation, signed and dated by the applicant, that the information provided is true and correct;
- 11. An attestation, signed and dated by the applicant, pledging not to divert medical cannabis or medical cannabis products to any individual or entity; and,
- 12. Any other information that may be required by the Department.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.4.2 To obtain a Qualified Patient Identification Card for a Minor (under the age of 18), a legal guardian or custodial parent with responsibility for health care decisions, on behalf of the minor applicant, must submit (in a form and manner determined by the Department) the following information:

- 1. The full legal name and aliases, such as a nickname (e.g., Bill as a nickname for William) of the minor applicant;
- 2. The minor applicant’s date of birth;
- 3. A copy of the minor applicant’s birth certificate;
- 4. 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);
- 5. The minor applicant’s current physical address;
- 6. Proof of minor’s residency in the State of Mississippi provided by the custodial parent and/ or legal guardian (See Rule 2.4.1 for sources required);
- 7. The minor 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);

8. The full legal name(s) of the minor applicant's parent(s) or legal guardian(s);
9. The date(s) of birth of the minor applicant's parent(s) or legal guardian(s);
10. The current physical address(es) of the minor applicant's parent(s) or legal guardian(s);
11. The current telephone number(s) and/or email address(es) of the minor applicant's parent(s) or legal guardian(s);
12. Identification issued by the State of MS (if applicable based on minor applicant) – driver's license, state-issued ID card issued by the state department of motor vehicles;
13. Current photograph of minor applicant:
 - A. clear, color photograph of the head and top of shoulders;
 - B. be an image in a .jpg, .png, or .gif digital image format
 - C. be taken in the last six months to reflect the applicant's appearance;
 - D. be taken in front of a plain white or off-white background;
 - E. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
 - F. must not be digitally enhanced to change the appearance of the applicant (e.g., use of "filters");
14. Written certifications (as set forth by the Department);
15. Identification card fee (see Rules 2.2.3 and 2.2.4);
16. An attestation that the information provided is true and correct;
17. Parental or legal guardian consent for the minor to participate in the medical cannabis program;
18. An attestation, signed and dated by the applicant and parent(s)/legal guardian(s), pledging not to divert medical cannabis or medical cannabis products to any individual or entity; and,
19. Any other information that may be required by the Department.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Subchapter 5 Nonresident Qualifying Patients (i.e., nonresident cardholder)

Rule 2.5.1 In order to participate in the program as a nonresident cardholder the following conditions must be met:

1. The individual has been diagnosed with a debilitating medical condition by a practitioner (licensed to prescribe medicine under the respective occupational board of the state of residence) in his or her respective state of residence;
2. The individual is not a resident of the State of Mississippi or has been a resident of the State of Mississippi for less than 45 days;
3. The individual has an active identification card for the use of medical cannabis in his/her state of residence; and,
4. The individual has met the application criteria in Rule 2.5.2 below.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.5.2 To obtain a Nonresident Qualifying Patient Identification Card, an applicant must submit (in a form and manner determined by the Department) the following information:

1. Full legal name and any aliases, such as a nickname (e.g., Bill as a nickname for William);
2. Date of birth;
3. Current physical address and mailing address;
4. Current telephone number and/or email address;
5. Identification issued by the applicant's state of residence – driver's license, state-issued ID card issued by the department of motor vehicles;
6. Current photograph
 - A. clear, color photograph of the head and top of shoulders;
 - B. be an image in a .jpg, .png, or .gif digital image format;
 - C. be taken in the last six months to reflect the applicant's appearance;
 - D. be taken in front of a plain white or off-white background;

- E. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
 - F. must not be digitally enhanced to change the appearance of the applicant (e.g., use of “filters”);
7. Proof of active (current) participation in the medical cannabis program of the individual’s state of residence (as set forth by the Department);
 8. Identification card nonrefundable fee of \$75.00;
 9. An attestation, signed and dated by the applicant, that the information provided is true and correct;
 10. An attestation, signed and dated by the applicant, pledging not to divert medical cannabis or medical cannabis products to any individual or entity; and,
 11. Any other information that may be required by the Department.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.5.3 In compliance with Rule 2.5.2 above, an individual seeking to participate in the program as a nonresident cardholder may apply to receive his/her nonresident identification card up to thirty (30) days before arriving in Mississippi.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.5.4 The following limitations apply to nonresident cardholders:

1. A nonresident card is valid for a maximum of two (2) separate fifteen-day periods in a 365-day year from the date of issuance of the card;
2. The first fifteen-day period is the initial approval period;
3. The second fifteen-day period is the renewal approval period;
4. A maximum of six (6) MMCEUs of medical cannabis in a week can be dispensed to a nonresident cardholder;
5. A maximum of twelve (12) MMCEUs of medical cannabis in a fifteen (15) day period can be dispensed to a nonresident cardholder; and
6. A maximum of fourteen (14) MMCEUs is the possession limit for nonresident cardholders.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Subchapter 6 Registered Designated Caregiver Identification Cards

