

Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO

House Bill No. 1502

BY: Committee

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

92 **SECTION 1.** Section 69-25-201, Mississippi Code of 1972, is
93 amended as follows:

94 69-25-201. **Short title; exclusivity.** (1) This article
95 shall be known as the "Mississippi Hemp * * * Act." The
96 regulation of hemp cultivation and processing shall be governed
97 exclusively by the provisions of the Mississippi Hemp * * * Act.
98 A municipality, county or other political subdivision of this
99 state shall not enact, adopt or enforce a rule, ordinance, order,
100 resolution or other regulation that allows, prohibits or penalizes
101 the cultivation, production or processing of hemp in this state.



(2) The manufacture, production, distribution and sale of consumable hemp products shall be regulated under this article. Unless otherwise specifically referenced in this article, the manufacture, production, distribution and sale of consumable hemp products that are beverages shall be regulated under Chapter 3, Title 67, Mississippi Code of 1972.

(3) The provisions of the Uniform Controlled Substances Law, Section 41-29-101 et seq., shall not apply to the manufacture, production, distribution or sale of consumable hemp products regulated under this article or to the manufacture, production, distribution or sale of consumable hemp products that are beverages regulated under Chapter 3, Title 67, Mississippi Code of 1972.

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

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

* * *

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

(b) "Consumable hemp product" means a finished product that includes part of the hemp plant, including naturally derived



cannabinoids, compounds, concentrates, extracts, isolates, or derivatives, that is intended for human consumption and not marketed for intoxicating effect, and is:

(i) A cosmetic that meets the federally defined THC level;

(ii) Any product Generally Recognized as Safe (GRAS) by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act, 21 USC § 301 et seq.; and

(iii) A product that has no more than 1 milligram of total THC per container and minimum ratio of cannabidiol (CBD) to tetrahydrocannabinol (THC) of greater than 15 to one (15:1); and is:

1. A full spectrum hemp extract or cannabinoid hemp product containing multiple hemp-derived cannabinoids, terpenes and other naturally occurring compounds, processed without the intentional complete removal of any compound and without the addition of isolated cannabinoids; or

2. A product primarily containing and marketed as Cannabidiol ("CBD"), Cannabichromene ("CBC"), Cannabigerol ("CBG"), Cannabinol ("CBN"), Cannabidivarin ("CBDV"), Cannabicitran ("CBT"), Cannabicyclol ("CBL"), Cannabielsoin ("CBE"), or Tetrahydrocannabivarin ("THC-V") ("CBT"), Cannabicyclol ("CBL"), Cannabielsoin ("CBE") or Tetrahydrocannabivarin ("THC-V").



151 (c) "Consumable hemp distributor" means any individual,
152 partnership, corporation, cooperative association or other
153 business entity that receives raw hemp, hemp floral material,
154 extracts, distillates, isolates or any extracted form of hemp as
155 long as it is extracted from hemp for the manufacturing,
156 distribution and/or processing of any consumable hemp product
157 including, but not limited to, edibles, tinctures, smokables,
158 vaporization devices, lubricants, salves, lotions, hemp floral
159 material, concentrates, distillates and/or liquids.

160 (d) "Consumable hemp manufacturer" means any
161 individual, partnership, corporation, cooperative association or
162 other business entity that is licensed by the department that
163 manufactures or intends to manufacture a consumable hemp product
164 from unprocessed hemp or hemp extract.

165 (e) "Consumable hemp retailer" means a dealer licensed
166 by the department, other than a consumable hemp wholesaler, whose
167 principal business is that of selling merchandise at retail,
168 including online sales, and who sells consumable hemp products.

169 (f) "Consumable hemp wholesaler" means a dealer
170 licensed by the department whose principal business is that of a
171 wholesale dealer, and who is known to the trade as such, that
172 sells any consumable hemp products to licensed consumable hemp
173 retailers only for the purpose of resale to consumers.



(g) "Consumption" means any method of ingestion of or application to the body, including eating, drinking, inhaling, absorbing or injecting.

(h) "Container" means any final packaged product that is offered, intended for sale or sold to a consumer in the form of a package, can, bottle, bag, or other receptacle that can hold hemp or consumable hemp products. Containers do not include exit packaging or a shipping container or an outer wrapping used solely for the transport of products in bulk quantity. Containers shall be labeled according to the specific requirements promulgated by the department as set forth in Section 7 of this article.

(* * * i) "Delta-9-tetrahydrocannabinol" means the sum of the percentage by weight of tetrahydrocannabinol acid multiplied by eight hundred seventy-seven thousandths (0.877) plus the percentage by weight of delta-9-tetrahydrocannabinol.

(* * * j) "Department" means the * * * State Department of Health.

(k) "Federally defined THC level" means the lesser of: a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis for hemp or as otherwise defined in 7 USC § 1639(o) .

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



(* * *m) "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol (THC) concentration of not more than * * * the federally defined THC level.

(n) "Intoxicating Hemp Product" means a finished product intended for human consumption that is derived from or contains hemp or hemp extract and contains a total THC concentration that exceeds zero percent (0.0%) when tested in its finished form.

(i) Intoxicating hemp products include, but are not limited to:

1. Delta-10 THC and its isomers;
2. Delta-9 THC and its isomers;
3. Delta-8 THC and its isomers;
4. Delta-7 THC and its isomers;
5. Delta-6a, 10a THC and its isomers;
6. Exo-tetrahydrocannabinol;
7. Metabolites of THC, including
11-hydroxy-THC, 3-hydroxy-THC or 7-hydroxy-THC;
8. Hydrogenated forms of THC, including
hexahydrocannabinol, hexaydrocannabiphrol and
hexahydrocannabihexol;



222 9. Synthetic forms of THC, including
223 dronabinol;

224 10. Ester forms of THC, including delta-8
225 THC-O-acetate, delta-9 THC-O-acetate and
226 hexahydrocannabinol-O-acetate;

227 11. Tetrahydrocannabivarin, including
228 delta-8 tetrahydrocannabivarin but excluding delta-9
229 tetrahydrocannabivarin;

230 12. Analogues or tetrahydrocannabinols with
231 an alkyl chain of four (4) or more carbon atoms, including
232 tetrahydrocannabiphorols, tetrahydrocannabioctyls,
233 tetrahydrocannabihexols or tetrahydrocannabutols;

234 13. Any combination of the compounds,
235 including hexahydrocannabiphorol-o-ester; and

236 14. Any other cannabinoid classified as an
237 intoxicant by rule of the department.

238 (ii) The term "intoxicating hemp product" does not
239 include a consumable hemp product, as defined in paragraph (b) of
240 this section and regulated under this article, or cannabis or a
241 cannabis product, as defined by and regulated under the
242 Mississippi Medical Cannabis Act.

243 (* * *o) "Legal description of land" means Global
244 Position System coordinates and shall also include the metes and
245 bounds to include township, range, and section for the location in
246 which hemp is grown.



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

(* * *q) "Processor" means * * * any individual, partnership, corporation, cooperative association or business entity * * * that receives hemp for processing into commodities, products * * *, hemp seed or hemp extract for use in consumable hemp products. A processor also includes any such entity that brokers and/or stores hemp.

(* * *r) * * * "State Health Officer" means the * * * Executive Director of the State Department of Health. Where applicable under the provisions of this article, * * * "State Health Officer" includes the * * * State Health Officer's designee.

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

(t) "Synthetic cannabinoid" means any cannabinoid or cannabinoid-like compound produced artificially, whether produced from chemical synthesis, chemical conversion or chemical modification, including, but not limited to, biosynthesis using recombinant biological agents or other bioconversion method.

(i) The term "synthetic cannabinoid" includes, but is not limited to, any of the following cannabinoids any compounds, acetates, substances, salts, derivatives, or isomers of such compounds:



- 272 1. Delta-6-tetrahydrocannabinol (D6-THC) and
273 its isomers;
- 274 2. Delta-8-tetrahydrocannabinol (D8-THC) and
275 its isomers;
- 276 3. Delta-10-tetrahydrocannabinol (D10-THC)
277 and its isomers;
- 278 4. Hexahydrocannabinol (HHC);
- 279 5. Tetrahydrocannabinol acetate (THC-OA);
- 280 6. Tetrahydrocannabiphorol (THCP);
- 281 7. Delta-9(11) exo-tetrahydrocannabinol
282 (Exo-THC);
- 283 8. Tetrahydrocannabivarin (THCV) (including
284 delta 8-tetrahydrocannabivarin but excluding delta-9-
285 tetrahydrocannabivarin); and
- 286 9. Any other cannabinoid deemed synthetic by
287 the department.
- 288 (ii) The term "synthetic cannabinoid" excludes any
289 compounds approved by the United States Food and Drug
290 Administration and obtained by lawful prescription through a
291 licensed pharmacy.
- 292 (u) "THC" means delta-9-tetrahydrocannabinol.
- 293 (v) "Total THC" means the total concentration of all
294 tetrahydrocannabinols, including delta-8, delta-9, delta-10,
295 tetrahydrocannabinolic acid and any other chemically similar



compound, substance, derivative or isomer of tetrahydrocannabinol,
and any other cannabinoid identified by the department.

(* * *w) "USDA" means the United States Department of
Agriculture.

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

69-25-207. **Licensing and registration.** (1) Pursuant to the
provisions of this article, cultivation of hemp, and the
distribution, manufacturing, retail sale, wholesale and processing
of consumable hemp products, as defined in Section 69-25-203, are
authorized in this state. Cultivation, distribution,
manufacturing, retail sale, wholesale and processing of hemp and
consumable hemp products are subject to regulation by the
department and may only be performed by persons or business
entities that hold a valid license or registration issued * * *
under this article.

(2) The * * * State Health Officer shall create a State Plan
for submission to and approval by the United States Department of
Agriculture and the United States Secretary of Agriculture.
The * * * State Department of Health shall promulgate such
reasonable regulations as necessary to implement the State Plan
and provisions of this article. The * * * department shall be
authorized to promulgate any rule or regulation deemed necessary
for the administration of the provisions of this article in



compliance with any federal law, rule or regulation promulgated by the United States Department of Agriculture.

(3) The department is authorized to accept applications, and issue licenses and/or registrations for all hemp growers * * *, consumable hemp distributors, consumable hemp manufacturers, consumable hemp processors, consumable hemp retailers and consumable hemp wholesalers. The department shall adopt and enforce all rules and regulations related to those licenses and/or registrations.

(4) All hemp growers and all consumable hemp manufacturers, distributors, wholesalers and retailers must be licensed by the department.

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

(6) All consumable hemp distributors, consumable hemp manufacturers, consumable hemp retailers and consumable hemp wholesalers shall be required to obtain a license from the department, including any consumable hemp operator located outside the State of Mississippi that wishes to sell or offer for sale any consumable hemp product in the State of Mississippi.

(7) All consumable hemp manufacturers and distributors shall:

(a) Hold a current food manufacturing license specializing in consumable hemp, from the Mississippi Department



of Health, or from the health department of the state within the United States where the entity's facility resides;

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

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

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

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

(* * *8) All * * * license holders * * * shall keep and maintain * * * records in accordance with rules and regulations adopted and enforced by the department. The department may subject the required records to inspection. The department may make an inspection for the purpose of ensuring compliance with:

- (a) USDA guidelines;
- (b) Provisions of this article;
- (c) Department rules and regulations;
- (d) Any terms or conditions of a license issued hereunder;
- (e) Registration with the department; or



(f) A final department order directed to the * * * licensee's hemp operations or activities.

(* * *9) All * * * licensees shall be subject to a background investigation conducted by the Department of Public Safety, which shall include both a state and federal background check.

(10) The department shall be responsible for the licensing of all distributors, manufacturers, retailers and wholesalers of consumable hemp products other than beverages and shall begin issuing licenses to such businesses on July 1, 2025. The nonrefundable annual license fees to be collected by the department are as follows:

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

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

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

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

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

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



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

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

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

(c) Failing to register with the department;

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(e) Manufacture or produce any product derived from cannabis, as defined in Section 41-137-3, for sale within the State of Mississippi, except as authorized under this article,



under Chapter 3, Title 67, Mississippi Code of 1972, or under the
Mississippi Medical Cannabis Act;

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

(g) Manufacture, distribute, sell or market a
consumable hemp product that is not reported to the department as
required by this article;

(h) Manufacture, produce or sell any intoxicating hemp
product, unless the person is authorized to sell hemp beverages
pursuant to Section 67-3-1 et seq., and is compliant with the age
restriction and registration requirements provided by Sections
69-25-217(i) and 69-25-207, and such beverages do not exceed five
(5) milligrams of THC and are packaged in a twelve (12) fluid
ounce container;

(i) Manufacture, produce or sell any hemp product that
contains a synthetic cannabinoid;

(j) Sell any consumable hemp product to any person
under the age of twenty-one (21) years; or

(k) Market or promote a consumable hemp product or
other hemp product:

(i) For its intoxicating effect;

(ii) As containing THC; or



468 (iii) With unlawful drug or health claims.

469 (2) Any person or business entity that * * * violates this
470 provision of this chapter relating to hemp production,
471 manufacture, sale, distribution or processing shall be guilty of a
472 misdemeanor and, upon conviction of the violation, shall be fined
473 in an amount not to exceed Five Thousand Dollars (\$5,000.00), or
474 sentenced to imprisonment in the county jail for not more than one
475 (1) year, or both such fine and imprisonment.

476 (3) Notwithstanding subsection (2) of this section, any
477 person or entity that manufactures or sells an intoxicating hemp
478 product, unless such person or entity is authorized to sell hemp
479 beverages pursuant to Section 67-3-1 et seq., shall be guilty of a
480 felony.

481 (* * * 4) Notwithstanding subsection (2) of this section, if
482 any person or entity * * * cultivates or grows hemp with a
483 delta-9-tetrahydrocannabinol (THC) concentration of more than one
484 percent (1%) on a dry weight basis that person or entity shall be
485 guilty of a felony punishable by imprisonment for not more than
486 five (5) years, or a fine of not more than Ten Thousand Dollars
487 (\$10,000.00), or both such fine and imprisonment.

488 * * *

489 **SECTION 6.** The following shall be codified as a separate
490 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
491 1972.



492 69-25- . **Labeling; certificates of analysis.** (1) All
493 labels for any consumable hemp product shall be approved by the
494 department.

495 (2) A finalized sample of any finished consumable hemp
496 product shall have a complete certificate of analysis (COA) from a
497 qualified testing facility or laboratory that analyzes the safety
498 and potency of consumable hemp products, and such COA shall be
499 provided to the department by the licensed consumable hemp
500 manufacturer or distributor responsible for each consumable hemp
501 product manufactured or distributed in this state.

502 **SECTION 7.** The following shall be codified as a separate
503 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
504 1972.

505 69-25- . **Manufacture and distribution of consumable hemp.**

506 (1) Consumable hemp manufacturers and distributors shall:

507 (a) Have the authority to designate authorized agents
508 for the purposes of wholesaling consumable hemp products to
509 Mississippi licensed consumable hemp wholesalers or retailers;

510 (b) Be responsible for notifying the department of any
511 designated agents; and

512 (c) Obtain and offer for sale anti-counterfeiting scan
513 codes for distribution of any consumable hemp product approved by
514 the department.



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

SECTION 8. The following shall be codified as a separate section in Article 4 of Chapter 25, Title 69, Mississippi Code of 1972.

69-25- . **Licensee requirements, recordkeeping and tracking**

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

(b) Any consumable hemp manufacturer, distributor, wholesaler or retailer shall pay a fine of One Thousand Dollars (\$1,000.00) to the department for failing to report, by the twentieth (20th) of the following month, hemp products purchased or sold in Mississippi.

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

(2) In addition to the penalties set forth in Section 41-137-45(13), any consumable hemp manufacturer, distributor, wholesaler or retailer shall be subject to a fine of Two Thousand Dollars (\$2,000.00) per incident for purchasing or selling any unlawful hemp product.



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

SECTION 9. The following shall be codified as a separate section in Article 4 of Chapter 25, Title 69, Mississippi Code of 1972.

69-25- . **Excise tax.** (1) There is imposed, levied and assessed an excise tax on consumable hemp products not otherwise taxed under Section 27-71-307. A manufacturer or processor shall collect and remit an excise tax on forms and in a manner specified by the Commissioner of Revenue. The excise tax on such consumable hemp products shall be based on the sales price for which a manufacturer or processor sells to a wholesaler or retailer, and the rate of the excise tax shall be three percent (3%) of such sales price. The proceeds of such tax shall be deposited into the State General Fund.

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

(3) All provisions of the sales tax law, including those which fix damages, penalties and interest for nonpayment of taxes and for noncompliance, and all other requirements and duties imposed on a taxpayer, shall apply to all persons liable for taxes under this section. The Commissioner of Revenue shall exercise all power and authority and perform all duties with respect to



taxpayers under this section as are provided in the sales tax law; however, in the event of conflict, this section shall control.

SECTION 10. Section 69-25-211, Mississippi Code of 1972, is amended as follows:

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

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

(c) Any person to whom such an order is issued shall immediately comply with that order, and may apply to the * * *



589 State Health Officer for an adjudication hearing. Upon receiving
590 an application for an adjudication hearing, the * * * State Health
591 Officer shall hold the hearing as soon as practicable and not
592 later than thirty (30) days after receipt of the application. On
593 the basis of the hearing, the * * * State Health Officer shall
594 continue the order in effect, revoke it, or modify it.

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

601 (e) An employee of the state or any division,
602 agency * * * or institution thereof involved in the administration
603 and/or enforcement of this article, shall not be subject to
604 prosecution for violations related to possession or transportation
605 of hemp or cannabis in conjunction with the employee's duties
606 arising under this * * * article.

607 (2) In addition to any other liability or penalty provided
608 by law, the department may revoke or refuse to issue or renew a
609 hemp grower license * * *, hemp processor registration or any
610 consumable hemp operator license issued under this article and may
611 impose a civil penalty for violations of:

612 (a) A license or registration requirement;

613 (b) License or registration terms or conditions;



614 (c) Department rules and regulations relating to the
615 growing or processing, distribution, manufacture, wholesale or
616 retail sale of hemp or consumable hemp products; or

617 (d) A final order of the department that is
618 specifically directed to the * * * operator's licensee or * * *
619 registrant's hemp operations or activities.

620 (3) The department may review any records of a licensee or
621 registrant that manufacturers, distributes, processes or sells
622 consumable hemp products subject to this article as necessary to
623 confirm compliance with this article.

624 (* * * 4) The department may impose administrative penalties
625 for violations under this section in * * * substantially the same
626 manner as provided for the Department of Agriculture and Commerce
627 in Section 69-25-51.

628 (5) If an investigation results in reasonable cause to
629 believe that a violation of this article has occurred, the
630 investigating agency may issue a cease and desist order. The
631 order is effective upon service. Proof of service constitutes
632 notice to the person of the existence and contents of the order.

633 (6) The investigating agency may assess a penalty of not
634 more than One Thousand Dollars (\$1,000.00) per day, per violation
635 for each day the cease and desist order is violated. Any person
636 or business entity that violates this provision of this chapter,
637 rules promulgated thereunder, or a final cease and desist order



issued under this section, shall be fined in an amount not to exceed Ten Thousand Dollars (\$10,000.00) per day per violation.

(7) The department may suspend, deny or revoke a license or registration in the event of a violation or pursuant to rules promulgated by the department.

(8) In addition to the penalties set forth in Section 69-25-217(2) of this article, any person who sells or offers for sale a consumable hemp product without proper notice as provided in this section shall be fined not less than Five Hundred Dollars (\$500.00) for the first offense and not more than One Thousand Dollars (\$1,000.00) for each subsequent offense. Each violation, and every day in which a violation occurs, constitutes a separate violation.

(9) Any fines collected under this section shall be deposited into the State General Fund.

(10) In addition to peace officers within their jurisdiction, all law enforcement officers of the Department of Health and the Department of Revenue may enforce the provisions made unlawful by this chapter.

SECTION 11. Section 69-25-215, Mississippi Code of 1972, is amended as follows:

69-25-215. **Nonnegligent violations.** If a hemp grower violates the State Plan, including growing hemp containing a delta-9-tetrahydrocannabinol (THC) concentration that exceeds three-tenths percent (0.3%) on a dry * * * weight basis or a



663 tolerance range as specified by USDA, with a culpable mental state
664 greater than negligence as determined by the department, the * * *
665 State Health Officer shall immediately report the violation and
666 the hemp grower to the United States Attorney General, the
667 Mississippi Attorney General and the Mississippi Public Safety
668 Commissioner. Such violations shall also be referred to the
669 Mississippi Bureau of Narcotics for investigation. The Bureau of
670 Narcotics may detain, seize and/or destroy the crop and may
671 initiate a criminal case for any violation of this article or the
672 Mississippi Uniform Controlled Substances Law. The Mississippi
673 Attorney General shall, in person or by his or her designee,
674 prosecute all criminal actions related to violations arising under
675 this * * * article relating to hemp, on behalf of the state.
676 Violations of the State Plan that involve culpability greater than
677 negligence must be reported to the United States Attorney General
678 and the Mississippi Attorney General. The provisions of Section
679 69-25-213 shall not apply to nonnegligent violations.

680 **SECTION 12.** Section 69-25-219, Mississippi Code of 1972, is
681 amended as follows:

682 69-25-219. **General provisions.** (1) Any person convicted of
683 a felony relating to a controlled substance under state or federal
684 law before, on or after * * * June 29, 2020, shall be ineligible,
685 during the ten-year period following the date of the conviction to
686 participate in the program established under this article and to



687 produce hemp under any regulations or guidelines issued under this
688 article.

689 (2) Any person who materially falsifies any information
690 contained in an application to participate in the State Plan
691 established under this article shall be ineligible to participate
692 in the State Plan.

693 (3) In addition to any inspection conducted, the department
694 may inspect any hemp crop at any time and take a representative
695 composite sample for analysis. It shall be the duty of the
696 department to take such samples and deliver them to the State
697 Chemist for examination and analysis. It shall be the duty of the
698 State Chemist to cause as many analyses to be made of samples
699 delivered to him or her by the department as may be necessary to
700 properly implement the intent of this article. The State Chemist
701 shall make a report of such analyses to the department.

702 (4) The department shall charge growers and processors a fee
703 or fees as determined by the department in a sufficient amount to
704 cover the costs required to administer and enforce the provisions
705 of this * * * article.

706 **SECTION 13.** Section 69-25-221, Mississippi Code of 1972, is
707 amended as follows:

708 69-25-221. **Necessity of surety bond.** No person shall
709 operate as a hemp processor without first having secured a surety
710 bond pursuant to this section. The * * * department shall
711 promulgate rules and regulations as necessary to require hemp



processors to secure a surety bond. A hemp processor may file with the department, in lieu of a surety bond, a certificate of deposit or irrevocable letter of credit from any bank or banking corporation insured by the Federal Deposit Insurance Corporation. Rules and regulations required for certificates of deposit and irrevocable letters of credit shall be promulgated by the * * * department.

SECTION 14. Section 69-25-223, Mississippi Code of 1972, is amended as follows:

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

(2) The provisions of this article shall not have any effect upon any programs administered by Mississippi State University, which shall remain exempt, as such programs related to the educational, research or testing functions performed by Mississippi State Chemical Laboratory, shall continue to function in accordance with the mission of the university, as approved by the Board of Trustees of State Institutions of Higher Learning.

SECTION 15. Section 41-137-45, Mississippi Code of 1972, is amended as follows:



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

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

(3) A medical cannabis establishment or an agent of a medical cannabis establishment that * * * sells or otherwise transfers medical cannabis other than to a cardholder, a nonresident cardholder, or to a medical cannabis establishment or its agent as authorized under this chapter is guilty of a felony punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by commitment to the custody of the Department of Corrections for not more than two (2) years, or both. A person convicted under this subsection may not continue to be affiliated with the medical cannabis establishment and is disqualified from further participation in the medical cannabis program under this chapter.

(4) A cardholder or nonresident cardholder who * * * sells or otherwise transfers medical cannabis to a person or other entity is guilty of a felony punishable by a fine of not more than Three Thousand Dollars (\$3,000.00), or by commitment to the



761 custody of the Department of Corrections for not more than two (2)
762 years, or both. A person convicted under this subsection is
763 disqualified from further participation in the medical cannabis
764 program under this chapter.

765 (5) A person who * * * makes a false statement to a law
766 enforcement official about any fact or circumstance relating to
767 the medical use of cannabis to avoid arrest or prosecution is
768 guilty of a misdemeanor punishable by a fine of not more than One
769 Thousand Dollars (\$1,000.00), by imprisonment in the county jail
770 for not more than ninety (90) days, or both. If a person
771 convicted of violating this subsection is a cardholder, the person
772 is disqualified from further participation in the medical cannabis
773 program under this chapter.

774 (6) A person who purposely submits false records or
775 documentation for an application for a license for a medical
776 cannabis establishment under this chapter is guilty of a felony
777 punishable by a fine of not more than Five Thousand Dollars
778 (\$5,000.00), or by commitment to the custody of the Department of
779 Corrections for not more than two (2) years, or both. A person
780 convicted under this subsection may not continue to be affiliated
781 with the medical cannabis establishment and is disqualified from
782 further participation in the medical cannabis program under this
783 chapter.

784 (7) A practitioner who purposely refers patients to a
785 specific medical cannabis establishment or to a registered



786 designated caregiver, who advertises in a medical cannabis
787 establishment, or who issues written certifications while holding
788 a financial interest in a medical cannabis establishment, is
789 guilty of a civil offense for every false certification and shall
790 be fined up to Five Thousand Dollars (\$5,000.00) by the MDOH.

791 (8) Any person, including an employee or official of an
792 agency or local government, who * * * breaches the confidentiality
793 of information obtained under this chapter is guilty of a
794 misdemeanor punishable by a fine of not more than One Thousand
795 Dollars (\$1,000.00), or by imprisonment for not more than one
796 hundred eighty (180) days in the county jail, or both.

797 (9) No person, other than a cannabis processing facility or
798 its agents, complying with this chapter and the rules and
799 regulations promulgated under it, may extract compounds from
800 cannabis that involves a chemical extraction process using a
801 nonhydrocarbon-based or other solvent, such as water, vegetable
802 glycerin, vegetable oils, animal fats, steam distillation,
803 food-grade ethanol, or hydrocarbon-based solvent carbon dioxide.
804 No person may extract compounds from cannabis using ethanol in the
805 presence or vicinity of an open flame. It shall be a felony
806 punishable by commitment to the custody of the Mississippi
807 Department of Corrections for up to three (3) years and a Ten
808 Thousand Dollar (\$10,000.00) fine for any person to * * * violate
809 this subsection.



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

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

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

(13) A person or business entity that sells or otherwise transfers products derived from cannabis to a person in the State of Mississippi, except as authorized under this chapter, under the Mississippi Hemp Act, or under Chapter 3, Title 67, Mississippi Code of 1972, is guilty of a felony punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by commitment to the custody of the Department of Corrections for not more than two (2) years, or both. A person convicted under this subsection is disqualified from further participation in the medical cannabis program under this chapter, the hemp program under the Mississippi Hemp Act, and the hemp beverage program under Chapter 3 of Title 67, Mississippi Code of 1972.



(14) In addition to peace officers within their jurisdiction, all law enforcement officers of the Department of Health and the Department of Revenue may enforce the provisions made unlawful by this chapter.

SECTION 16. The following shall be codified as a separate section in Article 4 of Chapter 25, Title 69, Mississippi Code of 1972.

69-25- . **Consumable hemp product directory.** (1) By December 1, 2025, and annually thereafter, every licensed consumable hemp manufacturer of a consumable hemp product that is sold for retail sale in Mississippi, whether such manufacturer is located in or outside the State of Mississippi, shall execute and deliver to the Department of Health a certification, under penalty of perjury, on a form and in a manner prescribed by the Department of Health, that the manufacturer is compliant with this article.

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

(3) Starting December 1, 2025, the Department of Health shall maintain and make publicly available on its official website a directory that lists all consumable hemp product manufacturers, brand names, categories (e.g., edible, tincture, smokable, vaporization device, lubricant, salve, lotion, floral material,



concentrate, distillate, and/or liquid), product names and flavors for which certification forms have been submitted and approved by the Department of Health and shall update the directory at least monthly to ensure accuracy. The Department of Health shall establish a process to provide licensed consumable hemp retailers, distributors and wholesalers notice of the initial publication of the directory and changes made to the directory in the prior month.

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

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

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

SECTION 17. The following shall be codified as a separate section in Article 4 of Chapter 25, Title 69, Mississippi Code of 1972.



884 69-25- . **Notice required at point of sale; penalties.** (1)

885 A person may not sell or offer for sale a consumable hemp product
886 in the State of Mississippi unless a clearly visible notice is
887 posted at the location where the consumable hemp product is
888 available for purchase.

889 (2) The notice shall provide that:

890 (a) A consumable hemp product contains THC;

891 (b) Women who are pregnant or breastfeeding should not
892 use products that contain THC because of the risk of birth defects
893 and other developmental defects; and

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

896 (3) In addition to the penalties set forth in Sections 15 of
897 this article and 69-25-211, any person who sells or offers for
898 sale a consumable hemp product without proper notice as provided
899 in this section shall be fined not less than Five Hundred Dollars
900 (\$500.00) for the first offense and not more than One Thousand
901 Dollars (\$1,000.00) for each subsequent offense. Each violation,
902 and every day in which a violation occurs, constitutes a separate
903 violation.

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

906 **SECTION 18.** Section 67-3-1, Mississippi Code of 1972, is
907 amended as follows:



908 67-3-1. The purpose of this chapter is to legalize and
909 regulate the manufacture and sale within this state of light * * *
910 intoxicating beverages so as to prevent the illicit manufacture,
911 sale and consumption of alcoholic beverages as defined in Section
912 67-1-5, the manufacture and sale of which it is not the purpose of
913 this chapter to legalize.

914 **SECTION 19.** Section 67-3-3, Mississippi Code of 1972, is
915 amended as follows:

916 67-3-3. When used in this chapter, unless the context
917 indicates otherwise:

918 (a) "Commissioner" means the Commissioner of
919 Revenue * * * of the State of Mississippi, and his authorized
920 agents and employees.

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

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

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

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

931 (f) "Small craft brewery" means a person having a
932 permit under this chapter to manufacture or brew light * * *



933 intoxicating beverages in this state and who manufactures or brews
934 not more than sixty thousand (60,000) barrels of light * * *
935 intoxicating beverage at all breweries that such person or its
936 affiliates, subsidiary or parent company owns or controls or with
937 whom such person contracts with for the manufacture of light * * *
938 intoxicating beverages. For purposes of this paragraph,
939 contract-brewed beer manufactured by a person having a permit
940 under this chapter to manufacture or brew light * * * intoxicating
941 beverages shall be included in the sixty-thousand-barrel
942 limitation.

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

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

949 (i) "Contract-brewed beer" means beer brewed by a
950 manufacturer who:

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

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



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

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

(k) "Microbrewery" means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than three thousand (3,000) barrels of light wine, light spirit product or beer at its permitted location.

(l) "Department means the Mississippi Department of Revenue.

(m) "Division" means the department's Alcoholic Beverage Control Division.

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

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



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

(q) "THC" means delta-9-tetrahydrocannabinol.

SECTION 20. Section 67-3-5, Mississippi Code of 1972, is amended as follows:

67-3-5. (1) It shall be lawful, subject to the provisions set forth in this chapter and in Section 67-1-51, in this state to transport, store, sell, distribute, possess, receive, deliver and/or manufacture light * * * intoxicating beverages, and it is hereby declared that it is the legislative intent that this chapter privileges the lawful sale and manufacture, within this state, of such light * * * intoxicating beverages. In determining if a wine product is "light wine," or contains an alcoholic content of more than five percent (5%) by weight, or is not an "alcoholic beverage" as defined in the Local Option Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of 1972, the alcoholic content of such wine product shall be subject to the same permitted tolerance as is allowed by the labeling requirements for light wine provided for in Section 27-71-509.

(2) Subject to the provisions set forth in this chapter and in Section 67-1-51, it shall be lawful in this state to transport, store, sell, distribute, possess, receive, deliver and/or manufacture beer of an alcoholic content of more than eight percent (8%) by weight, if the beer is manufactured to be sold



1005 legally in another state and is transported outside of this state
1006 for retail sale.

1007 **SECTION 21.** Section 67-3-7, Mississippi Code of 1972, is
1008 amended as follows:

1009 67-3-7. (1) If any county, at an election held for the
1010 purpose under the election laws of the state, shall by a majority
1011 vote of the duly qualified electors voting in the election
1012 determine that the transportation, storage, sale, distribution,
1013 receipt and/or manufacture of * * * light intoxicating beverages
1014 shall not be permitted in such county, then the same shall not be
1015 permitted therein except as authorized under Section 67-9-1 and as
1016 may be otherwise authorized in this section. An election to
1017 determine whether such transportation, storage, sale,
1018 distribution, receipt and/or manufacture of such beverages shall
1019 be excluded from any county in the state, shall, on a petition of
1020 twenty percent (20%) or fifteen hundred (1,500), whichever number
1021 is the lesser, of the duly qualified electors of such county, be
1022 ordered by the board of supervisors of the county, for such county
1023 only. No election on the question shall be held in any one (1)
1024 county more often than once in five (5) years.

1025 In counties which have elected, or may elect by a majority
1026 vote of the duly qualified electors voting in the election, that
1027 the transportation, storage, sale, distribution, receipt and/or
1028 manufacture of * * * light intoxicating beverages shall not be
1029 permitted in the county, an election may be held in the same



1030 manner as the election hereinabove provided on the question of
1031 whether or not the transportation, storage, sale, distribution,
1032 receipt and/or manufacture of said beverages shall be permitted in
1033 such county. Such election shall be ordered by the board of
1034 supervisors of such county on a petition of twenty percent (20%)
1035 or fifteen hundred (1 * * * 500), whichever number is the lesser,
1036 of the duly qualified electors of such county. No election on
1037 this question can be ordered more often than once in five (5)
1038 years.

