

Title 15: Mississippi State Department of Health

Chapter 22: Medical Marijuana Program

Subpart 7: Qualifications and Limitations on Owners, Board Members, Officers, Agents, Employees, and Contractors, of Licensed Entities (Cultivators, Manufacturers, Dispensaries) Participating in the Medical Marijuana Program

Chapter 1 GENERAL REQUIREMENTS

Rule 7.1.1 Purpose of Regulations: These regulations, and any guidelines set forth by the Department, governs 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 7.1.2 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 7.1.3 Definitions. In addition to the general definitions and terms in 15 Miss. Admin. Code Pt. 22, R. 2.1.3 the following terms shall have the meaning hereinafter respectively ascribed to them as they relate to the Medical Marijuana Program:

- a. **Owner** – The term “owner” or “owners” shall mean any individual who holds any portion of the economic or voting interests of a licensed entity and who will have access to medical marijuana, medical marijuana products, or a medical marijuana business/entity licensed by the Department.
- b. **Board Member** – The term “board member” or “board members” shall mean any individuals who jointly supervise the activities of an organization.
- c. **Officer** – The term “officer” or “officers” shall mean any individual responsible for managing an organization’s daily operations.
- d. **Agent** – The term “agent” or “agents” shall mean any individual, corporation, or LLC who or that has been legally empowered to act on behalf of any Mississippi company.
- e. **Employee** – The term “employee” or “employees” shall mean an individual hired to work for another person or business for compensation and is subject to the employer’s direction as to the details of performing the job.
- f. **Contractor** – The term “contractor” or “contractors” shall mean any person or company that undertakes a contract with a licensed entity to perform work that would include access to medical marijuana, medical marijuana products, or related equipment or supplies for a time period greater than fourteen (14) calendar days or who has routine access for shorter periods of time (e.g., weekly scheduled services).

Chapter 2 QUALIFICATIONS FOR OWNERS, BOARD MEMBERS, OFFICERS, AND/OR AGENTS OF LICENSED ENTITIES – CULTIVATORS, MANUFACTURERS, DISPENSARIES

Rule 7.2.1 Minimum qualifications for cultivators, manufacturers, and dispensaries, are as follows:

- a. An individual applicant for a license under this chapter shall be a natural person that:
 - i. Is twenty-one (21) years of age or older;
 - ii. Has not previously held a license for any type of licensed entity participating in the medical marijuana program in Mississippi or any other state that has been revoked by the state licensing authority;
 - iii. Has not been convicted of a disqualifying criminal conviction in the past five (5) years from the date of application;
 - iv. If possessing a professional license, that the license is in good standing; and
 - v. Does not owe a debt to the State of Mississippi or its political subdivisions.
 - vi. A minimum of twenty-five (25) percent of the controlling ownership is held by a current Mississippi resident.

- b. If the applicant is applying on behalf of an entity, in addition to (a) of this Section, the applicant:
 - i. Shall be legally authorized to submit an application (as prescribed by the Department) on behalf of the entity;
 - ii. Shall serve as the primary point of contact with the Department;
 - iii. Shall submit sufficient proof that:
 1. The entity has no owner, board member, or officer under the age of twenty-one (21);
 2. The entity has no owner, board member, officer, or agent that has previously been an owner, board member, officer, or agent of a licensed entity of any type participating in the medical marijuana program in Mississippi or any other state that has been revoked by the state licensing authority;
 3. The entity has no owner, board member, officer, or agent that has been convicted of disqualifying criminal conviction in the past five years from the date of application;
 4. If an owner, board member, officer, or agent has a professional license, that the license is in good standing; and
 5. The entity has no owner, board member, officer, or agent that owes a debt to the State of Mississippi or its political subdivisions.
 6. A minimum of twenty-five (25) percent of the controlling ownership of the entity is held by current Mississippi residents.

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

Rule 7.2.2 If an applicant posts a surety bond, the bond must be maintained until:

- a. An applicant withdraws an application;
- b. An applicant's application is denied by the Department; and/or,
- c. An applicant, following approval by the Department for licensure, pays the licensing fee and posts the required performance bond.

