

By: Representative Warren

To: Ways and Means

HOUSE BILL NO. 245
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 67-1-37, 67-3-31, 67-3-37 AND
2 67-3-74, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2007,
3 THE REPEAL DATE ON THE PROVISIONS THAT AUTHORIZE THE ENFORCEMENT
4 AGENTS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE STATE TAX
5 COMMISSION TO ENFORCE CERTAIN PROVISIONS OF THE LIGHT WINE AND
6 BEER LAWS; TO AMEND SECTION 67-3-69, MISSISSIPPI CODE OF 1972, TO
7 REVISE THE ADMINISTRATIVE PENALTIES THAT MAY BE IMPOSED BY THE
8 STATE TAX COMMISSION FOR THE SALE OF LIGHT BEER OR WINE TO A
9 PERSON WHO IS VISIBLY INTOXICATED OR WHO IS UNDER THE AGE OF 21
10 YEARS; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 67-1-37, Mississippi Code of 1972, is
13 amended as follows:

14 [Until July 1, 2007, this section will read as follows:]

15 67-1-37. The State Tax Commission, under its duties and
16 powers with respect to the Alcoholic Beverage Control Division
17 therein, shall have the following powers, functions and duties:

18 (a) To issue or refuse to issue any permit provided for
19 by this chapter, or to extend the permit or remit in whole or any
20 part of the permit monies when the permit cannot be used due to a
21 natural disaster or Act of God.

22 (b) To revoke, suspend or cancel, for violation of or
23 noncompliance with the provisions of this chapter, or the law
24 governing the production and sale of native wines, or any lawful
25 rules and regulations of the commission issued hereunder, or for
26 other sufficient cause, any permit issued by it under the
27 provisions of this chapter; however, no such permit shall be
28 revoked, suspended or cancelled except after a hearing of which
29 the permit holder shall have been given reasonable notice and an
30 opportunity to be heard. The board shall be authorized to suspend
31 the permit of any permit holder for being out of compliance with

32 an order for support, as defined in Section 93-11-153. The
33 procedure for suspension of a permit for being out of compliance
34 with an order for support, and the procedure for the reissuance or
35 reinstatement of a permit suspended for that purpose, and the
36 payment of any fees for the reissuance or reinstatement of a
37 permit suspended for that purpose, shall be governed by Section
38 93-11-157 or Section 93-11-163, as the case may be. If there is
39 any conflict between any provision of Section 93-11-157 or Section
40 93-11-163 and any provision of this chapter, the provisions of
41 Section 93-11-157 or Section 93-11-163, as the case may be, shall
42 control.

43 (c) To prescribe forms of permits and applications for
44 permits and of all reports which it deems necessary in
45 administering this chapter.

46 (d) To fix standards, not in conflict with those
47 prescribed by any law of this state or of the United States, to
48 secure the use of proper ingredients and methods of manufacture of
49 alcoholic beverages.

50 (e) To issue rules regulating the advertising of
51 alcoholic beverages in the state in any class of media and
52 permitting advertising of the retail price of alcoholic beverages.

53 (f) To issue reasonable rules and regulations, not
54 inconsistent with the federal laws or regulations, requiring
55 informative labeling of all alcoholic beverages offered for sale
56 within this state and providing for the standards of fill and
57 shapes of retail containers of alcoholic beverages; however, such
58 containers shall not contain less than fifty (50) milliliters by
59 liquid measure.

60 (g) Subject to the provisions of subsection (3) of
61 Section 67-1-51, to issue rules and regulations governing the
62 issuance of retail permits for premises located near or around
63 schools, colleges, universities, churches and other public
64 institutions, and specifying the distances therefrom within which

65 no such permit shall be issued. The Alcoholic Beverage Control
66 Division shall not allow the sale or consumption of alcoholic
67 beverages in or on the campus of any public school or college, and
68 no alcoholic beverage shall be for sale or consumed at any public
69 athletic event at any grammar or high school or any college.

70 (h) To adopt and promulgate, repeal and amend, such
71 rules, regulations, standards, requirements and orders, not
72 inconsistent with this chapter or any law of this state or of the
73 United States, as it deems necessary to control the manufacture,
74 importation, transportation, distribution and sale of alcoholic
75 liquor, whether intended for beverage or nonbeverage use in a
76 manner not inconsistent with the provisions of this chapter or any
77 other statute, including the native wine laws.

