



June 11, 2025

The Honorable Lee Yancey
Mississippi House of Representatives
192 Dogwood Place
Flowood, Mississippi 39232

RE: Legality of Hemp Products for Human Ingestion and/or Consumption

Dear Representative Yancey:

The Office of the Attorney General has received your request for an official opinion.

Questions Presented

1. Is the sale of a product derived from the hemp plant designed for human ingestion and/or consumption that is not approved by the United States Food and Drug Administration ("FDA") prohibited in this state, except, if at all, by a duly licensed medical cannabis dispensary and in strict accordance with the provisions of the Mississippi Medical Cannabis Act?
2. Is the possession of a product derived from the hemp plant designed for human ingestion and/or consumption that is not approved by the United States FDA prohibited in this state, except, if at all, by a person possessing a valid medical cannabis card and in strict compliance with the provisions of the Mississippi Medical Cannabis Act?
3. If the sale and/or possession of a product derived from the hemp plant designed for human ingestion and/or consumption that is not approved by the United States FDA is not prohibited in this state, except, if at all, in strict accordance with the provisions of the Mississippi Medical Cannabis Act, is it within the authority of a municipality, county, or other political subdivision of this state to enact, adopt, and enforce a rule, ordinance, order, resolution, or other regulation that prohibits or penalizes the sale and/or possession of the same?

Brief Response

1. Except for products sold through a duly licensed medical cannabis dispensary and in strict accordance with the provisions of the Mississippi Medical Cannabis Act, the sale of a product derived from the hemp plant designed for human ingestion and/or consumption that is not approved by the United States FDA is prohibited under Mississippi's Uniform Controlled Substances Law.
2. Except for products possessed in strict accordance with the provisions of the Mississippi Medical Cannabis Act, the possession—with intent to sell, barter, transfer, manufacture, distribute or dispense— of a product derived from the hemp plant designed for human ingestion and/or consumption that is not approved by the United States FDA is prohibited under Mississippi's Uniform Controlled Substances Law. However, because the cultivation of hemp in Mississippi is legalized, licensed, and controlled by federal law, a complete response to your request is outside the scope of an official opinion.¹
3. Due to the answers to questions one and two, this question is moot.

Applicable Law and Discussion

Hemp is legally grown in Mississippi with a license obtained through “the U.S. Department of Agriculture (USDA) under the USDA Domestic Hemp Production Program.” *Hemp Cultivation in Mississippi*, <https://www.mdac.ms.gov/hemp-cultivation-in-ms/> (last visited June 10, 2025). Therein, hemp is defined as “the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.” 7 U.S.C. § 1639o.

Mississippi law does not specifically address the possession or sale of products derived from the hemp plant designed for human ingestion and/or consumption. However, as implied by your questions, the Mississippi Medical Cannabis Act, Sections 41-137-1, *et seq.*, allows for the sale and possession of *medical* cannabis products, including edible cannabis products, “[s]ubject to the conditions, limitations, and requirements and exceptions set forth in [that] chapter.” *See* Miss. Code Ann. § 41-137-9(2).

The sale and possession of controlled substances, generally, is addressed in Mississippi's Uniform Controlled Substances Law, Sections 41-29-101, *et seq.* Pursuant to Section 41-29-139(a), “it is unlawful for any person knowingly or intentionally . . . [t]o *sell, barter, transfer, manufacture, distribute, dispense or possess with intent to sell, barter, transfer, manufacture, distribute or dispense*, a controlled substance.” (emphasis added). Marijuana and THC are included on

¹ The Mississippi Hemp Cultivation Act, Mississippi Code Annotated Sections 69-25-201, *et seq.*, has not been implemented. *See Hemp Cultivation in Mississippi*, <https://www.mdac.ms.gov/hemp-cultivation-in-ms/> (last visited June 10, 2025) (“Although the act allowed for a state hemp cultivation program, the necessary funding to implement the program was not appropriated by the Mississippi Legislature.”); *see also* Miss. Code Ann. § 69-25-223 (“The provisions of this article . . . shall be subject to legislative appropriation or receipt of necessary funding from any private or public entity for purposes of implementation.”).

Mississippi's Schedule I controlled substances list. Miss. Code Ann. § 41-29-113(d)(23)(A); (31). Marijuana is defined as "all parts of the plant of the genus *Cannabis* and all species thereof, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds, excluding hashish." Miss. Code Ann. § 41-29-105(r). THC is defined as:

Tetrahydrocannabinols, meaning tetrahydrocannabinols contained in a plant of the genus *Cannabis* (cannabis plant), as well as the synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant

Miss. Code Ann. § 41-29-113(d)(31). There are certain exemptions from these two Schedule I controlled substances, such as medical cannabis products as defined and regulated under Sections 41-137-1, *et seq.*, and "[a]ny product derived from the hemp plant designed for human ingestion and/or consumption that is *approved by the United States [FDA]*."² Miss. Code Ann. § 41-29-113(d)(31)(vi) (emphasis added).

While Mississippi's Uniform Controlled Substances Law may prohibit the sale or possession (with intent) of a product derived from the hemp plant designed for human ingestion and/or consumption that is not approved by the United States FDA—except for products sold or possessed in strict accordance with the provisions of the Mississippi Medical Cannabis Act—the cultivation of hemp in Mississippi is legalized, licensed, and controlled by federal law. In accordance with Section 7-5-25, this office cannot opine on questions of federal law. Therefore, to the extent that federal law controls the issues presented in your request, a complete response is outside the scope of an official opinion.

In the event any prior opinions conflict with this one, this opinion is controlling on the issues presented in your request.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Maggie Kate Bobo

Maggie Kate Bobo
Special Assistant Attorney General

² Pursuant to Section 41-29-113(d)(23)(A) and (d)(31)(v), "[h]emp as defined and regulated under Sections 69-25-201 through 69-25-221" is also exempt from control. However, as stated *supra*, these Sections, commonly known as the Mississippi Hemp Cultivation Act, have not been implemented.