Rule 2.6.1 Registered Designated Caregiver Identification Cards will only be issued by the Department when all application criteria are met. Upon issuance of the identification card, the applicant is recognized as a designated caregiver to a qualified patient or patients (inclusive of nonresident patients) of the medical cannabis program. The Department will not issue a designated caregiver identification card before the Department issues the designated caregiver's qualifying patient's identification card.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.6.2 Caregiver applicants are prohibited from having a disqualifying felony offense.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.6.3 Caregivers must be at least twenty-one (21) years of age unless the person is the parent or legal guardian of each qualifying patient he/she assists.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.6.4 Registered Designated Caregiver Identification Cards issued by the Department are valid for one (1) year from the date of issuance or lesser timeframe if assisting a nonresident patient.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.6.5 Utilizing the same process outlined in Rule 2.5.2, Caregivers may apply for renewal of their identification card no later than one (1) year from the date of issuance or last renewal of the Caregiver Identification Card.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.6.6 Caregiver Identification Cards may be suspended or revoked for the following:

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

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

**Subchapter 7 Application to Participate in the Medical Cannabis Program as a
Caregiver**

Rule 2.7.1 To obtain a Registered Designated Caregiver Identification Card, an applicant must submit (in a form and manner determined by the Department) the following information:

1. Full legal name and any aliases, such as a nickname (e.g., Bill as a nickname for William);
2. Date of birth;
3. Current physical address and mailing address;
4. Current telephone number and/or email address;
5. Identification issued by the State of MS – driver’s license, state-issued ID card issued by the state department of motor vehicles;
6. Current photograph:
 - A. clear, color photograph of the head and top of shoulders;
 - B. be an image in a .jpg, .png, or .gif digital image format no larger than 3 mb in size;
 - C. be taken in the last six months to reflect the applicant’s appearance;
 - D. be taken in front of a plain white or off-white background;
 - E. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
 - F. must not be digitally enhanced to change the appearance of the applicant (e.g., use of “filters”).
7. Names, dates of birth, and identification numbers (if available at the time of application) of the patients they will be providing services to;
8. Identification card nonrefundable fee of \$25.00;
9. Fingerprints on a fingerprint card or a live scan fingerprint to be submitted to conduct a state and federal criminal records check;
10. Authorization to conduct state and federal criminal records checks;

11. Caregiver criminal background check nonrefundable fee of \$37.00 to the Department to complete the required background check;
12. An attestation that the information provided is true and correct;
13. An attestation, signed and dated by the applicant, pledging not to divert medical cannabis or medical cannabis products to any individual or entity; and,
14. Any other documentation required by the Department such as an acknowledgement of caregiver responsibilities.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.7.2 In the event that an applicant is applying to become a registered designated caregiver for qualified patient who is a minor and the caregiver applicant is not the patient’s parent and/or legal guardian, the caregiver 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: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Subchapter 8 Application to Obtain a Caregiver Entity Identification Card

Rule 2.8.1 The following entities, licensed by the applicable state authority, may facilitate the use of medical cannabis by a Qualified Patient after registering with the Department as a Caregiver Entity:

1. Hospitals;
2. Hospice Programs;
3. Assisted Living Programs;
4. ICF/IDD Institutions;
5. Nursing Homes;
6. Personal Care Homes;
7. Adult day care facilities; and
8. Adult foster care facilities.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.8.2 To register as a Caregiver Entity, the facility/program shall submit, in a form and manner determined by the Department, the following information:

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

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.8.3 The Caregiver Entity shall update the Department with any changes to the facility/program's primary contact person within three (3) business days of the change and shall file a copy of their licenses each time that license is renewed or updated.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.8.4 A Caregiver Entity identification card shall remain valid unless or until the facility's/program's state license or certification (whichever is applicable) is no longer valid or the registration with the medical cannabis program is suspended, revoked, or restricted by the Department.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.8.5 The Department shall provide a single identification card to a Caregiver Entity. The Caregiver Entity will be notified by the Department of each qualifying patient's designation of that entity as his/her caregiver.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.8.6 Caregivers in recognized Caregiver Entities are subject to all other Caregiver requirements included in this Part.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Subchapter 9 Practitioner Certification for Registered Qualifying Patients (residents of MS)

Rule 2.9.1 A practitioner certification (in a manner set for the by the Department) is required for a person, residing in the State of Mississippi, to apply to become a qualified patient of the medical cannabis program.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.9.2 The purpose of the practitioner certification is to determine and certify that a person suffers from a debilitating medical condition for which the use of medical cannabis may mitigate the symptoms and/or effects.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.9.3 Before issuing a Practitioner Certification for an individual seeking to participate in the medical cannabis program, a Practitioner must:

1. Have a bona fide practitioner-patient relationship within his/her scope of practice with the individual;
2. Examine the individual in person in Mississippi; and,
3. Determine that the individual suffers from a Debilitating Medical Condition for which the use of medical cannabis may mitigate the symptoms and/or the effects.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.9.4 A bona fide practitioner-patient relationship must include the following:

1. A treatment or consulting relationship between the practitioner and the individual seeking the practitioner certification;
2. A practitioner certification is included in the individual's medical record;
3. The practitioner is available to provide follow-up care and treatment to the individual seeking certification; and,
4. Any other requirements related to the practitioner's scope of practice put in place by the practitioner's respective occupational/licensing board or the Department.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.9.5 A practitioner certification is valid for twelve months from the date of issue unless a shorter timeframe is specified by the certifying practitioner.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.9.6 A practitioner certification must not exceed the allowable amount of medical cannabis. A practitioner can place restrictions on the allowable amount of medical cannabis by stating the maximum amount of medical cannabis and the method of administration permissible via the practitioner certification.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.9.7 A practitioner is not required to issue a written certification for an individual with whom he/she does not have a bona fide practitioner-patient relationship.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.9.8 A practitioner issuing a written certification is prohibited from being a medical cannabis dispensary agent or employee.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.9.9 A certification issued for an individual between the ages of eighteen (18) and twenty-five (25) must meet the following conditions:

1. The debilitating condition is confirmed by two practitioners from separate practices after an in-person consultation (this isn't required if the person is homebound or had an identification card before the age of 18); and,
2. One of the practitioners must be a physician (MD/DO).

