

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1502

BY: Representative Yancey

1 **AMEND BY STRIKING ALL LANGUAGE AFTER THE ENACTING CLAUSE BY**
2 **INSERTING THE FOLLOWING NEW LANGUAGE:" SECTION 1.** Section
3 69-25-201, Mississippi Code of 1972, is amended as follows:

4 69-25-201. (1) This article shall be known as the
5 "Mississippi Hemp * * * Act." The regulation of hemp cultivation
6 and processing shall be governed exclusively by the provisions of
7 the Mississippi Hemp * * * Act. A municipality, county or other
8 political subdivision of this state shall not enact, adopt or
9 enforce a rule, ordinance, order, resolution or other regulation
10 that allows, prohibits or penalizes the cultivation, production or
11 processing of hemp in this state.

12 (2) The manufacture, production, distribution and sale of
13 consumable hemp products other than beverages shall be regulated
14 under this article. The manufacture, production, distribution and



15 sale of consumable hemp products that are beverages shall be
16 regulated under Chapter 3, Title 67, Mississippi Code of 1972.

17 **SECTION 2.** Section 69-25-203, Mississippi Code of 1972, is
18 amended as follows:

19 69-25-203. For purposes of this article, the following words
20 and phrases shall have the meanings set forth below unless the
21 context clearly indicates otherwise:

22 * * *

23 (* * *a) "Business entity" means a nonnatural person
24 and includes nonprofit and for-profit corporations, partnerships,
25 limited liability corporations, and other legal entities
26 recognized by law.

27 (b) "Consumable hemp product" means a finished product
28 that is intended for human consumption, contains any part of the
29 hemp plant, including naturally occurring cannabinoids, compounds,
30 concentrates, extracts, isolates, or resins, and has a
31 delta-9-tetrahydrocannabinol (THC) concentration of not more than
32 three-tenths percent (0.3%) when tested in its finished form. The
33 term "consumable hemp product" does not include any product
34 containing any quantity of artificially derived cannabinoids, as
35 defined in Section 41-137-3, delta-8-tetrahydrocannabinol,
36 delta-10-tetrahydrocannabinol, hexahydrocannabinol,
37 tetrahydrocannabinol acetate, tetrahydrocannabiphorol or
38 tetrahydrocannabivarin.



39 (c) "Consumable food manufacturing distributor" means
40 any individual, partnership, corporation, cooperative association
41 or other business entity that receives raw hemp, hemp floral
42 material, extracts, distillates, isolates or any extracted form of
43 hemp as long as it is extracted from hemp for the manufacturing,
44 distribution and/or processing of any consumable hemp product
45 including, but not limited to, edibles, tinctures, smokables,
46 vapables, lubricants, salves, lotions, hemp floral material,
47 concentrates, distillates and/or liquids.

48 (d) "Delta-9-tetrahydrocannabinol" means the sum of the
49 percentage by weight of tetrahydrocannabinol acid multiplied by
50 eight hundred seventy-seven thousandths (0.877) plus the
51 percentage by weight of delta-9-tetrahydrocannabinol.

52 (e) "Department" means the * * * State Department of
53 Health.

54 (f) "Grower" means a person, business entity, joint
55 venture or cooperative that cultivates, grows or harvests hemp.

56 (g) "Hemp" means the plant Cannabis sativa L. and any
57 part of that plant, including the seeds thereof and all
58 derivatives, extracts, cannabinoids, isomers, acids, salts and
59 salts of isomers, whether growing or not, with a
60 delta-9-tetrahydrocannabinol (THC) concentration of not more than
61 three-tenths percent (0.3%) on a dry weight basis that is grown or
62 processed under this article.



63 (h) "Legal description of land" means Global Position
64 System coordinates and shall also include the metes and bounds to
65 include township, range, and section for the location in which
66 hemp is grown.

67 (i) "Manufacturer" means a business entity that is
68 licensed by the department that manufactures or intends to
69 manufacture a consumable hemp product from unprocessed hemp or
70 hemp extract.

71 (* * *j) "Person" means any person, firm, association,
72 corporation or business entity.

73 (* * *k) "Processor" means a person, business entity,
74 joint venture or cooperative that receives hemp for processing
75 into commodities, products or hemp seed. A processor also
76 includes any such entity that brokers and/or stores hemp.

77 (l) "Retailer" means a dealer, other than a wholesaler,
78 whose principal business is that of selling merchandise at retail,
79 who sells consumable hemp products.

80 (m) "State Health Officer" means the Executive Director
81 of the State Department of Health. Where applicable under the
82 provisions of this article, "State Health Officer" includes the
83 State Health Officer's designee.

84 (* * *n) "State plan" means the plan contemplated by 7
85 CFR Part 990 Subpart B that a state must file for approval with
86 the United States Secretary of Agriculture.

87 (o) "THC" means delta-9-tetrahydrocannabinol.



88 (* * *p) "USDA" means the United States Department of
89 Agriculture.

90 (q) "Wholesaler" means a dealer whose principal
91 business is that of a wholesale dealer, and who is known to the
92 trade as such, that sells any consumable hemp products to licensed
93 retailers only for the purpose of resale.

94 **SECTION 3.** Section 69-25-207, Mississippi Code of 1972, is
95 amended as follows:

96 69-25-207. (1) Pursuant to the provisions of this article,
97 cultivation and processing of hemp, as defined in Section
98 69-25-203, are authorized in this state. Cultivation and
99 processing of hemp are subject to regulation by the department and
100 may only be performed by persons or business entities that hold a
101 valid license or registration issued * * * under this article.

102 (2) The * * * State Health Officer shall create a State Plan
103 for submission to and approval by the United States Department of
104 Agriculture and the United States Secretary of Agriculture.
105 The * * * State Department of Health shall promulgate such
106 reasonable regulations as necessary to implement the State Plan
107 and provisions of this article. The * * * department shall be
108 authorized to promulgate any rule or regulation deemed necessary
109 for the administration of the provisions of this article in
110 compliance with any federal law, rule or regulation promulgated by
111 the United States Department of Agriculture.



112 (3) The department is authorized to accept applications, and
113 issue licenses and/or registrations for all hemp growers and hemp
114 processors. The department shall adopt and enforce all rules and
115 regulations related to those licenses and/or registrations.

116 (4) All hemp growers must be licensed by the department.

117 (5) All hemp processors must register with the department.

118 (6) All * * * license holders and registered processors
119 shall keep and maintain crop and/or processing records in
120 accordance with rules and regulations adopted and enforced by the
121 department. The department may subject the required records to
122 inspection. The department may make an inspection for the purpose
123 of ensuring compliance with:

124 (a) USDA guidelines;

125 (b) Provisions of this article;

126 (c) Department rules and regulations;

127 (d) Any terms or conditions of a license issued
128 hereunder;

129 (e) Registration with the department; or

130 (f) A final department order directed to the grower's
131 or processor's hemp operations or activities.

132 (7) All hemp growers and processors shall be subject to a
133 background investigation conducted by the Department of Public
134 Safety, which shall include both a state and federal background
135 check.



136 **SECTION 4.** Section 69-25-213, Mississippi Code of 1972, is
137 amended as follows:

138 69-25-213. (1) Upon a determination by the * * * State
139 Health Officer or his or her designee, the following may
140 constitute negligent violations:

141 (a) Failing to provide a legal description of land on
142 which the grower produces hemp;

143 (b) Failing to obtain a license or other required
144 authorization from the department;

145 (c) Failing to register with the department;

146 (d) Producing Cannabis sativa L. with a
147 delta-9-tetrahydrocannabinol concentration of more than * * *
148 three-tenths percent (0.3%) on a dry weight basis; or

149 (e) Any other violation of the State Plan, including
150 any rules and regulations set forth by the department.

151 (2) **Corrective action plan.** (a) A hemp grower shall comply
152 with a plan established by the * * * State Health Officer or his
153 or her designee to correct the negligent violation, including:

154 (i) A reasonable date by which the hemp grower
155 shall correct the negligent violation; and

156 (ii) A requirement that the hemp grower shall
157 periodically report to the * * * State Health Officer or his or
158 her designee regarding the compliance with the corrective plan for
159 a period of not less than the next two (2) calendar years.



160 (b) The department shall notify the Mississippi Bureau
161 of Narcotics of all corrective action plans implemented by
162 the * * * State Health Officer or his or her designee.

163 (3) **Result of negligent violation.** A hemp grower that
164 negligently violates the State Plan shall not, as a result of that
165 violation, be subject to any criminal enforcement action by a
166 state, county or local government entity.

167 (4) **Repeat violations.** A hemp grower that negligently
168 violates the State Plan three (3) times in a five-year period
169 shall be ineligible to produce hemp for a period of five (5) years
170 beginning on the date of the third violation.

171 **SECTION 5.** Section 69-25-217, Mississippi Code of 1972, is
172 amended as follows:

173 69-25-217. (1) It shall be unlawful for any person or
174 business entity to:

175 (a) Violate this chapter or any rules or regulations
176 promulgated under this chapter;

177 (b) Fail to comply with a corrective action plan issued
178 by the * * * State Health Officer under Section 69-25-213(2);

179 (c) Transport hemp or hemp materials in violation of
180 Section 69-25-209 or rules or regulations adopted under this
181 chapter;

182 (d) Cultivate or grow hemp with a
183 delta-9-tetrahydrocannabinol (THC) concentration of more than
184 three-tenths percent (0.3%) on a dry weight basis;



185 (e) Manufacture or produce any product derived from
186 cannabis, as defined in Section 41-137-3, for sale within the
187 State of Mississippi, except as authorized under this article,
188 under Chapter 3, Title 67, Mississippi Code of 1972, or under the
189 Mississippi Medical Cannabis Act;

190 (f) Sell any product derived from cannabis, as defined
191 in Section 41-137-3, within the State of Mississippi or to
192 Mississippi consumers, except as authorized under this article,
193 under Chapter 3, Title 67, Mississippi Code of 1972, or under the
194 Mississippi Medical Cannabis Act;

195 (g) Manufacture, produce or sell any hemp product that
196 contains an artificially derived cannabinoid as defined in Section
197 41-137-3; or

198 (h) Sell any consumable hemp product to any person
199 under the age of twenty-one (21) years.

200 (2) Any person or business entity that purposely, knowingly
201 or recklessly violates this provision of this chapter relating to
202 hemp production or processing shall be guilty of a misdemeanor
203 and, upon conviction of the violation, shall be fined in an amount
204 not to exceed Five Thousand Dollars (\$5,000.00), or sentenced to
205 imprisonment in the county jail for not more than one (1) year, or
206 both such fine and imprisonment.

207 (3) Notwithstanding subsection (2) of this section, if any
208 person or entity purposely, recklessly or knowingly cultivates or
209 grows hemp with a delta-9-tetrahydrocannabinol (THC) concentration



210 of more than one percent (1%) on a dry weight basis that person or
211 entity shall be guilty of a felony punishable by imprisonment for
212 not more than five (5) years, or a fine of not more than Ten
213 Thousand Dollars (\$10,000.00), or both such fine and imprisonment.

214 (4) For purposes of this section, the terms "purposely",
215 "knowingly" and "recklessly" have the following meanings:

216 (a) "Purposefully" means a person acts purposely with
217 respect to a material element of an offense if:

218 (i) The element involves the nature of his or her
219 conduct or a result thereof, it is his or her conscious object to
220 engage in conduct of that nature or to cause such a result; and

221 (ii) The element involves the attendant
222 circumstances, he or she is aware of the existence of such
223 circumstances or he or she believes or hopes that they exist.

224 (b) "Knowingly" means a person acts knowingly with
225 respect to a material element of an offense if:

226 (i) The element involves the nature of his or her
227 conduct or the attendant circumstances, he or she is aware that
228 his or her conduct is of that nature or that such circumstances
229 exist; and

230 (ii) The element involves a result of his or her
231 conduct, he or she is aware that it is practically certain that
232 his or her conduct will cause such a result.

233 (c) "Recklessly" means a person acts recklessly with
234 respect to a material element of an offense when he or she



235 consciously disregards a substantial and unjustifiable risk that
236 the material element exists or will result from his or her
237 conduct. The risk must be of such a nature and degree that,
238 considering the nature and purpose of the actor's conduct and the
239 circumstances known to him or her, its disregard involves a gross
240 deviation from the standard of conduct that a law-abiding person
241 would observe in the actor's situation.

242 **SECTION 6.** (1) The department shall be responsible for the
243 licensing of retailers, wholesalers, manufacturers and processors
244 of consumable hemp products other than beverages, and shall begin
245 issuing licenses to such businesses on July 1, 2025. The
246 nonrefundable annual license fees to be collected by the
247 department are as follows:

248 (a) For a consumable hemp retailer, Two Hundred Dollars
249 (\$200.00);

250 (b) For a consumable hemp wholesaler, Two Hundred Fifty
251 Dollars (\$250.00);

252 (c) For a consumable hemp manufacturer, Five Hundred
253 Dollars (\$500.00); and

254 (d) For a consumable hemp processor, Two Hundred Fifty
255 Dollars (\$250.00).

256 (2) Fees collected under this section shall be deposited
257 into the State General Fund.

258 **SECTION 7.** (1) All labels for any product containing hemp
259 shall be approved by the department.



260 (2) A finalized sample of any finished hemp product shall
261 have a complete certificate of analysis (COA) from a testing
262 facility or laboratory that analyzes the safety and potency of
263 hemp products, and such COA shall be provided to the department.

264 (3) All products containing cannabidiol (CBD) shall be
265 tested in a testing facility and/or laboratory with a United
266 States Drug Enforcement Administration (DEA) Certification
267 (ISO17025) that analyzes the safety and potency of CBD products.

268 **SECTION 8.** (1) Consumable food manufacturing distributors
269 shall:

270 (a) Hold a current food manufacturing license
271 specializing in consumable hemp, from the Mississippi Department
272 of Health, or from the health department of the state within the
273 United States where the entity's facility resides;

274 (b) Have a current food manufacturing license issued by
275 the Mississippi Department of Health, or by the health department
276 of the state within the United States where the entity's facility
277 resides, specializing in consumable hemp products;

278 (c) Have the authority to designate authorized agents
279 for the purposes of wholesaling consumable hemp products to
280 Mississippi licensed wholesalers or retailers;

281 (d) Be responsible for notifying the department of any
282 designated agents; and



283 (e) Obtain and offer for sale anti-counterfeiting scan
284 codes for distribution of any consumable hemp product approved by
285 the department.

286 (2) Consumable food manufacturing distributors may sell to
287 licensed wholesalers, licensed retailers and directly to
288 consumers.

289 **SECTION 9.** (1) (a) Any entity licensed with the department
290 as provided in this article shall submit a report on a quarterly
291 basis, due by the twentieth of the following month, detailing any
292 hemp product manufactured, distributed, purchased or sold at
293 wholesale, or sold at retail.

294 (b) Any consumable food manufacturing distributor or
295 any consumable hemp manufacturer, processor, wholesaler or
296 retailer shall pay a minimum fine of One Thousand Dollars
297 (\$1,000.00) to the department for failing to report, by the
298 twentieth (20th) of the following month, hemp products purchased
299 or sold in Mississippi.

300 (c) An electronic reporting system shall be implemented
301 by the department.

302 (2) Any consumable food manufacturing distributor or any
303 consumable hemp manufacturer, processor, wholesaler or retailer
304 shall be subject to a fine as prescribed by the department per
305 incident for purchasing or selling any unlawful hemp product.

306 (3) Fines collected under this section shall be deposited
307 into the State General Fund.



308 **SECTION 10.** (1) There is imposed, levied and assessed an
309 excise tax on consumable hemp products not otherwise taxed under
310 Section 27-71-307. A manufacturer or processor shall collect and
311 remit an excise tax on forms and in a manner specified by the
312 Commissioner of Revenue. The excise tax on such consumable hemp
313 products shall be based on the sales price for which a
314 manufacturer or processor sells to a wholesaler or retailer, and
315 the rate of the excise tax shall be three percent (3%) of such
316 sales price. The proceeds of such tax shall be deposited into the
317 State General Fund.

318 (2) The excise tax imposed by this section shall apply
319 regardless of the ownership of the manufacturing or processing
320 facility to which the manufacturer or processor sells or transfers
321 the consumable hemp products, as the case may be.

322 (3) All provisions of the sales tax law, including those
323 which fix damages, penalties and interest for nonpayment of taxes
324 and for noncompliance, and all other requirements and duties
325 imposed on a taxpayer, shall apply to all persons liable for taxes
326 under this section. The Commissioner of Revenue shall exercise
327 all power and authority and perform all duties with respect to
328 taxpayers under this section as are provided in the sales tax law;
329 however, in the event of conflict, this section shall control.

330 **SECTION 11.** Section 69-25-211, Mississippi Code of 1972, is
331 amended as follows:



332 69-25-211. (1) (a) The * * * State Health Officer or his
333 or her designee may enter, at reasonable times, upon any public or
334 private property at which hemp is being cultivated or processed
335 for the purpose of determining compliance with this * * * article
336 and rules adopted under it. The * * * State Health Officer may
337 apply for, and any judge of a court of competent jurisdiction, may
338 issue a search warrant as is necessary to achieve the purposes of
339 this * * * article relating to things, property or places within
340 the court's territorial jurisdiction.

341 (b) If the * * * State Health Officer or his or her
342 designee determines that emergency conditions exist requiring
343 immediate action necessary to protect public health or safety of
344 the environment, the * * * State Health Officer or his or her
345 designee may issue an order stating the existence of such
346 conditions and requiring specific actions be taken to mitigate
347 those conditions without providing prior notice or an adjudication
348 hearing.

349 (c) Any person to whom such an order is issued shall
350 immediately comply with that order, and may apply to the * * *
351 State Health Officer for an adjudication hearing. Upon receiving
352 an application for an adjudication hearing, the * * * State Health
353 Officer shall hold the hearing as soon as practicable and not
354 later than thirty (30) days after receipt of the application. On
355 the basis of the hearing, the * * * State Health Officer shall
356 continue the order in effect, revoke it, or modify it.



357 (d) In addition to any other available remedies,
358 the * * * State Health Officer or the Mississippi Attorney General
359 may apply to the circuit court in the county where any provision
360 of this * * * article or an order issued under paragraph (b) of
361 this subsection is being violated for an injunction restraining
362 any person from continuing the violation.

363 (e) An employee of the state or any division, agency,
364 institution thereof involved in the administration and/or
365 enforcement of this article, shall not be subject to prosecution
366 for violations related to possession or transportation of hemp or
367 cannabis in conjunction with the employee's duties arising under
368 this * * * article.

369 (2) In addition to any other liability or penalty provided
370 by law, the department may revoke or refuse to issue or renew a
371 hemp grower license or hemp processor registration and may impose
372 a civil penalty for violations of:

373 (a) A license or registration requirement;
374 (b) License or registration terms or conditions;
375 (c) Department rules and regulations relating to
376 growing or processing hemp; or

377 (d) A final order of the department that is
378 specifically directed to the grower's or processor's hemp
379 operations or activities.

380 (3) The department may impose administrative penalties for
381 violations under this section in * * * substantially the same



382 manner as provided for the Department of Agriculture and Commerce
383 in Section 69-25-51.

384 **SECTION 12.** Section 69-25-215, Mississippi Code of 1972, is
385 amended as follows:

386 69-25-215. If a hemp grower violates the State Plan,
387 including growing hemp containing a delta-9-tetrahydrocannabinol
388 (THC) concentration that exceeds three-tenths percent (0.3%) on a
389 dry * * * weight basis or a tolerance range as specified by USDA,
390 with a culpable mental state greater than negligence as determined
391 by the department, the * * * State Health Officer shall
392 immediately report the violation and the hemp grower to the United
393 States Attorney General, the Mississippi Attorney General and the
394 Mississippi Public Safety Commissioner. Such violations shall
395 also be referred to the Mississippi Bureau of Narcotics for
396 investigation. The Bureau of Narcotics may detain, seize and/or
397 destroy the crop and may initiate a criminal case for any
398 violation of this article or the Mississippi Uniform Controlled
399 Substances Law. The Mississippi Attorney General shall, in person
400 or by his or her designee, prosecute all criminal actions related
401 to violations arising under this * * * article relating to hemp,
402 on behalf of the state. Violations of the State Plan that involve
403 culpability greater than negligence must be reported to the United
404 States Attorney General and the Mississippi Attorney General. The
405 provisions of Section 69-25-213 shall not apply to nonnegligent
406 violations.



407 **SECTION 13.** Section 69-25-219, Mississippi Code of 1972, is
408 amended as follows:

409 69-25-219. (1) Any person convicted of a felony relating to
410 a controlled substance under state or federal law before, on or
411 after * * * June 29, 2020, shall be ineligible, during the
412 ten-year period following the date of the conviction to
413 participate in the program established under this article and to
414 produce hemp under any regulations or guidelines issued under this
415 article.

416 (2) Any person who materially falsifies any information
417 contained in an application to participate in the State Plan
418 established under this article shall be ineligible to participate
419 in the State Plan.

420 (3) In addition to any inspection conducted, the department
421 may inspect any hemp crop at any time and take a representative
422 composite sample for analysis. It shall be the duty of the
423 department to take such samples and deliver them to the State
424 Chemist for examination and analysis. It shall be the duty of the
425 State Chemist to cause as many analyses to be made of samples
426 delivered to him or her by the department as may be necessary to
427 properly implement the intent of this article. The State Chemist
428 shall make a report of such analyses to the department.

429 (4) The department shall charge growers and processors a fee
430 or fees as determined by the department in a sufficient amount to



431 cover the costs required to administer and enforce the provisions
432 of this * * * article.

433 **SECTION 14.** Section 69-25-221, Mississippi Code of 1972, is
434 amended as follows:

435 69-25-221. No person shall operate as a hemp processor
436 without first having secured a surety bond pursuant to this
437 section. The * * * department shall promulgate rules and
438 regulations as necessary to require hemp processors to secure a
439 surety bond. A hemp processor may file with the department, in
440 lieu of a surety bond, a certificate of deposit or irrevocable
441 letter of credit from any bank or banking corporation insured by
442 the Federal Deposit Insurance Corporation. Rules and regulations
443 required for certificates of deposit and irrevocable letters of
444 credit shall be promulgated by the * * * department.

445 **SECTION 15.** Section 69-25-223, Mississippi Code of 1972, is
446 amended as follows:

447 69-25-223. (1) The provisions of this article which provide
448 authority to the * * * State Department of Health and the State
449 Health Officer to administer the provisions of the "Mississippi
450 Hemp * * * Act * * *" shall be subject to legislative
451 appropriation or receipt of necessary funding from any private or
452 public entity for purposes of implementation.

453 (2) The provisions of this article shall not have any effect
454 upon any programs administered by Mississippi State University,
455 which shall remain exempt, as such programs related to the



456 educational, research or testing functions performed by
457 Mississippi State Chemical Laboratory, shall continue to function
458 in accordance with the mission of the university, as approved by
459 the Board of Trustees of State Institutions of Higher Learning.

460 **SECTION 16.** Section 41-137-45, Mississippi Code of 1972, is
461 amended as follows:

462 41-137-45. (1) It shall be unlawful for any person or
463 entity to cultivate, process, transport, use, possess, purchase,
464 sell or transfer cannabis except as authorized by this chapter.

465 (2) A cardholder or medical cannabis establishment that
466 purposely or knowingly fails to provide a notice required by
467 Section 41-137-31 is guilty of a civil offense, punishable by a
468 fine of no more than One Thousand Five Hundred Dollars
469 (\$1,500.00), which may be assessed and collected by the licensing
470 agency.

471 (3) A medical cannabis establishment or an agent of a
472 medical cannabis establishment that purposely, knowingly, or
473 recklessly sells or otherwise transfers medical cannabis other
474 than to a cardholder, a nonresident cardholder, or to a medical
475 cannabis establishment or its agent as authorized under this
476 chapter is guilty of a felony punishable by a fine of not more
477 than Ten Thousand Dollars (\$10,000.00), or by commitment to the
478 custody of the Department of Corrections for not more than two (2)
479 years, or both. A person convicted under this subsection may not
480 continue to be affiliated with the medical cannabis establishment



481 and is disqualified from further participation in the medical
482 cannabis program under this chapter.

483 (4) A cardholder or nonresident cardholder who purposely,
484 knowingly, or recklessly sells or otherwise transfers medical
485 cannabis to a person or other entity is guilty of a felony
486 punishable by a fine of not more than Three Thousand Dollars
487 (\$3,000.00), or by commitment to the custody of the Department of
488 Corrections for not more than two (2) years, or both. A person
489 convicted under this subsection is disqualified from further
490 participation in the medical cannabis program under this chapter.

491 (5) A person who purposely, knowingly, or recklessly makes a
492 false statement to a law enforcement official about any fact or
493 circumstance relating to the medical use of cannabis to avoid
494 arrest or prosecution is guilty of a misdemeanor punishable by a
495 fine of not more than One Thousand Dollars (\$1,000.00), by
496 imprisonment in the county jail for not more than ninety (90)
497 days, or both. If a person convicted of violating this subsection
498 is a cardholder, the person is disqualified from further
499 participation in the medical cannabis program under this chapter.

500 (6) A person who purposely submits false records or
501 documentation for an application for a license for a medical
502 cannabis establishment under this chapter is guilty of a felony
503 punishable by a fine of not more than Five Thousand Dollars
504 (\$5,000.00), or by commitment to the custody of the Department of
505 Corrections for not more than two (2) years, or both. A person



506 convicted under this subsection may not continue to be affiliated
507 with the medical cannabis establishment and is disqualified from
508 further participation in the medical cannabis program under this
509 chapter.

510 (7) A practitioner who purposely refers patients to a
511 specific medical cannabis establishment or to a registered
512 designated caregiver, who advertises in a medical cannabis
513 establishment, or who issues written certifications while holding
514 a financial interest in a medical cannabis establishment, is
515 guilty of a civil offense for every false certification and shall
516 be fined up to Five Thousand Dollars (\$5,000.00) by the MDOH.

517 (8) Any person, including an employee or official of an
518 agency or local government, who purposely, knowingly, or
519 recklessly breaches the confidentiality of information obtained
520 under this chapter is guilty of a misdemeanor punishable by a fine
521 of not more than One Thousand Dollars (\$1,000.00), or by
522 imprisonment for not more than one hundred eighty (180) days in
523 the county jail, or both.

524 (9) No person, other than a cannabis processing facility or
525 its agents, complying with this chapter and the rules and
526 regulations promulgated under it, may extract compounds from
527 cannabis that involves a chemical extraction process using a
528 nonhydrocarbon-based or other solvent, such as water, vegetable
529 glycerin, vegetable oils, animal fats, steam distillation,
530 food-grade ethanol, or hydrocarbon-based solvent carbon dioxide.



531 No person may extract compounds from cannabis using ethanol in the
532 presence or vicinity of an open flame. It shall be a felony
533 punishable by commitment to the custody of the Mississippi
534 Department of Corrections for up to three (3) years and a Ten
535 Thousand Dollar (\$10,000.00) fine for any person to purposely,
536 knowingly, or recklessly violate this subsection.

537 (10) A medical cannabis establishment is guilty of a civil
538 offense for any purposeful, knowing or reckless violation of this
539 chapter or the rules and regulations issued under this chapter
540 where no penalty has been specified, and shall be fined not more
541 than Five Thousand Dollars (\$5,000.00) for each such violation by
542 its licensing agency.

543 (11) The penalties provided for under this section are in
544 addition to any other criminal, civil or administrative penalties
545 provided for under law, rule or regulation.

546 (12) In addition to peace officers within their
547 jurisdiction, all law enforcement officers of MDOH and MDOR may
548 enforce the provisions made unlawful by this chapter.

549 (13) A person or business entity that purposely, knowingly
550 or recklessly sells or otherwise transfers products derived from
551 cannabis to a person in the State of Mississippi, except as
552 authorized under this chapter, under the Mississippi Hemp Act, or
553 under Chapter 3, Title 67, Mississippi Code of 1972, is guilty of
554 a felony punishable by a fine of not more than Ten Thousand
555 Dollars (\$10,000.00), or by commitment to the custody of the



556 Department of Corrections for not more than two (2) years, or
557 both. A person convicted under this subsection is disqualified
558 from further participation in the medical cannabis program under
559 this chapter, the hemp program under the Mississippi Hemp Act, and
560 the hemp beverage program under Chapter 3 of Title 67, Mississippi
561 Code of 1972.

562 **SECTION 17. Consumable hemp product directory.** (1) By
563 August 1, 2025, and annually thereafter, every manufacturer of a
564 consumable hemp product that is sold for retail sale in
565 Mississippi shall execute and deliver to the Department of Revenue
566 a certification, under penalty of perjury, on a form and in a
567 manner prescribed by the Department of Revenue, that the
568 manufacturer is compliant with this article.

569 (2) The certification form shall separately list each brand
570 name, category (e.g., edible, tincture, smokable, vapable,
571 lubricant, salve, lotion, floral material, concentrate,
572 distillate, and/or liquid), product name and flavor for each
573 consumable hemp product that is sold in Mississippi.

574 (3) Starting October 1, 2025, the Department of Revenue
575 shall maintain and make publicly available on its official website
576 a directory that lists all consumable hemp product manufacturers,
577 brand names, categories (e.g., edible, tincture, smokable,
578 vapable, lubricant, salve, lotion, floral material, concentrate,
579 distillate, and/or liquid), product names and flavors for which
580 certification forms have been submitted and approved by the



581 Department of Revenue and shall update the directory at least
582 monthly to ensure accuracy. The Department of Revenue shall
583 establish a process to provide licensed retailers, distributors
584 and wholesalers notice of the initial publication of the directory
585 and changes made to the directory in the prior month.

586 (4) After ninety (90) calendar days following publication of
587 the directory, consumable hemp products not listed in the
588 directory and intended for retail sale in Mississippi are subject
589 to seizure, forfeiture and destruction, and may not be purchased
590 or sold for retail sale in Mississippi.

591 (5) Any person who sells or offers for sale a consumable
592 hemp product for retail sale in Mississippi that is not included
593 in the directory shall be subject to a civil penalty of up to Five
594 Hundred Dollars (\$500.00) for each individual consumable hemp
595 product offered for sale in violation of this section until the
596 offending product is removed from the market or until the
597 offending product is properly listed on the directory.

598 (6) The civil penalty collected under this section shall be
599 deposited into the State General Fund.

600 **SECTION 18. Notice required at point of sale; penalties.**

601 (1) A person may not sell or offer for sale a consumable hemp
602 product in the State of Mississippi unless a clearly visible
603 notice is posted at the location where the consumable hemp product
604 is available for purchase.

605 (2) The notice shall provide that:



606 (a) A consumable hemp product contains THC;
607 (b) Women who are pregnant or breastfeeding should not
608 use products that contain THC because of the risk of birth defects
609 and other developmental defects; and

610 (c) No person under the age of twenty-one (21) may
611 purchase a consumable hemp product.

612 (3) Any person who sells or offers for sale a consumable
613 hemp product without proper notice as provided in this section
614 shall be fined not less than Five Hundred Dollars (\$500.00) for
615 the first offense and not more than One Thousand Dollars
616 (\$1,000.00) for each subsequent offense. Each violation, and
617 every day in which a violation occurs, constitutes a separate
618 violation.

619 (4) Fines collected under this section shall be deposited
620 into the State General Fund.

621 **SECTION 19.** Section 67-3-1, Mississippi Code of 1972, is
622 amended as follows:

623 67-3-1. The purpose of this chapter is to legalize and
624 regulate the manufacture and sale within this state of light * * *
625 intoxicating beverages so as to prevent the illicit manufacture,
626 sale and consumption of alcoholic beverages as defined in Section
627 67-1-5, the manufacture and sale of which it is not the purpose of
628 this chapter to legalize.

629 **SECTION 20.** Section 67-3-3, Mississippi Code of 1972, is
630 amended as follows:



631 67-3-3. When used in this chapter, unless the context
632 indicates otherwise:

633 (a) "Commissioner" means the Commissioner of
634 Revenue * * * of the State of Mississippi, and his authorized
635 agents and employees.

636 (b) "Person" means one or more persons, a company, a
637 corporation, a partnership, a syndicate or an association.

638 (c) "Brewpub" shall have the meaning ascribed to such
639 term in Section 27-71-301.

640 (d) "Beer" means a malt beverage as defined in the
641 Federal Alcohol Administration Act and any rules and regulations
642 adopted pursuant to such act of an alcoholic content of not more
643 than eight percent (8%) by weight.

644 (e) "Light wine" means wine of an alcoholic content of
645 not more than five percent (5%) by weight.

646 (f) "Small craft brewery" means a person having a
647 permit under this chapter to manufacture or brew light * * *
648 intoxicating beverages in this state and who manufactures or brews
649 not more than sixty thousand (60,000) barrels of light * * *
650 intoxicating beverage at all breweries that such person or its
651 affiliates, subsidiary or parent company owns or controls or with
652 whom such person contracts with for the manufacture of light * * *
653 intoxicating beverages. For purposes of this paragraph,
654 contract-brewed beer manufactured by a person having a permit
655 under this chapter to manufacture or brew light * * * intoxicating



656 beverages shall be included in the sixty-thousand-barrel
657 limitation.

658 (g) "Growler" means a sealed container that holds not
659 more than one hundred twenty-eight (128) ounces of light * * *
660 intoxicating beverage. A growler must have a label on it stating
661 what it contains.

662 (h) "Manufacturer" shall have the meaning ascribed to
663 such term in Section 27-71-301.

664 (i) "Contract-brewed beer" means beer brewed by a
665 manufacturer who:

666 (i) Makes the beer pursuant to a written contract
667 with another beer manufacturer, and neither entity has a
668 controlling interest in the other entity;

669 (ii) Makes the beer in accordance with a recipe
670 that is a trade secret of the beer manufacturer having its beer
671 made under contract; and

672 (iii) Has no right to sell the beer to any other
673 beer manufacturer, importer or wholesaler other than the beer
674 manufacturer who contracted for the beer.

675 (j) "Light spirit product" means a beverage of an
676 alcoholic content of not more than six percent (6%) by weight and
677 containing one or more distilled spirits, as defined in Section
678 67-1-5.

679 (k) "Microbrewery" means a person having a permit under
680 this chapter to manufacture or brew light * * * intoxicating



681 beverages in this state and who manufactures or brews not more
682 than three thousand (3,000) barrels of light * * * intoxicating
683 beverages at its permitted location.

684 (l) "Hemp beverage" means a nonalcoholic beverage that
685 meets the definition of "consumable hemp product" in Section
686 69-25-203, is sold in containers of no size other than twelve (12)
687 fluid ounces, and contains no more than five (5) milligrams of THC
688 per twelve-ounce container.

689 (m) "Intoxicating beverage" means any alcoholic
690 beverage, as defined in Section 67-1-5, or any light intoxicating
691 beverage.

692 (n) "Light intoxicating beverage" means any beer, light
693 wine, light spirit product or hemp beverage.

694 (o) "THC" means delta-9-tetrahydrocannabinol.

695 **SECTION 21.** Section 67-3-5, Mississippi Code of 1972, is
696 amended as follows:

697 67-3-5. (1) It shall be lawful, subject to the provisions
698 set forth in this chapter and in Section 67-1-51, in this state to
699 transport, store, sell, distribute, possess, receive, deliver
700 and/or manufacture light * * * intoxicating beverages, and it is
701 hereby declared that it is the legislative intent that this
702 chapter privileges the lawful sale and manufacture, within this
703 state, of such light * * * intoxicating beverages. In determining
704 if a wine product is "light wine," or contains an alcoholic
705 content of more than five percent (5%) by weight, or is not an



706 "alcoholic beverage" as defined in the Local Option Alcoholic
707 Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of
708 1972, the alcoholic content of such wine product shall be subject
709 to the same permitted tolerance as is allowed by the labeling
710 requirements for light wine provided for in Section 27-71-509.

711 (2) Subject to the provisions set forth in this chapter and
712 in Section 67-1-51, it shall be lawful in this state to transport,
713 store, sell, distribute, possess, receive, deliver and/or
714 manufacture beer of an alcoholic content of more than eight
715 percent (8%) by weight, if the beer is manufactured to be sold
716 legally in another state and is transported outside of this state
717 for retail sale.

718 **SECTION 22.** Section 67-3-7, Mississippi Code of 1972, is
719 amended as follows:

720 67-3-7. (1) If any county, at an election held for the
721 purpose under the election laws of the state, shall by a majority
722 vote of the duly qualified electors voting in the election
723 determine that the transportation, storage, sale, distribution,
724 receipt and/or manufacture of * * * light intoxicating beverages
725 shall not be permitted in such county, then the same shall not be
726 permitted therein except as authorized under Section 67-9-1 and as
727 may be otherwise authorized in this section. An election to
728 determine whether such transportation, storage, sale,
729 distribution, receipt and/or manufacture of such beverages shall
730 be excluded from any county in the state, shall, on a petition of



731 twenty percent (20%) or fifteen hundred (1,500), whichever number
732 is the lesser, of the duly qualified electors of such county, be
733 ordered by the board of supervisors of the county, for such county
734 only. No election on the question shall be held in any one (1)
735 county more often than once in five (5) years.

736 In counties which have elected, or may elect by a majority
737 vote of the duly qualified electors voting in the election, that
738 the transportation, storage, sale, distribution, receipt and/or
739 manufacture of * * * light intoxicating beverages shall not be
740 permitted in the county, an election may be held in the same
741 manner as the election hereinabove provided on the question of
742 whether or not the transportation, storage, sale, distribution,
743 receipt and/or manufacture of said beverages shall be permitted in
744 such county. Such election shall be ordered by the board of
745 supervisors of such county on a petition of twenty percent (20%)
746 or fifteen hundred (1 * * * 500), whichever number is the lesser,
747 of the duly qualified electors of such county. No election on
748 this question can be ordered more often than once in five (5)
749 years.

