

Title 35 Mississippi Department of Revenue

Part XI Cannabis Dispensaries

35.XI.01	Chapter 1	Definitions.....	page 1
35.XI.02	Chapter 2	Application Process.....	page 4
35.XI.03	Chapter 3	Distance Requirements.....	page 7
35.XI.04	Chapter 4	Annual Renewal.....	page 9
35.XI.05	Chapter 5	Department Approval Required for Transfer.....	page 9
35.XI.06	Chapter 6	Temporary Appointee.....	page 10
35.XI.07	Chapter 7	Approval for Transfer of Licensed Premises Location	page 10
35.XI.08	Chapter 8	Security Plans.....	page 11
35.XI.09	Chapter 9	Securing Cannabis and Cannabis Products.....	page 12
35.XI.10	Chapter 10	Alarm System.....	page 12
35.XI.11	Chapter 11	Video Surveillance.....	page 13
35.XI.12	Chapter 12	Advertising and Marketing.....	page 15
35.XI.13	Chapter 13	Inducements.....	page 15
35.XI.14	Chapter 14	Building Signage Requirements.....	page 15
35.XI.15	Chapter 15	Controlling Access to Areas of the Premises Designated for Retail Sales.....	page 15
35.XI.16	Chapter 16	Items that Dispensaries are Authorized to Sell on the Premises.....	page 16
35.XI.17	Chapter 17	Point of Sale Areas.....	page 17
35.XI.18	Chapter 18	General Requirements.....	page 17
35.XI.19	Chapter 19	Operating Hours.....	page 19
35.XI.20	Chapter 20	Employees.....	page 19
35.XI.21	Chapter 21	Sales Limits.....	page 20
35.XI.22	Chapter 22	Dispensing Cannabis Products.....	page 21
35.XI.23	Chapter 23	Storage and Sale of Cannabis Products.....	page 22
35.XI.24	Chapter 24	Prohibited Conduct.....	page 22
35.XI.25	Chapter 25	Records Required to Be Kept for Current Year and Three (3) Preceding Calendar Years.....	page 24
35.XI.26	Chapter 26	Transportation of Cannabis.....	page 24
35.XI.27	Chapter 27	Duty to Report.....	page 24
35.XI.28	Chapter 28	Schedule of Disciplinary Actions.....	page 25
35.XI.29	Chapter 29	Appeal Process for Medical Cannabis Dispensaries.....	page 27

Chapter 1 Definitions

- 100 “Cannabis” means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or its resin, including whole plant

extracts. It does not mean cannabis derived from drug products approved by the federal Food and Drug Administration under Section 505 of the Food, Drug and Cosmetic Act.

- 101 “Cannabis product” means cannabis flower, concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, tinctures and suppositories that contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those products excluded from control under Miss. Code Sections 41-29-113 and 41-29-136.
- 102 “Cardholder” means a registered patient or a registered designated caregiver who has been issued and possesses a valid registry identification card.
- 103 “Concentrate” means a substance obtained by separating cannabinoids from cannabis by:
1. A mechanical extraction process;
 2. A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, food-grade ethanol, or steam distillation; or
 3. A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure.
- 104 “Department” means the Mississippi Department of Revenue.
- 105 “Department of Health” means the Mississippi Department of Health
- 106 “Dispensary” means an entity licensed and registered with the Department that acquires, possesses, stores, transfers, sells, supplies, or dispenses medical cannabis, medical cannabis products, equipment used for medical cannabis, or related supplies and educational materials to cardholders. An entity or individual cannot have greater than a ten percent (10%) interest in more than five (5) dispensaries.
- 107 “Disqualifying felony offense” means:
1. A conviction for a crime of violence, as defined in Miss. Code Section 97-3-2;
 2. 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
 3. 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. Under this subparagraph (3), a disqualifying felony offense shall not include a conviction that consisted of conduct for which the Medical Cannabis Program would likely have prevented the conviction but for the fact that the conduct occurred before the effective date of the Program’s creation.

- 108 “Economic Interest” means holding an ownership interest as a sole proprietor, partner, limited partner, member holding at least a ten percent (10%) equity or similar interest, stockholder owning at least ten percent (10%) of available stock, or any other type of interest that entitles the individual or entity to regular payments for amounts based on a percentage of revenue derived from the sale of cannabis or cannabis products in any licensed dispensary. This definition excludes the following:
1. Any investment that the investor does not control in nature, amount or timing, including mutual funds, group investments, etc.;
 2. Lenders that have provided a loan to the dispensary where the repayment amounts for the loan are regular flat fee payments;
 3. Operators under management agreements where the fee paid to the management company is a flat monthly rate or is a percentage fee equal to less than ten percent (10%) of the monthly gross revenue of the dispensary; or
 4. Landlords that are receiving flat monthly rate lease payments from the dispensary.
- 109 “Edible cannabis products” means products that:
1. Contain or are infused with cannabis or an extract thereof;
 2. Are intended for human consumption by oral ingestion; and
 3. Are presented in the form of foodstuffs, beverages, extracts, oils, tinctures, lozenges, and other similar products.
- 110 “Electronic tracking system” means the seed-to-sale system administered by the Mississippi Department of Health.
- 111 “Entity” means a corporation, general partnership, limited partnership, or limited liability company that has been registered with the Secretary of State as applicable.
- 112 “Licensee” means the entity or individual who has received a license from the Mississippi Department of Revenue to operate a dispensary.
- 113 “Main Point of Entry” and “Main Entrance” both mean the primary entryway or door through which the majority of cardholders are directed to enter the dispensary to purchase medical cannabis products.
- 114 “MMCEU” means Mississippi Medical Cannabis Equivalency Unit. One unit of MMCEU shall be considered equal to:
1. Three and one-half (3.5) grams of medical cannabis flower;
 2. One (1) gram of medical cannabis concentrate; or
 3. One hundred (100) milligrams of THC in an infused product.
- 115 “Registry identification card” means a document issued by the Mississippi Department of Health that identifies a person as a registered qualifying patient, nonresident registered qualifying patient, or registered designated caregiver.
- 116 “School” means an institution for the teaching of children, consisting of a physical location, whether owned or leased, including instructional staff members and students, and which is

in session each school year. This definition shall include, but not be limited to, public, private, church and parochial programs for kindergarten, elementary, junior high, and high schools. Such term shall not mean a home instruction program.