78 (i) To call upon other administrative departments of
79 the state, county and municipal governments, county and city
80 police departments and upon prosecuting officers for such
81 information and assistance as it may deem necessary in the
82 performance of its duties.

83 (j) To prepare and submit to the Governor during the
84 month of January of each year a detailed report of its official
85 acts during the preceding fiscal year ending June 30, including
86 such recommendations as it may see fit to make, and to transmit a
87 like report to each member of the Legislature of this state upon
88 the convening thereof at its next regular session.

89 (k) To inspect, or cause to be inspected, any premises
90 where alcoholic liquors intended for sale are manufactured,
91 stored, distributed or sold, and to examine or cause to be
92 examined all books and records pertaining to the business
93 conducted therein.

94 (l) In the conduct of any hearing authorized to be held
95 by the commission, to hear testimony and take proof material for
96 its information in the discharge of its duties under this chapter;
97 to issue subpoenas, which shall be effective in any part of this

98 state, requiring the attendance of witnesses and the production of
99 books and records; to administer or cause to be administered
100 oaths; and to examine or cause to be examined any witness under
101 oath. Any court of record, or any judge thereof, may by order
102 duly entered require the attendance of witnesses and the
103 production of relevant books subpoenaed by the commission, and
104 such court or judge may compel obedience to its or his order by
105 proceedings for contempt.

106 (m) To investigate the administration of laws in
107 relation to alcoholic liquors in this and other states and any
108 foreign countries, and to recommend from time to time to the
109 Governor and through him to the Legislature of this state such
110 amendments to this chapter, if any, as it may think desirable.

111 (n) To designate hours and days when alcoholic
112 beverages may be sold in different localities in the state which
113 permit such sale.

114 (o) To assign employees to posts of duty at locations
115 where they will be most beneficial for the control of alcoholic
116 beverages, to remove, to dismiss, to suspend without pay, to act
117 as a trial board in hearings based upon charges against employees.
118 After twelve (12) months' service, no employee shall be removed,
119 dismissed, demoted or suspended without just cause and only after
120 being furnished with reasons for such removal, dismissal, demotion
121 or suspension, and upon request given a hearing in his own
122 defense.

123 (p) All hearings conducted by the commission shall be
124 open to the public, and, when deemed necessary, a written
125 transcript shall be made of the testimony introduced thereat.

126 (q) To adopt and promulgate rules and regulations for
127 suspension or revocation of identification cards of employees of
128 permittees for violations of the alcoholic beverage control laws,
129 rules or regulations.

130 (r) To enforce the provisions made unlawful by Sections
131 67-3-13, 67-3-15, 67-3-53 and 67-3-70.

132 **[From and after July 1, 2007, this section will read as**
133 **follows:]**

134 67-1-37. The State Tax Commission, under its duties and
135 powers with respect to the Alcoholic Beverage Control Division
136 therein, shall have the following powers, functions and duties:

137 (a) To issue or refuse to issue any permit provided for
138 by this chapter, or to extend the permit or remit in whole or any
139 part of the permit monies when the permit cannot be used due to a
140 natural disaster or Act of God.

141 (b) To revoke, suspend or cancel, for violation of or
142 noncompliance with the provisions of this chapter, or the law
143 governing the production and sale of native wines, or any lawful
144 rules and regulations of the commission issued hereunder, or for
145 other sufficient cause, any permit issued by it under the
146 provisions of this chapter; however, no such permit shall be
147 revoked, suspended or cancelled except after a hearing of which
148 the permit holder shall have been given reasonable notice and an
149 opportunity to be heard. The board shall be authorized to suspend
150 the permit of any permit holder for being out of compliance with
151 an order for support, as defined in Section 93-11-153. The
152 procedure for suspension of a permit for being out of compliance
153 with an order for support, and the procedure for the reissuance or
154 reinstatement of a permit suspended for that purpose, and the
155 payment of any fees for the reissuance or reinstatement of a
156 permit suspended for that purpose, shall be governed by Section
157 93-11-157 or 93-11-163, as the case may be. If there is any
158 conflict between any provision of Section 93-11-157 or 93-11-163
159 and any provision of this chapter, the provisions of Section
160 93-11-157 or 93-11-163, as the case may be, shall control.