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

Rule 7.2.3 At the time of application, the following documentation must be provided for individual applicants and all owners, board members, officers, or agents for applicants representing entities:

- a. Legal name;
- b. Date of birth;
- c. Legal residence;
- d. Social security number or tax identification number;
- e. Mailing address or principal residence address if different from the mailing address;
- f. Phone number;
- g. Email address; and,
- h. Statement of individual's authority to act on behalf of an entity, if applicable;
- i. Consent to state and federal background checks; and,
- j. Fingerprint card or live scan fingerprint image.

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

Rule 7.2.4 At the time of application, the following documentation related to the proposed operations, must be provided:

- a. Evidence of authorization to occupy the location (e.g., confirmation of land ownership, identification of mortgages and lienholders, lease agreements, contingency agreements for sale or lease based on licensure status);
- b. Plan for operating as a cultivator, manufacturer, dispensary (as applicable to the application);
- c. Timeline for beginning operations at the identified location;
- d. Tax identification number issued by the Mississippi Department of Revenue;

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

Rule 7.2.5 If the Department receives any notification that an owner, board member, officer, or agent, is found guilty of a disqualifying criminal conviction that renders the individual to serve in his/her named capacity with the licensed entity, the Department will provide written notification to the licensed entity. Within 24 hours of receiving written notice from the Department, a licensed entity must ensure that

the named individual is no longer serving in his/her capacity with the licensed entity.

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

Chapter 3 QUALIFICATIONS FOR EMPLOYEES AND CONTRACTORS OF LICENSED ENTITIES – CULTIVATORS, MANUFACTURERS, AND DISPENSARIES

Rule 7.3.1 All employees and contractors of entities licensed by the Department as Cultivators, Manufacturers, and Dispensaries are subject to the following:

- a. Must be at least twenty-one (21) years of age;
- b. Must have a valid driver’s license;
- c. Must not have a disqualifying criminal conviction within five (5) years of the date of hire or initial date of the term of the contract;
- d. Must not have a disqualifying criminal conviction during employment or covered terms of the contract with the licensed entity;

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

Chapter 4 LIMITATIONS ON CULTIVATORS, MANUFACTURERS AND DISPENSARIES

Rule 7.4.1 All licensed entities are subject to the limitations of licensure issued by the Department. The limitations describe the procedures, actions, and processes that a licensed entity is permitted to undertake in keeping with the terms of their licenses.

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

Rule 7.4.2 The following limits shall apply based on each license type:

- a. A Cultivator may acquire, cultivate, cure, dry, grow, harvest, package, possess, purchase and trim medical marijuana. A cultivator may distribute, sell, transfer, and transport Medical Marijuana and Medical Marijuana Products between its licensed premises and any other licensed entities and premises, but not to Qualified Patients and/or Caregivers.
- b. Manufacturer – The term “Manufacturer” shall mean entities licensed by the Department to compound, blend, extract, infuse, or otherwise make or prepare a medical marijuana product. Additionally, a manufacturer may distribute, sell, transfer, and transport Medical Marijuana and Medical Marijuana Products between its licensed premises and any other licensed premises, but not to Qualified Patients or Caregivers.
- c. A Dispensary may process medical marijuana, related supplies, and/or educational materials. A Dispensary may engage in one or more activities involved in the processing of medical marijuana and medical marijuana products. In addition to retail sales and dispensing of medical marijuana and medical marijuana products, a Dispensary may serve as a Cultivator,

Manufacturer, and Transporter. Separate licensure is required for each. A Dispensary is the only entity that can provide medical marijuana and/or medical marijuana products to Qualified Patients and/or Caregivers. A medical marijuana treatment center/dispensary is prohibited from delivering medical marijuana or medical marijuana products to Qualified Patients and/or Caregivers.

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

Rule 7.4.3 Licensed entities shall only sell or otherwise transfer, purchase, obtain, or otherwise accept the transfer of medical marijuana or medical marijuana products from an entity licensed by the Department to participate in the medical marijuana program. No licensed entity shall purchase or sell medical marijuana or medical marijuana products from any unlicensed or out-of-state individual or entity.

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