- 117 “Brand” shall mean a name, term, design, symbol, or any other feature that identifies one seller’s goods or services as distinct from those of other sellers. For the purposes of these regulations, a company logo is considered a brand.
- 118 “Topical Cannabis Product” – The term “topical cannabis product” means a THC-infused product intended for external application to human body surfaces and/or absorption through the skin, does not cross the blood-brain barrier, and is not intended for consumption by oral ingestion.
- 119 (Reserved)

35.XI.1 revised effective March 4, 2025

Chapter 2 Application Process

- 100 An entity or individual may not sell, possess, store, transfer, or distribute medical cannabis or medical cannabis products without first applying for and receiving the appropriate medical cannabis license from the State.
- 101 An application must include the following:
1. The names and other required information for all individuals and legal entities who are applicants.
 2. Any forms required by the Department and any information identified in the forms that is required to be submitted.
 3. A map or sketch of the premises proposed for licensure, including the defined boundaries of the premises and a scaled floorplan sketch of all enclosed areas with clear identification of the main entrance, walls, all areas of ingress and egress, and all limited access areas. This map must provide accurate measurements that allow the Department, at a minimum, to determine the precise main entrance location in reference to the rest of the premises.
 4. If the application is based on proposed construction not completed at the time of application, the applicant must submit construction plans for the proposed building which will be the basis for the application investigation. These plans must, at a minimum, provide accurate measurements that allow the Department to determine the precise main entrance location in reference to the rest of the building.
 5. If construction (as referenced in Paragraph 4 above) is still underway at the time of application, information and statements provided in the application shall become conditions of the license if the application is granted, and failure to satisfy the conditions may be cause for revocation or denial of renewal. Licensees cannot deviate from submitted construction plans if the deviation would have disqualified the licensee at the time of application.

6. An operating plan that demonstrates at a minimum how the applicant's proposed premises and business will comply with applicable laws and rules regarding:
 - a. Security;
 - b. Employee qualifications, including background checks, and training;
 - c. Record-keeping systems;
 - d. Hours of operation;
 - e. Preventing non-cardholders under the age of twenty-one (21) from entering the licensed premises; and
 - f. Preventing non-cardholders from obtaining or attempting to obtain any items, other than topical products, sold by the dispensary.
7. If the municipality or county where the proposed dispensary will be located has enacted zoning restrictions, a sworn attestation by the applicant that certifies the proposed dispensary is in compliance with the restrictions.
8. If the municipality or county where the proposed dispensary will be located requires a local registration, license, or permit, then the applicant must attach to the application a copy of each obtained registration, license, or permit issued to the applicant. If a municipality or county informs the applicant that it will not receive a permit or license until after it completes construction (based on what the municipality or city deems to be "completed construction), then the applicant shall attach a signed attestation containing the following information in addition to attaching the obtained registrations, licenses or permits, if any:
 - a. A list of all local registrations, licenses, or permits that have not yet been obtained;
 - b. Anticipated dates that the applicant will obtain each local registration, license, or permit; and
 - c. An acknowledgment that the applicant is aware that the outstanding registrations, licenses, or permits are a condition of the medical cannabis dispensary license, and that the applicant will provide the Department with a copy of each registration, license, and permit within ten (10) days of such receipt. The Department must receive a copy of all such applicable registrations, licenses, and permits prior to the dispensary being eligible to open for business.
9. Applicants shall provide proof of authorization to occupy the property for the proposed dispensary. To establish proof, the applicant shall provide one of the following:
 - a. If the building is owned by the applicant, the applicant shall provide a copy of the deed showing the applicant as the owner.
 - b. If the building is leased by the applicant, the applicant shall provide a copy of the lease. At a minimum, the lease term must be through the term of the license.
 - c. If the building is not owned or leased by the applicant but will be if a license is issued, the applicant shall provide a contingent agreement with the owner or landlord certifying consent that the applicant has the option to lease or purchase the property contingent upon the issuance of a dispensary license.
10. Applicants must have a valid Sales Tax Permit for the proposed location.
11. Applicants must not owe delinquent taxes.
12. A survey completed in the last year by a professional land surveyor holding a current license in the State of Mississippi is sufficient to show that there is no property

boundary line of any church, school, or childcare center within a one thousand (1,000) foot radius of the main entryway of the proposed location. If the survey shows that the nearest property boundary line is within one thousand (1,000) feet but over five hundred (500) feet away, the applicant must include approval of a waiver from the church, school, or childcare center.

- 102 In addition to submitting the application and the items described in Paragraph 101 of this rule, the Department will require the following to be submitted:
1. For applicants:
 - a. An affidavit provided by the Department affirming that, among other things, the applicant has not been convicted of a disqualifying felony; and
 - b. Any forms required by the Department and any information identified in the form that is required to be submitted.
 2. The names and other required information for all individuals and legal entities with an economic interest in the business.
 3. For an individual or legal entity with an economic interest:
 - a. An affidavit provided by the Department affirming that, among other things, the applicant has not been convicted of a disqualifying felony; and
 - b. Any forms required by the Department and any information identified in the form that is required to be submitted.
 4. Any additional information that the Department requires to supplement provided information and determine eligibility.
- 103 The Department will review an application to determine if it is complete. An application will not be considered complete if the applicant does not provide all information required by the application form, the full application and license fees have not been paid, or all of the additional information required under these rules is not submitted. If items are missing, the Department will send a notification to the applicant that the application has been rejected and provide a description of the needed information. The applicant will need to resubmit an amended application for a license if the application is rejected.
- 104 Once all required information is received and the fees have been paid, the Department will send a notification to the applicant that it has received a completed application. Once the application has been deemed complete, the Department will investigate the application and issue a determination within thirty (30) days of receiving the completed application. Applications will be processed in the order in which a completed application is filed. Investigations will be initiated based on the order in which a complete application is filed; however, the duration of the investigation will depend upon the information provided by the applicant.
- 105 The applicant will be required to pay the fifteen thousand dollars (\$15,000) application fee and twenty-five thousand dollars (\$25,000) license fee before the application can be considered complete. If the applicant is denied a license because its main entrance is within one thousand five hundred (1,500) feet of a licensed dispensary, both the fifteen thousand dollars (\$15,000) application fee and the twenty-five thousand dollars (\$25,000) license fee will be refunded. If the license is denied for any other reason, including violation of

any other distance restriction, the twenty-five thousand dollars (\$25,000) license fee will be refunded, but the fifteen thousand dollars (\$15,000) application fee will not be refunded. The application fee and license fee must be paid by credit card or ACH debit through the licensing vendor selected for the Mississippi Medical Cannabis Program.

- 106 The Department will make a determination as to whether to grant or deny a license within thirty (30) days of receiving a completed application. If the Department is unable to receive the results of a background check for disqualifying felonies within those thirty (30) days, it will grant a license to otherwise successful applicants. Thereafter, if the Department receives results from the background checks that include a disqualifying felony, it will provide the licensee with the opportunity to divest itself of the individual with a disqualifying felony. If the licensee is unable to or refuses to do so within ten (10) days of notice, the Department will revoke the subject license.
- 107 After a license is issued to a licensee, the licensee will schedule a final inspection with the Department. The purpose of this final inspection is to determine whether the licensed premises has met certain requirements that must be completed prior to its opening and selling cannabis products. The Department must conduct a final inspection of the licensed premises and confirm that the licensee has implemented its approved security plan and that the location of the main entrance to the dispensary matches the location listed in its application. This final inspection must be completed prior to the licensee being authorized to sell medical cannabis to patients.
- 108 If a license is issued to an applicant who is still constructing the licensed premises, the applicant must complete construction and pass its final inspection within eighteen (18) months of the initial issuance of its license. If not, the license will be revoked. Additionally, regardless if the licensee has passed the final inspection, all licenses must be renewed annually.
- 109 (Reserved)

35.XI.2 revised effective March 4, 2025

Chapter 3 Distance Requirements

- 100 The main point of entry to a dispensary cannot be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, or childcare facility unless the dispensary applicant obtains a waiver from the school, church, or childcare facility. Regardless of the waiver, a dispensary may not be located within five hundred (500) feet of any school, church, or childcare facility property boundary line. The property boundary line to be considered is the parcel of land on which a school, church, or childcare facility is located. It does not include parcels of land owned by a school, church, or childcare facility but on which such a facility is not located.