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.9.10 A certification issued for a minor (under the age of 18) may only be issued by a physician (MD/DO).

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.9.11 A practitioner is prohibited from the following:

1. Referring patients to a specific medical cannabis establishment;
2. Referring patients to a specific caregiver;
3. Advertising in medical cannabis establishments; and,
4. Issuing written certification while holding a financial interest in a medical cannabis establishment.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Subchapter 10 Practitioner Registration

Rule 2.10.1 Practitioners participating in the medical cannabis program with the intent of issuing practitioner certifications must register annually with the Department in order to issue certifications for the medical cannabis program.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.10.2 The collaborating physician (MD/DO), for both physician assistants and certified nurse practitioners must be registered with the Department in order for the physician assistant or nurse practitioner in collaboration with that physician (MD/DO) to subsequently register with the Department.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.10.3 In order to register with the Department, the practitioner (i.e., applicant) must submit the following information in a manner set by the Department:

1. Evidence of unrestricted licensure in Mississippi by the Mississippi State Board of Medical Licensure; Mississippi State Board of Nursing; or Mississippi State Board of Optometry;
2. Issue date and expiration date of licensure in Mississippi;
3. Area of specialty;
4. Physical address of practice;
5. Current telephone number and email address;
6. Evidence of completion of continuing medical education approved by the Department;
7. A waiver, signed and dated by the practitioner, allowing, and authorizing the Department to fully communicate with the Mississippi State Board of Medical Licensure, Mississippi State Board of Nursing; or Mississippi State Board of Optometry and receive licensure information; and,
8. 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 cannabis program.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.10.4 Practitioner Registration may be suspended or revoked for the following:

1. The practitioner provided false information to the Department; and/or
2. The practitioner is the subject of disciplinary action from the Mississippi State Board of Medical Licensure, Mississippi State Board of Nursing, or Mississippi State Board of Optometry.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Subchapter 11 Requirements of Practitioners Participating in the Medical Cannabis Program

Rule 2.11.1 Practitioners must complete eight (8) hours of initial training related to the use of medical cannabis in order to enroll in the program. Annual training in the amount of five (5) hours related to the use of medical cannabis must also be completed in order to annually renew participation in the program. All training must be approved by the Department. Failure to meet these training requirements will negatively impact a practitioner’s ability to participate in the Program.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.11.2 Practitioners are prohibited from sharing office space with a medical cannabis establishment.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.11.3 Participation in the program does not negate the authority of the Mississippi State Board of Medical Licensure, Mississippi State Board of Nursing or Mississippi State Board of Optometry to investigate practitioners and freely communicate with the Department should those instances occur. Additionally, practitioners registered with the Program agree to the additional regulatory requirements related to the MS Medical Cannabis Act and the rules contained in this Part. Practitioners participating in the Program agree that MSDH is authorized to freely communicate with the practitioner’s professional licensing board if violations are alleged.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.11.4 Practitioners must utilize the Prescription Monitoring Program in order to complete an assessment of the patient prior to issuing a written certification for the medical cannabis program.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.11.5 All patients must be advised of their freedom of choice as to the medical cannabis dispensary they wish to utilize. Evidence of this must be maintained in the patient’s medical record.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.11.6 In addition to the requirements set forth in this Part, practitioners must also follow the rules, regulations, and policies set forth by the Mississippi State Board of Medical Licensure, Mississippi State Board of Nursing, or the Mississippi State

Board of Optometry in order to maintain an unrestricted license from the respective licensing boards.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.11.7 A certifying practitioner 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 cannabis; or does not believe the patient is using the medical cannabis for medical purposes. The practitioner must 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: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Rule 2.11.8 Notification of termination of practitioner certification to the Department and patient must include, but isn't limited to:

1. The practitioner's identification number issued by the MS Medical Cannabis Program;
2. The patient's identification number issued by the MS Medical Cannabis Program;
3. The reason the certification is being revoked;
4. The date of revocation;
5. The signature of the practitioner;
6. The date of notification to the Department;
7. The date of notification to the patient; and,
8. The official letterhead and/or email account of the practitioner.