1039 (2) Nothing in this section shall make it unlawful to
1040 possess * * * light intoxicating beverages.

1041 (3) Nothing in this section shall make it unlawful to:

1042 (a) Sell, distribute and transport light * * *
1043 intoxicating beverages to a qualified resort area as defined in
1044 Section 67-1-5;

1045 (b) Sell light * * * intoxicating beverages at a
1046 qualified resort area as defined in Section 67-1-5 if such
1047 light * * * intoxicating beverages sold by a person with a permit
1048 to engage in the business as a retailer of light * * *
1049 intoxicating beverages;

1050 (c) Transport beer of an alcoholic content of more than
1051 eight percent (8%) by weight if it is being transported to another
1052 state for legal sale in that state;

1053 (d) Transport legally purchased light * * *
1054 intoxicating beverages in unopened containers; however, this



paragraph shall not apply to a retailer unless the retailer has purchased the light * * * intoxicating beverages from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light * * * intoxicating beverages; or

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

SECTION 22. Section 67-3-9, Mississippi Code of 1972, is amended as follows:

67-3-9. Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the latest federal decennial census; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal decennial census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of * * * light intoxicating beverages; or any city or town in this state having a population of not less than one thousand (1,000) according to the latest federal decennial census and located in a county that has no city or town with a population of more than two thousand five hundred (2,500); or any city, town or village that is a county seat and has voted to come out from under the dry law under Section 67-1-14; at an election held for the purpose, under the election laws applicable to such city, may either prohibit or



1080 permit, except as otherwise provided under Section 67-9-1, the
1081 sale and the receipt, storage and transportation for the purpose
1082 of sale of * * * light intoxicating beverages. An election to
1083 determine whether such sale shall be permitted in cities wherein
1084 its sale is prohibited by law shall be ordered by the city or town
1085 council or mayor and board of aldermen or other governing body of
1086 such city or town for such city or town only, upon the
1087 presentation of a petition for such city or town to such governing
1088 board containing the names of twenty percent (20%) or fifteen
1089 hundred (1,500), whichever number is the lesser, of the duly
1090 qualified voters of such city or town asking for such election.
1091 In like manner, an election to determine whether such sale shall
1092 be prohibited in cities wherein its sale is permitted by law shall
1093 be ordered by the city council or mayor and board of aldermen or
1094 other governing board of such city for such city only, upon the
1095 presentation of a petition to such governing board containing the
1096 names of twenty percent (20%) of the duly qualified voters of such
1097 city asking for such election. No election on either question
1098 shall be held by any one (1) city more often than once in five (5)
1099 years.

1100 Thirty (30) days' notice shall be given to the qualified
1101 electors of such city or town in the manner prescribed by law upon
1102 the question of either permitting or prohibiting such sale, and
1103 the notice shall contain a statement of the question to be voted
1104 on at the election. The tickets to be used in the election shall



1105 have the following words printed thereon: "For the legal sale of
1106 light wine of an alcoholic content of not more than five percent
1107 (5%) by weight, light spirit product of an alcoholic content of
1108 not more than six percent (6%) by weight, * * * beer of an
1109 alcoholic content of not more than eight percent (8%) by weight,
1110 and hemp beverages of a THC concentration of not more than
1111 three-tenths percent (0.3%)"; and the words "Against the legal
1112 sale of light wine of an alcoholic content of not more than five
1113 percent (5%) by weight, light spirit product of an alcoholic
1114 content of not more than six percent (6%) by weight, * * * beer of
1115 an alcoholic content of not more than eight percent (8%) by
1116 weight, and hemp beverages of a THC concentration of not more than
1117 three-tenths percent (0.3%)," next below. In making up his or her
1118 ticket the voter shall make a cross (X) opposite the words of his
1119 choice.

1120 If in the election a majority of the qualified electors
1121 voting in the election shall vote "For the legal sale of light
1122 wine of an alcoholic content of not more than five percent (5%) by
1123 weight, light spirit product of an alcoholic content of not more
1124 than six percent (6%) by weight, * * * beer of an alcoholic
1125 content of not more than eight percent (8%) by weight, and hemp
1126 beverages of a THC concentration of not more than three-tenths
1127 percent (0.3%)," then the city or town council or mayor and board
1128 of aldermen or other governing body shall pass the necessary order
1129 permitting the legal sale of such light * * * intoxicating



1130 beverages in such city or town. If in the election a majority of
1131 the qualified electors voting in the election shall vote "Against
1132 the legal sale of light wine of an alcoholic content of not more
1133 than five percent (5%) by weight, light spirit product of an
1134 alcoholic content of not more than six percent (6%) by
1135 weight, * * * beer of an alcoholic content of not more than eight
1136 percent (8%) by weight, and hemp beverages of a THC concentration
1137 of not more than three-tenths percent (0.3%)," then the city or
1138 town council or mayor and board of aldermen or other governing
1139 body shall pass the necessary order prohibiting the sale of such
1140 light * * * intoxicating beverages in such city or town.

1141 All laws or parts of laws in conflict with this section are
1142 hereby repealed to the extent of such conflict only, this section
1143 being cumulative and supplementary.

1144 **SECTION 23.** Section 67-3-13, Mississippi Code of 1972, is
1145 amended as follows:

1146 67-3-13. (1) It shall be lawful to possess * * * light
1147 intoxicating beverages throughout the state, unless otherwise
1148 prohibited by this chapter. However, nothing herein shall be
1149 construed to make lawful the possession of * * * light
1150 intoxicating beverages with the intent to sell except as
1151 authorized by this chapter.

1152 (2) In any county or municipality in which the
1153 transportation, storage, sale, distribution, receipt and/or
1154 manufacture of light * * * intoxicating beverages is prohibited,



1155 it shall not be unlawful for a permitted wholesaler or distributor
1156 to possess light * * * intoxicating beverages when such
1157 light * * * intoxicating beverages are held therein solely for the
1158 purpose of storage and for distribution to other counties and
1159 municipalities in which transportation, storage, sale,
1160 distribution, receipt and/or manufacture is lawful.

1161 (3) Notwithstanding the provisions of subsections (1) and
1162 (2) of this section, in any county in which transportation,
1163 storage, sale, distribution, receipt and/or manufacture of
1164 light * * * intoxicating beverages is prohibited, it shall not be
1165 unlawful:

1166 (a) To receive or store light * * * intoxicating
1167 beverages at a resort area as defined in Section 67-1-5;

1168 (b) To distribute and transport light * * *
1169 intoxicating beverages to a resort area as defined in Section
1170 67-1-5;

1171 (c) To transport beer of an alcoholic content of more
1172 than eight percent (8%) by weight if it is being transported to
1173 another state for legal sale in that state;

1174 (d) To transport legally purchased light * * *
1175 intoxicating beverages in unopened containers * * * on a state or
1176 federal highway; however, this paragraph shall not apply to a
1177 retailer unless the retailer has purchased the light * * *
1178 intoxicating beverages from a wholesaler or distributor for the
1179 designated sales territory in which the retailer is located and



the retailer has in his possession an invoice from the wholesaler
or distributor for the light * * * intoxicating beverages; or

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

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

SECTION 24. Section 67-3-15, Mississippi Code of 1972, is
amended as follows:

67-3-15. (1) Any person who shall brew or manufacture or
sell any * * * light intoxicating beverages without first having
secured a permit and/or license from the commissioner authorizing
the brewing or manufacture or sale of such liquor, shall be guilty
of a misdemeanor and, upon conviction thereof, be punished by a
fine of not more than One Thousand Dollars (\$1,000.00) or
imprisonment in the county jail for not more than one (1) year, or
both, in the discretion of the court. Any person so convicted may
not apply for any permit or license issued by the commissioner
until five (5) years have elapsed from the date of such
conviction.

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

(3) Any light * * * intoxicating beverages found in
possession of, or sold by, a person in violation of this section



shall be seized and disposed of in the manner provided for in
Section 67-1-18.

SECTION 25. Section 67-3-17, Mississippi Code of 1972, is
amended as follows:

67-3-17. (1) Any person desiring to engage in any business
taxable under Sections 27-71-303 through 27-71-317, * * * either
as a retailer, or as a wholesaler or distributor, or as a
manufacturer, of light * * * intoxicating beverages, shall file
with the commissioner an application for a permit allowing him to
engage in such business. The application for a permit shall
contain a statement showing the name of the business, and if a
partnership, firm, association or limited liability company, the
name of each partner or member, and if a corporation the names of
two (2) principal officers, the post office address, and the
nature of business in which engaged. In case any business is
conducted at two (2) or more separate places, a separate permit
for each place of business shall be required. The commissioner
shall prescribe the form of the application and designate who is
required to sign the application. The application shall be signed
under penalty of perjury.

(2) The application shall include a statement that the
applicant will not, except as otherwise authorized in this
chapter, allow any alcoholic beverages as defined in Section
67-1-5, any beer having an alcoholic content of more than eight
percent (8%) by weight, any spirit product having an alcoholic



1230 content of more than six percent (6%) by weight, * * * any wine
1231 having an alcoholic content of more than five percent (5%) by
1232 weight, or any beverage having a THC concentration of more than
1233 three-tenths percent (0.3%) to be kept, stored or secreted in or
1234 on the premises described in such permit or license, and that the
1235 applicant will not otherwise violate any law of this state, or
1236 knowingly allow any other person to violate any such law, while in
1237 or on such premises.

1238 (3) Each application or filing made under this section shall
1239 include the social security number(s) of the applicant in
1240 accordance with Section 93-11-64, Mississippi Code of 1972.

1241 **SECTION 26.** Section 67-3-19, Mississippi Code of 1972, is
1242 amended as follows:

1243 67-3-19. Where application is made for a permit to engage in
1244 the business of a retailer of light * * * intoxicating beverages,
1245 the applicant shall show in his application that he possesses the
1246 following qualifications:

1247 (a) Applicant must be a person at least twenty-one (21)
1248 years of age, of good moral character and a resident of the State
1249 of Mississippi.

1250 (b) Applicant shall not have been convicted of a
1251 felony, or of pandering or of keeping or maintaining a house of
1252 prostitution, or have been convicted within two (2) years of the
1253 date of his application of any violation of the laws of this state
1254 or the laws of the United States relating to alcoholic liquor.



1255 (c) Applicant shall not have had revoked, except for a
1256 violation of Section 67-3-52, within two (2) years next preceding
1257 his application, any license or permit issued to him pursuant to
1258 the laws of this state, or any other state, to sell alcoholic
1259 liquor of any kind.

1260 (d) Applicant shall be the owner of the premises for
1261 which the permit is sought or the holder of an existing lease
1262 thereon.

1263 (e) Applicant shall not be residentially domiciled with
1264 any person whose permit has been revoked for cause, except for a
1265 violation of Section 67-3-52, within two (2) years next preceding
1266 the date of the present application for a permit.

1267 (f) The applicant has not had any license or permit to
1268 sell * * * light intoxicating beverages at retail revoked, within
1269 five (5) years next preceding his application, due to a violation
1270 of Section 67-3-52.

1271 (g) Applicant shall not employ any person whose permit
1272 has been revoked when such person owned or operated the business
1273 on the premises for which a permit is sought or allow such person
1274 to have any financial interest in the business of the applicant,
1275 until such person is qualified to obtain a permit in his own name.

1276 (h) The applicant is not indebted to the State of
1277 Mississippi for any taxes.



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

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

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

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

SECTION 27. Section 67-3-22, Mississippi Code of 1972, is amended as follows:

67-3-22. (1) The production limits for a brewpub shall be based upon production as determined by the Department of Revenue



pursuant to Section 27-71-307, * * * and a brewpub shall not manufacture more than seventy-five thousand (75,000) gallons of light wine, light spirit product or beer per calendar year.

(2) Light wine, light spirit product or beer produced at a brewpub shall not be sold at a price less than it cost to manufacture such light wine, light spirit product or beer.

(3) A brewpub shall be required to offer for sale light wine, light spirit product or beer normally carried on the inventory of wholesalers or distributors of light wine, light spirit product or beer.

(4) A brewpub shall not be authorized to manufacture hemp beverages.

SECTION 28. Section 67-3-25, Mississippi Code of 1972, is amended as follows:

67-3-25. (1) Any permit issued authorizing the sale or delivery of light * * * intoxicating beverages for consumption shall be construed to authorize the sale or delivery of light * * * intoxicating beverages by the bottle, by the glass or by draught, and in or from the original package.

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

(3) Except as otherwise provided in this section, permits shall be issued for twelve (12) months and shall be renewed annually on the first day of the month in which the permit



1328 expires. The commissioner may issue temporary permits for less
1329 than a full year. All permits shall show the effective date and
1330 expiration date of the permit, the business location, individual
1331 or business name and mailing address of the permittee.

1332 **SECTION 29.** Section 67-3-27, Mississippi Code of 1972, is
1333 amended as follows:

1334 67-3-27. Before any person shall engage in the business of
1335 manufacturer, wholesaler, distributor or retailer of light * * *
1336 intoxicating beverages, he shall apply to the commissioner for a
1337 license to engage in such business, and shall pay to the
1338 commissioner the specific tax imposed by Section 27-71-303, for
1339 the privilege of engaging in such business. The commissioner upon
1340 receipt of such tax shall issue to such person a privilege license
1341 to engage in or continue in such business for a period of time not
1342 to exceed one (1) year. No such license shall be issued to the
1343 applicant unless such applicant shall have obtained from the
1344 commissioner a permit as required in Section 67-3-17. A brewpub
1345 shall obtain all necessary federal licenses and permits prior to
1346 obtaining any license under this chapter.

1347 All privilege licenses issued under the provisions of this
1348 section shall be renewed annually on or before the first day of
1349 the month in which the current license expires.

1350 **SECTION 30.** Section 67-3-29, Mississippi Code of 1972, is
1351 amended as follows:



67-3-29. (1) The commissioner, or a hearing officer or the board of review, as designated by the commissioner, after a show cause hearing, shall revoke or suspend any permit granted by authority of this chapter to any person who shall violate any of the provisions of this chapter or the revenue laws of this state relating to engaging in transporting, storing, selling, distributing, possessing, receiving or manufacturing of wines or beers, or any person who shall hereafter be convicted of the unlawful sale of intoxicating liquor, or any person who shall allow or permit any form of illegal gambling or immorality on the premises described in such permit. The commissioner shall not revoke or suspend a permit of a retailer for the sale of light * * * intoxicating beverages to a person under the age of twenty-one (21) years until there has been a conviction of the permit holder or an employee of the permit holder for such violation.

(2) If any person exercising any privilege taxable under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, shall willfully neglect or refuse to comply with the provisions of such chapter, or any rules or regulations promulgated by the commissioner under authority of such chapter, or the provisions of this chapter, including maintaining the qualifications of an applicant under Section 67-3-19, during the permit period, the commissioner shall be authorized to revoke or suspend the permit theretofore issued to the person. Any person whose permit shall



1377 have been revoked by the commissioner shall be thereafter
1378 prohibited from exercising any privilege under the provisions of
1379 Chapter 71 of Title 27, Mississippi Code of 1972, for a period of
1380 two (2) years from the date of the revocation. The commissioner
1381 may, however, for good cause shown, grant a new permit upon such
1382 conditions as the commissioner may prescribe. Any person whose
1383 permit shall have been suspended by the commissioner shall be
1384 prohibited from exercising any privilege under the provisions of
1385 Chapter 71 of Title 27, Mississippi Code of 1972, during the
1386 period of the suspension. Failure of the person to comply with
1387 the terms of the suspension shall be cause for revocation of his
1388 permit, in addition to the other penalties provided by law.

1389 (3) In addition to the reasons specified in this section and
1390 other provisions of this chapter, the commissioner shall be
1391 authorized to suspend the permit of any permit holder for being
1392 out of compliance with an order for support, as defined in Section
1393 93-11-153. The procedure for suspension of a permit for being out
1394 of compliance with an order for support, and the procedure for the
1395 reissuance or reinstatement of a permit suspended for that
1396 purpose, and the payment of any fees for the reissuance or
1397 reinstatement of a permit suspended for that purpose, shall be
1398 governed by Section 93-11-157 or Section 93-11-163, as the case
1399 may be. If there is any conflict between any provision of Section
1400 93-11-157 or Section 93-11-163 and any provision of this chapter,



1401 the provisions of Section 93-11-157 or 93-11-163, as the case may
1402 be, shall control.

1403 **SECTION 31.** The following shall be codified as a separate
1404 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
1405 1972.

1406 69-25- . **Sales to minors prohibited; penalties.** (1) (a)
1407 Any permittee or other person who shall sell, furnish, dispose of,
1408 give or cause to be sold, furnished, disposed of or given, any
1409 consumable hemp product to any person under the age of twenty-one
1410 (21) years shall be guilty of a misdemeanor and shall be punished
1411 by a fine of not less than Five Hundred Dollars (\$500.00) nor more
1412 than One Thousand Dollars (\$1,000.00) for a first offense. For a
1413 second or subsequent offense, such permittee or other person shall
1414 be punished by a fine of not less than One Thousand Dollars
1415 (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00), or by
1416 imprisonment for not more than one (1) year, or by both such fine
1417 and imprisonment in the discretion of the court.

1418 (b) If a permittee, or any employee of a permittee,
1419 violates paragraph (a) of this subsection (1), then, in addition
1420 to any other penalty provided for by law, the Chief Health Officer
1421 may impose the following penalties against the permittee on whose
1422 premises the alcoholic beverages were sold, given or furnished:

1423 (i) For the first offense on the licensed
1424 premises, suspension of the permit for not more than one (1) week.



1425 (ii) For a second offense occurring on the
1426 licensed premises within a twelve-month period, suspension of the
1427 permit for not more than two (2) weeks.

1428 (iii) For a third offense occurring on the
1429 licensed premises within a twelve-month period, suspension of the
1430 permit for not more than three (3) weeks or revocation of the
1431 permit.

1432 (iv) For a fourth or subsequent offense occurring
1433 on the licensed premises within a twelve-month period, revocation
1434 of the permit.

1435 A violation of paragraph (a) of this subsection (1) shall be
1436 sufficient to impose the administrative penalties authorized under
1437 this paragraph (b), and any expunction of conviction shall have no
1438 effect on any administrative penalty imposed against a permittee
1439 under this paragraph (b).

1440 (2) Any person under the age of twenty-one (21) years who
1441 purchases, receives, or has in his or her possession in any public
1442 place, any consumable hemp product, shall be guilty of a
1443 misdemeanor and shall be punished by a fine of not less than Two
1444 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars
1445 (\$500.00). Provided, stocking, bagging or otherwise handling
1446 purchases of consumable hemp products shall not be deemed
1447 possession of consumable hemp products for the purposes of this
1448 section. Provided further, that a person who is at least eighteen
1449 (18) years of age but under the age of twenty-one (21) years who



1450 handles, stocks or delivers to customers shall not be deemed to
1451 unlawfully possess or furnish consumable hemp products if in the
1452 scope of his or her employment by the holder of an consumable hemp
1453 product retailer's permit. Any person under the age of twenty-one
1454 (21) who knowingly makes a false statement to the effect that he
1455 or she is twenty-one (21) years old or older or presents any
1456 document that indicates he or she is twenty-one (21) years of age
1457 or older for the purpose of purchasing consumable hemp products
1458 from any person engaged in the sale of consumable hemp products
1459 shall be guilty of a misdemeanor and shall be punished by a fine
1460 of not less than Two Hundred Dollars (\$200.00) nor more than Five
1461 Hundred Dollars (\$500.00), and a sentence to not more than thirty
1462 (30) days' community service.

1463 (3) The term "community service" as used in this section
1464 shall mean work, projects or services for the benefit of the
1465 community assigned, supervised and recorded by appropriate public
1466 officials.

1467 (4) If a person under the age of twenty-one (21) years is
1468 convicted or enters a plea of guilty of purchasing, receiving or
1469 having in his or her possession in any public place any consumable
1470 hemp products in violation of subsection (2) of this section, the
1471 trial judge, in lieu of the penalties otherwise provided under
1472 subsection (2) of this section, shall suspend the minor's driver's
1473 license by taking and keeping it in the custody of the court for a
1474 period of time not to exceed ninety (90) days. The judge so



1475 ordering the suspension shall enter upon his docket "DEFENDANT'S
1476 DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION"
1477 and such action by the trial judge shall not constitute a
1478 conviction. During the period that the minor's driver's license
1479 is suspended, the trial judge shall suspend the imposition of any
1480 fines or penalties that may be imposed under subsection (2) of
1481 this section and may place the minor on probation subject to such
1482 conditions as the judge deems appropriate. If the minor violates
1483 any of the conditions of probation, then the trial judge shall
1484 return the driver's license to the minor and impose the fines,
1485 penalties or both, that he would have otherwise imposed, and such
1486 action shall constitute a conviction.

1487 **SECTION 32.** Section 67-3-41, Mississippi Code of 1972, is
1488 amended as follows:

1489 67-3-41. Sections 67-3-31 through 67-3-41 and Section
1490 67-3-53 are declared to be cumulative, amendatory, and
1491 supplemental to any and all other acts and laws of this state
1492 pertaining to the governing of the sale and distribution of
1493 light * * * intoxicating beverages as contained in Sections
1494 27-71-301 through 27-71-347, * * * 67-3-17, 67-3-23, 67-3-27,
1495 67-3-29(2), 67-3-55, and 67-3-57.

1496 **SECTION 33.** The following shall be codified as a separate
1497 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
1498 1972.



1499 69-25- . **Obtaining consumable hemp products from another**
1500 **source.** Any authorized retail distributor who shall purchase or
1501 receive consumable hemp products from any source except from the
1502 sources as authorized under this article, unless authorized by
1503 rules and regulations of the department, shall be guilty of a
1504 misdemeanor and upon conviction thereof shall be punished by a
1505 fine of not less than Five Hundred Dollars (\$500.00), nor more
1506 than Two Thousand Dollars (\$2,000.00), to which may be added
1507 imprisonment in the county jail for not more than six (6) months.
1508 Any authorization of such person to sell intoxicating beverages
1509 may be revoked as provided by law.

1510 **SECTION 34.** Section 67-3-45, Mississippi Code of 1972, is
1511 amended as follows:

1512 67-3-45. No manufacturer, distributor or wholesale dealer to
1513 whom or to which this chapter applies shall:

1514 (a) Make any loan, directly or indirectly, or furnish
1515 any fixtures of any kind, directly or indirectly, to any retail
1516 dealer in light * * * intoxicating beverages;

1517 (b) Have any interest, direct or indirect, in the
1518 business of or in the furnishings or fixtures or in the premises
1519 used by any such retail dealer in connection with his or its
1520 business;

1521 (c) Have any lien on any such property of any such
1522 retail dealer; or



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

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

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

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

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

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

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

(d) An entity that is the manufacturer of a product or substance that is infused into or becomes part of any * * * light intoxicating beverage regardless of whether the entity manufactures the final product. This provision also shall apply



to all affiliated companies, wholly owned subsidiaries or joint ventures.

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

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

67-3-48. (1) A small craft brewery may sell at retail light * * * intoxicating beverages produced at its brewery for consumption on the premises of the brewery and consumption off the premises of the brewery if the sales are made on the premises of the brewery and the light * * * intoxicating beverages products offered for sale are also made available for sale to wholesalers.

(2) (a) A small craft brewery shall not sell at retail more than twenty-five percent (25%) of the light * * * intoxicating beverage produced annually at its brewery or more than two thousand five hundred (2,500) barrels of light * * * intoxicating beverage produced at the brewery annually, whichever is the lesser amount. For purposes of this subsection, contract-brewed beer shall not be included in the amount of beer produced annually at the brewery. The light * * * intoxicating beverages must be sold



at a price approximating retail prices generally charged for identical beverages in the county where the brewery is located.

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

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

(d) A microbrewery shall not sell at retail more than eighty percent (80%) of light wine, light spirit product or beer produced annually at its brewery. The light wine, light spirit product or beer must be sold at a price approximating prices generally charged for identical beverages in the county where the microbrewery is located. A microbrewery shall not be authorized to manufacture or produce hemp beverages.

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

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



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

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

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

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



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

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

67-3-49. (1) Except as otherwise provided in this section, it shall be unlawful for any brewer or manufacturer or distributor or wholesale dealer of or in light * * * intoxicating beverages to manufacture or knowingly bring upon his premises or keep thereon * * * any beer of an alcoholic content of more than eight percent (8%) by weight. Any person that shall add to or mix with any * * * light intoxicating beverages any alcoholic or other liquid, or any alcohol cube or cubes, or any other ingredient or ingredients that will increase or tend to increase the alcoholic or THC content of such * * * beverage, or any person that shall knowingly offer for sale any * * * beverage so treated, shall be guilty of a misdemeanor and punished as hereinafter provided in this chapter. The commissioner shall take any action he considers necessary to ensure that light wine, light spirit product and/or beer manufactured at a brewpub complies with the provisions of this section.



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

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

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

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

(3) It shall be unlawful for any person to sell on draught any * * * light intoxicating beverage except the same be drawn from the original barrel or other container, which such container



shall have plainly stamped on each end thereof the full name of the manufacturer of such liquor.

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

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

67-3-52. It shall be unlawful for any person holding a permit authorizing the sale of * * * light intoxicating beverages at retail to obtain such * * * light intoxicating beverages from any source outside of the State of Mississippi. Any person who violates the provisions of this section, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. Any person convicted of violating this section, or any rules or regulations promulgated by the commissioner with regard to the unlawful acts described in this section, shall forfeit his permit. Any person whose permit has been forfeited pursuant to this section shall not be eligible for a permit issued by the commissioner for a period of five (5) years after the date of such forfeiture. In addition, no permit shall be issued for the same location, for which an offender has forfeited a permit pursuant to this section, to a spouse, offspring or sibling of the offender when to do so would



1696 circumvent the purposes of this section. The commissioner may
1697 assess a retailer who violates this section the amount of excise
1698 taxes due on the unlawfully imported * * * light intoxicating
1699 beverages, together with a penalty in the amount of four (4) times
1700 the state excise taxes due or One Hundred Dollars (\$100.00) per
1701 case, whichever is greater.

1702 **SECTION 41.** Section 67-3-53, Mississippi Code of 1972, is
1703 amended as follows:

1704 67-3-53. In addition to any act declared to be unlawful by
1705 this chapter, or by Sections 27-71-301 through 27-71-347, and
1706 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be
1707 unlawful for the holder of a permit authorizing the sale of * * *
1708 light intoxicating beverages at retail or a small craft brewery
1709 selling light * * * intoxicating beverages at retail pursuant to
1710 Section 67-3-48 or for the employee of the holder of such a permit
1711 or the employee of such a brewery:

1712 (a) To sell or give to be consumed in or upon any
1713 licensed premises or in or upon the premises of a small craft
1714 brewery any * * * light intoxicating beverage between the hours of
1715 midnight and seven o'clock the following morning or during any
1716 time the licensed premises may be required to be closed by
1717 municipal ordinance or order of the board of supervisors; however,
1718 in areas where the sale of alcoholic beverages is legal under the
1719 provisions of the Local Option Alcoholic Beverage Control Law and
1720 the hours for selling those alcoholic beverages have been extended



1721 beyond midnight for on-premises permittees under Section 67-1-37,
1722 the hours for selling * * * light intoxicating beverages are
1723 likewise extended in areas where the sale of * * * light
1724 intoxicating beverages is legal in accordance with the provisions
1725 of this chapter.

1726 (b) To sell, give or furnish any * * * light
1727 intoxicating beverage to any person visibly or noticeably
1728 intoxicated, or to any habitual drunkard, or to any person under
1729 the age of twenty-one (21) years.

1730 (c) To permit in the premises any lewd, immoral or
1731 improper entertainment, conduct or practices.

1732 (d) To permit loud, boisterous or disorderly conduct of
1733 any kind upon the premises or to permit the use of loud musical
1734 instruments if either or any of the same may disturb the peace and
1735 quietude of the community in which the business is located.

1736 (e) To permit persons of ill repute, known criminals,
1737 prostitutes or minors to frequent the licensed premises or the
1738 premises of the small craft brewery, except minors accompanied by
1739 parents or guardians, or under proper supervision.

1740 (f) To permit or suffer illegal gambling or the
1741 operation of illegal games of chance upon the licensed premises or
1742 the premises of the small craft brewery.

1743 (g) To receive, possess or sell on the licensed
1744 premises or, except as otherwise authorized by this chapter, on
1745 the premises of the small craft brewery any beverage of any kind



or character containing more than five percent (5%) of alcohol by weight except any beer containing not more than eight percent (8%) of alcohol by weight, unless the licensee also possesses an on-premises or manufacturer's permit under the Local Option Alcoholic Beverage Control Law.

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

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

67-3-54. *** (***1) A person who is at least eighteen (18) years of age and who is serving in the armed services of the United States may lawfully possess and consume light intoxicating beverages on military property where the consumption of light intoxicating beverages is allowed.

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

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

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



1771 (c) Stocks, bags or otherwise handles purchases of
1772 light * * * intoxicating beverages at a store.

1773 **SECTION 43.** Section 67-3-55, Mississippi Code of 1972, is
1774 amended as follows:

1775 67-3-55. (1) Except as otherwise provided in Section
1776 67-1-41, it shall be unlawful for any retailer to possess for
1777 purpose of sale, to sell, or to offer to sell any light * * *
1778 intoxicating beverage which was not purchased from a wholesaler in
1779 this state who has a permit to sell such light * * * intoxicating
1780 beverage, except for beer, light spirit product or light wine that
1781 was brewed on the premises of the retailer who holds a permit as a
1782 brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi
1783 Code of 1972.

1784 (2) It shall be unlawful for any wholesaler to possess for
1785 purpose of sale, to sell, or to offer to sell any light * * *
1786 intoxicating beverage which was not purchased from a manufacturer
1787 or importer of a foreign manufacturer authorized to sell such
1788 light * * * intoxicating beverage in this state.

1789 (3) This section shall not apply to:

1790 (a) Beer offered and provided on the premises of a
1791 brewery for the purpose of tasting or sampling as authorized in
1792 Section 67-3-47; or

1793 (b) Light * * * intoxicating beverages sold on the
1794 premises of a small craft brewery or microbrewery as authorized in
1795 Section 67-3-48.



1796 **SECTION 44.** Section 67-3-57, Mississippi Code of 1972, is
1797 amended as follows:

1798 67-3-57. (1) It shall be unlawful for any retailer to
1799 possess, sell or offer to sell, or to possess for purpose of sale,
1800 any light * * * intoxicating beverage at his place of business
1801 before securing a permit required by this chapter.

1802 (2) It shall be unlawful for any person to possess, sell or
1803 offer to sell any light * * * intoxicating beverage at his place
1804 of business after revocation of his permit or to purchase, to sell
1805 or offer to sell any light * * * intoxicating beverage during the
1806 period of suspension of his permit.

1807 (3) Any light * * * intoxicating beverage found in
1808 possession of, or sold by, a person in violation of this section
1809 shall be seized and disposed of in the manner provided for in
1810 Section 67-1-18.

1811 **SECTION 45.** Section 67-3-59, Mississippi Code of 1972, is
1812 amended as follows:

1813 67-3-59. (1) Except as provided in this subsection, sales
1814 by wholesalers, distributors or manufacturers to persons who do
1815 not hold valid permits are unlawful; and any wholesaler,
1816 distributor or manufacturer making such sales, or who sells
1817 any * * * light intoxicating beverage on which the tax provided by
1818 law has not been paid, shall, in addition to any other fines,
1819 penalties and forfeitures, be subject to a penalty of Twenty-five
1820 Dollars (\$25.00) for each sale. If all other applicable taxes are



1821 paid, this penalty will not apply to the following: sales to
1822 employees of the wholesaler; sales to nonprofit charitable and
1823 civic organizations for special fund-raising events, provided that
1824 the * * * light intoxicating beverage is not resold; sales to
1825 affiliated member associations.

1826 (2) The commissioner may assess the penalty by giving notice
1827 by mail, demanding payment within thirty (30) days from date of
1828 delivery of the notice.

1829 The proceeds of all penalties shall be deposited by the
1830 commissioner with the other monies collected by him and shall be
1831 disposed of as provided by law.

1832 **SECTION 46.** Section 67-3-61, Mississippi Code of 1972, is
1833 amended as follows:

1834 67-3-61. Every railroad company, express company, aeroplane
1835 company, motor transportation company, steamboat company, or other
1836 transportation company, or any person that shall transport into,
1837 from place to place within, or out of this state any light * * *
1838 intoxicating beverage, whether brewed or manufactured within this
1839 state or outside of this state, when requested by the
1840 commissioner, shall furnish him with a duplicate of the bill of
1841 lading covering the receipt for such liquor, showing the name of
1842 the brewer or manufacturer or distributor, and the name and
1843 address of the consignor and of the consignee, and the date when
1844 and place where received, and the destination and the quantity of
1845 such liquor received from the manufacturer or brewer or other



consignor for shipment from any point within or without this state to any point within this state.

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

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

67-3-63. The commissioner shall cause a record to be kept of the names and places of business of all persons engaged in the brewing of beer, of all persons engaged in the manufacture of light * * * intoxicating beverages, and of all persons engaged in the sale of light * * * intoxicating beverages, whether at retail or otherwise. He shall also cause a record to be kept of all * * * light intoxicating beverages (and of the amount thereof) brewed or manufactured by each brewery * * *, winery or other production facility, and of all such * * * beverages (and of the amount thereof) sold by each brewery * * *, winery or other production facility, with the names and business addresses of the purchasers, and of all such * * * beverages (and of the amount thereof) sold by every dealer other than a brewer or manufacturer,



and in the case of sales by dealers other than retail dealers, of the names and business addresses of the purchasers.

