

## **Title 15: Mississippi State Department of Health**

### **Part 22: Medical Cannabis Program**

#### **Subpart 4: Work Permits**

#### **Chapter 4 REGULATIONS FOR WORK PERMITS**

##### **Subchapter 1 General Provisions:**

Rule 4.1.1. Legal Authority: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.1.2 Definitions.

1. "Department" means the Mississippi State Department of Health
2. "Disqualifying felony offense" means:
  - (i) A conviction for a crime of violence, as defined in Section 97-3-2 Mississippi Code of 1972, as amended, or
  - (ii) 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 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 A disqualifying felony offense shall not include a conviction that consisted of conduct for which the Mississippi Medical Cannabis Act would likely have prevented the conviction but for the fact that the conduct occurred before the effective date of the Medical Cannabis Act.
3. "Medical cannabis establishment" means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.

4. "Medical cannabis establishment agent" means an owner, officer, board member, employee, volunteer or agent of a medical cannabis establishment.
5. "Medical cannabis establishment employee" means anyone who performs services for the medical cannabis establishment if the establishment controls what will be done and how it will be done, including independent contractors and volunteers. Control can include, but isn't limited to, instructions on how work is to be done, direction on equipment to use to perform work, and training on required policies and procedures of the medical cannabis establishment.
6. "MDOR" means the Mississippi Department of Revenue that has the responsibility of licensing cannabis dispensaries.
7. "Work permit" means the official document issued by the Department that authorizes a person to be a Medical Cannabis Establishment Employee of a Medical Cannabis Establishment regulated by the Department.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.1.3 A medical cannabis establishment employee shall be registered and receive a work permit issued by the Department before the agent may work for a medical cannabis establishment licensed and registered by the Department or MDOR as applicable.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.1.4 A medical cannabis establishment agent must be at least 21 years of age to receive a work permit.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.1.5 An applicant for an initial medical cannabis establishment work permit or renewal of a medical cannabis establishment employee work permit must complete a fingerprint-based background check of the Mississippi Central Criminal Database and the Federal Bureau of Investigation Criminal History Database and must not have a disqualifying felony offense.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.1.6 A medical cannabis establishment employee work permit shall be valid for five

(5) years from the date of issuance.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.1.7 A medical cannabis establishment ~~agent~~ employee work permit shall be the property of the permitted individual and shall not be transferable to others.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.1.8 Anyone holding a valid medical cannabis establishment employee work permit shall notify the Department within 10 business days of a name change and complete a new application as specified in Subchapter 3 of this Chapter.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

## **Subchapter 2 Documentation Requirements for Applicants**

Rule 4.2.1 All applicants for a Medical Cannabis Agent Work Permit and registration must complete the application required by the Department and include the documentation outlined in this Subchapter, pay the appropriate nonrefundable application and background fees to the Department, and be registered and issued a valid work permit by the Department prior to working for a medical cannabis establishment licensed and registered by the Department or the MDOR .

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.2.2 All information and documents required by the Department, including but not limited to, the following must accompany an application for a medical cannabis employee work permit and registration:

1. Digital Photo
  - a. In color;
  - b. Passport style;
  - c. Taken within six (6) months of application;
  - d. Taken in front of a plain white or off-white background;
  - e. Taken in full-face view directly facing the camera;
  - f. With a neutral facial expression and both eyes open;
  - g. No hat or head covering that obscures the hair or hairline, unless

worn daily for a religious purpose. Full face must be visible, and the head covering must not cast any shadows on the face;

- h. Other photo requirements as specified by the Department;
- 2. Copy of a current driver's license or state-issued ID card issued by a state department of motor vehicles;
- 3. Copies of all current state issued professional licenses;
- 4. Authorization for the Department to perform a criminal history records check;
- 5. An attestation that the information provided to the Department to apply for a medical cannabis establishment employee work permit and registration is true and correct;
- 6. Fees as required by the Department.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

**Rule 4.2.3 Initial Application and Licensing Fees:**

- 1. Medical Cannabis Establishment Agent Work Permit and registration application fee - \$25.00
- 2. If applicable, current Department background records check fee
- 3. All payments must be made through the Department's electronic payment system.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

**Subchapter 3 Work Permit Renewal**

**Rule 4.3.1** All applicants renewing a Medical Cannabis Employee Work Permit and registration must complete the application required by the Department and include the documentation outlined in this Subchapter, pay the appropriate nonrefundable fees to the Department, and be registered and issued a valid work permit by the Department.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

**Rule 4.3.2** All information and documents required by the Department, including but not limited to, the following must accompany an application for renewal of a medical

cannabis employee work permit and registration:

1. Digital Photo
  - a. In color;
  - b. Passport style;
  - c. Taken within six (6) months of application;
  - d. Taken in front of a plain white or off-white background;
  - e. Taken in full-face view directly facing the camera;
  - f. With a neutral facial expression and both eyes open;
  - g. No hat or head covering that obscures the hair or hairline, unless worn daily for a religious purpose. Full face must be visible, and the head covering must not cast any shadows on the face;
  - h. Other photo requirements as specified by the Department;
2. Copy of a current driver's license or state-issued ID card issued by a state department of motor vehicles;
3. Copies of all current state issued professional licenses;
4. A Request for the Department to perform a criminal history records check, if desired by the medical cannabis establishment, or an attestation from the Medical cannabis establishment director that a criminal history background check has been performed;
5. An attestation that the information provided to the Department to apply for a medical cannabis establishment agent work permit and registration is true and correct;
6. Fees as required by the department.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.3.3 Renewal Application and Permit Fees:

1. Medical Cannabis Establishment Employee Work Permit and registration application fee - \$25.00
2. If applicable, current Department background records check fee
3. All payments must be made through the Department's electronic payment system.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

#### **Subchapter 4: Denial of Application for or Renewal of a Work Permit**

Rule 4.4.1 The Department may deny an application for or renewal of a work permit for any of the following reasons:

1. Failure to provide the information required in this Chapter;
2. Failure to meet the requirements set forth in this Chapter;
3. Provision of misleading, incorrect, false or fraudulent information;
4. Failure to pay all applicable fees as required;
5. Any other grounds that serve the purposes of this Chapter.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.4.2 If the Department denies an application for or renewal of a work permit, the Department shall notify the applicant in writing of the Department's decision, including the reason for denial.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.4.3 Denial of an application or renewal is considered a final Department action and is subject to judicial review as provided in Section 24 of the Mississippi Medical Cannabis Act.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

#### **Subchapter 5: Fines, Suspensions and Revocations**

Rule 4.5.1 The Department may fine, suspend or revoke the work permit issued by the Department for a violation of this Chapter or any rules and regulations under this Chapter or any disqualifying felony offense.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*

Rule 4.5.2 If an applicant for a medical cannabis establishment employee work permit or a

medical cannabis establishment employee wishes to appeal a decision by the Department to deny, suspend or revoke a medical cannabis employee work permit; or impose a fine, the applicant for a medical cannabis establishment employee work permit or the medical cannabis establishment employee shall file an administrative appeal in writing with the Department within twenty (20) days of receipt of the initial notice. If an applicant for a medical cannabis establishment employee work permit or a medical cannabis establishment employee fails to appeal the initial notice within twenty (20) days, the Departments decision becomes final. Any person or entity aggrieved by a final decision of the Department under the provisions of this Chapter may petition for judicial review of the decision or order as provided in Section 31 of the Mississippi Medical Cannabis Act.

*Source: Mississippi Medical Cannabis Act, S.B. 2095, Mississippi Legislature Regular Session 2022, Section 4(1) (3) and Section 21*