750 (2) Nothing in this section shall make it unlawful to
751 possess * * * light intoxicating beverages.

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

753 (a) Sell, distribute and transport light * * *
754 intoxicating beverages to a qualified resort area as defined in
755 Section 67-1-5;



756 (b) Sell light * * * intoxicating beverages at a
757 qualified resort area as defined in Section 67-1-5 if such
758 light * * * intoxicating beverages sold by a person with a permit
759 to engage in the business as a retailer of light * * *
760 intoxicating beverages;

761 (c) Transport beer of an alcoholic content of more than
762 eight percent (8%) by weight if it is being transported to another
763 state for legal sale in that state;

764 (d) Transport legally purchased light * * *
765 intoxicating beverages in unopened containers; however, this
766 paragraph shall not apply to a retailer unless the retailer has
767 purchased the light * * * intoxicating beverages from a wholesaler
768 or distributor for the designated sales territory in which the
769 retailer is located and the retailer has in his possession an
770 invoice from the wholesaler or distributor for the light * * *
771 intoxicating beverages; or

772 (e) Transport homemade beer as authorized in Section
773 67-3-11.

774 **SECTION 23.** Section 67-3-9, Mississippi Code of 1972, is
775 amended as follows:

776 67-3-9. Any city in this state, having a population of not
777 less than two thousand five hundred (2,500) according to the
778 latest federal decennial census; or any city in this state having
779 a population of not less than one thousand five hundred (1,500)
780 according to the latest federal decennial census and located



781 within three (3) miles of a city or county that permits the sale,
782 receipt, storage and transportation for the purpose of sale
783 of * * * light intoxicating beverages; or any city or town in this
784 state having a population of not less than one thousand (1,000)
785 according to the latest federal decennial census and located in a
786 county that has no city or town with a population of more than two
787 thousand five hundred (2,500); or any city, town or village that
788 is a county seat and has voted to come out from under the dry law
789 under Section 67-1-14; at an election held for the purpose, under
790 the election laws applicable to such city, may either prohibit or
791 permit, except as otherwise provided under Section 67-9-1, the
792 sale and the receipt, storage and transportation for the purpose
793 of sale of * * * light intoxicating beverages. An election to
794 determine whether such sale shall be permitted in cities wherein
795 its sale is prohibited by law shall be ordered by the city or town
796 council or mayor and board of aldermen or other governing body of
797 such city or town for such city or town only, upon the
798 presentation of a petition for such city or town to such governing
799 board containing the names of twenty percent (20%) or fifteen
800 hundred (1,500), whichever number is the lesser, of the duly
801 qualified voters of such city or town asking for such election.
802 In like manner, an election to determine whether such sale shall
803 be prohibited in cities wherein its sale is permitted by law shall
804 be ordered by the city council or mayor and board of aldermen or
805 other governing board of such city for such city only, upon the



806 presentation of a petition to such governing board containing the
807 names of twenty percent (20%) of the duly qualified voters of such
808 city asking for such election. No election on either question
809 shall be held by any one (1) city more often than once in five (5)
810 years.

811 Thirty (30) days' notice shall be given to the qualified
812 electors of such city or town in the manner prescribed by law upon
813 the question of either permitting or prohibiting such sale, and
814 the notice shall contain a statement of the question to be voted
815 on at the election. The tickets to be used in the election shall
816 have the following words printed thereon: "For the legal sale of
817 light wine of an alcoholic content of not more than five percent
818 (5%) by weight, light spirit product of an alcoholic content of
819 not more than six percent (6%) by weight, * * * beer of an
820 alcoholic content of not more than eight percent (8%) by weight,
821 and hemp beverages of a THC concentration of not more than
822 three-tenths percent (0.3%)"; and the words "Against the legal
823 sale of light wine of an alcoholic content of not more than five
824 percent (5%) by weight, light spirit product of an alcoholic
825 content of not more than six percent (6%) by weight, * * * beer of
826 an alcoholic content of not more than eight percent (8%) by
827 weight, and hemp beverages of a THC concentration of not more than
828 three-tenths percent (0.3%)," next below. In making up his or her
829 ticket the voter shall make a cross (X) opposite the words of his
830 choice.



831 If in the election a majority of the qualified electors
832 voting in the election shall vote "For the legal sale of light
833 wine of an alcoholic content of not more than five percent (5%) by
834 weight, light spirit product of an alcoholic content of not more
835 than six percent (6%) by weight, * * * beer of an alcoholic
836 content of not more than eight percent (8%) by weight, and hemp
837 beverages of a THC concentration of not more than three-tenths
838 percent (0.3%)," then the city or town council or mayor and board
839 of aldermen or other governing body shall pass the necessary order
840 permitting the legal sale of such light * * * intoxicating
841 beverages in such city or town. If in the election a majority of
842 the qualified electors voting in the election shall vote "Against
843 the legal sale of light wine of an alcoholic content of not more
844 than five percent (5%) by weight, light spirit product of an
845 alcoholic content of not more than six percent (6%) by
846 weight, * * * beer of an alcoholic content of not more than eight
847 percent (8%) by weight, and hemp beverages of a THC concentration
848 of not more than three-tenths percent (0.3%)," then the city or
849 town council or mayor and board of aldermen or other governing
850 body shall pass the necessary order prohibiting the sale of such
851 light * * * intoxicating beverages in such city or town.

852 All laws or parts of laws in conflict with this section are
853 hereby repealed to the extent of such conflict only, this section
854 being cumulative and supplementary.



855 **SECTION 24.** Section 67-3-13, Mississippi Code of 1972, is
856 amended as follows:

857 67-3-13. (1) It shall be lawful to possess * * * light
858 intoxicating beverages throughout the state, unless otherwise
859 prohibited by this chapter. However, nothing herein shall be
860 construed to make lawful the possession of * * * light
861 intoxicating beverages with the intent to sell except as
862 authorized by this chapter.

863 (2) In any county or municipality in which the
864 transportation, storage, sale, distribution, receipt and/or
865 manufacture of light * * * intoxicating beverages is prohibited,
866 it shall not be unlawful for a permitted wholesaler or distributor
867 to possess light * * * intoxicating beverages when such
868 light * * * intoxicating beverages are held therein solely for the
869 purpose of storage and for distribution to other counties and
870 municipalities in which transportation, storage, sale,
871 distribution, receipt and/or manufacture is lawful.

872 (3) Notwithstanding the provisions of subsections (1) and
873 (2) of this section, in any county in which transportation,
874 storage, sale, distribution, receipt and/or manufacture of
875 light * * * intoxicating beverages is prohibited, it shall not be
876 unlawful:

877 (a) To receive or store light * * * intoxicating
878 beverages at a resort area as defined in Section 67-1-5;



879 (b) To distribute and transport light * * *
880 intoxicating beverages to a resort area as defined in Section
881 67-1-5;

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

885 (d) To transport legally purchased light * * *
886 intoxicating beverages in unopened containers * * * on a state or
887 federal highway; however, this paragraph shall not apply to a
888 retailer unless the retailer has purchased the light * * *
889 intoxicating beverages from a wholesaler or distributor for the
890 designated sales territory in which the retailer is located and
891 the retailer has in his possession an invoice from the wholesaler
892 or distributor for the light * * * intoxicating beverages; or

893 (e) To transport homemade beer as authorized in Section
894 67-3-11.

895 (4) Any light * * * intoxicating beverages found in
896 possession of, or sold by, a person in violation of this section
897 shall be seized and disposed of in the manner provided for in
898 Section 67-1-18.

899 **SECTION 25.** Section 67-3-15, Mississippi Code of 1972, is
900 amended as follows:

901 67-3-15. (1) Any person who shall brew or manufacture or
902 sell any * * * light intoxicating beverages without first having
903 secured a permit and/or license from the commissioner authorizing



904 the brewing or manufacture or sale of such liquor, shall be guilty
905 of a misdemeanor and, upon conviction thereof, be punished by a
906 fine of not more than One Thousand Dollars (\$1,000.00) or
907 imprisonment in the county jail for not more than one (1) year, or
908 both, in the discretion of the court. Any person so convicted may
909 not apply for any permit or license issued by the commissioner
910 until five (5) years have elapsed from the date of such
911 conviction.

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

914 (3) Any light * * * intoxicating beverages found in
915 possession of, or sold by, a person in violation of this section
916 shall be seized and disposed of in the manner provided for in
917 Section 67-1-18.

918 **SECTION 26.** Section 67-3-17, Mississippi Code of 1972, is
919 amended as follows:

920 67-3-17. (1) Any person desiring to engage in any business
921 taxable under Sections 27-71-303 through 27-71-317, * * * either
922 as a retailer, or as a wholesaler or distributor, or as a
923 manufacturer, of light * * * intoxicating beverages, shall file
924 with the commissioner an application for a permit allowing him to
925 engage in such business. The application for a permit shall
926 contain a statement showing the name of the business, and if a
927 partnership, firm, association or limited liability company, the
928 name of each partner or member, and if a corporation the names of



929 two (2) principal officers, the post office address, and the
930 nature of business in which engaged. In case any business is
931 conducted at two (2) or more separate places, a separate permit
932 for each place of business shall be required. The commissioner
933 shall prescribe the form of the application and designate who is
934 required to sign the application. The application shall be signed
935 under penalty of perjury.

936 (2) The application shall include a statement that the
937 applicant will not, except as otherwise authorized in this
938 chapter, allow any alcoholic beverages as defined in Section
939 67-1-5, any beer having an alcoholic content of more than eight
940 percent (8%) by weight, any spirit product having an alcoholic
941 content of more than six percent (6%) by weight, * * * any wine
942 having an alcoholic content of more than five percent (5%) by
943 weight, or any beverage having a THC concentration of more than
944 three-tenths percent (0.3%) to be kept, stored or secreted in or
945 on the premises described in such permit or license, and that the
946 applicant will not otherwise violate any law of this state, or
947 knowingly allow any other person to violate any such law, while in
948 or on such premises.

949 (3) Each application or filing made under this section shall
950 include the social security number(s) of the applicant in
951 accordance with Section 93-11-64, Mississippi Code of 1972.

952 **SECTION 27.** Section 67-3-19, Mississippi Code of 1972, is
953 amended as follows:



954 67-3-19. Where application is made for a permit to engage in
955 the business of a retailer of light * * * intoxicating beverages,
956 the applicant shall show in his application that he possesses the
957 following qualifications:

958 (a) Applicant must be a person at least twenty-one (21)
959 years of age, of good moral character and a resident of the State
960 of Mississippi.

961 (b) Applicant shall not have been convicted of a
962 felony, or of pandering or of keeping or maintaining a house of
963 prostitution, or have been convicted within two (2) years of the
964 date of his application of any violation of the laws of this state
965 or the laws of the United States relating to alcoholic liquor.

966 (c) Applicant shall not have had revoked, except for a
967 violation of Section 67-3-52, within two (2) years next preceding
968 his application, any license or permit issued to him pursuant to
969 the laws of this state, or any other state, to sell alcoholic
970 liquor of any kind.

971 (d) Applicant shall be the owner of the premises for
972 which the permit is sought or the holder of an existing lease
973 thereon.

974 (e) Applicant shall not be residentially domiciled with
975 any person whose permit has been revoked for cause, except for a
976 violation of Section 67-3-52, within two (2) years next preceding
977 the date of the present application for a permit.



978 (f) The applicant has not had any license or permit to
979 sell * * * light intoxicating beverages at retail revoked, within
980 five (5) years next preceding his application, due to a violation
981 of Section 67-3-52.

982 (g) Applicant shall not employ any person whose permit
983 has been revoked when such person owned or operated the business
984 on the premises for which a permit is sought or allow such person
985 to have any financial interest in the business of the applicant,
986 until such person is qualified to obtain a permit in his own name.

987 (h) The applicant is not indebted to the State of
988 Mississippi for any taxes.

989 (i) If applicant is a partnership, all members of the
990 partnership must be qualified to obtain a permit. Each member of
991 the partnership must be a resident of the State of Mississippi.

992 (j) If applicant is a corporation, all officers and
993 directors thereof, and any stockholder owning more than five
994 percent (5%) of the stock of such corporation, and the person or
995 persons who shall conduct and manage the licensed premises for the
996 corporation shall possess all the qualifications required herein
997 for any individual permittee. However, the requirements as to
998 residence shall not apply to officers, directors and stockholders
999 of such corporation.

1000 Any misstatement or concealment of fact in an application
1001 shall be grounds for denial of the application or for revocation
1002 of the permit issued thereon.



1003 The commissioner may refuse to issue a permit to an applicant
1004 for a place that is frequented by known criminals, prostitutes, or
1005 other law violators or troublemakers who disturb the peace and
1006 quietude of the community and frequently require the assistance of
1007 peace officers to apprehend such law violators or to restore
1008 order. The burden of proof of establishing the foregoing shall
1009 rest upon the commissioner.

1010 **SECTION 28.** Section 67-3-22, Mississippi Code of 1972, is
1011 amended as follows:

1012 67-3-22. (1) The production limits for a brewpub shall be
1013 based upon production as determined by the Department of Revenue
1014 pursuant to Section 27-71-307, * * * and a brewpub shall not
1015 manufacture more than seventy-five thousand (75,000) gallons of
1016 light * * * intoxicating beverage per calendar year.

1017 (2) Light * * * intoxicating beverages produced at a brewpub
1018 shall not be sold at a price less than it cost to manufacture such
1019 light * * * intoxicating beverages.

1020 (3) A brewpub shall be required to offer for sale
1021 light * * * intoxicating beverages normally carried on the
1022 inventory of wholesalers or distributors of light * * *
1023 intoxicating beverages.

1024 **SECTION 29.** Section 67-3-25, Mississippi Code of 1972, is
1025 amended as follows:

1026 67-3-25. (1) Any permit issued authorizing the sale or
1027 delivery of light * * * intoxicating beverages for consumption



1028 shall be construed to authorize the sale or delivery of
1029 light * * * intoxicating beverages by the bottle, by the glass or
1030 by draught, and in or from the original package.

1031 (2) The commissioner is authorized to establish, in his
1032 discretion, dates for the expiration of permits issued under this
1033 chapter.

1034 (3) Except as otherwise provided in this section, permits
1035 shall be issued for twelve (12) months and shall be renewed
1036 annually on the first day of the month in which the permit
1037 expires. The commissioner may issue temporary permits for less
1038 than a full year. All permits shall show the effective date and
1039 expiration date of the permit, the business location, individual
1040 or business name and mailing address of the permittee.

1041 **SECTION 30.** Section 67-3-27, Mississippi Code of 1972, is
1042 amended as follows:

1043 67-3-27. Before any person shall engage in the business of
1044 manufacturer, wholesaler, distributor or retailer of light * * *
1045 intoxicating beverages, he shall apply to the commissioner for a
1046 license to engage in such business, and shall pay to the
1047 commissioner the specific tax imposed by Section 27-71-303, for
1048 the privilege of engaging in such business. The commissioner upon
1049 receipt of such tax shall issue to such person a privilege license
1050 to engage in or continue in such business for a period of time not
1051 to exceed one (1) year. No such license shall be issued to the
1052 applicant unless such applicant shall have obtained from the



1053 commissioner a permit as required in Section 67-3-17. A brewpub
1054 shall obtain all necessary federal licenses and permits prior to
1055 obtaining any license under this chapter.

1056 All privilege licenses issued under the provisions of this
1057 section shall be renewed annually on or before the first day of
1058 the month in which the current license expires.

1059 **SECTION 31.** Section 67-3-28, Mississippi Code of 1972, is
1060 amended as follows:

1061 67-3-28. (1) Any person desiring to engage in business as a
1062 brewpub shall file with the commissioner, along with the
1063 application required by Section 67-3-17, * * * a certificate
1064 issued by a licensed testing laboratory indicating that such
1065 laboratory has tested a sample of the applicant's * * * light
1066 intoxicating beverages, and that the alcohol content of such
1067 sample of beer does not exceed eight percent (8%) by weight, and
1068 the alcohol content of such sample of light spirit product does
1069 not exceed six percent (6%) by weight, and the alcoholic content
1070 of such sample of light wine does not exceed five percent (5%) by
1071 weight, and the THC concentration of such sample of hemp beverage
1072 does not exceed three-tenths percent (0.3%).

1073 (2) Every brewpub shall be required to submit to random
1074 testing by the commissioner to determine whether any beer being
1075 manufactured, sold, kept, stored or secreted by the license holder
1076 contains an alcohol content greater than eight percent (8%) by
1077 weight, and any light spirit product being manufactured, sold,



1078 kept, stored or secreted by the license holder contains an
1079 alcoholic content greater than six percent (6%) by weight, and any
1080 light wine being manufactured, sold, kept, stored or secreted by
1081 the license holder contains an alcoholic content greater than five
1082 percent (5%) by weight, and any hemp beverage being manufactured,
1083 sold, kept, stored or secreted by the license holder contains a
1084 THC concentration greater than three-tenths percent (0.3%). The
1085 commissioner shall establish and administer testing standards and
1086 procedures to be used in such random testing. The brewpub
1087 licensee shall be responsible for all costs incurred by the
1088 commissioner in conducting random testing under this section.

1089 **SECTION 32.** Section 67-3-29, Mississippi Code of 1972, is
1090 amended as follows:

1091 67-3-29. (1) The commissioner, or a hearing officer or the
1092 board of review, as designated by the commissioner, after a show
1093 cause hearing, shall revoke or suspend any permit granted by
1094 authority of this chapter to any person who shall violate any of
1095 the provisions of this chapter or the revenue laws of this state
1096 relating to engaging in transporting, storing, selling,
1097 distributing, possessing, receiving or manufacturing of wines or
1098 beers, or any person who shall hereafter be convicted of the
1099 unlawful sale of intoxicating liquor, or any person who shall
1100 allow or permit any form of illegal gambling or immorality on the
1101 premises described in such permit. The commissioner shall not
1102 revoke or suspend a permit of a retailer for the sale of



1103 light * * * intoxicating beverages to a person under the age of
1104 twenty-one (21) years until there has been a conviction of the
1105 permit holder or an employee of the permit holder for such
1106 violation.

1107 (2) If any person exercising any privilege taxable under the
1108 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,
1109 shall willfully neglect or refuse to comply with the provisions of
1110 such chapter, or any rules or regulations promulgated by the
1111 commissioner under authority of such chapter, or the provisions of
1112 this chapter, including maintaining the qualifications of an
1113 applicant under Section 67-3-19, during the permit period, the
1114 commissioner shall be authorized to revoke or suspend the permit
1115 theretofore issued to the person. Any person whose permit shall
1116 have been revoked by the commissioner shall be thereafter
1117 prohibited from exercising any privilege under the provisions of
1118 Chapter 71 of Title 27, Mississippi Code of 1972, for a period of
1119 two (2) years from the date of the revocation. The commissioner
1120 may, however, for good cause shown, grant a new permit upon such
1121 conditions as the commissioner may prescribe. Any person whose
1122 permit shall have been suspended by the commissioner shall be
1123 prohibited from exercising any privilege under the provisions of
1124 Chapter 71 of Title 27, Mississippi Code of 1972, during the
1125 period of the suspension. Failure of the person to comply with
1126 the terms of the suspension shall be cause for revocation of his
1127 permit, in addition to the other penalties provided by law.



1128 (3) In addition to the reasons specified in this section and
1129 other provisions of this chapter, the commissioner shall be
1130 authorized to suspend the permit of any permit holder for being
1131 out of compliance with an order for support, as defined in Section
1132 93-11-153. The procedure for suspension of a permit for being out
1133 of compliance with an order for support, and the procedure for the
1134 reissuance or reinstatement of a permit suspended for that
1135 purpose, and the payment of any fees for the reissuance or
1136 reinstatement of a permit suspended for that purpose, shall be
1137 governed by Section 93-11-157 or Section 93-11-163, as the case
1138 may be. If there is any conflict between any provision of Section
1139 93-11-157 or Section 93-11-163 and any provision of this chapter,
1140 the provisions of Section 93-11-157 or 93-11-163, as the case may
1141 be, shall control.

1142 **SECTION 33.** Section 67-3-41, Mississippi Code of 1972, is
1143 amended as follows:

1144 67-3-41. Sections 67-3-31 through 67-3-41 and Section
1145 67-3-53 are declared to be cumulative, amendatory, and
1146 supplemental to any and all other acts and laws of this state
1147 pertaining to the governing of the sale and distribution of
1148 light * * * intoxicating beverages as contained in Sections
1149 27-71-301 through 27-71-347, * * * 67-3-17, 67-3-23, 67-3-27,
1150 67-3-29(2), 67-3-55, and 67-3-57.

1151 **SECTION 34.** Section 67-3-45, Mississippi Code of 1972, is
1152 amended as follows:



1153 67-3-45. No manufacturer, distributor or wholesale dealer to
1154 whom or to which this chapter applies shall:

1155 (a) Make any loan, directly or indirectly, or furnish
1156 any fixtures of any kind, directly or indirectly, to any retail
1157 dealer in light * * * intoxicating beverages;

1158 (b) Have any interest, direct or indirect, in the
1159 business of or in the furnishings or fixtures or in the premises
1160 used by any such retail dealer in connection with his or its
1161 business;

1162 (c) Have any lien on any such property of any such
1163 retail dealer; or

1164 (d) Sell light * * * intoxicating beverages to any such
1165 retail dealer on credit.

1166 This section shall not apply to a brewpub licensed pursuant
1167 to Article 3, Chapter 71, Title 27, Mississippi Code of 1972, and
1168 shall not prohibit a microbrewery or small craft brewery licensed
1169 under Article 3, Chapter 71, Title 27, Mississippi Code of 1972,
1170 from being eligible to obtain a retail permit for the sale
1171 of * * * light intoxicating beverages on its premises.

1172 **SECTION 35.** Section 67-3-46, Mississippi Code of 1972, is
1173 amended as follows:

1174 67-3-46. (1) The provisions of subsection (2) of this
1175 section apply to the following entities:



1176 (a) Any person engaged in the business of brewing or
1177 manufacturing beer or in the business of manufacturing or
1178 producing light wines or, light spirit products or hemp beverages;

1179 (b) An officer, director, agent or employee of an
1180 entity described in paragraph (a) or (d) of this subsection;

1181 (c) An affiliate of an entity described in paragraph
1182 (a) or (d) of this subsection, regardless of whether the
1183 affiliation is corporate or by management, direction or control.

1184 (d) An entity that is the manufacturer of a product or
1185 substance that is infused into or becomes part of any * * * light
1186 intoxicating beverage regardless of whether the entity
1187 manufactures the final product. This provision also shall apply
1188 to all affiliated companies, wholly owned subsidiaries or joint
1189 ventures.

1190 (2) No entity named in subsection (1) of this section may
1191 have any interest in the license, business, assets or corporate
1192 stock of a wholesaler or distributor to whom this chapter applies,
1193 except a security interest granted to the entity of the type
1194 provided for the Uniform Commercial Code in products sold to a
1195 wholesaler or distributor until the full purchase price has been
1196 paid therefor.

1197 **SECTION 36.** Section 67-3-48, Mississippi Code of 1972, is
1198 amended as follows:

1199 67-3-48. (1) A small craft brewery may sell at retail
1200 light * * * intoxicating beverages produced at its brewery for



1201 consumption on the premises of the brewery and consumption off the
1202 premises of the brewery if the sales are made on the premises of
1203 the brewery and the light * * * intoxicating beverages products
1204 offered for sale are also made available for sale to wholesalers.

1205 (2) (a) A small craft brewery shall not sell at retail more
1206 than twenty-five percent (25%) of the light * * * intoxicating
1207 beverage produced annually at its brewery or more than two
1208 thousand five hundred (2,500) barrels of light * * * intoxicating
1209 beverage produced at the brewery annually, whichever is the lesser
1210 amount. For purposes of this subsection, contract-brewed beer
1211 shall not be included in the amount of beer produced annually at
1212 the brewery. The light * * * intoxicating beverages must be sold
1213 at a price approximating retail prices generally charged for
1214 identical beverages in the county where the brewery is located.

1215 (b) A small craft brewery shall not make retail sales
1216 of more than six hundred seventy (670) ounces, in the aggregate,
1217 of light * * * intoxicating beverages to any one (1) individual
1218 for consumption off the premises of the brewery within a
1219 twenty-four-hour period.

1220 (c) The limits on sales provided for in this subsection
1221 shall not apply to beer provided pursuant to Section 67-3-47.

1222 (d) A microbrewery shall not sell at retail more than
1223 eighty percent (80%) of light * * * intoxicating beverages
1224 produced annually at its brewery. The light * * * intoxicating
1225 beverages must be sold at a price approximating prices generally



1226 charged for identical beverages in the county where the
1227 microbrewery is located.

1228 (3) A small craft brewery or microbrewery shall take
1229 commercially reasonable steps to ensure that light * * *
1230 intoxicating beverages sold for consumption off the premises of
1231 the brewery are being sold for personal use and not for resale and
1232 are not being sold to anyone holding a retail permit for the
1233 purpose of resale in their establishment.

1234 (4) A small craft brewery or microbrewery shall not make
1235 retail sales of contract-brewed beer.

1236 (5) A small craft brewery or microbrewery shall not mail or
1237 ship any light * * * intoxicating beverage to a consumer.

1238 **SECTION 37.** Section 67-3-48.1, Mississippi Code of 1972, is
1239 amended as follows:

1240 67-3-48.1. (1) In the event a small craft brewery is
1241 acquired by an entity that manufactures light * * * intoxicating
1242 beverages that does not fall within the definition of the term
1243 "small craft brewery," the entity that acquired the small craft
1244 brewery may continue to operate the brewery as a small craft
1245 brewery for as long as the acquired facility meets the definition
1246 of the term "small craft brewery"; however, the limit in Section
1247 67-3-3 on the amount of barrels of light * * * intoxicating
1248 beverages that a small craft brewery may produce shall not apply
1249 to light * * * intoxicating beverages not produced by the acquired
1250 small craft brewery.



1251 (2) In the event a small craft brewery acquires an entity
1252 that manufactures light * * * intoxicating beverages that does not
1253 fall within the definition of the term "small craft brewery," the
1254 small craft brewery that acquired the entity may continue to
1255 operate as a small craft brewery for as long as the brewery meets
1256 the definition of the term "small craft brewery." The light * * *
1257 intoxicating beverages produced by the entity that is acquired by
1258 a small craft brewery shall not apply to the limit in Section
1259 67-3-3 on the amount of light * * * intoxicating beverages that
1260 the small craft brewery may produce.

1261 (3) A small craft brewery described in subsections (1) and
1262 (2) of this section may continue to sell at retail brands the
1263 small craft brewery produces on its premises at all locations at
1264 which it was selling the brands at retail at the time of the
1265 acquisition; however, the small craft brewery may not sell at
1266 retail brands produced by the entity that acquired it or by the
1267 entity it acquires, as the case may be.

1268 **SECTION 38.** Section 67-3-49, Mississippi Code of 1972, is
1269 amended as follows:

1270 67-3-49. (1) Except as otherwise provided in this section,
1271 it shall be unlawful for any brewer or manufacturer or distributor
1272 or wholesale dealer of or in light * * * intoxicating beverages to
1273 manufacture or knowingly bring upon his premises or keep
1274 thereon * * * any beer of an alcoholic content of more than eight
1275 percent (8%) by weight. Any person that shall add to or mix with



1276 any * * * light intoxicating beverages any alcoholic or other
1277 liquid, or any alcohol cube or cubes, or any other ingredient or
1278 ingredients that will increase or tend to increase the alcoholic
1279 or THC content of such * * * beverage, or any person that shall
1280 knowingly offer for sale any * * * beverage so treated, shall be
1281 guilty of a misdemeanor and punished as hereinafter provided in
1282 this chapter. The commissioner shall take any action he considers
1283 necessary to ensure that light * * * intoxicating beverages
1284 manufactured at a brewpub complies with the provisions of this
1285 section.

1286 (2) A brewer or manufacturer of light * * * intoxicating
1287 beverages may manufacture and keep upon his premises beer of an
1288 alcoholic content of more than eight percent (8%) by weight if the
1289 beer is manufactured for legal sale in another state.

1290 **SECTION 39.** Section 67-3-51, Mississippi Code of 1972, is
1291 amended as follows:

1292 67-3-51. (1) It shall be unlawful for any person to sell,
1293 or offer to sell, or keep for sale any bottled * * * light
1294 intoxicating beverage except the same be in the original bottle or
1295 in the original package containing bottles, each of which bottles
1296 shall bear the original label and the full name of the brewer or
1297 manufacturer of the contents of such bottle, both on the label and
1298 on the cap or cork of such bottle in the case of beer, and on the
1299 label only in the case of light wine * * * , light spirit products
1300 and hemp beverages.



1301 (2) It shall be unlawful for any person to sell, or offer
1302 for sale, or keep for sale any * * * light intoxicating beverage
1303 in the original package or packages unless each such original
1304 package (whether barrel or other container, and whether containing
1305 liquor in bottles or otherwise) shall have plainly stamped on the
1306 container or label for each such container the full name of the
1307 manufacturer of the liquor therein contained.

1308 (3) It shall be unlawful for any person to sell on draught
1309 any * * * light intoxicating beverage except the same be drawn
1310 from the original barrel or other container, which such container
1311 shall have plainly stamped on each end thereof the full name of
1312 the manufacturer of such liquor.

1313 (4) This section shall not apply to beer offered and
1314 provided on the premises of a brewery for the purpose of tasting
1315 or sampling as authorized in Section 67-3-47.

1316 **SECTION 40.** Section 67-3-52, Mississippi Code of 1972, is
1317 amended as follows:

1318 67-3-52. It shall be unlawful for any person holding a
1319 permit authorizing the sale of * * * light intoxicating beverages
1320 at retail to obtain such * * * light intoxicating beverages from
1321 any source outside of the State of Mississippi. Any person who
1322 violates the provisions of this section, upon conviction thereof,
1323 shall be punished by a fine of not more than One Thousand Dollars
1324 (\$1,000.00) or by imprisonment in the county jail for not more
1325 than six (6) months, or by both such fine and imprisonment, in the



1326 discretion of the court. Any person convicted of violating this
1327 section, or any rules or regulations promulgated by the
1328 commissioner with regard to the unlawful acts described in this
1329 section, shall forfeit his permit. Any person whose permit has
1330 been forfeited pursuant to this section shall not be eligible for
1331 a permit issued by the commissioner for a period of five (5) years
1332 after the date of such forfeiture. In addition, no permit shall
1333 be issued for the same location, for which an offender has
1334 forfeited a permit pursuant to this section, to a spouse,
1335 offspring or sibling of the offender when to do so would
1336 circumvent the purposes of this section. The commissioner may
1337 assess a retailer who violates this section the amount of excise
1338 taxes due on the unlawfully imported * * * light intoxicating
1339 beverages, together with a penalty in the amount of four (4) times
1340 the state excise taxes due or One Hundred Dollars (\$100.00) per
1341 case, whichever is greater.

1342 **SECTION 41.** Section 67-3-53, Mississippi Code of 1972, is
1343 amended as follows:

1344 67-3-53. In addition to any act declared to be unlawful by
1345 this chapter, or by Sections 27-71-301 through 27-71-347, and
1346 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be
1347 unlawful for the holder of a permit authorizing the sale of * * *
1348 light intoxicating beverages at retail or a small craft brewery
1349 selling light * * * intoxicating beverages at retail pursuant to



1350 Section 67-3-48 or for the employee of the holder of such a permit
1351 or the employee of such a brewery:

1352 (a) To sell or give to be consumed in or upon any
1353 licensed premises or in or upon the premises of a small craft
1354 brewery any * * * light intoxicating beverage between the hours of
1355 midnight and seven o'clock the following morning or during any
1356 time the licensed premises may be required to be closed by
1357 municipal ordinance or order of the board of supervisors; however,
1358 in areas where the sale of alcoholic beverages is legal under the
1359 provisions of the Local Option Alcoholic Beverage Control Law and
1360 the hours for selling those alcoholic beverages have been extended
1361 beyond midnight for on-premises permittees under Section 67-1-37,
1362 the hours for selling * * * light intoxicating beverages are
1363 likewise extended in areas where the sale of * * * light
1364 intoxicating beverages is legal in accordance with the provisions
1365 of this chapter.

1366 (b) To sell, give or furnish any * * * light
1367 intoxicating beverage to any person visibly or noticeably
1368 intoxicated, or to any habitual drunkard, or to any person under
1369 the age of twenty-one (21) years.

1370 (c) To permit in the premises any lewd, immoral or
1371 improper entertainment, conduct or practices.

1372 (d) To permit loud, boisterous or disorderly conduct of
1373 any kind upon the premises or to permit the use of loud musical



1374 instruments if either or any of the same may disturb the peace and
1375 quietude of the community in which the business is located.

1376 (e) To permit persons of ill repute, known criminals,
1377 prostitutes or minors to frequent the licensed premises or the
1378 premises of the small craft brewery, except minors accompanied by
1379 parents or guardians, or under proper supervision.

1380 (f) To permit or suffer illegal gambling or the
1381 operation of illegal games of chance upon the licensed premises or
1382 the premises of the small craft brewery.

1383 (g) To receive, possess or sell on the licensed
1384 premises or, except as otherwise authorized by this chapter, on
1385 the premises of the small craft brewery any beverage of any kind
1386 or character containing more than five percent (5%) of alcohol by
1387 weight except any beer containing not more than eight percent (8%)
1388 of alcohol by weight, unless the licensee also possesses an
1389 on-premises or manufacturer's permit under the Local Option
1390 Alcoholic Beverage Control Law.

1391 (h) To accept as full or partial payment for any
1392 product any coupons that are redeemed directly or indirectly from
1393 a manufacturer, wholesaler or distributor of light * * *
1394 intoxicating beverages.

1395 **SECTION 42.** Section 67-3-54, Mississippi Code of 1972, is
1396 amended as follows:

1397 67-3-54. (1) A person who is at least eighteen (18) years
1398 of age but under the age of twenty-one (21) years may possess and



1399 consume light * * * intoxicating beverages with the consent of his
1400 parent or legal guardian in the presence of his parent or legal
1401 guardian, and it shall not be unlawful for the parent, legal
1402 guardian or spouse of such person to furnish light * * *
1403 intoxicating beverages to such person who is at least eighteen
1404 (18) years of age.

1405 (2) A person who is at least eighteen (18) years of age and
1406 who is serving in the armed services of the United States may
1407 lawfully possess and consume light * * * intoxicating beverages on
1408 military property where the consumption of light * * *
1409 intoxicating beverages is allowed.

1410 (3) A person who is under twenty-one (21) years of age shall
1411 not be deemed to unlawfully possess or furnish light * * *
1412 intoxicating beverages, if in the scope of his employment such
1413 person:

1414 (a) Clears or buses tables that have glasses or other
1415 containers that contain or did contain light * * * intoxicating
1416 beverages;

1417 (b) Waits on tables by taking orders for light * * *
1418 intoxicating beverages; or

1419 (c) Stocks, bags or otherwise handles purchases of
1420 light * * * intoxicating beverages at a store.

1421 **SECTION 43.** Section 67-3-55, Mississippi Code of 1972, is
1422 amended as follows:



1423 67-3-55. (1) Except as otherwise provided in Section
1424 67-1-41, it shall be unlawful for any retailer to possess for
1425 purpose of sale, to sell, or to offer to sell any light * * *
1426 intoxicating beverage which was not purchased from a wholesaler in
1427 this state who has a permit to sell such light * * * intoxicating
1428 beverage, except for * * * a light intoxicating beverage that was
1429 brewed on the premises of the retailer who holds a permit as a
1430 brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi
1431 Code of 1972.

1432 (2) It shall be unlawful for any wholesaler to possess for
1433 purpose of sale, to sell, or to offer to sell any light * * *
1434 intoxicating beverage which was not purchased from a manufacturer
1435 or importer of a foreign manufacturer authorized to sell such
1436 light * * * intoxicating beverage in this state.

1437 (3) This section shall not apply to:

1438 (a) Beer offered and provided on the premises of a
1439 brewery for the purpose of tasting or sampling as authorized in
1440 Section 67-3-47; or

1441 (b) Light * * * intoxicating beverages sold on the
1442 premises of a small craft brewery or microbrewery as authorized in
1443 Section 67-3-48.

1444 **SECTION 44.** Section 67-3-57, Mississippi Code of 1972, is
1445 amended as follows:

1446 67-3-57. (1) It shall be unlawful for any retailer to
1447 possess, sell or offer to sell, or to possess for purpose of sale,



1448 any light * * * intoxicating beverage at his place of business
1449 before securing a permit required by this chapter.

1450 (2) It shall be unlawful for any person to possess, sell or
1451 offer to sell any light * * * intoxicating beverage at his place
1452 of business after revocation of his permit or to purchase, to sell
1453 or offer to sell any light * * * intoxicating beverage during the
1454 period of suspension of his permit.

1455 (3) Any light * * * intoxicating beverage found in
1456 possession of, or sold by, a person in violation of this section
1457 shall be seized and disposed of in the manner provided for in
1458 Section 67-1-18.

1459 **SECTION 45.** Section 67-3-59, Mississippi Code of 1972, is
1460 amended as follows:

1461 67-3-59. (1) Except as provided in this subsection, sales
1462 by wholesalers, distributors or manufacturers to persons who do
1463 not hold valid permits are unlawful; and any wholesaler,
1464 distributor or manufacturer making such sales, or who sells
1465 any * * * light intoxicating beverage on which the tax provided by
1466 law has not been paid, shall, in addition to any other fines,
1467 penalties and forfeitures, be subject to a penalty of Twenty-five
1468 Dollars (\$25.00) for each sale. If all other applicable taxes are
1469 paid, this penalty will not apply to the following: sales to
1470 employees of the wholesaler; sales to nonprofit charitable and
1471 civic organizations for special fund-raising events, provided that



1472 the * * * light intoxicating beverage is not resold; sales to
1473 affiliated member associations.