Source: Miss. Code Ann. §§ 41-137-1 – 41-137-67

Title 15: Mississippi State Department of Health

Part 22: Medical Cannabis Program

Subpart 2: Program Registry and Registry Identification Cards

Chapter 1 REGULATIONS FOR THE PROGRAM REGISTRY AND REGISTRY IDENTIFICATION CARDS

Subchapter 1 General Provisions:

Rule 2.1.1 Legal Authority: This regulation has been promulgated under the authority of and pursuant to ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21.~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.1.2 Definitions:

1. **"Allowable amount of medical cannabis"** means an amount not to exceed the maximum amount of Mississippi Medical Cannabis Equivalency Units ("MMCEU").
2. **"Cardholder"** means a registered qualifying patient or a registered designated caregiver who has been issued and possesses a valid registration identification card by the Mississippi State Department of Health.
3. **"Chronic pain"** means a pain state in which the cause of the pain cannot be removed or otherwise treated, and which in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts by a practitioner.
4. **"Department"** means the Mississippi State Department of Health.
5. **"Designated Caregiver"** means a person, at least 21 years of age, who has agreed to assist no more than five (5) registered qualifying patients with their medical use of medical cannabis. A designated caregiver may also be referred to as a "caregiver".
6. **"Designated Caregiver Entity"** means a health care facility or facility providing residential care services or day services that has agreed to assist registered qualifying patients with their medical use of medical cannabis. A designated caregiver entity may also be referred to as a "caregiver entity".
7. **"Disqualifying felony offense"** means:

- A. A conviction for a crime of violence, as defined in Section 97-3-2 Mississippi Code of 1972, as amended, or
 - B. A conviction for a crime that was defined as a violent crime in the law of the jurisdiction in which the offense was committed, and that was classified as a felony in the jurisdiction where the person was convicted; or a conviction for a violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction where the person was convicted, including the service of any term of probation, incarceration or supervised release within the previous five (5) years and the offender has not committed another similar offense since the conviction A disqualifying felony offense shall not include a conviction that consisted of conduct for which the Mississippi Medical Cannabis Act would likely have prevented the conviction but for the fact that the conduct occurred before the effective date of the Medical Cannabis Act.
- 8. **“D.O.”** means a Doctor of Osteopathy. Also includes DO as an abbreviation.
 - 9. **"Medical cannabis"** means cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided in this chapter.
 - 10. **"Medical cannabis establishment"** means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.
 - 11. **“M.D.”** means a Doctor of Medicine. Also includes MD as an abbreviation.
 - 12. **"MMCEU"** means Mississippi Medical Cannabis Equivalency Unit. One unit of MMCEU shall be considered equal to:
 - A. Three and one-half (3.5) grams of medical cannabis flower;
 - B. One (1) gram of medical cannabis concentrate; or,
 - C. One hundred (100) milligrams of THC in an infused product.
 - 13. **“Program”** means the Mississippi Medical Cannabis Program.
 - 14. **"Public place"** means a church or any area to which the general public is invited or in which the general public is permitted, regardless of the

ownership of the area, and any area owned or controlled by a municipality, county, state or federal government, including, but not limited to, streets, sidewalks or other forms of public transportation. Such term shall not mean a private residential dwelling.

15. **“Practitioner”** means a physician (MD/DO), certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state. In relation to a nonresident cardholder, the term means a physician (MD/DO), certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the requirements of their respective occupational boards and under the laws of the state or territory in which the nonresident patient resides. For registered qualifying patients who are minors, “practitioner” shall mean a physician (MD/DO) who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state.
16. **“Registry Identification Card”** means a document issued by the Department that identifies a person as a registered qualifying patient, nonresident registered qualifying patient or registered designated caregiver.
17. **“Written certification”** means a form approved by the Department, signed and dated by a practitioner, certifying that a person has a debilitating medical condition. This written certification may also be referred to as a “practitioner certification”.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21-Miss. Code Ann. §§ 41-137-3 – 41-137-67~~

Subchapter 2 Types of Medical Cannabis Registries & Fee Types Associated with Registry

Rule 2.2.1 The following types of medical cannabis registry and registry identification cards (may also be referred to as identification cards or patient cards) will be issued, in a form and manner set by the Department, upon satisfaction of all application criteria:

1. Registered Qualifying Patient Identification Card
2. Nonresident Qualifying Patient Identification Card (i.e., temporary patient card or nonresident cardholder)
3. Registered Designated Caregiver Identification Card

4. Practitioner Registration

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.2.2 At a minimum, identification cards issued by the Department will identify:

1. Type of card;
2. Valid dates of the card;
3. Legal name of the cardholder;
4. Date of birth of the cardholder;
5. Photograph (passport style) of the cardholder;
6. Unique identification number;
7. MMCEU limits; and,
8. How the card may be verified.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.2.3 The initial fees for Registered Qualifying Patient Identification Card are as follows:

1. The standard nonrefundable fee is \$25.00.
2. The nonrefundable fee for a 100% disabled veteran or disabled first responder is waived. A disabled veteran or disabled first responder may prove their disability by providing written documentation to the Department from the Social Security Disability Office or documentation that attests the applicant is a 100% disabled veteran as determined by the U.S. Department of Veteran Affairs.
3. The nonrefundable fee for a Mississippi Medicaid participant shall be \$15.00. Medicaid status will be verified at the time of application.
4. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department at the time of application.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.2.4 The renewal fees for Registered Qualifying Patient Identification Cards are as follows:

1. The standard nonrefundable fee is \$25.00.
2. The nonrefundable fee for a 100% disabled veteran or disabled first responder is waived. A disabled veteran or disabled first responder may prove their disability by providing written documentation to the Department from the Social Security Disability Office or documentation that attests the applicant is a 100% disabled veteran as determined by the U.S. Department of Veteran Affairs.
3. The nonrefundable fee for a Mississippi Medicaid participant shall be \$15.00. Medicaid status will be verified at the time of renewal.
4. All renewal fees are nonrefundable. Fees must be paid in the manner set forth by the Department at the time of renewal.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21-Miss. Code Ann. §§ 41-137-3 – 41-137-67~~

