Section 25. The boards of trustees of an agricultural high school, or agricultural high school and junior college, or any municipal separate school district, and the county board of education, in the case of other school districts, are authorized and empowered to exercise the right of eminent domain, for the purpose of acquiring property to be used for school and playground purposes. However, the rights of eminent domain created hereunder shall not be used for the condemnation of the property of any school or college whatsoever, either private, fraternal, sectarian or denominational.

Section 26. From and after the effective date of this act, Chapter 3, Title 12, being Sections 2749 through 2782, inclusive, Mississippi Code of 1942, shall stand repealed.

Section 27. Nothing in this act shall be considered or construed to affect in any way any eminent domain proceeding filed before the effective date of this act and such proceeding may be prosecuted to final conclusion according to the law in effect on the date such proceeding was filed, but the provisions of Section 16 relating to direct appeals to the Supreme Court shall apply to cases pending in any county court at the effective date of this act wherein no appeal has been taken. Nothing in this act shall be construed or shall operate to negate, abridge or alter rights vested pursuant to any prior statutes repealed and reenacted hereby, or to affect judicial construction thereof.

Section 28. This act shall take effect and be in force from and after January 1, 1972.

Approved: April 15, 1971.

Editor's Note: The Attorney General has ruled that the reference in Section 7 of this Bill to Section "9" should read Section "8", and that the reference in Section 27 of this Bill to Section "16" should read Section "17".

CHAPTER 521

SENATE BILL No. 1957

AN ACT to provide for the creation of the Mississippi Bureau of Drug Enforcement within the State Board of Health and to set out its duties and responsibilities and that of the State Board of Pharmacy and the State Board of Health; to provide for the regulation of controlled substances; to define such substances; to provide penalties for the violation of this act; and to repeal Sections 6831-01 through 6831-11; Sections 6844, 6845, 6845.5, 6846, 6849 and 6850; Sections 6852, 6853, 6854, 6855, 6858, 6860, and 6863; and Sections 6864 through 6869, Mississippi Code of 1942, which provide for the present regulations, laws, penalties and procedures involving narcotics and other drugs.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. This act is to be known as the Uniform Controlled Substances Act.

Section 2. The purpose of this act is to make uniform the law of Mississippi, wherever possible, with respect to this subject among those states with the same or similar laws.

Section 3. There is hereby created the Mississippi Bureau of Drug Enforcement under the supervision and control of Mississippi State Board of Health. The said Bureau shall have as chief administrative officer a director who shall be appointed by the Governor with the advice and consent of the State Senate. The director is empowered to employ or appoint an assistant director and twenty-four (24) agents. The said director shall also employ such secretarial, clerical and administrative personnel as necessary for its operation, and shall have such quarters, equipment and facilities as needed.

The director, assistant director and agents so appointed shall be a citizen of the United States and of the State of Mississippi, of good moral character. The agents shall be not less than twenty-one (21) nor more than thirty-six (36) years of age at the time of such appointment. In addition thereto, those appointed shall have satisfactorily completed at least two (2) years of college studies. However, two (2) years of satisfactory service as a law enforcement officer and the completion of the prescribed course of study at a school operated by the Federal Bureau of Narcotics and Dangerous Drugs shall satisfy one (1) year of such college studies and four (4) years of satisfactory service as a law enforcement officer and the completion of the prescribed course of study at such Federal Bureau school as stated heretofore shall fully satisfy the two (2) years of college requirement. The director and assistant director shall also be required to complete a prescribed course of study at a school operated by the Federal Bureau of Narcotics and Dangerous Drugs.

During the period of the first twelve (12) months after appointment, any employee of the Bureau shall be subject to dismissal at the will of the Board. After twelve (12) months' service, no employee of the Bureau shall be subject to dismissal unless charges have been filed with the Board, showing cause for dismissal of said employee of the Bureau. A date shall be set for hearing before the Board and the employee notified in writing of the date of such hearing and of the charges filed. Said hearing shall be held not less than ten (10) days after notification to the employee. After hearing, at which the employee shall be entitled to legal counsel, a written order of the Board shall be necessary for dismissal and the decision shall

be final. Any such order of the Board shall be a public record and subject to inspection as such.