1474 (2) The commissioner may assess the penalty by giving notice
1475 by mail, demanding payment within thirty (30) days from date of
1476 delivery of the notice.

1477 The proceeds of all penalties shall be deposited by the
1478 commissioner with the other monies collected by him and shall be
1479 disposed of as provided by law.

1480 **SECTION 46.** Section 67-3-61, Mississippi Code of 1972, is
1481 amended as follows:

1482 67-3-61. Every railroad company, express company, aeroplane
1483 company, motor transportation company, steamboat company, or other
1484 transportation company, or any person that shall transport into,
1485 from place to place within, or out of this state any light * * *
1486 intoxicating beverage, whether brewed or manufactured within this
1487 state or outside of this state, when requested by the
1488 commissioner, shall furnish him with a duplicate of the bill of
1489 lading covering the receipt for such liquor, showing the name of
1490 the brewer or manufacturer or distributor, and the name and
1491 address of the consignor and of the consignee, and the date when
1492 and place where received, and the destination and the quantity of
1493 such liquor received from the manufacturer or brewer or other
1494 consignor for shipment from any point within or without this state
1495 to any point within this state.



1496 Any such company or person so transporting any such liquor
1497 that shall fail to comply with the requirements of this section,
1498 shall forfeit and pay to the State of Mississippi the sum of One
1499 Hundred Dollars (\$100.00) for each such failure, to be recovered
1500 in any court of competent jurisdiction. The commissioner is
1501 hereby authorized and empowered to sue in his own name, on the
1502 relation and for the use of the State of Mississippi, for such
1503 recovery.

1504 **SECTION 47.** Section 67-3-63, Mississippi Code of 1972, is
1505 amended as follows:

1506 67-3-63. The commissioner shall cause a record to be kept of
1507 the names and places of business of all persons engaged in the
1508 brewing of beer, of all persons engaged in the manufacture of
1509 light * * * intoxicating beverages, and of all persons engaged in
1510 the sale of light * * * intoxicating beverages, whether at retail
1511 or otherwise. He shall also cause a record to be kept of
1512 all * * * light intoxicating beverages (and of the amount thereof)
1513 brewed or manufactured by each brewery * * *, winery or other
1514 production facility, and of all such * * * beverages (and of the
1515 amount thereof) sold by each brewery * * *, winery or other
1516 production facility, with the names and business addresses of the
1517 purchasers, and of all such * * * beverages (and of the amount
1518 thereof) sold by every dealer other than a brewer or manufacturer,
1519 and in the case of sales by dealers other than retail dealers, of
1520 the names and business addresses of the purchasers.



1521 The commissioner shall cause a record to be kept of all
1522 expenses incurred in the collection of such data.

1523 **SECTION 48.** Section 67-3-65, Mississippi Code of 1972, is
1524 amended as follows:

1525 67-3-65. Municipalities may enforce such proper rules and
1526 regulations for fixing zones and territories, prescribing hours of
1527 opening and of closing, and for such other measures as will
1528 promote public health, morals, and safety, as they may by
1529 ordinance provide. The board of supervisors of any county may
1530 make such rules and regulations as to territory outside of
1531 municipalities as are herein provided for municipalities.

1532 Nothing in this chapter shall prohibit the governing body of
1533 any municipality from designating what territory surrounding
1534 churches and schools in said municipalities, and the board of
1535 supervisors of any county from designating what territory
1536 surrounding churches and schools outside of any municipality, in
1537 which light * * * intoxicating beverages shall not be sold or
1538 consumed.

1539 **SECTION 49.** Section 67-3-67, Mississippi Code of 1972, is
1540 amended as follows:

1541 67-3-67. No county or any officer or agent thereof, nor any
1542 other officer, agent, or person, shall interfere with or impede
1543 the passage through such county of any light * * * intoxicating
1544 beverage moving in accordance with the provisions of this chapter
1545 and the provisions of Section 67-9-1 and which in transit to or



1546 from any county of this state wherein the traffic in light * * *
1547 intoxicating beverages is not prohibited, any county prohibition
1548 of such traffic to the contrary notwithstanding.

1549 **SECTION 50.** Section 67-3-69, Mississippi Code of 1972, is
1550 amended as follows:

1551 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,
1552 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of
1553 this chapter or of any rule or regulation of the commissioner,
1554 shall be a misdemeanor and, where the punishment therefor is not
1555 elsewhere prescribed in this section, shall be punished by a fine
1556 of not more than Five Hundred Dollars (\$500.00) or imprisonment
1557 for not more than six (6) months, or both, in the discretion of
1558 the court. If any person so convicted shall be the holder of any
1559 permit or license issued by the commissioner under authority of
1560 this chapter, the permit or license shall from and after the date
1561 of such conviction be void and the holder thereof shall not
1562 thereafter, for a period of one (1) year from the date of such
1563 conviction, be entitled to any permit or license for any purpose
1564 authorized by this chapter. Upon conviction of the holder of any
1565 permit or license, the appropriate law enforcement officer shall
1566 seize the permit or license and transmit it to the commissioner.

1567 (2) (a) Any person who shall violate any provision of
1568 Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a
1569 misdemeanor, and upon conviction thereof shall be punished by a
1570 fine of not more than Five Hundred Dollars (\$500.00) or by



1571 imprisonment in the county jail for not more than six (6) months,
1572 or by both such fine and imprisonment, in the discretion of the
1573 court.

1574 (b) Any person who shall violate any provision of
1575 Section 67-3-57 shall be guilty of a misdemeanor, and upon
1576 conviction thereof, shall be punished by a fine of not more than
1577 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
1578 jail for not more than one (1) year, or by both, in the discretion
1579 of the court. Any person convicted of violating any provision of
1580 the sections referred to in this subsection shall forfeit his
1581 permit, and shall not thereafter be permitted to engage in any
1582 business taxable under the provisions of Sections 27-71-301
1583 through 27-71-347.

1584 (3) If the holder of a permit, or the employee of the holder
1585 of a permit, shall be convicted of selling any * * * light
1586 intoxicating beverage to anyone who is visibly intoxicated from
1587 the licensed premises or to any person under the age of twenty-one
1588 (21) years from the licensed premises in violation of Section
1589 67-3-53(b), then, in addition to any other penalty provided for by
1590 law, the commissioner may impose the following penalties against
1591 the holder of a permit:

1592 (a) For the first offense on the licensed premises, by
1593 a fine of not less than Five Hundred Dollars (\$500.00) nor more
1594 than One Thousand Dollars (\$1,000.00) and/or suspension of the
1595 permit for not more than three (3) months.



1596 (b) For a second offense occurring on the licensed
1597 premises within twelve (12) months of the first offense, by a fine
1598 of not less than Five Hundred Dollars (\$500.00) nor more than Two
1599 Thousand Dollars (\$2,000.00) and/or suspension of the permit for
1600 not more than six (6) months.

1601 (c) For a third offense occurring on the licensed
1602 premises within twelve (12) months of the first, by a fine of not
1603 less than Two Thousand Dollars (\$2,000.00) nor more than Five
1604 Thousand Dollars (\$5,000.00) and/or suspension or revocation of
1605 the permit to sell * * * light intoxicating beverages.

1606 (d) For a fourth or subsequent offense occurring on the
1607 licensed premises within twelve (12) months of the first, by a
1608 fine of not less than Two Thousand Dollars (\$2,000.00) nor more
1609 than Five Thousand Dollars (\$5,000.00) and/or suspension or
1610 revocation of the permit to sell * * * light intoxicating
1611 beverages.

1612 (4) A person who sells any * * * light intoxicating beverage
1613 to a person under the age of twenty-one (21) years shall not be
1614 guilty of a violation of Section 67-3-53(b) if the person under
1615 the age of twenty-one (21) years represents himself to be
1616 twenty-one (21) years of age or older by displaying an apparently
1617 valid Mississippi driver's license containing a physical
1618 description consistent with his appearance or by displaying some
1619 other apparently valid identification card or document containing
1620 a picture and physical description consistent with his appearance



1621 for the purpose of inducing the person to sell * * * light
1622 intoxicating beverages to him.

1623 (5) If a small craft brewery is convicted of violating the
1624 provisions of Section 67-3-48, then, in addition to any other
1625 provision provided for by law, the small craft brewery shall be
1626 punished as follows:

1627 (a) For the first offense, the small craft brewery may
1628 be fined in an amount not to exceed Five Hundred Dollars
1629 (\$500.00).

1630 (b) For a second offense occurring within twelve (12)
1631 months of the first offense, the small craft brewery may be fined
1632 an amount not to exceed One Thousand Dollars (\$1,000.00).

1633 (c) For a third or subsequent offense occurring within
1634 twelve (12) months of the first offense, the small craft brewery
1635 may be fined an amount not to exceed Five Thousand Dollars
1636 (\$5,000.00) and the permit to operate as a manufacturer shall be
1637 suspended for thirty (30) days.

1638 **SECTION 51.** Section 67-3-70, Mississippi Code of 1972, is
1639 amended as follows:

1640 67-3-70. (1) Except as otherwise provided by Section
1641 67-3-54, any person under the age of twenty-one (21) years who
1642 purchases or possesses any light * * * intoxicating beverage shall
1643 be guilty of a misdemeanor, and upon conviction, shall be punished
1644 by a fine of not less than Two Hundred Dollars (\$200.00) nor more



1645 than Five Hundred Dollars (\$500.00) and a sentence to not more
1646 than thirty (30) days community service.

1647 (2) Any person under the age of twenty-one (21) years who
1648 falsely states he is twenty-one (21) years of age or older or
1649 presents any document that indicates he is twenty-one (21) years
1650 of age or older for the purpose of purchasing or possessing any
1651 light * * * intoxicating beverage shall be guilty of a
1652 misdemeanor, and upon conviction, shall be punished by a fine of
1653 not less than Two Hundred Dollars (\$200.00) nor more than Five
1654 Hundred Dollars (\$500.00) and a sentence to not more than thirty
1655 (30) days community service.

1656 (3) Except as otherwise provided by Section 67-3-54, any
1657 person who knowingly purchases any light * * * intoxicating
1658 beverage for, or gives any light * * * intoxicating beverage to, a
1659 person under the age of twenty-one (21) years, shall be guilty of
1660 a misdemeanor, and upon conviction, shall be punished by a fine of
1661 not less than Two Hundred Dollars (\$200.00) nor more than Five
1662 Hundred Dollars (\$500.00) and a sentence to not more than thirty
1663 (30) days community service. The punishment provided under this
1664 subsection shall not be applicable to violations of Section
1665 97-5-49.

1666 (4) The term "community service" as used in this section
1667 shall mean work, projects or services for the benefit of the
1668 community assigned, supervised and recorded by appropriate public
1669 officials.



1670 (5) If a person under the age of twenty-one (21) years is
1671 convicted or enters a plea of guilty of violating subsection (1)
1672 or subsection (2) of this section, the trial judge, in lieu of the
1673 penalties otherwise provided under this section, shall suspend the
1674 minor's driver's license by taking and keeping it in the custody
1675 of the court for a period of time not to exceed ninety (90) days.
1676 The judge so ordering the suspension shall enter upon his docket
1677 "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF
1678 CONVICTION" and such action by the trial judge shall not
1679 constitute a conviction. During the period that the minor's
1680 driver's license is suspended, the trial judge shall suspend the
1681 imposition of any fines or penalties that may be imposed under
1682 this section and may place the minor on probation subject to such
1683 conditions as the judge deems appropriate. If the minor violates
1684 any of the conditions of probation, then the trial judge shall
1685 return the driver's license to the minor and impose the fines,
1686 penalties, or both, that he would have otherwise imposed, and such
1687 action shall constitute a conviction.

1688 (6) Any person who has been charged with a violation
1689 of * * * subsection (1) or (2) of this section may, not sooner
1690 than one (1) year after the dismissal and discharge or completion
1691 of any sentence and/or payment of any fine, apply to the court for
1692 an order to expunge from all official records all recordation
1693 relating to his arrest, trial, finding or plea of guilty, and
1694 dismissal and discharge. If the court determines that such person



1695 was dismissed and the proceedings against him discharged or that
1696 such person had satisfactorily served his sentence and/or paid his
1697 fine, it shall enter such order.

1698 **SECTION 52.** Section 67-3-73, Mississippi Code of 1972, is
1699 amended as follows:

1700 67-3-73. (1) The Mississippi Legislature finds and declares
1701 that the consumption of intoxicating beverages, rather than the
1702 sale or serving or furnishing of such beverages, is the proximate
1703 cause of any injury, including death and property damage,
1704 inflicted by an intoxicated person upon himself or upon another
1705 person.

1706 (2) Notwithstanding any other law to the contrary, no holder
1707 of an alcoholic beverage * * * or light intoxicating beverage
1708 permit, or any agent or employee of such holder, who lawfully
1709 sells or serves intoxicating beverages to a person who may
1710 lawfully purchase such intoxicating beverages, shall be liable to
1711 such person or to any other person or to the estate, or survivors
1712 of either, for any injury suffered off the licensed premises,
1713 including wrongful death and property damage, because of the
1714 intoxication of the person to whom the intoxicating beverages were
1715 sold or served.

1716 (3) Notwithstanding any other law to the contrary, no social
1717 host who serves or furnishes any intoxicating beverage to a person
1718 who may lawfully consume such intoxicating beverage shall be
1719 liable to such person or to any other person or to the estate, or



1720 survivors of either, for any injury suffered off such social
1721 host's premises, including wrongful death and property damage,
1722 because of the intoxication of the person to whom the intoxicating
1723 beverages were served or furnished. No social host who owns,
1724 leases or otherwise lawfully occupies a premises on which, in his
1725 absence and without his consent, intoxicating beverages are
1726 consumed by a person who may lawfully consume such intoxicating
1727 beverage shall be liable to such person or to any other person or
1728 to the estate, or survivors of either, for any injury suffered off
1729 the premises, including wrongful death and property damage,
1730 because of the intoxication of the person who consumed the
1731 intoxicating beverages.

1732 (4) The limitation of liability provided by this section
1733 shall not apply to any person who causes or contributes to the
1734 consumption of * * * intoxicating beverages by force or by falsely
1735 representing that a beverage contains no alcohol or THC, or to any
1736 holder of an alcoholic beverage * * * or light intoxicating
1737 beverage permit, or any agent or employee of such holder when it
1738 is shown that the person making a purchase of an * * *
1739 intoxicating beverage was at the time of such purchase visibly
1740 intoxicated.

1741 **SECTION 53.** Section 67-3-74, Mississippi Code of 1972, is
1742 amended as follows:

1743 67-3-74. (1) In addition to peace officers within their
1744 jurisdiction, all enforcement officers of the Alcoholic Beverage



1745 Control Division of the Department of Revenue are authorized to
1746 enforce the provisions made unlawful by this chapter and Section
1747 97-5-49; however, the provisions prohibiting the sale of
1748 light * * * intoxicating beverages to persons under the age of
1749 twenty-one (21) years shall be enforced by the division as
1750 provided for in this section.

1751 (2) (a) The Alcoholic Beverage Control Division shall
1752 investigate violations of the laws prohibiting the sale of
1753 light * * * intoxicating beverages to persons under the age of
1754 twenty-one (21) years upon receipt of a complaint or information
1755 from a person stating that they have knowledge of such violation.

1756 (b) Upon receipt of such complaint or information, the
1757 Alcoholic Beverage Control Division shall notify the permit holder
1758 of the complaint by certified mail to the primary business office
1759 of such permit holder or by hand delivery of the complaint or
1760 information to the primary business office of such holder, except
1761 in cases where the complaint or information is received from any
1762 law enforcement officer.

1763 (c) If an enforcement officer of the Alcoholic Beverage
1764 Control Division enters the business of the holder of the permit
1765 to investigate a complaint and discovers a violation, the agent
1766 shall notify the person that committed the violation and the
1767 holder of the permit:



1768 (i) Within ten (10) days after such violation,
1769 Sundays and holidays excluded, if the business sells light * * *
1770 intoxicating beverages for on-premises consumption; and

1771 (ii) Within seventy-two (72) hours after such
1772 violation, Sundays and holidays excluded, if the business does not
1773 sell light * * * intoxicating beverages for on-premises
1774 consumption.

1775 **SECTION 54.** Section 67-1-5, Mississippi Code of 1972, is
1776 amended as follows:

1777 67-1-5. For the purposes of this article and unless
1778 otherwise required by the context:

1779 (a) "Alcoholic beverage" means any alcoholic liquid,
1780 including wines of more than five percent (5%) of alcohol by
1781 weight, capable of being consumed as a beverage by a human being,
1782 but shall not include light * * * intoxicating beverages, as
1783 defined in Section 67-3-3, * * * but shall include native wines
1784 and native spirits. The words "alcoholic beverage" shall not
1785 include ethyl alcohol manufactured or distilled solely for fuel
1786 purposes or beer of an alcoholic content of more than eight
1787 percent (8%) by weight if the beer is legally manufactured in this
1788 state for sale in another state.

1789 (b) "Alcohol" means the product of distillation of any
1790 fermented liquid, whatever the origin thereof, and includes
1791 synthetic ethyl alcohol, but does not include denatured alcohol or
1792 wood alcohol.



1793 (c) "Distilled spirits" means any beverage containing
1794 more than six percent (6%) of alcohol by weight produced by
1795 distillation of fermented grain, starch, molasses or sugar,
1796 including dilutions and mixtures of these beverages.

1797 (d) "Wine" or "vinous liquor" means any product
1798 obtained from the alcoholic fermentation of the juice of sound,
1799 ripe grapes, fruits, honey or berries and made in accordance with
1800 the revenue laws of the United States.

1801 (e) "Person" means and includes any individual,
1802 partnership, corporation, association or other legal entity
1803 whatsoever.

1804 (f) "Manufacturer" means any person engaged in
1805 manufacturing, distilling, rectifying, blending or bottling any
1806 alcoholic beverage.

1807 (g) "Wholesaler" means any person, other than a
1808 manufacturer, engaged in distributing or selling any alcoholic
1809 beverage at wholesale for delivery within or without this state
1810 when such sale is for the purpose of resale by the purchaser.

1811 (h) "Retailer" means any person who sells, distributes,
1812 or offers for sale or distribution, any alcoholic beverage for use
1813 or consumption by the purchaser and not for resale.

1814 (i) "State Tax Commission," "commission" or
1815 "department" means the Department of Revenue of the State of
1816 Mississippi, which shall create a division in its organization to
1817 be known as the Alcoholic Beverage Control Division. Any



1818 reference to the commission or the department hereafter means the
1819 powers and duties of the Department of Revenue with reference to
1820 supervision of the Alcoholic Beverage Control Division.

1821 (j) "Division" means the Alcoholic Beverage Control
1822 Division of the Department of Revenue.

1823 (k) "Municipality" means any incorporated city or town
1824 of this state.

1825 (l) "Hotel" means an establishment within a
1826 municipality, or within a qualified resort area approved as such
1827 by the department, where, in consideration of payment, food and
1828 lodging are habitually furnished to travelers and wherein are
1829 located at least twenty (20) adequately furnished and completely
1830 separate sleeping rooms with adequate facilities that persons
1831 usually apply for and receive as overnight accommodations. Hotels
1832 in towns or cities of more than twenty-five thousand (25,000)
1833 population are similarly defined except that they must have fifty
1834 (50) or more sleeping rooms. Any such establishment described in
1835 this paragraph with less than fifty (50) beds shall operate one or
1836 more regular dining rooms designed to be constantly frequented by
1837 customers each day. When used in this article, the word "hotel"
1838 shall also be construed to include any establishment that meets
1839 the definition of "bed and breakfast inn" as provided in this
1840 section.

1841 (m) "Restaurant" means:



1842 (i) A place which is regularly and in a bona fide
1843 manner used and kept open for the serving of meals to guests for
1844 compensation, which has suitable seating facilities for guests,
1845 and which has suitable kitchen facilities connected therewith for
1846 cooking an assortment of foods and meals commonly ordered at
1847 various hours of the day; the service of such food as sandwiches
1848 and salads only shall not be deemed in compliance with this
1849 requirement. Except as otherwise provided in this paragraph, no
1850 place shall qualify as a restaurant under this article unless
1851 twenty-five percent (25%) or more of the revenue derived from such
1852 place shall be from the preparation, cooking and serving of meals
1853 and not from the sale of beverages, or unless the value of food
1854 given to and consumed by customers is equal to twenty-five percent
1855 (25%) or more of total revenue; or

1856 (ii) Any privately owned business located in a
1857 building in a historic district where the district is listed in
1858 the National Register of Historic Places, where the building has a
1859 total occupancy rating of not less than one thousand (1,000) and
1860 where the business regularly utilizes ten thousand (10,000) square
1861 feet or more in the building for live entertainment, including not
1862 only the stage, lobby or area where the audience sits and/or
1863 stands, but also any other portion of the building necessary for
1864 the operation of the business, including any kitchen area, bar
1865 area, storage area and office space, but excluding any area for
1866 parking. In addition to the other requirements of this



1867 subparagraph, the business must also serve food to guests for
1868 compensation within the building and derive the majority of its
1869 revenue from event-related fees, including, but not limited to,
1870 admission fees or ticket sales to live entertainment in the
1871 building, and from the rental of all or part of the facilities of
1872 the business in the building to another party for a specific event
1873 or function.

1874 (n) "Club" means an association or a corporation:

1875 (i) Organized or created under the laws of this
1876 state for a period of five (5) years prior to July 1, 1966;

1877 (ii) Organized not primarily for pecuniary profit
1878 but for the promotion of some common object other than the sale or
1879 consumption of alcoholic beverages;

1880 (iii) Maintained by its members through the
1881 payment of annual dues;

1882 (iv) Owning, hiring or leasing a building or space
1883 in a building of such extent and character as may be suitable and
1884 adequate for the reasonable and comfortable use and accommodation
1885 of its members and their guests;

1886 (v) The affairs and management of which are
1887 conducted by a board of directors, board of governors, executive
1888 committee, or similar governing body chosen by the members at a
1889 regular meeting held at some periodic interval; and

1890 (vi) No member, officer, agent or employee of
1891 which is paid, or directly or indirectly receives, in the form of



1892 a salary or other compensation any profit from the distribution or
1893 sale of alcoholic beverages to the club or to members or guests of
1894 the club beyond such salary or compensation as may be fixed and
1895 voted at a proper meeting by the board of directors or other
1896 governing body out of the general revenues of the club.

1897 The department may, in its discretion, waive the five-year
1898 provision of this paragraph. In order to qualify under this
1899 paragraph, a club must file with the department, at the time of
1900 its application for a license under this article, two (2) copies
1901 of a list of the names and residences of its members and similarly
1902 file, within ten (10) days after the election of any additional
1903 member, his name and address. Each club applying for a license
1904 shall also file with the department at the time of the application
1905 a copy of its articles of association, charter of incorporation,
1906 bylaws or other instruments governing the business and affairs
1907 thereof.

1908 (o) "Qualified resort area" means any area or locality
1909 outside of the limits of incorporated municipalities in this state
1910 commonly known and accepted as a place which regularly and
1911 customarily attracts tourists, vacationists and other transients
1912 because of its historical, scenic or recreational facilities or
1913 attractions, or because of other attributes which regularly and
1914 customarily appeal to and attract tourists, vacationists and other
1915 transients in substantial numbers; however, no area or locality
1916 shall so qualify as a resort area until it has been duly and



1917 properly approved as such by the department. The department may
1918 not approve an area as a qualified resort area after July 1, 2018,
1919 if any portion of such proposed area is located within two (2)
1920 miles of a convent or monastery that is located in a county
1921 traversed by Interstate 55 and U.S. Highway 98. A convent or
1922 monastery may waive such distance restrictions in favor of
1923 allowing approval by the department of an area as a qualified
1924 resort area. Such waiver shall be in written form from the owner,
1925 the governing body, or the appropriate officer of the convent or
1926 monastery having the authority to execute such a waiver, and the
1927 waiver shall be filed with and verified by the department before
1928 becoming effective.

1929 (i) The department may approve an area or locality
1930 outside of the limits of an incorporated municipality that is in
1931 the process of being developed as a qualified resort area if such
1932 area or locality, when developed, can reasonably be expected to
1933 meet the requisites of the definition of the term "qualified
1934 resort area." In such a case, the status of qualified resort area
1935 shall not take effect until completion of the development.

1936 (ii) The term includes any state park which is
1937 declared a resort area by the department; however, such
1938 declaration may only be initiated in a written request for resort
1939 area status made to the department by the Executive Director of
1940 the Department of Wildlife, Fisheries and Parks, and no permit for
1941 the sale of any alcoholic beverage, as defined in this article,



1942 except an on-premises retailer's permit, shall be issued for a
1943 hotel, restaurant or bed and breakfast inn in such park.

1944 (iii) The term includes:

1945 1. The clubhouses associated with the state
1946 park golf courses at the Lefleur's Bluff State Park, the John Kyle
1947 State Park, the Percy Quin State Park and the Hugh White State
1948 Park;

1949 2. The clubhouse and associated golf course,
1950 tennis courts and related facilities and swimming pool and related
1951 facilities where the golf course, tennis courts and related
1952 facilities and swimming pool and related facilities are adjacent
1953 to one or more planned residential developments and the golf
1954 course and all such developments collectively include at least
1955 seven hundred fifty (750) acres and at least four hundred (400)
1956 residential units;

1957 3. Any facility located on property that is a
1958 game reserve with restricted access that consists of at least
1959 three thousand (3,000) contiguous acres with no public roads and
1960 that offers as a service hunts for a fee to overnight guests of
1961 the facility;

1962 4. Any facility located on federal property
1963 surrounding a lake and designated as a recreational area by the
1964 United States Army Corps of Engineers that consists of at least
1965 one thousand five hundred (1,500) acres;



1966 5. Any facility that is located in a
1967 municipality that is bordered by the Pearl River, traversed by
1968 Mississippi Highway 25, adjacent to the boundaries of the Jackson
1969 International Airport and is located in a county which has voted
1970 against coming out from under the dry law; however, any such
1971 facility may only be located in areas designated by the governing
1972 authorities of such municipality;

1973 6. Any municipality with a population in
1974 excess of ten thousand (10,000) according to the latest federal
1975 decennial census that is located in a county that is bordered by
1976 the Pearl River and is not traversed by Interstate Highway 20,
1977 with a population in excess of forty-five thousand (45,000)
1978 according to the latest federal decennial census;

1979 7. The West Pearl Restaurant Tax District as
1980 defined in Chapter 912, Local and Private Laws of 2007;

1981 8. a. Land that is located in any county in
1982 which Mississippi Highway 43 and Mississippi Highway 25 intersect
1983 and:

1984 A. Owned by the Pearl River Valley
1985 Water Supply District, and/or

1986 B. Located within the Reservoir
1987 Community District, zoned commercial, east of Old Fannin Road,
1988 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
1989 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
1990 Drive and/or Lake Vista Place, and/or



1991 C. Located within the Reservoir
1992 Community District, zoned commercial, west of Old Fannin Road,
1993 south of Spillway Road and extending to the boundary of the
1994 corporate limits of the City of Flowood, Mississippi;

1995 b. The board of supervisors of such
1996 county, with respect to B and C of item 8.a., may by resolution or
1997 other order:

1998 A. Specify the hours of operation
1999 of facilities that offer alcoholic beverages for sale,

2000 B. Specify the percentage of
2001 revenue that facilities that offer alcoholic beverages for sale
2002 must derive from the preparation, cooking and serving of meals and
2003 not from the sale of beverages, and

2004 C. Designate the areas in which
2005 facilities that offer alcoholic beverages for sale may be located;

2006 9. Any facility located on property that is a
2007 game reserve with restricted access that consists of at least
2008 eight hundred (800) contiguous acres with no public roads, that
2009 offers as a service hunts for a fee to overnight guests of the
2010 facility, and has accommodations for at least fifty (50) overnight
2011 guests;

2012 10. Any facility that:

2013 a. Consists of at least six thousand
2014 (6,000) square feet being heated and cooled along with an
2015 additional adjacent area that consists of at least two thousand



2016 two hundred (2,200) square feet regardless of whether heated and
2017 cooled,

2018 b. For a fee is used to host events such
2019 as weddings, reunions and conventions,

2020 c. Provides lodging accommodations
2021 regardless of whether part of the facility and/or located adjacent
2022 to or in close proximity to the facility, and

2023 d. Is located on property that consists
2024 of at least thirty (30) contiguous acres;

2025 11. Any facility and related property:

2026 a. Located on property that consists of
2027 at least one hundred twenty-five (125) contiguous acres and
2028 consisting of an eighteen-hole golf course, and/or located in a
2029 facility that consists of at least eight thousand (8,000) square
2030 feet being heated and cooled,

2031 b. Used for the purpose of providing
2032 meals and hosting events, and

2033 c. Used for the purpose of teaching
2034 culinary arts courses and/or turf management and grounds keeping
2035 courses, and/or outdoor recreation and leadership courses;

2036 12. Any facility and related property that:

2037 a. Consist of at least eight thousand
2038 (8,000) square feet being heated and cooled,

2039 b. For a fee is used to host events,



2040 c. Is used for the purpose of culinary
2041 arts courses, and/or live entertainment courses and art
2042 performances, and/or outdoor recreation and leadership courses;

2043 13. The clubhouse and associated golf course
2044 where the golf course is adjacent to one or more residential
2045 developments and the golf course and all such developments
2046 collectively include at least two hundred (200) acres and at least
2047 one hundred fifty (150) residential units and are located a. in a
2048 county that has voted against coming out from under the dry law;
2049 and b. outside of but in close proximity to a municipality in such
2050 county which has voted under Section 67-1-14, after January 1,
2051 2013, to come out from under the dry law;

2052 14. The clubhouse and associated
2053 eighteen-hole golf course located in a municipality traversed by
2054 Interstate Highway 55 and U.S. Highway 51 that has voted to come
2055 out from under the dry law;

2056 15. a. Land that is planned for mixed-use
2057 development and consists of at least two hundred (200) contiguous
2058 acres with one or more planned residential developments
2059 collectively planned to include at least two hundred (200)
2060 residential units when completed, and also including a facility
2061 that consists of at least four thousand (4,000) square feet that
2062 is not part of such land but is located adjacent to or in close
2063 proximity thereto, and which land is located:



2064 A. In a county that has voted to
2065 come out from under the dry law,

2066 B. Outside the corporate limits of
2067 any municipality in such county and adjacent to or in close
2068 proximity to a golf course located in a municipality in such
2069 county, and

2070 C. Within one (1) mile of a state
2071 institution of higher learning;

2072 b. The board of supervisors of such
2073 county may by resolution or other order:

2074 A. Specify the hours of operation
2075 of facilities that offer alcoholic beverages for sale,

2076 B. Specify the percentage of
2077 revenue that facilities that offer alcoholic beverages for sale
2078 must derive from the preparation, cooking and serving of meals and
2079 not from the sale of beverages, and

2080 C. Designate the areas in which
2081 facilities that offer alcoholic beverages for sale may be located;

2082 16. Any facility with a capacity of five
2083 hundred (500) people or more, to be used as a venue for private
2084 events, on a tract of land in the Southwest Quarter of Section 33,
2085 Township 2 South, Range 7 East, of a county where U.S. Highway 45
2086 and U.S. Highway 72 intersect and that has not voted to come out
2087 from under the dry law;



2088 17. One hundred five (105) contiguous acres,
2089 more or less, located in Hinds County, Mississippi, and in the
2090 City of Jackson, Mississippi, whereon are constructed a variety of
2091 buildings, improvements, grounds or objects for the purpose of
2092 holding events thereon to promote agricultural and industrial
2093 development in Mississippi;

2094 18. Land that is owned by a state institution
2095 of higher learning, land that is owned by an entity that is bound
2096 by an affiliation agreement with a state institution of higher
2097 learning, or land that is owned by one or more other entities so
2098 long as such other entities are solely owned, either directly or
2099 through additional entities, by an institution of higher learning
2100 and/or one or more entities bound by affiliation agreements with
2101 such institution, and:

2102 a. Located entirely within a county that
2103 has elected by majority vote not to permit the transportation,
2104 storage, sale, distribution, receipt and/or manufacture of
2105 light * * * intoxicating beverages pursuant to Section 67-3-7; and

2106 b. A. Located adjacent to but outside
2107 the incorporated limits of a municipality that has elected by
2108 majority vote to permit the sale, receipt, storage and
2109 transportation of light * * * intoxicating beverages pursuant to
2110 Section 67-3-9; or

2111 B. Located in an area bounded on
2112 the north by College View Drive, on the east by Mississippi



2113 Highway 12 East, on the south by Mississippi Highway 12 East, on
2114 the west by Mill Street, on the north by Russell Street, then on
2115 the west by Colonel Muldrow Avenue, on the north by University
2116 Drive, on the west by Adkerson Way within a municipality through
2117 which run Mississippi Highway 25, Mississippi Highway 12 and U.S.
2118 Highway 82.

2119 If any portion of the land described in this item 18 has been
2120 declared a qualified resort area by the department before July 1,
2121 2020, then that qualified resort area shall be incorporated into
2122 the qualified resort area created by this item 18;

2123 19. Any facility and related property:

2124 a. Used as a flea market or similar
2125 venue during a weekend (Saturday and Sunday) immediately preceding
2126 the first Monday of a month and having an annual average of at
2127 least one thousand (1,000) visitors for each such weekend and five
2128 hundred (500) vendors for Saturday of each such weekend, and

2129 b. Located in a county that has not
2130 voted to come out from under the dry law and outside of but in
2131 close proximity to a municipality located in such county and which
2132 municipality has voted to come out from under the dry law;

2133 20. Blocks 1, 2 and 3 of the original town
2134 square in any municipality with a population in excess of one
2135 thousand five hundred (1,500) according to the latest federal
2136 decennial census and which is located in:



2137 a. A county traversed by Interstate 55
2138 and Interstate 20, and

2139 b. A judicial district that has not
2140 voted to come out from under the dry law;

2141 21. Any municipality with a population in
2142 excess of two thousand (2,000) according to the latest federal
2143 decennial census and in which is located a part of White's Creek
2144 Lake and in which U.S. Highway 82 intersects with Mississippi
2145 Highway 9 and located in a county that is partially bordered on
2146 one (1) side by the Big Black River;

2147 22. A restaurant located on a two-acre tract
2148 adjacent to a five-hundred-fifty-acre lake in the northeast corner
2149 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

2150 23. Any tracts of land in Oktibbeha County,
2151 situated north of Bailey Howell Drive, Lee Boulevard and Old
2152 Mayhew Road, east of George Perry Street and south of Mississippi
2153 Highway 182, and not located on the property of a state
2154 institution of higher learning; however, the board of supervisors
2155 of such county may by resolution or other order:

2156 a. Specify the hours of operation of
2157 facilities that offer alcoholic beverages for sale;

2158 b. Specify the percentage of revenue
2159 that facilities that offer alcoholic beverages for sale must
2160 derive from the preparation, cooking and serving of meals and not
2161 from the sale of beverages; and



2162 c. Designate the areas in which
2163 facilities that offer alcoholic beverages for sale may be located;

2164 24. A municipality in which Mississippi
2165 Highway 27 and Mississippi Highway 28 intersect;

2166 25. A municipality through which run
2167 Mississippi Highway 35 and Interstate 20;

2168 26. A municipality in which Mississippi
2169 Highway 16 and Mississippi Highway 35 intersect;

2170 27. A municipality in which U.S. Highway 82
2171 and Old Highway 61 intersect;

2172 28. A municipality in which Mississippi
2173 Highway 8 meets Mississippi Highway 1;

2174 29. A municipality in which U.S. Highway 82
2175 and Mississippi Highway 1 intersect;

2176 30. A municipality in which Mississippi
2177 Highway 50 meets Mississippi Highway 9;

2178 31. An area bounded on the north by Pearl
2179 Street, on the east by West Street, on the south by Court Street
2180 and on the west by Farish Street, within a municipality bordered
2181 on the east by the Pearl River and through which run Interstate 20
2182 and Interstate 55;

2183 32. Any facility and related property that:
2184 a. Is contracted for mixed-use
2185 development improvements consisting of office and residential
2186 space and a restaurant and lounge, partially occupying the



2187 renovated space of a four-story commercial building which
2188 previously served as a financial institution; and adjacent
2189 property to the west consisting of a single-story office building
2190 that was originally occupied by the Brotherhood of Carpenters and
2191 Joiners of American Local Number 569; and

2192 b. Is situated on a tract of land
2193 consisting of approximately one and one-tenth (1.10) acres, and
2194 the adjacent property to the west consisting of approximately 0.5
2195 acres, located in a municipality which is the seat of county
2196 government, situated south of Interstate 10, traversed by U.S.
2197 Highway 90, partially bordered on one (1) side by the Pascagoula
2198 River and having its most southern boundary bordered by the Gulf
2199 of Mexico, with a population greater than twenty-two thousand
2200 (22,000) according to the 2010 federal decennial census; however,
2201 the governing authorities of such a municipality may by ordinance:

2202 A. Specify the hours of operation
2203 of facilities that offer alcoholic beverages for sale;

2204 B. Specify the percentage of
2205 revenue that facilities that offer alcoholic beverages for sale
2206 must derive from the preparation, cooking and serving of meals and
2207 not from the sale of beverages; and

2208 C. Designate the areas within the
2209 facilities in which alcoholic beverages may be offered for sale;

2210 33. Any facility with a maximum capacity of
2211 one hundred twenty (120) people that consists of at least three



2212 thousand (3,000) square feet being heated and cooled, has a
2213 commercial kitchen, has a pavilion that consists of at least nine
2214 thousand (9,000) square feet and is located on land more
2215 particularly described as follows:

2216 All that part of the East Half of the Northwest Quarter of
2217 Section 21, Township 7 South, Range 4 East, Union County,
2218 Mississippi, that lies South of Mississippi State Highway 348
2219 right-of-way and containing 19.48 acres, more or less.