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

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

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

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

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

67-3-67. No county or any officer or agent thereof, nor any other officer, agent, or person, shall interfere with or impede the passage through such county of any light * * * intoxicating



beverage moving in accordance with the provisions of this chapter and the provisions of Section 67-9-1 and which in transit to or from any county of this state wherein the traffic in light * * * intoxicating beverages is not prohibited, any county prohibition of such traffic to the contrary notwithstanding.

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

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

(2) (a) Any person who shall violate any provision of Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a



1921 misdemeanor, and upon conviction thereof shall be punished by a
1922 fine of not more than Five Hundred Dollars (\$500.00) or by
1923 imprisonment in the county jail for not more than six (6) months,
1924 or by both such fine and imprisonment, in the discretion of the
1925 court.

1926 (b) Any person who shall violate any provision of
1927 Section 67-3-57 shall be guilty of a misdemeanor, and upon
1928 conviction thereof, shall be punished by a fine of not more than
1929 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
1930 jail for not more than one (1) year, or by both, in the discretion
1931 of the court. Any person convicted of violating any provision of
1932 the sections referred to in this subsection shall forfeit his
1933 permit, and shall not thereafter be permitted to engage in any
1934 business taxable under the provisions of Sections 27-71-301
1935 through 27-71-347.

1936 (3) If the holder of a permit, or the employee of the holder
1937 of a permit, shall be convicted of selling any * * * light
1938 intoxicating beverage to anyone who is visibly intoxicated from
1939 the licensed premises or to any person under the age of twenty-one
1940 (21) years from the licensed premises in violation of Section
1941 67-3-53(b), then, in addition to any other penalty provided for by
1942 law, the commissioner may impose the following penalties against
1943 the holder of a permit:

1944 (a) For the first offense on the licensed premises, by
1945 a fine of not less than Five Hundred Dollars (\$500.00) nor more



1946 than One Thousand Dollars (\$1,000.00) and/or suspension of the
1947 permit for not more than three (3) months.

1948 (b) For a second offense occurring on the licensed
1949 premises within twelve (12) months of the first offense, by a fine
1950 of not less than Five Hundred Dollars (\$500.00) nor more than Two
1951 Thousand Dollars (\$2,000.00) and/or suspension of the permit for
1952 not more than six (6) months.

1953 (c) For a third offense occurring on the licensed
1954 premises within twelve (12) months of the first, by a fine of not
1955 less than Two Thousand Dollars (\$2,000.00) nor more than Five
1956 Thousand Dollars (\$5,000.00) and/or suspension or revocation of
1957 the permit to sell * * * light intoxicating beverages.

1958 (d) For a fourth or subsequent offense occurring on the
1959 licensed premises within twelve (12) months of the first, by a
1960 fine of not less than Two Thousand Dollars (\$2,000.00) nor more
1961 than Five Thousand Dollars (\$5,000.00) and/or suspension or
1962 revocation of the permit to sell * * * light intoxicating
1963 beverages.

1964 (4) A person who sells any * * * light intoxicating beverage
1965 to a person under the age of twenty-one (21) years shall not be
1966 guilty of a violation of Section 67-3-53(b) if the person under
1967 the age of twenty-one (21) years represents himself to be
1968 twenty-one (21) years of age or older by displaying an apparently
1969 valid Mississippi driver's license containing a physical
1970 description consistent with his appearance or by displaying some



other apparently valid identification card or document containing a picture and physical description consistent with his appearance for the purpose of inducing the person to sell * * * light intoxicating beverages to him.

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

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

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

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

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

67-3-70. (1) Except as otherwise provided by Section 67-3-54, any person under the age of twenty-one (21) years who purchases or possesses any light * * * intoxicating beverage shall be guilty of a misdemeanor, and upon conviction, shall be punished



by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and a sentence to not more than thirty (30) days community service.

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

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

(4) The term "community service" as used in this section shall mean work, projects or services for the benefit of the



community assigned, supervised and recorded by appropriate public officials.

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

(6) Any person who has been charged with a violation of * * * subsection (1) or (2) of this section may, not sooner than one (1) year after the dismissal and discharge or completion of any sentence and/or payment of any fine, apply to the court for an order to expunge from all official records all recordation



relating to his arrest, trial, finding or plea of guilty, and dismissal and discharge. If the court determines that such person was dismissed and the proceedings against him discharged or that such person had satisfactorily served his sentence and/or paid his fine, it shall enter such order.

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

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

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

(3) Notwithstanding any other law to the contrary, no social host who serves or furnishes any intoxicating beverage to a person



2070 who may lawfully consume such intoxicating beverage shall be
2071 liable to such person or to any other person or to the estate, or
2072 survivors of either, for any injury suffered off such social
2073 host's premises, including wrongful death and property damage,
2074 because of the intoxication of the person to whom the intoxicating
2075 beverages were served or furnished. No social host who owns,
2076 leases or otherwise lawfully occupies a premises on which, in his
2077 absence and without his consent, intoxicating beverages are
2078 consumed by a person who may lawfully consume such intoxicating
2079 beverage shall be liable to such person or to any other person or
2080 to the estate, or survivors of either, for any injury suffered off
2081 the premises, including wrongful death and property damage,
2082 because of the intoxication of the person who consumed the
2083 intoxicating beverages.

2084 (4) The limitation of liability provided by this section
2085 shall not apply to any person who causes or contributes to the
2086 consumption of * * * intoxicating beverages by force or by falsely
2087 representing that a beverage contains no alcohol or THC, or to any
2088 holder of an alcoholic beverage * * * or light intoxicating
2089 beverage permit, or any agent or employee of such holder when it
2090 is shown that the person making a purchase of an * * *
2091 intoxicating beverage was at the time of such purchase visibly
2092 intoxicated.

2093 **SECTION 53.** Section 67-3-74, Mississippi Code of 1972, is
2094 amended as follows:



2095 67-3-74. (1) In addition to peace officers within their
2096 jurisdiction, all enforcement officers of the * * * division * * *
2097 are authorized to enforce the provisions made unlawful by this
2098 chapter and Section 97-5-49; however, the provisions prohibiting
2099 the sale of light * * * intoxicating beverages to persons under
2100 the age of twenty-one (21) years shall be enforced by the division
2101 as provided for in this section.

2102 (2) (a) The * * * division shall investigate violations of
2103 the laws prohibiting the sale of light * * * intoxicating
2104 beverages to persons under the age of twenty-one (21) years upon
2105 receipt of a complaint or information from a person stating that
2106 they have knowledge of such violation.

2107 * * *

2108 (* * * b) If an enforcement officer of the * * *
2109 division enters the business of the holder of the permit to
2110 investigate a complaint and discovers a violation, the agent shall
2111 notify the person that committed the violation and the holder of
2112 the permit * * * within ten (10) days after such violation * * *.

2113 **SECTION 54.** Section 67-1-5, Mississippi Code of 1972, is
2114 amended as follows:

2115 67-1-5. For the purposes of this article and unless
2116 otherwise required by the context:

2117 (a) "Alcoholic beverage" means any alcoholic liquid,
2118 including wines of more than five percent (5%) of alcohol by
2119 weight, capable of being consumed as a beverage by a human being,



2120 but shall not include light * * * intoxicating beverages, as
2121 defined in Section 67-3-3, * * * but shall include native wines
2122 and native spirits. The words "alcoholic beverage" shall not
2123 include ethyl alcohol manufactured or distilled solely for fuel
2124 purposes or beer of an alcoholic content of more than eight
2125 percent (8%) by weight if the beer is legally manufactured in this
2126 state for sale in another state.

2127 (b) "Alcohol" means the product of distillation of any
2128 fermented liquid, whatever the origin thereof, and includes
2129 synthetic ethyl alcohol, but does not include denatured alcohol or
2130 wood alcohol.

2131 (c) "Distilled spirits" means any beverage containing
2132 more than six percent (6%) of alcohol by weight produced by
2133 distillation of fermented grain, starch, molasses or sugar,
2134 including dilutions and mixtures of these beverages.

2135 (d) "Wine" or "vinous liquor" means any product
2136 obtained from the alcoholic fermentation of the juice of sound,
2137 ripe grapes, fruits, honey or berries and made in accordance with
2138 the revenue laws of the United States.

2139 (e) "Person" means and includes any individual,
2140 partnership, corporation, association or other legal entity
2141 whatsoever.

2142 (f) "Manufacturer" means any person engaged in
2143 manufacturing, distilling, rectifying, blending or bottling any
2144 alcoholic beverage.



2145 (g) "Wholesaler" means any person, other than a
2146 manufacturer, engaged in distributing or selling any alcoholic
2147 beverage at wholesale for delivery within or without this state
2148 when such sale is for the purpose of resale by the purchaser.

2149 (h) "Retailer" means any person who sells, distributes,
2150 or offers for sale or distribution, any alcoholic beverage for use
2151 or consumption by the purchaser and not for resale.

2152 (i) "State Tax Commission," "commission" or
2153 "department" means the Department of Revenue of the State of
2154 Mississippi, which shall create a division in its organization to
2155 be known as the Alcoholic Beverage Control Division. Any
2156 reference to the commission or the department hereafter means the
2157 powers and duties of the Department of Revenue with reference to
2158 supervision of the Alcoholic Beverage Control Division.

2159 (j) "Division" means the Alcoholic Beverage Control
2160 Division of the Department of Revenue.

2161 (k) "Municipality" means any incorporated city or town
2162 of this state.

2163 (l) "Hotel" means an establishment within a
2164 municipality, or within a qualified resort area approved as such
2165 by the department, where, in consideration of payment, food and
2166 lodging are habitually furnished to travelers and wherein are
2167 located at least twenty (20) adequately furnished and completely
2168 separate sleeping rooms with adequate facilities that persons
2169 usually apply for and receive as overnight accommodations. Hotels



2170 in towns or cities of more than twenty-five thousand (25,000)
2171 population are similarly defined except that they must have fifty
2172 (50) or more sleeping rooms. Any such establishment described in
2173 this paragraph with less than fifty (50) beds shall operate one or
2174 more regular dining rooms designed to be constantly frequented by
2175 customers each day. When used in this article, the word "hotel"
2176 shall also be construed to include any establishment that meets
2177 the definition of "bed and breakfast inn" as provided in this
2178 section.

2179 (m) "Restaurant" means:

2180 (i) A place which is regularly and in a bona fide
2181 manner used and kept open for the serving of meals to guests for
2182 compensation, which has suitable seating facilities for guests,
2183 and which has suitable kitchen facilities connected therewith for
2184 cooking an assortment of foods and meals commonly ordered at
2185 various hours of the day; the service of such food as sandwiches
2186 and salads only shall not be deemed in compliance with this
2187 requirement. Except as otherwise provided in this paragraph, no
2188 place shall qualify as a restaurant under this article unless
2189 twenty-five percent (25%) or more of the revenue derived from such
2190 place shall be from the preparation, cooking and serving of meals
2191 and not from the sale of beverages, or unless the value of food
2192 given to and consumed by customers is equal to twenty-five percent
2193 (25%) or more of total revenue; or



2194 (ii) Any privately owned business located in a
2195 building in a historic district where the district is listed in
2196 the National Register of Historic Places, where the building has a
2197 total occupancy rating of not less than one thousand (1,000) and
2198 where the business regularly utilizes ten thousand (10,000) square
2199 feet or more in the building for live entertainment, including not
2200 only the stage, lobby or area where the audience sits and/or
2201 stands, but also any other portion of the building necessary for
2202 the operation of the business, including any kitchen area, bar
2203 area, storage area and office space, but excluding any area for
2204 parking. In addition to the other requirements of this
2205 subparagraph, the business must also serve food to guests for
2206 compensation within the building and derive the majority of its
2207 revenue from event-related fees, including, but not limited to,
2208 admission fees or ticket sales to live entertainment in the
2209 building, and from the rental of all or part of the facilities of
2210 the business in the building to another party for a specific event
2211 or function.

2212 (n) "Club" means an association or a corporation:

2213 (i) Organized or created under the laws of this
2214 state for a period of five (5) years prior to July 1, 1966;

2215 (ii) Organized not primarily for pecuniary profit
2216 but for the promotion of some common object other than the sale or
2217 consumption of alcoholic beverages;



2218 (iii) Maintained by its members through the
2219 payment of annual dues;

2220 (iv) Owning, hiring or leasing a building or space
2221 in a building of such extent and character as may be suitable and
2222 adequate for the reasonable and comfortable use and accommodation
2223 of its members and their guests;

2224 (v) The affairs and management of which are
2225 conducted by a board of directors, board of governors, executive
2226 committee, or similar governing body chosen by the members at a
2227 regular meeting held at some periodic interval; and

2228 (vi) No member, officer, agent or employee of
2229 which is paid, or directly or indirectly receives, in the form of
2230 a salary or other compensation any profit from the distribution or
2231 sale of alcoholic beverages to the club or to members or guests of
2232 the club beyond such salary or compensation as may be fixed and
2233 voted at a proper meeting by the board of directors or other
2234 governing body out of the general revenues of the club.

2235 The department may, in its discretion, waive the five-year
2236 provision of this paragraph. In order to qualify under this
2237 paragraph, a club must file with the department, at the time of
2238 its application for a license under this article, two (2) copies
2239 of a list of the names and residences of its members and similarly
2240 file, within ten (10) days after the election of any additional
2241 member, his name and address. Each club applying for a license
2242 shall also file with the department at the time of the application



2243 a copy of its articles of association, charter of incorporation,
2244 bylaws or other instruments governing the business and affairs
2245 thereof.

2246 (o) "Qualified resort area" means any area or locality
2247 outside of the limits of incorporated municipalities in this state
2248 commonly known and accepted as a place which regularly and
2249 customarily attracts tourists, vacationists and other transients
2250 because of its historical, scenic or recreational facilities or
2251 attractions, or because of other attributes which regularly and
2252 customarily appeal to and attract tourists, vacationists and other
2253 transients in substantial numbers; however, no area or locality
2254 shall so qualify as a resort area until it has been duly and
2255 properly approved as such by the department. The department may
2256 not approve an area as a qualified resort area after July 1, 2018,
2257 if any portion of such proposed area is located within two (2)
2258 miles of a convent or monastery that is located in a county
2259 traversed by Interstate 55 and U.S. Highway 98. A convent or
2260 monastery may waive such distance restrictions in favor of
2261 allowing approval by the department of an area as a qualified
2262 resort area. Such waiver shall be in written form from the owner,
2263 the governing body, or the appropriate officer of the convent or
2264 monastery having the authority to execute such a waiver, and the
2265 waiver shall be filed with and verified by the department before
2266 becoming effective.



2267 (i) The department may approve an area or locality
2268 outside of the limits of an incorporated municipality that is in
2269 the process of being developed as a qualified resort area if such
2270 area or locality, when developed, can reasonably be expected to
2271 meet the requisites of the definition of the term "qualified
2272 resort area." In such a case, the status of qualified resort area
2273 shall not take effect until completion of the development.

2274 (ii) The term includes any state park which is
2275 declared a resort area by the department; however, such
2276 declaration may only be initiated in a written request for resort
2277 area status made to the department by the Executive Director of
2278 the Department of Wildlife, Fisheries and Parks, and no permit for
2279 the sale of any alcoholic beverage, as defined in this article,
2280 except an on-premises retailer's permit, shall be issued for a
2281 hotel, restaurant or bed and breakfast inn in such park.

2282 (iii) The term includes:

2283 1. The clubhouses associated with the state
2284 park golf courses at the Lefleur's Bluff State Park, the John Kyle
2285 State Park, the Percy Quin State Park and the Hugh White State
2286 Park;

2287 2. The clubhouse and associated golf course,
2288 tennis courts and related facilities and swimming pool and related
2289 facilities where the golf course, tennis courts and related
2290 facilities and swimming pool and related facilities are adjacent
2291 to one or more planned residential developments and the golf



2292 course and all such developments collectively include at least
2293 seven hundred fifty (750) acres and at least four hundred (400)
2294 residential units;

2295 3. Any facility located on property that is a
2296 game reserve with restricted access that consists of at least
2297 three thousand (3,000) contiguous acres with no public roads and
2298 that offers as a service hunts for a fee to overnight guests of
2299 the facility;

2300 4. Any facility located on federal property
2301 surrounding a lake and designated as a recreational area by the
2302 United States Army Corps of Engineers that consists of at least
2303 one thousand five hundred (1,500) acres;

2304 5. Any facility that is located in a
2305 municipality that is bordered by the Pearl River, traversed by
2306 Mississippi Highway 25, adjacent to the boundaries of the Jackson
2307 International Airport and is located in a county which has voted
2308 against coming out from under the dry law; however, any such
2309 facility may only be located in areas designated by the governing
2310 authorities of such municipality;

2311 6. Any municipality with a population in
2312 excess of ten thousand (10,000) according to the latest federal
2313 decennial census that is located in a county that is bordered by
2314 the Pearl River and is not traversed by Interstate Highway 20,
2315 with a population in excess of forty-five thousand (45,000)
2316 according to the latest federal decennial census;



2317 7. The West Pearl Restaurant Tax District as
2318 defined in Chapter 912, Local and Private Laws of 2007;

2319 8. a. Land that is located in any county in
2320 which Mississippi Highway 43 and Mississippi Highway 25 intersect
2321 and:

2322 A. Owned by the Pearl River Valley
2323 Water Supply District, and/or

2324 B. Located within the Reservoir
2325 Community District, zoned commercial, east of Old Fannin Road,
2326 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
2327 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
2328 Drive and/or Lake Vista Place, and/or

2329 C. Located within the Reservoir
2330 Community District, zoned commercial, west of Old Fannin Road,
2331 south of Spillway Road and extending to the boundary of the
2332 corporate limits of the City of Flowood, Mississippi;

2333 b. The board of supervisors of such
2334 county, with respect to B and C of item 8.a., may by resolution or
2335 other order:

2336 A. Specify the hours of operation
2337 of facilities that offer alcoholic beverages for sale,

2338 B. Specify the percentage of
2339 revenue that facilities that offer alcoholic beverages for sale
2340 must derive from the preparation, cooking and serving of meals and
2341 not from the sale of beverages, and



2342 C. Designate the areas in which
2343 facilities that offer alcoholic beverages for sale may be located;

2344 9. Any facility located on property that is a
2345 game reserve with restricted access that consists of at least
2346 eight hundred (800) contiguous acres with no public roads, that
2347 offers as a service hunts for a fee to overnight guests of the
2348 facility, and has accommodations for at least fifty (50) overnight
2349 guests;

2350 10. Any facility that:

2351 a. Consists of at least six thousand
2352 (6,000) square feet being heated and cooled along with an
2353 additional adjacent area that consists of at least two thousand
2354 two hundred (2,200) square feet regardless of whether heated and
2355 cooled,

2356 b. For a fee is used to host events such
2357 as weddings, reunions and conventions,

2358 c. Provides lodging accommodations
2359 regardless of whether part of the facility and/or located adjacent
2360 to or in close proximity to the facility, and

2361 d. Is located on property that consists
2362 of at least thirty (30) contiguous acres;

2363 11. Any facility and related property:

2364 a. Located on property that consists of
2365 at least one hundred twenty-five (125) contiguous acres and
2366 consisting of an eighteen-hole golf course, and/or located in a



2367 facility that consists of at least eight thousand (8,000) square
2368 feet being heated and cooled,

2369 b. Used for the purpose of providing
2370 meals and hosting events, and

2371 c. Used for the purpose of teaching
2372 culinary arts courses and/or turf management and grounds keeping
2373 courses, and/or outdoor recreation and leadership courses;

2374 12. Any facility and related property that:

2375 a. Consist of at least eight thousand
2376 (8,000) square feet being heated and cooled,

2377 b. For a fee is used to host events,

2378 c. Is used for the purpose of culinary
2379 arts courses, and/or live entertainment courses and art
2380 performances, and/or outdoor recreation and leadership courses;

2381 13. The clubhouse and associated golf course
2382 where the golf course is adjacent to one or more residential
2383 developments and the golf course and all such developments
2384 collectively include at least two hundred (200) acres and at least
2385 one hundred fifty (150) residential units and are located a. in a
2386 county that has voted against coming out from under the dry law;
2387 and b. outside of but in close proximity to a municipality in such
2388 county which has voted under Section 67-1-14, after January 1,
2389 2013, to come out from under the dry law;

2390 14. The clubhouse and associated
2391 eighteen-hole golf course located in a municipality traversed by



2392 Interstate Highway 55 and U.S. Highway 51 that has voted to come
2393 out from under the dry law;

2394 15. a. Land that is planned for mixed-use
2395 development and consists of at least two hundred (200) contiguous
2396 acres with one or more planned residential developments
2397 collectively planned to include at least two hundred (200)
2398 residential units when completed, and also including a facility
2399 that consists of at least four thousand (4,000) square feet that
2400 is not part of such land but is located adjacent to or in close
2401 proximity thereto, and which land is located:

2402 A. In a county that has voted to
2403 come out from under the dry law,

2404 B. Outside the corporate limits of
2405 any municipality in such county and adjacent to or in close
2406 proximity to a golf course located in a municipality in such
2407 county, and

2408 C. Within one (1) mile of a state
2409 institution of higher learning;

2410 b. The board of supervisors of such
2411 county may by resolution or other order:

2412 A. Specify the hours of operation
2413 of facilities that offer alcoholic beverages for sale,

2414 B. Specify the percentage of
2415 revenue that facilities that offer alcoholic beverages for sale



2416 must derive from the preparation, cooking and serving of meals and
2417 not from the sale of beverages, and

2418 C. Designate the areas in which
2419 facilities that offer alcoholic beverages for sale may be located;

2420 16. Any facility with a capacity of five
2421 hundred (500) people or more, to be used as a venue for private
2422 events, on a tract of land in the Southwest Quarter of Section 33,
2423 Township 2 South, Range 7 East, of a county where U.S. Highway 45
2424 and U.S. Highway 72 intersect and that has not voted to come out
2425 from under the dry law;

2426 17. One hundred five (105) contiguous acres,
2427 more or less, located in Hinds County, Mississippi, and in the
2428 City of Jackson, Mississippi, whereon are constructed a variety of
2429 buildings, improvements, grounds or objects for the purpose of
2430 holding events thereon to promote agricultural and industrial
2431 development in Mississippi;

2432 18. Land that is owned by a state institution
2433 of higher learning, land that is owned by an entity that is bound
2434 by an affiliation agreement with a state institution of higher
2435 learning, or land that is owned by one or more other entities so
2436 long as such other entities are solely owned, either directly or
2437 through additional entities, by an institution of higher learning
2438 and/or one or more entities bound by affiliation agreements with
2439 such institution, and:



2440 a. Located entirely within a county that
2441 has elected by majority vote not to permit the transportation,
2442 storage, sale, distribution, receipt and/or manufacture of
2443 light * * * intoxicating beverages pursuant to Section 67-3-7; and

2444 b. A. Located adjacent to but outside
2445 the incorporated limits of a municipality that has elected by
2446 majority vote to permit the sale, receipt, storage and
2447 transportation of light * * * intoxicating beverages pursuant to
2448 Section 67-3-9; or

2449 B. Located in an area bounded on
2450 the north by College View Drive, on the east by Mississippi
2451 Highway 12 East, on the south by Mississippi Highway 12 East, on
2452 the west by Mill Street, on the north by Russell Street, then on
2453 the west by Colonel Muldrow Avenue, on the north by University
2454 Drive, on the west by Adkerson Way within a municipality through
2455 which run Mississippi Highway 25, Mississippi Highway 12 and U.S.
2456 Highway 82.

2457 If any portion of the land described in this item 18 has been
2458 declared a qualified resort area by the department before July 1,
2459 2020, then that qualified resort area shall be incorporated into
2460 the qualified resort area created by this item 18;

2461 19. Any facility and related property:

2462 a. Used as a flea market or similar
2463 venue during a weekend (Saturday and Sunday) immediately preceding
2464 the first Monday of a month and having an annual average of at



2465 least one thousand (1,000) visitors for each such weekend and five
2466 hundred (500) vendors for Saturday of each such weekend, and

2467 b. Located in a county that has not
2468 voted to come out from under the dry law and outside of but in
2469 close proximity to a municipality located in such county and which
2470 municipality has voted to come out from under the dry law;

2471 20. Blocks 1, 2 and 3 of the original town
2472 square in any municipality with a population in excess of one
2473 thousand five hundred (1,500) according to the latest federal
2474 decennial census and which is located in:

2475 a. A county traversed by Interstate 55
2476 and Interstate 20, and

2477 b. A judicial district that has not
2478 voted to come out from under the dry law;

2479 21. Any municipality with a population in
2480 excess of two thousand (2,000) according to the latest federal
2481 decennial census and in which is located a part of White's Creek
2482 Lake and in which U.S. Highway 82 intersects with Mississippi
2483 Highway 9 and located in a county that is partially bordered on
2484 one (1) side by the Big Black River;

2485 22. A restaurant located on a two-acre tract
2486 adjacent to a five-hundred-fifty-acre lake in the northeast corner
2487 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

2488 23. Any tracts of land in Oktibbeha County,
2489 situated north of Bailey Howell Drive, Lee Boulevard and Old



2490 Mayhew Road, east of George Perry Street and south of Mississippi
2491 Highway 182, and not located on the property of a state
2492 institution of higher learning; however, the board of supervisors
2493 of such county may by resolution or other order:

2494 a. Specify the hours of operation of
2495 facilities that offer alcoholic beverages for sale;

2496 b. Specify the percentage of revenue
2497 that facilities that offer alcoholic beverages for sale must
2498 derive from the preparation, cooking and serving of meals and not
2499 from the sale of beverages; and

2500 c. Designate the areas in which
2501 facilities that offer alcoholic beverages for sale may be located;

2502 24. A municipality in which Mississippi
2503 Highway 27 and Mississippi Highway 28 intersect;

2504 25. A municipality through which run
2505 Mississippi Highway 35 and Interstate 20;

2506 26. A municipality in which Mississippi
2507 Highway 16 and Mississippi Highway 35 intersect;

2508 27. A municipality in which U.S. Highway 82
2509 and Old Highway 61 intersect;

2510 28. A municipality in which Mississippi
2511 Highway 8 meets Mississippi Highway 1;

2512 29. A municipality in which U.S. Highway 82
2513 and Mississippi Highway 1 intersect;



2514 30. A municipality in which Mississippi
2515 Highway 50 meets Mississippi Highway 9;

2516 31. An area bounded on the north by Pearl
2517 Street, on the east by West Street, on the south by Court Street
2518 and on the west by Farish Street, within a municipality bordered
2519 on the east by the Pearl River and through which run Interstate 20
2520 and Interstate 55;

2521 32. Any facility and related property that:

2522 a. Is contracted for mixed-use
2523 development improvements consisting of office and residential
2524 space and a restaurant and lounge, partially occupying the
2525 renovated space of a four-story commercial building which
2526 previously served as a financial institution; and adjacent
2527 property to the west consisting of a single-story office building
2528 that was originally occupied by the Brotherhood of Carpenters and
2529 Joiners of American Local Number 569; and

2530 b. Is situated on a tract of land
2531 consisting of approximately one and one-tenth (1.10) acres, and
2532 the adjacent property to the west consisting of approximately 0.5
2533 acres, located in a municipality which is the seat of county
2534 government, situated south of Interstate 10, traversed by U.S.
2535 Highway 90, partially bordered on one (1) side by the Pascagoula
2536 River and having its most southern boundary bordered by the Gulf
2537 of Mexico, with a population greater than twenty-two thousand



2538 (22,000) according to the 2010 federal decennial census; however,
2539 the governing authorities of such a municipality may by ordinance:

2540 A. Specify the hours of operation
2541 of facilities that offer alcoholic beverages for sale;

2542 B. Specify the percentage of
2543 revenue that facilities that offer alcoholic beverages for sale
2544 must derive from the preparation, cooking and serving of meals and
2545 not from the sale of beverages; and

2546 C. Designate the areas within the
2547 facilities in which alcoholic beverages may be offered for sale;

2548 33. Any facility with a maximum capacity of
2549 one hundred twenty (120) people that consists of at least three
2550 thousand (3,000) square feet being heated and cooled, has a
2551 commercial kitchen, has a pavilion that consists of at least nine
2552 thousand (9,000) square feet and is located on land more
2553 particularly described as follows:

2554 All that part of the East Half of the Northwest Quarter of
2555 Section 21, Township 7 South, Range 4 East, Union County,
2556 Mississippi, that lies South of Mississippi State Highway 348
2557 right-of-way and containing 19.48 acres, more or less.

2558 ALSO,

2559 The Northeast 38 acres of the Southwest Quarter of Section
2560 21, Township 7 South, Range 4 East, Union County, Mississippi.