Section 4. The Mississippi Bureau of Drug Enforcement shall have the full cooperation and use of facilities and personnel of the State Board of Pharmacy, the State Board of Health, the District and County Attorneys and of the Attorney General's office. The commission shall also have the full cooperation of the Mississippi Highway Safety Patrol and of its personnel and facilities, but not to the extent so as to interfere with the regular, normal and lawful duties of the said patrol as previously set out by law prior to the passage of this act.

Section 5. The Board shall work in conjunction and cooperation with the State Board of Pharmacy, the District and County Attorneys, the office of the Attorney General and the Mississippi Highway Safety Patrol. The Board shall administer this act and may add substances to or delete or reschedule any or all substances enumerated in the listed schedules as set out in Sections 7, 8, 9, 10 and 11 of this act. In making a determination regarding a substance the Board shall consider the following:

(a) (1) The actual or relative potential for abuse;

(2) The scientific evidence of its pharmacological effect, if known;

(3) The state of current scientific knowledge regarding the substance;

(4) The history and current pattern of abuse;

(5) The scope, duration, and significance of abuse;

(6) The risk to the public health;

(7) The potential of the substance to produce psychic or physiological dependence liability; and

(8) Whether the substance is an immediate precursor of a substance already controlled under this article.

(b) After considering the factors enumerated in paragraph (a) the Board shall make findings with respect thereto and issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the Board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the Board, the State Board of Pharmacy shall control the substance under this act after the expiration of thirty (30) days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty-day period, the Mississippi Bureau of Drug Enforcement or the State Board of Pharmacy or the State Board of Health object to inclusion, rescheduling, or deletion. In that case, the objecting agency shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the Board shall publish its decision, which shall be final unless altered by statute. All such controlled substances designated, rescheduled, or deleted under federal law and which become final as herein provided shall be published and immediately distributed to all persons and agencies entitled under the law of this state to be provided with a copy of the Mississippi Code and to all licensed attorneys in this state and to such other persons, firms and corporations as the Board may deem appropriate.

(e) Authority to control under this act does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Local Option Alcoholic Beverage Control Law, being Section 10265-01, et seq., Mississippi Code of 1942, and the Tobacco Tax Law of 1934, being Section 10168, et seq., Mississippi Code of 1942, nor does it extend to the enforcement of any laws other than the enforcement of controlled substances.

The controlled substances listed in the schedules in Sections 7, 8, 9, 10, and 11 are included by whatever official, common, usual, chemical, or trade name designated.

(f) The Board shall exclude any nonnarcotic substance from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription.

Section 6. Definitions: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) A practitioner (or, in his presence, by his authorized agent), or

(2) The patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Board" means the Mississippi State Board of Health.

(d) "Bureau" means the Mississippi Bureau of Drug Enforcement within the Mississippi State Board of Health.

(e) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Sections 7, 8, 9, 10, and 11.

(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(g) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one (1) person to another of a controlled substance, whether or not there is an agency relationship.

(h) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in this paragraph. It does not include devices or their components, parts, or accessories.

(m) "Immediate precursor" means a substance which the State Board of Pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(n) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) By a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(o) "Marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

(p) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer,

derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocanized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(q) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Section 201 of this act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(r) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(s) "Paraphernalia" means needles, spoons, pipes, capsules, syringes, tourniquets, any form of packaging, or any other material used for taking or administering drugs.

(t) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(u) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(v) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(w) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(x) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(y) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a

member of his household or for administering to an animal owned by him or by a member of his household.

Section 7. The Board shall place a substance in Schedule I of this section if it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

(a) The controlled substances listed in this section are included in Schedule I.