2220 ALSO,

2221 The Northeast 38 acres of the Southwest Quarter of Section
2222 21, Township 7 South, Range 4 East, Union County, Mississippi.

2223 ALSO,

2224 The South 81 1/2 acres of the Southwest Quarter of Section
2225 21, Township 7 South, Range 4 East, Union County, Mississippi;

2226 34. A municipality in which U.S. Highway 51
2227 and Mississippi Highway 16 intersect;

2228 35. A municipality in which Interstate 20
2229 passes over Mississippi Highway 15;

2230 36. Any municipality that is bordered in its
2231 northwestern boundary by the Pearl River, traversed by U.S.
2232 Highway 49 and Interstate 20, and is located in a county which has
2233 voted against coming out from under the dry law;

2234 37. A municipality in which Mississippi
2235 Highway 28 and Mississippi Highway 29 North intersect;



2236 38. An area bounded as follows within a
2237 municipality through which run Interstate 22 and Mississippi
2238 Highway 15: Beginning at a point at the intersection of Bankhead
2239 Street and Tallahatchie Trails; then running to a point at the
2240 intersection of Tallahatchie Trails and Interstate 22; then
2241 running to a point at the intersection of Interstate 22 and Carter
2242 Avenue; then running to a point at the intersection of Carter
2243 Avenue and Camp Avenue; then running to a point at the
2244 intersection of Camp Avenue and King Street; then running to a
2245 point at the intersection of King Street and E. Main Street; then
2246 running to a point at the intersection of E. Main Street and Camp
2247 Avenue; then running to a point at the intersection of Camp Avenue
2248 and Highland Street; then running to a point at the intersection
2249 of Highland Street and Adams Street; then running to a point at
2250 the intersection of Adams Street and Cleveland Street; then
2251 running to a point at the intersection of Cleveland Street and N.
2252 Railroad Avenue; then running to a point at the intersection of N.
2253 Railroad Avenue and McGill Street; then running to a point at the
2254 intersection of McGill Street and Snyder Street; then running to a
2255 point at the intersection of Snyder Street and Bankhead Street;
2256 then running to a point at the intersection of Bankhead Street and
2257 Tallahatchie Trails and the point of the beginning;

2258 39. A municipality through which run
2259 Mississippi Highway 43 and U.S. Highway 80;



2260 40. The coliseum in a municipality in which
2261 U.S. Highway 72 passes over U.S. Highway 45;

2262 41. A piece of property on the northeast
2263 corner of the T-intersection where Builders Square Drive meets
2264 Mississippi Highway 471;

2265 42. The clubhouse and associated golf course,
2266 tennis courts and related facilities and swimming pool and related
2267 facilities located on Oaks Country Club Road less than one-half
2268 (1/2) mile to the east of Mississippi Highway 15;

2269 43. Any facility located on land more
2270 particularly described as follows:

2271 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
2272 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
2273 Southwest Corner of the Southwest Quarter (SW 1/4) of the
2274 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
2275 East, running 210 feet east and west and 840 feet running north
2276 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
2277 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
2278 Rankin County, Mississippi;

2279 44. Any facility located on land more
2280 particularly described as follows:

2281 Beginning at a point 1915 feet west and 2171 feet north of
2282 southeast corner, Section 11, Township 24 North, Range 2 West,
2283 Second Judicial District, Tallahatchie County, Mississippi, which
2284 point is the southwest corner of J.C. Section Lot mentioned in



2285 deed recorded in Book 50, page 34, in the records of the Chancery
2286 Clerk's Office at Sumner, in said District of said County; thence
2287 South 80° West, 19 feet to the east boundary of United States
2288 Highway 49-E, thence East along the east boundary of said Highway
2289 270 feet to point of beginning of Lot to be conveyed; thence
2290 southeast along the east boundary of said Highway 204 feet to a
2291 concrete post at the intersection of the east boundary of said
2292 Highway with the west boundary of gravel road from Sumner to Webb,
2293 known as Oil Mill Road, thence Northwest along west boundary of
2294 said Oil Mill Road 194 feet to center of driveway running
2295 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
2296 South 66° West along center of said driveway 128 feet to point of
2297 beginning, being situated in Northwest Quarter of Southeast
2298 Quarter of Section 11, together with all improvements situated
2299 thereon;

2300 45. Any facility that:

2301 a. Consists of at least five thousand
2302 six hundred (5,600) square feet being heated and cooled along with
2303 a lakeside patio that consists of at least two thousand two
2304 hundred (2,200) square feet, regardless of whether such patio is
2305 part of the facility and/or located adjacent to or in close
2306 proximity to the facility;

2307 b. Includes a caterer's kitchen and
2308 green room for entertainment preparation;

2309 c. For a fee is used to host events; and



2310 d. Is located adjacent to or in close
2311 proximity to an approximately nine * * *-acre lake on property
2312 that consists of at least one hundred twenty (120) acres in a
2313 county traversed by Mississippi Highway 15 and U.S. Highway 278;

2314 46. Any municipality with a population in
2315 excess of one thousand (1,000) according to the 2010 federal
2316 decennial census and which is located in a county that is
2317 traversed by U.S. Highways 84 and 98 and has not voted to come out
2318 from under the dry law;

2319 47. The clubhouse and associated nine-hole
2320 golf course, tennis courts and related facilities and swimming
2321 pool and related facilities located on or near U.S. Highway 82
2322 between Mississippi Highway 15 and Mississippi Highway 9;

2323 48. The downtown square area bound by East
2324 Service Drive, Commerce Street, Second Street and Court Street and
2325 adjacent properties in a municipality through which run Interstate
2326 55, U.S. Highway 51 and Mississippi Highway 306;

2327 49. All parcels zoned for mixed-use
2328 development located west of Mississippi Highway 589, more than
2329 four hundred (400) feet north of Old Highway 24, east of
2330 Parkers Creek and Black Creek, and south of J M Burge Road;

2331 50. Any facility used by a soccer club and
2332 located on Old Highway 11 between one-tenth (0.1) and two-tenths
2333 (0.2) of a mile from its intersection with Oak Grove Road, in a



2334 county in which U.S. Highway 98 and Mississippi Highway 589
2335 intersect;

2336 51. Any municipality in which U.S. Highway 49
2337 and Mississippi Highway 469 intersect;

2338 52. Any facility that is:

2339 a. Owned by a Veterans of Foreign Wars
2340 (VFW) organization that is a nonprofit corporation and registered
2341 with the Mississippi Secretary of State;

2342 b. Used by such organization for its
2343 headquarters and other organization related purposes; and

2344 c. Located outside of a municipality in
2345 a county that has not voted to come out from under the dry law;

2346 53. The following within a municipality in
2347 which U.S. Highway 49 and U.S. 61 Highway intersect and through
2348 which flows the Sunflower River:

2349 a. An area bounded as follows: Starting
2350 at the southern point of the intersection of Sunflower Avenue and
2351 1st Street and going south along said avenue on its eastern side
2352 to 8th Street, then going east along said street on its northern
2353 side to West Tallahatchie Street, then going north along said
2354 street on its western side to 4th Street/Martin Luther King
2355 Boulevard, then going east along said street/boulevard on its
2356 northern side to Desoto Avenue, then going north along said avenue
2357 on its western side to 1st Street, then going west along said



2358 street on its southern side to the point of beginning along the
2359 southern side of Court Street;

2360 b. Lots located at or near the
2361 intersection of Madison Avenue, Walnut Street, and Riverside
2362 Avenue that are in a commercial zone; and

2363 c. Any facility located on the west side
2364 of Sunflower Avenue to the Sunflower River between the southern
2365 side of 6th Street and the northern side of 8th Street and which
2366 is operated as and/or was operated as a hotel or lodging facility,
2367 in consideration of payment, regardless of whether the facility
2368 meets the criteria for the definition of the term "hotel" in
2369 paragraph (1) of this section; and

2370 d. Any facility located on the west side
2371 of Sunflower Avenue to the Sunflower River between the southern
2372 side of 3rd Street and the northern side of 4th Street/Martin
2373 Luther King Boulevard and which is operated as and/or was operated
2374 as a musical venue, in consideration of payment;

2375 54. Any municipality in which Mississippi
2376 Highway 340 meets Mississippi Highway 15;

2377 55. Any municipality in which Mississippi
2378 Highway 540 and Mississippi Highway 149 intersect;

2379 56. Any municipality in which Mississippi
2380 Highway 15 and Mississippi Highway 345/Main Street intersect;

2381 57. The property and structures thereon at
2382 the following locations within a municipality through which run



2383 U.S. Highway 45 and Mississippi Highway 145 and in which
2384 Mississippi Highway 370 and Mississippi Highway 145 intersect:
2385 104 West Main Street, 106 West Main Street, 108 West Main Street,
2386 110 West Main Street and 112 West Main Street;

2387 58. Any municipality in which U.S. Highway 11
2388 and Main Street intersect and which is located in a county having
2389 two (2) judicial districts;

2390 59. Any municipality in which Interstate 22
2391 passes over Mississippi Highway 9;

2392 60. Any facility located on land more
2393 particularly described as follows:

2394 A certain parcel of land being situated in the Southeast 1/4
2395 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County,
2396 Mississippi, and being more particularly described as follows:

2397 Commence at an existing 1/2" iron pin marking the Southwest
2398 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of
2399 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13
2400 seconds East along the East line of the Southeast 1/4 of the
2401 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"
2402 iron pin; leaving said East line of the Southeast 1/4 of the
2403 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds
2404 East for a distance of 2.08 feet to an existing 1/2" iron pin; run
2405 thence North 00 degrees 22 minutes 19 seconds East for a distance
2406 of 561.90 feet to an existing 1/2" iron pin; run thence North 00
2407 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to



2408 a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel
2409 of land herein described; from said POINT OF BEGINNING, continue
2410 thence North 00 degrees 16 minutes 18 seconds East along an
2411 existing fence for a distance of 493.27 feet to an existing 1/2"
2412 iron pin; run thence North 03 degrees 08 minutes 15 seconds East
2413 for a distance of 170.22 feet to an existing 1/2" iron pin on the
2414 North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of
2415 Section 9; run thence North 89 degrees 46 minutes 45 seconds East
2416 along said North line of the Southeast 1/4 of the Northeast 1/4 of
2417 Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron
2418 pin marking Northeast corner thereof; leaving said North line of
2419 the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence
2420 South 00 degrees 08 minutes 35 seconds West along the East line of
2421 said Southeast 1/4 of the Northeast 1/4 of Section 9 for a
2422 distance of 663.19 feet to a set 1/2" iron pin; leaving said East
2423 line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run
2424 thence South 89 degrees 46 minutes 45 seconds West for a distance
2425 of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00
2426 acres, more or less.

2427 And Also: An easement for the purpose of ingress and egress
2428 being situated in the Southeast 1/4 of the Northeast 1/4 and in
2429 the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E,
2430 Rankin County, Mississippi, and being more particularly described
2431 as follows:



2432 Begin at an existing 1/2" iron pin marking the Southwest
2433 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of
2434 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13
2435 seconds East along the East line of the Southeast 1/4 of the
2436 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"
2437 iron pin; leaving said East line of the Southeast 1/4 of the
2438 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds
2439 East for a distance of 2.08 feet to an existing 1/2" iron pin; run
2440 thence North 00 degrees 22 minutes 19 seconds East for a distance
2441 of 561.90 feet to an existing 1/2" iron pin; run thence North 00
2442 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to
2443 a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45
2444 seconds East for a distance of 25.00 feet to a set 1/2" iron pin;
2445 run thence South 00 degrees 16 minutes 18 seconds West for a
2446 distance of 76.66 feet to a set 1/2" iron pin; run thence South 00
2447 degrees 22 minutes 19 seconds West for a distance of 619.81 feet
2448 to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01
2449 seconds West for a distance of 26.81 feet to a set 1/2" iron pin;
2450 run thence North 00 degrees 06 minutes 13 seconds East along the
2451 West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of
2452 Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING,
2453 containing 17,525.4 square feet, more or less.

2454 61. Any municipality bordered on the east by
2455 the Pascagoula River and on the south by the Mississippi Sound;



2456 62. The property and structures thereon
2457 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201
2458 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969
2459 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original
2460 town square in any municipality with a population in excess of one
2461 thousand five hundred (1,500) according to the latest federal
2462 decennial census and which is located in:

2463 a. A county traversed by Interstate 55
2464 and Interstate 20, and

2465 b. A judicial district that has not
2466 voted to come out from under the dry law;

2467 63. Any municipality in which Mississippi
2468 Highway 12 meets Mississippi Highway 17;

2469 64. Any municipality in which U.S. Highway 49
2470 and Mississippi Highway 469 intersect;

2471 65. The clubhouse and associated nine-hole
2472 golf course and related facilities located on or near the eastern
2473 corner of the point at which Golf Course Road meets Athens Road,
2474 in a county in which Mississippi Highway 13 and Mississippi
2475 Highway 28 intersect, with GPS coordinates of approximately
2476 31.900370078041004, -89.7928067652611;

2477 66. Any facility located at the
2478 south-to-southwest corner of the intersection of Madison Street
2479 and Bolton Brownsville Road, in a municipality in which Bolton



2480 Brownsville Road passes over Interstate 20, with GPS coordinates
2481 of approximately 32.349067271758955, -90.4596221146197;

2482 67. Any facility located at the northwest
2483 corner of the intersection of Depot Street and Madison Street, in
2484 a municipality in which Bolton Brownsville Road passes over
2485 Interstate 20, with GPS coordinates of approximately
2486 32.34903152971068, -90.46047660172901;

2487 68. Any facility located on Hinds Boulevard
2488 approximately three-tenths (0.3) of a mile south of the point at
2489 which Hinds Boulevard diverges from Clinton Road, in a
2490 municipality whose northern boundary partially consists of Snake
2491 Creek Road, and whose southern boundary partially consists of
2492 Mississippi Highway 18, with GPS coordinates of approximately
2493 32.26384517526713, -90.41586570183475;

2494 69. Any facility located on Pleasant Grove
2495 Drive approximately one and three-tenths (1.3) miles southeast of
2496 its intersection with Harmony Drive, in a county through which run
2497 Interstate 55 and U.S. Highway 84, with GPS coordinates of
2498 approximately 31.512043770371907, -90.2506094382595;

2499 70. Any facility located immediately north of
2500 the intersection of two roads, both named Mason Clark Drive,
2501 located between two-tenths (0.2) and three-tenths (0.3) of a mile
2502 southwest of Mississippi Highway 57/63, with GPS coordinates of
2503 approximately 31.135950529733048, -88.53068674585575;



2504 71. Any facility located on Raj Road
2505 approximately three-tenths (0.3) of a mile south of Mississippi
2506 Highway 57/63, with GPS coordinates of approximately
2507 31.139553708288418, -88.53411203512971;

2508 72. Any facility located on Raj Road
2509 approximately one-tenth (0.1) of a mile south of Mississippi
2510 Highway 57/63, with GPS coordinates of approximately
2511 31.14184097577295, -88.53287700849411;

2512 73. Any municipality through which run U.S.
2513 Highway 45 and Mississippi Highway 145 and in which Mississippi
2514 Highway 370 and Mississippi Highway 145 intersect; however, this
2515 designation as a qualified resort area shall only apply to the
2516 portion of such municipality which is located in a county that has
2517 not voted to come out from under the dry law;

2518 74. A municipality through which runs a
2519 portion of the Tanglefoot Trail and in which Mississippi Highway
2520 32 and East Front Street intersect;

2521 75. Lot Three (3) in Block One Hundred
2522 Seventy-eight (178) of the D.H. McInnis First Survey, sometimes
2523 referred to as D.H. McInnis Railroad Addition, to the City of
2524 Hattiesburg, the said lot having a frontage of thirty (30) feet on
2525 the Eastern side of Front Street and extending back between
2526 parallel lines ninety (90) feet to an alley, and being located in
2527 the Northwest Quarter of Section 10, Township 4 North, Range 13
2528 West, Forrest County, Mississippi;



2529 76. An area of land in George County of
2530 approximately eight and five hundredths (8.05) acres, bordered on
2531 the east and northeast by Brushy Creek, on the northwest by Brushy
2532 Creek Road, on the west by Beaver Creek Road, and on the south by
2533 a property boundary running east and west;

2534 77. A municipality in which Mississippi
2535 Highway 15 intersects with Webster Street, and in which Webster
2536 Street splits into Mill Street and Maben Starkville Road;

2537 78. A municipality in which Mississippi
2538 Highway 492 meets Mississippi Highway 35;

2539 79. A facility operating as an event venue
2540 and located on Mississippi Highway 589, with GPS coordinates of
2541 approximately 31.36730, -89.50548;

2542 80. An area situated in the SW 1/4 of Section
2543 12, T7N-R2E, Madison County, Mississippi, and commencing at the
2544 point on the Ross Barnett Reservoir directly east of the
2545 intersection of North Natchez Street and Louisiana Street, then go
2546 west on Louisiana Street to the intersection of Louisiana Street
2547 and Andrew Jackson Street, then west on Andrew Jackson Street to
2548 the intersection of Andrew Jackson Street and Choctaw Street, then
2549 north on Choctaw Street to the intersection of Choctaw Street and
2550 Republic Street, then west on Republic Street to the intersection
2551 of Republic Street and Port Street, then north on Port Street to
2552 the Natchez Trace right-of-way, then east on the Natchez Trace



2553 right-of-way to the Ross Barnett Reservoir, then following the
2554 Ross Barnett Reservoir south back to the point of beginning;

2555 81. Any facility located on land more
2556 particularly described as follows:

2557 Commencing at a fence corner at the Northeast corner of Section
2558 34, Township 6 South, Range 3 East, Union County, Mississippi, for
2559 the point of beginning; thence run South 00 degrees 31 minutes 39
2560 seconds East, along the Section line, a distance of 161.83 feet to
2561 a one-half inch iron pin, thence North 88 degrees 20 minutes 48
2562 seconds West, along a fence, a distance of 1221.09 feet to a
2563 one-half iron pin, thence South 09 degrees 45 minutes 37 seconds
2564 West, along a fence, a distance of 61.49 feet to a one-half inch
2565 iron pin, thence North 84 degrees 18 minutes 01 seconds West,
2566 along a fence, (passing through a one-half inch iron pin at 196.83
2567 feet) a distance of 234.62 feet to a mag-nail on the centerline of
2568 Union County Road No. 137, thence North 11 degrees 00 minutes 29
2569 seconds East a distance of 187.87 feet to a one-half inch iron pin
2570 on the West edge of said road, thence North 29 degrees 41 minutes
2571 28 seconds East a distance of 59.28 feet to a point on the
2572 centerline of said road, thence South 89 degrees 13 minutes 02
2573 seconds East (passing through a one-half inch iron pin at 30.0
2574 feet) along the South line of the Bernard Whiteside property as
2575 recorded in Deed Book 117, Pages 517-518 and Deed Book 214, page
2576 109, a distance of 646.07 feet to a concrete monument, thence
2577 South 89 degrees 13 minutes 02 seconds East a distance of 751.31



2578 feet to a one-half inch iron pin, thence South 00 degrees 31
2579 minutes 39 seconds East, along the aforesaid Section line, a
2580 distance of 52.93 feet to the point of beginning, said tract lying
2581 in the Southeast Quarter of Section 27, and the Northeast Quarter
2582 of Section 34, Township 6 South, Range 3 East and containing 6.99
2583 acres.

2584 Subject to a perpetual all purpose non-exclusive easement for
2585 ingress, egress and public utilities together the right to enter
2586 upon the above described property and do any and all work
2587 necessary to build, repair and maintain a roadway or well or
2588 install public utilities all over upon and across the following
2589 described property:

2590 A 25.0 foot easement for ingress and egress, being 12.5 feet to
2591 the right and 12.5 feet to the left of the following described
2592 centerline: Commencing at a fence corner at the Northeast corner
2593 of Section 34, Township 6 South, Range 3 East, Union County,
2594 Mississippi, thence run South 00 degrees 31 minutes 39 seconds
2595 East, along the Section line, a distance of 149.33 feet to the
2596 point of beginning; thence North 88 degrees 20 minutes 48 seconds
2597 West a distance of 1231.46 feet to a point, thence South 09
2598 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a
2599 point, thence North 84 degrees 18 minutes 01 seconds West a
2600 distance of 221.82 feet to a point on the centerline of Union
2601 County Road #137, said tract lying in the Northeast Quarter of
2602 Section 34, Township 6 South, Range 3 East.



2603 82. The clubhouse at a country club located:
2604 a. In a county in which Mississippi
2605 Highway 15 and Mississippi Highway 16 intersect and which county
2606 has not voted to come out from under the dry law, and
2607 b. Outside the corporate limits of any
2608 municipality in such county and within one (1) mile of the
2609 corporate limits of a municipality that is the county seat of such
2610 county;

2611 83. Any facility located on North Jackson
2612 Street in a municipality through which run Mississippi Highway 8
2613 and Mississippi Highway 15, with GPS coordinates of approximately
2614 33.913692, -89.005219;

2615 84. Any facility located on North Jackson
2616 Street in a municipality through which run Mississippi Highway 8
2617 and Mississippi Highway 15, with GPS coordinates of approximately
2618 33.905581, -89.00200;

2619 85. Any facility located on land more
2620 particularly described as follows:
2621 Commencing at the Southeast corner of Section 4, Township 6
2622 South, Range 18 West, Pearl River County, Mississippi; thence
2623 West 1310.00 feet to a T-bar; thence North 745.84 feet; thence
2624 East 132.00 feet to a 1" iron pipe; thence North 83.61 feet
2625 for the Point of Beginning; thence South 79 degrees 02 minutes
2626 61 seconds West 248.28 feet; thence West 76.35 feet; thence
2627 North 20 degrees 00 minutes 00 seconds West 185.54 feet;



2628 thence North 52 degrees 43 minutes 14 seconds East 365.98 feet
2629 to a 1" iron pipe on the West margin of Henry Smith Road, a
2630 gravel/paved, public road; thence along said margin South 17
2631 degrees 59 minutes 13 seconds East 299.09 feet; thence South
2632 64.39 feet to the Point of Beginning. This parcel containing
2633 2.19 acres and being a part of the East 1/2 of Section 4,
2634 Township 6 South, Range 18 West, Pearl River County,
2635 Mississippi.

2636 INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4,
2637 TOWNSHIP 6 SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY,
2638 MISSISSIPPI;

2639 86. Any facility located on land in a county
2640 through which run Mississippi Highway 25 and U.S. Highway 82 and
2641 more particularly described as follows: Beginning at a point with
2642 GPS coordinates of approximately 33.331869, -88.715054; then
2643 running in a straight line to a point with GPS coordinates of
2644 approximately 33.336207, -88.713453; then running in a straight
2645 line to a point with GPS coordinates of approximately 33.335369,
2646 -88.709835; then running in a straight line to a point with GPS
2647 coordinates of approximately 33.330870, -88.711496; then running
2648 in a straight line to a point with GPS coordinates of
2649 approximately 33.331869, -88.715054 and the point of the
2650 beginning;



2651 87. Any facility located on land that is
2652 owned by a community college that is located in a county through
2653 which run U.S. Highway 51 and Mississippi Highway 4;

2654 88. Any facility located on Mississippi
2655 Highway 23/178 in a municipality in which Mississippi Highway
2656 23/178 and Stone Drive intersect, with GPS coordinates of
2657 approximately 34.235269, -88.262409;

2658 89. Any facility located on U.S. Highway 51
2659 in a municipality through which run Interstate 55, U.S. Highway 51
2660 and the Natchez Trace Parkway, with GPS coordinates of
2661 approximately 32.42042°N, 90.13473°W;

2662 90. Any facility located on Mullican Road in
2663 a county through which run U.S. Highway 84 and Interstate 59,
2664 with GPS coordinates of approximately 31.73395N, 89.18186W;

2665 91. Any facility located on land in a county
2666 through which run Mississippi Highway 25 and U.S. Highway 82 and
2667 more particularly described as follows: Beginning at a point with
2668 GPS coordinates of approximately 33.37391, -88.80645; then running
2669 in a straight line to a point with GPS coordinates of
2670 approximately 33.37391, -88.79972; then running in a straight line
2671 to a point with GPS coordinates of approximately 33.36672,
2672 -88.80644; then running in a straight line to a point with GPS
2673 coordinates of approximately 33.36674, -88.79971; then running in
2674 a straight line to a point with GPS coordinates of approximately
2675 33.37391, -88.80645 and the point of the beginning;



2676 92. Any facility located on land more
2677 particularly described as follows:
2678 All that part of the South half (S 1/2) of the SE 1/4 of NE 1/4 of
2679 Section 14, Township 4 North, Range 15 West, lying and being West
2680 of State Highway No. 589, containing one (1) acre, more or less.
2681 LESS AND EXCEPT:
2682 Begin at the point of intersection of the North line of the South
2683 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14,
2684 Township 4 North, Range 15 West with the present Southwesterly
2685 right-of-way line of Mississippi Highway No. 589, said point is
2686 also the Northeast corner of grantor property; said point is 50.6
2687 feet West of Station 7 + 59.27 on the centerline of survey of
2688 Mississippi Highway No. 589 as shown on the plans for State
2689 Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence
2690 South 08°57' East along said present Southwesterly right-of-way
2691 line, a distance of 37.1 feet to a point that is perpendicular to
2692 and 50 feet Southwesterly of Station 7 + 30 on the centerline of
2693 survey of Mississippi Highway 589 as shown on the plans for said
2694 project; run thence South 81°03' West, a distance of 35.7 feet to
2695 the West line of the South 1/2 of the Southeast 1/4 of the
2696 Northeast 1/4 of said Section 14 and the West line of grantors
2697 property; run thence North along said West property line, a
2698 distance of 42.2 feet to the Northwest corner of the South 1/2 of
2699 the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the
2700 Northwest corner of grantors property; run thence East along



2701 grantors North property line, a distance of 29.5 feet to the POINT
2702 OF BEGINNING containing 0.03 acres, more or less, and all being
2703 situated in and a part of the South 1/2 of the Southeast 1/4 of
2704 the Northeast 1/4 of Section 14, Township 4 North, Range 15 West,
2705 Lamar County, Mississippi.

2706 LESS AND EXCEPT:

2707 A part of the South one-half of the Southeast 1/4 of Northeast
2708 1/4, Northerly of a certain fence and West of Mississippi State
2709 Highway 589, in Section 14, Township 4 North, Range 15 West, Lamar
2710 County, Mississippi and more particularly described as commencing
2711 at a pine (lighter) stake being used as the Southwest corner of
2712 the Northeast 1/4 of Southeast 1/4 of the above said Section 14,
2713 thence North and along the West line of the East 1/4 of the above
2714 said Section 14 1638.8 feet to the POINT OF BEGINNING. Thence
2715 continue North and along the West line of the East 1/4 of the
2716 above said Section 14, 278.5 feet to the Southerly line of the
2717 property Bobby G. Aultman and Marilyn S. Aultman previously sold
2718 to the Mississippi State Highway Department; thence North 81°03'
2719 East and along the above said Southerly property line for 35.7
2720 feet more or less to the Westerly right-of-way line of Mississippi
2721 State Highway 589; thence Southeasterly and along the above said
2722 Westerly right-of-way line 232.7 feet to a concrete right-of-way
2723 marker; thence South 51°39' West and along the Northerly line of a
2724 wooden fence 88 feet to the POINT OF BEGINNING.

2725 AND ALSO:



2726 A parcel of land in a part of the Southeast 1/4 of Northwest 1/4
2727 and a part of the Southwest 1/4, Section 14, Township 4 North,
2728 Range 15 West, Lamar County, Mississippi, and more particularly
2729 described as beginning at a point where the Southerly right-of-way
2730 line of U.S. Highway 98 intersects the West line of the above said
2731 Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along
2732 the Southerly right-of-way line of said highway 208.75 feet;
2733 thence South 208.75 feet; thence South 67°34' West 208.75 feet;
2734 thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to
2735 the centerline of Parkers Creek; thence Northerly and along the
2736 centerline of said creek for the next three (3) calls: North
2737 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North
2738 09°51'30" West 64.3 feet to the Southerly right-of-way line of
2739 U.S. Highway 98; thence North 67°34' East and along the Southerly
2740 right-of-way line of said highway 327.85 feet to the POINT OF
2741 BEGINNING. The above described area contains 3.02 acres.

2742 AND ALSO:

2743 Commencing at the Southwest corner of the Southwest 1/4 of the
2744 Northeast 1/4 of Section 14, Township 4 North, Range 15 West,
2745 Lamar County, Mississippi, run South 88°05'27" East 310.00 feet,
2746 thence South 0°53'16" West 60.50 feet to a point on a fence line,
2747 thence run along fence line South 88°05'27" East 718.93 feet to
2748 the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to
2749 a point on the South right-of-way line of Highway No. 98, thence
2750 along said right-of-way along a curve to the right with a delta



2751 angle of 02°04'26" having a radius of 5603.58 feet and an arc
2752 length of 202.84 feet, with a chord bearing a distance of North
2753 71°53'47" East 202.83 feet to a Concrete Highway right-of-way
2754 marker, thence South 20°09'13" East 328.13 feet, thence South
2755 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet
2756 to a Point on Possession Line fence, thence along said fence North
2757 88°05'27" West 299.23 feet back to the POINT OF BEGINNING,
2758 containing 5.0885 acres, more or less and being situated in the SW
2759 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14,
2760 together with all improvements and appurtenances thereunto
2761 belonging.

2762 AND ALSO:

2763 PARCEL NUMBER ONE: That part of the Northwest Quarter of the
2764 Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section
2765 14, Township 4 North, Range 15 West, of Lamar County, Mississippi,
2766 being located and situated East of the center thread of Mill Creek
2767 as the same presently runs through and bisects said 40-acre tract,
2768 and comprising 10.9 acres, more or less, and all being part of the
2769 Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the
2770 Southwest 1/4) of said Section, Township and Range, Lamar County,
2771 Mississippi.

2772 AND ALSO:

2773 PARCEL NUMBER TWO: A part of the Southeast Quarter of the
2774 Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of
2775 the Northeast Quarter of the Southwest (Northeast 1/4 of the



2776 Southwest 1/4) all in Section 14, Township 4 North, Range 15 West,
2777 Lamar County, Mississippi, being more particularly described as
2778 follows, to wit:

2779 Beginning at a point where the South margin of State Highway 98
2780 intersects the West margin of the Southeast 1/4 of the Northwest
2781 1/4 of Section 14, Township 4 North, Range 15 West, and run
2782 Easterly along the South margin of said highway right-of-way
2783 208.75 feet; thence South 208.75 feet; thence Westerly parallel
2784 with the South margin of said highway right-of-way 208.75 feet to
2785 the West forty line; thence North 208.75 feet to the POINT OF
2786 BEGINNING, containing 1 acre, more or less.

2787 LESS AND EXCEPT:

2788 Begin at the point of intersection of an Easterly line of grantors
2789 property with the present Southerly right-of-way line of U.S.
2790 Highway 98 as shown on the plans for State Project No.
2791 97-0014-02-044-10; from said POINT OF BEGINNING run thence South
2792 02°56' West along said Easterly property line, a distance of 127.6
2793 feet; thence run South 69°11' West, a distance of 52.9 feet;
2794 thence run South 67°13' West, a distance of 492.7 feet to the
2795 Westerly line of grantors property and the center of a creek;
2796 thence run Northerly along said Westerly property line and said
2797 center of creek, a distance of 122.8 feet to said present
2798 Southerly right-of-way line; thence run North 67°13' East along
2799 said present Southerly right-of-way line, a distance of 553.4 feet
2800 to the POINT OF BEGINNING, containing 1.43 acres, more or less,



2801 and being situated in and a part of the North 1/2 of the Southwest
2802 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County,
2803 Mississippi.

2804 LESS AND EXCEPT:

2805 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4
2806 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST
2807 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE
2808 POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.
2809 FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH 11°19'49 " "
2810 EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40 °11'01" EAST
2811 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 179.15
2812 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S. HIGHWAY 98;
2813 THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF SAID HIGHWAY AS
2814 FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN IRON PIN; THENCE
2815 SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE RIGHT-OF-WAY MARKER;
2816 THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN IRON PIN; THENCE
2817 LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST 667.21 FEET TO AN
2818 IRON PIN; THENCE NORTH 67°35'21" EAST 491.91 FEET TO AN IRON PIN;
2819 THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN IRON PIN; THENCE
2820 NORTH 67°35'21" EAST 629.48 FEET BACK TO THE POINT OF BEGINNING.
2821 SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE SE 1/4
2822 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART IN THE
2823 NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH, RANGE
2824 15 WEST, LAMAR COUNTY, MISSISSIPPI.



2825 The status of these municipalities, districts, clubhouses,
2826 facilities, golf courses and areas described in this paragraph
2827 (o)(iii) as qualified resort areas does not require any
2828 declaration of same by the department.

2829 The governing authorities of a municipality described, in
2830 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
2831 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 56, 58, 59, 61,
2832 63, 64, 66, 67, 68, 73, 74, 83 or 84 of this paragraph (o)(iii)
2833 may by ordinance, with respect to the qualified resort area
2834 described in the same item: specify the hours of operation of
2835 facilities offering alcoholic beverages for sale; specify the
2836 percentage of revenue that facilities offering alcoholic beverages
2837 for sale must derive from the preparation, cooking and serving of
2838 meals and not from the sale of beverages; and designate the areas
2839 in which facilities offering alcoholic beverages for sale may be
2840 located.

2841 (p) "Native wine" means any product, produced in
2842 Mississippi for sale, having an alcohol content not to exceed
2843 twenty-one percent (21%) by weight and made in accordance with
2844 revenue laws of the United States, which shall be obtained
2845 primarily from the alcoholic fermentation of the juice of ripe
2846 grapes, fruits, berries, honey or vegetables grown and produced in
2847 Mississippi; provided that bulk, concentrated or fortified wines
2848 used for blending may be produced without this state and used in
2849 producing native wines. The department shall adopt and promulgate



2850 rules and regulations to permit a producer to import such bulk
2851 and/or fortified wines into this state for use in blending with
2852 native wines without payment of any excise tax that would
2853 otherwise accrue thereon.

2854 (q) "Native winery" means any place or establishment
2855 within the State of Mississippi where native wine is produced, in
2856 whole or in part, for sale.

2857 (r) "Bed and breakfast inn" means an establishment
2858 within a municipality where in consideration of payment, breakfast
2859 and lodging are habitually furnished to travelers and wherein are
2860 located not less than eight (8) and not more than nineteen (19)
2861 adequately furnished and completely separate sleeping rooms with
2862 adequate facilities, that persons usually apply for and receive as
2863 overnight accommodations; however, such restriction on the minimum
2864 number of sleeping rooms shall not apply to establishments on the
2865 National Register of Historic Places. No place shall qualify as a
2866 bed and breakfast inn under this article unless on the date of the
2867 initial application for a license under this article more than
2868 fifty percent (50%) of the sleeping rooms are located in a
2869 structure formerly used as a residence.

2870 (s) "Board" shall refer to the Board of Tax Appeals of
2871 the State of Mississippi.

2872 (t) "Spa facility" means an establishment within a
2873 municipality or qualified resort area and owned by a hotel where,
2874 in consideration of payment, patrons receive from licensed



2875 professionals a variety of private personal care treatments such
2876 as massages, facials, waxes, exfoliation and hairstyling.

2877 (u) "Art studio or gallery" means an establishment
2878 within a municipality or qualified resort area that is in the sole
2879 business of allowing patrons to view and/or purchase paintings and
2880 other creative artwork.

2881 (v) "Cooking school" means an establishment within a
2882 municipality or qualified resort area and owned by a nationally
2883 recognized company that offers an established culinary education
2884 curriculum and program where, in consideration of payment, patrons
2885 are given scheduled professional group instruction on culinary
2886 techniques. For purposes of this paragraph, the definition of
2887 cooking school shall not include schools or classes offered by
2888 grocery stores, convenience stores or drugstores.

2889 (w) "Campus" means property owned by a public school
2890 district, community or junior college, college or university in
2891 this state where educational courses are taught, school functions
2892 are held, tests and examinations are administered or academic
2893 course credits are awarded; however, the term shall not include
2894 any "restaurant" or "hotel" that is located on property owned by a
2895 community or junior college, college or university in this state,
2896 and is operated by a third party who receives all revenue
2897 generated from food and alcoholic beverage sales.

2898 (x) "Native spirit" shall mean any beverage, produced
2899 in Mississippi for sale, manufactured primarily by the



2900 distillation of fermented grain, starch, molasses or sugar
2901 produced in Mississippi, including dilutions and mixtures of these
2902 beverages. In order to be classified as "native spirit" under the
2903 provisions of this article, at least fifty-one percent (51%) of
2904 the finished product by volume shall have been obtained from
2905 distillation of fermented grain, starch, molasses or sugar grown
2906 and produced in Mississippi.

2907 (y) "Native distillery" shall mean any place or
2908 establishment within this state where native spirit is produced in
2909 whole or in part for sale.

2910 (z) "Warehouse operator" shall have the meaning
2911 ascribed in Section 67-1-201.

2912 (aa) "Light intoxicating beverage" has the meaning
2913 ascribed in Section 67-3-3.

2914 **SECTION 55.** Section 67-1-18, Mississippi Code of 1972, is
2915 amended as follows:

2916 67-1-18. (1) Any alcoholic beverage, light * * *
2917 intoxicating beverage or raw material seized under the authority
2918 of this article, Chapter 3 of Title 67, or Chapter 31 of Title 97,
2919 Mississippi Code of 1972, shall be submitted to the custody of
2920 the * * * department * * * for disposition.

2921 (2) (a) Except as otherwise provided in this paragraph, the
2922 department shall not dispose of any alcoholic beverage,
2923 light * * * intoxicating beverage or raw material without first
2924 providing reasonable notice to all individuals having an interest



2925 in the property and an opportunity for them to appear and
2926 establish their right or claim to the property. If no hearing is
2927 requested by the passage of the appropriate deadline, the
2928 department shall require the alcoholic beverages, light * * *
2929 intoxicating beverages or raw materials to be sold for the benefit
2930 of the state or destroyed.