2561 ALSO,



2562 The South 81 1/2 acres of the Southwest Quarter of Section
2563 21, Township 7 South, Range 4 East, Union County, Mississippi;

2564 34. A municipality in which U.S. Highway 51
2565 and Mississippi Highway 16 intersect;

2566 35. A municipality in which Interstate 20
2567 passes over Mississippi Highway 15;

2568 36. Any municipality that is bordered in its
2569 northwestern boundary by the Pearl River, traversed by U.S.
2570 Highway 49 and Interstate 20, and is located in a county which has
2571 voted against coming out from under the dry law;

2572 37. A municipality in which Mississippi
2573 Highway 28 and Mississippi Highway 29 North intersect;

2574 38. An area bounded as follows within a
2575 municipality through which run Interstate 22 and Mississippi
2576 Highway 15: Beginning at a point at the intersection of Bankhead
2577 Street and Tallahatchie Trails; then running to a point at the
2578 intersection of Tallahatchie Trails and Interstate 22; then
2579 running to a point at the intersection of Interstate 22 and Carter
2580 Avenue; then running to a point at the intersection of Carter
2581 Avenue and Camp Avenue; then running to a point at the
2582 intersection of Camp Avenue and King Street; then running to a
2583 point at the intersection of King Street and E. Main Street; then
2584 running to a point at the intersection of E. Main Street and Camp
2585 Avenue; then running to a point at the intersection of Camp Avenue
2586 and Highland Street; then running to a point at the intersection



2587 of Highland Street and Adams Street; then running to a point at
2588 the intersection of Adams Street and Cleveland Street; then
2589 running to a point at the intersection of Cleveland Street and N.
2590 Railroad Avenue; then running to a point at the intersection of N.
2591 Railroad Avenue and McGill Street; then running to a point at the
2592 intersection of McGill Street and Snyder Street; then running to a
2593 point at the intersection of Snyder Street and Bankhead Street;
2594 then running to a point at the intersection of Bankhead Street and
2595 Tallahatchie Trails and the point of the beginning;

2596 39. A municipality through which run
2597 Mississippi Highway 43 and U.S. Highway 80;

2598 40. The coliseum in a municipality in which
2599 U.S. Highway 72 passes over U.S. Highway 45;

2600 41. A piece of property on the northeast
2601 corner of the T-intersection where Builders Square Drive meets
2602 Mississippi Highway 471;

2603 42. The clubhouse and associated golf course,
2604 tennis courts and related facilities and swimming pool and related
2605 facilities located on Oaks Country Club Road less than one-half
2606 (1/2) mile to the east of Mississippi Highway 15;

2607 43. Any facility located on land more
2608 particularly described as follows:

2609 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
2610 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
2611 Southwest Corner of the Southwest Quarter (SW 1/4) of the



2612 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
2613 East, running 210 feet east and west and 840 feet running north
2614 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
2615 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
2616 Rankin County, Mississippi;

2617 44. Any facility located on land more
2618 particularly described as follows:

2619 Beginning at a point 1915 feet west and 2171 feet north of
2620 southeast corner, Section 11, Township 24 North, Range 2 West,
2621 Second Judicial District, Tallahatchie County, Mississippi, which
2622 point is the southwest corner of J.C. Section Lot mentioned in
2623 deed recorded in Book 50, page 34, in the records of the Chancery
2624 Clerk's Office at Sumner, in said District of said County; thence
2625 South 80° West, 19 feet to the east boundary of United States
2626 Highway 49-E, thence East along the east boundary of said Highway
2627 270 feet to point of beginning of Lot to be conveyed; thence
2628 southeast along the east boundary of said Highway 204 feet to a
2629 concrete post at the intersection of the east boundary of said
2630 Highway with the west boundary of gravel road from Sumner to Webb,
2631 known as Oil Mill Road, thence Northwest along west boundary of
2632 said Oil Mill Road 194 feet to center of driveway running
2633 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
2634 South 66° West along center of said driveway 128 feet to point of
2635 beginning, being situated in Northwest Quarter of Southeast



2636 Quarter of Section 11, together with all improvements situated
2637 thereon;

2638 45. Any facility that:

2639 a. Consists of at least five thousand
2640 six hundred (5,600) square feet being heated and cooled along with
2641 a lakeside patio that consists of at least two thousand two
2642 hundred (2,200) square feet, regardless of whether such patio is
2643 part of the facility and/or located adjacent to or in close
2644 proximity to the facility;

2645 b. Includes a caterer's kitchen and
2646 green room for entertainment preparation;

2647 c. For a fee is used to host events; and

2648 d. Is located adjacent to or in close
2649 proximity to an approximately nine * * *-acre lake on property
2650 that consists of at least one hundred twenty (120) acres in a
2651 county traversed by Mississippi Highway 15 and U.S. Highway 278;

2652 46. Any municipality with a population in
2653 excess of one thousand (1,000) according to the 2010 federal
2654 decennial census and which is located in a county that is
2655 traversed by U.S. Highways 84 and 98 and has not voted to come out
2656 from under the dry law;

2657 47. The clubhouse and associated nine-hole
2658 golf course, tennis courts and related facilities and swimming
2659 pool and related facilities located on or near U.S. Highway 82
2660 between Mississippi Highway 15 and Mississippi Highway 9;



2661 48. The downtown square area bound by East
2662 Service Drive, Commerce Street, Second Street and Court Street and
2663 adjacent properties in a municipality through which run Interstate
2664 55, U.S. Highway 51 and Mississippi Highway 306;

2665 49. All parcels zoned for mixed-use
2666 development located west of Mississippi Highway 589, more than
2667 four hundred (400) feet north of Old Highway 24, east of
2668 Parkers Creek and Black Creek, and south of J M Burge Road;

2669 50. Any facility used by a soccer club and
2670 located on Old Highway 11 between one-tenth (0.1) and two-tenths
2671 (0.2) of a mile from its intersection with Oak Grove Road, in a
2672 county in which U.S. Highway 98 and Mississippi Highway 589
2673 intersect;

2674 51. Any municipality in which U.S. Highway 49
2675 and Mississippi Highway 469 intersect;

2676 52. Any facility that is:

2677 a. Owned by a Veterans of Foreign Wars
2678 (VFW) organization that is a nonprofit corporation and registered
2679 with the Mississippi Secretary of State;

2680 b. Used by such organization for its
2681 headquarters and other organization related purposes; and

2682 c. Located outside of a municipality in
2683 a county that has not voted to come out from under the dry law;



2684 53. The following within a municipality in
2685 which U.S. Highway 49 and U.S. 61 Highway intersect and through
2686 which flows the Sunflower River:

2687 a. An area bounded as follows: Starting
2688 at the southern point of the intersection of Sunflower Avenue and
2689 1st Street and going south along said avenue on its eastern side
2690 to 8th Street, then going east along said street on its northern
2691 side to West Tallahatchie Street, then going north along said
2692 street on its western side to 4th Street/Martin Luther King
2693 Boulevard, then going east along said street/boulevard on its
2694 northern side to Desoto Avenue, then going north along said avenue
2695 on its western side to 1st Street, then going west along said
2696 street on its southern side to the point of beginning along the
2697 southern side of Court Street;

2698 b. Lots located at or near the
2699 intersection of Madison Avenue, Walnut Street, and Riverside
2700 Avenue that are in a commercial zone; and

2701 c. Any facility located on the west side
2702 of Sunflower Avenue to the Sunflower River between the southern
2703 side of 6th Street and the northern side of 8th Street and which
2704 is operated as and/or was operated as a hotel or lodging facility,
2705 in consideration of payment, regardless of whether the facility
2706 meets the criteria for the definition of the term "hotel" in
2707 paragraph (1) of this section; and



2708 d. Any facility located on the west side
2709 of Sunflower Avenue to the Sunflower River between the southern
2710 side of 3rd Street and the northern side of 4th Street/Martin
2711 Luther King Boulevard and which is operated as and/or was operated
2712 as a musical venue, in consideration of payment;

2713 54. Any municipality in which Mississippi
2714 Highway 340 meets Mississippi Highway 15;

2715 55. Any municipality in which Mississippi
2716 Highway 540 and Mississippi Highway 149 intersect;

2717 56. Any municipality in which Mississippi
2718 Highway 15 and Mississippi Highway 345/Main Street intersect;

2719 57. The property and structures thereon at
2720 the following locations within a municipality through which run
2721 U.S. Highway 45 and Mississippi Highway 145 and in which
2722 Mississippi Highway 370 and Mississippi Highway 145 intersect:
2723 104 West Main Street, 106 West Main Street, 108 West Main Street,
2724 110 West Main Street and 112 West Main Street;

2725 58. Any municipality in which U.S. Highway 11
2726 and Main Street intersect and which is located in a county having
2727 two (2) judicial districts;

2728 59. Any municipality in which Interstate 22
2729 passes over Mississippi Highway 9;

2730 60. Any facility located on land more
2731 particularly described as follows:



2732 A certain parcel of land being situated in the Southeast 1/4
2733 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County,
2734 Mississippi, and being more particularly described as follows:

2735 Commence at an existing 1/2" iron pin marking the Southwest
2736 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of
2737 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13
2738 seconds East along the East line of the Southeast 1/4 of the
2739 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"
2740 iron pin; leaving said East line of the Southeast 1/4 of the
2741 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds
2742 East for a distance of 2.08 feet to an existing 1/2" iron pin; run
2743 thence North 00 degrees 22 minutes 19 seconds East for a distance
2744 of 561.90 feet to an existing 1/2" iron pin; run thence North 00
2745 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to
2746 a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel
2747 of land herein described; from said POINT OF BEGINNING, continue
2748 thence North 00 degrees 16 minutes 18 seconds East along an
2749 existing fence for a distance of 493.27 feet to an existing 1/2"
2750 iron pin; run thence North 03 degrees 08 minutes 15 seconds East
2751 for a distance of 170.22 feet to an existing 1/2" iron pin on the
2752 North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of
2753 Section 9; run thence North 89 degrees 46 minutes 45 seconds East
2754 along said North line of the Southeast 1/4 of the Northeast 1/4 of
2755 Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron
2756 pin marking Northeast corner thereof; leaving said North line of



2757 the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence
2758 South 00 degrees 08 minutes 35 seconds West along the East line of
2759 said Southeast 1/4 of the Northeast 1/4 of Section 9 for a
2760 distance of 663.19 feet to a set 1/2" iron pin; leaving said East
2761 line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run
2762 thence South 89 degrees 46 minutes 45 seconds West for a distance
2763 of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00
2764 acres, more or less.

2765 And Also: An easement for the purpose of ingress and egress
2766 being situated in the Southeast 1/4 of the Northeast 1/4 and in
2767 the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E,
2768 Rankin County, Mississippi, and being more particularly described
2769 as follows:

2770 Begin at an existing 1/2" iron pin marking the Southwest
2771 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of
2772 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13
2773 seconds East along the East line of the Southeast 1/4 of the
2774 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"
2775 iron pin; leaving said East line of the Southeast 1/4 of the
2776 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds
2777 East for a distance of 2.08 feet to an existing 1/2" iron pin; run
2778 thence North 00 degrees 22 minutes 19 seconds East for a distance
2779 of 561.90 feet to an existing 1/2" iron pin; run thence North 00
2780 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to
2781 a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45



2782 seconds East for a distance of 25.00 feet to a set 1/2" iron pin;
2783 run thence South 00 degrees 16 minutes 18 seconds West for a
2784 distance of 76.66 feet to a set 1/2" iron pin; run thence South 00
2785 degrees 22 minutes 19 seconds West for a distance of 619.81 feet
2786 to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01
2787 seconds West for a distance of 26.81 feet to a set 1/2" iron pin;
2788 run thence North 00 degrees 06 minutes 13 seconds East along the
2789 West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of
2790 Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING,
2791 containing 17,525.4 square feet, more or less.

2792 61. Any municipality bordered on the east by
2793 the Pascagoula River and on the south by the Mississippi Sound;

2794 62. The property and structures thereon
2795 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201
2796 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969
2797 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original
2798 town square in any municipality with a population in excess of one
2799 thousand five hundred (1,500) according to the latest federal
2800 decennial census and which is located in:

2801 a. A county traversed by Interstate 55
2802 and Interstate 20, and

2803 b. A judicial district that has not
2804 voted to come out from under the dry law;

2805 63. Any municipality in which Mississippi
2806 Highway 12 meets Mississippi Highway 17;



2807 64. Any municipality in which U.S. Highway 49
2808 and Mississippi Highway 469 intersect;

2809 65. The clubhouse and associated nine-hole
2810 golf course and related facilities located on or near the eastern
2811 corner of the point at which Golf Course Road meets Athens Road,
2812 in a county in which Mississippi Highway 13 and Mississippi
2813 Highway 28 intersect, with GPS coordinates of approximately
2814 31.900370078041004, -89.7928067652611;

2815 66. Any facility located at the
2816 south-to-southwest corner of the intersection of Madison Street
2817 and Bolton Brownsville Road, in a municipality in which Bolton
2818 Brownsville Road passes over Interstate 20, with GPS coordinates
2819 of approximately 32.349067271758955, -90.4596221146197;

2820 67. Any facility located at the northwest
2821 corner of the intersection of Depot Street and Madison Street, in
2822 a municipality in which Bolton Brownsville Road passes over
2823 Interstate 20, with GPS coordinates of approximately
2824 32.34903152971068, -90.46047660172901;

2825 68. Any facility located on Hinds Boulevard
2826 approximately three-tenths (0.3) of a mile south of the point at
2827 which Hinds Boulevard diverges from Clinton Road, in a
2828 municipality whose northern boundary partially consists of Snake
2829 Creek Road, and whose southern boundary partially consists of
2830 Mississippi Highway 18, with GPS coordinates of approximately
2831 32.26384517526713, -90.41586570183475;



2832 69. Any facility located on Pleasant Grove
2833 Drive approximately one and three-tenths (1.3) miles southeast of
2834 its intersection with Harmony Drive, in a county through which run
2835 Interstate 55 and U.S. Highway 84, with GPS coordinates of
2836 approximately 31.512043770371907, -90.2506094382595;

2837 70. Any facility located immediately north of
2838 the intersection of two roads, both named Mason Clark Drive,
2839 located between two-tenths (0.2) and three-tenths (0.3) of a mile
2840 southwest of Mississippi Highway 57/63, with GPS coordinates of
2841 approximately 31.135950529733048, -88.53068674585575;

2842 71. Any facility located on Raj Road
2843 approximately three-tenths (0.3) of a mile south of Mississippi
2844 Highway 57/63, with GPS coordinates of approximately
2845 31.139553708288418, -88.53411203512971;

2846 72. Any facility located on Raj Road
2847 approximately one-tenth (0.1) of a mile south of Mississippi
2848 Highway 57/63, with GPS coordinates of approximately
2849 31.14184097577295, -88.53287700849411;

2850 73. Any municipality through which run U.S.
2851 Highway 45 and Mississippi Highway 145 and in which Mississippi
2852 Highway 370 and Mississippi Highway 145 intersect; however, this
2853 designation as a qualified resort area shall only apply to the
2854 portion of such municipality which is located in a county that has
2855 not voted to come out from under the dry law;



2856 74. A municipality through which runs a
2857 portion of the Tanglefoot Trail and in which Mississippi Highway
2858 32 and East Front Street intersect;

2859 75. Lot Three (3) in Block One Hundred
2860 Seventy-eight (178) of the D.H. McInnis First Survey, sometimes
2861 referred to as D.H. McInnis Railroad Addition, to the City of
2862 Hattiesburg, the said lot having a frontage of thirty (30) feet on
2863 the Eastern side of Front Street and extending back between
2864 parallel lines ninety (90) feet to an alley, and being located in
2865 the Northwest Quarter of Section 10, Township 4 North, Range 13
2866 West, Forrest County, Mississippi;

2867 76. An area of land in George County of
2868 approximately eight and five hundredths (8.05) acres, bordered on
2869 the east and northeast by Brushy Creek, on the northwest by Brushy
2870 Creek Road, on the west by Beaver Creek Road, and on the south by
2871 a property boundary running east and west;

2872 77. A municipality in which Mississippi
2873 Highway 15 intersects with Webster Street, and in which Webster
2874 Street splits into Mill Street and Maben Starkville Road;

2875 78. A municipality in which Mississippi
2876 Highway 492 meets Mississippi Highway 35;

2877 79. A facility operating as an event venue
2878 and located on Mississippi Highway 589, with GPS coordinates of
2879 approximately 31.36730, -89.50548;



2880 80. An area situated in the SW 1/4 of Section
2881 12, T7N-R2E, Madison County, Mississippi, and commencing at the
2882 point on the Ross Barnett Reservoir directly east of the
2883 intersection of North Natchez Street and Louisiana Street, then go
2884 west on Louisiana Street to the intersection of Louisiana Street
2885 and Andrew Jackson Street, then west on Andrew Jackson Street to
2886 the intersection of Andrew Jackson Street and Choctaw Street, then
2887 north on Choctaw Street to the intersection of Choctaw Street and
2888 Republic Street, then west on Republic Street to the intersection
2889 of Republic Street and Port Street, then north on Port Street to
2890 the Natchez Trace right-of-way, then east on the Natchez Trace
2891 right-of-way to the Ross Barnett Reservoir, then following the
2892 Ross Barnett Reservoir south back to the point of beginning;

2893 81. Any facility located on land more
2894 particularly described as follows:
2895 Commencing at a fence corner at the Northeast corner of Section
2896 34, Township 6 South, Range 3 East, Union County, Mississippi, for
2897 the point of beginning; thence run South 00 degrees 31 minutes 39
2898 seconds East, along the Section line, a distance of 161.83 feet to
2899 a one-half inch iron pin, thence North 88 degrees 20 minutes 48
2900 seconds West, along a fence, a distance of 1221.09 feet to a
2901 one-half iron pin, thence South 09 degrees 45 minutes 37 seconds
2902 West, along a fence, a distance of 61.49 feet to a one-half inch
2903 iron pin, thence North 84 degrees 18 minutes 01 seconds West,
2904 along a fence, (passing through a one-half inch iron pin at 196.83



2905 feet) a distance of 234.62 feet to a mag-nail on the centerline of
2906 Union County Road No. 137, thence North 11 degrees 00 minutes 29
2907 seconds East a distance of 187.87 feet to a one-half inch iron pin
2908 on the West edge of said road, thence North 29 degrees 41 minutes
2909 28 seconds East a distance of 59.28 feet to a point on the
2910 centerline of said road, thence South 89 degrees 13 minutes 02
2911 seconds East (passing through a one-half inch iron pin at 30.0
2912 feet) along the South line of the Bernard Whiteside property as
2913 recorded in Deed Book 117, Pages 517-518 and Deed Book 214, page
2914 109, a distance of 646.07 feet to a concrete monument, thence
2915 South 89 degrees 13 minutes 02 seconds East a distance of 751.31
2916 feet to a one-half inch iron pin, thence South 00 degrees 31
2917 minutes 39 seconds East, along the aforesaid Section line, a
2918 distance of 52.93 feet to the point of beginning, said tract lying
2919 in the Southeast Quarter of Section 27, and the Northeast Quarter
2920 of Section 34, Township 6 South, Range 3 East and containing 6.99
2921 acres.

2922 Subject to a perpetual all purpose non-exclusive easement for
2923 ingress, egress and public utilities together the right to enter
2924 upon the above described property and do any and all work
2925 necessary to build, repair and maintain a roadway or well or
2926 install public utilities all over upon and across the following
2927 described property:

2928 A 25.0 foot easement for ingress and egress, being 12.5 feet to
2929 the right and 12.5 feet to the left of the following described



2930 centerline: Commencing at a fence corner at the Northeast corner
2931 of Section 34, Township 6 South, Range 3 East, Union County,
2932 Mississippi, thence run South 00 degrees 31 minutes 39 seconds
2933 East, along the Section line, a distance of 149.33 feet to the
2934 point of beginning; thence North 88 degrees 20 minutes 48 seconds
2935 West a distance of 1231.46 feet to a point, thence South 09
2936 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a
2937 point, thence North 84 degrees 18 minutes 01 seconds West a
2938 distance of 221.82 feet to a point on the centerline of Union
2939 County Road #137, said tract lying in the Northeast Quarter of
2940 Section 34, Township 6 South, Range 3 East.

2941 82. The clubhouse at a country club located:

2942 a. In a county in which Mississippi
2943 Highway 15 and Mississippi Highway 16 intersect and which county
2944 has not voted to come out from under the dry law, and

2945 b. Outside the corporate limits of any
2946 municipality in such county and within one (1) mile of the
2947 corporate limits of a municipality that is the county seat of such
2948 county;

2949 83. Any facility located on North Jackson
2950 Street in a municipality through which run Mississippi Highway 8
2951 and Mississippi Highway 15, with GPS coordinates of approximately
2952 33.913692, -89.005219;

2953 84. Any facility located on North Jackson
2954 Street in a municipality through which run Mississippi Highway 8



2955 and Mississippi Highway 15, with GPS coordinates of approximately
2956 33.905581, -89.00200;

2957 85. Any facility located on land more
2958 particularly described as follows:
2959 Commencing at the Southeast corner of Section 4, Township 6
2960 South, Range 18 West, Pearl River County, Mississippi; thence
2961 West 1310.00 feet to a T-bar; thence North 745.84 feet; thence
2962 East 132.00 feet to a 1" iron pipe; thence North 83.61 feet
2963 for the Point of Beginning; thence South 79 degrees 02 minutes
2964 61 seconds West 248.28 feet; thence West 76.35 feet; thence
2965 North 20 degrees 00 minutes 00 seconds West 185.54 feet;
2966 thence North 52 degrees 43 minutes 14 seconds East 365.98 feet
2967 to a 1" iron pipe on the West margin of Henry Smith Road, a
2968 gravel/paved, public road; thence along said margin South 17
2969 degrees 59 minutes 13 seconds East 299.09 feet; thence South
2970 64.39 feet to the Point of Beginning. This parcel containing
2971 2.19 acres and being a part of the East 1/2 of Section 4,
2972 Township 6 South, Range 18 West, Pearl River County,
2973 Mississippi.

2974 INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4,
2975 TOWNSHIP 6 SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY,
2976 MISSISSIPPI;

2977 86. Any facility located on land in a county
2978 through which run Mississippi Highway 25 and U.S. Highway 82 and
2979 more particularly described as follows: Beginning at a point with



2980 GPS coordinates of approximately 33.331869, -88.715054; then
2981 running in a straight line to a point with GPS coordinates of
2982 approximately 33.336207, -88.713453; then running in a straight
2983 line to a point with GPS coordinates of approximately 33.335369,
2984 -88.709835; then running in a straight line to a point with GPS
2985 coordinates of approximately 33.330870, -88.711496; then running
2986 in a straight line to a point with GPS coordinates of
2987 approximately 33.331869, -88.715054 and the point of the
2988 beginning;

2989 87. Any facility located on land that is
2990 owned by a community college that is located in a county through
2991 which run U.S. Highway 51 and Mississippi Highway 4;

2992 88. Any facility located on Mississippi
2993 Highway 23/178 in a municipality in which Mississippi Highway
2994 23/178 and Stone Drive intersect, with GPS coordinates of
2995 approximately 34.235269, -88.262409;

2996 89. Any facility located on U.S. Highway 51
2997 in a municipality through which run Interstate 55, U.S. Highway 51
2998 and the Natchez Trace Parkway, with GPS coordinates of
2999 approximately 32.42042°N, 90.13473°W;

3000 90. Any facility located on Mullican Road in
3001 a county through which run U.S. Highway 84 and Interstate 59,
3002 with GPS coordinates of approximately 31.73395N, 89.18186W;

3003 91. Any facility located on land in a county
3004 through which run Mississippi Highway 25 and U.S. Highway 82 and



3005 more particularly described as follows: Beginning at a point with
3006 GPS coordinates of approximately 33.37391, -88.80645; then running
3007 in a straight line to a point with GPS coordinates of
3008 approximately 33.37391, -88.79972; then running in a straight line
3009 to a point with GPS coordinates of approximately 33.36672,
3010 -88.80644; then running in a straight line to a point with GPS
3011 coordinates of approximately 33.36674, -88.79971; then running in
3012 a straight line to a point with GPS coordinates of approximately
3013 33.37391, -88.80645 and the point of the beginning;

3014 92. Any facility located on land more
3015 particularly described as follows:

3016 All that part of the South half (S 1/2) of the SE 1/4 of NE 1/4 of
3017 Section 14, Township 4 North, Range 15 West, lying and being West
3018 of State Highway No. 589, containing one (1) acre, more or less.

3019 LESS AND EXCEPT:

3020 Begin at the point of intersection of the North line of the South
3021 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14,
3022 Township 4 North, Range 15 West with the present Southwesterly
3023 right-of-way line of Mississippi Highway No. 589, said point is
3024 also the Northeast corner of grantor property; said point is 50.6
3025 feet West of Station 7 + 59.27 on the centerline of survey of
3026 Mississippi Highway No. 589 as shown on the plans for State
3027 Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence
3028 South 08°57' East along said present Southwesterly right-of-way
3029 line, a distance of 37.1 feet to a point that is perpendicular to



3030 and 50 feet Southwesterly of Station 7 + 30 on the centerline of
3031 survey of Mississippi Highway 589 as shown on the plans for said
3032 project; run thence South 81°03' West, a distance of 35.7 feet to
3033 the West line of the South 1/2 of the Southeast 1/4 of the
3034 Northeast 1/4 of said Section 14 and the West line of grantors
3035 property; run thence North along said West property line, a
3036 distance of 42.2 feet to the Northwest corner of the South 1/2 of
3037 the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the
3038 Northwest corner of grantors property; run thence East along
3039 grantors North property line, a distance of 29.5 feet to the POINT
3040 OF BEGINNING containing 0.03 acres, more or less, and all being
3041 situated in and a part of the South 1/2 of the Southeast 1/4 of
3042 the Northeast 1/4 of Section 14, Township 4 North, Range 15 West,
3043 Lamar County, Mississippi.

3044 LESS AND EXCEPT:

3045 A part of the South one-half of the Southeast 1/4 of Northeast
3046 1/4, Northerly of a certain fence and West of Mississippi State
3047 Highway 589, in Section 14, Township 4 North, Range 15 West, Lamar
3048 County, Mississippi and more particularly described as commencing
3049 at a pine (lighter) stake being used as the Southwest corner of
3050 the Northeast 1/4 of Southeast 1/4 of the above said Section 14,
3051 thence North and along the West line of the East 1/4 of the above
3052 said Section 14 1638.8 feet to the POINT OF BEGINNING. Thence
3053 continue North and along the West line of the East 1/4 of the
3054 above said Section 14, 278.5 feet to the Southerly line of the



3055 property Bobby G. Aultman and Marilyn S. Aultman previously sold
3056 to the Mississippi State Highway Department; thence North 81°03'
3057 East and along the above said Southerly property line for 35.7
3058 feet more or less to the Westerly right-of-way line of Mississippi
3059 State Highway 589; thence Southeasterly and along the above said
3060 Westerly right-of-way line 232.7 feet to a concrete right-of-way
3061 marker; thence South 51°39' West and along the Northerly line of a
3062 wooden fence 88 feet to the POINT OF BEGINNING.

3063 AND ALSO:

3064 A parcel of land in a part of the Southeast 1/4 of Northwest 1/4
3065 and a part of the Southwest 1/4, Section 14, Township 4 North,
3066 Range 15 West, Lamar County, Mississippi, and more particularly
3067 described as beginning at a point where the Southerly right-of-way
3068 line of U.S. Highway 98 intersects the West line of the above said
3069 Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along
3070 the Southerly right-of-way line of said highway 208.75 feet;
3071 thence South 208.75 feet; thence South 67°34' West 208.75 feet;
3072 thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to
3073 the centerline of Parkers Creek; thence Northerly and along the
3074 centerline of said creek for the next three (3) calls: North
3075 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North
3076 09°51'30" West 64.3 feet to the Southerly right-of-way line of
3077 U.S. Highway 98; thence North 67°34' East and along the Southerly
3078 right-of-way line of said highway 327.85 feet to the POINT OF
3079 BEGINNING. The above described area contains 3.02 acres.



3080 AND ALSO:
3081 Commencing at the Southwest corner of the Southwest 1/4 of the
3082 Northeast 1/4 of Section 14, Township 4 North, Range 15 West,
3083 Lamar County, Mississippi, run South 88°05'27" East 310.00 feet,
3084 thence South 0°53'16" West 60.50 feet to a point on a fence line,
3085 thence run along fence line South 88°05'27" East 718.93 feet to
3086 the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to
3087 a point on the South right-of-way line of Highway No. 98, thence
3088 along said right-of-way along a curve to the right with a delta
3089 angle of 02°04'26" having a radius of 5603.58 feet and an arc
3090 length of 202.84 feet, with a chord bearing a distance of North
3091 71°53'47" East 202.83 feet to a Concrete Highway right-of-way
3092 marker, thence South 20°09'13" East 328.13 feet, thence South
3093 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet
3094 to a Point on Possession Line fence, thence along said fence North
3095 88°05'27" West 299.23 feet back to the POINT OF BEGINNING,
3096 containing 5.0885 acres, more or less and being situated in the SW
3097 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14,
3098 together with all improvements and appurtenances thereunto
3099 belonging.

3100 AND ALSO:
3101 PARCEL NUMBER ONE: That part of the Northwest Quarter of the
3102 Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section
3103 14, Township 4 North, Range 15 West, of Lamar County, Mississippi,
3104 being located and situated East of the center thread of Mill Creek



3105 as the same presently runs through and bisects said 40-acre tract,
3106 and comprising 10.9 acres, more or less, and all being part of the
3107 Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the
3108 Southwest 1/4) of said Section, Township and Range, Lamar County,
3109 Mississippi.

3110 AND ALSO:

3111 PARCEL NUMBER TWO: A part of the Southeast Quarter of the
3112 Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of
3113 the Northeast Quarter of the Southwest (Northeast 1/4 of the
3114 Southwest 1/4) all in Section 14, Township 4 North, Range 15 West,
3115 Lamar County, Mississippi, being more particularly described as
3116 follows, to wit:

3117 Beginning at a point where the South margin of State Highway 98
3118 intersects the West margin of the Southeast 1/4 of the Northwest
3119 1/4 of Section 14, Township 4 North, Range 15 West, and run
3120 Easterly along the South margin of said highway right-of-way
3121 208.75 feet; thence South 208.75 feet; thence Westerly parallel
3122 with the South margin of said highway right-of-way 208.75 feet to
3123 the West forty line; thence North 208.75 feet to the POINT OF
3124 BEGINNING, containing 1 acre, more or less.

3125 LESS AND EXCEPT:

3126 Begin at the point of intersection of an Easterly line of grantors
3127 property with the present Southerly right-of-way line of U.S.
3128 Highway 98 as shown on the plans for State Project No.
3129 97-0014-02-044-10; from said POINT OF BEGINNING run thence South



3130 02°56' West along said Easterly property line, a distance of 127.6
3131 feet; thence run South 69°11' West, a distance of 52.9 feet;
3132 thence run South 67°13' West, a distance of 492.7 feet to the
3133 Westerly line of grantors property and the center of a creek;
3134 thence run Northerly along said Westerly property line and said
3135 center of creek, a distance of 122.8 feet to said present
3136 Southerly right-of-way line; thence run North 67°13' East along
3137 said present Southerly right-of-way line, a distance of 553.4 feet
3138 to the POINT OF BEGINNING, containing 1.43 acres, more or less,
3139 and being situated in and a part of the North 1/2 of the Southwest
3140 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County,
3141 Mississippi.

3142 LESS AND EXCEPT:

3143 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4
3144 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST
3145 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE
3146 POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

3147 FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH 11°19'49 "
3148 EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40 °11'01" EAST
3149 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 179.15
3150 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S. HIGHWAY 98;
3151 THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF SAID HIGHWAY AS
3152 FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN IRON PIN; THENCE
3153 SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE RIGHT-OF-WAY MARKER;
3154 THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN IRON PIN; THENCE



3155 LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST 667.21 FEET TO AN
3156 IRON PIN; THENCE NORTH 67°35'21" EAST 491.91 FEET TO AN IRON PIN;
3157 THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN IRON PIN; THENCE
3158 NORTH 67°35'21" EAST 629.48 FEET BACK TO THE POINT OF BEGINNING.
3159 SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE SE 1/4
3160 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART IN THE
3161 NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH, RANGE
3162 15 WEST, LAMAR COUNTY, MISSISSIPPI.

3163 The status of these municipalities, districts, clubhouses,
3164 facilities, golf courses and areas described in this paragraph
3165 (o)(iii) as qualified resort areas does not require any
3166 declaration of same by the department.

3167 The governing authorities of a municipality described, in
3168 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
3169 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 56, 58, 59, 61,
3170 63, 64, 66, 67, 68, 73, 74, 83 or 84 of this paragraph (o)(iii)
3171 may by ordinance, with respect to the qualified resort area
3172 described in the same item: specify the hours of operation of
3173 facilities offering alcoholic beverages for sale; specify the
3174 percentage of revenue that facilities offering alcoholic beverages
3175 for sale must derive from the preparation, cooking and serving of
3176 meals and not from the sale of beverages; and designate the areas
3177 in which facilities offering alcoholic beverages for sale may be
3178 located.



3179 (p) "Native wine" means any product, produced in
3180 Mississippi for sale, having an alcohol content not to exceed
3181 twenty-one percent (21%) by weight and made in accordance with
3182 revenue laws of the United States, which shall be obtained
3183 primarily from the alcoholic fermentation of the juice of ripe
3184 grapes, fruits, berries, honey or vegetables grown and produced in
3185 Mississippi; provided that bulk, concentrated or fortified wines
3186 used for blending may be produced without this state and used in
3187 producing native wines. The department shall adopt and promulgate
3188 rules and regulations to permit a producer to import such bulk
3189 and/or fortified wines into this state for use in blending with
3190 native wines without payment of any excise tax that would
3191 otherwise accrue thereon.

3192 (q) "Native winery" means any place or establishment
3193 within the State of Mississippi where native wine is produced, in
3194 whole or in part, for sale.

3195 (r) "Bed and breakfast inn" means an establishment
3196 within a municipality where in consideration of payment, breakfast
3197 and lodging are habitually furnished to travelers and wherein are
3198 located not less than eight (8) and not more than nineteen (19)
3199 adequately furnished and completely separate sleeping rooms with
3200 adequate facilities, that persons usually apply for and receive as
3201 overnight accommodations; however, such restriction on the minimum
3202 number of sleeping rooms shall not apply to establishments on the
3203 National Register of Historic Places. No place shall qualify as a



bed and breakfast inn under this article unless on the date of the initial application for a license under this article more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.

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

(t) "Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling.

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

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

(w) "Campus" means property owned by a public school district, community or junior college, college or university in



3229 this state where educational courses are taught, school functions
3230 are held, tests and examinations are administered or academic
3231 course credits are awarded; however, the term shall not include
3232 any "restaurant" or "hotel" that is located on property owned by a
3233 community or junior college, college or university in this state,
3234 and is operated by a third party who receives all revenue
3235 generated from food and alcoholic beverage sales.

3236 (x) "Native spirit" shall mean any beverage, produced
3237 in Mississippi for sale, manufactured primarily by the
3238 distillation of fermented grain, starch, molasses or sugar
3239 produced in Mississippi, including dilutions and mixtures of these
3240 beverages. In order to be classified as "native spirit" under the
3241 provisions of this article, at least fifty-one percent (51%) of
3242 the finished product by volume shall have been obtained from
3243 distillation of fermented grain, starch, molasses or sugar grown
3244 and produced in Mississippi.

3245 (y) "Native distillery" shall mean any place or
3246 establishment within this state where native spirit is produced in
3247 whole or in part for sale.

3248 (z) "Warehouse operator" shall have the meaning
3249 ascribed in Section 67-1-201.

3250 (aa) "Light intoxicating beverage" has the meaning
3251 ascribed in Section 67-3-3.

3252 **SECTION 55.** Section 67-1-18, Mississippi Code of 1972, is
3253 amended as follows:



3254 67-1-18. (1) Any alcoholic beverage, light * * *
3255 intoxicating beverage or raw material seized under the authority
3256 of this article, Chapter 3 of Title 67, or Chapter 31 of Title 97,
3257 Mississippi Code of 1972, shall be submitted to the custody of
3258 the * * * department * * * for disposition.

3259 (2) (a) Except as otherwise provided in this paragraph, the
3260 department shall not dispose of any alcoholic beverage,
3261 light * * * intoxicating beverage or raw material without first
3262 providing reasonable notice to all individuals having an interest
3263 in the property and an opportunity for them to appear and
3264 establish their right or claim to the property. If no hearing is
3265 requested by the passage of the appropriate deadline, the
3266 department shall require the alcoholic beverages, light * * *
3267 intoxicating beverages or raw materials to be sold for the benefit
3268 of the state or destroyed.

3269 (b) The provisions of paragraph (a) of this subsection
3270 shall not apply in cases in which the owner or possessor of the
3271 alcoholic beverage, light * * * intoxicating beverage or raw
3272 material is convicted of selling or possessing alcoholic
3273 beverages, * * * light intoxicating beverages or raw materials in
3274 a manner or location prohibited by law, or convicted of a
3275 violation of Section 67-1-81(2) or 67-3-70. In such cases, the
3276 alcoholic beverage, light * * * intoxicating beverage or raw
3277 materials seized in connection with the violation may be disposed
3278 of in the manner prescribed by the department.



3279 (3) (a) If the department orders the property, other than
3280 alcoholic beverages, sold, then the property shall be sold to the
3281 highest bidder, the bidder being any person, firm or government
3282 agency. The offer for sale shall be made to not less than three
3283 (3) qualified prospective buyers, by mailing them an invitation to
3284 bid, which shall describe the property, terms of sale, method of
3285 delivery, manner of bidding and fixing a time of not more than
3286 fifteen (15) days from the date of invitation for opening of bids
3287 received by the department.

3288 (b) All bids and payment shall be made in the manner as
3289 prescribed by the department. Bids, after opening, shall be
3290 subject to public inspection.

3291 (4) If the department orders the sale of seized alcoholic
3292 beverages, it may place the alcoholic beverages in the state
3293 inventory to be sold to authorized retailers in the same manner as
3294 other alcoholic beverages in the state inventory are sold.

3295 (5) Any appeal from a seizure and disposal made under this
3296 section shall be made pursuant to Section 67-1-72.