SCHEDULE I

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethodol;
(2) Allylprodine;
(3) Alphacetylmethadol;
(4) Alphameprodine;
(5) Alphamethodol;
(6) Benzethidine;
(7) Betacetylmethadol;
(8) Betameprodine;
(9) Betamethadol;
(10) Betaprodine;
(11) Clonitazene;
(12) Dextromoramide;
(13) Dextrorphan;
(14) Diampromide;
(15) Diethylthiambutene;
(16) Dimenoxadol;
(17) Dimepheptanol;
(18) Dimethylthiambutene;
(19) Dioxaphetyl butyrate;
(20) Dipipanone;
(21) Ethylmethylthiambutene;
(22) Etonitazene;
(23) Etoxeridine;
(24) Furethidine;
(25) Hydroxpethidine;
(26) Ketobemidone;
(27) Levomoramide;
(28) Levophenacylmorphan;
(29) Morpheridine;
(30) Noracymethadol;
(31) Norlevorphanol;
(32) Normethadone;
(33) Norpipanone;
(34) Phenadoxone;
(35) Phenampromide;
(36) Phenomorphan;
(37) Phenoperidine;
(38) Piritramide;
(39) Proheptazine;
(40) Properidine;
(41) Racemoramide;
(42) Trimeperidine;

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Etorphine;
(10) Heroin;
(11) Hydromorphinol;
(12) Methyldesorphine;
(13) Methyldihydromorphine;
(14) Morphine methylbromide;
(15) Morphine methylsulfonate;
(16) Morphine-N-Oxide;
(17) Myrophine;
(18) Nicocodeine;
(19) Nicomorphine;
(20) Normorphine;
(21) Phoclodine;
(22) Thebacon.

Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 3,4-methylenedioxy amphetamine;
(2) 5-methoxy-3, 4-methylenedioxy amphetamine;
(3) 3,4,5-trimethoxy amphetamine;
(4) Bufotenine;
(5) Diethyltryptamine;
(6) Dimethyltryptamine;
(7) 4-methyl-2, 5-dimethoxylamphetamine;
(8) Ibogaine;
(9) Lysergic acid diethylamide; (LSD)
(10) Marihuana;
(11) Mescaline;
(12) Peyote;
(13) N-ethyl-3-piperidyl benzilate;
(14) N-methyl-3-piperidyl benzilate;
(15) Psilocybin;
(16) Psilocyn;
(17) Tetrahydrocannabinols.

Section 8. The Board shall place a substance in Schedule II of this section if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

(a) The controlled substances listed in this section are included in Schedule II.

SCHEDULE II

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specified chemical designation;

(1) Alphaprodine;
(2) Anileridine;
(3) Bezitramide;
(4) Dihydrocodeine;
(5) Diphenoxylate;
(6) Fentanyl;
(7) Isomethadone;
(8) Levomethorphan;
(9) Levorphanol;
(10) Metazocine;
(11) Methadone;
(12) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(13) Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
(14) Pethidine;
(15) Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperidine;

(16) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carboxylate;

(17) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(18) Phenazocine;

(19) Piminodine;

(20) Racemethorphan;

(21) Racemorphan.

Section 9. The Board shall place a substance in Schedule III of this section if it finds that:

(1) The substance has a potential for abuse less than the substances listed in Schedules I and II of Sections 7 and 8 of this act;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

(a) The controlled substances listed in this section are included in Schedule III.

SCHEDULE III

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Phenmetrazine and its salts;

(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;

(4) Methylphenidate.

(c) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules;

(2) Chlorhexadol;

(3) Glutethimide;

(4) Lysergic acid;
(5) Lysergic acid amide;
(6) Methyprylon;
(7) Phencyclidine;
(8) Sulfondiethylmethane;
(9) Sulfonethylmethane;
(10) Sulfonmethane.

(d) Nalorphine.

(e) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) The Board may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (b) and (c) of Section 9 of this act from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

Section 10. The Board shall place a substance in Schedule IV of this section if it finds that:

(1) The substance has a low potential for abuse relative to substances in Schedule III;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in said Schedule III.

(a) The controlled substances listed in this section are included in Schedule IV.

SCHEDULE IV

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Barbital;
(2) Chloral betaine;
(3) Chloral hydrate;
(4) Ethchlorvynol;
(5) Ethinamate;
(6) Methohexital;
(7) Meprobamate;
(8) Methylphenobarbital;
(9) Paraldehyde;
(10) Petrichloral;
(11) Phenobarbital.

(c) The Board may except by rule any compound, mixture, or preparation containing any depressant substance listed in paragraph (b) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

Section 11. The Board shall place a substance in Schedule V of this section if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in said Schedule IV.