2931 (b) The provisions of paragraph (a) of this subsection
2932 shall not apply in cases in which the owner or possessor of the
2933 alcoholic beverage, light * * * intoxicating beverage or raw
2934 material is convicted of selling or possessing alcoholic
2935 beverages, * * * light intoxicating beverages or raw materials in
2936 a manner or location prohibited by law, or convicted of a
2937 violation of Section 67-1-81(2) or 67-3-70. In such cases, the
2938 alcoholic beverage, light * * * intoxicating beverage or raw
2939 materials seized in connection with the violation may be disposed
2940 of in the manner prescribed by the department.

2941 (3) (a) If the department orders the property, other than
2942 alcoholic beverages, sold, then the property shall be sold to the
2943 highest bidder, the bidder being any person, firm or government
2944 agency. The offer for sale shall be made to not less than three
2945 (3) qualified prospective buyers, by mailing them an invitation to
2946 bid, which shall describe the property, terms of sale, method of
2947 delivery, manner of bidding and fixing a time of not more than
2948 fifteen (15) days from the date of invitation for opening of bids
2949 received by the department.



2950 (b) All bids and payment shall be made in the manner as
2951 prescribed by the department. Bids, after opening, shall be
2952 subject to public inspection.

2953 (4) If the department orders the sale of seized alcoholic
2954 beverages, it may place the alcoholic beverages in the state
2955 inventory to be sold to authorized retailers in the same manner as
2956 other alcoholic beverages in the state inventory are sold.

2957 (5) Any appeal from a seizure and disposal made under this
2958 section shall be made pursuant to Section 67-1-72.

2959 **SECTION 56.** Section 67-1-51, Mississippi Code of 1972, is
2960 amended as follows:

2961 67-1-51. (1) Permits which may be issued by the department
2962 shall be as follows:

2963 (a) **Manufacturer's permit.** A manufacturer's permit
2964 shall permit the manufacture, importation in bulk, bottling and
2965 storage of alcoholic liquor and its distribution and sale to
2966 manufacturers holding permits under this article in this state and
2967 to persons outside the state who are authorized by law to purchase
2968 the same, and to sell as provided by this article.

2969 Manufacturer's permits shall be of the following classes:

2970 Class 1. Distiller's and/or rectifier's permit, which shall
2971 authorize the holder thereof to operate a distillery for the
2972 production of distilled spirits by distillation or redistillation
2973 and/or to operate a rectifying plant for the purifying, refining,



2974 mixing, blending, flavoring or reducing in proof of distilled
2975 spirits and alcohol.

2976 Class 2. Wine manufacturer's permit, which shall authorize
2977 the holder thereof to manufacture, import in bulk, bottle and
2978 store wine or vinous liquor.

2979 Class 3. Native wine producer's permit, which shall
2980 authorize the holder thereof to produce, bottle, store and sell
2981 native wines.

2982 Class 4. Native spirit producer's permit, which shall
2983 authorize the holder thereof to produce, bottle, store and sell
2984 native spirits.

2985 (b) **Package retailer's permit.** Except as otherwise
2986 provided in this paragraph and Section 67-1-52, a package
2987 retailer's permit shall authorize the holder thereof to operate a
2988 store exclusively for the sale at retail in original sealed and
2989 unopened packages of alcoholic beverages, including native wines,
2990 native spirits and edibles, not to be consumed on the premises
2991 where sold. Alcoholic beverages shall not be sold by any retailer
2992 in any package or container containing less than fifty (50)
2993 milliliters by liquid measure. A package retailer's permit, with
2994 prior approval from the department, shall authorize the holder
2995 thereof to sample new product furnished by a manufacturer's
2996 representative or his employees at the permitted place of business
2997 so long as the sampling otherwise complies with this article and
2998 applicable department regulations. Such samples may not be



2999 provided to customers at the permitted place of business. In
3000 addition to the sale at retail of packages of alcoholic beverages,
3001 the holder of a package retailer's permit is authorized to sell at
3002 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
3003 other beverages commonly used to mix with alcoholic beverages, and
3004 fruits and foods that have been submerged in alcohol and are
3005 commonly referred to as edibles. Nonalcoholic beverages sold by
3006 the holder of a package retailer's permit shall not be consumed on
3007 the premises where sold.

3008 (c) **On-premises retailer's permit.** Except as otherwise
3009 provided in subsection (5) of this section, an on-premises
3010 retailer's permit shall authorize the sale of alcoholic beverages,
3011 including native wines and native spirits, for consumption on the
3012 licensed premises only; however, a patron of the permit holder may
3013 remove one (1) bottle of wine from the licensed premises if: (i)
3014 the patron consumed a portion of the bottle of wine in the course
3015 of consuming a meal purchased on the licensed premises; (ii) the
3016 permit holder securely reseals the bottle; (iii) the bottle is
3017 placed in a bag that is secured in a manner so that it will be
3018 visibly apparent if the bag is opened; and (iv) a dated receipt
3019 for the wine and the meal is available. Additionally, as part of
3020 a carryout order, a permit holder may sell one (1) bottle of wine
3021 to be removed from the licensed premises for every two (2) entrees
3022 ordered. In addition, an on-premises retailer's permittee at a
3023 permitted premises located on Jefferson Davis Avenue within



3024 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
3025 beverages by the glass to a patron in a vehicle using a
3026 drive-through method of delivery if the permitted premises is
3027 located in a leisure and recreation district established under
3028 Section 67-1-101. Such a sale will be considered to be made on
3029 the permitted premises. An on-premises retailer's permit shall be
3030 issued only to qualified hotels, restaurants and clubs, small
3031 craft breweries, microbreweries, and to common carriers with
3032 adequate facilities for serving passengers. In resort areas,
3033 however, whether inside or outside of a municipality, the
3034 department, in its discretion, may issue on-premises retailer's
3035 permits to any establishments located therein as it deems proper.
3036 An on-premises retailer's permit when issued to a common carrier
3037 shall authorize the sale and serving of alcoholic beverages aboard
3038 any licensed vehicle while moving through any county of the state;
3039 however, the sale of such alcoholic beverages shall not be
3040 permitted while such vehicle is stopped in a county that has not
3041 legalized such sales. If an on-premises retailer's permit is
3042 applied for by a common carrier operating solely in the water,
3043 such common carrier must, along with all other qualifications for
3044 a permit, (i) be certified to carry at least one hundred fifty
3045 (150) passengers and/or provide overnight accommodations for at
3046 least fifty (50) passengers and (ii) operate primarily in the
3047 waters within the State of Mississippi which lie adjacent to the
3048 State of Mississippi south of the three (3) most southern counties



3049 in the State of Mississippi and/or on the Mississippi River or
3050 navigable waters within any county bordering on the Mississippi
3051 River.

3052 (d) **Solicitor's permit.** A solicitor's permit shall
3053 authorize the holder thereof to act as salesman for a manufacturer
3054 or wholesaler holding a proper permit, to solicit on behalf of his
3055 employer orders for alcoholic beverages, and to otherwise promote
3056 his employer's products in a legitimate manner. Such a permit
3057 shall authorize the representation of and employment by one (1)
3058 principal only. However, the permittee may also, in the
3059 discretion of the department, be issued additional permits to
3060 represent other principals. No such permittee shall buy or sell
3061 alcoholic beverages for his own account, and no such beverage
3062 shall be brought into this state in pursuance of the exercise of
3063 such permit otherwise than through a permit issued to a wholesaler
3064 or manufacturer in the state.

3065 (e) **Native wine retailer's permit.** Except as otherwise
3066 provided in subsection (5) of this section, a native wine
3067 retailer's permit shall be issued only to a holder of a Class 3
3068 manufacturer's permit, and shall authorize the holder thereof to
3069 make retail sales of native wines to consumers for on-premises
3070 consumption or to consumers in originally sealed and unopened
3071 containers at an establishment located on the premises of or in
3072 the immediate vicinity of a native winery. When selling to
3073 consumers for on-premises consumption, a holder of a native wine



3074 retailer's permit may add to the native wine alcoholic beverages
3075 not produced on the premises, so long as the total volume of
3076 foreign beverage components does not exceed twenty percent (20%)
3077 of the mixed beverage. Hours of sale shall be the same as those
3078 authorized for on-premises permittees in the city or county in
3079 which the native wine retailer is located.

3080 (f) **Temporary retailer's permit.** Except as otherwise
3081 provided in subsection (5) of this section, a temporary retailer's
3082 permit shall permit the purchase and resale of alcoholic
3083 beverages, including native wines and native spirits, during legal
3084 hours on the premises described in the temporary permit only.

3085 Temporary retailer's permits shall be of the following
3086 classes:

3087 Class 1. A temporary one-day permit may be issued to bona
3088 fide nonprofit civic or charitable organizations authorizing the
3089 sale of alcoholic beverages, including native wine and native
3090 spirit, for consumption on the premises described in the temporary
3091 permit only. Class 1 permits may be issued only to applicants
3092 demonstrating to the department, by a statement signed under
3093 penalty of perjury submitted ten (10) days prior to the proposed
3094 date or such other time as the department may determine, that they
3095 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
3096 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
3097 Class 1 permittees shall obtain all alcoholic beverages from
3098 package retailers located in the county in which the temporary



3099 permit is issued. Alcoholic beverages remaining in stock upon
3100 expiration of the temporary permit may be returned by the
3101 permittee to the package retailer for a refund of the purchase
3102 price upon consent of the package retailer or may be kept by the
3103 permittee exclusively for personal use and consumption, subject to
3104 all laws pertaining to the illegal sale and possession of
3105 alcoholic beverages. The department, following review of the
3106 statement provided by the applicant and the requirements of the
3107 applicable statutes and regulations, may issue the permit.

3108 Class 2. A temporary permit, not to exceed seventy (70)
3109 days, may be issued to prospective permittees seeking to transfer
3110 a permit authorized in paragraph (c) of this subsection. A Class
3111 2 permit may be issued only to applicants demonstrating to the
3112 department, by a statement signed under the penalty of perjury,
3113 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
3114 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
3115 67-1-59. The department, following a preliminary review of the
3116 statement provided by the applicant and the requirements of the
3117 applicable statutes and regulations, may issue the permit.

3118 Class 2 temporary permittees must purchase their alcoholic
3119 beverages directly from the department or, with approval of the
3120 department, purchase the remaining stock of the previous
3121 permittee. If the proposed applicant of a Class 1 or Class 2
3122 temporary permit falsifies information contained in the
3123 application or statement, the applicant shall never again be



3124 eligible for a retail alcohol beverage permit and shall be subject
3125 to prosecution for perjury.

3126 Class 3. A temporary one-day permit may be issued to a
3127 retail establishment authorizing the complimentary distribution of
3128 wine, including native wine, to patrons of the retail
3129 establishment at an open house or promotional event, for
3130 consumption only on the premises described in the temporary
3131 permit. A Class 3 permit may be issued only to an applicant
3132 demonstrating to the department, by a statement signed under
3133 penalty of perjury submitted ten (10) days before the proposed
3134 date or such other time as the department may determine, that it
3135 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
3136 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
3137 A Class 3 permit holder shall obtain all alcoholic beverages from
3138 the holder(s) of a package retailer's permit located in the county
3139 in which the temporary permit is issued. Wine remaining in stock
3140 upon expiration of the temporary permit may be returned by the
3141 Class 3 temporary permit holder to the package retailer for a
3142 refund of the purchase price, with consent of the package
3143 retailer, or may be kept by the Class 3 temporary permit holder
3144 exclusively for personal use and consumption, subject to all laws
3145 pertaining to the illegal sale and possession of alcoholic
3146 beverages. The department, following review of the statement
3147 provided by the applicant and the requirements of the applicable
3148 statutes and regulations, may issue the permit. No retailer may



3149 receive more than twelve (12) Class 3 temporary permits in a
3150 calendar year. A Class 3 temporary permit shall not be issued to
3151 a retail establishment that either holds a merchant permit issued
3152 under paragraph (1) of this subsection, or holds a permit issued
3153 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
3154 the holder to engage in the business of a retailer of light * * *
3155 intoxicating beverages.

3156 (g) **Caterer's permit.** A caterer's permit shall permit
3157 the purchase of alcoholic beverages by a person engaging in
3158 business as a caterer and the resale of alcoholic beverages by
3159 such person in conjunction with such catering business. No person
3160 shall qualify as a caterer unless forty percent (40%) or more of
3161 the revenue derived from such catering business shall be from the
3162 serving of prepared food and not from the sale of alcoholic
3163 beverages and unless such person has obtained a permit for such
3164 business from the Department of Health. A caterer's permit shall
3165 not authorize the sale of alcoholic beverages on the premises of
3166 the person engaging in business as a caterer; however, the holder
3167 of an on-premises retailer's permit may hold a caterer's permit.
3168 When the holder of an on-premises retailer's permit or an
3169 affiliated entity of the holder also holds a caterer's permit, the
3170 caterer's permit shall not authorize the service of alcoholic
3171 beverages on a consistent, recurring basis at a separate, fixed
3172 location owned or operated by the caterer, on-premises retailer or
3173 affiliated entity and an on-premises retailer's permit shall be



3174 required for the separate location. All sales of alcoholic
3175 beverages by holders of a caterer's permit shall be made at the
3176 location being catered by the caterer, and, except as otherwise
3177 provided in subsection (5) of this section, such sales may be made
3178 only for consumption at the catered location. The location being
3179 catered may be anywhere within a county or judicial district that
3180 has voted to come out from under the dry laws or in which the sale
3181 and distribution of alcoholic beverages is otherwise authorized by
3182 law. Such sales shall be made pursuant to any other conditions
3183 and restrictions which apply to sales made by on-premises retail
3184 permittees. The holder of a caterer's permit or his employees
3185 shall remain at the catered location as long as alcoholic
3186 beverages are being sold pursuant to the permit issued under this
3187 paragraph (g), and the permittee shall have at the location the
3188 identification card issued by the Alcoholic Beverage Control
3189 Division of the department. No unsold alcoholic beverages may be
3190 left at the catered location by the permittee upon the conclusion
3191 of his business at that location. Appropriate law enforcement
3192 officers and Alcoholic Beverage Control Division personnel may
3193 enter a catered location on private property in order to enforce
3194 laws governing the sale or serving of alcoholic beverages.

3195 (h) **Research permit.** A research permit shall authorize
3196 the holder thereof to operate a research facility for the
3197 professional research of alcoholic beverages. Such permit shall
3198 authorize the holder of the permit to import and purchase limited



3199 amounts of alcoholic beverages from the department or from
3200 importers, wineries and distillers of alcoholic beverages for
3201 professional research.

3202 (i) **Alcohol processing permit.** An alcohol processing
3203 permit shall authorize the holder thereof to purchase, transport
3204 and possess alcoholic beverages for the exclusive use in cooking,
3205 processing or manufacturing products which contain alcoholic
3206 beverages as an integral ingredient. An alcohol processing permit
3207 shall not authorize the sale of alcoholic beverages on the
3208 premises of the person engaging in the business of cooking,
3209 processing or manufacturing products which contain alcoholic
3210 beverages. The amounts of alcoholic beverages allowed under an
3211 alcohol processing permit shall be set by the department.

3212 (j) **Hospitality cart permit.** A hospitality cart permit
3213 shall authorize the sale of alcoholic beverages from a mobile cart
3214 on a golf course that is the holder of an on-premises retailer's
3215 permit. The alcoholic beverages sold from the cart must be
3216 consumed within the boundaries of the golf course.

3217 (k) **Special service permit.** A special service permit
3218 shall authorize the holder to sell commercially sealed alcoholic
3219 beverages to the operator of a commercial or private aircraft for
3220 en route consumption only by passengers. A special service permit
3221 shall be issued only to a fixed-base operator who contracts with
3222 an airport facility to provide fueling and other associated
3223 services to commercial and private aircraft.



3224 (1) **Merchant permit.** Except as otherwise provided in
3225 subsection (5) of this section, a merchant permit shall be issued
3226 only to the owner of a spa facility, an art studio or gallery, or
3227 a cooking school, and shall authorize the holder to serve
3228 complimentary by the glass wine only, including native wine, at
3229 the holder's spa facility, art studio or gallery, or cooking
3230 school. A merchant permit holder shall obtain all wine from the
3231 holder of a package retailer's permit.

3232 (m) **Temporary alcoholic beverages charitable auction**
3233 **permit.** A temporary permit, not to exceed five (5) days, may be
3234 issued to a qualifying charitable nonprofit organization that is
3235 exempt from taxation under Section 501(c)(3) or (4) of the
3236 Internal Revenue Code of 1986. The permit shall authorize the
3237 holder to sell alcoholic beverages for the limited purpose of
3238 raising funds for the organization during a live or silent auction
3239 that is conducted by the organization and that meets the following
3240 requirements: (i) the auction is conducted in an area of the
3241 state where the sale of alcoholic beverages is authorized; (ii) if
3242 the auction is conducted on the premises of an on-premises
3243 retailer's permit holder, then the alcoholic beverages to be
3244 auctioned must be stored separately from the alcoholic beverages
3245 sold, stored or served on the premises, must be removed from the
3246 premises immediately following the auction, and may not be
3247 consumed on the premises; (iii) the permit holder may not conduct
3248 more than two (2) auctions during a calendar year; (iv) the permit



3249 holder may not pay a commission or promotional fee to any person
3250 to arrange or conduct the auction.

3251 (n) **Event venue retailer's permit.** An event venue
3252 retailer's permit shall authorize the holder thereof to purchase
3253 and resell alcoholic beverages, including native wines and native
3254 spirits, for consumption on the premises during legal hours during
3255 events held on the licensed premises if food is being served at
3256 the event by a caterer who is not affiliated with or related to
3257 the permittee. The caterer must serve at least three (3) entrees.
3258 The permit may only be issued for venues that can accommodate two
3259 hundred (200) persons or more. The number of persons a venue may
3260 accommodate shall be determined by the local fire department and
3261 such determination shall be provided in writing and submitted
3262 along with all other documents required to be provided for an
3263 on-premises retailer's permit. The permittee must derive the
3264 majority of its revenue from event-related fees, including, but
3265 not limited to, admission fees or ticket sales for live
3266 entertainment in the building. "Event-related fees" do not
3267 include * * * alcoholic beverage or light intoxicating beverage
3268 sales or any fee which may be construed to cover the cost of * * *
3269 alcoholic beverages or light intoxicating beverages. This
3270 determination shall be made on a per event basis. An event may
3271 not last longer than two (2) consecutive days per week.

3272 (o) **Temporary theatre permit.** A temporary theatre
3273 permit, not to exceed five (5) days, may be issued to a charitable



3274 nonprofit organization that is exempt from taxation under Section
3275 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
3276 a theatre facility that features plays and other theatrical
3277 performances and productions. Except as otherwise provided in
3278 subsection (5) of this section, the permit shall authorize the
3279 holder to sell alcoholic beverages, including native wines and
3280 native spirits, to patrons of the theatre during performances and
3281 productions at the theatre facility for consumption during such
3282 performances and productions on the premises of the facility
3283 described in the permit. A temporary theatre permit holder shall
3284 obtain all alcoholic beverages from package retailers located in
3285 the county in which the permit is issued. Alcoholic beverages
3286 remaining in stock upon expiration of the temporary theatre permit
3287 may be returned by the permittee to the package retailer for a
3288 refund of the purchase price upon consent of the package retailer
3289 or may be kept by the permittee exclusively for personal use and
3290 consumption, subject to all laws pertaining to the illegal sale
3291 and possession of alcoholic beverages.

3292 (p) **Charter ship operator's permit.** Subject to the
3293 provisions of this paragraph (p), a charter ship operator's permit
3294 shall authorize the holder thereof and its employees to serve,
3295 monitor, store and otherwise control the serving and availability
3296 of alcoholic beverages to customers of the permit holder during
3297 private charters under contract provided by the permit holder. A
3298 charter ship operator's permit shall authorize such action by the



3299 permit holder and its employees only as to alcoholic beverages
3300 brought onto the permit holder's ship by customers of the permit
3301 holder as part of such a private charter. All such alcoholic
3302 beverages must be removed from the charter ship at the conclusion
3303 of each private charter. A charter ship operator's permit shall
3304 not authorize the permit holder to sell, charge for or otherwise
3305 supply alcoholic beverages to customers, except as authorized in
3306 this paragraph (p). For the purposes of this paragraph (p),
3307 "charter ship operator" means a common carrier that (i) is
3308 certified to carry at least one hundred fifty (150) passengers
3309 and/or provide overnight accommodations for at least fifty (50)
3310 passengers, (ii) operates only in the waters within the State of
3311 Mississippi, which lie adjacent to the State of Mississippi south
3312 of the three (3) most southern counties in the State of
3313 Mississippi, and (iii) provides charters under contract for tours
3314 and trips in such waters.

3315 (q) **Distillery retailer's permit.** The holder of a
3316 Class 1 manufacturer's permit may obtain a distillery retailer's
3317 permit. A distillery retailer's permit shall authorize the holder
3318 thereof to sell at retail alcoholic beverages to consumers for
3319 on-premises consumption, or to consumers by the sealed and
3320 unopened bottle from a retail location at the distillery for
3321 off-premises consumption. The holder may only sell product
3322 manufactured by the manufacturer at the distillery described in
3323 the permit. However, when selling to consumers for on-premises



3324 consumption, a holder of a distillery retailer's permit may add
3325 other beverages, alcoholic or not, so long as the total volume of
3326 other beverage components containing alcohol does not exceed
3327 twenty percent (20%). Hours of sale shall be the same as those
3328 authorized for on-premises permittees in the city or county in
3329 which the distillery retailer is located.

3330 The holder shall not sell at retail more than ten percent
3331 (10%) of the alcoholic beverages produced annually at its
3332 distillery. The holder shall not make retail sales of more than
3333 two and twenty-five one-hundredths (2.25) liters, in the
3334 aggregate, of the alcoholic beverages produced at its distillery
3335 to any one (1) individual for consumption off the premises of the
3336 distillery within a twenty-four-hour period. The hours of sale
3337 shall be the same as those hours for package retailers under this
3338 article. The holder of a distillery retailer's permit is not
3339 required to purchase the alcoholic beverages authorized to be sold
3340 by this paragraph from the department's liquor distribution
3341 warehouse; however, if the holder does not purchase the alcoholic
3342 beverages from the department's liquor distribution warehouse, the
3343 holder shall pay to the department all taxes, fees and surcharges
3344 on the alcoholic beverages that are imposed upon the sale of
3345 alcoholic beverages shipped by the department or its warehouse
3346 operator. In addition to alcoholic beverages, the holder of a
3347 distillery retailer's permit may sell at retail promotional
3348 products from the same retail location, including shirts, hats,



3349 glasses, and other promotional products customarily sold by
3350 alcoholic beverage manufacturers.

3351 (r) **Festival Wine Permit.** Any wine manufacturer or
3352 native wine producer permitted by Mississippi or any other state
3353 is eligible to obtain a Festival Wine Permit. This permit
3354 authorizes the entity to transport product manufactured by it to
3355 festivals held within the State of Mississippi and sell sealed,
3356 unopened bottles to festival participants. The holder of this
3357 permit may provide samples at no charge to participants.
3358 "Festival" means any event at which three (3) or more vendors are
3359 present at a location for the sale or distribution of goods. The
3360 holder of a Festival Wine Permit is not required to purchase the
3361 alcoholic beverages authorized to be sold by this paragraph from
3362 the department's liquor distribution warehouse. However, if the
3363 holder does not purchase the alcoholic beverages from the
3364 department's liquor distribution warehouse, the holder of this
3365 permit shall pay to the department all taxes, fees and surcharges
3366 on the alcoholic beverages sold at such festivals that are imposed
3367 upon the sale of alcoholic beverages shipped by the Alcoholic
3368 Beverage Control Division of the Department of Revenue.
3369 Additionally, the entity shall file all applicable reports and
3370 returns as prescribed by the department. This permit is issued
3371 per festival and provides authority to sell for two (2)
3372 consecutive days during the hours authorized for on-premises
3373 permittees' sales in that county or city. The holder of the



3374 permit shall be required to maintain all requirements set by Local
3375 Option Law for the service and sale of alcoholic beverages. This
3376 permit may be issued to entities participating in festivals at
3377 which a Class 1 temporary permit is in effect.

3378 This paragraph (r) shall stand repealed from and after July
3379 1, 2026.

3380 (s) **Charter vessel operator's permit.** Subject to the
3381 provisions of this paragraph (s), a charter vessel operator's
3382 permit shall authorize the holder thereof and its employees to
3383 sell and serve alcoholic beverages to passengers of the permit
3384 holder during public tours, historical tours, ecological tours and
3385 sunset cruises provided by the permit holder. The permit shall
3386 authorize the holder to only sell alcoholic beverages, including
3387 native wines, to passengers of the charter vessel operator during
3388 public tours, historical tours, ecological tours and sunset
3389 cruises provided by the permit holder aboard the charter vessel
3390 operator for consumption during such tours and cruises on the
3391 premises of the charter vessel operator described in the permit.
3392 For the purposes of this paragraph (s), "charter vessel operator"
3393 means a common carrier that (i) is certified to carry at least
3394 forty-nine (49) passengers, (ii) operates only in the waters
3395 within the State of Mississippi, which lie south of Interstate 10
3396 in the three (3) most southern counties in the State of
3397 Mississippi, and lie adjacent to the State of Mississippi south of
3398 the three (3) most southern counties in the State of Mississippi,



3399 extending not further than one (1) mile south of such counties,
3400 and (iii) provides vessel services for tours and cruises in such
3401 waters as provided in this paragraph(s).

3402 (t) **Native spirit retailer's permit.** Except as
3403 otherwise provided in subsection (5) of this section, a native
3404 spirit retailer's permit shall be issued only to a holder of a
3405 Class 4 manufacturer's permit, and shall authorize the holder
3406 thereof to make retail sales of native spirits to consumers for
3407 on-premises consumption or to consumers in originally sealed and
3408 unopened containers at an establishment located on the premises of
3409 or in the immediate vicinity of a native distillery. When selling
3410 to consumers for on-premises consumption, a holder of a native
3411 spirit retailer's permit may add to the native spirit alcoholic
3412 beverages not produced on the premises, so long as the total
3413 volume of foreign beverage components does not exceed twenty
3414 percent (20%) of the mixed beverage. Hours of sale shall be the
3415 same as those authorized for on-premises permittees in the city or
3416 county in which the native spirit retailer is located.

3417 (u) **Delivery service permit.** Any individual, limited
3418 liability company, corporation or partnership registered to do
3419 business in this state is eligible to obtain a delivery service
3420 permit. Subject to the provisions of Section 67-1-51.1, this
3421 permit authorizes the permittee, or its employee or an independent
3422 contractor acting on its behalf, to deliver alcoholic
3423 beverages * * * and light intoxicating beverages from a licensed



3424 retailer to a person in this state who is at least twenty-one (21)
3425 years of age for the individual's use and not for resale. This
3426 permit does not authorize the delivery of alcoholic
3427 beverages * * * or light intoxicating beverages to the premises of
3428 a location with a permit for the manufacture, distribution or
3429 retail sale of alcoholic beverages * * * or light intoxicating
3430 beverages. The holder of a package retailer's permit or an
3431 on-premises retailer's permit under Section 67-1-51 or of a * * *
3432 light intoxicating beverage permit under Section 67-3-19 is
3433 authorized to apply for a delivery service permit as a privilege
3434 separate from its existing retail permit.

3435 (v) **Food truck permit.** A food truck permit shall
3436 authorize the holder of an on-premises retailer's permit to use a
3437 food truck to sell alcoholic beverages off its premises to guests
3438 who must consume the beverages in open containers. For the
3439 purposes of this paragraph (v), "food truck" means a fully encased
3440 food service establishment on a motor vehicle or on a trailer that
3441 a motor vehicle pulls to transport, and from which a vendor,
3442 standing within the frame of the establishment, prepares, cooks,
3443 sells and serves food for immediate human consumption. The term
3444 "food truck" does not include a food cart that is not motorized.
3445 Food trucks shall maintain such distance requirements from
3446 schools, churches, kindergartens and funeral homes as are required
3447 for on-premises retailer's permittees under this article, and all
3448 sales must be made within a valid leisure and recreation district



3449 established under Section 67-1-101. Food trucks cannot sell or
3450 serve alcoholic beverages unless also offering food prepared and
3451 cooked within the food truck, and permittees must maintain a
3452 twenty-five percent (25%) food sale revenue requirement based on
3453 the food sold from the food truck alone. The hours allowed for
3454 sale shall be the same as those for on-premises retailer's
3455 permittees in the location. This permit will not be required for
3456 the holder of a caterer's permit issued under this article to
3457 cater an event as allowed by law. Permittees must provide notice
3458 of not less than forty-eight (48) hours to the department of each
3459 location at which alcoholic beverages will be sold.

3460 (w) **On-premises tobacco permit.** An on-premises tobacco
3461 permit shall authorize the permittee to sell alcoholic beverages
3462 for consumption on the licensed premises. In addition to all
3463 other requirements to obtain an alcoholic beverage permit, the
3464 permittee must obtain and maintain a tobacco permit issued by the
3465 State of Mississippi, and have a capital investment of not less
3466 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
3467 for which the permit is issued. In addition to alcoholic
3468 beverages, the permittee is authorized to sell only cigars,
3469 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
3470 Additionally, seventy-five percent (75%) of the permittee's annual
3471 gross revenue must be derived from the sale of cigars, cheroots,
3472 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
3473 be required, but food may be sold on the premises. The issuance



3474 of this permit does not remove any obligation a permittee may have
3475 to follow local ordinances or actions prohibiting the use of
3476 tobacco products.

3477 (2) Except as otherwise provided in subsection (4) of this
3478 section, retail permittees may hold more than one (1) retail
3479 permit, at the discretion of the department.

3480 (3) (a) Except as otherwise provided in this subsection, no
3481 authority shall be granted to any person to manufacture, sell or
3482 store for sale any intoxicating liquor as specified in this
3483 article within four hundred (400) feet of any church, school
3484 (excluding any community college, junior college, college or
3485 university), kindergarten or funeral home. However, within an
3486 area zoned commercial or business, such minimum distance shall be
3487 not less than one hundred (100) feet.

3488 (b) A church or funeral home may waive the distance
3489 restrictions imposed in this subsection in favor of allowing
3490 issuance by the department of a permit, pursuant to subsection (1)
3491 of this section, to authorize activity relating to the
3492 manufacturing, sale or storage of alcoholic beverages which would
3493 otherwise be prohibited under the minimum distance criterion.
3494 Such waiver shall be in written form from the owner, the governing
3495 body, or the appropriate officer of the church or funeral home
3496 having the authority to execute such a waiver, and the waiver
3497 shall be filed with and verified by the department before becoming
3498 effective.



3499 (c) The distance restrictions imposed in this
3500 subsection shall not apply to the sale or storage of alcoholic
3501 beverages at a bed and breakfast inn listed in the National
3502 Register of Historic Places or to the sale or storage of alcoholic
3503 beverages in a historic district that is listed in the National
3504 Register of Historic Places, is a qualified resort area and is
3505 located in a municipality having a population greater than one
3506 hundred thousand (100,000) according to the latest federal
3507 decennial census.

3508 (d) The distance restrictions imposed in this
3509 subsection shall not apply to the sale or storage of alcoholic
3510 beverages at a qualified resort area as defined in Section
3511 67-1-5(o)(iii)32.

3512 (e) The distance restrictions imposed in this
3513 subsection shall not apply to the sale or storage of alcoholic
3514 beverages at a licensed premises in a building formerly owned by a
3515 municipality and formerly leased by the municipality to a
3516 municipal school district and used by the municipal school
3517 district as a district bus shop facility.

3518 (f) The distance restrictions imposed in this
3519 subsection shall not apply to the sale or storage of alcoholic
3520 beverages at a licensed premises in a building consisting of at
3521 least five thousand (5,000) square feet and located approximately
3522 six hundred (600) feet from the intersection of Mississippi
3523 Highway 15 and Mississippi Highway 4.



3524 (g) The distance restrictions imposed in this
3525 subsection shall not apply to the sale or storage of alcoholic
3526 beverages at a licensed premises in a building located at or near
3527 the intersection of Ward and Tate Streets and adjacent properties
3528 in the City of Senatobia, Mississippi.

3529 (h) The distance restrictions imposed in this
3530 subsection shall not apply to the sale or storage of alcoholic
3531 beverages at a theatre facility that features plays and other
3532 theatrical performances and productions and (i) is capable of
3533 seating more than seven hundred fifty (750) people, (ii) is owned
3534 by a municipality which has a population greater than ten thousand
3535 (10,000) according to the latest federal decennial census, (iii)
3536 was constructed prior to 1930, (iv) is on the National Register of
3537 Historic Places, and (v) is located in a historic district.

3538 (i) The distance restrictions imposed in this
3539 subsection shall not apply to the sale or storage of alcoholic
3540 beverages at a licensed premises in a building located
3541 approximately one and six-tenths (1.6) miles north of the
3542 intersection of Mississippi Highway 15 and Mississippi Highway 4
3543 on the west side of Mississippi Highway 15.

3544 (4) No person, either individually or as a member of a firm,
3545 partnership, limited liability company or association, or as a
3546 stockholder, officer or director in a corporation, shall own or
3547 control any interest in more than one (1) package retailer's
3548 permit, nor shall such person's spouse, if living in the same



3549 household of such person, any relative of such person, if living
3550 in the same household of such person, or any other person living
3551 in the same household with such person own any interest in any
3552 other package retailer's permit; however, in the case of a person
3553 holding a package retailer's permit issued before July 1, 2024,
3554 such a person may own one (1) additional package retailer's permit
3555 if the additional permit is issued for a premises with a minimum
3556 capital investment of Twenty Million Dollars (\$20,000,000.00) that
3557 is part of a major retail development project and located in one
3558 (1) of the three (3) most southern counties in the State of
3559 Mississippi, and not within one hundred (100) miles of another
3560 location in the State of Mississippi, for which the permittee
3561 holds such a permit.

3562 (5) (a) In addition to any other authority granted under
3563 this section, the holder of a permit issued under subsection
3564 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
3565 sell or otherwise provide alcoholic beverages and/or wine to a
3566 patron of the permit holder in the manner authorized in the permit
3567 and the patron may remove an open glass, cup or other container of
3568 the alcoholic beverage and/or wine from the licensed premises and
3569 may possess and consume the alcoholic beverage or wine outside of
3570 the licensed premises if: (i) the licensed premises is located
3571 within a leisure and recreation district created under Section
3572 67-1-101 and (ii) the patron remains within the boundaries of the



3573 leisure and recreation district while in possession of the
3574 alcoholic beverage or wine.

3575 (b) Nothing in this subsection shall be construed to
3576 allow a person to bring any alcoholic beverages into a permitted
3577 premises except to the extent otherwise authorized by this
3578 article.

3579 **SECTION 57.** Section 67-1-51.1, Mississippi Code of 1972, is
3580 amended as follows:

3581 67-1-51.1. (1) The holder of a delivery service permit
3582 under Section 67-1-51:

3583 (a) May contract with the holder of a package
3584 retailer's permit or an on-premises retailer's permit under
3585 Section 67-1-51 or the holder of a * * * light intoxicating
3586 beverage retail permit under Section 67-3-19 for the purpose of
3587 intrastate delivery of alcoholic beverages or * * * light
3588 intoxicating beverages, as authorized to be sold under the
3589 respective permits;

3590 (b) May deliver alcoholic beverages or * * * light
3591 intoxicating beverages without a delivery contract, if the
3592 permittee holds a package retailer's permit or an on-premises
3593 retailer's permit under Section 67-1-51 or a * * * light
3594 intoxicating beverage retail permit under Section 67-3-19,
3595 respectively;

3596 (c) May use its own employees or independent
3597 contractors who are at least twenty-one (21) years of age to



3598 deliver such alcoholic beverages * * * or light intoxicating
3599 beverages under this section, provided all delivery agents are
3600 trained and certified consistent with the training program
3601 submitted to the division as required by subsection (2) (d) of this
3602 section. If independent contractors are used, the delivery
3603 service permittee must enter into a contract with the retailer as
3604 required by subsection (2) (c) of this section;

3605 (d) May facilitate orders by telephone, internet or
3606 other electronic means for the sale and delivery of alcoholic
3607 beverages * * * or light intoxicating beverages under this
3608 section. The full amount of each order must be handled in a
3609 manner that gives the retail permittee control over the ultimate
3610 receipt of payment from the consumer. The retail permittee shall
3611 remain responsible for the proper remittance of all applicable
3612 taxes on the sale of the product;

3613 (e) May deliver only sealed containers of alcoholic
3614 beverages * * * or light intoxicating beverages to an individual
3615 in Mississippi;

3616 (f) Shall obtain from the customer a confirmation that
3617 he or she is at least twenty-one (21) years of age at the time the
3618 order is placed;

3619 (g) Shall place a stamp, print or label on the outside
3620 of the sealed package to indicate that the sealed package contains
3621 alcoholic beverages * * * or light intoxicating beverages;



3622 (h) Shall require the recipient, at the time of
3623 delivery, to provide valid photo identification verifying he or
3624 she is at least twenty-one (21) years of age and to sign for the
3625 delivery;

3626 (i) Shall possess identification scanning software
3627 technology or a state-of-the-art alternative at the point of
3628 delivery to verify the recipient is at least twenty-one (21) years
3629 of age and to collect the recipient's name and date of birth.
3630 Records relating to this verification shall be maintained for at
3631 least ninety (90) days and shall be subject to review by the
3632 division;

3633 (j) Shall return all alcoholic beverages * * * or light
3634 intoxicating beverages to the retailer if the recipient is under
3635 the age of twenty-one (21) years, appears intoxicated, fails to
3636 provide proof of identification, fails or refuses to sign for
3637 delivery, fails to complete the identification verification
3638 process or declines to accept delivery, or if any circumstances in
3639 the delivery environment indicate illegal conduct, overconsumption
3640 of alcohol, or an otherwise unsafe environment for the consumption
3641 of alcohol;

3642 (k) May not deliver any alcoholic beverage * * * or
3643 light intoxicating beverage to any person located within a
3644 jurisdiction that is dry for that product, as provided by the
3645 division's wet-dry map;



3646 (l) May not deliver any alcoholic beverage * * * or
3647 light intoxicating beverage in a jurisdiction during times
3648 prohibited for lawful sale in that jurisdiction;

3649 (m) May not deliver any alcoholic beverage * * * or
3650 light intoxicating beverage more than thirty (30) miles from the
3651 retailer's licensed premises;

3652 (n) Shall permit the division to perform an audit of
3653 the licensee's records upon request and with sufficient
3654 notification; and

3655 (o) Shall be deemed to have consented to the
3656 jurisdiction of the division or any law enforcement agency and the
3657 Mississippi courts concerning enforcement of this section and any
3658 related laws or rules.