Rule 2.2.5 The initial nonrefundable fees for a Designated Caregiver Registry Identification Card are as follows:

1. The standard initial nonrefundable fee is \$25.00.
2. The designated caregiver criminal background check nonrefundable fee is \$37.00 to be paid to MSDH for conducting the required background checks.
3. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department at the time of application.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21-Miss. Code Ann. §§ 41-137-3 – 41-137-67~~

Rule 2.2.6 The annual renewal nonrefundable fees for a Designated Caregiver Registry Identification Card are as follows:

1. The standard initial nonrefundable fee is \$25.00.
2. The designated caregiver criminal background check nonrefundable fee is \$37.00.
3. All fees are nonrefundable. Fees must be paid in the manner set forth by the Department at the time of application.

Source: *Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21*

Rule 2.2.7 Both initial and renewal fees for all medical cannabis identification cards may be waived by the Department in the event of extenuating circumstances approved by the Department.

Source: ~~*Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21*~~ *Miss. Code Ann. §§ 41-137-3 – 41-137-67*

Subchapter 3 Registered Qualifying Patient Identification Cards

Rule 2.3.1 Registered Qualifying Patient Identification Cards will only be issued by the Department when all application and practitioner certification criteria is met. Upon issuance of the identification card, the applicant is recognized as a qualified patient, or cardholder, of the medical cannabis program.

Source: ~~*Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21*~~ *Miss. Code Ann. §§ 41-137-3 – 41-137-67*

Rule 2.3.2 Registered Qualifying Patient Identification Cards issued by the Department are valid for one (1) year from the date of issuance unless a lesser timeframe is otherwise through the written certification or circumstances determined by the Department.

Source: ~~*Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21*~~ *Miss. Code Ann. §§ 41-137-3 – 41-137-67*

Rule 2.3.3 Utilizing the same process outlined in Rule 2.4.1, Qualified Patients may apply for renewal of their identification card no later than one (1) year from the date of issuance or last renewal of the identification card.

Source: ~~*Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21*~~ *Miss. Code Ann. §§ 41-137-3 – 41-137-67*

Rule 2.3.4 When there a change in the cardholder’s name, address, designated caregiver, or if the registered qualifying patient ceases to have his or her diagnosed debilitating medical condition (as determined by the practitioner issuing the patient’s written certification) that qualified him/her for the medical cannabis program, the patient is responsible for notifying the Department within twenty (20) calendar days of the change. If the patient is unable to make these notifications, the patient’s registered designated caregiver with the program or legal representative shall make these notifications to the Department of behalf of the patient in the same required timeframes as stated above in this Rule.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.3.5 Reporting of changes required in Rule 2.3.4 must be done in a format required by the Department.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~

Rule 2.3.6 Registered Qualifying Patient Identification Cards may be denied or revoked for the following:

1. The cardholder provided false or incomplete information to the Department during application or renewal;
2. The cardholder uses his/her card to obtain medical cannabis or medical cannabis products for another individual; and,
3. The certifying practitioner has terminated the written certification.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.3.7 In addition to Rule 2.3.6, if the cardholder is under the age of 18, the Registered Qualifying Patient Identification Card may be denied or revoked if the custodial parent or legal guardian with responsibility for health care decisions doesn't provide written consent to the patient's use of medical cannabis, agree to serve as the patient's designated caregiver; and control the acquisition, dosage and frequency of use of the patient's medical cannabis.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Subchapter 4 Application to Participate in the Medical Cannabis Program as a Registered Qualifying Patient

Rule 2.4.1 To obtain a Registered Qualifying Patient Identification Card, an applicant must submit (in a form and manner determined by the Department) the following information:

1. Full legal name and any aliases, such as a nickname (e.g., Bill as a nickname for William);
2. Date of birth;
3. Current physical address;

4. Current mailing address;
5. Current telephone number and/or email address;
6. Identification issued by the State of MS – driver’s license, state-issued ID card issued by the department of motor vehicles;

~~7. Proof of residency in the State of Mississippi to two source documents from the following:~~

~~A. Ownership, lease, or rental documents in the name of the applicant for place of residence;~~

~~B. Utility billing statements in the name of the applicant (power bill, gas bill, water bill) for the place of residence;~~

~~C. MS vehicle registration in the name of the applicant;~~

~~8.7.~~ Current photograph

- A. clear, color photograph of the head and top of shoulders;
- B. be an image in a .jpg, .png, or .gif digital image format
- C. be taken in the last six months to reflect the applicant’s appearance;
- D. be taken in front of a plain white or off-white background;
- E. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
- F. must not be digitally enhanced to change the appearance of the applicant (e.g., use of “filters”).