- 101 The following applies under this Chapter for purposes of property boundary line measurements:
1. The applicable property boundary line for a church facility shall be the parcel of land on which a structure exists or is in the process of being constructed at the time of application where worship services are held on a regularly occurring basis to include religious ceremonies, religious counseling and/or religious studies. The applicable property boundary line does not include parking lots, fields on which no church facilities are located or other parcels owned by churches unless the parcel also includes a church facility.
 2. The applicable property boundary line for a childcare facility shall be the parcel of land on which a structure exists or is in the process of being constructed at the time of application and for which the Mississippi Department of Health has issued a childcare facility license or would have issued a childcare facility license but for an applicable exemption under Miss. Code Ann. Section 43-20-5. The applicable property boundary line does not include parking lots, fields on which no childcare facilities are located or other parcels owned by a child care center unless the parcel also includes a child care facility.
 3. The applicable property boundary line for a school shall be the parcel of land on which a facility exists or is in the process of being constructed at the time of application used for the teaching of children, whether owned or leased by the school, including instructional staff members and students and which is in session each school year. This includes but is not limited to, public, private, church, and parochial programs for kindergarten, elementary, junior high, and high schools. The applicable property boundary line does not include parking lots, fields on which no school facility is located or other parcels owned by a school unless the parcel also includes a school facility.
- 102 The main point of entry for a dispensary cannot be located within one thousand five hundred (1,500) feet of the main point of entry for an existing dispensary. When two completed applications are received and the main points of entry for each are within one thousand five hundred (1,500) feet of the other, the first applicant to be issued a license will be controlling. The second applicant will not be eligible to receive a license for its applied location with the listed main point of entry.
- 103 All measurements shall be made using a straight line, point-to-point method. When a main point of entry constitutes an end point, measurement shall begin at the mid-point of the door if a single door; and the point where the doors meet for dual door entrances.
- 104 If the premises construction is complete at the time of application, the Department will investigate the application based on the completed construction when reviewing distance requirements. If the building construction is complete but there are planned changes to the main point of entry prior to opening, the Department will investigate the application based on the premises map or sketch included with the application. If the application is based on proposed building construction not completed at the time of application, the Department will investigate the application based on the survey and construction plans submitted with the application. The determination as to whether a license should be issued will be based

on these respective documents. Therefore, any change to these documents or actual placement of a main point of entry which would have materially affected the decision of the Department to issue a license could subject the license to future revocation.

105 (Reserved)

35.XI.3 revised effective July 1, 2022

Chapter 4 Annual Renewal

100 Active licenses must be renewed on an annual basis. Licenses are valid for one year from the date of issuance. At the time of renewal, the licensee must demonstrate continued compliance with all applicable licensing criteria.

101 An annual inspection by the Department may be required for the renewal of the license.

102 A license shall not be renewed by the Department if:

1. Outstanding fines are owed to the Department;
2. An owner or individual with an economic interest has been convicted of a disqualifying felony;
3. Renewal will result in any person having a direct or indirect ownership or economic interest of greater than ten percent (10%) in more than five (5) dispensary licenses;
4. The licensed entity owes delinquent taxes; or
5. The licensed entity no longer meets all eligibility requirements for the issuance of a dispensary permit.

103 At the time of renewal, the licensee shall ensure that all material changes to the required plans have been communicated in writing to the Department.

104 The licensee shall submit proof, through a renewed local authorization certification form, that the licensee is still in compliance with all requisite local permits and licenses and is in good standing with the municipality or other local entity wherein the licensee's facility is located.

105 An applicant may appeal a renewal denial as provided by law.

106 The renewal fee must be paid by credit card or ACH debit through the licensing vendor selected for the Mississippi Medical Cannabis Program.

107 (Reserved)

35.XI.4 revised effective March 4, 2025

Chapter 5 Department Approval Required for Transfer

- 100 A licensee may transfer ownership interests, including without limitation partial ownership, only after the application for a transfer of an ownership interest has been approved by the Department.
- 101 An application for the transfer of ownership interests must:
1. Be completed on forms made available by the Department;
 2. Be submitted to the Department; and
 3. Be accompanied by all required forms and supplemental information, provided by the person or entity seeking to assume an ownership interest, similar to that required in an application for a dispensary license to demonstrate compliance with all applicable requirements for licensure.
- 102 Criminal history record checks are required for anyone proposed as an owner, officer, director, board member, or anyone with an economic interest.
- 103 The Department may revoke or suspend a license upon discovery of any effort to transfer an ownership interest in a license without complying with the requirements of this subsection.
- 104 (Reserved)

35.XI.5 revised effective July 1, 2022

Chapter 6 Temporary Appointee

- 100 Ownership or operations generally may not be transferred to a person or business entity prior to the approval of an application for transfer of ownership interests. However, in case of death or physical or mental disability of any licensee, the estate, trustee, or guardianship of the licensee shall be allowed to operate the permitted business for a period not exceeding sixty (60) days after the death or disability. During the sixty (60) day period, any member of the licensee's immediate family may make an application to the Department for the unexpired portion of the license of the decedent to be assigned to him.
- 101 If such application is approved, the applicant shall be granted the right, without payment of an additional permit fee, to operate the licensed place of business for the unexpired portion of the time of the original license.
- 102 (Reserved)

35.XI.6 revised effective July 1, 2022

Chapter 7 Approval for Transfer of Licensed Premises Location

- 100 A licensee must submit an update to its license to the Department for approval prior to any relocation of a dispensary even if the move is entirely within a premises in control of the licensee. This includes but is not limited to, expansions, changes in physical address, or changes to the co-location of multiple establishment types. A licensee may request to transfer its location within the city it is currently located within or to a different city or county location.
- 101 The dispensary must update its account within the medical cannabis license portal with the following information:
1. Documentation from the local government confirming that the proposed relocation would comply with all local zoning restrictions.
 2. Updated facility plan, security plan, operating plan, and proof of compliance with permitting requirements.
 3. Updated survey showing that all distance requirements are met and/or a distance waiver has been attained, as applicable.
 4. A new sales tax permit for the location has been obtained if the move is to a new address.
- 102 A request for relocation to the Department would be subject to all distance restrictions applicable to dispensary applicants.
- 103 A transfer shall not occur prior to approval by the Department.
- 104 (Reserved)

35.XI.7 revised effective March 4, 2025

Chapter 8 Security Plans

- 100 An applicant must have a security plan that is included in its operation plan that is approved by the Department as part of the initial application process. This security plan will list the measures that will be taken by the dispensary to ensure that medical cannabis products are properly secured and safe. It shall include information relating to surveillance systems, camera placement, door security, alarm systems, and measures taken to secure manners of egress and ingress onto the premises. At a minimum, the security plan must meet all requirements set forth in these regulations.
- 101 A licensee must notify the Department in writing of any proposed changes to a security plan and must have approval prior to implementing any change. The Department will notify a licensee in writing whether the change is approved.
- 102 The Department may withdraw approval of the security plan at any time if there have been one or more documented instances of theft or loss of cannabis products on the licensed premises within the past year. If the Department withdraws its approval of the security plan, the licensee will be given thirty (30) days to modify the plan in a manner that

satisfactorily safeguards against future theft or loss of cannabis products. Failure to modify in a satisfactory manner within the prescribed time may result in suspension or revocation.