(a) The controlled substances listed in this section are included in Schedule V.

SCHEDULE V

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable, medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

Section 12. The Board shall revise and republish the schedules as set out herein at least once every twelve (12) months.

Section 13. The State Board of Pharmacy may promulgate rules and regulations relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

(a) Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, must obtain annually a registration issued by the State Board of Pharmacy or State Board of Health, as appropriate, in accordance with its rules.

(b) Persons registered by the State Board of Pharmacy, with the consent of the United States Bureau of Narcotics and Dangerous Drugs, and the State Board of Health to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this act.

(c) The following persons need not register and may lawfully possess controlled substances under this act:

(1) An agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment;

(2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance as defined in Section 11 of this act.

(d) The State Board of Pharmacy may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The State Board of Pharmacy, Mississippi Bureau of Drug Enforcement, and the State Board of Health may inspect the establishment of a registrant or applicant for registration in accordance with the regulations of these agencies as approved by the board.

Section 14. (a) The State Board of Pharmacy shall register an applicant to manufacture or distribute controlled substances included in Sections 7, 8, 9, 10, and 11 of this act unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the State Board of Pharmacy shall consider the following factors:

(1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) Past experience in the manufacture or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material in any application filed under this act;

(6) Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) Any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II, as set out in Sections 7 and 8 of this bill, other than those specified in the registration.

(c) Practitioners must be registered to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V, as set out in Sections 8, 9, 10, and 11 of this act, if they are authorized to dispense or conduct research under the law of this state. The State Board of Pharmacy need not require separate registration under this section for practitioners engaging in research with nonnarcotic controlled substances in the said Schedules II through V where the registrant is already registered therein in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances, as set out in Section 7 of this act, may conduct research with Schedule I substances within this state upon furnishing the State Board of Health evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) entitles them to be registered under this act.

Section 15. (a) A registration to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the State Board of Pharmacy upon a finding that the registrant:

(1) Has furnished false or fraudulent material information in any application filed under this act;

(2) Has been convicted of a felony within the past five (5) years and has not been pardoned and his citizenship restored under any state or federal law relating to any controlled substance; or

(3) Has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances.

(b) The State Board of Pharmacy may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) If the Board or the State Board of Pharmacy suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state. The State Board of Pharmacy shall promptly notify the Mississippi Bureau of Drug Enforcement of all orders of suspensions or revocations.

(d) The Mississippi Bureau of Drug Enforcement shall promptly notify the Federal Bureau of Narcotics and Dangerous Drugs of all orders suspending or revoking registration and all forfeitures of controlled substances.

Section 16. (a) Before denying, suspending or revoking a registration, or refusing a renewal of registration, the State Board of Pharmacy shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended, or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the State Board of Pharmacy at a time and place not less than thirty (30) days after the date of service of the order, but in the case of a denial or renewal of registration the show cause order shall be served not later than thirty (30) days before the expiration of the registration. These proceedings shall be conducted in accordance with present administrative procedures without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

(b) The Mississippi Bureau of Drug Enforcement or the State Board of Pharmacy may suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under Section 15 of this act, or where renewal of registration is refused, if they find that there is an imminent danger to the public health or safety which warrants this

action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the suspending agency or dissolved by a court of competent jurisdiction.

Section 17. Persons registered to manufacture, distribute, or dispense controlled substances under this act shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of federal law and with any additional rules the State Board of Pharmacy and State Board of Health may issue.

Section 18. Controlled substances in Schedules I and II of Sections 7 and 8 of this act shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

Section 19. (a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II, as set out in Section 8 of this act, may be dispensed without the written prescription of a practitioner. Provided, however, a practitioner shall keep a record of all controlled substances in Schedule I, II and III administered, dispensed or professionally used by him otherwise than by prescription.

(b) In emergency situations, as defined by rule of the State Board of Pharmacy, the said Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of Section 17 of this act. No prescription for a Schedule II substance may be refilled unless renewed by prescription issued by a licensed medical doctor.

(c) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, as set out in Sections 9 and 10 of this act, which is a prescription drug as determined under Federal Control Substance Act, shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner.