3659 (2) In order to receive a delivery service permit, an
3660 applicant shall:

3661 (a) File an application with the division;

3662 (b) Pay the privilege license tax of Five Hundred
3663 Dollars (\$500.00) as provided in Section 27-71-5;

3664 (c) Provide to the division a sample contract that the
3665 applicant intends to enter into with a retailer for the delivery
3666 of alcoholic beverages * * * or light intoxicating beverages,
3667 unless the applicant is the retailer;

3668 (d) Submit to the division an outline of an internal or
3669 external training and certification program for delivery service



3670 personnel that addresses topics such as identifying underage
3671 persons, intoxicated persons, and fake or altered identification;

3672 (e) Provide an attestation that the applicant is at
3673 least twenty-one (21) years of age and has not been convicted of a
3674 felony in any state or federal courts;

3675 (f) Shall provide proof of a general liability
3676 insurance policy in an amount not less than One Million Dollars
3677 (\$1,000,000.00) per occurrence; and

3678 (g) Shall be properly registered to conduct business in
3679 Mississippi.

3680 (3) Nothing in this section shall be construed to require a
3681 technology services company to obtain a delivery service permit if
3682 the company does not employ or contract with delivery agents but
3683 merely provides software or a digital network application that
3684 connects consumers and licensed retailers for the delivery of
3685 alcoholic beverages from the licensed retailer. However, the act
3686 of connecting consumers to licensed retailers shall serve to grant
3687 jurisdiction to the State of Mississippi.

3688 (4) The division may enforce the requirements of this
3689 section by the same administrative proceedings that apply to other
3690 alcoholic beverage licenses or permits, including, without
3691 limitation, any disciplinary action applicable to the package
3692 retailer's permittee, on-premises retailer's permittee, retail
3693 permittee for * * * light intoxicating beverages, or delivery
3694 service permittee resulting from any unlawful sale to a minor.



3695 (5) The division may enforce the requirements of this
3696 section against the package retailer's permittee, on-premises
3697 retailer's permittee, retail permittee for * * * light
3698 intoxicating beverages, or delivery service permittee, and any
3699 employee or independent contractor of such permittee. If a
3700 package retailer permittee, an on-premises retailer's permittee,
3701 or a retail permittee for * * * light intoxicating beverages is
3702 also a delivery permittee, a violation of alcohol law by its
3703 employee or independent contractor during delivery will subject
3704 both the retailer permit and the delivery service permit to
3705 disciplinary action for the violation. Delivery to a minor shall
3706 be treated as furnishing to a minor and shall result in any
3707 applicable disciplinary action.

3708 (6) Nothing in this section shall be construed to limit or
3709 otherwise diminish the ability of the division to enforce the
3710 provisions of Chapters 1 and 3, Title 67, Mississippi Code of
3711 1972, with respect to the liability of any package retailer's
3712 permittee, on-premises retailer's permittee, retail permittee
3713 for * * * light intoxicating beverages, or delivery service
3714 permittee engaging in delivery activity authorized by this
3715 section.

3716 (7) Nothing in this section shall be construed to authorize
3717 the direct shipment of alcoholic beverages * * * or light
3718 intoxicating beverages from any manufacturer or distributor



3719 holding a permit under this article, or under Title 67, Chapter 3,
3720 Mississippi Code of 1972, to consumers in this state.

3721 **SECTION 58.** Section 67-1-72, Mississippi Code of 1972, is
3722 amended as follows:

3723 67-1-72. (1) Except as otherwise provided in this article,
3724 any applicant or holder of a permit issued under this article
3725 which is aggrieved by an action of the department * * * to deny
3726 his application for a permit, to deny the renewal of his permit or
3727 to revoke or suspend his permit shall be allowed to appeal to the
3728 Board of Tax Appeals from this action. This appeal is to be filed
3729 by the aggrieved person with the Executive Director of the Board
3730 of Tax Appeals, with a copy being sent to the department * * *,
3731 within fifteen (15) days from the date that person received notice
3732 of the action of the department being aggrieved. If the person
3733 aggrieved fails to appeal within this fifteen-day period, the
3734 action of the department * * * shall take effect as set out in the
3735 notice. The department * * * retains the authority to change at
3736 any time the action aggrieved to in an appeal under this
3737 subsection. The applicant or holder of any permit issued under
3738 this article may waive his right to notice and opportunity to a
3739 hearing as provided by this subsection and agree to the action
3740 being taken by the department. The inability of the
3741 department * * * to issue or renew a permit due to an incomplete
3742 application or due to the failure of the applicant to pay the
3743 annual privilege taxes and fees provided by Section 27-71-5 and/or



3744 the failure of the applicant to post or deposit the bond, cash or
3745 securities as required by Section 27-71-21 shall not constitute a
3746 denial for purposes of this subsection.

3747 (2) Any applicant for approval as a manager of an
3748 establishment operating under a permit issued under this article
3749 or who holds the designation of an approved manager of an
3750 establishment operating under a permit issued under this article
3751 and who is aggrieved by an action of the department * * * to deny
3752 his application for approval as a manager or to revoke or suspend
3753 his designation as an approved manager shall be allowed to appeal
3754 to the Board of Tax Appeals from this action. This appeal is to
3755 be filed by the aggrieved person with the Executive Director of
3756 the Board of Tax Appeals, with a copy being sent to the
3757 department * * *, within fifteen (15) days from the date that
3758 person received notice of the action of the department being
3759 aggrieved. If the person aggrieved fails to appeal within this
3760 fifteen-day period, the action of the department * * * shall take
3761 effect as set out in the notice. The department * * * retains the
3762 authority to change at any time the action aggrieved to in an
3763 appeal under this subsection. The applicant or holder of an
3764 approved manager designation may waive his right to notice and
3765 opportunity to a hearing as provided by this subsection and agree
3766 to the action being taken by the department. The inability of the
3767 department * * * to consider an application for approval of an
3768 applicant as a manager due to an incomplete application shall not



3769 constitute a denial of the application for purposes of this
3770 subsection.

3771 (3) Any applicant for approval of an area or locality as a
3772 qualified resort area under this article who is aggrieved by the
3773 decision of the department * * * to deny the qualified resort area
3774 as requested and any county or municipality wherein the proposed
3775 qualified resort area is located may appeal to the Board of Tax
3776 Appeals from such decision. This appeal is to be filed by the
3777 aggrieved applicant or by the affected county or municipality with
3778 the Executive Director of the Board of Tax Appeals, with a copy
3779 being sent to the department * * *, within fifteen (15) days from
3780 the date that the person or entity filing the appeal received
3781 notice of the decision of the department * * * to deny the
3782 qualified resort area. If an appeal is not filed within this
3783 fifteen-day period, the decision of the department * * * shall
3784 become final. The Department * * * retains the authority to
3785 change at any time the decision aggrieved to in an appeal under
3786 this subsection. The inability of the department * * * to
3787 consider an application for the approval of an area or locality as
3788 a qualified resort area due to an incomplete application shall not
3789 constitute a denial of that application for purposes of this
3790 subsection.

3791 (4) Any person, including any county or municipality in
3792 which the qualified resort area is located, who is aggrieved by
3793 the decision of the department * * * to revoke the approval of an



3794 area or locality as a qualified resort area may appeal to the
3795 Board of Tax Appeals from such decision. This appeal is to be
3796 filed by the aggrieved person with the Executive Director of the
3797 Board of Tax Appeals, with a copy being sent to the
3798 department * * *, within fifteen (15) days from the date that the
3799 person or entity filing the appeal received notice of the decision
3800 of the department to revoke approval of the qualified resort area.
3801 At the discretion of the department * * *, in addition to any
3802 other notice to be provided under this subsection, the department
3803 may provide notice of its decision to revoke approval of the
3804 qualified resort area by publication in the same manner as
3805 provided by regulation when approval of a qualified resort area is
3806 sought. In regard to such publication, the fifteen-day period
3807 provided herein will begin on the date that notice is first
3808 published. If an appeal is not filed within this fifteen-day
3809 period, the decision of the department * * * shall become final.
3810 The department * * * retains the authority to change at any time
3811 the decision aggrieved to in an appeal under this subsection.

3812 (5) Any person objecting to an application for the issuance
3813 or transfer of a permit, other than a temporary retailer's permit,
3814 issued under this article and who timely requests in writing a
3815 hearing on his objection shall be given a hearing before the Board
3816 of Tax Appeals unless the permit is denied by the department * * *
3817 and an appeal is not taken by the applicant to the Board of Tax
3818 Appeals from that denial or the applicant withdraws his



3819 application. Any written request for a hearing on an objection
3820 must be filed with the department * * * within fifteen (15) days
3821 from the first date of publication of the notice of such
3822 application under Section 67-1-53. If the department determines
3823 that the permit should be denied, notice will be provided to the
3824 applicant as set out in subsection (1) of this section, and if the
3825 applicant timely requests a hearing on the denial as provided by
3826 this subsection (5), the department will advise the Executive
3827 Director of the Board of Tax Appeals and the applicant of the
3828 written request for a hearing on an objection to the permit. The
3829 hearing on the objection to the permit and the hearing on the
3830 appeal by the applicant from the denial of the department of the
3831 application shall be consolidated and heard by the Board of Tax
3832 Appeals at the same time. If the department determines that the
3833 permit should be issued, the department will advise the applicant
3834 and the Executive Director of the Board of Tax Appeals of the
3835 timely written request for a hearing on an objection to the
3836 application and a hearing will be set before the Board of Tax
3837 Appeals on this objection. If prior to the hearing, either the
3838 person requesting the hearing withdraws his request or the
3839 applicant withdraws his application, the hearing will be cancelled
3840 and the objection proceedings before the Board of Tax Appeals on
3841 the application will be dismissed as moot. In the case of such
3842 withdrawals, the Board of Tax Appeals is authorized to assess to
3843 either or both parties any costs incurred by it prior to such



3844 withdrawal. The department * * * retains authority to issue the
3845 permit to the applicant where the person objecting to the
3846 application withdraws his request for a hearing.

3847 (6) Any person objecting to an application for approval by
3848 the department * * * of * * * an area or locality as a qualified
3849 resort area under this article and who timely requests in writing
3850 a hearing on his objection shall be given a hearing before the
3851 Board of Tax Appeals unless approval of the application is denied
3852 by the department * * * and an appeal is not taken by the
3853 applicant or the county or municipality in which the proposed
3854 qualified resort area is located to the Board of Tax Appeals from
3855 that denial or the applicant withdraws his application. Any
3856 written request for a hearing on an objection must be filed with
3857 the department * * * within fifteen (15) days from the first date
3858 of publication of the notice of such application as provided by
3859 regulation. If the department determines that the application for
3860 approval of the proposed area or locality as a qualified resort
3861 area should be denied, the department will proceed with denial of
3862 such application as set out in subsection (3) of this section, and
3863 if the applicant or the county or municipality in which the
3864 proposed qualified resort area is located timely requests a
3865 hearing on the denial as provided by subsection (3) of this
3866 section, the department will advise the Executive Director of the
3867 Board of Tax Appeals and the applicant of the written request for
3868 a hearing on an objection to the application. The hearing on the



3869 objection to approval of the proposed qualified resort area and
3870 the hearing on the appeal from the denial of the department of the
3871 application for such approval shall be consolidated and heard by
3872 the Board of Tax Appeals at the same time. If the department
3873 determines that the proposed qualified resort area should be
3874 approved, the department will advise the applicant and the
3875 Executive Director of the Board of Tax Appeals of the timely
3876 written request for a hearing on an objection to the application
3877 and a hearing will be set before the Board of Tax Appeals on this
3878 objection. If prior to the hearing, either the person requesting
3879 the hearing withdraws his request or the applicant withdraws his
3880 application, the hearing will be cancelled and the objection
3881 proceedings before the Board of Tax Appeals on the application
3882 will be dismissed as moot. In the case of such withdrawals, the
3883 Board of Tax Appeals is authorized to assess to either or both
3884 parties any costs incurred by it prior to such withdrawal. The
3885 department * * * retains authority to approve the proposed area or
3886 locality as a qualified resort area where the person objecting to
3887 the application withdraws his request for a hearing.

3888 (7) Any person having an interest in any alcoholic
3889 beverages * * *, light intoxicating beverages or raw materials
3890 which the department * * * intends to dispose of under Section
3891 67-1-18 shall be given reasonable notice of this proposed
3892 disposal, and upon such notice, this person may request a hearing
3893 before the Board of Tax Appeals to establish his right or claim to



3894 this property. This request for a hearing shall be filed with the
3895 Board of Tax Appeals, with a copy sent to the department * * *,
3896 within fifteen (15) days from the date of receipt of the notice
3897 provided above by the person filing the request. If a request is
3898 not received by the Board of Tax Appeals within this fifteen-day
3899 period, the department may order the property disposed of in
3900 accordance with Section 67-1-18.

3901 (8) Upon receipt of a written request for hearing or appeal
3902 as set out above, the executive director shall schedule a hearing
3903 before the Board of Tax Appeals on this request or appeal. A
3904 notice of the hearing shall be mailed to all persons or entities
3905 having an interest in the matter being heard which shall always
3906 include the person or entity filing the request or appeal for
3907 which the hearing is being set, the applicant or holder of any
3908 permit, approved manager status or qualified resort area status in
3909 issue, any person who filed a written request for a hearing on an
3910 objection to any application in issue and the department * * *.
3911 This notice shall provide the date, time and location of the
3912 hearing. Mailing to the attorney representing a person or entity
3913 in the matter being heard shall be the same as mailing to the
3914 person or entity the attorney represents. Failure of the person
3915 or entity on whose request or appeal the matter was set for
3916 hearing to appear personally or through his designated
3917 representative at the hearing shall constitute an involuntary
3918 withdrawal of his request or appeal. Upon such withdrawal, the



3919 Board of Tax Appeals shall note on the record the failure of the
3920 person or entity to appear at the hearing and shall dismiss the
3921 request or appeal and remand the matter back to the
3922 department * * * for appropriate action.

3923 (9) At any hearing before the Board of Tax Appeals on an
3924 appeal or hearing request as set out above, two (2) members of the
3925 Board of Tax Appeals shall constitute a quorum. At the hearing,
3926 the Board of Tax Appeals shall try the issues presented according
3927 to law and the facts and pursuant to any guidelines established by
3928 regulation. The rules of evidence shall be relaxed at the hearing
3929 and the hearing shall be recorded by a court reporter. After
3930 reaching a decision on the issues presented, the Board of Tax
3931 Appeals shall enter an order setting forth its findings and
3932 decision in the matter. A copy of the order of the Board of Tax
3933 Appeals shall be mailed to the person or entity filing the request
3934 or appeal which was heard, the applicant or holder of any permit,
3935 approved manager status or qualified resort area status in issue,
3936 any person who filed a written request for a hearing on an
3937 objection to any application in issue and the department * * * to
3938 notify them of the findings and decision of the Board of Tax
3939 Appeals.

3940 **SECTION 59.** Section 67-7-3, Mississippi Code of 1972, is
3941 amended as follows:

3942 67-7-3. The legislative purpose of this chapter is to
3943 provide a structure for the business relations between a



3944 wholesaler and a supplier of light wine, light spirit
3945 product * * *, beer or hemp beverages. Regulation in this area is
3946 considered necessary for the following reasons:

3947 (a) To maintain stability and healthy competition in
3948 the light wine, light spirit product * * *, beer * * * and hemp
3949 beverage industries in this state.

3950 (b) To promote and maintain a sound, stable and viable
3951 system of distribution of light * * * intoxicating beverages to
3952 the public.

3953 (c) To provide for the private settlement of disputes
3954 between wholesalers and suppliers of light * * * intoxicating
3955 beverages as an alternative to civil litigation which consumes the
3956 time and resources of the parties and the judicial system.

3957 (d) To promote the public health, safety and welfare.

3958 **SECTION 60.** Section 67-7-5, Mississippi Code of 1972, is
3959 amended as follows:

3960 67-7-5. As used in this chapter, the following words or
3961 phrases, or the plural thereof, whenever they appear in this
3962 chapter, unless the context clearly requires otherwise, shall have
3963 the meaning ascribed to them in this section.

3964 (a) "Agreement" means any agreement between a
3965 wholesaler and a supplier, whether oral or written, whereby a
3966 wholesaler is granted the right to purchase and sell a brand or
3967 brands of * * * light intoxicating beverages sold by a supplier.



3968 (b) "Ancillary business" means a business owned by the
3969 wholesaler, by a substantial stockholder of a wholesaler, or by a
3970 substantial partner of a wholesaler, the primary business of which
3971 is directly related to the transporting, storing or marketing of
3972 the brand or brands of light * * * intoxicating beverages of a
3973 supplier with whom the wholesaler has an agreement; or a business
3974 owned by a wholesaler, a substantial stockholder of a wholesaler.

3975 (c) "Commission" or "department" means the Department
3976 of Revenue of the State of Mississippi.

3977 (d) "Commissioner" means the Commissioner of Revenue of
3978 the Department of Revenue.

3979 (e) "Designated member" means the spouse, child,
3980 grandchild, parent, brother or sister of a deceased individual who
3981 owned an interest, including a controlling interest, in a
3982 wholesaler, or any person who inherits under the deceased
3983 individual's will, or under the laws of intestate succession of
3984 this state; or any person who or entity which has otherwise,
3985 through a valid testamentary device by the deceased individual,
3986 succeeded the deceased individual in the wholesaler's business, or
3987 has succeeded to the deceased individual's ownership interest in
3988 the wholesaler pursuant to a written contract or instrument which
3989 has been previously approved by the supplier; "designated member"
3990 includes the appointed and qualified personal representative and
3991 the testamentary trustee of a deceased individual owning an
3992 ownership interest in a wholesaler, and it includes the person



3993 appointed by a court as the guardian or conservator of the
3994 property of an incapacitated individual owning an ownership
3995 interest in a wholesaler.

3996 (f) "Establish" means to adjust or regulate, to provide
3997 for and uphold.

3998 (g) "Good faith" means honesty in fact and observance
3999 of reasonable commercial standards of fair dealing in the trade,
4000 as defined in and interpreted under the Uniform Commercial Code.

4001 (h) "Reasonable qualifications" means the standard of
4002 the reasonable criteria established and consistently used by the
4003 respective supplier for similarly situated wholesalers that
4004 entered into, continued or renewed an agreement with the supplier
4005 during a period of twenty-four (24) months before the proposed
4006 transfer of the wholesaler's business, or for similarly situated
4007 wholesalers who have changed managers or designated managers,
4008 under the agreement, during a period of twenty-four (24) months
4009 before the proposed change in the manager or successor manager of
4010 the wholesaler's business.

4011 (i) "Retaliatory action" means the refusal to continue
4012 an agreement, or a material reduction in the quality of service or
4013 quantity of products available to a wholesaler under an agreement,
4014 which refusal or reduction is not made in good faith.

4015 (j) "Sales territory" means a primary area of sales
4016 responsibility for the brand or brands of light * * * intoxicating
4017 beverages sold by a supplier as designated by an agreement.



4018 (k) "Substantial stockholder or substantial partner"
4019 means a stockholder of or partner in the wholesaler who owns an
4020 interest of ten percent (10%) or more of the partnership or of the
4021 capital stock of a corporate wholesaler.

4022 (l) "Successor" means a person who replaces a supplier
4023 with regard to the right to manufacture, sell, distribute or
4024 import a brand or brands of light * * * intoxicating beverages.

4025 (m) "Supplier" means a manufacturer or importer of
4026 light * * * intoxicating beverages as regulated by the department
4027 under Sections 67-3-1 through 67-3-73.

4028 (n) "Transfer of wholesaler's business" means the
4029 voluntary sale, assignment or other transfer of ten percent (10%)
4030 or more of control of the business or all or substantially all of
4031 the assets of the wholesaler, or ten percent (10%) or more of
4032 control of the capital stocks of the wholesaler, including without
4033 limitation the sale or other transfer of capital stock or assets
4034 by merger, consolidation or dissolution, or of the capital stock
4035 of the parent corporation, or of the capital stock or beneficial
4036 ownership of any other entity owning or controlling the
4037 wholesaler.

4038 (o) "Wholesaler" means a wholesaler of light * * *
4039 intoxicating beverages as regulated by the department under
4040 Sections 67-3-1 through 67-3-73.

4041 (p) "Similarly situated wholesalers" means wholesalers
4042 of a supplier that are of a generally comparable size and operate



4043 in markets in Mississippi and adjoining states with similar
4044 demographic characteristics, including population size, density,
4045 distribution and vital statistics, as well as reasonably similar
4046 economic and geographic conditions.

4047 (q) "Light * * * intoxicating beverage" has the meaning
4048 ascribed * * * in Section 67-3-3.

4049 **SECTION 61.** Section 67-7-7, Mississippi Code of 1972, is
4050 amended as follows:

4051 67-7-7. A supplier shall not do the following:

4052 (a) Fail to provide each wholesaler of the supplier's
4053 brand or brands with a written agreement which contains in total
4054 the supplier's agreement with each wholesaler, and designates a
4055 specific sales territory. Any agreement which is in existence on
4056 April 7, 1995, shall be renewed consistent with this chapter,
4057 provided that this chapter may be incorporated by reference in the
4058 agreement. Nothing contained herein shall prevent a supplier from
4059 appointing, one (1) time for a period not to exceed ninety (90)
4060 days, a wholesaler to service temporarily a sales territory not
4061 designated to another wholesaler, until such time as a wholesaler
4062 is appointed by the supplier; and such wholesaler who is
4063 designated to service the sales territory during this period of
4064 temporary service shall not be in violation of the chapter, and,
4065 with respect to the temporary service territory, shall not have
4066 any of the rights provided under Sections 67-7-11 and 67-7-15.



4067 (b) Fix, maintain or establish the price at which a
4068 wholesaler shall sell any light * * * intoxicating beverage.

4069 (c) Enter into an additional agreement with any other
4070 wholesaler for, or to sell to any other wholesaler, the same brand
4071 or brands of light * * * intoxicating beverages in the same
4072 territory or any portion thereof, or to sell directly to any
4073 retailer in this state.

4074 (d) Require any wholesaler to accept delivery of any
4075 light * * * intoxicating beverage or other commodity which has not
4076 been ordered by the wholesaler, except that a supplier may impose
4077 reasonable inventory requirements upon a wholesaler if the
4078 requirements are made in good faith and are generally applied to
4079 other similarly situated wholesalers who have an agreement with
4080 the supplier.

4081 (e) Require any wholesaler to accept delivery of any
4082 light * * * intoxicating beverage or other commodity ordered by a
4083 wholesaler if the order was properly cancelled by the wholesaler
4084 in accordance with the supplier's procedure.

4085 (f) Require any wholesaler to do any illegal act or to
4086 violate any law or regulation by threatening to amend, modify,
4087 cancel, terminate or refuse to renew any agreement existing
4088 between the supplier and wholesaler.

4089 (g) Require a wholesaler to assent to any condition,
4090 stipulation or provision limiting the wholesaler's right to sell
4091 the brand or brands of light * * * intoxicating beverages of any



4092 other supplier unless the acquisition of the brand or brands of
4093 another supplier would materially impair or adversely affect the
4094 wholesaler's quality of service, sales or ability to compete
4095 effectively in representing the brand or brands of the supplier
4096 presently being sold by the wholesaler, except that in any action
4097 challenging a supplier's position, the supplier shall have the
4098 burden of providing that such acquisition of such other brand or
4099 brands would have such effect.

4100 (h) Require a wholesaler to purchase one or more brands
4101 of light * * * intoxicating beverages in order for the wholesaler
4102 to purchase another brand or brands of light * * * intoxicating
4103 beverages for any reason, except that a wholesaler that has agreed
4104 to distribute a brand or brands before April 7, 1995, shall
4105 continue to distribute the brand or brands in conformance with
4106 this chapter.

4107 (i) Require a wholesaler to submit audited profit and
4108 loss statements, balance sheets or financial records as a
4109 condition of renewal or continuation of an agreement, except that
4110 a supplier may require reasonable proof of a wholesaler's
4111 financial condition prior to extending credit terms to a
4112 wholesaler.

4113 (j) Withhold delivery of light * * * intoxicating
4114 beverages ordered by wholesaler, or change a wholesaler's quota of
4115 a brand or brands if the withholding or change is not made in good
4116 faith.



4117 (k) Require a wholesaler by any means directly to
4118 participate in or contribute to any local or national advertising
4119 fund controlled directly or indirectly by a supplier.

4120 (l) Take any retaliatory action against a wholesaler
4121 that files a complaint in good faith regarding an alleged
4122 violation by the supplier of federal, state or local law or an
4123 administrative rule as a result of that complaint.

4124 (m) Require or prohibit any change in the manager or
4125 successor manager of any wholesaler who has been approved by the
4126 supplier as of or after April 7, 1995, unless the supplier acts in
4127 good faith. Should a wholesaler change an approved manager or
4128 successor manager, a supplier shall not require or prohibit the
4129 change unless the person selected by the wholesaler fails to meet
4130 the nondiscriminatory, material and reasonable standards and
4131 qualifications for managers consistently applied to similarly
4132 situated wholesalers by the supplier, except that, in any action
4133 challenging a supplier's decision, the supplier shall have the
4134 burden of proving that such person fails to meet such standards
4135 and qualifications.

4136 (n) Upon written notice of intent to transfer the
4137 wholesaler's business, interfere with, prevent or unreasonably
4138 delay (not to exceed thirty (30) days) the transfer of the
4139 wholesaler's business if the proposed transferee is a designated
4140 member.



4141 (o) Upon written notice of intent to transfer the
4142 wholesaler's business other than to a designated member, withhold
4143 consent to or approval of, or unreasonably delay (not to exceed
4144 thirty (30) days after receipt of all material information
4145 reasonably requested) a response to a request by the wholesaler
4146 for any transfer of a wholesaler's business if the proposed
4147 transferee meets the nondiscriminatory material and reasonable
4148 qualifications and standards required by the supplier for
4149 similarly situated wholesalers.

4150 (p) Restrict or inhibit the right of free association
4151 among wholesalers for any lawful purpose.

4152 (q) Threaten to cancel or withhold credit, or to reduce
4153 the time period normally given the wholesaler to make payment on a
4154 delivery from the supplier as a means of compelling the wholesaler
4155 to meet certain standards of performance in any area of business
4156 not directly related to credit.

4157 **SECTION 62.** Section 67-7-9, Mississippi Code of 1972, is
4158 amended as follows:

4159 67-7-9. A wholesaler shall not do any of the following:

4160 (a) Fail to devote such efforts and resources to the
4161 sale and distribution of all the supplier's brands of light * * *
4162 intoxicating beverages which the wholesaler has been granted the
4163 right to sell or distribute as are required in the wholesaler's
4164 agreement with the supplier.



4165 (b) Sell or deliver light * * * intoxicating beverages
4166 to a retail licensee located outside the sales territory
4167 designated to the wholesaler by the supplier of a particular brand
4168 or brands of light * * * intoxicating beverages, except that
4169 during periods of temporary service interruptions impacting a
4170 particular sales territory, a supplier may appoint another
4171 wholesaler to service the sales territory during the period of
4172 temporary service interruption. A wholesaler who is designated to
4173 service the impacted sales territory during the period of
4174 temporary service interruption shall not be in violation of this
4175 chapter and shall not have any of the rights provided under
4176 Sections 67-7-11 and 67-7-15 with respect to the temporary service
4177 territory.

4178 (c) Transfer the wholesaler's business without giving
4179 the supplier written notice of intent to transfer the wholesaler's
4180 business and, where required by this chapter, receiving the
4181 supplier's written approval for the proposed transfer, except that
4182 the consent or approval of the supplier shall not be required of
4183 any transfer of the wholesaler's business to a designated member,
4184 or of any transfer of less than ten percent (10%) of the
4185 wholesaler's business unless such transfer results in a change in
4186 control. The wholesaler shall give the supplier written notice of
4187 any change in ownership of the wholesaler.

4188 **SECTION 63.** Section 67-7-11, Mississippi Code of 1972, is
4189 amended as follows:



4190 67-7-11. (1) Except as otherwise provided for in this
4191 chapter, a supplier shall not amend or modify an agreement; cause
4192 a wholesaler to resign from an agreement; or cancel, terminate,
4193 fail to renew or refuse to continue under an agreement, unless the
4194 supplier has complied with all of the following:

4195 (a) Has satisfied the applicable notice requirements of
4196 this section.

4197 (b) Has acted in good faith.

4198 (c) Has good cause for the amendment, modification,
4199 cancellation, termination, nonrenewal, discontinuance or forced
4200 resignation.

4201 (2) In any action challenging such amendment, modification,
4202 termination, cancellation, nonrenewal or discontinuance, the
4203 supplier shall have the burden of proving that it has acted in
4204 good faith, that the notice requirements under this section have
4205 been complied with, and that there was good cause for the
4206 amendment, modification, termination, cancellation, nonrenewal or
4207 discontinuance.

4208 (3) Except as otherwise provided in this section, and in
4209 addition to the time limits set forth in subsection (4) (d) of this
4210 section, the supplier shall furnish written notice of the
4211 amendment, modification, termination, cancellation, nonrenewal or
4212 discontinuance of an agreement to the wholesaler not less than
4213 thirty (30) days before the effective date of the amendment,
4214 modification, termination, cancellation, nonrenewal or



4215 discontinuance. The notice shall be by certified mail and shall
4216 contain all of the following:

4217 (a) A statement of intention to amend, modify,
4218 terminate, cancel, nonrenew or discontinue the agreement.

4219 (b) A statement of the reason for the amendment,
4220 modification, termination, cancellation, nonrenewal or
4221 discontinuance.

4222 (c) The date on which the amendment, modification,
4223 termination, cancellation, nonrenewal or discontinuance takes
4224 effect.

4225 (4) Good cause shall exist for the purposes of a
4226 termination, cancellation, nonrenewal or discontinuance under
4227 subsection (1)(c) of this section when all of the following occur:

4228 (a) There is a failure by the wholesaler to comply with
4229 a provision of the agreement which is both reasonable and of
4230 material significance to the business relationship between the
4231 wholesaler and the supplier.

4232 (b) The supplier first acquired knowledge of the
4233 failure described in * * * paragraph (a) not more than twenty-four
4234 (24) months before the date notification was given pursuant to
4235 subsection (3) of this section.

4236 (c) The wholesaler was given notice by the supplier of
4237 failure to comply with this agreement.

4238 (d) The wholesaler has been afforded thirty (30) days
4239 in which to submit a plan of corrective action to comply with the



4240 agreement and an additional ninety (90) days to cure such
4241 noncompliance in accordance with the plan.

4242 (5) Notwithstanding subsections (1) and (3) of this section,
4243 a supplier may terminate, cancel, fail to renew or discontinue an
4244 agreement immediately upon written notice given in the manner and
4245 containing the information required by subsection (3)(a), (b) and
4246 (c) of this section if any of the following occur:

4247 (a) Insolvency of the wholesaler, the filing of any
4248 petition by or against the wholesaler under any bankruptcy or
4249 receivership law or the assignment for the benefit of creditors or
4250 dissolution or liquidation of the wholesaler which materially
4251 affects the wholesaler's ability to remain in business.

4252 (b) Revocation or suspension of the wholesaler's state
4253 or federal license by the appropriate regulatory agency whereby
4254 the wholesaler cannot service the wholesaler's sales territory for
4255 more than thirty-one (31) days.

4256 (c) The wholesaler, or a partner or an individual who
4257 owns ten percent (10%) or more of the partnership or stock of a
4258 corporate wholesaler, has been convicted of a felony under the
4259 United States Code or the laws of any state which reasonably may
4260 adversely affect the good will or interest of the wholesaler or
4261 supplier. However, an existing stockholder or stockholders, or
4262 partner or partners, or a designated member or members, shall
4263 have, subject to the provisions of this chapter, the right to
4264 purchase the partnership interest or the stock of the offending



4265 partner or stockholder prior to the conviction of the offending
4266 partner or stockholder, and if the sale is completed prior to
4267 conviction the provisions of this * * * paragraph shall not apply.

4268 (d) There was fraudulent conduct relating to a material
4269 matter on the part of the wholesaler in dealings with the supplier
4270 or its product, except that the supplier shall have the burden of
4271 proving fraudulent conduct relating to a material matter on the
4272 part of the wholesaler in any legal action challenging such
4273 termination.

4274 (e) The wholesaler failed to confine to the designated
4275 sales territory its sales of a brand or brands to retailers except
4276 that this subsection does not apply if there is a dispute between
4277 two (2) or more wholesalers as to the boundaries of the assigned
4278 territory, and the boundaries cannot be determined by a reading of
4279 the description contained in the agreements between the supplier
4280 and the wholesalers.

4281 (f) A wholesaler has failed to pay for light * * *
4282 intoxicating beverages ordered and delivered in accordance with
4283 established terms and the wholesaler fails to make full payment
4284 within five (5) business days after receipt of written notice of
4285 the delinquency and demand for immediate payment from the
4286 supplier.

4287 (g) A wholesaler intentionally has made a transfer of
4288 wholesaler's business, other than a transfer to a designated
4289 member without prior written notice to the supplier.



4290 (h) A wholesaler intentionally has made a transfer of
4291 wholesaler's business, other than a transfer to a designated
4292 member, although the wholesaler has prior to said transfer
4293 received from supplier a timely notice of disapproval of said
4294 transfer in accordance with this chapter.

4295 (i) The wholesaler intentionally ceases to carry on
4296 business with respect to any of supplier's brand or brands
4297 previously serviced by wholesaler in its territory designated by
4298 the supplier, unless such cessation is due to force majeure or to
4299 labor dispute and the wholesaler has made good faith efforts to
4300 overcome such events. Provided, however, this shall affect only
4301 that brand or brands with respect to which the wholesaler ceased
4302 to carry on business.

4303 (6) Notwithstanding subsections (1), (3) and (5) of this
4304 section, a supplier may terminate, cancel, not renew or
4305 discontinue an agreement upon not less than thirty (30) days prior
4306 written notice if the supplier discontinues production or
4307 discontinues distribution in this state of all the brands sold by
4308 the supplier to the wholesaler, except that nothing in this
4309 section shall prohibit a supplier from: (a) upon not less than
4310 thirty (30) days notice, discontinuing the distribution of any
4311 particular brand or package of light * * * intoxicating beverage;
4312 or (b) conducting test marketing of a new brand of light * * *
4313 intoxicating beverage which is not currently being sold in this
4314 state, except that the supplier has notified the department in



4315 writing of its plans to test market, which notice shall describe
4316 the market area in which the test shall be conducted; the name or
4317 names of the wholesaler or wholesalers who will be selling the
4318 light * * * intoxicating beverage; the name or names of the brand
4319 of light * * * intoxicating beverage being tested; and the period
4320 of time, not to exceed eighteen (18) months, during which the
4321 testing will take place.

4322 **SECTION 64.** Section 67-9-1, Mississippi Code of 1972, is
4323 amended as follows:

4324 67-9-1. Notwithstanding the provisions of any section of
4325 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
4326 any person holding an alcohol processing permit to transport and
4327 possess alcoholic beverages * * * and light intoxicating
4328 beverages, in any part of the state, for his or her use in
4329 cooking, processing or manufacturing products which contain
4330 alcoholic beverages as an integral ingredient, in amounts as
4331 limited by the Alcoholic Beverage Control Division of the
4332 Department of Revenue. The authority to transport and possess
4333 alcoholic beverages * * * and light intoxicating beverages under
4334 this section exists regardless of whether (a) the county or
4335 municipality in which the transportation or possession takes place
4336 has voted for or against coming out from under the dry law, or (b)
4337 the transportation, storage, sale, distribution, receipt or
4338 manufacture of light * * * intoxicating beverages otherwise is
4339 prohibited.



4340 The provisions of this section shall not be construed as
4341 amending, repealing or otherwise affecting any statute or any
4342 lawfully adopted ordinance, rule or regulation that prohibits or
4343 restricts the location at which, or the premises upon which,
4344 alcoholic beverages * * * or light intoxicating beverages may be
4345 sold or consumed.

4346 The term "alcoholic beverages" has the meaning ascribed in
4347 Section 67-1-5, and the term "light intoxicating beverages" has
4348 the meaning ascribed in Section 67-3-3.

4349 **SECTION 65.** Section 27-65-241, Mississippi Code of 1972, is
4350 amended as follows:

4351 27-65-241. (1) As used in this section, the following terms
4352 shall have the meanings ascribed to them in this section unless
4353 otherwise clearly indicated by the context in which they are used:

4354 (a) "Hotel" or "motel" means and includes a place of
4355 lodging that at any one time will accommodate transient guests on
4356 a daily or weekly basis and that is known to the trade as such.
4357 Such terms shall not include a place of lodging with ten (10) or
4358 less rental units.