3297 **SECTION 56.** Section 67-1-51, Mississippi Code of 1972, is
3298 amended as follows:

3299 67-1-51. (1) Permits which may be issued by the department
3300 shall be as follows:

3301 (a) **Manufacturer's permit.** A manufacturer's permit
3302 shall permit the manufacture, importation in bulk, bottling and
3303 storage of alcoholic liquor and its distribution and sale to



manufacturers holding permits under this article in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this article.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

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

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

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

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, native spirits and edibles, not to be consumed on the premises



3329 where sold. Alcoholic beverages shall not be sold by any retailer
3330 in any package or container containing less than fifty (50)
3331 milliliters by liquid measure. A package retailer's permit, with
3332 prior approval from the department, shall authorize the holder
3333 thereof to sample new product furnished by a manufacturer's
3334 representative or his employees at the permitted place of business
3335 so long as the sampling otherwise complies with this article and
3336 applicable department regulations. Such samples may not be
3337 provided to customers at the permitted place of business. In
3338 addition to the sale at retail of packages of alcoholic beverages,
3339 the holder of a package retailer's permit is authorized to sell at
3340 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
3341 other beverages commonly used to mix with alcoholic beverages, and
3342 fruits and foods that have been submerged in alcohol and are
3343 commonly referred to as edibles. Nonalcoholic beverages sold by
3344 the holder of a package retailer's permit shall not be consumed on
3345 the premises where sold.

3346 (c) **On-premises retailer's permit.** Except as otherwise
3347 provided in subsection (5) of this section, an on-premises
3348 retailer's permit shall authorize the sale of alcoholic beverages,
3349 including native wines and native spirits, for consumption on the
3350 licensed premises only; however, a patron of the permit holder may
3351 remove one (1) bottle of wine from the licensed premises if: (i)
3352 the patron consumed a portion of the bottle of wine in the course
3353 of consuming a meal purchased on the licensed premises; (ii) the



3354 permit holder securely reseals the bottle; (iii) the bottle is
3355 placed in a bag that is secured in a manner so that it will be
3356 visibly apparent if the bag is opened; and (iv) a dated receipt
3357 for the wine and the meal is available. Additionally, as part of
3358 a carryout order, a permit holder may sell one (1) bottle of wine
3359 to be removed from the licensed premises for every two (2) entrees
3360 ordered. In addition, an on-premises retailer's permittee at a
3361 permitted premises located on Jefferson Davis Avenue within
3362 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
3363 beverages by the glass to a patron in a vehicle using a
3364 drive-through method of delivery if the permitted premises is
3365 located in a leisure and recreation district established under
3366 Section 67-1-101. Such a sale will be considered to be made on
3367 the permitted premises. An on-premises retailer's permit shall be
3368 issued only to qualified hotels, restaurants and clubs, small
3369 craft breweries, microbreweries, and to common carriers with
3370 adequate facilities for serving passengers. In resort areas,
3371 however, whether inside or outside of a municipality, the
3372 department, in its discretion, may issue on-premises retailer's
3373 permits to any establishments located therein as it deems proper.
3374 An on-premises retailer's permit when issued to a common carrier
3375 shall authorize the sale and serving of alcoholic beverages aboard
3376 any licensed vehicle while moving through any county of the state;
3377 however, the sale of such alcoholic beverages shall not be
3378 permitted while such vehicle is stopped in a county that has not



3379 legalized such sales. If an on-premises retailer's permit is
3380 applied for by a common carrier operating solely in the water,
3381 such common carrier must, along with all other qualifications for
3382 a permit, (i) be certified to carry at least one hundred fifty
3383 (150) passengers and/or provide overnight accommodations for at
3384 least fifty (50) passengers and (ii) operate primarily in the
3385 waters within the State of Mississippi which lie adjacent to the
3386 State of Mississippi south of the three (3) most southern counties
3387 in the State of Mississippi and/or on the Mississippi River or
3388 navigable waters within any county bordering on the Mississippi
3389 River.

3390 (d) **Solicitor's permit.** A solicitor's permit shall
3391 authorize the holder thereof to act as salesman for a manufacturer
3392 or wholesaler holding a proper permit, to solicit on behalf of his
3393 employer orders for alcoholic beverages, and to otherwise promote
3394 his employer's products in a legitimate manner. Such a permit
3395 shall authorize the representation of and employment by one (1)
3396 principal only. However, the permittee may also, in the
3397 discretion of the department, be issued additional permits to
3398 represent other principals. No such permittee shall buy or sell
3399 alcoholic beverages for his own account, and no such beverage
3400 shall be brought into this state in pursuance of the exercise of
3401 such permit otherwise than through a permit issued to a wholesaler
3402 or manufacturer in the state.



3403 (e) **Native wine retailer's permit.** Except as otherwise
3404 provided in subsection (5) of this section, a native wine
3405 retailer's permit shall be issued only to a holder of a Class 3
3406 manufacturer's permit, and shall authorize the holder thereof to
3407 make retail sales of native wines to consumers for on-premises
3408 consumption or to consumers in originally sealed and unopened
3409 containers at an establishment located on the premises of or in
3410 the immediate vicinity of a native winery. When selling to
3411 consumers for on-premises consumption, a holder of a native wine
3412 retailer's permit may add to the native wine alcoholic beverages
3413 not produced on the premises, so long as the total volume of
3414 foreign beverage components does not exceed twenty percent (20%)
3415 of the mixed beverage. Hours of sale shall be the same as those
3416 authorized for on-premises permittees in the city or county in
3417 which the native wine retailer is located.

3418 (f) **Temporary retailer's permit.** Except as otherwise
3419 provided in subsection (5) of this section, a temporary retailer's
3420 permit shall permit the purchase and resale of alcoholic
3421 beverages, including native wines and native spirits, during legal
3422 hours on the premises described in the temporary permit only.

3423 Temporary retailer's permits shall be of the following
3424 classes:

3425 Class 1. A temporary one-day permit may be issued to bona
3426 fide nonprofit civic or charitable organizations authorizing the
3427 sale of alcoholic beverages, including native wine and native



3428 spirit, for consumption on the premises described in the temporary
3429 permit only. Class 1 permits may be issued only to applicants
3430 demonstrating to the department, by a statement signed under
3431 penalty of perjury submitted ten (10) days prior to the proposed
3432 date or such other time as the department may determine, that they
3433 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
3434 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
3435 Class 1 permittees shall obtain all alcoholic beverages from
3436 package retailers located in the county in which the temporary
3437 permit is issued. Alcoholic beverages remaining in stock upon
3438 expiration of the temporary permit may be returned by the
3439 permittee to the package retailer for a refund of the purchase
3440 price upon consent of the package retailer or may be kept by the
3441 permittee exclusively for personal use and consumption, subject to
3442 all laws pertaining to the illegal sale and possession of
3443 alcoholic beverages. The department, following review of the
3444 statement provided by the applicant and the requirements of the
3445 applicable statutes and regulations, may issue the permit.

3446 Class 2. A temporary permit, not to exceed seventy (70)
3447 days, may be issued to prospective permittees seeking to transfer
3448 a permit authorized in paragraph (c) of this subsection. A Class
3449 2 permit may be issued only to applicants demonstrating to the
3450 department, by a statement signed under the penalty of perjury,
3451 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
3452 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and



3453 67-1-59. The department, following a preliminary review of the
3454 statement provided by the applicant and the requirements of the
3455 applicable statutes and regulations, may issue the permit.

3456 Class 2 temporary permittees must purchase their alcoholic
3457 beverages directly from the department or, with approval of the
3458 department, purchase the remaining stock of the previous
3459 permittee. If the proposed applicant of a Class 1 or Class 2
3460 temporary permit falsifies information contained in the
3461 application or statement, the applicant shall never again be
3462 eligible for a retail alcohol beverage permit and shall be subject
3463 to prosecution for perjury.

3464 Class 3. A temporary one-day permit may be issued to a
3465 retail establishment authorizing the complimentary distribution of
3466 wine, including native wine, to patrons of the retail
3467 establishment at an open house or promotional event, for
3468 consumption only on the premises described in the temporary
3469 permit. A Class 3 permit may be issued only to an applicant
3470 demonstrating to the department, by a statement signed under
3471 penalty of perjury submitted ten (10) days before the proposed
3472 date or such other time as the department may determine, that it
3473 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
3474 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
3475 A Class 3 permit holder shall obtain all alcoholic beverages from
3476 the holder(s) of a package retailer's permit located in the county
3477 in which the temporary permit is issued. Wine remaining in stock



3478 upon expiration of the temporary permit may be returned by the
3479 Class 3 temporary permit holder to the package retailer for a
3480 refund of the purchase price, with consent of the package
3481 retailer, or may be kept by the Class 3 temporary permit holder
3482 exclusively for personal use and consumption, subject to all laws
3483 pertaining to the illegal sale and possession of alcoholic
3484 beverages. The department, following review of the statement
3485 provided by the applicant and the requirements of the applicable
3486 statutes and regulations, may issue the permit. No retailer may
3487 receive more than twelve (12) Class 3 temporary permits in a
3488 calendar year. A Class 3 temporary permit shall not be issued to
3489 a retail establishment that either holds a merchant permit issued
3490 under paragraph (1) of this subsection, or holds a permit issued
3491 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
3492 the holder to engage in the business of a retailer of light * * *
3493 intoxicating beverages.

3494 (g) **Caterer's permit.** A caterer's permit shall permit
3495 the purchase of alcoholic beverages by a person engaging in
3496 business as a caterer and the resale of alcoholic beverages by
3497 such person in conjunction with such catering business. No person
3498 shall qualify as a caterer unless forty percent (40%) or more of
3499 the revenue derived from such catering business shall be from the
3500 serving of prepared food and not from the sale of alcoholic
3501 beverages and unless such person has obtained a permit for such
3502 business from the Department of Health. A caterer's permit shall



3503 not authorize the sale of alcoholic beverages on the premises of
3504 the person engaging in business as a caterer; however, the holder
3505 of an on-premises retailer's permit may hold a caterer's permit.
3506 When the holder of an on-premises retailer's permit or an
3507 affiliated entity of the holder also holds a caterer's permit, the
3508 caterer's permit shall not authorize the service of alcoholic
3509 beverages on a consistent, recurring basis at a separate, fixed
3510 location owned or operated by the caterer, on-premises retailer or
3511 affiliated entity and an on-premises retailer's permit shall be
3512 required for the separate location. All sales of alcoholic
3513 beverages by holders of a caterer's permit shall be made at the
3514 location being catered by the caterer, and, except as otherwise
3515 provided in subsection (5) of this section, such sales may be made
3516 only for consumption at the catered location. The location being
3517 catered may be anywhere within a county or judicial district that
3518 has voted to come out from under the dry laws or in which the sale
3519 and distribution of alcoholic beverages is otherwise authorized by
3520 law. Such sales shall be made pursuant to any other conditions
3521 and restrictions which apply to sales made by on-premises retail
3522 permittees. The holder of a caterer's permit or his employees
3523 shall remain at the catered location as long as alcoholic
3524 beverages are being sold pursuant to the permit issued under this
3525 paragraph (g), and the permittee shall have at the location the
3526 identification card issued by the * * * division * * *. No unsold
3527 alcoholic beverages may be left at the catered location by the



3528 permittee upon the conclusion of his business at that location.
3529 Appropriate law enforcement officers and * * * division personnel
3530 may enter a catered location on private property in order to
3531 enforce laws governing the sale or serving of alcoholic beverages.

3532 (h) **Research permit.** A research permit shall authorize
3533 the holder thereof to operate a research facility for the
3534 professional research of alcoholic beverages. Such permit shall
3535 authorize the holder of the permit to import and purchase limited
3536 amounts of alcoholic beverages from the department or from
3537 importers, wineries and distillers of alcoholic beverages for
3538 professional research.

3539 (i) **Alcohol processing permit.** An alcohol processing
3540 permit shall authorize the holder thereof to purchase, transport
3541 and possess alcoholic beverages for the exclusive use in cooking,
3542 processing or manufacturing products which contain alcoholic
3543 beverages as an integral ingredient. An alcohol processing permit
3544 shall not authorize the sale of alcoholic beverages on the
3545 premises of the person engaging in the business of cooking,
3546 processing or manufacturing products which contain alcoholic
3547 beverages. The amounts of alcoholic beverages allowed under an
3548 alcohol processing permit shall be set by the department.

3549 (j) **Hospitality cart permit.** A hospitality cart permit
3550 shall authorize the sale of alcoholic beverages from a mobile cart
3551 on a golf course that is the holder of an on-premises retailer's



3552 permit. The alcoholic beverages sold from the cart must be
3553 consumed within the boundaries of the golf course.

3554 (k) **Special service permit.** A special service permit
3555 shall authorize the holder to sell commercially sealed alcoholic
3556 beverages to the operator of a commercial or private aircraft for
3557 en route consumption only by passengers. A special service permit
3558 shall be issued only to a fixed-base operator who contracts with
3559 an airport facility to provide fueling and other associated
3560 services to commercial and private aircraft.

3561 (l) **Merchant permit.** Except as otherwise provided in
3562 subsection (5) of this section, a merchant permit shall be issued
3563 only to the owner of a spa facility, an art studio or gallery, or
3564 a cooking school, and shall authorize the holder to serve
3565 complimentary by the glass wine only, including native wine, at
3566 the holder's spa facility, art studio or gallery, or cooking
3567 school. A merchant permit holder shall obtain all wine from the
3568 holder of a package retailer's permit.

3569 (m) **Temporary alcoholic beverages charitable auction**
3570 **permit.** A temporary permit, not to exceed five (5) days, may be
3571 issued to a qualifying charitable nonprofit organization that is
3572 exempt from taxation under Section 501(c)(3) or (4) of the
3573 Internal Revenue Code of 1986. The permit shall authorize the
3574 holder to sell alcoholic beverages for the limited purpose of
3575 raising funds for the organization during a live or silent auction
3576 that is conducted by the organization and that meets the following



3577 requirements: (i) the auction is conducted in an area of the
3578 state where the sale of alcoholic beverages is authorized; (ii) if
3579 the auction is conducted on the premises of an on-premises
3580 retailer's permit holder, then the alcoholic beverages to be
3581 auctioned must be stored separately from the alcoholic beverages
3582 sold, stored or served on the premises, must be removed from the
3583 premises immediately following the auction, and may not be
3584 consumed on the premises; (iii) the permit holder may not conduct
3585 more than two (2) auctions during a calendar year; (iv) the permit
3586 holder may not pay a commission or promotional fee to any person
3587 to arrange or conduct the auction.

3588 (n) **Event venue retailer's permit.** An event venue
3589 retailer's permit shall authorize the holder thereof to purchase
3590 and resell alcoholic beverages, including native wines and native
3591 spirits, for consumption on the premises during legal hours during
3592 events held on the licensed premises if food is being served at
3593 the event by a caterer who is not affiliated with or related to
3594 the permittee. The caterer must serve at least three (3) entrees.
3595 The permit may only be issued for venues that can accommodate two
3596 hundred (200) persons or more. The number of persons a venue may
3597 accommodate shall be determined by the local fire department and
3598 such determination shall be provided in writing and submitted
3599 along with all other documents required to be provided for an
3600 on-premises retailer's permit. The permittee must derive the
3601 majority of its revenue from event-related fees, including, but



3602 not limited to, admission fees or ticket sales for live
3603 entertainment in the building. "Event-related fees" do not
3604 include * * * alcoholic beverage or light intoxicating beverage
3605 sales or any fee which may be construed to cover the cost of * * *
3606 alcoholic beverages or light intoxicating beverages. This
3607 determination shall be made on a per event basis. An event may
3608 not last longer than two (2) consecutive days per week.

3609 (o) **Temporary theatre permit.** A temporary theatre
3610 permit, not to exceed five (5) days, may be issued to a charitable
3611 nonprofit organization that is exempt from taxation under Section
3612 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
3613 a theatre facility that features plays and other theatrical
3614 performances and productions. Except as otherwise provided in
3615 subsection (5) of this section, the permit shall authorize the
3616 holder to sell alcoholic beverages, including native wines and
3617 native spirits, to patrons of the theatre during performances and
3618 productions at the theatre facility for consumption during such
3619 performances and productions on the premises of the facility
3620 described in the permit. A temporary theatre permit holder shall
3621 obtain all alcoholic beverages from package retailers located in
3622 the county in which the permit is issued. Alcoholic beverages
3623 remaining in stock upon expiration of the temporary theatre permit
3624 may be returned by the permittee to the package retailer for a
3625 refund of the purchase price upon consent of the package retailer
3626 or may be kept by the permittee exclusively for personal use and



consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.



3652 (q) **Distillery retailer's permit.** The holder of a
3653 Class 1 manufacturer's permit may obtain a distillery retailer's
3654 permit. A distillery retailer's permit shall authorize the holder
3655 thereof to sell at retail alcoholic beverages to consumers for
3656 on-premises consumption, or to consumers by the sealed and
3657 unopened bottle from a retail location at the distillery for
3658 off-premises consumption. The holder may only sell product
3659 manufactured by the manufacturer at the distillery described in
3660 the permit. However, when selling to consumers for on-premises
3661 consumption, a holder of a distillery retailer's permit may add
3662 other beverages, alcoholic or not, so long as the total volume of
3663 other beverage components containing alcohol does not exceed
3664 twenty percent (20%). Hours of sale shall be the same as those
3665 authorized for on-premises permittees in the city or county in
3666 which the distillery retailer is located.

3667 The holder shall not sell at retail more than ten percent
3668 (10%) of the alcoholic beverages produced annually at its
3669 distillery. The holder shall not make retail sales of more than
3670 two and twenty-five one-hundredths (2.25) liters, in the
3671 aggregate, of the alcoholic beverages produced at its distillery
3672 to any one (1) individual for consumption off the premises of the
3673 distillery within a twenty-four-hour period. The hours of sale
3674 shall be the same as those hours for package retailers under this
3675 article. The holder of a distillery retailer's permit is not
3676 required to purchase the alcoholic beverages authorized to be sold



3677 by this paragraph from the department's liquor distribution
3678 warehouse; however, if the holder does not purchase the alcoholic
3679 beverages from the department's liquor distribution warehouse, the
3680 holder shall pay to the department all taxes, fees and surcharges
3681 on the alcoholic beverages that are imposed upon the sale of
3682 alcoholic beverages shipped by the department or its warehouse
3683 operator. In addition to alcoholic beverages, the holder of a
3684 distillery retailer's permit may sell at retail promotional
3685 products from the same retail location, including shirts, hats,
3686 glasses, and other promotional products customarily sold by
3687 alcoholic beverage manufacturers.

3688 (r) **Festival Wine Permit.** Any wine manufacturer or
3689 native wine producer permitted by Mississippi or any other state
3690 is eligible to obtain a Festival Wine Permit. This permit
3691 authorizes the entity to transport product manufactured by it to
3692 festivals held within the State of Mississippi and sell sealed,
3693 unopened bottles to festival participants. The holder of this
3694 permit may provide samples at no charge to participants.
3695 "Festival" means any event at which three (3) or more vendors are
3696 present at a location for the sale or distribution of goods. The
3697 holder of a Festival Wine Permit is not required to purchase the
3698 alcoholic beverages authorized to be sold by this paragraph from
3699 the department's liquor distribution warehouse. However, if the
3700 holder does not purchase the alcoholic beverages from the
3701 department's liquor distribution warehouse, the holder of this



3702 permit shall pay to the department all taxes, fees and surcharges
3703 on the alcoholic beverages sold at such festivals that are imposed
3704 upon the sale of alcoholic beverages shipped by the * * *
3705 division * * *. Additionally, the entity shall file all
3706 applicable reports and returns as prescribed by the department.
3707 This permit is issued per festival and provides authority to sell
3708 for two (2) consecutive days during the hours authorized for
3709 on-premises permittees' sales in that county or city. The holder
3710 of the permit shall be required to maintain all requirements set
3711 by Local Option Law for the service and sale of alcoholic
3712 beverages. This permit may be issued to entities participating in
3713 festivals at which a Class 1 temporary permit is in effect.

3714 This paragraph (r) shall stand repealed from and after July
3715 1, 2026.

3716 (s) **Charter vessel operator's permit.** Subject to the
3717 provisions of this paragraph (s), a charter vessel operator's
3718 permit shall authorize the holder thereof and its employees to
3719 sell and serve alcoholic beverages to passengers of the permit
3720 holder during public tours, historical tours, ecological tours and
3721 sunset cruises provided by the permit holder. The permit shall
3722 authorize the holder to only sell alcoholic beverages, including
3723 native wines, to passengers of the charter vessel operator during
3724 public tours, historical tours, ecological tours and sunset
3725 cruises provided by the permit holder aboard the charter vessel
3726 operator for consumption during such tours and cruises on the



3727 premises of the charter vessel operator described in the permit.
3728 For the purposes of this paragraph (s), "charter vessel operator"
3729 means a common carrier that (i) is certified to carry at least
3730 forty-nine (49) passengers, (ii) operates only in the waters
3731 within the State of Mississippi, which lie south of Interstate 10
3732 in the three (3) most southern counties in the State of
3733 Mississippi, and lie adjacent to the State of Mississippi south of
3734 the three (3) most southern counties in the State of Mississippi,
3735 extending not further than one (1) mile south of such counties,
3736 and (iii) provides vessel services for tours and cruises in such
3737 waters as provided in this paragraph(s).

3738 (t) **Native spirit retailer's permit.** Except as
3739 otherwise provided in subsection (5) of this section, a native
3740 spirit retailer's permit shall be issued only to a holder of a
3741 Class 4 manufacturer's permit, and shall authorize the holder
3742 thereof to make retail sales of native spirits to consumers for
3743 on-premises consumption or to consumers in originally sealed and
3744 unopened containers at an establishment located on the premises of
3745 or in the immediate vicinity of a native distillery. When selling
3746 to consumers for on-premises consumption, a holder of a native
3747 spirit retailer's permit may add to the native spirit alcoholic
3748 beverages not produced on the premises, so long as the total
3749 volume of foreign beverage components does not exceed twenty
3750 percent (20%) of the mixed beverage. Hours of sale shall be the



3751 same as those authorized for on-premises permittees in the city or
3752 county in which the native spirit retailer is located.

3753 (u) **Delivery service permit.** Any individual, limited
3754 liability company, corporation or partnership registered to do
3755 business in this state is eligible to obtain a delivery service
3756 permit. Subject to the provisions of Section 67-1-51.1, this
3757 permit authorizes the permittee, or its employee or an independent
3758 contractor acting on its behalf, to deliver alcoholic
3759 beverages * * * and light intoxicating beverages from a licensed
3760 retailer to a person in this state who is at least twenty-one (21)
3761 years of age for the individual's use and not for resale. This
3762 permit does not authorize the delivery of alcoholic
3763 beverages * * * or light intoxicating beverages to the premises of
3764 a location with a permit for the manufacture, distribution or
3765 retail sale of alcoholic beverages * * * or light intoxicating
3766 beverages. The holder of a package retailer's permit or an
3767 on-premises retailer's permit under Section 67-1-51 or of a * * *
3768 light intoxicating beverage permit under Section 67-3-19 is
3769 authorized to apply for a delivery service permit as a privilege
3770 separate from its existing retail permit.

3771 (v) **Food truck permit.** A food truck permit shall
3772 authorize the holder of an on-premises retailer's permit to use a
3773 food truck to sell alcoholic beverages off its premises to guests
3774 who must consume the beverages in open containers. For the
3775 purposes of this paragraph (v), "food truck" means a fully encased



3776 food service establishment on a motor vehicle or on a trailer that
3777 a motor vehicle pulls to transport, and from which a vendor,
3778 standing within the frame of the establishment, prepares, cooks,
3779 sells and serves food for immediate human consumption. The term
3780 "food truck" does not include a food cart that is not motorized.
3781 Food trucks shall maintain such distance requirements from
3782 schools, churches, kindergartens and funeral homes as are required
3783 for on-premises retailer's permittees under this article, and all
3784 sales must be made within a valid leisure and recreation district
3785 established under Section 67-1-101. Food trucks cannot sell or
3786 serve alcoholic beverages unless also offering food prepared and
3787 cooked within the food truck, and permittees must maintain a
3788 twenty-five percent (25%) food sale revenue requirement based on
3789 the food sold from the food truck alone. The hours allowed for
3790 sale shall be the same as those for on-premises retailer's
3791 permittees in the location. This permit will not be required for
3792 the holder of a caterer's permit issued under this article to
3793 cater an event as allowed by law. Permittees must provide notice
3794 of not less than forty-eight (48) hours to the department of each
3795 location at which alcoholic beverages will be sold.

3796 (w) **On-premises tobacco permit.** An on-premises tobacco
3797 permit shall authorize the permittee to sell alcoholic beverages
3798 for consumption on the licensed premises. In addition to all
3799 other requirements to obtain an alcoholic beverage permit, the
3800 permittee must obtain and maintain a tobacco permit issued by the



3801 State of Mississippi, and have a capital investment of not less
3802 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
3803 for which the permit is issued. In addition to alcoholic
3804 beverages, the permittee is authorized to sell only cigars,
3805 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
3806 Additionally, seventy-five percent (75%) of the permittee's annual
3807 gross revenue must be derived from the sale of cigars, cheroots,
3808 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
3809 be required, but food may be sold on the premises. The issuance
3810 of this permit does not remove any obligation a permittee may have
3811 to follow local ordinances or actions prohibiting the use of
3812 tobacco products.

3813 (2) Except as otherwise provided in subsection (4) of this
3814 section, retail permittees may hold more than one (1) retail
3815 permit, at the discretion of the department.

3816 (3) (a) Except as otherwise provided in this subsection, no
3817 authority shall be granted to any person to manufacture, sell or
3818 store for sale any intoxicating liquor as specified in this
3819 article within four hundred (400) feet of any church, school
3820 (excluding any community college, junior college, college or
3821 university), kindergarten or funeral home. However, within an
3822 area zoned commercial or business, such minimum distance shall be
3823 not less than one hundred (100) feet.

3824 (b) A church or funeral home may waive the distance
3825 restrictions imposed in this subsection in favor of allowing



3826 issuance by the department of a permit, pursuant to subsection (1)
3827 of this section, to authorize activity relating to the
3828 manufacturing, sale or storage of alcoholic beverages which would
3829 otherwise be prohibited under the minimum distance criterion.
3830 Such waiver shall be in written form from the owner, the governing
3831 body, or the appropriate officer of the church or funeral home
3832 having the authority to execute such a waiver, and the waiver
3833 shall be filed with and verified by the department before becoming
3834 effective.

3835 (c) The distance restrictions imposed in this
3836 subsection shall not apply to the sale or storage of alcoholic
3837 beverages at a bed and breakfast inn listed in the National
3838 Register of Historic Places or to the sale or storage of alcoholic
3839 beverages in a historic district that is listed in the National
3840 Register of Historic Places, is a qualified resort area and is
3841 located in a municipality having a population greater than one
3842 hundred thousand (100,000) according to the latest federal
3843 decennial census.

3844 (d) The distance restrictions imposed in this
3845 subsection shall not apply to the sale or storage of alcoholic
3846 beverages at a qualified resort area as defined in Section
3847 67-1-5(o)(iii)32.

3848 (e) The distance restrictions imposed in this
3849 subsection shall not apply to the sale or storage of alcoholic
3850 beverages at a licensed premises in a building formerly owned by a



3851 municipality and formerly leased by the municipality to a
3852 municipal school district and used by the municipal school
3853 district as a district bus shop facility.

3854 (f) The distance restrictions imposed in this
3855 subsection shall not apply to the sale or storage of alcoholic
3856 beverages at a licensed premises in a building consisting of at
3857 least five thousand (5,000) square feet and located approximately
3858 six hundred (600) feet from the intersection of Mississippi
3859 Highway 15 and Mississippi Highway 4.

3860 (g) The distance restrictions imposed in this
3861 subsection shall not apply to the sale or storage of alcoholic
3862 beverages at a licensed premises in a building located at or near
3863 the intersection of Ward and Tate Streets and adjacent properties
3864 in the City of Senatobia, Mississippi.

3865 (h) The distance restrictions imposed in this
3866 subsection shall not apply to the sale or storage of alcoholic
3867 beverages at a theatre facility that features plays and other
3868 theatrical performances and productions and (i) is capable of
3869 seating more than seven hundred fifty (750) people, (ii) is owned
3870 by a municipality which has a population greater than ten thousand
3871 (10,000) according to the latest federal decennial census, (iii)
3872 was constructed prior to 1930, (iv) is on the National Register of
3873 Historic Places, and (v) is located in a historic district.

3874 (i) The distance restrictions imposed in this
3875 subsection shall not apply to the sale or storage of alcoholic



3876 beverages at a licensed premises in a building located
3877 approximately one and six-tenths (1.6) miles north of the
3878 intersection of Mississippi Highway 15 and Mississippi Highway 4
3879 on the west side of Mississippi Highway 15.

3880 (4) No person, either individually or as a member of a firm,
3881 partnership, limited liability company or association, or as a
3882 stockholder, officer or director in a corporation, shall own or
3883 control any interest in more than one (1) package retailer's
3884 permit, nor shall such person's spouse, if living in the same
3885 household of such person, any relative of such person, if living
3886 in the same household of such person, or any other person living
3887 in the same household with such person own any interest in any
3888 other package retailer's permit; however, in the case of a person
3889 holding a package retailer's permit issued before July 1, 2024,
3890 such a person may own one (1) additional package retailer's permit
3891 if the additional permit is issued for a premises with a minimum
3892 capital investment of Twenty Million Dollars (\$20,000,000.00) that
3893 is part of a major retail development project and located in one
3894 (1) of the three (3) most southern counties in the State of
3895 Mississippi, and not within one hundred (100) miles of another
3896 location in the State of Mississippi, for which the permittee
3897 holds such a permit.

3898 (5) (a) In addition to any other authority granted under
3899 this section, the holder of a permit issued under subsection
3900 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may



3901 sell or otherwise provide alcoholic beverages and/or wine to a
3902 patron of the permit holder in the manner authorized in the permit
3903 and the patron may remove an open glass, cup or other container of
3904 the alcoholic beverage and/or wine from the licensed premises and
3905 may possess and consume the alcoholic beverage or wine outside of
3906 the licensed premises if: (i) the licensed premises is located
3907 within a leisure and recreation district created under Section
3908 67-1-101 and (ii) the patron remains within the boundaries of the
3909 leisure and recreation district while in possession of the
3910 alcoholic beverage or wine.

3911 (b) Nothing in this subsection shall be construed to
3912 allow a person to bring any alcoholic beverages into a permitted
3913 premises except to the extent otherwise authorized by this
3914 article.

3915 **SECTION 57.** Section 67-1-51.1, Mississippi Code of 1972, is
3916 amended as follows:

3917 67-1-51.1. (1) The holder of a delivery service permit
3918 under Section 67-1-51:

3919 (a) May contract with the holder of a package
3920 retailer's permit or an on-premises retailer's permit under
3921 Section 67-1-51 or the holder of a * * * light intoxicating
3922 beverage retail permit under Section 67-3-19 for the purpose of
3923 intrastate delivery of alcoholic beverages or * * * light
3924 intoxicating beverages, as authorized to be sold under the
3925 respective permits;



3926 (b) May deliver alcoholic beverages or * * * light
3927 intoxicating beverages without a delivery contract, if the
3928 permittee holds a package retailer's permit or an on-premises
3929 retailer's permit under Section 67-1-51 or a * * * light
3930 intoxicating beverage retail permit under Section 67-3-19,
3931 respectively;

3932 (c) May use its own employees or independent
3933 contractors who are at least twenty-one (21) years of age to
3934 deliver such alcoholic beverages * * * or light intoxicating
3935 beverages under this section, provided all delivery agents are
3936 trained and certified consistent with the training program
3937 submitted to the division as required by subsection (2) (d) of this
3938 section. If independent contractors are used, the delivery
3939 service permittee must enter into a contract with the retailer as
3940 required by subsection (2) (c) of this section;

3941 (d) May facilitate orders by telephone, internet or
3942 other electronic means for the sale and delivery of alcoholic
3943 beverages * * * or light intoxicating beverages under this
3944 section. The full amount of each order must be handled in a
3945 manner that gives the retail permittee control over the ultimate
3946 receipt of payment from the consumer. The retail permittee shall
3947 remain responsible for the proper remittance of all applicable
3948 taxes on the sale of the product;



3949 (e) May deliver only sealed containers of alcoholic
3950 beverages * * * or light intoxicating beverages to an individual
3951 in Mississippi;

3952 (f) Shall obtain from the customer a confirmation that
3953 he or she is at least twenty-one (21) years of age at the time the
3954 order is placed;

3955 (g) Shall place a stamp, print or label on the outside
3956 of the sealed package to indicate that the sealed package contains
3957 alcoholic beverages * * * or light intoxicating beverages;

3958 (h) Shall require the recipient, at the time of
3959 delivery, to provide valid photo identification verifying he or
3960 she is at least twenty-one (21) years of age and to sign for the
3961 delivery;

3962 (i) Shall possess identification scanning software
3963 technology or a state-of-the-art alternative at the point of
3964 delivery to verify the recipient is at least twenty-one (21) years
3965 of age and to collect the recipient's name and date of birth.
3966 Records relating to this verification shall be maintained for at
3967 least ninety (90) days and shall be subject to review by the
3968 division;

3969 (j) Shall return all alcoholic beverages * * * or light
3970 intoxicating beverages to the retailer if the recipient is under
3971 the age of twenty-one (21) years, appears intoxicated, fails to
3972 provide proof of identification, fails or refuses to sign for
3973 delivery, fails to complete the identification verification



3974 process or declines to accept delivery, or if any circumstances in
3975 the delivery environment indicate illegal conduct, overconsumption
3976 of alcohol, or an otherwise unsafe environment for the consumption
3977 of alcohol;

3978 (k) May not deliver any alcoholic beverage * * * or
3979 light intoxicating beverage to any person located within a
3980 jurisdiction that is dry for that product, as provided by the
3981 division's wet-dry map;

3982 (l) May not deliver any alcoholic beverage * * * or
3983 light intoxicating beverage in a jurisdiction during times
3984 prohibited for lawful sale in that jurisdiction;

3985 (m) May not deliver any alcoholic beverage * * * or
3986 light intoxicating beverage more than thirty (30) miles from the
3987 retailer's licensed premises;

3988 (n) Shall permit the division to perform an audit of
3989 the licensee's records upon request and with sufficient
3990 notification; and

3991 (o) Shall be deemed to have consented to the
3992 jurisdiction of the division or any law enforcement agency and the
3993 Mississippi courts concerning enforcement of this section and any
3994 related laws or rules.