103 Failure to comply with the terms of an approved security plan will result in disciplinary action by the Department.

104 (Reserved)

35.XI.8 revised effective July 1, 2022

Chapter 9 Securing Cannabis and Cannabis Products

100 A licensee is responsible for the security of all cannabis products on the licensed premises, providing adequate safeguards against theft or diversion of cannabis products, and records that are required to be kept.

101 The licensee must ensure that commercial grade, non-residential door locks are installed on every external door, and gate if applicable, of a licensed premises where cannabis products are present.

102 During all hours when the licensee is not operating, a licensee must ensure that:

1. All points of ingress and egress from a licensed premises are securely locked and any keys or key codes to the enclosed area remain in the possession of the licensee, licensee representative, or authorized personnel; and
2. All cannabis products on a dispensary's premises are kept in a locked, secured location or enclosure within any area such that cannabis products are not visible from any area outside the licensed premises.

103 (Reserved)

35.XI.9 revised effective July 1, 2022

Chapter 10 Alarm System

100 A dispensary must have a fully operational security alarm system, activated at all times when the dispensary is closed for business.

101 The security alarm system for the licensed premises must:

1. Be able to detect unauthorized entry onto the licensed premises and unauthorized activity within any limited access area where cannabis and/or cannabis products are present; and
2. Be programmed to notify the licensee, licensee representative, or authorized personnel and, unless properly deactivated by the user, local law enforcement in the event of an unauthorized entry.

- 102 A dispensary that has at least one authorized representative physically present on the licensed premises at all times when it is closed for business is not required to comply with Paragraphs 100 and 101 of this Chapter.
- 103 Upon request, a dispensary shall make all information related to security alarm systems, monitoring, and alarm activity available to the Department
- 104 (Reserved)

35.XI.10 revised effective March 4, 2025

Chapter 11 Video Surveillance

- 100 A licensed premises must have a fully operational video surveillance recording system.
- 101 Video surveillance equipment must, at a minimum:
1. Consist of:
 - a. Digital video recorders;
 - b. Video monitors;
 - c. Digital archiving devices;
 - d. A minimum of one (1) monitor on-premises capable of viewing video; and
 - e. Interface devices, if required to adequately operate system or machinery such as a mouse and keyboard.
 2. Have the capability of producing and printing a still photograph from any camera image;
 3. Be equipped with a failure notification system that provides, within one (1) hour, notification to an authorized representative of surveillance interruption or failure for more than thirty (30) minutes; and
 4. Have sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.
- 102 A dispensary must have cameras that continuously record, twenty-four (24) hours a day:
1. In all areas where cannabis products may be present, including but not limited to point of sales areas, on the licensed premises;
 2. All points of ingress and egress to and from areas where cannabis products may be present as well as any entrance or exit door from the premises;
 3. All areas in which the dispensary provides parking for cardholders;
 4. All areas in which the dispensary receives medical cannabis products from a third party or loads up medical cannabis products for transportation to a third party.
- 103 A licensee must:
1. In all areas where camera coverage is required, use cameras that record at a minimum resolution of HD 1080p and record at least twenty (20) fps (frames per second);
 2. Use cameras that are capable of recording in both high and low lighting conditions;

3. Have and keep surveillance recordings for a minimum of one hundred and twenty (120) calendar days;
4. Maintain surveillance recordings in a format that can be easily accessed for viewing and easily reproduced;
5. Upon request of the Department, keep surveillance recordings for periods exceeding the retention period specified in this rule;
6. Have the date and time embedded on all surveillance recordings without significantly obscuring the picture;
7. Make video surveillance records and recordings available immediately upon request to the Department in a format specified by the Department;
8. Notify the Department within forty-eight (48) hours of any equipment failure or system outage lasting thirty (30) minutes or more; and
9. Back up the video surveillance recordings off-site and in real-time for the surveillance room or surveillance area.

104 A dispensary:

1. May not stop the recording or continuous real-time backup of the recording for a surveillance area unless all other cameras on the licensed premises are shut down under this section or in instances where maintenance must be performed on an individual camera. During such a time the area formerly under surveillance must be monitored at all times by an employee of the licensee.
2. Must resume all required recording no later than the date and time specified in the notice submitted under Paragraph 105 of this section.
3. May not engage in any licensed privileges in any areas where recording was stopped under this section.

105 A dispensary may stop recording in areas where cannabis and/or cannabis products are not present due to seasonal closures or prolonged periods of inactivity of at least thirty (30) days. At least twenty-four (24) hours before stopping recording, a dispensary must submit written notice to the Department. The notice must include:

1. A copy of the licensee's plot plan or diagram showing which cameras will be deactivated, the total number of cameras that will be deactivated, and a description or list of areas or applicable labels of the deactivated cameras.
2. The date and time recording will stop.
3. An explanation for why the recording will be stopped.
4. The date and time recording will resume.

106 A dispensary may not engage in any privileges of the license in an area that does not have camera coverage as required by law or in an area where camera coverage has been stopped, including but not limited to possessing, storing, transferring, or receiving cannabis products.

107 (Reserved)

35.XI.11 revised effective March 4, 2025

Chapter 12 Advertising and Marketing

100 Dispensaries shall comply with all restrictions on advertising and marketing set forth in Mississippi Department of Health regulations.

101 (Reserved)

35.XI.12 revised effective July 1, 2022

Chapter 13 Use of Inducements

100 Dispensaries may utilize inducements to assist qualified patients. Inducements must not persuade or influence the use of medical cannabis outside of practitioner recommendations and/or limitations or the amounts allowed by the Mississippi Medical Cannabis Act. Examples of authorized inducements include:

1. The use of discount cards;
2. The use of coupons;
3. The use of “punch cards” to offer discounts/free products;
4. Promotion of sales/discounts on medical cannabis, including “buy one, get one” discounts, and daily/weekly/monthly deal discounts; and
5. The giving away of educational materials, including but not limited to, branded merchandise.

101 (Reserved)

35.XI.13 revised effective July 1, 2022

Chapter 14 Building Signage Requirements

100 Each dispensary is required to place a sign on its exterior in a conspicuous location that may be clearly viewed by the public that identifies the name of the entity that owns the dispensary and lists the license number issued by the Department.

101 Each dispensary is required to place a copy of its dispensary license in a conspicuous location within the point-of-sale area in a manner that may be clearly viewed by patients.

102 These requirements shall be in addition to any general restrictions and obligations set forth in Mississippi Department of Health regulations.

