

By: Senator(s) Horhn

To: Economic Development;  
Tourism

SENATE BILL NO. 2183

1 AN ACT TO AMEND SECTION 67-3-11, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT EVERY PERSON SHALL HAVE THE RIGHT TO MAKE HOMEMADE  
 3 BEER FOR PERSONAL, FAMILY, DOMESTIC OR HOUSEHOLD PURPOSES IF THE  
 4 BEER IS MADE IN A COUNTY OR MUNICIPALITY IN WHICH THE POSSESSION  
 5 OF LIGHT WINE OR BEER IS LAWFUL; TO LIMIT THE AMOUNT OF HOMEMADE  
 6 BEER THAT MAY BE MADE BY ANY PERSON IN A CALENDAR YEAR; TO  
 7 AUTHORIZE HOMEMADE BEER; TO AUTHORIZE THE TRANSPORT OF HOMEMADE  
 8 BEER FROM THE PREMISES WHERE MADE ONLY FOR THE PURPOSE OF  
 9 PARTICIPATING IN A BONA FIDE EXHIBITION, CONTEST OR COMPETITION  
 10 WHERE HOMEMADE BEER IS BEING TASTED AND JUDGED; TO MAKE IT CLEAR  
 11 THAT HOMEMADE BEER MAY NOT BE SOLD; TO AMEND SECTIONS 67-3-7,  
 12 67-3-13 AND 67-3-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
 13 THERETO; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 67-3-11, Mississippi Code of 1972, is  
 16 amended as follows:

17 67-3-11. (1) Every person shall have the right to make  
 18 homemade wine for domestic or household uses only, free of all  
 19 restraint by this chapter or otherwise, and no such election as  
 20 provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive  
 21 any person of the right to make homemade wine for domestic or  
 22 household uses only.



23       (2) (a) Every person twenty-one (21) years of age or older  
24 shall have the right to make homemade beer for personal, family,  
25 domestic or household uses without restraint by this chapter or  
26 otherwise if the beer is made in a county or municipality in which  
27 the possession of light wine or beer is lawful.

28       (b) The maximum amount of homemade beer that a person  
29 may make in a calendar year shall not exceed:

30               (i) One hundred (100) gallons if there is only one  
31 (1) person over the age of twenty-one (21) years of age residing  
32 in the household; and

33               (ii) Two hundred (200) gallons if there are two  
34 (2) or more persons over the age of twenty-one (21) years residing  
35 in the household.

36       (c) A person who makes homemade beer as authorized in  
37 this section may remove the beer from the premises of the  
38 household where it is made and transport the beer only for the  
39 purpose of participating in a bona fide exhibition, contest or  
40 competition where homemade beer is being tasted and judged;  
41 however, homemade beer may not be sold or offered for sale under  
42 any circumstances.

43       **SECTION 2.** Section 67-3-7, Mississippi Code of 1972, is  
44 amended as follows:

45       67-3-7. (1) If any county, at an election held for the  
46 purpose under the election laws of the state, shall by a majority  
47 vote of the duly qualified electors voting in the election



48 determine that the transportation, storage, sale, distribution,  
49 receipt and/or manufacture of wine and beer shall not be permitted  
50 in such county, then the same shall not be permitted therein  
51 except as authorized under Section 67-9-1 and as may be otherwise  
52 authorized in this section. An election to determine whether such  
53 transportation, storage, sale, distribution, receipt and/or  
54 manufacture of such beverages shall be excluded from any county in  
55 the state, shall, on a petition of twenty percent (20%) of the  
56 duly qualified electors of such county, be ordered by the board of  
57 supervisors of the county, for such county only. No election on  
58 the question shall be held in any one county more often than once  
59 in five (5) years.

60 In counties which have elected, or may elect by a majority  
61 vote of the duly qualified electors voting in the election, that  
62 the transportation, storage, sale, distribution, receipt and/or  
63 manufacture of wine or beer shall not be permitted in the county,  
64 an election may be held in the same manner as the election  
65 hereinabove provided on the question of whether or not the  
66 transportation, storage, sale, distribution, receipt and/or  
67 manufacture of said beverages shall be permitted in such county.  
68 Such election shall be ordered by the board of supervisors of such  
69 county on a petition of twenty percent (20%) of the duly qualified  
70 electors of such county. No election on this question can be  
71 ordered more often than once in five (5) years.