161 (c) To prescribe forms of permits and applications for
162 permits and of all reports which it deems necessary in
163 administering this chapter.

164 (d) To fix standards, not in conflict with those
165 prescribed by any law of this state or of the United States, to
166 secure the use of proper ingredients and methods of manufacture of
167 alcoholic beverages.

168 (e) To issue rules regulating the advertising of
169 alcoholic beverages in the state in any class of media and
170 permitting advertising of the retail price of alcoholic beverages.

171 (f) To issue reasonable rules and regulations, not
172 inconsistent with the federal laws or regulations, requiring
173 informative labeling of all alcoholic beverages offered for sale
174 within this state and providing for the standards of fill and
175 shapes of retail containers of alcoholic beverages; however, such
176 containers shall not contain less than fifty (50) milliliters by
177 liquid measure.

178 (g) Subject to the provisions of subsection (3) of
179 Section 67-1-51, to issue rules and regulations governing the
180 issuance of retail permits for premises located near or around
181 schools, colleges, universities, churches and other public
182 institutions, and specifying the distances therefrom within which
183 no such permit shall be issued. The Alcoholic Beverage Control
184 Division shall not allow the sale or consumption of alcoholic
185 beverages in or on the campus of any public school or college, and
186 no alcoholic beverage shall be for sale or consumed at any public
187 athletic event at any grammar or high school or any college.

188 (h) To adopt and promulgate, repeal and amend, such
189 rules, regulations, standards, requirements and orders, not
190 inconsistent with this chapter or any law of this state or of the
191 United States, as it deems necessary to control the manufacture,
192 importation, transportation, distribution and sale of alcoholic
193 liquor, whether intended for beverage or nonbeverage use in a

194 manner not inconsistent with the provisions of this chapter or any
195 other statute, including the native wine laws.

196 (i) To call upon other administrative departments of
197 the state, county and municipal governments, county and city
198 police departments and upon prosecuting officers for such
199 information and assistance as it may deem necessary in the
200 performance of its duties.

201 (j) To prepare and submit to the Governor during the
202 month of January of each year a detailed report of its official
203 acts during the preceding fiscal year ending June 30, including
204 such recommendations as it may see fit to make, and to transmit a
205 like report to each member of the Legislature of this state upon
206 the convening thereof at its next regular session.

207 (k) To inspect, or cause to be inspected, any premises
208 where alcoholic liquors intended for sale are manufactured,
209 stored, distributed or sold, and to examine or cause to be
210 examined all books and records pertaining to the business
211 conducted therein.

212 (l) In the conduct of any hearing authorized to be held
213 by the commission, to hear testimony and take proof material for
214 its information in the discharge of its duties under this chapter;
215 to issue subpoenas, which shall be effective in any part of this
216 state, requiring the attendance of witnesses and the production of
217 books and records; to administer or cause to be administered
218 oaths; and to examine or cause to be examined any witness under
219 oath. Any court of record, or any judge thereof, may by order
220 duly entered require the attendance of witnesses and the
221 production of relevant books subpoenaed by the commission, and
222 such court or judge may compel obedience to its or his order by
223 proceedings for contempt.

224 (m) To investigate the administration of laws in
225 relation to alcoholic liquors in this and other states and any
226 foreign countries, and to recommend from time to time to the

227 Governor and through him to the Legislature of this state such
228 amendments to this chapter, if any, as it may think desirable.

229 (n) To designate hours and days when alcoholic
230 beverages may be sold in different localities in the state which
231 permit such sale.

232 (o) To assign employees to posts of duty at locations
233 where they will be most beneficial for the control of alcoholic
234 beverages, to remove, to dismiss, to suspend without pay, to act
235 as a trial board in hearings based upon charges against employees.
236 After twelve (12) months' service, no employee shall be removed,
237 dismissed, demoted or suspended without just cause and only after
238 being furnished with reasons for such removal, dismissal, demotion
239 or suspension, and upon request given a hearing in his own
240 defense.

241 (p) All hearings conducted by the commission shall be
242 open to the public, and, when deemed necessary, a written
243 transcript shall be made of the testimony introduced thereat.