4359 (b) "Municipality" means any municipality in the State
4360 of Mississippi with a population of one hundred fifty thousand
4361 (150,000) or more according to the most recent federal decennial
4362 census.

4363 (c) "Restaurant" means and includes all places where
4364 prepared food is sold and whose annual gross proceeds of sales or



4365 gross income for the preceding calendar year equals or exceeds One
4366 Hundred Thousand Dollars (\$100,000.00). The term "restaurant"
4367 shall not include any nonprofit organization that is exempt from
4368 federal income taxation under Section 501(c)(3) of the Internal
4369 Revenue Code. For the purpose of calculating gross proceeds of
4370 sales or gross income, the sales or income of all establishments
4371 owned, operated or controlled by the same person, persons or
4372 corporation shall be aggregated.

4373 (2) (a) Subject to the provisions of this section, the
4374 governing authorities of a municipality may impose upon all
4375 persons as a privilege for engaging or continuing in business or
4376 doing business within such municipality, a special sales tax at
4377 the rate of not more than one percent (1%) of the gross proceeds
4378 of sales or gross income of the business, as the case may be,
4379 derived from any of the activities taxed at the rate of seven
4380 percent (7%) or more under the Mississippi Sales Tax Law, Section
4381 27-65-1 et seq.

4382 (b) The tax levied under this section shall apply to
4383 every person making sales of tangible personal property or
4384 services within the municipality but shall not apply to:

4385 (i) Sales exempted by Sections 27-65-19,
4386 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and
4387 27-65-111 of the Mississippi Sales Tax Law;

4388 (ii) Gross proceeds of sales or gross income of
4389 restaurants derived from the sale of food and beverages;



4390 (iii) Gross proceeds of sales or gross income of
4391 hotels and motels derived from the sale of hotel rooms and motel
4392 rooms for lodging purposes;

4393 (iv) Retail sales of food for human consumption
4394 not purchased with food stamps issued by the United States
4395 Department of Agriculture, or other federal agency, but which
4396 would be exempt under Section 27-65-111(o) from the taxes imposed
4397 by this chapter if the food items were purchased with food stamps;

4398 (v) Gross income of businesses engaging or
4399 continuing in the business of TV cable systems, subscription TV
4400 services, and other similar activities, including, but not limited
4401 to, cable Internet services;

4402 (vi) Wholesale sales of food and drink for human
4403 consumption sold to full service vending machine operators; and

4404 (vii) Wholesale sales of light * * * intoxicating
4405 beverages, as defined in Section 67-3-3, and alcoholic beverages,
4406 as defined in Section 67-1-5.

4407 (3) (a) Before any tax authorized under this section may be
4408 imposed, the governing authorities of the municipality shall adopt
4409 a resolution declaring its intention to levy the tax, setting
4410 forth the amount of the tax to be imposed, the purposes for which
4411 the revenue collected pursuant to the tax levy may be used and
4412 expended, the date upon which the tax shall become effective, the
4413 date upon which the tax shall be repealed, and calling for an
4414 election to be held on the question. The date of the election



4415 shall be set in the resolution. Notice of the election shall be
4416 published once each week for at least three (3) consecutive weeks
4417 in a newspaper published or having a general circulation in the
4418 municipality, with the first publication of the notice to be made
4419 not less than twenty-one (21) days before the date fixed in the
4420 resolution for the election and the last publication to be made
4421 not more than seven (7) days before the election. At the
4422 election, all qualified electors of the municipality may vote.
4423 The ballots used at the election shall have printed thereon a
4424 brief description of the sales tax, the amount of the sales tax
4425 levy, a description of the purposes for which the tax revenue may
4426 be used and expended and the words "FOR THE LOCAL SALES TAX" and
4427 "AGAINST THE LOCAL SALES TAX" and the voter shall vote by placing
4428 a cross (X) or check mark (✓) opposite his choice on the
4429 proposition. When the results of the election have been canvassed
4430 by the election commissioners of the municipality and certified by
4431 them to the governing authorities, it shall be the duty of such
4432 governing authorities to determine and adjudicate whether at least
4433 three-fifths (3/5) of the qualified electors who voted in the
4434 election voted in favor of the tax. If at least three-fifths
4435 (3/5) of the qualified electors who voted in the election voted in
4436 favor of the tax, the governing authorities shall adopt a
4437 resolution declaring the levy and collection of the tax provided
4438 in this section and shall set the first day of the second month
4439 following the date of such adoption as the effective date of the



4440 tax levy. A certified copy of this resolution, together with the
4441 result of the election, shall be furnished to the Department of
4442 Revenue not less than thirty (30) days before the effective date
4443 of the levy.

4444 (b) A municipality shall not hold more than two (2)
4445 elections under this subsection.

4446 (4) The revenue collected pursuant to the tax levy imposed
4447 under this section may be expended to pay the cost of road and
4448 street repair, reconstruction and resurfacing projects based on
4449 traffic patterns, need and usage, and to pay the costs of water,
4450 sewer and drainage projects in accordance with a master plan
4451 adopted by the commission established pursuant to subsection (7).

4452 (5) (a) The special sales tax authorized by this section
4453 shall be collected by the Department of Revenue, shall be
4454 accounted for separately from the amount of sales tax collected
4455 for the state in the municipality and shall be paid to the
4456 municipality. The Department of Revenue may retain one percent
4457 (1%) of the proceeds of such tax for the purpose of defraying the
4458 costs incurred by the department in the collection of the tax.
4459 Payments to the municipality shall be made by the Department of
4460 Revenue on or before the fifteenth day of the month following the
4461 month in which the tax was collected. However, if a municipality
4462 fails to comply with the audit, reporting and/or report filing
4463 requirements of paragraph (b) of this subsection and does not
4464 remedy such noncompliance within thirty (30) days after receiving



4465 written notice of noncompliance, the Department of Revenue shall
4466 withhold payments otherwise payable to the municipality under this
4467 paragraph (a) until the department receives written notice that
4468 the municipality has complied with such requirements.

4469 (b) The proceeds of the special sales tax shall be
4470 placed into a special municipal fund apart from the municipal
4471 general fund and any other funds of the municipality, and shall be
4472 expended by the municipality solely for the purposes authorized in
4473 subsection (4) of this section. The records reflecting the
4474 receipts and expenditures of the revenue from the special sales
4475 tax shall be provided in detail to the members of the commission
4476 monthly, to include the name of the vendor and the project, and
4477 the dates and amounts received and paid, and shall also be audited
4478 annually by an independent certified public accountant. The
4479 accountant shall make a report of his findings to the governing
4480 authorities of the municipality and file a copy of his report with
4481 the Secretary of the Senate and the Clerk of the House of
4482 Representatives and the commission members. The audit shall be
4483 made and completed as soon as practical after the close of the
4484 fiscal year of the municipality, and expenses of the audit shall
4485 be paid from the funds derived by the municipality pursuant to
4486 this section.

4487 (c) Any expenditure from the special municipal fund
4488 defined in paragraph (b) above that was not for a project approved



4489 by the commission, or was in excess of the amount approved by the
4490 commission, shall be reimbursed by the city to the special fund.

4491 (d) All provisions of the Mississippi Sales Tax Law
4492 applicable to filing of returns, discounts to the taxpayer,
4493 remittances to the Department of Revenue, enforced collection,
4494 rights of taxpayers, recovery of improper taxes, refunds of
4495 overpaid taxes or other provisions of law providing for imposition
4496 and collection of the state sales tax shall apply to the special
4497 sales tax authorized by this section, except where there is a
4498 conflict, in which case the provisions of this section shall
4499 control. Any damages, penalties or interest collected for the
4500 nonpayment of taxes imposed under this section, or for
4501 noncompliance with the provisions of this section, shall be paid
4502 to the municipality on the same basis and in the same manner as
4503 the tax proceeds. Any overpayment of tax for any reason that has
4504 been disbursed to a municipality or any payment of the tax to a
4505 municipality in error may be adjusted by the Department of Revenue
4506 on any subsequent payment to the municipality pursuant to the
4507 provisions of the Mississippi Sales Tax Law. The Department of
4508 Revenue may, from time to time, make such rules and regulations
4509 not inconsistent with this section as may be deemed necessary to
4510 carry out the provisions of this section, and such rules and
4511 regulations shall have the full force and effect of law.

4512 (6) If a municipality expands its corporate boundaries, the
4513 governing authorities of the municipality may not impose the



4514 special sales tax in the annexed area unless the tax is approved
4515 at an election conducted, as far as is practicable, in the manner
4516 provided in subsection (3) of this section, except that only
4517 qualified electors in the annexed area may vote in the election.

4518 (7) (a) Any municipality that levies the special sales tax
4519 authorized under this section shall establish a commission as
4520 provided for in this section. Expenditures of revenue from the
4521 special sales tax authorized by this section shall be in
4522 accordance with a master plan adopted by the commission pursuant
4523 to this subsection.

4524 (b) The commission shall be composed of ten (10) voting
4525 members who shall be known as commissioners appointed as follows:

4526 (i) Four (4) members representing the business
4527 community in the municipality appointed by the local chamber of
4528 commerce for initial terms of one (1), two (2), four (4) and five
4529 (5) years respectively. The members appointed pursuant to this
4530 paragraph shall be persons who represent businesses located within
4531 the city limits of the municipality.

4532 (ii) Three (3) members shall be appointed at large
4533 by the mayor of the municipality, with the advice and consent of
4534 the legislative body of the municipality, for initial terms of two
4535 (2), three (3) and four (4) years respectively. All appointments
4536 made by the mayor pursuant to this paragraph shall be residents of
4537 the municipality.



4538 (iii) One (1) member shall be appointed at large
4539 by the Governor for an initial term of four (4) years. All
4540 appointments made by the Governor pursuant to this paragraph shall
4541 be residents of the municipality.

4542 (iv) One (1) member shall be appointed at large by
4543 the Lieutenant Governor for an initial term of four (4) years.
4544 All appointments made by the Lieutenant Governor pursuant to this
4545 paragraph shall be residents of the municipality.

4546 (v) One (1) member shall be appointed at large by
4547 the Speaker of the House of Representatives for a term of four (4)
4548 years. All appointments made by the Speaker of the House of
4549 Representatives pursuant to this paragraph shall be residents of
4550 the municipality.

4551 (c) The terms of all appointments made subsequent to
4552 the initial appointment shall be made for five (5) years. Any
4553 vacancy which may occur shall be filled in the same manner as the
4554 original appointment and shall be made for the unexpired term.

4555 (d) The mayor of the municipality shall designate a
4556 chairman of the commission from among the membership of the
4557 commission. The vice chairman and secretary shall be elected by
4558 the commission from among the membership of the commission for a
4559 term of two (2) years. The vice chairman and secretary may be
4560 reelected, and the chairman may be reappointed.

4561 (e) The commissioners shall serve without compensation.



4562 (f) Any commissioner shall be disqualified and shall be
4563 removed from office for either of the following reasons:

4564 (i) Conviction of a felony in any state court or
4565 in federal court; or

4566 (ii) Failure to attend three (3) consecutive
4567 meetings without just cause.

4568 If a commissioner is removed for any of the above reasons,
4569 the vacancy shall be filled in the manner prescribed in this
4570 section and shall be made for the unexpired term.

4571 (g) A quorum shall consist of six (6) voting members of
4572 the commission. The commission shall adopt such rules and
4573 regulations as may govern the time and place for holding meetings,
4574 regular and special.

4575 (h) The commission shall, with input from the
4576 municipality, establish a master plan for road and street repair,
4577 reconstruction and resurfacing projects based on traffic patterns,
4578 need and usage, and for water, sewer and drainage projects.

4579 Expenditures of the revenue from the tax authorized to be imposed
4580 pursuant to this section shall be made at the discretion of the
4581 governing authorities of the municipality if the expenditures
4582 comply with the master plan. The commission shall monitor the
4583 compliance of the municipality with the master plan.

4584 (8) The governing authorities of any municipality that
4585 levies the special sales tax authorized under this section are
4586 authorized to incur debt, including bonds, notes or other



4587 evidences of indebtedness, for the purpose of paying the costs of
4588 road and street repair, reconstruction and resurfacing projects
4589 based on traffic patterns, need and usage, and to pay the costs of
4590 water, sewer and drainage projects in accordance with a master
4591 plan adopted by the commission established pursuant to subsection
4592 (7) of this section. Any bonds or notes issued to pay such costs
4593 may be secured by the proceeds of the special sales tax levied
4594 pursuant to this section or may be general obligations of the
4595 municipality and shall satisfy the requirements for the issuance
4596 of debt provided by Sections 21-33-313 through 21-33-323.

4597 (9) This section shall stand repealed from and after July 1,
4598 2035.

4599 **SECTION 66.** Section 27-71-301, Mississippi Code of 1972, is
4600 amended as follows:

4601 27-71-301. When used in this article the words and terms
4602 hereafter mentioned shall have the following definitions:

4603 (a) "State Auditor" means the State Auditor of Public
4604 Accounts of the State of Mississippi or any legally appointed
4605 deputy, clerk or agent.

4606 (b) "Person" includes all natural persons or
4607 corporations, a partnership, an association, a joint venture, an
4608 estate, a trust, or any other group or combination acting as a
4609 unit and shall include the plural as well as the singular unless
4610 an intention to give another meaning thereto is disclosed in the
4611 context.



4612 (c) "Consumer" means a person who comes into the
4613 possession of * * * any light intoxicating beverage for the
4614 purpose of consuming it, giving it away or otherwise disposing of
4615 it in any manner except by sale, barter or exchange.

4616 (d) "Retailer" means any person who comes into the
4617 possession of such light * * * intoxicating beverage for the
4618 purpose of selling it to the consumer, or giving it away, or
4619 exposing it where it may be taken or purchased or acquired in any
4620 other manner by the consumer. The term "retailer" shall include
4621 small craft breweries and microbreweries; however, the term
4622 "retailer" shall not include a person who offers and provides beer
4623 on the premises of a brewery for the purpose of tasting or
4624 sampling as authorized in Section 67-3-47.

4625 (e) "Wholesaler" means any person who comes into
4626 possession of such light * * * intoxicating beverage for the
4627 purpose of selling, distributing, or giving it away to retailers
4628 or other wholesalers or dealers inside or outside of this state.

4629 (f) "Commissioner" means the Commissioner of Revenue of
4630 the Department of Revenue or his duly appointed agents or
4631 employees.

4632 (g) "Sale" includes the exchange of such light * * *
4633 intoxicating beverages for money, or giving away or distributing
4634 any such light * * * intoxicating beverages for anything of value;
4635 however, the term "sale" shall not include beer offered and



4636 provided on the premises of a brewery for the purpose of tasting
4637 or sampling as authorized in Section 67-3-47.

4638 (h) * * * "Beer," "light wine," "light spirit product,"
4639 "hemp beverage" and "light intoxicating beverage" have the
4640 meanings ascribed in Section 67-3-3.

4641 (i) "Distributor" includes every person who receives,
4642 either from within or from without this state, from a brewery, a
4643 winery or any other source, light * * * intoxicating beverages for
4644 the purpose of distributing or otherwise disposing of such
4645 light * * * intoxicating beverages to a wholesaler or retailer of
4646 such light * * * intoxicating beverages.

4647 (j) "Brewpub" means the premises of any location in
4648 which any light * * * intoxicating beverage is manufactured or
4649 brewed, for retail sale if the total amount of light * * *
4650 intoxicating beverage produced on the premises does not exceed the
4651 production limitation imposed in Section 67-3-22, and the
4652 light * * * intoxicating beverage is produced for consumption on
4653 the premises, although without prohibition on sales for
4654 off-premises consumption.

4655 (k) "Hospitality cart" means a mobile cart from which
4656 alcoholic beverages and light * * * intoxicating beverages are
4657 sold on a golf course and for which a hospitality cart permit has
4658 been issued under Section 67-1-51.

4659 (l) "Small craft brewery" shall have the meaning
4660 ascribed to such term in Section 67-3-3.



4661 (m) "Manufacturer" means a person who brews beer at a
4662 brewery; however, the term does not include "brewpubs."

4663 (n) "Microbrewery" shall have the meaning ascribed to
4664 such term in Section 67-3-3.

4665 **SECTION 67.** Section 27-71-303, Mississippi Code of 1972, is
4666 amended as follows:

4667 27-71-303. (1) Upon each person approved for a permit to
4668 engage in the business of selling light wines, light spirit
4669 products or beer, there is hereby imposed, levied and assessed, to
4670 be collected and paid as herein provided, annual privilege taxes
4671 in the following amounts:

4672 (a) Retailers--for each place of
4673 business.....\$ * * * 150.00

4674 (b) Wholesalers or distributors--for
4675 each * * * location.....\$ * * * 2,000.00

4676 (c) Manufacturers--for each place of
4677 business.....\$ * * * 2,000.00

4678 (d) Brewpubs--for each place of
4679 business.....\$ * * * 2,000.00

4680 (e) Microbrewery--for each place of
4681 business.....\$ * * * 2,000.00

4682 (f) Small craft brewery--for each
4683 place of business.....\$ * * * 2,000.00

4684 (2) Upon each person approved to engage in the business of
4685 selling hemp beverages, there is hereby imposed, levied and



4686 assessed, to be collected and paid as herein provided, separate
4687 annual privilege taxes in the same amounts as provided in
4688 subsection (1) of this section for each category of business.

4689 (3) Upon each person operating an airline, bus, boat or
4690 railroad car upon which light * * * intoxicating beverages may be
4691 sold, there is hereby imposed, levied and assessed, to be
4692 collected and paid, annual privilege taxes of Thirty Dollars
4693 (\$30.00) for each airplane, bus, boat or railroad car so operated
4694 in this state.

4695 * * * (4) The amount of the privilege tax to be paid for a
4696 permit issued for a period of less than twelve (12) months shall
4697 be that proportionate amount of the annual privilege tax that the
4698 number of months, or part of a month, remaining until its
4699 expiration date bears to twelve (12) months, but in no case shall
4700 the privilege tax be less than Ten Dollars (\$10.00).

4701 **SECTION 68.** Section 27-71-307, Mississippi Code of 1972, is
4702 amended as follows:

4703 27-71-307. (1) (a) In addition to the specific tax imposed
4704 in Section 27-71-303, there is hereby imposed, levied, assessed
4705 and shall be collected, as hereinafter provided, an excise or
4706 privilege tax upon each person engaged or continuing in the
4707 business of wholesaler or distributor of light * * * intoxicating
4708 beverages equivalent to Forty-two and Sixty-eight One-hundredths
4709 Cents (42.68¢) per gallon upon all light * * * intoxicating
4710 beverages acquired for sale or distribution in this state. The



4711 excise or privilege tax is also imposed at the same rate upon each
4712 gallon of light * * * intoxicating beverage manufactured by
4713 brewpubs, each of which shall accurately and reliably measure the
4714 quantity of light * * * intoxicating beverage produced by using a
4715 measuring device such as a meter or gauge glass or any other
4716 suitable method approved by the commissioner. The excise or
4717 privilege tax is also imposed at the same rate upon each gallon of
4718 light * * * intoxicating beverage provided by a small craft
4719 brewery or microbrewery for sale as authorized under Section
4720 67-3-48 and upon each gallon of light * * * intoxicating beverage
4721 provided for tasting or sampling under Section 67-3-47. The tax
4722 is hereby imposed as an additional tax for the privilege of
4723 engaging or continuing in business.

4724 (b) The excise tax imposed in this section shall be
4725 paid to the department * * * monthly on or before the fifteenth
4726 day of the month following the month in which the * * * light
4727 intoxicating beverage was manufactured or received in this state.
4728 Monthly report forms shall be furnished by the commissioner to the
4729 wholesalers, distributors, brewpubs, microbreweries and small
4730 craft breweries.

4731 (c) Provided that persons operating a railroad dining
4732 car, club car or other car in interstate commerce upon which
4733 light * * * intoxicating beverages may be sold and who are
4734 licensed under the provisions of Section 67-3-27 and any other law
4735 relating to the sale of such beverages shall keep such records of



4736 the sales of such light * * * intoxicating beverages in this state
4737 as the commissioner shall prescribe and shall submit monthly
4738 reports of such sales to the commissioner within fifteen (15) days
4739 after the end of each month on a form prescribed therefor by the
4740 commissioner, and shall pay the tax due under the provisions of
4741 this section at the time such reports are filed.

4742 No official crowns, lids, labels or stamps with the word
4743 "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of
4744 tax payment is required by this section, or may be required under
4745 rule or regulation promulgated by the commissioner, to be affixed
4746 on or to any part of a * * * light intoxicating beverage or malt
4747 cooler bottle, can or other light * * * intoxicating beverage or
4748 malt cooler container. For purposes of this section, malt cooler
4749 products shall be defined as a flavored malt beverage made from a
4750 base of malt beverage and flavored with fruit juices, aromatics
4751 and essences of other flavoring in quantities and proportions such
4752 that the resulting product possesses a character and flavor
4753 distinctive from the base malt beverage and distinguishable from
4754 other malt beverages.

4755 (2) A licensed wholesaler or distributor of * * * light
4756 intoxicating beverages may not import * * * light intoxicating
4757 beverages from any source other than a brewer or importer
4758 authorized by the commissioner to sell such * * * light
4759 intoxicating beverages in Mississippi. Any person who violates
4760 the provisions of this subsection, upon conviction thereof, shall



4761 be punished by a fine of not more than One Thousand Dollars
4762 (\$1,000.00) or by imprisonment in the county jail for not more
4763 than six (6) months, or by both such fine and imprisonment, in the
4764 discretion of the court and shall be subject to license forfeiture
4765 following an appropriate hearing before the Department of Revenue.

4766 (3) The wholesaler, distributor, microbrewery or small craft
4767 brewery shall be allowed credit for tax paid on * * * any light
4768 intoxicating beverage which is no longer marketable and which is
4769 destroyed by same when such destruction is witnessed by an agent
4770 of the commissioner and when the amount of the excise tax exceeds
4771 One Hundred Dollars (\$100.00). No other loss will be allowed.

4772 A brewpub shall be allowed credit for any light * * *
4773 intoxicating beverage which has passed through the meter, gauge
4774 glass or other approved measuring device and which has been soured
4775 or damaged. The brewpub shall record the removal of sour or
4776 damaged light * * * intoxicating beverages and may take credit
4777 after the destruction is witnessed by an agent of the commissioner
4778 and when the amount of excise tax exceeds Twenty-five Dollars
4779 (\$25.00). No other loss shall be allowed.

4780 (4) All manufacturers, brewers and importers of * * *
4781 intoxicating beverages shall file monthly reports as prescribed by
4782 the commissioner listing sales to each wholesaler or distributor
4783 by date, invoice number, quantity and container size, and any
4784 other information deemed necessary.



4785 (5) All small craft breweries and microbreweries shall file
4786 monthly reports as prescribed by the commissioner regarding the
4787 sale of light * * * intoxicating beverages authorized under
4788 Section 67-3-48.

4789 (6) Manufacturers who offer and provide limited amounts of
4790 beer for tasting or sampling under Section 67-3-47 shall file
4791 monthly reports as prescribed by the commissioner regarding the
4792 beer provided for such tasting or sampling.

4793 (7) All administrative provisions of the Mississippi Sales
4794 Tax Law, including those which fix damages, penalties and interest
4795 for nonpayment of taxes and for noncompliance with the provisions
4796 of such chapter, and all other requirements and duties imposed
4797 upon taxpayers, shall apply to all persons liable for taxes under
4798 the provisions of this chapter, and the commissioner shall
4799 exercise all the power and authority and perform all the duties
4800 with respect to taxpayers under this chapter as are provided in
4801 the sales tax law except where there is conflict, then the
4802 provisions of this chapter shall control.

4803 **SECTION 69.** Section 27-71-311, Mississippi Code of 1972, is
4804 amended as follows:

4805 27-71-311. Before any person shall engage in the business of
4806 manufacturing light * * * intoxicating beverages, in the business
4807 of wholesaler or distributor of light * * * intoxicating
4808 beverages, or in the business of a brewpub, he shall be required
4809 to enter into a good and sufficient bond. The bond shall be made



4810 payable to the State of Mississippi, in a sum of not less than
4811 Five Thousand Dollars (\$5,000.00) nor more than Two Hundred
4812 Thousand Dollars (\$200,000.00), the amount to be determined by the
4813 department * * *. The bond of a wholesaler, distributor or
4814 brewpub shall not exceed the amount of excise tax estimated to be
4815 owed by such wholesaler, distributor or brewpub for any sixty-day
4816 period. If a manufacturer is operating a small craft brewery and
4817 is distributing light * * * intoxicating beverages for sale as
4818 authorized under Section 67-3-48, the manufacturer, in addition to
4819 any other required bond, shall enter into a bond not to exceed the
4820 amount of excise tax estimated to be owed by such manufacturer for
4821 any sixty-day period. The bond shall be conditioned that he will
4822 conduct his business strictly in accordance with the laws of the
4823 State of Mississippi, and that he will comply with the rules and
4824 regulations prescribed by the commissioner, and pay the taxes
4825 imposed under the provisions of this article for the privilege of
4826 engaging or continuing in such business. Such bond shall be made
4827 in a surety company authorized to do business in the State of
4828 Mississippi, and shall be approved by the commissioner. The
4829 commissioner shall be authorized to institute suit in the proper
4830 court on said bond for any violation of the conditions of said
4831 bond.

4832 **SECTION 70.** Section 27-71-315, Mississippi Code of 1972, is
4833 amended as follows:



4834 27-71-315. Except as otherwise provided in Section 67-9-1
4835 for the transportation of limited amounts of alcoholic beverages
4836 for the use of an alcohol processing permittee, it shall be
4837 unlawful for any person to transport from any point outside of
4838 this state to any point within this state, any light * * *
4839 intoxicating beverage except for delivery to a licensed wholesaler
4840 or distributor in this state; and except by common carrier. The
4841 commissioner may, however, upon application of a licensed
4842 wholesaler or distributor in this state, and under rules and
4843 regulations duly promulgated by him, issue a permit for the
4844 transportation by a licensed wholesaler or distributor of
4845 light * * * intoxicating beverages in trucks owned by such
4846 licensee, from without the state to the place of business of such
4847 licensee within the state, for distribution by said licensee.
4848 Such permit shall be granted for a specified period, not to exceed
4849 one (1) year.

4850 Any person engaged in transporting any light * * *
4851 intoxicating beverage from any point outside of this state to any
4852 point within this state, shall have in his possession during the
4853 entire time he is engaged in transporting such light * * *
4854 intoxicating beverage, an invoice, bill of sale, or bill of
4855 lading, showing the true name and address of the consignor, and
4856 also the true name and address of the licensed wholesaler or
4857 distributor to whom such light * * * intoxicating beverage is to
4858 be delivered, and the quantity of such light * * * intoxicating



4859 beverage, unless such common carrier maintains a permanent office
4860 within this state where complete records of all light * * *
4861 intoxicating beverages transported from without this state to
4862 points within this state are kept, and open to inspection by the
4863 commissioner or his duly authorized agent, at all reasonable
4864 times.

4865 It is hereby made the duty of all common carriers, and
4866 licensed wholesalers and distributors, transporting light * * *
4867 intoxicating beverages from without the State of Mississippi into
4868 the State of Mississippi, to furnish the commissioner on or before
4869 the fifteenth day of each month, a report showing the amount of
4870 beer transported within the state during the preceding month, the
4871 consignor, the consignee, and the quantity of light * * *
4872 intoxicating beverages so transported.

4873 **SECTION 71.** Section 27-71-317, Mississippi Code of 1972, is
4874 amended as follows:

4875 27-71-317. It shall be unlawful for any person to transport
4876 from any point within this state to another point within this
4877 state, any light * * * intoxicating beverage on which the tax
4878 imposed in Section 27-71-307 of this article has not been paid,
4879 except for immediate delivery to a licensed wholesaler or
4880 distributor in this state. And any person engaged in transporting
4881 any light * * * intoxicating beverage on which the tax imposed in
4882 Section 27-71-307 of this article has not been paid, from any
4883 point within this state to another point within this state shall



4884 have in his possession during the entire time he is engaged in
4885 transporting such light * * * intoxicating beverage an invoice,
4886 bill of sale, or bill of lading showing the true name and address
4887 of the consignor, and also the true name and address of the
4888 licensed wholesaler or distributor to whom such light * * *
4889 intoxicating beverage is to be delivered and the quantity of such
4890 light * * * intoxicating beverage.

4891 **SECTION 72.** Section 27-71-325, Mississippi Code of 1972, is
4892 amended as follows:

4893 27-71-325. It shall be the duty of every wholesaler or
4894 distributor of light * * * intoxicating beverages licensed under
4895 the provisions of Section 67-3-27, * * * to file with the
4896 commissioner, on or before the fifteenth day of each month, a
4897 report covering all sales of such light * * * intoxicating
4898 beverages during the preceding month. Such report shall show the
4899 names and post-office addresses of all persons to whom such
4900 light * * * intoxicating beverages have been sold or delivered and
4901 the quantities and invoice prices of the light * * * intoxicating
4902 beverages thus sold or delivered.

4903 It shall be the duty of each retail dealer in such
4904 light * * * intoxicating beverages to procure from the distributor
4905 or wholesaler from whom such light * * * intoxicating beverages
4906 were purchased or acquired, invoices showing the quantity of the
4907 light * * * intoxicating beverages purchased or acquired, and the
4908 date of each delivery thereof. Such invoices shall be preserved



4909 by the retailer and shall be open for inspection by the
4910 commissioner or his duly authorized agent for a period of two (2)
4911 years. It shall likewise be the duty of such retail dealer to
4912 file with the commissioner, on or before the fifteenth day of each
4913 calendar month, a report showing all purchases of such light * * *
4914 intoxicating beverages made by him during the preceding month.
4915 Such report shall disclose the names and addresses of all persons
4916 from whom such light * * * intoxicating beverages have been
4917 purchased or received by him during the preceding month and the
4918 quantities thus purchased or received.

4919 **SECTION 73.** Section 27-71-327, Mississippi Code of 1972, is
4920 amended as follows:

4921 27-71-327. Any person engaged in the business of
4922 manufacturer, distributor, wholesaler or retailer of light * * *
4923 intoxicating beverages and any brewpub shall keep such additional
4924 records and make such additional reports with respect to the
4925 manufacture, receipt, distribution and sale of such light * * *
4926 intoxicating beverages as the commissioner may require. It shall
4927 be the duty of the commissioner to prescribe and promulgate
4928 uniform rules and regulations for keeping such records and making
4929 such reports.

4930 **SECTION 74.** Section 27-71-333, Mississippi Code of 1972, is
4931 amended as follows:

4932 27-71-333. Whenever it shall be determined by the
4933 commissioner that any wholesaler or distributor having in his



4934 possession, or engaging in the sale or distribution of light * * *
4935 intoxicating beverages, has failed to pay the tax, as provided
4936 herein, the commissioner shall compute the correct amount of tax
4937 due and unpaid and shall notify the taxpayer of the amount as
4938 being actually due and unpaid, and penalties, and interest and
4939 shall state in what manner this article is violated. The taxpayer
4940 so notified shall be given a period of ten (10) days in which to
4941 make objection and show cause why the additional tax, and
4942 penalties, and interest, should not be paid. On petition of the
4943 taxpayer, a hearing before the commissioner shall be granted, a
4944 final decision thereon shall be rendered, and the taxpayer
4945 notified as early as practicable. Any tax or deficiency in tax
4946 shall be assessed and paid, together with penalties and interest,
4947 if any, applicable thereto, within ten (10) days after notice and
4948 demand by the commissioner.

4949 If no objection be made to the finding of the commissioner,
4950 and no hearing be had before the commissioner within the time
4951 herein specified, the findings of the commissioner shall be final.
4952 If a hearing be had, and the amount of tax due and unpaid be
4953 determined, notice of the amount of such tax, penalties and
4954 interest shall be mailed to the taxpayer, and, if not paid within
4955 ten (10) days thereafter, the commissioner shall forthwith issue a
4956 warrant under official seal directed to the sheriff of any county
4957 of the state commanding him to levy upon and sell the real and
4958 personal property of the person owing the tax, found within his



4959 county, for the payment of the amount thereof, with added damages,
4960 interest and cost of executing the warrant, and to return such
4961 warrant to the commissioner and pay to him money collected by
4962 virtue thereof by a time to be therein specified not more than
4963 sixty (60) days from the date of the warrant. The sheriff shall,
4964 within five (5) days after the receipt of the warrant, file with
4965 the circuit clerk of his county a copy thereof, and thereupon the
4966 circuit clerk shall enter in the judgment roll, in the column for
4967 judgment debtors, the name of the taxpayer mentioned in the
4968 warrant, and in appropriate columns, the amount of the tax, or
4969 portion thereof and damages for which the warrant is issued, and
4970 the date when such copy is filed; and thereupon the amount of such
4971 warrant or warrants so docketed shall become a lien upon the title
4972 to and interest in the real and personal property, including
4973 choses in action, of the person against whom it is issued in the
4974 same manner as a judgment duly enrolled in the office of such
4975 clerk. The sheriff thereupon shall proceed upon the same in all
4976 respects, with like effect, and in the same manner prescribed by
4977 law in respect to executions issued against property upon judgment
4978 or attachment proceedings of a court of record; and he shall be
4979 entitled to the same fee for his service in executing the warrant
4980 as now allowed by law for like service, to be collected in the
4981 same manner as provided by law for like service.

4982 **SECTION 75.** Section 27-71-335, Mississippi Code of 1972, is
4983 amended as follows:



4984 27-71-335. Any light * * * intoxicating beverage found at
4985 any point within this state which has been in the possession of
4986 any wholesaler or distributor for a period of more than
4987 forty-eight (48) hours and any light * * * intoxicating beverage
4988 transported into this state from a point outside this state, or
4989 from point-to-point within this state in violation of the
4990 provisions of this article, or any light * * * intoxicating
4991 beverage held or possessed by any person within this state on
4992 which the legal and proper tax has not been paid when due, whether
4993 such person be a wholesaler, retailer or distributor, or
4994 individual, and whether the light * * * intoxicating beverages be
4995 for sale or storage or individual use, except light * * *
4996 intoxicating beverages in possession of a licensed wholesaler or
4997 distributor for a period of time less than forty-eight (48) hours
4998 after receipt of the light * * * intoxicating beverages within
4999 this state, and light * * * intoxicating beverages held in storage
5000 by licensed manufacturers or producers, are hereby declared to be
5001 contraband goods, and there is hereby imposed and assessed, as tax
5002 and penalty, to be collected by the commissioner, an amount equal
5003 to the amount of the excise tax otherwise imposed under the
5004 Mississippi Wine and Beer Tax Law, plus a penalty of one hundred
5005 percent (100%) of the amount of the tax; or, at the option of the
5006 commissioner, the light * * * intoxicating beverages may be seized
5007 by the commissioner or his agents or any sheriff, or other lawful



5008 officer, and shall be dealt with in the same manner as provided
5009 for in Section 67-1-18 for alcoholic beverages.

5010 **SECTION 76.** Section 27-71-345, Mississippi Code of 1972, is
5011 amended as follows:

5012 27-71-345. Any municipality, in which any business licensed
5013 under * * * Section 67-3-27 * * * may be carried on, shall have
5014 the right to impose upon persons engaged in such business an
5015 annual privilege tax of not more than fifty percent (50%) of the
5016 tax imposed by Section 27-71-303 of this article, and any county,
5017 in which any business licensed under * * * Section 67-3-27 * * *
5018 may be carried on outside of the territory taxed by
5019 municipalities, shall have the right to impose upon persons
5020 engaged in such business an annual privilege tax of not more than
5021 fifty percent (50%) of the tax imposed by Section 27-71-303 of
5022 this article; provided, however, that no person engaged in the
5023 business of manufacturer, brewpub, wholesaler or distributor of
5024 light * * * intoxicating beverages shall be taxed by any
5025 municipality other than that in which the warehouse or plant of
5026 such wholesaler or distributor, or the premises of such brewpub,
5027 is located, nor shall any county impose any such tax upon such
5028 manufacturer, brewpub, wholesaler or distributor of light * * *
5029 intoxicating beverages if the place of business is located within
5030 the jurisdiction of any municipality.

5031 **SECTION 77.** Section 27-71-349, Mississippi Code of 1972, is
5032 amended as follows:



5033 27-71-349. (1) Every manufacturer or importer of
5034 light * * * intoxicating beverages shall designate sales
5035 territories for each of its brands sold in Mississippi and shall
5036 name one (1) licensed light * * * intoxicating beverage wholesaler
5037 in each territory who, within such territory, shall be the
5038 licensed wholesaler for the brand or brands assigned by the
5039 manufacturer or importer. If the manufacturer or importer
5040 supplies more than one (1) brand, sales territories may be granted
5041 to a different wholesaler for the sale of each brand. No licensed
5042 wholesaler shall distribute the specified brand or brands of
5043 light * * * intoxicating beverages outside his assigned territory,
5044 nor shall he knowingly sell to a retailer whose licensed retail
5045 establishment is located outside his assigned territory.

5046 (2) A licensed wholesaler designated as the licensed
5047 wholesaler for light * * * intoxicating beverages within a
5048 designated sales territory shall present that light * * *
5049 intoxicating beverage for sale to all licensed retailers within
5050 the designated sales territory without discrimination in service.
5051 A licensed wholesaler shall not sell, supply or deliver, either
5052 directly or indirectly through a third party, any light * * *
5053 intoxicating beverage to a licensed retailer outside of the
5054 designated sales territory of the designated wholesaler, nor to
5055 any person the licensed wholesaler has reason to believe will sell
5056 or supply any quantity of the light * * * intoxicating beverage to



5057 any retail location outside of the designated sales territory of
5058 the licensed wholesaler.

5059 (3) All light * * * intoxicating beverages shall be
5060 transported only by a marked conveyance owned or leased by the
5061 licensed wholesaler and operated by the licensed wholesaler or an
5062 employee of the wholesaler for the products of a manufacturer or
5063 importer within the designated sales territory to the address and
5064 location of a licensed retail dealer within that designated sales
5065 territory.

