

By: Representatives Lamar, Powell

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 39

1 A CONCURRENT RESOLUTION PROPOSING TO CREATE NEW ARTICLE 16,  
2 SECTION 290 OF THE MISSISSIPPI CONSTITUTION OF 1890, OFFERED BY  
3 THE MISSISSIPPI LEGISLATURE AS AN ALTERNATIVE TO INITIATIVE  
4 MEASURE NO. 65, TO ESTABLISH A PROGRAM TO ALLOW THE MEDICAL USE OF  
5 MARIJUANA PRODUCTS BY QUALIFIED PERSONS WITH DEBILITATING MEDICAL  
6 CONDITIONS; AND FOR RELATED PURPOSES.

7 WHEREAS, under Section 273 of the Mississippi Constitution of  
8 1890, the people have the power to propose and enact  
9 constitutional amendments by initiative, and the procedure for  
10 doing so is set forth in Chapter 17, Title 23, Mississippi Code of  
11 1972.

12 WHEREAS, following those provisions, the people have proposed  
13 Initiative Measure No. 65, which has a subject matter stated to be  
14 "medical marijuana for qualified persons with debilitating medical  
15 conditions," and this initiative measure will be presented to the  
16 qualified electors at the November 2020 election.

17 WHEREAS, when an initiative measure is proposed under this  
18 procedure, the Legislature may submit an alternative measure for  
19 the original initiative measure, which must be presented to the  
20 qualified electors at the same election at which the original



21 measure is proposed, and under Section 23-17-29, Mississippi Code  
22 of 1972, such a constitutional initiative may be adopted or  
23 amended by a majority vote of each house of the Legislature.

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
25 STATE OF MISSISSIPPI, That the following amendment to the  
26 Mississippi Constitution of 1890 is proposed to the qualified  
27 electors of the state at the November 2020 election, as an  
28 alternative to the amendment proposed by Initiative Measure No.  
29 65:

30 Article 16, Section 290, Mississippi Constitution of 1890, is  
31 created to read as follows:

32 "Section 290. There is established a program in the State of  
33 Mississippi to allow the medical use of marijuana products by  
34 qualified persons. The program shall be structured to include, at  
35 a minimum, the following conditions and requirements:

36 (a) The program shall be based on sound medical  
37 principles;

38 (b) The program shall be administered by an appropriate  
39 state agency;

40 (c) The administering state agency shall seek the input  
41 of health professionals to help design the program;

42 (d) The program shall be limited to qualified persons  
43 with debilitating medical conditions as certified by health  
44 practitioners who are licensed under state law;



45 (e) Marijuana products that are used by qualified  
46 persons in the program shall be of suitable pharmaceutical quality  
47 and prepared by state-licensed manufacturers;

48 (f) Treatment of qualified persons in the program shall  
49 be carried out by physicians, nurses and pharmacists who are  
50 licensed under state law;

51 (g) The program shall provide for limited categories of  
52 marijuana preparation of suitable and verified quality standards  
53 for oral administration;

54 (h) The smoking of marijuana products shall be  
55 restricted to the treatment of qualified persons who have terminal  
56 medical conditions as certified by health practitioners who are  
57 licensed under state law;

58 (i) The program shall provide for a limited number of  
59 state-licensed manufacturers of marijuana products;

60 (j) The program shall have a patient registry for  
61 program enrollment, patient tracking, and treatment outcomes  
62 assessment; and

63 (k) The program shall provide for reporting  
64 requirements that include research, analysis, and outcomes  
65 assessment."

66 BE IT FURTHER RESOLVED, That the amendment proposed in this  
67 resolution as a legislative alternative to Initiative Measure No.  
68 65 shall be submitted by the Secretary of State to the qualified  
69 electors at an election to be held on the first Tuesday after the



70 first Monday of November 2020, in the manner prescribed by Section  
71 273 of the Constitution and by Chapter 17, Title 23, Mississippi  
72 Code of 1972.

73 BE IT FURTHER RESOLVED, That the ballot title for this  
74 amendment is proposed to read as follows: "Shall Mississippi  
75 establish a program to allow the medical use of marijuana products  
76 by qualified persons with debilitating medical conditions?"

77 BE IT FURTHER RESOLVED, That the explanation of this proposed  
78 amendment for the ballot shall read as follows: "This  
79 constitutional amendment is proposed as a legislative alternative  
80 measure to Initiative Measure No. 65 and would establish a program  
81 to allow the medical use of marijuana products by qualified  
82 persons with debilitating medical conditions."