(d) A controlled substance included in Schedule V, as set out in Section 11 of this act, shall not be distributed or dispensed other than for a medical purpose.

Section 20. (a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess a controlled substance.

Any person who violates this subsection with respect to:

(1) A controlled substance classified in Schedule I or II, as set out in Sections 7 and 8 of this act, which is a narcotic drug, is guilty of a felony and upon conviction may be imprisoned for not more than six (6) years, or fined not more than Two Thousand Dollars ($2,000.00), or both;

(2) Any other controlled substance classified in Schedule I, II, or III, as set out in Sections 7, 8, and 9 of this act, is guilty of a felony and upon conviction may be imprisoned for not more than four (4) years, or fined not more than Two Thousand Dollars ($2,000.00), or both;

(3) A substance classified in Schedule IV, as set out in Section 10 of this act, is guilty of a felony and upon conviction may be imprisoned for not more than two (2) years, or fined not more than One Thousand Dollars ($1,000.00), or both;

(4) A substance classified in Schedule V, as set out in Section 11 of this act, is guilty of a misdemeanor and upon conviction may be confined for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

Any person who violates this subsection with respect to:

(1) A counterfeit substance classified in the said Schedule I or II which is a narcotic drug, is guilty of a felony and upon conviction may be imprisoned for not more than six (6) years, or fined not more than Two Thousand Dollars ($2,000.00), or both;

(2) Any other counterfeit substance classified in Schedule I, II, or III, as defined in Sections 7, 8 and 9 of this act, is guilty of a felony and upon conviction may be imprisoned for not more than four (4) years, or fined not more than One Thousand Dollars ($1,000.00), or both;

(3) A counterfeit substance classified in Schedule IV, as defined in Section 10 of this act, is guilty of a felony and upon conviction may be imprisoned for not more than two (2) years, or fined not more than One Thousand Dollars ($1,000.00), or both;

(4) A counterfeit substance classified in Schedule V, as defined in Section 11 of this act, is guilty of a misdemeanor and upon conviction may be confined for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was ob-

tained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a misdemeanor and upon conviction, may be confined for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.

(d) It is unlawful for a person who is not authorized by the State Board of Health or other lawful or proper authority to possess paraphernalia to be used for the purpose of taking or administering a controlled substance. Any person who violates this subsection is guilty of a misdemeanor and upon conviction, may be confined for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.

Section 21. It is unlawful for any person:

(1) Who is subject to Section 13 of this act to distribute or dispense a controlled substance in violation of Section 19 of this act;

(2) Who is a registrant under Section 13 of this act to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person.

(3) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this act;

(4) To refuse a lawful entry into any premises for any inspection authorized by this act; or

(5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this act for the purpose of using these substances, or which is used for keeping or selling them in violation of this act.

Any person who violates this section is guilty of a crime and upon conviction may be confined for not more than one (1) year or fined not more than One Thousand Dollars ($1,000.00) or both.

Section 22. It is unlawful for any person knowingly or intentionally:

(1) To distribute as a registrant a controlled substance classified in Schedule I or II, as set out in Sections 7 and 8 of this act, except pursuant to an order form as required by Section 18 of this act;

(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;

(4) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act; or

(5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

Any person who violates this section is guilty of a crime and upon conviction may be confined for not more than one (1) year or fined not more than One Thousand Dollars ($1,000.00), or both.

Section 23. Any penalty imposed for violation of this act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

If a violation of this act is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

Section 24. Any person twenty-one (21) years of age or over who violates Section 20 of this act by distributing a controlled substance heretofore defined in Schedule I or II of Sections 7 and 8 of this act which is a narcotic drug to a person under twenty-one (21) years of age is punishable by the fine authorized by Section 20 of this act and a term of imprisonment of up to twice that authorized by said Section 20, or by both. Any person eighteen (18) years of age or over who violates said Section 20 by distributing any other controlled substance listed in Schedules I, II, III, IV, and V, as set out in Sections 7, 8, 9, 10, and 11 of this act, to a person under eighteen (18) years of age is punishable by the fine authorized by the said Section 20, or by a term of imprisonment or confinement up to twice that authorized by said Section 20, or both.

(a) Any person convicted of a second or subsequent offense under this act may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs.