3995 (2) In order to receive a delivery service permit, an
3996 applicant shall:

3997 (a) File an application with the division;



3998 (b) Pay the privilege license tax of Five Hundred
3999 Dollars (\$500.00) as provided in Section 27-71-5;

4000 (c) Provide to the division a sample contract that the
4001 applicant intends to enter into with a retailer for the delivery
4002 of alcoholic beverages * * * or light intoxicating beverages,
4003 unless the applicant is the retailer;

4004 (d) Submit to the division an outline of an internal or
4005 external training and certification program for delivery service
4006 personnel that addresses topics such as identifying underage
4007 persons, intoxicated persons, and fake or altered identification;

4008 (e) Provide an attestation that the applicant is at
4009 least twenty-one (21) years of age and has not been convicted of a
4010 felony in any state or federal courts;

4011 (f) Shall provide proof of a general liability
4012 insurance policy in an amount not less than One Million Dollars
4013 (\$1,000,000.00) per occurrence; and

4014 (g) Shall be properly registered to conduct business in
4015 Mississippi.

4016 (3) Nothing in this section shall be construed to require a
4017 technology services company to obtain a delivery service permit if
4018 the company does not employ or contract with delivery agents but
4019 merely provides software or a digital network application that
4020 connects consumers and licensed retailers for the delivery of
4021 alcoholic beverages from the licensed retailer. However, the act



of connecting consumers to licensed retailers shall serve to grant jurisdiction to the State of Mississippi.

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

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

(6) Nothing in this section shall be construed to limit or otherwise diminish the ability of the division to enforce the provisions of Chapters 1 and 3, Title 67, Mississippi Code of



4047 1972, with respect to the liability of any package retailer's
4048 permittee, on-premises retailer's permittee, retail permittee
4049 for * * * light intoxicating beverages, or delivery service
4050 permittee engaging in delivery activity authorized by this
4051 section.

4052 (7) Nothing in this section shall be construed to authorize
4053 the direct shipment of alcoholic beverages * * * or light
4054 intoxicating beverages from any manufacturer or distributor
4055 holding a permit under this article, or under Title 67, Chapter 3,
4056 Mississippi Code of 1972, to consumers in this state.

4057 **SECTION 58.** Section 67-1-72, Mississippi Code of 1972, is
4058 amended as follows:

4059 67-1-72. (1) Except as otherwise provided in this article,
4060 any applicant or holder of a permit issued under this article
4061 which is aggrieved by an action of the department * * * to deny
4062 his application for a permit, to deny the renewal of his permit or
4063 to revoke or suspend his permit shall be allowed to appeal to the
4064 Board of Tax Appeals from this action. This appeal is to be filed
4065 by the aggrieved person with the Executive Director of the Board
4066 of Tax Appeals, with a copy being sent to the department * * *,
4067 within fifteen (15) days from the date that person received notice
4068 of the action of the department being aggrieved. If the person
4069 aggrieved fails to appeal within this fifteen-day period, the
4070 action of the department * * * shall take effect as set out in the
4071 notice. The department * * * retains the authority to change at



4072 any time the action aggrieved to in an appeal under this
4073 subsection. The applicant or holder of any permit issued under
4074 this article may waive his right to notice and opportunity to a
4075 hearing as provided by this subsection and agree to the action
4076 being taken by the department. The inability of the
4077 department * * * to issue or renew a permit due to an incomplete
4078 application or due to the failure of the applicant to pay the
4079 annual privilege taxes and fees provided by Section 27-71-5 and/or
4080 the failure of the applicant to post or deposit the bond, cash or
4081 securities as required by Section 27-71-21 shall not constitute a
4082 denial for purposes of this subsection.

4083 (2) Any applicant for approval as a manager of an
4084 establishment operating under a permit issued under this article
4085 or who holds the designation of an approved manager of an
4086 establishment operating under a permit issued under this article
4087 and who is aggrieved by an action of the department * * * to deny
4088 his application for approval as a manager or to revoke or suspend
4089 his designation as an approved manager shall be allowed to appeal
4090 to the Board of Tax Appeals from this action. This appeal is to
4091 be filed by the aggrieved person with the Executive Director of
4092 the Board of Tax Appeals, with a copy being sent to the
4093 department * * *, within fifteen (15) days from the date that
4094 person received notice of the action of the department being
4095 aggrieved. If the person aggrieved fails to appeal within this
4096 fifteen-day period, the action of the department * * * shall take



4097 effect as set out in the notice. The department * * * retains the
4098 authority to change at any time the action aggrieved to in an
4099 appeal under this subsection. The applicant or holder of an
4100 approved manager designation may waive his right to notice and
4101 opportunity to a hearing as provided by this subsection and agree
4102 to the action being taken by the department. The inability of the
4103 department * * * to consider an application for approval of an
4104 applicant as a manager due to an incomplete application shall not
4105 constitute a denial of the application for purposes of this
4106 subsection.

4107 (3) Any applicant for approval of an area or locality as a
4108 qualified resort area under this article who is aggrieved by the
4109 decision of the department * * * to deny the qualified resort area
4110 as requested and any county or municipality wherein the proposed
4111 qualified resort area is located may appeal to the Board of Tax
4112 Appeals from such decision. This appeal is to be filed by the
4113 aggrieved applicant or by the affected county or municipality with
4114 the Executive Director of the Board of Tax Appeals, with a copy
4115 being sent to the department * * *, within fifteen (15) days from
4116 the date that the person or entity filing the appeal received
4117 notice of the decision of the department * * * to deny the
4118 qualified resort area. If an appeal is not filed within this
4119 fifteen-day period, the decision of the department * * * shall
4120 become final. The Department * * * retains the authority to
4121 change at any time the decision aggrieved to in an appeal under



4122 this subsection. The inability of the department * * * to
4123 consider an application for the approval of an area or locality as
4124 a qualified resort area due to an incomplete application shall not
4125 constitute a denial of that application for purposes of this
4126 subsection.

4127 (4) Any person, including any county or municipality in
4128 which the qualified resort area is located, who is aggrieved by
4129 the decision of the department * * * to revoke the approval of an
4130 area or locality as a qualified resort area may appeal to the
4131 Board of Tax Appeals from such decision. This appeal is to be
4132 filed by the aggrieved person with the Executive Director of the
4133 Board of Tax Appeals, with a copy being sent to the
4134 department * * *, within fifteen (15) days from the date that the
4135 person or entity filing the appeal received notice of the decision
4136 of the department to revoke approval of the qualified resort area.
4137 At the discretion of the department * * *, in addition to any
4138 other notice to be provided under this subsection, the department
4139 may provide notice of its decision to revoke approval of the
4140 qualified resort area by publication in the same manner as
4141 provided by regulation when approval of a qualified resort area is
4142 sought. In regard to such publication, the fifteen-day period
4143 provided herein will begin on the date that notice is first
4144 published. If an appeal is not filed within this fifteen-day
4145 period, the decision of the department * * * shall become final.



The department * * * retains the authority to change at any time the decision aggrieved to in an appeal under this subsection.

(5) Any person objecting to an application for the issuance or transfer of a permit, other than a temporary retailer's permit, issued under this article and who timely requests in writing a hearing on his objection shall be given a hearing before the Board of Tax Appeals unless the permit is denied by the department * * * and an appeal is not taken by the applicant to the Board of Tax Appeals from that denial or the applicant withdraws his application. Any written request for a hearing on an objection must be filed with the department * * * within fifteen (15) days from the first date of publication of the notice of such application under Section 67-1-53. If the department determines that the permit should be denied, notice will be provided to the applicant as set out in subsection (1) of this section, and if the applicant timely requests a hearing on the denial as provided by this subsection (5), the department will advise the Executive Director of the Board of Tax Appeals and the applicant of the written request for a hearing on an objection to the permit. The hearing on the objection to the permit and the hearing on the appeal by the applicant from the denial of the department of the application shall be consolidated and heard by the Board of Tax Appeals at the same time. If the department determines that the permit should be issued, the department will advise the applicant and the Executive Director of the Board of Tax Appeals of the



4171 timely written request for a hearing on an objection to the
4172 application and a hearing will be set before the Board of Tax
4173 Appeals on this objection. If prior to the hearing, either the
4174 person requesting the hearing withdraws his request or the
4175 applicant withdraws his application, the hearing will be cancelled
4176 and the objection proceedings before the Board of Tax Appeals on
4177 the application will be dismissed as moot. In the case of such
4178 withdrawals, the Board of Tax Appeals is authorized to assess to
4179 either or both parties any costs incurred by it prior to such
4180 withdrawal. The department * * * retains authority to issue the
4181 permit to the applicant where the person objecting to the
4182 application withdraws his request for a hearing.

4183 (6) Any person objecting to an application for approval by
4184 the department * * * of * * * an area or locality as a qualified
4185 resort area under this article and who timely requests in writing
4186 a hearing on his objection shall be given a hearing before the
4187 Board of Tax Appeals unless approval of the application is denied
4188 by the department * * * and an appeal is not taken by the
4189 applicant or the county or municipality in which the proposed
4190 qualified resort area is located to the Board of Tax Appeals from
4191 that denial or the applicant withdraws his application. Any
4192 written request for a hearing on an objection must be filed with
4193 the department * * * within fifteen (15) days from the first date
4194 of publication of the notice of such application as provided by
4195 regulation. If the department determines that the application for



4196 approval of the proposed area or locality as a qualified resort
4197 area should be denied, the department will proceed with denial of
4198 such application as set out in subsection (3) of this section, and
4199 if the applicant or the county or municipality in which the
4200 proposed qualified resort area is located timely requests a
4201 hearing on the denial as provided by subsection (3) of this
4202 section, the department will advise the Executive Director of the
4203 Board of Tax Appeals and the applicant of the written request for
4204 a hearing on an objection to the application. The hearing on the
4205 objection to approval of the proposed qualified resort area and
4206 the hearing on the appeal from the denial of the department of the
4207 application for such approval shall be consolidated and heard by
4208 the Board of Tax Appeals at the same time. If the department
4209 determines that the proposed qualified resort area should be
4210 approved, the department will advise the applicant and the
4211 Executive Director of the Board of Tax Appeals of the timely
4212 written request for a hearing on an objection to the application
4213 and a hearing will be set before the Board of Tax Appeals on this
4214 objection. If prior to the hearing, either the person requesting
4215 the hearing withdraws his request or the applicant withdraws his
4216 application, the hearing will be cancelled and the objection
4217 proceedings before the Board of Tax Appeals on the application
4218 will be dismissed as moot. In the case of such withdrawals, the
4219 Board of Tax Appeals is authorized to assess to either or both
4220 parties any costs incurred by it prior to such withdrawal. The



department * * * retains authority to approve the proposed area or locality as a qualified resort area where the person objecting to the application withdraws his request for a hearing.

(7) Any person having an interest in any alcoholic beverages, * * * light intoxicating beverages or raw materials which the department * * * intends to dispose of under Section 67-1-18 shall be given reasonable notice of this proposed disposal, and upon such notice, this person may request a hearing before the Board of Tax Appeals to establish his right or claim to this property. This request for a hearing shall be filed with the Board of Tax Appeals, with a copy sent to the department * * *, within fifteen (15) days from the date of receipt of the notice provided above by the person filing the request. If a request is not received by the Board of Tax Appeals within this fifteen-day period, the department may order the property disposed of in accordance with Section 67-1-18.

(8) Upon receipt of a written request for hearing or appeal as set out above, the executive director shall schedule a hearing before the Board of Tax Appeals on this request or appeal. A notice of the hearing shall be mailed to all persons or entities having an interest in the matter being heard which shall always include the person or entity filing the request or appeal for which the hearing is being set, the applicant or holder of any permit, approved manager status or qualified resort area status in issue, any person who filed a written request for a hearing on an



4246 objection to any application in issue and the department * * *.
4247 This notice shall provide the date, time and location of the
4248 hearing. Mailing to the attorney representing a person or entity
4249 in the matter being heard shall be the same as mailing to the
4250 person or entity the attorney represents. Failure of the person
4251 or entity on whose request or appeal the matter was set for
4252 hearing to appear personally or through his designated
4253 representative at the hearing shall constitute an involuntary
4254 withdrawal of his request or appeal. Upon such withdrawal, the
4255 Board of Tax Appeals shall note on the record the failure of the
4256 person or entity to appear at the hearing and shall dismiss the
4257 request or appeal and remand the matter back to the
4258 department * * * for appropriate action.

4259 (9) At any hearing before the Board of Tax Appeals on an
4260 appeal or hearing request as set out above, two (2) members of the
4261 Board of Tax Appeals shall constitute a quorum. At the hearing,
4262 the Board of Tax Appeals shall try the issues presented according
4263 to law and the facts and pursuant to any guidelines established by
4264 regulation. The rules of evidence shall be relaxed at the hearing
4265 and the hearing shall be recorded by a court reporter. After
4266 reaching a decision on the issues presented, the Board of Tax
4267 Appeals shall enter an order setting forth its findings and
4268 decision in the matter. A copy of the order of the Board of Tax
4269 Appeals shall be mailed to the person or entity filing the request
4270 or appeal which was heard, the applicant or holder of any permit,



4271 approved manager status or qualified resort area status in issue,
4272 any person who filed a written request for a hearing on an
4273 objection to any application in issue and the department * * * to
4274 notify them of the findings and decision of the Board of Tax
4275 Appeals.

4276 **SECTION 59.** Section 67-7-3, Mississippi Code of 1972, is
4277 amended as follows:

4278 67-7-3. The legislative purpose of this chapter is to
4279 provide a structure for the business relations between a
4280 wholesaler and a supplier of light wine, light spirit
4281 product * * *, beer or hemp beverages. Regulation in this area is
4282 considered necessary for the following reasons:

4283 (a) To maintain stability and healthy competition in
4284 the light wine, light spirit product * * *, beer * * * and hemp
4285 beverage industries in this state.

4286 (b) To promote and maintain a sound, stable and viable
4287 system of distribution of light * * * intoxicating beverages to
4288 the public.

4289 (c) To provide for the private settlement of disputes
4290 between wholesalers and suppliers of light * * * intoxicating
4291 beverages as an alternative to civil litigation which consumes the
4292 time and resources of the parties and the judicial system.

4293 (d) To promote the public health, safety and welfare.

4294 **SECTION 60.** Section 67-7-5, Mississippi Code of 1972, is
4295 amended as follows:



4296 67-7-5. As used in this chapter, the following words or
4297 phrases, or the plural thereof, whenever they appear in this
4298 chapter, unless the context clearly requires otherwise, shall have
4299 the meaning ascribed to them in this section.

4300 (a) "Agreement" means any agreement between a
4301 wholesaler and a supplier, whether oral or written, whereby a
4302 wholesaler is granted the right to purchase and sell a brand or
4303 brands of light * * * intoxicating beverages sold by a supplier.

4304 (b) "Ancillary business" means a business owned by the
4305 wholesaler, by a substantial stockholder of a wholesaler, or by a
4306 substantial partner of a wholesaler, the primary business of which
4307 is directly related to the transporting, storing or marketing of
4308 the brand or brands of light * * * intoxicating beverages of a
4309 supplier with whom the wholesaler has an agreement; or a business
4310 owned by a wholesaler, a substantial stockholder of a wholesaler.

4311 (c) "Commission" or "department" means the Department
4312 of Revenue of the State of Mississippi.

4313 (d) "Commissioner" means the Commissioner of Revenue of
4314 the Department of Revenue.

4315 (e) "Designated member" means the spouse, child,
4316 grandchild, parent, brother or sister of a deceased individual who
4317 owned an interest, including a controlling interest, in a
4318 wholesaler, or any person who inherits under the deceased
4319 individual's will, or under the laws of intestate succession of
4320 this state; or any person who or entity which has otherwise,



4321 through a valid testamentary device by the deceased individual,
4322 succeeded the deceased individual in the wholesaler's business, or
4323 has succeeded to the deceased individual's ownership interest in
4324 the wholesaler pursuant to a written contract or instrument which
4325 has been previously approved by the supplier; "designated member"
4326 includes the appointed and qualified personal representative and
4327 the testamentary trustee of a deceased individual owning an
4328 ownership interest in a wholesaler, and it includes the person
4329 appointed by a court as the guardian or conservator of the
4330 property of an incapacitated individual owning an ownership
4331 interest in a wholesaler.

4332 (f) "Establish" means to adjust or regulate, to provide
4333 for and uphold.

4334 (g) "Good faith" means honesty in fact and observance
4335 of reasonable commercial standards of fair dealing in the trade,
4336 as defined in and interpreted under the Uniform Commercial Code.

4337 (h) "Reasonable qualifications" means the standard of
4338 the reasonable criteria established and consistently used by the
4339 respective supplier for similarly situated wholesalers that
4340 entered into, continued or renewed an agreement with the supplier
4341 during a period of twenty-four (24) months before the proposed
4342 transfer of the wholesaler's business, or for similarly situated
4343 wholesalers who have changed managers or designated managers,
4344 under the agreement, during a period of twenty-four (24) months



before the proposed change in the manager or successor manager of the wholesaler's business.

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

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

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

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

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

(n) "Transfer of wholesaler's business" means the voluntary sale, assignment or other transfer of ten percent (10%) or more of control of the business or all or substantially all of the assets of the wholesaler, or ten percent (10%) or more of control of the capital stocks of the wholesaler, including without limitation the sale or other transfer of capital stock or assets



by merger, consolidation or dissolution, or of the capital stock of the parent corporation, or of the capital stock or beneficial ownership of any other entity owning or controlling the wholesaler.

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

(p) "Similarly situated wholesalers" means wholesalers of a supplier that are of a generally comparable size and operate in markets in Mississippi and adjoining states with similar demographic characteristics, including population size, density, distribution and vital statistics, as well as reasonably similar economic and geographic conditions.

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

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

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

(a) Fail to provide each wholesaler of the supplier's brand or brands with a written agreement which contains in total the supplier's agreement with each wholesaler, and designates a specific sales territory. Any agreement which is in existence on April 7, 1995, shall be renewed consistent with this chapter, provided that this chapter may be incorporated by reference in the agreement. Nothing contained herein shall prevent a supplier from



4395 appointing, one (1) time for a period not to exceed ninety (90)
4396 days, a wholesaler to service temporarily a sales territory not
4397 designated to another wholesaler, until such time as a wholesaler
4398 is appointed by the supplier; and such wholesaler who is
4399 designated to service the sales territory during this period of
4400 temporary service shall not be in violation of the chapter, and,
4401 with respect to the temporary service territory, shall not have
4402 any of the rights provided under Sections 67-7-11 and 67-7-15.

4403 (b) Fix, maintain or establish the price at which a
4404 wholesaler shall sell any light * * * intoxicating beverage.

4405 (c) Enter into an additional agreement with any other
4406 wholesaler for, or to sell to any other wholesaler, the same brand
4407 or brands of light * * * intoxicating beverages in the same
4408 territory or any portion thereof, or to sell directly to any
4409 retailer in this state.

4410 (d) Require any wholesaler to accept delivery of any
4411 light * * * intoxicating beverage or other commodity which has not
4412 been ordered by the wholesaler, except that a supplier may impose
4413 reasonable inventory requirements upon a wholesaler if the
4414 requirements are made in good faith and are generally applied to
4415 other similarly situated wholesalers who have an agreement with
4416 the supplier.

4417 (e) Require any wholesaler to accept delivery of any
4418 light * * * intoxicating beverage or other commodity ordered by a



4419 wholesaler if the order was properly cancelled by the wholesaler
4420 in accordance with the supplier's procedure.

4421 (f) Require any wholesaler to do any illegal act or to
4422 violate any law or regulation by threatening to amend, modify,
4423 cancel, terminate or refuse to renew any agreement existing
4424 between the supplier and wholesaler.

4425 (g) Require a wholesaler to assent to any condition,
4426 stipulation or provision limiting the wholesaler's right to sell
4427 the brand or brands of light * * * intoxicating beverages of any
4428 other supplier unless the acquisition of the brand or brands of
4429 another supplier would materially impair or adversely affect the
4430 wholesaler's quality of service, sales or ability to compete
4431 effectively in representing the brand or brands of the supplier
4432 presently being sold by the wholesaler, except that in any action
4433 challenging a supplier's position, the supplier shall have the
4434 burden of providing that such acquisition of such other brand or
4435 brands would have such effect.

4436 (h) Require a wholesaler to purchase one or more brands
4437 of light * * * intoxicating beverages in order for the wholesaler
4438 to purchase another brand or brands of light * * * intoxicating
4439 beverages for any reason, except that a wholesaler that has agreed
4440 to distribute a brand or brands before April 7, 1995, shall
4441 continue to distribute the brand or brands in conformance with
4442 this chapter.



4443 (i) Require a wholesaler to submit audited profit and
4444 loss statements, balance sheets or financial records as a
4445 condition of renewal or continuation of an agreement, except that
4446 a supplier may require reasonable proof of a wholesaler's
4447 financial condition prior to extending credit terms to a
4448 wholesaler.

4449 (j) Withhold delivery of light * * * intoxicating
4450 beverages ordered by wholesaler, or change a wholesaler's quota of
4451 a brand or brands if the withholding or change is not made in good
4452 faith.

4453 (k) Require a wholesaler by any means directly to
4454 participate in or contribute to any local or national advertising
4455 fund controlled directly or indirectly by a supplier.

4456 (l) Take any retaliatory action against a wholesaler
4457 that files a complaint in good faith regarding an alleged
4458 violation by the supplier of federal, state or local law or an
4459 administrative rule as a result of that complaint.

4460 (m) Require or prohibit any change in the manager or
4461 successor manager of any wholesaler who has been approved by the
4462 supplier as of or after April 7, 1995, unless the supplier acts in
4463 good faith. Should a wholesaler change an approved manager or
4464 successor manager, a supplier shall not require or prohibit the
4465 change unless the person selected by the wholesaler fails to meet
4466 the nondiscriminatory, material and reasonable standards and
4467 qualifications for managers consistently applied to similarly



4468 situated wholesalers by the supplier, except that, in any action
4469 challenging a supplier's decision, the supplier shall have the
4470 burden of proving that such person fails to meet such standards
4471 and qualifications.

4472 (n) Upon written notice of intent to transfer the
4473 wholesaler's business, interfere with, prevent or unreasonably
4474 delay (not to exceed thirty (30) days) the transfer of the
4475 wholesaler's business if the proposed transferee is a designated
4476 member.

4477 (o) Upon written notice of intent to transfer the
4478 wholesaler's business other than to a designated member, withhold
4479 consent to or approval of, or unreasonably delay (not to exceed
4480 thirty (30) days after receipt of all material information
4481 reasonably requested) a response to a request by the wholesaler
4482 for any transfer of a wholesaler's business if the proposed
4483 transferee meets the nondiscriminatory material and reasonable
4484 qualifications and standards required by the supplier for
4485 similarly situated wholesalers.

4486 (p) Restrict or inhibit the right of free association
4487 among wholesalers for any lawful purpose.

4488 (q) Threaten to cancel or withhold credit, or to reduce
4489 the time period normally given the wholesaler to make payment on a
4490 delivery from the supplier as a means of compelling the wholesaler
4491 to meet certain standards of performance in any area of business
4492 not directly related to credit.



4493 **SECTION 62.** Section 67-7-9, Mississippi Code of 1972, is
4494 amended as follows:

4495 67-7-9. A wholesaler shall not do any of the following:

4496 (a) Fail to devote such efforts and resources to the
4497 sale and distribution of all the supplier's brands of light * * *
4498 intoxicating beverages which the wholesaler has been granted the
4499 right to sell or distribute as are required in the wholesaler's
4500 agreement with the supplier.

4501 (b) Sell or deliver light * * * intoxicating beverages
4502 to a retail licensee located outside the sales territory
4503 designated to the wholesaler by the supplier of a particular brand
4504 or brands of light * * * intoxicating beverages, except that
4505 during periods of temporary service interruptions impacting a
4506 particular sales territory, a supplier may appoint another
4507 wholesaler to service the sales territory during the period of
4508 temporary service interruption. A wholesaler who is designated to
4509 service the impacted sales territory during the period of
4510 temporary service interruption shall not be in violation of this
4511 chapter and shall not have any of the rights provided under
4512 Sections 67-7-11 and 67-7-15 with respect to the temporary service
4513 territory.

4514 (c) Transfer the wholesaler's business without giving
4515 the supplier written notice of intent to transfer the wholesaler's
4516 business and, where required by this chapter, receiving the
4517 supplier's written approval for the proposed transfer, except that



4518 the consent or approval of the supplier shall not be required of
4519 any transfer of the wholesaler's business to a designated member,
4520 or of any transfer of less than ten percent (10%) of the
4521 wholesaler's business unless such transfer results in a change in
4522 control. The wholesaler shall give the supplier written notice of
4523 any change in ownership of the wholesaler.

4524 **SECTION 63.** Section 67-7-11, Mississippi Code of 1972, is
4525 amended as follows:

4526 67-7-11. (1) Except as otherwise provided for in this
4527 chapter, a supplier shall not amend or modify an agreement; cause
4528 a wholesaler to resign from an agreement; or cancel, terminate,
4529 fail to renew or refuse to continue under an agreement, unless the
4530 supplier has complied with all of the following:

4531 (a) Has satisfied the applicable notice requirements of
4532 this section.

4533 (b) Has acted in good faith.

4534 (c) Has good cause for the amendment, modification,
4535 cancellation, termination, nonrenewal, discontinuance or forced
4536 resignation.

4537 (2) In any action challenging such amendment, modification,
4538 termination, cancellation, nonrenewal or discontinuance, the
4539 supplier shall have the burden of proving that it has acted in
4540 good faith, that the notice requirements under this section have
4541 been complied with, and that there was good cause for the



4542 amendment, modification, termination, cancellation, nonrenewal or
4543 discontinuance.

4544 (3) Except as otherwise provided in this section, and in
4545 addition to the time limits set forth in subsection (4)(d) of this
4546 section, the supplier shall furnish written notice of the
4547 amendment, modification, termination, cancellation, nonrenewal or
4548 discontinuance of an agreement to the wholesaler not less than
4549 thirty (30) days before the effective date of the amendment,
4550 modification, termination, cancellation, nonrenewal or
4551 discontinuance. The notice shall be by certified mail and shall
4552 contain all of the following:

4553 (a) A statement of intention to amend, modify,
4554 terminate, cancel, nonrenew or discontinue the agreement.

4555 (b) A statement of the reason for the amendment,
4556 modification, termination, cancellation, nonrenewal or
4557 discontinuance.

4558 (c) The date on which the amendment, modification,
4559 termination, cancellation, nonrenewal or discontinuance takes
4560 effect.

4561 (4) Good cause shall exist for the purposes of a
4562 termination, cancellation, nonrenewal or discontinuance under
4563 subsection (1)(c) of this section when all of the following occur:

4564 (a) There is a failure by the wholesaler to comply with
4565 a provision of the agreement which is both reasonable and of



4566 material significance to the business relationship between the
4567 wholesaler and the supplier.

4568 (b) The supplier first acquired knowledge of the
4569 failure described in * * * paragraph (a) not more than twenty-four
4570 (24) months before the date notification was given pursuant to
4571 subsection (3) of this section.

4572 (c) The wholesaler was given notice by the supplier of
4573 failure to comply with this agreement.

4574 (d) The wholesaler has been afforded thirty (30) days
4575 in which to submit a plan of corrective action to comply with the
4576 agreement and an additional ninety (90) days to cure such
4577 noncompliance in accordance with the plan.

4578 (5) Notwithstanding subsections (1) and (3) of this section,
4579 a supplier may terminate, cancel, fail to renew or discontinue an
4580 agreement immediately upon written notice given in the manner and
4581 containing the information required by subsection (3)(a), (b) and
4582 (c) of this section if any of the following occur:

4583 (a) Insolvency of the wholesaler, the filing of any
4584 petition by or against the wholesaler under any bankruptcy or
4585 receivership law or the assignment for the benefit of creditors or
4586 dissolution or liquidation of the wholesaler which materially
4587 affects the wholesaler's ability to remain in business.

4588 (b) Revocation or suspension of the wholesaler's state
4589 or federal license by the appropriate regulatory agency whereby



the wholesaler cannot service the wholesaler's sales territory for more than thirty-one (31) days.

(c) The wholesaler, or a partner or an individual who owns ten percent (10%) or more of the partnership or stock of a corporate wholesaler, has been convicted of a felony under the United States Code or the laws of any state which reasonably may adversely affect the good will or interest of the wholesaler or supplier. However, an existing stockholder or stockholders, or partner or partners, or a designated member or members, shall have, subject to the provisions of this chapter, the right to purchase the partnership interest or the stock of the offending partner or stockholder prior to the conviction of the offending partner or stockholder, and if the sale is completed prior to conviction the provisions of this * * * paragraph shall not apply.

(d) There was fraudulent conduct relating to a material matter on the part of the wholesaler in dealings with the supplier or its product, except that the supplier shall have the burden of proving fraudulent conduct relating to a material matter on the part of the wholesaler in any legal action challenging such termination.

(e) The wholesaler failed to confine to the designated sales territory its sales of a brand or brands to retailers except that this subsection does not apply if there is a dispute between two (2) or more wholesalers as to the boundaries of the assigned territory, and the boundaries cannot be determined by a reading of



4615 the description contained in the agreements between the supplier
4616 and the wholesalers.

4617 (f) A wholesaler has failed to pay for light * * *
4618 intoxicating beverages ordered and delivered in accordance with
4619 established terms and the wholesaler fails to make full payment
4620 within five (5) business days after receipt of written notice of
4621 the delinquency and demand for immediate payment from the
4622 supplier.

4623 (g) A wholesaler intentionally has made a transfer of
4624 wholesaler's business, other than a transfer to a designated
4625 member without prior written notice to the supplier.

4626 (h) A wholesaler intentionally has made a transfer of
4627 wholesaler's business, other than a transfer to a designated
4628 member, although the wholesaler has prior to said transfer
4629 received from supplier a timely notice of disapproval of said
4630 transfer in accordance with this chapter.

4631 (i) The wholesaler intentionally ceases to carry on
4632 business with respect to any of supplier's brand or brands
4633 previously serviced by wholesaler in its territory designated by
4634 the supplier, unless such cessation is due to force majeure or to
4635 labor dispute and the wholesaler has made good faith efforts to
4636 overcome such events. Provided, however, this shall affect only
4637 that brand or brands with respect to which the wholesaler ceased
4638 to carry on business.



4639 (6) Notwithstanding subsections (1), (3) and (5) of this
4640 section, a supplier may terminate, cancel, not renew or
4641 discontinue an agreement upon not less than thirty (30) days prior
4642 written notice if the supplier discontinues production or
4643 discontinues distribution in this state of all the brands sold by
4644 the supplier to the wholesaler, except that nothing in this
4645 section shall prohibit a supplier from: (a) upon not less than
4646 thirty (30) days notice, discontinuing the distribution of any
4647 particular brand or package of light * * * intoxicating beverage;
4648 or (b) conducting test marketing of a new brand of light * * *
4649 intoxicating beverage which is not currently being sold in this
4650 state, except that the supplier has notified the department in
4651 writing of its plans to test market, which notice shall describe
4652 the market area in which the test shall be conducted; the name or
4653 names of the wholesaler or wholesalers who will be selling the
4654 light * * * intoxicating beverage; the name or names of the brand
4655 of light * * * intoxicating beverage being tested; and the period
4656 of time, not to exceed eighteen (18) months, during which the
4657 testing will take place.

4658 **SECTION 64.** Section 67-9-1, Mississippi Code of 1972, is
4659 amended as follows:

4660 67-9-1. Notwithstanding the provisions of any section of
4661 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
4662 any person holding an alcohol processing permit to transport and
4663 possess alcoholic beverages * * * and light intoxicating



4664 beverages, in any part of the state, for his or her use in
4665 cooking, processing or manufacturing products which contain
4666 alcoholic beverages as an integral ingredient, in amounts as
4667 limited by the Alcoholic Beverage Control Division of the
4668 Department of Revenue. The authority to transport and possess
4669 alcoholic beverages * * * and light intoxicating beverages under
4670 this section exists regardless of whether (a) the county or
4671 municipality in which the transportation or possession takes place
4672 has voted for or against coming out from under the dry law, or (b)
4673 the transportation, storage, sale, distribution, receipt or
4674 manufacture of light * * * intoxicating beverages otherwise is
4675 prohibited.

4676 The provisions of this section shall not be construed as
4677 amending, repealing or otherwise affecting any statute or any
4678 lawfully adopted ordinance, rule or regulation that prohibits or
4679 restricts the location at which, or the premises upon which,
4680 alcoholic beverages * * * or light intoxicating beverages may be
4681 sold or consumed.

4682 The term "alcoholic beverages" has the meaning ascribed in
4683 Section 67-1-5, and the term "light intoxicating beverages" has
4684 the meaning ascribed in Section 67-3-3.