103 (Reserved)

35.XI.14 revised effective July 1, 2022

Chapter 15 Controlling Access to Areas of the Premises Designated for Retail Sales

- 100 A dispensary shall maintain control of areas of the premises designated for sales to ensure that only authorized individuals are able to enter, using one of the following arrangements:
1. Stationing an employee at the entry door during all hours of public operation. The employee shall check for valid identification and control entry to the premises; or
 2. Keeping entry doors locked. The establishment shall use a door buzzer or other means to alert employees that a person wants to enter the premises. An employee shall check for valid identification before allowing entry.
- 101 Individuals are prohibited from entering unless they are either over the age of twenty-one (21) or are under the age of twenty-one (21), accompanied by a guardian, and have a valid patient card.
- 102 Cannabis products may only be displayed in such a way that prevents access to persons who are not employees.
- 103 A dispensary can be located in the same building as another business, but the dispensary cannot share a premises. The licensed premises of the dispensary cannot share common entries or exits with other businesses. Additionally, there cannot be an entrance or exit within the interior of the dispensary connecting it with another business.
- 104 (Reserved)

35.XI.15 revised effective March 4, 2025

Chapter 16 Items that Dispensaries are Authorized to Sell on the Premises

- 100 Dispensaries may only sell certain items on the licensed premises. This includes medical cannabis, equipment used for medical cannabis, or related supplies and educational materials. Except for topical products, these items may only be sold to cardholders.
- 101 Medical cannabis includes cannabis, cannabis products, and edibles containing cannabis.
- 102 Cannabis products include cannabis flower or trim of no more than thirty percent (30%) total THC, cannabis tinctures, oils, and concentrates of no more than sixty percent (60%) total THC, and edible cannabis products of no more than sixty percent (60%) total THC.
- 103 Equipment used for medical cannabis includes pipes, bongs, rolling machines, grinders, and similar products.
- 104 Related supplies include rolling papers, bags, glass container jars, rolling trays, and similar products.

- 105 Dispensaries are prohibited from selling items outside this scope of categories on the licensed premises. This prohibition includes but is not limited to, clothing, food that does not contain cannabis, beverages that do not contain cannabis, propane or butane, and vaping products that do not contain cannabis.
- 106 A dispensary may sell approved topical products to a non-cardholder who is twenty-one (21) years of age or older. A dispensary may not sell any other product to a non-cardholder, regardless of age.
- 107 (Reserved)

35.XI.16 revised effective March 4, 2025

Chapter 17 Point of Sale Areas

- 100 With the exception of topical products, a dispensary must keep all permitted cannabis products in limited access areas where access is restricted to licensees and employees.
- 101 With the exception of topical products, no person who is not a licensee or employee may handle cannabis products in the point-of-sale area unless a licensee or its employee supervises the person at all times.
- 102 With the exception of topical products, a patient may handle cannabis products without the supervision of a licensee or employee only following the completion of a sale and once the purchased items are no longer within the premises or within an area that the licensee controls. This language should not be construed to require that a patient be escorted from the premises after purchase.
- 103 (Reserved)

35.XI.17 revised effective March 4, 2025

Chapter 18 General Requirements

- 100 A dispensary is responsible for the operation of its licensed establishment in compliance with all applicable state laws and rules.
- 101 A licensee has the responsibility to control its conduct and the conduct of employees, customers, contractors, and visitors on the licensed premises at all times. A licensee shall ensure that at all times during operating hours and hours of apparent activity, there is an on-site employee authorized to cooperate with the Department during inspections of the premises and requests to review business records or surveillance videos. Except as otherwise provided by law, a licensee or employee may not:
1. Use or be under the influence of alcoholic beverages, cannabis, or controlled substances on the licensed premises;

2. Permit any disorderly or visibly intoxicated person to remain on the licensed premises;
 3. Engage in or allow behavior on the licensed premises that provokes conduct which presents a threat to public safety;
 4. Engage in or permit any other person to engage in, conduct on the licensed premises that is prohibited by law; or
 5. Engage in or permit any other person to engage in the consumption of any type of cannabis product on the premises.
- 102 A licensee is prohibited from manufacturing, selling, or offering for sale any cannabis product intended for intravenous delivery or that involves any type of injection involving piercing of the skin of a human.
- 103 Except for a dispensary operating under a management agreement under which no economic interest is created for the operator, the licensee in all cases must operate the business for himself and have direct control over its operation.
- 104 No management agreement for a licensed place of business shall be effective until the Department has approved the same including review of all economic interests created by such management agreements.
- 105 The management agreement must provide that the licensee will be absolutely responsible for any and all violations of the Mississippi Medical Cannabis Act or rules and regulations occurring on the licensed premises.
- 106 A licensee shall be accountable for any criminal or regulatory misconduct by its employees which occurs on any part of the licensed premises whether the licensee or a manager is present or not. Such misconduct may result in a fine, suspension, or revocation of the license depending upon the type of misconduct that occurs.
- 107 A licensee shall be accountable for any criminal or regulatory misconduct by non-employees when the Department finds that the licensee or licensee's employees knew or reasonably should have known about the non-employee misconduct and did not take any action to stop the misconduct. Such misconduct may result in a fine, suspension, or revocation of the license depending upon the type of misconduct that occurs.
- 108 With the exception of topical products sold to non-cardholders, a licensee must report medical cannabis dispensing information every twenty-four (24) hours to the Prescription Monitoring Program implemented and operated by the Mississippi Board of Pharmacy under Miss. Code Ann. Section 73-21-127. The dispensary information reported will be subject to rules and guidelines promulgated by the Mississippi Board of Pharmacy and will include, but not be limited to, the qualified patient's registry identification card number and the amount of medical cannabis dispensed to the patient.

- 109 A licensee must complete all training required for the applicable seed-to-sale electronic tracking system to receive appropriate credentials and interact with the electronic tracking system as required by law and these regulations.
- 110 A licensee must utilize a permitted Medical Cannabis Waste Disposal Entity, as described in the Mississippi Department of Health regulations, in order to dispose of any Medical Cannabis products.
- 111 (Reserved)

35.XI.18 revised effective March 4, 2025

Chapter 19 Operating Hours

- 100 The operating plan of a dispensary must state the business hours for interaction with patients, including sales and consultation, and hours for business-related activities, including accepting delivery of products and employee training.
- 101 The operating plan shall state the hours (“normal business hours”) during which it will sell or transfer cannabis products, along with cannabis paraphernalia, on the licensed premises to cardholders.
- 102 The following activities should be conducted during normal business hours as stated in the operating plan or two hours before or two hours after such normal business hours:
1. Accept deliveries of permitted items and manage its inventory;
 2. Enter transfers or deliveries into the tracking system;
 3. Conduct employee training; or
 4. Perform administrative work, cleaning, or maintenance.
- 103 A dispensary must notify the Department in writing if it wishes to conduct activities outside these hours.
- 104 If a local government alters the business hours applicable to a dispensary, the dispensary shall amend its operating plan and submit the amended operating plan to the Department for approval within thirty (30) days of the local government’s action.
- 105 (Reserved)

35.XI.19 revised effective March 4, 2025

Chapter 20 Employees

- 100 A dispensary may not employ anyone who has been convicted of a disqualifying felony offense or is under the age of twenty-one (21). A dispensary may not employ any individual who does not have a valid work permit.
- 101 An individual will not be able to work at a dispensary until after he or she receives a work permit and completes eight (8) hours of continuing education relating to medical cannabis. Thereafter, it is the individual's responsibility to annually complete five (5) hours of continuing education relating to medical cannabis to maintain such certification. An individual is required to renew his or her permit every five (5) years.
- 102 If an individual does not complete the annual continuing education requirements, the individual's work permit may be revoked or suspended until such time as the education requirements are completed.
- 103 Each dispensary is required to create an identification badge for its employees. This badge will be conspicuously worn by the employee at all times on the licensed premises.
- 104 Reserved