(c) This section does not apply to offenses under paragraph (c) of Section 20.

(d) However, regardless of the penalties provided heretofore for the violation of any section or portion of this act, the judge of the court of jurisdiction of any defendant may, in his discretion, suspend such penalty, penalties, or portions thereof, for any person charged with a first offense.

(e) A person convicted under this act or under any previous act for a violation of the law regarding controlled substances shall be eligible for parole just as in any other criminal conviction as provided by Section 4004-03, Mississippi Code of 1942.

(f) Any person who was convicted and/or who is still serving a sentence in the Mississippi State Penitentiary for a first offense under any act hereunder repealed may, upon the enactment of this act, petition the court of original jurisdiction for resentencing under the provisions of this act.

(g) Any person previously indicted under a prior act for violation of any law regarding controlled substances but not yet sentenced shall be sentenced under the provisions of this act.

(h) For the purposes of the sentencing provisions of the act, a first offense shall be deemed to be and include any offense, offenses, act or acts prohibited by this act, or any act herein repealed, committed prior to a first indictment under this act or under any act herein repealed.

Section 25. Any officer or employee of the Mississippi Bureau of Drug Enforcement, Investigative Unit of State Board of Pharmacy, Investigative Unit of State Board of Health, or any investigative unit of local law enforcement officers or highway patrolmen engaged exclusively in drug enforcement designated by the Mississippi Bureau of Drug Enforcement, or by the State Board of Pharmacy, or the State Board of Health may:

(1) Carry firearms in the performance of his official duties;

(2) Execute and serve search warrants, subpoenas, and summonses issued under the authority of this state;

(3) Make arrests without warrant for any offense under this act committed in his presence, or if he has probable cause

to believe that the person to be arrested has committed or is committing a violation of this act which may constitute a felony; or

(4) Make seizures of property pursuant to this act.

The primary responsibility of the illicit street traffic or other illicit traffic of drugs is delegated to agents of the Mississippi Bureau of Drug Enforcement. The State Board of Pharmacy is delegated the responsibility of regulating and checking the legitimate drug traffic among pharmacists, pharmacies, hospitals, nursing homes, drug manufacturers, and any other related profession which is involved with legitimate drug traffic, with the exception of the medical and veterinary professions. The State Board of Health is responsible for the legitimate drug traffic among nurses, physicians and veterinarians.

Section 26. (a) Issuance and execution of administrative inspection warrants and search warrants shall be as follows:

(1) A judge of any state court of record, or any justice of the peace within his jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this act or rules hereunder, and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this act or rules hereunder, sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant and all such warrants shall be served during normal business hours;

(2) A search warrant shall issue only upon an affidavit of a person having knowledge of the facts alleged, sworn to before the judge or justice of the peace and establishing the grounds for issuing the warrant. If the judge or justice of the peace is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be searched, the purpose of the search, and, if appropriate, the type of property to be searched, if any. The warrant shall:

(A) State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;

(B) Be directed to a person authorized by Section 25 of this act to execute it;

(C) Command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified, and if appropriate, direct the seizure of the property specified;

(D) Identify the item or types of property to be seized, if any;

(E) Direct that it be served and designate the judge or magistrate to whom it shall be returned;

(3) A warrant issued pursuant to this section must be executed and returned within ten (10) days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy shall be given to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant shall be made promptly, accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if present, or in the presence of at least one (1) credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant;

(4) The judge or justice of the peace who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the appropriate state court for the judicial district in which the inspection was made.

(b) The Mississippi Bureau of Drug Enforcement, the State Board of Pharmacy, or the State Board of Health may make administrative inspections of controlled premises in accordance with the following provisions:

(1) For purposes of this section only, "controlled premises" means:

(A) Places where persons registered or exempted from registration requirements under this act are required to keep records; and

(B) Places including factories, warehouses, establishments, and conveyances in which persons registered or exempted from registration requirements under this act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.

