

Title 15: Mississippi State Department of Health

Part 22: Medical Marijuana Program

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

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

Subchapter 1 General Provisions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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