

Mississippi Secretary of State

125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Board of Medical Licensure		CONTACT PERSON Jonathan Dalton		TELEPHONE NUMBER 601-987-0248	
ADDRESS 1867 Crane Ridge Drive, Suite 200-B		CITY Jackson		STATE MS	ZIP 39216
EMAIL mboard@msbml.ms.gov	SUBMIT DATE 7/26/22	Name or number of rule(s): Part 2640, Chapter 2 Cannabis Certification			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Creation of a new chapter setting forth rules for medical practitioners regarding certification of certain medical conditions for which patients may obtain cannabis, and for related purposes.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann., §73-43-11

List all rules repealed, amended, or suspended by the proposed rule: None

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES

____ Original filing
 ____ Renewal of effectiveness
 To be in effect in ____ days
 Effective date:
 ____ Immediately upon filing
 ____ Other (specify): ____

PROPOSED ACTION ON RULES

Action proposed:
 ____ New rule(s)
 ____ Amendment to existing rule(s)
 ____ Repeal of existing rule(s)
 ____ Adoption by reference
 Proposed final effective date:
 ____ 30 days after filing
 ____ Other (specify): ____

FINAL ACTION ON RULES

Date Proposed Rule Filed: 3/28/22

Action taken:

____ Adopted with no changes in text
☒ Adopted with changes
 ____ Adopted by reference
 ____ Withdrawn
 ____ Repeal adopted as proposed

Effective date:

☒ 30 days after filing
 ____ Other (specify): ____

Printed name and Title of person authorized to file rules: Jonathan Dalton, Director of Investigations

Signature of person authorized to file rules: [Signature]

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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



RESOLUTION

Whereas, it is necessary for the Occupational Licensing Review Commission to issue a resolution regarding the approval or denial of specific rules submitted for its review: NOW, THEREFORE, LET IT BE RESOLVED BY THE OCCUPATIONAL LICENSING REVIEW COMMISSION, that the following rules shall be known to have been approved by the Commission at a duly called meeting of its members on June 21, 2022, and may now be filed as final with the Secretary of State's Office for inclusion in the Mississippi Administrative Code:

- Rules of the Board of Medical Licensure – Part 2640, Chapter 2 Cannabis Certification; Creation of a new chapter setting forth rules for medical practitioners regarding certification of certain medical conditions for which patients may obtain cannabis, and for related purposes. *Approved as amended to add the following language to Rule 1.6, "Refer also to Title 15: Mississippi State Department of Health, Part 22: Medical Cannabis Program, Chapter 1: Subchapters 1-5 Regulations for Advertisement and Marketing."*
- Rules of the Board of Medical Licensure – Part 2635 Chapter 5: Practice of Telemedicine; Revision of the definitions and other sections regarding telemedicine to clarify certain terms common to the telemedicine industry and for other purposes.
- Rules of the Board of Nursing – Part 2840, Chapter 1: Section II Cannabis Certification, Rule 1.1 Scope for Part 2840, Chapter 1: Section II
- Rules of the Board of Optometry – Part 2901 Chapter 12: Cannabis Certification
- Rules of the Real Estate Commission – Title 30, Part 1601, Rules 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9; Promulgation of Rules governing Miss. Real Estate Commission Administrative and Disciplinary Proceedings. *Approved as amended to include the following changes along with some non-substantive renumbering:*
 - *Add the following definition to Rule 5.2, "C. Administrative Hearing Officer Option: The option for a licensee/Respondent to elect to have his or her Administrative Hearing conducted by an Administrative Hearing Officer instead of a Commission Hearing Panel. When the Administrative Hearing Officer Option is elected, the Administrative Hearing Officer shall have the same powers to conduct administrative hearings and render decisions as would the Commission Hearing Panel."*
 - *Delete Subsection 4) in Rule 5.5.*
 - *Clarify Rule 5.7 E. 1) by adding the words 'or Administrative Hearing Officer' after '...the Commission Hearing Panel'.*
 - *Clarify Rule 5.8 F. and G. by adding the words 'or Administrative Hearing Officer' after '...before the Commission'.*