(2) When authorized by an administrative inspection warrant issued in accordance with the conditions imposed in this section an officer or employee designated by the Mississippi Bureau of Drug Enforcement, the State Board of Pharmacy, or by the State Board of Health, upon presenting the warrant and appropriate credentials to the owner, operator, or agent

in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

(3) When authorized by an administrative inspection warrant, an officer or employee designated by the Mississippi Bureau of Drug Enforcement, the State Board of Pharmacy, or by the State Board of Health may:

(A) Inspect and copy records required by this act to be kept;

(B) Inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in paragraph (5) of this section, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of this act; and

(C) Inventory any stock of any controlled substance therein and obtain samples thereof.

(4) This section does not prevent the inspection without a warrant of books and records pursuant to an administrative subpoena, nor does it prevent entries and administrative inspections, including seizures of property, without a warrant:

(A) If the owner, operator, or agent in charge of the controlled premises consents;

(B) In situations presenting imminent danger to health or safety;

(C) In situations involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(D) In any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; or

(E) In all other situations in which a warrant is not constitutionally required.

(5) An inspection authorized by this section shall not extend to financial data, sales data, other than shipment data, or pricing data unless the owner, operator, or agent in charge of the controlled premises consents in writing.

Section 27. The trial courts of this state have jurisdiction to restrain or enjoin violations of this act.

The defendant may demand trial by jury for an alleged violation of an injunction or restraining order under this section.

Section 28. (a) The Board, the Mississippi Bureau of Drug Enforcement, and the State Board of Pharmacy, shall cooperate

with federal and other state agencies in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, they may:

(1) Arrange for the exchange of information among governmental officials concerning the use and abuse of controlled substances;

(2) Coordinate and cooperate in training programs concerning controlled substance law enforcement at local and state levels;

(3) Cooperate with the Federal Bureau of Narcotics and Dangerous Drugs by establishing a centralized unit to accept, catalogue, file, and collect statistics, including records of drug dependent persons and other controlled substance law offenders within the state, and make the information available for federal, state and local law enforcement purposes.

(4) Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

(b) Results, information, and evidence received from the Federal Bureau of Narcotics and Dangerous Drugs relating to the regulatory functions of this act, including results of inspections conducted by it may be relied and acted upon by the Mississippi Bureau of Drug Enforcement, the State Board of Pharmacy, and the State Board of Health in the exercise of its regulatory functions under this act.

Section 29. (a) The following are subject to forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this act;

(2) All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this act;

(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2) of this section;

(4) All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (1) or (2) of this section, however:

(A) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is

subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act;

(B) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent; and

(C) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this act.

(b) Property subject to forfeiture under this act may be seized by the Mississippi Bureau of Drug Enforcement or by drug units of local law enforcement officers or highway patrolmen engaged exclusively in drug enforcement designated by the Mississippi Bureau of Drug Enforcement, the State Board of Pharmacy, or the State Board of Health, upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this act;

(3) The Mississippi Bureau of Drug Enforcement, local law enforcement officers or highway patrolmen, the State Board of Pharmacy, or the State Board of Health, have probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The Mississippi Bureau of Drug Enforcement or drug units of local law enforcement officers or highway patrolmen engaged exclusively in drug enforcement designated by the Mississippi Bureau of Drug Enforcement, the State Board of Pharmacy, or the State Board of Health have probable cause to believe that the property was used or is intended to be used in violation of this act.

(c) In the event of seizure pursuant to paragraph (b) of this section, proceedings shall be instituted promptly as hereinafter set out in paragraph (d).

(d) Property taken or detained under this section is deemed to be in the custody of the Mississippi Bureau of Drug Enforcement or the State Board of Pharmacy or the State Board of Health subject only to the orders and decrees of the circuit court. When property is seized under this act, the agency so seizing the property may:

(1) Place the property under seal;

(2) Remove the property to a place designated by the agency; or

(3) Require the Mississippi Bureau of Drug Enforcement to remove it to an appropriate location for disposition in accordance with law.

(e) When property is forfeited under this act the agency involved may:

(1) Retain it for official use;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds shall be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs;

(3) Forward it to the Federal Bureau of Narcotics and Dangerous Drugs for disposition.

(f) Controlled substances listed in Schedule I of Section 7 of this act that are possessed, transferred, sold, or offered for sale in violation of this act are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in the said Schedule I, which are seized or come into the possession of the state, the owners of which are unknown, are contraband and shall be summarily forfeited to the state.