244 (q) To adopt and promulgate rules and regulations for
245 suspension or revocation of identification cards of employees of
246 permittees for violations of the alcoholic beverage control laws,
247 rules or regulations.

248 **SECTION 2.** Section 67-3-31, Mississippi Code of 1972, is
249 amended as follows:

250 **[Until July 1, 2007, this section will read as follows:]**

251 67-3-31. Proceedings for the revocation or suspension of any
252 permit authorizing the sale of beer or wine at retail for a
253 violation of any of the provisions of Section 67-3-53 may be
254 brought in the circuit or county court of the county in which the
255 licensed premises are located. Such proceedings shall be entitled
256 in the name of the state and against the permittee and shall be
257 instituted by filing a complaint with the clerk of the court. The
258 complaint may be filed by the county prosecuting attorney of the
259 county upon his own initiative or, then by the district attorney

260 of the district in which the county is located, and it shall be
261 mandatory upon the county prosecuting attorney, or district
262 attorney, as the case may be, to file a complaint when requested
263 to do so by a peace officer or any person as hereinafter provided.
264 Any peace officer within his jurisdiction or any enforcement
265 officer of the Alcoholic Beverage Control Division within the
266 State Tax Commission who learns that a retail permittee within his
267 jurisdiction has violated any of the provisions of such section
268 shall file with the county prosecuting attorney of the county in
269 which the licensed premises are located, or, then with the
270 district attorney of the district in which such county is located,
271 an affidavit specifying in detail the facts alleged to constitute
272 such violation, and requesting that a complaint be filed against
273 the permittee for the revocation or suspension of his permit. A
274 like affidavit may be filed with the county prosecuting attorney,
275 or district attorney, as the case may be, by any person who
276 resides, and has for at least one (1) year prior thereto resided
277 within the county in which the licensed premises are located
278 requesting that a complaint be filed for the revocation or
279 suspension of the permittee's permit. Promptly upon receiving any
280 such affidavit the county prosecuting attorney, or district
281 attorney, shall prepare a proper complaint, which shall be signed
282 and sworn to by the person or persons filing the affidavit with
283 him, and the county prosecuting attorney or district attorney
284 shall file the complaint with the clerk of the circuit or county
285 court.

286 **[From and after July 1, 2007, this section will read as**
287 **follows:]**

288 67-3-31. Proceedings for the revocation or suspension of any
289 permit authorizing the sale of beer or wine at retail for a
290 violation of any of the provisions of Section 67-3-53 may be
291 brought in the circuit or county court of the county in which the
292 licensed premises are located. Such proceedings shall be entitled

293 in the name of the state and against the permittee and shall be
294 instituted by filing a complaint with the clerk of the court. The
295 complaint may be filed by the county prosecuting attorney of the
296 county upon his own initiative or, then by the district attorney
297 of the district in which the county is located, and it shall be
298 mandatory upon the county prosecuting attorney, or district
299 attorney, as the case may be, to file a complaint when requested
300 to do so by a peace officer or any person as hereinafter provided.
301 Any peace officer who learns that a retail permittee within his
302 jurisdiction has violated any of the provisions of such section
303 shall file with the county prosecuting attorney of the county in
304 which the licensed premises are located, or, then with the
305 district attorney of the district in which such county is located,
306 an affidavit specifying in detail the facts alleged to constitute
307 such violation, and requesting that a complaint be filed against
308 the permittee for the revocation or suspension of his permit. A
309 like affidavit may be filed with the county prosecuting attorney,
310 or district attorney, as the case may be, by any person who
311 resides, and has for at least one (1) year prior thereto resided
312 within the county in which the licensed premises are located
313 requesting that a complaint be filed for the revocation or
314 suspension of the permittee's permit. Promptly upon receiving any
315 such affidavit the county prosecuting attorney, or district
316 attorney, shall prepare a proper complaint, which shall be signed
317 and sworn to by the person or persons filing the affidavit with
318 him, and the county prosecuting attorney or district attorney
319 shall file the complaint with the clerk of the circuit or county
320 court.

321 **SECTION 3.** Section 67-3-37, Mississippi Code of 1972, is
322 amended as follows:

323 **[Until July 1, 2007, this section will read as follows:]**

324 67-3-37. It shall be the duty of the county prosecuting
325 attorney or the district attorney, as the case may be, to file

326 complaints as provided in Section 67-3-31 and to prosecute
327 diligently and without delay all complaints filed by him.