35.XI.20 revised effective March 4, 2025

Chapter 21 Sales Limits

- 100 A resident cardholder may not receive more than twenty-four (24) MMCEUs from a dispensary or combination of dispensaries during any rolling thirty (30) day period. "Rolling" shall be calculated by reviewing the previous twenty-nine (29) days.
- 101 A non-resident cardholder may not receive more than six (6) MMCEUs from a dispensary or a combination of dispensaries during any rolling seven (7) day period. Additionally, a non-resident cardholder may not receive more than twelve (12) MMCEUs from a dispensary or a combination of dispensaries during any rolling fifteen (15) day period. "Rolling" shall be calculated by reviewing the previous six (6) day or fourteen (14) day period, as applicable.
- 102 A cardholder's patient card may indicate that the patient is restricted to receiving an MMCEU amount less than the amounts stated in Paragraphs 100 and 101 above. It may also indicate that the patient is restricted to receiving medical cannabis products in certain forms. A dispensary is required to restrict its sales to any such patient to match the limitations set forth on the patient card.
- 103 A dispensary is required to report to the Department the identity of any individual who communicates the intent to divert cannabis products to individuals who do not have cards, across state lines, or to engage in the unlicensed sale of cannabis. Such reporting must be done as soon as reasonably possible.

- 104 A dispensary shall report any criminal activity of which it is aware related to the unlicensed sale or diversion of cannabis, cannabis products, or cannabis plants. Failure to report such activity to the Department may result in penalties up to and including license suspension, revocation, and monetary fines.
- 105 A dispensary shall report all transactions involving cannabis products into the state-approved seed-to-sale electronic tracking system.
- 106 A dispensary may not sell topical products to any individual for resale or distribution to anyone other than that individual. If a dispensary knows or reasonably should know that an individual is purchasing the topical products for resale or distribution, the dispensary must cease all sales to this individual and report the activities to the Department.
- 107 (Reserved)

35.XI.21 revised effective March 4, 2025

Chapter 22 Dispensing of Cannabis Products

- 100 Before a dispensary may sell cannabis products to a cardholder, including resident cardholders, non-resident cardholders, and designated primary caregiver cardholders, the dispensary employee will:
1. Verify the validity of the patient card by scanning the card;
 2. Verify the requested amount of cannabis products would not cause the patient to exceed the applicable MMCEU purchase and possession restrictions for cardholders or any applicable restrictions on the form of medical cannabis product that may be sold to the patient; and
 3. Enter the following information into the electronic tracking system:
 - a. The number of the registry identification card of the patient or the name of the designated primary caregiver of the patient;
 - b. The amount, sale price, package identification number, and type of cannabis product dispensed;
 - c. Whether the cannabis product was dispensed to the patient or to the designated primary caregiver of the patient;
 - d. The date and time at which the cannabis product was dispensed;
 - e. The employee's work permit number; and
 - f. The license number of the dispensary.
- 101 A dispensary may sell topical products to cardholders and non-cardholders. The products may only be sold to non-cardholders who are over the age of twenty-one (21). Prior to selling topical products to a cardholder, a dispensary must follow the steps listed in Paragraph 100(3) above. Prior to selling to a non-cardholder, a dispensary will enter the following information into the electronic tracking system:
1. The amount, sale price, package identification number, and type of cannabis product being dispensed (topical);

2. The date and time at which the topical product was dispensed;
3. The employee's work permit number; and
4. The license number of the dispensary.

102 (Reserved)

35.XI.22 revised effective March 4, 2025

Chapter 23 Storage and Sale of Cannabis Products

- 100 With the exception of topical products, a dispensary must store all cannabis products behind a counter or other barrier to ensure a cardholder does not have direct access to the cannabis products.
- 101 Upon the request of a cardholder, a dispensary must disclose the name of the independent testing laboratory which performed the required quality assurance tests for the dispensary.
- 102 A dispensary may only sell concentrated cannabis, topical products, edible cannabis products, and cannabis-infused products obtained from a facility for the production of such products which holds a license issued by the Mississippi Department of Health or from another dispensary licensed by the Department. Each dispensary shall maintain a file which contains test results for any such approved product at the dispensary and shall make the file available for review upon request.
- 103 (Reserved)

35.XI.23 revised effective March 4, 2025

Chapter 24 Prohibited Conduct

- 100 In addition to any other prohibitions and restrictions by law, a dispensary must not:
1. With the exception of topical products, conduct any transaction without face-to-face verification of the purchaser's identity and cardholder status by scanning the registry identification card. For topical products, a dispensary must first confirm that the individual is over the age of twenty-one (21);
 2. Sell cannabis products that have not passed mandatory testing as required by regulations issued by the Mississippi Department of Health;
 3. Sell cannabis products that have not been purchased from a licensed cultivator, processor, or dispensary;
 4. Sell cannabis products that are not properly packaged or labeled in accordance with applicable rules or statutes;
 5. Give away cannabis products, immature cannabis plants, or cannabis seedlings;
 6. Sell or give away:
 - a. Mature cannabis plants;

- b. Food that does not contain cannabis intended for medical treatment; or
 - c. Any item that is not considered to be a cannabis product, equipment used for cannabis products, or related supplies and educational materials.
- 7. With the exception of topical products, sell any item to a non-cardholder.
- 8. Sell to any cardholder an amount of cannabis that exceeds the applicable maximum amount to be sold within a rolling, seven (7), fifteen (15), or thirty (30) day time period;
- 9. Sell to any cardholder a form of medical cannabis product to a patient whose patient card indicates that he or she is restricted to only receiving a certain form of medical cannabis product;
- 10. Sell or distribute cannabis products using:
 - a. Curbside service;
 - b. A drive-through sales window; or
 - c. A delivery service.
- 11. Sell cannabis products to a person who is visibly intoxicated;
- 12. Sell or give away pressurized containers of butane, propane, carbon dioxide, or other materials that could be used for extraction purposes in the home production of cannabis concentrate, except that a dispensary may sell or give away disposable butane lighters;
- 13. Sell any edible cannabis product that is molded to contain an image or character designed or likely to appeal to minors, such as images or characters that are cartoons, toys, animals, or children;
- 14. Sell cannabis products that are packaged in a manner that is designed to or likely will appeal to minors, including but not limited to the use of packaging that resembles popular candy brands or contains images or characters that are cartoons, toys, animals, or children;
- 15. Sell cannabis trim or flower that has a potency of more than thirty percent (30%) THC or cannabis edibles, tinctures, oils, or concentrates with a potency of more than sixty percent (60%);
- 16. Allow cardholders or caregivers to be present on the licensed premises or sell to a cardholder during any hours not permitted on the operating plan;
- 17. Conduct any activities during hours or on days not authorized in the licensee's operating plan;
- 18. Sell or transfer returned or recalled cannabis product to another cardholder or caregiver;
- 19. Allow a cardholder or caregiver to open or alter a package containing cannabis product or otherwise remove cannabis product from packaging required within the premises or in an area that the licensee controls;
- 20. Allow a cardholder or caregiver to bring cannabis products onto the premises except for cannabis products being returned for refund or exchange;
- 21. Engage in the sale of cannabis products if mandatory testing is not verified or verifiable with a certificate of analysis, if testing reports unsafe levels of potentially harmful substances, or if testing reports THC levels higher than those allowed by law;
- 22. Mechanically or chemically extract THC from cannabis or possess, sell, or store devices on the premises that can be used for this purpose.