4685 **SECTION 65.** Section 27-65-241, Mississippi Code of 1972, is
4686 amended as follows:



27-65-241. (1) As used in this section, the following terms shall have the meanings ascribed to them in this section unless otherwise clearly indicated by the context in which they are used:

(a) "Hotel" or "motel" means and includes a place of lodging that at any one time will accommodate transient guests on a daily or weekly basis and that is known to the trade as such. Such terms shall not include a place of lodging with ten (10) or less rental units.

(b) "Municipality" means any municipality in the State of Mississippi with a population of one hundred fifty thousand (150,000) or more according to the most recent federal decennial census.

(c) "Restaurant" means and includes all places where prepared food is sold and whose annual gross proceeds of sales or gross income for the preceding calendar year equals or exceeds One Hundred Thousand Dollars (\$100,000.00). The term "restaurant" shall not include any nonprofit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. For the purpose of calculating gross proceeds of sales or gross income, the sales or income of all establishments owned, operated or controlled by the same person, persons or corporation shall be aggregated.

(2) (a) Subject to the provisions of this section, the governing authorities of a municipality may impose upon all persons as a privilege for engaging or continuing in business or



4712 doing business within such municipality, a special sales tax at
4713 the rate of not more than one percent (1%) of the gross proceeds
4714 of sales or gross income of the business, as the case may be,
4715 derived from any of the activities taxed at the rate of seven
4716 percent (7%) or more under the Mississippi Sales Tax Law, Section
4717 27-65-1 et seq.

4718 (b) The tax levied under this section shall apply to
4719 every person making sales of tangible personal property or
4720 services within the municipality but shall not apply to:

4721 (i) Sales exempted by Sections 27-65-19,
4722 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and
4723 27-65-111 of the Mississippi Sales Tax Law;

4724 (ii) Gross proceeds of sales or gross income of
4725 restaurants derived from the sale of food and beverages;

4726 (iii) Gross proceeds of sales or gross income of
4727 hotels and motels derived from the sale of hotel rooms and motel
4728 rooms for lodging purposes;

4729 (iv) Retail sales of food for human consumption
4730 not purchased with food stamps issued by the United States
4731 Department of Agriculture, or other federal agency, but which
4732 would be exempt under Section 27-65-111(o) from the taxes imposed
4733 by this chapter if the food items were purchased with food stamps;

4734 (v) Gross income of businesses engaging or
4735 continuing in the business of TV cable systems, subscription TV



services, and other similar activities, including, but not limited to, cable Internet services;

(vi) Wholesale sales of food and drink for human consumption sold to full service vending machine operators; and

(vii) Wholesale sales of light * * * intoxicating beverages, as defined in Section 67-3-3, and alcoholic beverages, as defined in Section 67-1-5.

(3) (a) Before any tax authorized under this section may be imposed, the governing authorities of the municipality shall adopt a resolution declaring its intention to levy the tax, setting forth the amount of the tax to be imposed, the purposes for which the revenue collected pursuant to the tax levy may be used and expended, the date upon which the tax shall become effective, the date upon which the tax shall be repealed, and calling for an election to be held on the question. The date of the election shall be set in the resolution. Notice of the election shall be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the municipality, with the first publication of the notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the election and the last publication to be made not more than seven (7) days before the election. At the election, all qualified electors of the municipality may vote. The ballots used at the election shall have printed thereon a brief description of the sales tax, the amount of the sales tax



4761 levy, a description of the purposes for which the tax revenue may
4762 be used and expended and the words "FOR THE LOCAL SALES TAX" and
4763 "AGAINST THE LOCAL SALES TAX" and the voter shall vote by placing
4764 a cross (X) or check mark (✓) opposite his choice on the
4765 proposition. When the results of the election have been canvassed
4766 by the election commissioners of the municipality and certified by
4767 them to the governing authorities, it shall be the duty of such
4768 governing authorities to determine and adjudicate whether at least
4769 three-fifths (3/5) of the qualified electors who voted in the
4770 election voted in favor of the tax. If at least three-fifths
4771 (3/5) of the qualified electors who voted in the election voted in
4772 favor of the tax, the governing authorities shall adopt a
4773 resolution declaring the levy and collection of the tax provided
4774 in this section and shall set the first day of the second month
4775 following the date of such adoption as the effective date of the
4776 tax levy. A certified copy of this resolution, together with the
4777 result of the election, shall be furnished to the Department of
4778 Revenue not less than thirty (30) days before the effective date
4779 of the levy.

4780 (b) A municipality shall not hold more than two (2)
4781 elections under this subsection.

4782 (4) The revenue collected pursuant to the tax levy imposed
4783 under this section may be expended to pay the cost of road and
4784 street repair, reconstruction and resurfacing projects based on
4785 traffic patterns, need and usage, and to pay the costs of water,



sewer and drainage projects in accordance with a master plan adopted by the commission established pursuant to subsection (7).

(5) (a) The special sales tax authorized by this section shall be collected by the Department of Revenue, shall be accounted for separately from the amount of sales tax collected for the state in the municipality and shall be paid to the municipality. The Department of Revenue may retain one percent (1%) of the proceeds of such tax for the purpose of defraying the costs incurred by the department in the collection of the tax. Payments to the municipality shall be made by the Department of Revenue on or before the fifteenth day of the month following the month in which the tax was collected. However, if a municipality fails to comply with the audit, reporting and/or report filing requirements of paragraph (b) of this subsection and does not remedy such noncompliance within thirty (30) days after receiving written notice of noncompliance, the Department of Revenue shall withhold payments otherwise payable to the municipality under this paragraph (a) until the department receives written notice that the municipality has complied with such requirements.

(b) The proceeds of the special sales tax shall be placed into a special municipal fund apart from the municipal general fund and any other funds of the municipality, and shall be expended by the municipality solely for the purposes authorized in subsection (4) of this section. The records reflecting the receipts and expenditures of the revenue from the special sales



4811 tax shall be provided in detail to the members of the commission
4812 monthly, to include the name of the vendor and the project, and
4813 the dates and amounts received and paid, and shall also be audited
4814 annually by an independent certified public accountant. The
4815 accountant shall make a report of his findings to the governing
4816 authorities of the municipality and file a copy of his report with
4817 the Secretary of the Senate and the Clerk of the House of
4818 Representatives and the commission members. The audit shall be
4819 made and completed as soon as practical after the close of the
4820 fiscal year of the municipality, and expenses of the audit shall
4821 be paid from the funds derived by the municipality pursuant to
4822 this section.

4823 (c) Any expenditure from the special municipal fund
4824 defined in paragraph (b) above that was not for a project approved
4825 by the commission, or was in excess of the amount approved by the
4826 commission, shall be reimbursed by the city to the special fund.

4827 (d) All provisions of the Mississippi Sales Tax Law
4828 applicable to filing of returns, discounts to the taxpayer,
4829 remittances to the Department of Revenue, enforced collection,
4830 rights of taxpayers, recovery of improper taxes, refunds of
4831 overpaid taxes or other provisions of law providing for imposition
4832 and collection of the state sales tax shall apply to the special
4833 sales tax authorized by this section, except where there is a
4834 conflict, in which case the provisions of this section shall
4835 control. Any damages, penalties or interest collected for the



4836 nonpayment of taxes imposed under this section, or for
4837 noncompliance with the provisions of this section, shall be paid
4838 to the municipality on the same basis and in the same manner as
4839 the tax proceeds. Any overpayment of tax for any reason that has
4840 been disbursed to a municipality or any payment of the tax to a
4841 municipality in error may be adjusted by the Department of Revenue
4842 on any subsequent payment to the municipality pursuant to the
4843 provisions of the Mississippi Sales Tax Law. The Department of
4844 Revenue may, from time to time, make such rules and regulations
4845 not inconsistent with this section as may be deemed necessary to
4846 carry out the provisions of this section, and such rules and
4847 regulations shall have the full force and effect of law.

4848 (6) If a municipality expands its corporate boundaries, the
4849 governing authorities of the municipality may not impose the
4850 special sales tax in the annexed area unless the tax is approved
4851 at an election conducted, as far as is practicable, in the manner
4852 provided in subsection (3) of this section, except that only
4853 qualified electors in the annexed area may vote in the election.

4854 (7) (a) Any municipality that levies the special sales tax
4855 authorized under this section shall establish a commission as
4856 provided for in this section. Expenditures of revenue from the
4857 special sales tax authorized by this section shall be in
4858 accordance with a master plan adopted by the commission pursuant
4859 to this subsection.



4860 (b) The commission shall be composed of ten (10) voting
4861 members who shall be known as commissioners appointed as follows:

4862 (i) Four (4) members representing the business
4863 community in the municipality appointed by the local chamber of
4864 commerce for initial terms of one (1), two (2), four (4) and five
4865 (5) years respectively. The members appointed pursuant to this
4866 paragraph shall be persons who represent businesses located within
4867 the city limits of the municipality.

4868 (ii) Three (3) members shall be appointed at large
4869 by the mayor of the municipality, with the advice and consent of
4870 the legislative body of the municipality, for initial terms of two
4871 (2), three (3) and four (4) years respectively. All appointments
4872 made by the mayor pursuant to this paragraph shall be residents of
4873 the municipality.

4874 (iii) One (1) member shall be appointed at large
4875 by the Governor for an initial term of four (4) years. All
4876 appointments made by the Governor pursuant to this paragraph shall
4877 be residents of the municipality.

4878 (iv) One (1) member shall be appointed at large by
4879 the Lieutenant Governor for an initial term of four (4) years.
4880 All appointments made by the Lieutenant Governor pursuant to this
4881 paragraph shall be residents of the municipality.

4882 (v) One (1) member shall be appointed at large by
4883 the Speaker of the House of Representatives for a term of four (4)
4884 years. All appointments made by the Speaker of the House of



4885 Representatives pursuant to this paragraph shall be residents of
4886 the municipality.

4887 (c) The terms of all appointments made subsequent to
4888 the initial appointment shall be made for five (5) years. Any
4889 vacancy which may occur shall be filled in the same manner as the
4890 original appointment and shall be made for the unexpired term.

4891 (d) The mayor of the municipality shall designate a
4892 chairman of the commission from among the membership of the
4893 commission. The vice chairman and secretary shall be elected by
4894 the commission from among the membership of the commission for a
4895 term of two (2) years. The vice chairman and secretary may be
4896 reelected, and the chairman may be reappointed.

4897 (e) The commissioners shall serve without compensation.

4898 (f) Any commissioner shall be disqualified and shall be
4899 removed from office for either of the following reasons:

4900 (i) Conviction of a felony in any state court or
4901 in federal court; or

4902 (ii) Failure to attend three (3) consecutive
4903 meetings without just cause.

4904 If a commissioner is removed for any of the above reasons,
4905 the vacancy shall be filled in the manner prescribed in this
4906 section and shall be made for the unexpired term.

4907 (g) A quorum shall consist of six (6) voting members of
4908 the commission. The commission shall adopt such rules and



4909 regulations as may govern the time and place for holding meetings,
4910 regular and special.

4911 (h) The commission shall, with input from the
4912 municipality, establish a master plan for road and street repair,
4913 reconstruction and resurfacing projects based on traffic patterns,
4914 need and usage, and for water, sewer and drainage projects.
4915 Expenditures of the revenue from the tax authorized to be imposed
4916 pursuant to this section shall be made at the discretion of the
4917 governing authorities of the municipality if the expenditures
4918 comply with the master plan. The commission shall monitor the
4919 compliance of the municipality with the master plan.

4920 (8) The governing authorities of any municipality that
4921 levies the special sales tax authorized under this section are
4922 authorized to incur debt, including bonds, notes or other
4923 evidences of indebtedness, for the purpose of paying the costs of
4924 road and street repair, reconstruction and resurfacing projects
4925 based on traffic patterns, need and usage, and to pay the costs of
4926 water, sewer and drainage projects in accordance with a master
4927 plan adopted by the commission established pursuant to subsection
4928 (7) of this section. Any bonds or notes issued to pay such costs
4929 may be secured by the proceeds of the special sales tax levied
4930 pursuant to this section or may be general obligations of the
4931 municipality and shall satisfy the requirements for the issuance
4932 of debt provided by Sections 21-33-313 through 21-33-323.



4933 (9) This section shall stand repealed from and after July 1,
4934 2035.

4935 **SECTION 66.** Section 27-71-301, Mississippi Code of 1972, is
4936 amended as follows:

4937 27-71-301. When used in this article the words and terms
4938 hereafter mentioned shall have the following definitions:

4939 (a) "State Auditor" means the State Auditor of Public
4940 Accounts of the State of Mississippi or any legally appointed
4941 deputy, clerk or agent.

4942 (b) "Person" includes all natural persons or
4943 corporations, a partnership, an association, a joint venture, an
4944 estate, a trust, or any other group or combination acting as a
4945 unit and shall include the plural as well as the singular unless
4946 an intention to give another meaning thereto is disclosed in the
4947 context.

4948 (c) "Consumer" means a person who comes into the
4949 possession of * * * any light intoxicating beverage for the
4950 purpose of consuming it, giving it away or otherwise disposing of
4951 it in any manner except by sale, barter or exchange.

4952 (d) "Retailer" means any person who comes into the
4953 possession of such light * * * intoxicating beverage for the
4954 purpose of selling it to the consumer, or giving it away, or
4955 exposing it where it may be taken or purchased or acquired in any
4956 other manner by the consumer. The term "retailer" shall include
4957 small craft breweries and microbreweries; however, the term



"retailer" shall not include a person who offers and provides beer on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47.

(e) "Wholesaler" means any person who comes into possession of such light * * * intoxicating beverage for the purpose of selling, distributing, or giving it away to retailers or other wholesalers or dealers inside or outside of this state.

(f) "Commissioner" means the Commissioner of Revenue of the Department of Revenue or his duly appointed agents or employees.

(g) "Sale" includes the exchange of such light * * * intoxicating beverages for money, or giving away or distributing any such light * * * intoxicating beverages for anything of value; however, the term "sale" shall not include beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47.

(h) * * * "Beer," "light wine," "light spirit product," "hemp beverage" and "light intoxicating beverage" have the meanings ascribed in Section 67-3-3.

(i) "Distributor" includes every person who receives, either from within or from without this state, from a brewery, a winery or any other source, light * * * intoxicating beverages for the purpose of distributing or otherwise disposing of such light * * * intoxicating beverages to a wholesaler or retailer of such light * * * intoxicating beverages.



(j) "Brewpub" means the premises of any location in which any light wine, light spirit product or beer is manufactured or brewed, for retail sale if the total amount of light wine, light spirit product or beer produced on the premises does not exceed the production limitation imposed in Section 67-3-22, and the light wine, light spirit product or beer is produced for consumption on the premises, although without prohibition on sales for off-premises consumption.

(k) "Hospitality cart" means a mobile cart from which alcoholic beverages and light * * * intoxicating beverages are sold on a golf course and for which a hospitality cart permit has been issued under Section 67-1-51.

(l) "Small craft brewery" shall have the meaning ascribed to such term in Section 67-3-3.

(m) "Manufacturer" means a * * * producer of light intoxicating beverages for sale to a distributor; however, the term does not include * * * brewpubs or, with respect to hemp beverages, microbreweries.

(n) "Microbrewery" shall have the meaning ascribed to such term in Section 67-3-3.

SECTION 67. Section 27-71-303, Mississippi Code of 1972, is amended as follows:

27-71-303. (1) Upon each person approved for a permit to engage in the business of selling light wines, light spirit products or beer, there is hereby imposed, levied and assessed, to



5008 be collected and paid as herein provided, annual privilege taxes
5009 in the following amounts:

5010 (a) Retailers--for each place of
5011 business.....\$ * * * 150.00

5012 (b) Wholesalers or distributors--for
5013 each * * * location.....\$ * * * 2,000.00

5014 (c) Manufacturers--for each place of
5015 business.....\$ * * * 2,000.00

5016 (d) Brewpubs--for each place of
5017 business.....\$ * * * 2,000.00

5018 (e) Microbrewery--for each place of
5019 business.....\$ * * * 2,000.00

5020 (f) Small craft brewery--for each
5021 place of business.....\$ * * * 2,000.00

5022 (2) Upon each person approved to engage in the business of
5023 selling hemp beverages, there is hereby imposed, levied and
5024 assessed, to be collected and paid as herein provided, separate
5025 annual privilege taxes in the same amounts as provided in
5026 subsection (1) of this section for each category of business:

5027 (a) Retailers--for each place of
5028 business.....\$ 150.00

5029 (b) Wholesalers or distributors--for each
5030 location.....\$ 2,000.00

5031 (c) Manufacturers--for each place of
5032 business.....\$ 2,000.00



5033 (d) Small craft brewery--for each place of
5034 business.....\$ 2,000.00

5035 (3) Upon each person operating an airline, bus, boat or
5036 railroad car upon which light * * * intoxicating beverages may be
5037 sold, there is hereby imposed, levied and assessed, to be
5038 collected and paid, annual privilege taxes of * * * One Hundred
5039 Fifty Dollars (\$150.00) for each airplane, bus, boat or railroad
5040 car so operated in this state.

5041 * * * (4) The amount of the privilege tax to be paid for a
5042 permit issued for a period of less than twelve (12) months shall
5043 be that proportionate amount of the annual privilege tax that the
5044 number of months, or part of a month, remaining until its
5045 expiration date bears to twelve (12) months, but in no case shall
5046 the privilege tax be less than * * * Fifty Dollars (\$50.00).

5047 **SECTION 68.** Section 27-71-307, Mississippi Code of 1972, is
5048 amended as follows:

5049 27-71-307. (1) (a) In addition to the specific tax imposed
5050 in Section 27-71-303, there is hereby imposed, levied, assessed
5051 and shall be collected, as hereinafter provided, an excise or
5052 privilege tax upon each person engaged or continuing in the
5053 business of wholesaler or distributor of light * * * intoxicating
5054 beverages equivalent to Forty-two and Sixty-eight One-hundredths
5055 Cents (42.68¢) per gallon upon all light * * * intoxicating
5056 beverages acquired for sale or distribution in this state. The
5057 excise or privilege tax is also imposed at the same rate upon each



5058 gallon of light wine, light spirit product or beer manufactured by
5059 brewpubs, each of which shall accurately and reliably measure the
5060 quantity of light wine, light spirit product or beer produced by
5061 using a measuring device such as a meter or gauge glass or any
5062 other suitable method approved by the commissioner. The excise or
5063 privilege tax is also imposed at the same rate upon each gallon of
5064 light * * * intoxicating beverage provided by a small craft
5065 brewery or microbrewery for sale as authorized under Section
5066 67-3-48 and upon each gallon of * * * beer provided for tasting or
5067 sampling under Section 67-3-47. The tax is hereby imposed as an
5068 additional tax for the privilege of engaging or continuing in
5069 business.

5070 (b) The excise tax imposed in this section shall be
5071 paid to the department * * * monthly on or before the fifteenth
5072 day of the month following the month in which the * * * light
5073 intoxicating beverage was manufactured or received in this state.
5074 Monthly report forms shall be furnished by the commissioner to the
5075 wholesalers, distributors, brewpubs, microbreweries and small
5076 craft breweries.

5077 (c) Provided that persons operating a railroad dining
5078 car, club car or other car in interstate commerce upon which
5079 light * * * intoxicating beverages may be sold and who are
5080 licensed under the provisions of Section 67-3-27 and any other law
5081 relating to the sale of such beverages shall keep such records of
5082 the sales of such light * * * intoxicating beverages in this state



5083 as the commissioner shall prescribe and shall submit monthly
5084 reports of such sales to the commissioner within fifteen (15) days
5085 after the end of each month on a form prescribed therefor by the
5086 commissioner, and shall pay the tax due under the provisions of
5087 this section at the time such reports are filed.

5088 No official crowns, lids, labels or stamps with the word
5089 "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of
5090 tax payment is required by this section, or may be required under
5091 rule or regulation promulgated by the commissioner, to be affixed
5092 on or to any part of a * * * light intoxicating beverage or malt
5093 cooler bottle, can or other light * * * intoxicating beverage or
5094 malt cooler container. For purposes of this section, malt cooler
5095 products shall be defined as a flavored malt beverage made from a
5096 base of malt beverage and flavored with fruit juices, aromatics
5097 and essences of other flavoring in quantities and proportions such
5098 that the resulting product possesses a character and flavor
5099 distinctive from the base malt beverage and distinguishable from
5100 other malt beverages.

5101 (2) A licensed wholesaler or distributor of * * * light
5102 intoxicating beverages may not import * * * light intoxicating
5103 beverages from any source other than a brewer or importer
5104 authorized by the commissioner to sell such * * * light
5105 intoxicating beverages in Mississippi. Any person who violates
5106 the provisions of this subsection, upon conviction thereof, shall
5107 be punished by a fine of not more than One Thousand Dollars



5108 (\$1,000.00) or by imprisonment in the county jail for not more
5109 than six (6) months, or by both such fine and imprisonment, in the
5110 discretion of the court and shall be subject to license forfeiture
5111 following an appropriate hearing before the Department of Revenue.

5112 (3) The wholesaler, distributor, microbrewery or small craft
5113 brewery shall be allowed credit for tax paid on * * * any light
5114 intoxicating beverage which is no longer marketable and which is
5115 destroyed by same when such destruction is witnessed by an agent
5116 of the commissioner and when the amount of the excise tax exceeds
5117 One Hundred Dollars (\$100.00). No other loss will be allowed.

5118 A brewpub shall be allowed credit for any light wine, light
5119 spirit product or beer which has passed through the meter, gauge
5120 glass or other approved measuring device and which has been soured
5121 or damaged. The brewpub shall record the removal of sour or
5122 damaged light wine, light spirit product or beer and may take
5123 credit after the destruction is witnessed by an agent of the
5124 commissioner and when the amount of excise tax exceeds Twenty-five
5125 Dollars (\$25.00). No other loss shall be allowed.

5126 (4) All manufacturers, brewers and importers of * * *
5127 intoxicating beverages shall file monthly reports as prescribed by
5128 the commissioner listing sales to each wholesaler or distributor
5129 by date, invoice number, quantity and container size, and any
5130 other information deemed necessary.

5131 (5) All small craft breweries and microbreweries shall file
5132 monthly reports as prescribed by the commissioner regarding the



5133 sale of light * * * intoxicating beverages authorized under
5134 Section 67-3-48.

5135 (6) Manufacturers who offer and provide limited amounts of
5136 beer for tasting or sampling under Section 67-3-47 shall file
5137 monthly reports as prescribed by the commissioner regarding the
5138 beer provided for such tasting or sampling.

5139 (7) All administrative provisions of the Mississippi Sales
5140 Tax Law, including those which fix damages, penalties and interest
5141 for nonpayment of taxes and for noncompliance with the provisions
5142 of such chapter, and all other requirements and duties imposed
5143 upon taxpayers, shall apply to all persons liable for taxes under
5144 the provisions of this chapter, and the commissioner shall
5145 exercise all the power and authority and perform all the duties
5146 with respect to taxpayers under this chapter as are provided in
5147 the sales tax law except where there is conflict, then the
5148 provisions of this chapter shall control.

5149 **SECTION 69.** Section 27-71-311, Mississippi Code of 1972, is
5150 amended as follows:

5151 27-71-311. Before any person shall engage in the business of
5152 manufacturing light * * * intoxicating beverages, in the business
5153 of wholesaler or distributor of light * * * intoxicating
5154 beverages, or in the business of a brewpub, he shall be required
5155 to enter into a good and sufficient bond. The bond shall be made
5156 payable to the State of Mississippi, in a sum of not less than
5157 Five Thousand Dollars (\$5,000.00) nor more than Two Hundred



Thousand Dollars (\$200,000.00), the amount to be determined by the department * * *. The bond of a wholesaler, distributor or brewpub shall not exceed the amount of excise tax estimated to be owed by such wholesaler, distributor or brewpub for any sixty-day period. If a manufacturer is operating a small craft brewery and is distributing light * * * intoxicating beverages for sale as authorized under Section 67-3-48, the manufacturer, in addition to any other required bond, shall enter into a bond not to exceed the amount of excise tax estimated to be owed by such manufacturer for any sixty-day period. The bond shall be conditioned that he will conduct his business strictly in accordance with the laws of the State of Mississippi, and that he will comply with the rules and regulations prescribed by the commissioner, and pay the taxes imposed under the provisions of this article for the privilege of engaging or continuing in such business. Such bond shall be made in a surety company authorized to do business in the State of Mississippi, and shall be approved by the commissioner. The commissioner shall be authorized to institute suit in the proper court on said bond for any violation of the conditions of said bond.

SECTION 70. Section 27-71-315, Mississippi Code of 1972, is amended as follows:

27-71-315. Except as otherwise provided in Section 67-9-1 for the transportation of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, it shall be



5183 unlawful for any person to transport from any point outside of
5184 this state to any point within this state, any light * * *
5185 intoxicating beverage except for delivery to a licensed wholesaler
5186 or distributor in this state; and except by common carrier. The
5187 commissioner may, however, upon application of a licensed
5188 wholesaler or distributor in this state, and under rules and
5189 regulations duly promulgated by him, issue a permit for the
5190 transportation by a licensed wholesaler or distributor of
5191 light * * * intoxicating beverages in trucks owned by such
5192 licensee, from without the state to the place of business of such
5193 licensee within the state, for distribution by said licensee.
5194 Such permit shall be granted for a specified period, not to exceed
5195 one (1) year.

5196 Any person engaged in transporting any light * * *
5197 intoxicating beverage from any point outside of this state to any
5198 point within this state, shall have in his possession during the
5199 entire time he is engaged in transporting such light * * *
5200 intoxicating beverage, an invoice, bill of sale, or bill of
5201 lading, showing the true name and address of the consignor, and
5202 also the true name and address of the licensed wholesaler or
5203 distributor to whom such light * * * intoxicating beverage is to
5204 be delivered, and the quantity of such light * * * intoxicating
5205 beverage, unless such common carrier maintains a permanent office
5206 within this state where complete records of all light * * *
5207 intoxicating beverages transported from without this state to



5208 points within this state are kept, and open to inspection by the
5209 commissioner or his duly authorized agent, at all reasonable
5210 times.

5211 It is hereby made the duty of all common carriers, and
5212 licensed wholesalers and distributors, transporting light * * *
5213 intoxicating beverages from without the State of Mississippi into
5214 the State of Mississippi, to furnish the commissioner on or before
5215 the fifteenth day of each month, a report showing the amount of
5216 beer transported within the state during the preceding month, the
5217 consignor, the consignee, and the quantity of light * * *
5218 intoxicating beverages so transported.

5219 **SECTION 71.** Section 27-71-317, Mississippi Code of 1972, is
5220 amended as follows:

5221 27-71-317. It shall be unlawful for any person to transport
5222 from any point within this state to another point within this
5223 state, any light * * * intoxicating beverage on which the tax
5224 imposed in Section 27-71-307 of this article has not been paid,
5225 except for immediate delivery to a licensed wholesaler or
5226 distributor in this state. And any person engaged in transporting
5227 any light * * * intoxicating beverage on which the tax imposed in
5228 Section 27-71-307 of this article has not been paid, from any
5229 point within this state to another point within this state shall
5230 have in his possession during the entire time he is engaged in
5231 transporting such light * * * intoxicating beverage an invoice,
5232 bill of sale, or bill of lading showing the true name and address



5233 of the consignor, and also the true name and address of the
5234 licensed wholesaler or distributor to whom such light * * *
5235 intoxicating beverage is to be delivered and the quantity of such
5236 light * * * intoxicating beverage.

5237 **SECTION 72.** Section 27-71-325, Mississippi Code of 1972, is
5238 amended as follows:

5239 27-71-325. It shall be the duty of every wholesaler or
5240 distributor of light * * * intoxicating beverages licensed under
5241 the provisions of Section 67-3-27, * * * to file with the
5242 commissioner, on or before the fifteenth day of each month, a
5243 report covering all sales of such light * * * intoxicating
5244 beverages during the preceding month. Such report shall show the
5245 names and post-office addresses of all persons to whom such
5246 light * * * intoxicating beverages have been sold or delivered and
5247 the quantities and invoice prices of the light * * * intoxicating
5248 beverages thus sold or delivered.

5249 It shall be the duty of each retail dealer in such
5250 light * * * intoxicating beverages to procure from the distributor
5251 or wholesaler from whom such light * * * intoxicating beverages
5252 were purchased or acquired, invoices showing the quantity of the
5253 light * * * intoxicating beverages purchased or acquired, and the
5254 date of each delivery thereof. Such invoices shall be preserved
5255 by the retailer and shall be open for inspection by the
5256 commissioner or his duly authorized agent for a period of two (2)
5257 years. It shall likewise be the duty of such retail dealer to



5258 file with the commissioner, on or before the fifteenth day of each
5259 calendar month, a report showing all purchases of such light * * *
5260 intoxicating beverages made by him during the preceding month.
5261 Such report shall disclose the names and addresses of all persons
5262 from whom such light * * * intoxicating beverages have been
5263 purchased or received by him during the preceding month and the
5264 quantities thus purchased or received.

5265 **SECTION 73.** Section 27-71-327, Mississippi Code of 1972, is
5266 amended as follows:

5267 27-71-327. Any person engaged in the business of
5268 manufacturer, distributor, wholesaler or retailer of light * * *
5269 intoxicating beverages and any brewpub shall keep such additional
5270 records and make such additional reports with respect to the
5271 manufacture, receipt, distribution and sale of such light * * *
5272 intoxicating beverages as the commissioner may require. It shall
5273 be the duty of the commissioner to prescribe and promulgate
5274 uniform rules and regulations for keeping such records and making
5275 such reports.

5276 **SECTION 74.** Section 27-71-333, Mississippi Code of 1972, is
5277 amended as follows:

5278 27-71-333. Whenever it shall be determined by the
5279 commissioner that any wholesaler or distributor having in his
5280 possession, or engaging in the sale or distribution of light * * *
5281 intoxicating beverages, has failed to pay the tax, as provided
5282 herein, the commissioner shall compute the correct amount of tax



5283 due and unpaid and shall notify the taxpayer of the amount as
5284 being actually due and unpaid, and penalties, and interest and
5285 shall state in what manner this article is violated. The taxpayer
5286 so notified shall be given a period of ten (10) days in which to
5287 make objection and show cause why the additional tax, and
5288 penalties, and interest, should not be paid. On petition of the
5289 taxpayer, a hearing before the commissioner shall be granted, a
5290 final decision thereon shall be rendered, and the taxpayer
5291 notified as early as practicable. Any tax or deficiency in tax
5292 shall be assessed and paid, together with penalties and interest,
5293 if any, applicable thereto, within ten (10) days after notice and
5294 demand by the commissioner.

5295 If no objection be made to the finding of the commissioner,
5296 and no hearing be had before the commissioner within the time
5297 herein specified, the findings of the commissioner shall be final.
5298 If a hearing be had, and the amount of tax due and unpaid be
5299 determined, notice of the amount of such tax, penalties and
5300 interest shall be mailed to the taxpayer, and, if not paid within
5301 ten (10) days thereafter, the commissioner shall forthwith issue a
5302 warrant under official seal directed to the sheriff of any county
5303 of the state commanding him to levy upon and sell the real and
5304 personal property of the person owing the tax, found within his
5305 county, for the payment of the amount thereof, with added damages,
5306 interest and cost of executing the warrant, and to return such
5307 warrant to the commissioner and pay to him money collected by



virtue thereof by a time to be therein specified not more than sixty (60) days from the date of the warrant. The sheriff shall, within five (5) days after the receipt of the warrant, file with the circuit clerk of his county a copy thereof, and thereupon the circuit clerk shall enter in the judgment roll, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in appropriate columns, the amount of the tax, or portion thereof and damages for which the warrant is issued, and the date when such copy is filed; and thereupon the amount of such warrant or warrants so docketed shall become a lien upon the title to and interest in the real and personal property, including choses in action, of the person against whom it is issued in the same manner as a judgment duly enrolled in the office of such clerk. The sheriff thereupon shall proceed upon the same in all respects, with like effect, and in the same manner prescribed by law in respect to executions issued against property upon judgment or attachment proceedings of a court of record; and he shall be entitled to the same fee for his service in executing the warrant as now allowed by law for like service, to be collected in the same manner as provided by law for like service.

SECTION 75. Section 27-71-335, Mississippi Code of 1972, is amended as follows:

27-71-335. Any light * * * intoxicating beverage found at any point within this state which has been in the possession of any wholesaler or distributor for a period of more than



forty-eight (48) hours and any light * * * intoxicating beverage
transported into this state from a point outside this state, or
from point-to-point within this state in violation of the
provisions of this article, or any light * * * intoxicating
beverage held or possessed by any person within this state on
which the legal and proper tax has not been paid when due, whether
such person be a wholesaler, retailer or distributor, or
individual, and whether the light * * * intoxicating beverages be
for sale or storage or individual use, except light * * *
intoxicating beverages in possession of a licensed wholesaler or
distributor for a period of time less than forty-eight (48) hours
after receipt of the light * * * intoxicating beverages within
this state, and light * * * intoxicating beverages held in storage
by licensed manufacturers or producers, are hereby declared to be
contraband goods, and there is hereby imposed and assessed, as tax
and penalty, to be collected by the commissioner, an amount equal
to the amount of the excise tax otherwise imposed under the
Mississippi Wine and Beer Tax Law, plus a penalty of one hundred
percent (100%) of the amount of the tax; or, at the option of the
commissioner, the light * * * intoxicating beverages may be seized
by the commissioner or his agents or any sheriff, or other lawful
officer, and shall be dealt with in the same manner as provided
for in Section 67-1-18 for alcoholic beverages.