328 It shall be the duty of all peace officers, within their
329 jurisdiction, and all enforcement officers of the Alcoholic
330 Beverage Control Division of the State Tax Commission to enforce
331 the provisions of Section 67-3-53 and they shall frequently visit
332 all licensed premises within their jurisdiction to determine
333 whether such permittees are complying with the laws. They shall
334 promptly investigate all complaints made to them by any citizen
335 relative to any alleged violations of such section within their
336 jurisdiction. When any peace officer or enforcement officer of
337 the Alcoholic Beverage Control Division has knowledge of a
338 violation of such section committed by a permittee within his
339 jurisdiction, it shall be his duty forthwith to file an affidavit
340 with the county prosecuting attorney or district attorney
341 requesting that a complaint be filed for the revocation or
342 suspension of the permit of the permittee.

343 **[From and after July 1, 2007, this section will read as**
344 **follows:]**

345 67-3-37. It shall be the duty of the county prosecuting
346 attorney or the district attorney, as the case may be, to file
347 complaints as provided in Section 67-3-31 and to prosecute
348 diligently and without delay all complaints filed by him.

349 It shall be the duty of all peace officers to enforce, within
350 their jurisdiction, the provisions of Section 67-3-53 and they
351 shall frequently visit all licensed premises within their
352 jurisdiction to determine whether such permittees are complying
353 with the laws. They shall promptly investigate all complaints
354 made to them by any citizen relative to any alleged violations of
355 such section within their jurisdiction. When any peace officer
356 has knowledge of a violation of such section committed by a
357 permittee within his jurisdiction, it shall be his duty forthwith
358 to file an affidavit with the county prosecuting attorney or

359 district attorney requesting that a complaint be filed for the
360 revocation or suspension of the permit of the permittee.

361 **SECTION 4.** Section 67-3-74, Mississippi Code of 1972, is
362 amended as follows:

363 67-3-74. (1) In addition to peace officers within their
364 jurisdiction, all enforcement officers of the Alcoholic Beverage
365 Control Division of the State Tax Commission are authorized to
366 enforce the provisions made unlawful by Sections 67-3-13, 67-3-15,
367 67-3-53 and 67-3-70; provided, however, that the provisions
368 prohibiting the sale of light wine or beer to persons under the
369 age of twenty-one (21) years shall be enforced by the division as
370 provided for in this section.

371 (2) (a) The Alcoholic Beverage Control Division shall
372 investigate violations of the laws prohibiting the sale of light
373 wine or beer to persons under the age of twenty-one (21) years
374 upon receipt of a complaint or information from a person stating
375 that they have knowledge of such violation.

376 (b) Upon receipt of such complaint or information, the
377 Alcoholic Beverage Control Division shall notify the permit holder
378 of the complaint by certified mail to the primary business office
379 of such permit holder or by hand delivery of the complaint or
380 information to the primary business office of such holder, except
381 in cases where the complaint or information is received from any
382 law enforcement officer.

383 (c) If an enforcement officer of the Alcoholic Beverage
384 Control Division enters the business of the holder of the permit
385 to investigate a complaint and discovers a violation, the agent
386 shall notify the person that committed the violation and the
387 holder of the permit:

388 (i) Within ten (10) days after such violation,
389 Sundays and holidays excluded, if the business sells light wine or
390 beer for on-premises consumption; and

391 (ii) Within seventy-two (72) hours after such
392 violation, Sundays and holidays excluded, if the business does not
393 sell light wine or beer for on-premises consumption.

394 (3) The provisions of this section shall be repealed on July
395 1, 2007.

396 **SECTION 5.** Section 67-3-69, Mississippi Code of 1972, is
397 amended as follows:

398 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,
399 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of
400 this chapter or of any rule or regulation of the commissioner,
401 shall be a misdemeanor and, where the punishment therefor is not
402 elsewhere prescribed in this section, shall be punished by a fine
403 of not more than Five Hundred Dollars (\$500.00) or imprisonment
404 for not more than six (6) months, or both, in the discretion of
405 the court. If any person so convicted shall be the holder of any
406 permit or license issued by the commissioner under authority of
407 this chapter, the permit or license shall from and after the date
408 of such conviction be void and the holder thereof shall not
409 thereafter, for a period of one (1) year from the date of such
410 conviction, be entitled to any permit or license for any purpose
411 authorized by this chapter. Upon conviction of the holder of any
412 permit or license, the appropriate law enforcement officer shall
413 seize the permit or license and transmit it to the commissioner.

