HOUSE BILL NO. 258

AN ACT TO AMEND SECTION 67-5-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "NATIVE WINE" TO DELETE THE REQUIREMENT THAT AT LEAST FIFTY-ONE PERCENT OF THE FINISHED PRODUCT BY VOLUME BE OBTAINED FROM FERMENTATION OF GRAPES, FRUITS, BERRIES, HONEY OR VEGETABLES GROWN AND PRODUCED IN MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-5-5, Mississippi Code of 1972, is amended as follows:

67-5-5. For purposes of this chapter, the following words and phrases shall have the definitions ascribed herein, unless the context otherwise requires:

(a) "Native wine" shall mean any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The commission shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon. ***

(b) "Native winery" shall mean any place or establishment within this state where native wine is produced in whole or in part for sale.
ST: Native wine; delete requirement that at least certain percent of product be obtained from ingredients grown and produced in this state.

(c) "Produce" shall mean to do or to perform any act or thing in the process of making native wine.

(d) "Person" shall mean one or more natural persons, or a corporation, partnership or association.

(e) "Producer" shall mean any person who owns, operates or conducts a native winery, but it does not mean the employees of such persons.

(f) "Consumer" shall mean any person who purchases native wine for the purpose of consuming it, giving it away, or distributing it in any way other than by sale, barter or exchange.

(g) "Commission" shall mean the Mississippi State Tax Commission.

(h) "Division" shall mean the Alcoholic Beverage Control Division of the State Tax Commission.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.