~~9.8.~~ Written certification (as set forth by the Department);

~~10.9.~~ Identification card nonrefundable fee (see Rules 2.2.3 and 2.2.4);

~~11.10.~~ An attestation, signed and dated by the applicant, that the information provided is true and correct;

~~12.11.~~ An attestation, signed and dated by the applicant, pledging not to divert medical cannabis or medical cannabis products to any individual or entity; and,

~~13.12.~~ Any other information that may be required by the Department.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21 Miss. Code Ann. §§ 41-137-3 – 41-137-67~~

Rule 2.4.2 To obtain a Qualified Patient Identification Card for a Minor (under the age of 18), a legal guardian or custodial parent with responsibility for health care decisions, on behalf of the minor applicant, must submit (in a form and manner determined by the Department) the following information:

1. The full legal name and aliases, such as a nickname (e.g., Bill as a nickname for William) of the minor applicant;
2. The minor applicant's date of birth;
3. A copy of the minor applicant's birth certificate;
4. 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);
5. The minor applicant's current physical address;
6. Proof of minor's residency in the State of Mississippi provided by the custodial parent and/ or legal guardian (See Rule 2.4.1 for sources required);
7. The minor 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);
8. The full legal name(s) of the minor applicant's parent(s) or legal guardian(s);
9. The date(s) of birth of the minor applicant's parent(s) or legal guardian(s);
10. The current physical address(es) of the minor applicant's parent(s) or legal guardian(s);
11. The current telephone number(s) and/or email address(es) of the minor applicant's parent(s) or legal guardian(s);
12. Identification issued by the State of MS (if applicable based on minor applicant) – driver's license, state-issued ID card issued by the state department of motor vehicles;

13. Current photograph of minor applicant:
 - A. clear, color photograph of the head and top of shoulders;
 - B. be an image in a .jpg, .png, or .gif digital image format
 - C. be taken in the last six months to reflect the applicant’s appearance;
 - D. be taken in front of a plain white or off-white background;
 - E. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
 - F. must not be digitally enhanced to change the appearance of the applicant (e.g., use of “filters”);
14. Written certifications (as set forth by the Department);
15. Identification card fee (see Rules 2.2.3 and 2.2.4);
16. An attestation that the information provided is true and correct;
17. Parental or legal guardian consent for the minor to participate in the medical cannabis program;
18. An attestation, signed and dated by the applicant and parent(s)/legal guardian(s), pledging not to divert medical cannabis or medical cannabis products to any individual or entity; and,
19. Any other information that may be required by the Department.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Subchapter 5 Nonresident Qualifying Patients (i.e., nonresident cardholder)

Rule 2.5.1 In order to participate in the program as a nonresident cardholder the following conditions must be met:

1. The individual has been diagnosed with a debilitating medical condition by a practitioner (licensed to prescribe medicine under the respective occupational board of the state of residence) in his or her respective state of residence;
2. The individual is not a resident of the State of Mississippi or has been a resident of the State of Mississippi for less than 45 days;

3. The individual has an active identification card for the use of medical cannabis in his/her state of residence; and,
4. The individual has met the application criteria in Rule 2.5.2 below.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.5.2 To obtain a Nonresident Qualifying Patient Identification Card, an applicant must submit (in a form and manner determined by the Department) the following information:

1. Full legal name and any aliases, such as a nickname (e.g., Bill as a nickname for William);
2. Date of birth;
3. Current physical address and mailing address;
4. Current telephone number and/or email address;
5. Identification issued by the applicant's state of residence – driver's license, state-issued ID card issued by the department of motor vehicles;
- ~~6. Proof of residency in the applicant's state of residency (See Rule 2.4.1 for sources required);~~

~~7.6.~~ 7.6. Current photograph

- A. clear, color photograph of the head and top of shoulders;
- B. be an image in a .jpg, .png, or .gif digital image format;
- C. be taken in the last six months to reflect the applicant's appearance;
- D. be taken in front of a plain white or off-white background;
- E. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
- F. must not be digitally enhanced to change the appearance of the applicant (e.g., use of "filters");

~~8.7.~~ 8.7. Proof of active (current) participation in the medical cannabis program of the individual's state of residence (as set forth by the Department);

~~9.8.~~ Identification card nonrefundable fee of \$75.00;

~~10.9.~~ An attestation, signed and dated by the applicant, that the information provided is true and correct;

~~11.10.~~ An attestation, signed and dated by the applicant, pledging not to divert medical cannabis or medical cannabis products to any individual or entity; and,

~~12.11.~~ Any other information that may be required by the Department.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.5.3 In compliance with Rule 2.5.2 above, an individual seeking to participate in the program as a nonresident cardholder may apply to receive his/her nonresident identification card up to thirty (30) days before arriving in Mississippi.

Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21

Rule 2.5.4 The following limitations apply to nonresident cardholders:

1. a nonresident card is valid for a maximum of two (2) separate fifteen-day periods in a 365-day year from the date of issuance of the card;
2. the first fifteen-day period is the initial approval period;
3. the second fifteen-day period is the renewal approval period;
4. a maximum of six (6) MMCEUs of medical cannabis in a week can be dispensed to a nonresident cardholder;
5. a maximum of twelve (12) MMCEUs of medical cannabis in a fifteen (15) day period can be dispensed to a nonresident cardholder; and
6. a maximum of fourteen (14) MMCEUs is the possession limit for nonresident cardholders.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Subchapter 6 Registered Designated Caregiver Identification Cards