72 (2) Nothing in this section shall make it unlawful to  
73 possess beer or wine, as defined herein, in any municipality which  
74 has heretofore or which may hereafter vote in an election,  
75 pursuant to Section 67-3-9, in which a majority of the qualified  
76 electors vote in favor of permitting the sale and the receipt,  
77 storage and transportation for the purpose of sale of beer or wine  
78 as defined herein.

79 (3) Nothing in this section shall make it unlawful to:

80 (a) Possess or consume light wine or beer at a  
81 qualified resort area as defined in Section 67-1-5;

82 (b) Sell, distribute and transport light wine or beer  
83 to a qualified resort area as defined in Section 67-1-5;

84 (c) Sell light wine or beer at a qualified resort area  
85 as defined in Section 67-1-5 if such light wine or beer is sold by  
86 a person with a permit to engage in the business as a retailer of  
87 light wine or beer;

88 (d) Transport beer of an alcoholic content of more than  
89 eight percent (8%) by weight if it is being transported to another  
90 state for legal sale in that state \* \* \*;

91 (e) Transport homemade beer as authorized in Section  
92 67-3-11.

93 **SECTION 3.** Section 67-3-13, Mississippi Code of 1972, is  
94 amended as follows:

95 67-3-13. (1) Except as otherwise provided herein and as  
96 authorized under this section and Section 67-9-1, in any county



97 which has at any time since February 26, 1934, elected, or which  
98 may hereafter elect, to prohibit the transportation, storage,  
99 sale, distribution, receipt and/or manufacture of wine and beer of  
100 an alcoholic content of not more than four percent (4%) by weight  
101 in such county, it is hereby declared to be unlawful to possess  
102 such beverages therein. In any county which, after July 1, 1998,  
103 elects to prohibit the transportation, storage, sale,  
104 distribution, receipt and/or manufacture of wine and beer of an  
105 alcoholic content of not more than five percent (5%) by weight in  
106 such county, it is hereby declared to be unlawful to possess such  
107 beer therein. In any county which, after July 1, 2012, elects to  
108 prohibit the transportation, storage, sale, distribution, receipt  
109 and/or manufacture of wine of an alcoholic content of not more  
110 than five percent (5%) by weight in such county and beer of an  
111 alcoholic content of not more than eight percent (8%) by weight,  
112 it is hereby declared to be unlawful to possess such beer therein.  
113 Any person found possessing any beer or wine of any quantity  
114 whatsoever in such county shall, on conviction, be imprisoned not  
115 more than ninety (90) days or fined not more than Five Hundred  
116 Dollars (\$500.00), or be both so fined and imprisoned.

117 (2) Notwithstanding the provisions of subsection (1) of this  
118 section, in any county or municipality in which the  
119 transportation, storage, sale, distribution, receipt and/or  
120 manufacture of light wine and beer is prohibited, it shall not be  
121 unlawful for a permitted wholesaler or distributor to possess



122 light wine and beer when such light wine and beer is held therein  
123 solely for the purpose of storage and for distribution to other  
124 counties and municipalities in which possession of such beverages  
125 is lawful.

126 (3) Notwithstanding the provisions of subsections (1) and  
127 (2) of this section, in any county in which transportation,  
128 storage, sale, distribution, receipt and/or manufacture of light  
129 wine and beer is prohibited, it shall not be unlawful:

130 (a) To receive, store, possess or consume light wine or  
131 beer at a resort area as defined in Section 67-1-5;

132 (b) To distribute and transport light wine or beer to a  
133 resort area as defined in Section 67-1-5;

134 (c) To transport beer of an alcoholic content of more  
135 than eight percent (8%) by weight if it is being transported to  
136 another state for legal sale in that state \* \* \*;

137 (d) Transport homemade beer as authorized in Section  
138 67-3-11.

139 **SECTION 4.** Section 67-3-15, Mississippi Code of 1972, is  
140 amended as follows:

141 67-3-15. (1) Any person who shall brew or manufacture or  
142 sell any beer or light wine without first having secured a permit  
143 and/or license from the commissioner authorizing the brewing or  
144 manufacture or sale of such liquor, shall be guilty of a  
145 misdemeanor and, upon conviction thereof, be punished by a fine of  
146 not more than One Thousand Dollars (\$1,000.00) or imprisonment in



147 the county jail for not more than one (1) year, or both, in the  
148 discretion of the court. Any person so convicted may not apply  
149 for any permit or license issued by the commissioner until five  
150 (5) years have elapsed from the date of such conviction.

151 (2) This section shall not apply to beer authorized to be  
152 made pursuant to Section 67-3-11.

153 **SECTION 5.** This act shall take effect and be in force from  
154 and after July 1, 2013.