414 (2) (a) Any person who shall violate any provision of
415 Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a
416 misdemeanor, and upon conviction thereof shall be punished by a
417 fine of not more than Five Hundred Dollars (\$500.00) or by
418 imprisonment in the county jail for not more than six (6) months,
419 or by both such fine and imprisonment, in the discretion of the
420 court.

421 (b) Any person who shall violate any provision of
422 Section 67-3-57 shall be guilty of a misdemeanor, and upon
423 conviction thereof, shall be punished by a fine of not more than

424 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
425 jail for not more than one (1) year, or by both, in the discretion
426 of the court. Any person convicted of violating any provision of
427 the sections referred to in this subsection shall forfeit his
428 permit, and shall not thereafter be permitted to engage in any
429 business taxable under the provisions of Sections 27-71-301
430 through 27-71-347.

431 (3) If the holder of a permit, or the employee of the holder
432 of a permit, shall be convicted of selling any beer or wine to
433 anyone who is visibly intoxicated from the licensed premises or to
434 any person under the age of twenty-one (21) years from the
435 licensed premises in violation of Section 67-3-53(b), then, in
436 addition to any other penalty provided for by law, the
437 commissioner may impose the following penalties against the holder
438 of a permit:

439 (a) For the first offense on the licensed premises, by
440 a fine of not less than Five Hundred Dollars (\$500.00) nor more
441 than One Thousand Dollars (\$1,000.00) and/or suspension of the
442 permit for not more than three (3) months.

443 (b) For a second offense occurring on the licensed
444 premises within twelve (12) months of the first offense, by a fine
445 of not less than Five Hundred Dollars (\$500.00) nor more than Two
446 Thousand Dollars (\$2,000.00) and/or suspension of the permit for
447 not more than six (6) months.

448 (c) For a third * * * offense occurring on the licensed
449 premises within twelve (12) months of the first, by a fine of not
450 less than Two Thousand Dollars (\$2,000.00) nor more than Five
451 Thousand Dollars (\$5,000.00) and/or suspension or revocation of
452 the permit to sell beer or light wine * * *.

453 (d) For a fourth or subsequent offense occurring on the
454 licensed premises within twelve (12) months of the first, by a
455 fine of not less than Two Thousand Dollars (\$2,000.00) nor more

456 than Five Thousand Dollars (\$5,000.00) and/or suspension or
457 revocation of the permit to sell beer or light wine.

458 (4) A person who sells any beer or wine to a person under
459 the age of twenty-one (21) years shall not be guilty of a
460 violation of Section 67-3-53(b) if the person under the age of
461 twenty-one (21) years represents himself to be twenty-one (21)
462 years of age or older by displaying an apparently valid
463 Mississippi driver's license containing a physical description
464 consistent with his appearance or by displaying some other
465 apparently valid identification document containing a picture and
466 physical description consistent with his appearance for the
467 purpose of inducing the person to sell beer or wine to him.

468 (5) If the holder of a permit to operate a brewpub is
469 convicted of violating the provisions of Section 67-3-22(3), then,
470 in addition to any other provision provided for by law, the holder
471 of the permit shall be punished as follows:

472 (a) For the first offense, the holder of a permit to
473 operate a brewpub may be fined in an amount not to exceed Five
474 Hundred Dollars (\$500.00).

475 (b) For a second offense occurring within twelve (12)
476 months of the first offense, the holder of a permit to operate a
477 brewpub may be fined an amount not to exceed One Thousand Dollars
478 (\$1,000.00).

479 (c) For a third or subsequent offense occurring within
480 twelve (12) months of the first offense, the holder of a permit to
481 operate a brewpub may be fined an amount not to exceed Five
482 Thousand Dollars (\$5,000.00) and the permit to operate a brewpub
483 shall be suspended for thirty (30) days.

484 **SECTION 6.** This act shall take effect and be in force from
485 and after its passage.