Rule 2.6.1 Registered Designated Caregiver Identification Cards will only be issued by the Department when all application criteria are met. Upon issuance of the

identification card, the applicant is recognized as a designated caregiver to a qualified patient or patients (inclusive of nonresident patients) of the medical cannabis program. The Department will not issue a designated caregiver identification card before the Department issues the designated caregiver's qualifying patient's identification card.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.6.2 Caregiver applicants are prohibited from having a disqualifying felony offense.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.6.3 Caregivers must be at least twenty-one (21) years of age unless the person is the parent or legal guardian of each qualifying patient he/she assists.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.6.4 Registered Designated Caregiver Identification Cards issued by the Department are valid for one (1) year from the date of issuance or lesser timeframe if assisting a nonresident patient.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.6.5 Utilizing the same process outlined in Rule 2.5.2, Caregivers may apply for renewal of their identification card no later than one (1) year from the date of issuance or last renewal of the Caregiver Identification Card.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.6.6 Caregiver Identification Cards may be suspended or revoked for the following:

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

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21 Miss. Code Ann. §§ 41-137-3 – 41-137-67~~

Subchapter 7 Application to Participate in the Medical Cannabis Program as a Caregiver

Rule 2.7.1 To obtain a Registered Designated Caregiver Identification Card, an applicant must submit (in a form and manner determined by the Department) the following information:

2. Full legal name and any aliases, such as a nickname (e.g., Bill as a nickname for William);
1. Date of birth;
2. Current physical address and mailing address;
3. Current telephone number and/or email address;
4. Identification issued by the State of MS – driver’s license, state-issued ID card issued by the state department of motor vehicles;
- ~~5. Proof of residency in the State of Mississippi (with sources required in Rule 2.4.1);~~
- ~~6.5.~~ Current photograph:
 - A. clear, color photograph of the head and top of shoulders;
 - B. be an image in a .jpg, .png, or .gif digital image format no larger than 3 mb in size;
 - C. be taken in the last six months to reflect the applicant’s appearance;
 - D. be taken in front of a plain white or off-white background;
 - E. be taken in full-face view directly facing the camera at eye level with nothing obscuring the face;
 - F. must not be digitally enhanced to change the appearance of the applicant (e.g., use of “filters”).
- ~~7.6.~~ Names, dates of birth, and identification numbers (if available at the time of application) of the patients they will be providing services to;
- ~~8.7.~~ Identification card nonrefundable fee of \$25.00;

- ~~9.8.~~ Fingerprints on a fingerprint card or a live scan fingerprint to be submitted to conduct a state and federal criminal records check;
- ~~10.9.~~ Authorization to conduct state and federal criminal records checks;
- ~~11.10.~~ Caregiver criminal background check nonrefundable fee of \$37.00 to the Department to complete the required background check;
- ~~12.11.~~ An attestation that the information provided is true and correct;
- ~~13.12.~~ An attestation, signed and dated by the applicant, pledging not to divert medical cannabis or medical cannabis products to any individual or entity; and,
- ~~14.13.~~ Any other documentation required by the Department such as an acknowledgement of caregiver responsibilities.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.7.2 In the event that an applicant is applying to become a registered designated caregiver for qualified patient who is a minor and the caregiver applicant is not the patient’s parent and/or legal guardian, the caregiver 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 Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Subchapter 8 Application to Obtain a Caregiver Entity Identification Card

Rule 2.8.1 The following entities, licensed by the applicable state authority, may facilitate the use of medical cannabis by a Qualified Patient after registering with the Department as a Caregiver Entity:

1. Hospitals;
2. Hospice Programs;
3. Assisted Living Programs;
4. ICF/IDD Institutions;
5. Nursing Homes;
6. Personal Care Homes;

7. Adult day care facilities; and
8. Adult foster care facilities.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.8.2 To register as a Caregiver Entity, the facility/program shall submit, in a form and manner determined by the Department, the following information:

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

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.8.3 The Caregiver Entity shall update the Department with any changes to the facility/program's primary contact person within three (3) business days of the change and shall file a copy of their licenses each time that license is renewed or updated.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.8.4 A Caregiver Entity identification card shall remain valid unless or until the facility's/program's state license or certification (whichever is applicable) is no longer valid or the registration with the medical cannabis program is suspended, revoked, or restricted by the Department.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.8.5 The Department shall provide a single identification card to a Caregiver Entity. The Caregiver Entity will be notified by the Department of each qualifying patient's designation of that entity as his/her caregiver.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.8.6 Caregivers in recognized Caregiver Entities are subject to all other Caregiver requirements included in this Part.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Subchapter 9 Practitioner Certification for Registered Qualifying Patients (residents of MS)

Rule 2.9.1 A practitioner certification (in a manner set for the by the Department) is required for a person, residing in the State of Mississippi, to apply to become a qualified patient of the medical cannabis program.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.9.2 The purpose of the practitioner certification is to determine and certify that a person suffers from a debilitating medical condition for which the use of medical cannabis may mitigate the symptoms and/or effects.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.9.3 Before issuing a Practitioner Certification for an individual seeking to participate in the medical cannabis program, a Practitioner must:

1. Have a bona fide practitioner-patient relationship within his/her scope of practice with the individual;
2. Examine the individual in person in Mississippi; and,
3. Determine that the individual suffers from a Debilitating Medical Condition for which the use of medical cannabis may mitigate the symptoms and/or the effects.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.9.4 A bona fide practitioner-patient relationship must include the following:

1. A treatment or consulting relationship between the practitioner and the individual seeking the practitioner certification;
2. A practitioner certification is included in the individual’s medical record;
3. The practitioner is available to provide follow-up care and treatment to the individual seeking certification; and,