(g) Species of plants from which controlled substances in Schedules I and II of Sections 7 and 8 of this act may be derived which have been planted or cultivated in violation of this act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the state.

(h) The failure, upon demand by the Mississippi Bureau of Drug Enforcement and/or drug units of local law enforcement officers, or their authorized agent, or highway patrolmen engaged exclusively in drug enforcement designated by the Mississippi Bureau of Drug Enforcement, the State Board of Pharmacy, or the State Board of Health, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate

registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

Section 30. All final determinations, findings and conclusions of the Board under this act are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision in the circuit court.

Section 31. The Mississippi Bureau of Drug Enforcement and State Board of Education shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs they may:

(1) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(2) Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(3) Consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(4) Evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

(5) Disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and

(6) Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

Section 32. (a) The Mississippi Bureau of Drug Enforcement, the State Board of Pharmacy, and the State Board of Health shall encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this act, they may:

(1) Establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;

(2) Make studies and undertake programs of research to:

(A) Develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this act;

(B) Determine patterns of misuse and abuse of controlled substances and the social effects thereof; and

(C) Improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances;

(3) Enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

(b) The Mississippi Bureau of Drug Enforcement and the State Board of Education may enter into contracts for educational and research activities without performance bonds.

(c) The Board may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

Section 33. (a) Prosecution for any violation of law occurring prior to the effective date of this act shall not be affected or abated by this act and the penalty for such violation shall be prescribed in accordance with Section 24(g) of this act.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this act are not affected by this act.

(c) All administrative proceedings pending under prior laws which are superseded by this act shall be continued and brought to a final determination in accord with the laws and rules in effect prior to the effective date of the act. Any substance controlled under prior law which is not listed within Schedules I through V as defined in Sections 7, 8, 9, 10 and 11 of this act is automatically controlled without further proceedings and shall be listed in the appropriate schedule.

(d) The State Board of Pharmacy and State Board of Health shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution, or dispensing of any controlled substance prior to the effective date of this act and who are registered or licensed by the state.

(e) This act applies to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following its effective date.

Section 34. All officers or employees of the Mississippi Bureau of Drug Enforcement who are authorized to investigate, carry firearms, serve search warrants, and do all things as set forth in this act shall prior to entering upon the discharge of his duties enter into a good and sufficient surety bond in the

sum of Ten Thousand Dollars ($10,000.00) with a surety company authorized and doing business within the State of Mississippi. The said bond herein is conditioned upon the faithful performance of the duties of his office. All premiums shall be paid as are other expenses of the Bureau.

Section 35. Any person being aggrieved by any conviction or order of any board or commission authorized under this act shall have a right to appeal from said order or conviction to the circuit court of the county of the residence of the defendant or of the county where the offense was committed, and that said appeal shall be tried de novo. Appeals taken under this act shall be perfected as all other appeals to the circuit court.

Section 36. Any orders and rules promulgated under any law affected by this act and in effect on the effective date of this act and not in conflict with it shall continue in effect until modified, superseded or repealed.

Section 37. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 38. Sections 6831-01, 6831-02, 6831-03, 6831-04, 6831-05, 6831-06, 6831-07, 6831-08, 6831-09, 6831-10, 6831-11, 6844, 6845, 6845.5, 6846, 6849, 6850, 6852, 6853, 6854, 6855, 6858, 6860, 6863, 6864, 6865, 6866, 6867, 6868, and 6869 are hereby repealed.

Section 39. This act shall take effect and be in force from and after its passage.

Approved: April 16, 1971.

CHAPTER 522

SENATE BILL NO. 1767

AN ACT to provide regulations for safety in the manufacturing or selling of eyeglasses or sunglasses, and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. (a) No person shall fabricate, sell, offer to sell, or have in his possession with intent to sell or offer to sell eyeglasses or sunglasses unless they are fitted with plastic lenses, with laminated lenses, or with glass lenses which are tempered or case hardened. Glass lenses shall have a minimum center thickness of two (2) millimeters, in all cases except those cases where such lenses will not fulfill the visual requirements of the particular patient.