101 (Reserved)

35.XI.24 revised effective March 4, 2025

Chapter 25 Records Required to Be Kept for Current Year and Three (3) Preceding Calendar Years

100 The following records shall be maintained in physical and/or electronic format for a minimum of three (3) years:

1. Records regarding the disposal of cannabis products.
2. General Business Records, including purchase and sales information.
3. Records of all required inventory reports.
4. Records of each transaction, including the amount of cannabis product dispensed, the amount of compensation received, and the registry identification number of the qualifying patient or designated caregiver.
5. Personnel Records.

101 General Business Records shall include itemized invoices for all cannabis products purchased, sales made, all bank statements and canceled checks, and all other books and accounts as may be necessary to determine the financial position of the business. All itemized purchase invoices and tickets shall bear the items purchased, the date of purchase, name of the seller and purchaser. Cash register tapes may not be used in lieu of itemized invoices for record purposes.

102 All required records will be adequate in substance to conform with generally accepted accounting practices. All records will be open for examination by the Department during regular business hours.

103 (Reserved)

35.XI.25 revised effective July 1, 2022

Chapter 26 Transportation of Cannabis

100 A dispensary shall adhere to all applicable Mississippi Department of Health transportation requirements when receiving or shipping medical cannabis.

101 (Reserved)

35.XI.26 revised effective July 1, 2022

Chapter 27 Duty to Report

- 100 Each licensee employee is responsible for monitoring for unusual usage, or questionable disposition of medical cannabis. Each dispensary employee, immediately upon discovery of any fraudulent or otherwise unlawful recommendation, unusual usage, or questionable disposition will notify the Department.
- 101 Each dispensary employee shall notify the Department within twenty-four (24) hours upon discovery of the theft or loss of any cannabis product in transit that was either shipped from or to the dispensary.
- 102 Cannabis product thefts or unexplained losses must be reported to the Department in writing irrespective of whether the cannabis or cannabis product is recovered and/or the responsible parties are identified and action taken against them. Written reports must be provided to the Department within forty-eight (48) hours following the discovery of such theft or loss.
1. The written report must include:
 - a. The name, address, and license number of the dispensary;
 - b. The amount and type of cannabis product lost or stolen;
 - c. The circumstances surrounding the loss or theft;
 - d. The date the loss or theft was discovered;
 - e. The person who discovered the loss or theft;
 - f. The person responsible for the loss or theft if known; and
 - g. Any other information that the reporter believes might be helpful in establishing the cause of the loss or theft.
 2. An exemption may be obtained upon sufficient cause if the report cannot be completed within forty-eight (48) hours.
 3. A request for waiver of the forty-eight (48) hours limit must be requested in writing.
- 103 All dispensary employees must report all known violations of state drug laws or Medical Cannabis regulations issued by this Department or the Mississippi Department of Health to the Department immediately.
- 104 Regulatory violations related to security and/or administration of cannabis products that a dispensary employee knows or reasonably should know shall be reported to the Department within twenty-four hours.
- 105 (Reserved)

35.XI.27 revised effective July 1, 2022

Chapter 28 Schedule of Disciplinary Actions

- 100 In addition to any applicable criminal actions, the following schedule shall be used when administratively disciplining dispensaries for violating statutory and/or regulatory requirements. The Department reserves the right to modify penalties based on facts and

circumstances. Graduating penalties as a result of multiple violations within a given time period shall be based on a rolling two-year period.

Violation	First Offense	Second Offense	Third Offense
Failure of an employee to possess an active work permit	\$1,000	\$2,000	\$3,000 and/or one week suspension
Employment of someone under the age of 21 or with a disqualifying felony	\$1,000	\$2,000	\$3,000 and/or one-week suspension
Failure to assist Department during the recall of product	\$1,000	\$2,000 and/or one-week suspension	\$3,000 and/or two-week suspension
Failure to comply with approved security plan	\$1,000	\$2,000 and/or one-week suspension	\$3,000 and/or two-week suspension
On-site use of cannabis or alcohol	\$1,000	\$2,000 and/or one-week suspension	\$3,000 and/or two-week suspension
Permitting access to a non-cardholder under the age of 21	\$1,000	\$2,000 and/or one-week suspension	\$3,000 and/or two-week suspension
Sale of topical product to a person under the age of 21	\$1,000	\$2,000 and/or one-week suspension	\$3,000 and/or two-week suspension
Extraction of THC on-premises or possession, sale, or storage of equipment that may be utilized for this purpose	\$2,000	\$3,000 and/or one-week suspension	\$5,000 and/or two-week suspension
Unlawful acquisition, transfer, purchase, or sale of a product unless otherwise listed	\$2,000	\$3,000 and/or two-week suspension	Revocation
Sale in amounts exceeding applicable limits or type	\$500 per MMCEU over the applicable allotment amount		
Negligent failure to accurately track inventory and/or maintain records	\$1,000	\$2,000 and/or one-week suspension	\$3,000 and/or two-week suspension
Willful failure to accurately track inventory and/or maintain records	\$2,000 and/or one-week suspension	\$3,000 and/or two-week suspension	Revocation
Falsification of records	\$2,000 and/or one-week suspension	\$3,000 and/or two-week suspension	Revocation
Sale to non-cardholder of non-topical product	\$2,000 and/or one-week suspension	\$3,000 and/or two-week suspension	Revocation

Refusal to permit access by ABC Agents as required by law	Two-week suspension	Revocation
A threat against law enforcement	Two-week suspension	Revocation
Opening a dispensary to patients during a license suspension period	Revocation	
Improper Entry of Patient Information	\$500 per instance	
General Penalty if not specifically listed	\$5,000	

35.XI.28 revised effective March 4, 2025

Chapter 29 Appeal Process for Medical Cannabis Dispensaries

- 100 The Department may fine, suspend, or revoke a Medical Cannabis Dispensary License at its discretion for a violation of the Mississippi Medical Cannabis Act or any rules and regulations by the licensee or any of its employees or agents. The Department may also deny an application for a Medical Cannabis Dispensary License for failure to meet the qualifications under the Mississippi Medical Cannabis Act or any promulgated rules and regulations. If a licensee or applicant wishes to appeal this decision, the licensee or applicant shall file its administrative appeal within twenty (20) days of receipt of the initial notice. The Review Board shall then conduct a hearing on the record, at which time the burden shall be on the licensee or applicant to prove that the Department's decision was:
1. Unsupported by substantial evidence;
 2. Arbitrary or capricious;
 3. Beyond the power of the administrative agency to make; or
 4. Violated some statutory or constitutional right of the aggrieved party.
- 101 The Department shall provide its initial notice of suspension, revocation, fine, or other sanction by personal delivery or mailing by certified mail, signature required, to the medical cannabis dispensary at the address on the registration certificate. Additionally, the Department shall provide its initial notice of denial by personal delivery, mailing by certified mail, signature required, or by electronic mail to the applicant at the physical or electronic address listed in the application. If the licensee or applicant fails to appeal the initial notice within the prescribed time, the decision becomes final and cannot be further appealed.
- 102 (Reserved)

200 Appeal to Review Board

201 A licensee or applicant who disagrees with an action taken by the Department regarding a Medical Cannabis Dispensary License shall have the option of requesting a hearing before the Review Board by filing an appeal. This appeal must be submitted, in writing, to the Review Board within twenty (20) days of receipt of the initial notice. A Review Board Appeal Petition, which can be found on the Department's website, may be used to make the appeal.