4. Any other requirements related to the practitioner’s scope of practice put in place by the practitioner’s respective occupational/licensing board or the Department.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.9.5 A practitioner certification is valid for twelve months from the date of issue unless a shorter timeframe is specified by the certifying practitioner.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.9.6 A practitioner certification must not exceed the allowable amount of medical cannabis. A practitioner can place restrictions on the allowable amount of medical cannabis by stating the maximum amount of medical cannabis and the method of administration permissible via the practitioner certification.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.9.7 A practitioner is not required to issue a written certification for an individual with whom he/she does not have a bona fide practitioner-patient relationship.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.9.8 A practitioner issuing a written certification is prohibited from being a medical cannabis dispensary agent or employee.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.9.9 A certification issued for an individual between the ages of eighteen (18) and twenty-five (25) must meet the following conditions:

1. The debilitating condition is confirmed by two practitioners from separate practices after an in-person consultation (this isn’t required if the person is homebound or had an identification card before the age of 18); and,
2. One of the practitioners must be a physician (MD/DO).

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4 (1) (3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.9.10 A certification issued for a minor (under the age of 18) may only be issued by a physician (MD/DO).

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.9.11 A practitioner is prohibited from the following:

1. Referring patients to a specific medical cannabis establishment;
2. Referring patients to a specific caregiver;
3. Advertising in medical cannabis establishments; and,
4. Issuing written certification while holding a financial interest in a medical cannabis establishment.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Subchapter 10 Practitioner Registration

Rule 2.10.1 Practitioners participating in the medical cannabis program with the intent of issuing practitioner certifications must register annually with the Department in order to issue certifications for the medical cannabis program.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.10.2 The collaborating physician (MD/DO), for both physician assistants and certified nurse practitioners must be registered with the Department in order for the physician assistant or nurse practitioner in collaboration with that physician (MD/DO) to subsequently register with the Department.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.10.3 In order to register with the Department, the practitioner (i.e., applicant) must submit the following information in a manner set by the Department:

1. Evidence of unrestricted licensure in Mississippi by the Mississippi State Board of Medical Licensure; Mississippi State Board of Nursing; or Mississippi State Board of Optometry;
2. Issue date and expiration date of licensure in Mississippi;

3. Area of specialty;
4. Physical address of practice;
5. Current telephone number and email address;
6. Evidence of completion of continuing medical education approved by the Department;
7. A waiver, signed and dated by the practitioner, allowing, and authorizing the Department to fully communicate with the Mississippi State Board of Medical Licensure, Mississippi State Board of Nursing; or Mississippi State Board of Optometry and receive licensure information; and,
8. 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 cannabis program.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.10.4 Practitioner Registration may be suspended or revoked for the following:

1. The practitioner provided false information to the Department; and/or
2. The practitioner is the subject of disciplinary action from the Mississippi State Board of Medical Licensure, Mississippi State Board of Nursing, or Mississippi State Board of Optometry.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Subchapter 11 Requirements of Practitioners Participating in the Medical Cannabis Program

Rule 2.11.1 Practitioners must complete eight (8) hours of initial training related to the use of medical cannabis in order to enroll in the program. Annual training in the amount of five (5) hours related to the use of medical cannabis must also be completed in order to annually renew participation in the program. All training must be approved by the Department. Failure to meet these training requirements will negatively impact a practitioner’s ability to participate in the Program.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.11.2 Practitioners are prohibited from sharing office space with a medical cannabis establishment.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.11.3 Participation in the program does not negate the authority of the Mississippi State Board of Medical Licensure, Mississippi State Board of Nursing or Mississippi State Board of Optometry to investigate practitioners and freely communicate with the Department should those instances occur. Additionally, practitioners registered with the Program agree to the additional regulatory requirements related to the MS Medical Cannabis Act and the rules contained in this Part. Practitioners participating in the Program agree that MSDH is authorized to freely communicate with the practitioner’s professional licensing board if violations are alleged.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.11.4 Practitioners must utilize the Prescription Monitoring Program in order to complete an assessment of the patient prior to issuing a written certification for the medical cannabis program.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.11.5 All patients must be advised of their freedom of choice as to the medical cannabis dispensary they wish to utilize. Evidence of this must be maintained in the patient’s medical record.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.11.6 In addition to the requirements set forth in this Part, practitioners must also follow the rules, regulations, and policies set forth by the Mississippi State Board of Medical Licensure, Mississippi State Board of Nursing, or the Mississippi State Board of Optometry in order to maintain an unrestricted license from the respective licensing boards.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.11.7 A certifying practitioner 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 cannabis; or does not believe the patient is using the medical cannabis for medical purposes. The practitioner must 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 Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67

Rule 2.11.8 Notification of termination of practitioner certification to the Department and patient must include, but isn't limited to:

1. The practitioner's identification number issued by the MS Medical Cannabis Program;
2. The patient's identification number issued by the MS Medical Cannabis Program;
3. The reason the certification is being revoked;
4. The date of revocation;
5. The signature of the practitioner;
6. The date of notification to the Department;
7. The date of notification to the patient; and,
8. The official letterhead and/or email account of the practitioner.

Source: ~~Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1)(3) and Section 21~~ Miss. Code Ann. §§ 41-137-3 – 41-137-67