5066 (4) Any light * * * intoxicating beverage sold by the
5067 licensed wholesaler shall not be delivered to, received by or
5068 stored at any place other than the address and location of the
5069 licensed retailer for which the required licenses and permits have
5070 been issued.

5071 (5) With the approval of the designated manufacturer, a
5072 licensed wholesaler may sell the designated brands to a licensed
5073 retailer located in a designated sales territory of another
5074 licensed wholesaler if the former licensed wholesaler is unable
5075 temporarily for any reason to provide the designated brands of the
5076 designated manufacturer within its designated sales territory.

5077 (6) All light * * * intoxicating beverages purchased by a
5078 licensed wholesaler for resale in this state shall come into the
5079 physical possession of the licensed wholesaler and be unloaded in
5080 and distributed from the warehouse of the licensed wholesaler
5081 located in this state before being resold in this state.



5082 (7) As used in this section, the term "sales territory"
5083 shall have the meaning ascribed to such term in Section 67-7-5.

5084 **SECTION 78.** Section 27-71-509, Mississippi Code of 1972, is
5085 amended as follows:

5086 27-71-509. It shall be unlawful for any brewer,
5087 manufacturer, wholesaler, distributor or retailer of light * * *
5088 intoxicating beverages to whom a permit has been issued
5089 under * * * Sections 67-3-15 and 67-3-23 * * * to write or print
5090 on any label or container of either of the above-named commodities
5091 any matter relating to the alcoholic or THC content of such
5092 beverage or beverages, except a statement * * * to the effect that
5093 the contents of the vessel or container in which light wine shall
5094 be sold does not contain alcohol in excess of five percent (5%) of
5095 the contents thereof, by weight, that the contents of the vessel
5096 or container in which light spirit product shall be sold does not
5097 contain alcohol in excess of six percent (6%) of the contents
5098 thereof, by weight, * * * that the contents of the vessel or
5099 container in which beer shall be sold does not contain alcohol in
5100 excess of eight percent (8%) of the contents thereof, by weight,
5101 and that the contents of the vessel or container in which hemp
5102 beverage shall be sold does not contain THC in excess of
5103 three-tenths percent (0.3%) of the contents thereof. It shall be
5104 unlawful for any such brewer, manufacturer, wholesaler,
5105 distributor or retailer to sell any such commodity with any
5106 statement in conflict with the provisions of this section, with



5107 reference to the alcoholic content of such beverage or beverages,
5108 except that a statement of alcoholic content may be expressed on
5109 any light wine, light spirit product or beer label in terms of
5110 volume or weight, at the manufacturer's option; and such
5111 statement, if by volume, shall be subject to the same permitted
5112 tolerance allowed for wine containing fourteen percent (14%)
5113 alcohol by volume or less by Section 4.36(b)(1) of the Federal
5114 Labeling Requirements for Wine, 27 CFR Part 4, subpart D, and
5115 Section 7.71(c) 27 CFR Part 7, subpart G, and, if by weight, shall
5116 be subject to an equivalent permitted tolerance, determined in
5117 terms of alcohol by weight.

5118 The terms "light intoxicating beverage," "light wine," "light
5119 spirit product," "beer," and "hemp beverage" have the meanings
5120 ascribed in Section 67-3-3.

5121 **SECTION 79.** Section 45-9-101, Mississippi Code of 1972, is
5122 amended as follows:

5123 45-9-101. (1) (a) Except as otherwise provided, the
5124 Department of Public Safety is authorized to issue licenses to
5125 carry stun guns, concealed pistols or revolvers to persons
5126 qualified as provided in this section. Such licenses shall be
5127 valid throughout the state for a period of five (5) years from the
5128 date of issuance, except as provided in subsection (25) of this
5129 section. Any person possessing a valid license issued pursuant to
5130 this section may carry a stun gun, concealed pistol or concealed
5131 revolver.



5132 (b) The licensee must carry the license, together with
5133 valid identification, at all times in which the licensee is
5134 carrying a stun gun, concealed pistol or revolver and must display
5135 both the license and proper identification upon demand by a law
5136 enforcement officer. A violation of the provisions of this
5137 paragraph (b) shall constitute a noncriminal violation with a
5138 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
5139 by summons.

5140 (2) The Department of Public Safety shall issue a license if
5141 the applicant:

5142 (a) Is a resident of the state. However, this
5143 residency requirement may be waived if the applicant possesses a
5144 valid permit from another state, is a member of any active or
5145 reserve component branch of the United States of America Armed
5146 Forces stationed in Mississippi, is the spouse of a member of any
5147 active or reserve component branch of the United States of America
5148 Armed Forces stationed in Mississippi, or is a retired law
5149 enforcement officer establishing residency in the state;

5150 (b) (i) Is twenty-one (21) years of age or older; or

5151 (ii) Is at least eighteen (18) years of age but
5152 not yet twenty-one (21) years of age and the applicant:

5153 1. Is a member or veteran of the United
5154 States Armed Forces, including National Guard or Reserve; and

5155 2. Holds a valid Mississippi driver's license
5156 or identification card issued by the Department of Public Safety



5157 or a valid and current tribal identification card issued by a
5158 federally recognized Indian tribe containing a photograph of the
5159 holder;

5160 (c) Does not suffer from a physical infirmity which
5161 prevents the safe handling of a stun gun, pistol or revolver;

5162 (d) Is not ineligible to possess a firearm by virtue of
5163 having been convicted of a felony in a court of this state, of any
5164 other state, or of the United States without having been pardoned
5165 or without having been expunged for same;

5166 (e) Does not chronically or habitually abuse controlled
5167 substances to the extent that his normal faculties are impaired.
5168 It shall be presumed that an applicant chronically and habitually
5169 uses controlled substances to the extent that his faculties are
5170 impaired if the applicant has been voluntarily or involuntarily
5171 committed to a treatment facility for the abuse of a controlled
5172 substance or been found guilty of a crime under the provisions of
5173 the Uniform Controlled Substances Law or similar laws of any other
5174 state or the United States relating to controlled substances
5175 within a three-year period immediately preceding the date on which
5176 the application is submitted;

5177 (f) Does not chronically and habitually use alcoholic
5178 beverages to the extent that his normal faculties are impaired.
5179 It shall be presumed that an applicant chronically and habitually
5180 uses alcoholic beverages to the extent that his normal faculties
5181 are impaired if the applicant has been voluntarily or



5182 involuntarily committed as an alcoholic to a treatment facility or
5183 has been convicted of two (2) or more offenses related to the use
5184 of alcohol under the laws of this state or similar laws of any
5185 other state or the United States within the three-year period
5186 immediately preceding the date on which the application is
5187 submitted;

5188 (g) Desires a legal means to carry a stun gun,
5189 concealed pistol or revolver to defend himself;

5190 (h) Has not been adjudicated mentally incompetent, or
5191 has waited five (5) years from the date of his restoration to
5192 capacity by court order;

5193 (i) Has not been voluntarily or involuntarily committed
5194 to a mental institution or mental health treatment facility unless
5195 he possesses a certificate from a psychiatrist licensed in this
5196 state that he has not suffered from disability for a period of
5197 five (5) years;

5198 (j) Has not had adjudication of guilt withheld or
5199 imposition of sentence suspended on any felony unless three (3)
5200 years have elapsed since probation or any other conditions set by
5201 the court have been fulfilled;

5202 (k) Is not a fugitive from justice; and

5203 (l) Is not disqualified to possess a weapon based on
5204 federal law.

5205 (3) The Department of Public Safety may deny a license if
5206 the applicant has been found guilty of one or more crimes of



5207 violence constituting a misdemeanor unless three (3) years have
5208 elapsed since probation or any other conditions set by the court
5209 have been fulfilled or expunction has occurred prior to the date
5210 on which the application is submitted, or may revoke a license if
5211 the licensee has been found guilty of one or more crimes of
5212 violence within the preceding three (3) years. The department
5213 shall, upon notification by a law enforcement agency or a court
5214 and subsequent written verification, suspend a license or the
5215 processing of an application for a license if the licensee or
5216 applicant is arrested or formally charged with a crime which would
5217 disqualify such person from having a license under this section,
5218 until final disposition of the case. The provisions of subsection
5219 (7) of this section shall apply to any suspension or revocation of
5220 a license pursuant to the provisions of this section.

5221 (4) The application shall be completed, under oath, on a
5222 form promulgated by the Department of Public Safety and shall
5223 include only:

5224 (a) The name, address, place and date of birth, race,
5225 sex and occupation of the applicant;

5226 (b) The driver's license number or social security
5227 number of applicant;

5228 (c) Any previous address of the applicant for the two
5229 (2) years preceding the date of the application;



5230 (d) A statement that the applicant is in compliance
5231 with criteria contained within subsections (2) and (3) of this
5232 section;

5233 (e) A statement that the applicant has been furnished a
5234 copy of this section and is knowledgeable of its provisions;

5235 (f) A conspicuous warning that the application is
5236 executed under oath and that a knowingly false answer to any
5237 question, or the knowing submission of any false document by the
5238 applicant, subjects the applicant to criminal prosecution; and

5239 (g) A statement that the applicant desires a legal
5240 means to carry a stun gun, concealed pistol or revolver to defend
5241 himself.

5242 (5) The applicant shall submit only the following to the
5243 Department of Public Safety:

5244 (a) A completed application as described in subsection
5245 (4) of this section;

5246 (b) A full-face photograph of the applicant taken
5247 within the preceding thirty (30) days in which the head, including
5248 hair, in a size as determined by the Department of Public Safety,
5249 except that an applicant who is younger than twenty-one (21) years
5250 of age must submit a photograph in profile of the applicant;

5251 (c) A nonrefundable license fee of Eighty Dollars
5252 (\$80.00). Costs for processing the set of fingerprints as
5253 required in paragraph (d) of this subsection shall be borne by the
5254 applicant. Honorably retired law enforcement officers, disabled



5255 veterans and active duty members of the Armed Forces of the United
5256 States, and law enforcement officers employed with a law
5257 enforcement agency of a municipality, county or state at the time
5258 of application for the license, shall be exempt from the payment
5259 of the license fee;

5260 (d) A full set of fingerprints of the applicant
5261 administered by the Department of Public Safety; and

5262 (e) A waiver authorizing the Department of Public
5263 Safety access to any records concerning commitments of the
5264 applicant to any of the treatment facilities or institutions
5265 referred to in subsection (2) of this section and permitting
5266 access to all the applicant's criminal records.

5267 (6) (a) The Department of Public Safety, upon receipt of
5268 the items listed in subsection (5) of this section, shall forward
5269 the full set of fingerprints of the applicant to the appropriate
5270 agencies for state and federal processing.

5271 (b) The Department of Public Safety shall forward a
5272 copy of the applicant's application to the sheriff of the
5273 applicant's county of residence and, if applicable, the police
5274 chief of the applicant's municipality of residence. The sheriff
5275 of the applicant's county of residence, and, if applicable, the
5276 police chief of the applicant's municipality of residence may, at
5277 his discretion, participate in the process by submitting a
5278 voluntary report to the Department of Public Safety containing any
5279 readily discoverable prior information that he feels may be



5280 pertinent to the licensing of any applicant. The reporting shall
5281 be made within thirty (30) days after the date he receives the
5282 copy of the application. Upon receipt of a response from a
5283 sheriff or police chief, such sheriff or police chief shall be
5284 reimbursed at a rate set by the department.

5285 (c) The Department of Public Safety shall, within
5286 forty-five (45) days after the date of receipt of the items listed
5287 in subsection (5) of this section:

5288 (i) Issue the license;

5289 (ii) Deny the application based solely on the
5290 ground that the applicant fails to qualify under the criteria
5291 listed in subsections (2) and (3) of this section. If the
5292 Department of Public Safety denies the application, it shall
5293 notify the applicant in writing, stating the ground for denial,
5294 and the denial shall be subject to the appeal process set forth in
5295 subsection (7); or

5296 (iii) Notify the applicant that the department is
5297 unable to make a determination regarding the issuance or denial of
5298 a license within the forty-five-day period prescribed by this
5299 subsection, and provide an estimate of the amount of time the
5300 department will need to make the determination.

5301 (d) In the event a legible set of fingerprints, as
5302 determined by the Department of Public Safety and the Federal
5303 Bureau of Investigation, cannot be obtained after a minimum of two
5304 (2) attempts, the Department of Public Safety shall determine



5305 eligibility based upon a name check by the Mississippi Highway
5306 Safety Patrol and a Federal Bureau of Investigation name check
5307 conducted by the Mississippi Highway Safety Patrol at the request
5308 of the Department of Public Safety.

5309 (7) (a) If the Department of Public Safety denies the
5310 issuance of a license, or suspends or revokes a license, the party
5311 aggrieved may appeal such denial, suspension or revocation to the
5312 Commissioner of Public Safety, or his authorized agent, within
5313 thirty (30) days after the aggrieved party receives written notice
5314 of such denial, suspension or revocation. The Commissioner of
5315 Public Safety, or his duly authorized agent, shall rule upon such
5316 appeal within thirty (30) days after the appeal is filed and
5317 failure to rule within this thirty-day period shall constitute
5318 sustaining such denial, suspension or revocation. Such review
5319 shall be conducted pursuant to such reasonable rules and
5320 regulations as the Commissioner of Public Safety may adopt.

5321 (b) If the revocation, suspension or denial of issuance
5322 is sustained by the Commissioner of Public Safety, or his duly
5323 authorized agent pursuant to paragraph (a) of this subsection, the
5324 aggrieved party may file within ten (10) days after the rendition
5325 of such decision a petition in the circuit or county court of his
5326 residence for review of such decision. A hearing for review shall
5327 be held and shall proceed before the court without a jury upon the
5328 record made at the hearing before the Commissioner of Public
5329 Safety or his duly authorized agent. No such party shall be



5330 allowed to carry a stun gun, concealed pistol or revolver pursuant
5331 to the provisions of this section while any such appeal is
5332 pending.

5333 (8) The Department of Public Safety shall maintain an
5334 automated listing of license holders and such information shall be
5335 available online, upon request, at all times, to all law
5336 enforcement agencies through the Mississippi Crime Information
5337 Center. However, the records of the department relating to
5338 applications for licenses to carry stun guns, concealed pistols or
5339 revolvers and records relating to license holders shall be exempt
5340 from the provisions of the Mississippi Public Records Act of 1983,
5341 and shall be released only upon order of a court having proper
5342 jurisdiction over a petition for release of the record or records.

5343 (9) Within thirty (30) days after the changing of a
5344 permanent address, or within thirty (30) days after having a
5345 license lost or destroyed, the licensee shall notify the
5346 Department of Public Safety in writing of such change or loss.
5347 Failure to notify the Department of Public Safety pursuant to the
5348 provisions of this subsection shall constitute a noncriminal
5349 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
5350 be enforceable by a summons.

5351 (10) In the event that a stun gun, concealed pistol or
5352 revolver license is lost or destroyed, the person to whom the
5353 license was issued shall comply with the provisions of subsection
5354 (9) of this section and may obtain a duplicate, or substitute



5355 thereof, upon payment of Fifteen Dollars (\$15.00) to the
5356 Department of Public Safety, and furnishing a notarized statement
5357 to the department that such license has been lost or destroyed.

5358 (11) A license issued under this section shall be revoked if
5359 the licensee becomes ineligible under the criteria set forth in
5360 subsection (2) of this section.

5361 (12) (a) Except as provided in subsection (25) of this
5362 section, no less than ninety (90) days prior to the expiration
5363 date of the license, the Department of Public Safety shall send to
5364 each licensee a written notice of the expiration and a renewal
5365 form prescribed by the department. The licensee must renew his
5366 license on or before the expiration date by filing with the
5367 department the renewal form, a notarized affidavit stating that
5368 the licensee remains qualified pursuant to the criteria specified
5369 in subsections (2) and (3) of this section if necessary, and a
5370 full set of fingerprints administered by the Department of Public
5371 Safety or the sheriff of the county of residence of the licensee.
5372 The first renewal may be processed by mail "or other means as
5373 determined by the Department" and the subsequent renewal must be
5374 made in person. Thereafter every other renewal may be processed
5375 by mail to assure that the applicant must appear in person every
5376 ten (10) years for the purpose of obtaining a new photograph.

5377 (i) Except as provided in this subsection, a
5378 renewal fee of Forty Dollars (\$40.00) shall also be submitted
5379 along with costs for processing the fingerprints;



5380 (ii) Honorably retired law enforcement officers,
5381 disabled veterans, active duty members of the Armed Forces of the
5382 United States and law enforcement officers employed with a law
5383 enforcement agency of a municipality, county or state at the time
5384 of renewal, shall be exempt from the renewal fee; and

5385 (iii) The renewal fee for a Mississippi resident
5386 aged sixty-five (65) years of age or older shall be Twenty Dollars
5387 (\$20.00).

5388 (b) The Department of Public Safety shall forward the
5389 full set of fingerprints of the applicant to the appropriate
5390 agencies for state and federal processing. The license shall be
5391 renewed upon receipt of the completed renewal application and
5392 appropriate payment of fees.

5393 (c) A licensee who fails to file a renewal application
5394 on or before its expiration date must renew his license by paying
5395 a late fee of Fifteen Dollars (\$15.00). No license shall be
5396 renewed six (6) months or more after its expiration date, and such
5397 license shall be deemed to be permanently expired. A person whose
5398 license has been permanently expired may reapply for licensure;
5399 however, an application for licensure and fees pursuant to
5400 subsection (5) of this section must be submitted, and a background
5401 investigation shall be conducted pursuant to the provisions of
5402 this section.

5403 (13) No license issued pursuant to this section shall
5404 authorize any person, except a law enforcement officer as defined



5405 in Section 45-6-3 with a distinct license authorized by the
5406 Department of Public Safety, to carry a stun gun, concealed pistol
5407 or revolver into any place of nuisance as defined in Section
5408 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
5409 patrol station; any detention facility, prison or jail; any
5410 courthouse; any courtroom, except that nothing in this section
5411 shall preclude a judge from carrying a concealed weapon or
5412 determining who will carry a concealed weapon in his courtroom;
5413 any polling place; any meeting place of the governing body of any
5414 governmental entity; any meeting of the Legislature or a committee
5415 thereof; any school, college or professional athletic event not
5416 related to firearms; any portion of an establishment, licensed to
5417 dispense alcoholic beverages for consumption on the premises, that
5418 is primarily devoted to dispensing alcoholic beverages; any
5419 portion of an establishment in which * * * light intoxicating
5420 beverages, as defined in Section 67-3-3, are consumed on the
5421 premises, that is primarily devoted to such purpose; any
5422 elementary or secondary school facility; any junior college,
5423 community college, college or university facility unless for the
5424 purpose of participating in any authorized firearms-related
5425 activity; inside the passenger terminal of any airport, except
5426 that no person shall be prohibited from carrying any legal firearm
5427 into the terminal if the firearm is encased for shipment, for
5428 purposes of checking such firearm as baggage to be lawfully
5429 transported on any aircraft; any church or other place of worship,



5430 except as provided in Section 45-9-171; or any place where the
5431 carrying of firearms is prohibited by federal law. In addition to
5432 the places enumerated in this subsection, the carrying of a stun
5433 gun, concealed pistol or revolver may be disallowed in any place
5434 in the discretion of the person or entity exercising control over
5435 the physical location of such place by the placing of a written
5436 notice clearly readable at a distance of not less than ten (10)
5437 feet that the "carrying of a pistol or revolver is prohibited."
5438 No license issued pursuant to this section shall authorize the
5439 participants in a parade or demonstration for which a permit is
5440 required to carry a stun gun, concealed pistol or revolver.

5441 (14) A law enforcement officer as defined in Section 45-6-3,
5442 chiefs of police, sheriffs and persons licensed as professional
5443 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
5444 1972, shall be exempt from the licensing requirements of this
5445 section.

5446 (a) The Commissioner of Public Safety shall promulgate
5447 rules and regulations to provide licenses to law enforcement
5448 officers as defined in Section 45-6-3 who choose to obtain a
5449 license under the provisions of this section, which shall include
5450 a distinction that the officer is an "active duty" law enforcement
5451 officer and an endorsement that such officer is authorized to
5452 carry in the locations listed in subsection (13). A law
5453 enforcement officer shall provide the following information to
5454 receive the license described in this subsection: (i) a letter,



5455 with the official letterhead of the agency or department for which
5456 the officer is employed at the time of application and (ii) a
5457 letter with the official letterhead of the agency or department,
5458 which explains that such officer has completed a certified law
5459 enforcement training academy.

5460 (b) The licensing requirements of this section do not
5461 apply to the carrying by any person of a stun gun, pistol or
5462 revolver, knife, or other deadly weapon that is not concealed as
5463 defined in Section 97-37-1.

5464 (15) Any person who knowingly submits a false answer to any
5465 question on an application for a license issued pursuant to this
5466 section, or who knowingly submits a false document when applying
5467 for a license issued pursuant to this section, shall, upon
5468 conviction, be guilty of a misdemeanor and shall be punished as
5469 provided in Section 99-19-31, Mississippi Code of 1972.

5470 (16) All fees collected by the Department of Public Safety
5471 pursuant to this section shall be deposited into a special fund
5472 hereby created in the State Treasury and shall be used for
5473 implementation and administration of this section. After the
5474 close of each fiscal year, the balance in this fund shall be
5475 certified to the Legislature and then may be used by the
5476 Department of Public Safety as directed by the Legislature.

5477 (17) All funds received by a sheriff or police chief
5478 pursuant to the provisions of this section shall be deposited into
5479 the general fund of the county or municipality, as appropriate,



5480 and shall be budgeted to the sheriff's office or police department
5481 as appropriate.

5482 (18) Nothing in this section shall be construed to require
5483 or allow the registration, documentation or providing of serial
5484 numbers with regard to any stun gun or firearm.

5485 (19) Any person holding a valid unrevoked and unexpired
5486 license to carry stun guns, concealed pistols or revolvers issued
5487 in another state shall have such license recognized by this state
5488 to carry stun guns, concealed pistols or revolvers. The
5489 Department of Public Safety is authorized to enter into a
5490 reciprocal agreement with another state if that state requires a
5491 written agreement in order to recognize licenses to carry stun
5492 guns, concealed pistols or revolvers issued by this state.

5493 (20) The provisions of this section shall be under the
5494 supervision of the Commissioner of Public Safety. The
5495 commissioner is authorized to promulgate reasonable rules and
5496 regulations to carry out the provisions of this section.

5497 (21) For the purposes of this section, the term "stun gun"
5498 means a portable device or weapon from which an electric current,
5499 impulse, wave or beam may be directed, which current, impulse,
5500 wave or beam is designed to incapacitate temporarily, injure,
5501 momentarily stun, knock out, cause mental disorientation or
5502 paralyze.

5503 (22) (a) From and after January 1, 2016, the Commissioner
5504 of Public Safety shall promulgate rules and regulations which



5505 provide that licenses authorized by this section for honorably
5506 retired law enforcement officers and honorably retired
5507 correctional officers from the Mississippi Department of
5508 Corrections shall (i) include the words "retired law enforcement
5509 officer" on the front of the license, and (ii) unless the licensee
5510 chooses to have this license combined with a driver's license or
5511 identification card under subsection (25) of this section, that
5512 the license itself have a red background to distinguish it from
5513 other licenses issued under this section.

5514 (b) An honorably retired law enforcement officer and
5515 honorably retired correctional officer shall provide the following
5516 information to receive the license described in this section: (i)
5517 a letter, with the official letterhead of the agency or department
5518 from which such officer is retiring, which explains that such
5519 officer is honorably retired, and (ii) a letter with the official
5520 letterhead of the agency or department, which explains that such
5521 officer has completed a certified law enforcement training
5522 academy.

5523 (23) A disabled veteran who seeks to qualify for an
5524 exemption under this section shall be required to provide a
5525 veterans health services identification card issued by the United
5526 States Department of Veterans Affairs indicating a
5527 service-connected disability, which shall be sufficient proof of
5528 such service-connected disability.



5529 (24) A license under this section is not required for a
5530 loaded or unloaded pistol or revolver to be carried upon the
5531 person in a sheath, belt holster or shoulder holster or in a
5532 purse, handbag, satchel, other similar bag or briefcase or fully
5533 enclosed case if the person is not engaged in criminal activity
5534 other than a misdemeanor traffic offense, is not otherwise
5535 prohibited from possessing a pistol or revolver under state or
5536 federal law, and is not in a location prohibited under subsection
5537 (13) of this section. However, the medical use of medical
5538 cannabis by a cardholder who is a registered qualifying patient
5539 which is lawful under the provisions of the Mississippi Medical
5540 Cannabis Act and in compliance with rules and regulations adopted
5541 thereunder shall not disqualify a person under this subsection
5542 (24) solely because the person is prohibited from possessing a
5543 firearm under 18 USCS Section 922(g)(3) due to such medical use of
5544 medical cannabis.

5545 (25) An applicant for a license under this section shall
5546 have the option of, instead of being issued a separate card for
5547 the license, having the license appear as a notation on the
5548 individual's driver's license or identification card. If the
5549 applicant chooses this option, the license issued under this
5550 section shall have the same expiration date as the driver's
5551 license or identification card, and renewal shall take place at
5552 the same time and place as renewal of the driver's license or
5553 identification card. The Commissioner of Public Safety shall have



5554 the authority to promulgate rules and regulations which may be
5555 necessary to ensure the effectiveness of the concurrent
5556 application and renewal processes.

5557 **SECTION 80.** Section 97-5-49, Mississippi Code of 1972, is
5558 amended as follows:

5559 97-5-49. (1) As used in this section:

5560 (a) "Adult" means a person over the age of twenty-one
5561 (21) years.

5562 (b) "Alcoholic beverage" has the meaning as defined in
5563 Section 67-1-5.

5564 * * *

5565 (* * * c) "Minor" means a person under the age of
5566 twenty-one (21) years.

5567 (* * * d) "Party" means a gathering or event at which a
5568 group of two (2) or more persons assembles for a social occasion
5569 or activity at a private residence or a private premises.

5570 (* * * e) "Private premises" means privately owned
5571 land, including any appurtenances or improvements on the land.

5572 (* * * f) "Private residence" means the place where a
5573 person actually lives or has his or her home.

5574 * * *

5575 (* * * g) "Light * * * intoxicating beverage" has the
5576 meaning ascribed in Section 67-3-3.

5577 (2) No adult who owns or leases a private residence or
5578 private premises shall knowingly allow a party to take place or



5579 continue at the residence or premises if a minor at the party
5580 obtains, possesses or consumes any alcoholic beverage * * * or
5581 light intoxicating beverage if the adult knows that the minor has
5582 obtained, possesses or is consuming alcoholic beverages * * * or
5583 light intoxicating beverages.

5584 (3) This section shall not apply to legally protected
5585 religious activities or gatherings of family members or to any of
5586 the exemptions set forth in Section 67-3-54.

5587 (4) Each incident in violation of subsection (2) of this
5588 section or any part of subsection (2) constitutes a separate
5589 offense.

5590 (5) Any person who violates subsection (2) of this section
5591 shall be guilty of a misdemeanor and, upon conviction thereof,
5592 shall be punished by a fine of One Thousand Dollars (\$1,000.00) or
5593 by imprisonment in the county jail for not more than six (6)
5594 months, or by both the fine and imprisonment, in the discretion of
5595 the court.

5596 **SECTION 81.** Sections 6 through 10 and Sections 17 and 18 of
5597 this act shall be codified in Article 4 of Chapter 25, Title 69,
5598 Mississippi Code of 1972.

5599 **SECTION 82.** This act shall take effect and be in force from
5600 and after July 1, 2025, and shall stand repealed on June 30,
5601 2025."



5602 **AMEND FURTHER, THE TITLE, AS FOLLOWS:**"AN ACT TO AMEND SECTION
5603 69-25-201, MISSISSIPPI CODE OF 1972, TO RENAME THE "MISSISSIPPI
5604 HEMP CULTIVATION ACT" AS THE "MISSISSIPPI HEMP ACT," AND TO EXPAND
5605 ITS PURPOSE TO REGULATING THE MANUFACTURE, PRODUCTION,
5606 DISTRIBUTION AND SALE OF CONSUMABLE HEMP PRODUCTS OTHER THAN
5607 BEVERAGES; TO AMEND SECTION 69-25-203, MISSISSIPPI CODE OF 1972,
5608 TO DEFINE CERTAIN TERMS; TO AMEND SECTION 69-25-207, MISSISSIPPI
5609 CODE OF 1972, TO TRANSFER THE ADMINISTRATION OF THE MISSISSIPPI
5610 HEMP ACT FROM THE COMMISSIONER AND DEPARTMENT OF AGRICULTURE AND
5611 COMMERCE TO THE STATE HEALTH OFFICER AND THE STATE DEPARTMENT OF
5612 HEALTH; TO AMEND SECTION 69-25-213, MISSISSIPPI CODE OF 1972, TO
5613 REDUCE, FROM A CONCENTRATION OF MORE THAN 0.5% TO A CONCENTRATION
5614 OF MORE THAN 0.3%, THE THRESHOLD FOR VIOLATIONS OF PRODUCING
5615 CANNABIS SATIVA L. WITH A CERTAIN DELTA-9-TETRAHYDROCANNABINOL
5616 CONCENTRATION ON A DRY WEIGHT BASIS; TO AMEND SECTION 69-25-217,
5617 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE SALE, OR MANUFACTURE OR
5618 PRODUCTION FOR SALE, IN MISSISSIPPI OR TO MISSISSIPPI CONSUMERS,
5619 OF PRODUCTS DERIVED FROM ANY CANNABIS PLANT, EXCEPT AS AUTHORIZED
5620 UNDER THE MISSISSIPPI HEMP ACT, THE LIGHT ALCOHOLIC BEVERAGE
5621 STATUTES, OR THE MISSISSIPPI MEDICAL CANNABIS ACT; TO PROHIBIT THE
5622 MANUFACTURE, PRODUCTION OR SALE OF ANY HEMP PRODUCT CONTAINING AN
5623 ARTIFICIALLY DERIVED CANNABINOID; TO PROHIBIT THE SALE OF ANY
5624 CONSUMABLE HEMP PRODUCT TO ANY PERSON UNDER THE AGE OF 21 YEARS;
5625 TO CREATE NEW CODE SECTIONS TO PROVIDE THAT THE STATE DEPARTMENT
5626 OF HEALTH SHALL BE RESPONSIBLE FOR LICENSING RETAILERS,



5627 WHOLESALERS, MANUFACTURERS AND PROCESSORS OF CONSUMABLE HEMP
5628 PRODUCTS; TO SET THE ANNUAL LICENSE FEES TO BE COLLECTED BY THE
5629 DEPARTMENT AND TO DIRECT THAT SUCH FEES BE DEPOSITED INTO THE
5630 STATE GENERAL FUND; TO REQUIRE THAT LABELS FOR HEMP PRODUCTS BE
5631 APPROVED BY THE DEPARTMENT; TO REQUIRE THAT A FINALIZED SAMPLE OF
5632 FINISHED HEMP PRODUCTS HAVE A CERTIFICATE OF ANALYSIS; TO REQUIRE
5633 ALL PRODUCTS CONTAINING CANNABIDIOL (CBD) TO BE TESTED IN A
5634 FACILITY WITH A UNITED STATES DRUG ENFORCEMENT ADMINISTRATION
5635 (DEA) CERTIFICATION; TO PROVIDE CERTAIN REQUIREMENTS FOR
5636 CONSUMABLE FOOD MANUFACTURING DISTRIBUTORS; TO REQUIRE A LICENSED
5637 ENTITY TO PROVIDE A QUARTERLY REPORT TO THE DEPARTMENT; TO REQUIRE
5638 THE DEPARTMENT TO IMPLEMENT AN ELECTRONIC REPORTING SYSTEM; TO
5639 PROVIDE THAT ANY CONSUMABLE FOOD MANUFACTURING DISTRIBUTOR OR
5640 CONSUMABLE HEMP MANUFACTURER, PROCESSOR, WHOLESALER OR RETAILER
5641 THAT FAILS TO TIMELY REPORT HEMP PRODUCTS PURCHASED OR SOLD IN
5642 MISSISSIPPI, OR THAT PURCHASES OR SELLS ANY UNLAWFUL HEMP PRODUCT,
5643 SHALL BE SUBJECT TO A FINE AS PRESCRIBED BY THE DEPARTMENT, AND TO
5644 DIRECT THAT SUCH FINES BE DEPOSITED INTO THE STATE GENERAL FUND;
5645 TO IMPOSE A 3% EXCISE TAX ON CONSUMABLE HEMP PRODUCTS AND TO
5646 DIRECT THAT PROCEEDS OF SUCH TAX BE DEPOSITED INTO THE STATE
5647 GENERAL FUND; TO AMEND SECTIONS 69-25-211, 69-25-215, 69-25-219,
5648 69-25-221 AND 69-25-223, MISSISSIPPI CODE OF 1972, TO CONFORM TO
5649 THE PRECEDING PROVISIONS; TO AMEND SECTION 41-137-45, MISSISSIPPI
5650 CODE OF 1972, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON OR
5651 ENTITY TO SELL OR TRANSFER PRODUCTS DERIVED FROM ANY CANNABIS



5652 PLANT TO INDIVIDUALS IN THE STATE OF MISSISSIPPI, WITH CERTAIN
5653 EXCEPTIONS; TO PROVIDE PENALTIES FOR A PERSON OR BUSINESS ENTITY
5654 THAT UNLAWFULLY SELLS CANNABIS-DERIVED PRODUCTS; TO CREATE NEW
5655 CODE SECTIONS TO REQUIRE EVERY MANUFACTURER OF A CONSUMABLE HEMP
5656 PRODUCT THAT IS SOLD FOR RETAIL SALE IN MISSISSIPPI TO EXECUTE AND
5657 DELIVER TO THE DEPARTMENT OF REVENUE A CERTIFICATION FORM THAT
5658 SEPARATELY LISTS EACH BRAND NAME, CATEGORY, PRODUCT NAME AND
5659 FLAVOR FOR EACH CONSUMABLE HEMP PRODUCT THAT IS SOLD IN
5660 MISSISSIPPI; TO DIRECT THE DEPARTMENT OF REVENUE TO MAINTAIN AND
5661 MAKE PUBLICLY AVAILABLE ON ITS OFFICIAL WEBSITE A DIRECTORY THAT
5662 LISTS ALL CONSUMABLE HEMP PRODUCT MANUFACTURERS, BRAND NAMES,
5663 CATEGORIES, PRODUCT NAMES AND FLAVORS FOR WHICH CERTIFICATION
5664 FORMS HAVE BEEN SUBMITTED AND APPROVED BY THE DEPARTMENT OF
5665 REVENUE, AND TO UPDATE THE DIRECTORY AT LEAST MONTHLY TO ENSURE
5666 ACCURACY; TO PROVIDE THAT CONSUMABLE HEMP PRODUCTS NOT LISTED IN
5667 THE DIRECTORY AND INTENDED FOR RETAIL SALE IN MISSISSIPPI SHALL BE
5668 SUBJECT TO SEIZURE, FORFEITURE AND DESTRUCTION, AND MAY NOT BE
5669 PURCHASED OR SOLD FOR RETAIL SALE IN MISSISSIPPI; TO PROVIDE A
5670 PENALTY FOR THE RETAIL SALE OF CONSUMABLE HEMP PRODUCTS NOT
5671 INCLUDED IN THE DIRECTORY AND TO DIRECT THAT SUCH PENALTIES BE
5672 DEPOSITED INTO THE STATE GENERAL FUND; TO REQUIRE THAT CONSUMABLE
5673 HEMP PRODUCTS MAY NOT BE SOLD OR OFFERED FOR SALE UNLESS CERTAIN
5674 CLEARLY VISIBLE NOTICE IS POSTED AT THE LOCATION WHERE THE
5675 CONSUMABLE HEMP PRODUCT IS AVAILABLE FOR PURCHASE; TO PROVIDE
5676 FINES FOR SELLING OR OFFERING TO SELL CONSUMABLE HEMP PRODUCTS



5677 WITHOUT SUCH NOTICE AND TO DIRECT THAT SUCH FINES SHALL BE
5678 DEPOSITED INTO THE STATE GENERAL FUND; TO AMEND SECTIONS 67-3-1,
5679 67-3-3, 67-3-5, 67-3-7, 67-3-9, 67-3-13, 67-3-15, 67-3-17,
5680 67-3-19, 67-3-22, 67-3-25, 67-3-27, 67-3-28, 67-3-29, 67-3-41,
5681 67-3-45, 67-3-46, 67-3-48, 67-3-48.1, 67-3-49, 67-3-51, 67-3-52,
5682 67-3-53, 67-3-54, 67-3-55, 67-3-57, 67-3-59, 67-3-61, 67-3-63,
5683 67-3-65, 67-3-67, 67-3-69, 67-3-70, 67-3-73, 67-3-74, 67-1-5,
5684 67-1-18, 67-1-51, 67-1-51.1, 67-1-72, 67-7-3, 67-7-5, 67-7-7,
5685 67-7-9, 67-7-11, 67-9-1, 27-65-241, 27-71-301, 27-71-303,
5686 27-71-307, 27-71-311, 27-71-315, 27-71-317, 27-71-325, 27-71-327,
5687 27-71-333, 27-71-335, 27-71-345, 27-71-349, 27-71-509, 45-9-101
5688 AND 97-5-49, MISSISSIPPI CODE OF 1972, TO LEGALIZE THE MANUFACTURE
5689 AND SALE OF HEMP BEVERAGES, TO BE REGULATED IN THE SAME MANNER AS
5690 BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCTS, COLLECTIVELY TO BE
5691 REFERRED TO AS "LIGHT INTOXICATING BEVERAGES"; AND FOR RELATED
5692 PURPOSES."
5693