202 Upon timely receipt of a written request from the licensee, applicant, or authorized representative, the Review Board shall promptly schedule a hearing for consideration of the appeal.

203 A licensee, applicant, or authorized representative will be notified of the hearing by mail at the last known address. The last known address will be the mailing address provided in the written request for appeal or any subsequent address change notification to the Review Board. The hearing notice will contain the time, place, and date of the hearing. Notice to the licensee/applicant's authorized representative constitutes notice to the licensee/applicant.

204 Due to the confidentiality provisions of the Mississippi Medical Cannabis Act, these proceedings are not open to the public.

205 When an appeal or other document is required to be filed with the Review Board within any number of days, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, a legal holiday, or any other day when the offices of the Department are in fact closed, with or without legal authority, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, a legal holiday, or any other day when the office of the Department is closed. Legal holidays for the Department are found at Miss. Code Ann. Section 3-3-7(1). Mailing does not constitute filing, and the time period within which the appeal, objection, or other document has to be filed is not extended because of mailing.

206 The Department retains the authority to change its decision regarding any action taken.

207 An appeal under the Mississippi Medical Cannabis Act before the Review Board may be withdrawn at any time by the person filing the appeal. The withdrawal may be made voluntarily by the person or may occur involuntarily under the conditions listed below.

208 An involuntary withdrawal of an appeal may occur as a result of the person's failure to appear at a scheduled hearing, failure to timely provide a written appeal in lieu of attendance at a hearing, or by any other act or failure that the body hearing the appeal

determines is a failure on the part of the person to prosecute the appeal. An involuntary withdrawal will be documented in the minutes providing the basis of the withdrawal.

209 A voluntary withdrawal of an appeal must be delivered in writing by the licensee, applicant, or authorized representative to the Chairman of the Review Board prior to the scheduled time of the hearing on the appeal.

210 Following the withdrawal of an appeal, the action shall become final and not subject to further review by the Review Board or a court. The Department shall then proceed with any action in accordance with the law.

211 (Reserved)

300 Conduct of Hearing before the Review Board

301 The Review Board shall convene and hear appeals regarding actions taken by the Department under the Mississippi Medical Cannabis Act.

302 Since an official transcript is to be made of the hearing of an administrative appeal covered by this Chapter, the Review Board will only consider the testimony and documents introduced into evidence at the hearing, the facts and documents stipulated to by the parties, and the facts of which it can take judicial notice.

303 If a party offers testimony at a hearing through the examination of a witness or where a party representing himself testifies at the hearing by making a statement, the person so testifying shall be sworn in by the presiding Review Board member or the court reporter. Any other party to the administrative appeal shall be entitled to cross-examine the person testifying and any Review Board member may ask questions of this person.

304 The Mississippi Rules of Evidence will apply at hearings held in the administrative appeals covered by this Chapter, but they will be relaxed. Relevant hearsay evidence may be presented and introduced into evidence unless the presiding Review Board member determines that such evidence lacks trustworthiness.

305 If the Department determines after the action that there are additional and/or different facts and/or charges on which to base the action being appealed, these additional and/or different facts and/or charges may be used by the Department in an administrative appeal under the Mississippi Medical Cannabis Act to support its action, if the Department provides the licensee/applicant with reasonable notice of such facts and charges before the hearing in the administrative appeal.

306 Any party offering a document into evidence at the hearing before the Review Board in an administrative appeal covered by this Chapter shall provide all other parties to the

administrative appeal with a copy of the document before or at the time that the document is offered into evidence, as directed by the Review Board.

307 Unless otherwise directed by the presiding Review Board member, a hearing in an administrative appeal covered by the Mississippi Medical Cannabis Act shall be conducted in the following order:

1. The presiding Review Board member shall call the hearing to order.
2. The presiding Review Board member shall state the style of the administrative appeal being heard, the nature of the administrative appeal, and a summary of the action from which the administrative appeal was filed.
3. The presiding Review Board member or the court reporter shall swear in all witnesses, including any party, who expects to testify at the hearing.
4. If requested by a party or upon the presiding Review Board member's own initiative, all witnesses shall be excluded from the hearing room to a location where they cannot hear the testimony of other witnesses in the hearing, except for those witnesses who are either a natural person who is a party to the administrative appeal or an officer or employee of a party which is not a natural person and who has been designated by the party's attorney to be the party's representative at the hearing.
5. Any stipulation of facts and/or documents between the parties shall be admitted into evidence.
6. Each party shall be given the opportunity to make an opening statement.
7. The Department shall present its evidence.
8. The licensee or applicant, who filed the written appeal with the Review Board initiating the administrative appeal, shall present the evidence.
9. Upon request by a party, and only on approval and subject to any restrictions of the presiding Review Board member, the parties may be allowed to present additional evidence after the close of the licensee/applicant's case.
10. Each party shall be given the opportunity to make a closing argument; and
11. Upon conclusion of all arguments and evidence, the presiding Review Board member shall bring the hearing to a close.

308 (Reserved)

400 Order(s) issued by the Review Board

401 Following the hearing, the Review Board shall issue its Order in due course. If an Order of the Review Board regarding the Mississippi Medical Cannabis Act is not appealed within twenty (20) days after the issuance of said Order, that Order becomes final and is not subject to further appeal.

402 Any person aggrieved by a decision of the Review Board shall have a right of appeal to the circuit court of the county of the residence of the licensee or applicant as it appears on the record.

403 (Reserved)

500 Appeal of Review Board Order to Circuit Court

501 If an appeal to the Review Board is made by a licensee or applicant, the Order of the Review Board shall constitute the final decision of the Department.

502 Any licensee or applicant aggrieved by a final decision of the Department under the provisions of this Chapter may petition for judicial review of the final decision.

503 The petition shall be filed within twenty (20) days after the issuance of the Department's final decision. The petition shall be filed in the circuit court of the county in which the appellant resides. If the appellant is a nonresident of this state, the appeal shall be made to the Circuit Court of the First Judicial District of Hinds County, Mississippi. Before filing a petition, the licensee or applicant must first request an estimate of the cost from the Department to prepare the entire record and shall pay the amount of the estimate. Failure to pay this estimate before filing a petition shall result in the matter being dismissed with prejudice. The Department will transmit the record to the applicable court upon receipt of payment from the appellants.

504 Any person or entity aggrieved by the decision of the circuit court may appeal to the Mississippi Supreme Court.

505 (Reserved)

35.XI.29 revised effective March 4, 2025