

## Senate Amendments to House Bill No. 245

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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           (1) 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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

SS26\HB245PS.J

John O. Gilbert  
Secretary of the Senate