SECTION 76. Section 27-71-345, Mississippi Code of 1972, is
amended as follows:



5358 27-71-345. Any municipality, in which any business licensed
5359 under * * * Section 67-3-27 * * * may be carried on, shall have
5360 the right to impose upon persons engaged in such business an
5361 annual privilege tax of not more than fifty percent (50%) of the
5362 tax imposed by Section 27-71-303 of this article, and any county,
5363 in which any business licensed under * * * Section 67-3-27 * * *
5364 may be carried on outside of the territory taxed by
5365 municipalities, shall have the right to impose upon persons
5366 engaged in such business an annual privilege tax of not more than
5367 fifty percent (50%) of the tax imposed by Section 27-71-303 of
5368 this article; provided, however, that no person engaged in the
5369 business of manufacturer, brewpub, wholesaler or distributor of
5370 light * * * intoxicating beverages shall be taxed by any
5371 municipality other than that in which the warehouse or plant of
5372 such wholesaler or distributor, or the premises of such brewpub,
5373 is located, nor shall any county impose any such tax upon such
5374 manufacturer, brewpub, wholesaler or distributor of light * * *
5375 intoxicating beverages if the place of business is located within
5376 the jurisdiction of any municipality.

5377 **SECTION 77.** Section 27-71-349, Mississippi Code of 1972, is
5378 amended as follows:

5379 27-71-349. (1) Every manufacturer or importer of
5380 light * * * intoxicating beverages shall designate sales
5381 territories for each of its brands sold in Mississippi and shall
5382 name one (1) licensed light * * * intoxicating beverage wholesaler



5383 in each territory who, within such territory, shall be the
5384 licensed wholesaler for the brand or brands assigned by the
5385 manufacturer or importer. If the manufacturer or importer
5386 supplies more than one (1) brand, sales territories may be granted
5387 to a different wholesaler for the sale of each brand. No licensed
5388 wholesaler shall distribute the specified brand or brands of
5389 light * * * intoxicating beverages outside his assigned territory,
5390 nor shall he knowingly sell to a retailer whose licensed retail
5391 establishment is located outside his assigned territory.

5392 (2) A licensed wholesaler designated as the licensed
5393 wholesaler for light * * * intoxicating beverages within a
5394 designated sales territory shall present that light * * *
5395 intoxicating beverage for sale to all licensed retailers within
5396 the designated sales territory without discrimination in service.
5397 A licensed wholesaler shall not sell, supply or deliver, either
5398 directly or indirectly through a third party, any light * * *
5399 intoxicating beverage to a licensed retailer outside of the
5400 designated sales territory of the designated wholesaler, nor to
5401 any person the licensed wholesaler has reason to believe will sell
5402 or supply any quantity of the light * * * intoxicating beverage to
5403 any retail location outside of the designated sales territory of
5404 the licensed wholesaler.

5405 (3) All light * * * intoxicating beverages shall be
5406 transported only by a marked conveyance owned or leased by the
5407 licensed wholesaler and operated by the licensed wholesaler or an



5408 employee of the wholesaler for the products of a manufacturer or
5409 importer within the designated sales territory to the address and
5410 location of a licensed retail dealer within that designated sales
5411 territory.

5412 (4) Any light * * * intoxicating beverage sold by the
5413 licensed wholesaler shall not be delivered to, received by or
5414 stored at any place other than the address and location of the
5415 licensed retailer for which the required licenses and permits have
5416 been issued.

5417 (5) With the approval of the designated manufacturer, a
5418 licensed wholesaler may sell the designated brands to a licensed
5419 retailer located in a designated sales territory of another
5420 licensed wholesaler if the former licensed wholesaler is unable
5421 temporarily for any reason to provide the designated brands of the
5422 designated manufacturer within its designated sales territory.

5423 (6) All light * * * intoxicating beverages purchased by a
5424 licensed wholesaler for resale in this state shall come into the
5425 physical possession of the licensed wholesaler and be unloaded in
5426 and distributed from the warehouse of the licensed wholesaler
5427 located in this state before being resold in this state.

5428 (7) As used in this section, the term "sales territory"
5429 shall have the meaning ascribed to such term in Section 67-7-5.

5430 **SECTION 78.** Section 27-71-509, Mississippi Code of 1972, is
5431 amended as follows:



5432 27-71-509. It shall be unlawful for any brewer,
5433 manufacturer, wholesaler, distributor or retailer of light * * *
5434 intoxicating beverages to whom a permit has been issued
5435 under * * * Sections 67-3-15 and 67-3-23 * * * to write or print
5436 on any label or container of either of the above-named commodities
5437 any matter relating to the alcoholic or THC content of such
5438 beverage or beverages, except a statement * * * to the effect that
5439 the contents of the vessel or container in which light wine shall
5440 be sold does not contain alcohol in excess of five percent (5%) of
5441 the contents thereof, by weight, that the contents of the vessel
5442 or container in which light spirit product shall be sold does not
5443 contain alcohol in excess of six percent (6%) of the contents
5444 thereof, by weight, * * * that the contents of the vessel or
5445 container in which beer shall be sold does not contain alcohol in
5446 excess of eight percent (8%) of the contents thereof, by weight,
5447 and that the contents of the vessel or container in which hemp
5448 beverage shall be sold does not contain THC in excess of
5449 three-tenths percent (0.3%) of the contents thereof. It shall be
5450 unlawful for any such brewer, manufacturer, wholesaler,
5451 distributor or retailer to sell any such commodity with any
5452 statement in conflict with the provisions of this section, with
5453 reference to the alcoholic content of such beverage or beverages,
5454 except that a statement of alcoholic content may be expressed on
5455 any light wine, light spirit product or beer label in terms of
5456 volume or weight, at the manufacturer's option; and such



statement, if by volume, shall be subject to the same permitted tolerance allowed for wine containing fourteen percent (14%) alcohol by volume or less by Section 4.36(b)(1) of the Federal Labeling Requirements for Wine, 27 CFR Part 4, subpart D, and Section 7.71(c) 27 CFR Part 7, subpart G, and, if by weight, shall be subject to an equivalent permitted tolerance, determined in terms of alcohol by weight.

The terms "light intoxicating beverage," "light wine," "light spirit product," "beer" and "hemp beverage" have the meanings ascribed in Section 67-3-3.

SECTION 79. Section 45-9-101, Mississippi Code of 1972, is amended as follows:

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons qualified as provided in this section. Such licenses shall be valid throughout the state for a period of five (5) years from the date of issuance, except as provided in subsection (25) of this section. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

(b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a stun gun, concealed pistol or revolver and must display both the license and proper identification upon demand by a law



5482 enforcement officer. A violation of the provisions of this
5483 paragraph (b) shall constitute a noncriminal violation with a
5484 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
5485 by summons.

5486 (2) The Department of Public Safety shall issue a license if
5487 the applicant:

5488 (a) Is a resident of the state. However, this
5489 residency requirement may be waived if the applicant possesses a
5490 valid permit from another state, is a member of any active or
5491 reserve component branch of the United States of America Armed
5492 Forces stationed in Mississippi, is the spouse of a member of any
5493 active or reserve component branch of the United States of America
5494 Armed Forces stationed in Mississippi, or is a retired law
5495 enforcement officer establishing residency in the state;

5496 (b) (i) Is twenty-one (21) years of age or older; or
5497 (ii) Is at least eighteen (18) years of age but
5498 not yet twenty-one (21) years of age and the applicant:

5499 1. Is a member or veteran of the United
5500 States Armed Forces, including National Guard or Reserve; and

5501 2. Holds a valid Mississippi driver's license
5502 or identification card issued by the Department of Public Safety
5503 or a valid and current tribal identification card issued by a
5504 federally recognized Indian tribe containing a photograph of the
5505 holder;



5506 (c) Does not suffer from a physical infirmity which
5507 prevents the safe handling of a stun gun, pistol or revolver;

5508 (d) Is not ineligible to possess a firearm by virtue of
5509 having been convicted of a felony in a court of this state, of any
5510 other state, or of the United States without having been pardoned
5511 or without having been expunged for same;

5512 (e) Does not chronically or habitually abuse controlled
5513 substances to the extent that his normal faculties are impaired.
5514 It shall be presumed that an applicant chronically and habitually
5515 uses controlled substances to the extent that his faculties are
5516 impaired if the applicant has been voluntarily or involuntarily
5517 committed to a treatment facility for the abuse of a controlled
5518 substance or been found guilty of a crime under the provisions of
5519 the Uniform Controlled Substances Law or similar laws of any other
5520 state or the United States relating to controlled substances
5521 within a three-year period immediately preceding the date on which
5522 the application is submitted;

5523 (f) Does not chronically and habitually use alcoholic
5524 beverages to the extent that his normal faculties are impaired.
5525 It shall be presumed that an applicant chronically and habitually
5526 uses alcoholic beverages to the extent that his normal faculties
5527 are impaired if the applicant has been voluntarily or
5528 involuntarily committed as an alcoholic to a treatment facility or
5529 has been convicted of two (2) or more offenses related to the use
5530 of alcohol under the laws of this state or similar laws of any



5531 other state or the United States within the three-year period
5532 immediately preceding the date on which the application is
5533 submitted;

5534 (g) Desires a legal means to carry a stun gun,
5535 concealed pistol or revolver to defend himself;

5536 (h) Has not been adjudicated mentally incompetent, or
5537 has waited five (5) years from the date of his restoration to
5538 capacity by court order;

5539 (i) Has not been voluntarily or involuntarily committed
5540 to a mental institution or mental health treatment facility unless
5541 he possesses a certificate from a psychiatrist licensed in this
5542 state that he has not suffered from disability for a period of
5543 five (5) years;

5544 (j) Has not had adjudication of guilt withheld or
5545 imposition of sentence suspended on any felony unless three (3)
5546 years have elapsed since probation or any other conditions set by
5547 the court have been fulfilled;

5548 (k) Is not a fugitive from justice; and

5549 (l) Is not disqualified to possess a weapon based on
5550 federal law.

5551 (3) The Department of Public Safety may deny a license if
5552 the applicant has been found guilty of one or more crimes of
5553 violence constituting a misdemeanor unless three (3) years have
5554 elapsed since probation or any other conditions set by the court
5555 have been fulfilled or expunction has occurred prior to the date



5556 on which the application is submitted, or may revoke a license if
5557 the licensee has been found guilty of one or more crimes of
5558 violence within the preceding three (3) years. The department
5559 shall, upon notification by a law enforcement agency or a court
5560 and subsequent written verification, suspend a license or the
5561 processing of an application for a license if the licensee or
5562 applicant is arrested or formally charged with a crime which would
5563 disqualify such person from having a license under this section,
5564 until final disposition of the case. The provisions of subsection
5565 (7) of this section shall apply to any suspension or revocation of
5566 a license pursuant to the provisions of this section.

5567 (4) The application shall be completed, under oath, on a
5568 form promulgated by the Department of Public Safety and shall
5569 include only:

5570 (a) The name, address, place and date of birth, race,
5571 sex and occupation of the applicant;

5572 (b) The driver's license number or social security
5573 number of applicant;

5574 (c) Any previous address of the applicant for the two
5575 (2) years preceding the date of the application;

5576 (d) A statement that the applicant is in compliance
5577 with criteria contained within subsections (2) and (3) of this
5578 section;

5579 (e) A statement that the applicant has been furnished a
5580 copy of this section and is knowledgeable of its provisions;



5581 (f) A conspicuous warning that the application is
5582 executed under oath and that a knowingly false answer to any
5583 question, or the knowing submission of any false document by the
5584 applicant, subjects the applicant to criminal prosecution; and

5585 (g) A statement that the applicant desires a legal
5586 means to carry a stun gun, concealed pistol or revolver to defend
5587 himself.

5588 (5) The applicant shall submit only the following to the
5589 Department of Public Safety:

5590 (a) A completed application as described in subsection
5591 (4) of this section;

5592 (b) A full-face photograph of the applicant taken
5593 within the preceding thirty (30) days in which the head, including
5594 hair, in a size as determined by the Department of Public Safety,
5595 except that an applicant who is younger than twenty-one (21) years
5596 of age must submit a photograph in profile of the applicant;

5597 (c) A nonrefundable license fee of Eighty Dollars
5598 (\$80.00). Costs for processing the set of fingerprints as
5599 required in paragraph (d) of this subsection shall be borne by the
5600 applicant. Honorably retired law enforcement officers, disabled
5601 veterans and active duty members of the Armed Forces of the United
5602 States, and law enforcement officers employed with a law
5603 enforcement agency of a municipality, county or state at the time
5604 of application for the license, shall be exempt from the payment
5605 of the license fee;



(d) A full set of fingerprints of the applicant administered by the Department of Public Safety; and

(e) A waiver authorizing the Department of Public Safety access to any records concerning commitments of the applicant to any of the treatment facilities or institutions referred to in subsection (2) of this section and permitting access to all the applicant's criminal records.

(6) (a) The Department of Public Safety, upon receipt of the items listed in subsection (5) of this section, shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(b) The Department of Public Safety shall forward a copy of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence. The sheriff of the applicant's county of residence, and, if applicable, the police chief of the applicant's municipality of residence may, at his discretion, participate in the process by submitting a voluntary report to the Department of Public Safety containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.



5631 (c) The Department of Public Safety shall, within
5632 forty-five (45) days after the date of receipt of the items listed
5633 in subsection (5) of this section:

5634 (i) Issue the license;

5635 (ii) Deny the application based solely on the
5636 ground that the applicant fails to qualify under the criteria
5637 listed in subsections (2) and (3) of this section. If the
5638 Department of Public Safety denies the application, it shall
5639 notify the applicant in writing, stating the ground for denial,
5640 and the denial shall be subject to the appeal process set forth in
5641 subsection (7); or

5642 (iii) Notify the applicant that the department is
5643 unable to make a determination regarding the issuance or denial of
5644 a license within the forty-five-day period prescribed by this
5645 subsection, and provide an estimate of the amount of time the
5646 department will need to make the determination.

5647 (d) In the event a legible set of fingerprints, as
5648 determined by the Department of Public Safety and the Federal
5649 Bureau of Investigation, cannot be obtained after a minimum of two
5650 (2) attempts, the Department of Public Safety shall determine
5651 eligibility based upon a name check by the Mississippi Highway
5652 Safety Patrol and a Federal Bureau of Investigation name check
5653 conducted by the Mississippi Highway Safety Patrol at the request
5654 of the Department of Public Safety.



5655 (7) (a) If the Department of Public Safety denies the
5656 issuance of a license, or suspends or revokes a license, the party
5657 aggrieved may appeal such denial, suspension or revocation to the
5658 Commissioner of Public Safety, or his authorized agent, within
5659 thirty (30) days after the aggrieved party receives written notice
5660 of such denial, suspension or revocation. The Commissioner of
5661 Public Safety, or his duly authorized agent, shall rule upon such
5662 appeal within thirty (30) days after the appeal is filed and
5663 failure to rule within this thirty-day period shall constitute
5664 sustaining such denial, suspension or revocation. Such review
5665 shall be conducted pursuant to such reasonable rules and
5666 regulations as the Commissioner of Public Safety may adopt.

5667 (b) If the revocation, suspension or denial of issuance
5668 is sustained by the Commissioner of Public Safety, or his duly
5669 authorized agent pursuant to paragraph (a) of this subsection, the
5670 aggrieved party may file within ten (10) days after the rendition
5671 of such decision a petition in the circuit or county court of his
5672 residence for review of such decision. A hearing for review shall
5673 be held and shall proceed before the court without a jury upon the
5674 record made at the hearing before the Commissioner of Public
5675 Safety or his duly authorized agent. No such party shall be
5676 allowed to carry a stun gun, concealed pistol or revolver pursuant
5677 to the provisions of this section while any such appeal is
5678 pending.



5679 (8) The Department of Public Safety shall maintain an
5680 automated listing of license holders and such information shall be
5681 available online, upon request, at all times, to all law
5682 enforcement agencies through the Mississippi Crime Information
5683 Center. However, the records of the department relating to
5684 applications for licenses to carry stun guns, concealed pistols or
5685 revolvers and records relating to license holders shall be exempt
5686 from the provisions of the Mississippi Public Records Act of 1983,
5687 and shall be released only upon order of a court having proper
5688 jurisdiction over a petition for release of the record or records.

5689 (9) Within thirty (30) days after the changing of a
5690 permanent address, or within thirty (30) days after having a
5691 license lost or destroyed, the licensee shall notify the
5692 Department of Public Safety in writing of such change or loss.
5693 Failure to notify the Department of Public Safety pursuant to the
5694 provisions of this subsection shall constitute a noncriminal
5695 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
5696 be enforceable by a summons.

5697 (10) In the event that a stun gun, concealed pistol or
5698 revolver license is lost or destroyed, the person to whom the
5699 license was issued shall comply with the provisions of subsection
5700 (9) of this section and may obtain a duplicate, or substitute
5701 thereof, upon payment of Fifteen Dollars (\$15.00) to the
5702 Department of Public Safety, and furnishing a notarized statement
5703 to the department that such license has been lost or destroyed.



5704 (11) A license issued under this section shall be revoked if
5705 the licensee becomes ineligible under the criteria set forth in
5706 subsection (2) of this section.

5707 (12) (a) Except as provided in subsection (25) of this
5708 section, no less than ninety (90) days prior to the expiration
5709 date of the license, the Department of Public Safety shall send to
5710 each licensee a written notice of the expiration and a renewal
5711 form prescribed by the department. The licensee must renew his
5712 license on or before the expiration date by filing with the
5713 department the renewal form, a notarized affidavit stating that
5714 the licensee remains qualified pursuant to the criteria specified
5715 in subsections (2) and (3) of this section if necessary, and a
5716 full set of fingerprints administered by the Department of Public
5717 Safety or the sheriff of the county of residence of the licensee.
5718 The first renewal may be processed by mail "or other means as
5719 determined by the Department" and the subsequent renewal must be
5720 made in person. Thereafter every other renewal may be processed
5721 by mail to assure that the applicant must appear in person every
5722 ten (10) years for the purpose of obtaining a new photograph.

5723 (i) Except as provided in this subsection, a
5724 renewal fee of Forty Dollars (\$40.00) shall also be submitted
5725 along with costs for processing the fingerprints;

5726 (ii) Honorably retired law enforcement officers,
5727 disabled veterans, active duty members of the Armed Forces of the
5728 United States and law enforcement officers employed with a law



5729 enforcement agency of a municipality, county or state at the time
5730 of renewal, shall be exempt from the renewal fee; and

5731 (iii) The renewal fee for a Mississippi resident
5732 aged sixty-five (65) years of age or older shall be Twenty Dollars
5733 (\$20.00).

5734 (b) The Department of Public Safety shall forward the
5735 full set of fingerprints of the applicant to the appropriate
5736 agencies for state and federal processing. The license shall be
5737 renewed upon receipt of the completed renewal application and
5738 appropriate payment of fees.

5739 (c) A licensee who fails to file a renewal application
5740 on or before its expiration date must renew his license by paying
5741 a late fee of Fifteen Dollars (\$15.00). No license shall be
5742 renewed six (6) months or more after its expiration date, and such
5743 license shall be deemed to be permanently expired. A person whose
5744 license has been permanently expired may reapply for licensure;
5745 however, an application for licensure and fees pursuant to
5746 subsection (5) of this section must be submitted, and a background
5747 investigation shall be conducted pursuant to the provisions of
5748 this section.

5749 (13) No license issued pursuant to this section shall
5750 authorize any person, except a law enforcement officer as defined
5751 in Section 45-6-3 with a distinct license authorized by the
5752 Department of Public Safety, to carry a stun gun, concealed pistol
5753 or revolver into any place of nuisance as defined in Section



5754 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
5755 patrol station; any detention facility, prison or jail; any
5756 courthouse; any courtroom, except that nothing in this section
5757 shall preclude a judge from carrying a concealed weapon or
5758 determining who will carry a concealed weapon in his courtroom;
5759 any polling place; any meeting place of the governing body of any
5760 governmental entity; any meeting of the Legislature or a committee
5761 thereof; any school, college or professional athletic event not
5762 related to firearms; any portion of an establishment, licensed to
5763 dispense alcoholic beverages for consumption on the premises, that
5764 is primarily devoted to dispensing alcoholic beverages; any
5765 portion of an establishment in which * * * light intoxicating
5766 beverages, as defined in Section 67-3-3, are consumed on the
5767 premises, that is primarily devoted to such purpose; any
5768 elementary or secondary school facility; any junior college,
5769 community college, college or university facility unless for the
5770 purpose of participating in any authorized firearms-related
5771 activity; inside the passenger terminal of any airport, except
5772 that no person shall be prohibited from carrying any legal firearm
5773 into the terminal if the firearm is encased for shipment, for
5774 purposes of checking such firearm as baggage to be lawfully
5775 transported on any aircraft; any church or other place of worship,
5776 except as provided in Section 45-9-171; or any place where the
5777 carrying of firearms is prohibited by federal law. In addition to
5778 the places enumerated in this subsection, the carrying of a stun



5779 gun, concealed pistol or revolver may be disallowed in any place
5780 in the discretion of the person or entity exercising control over
5781 the physical location of such place by the placing of a written
5782 notice clearly readable at a distance of not less than ten (10)
5783 feet that the "carrying of a pistol or revolver is prohibited."
5784 No license issued pursuant to this section shall authorize the
5785 participants in a parade or demonstration for which a permit is
5786 required to carry a stun gun, concealed pistol or revolver.

5787 (14) A law enforcement officer as defined in Section 45-6-3,
5788 chiefs of police, sheriffs and persons licensed as professional
5789 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
5790 1972, shall be exempt from the licensing requirements of this
5791 section.

5792 (a) The Commissioner of Public Safety shall promulgate
5793 rules and regulations to provide licenses to law enforcement
5794 officers as defined in Section 45-6-3 who choose to obtain a
5795 license under the provisions of this section, which shall include
5796 a distinction that the officer is an "active duty" law enforcement
5797 officer and an endorsement that such officer is authorized to
5798 carry in the locations listed in subsection (13). A law
5799 enforcement officer shall provide the following information to
5800 receive the license described in this subsection: (i) a letter,
5801 with the official letterhead of the agency or department for which
5802 the officer is employed at the time of application and (ii) a
5803 letter with the official letterhead of the agency or department,



5804 which explains that such officer has completed a certified law
5805 enforcement training academy.

5806 (b) The licensing requirements of this section do not
5807 apply to the carrying by any person of a stun gun, pistol or
5808 revolver, knife, or other deadly weapon that is not concealed as
5809 defined in Section 97-37-1.

5810 (15) Any person who knowingly submits a false answer to any
5811 question on an application for a license issued pursuant to this
5812 section, or who knowingly submits a false document when applying
5813 for a license issued pursuant to this section, shall, upon
5814 conviction, be guilty of a misdemeanor and shall be punished as
5815 provided in Section 99-19-31, Mississippi Code of 1972.

5816 (16) All fees collected by the Department of Public Safety
5817 pursuant to this section shall be deposited into a special fund
5818 hereby created in the State Treasury and shall be used for
5819 implementation and administration of this section. After the
5820 close of each fiscal year, the balance in this fund shall be
5821 certified to the Legislature and then may be used by the
5822 Department of Public Safety as directed by the Legislature.

5823 (17) All funds received by a sheriff or police chief
5824 pursuant to the provisions of this section shall be deposited into
5825 the general fund of the county or municipality, as appropriate,
5826 and shall be budgeted to the sheriff's office or police department
5827 as appropriate.



5828 (18) Nothing in this section shall be construed to require
5829 or allow the registration, documentation or providing of serial
5830 numbers with regard to any stun gun or firearm.

5831 (19) Any person holding a valid unrevoked and unexpired
5832 license to carry stun guns, concealed pistols or revolvers issued
5833 in another state shall have such license recognized by this state
5834 to carry stun guns, concealed pistols or revolvers. The
5835 Department of Public Safety is authorized to enter into a
5836 reciprocal agreement with another state if that state requires a
5837 written agreement in order to recognize licenses to carry stun
5838 guns, concealed pistols or revolvers issued by this state.

5839 (20) The provisions of this section shall be under the
5840 supervision of the Commissioner of Public Safety. The
5841 commissioner is authorized to promulgate reasonable rules and
5842 regulations to carry out the provisions of this section.

5843 (21) For the purposes of this section, the term "stun gun"
5844 means a portable device or weapon from which an electric current,
5845 impulse, wave or beam may be directed, which current, impulse,
5846 wave or beam is designed to incapacitate temporarily, injure,
5847 momentarily stun, knock out, cause mental disorientation or
5848 paralyze.

5849 (22) (a) From and after January 1, 2016, the Commissioner
5850 of Public Safety shall promulgate rules and regulations which
5851 provide that licenses authorized by this section for honorably
5852 retired law enforcement officers and honorably retired



5853 correctional officers from the Mississippi Department of
5854 Corrections shall (i) include the words "retired law enforcement
5855 officer" on the front of the license, and (ii) unless the licensee
5856 chooses to have this license combined with a driver's license or
5857 identification card under subsection (25) of this section, that
5858 the license itself have a red background to distinguish it from
5859 other licenses issued under this section.

5860 (b) An honorably retired law enforcement officer and
5861 honorably retired correctional officer shall provide the following
5862 information to receive the license described in this section: (i)
5863 a letter, with the official letterhead of the agency or department
5864 from which such officer is retiring, which explains that such
5865 officer is honorably retired, and (ii) a letter with the official
5866 letterhead of the agency or department, which explains that such
5867 officer has completed a certified law enforcement training
5868 academy.

5869 (23) A disabled veteran who seeks to qualify for an
5870 exemption under this section shall be required to provide a
5871 veterans health services identification card issued by the United
5872 States Department of Veterans Affairs indicating a
5873 service-connected disability, which shall be sufficient proof of
5874 such service-connected disability.

5875 (24) A license under this section is not required for a
5876 loaded or unloaded pistol or revolver to be carried upon the
5877 person in a sheath, belt holster or shoulder holster or in a



5878 purse, handbag, satchel, other similar bag or briefcase or fully
5879 enclosed case if the person is not engaged in criminal activity
5880 other than a misdemeanor traffic offense, is not otherwise
5881 prohibited from possessing a pistol or revolver under state or
5882 federal law, and is not in a location prohibited under subsection
5883 (13) of this section. However, the medical use of medical
5884 cannabis by a cardholder who is a registered qualifying patient
5885 which is lawful under the provisions of the Mississippi Medical
5886 Cannabis Act and in compliance with rules and regulations adopted
5887 thereunder shall not disqualify a person under this subsection
5888 (24) solely because the person is prohibited from possessing a
5889 firearm under 18 USCS Section 922(g)(3) due to such medical use of
5890 medical cannabis.

5891 (25) An applicant for a license under this section shall
5892 have the option of, instead of being issued a separate card for
5893 the license, having the license appear as a notation on the
5894 individual's driver's license or identification card. If the
5895 applicant chooses this option, the license issued under this
5896 section shall have the same expiration date as the driver's
5897 license or identification card, and renewal shall take place at
5898 the same time and place as renewal of the driver's license or
5899 identification card. The Commissioner of Public Safety shall have
5900 the authority to promulgate rules and regulations which may be
5901 necessary to ensure the effectiveness of the concurrent
5902 application and renewal processes.



SECTION 80. Section 97-5-49, Mississippi Code of 1972, is amended as follows:

97-5-49. (1) As used in this section:

(a) "Adult" means a person over the age of twenty-one (21) years.

(b) "Alcoholic beverage" has the meaning as defined in Section 67-1-5.

* * *

(* * * c) "Minor" means a person under the age of twenty-one (21) years.

(* * * d) "Party" means a gathering or event at which a group of two (2) or more persons assembles for a social occasion or activity at a private residence or a private premises.

(* * * e) "Private premises" means privately owned land, including any appurtenances or improvements on the land.

(* * * f) "Private residence" means the place where a person actually lives or has his or her home.

* * *

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

(2) No adult who owns or leases a private residence or private premises shall knowingly allow a party to take place or continue at the residence or premises if a minor at the party obtains, possesses or consumes any alcoholic beverage * * * or light intoxicating beverage if the adult knows that the minor has



obtained, possesses or is consuming alcoholic beverages * * * or
light intoxicating beverages.

(3) This section shall not apply to legally protected religious activities or gatherings of family members or to any of the exemptions set forth in Section 67-3-54.

(4) Each incident in violation of subsection (2) of this section or any part of subsection (2) constitutes a separate offense.

(5) Any person who violates subsection (2) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both the fine and imprisonment, in the discretion of the court.

SECTION 81. Severability. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

SECTION 82. This act shall take effect and be in force from and after July 1, 2025.

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



1 AN ACT TO AMEND SECTION 69-25-201, MISSISSIPPI CODE OF 1972,
2 TO RENAME THE "MISSISSIPPI HEMP CULTIVATION ACT" AS THE
3 "MISSISSIPPI HEMP ACT," AND TO EXPAND ITS PURPOSE TO REGULATING
4 THE MANUFACTURE, PRODUCTION, DISTRIBUTION AND SALE OF CONSUMABLE
5 HEMP PRODUCTS OTHER THAN BEVERAGES; TO AMEND SECTION 69-25-203,
6 MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS; TO AMEND
7 SECTION 69-25-207, MISSISSIPPI CODE OF 1972, TO TRANSFER THE
8 ADMINISTRATION OF THE MISSISSIPPI HEMP ACT FROM THE COMMISSIONER
9 AND DEPARTMENT OF AGRICULTURE AND COMMERCE TO THE STATE HEALTH
10 OFFICER AND THE STATE DEPARTMENT OF HEALTH; TO PROVIDE THAT THE
11 STATE DEPARTMENT OF HEALTH SHALL BE RESPONSIBLE FOR LICENSING
12 RETAILERS, WHOLESALERS, MANUFACTURERS AND PROCESSORS OF CONSUMABLE
13 HEMP PRODUCTS OTHER THAN BEVERAGES; TO SET THE ANNUAL LICENSE FEES
14 TO BE COLLECTED BY THE DEPARTMENT AND TO DIRECT THAT SUCH FEES BE
15 DEPOSITED INTO THE STATE GENERAL FUND; TO AMEND SECTION 69-25-213,
16 MISSISSIPPI CODE OF 1972, TO REDUCE, FROM A CONCENTRATION OF MORE
17 THAN 0.5% TO A CONCENTRATION OF MORE THAN 0.3%, THE THRESHOLD FOR
18 VIOLATIONS OF PRODUCING CANNABIS SATIVA L. WITH A CERTAIN
19 DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION ON A DRY WEIGHT BASIS;
20 TO AMEND SECTION 69-25-217, MISSISSIPPI CODE OF 1972, TO PROHIBIT
21 THE SALE, OR MANUFACTURE OR PRODUCTION FOR SALE, IN MISSISSIPPI OR
22 TO MISSISSIPPI CONSUMERS, OF PRODUCTS DERIVED FROM ANY CANNABIS
23 PLANT, EXCEPT AS AUTHORIZED UNDER THE MISSISSIPPI HEMP ACT, THE
24 LIGHT ALCOHOLIC BEVERAGE STATUTES, OR THE MISSISSIPPI MEDICAL
25 CANNABIS ACT; TO PROHIBIT THE MANUFACTURE, PRODUCTION OR SALE OF
26 ANY HEMP PRODUCT CONTAINING SYNTHETIC CANNABINOID; TO PROHIBIT THE
27 SALE OF ANY CONSUMABLE HEMP PRODUCT TO ANY PERSON UNDER THE AGE OF
28 21 YEARS; TO CREATE NEW CODE SECTIONS TO REQUIRE THAT LABELS FOR
29 HEMP PRODUCTS BE APPROVED BY THE DEPARTMENT; TO REQUIRE THAT A
30 FINALIZED SAMPLE OF FINISHED HEMP PRODUCTS HAVE A CERTIFICATE OF
31 ANALYSIS; TO PROVIDE CERTAIN REQUIREMENTS FOR CONSUMABLE FOOD
32 MANUFACTURING DISTRIBUTORS; TO REQUIRE A LICENSED ENTITY TO
33 PROVIDE A QUARTERLY REPORT TO THE DEPARTMENT; TO REQUIRE THE
34 DEPARTMENT TO IMPLEMENT AN ELECTRONIC REPORTING SYSTEM; TO PROVIDE
35 THAT ANY CONSUMABLE FOOD MANUFACTURING DISTRIBUTOR OR CONSUMABLE
36 HEMP MANUFACTURER, PROCESSOR, WHOLESALER OR RETAILER THAT FAILS TO
37 TIMELY REPORT HEMP PRODUCTS PURCHASED OR SOLD IN MISSISSIPPI, OR
38 THAT PURCHASES OR SELLS ANY UNLAWFUL HEMP PRODUCT, SHALL BE
39 SUBJECT TO A FINE AS PRESCRIBED BY THE DEPARTMENT, AND TO DIRECT
40 THAT SUCH FINES BE DEPOSITED INTO THE STATE GENERAL FUND; TO
41 IMPOSE A 3% EXCISE TAX ON CONSUMABLE HEMP PRODUCTS AND TO DIRECT
42 THAT PROCEEDS OF SUCH TAX BE DEPOSITED INTO THE STATE GENERAL
43 FUND; TO AMEND SECTIONS 69-25-211, 69-25-215, 69-25-219, 69-25-221
44 AND 69-25-223, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
45 PRECEDING PROVISIONS; TO AMEND SECTION 41-137-45, MISSISSIPPI CODE
46 OF 1972, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON OR ENTITY
47 TO SELL OR TRANSFER PRODUCTS DERIVED FROM ANY CANNABIS PLANT TO
48 INDIVIDUALS IN THE STATE OF MISSISSIPPI, WITH CERTAIN EXCEPTIONS;
49 TO PROVIDE PENALTIES FOR A PERSON OR BUSINESS ENTITY THAT
50 UNLAWFULLY SELLS CANNABIS-DERIVED PRODUCTS; TO REVISE CERTAIN



51 INTENT REQUIREMENTS; TO CREATE NEW CODE SECTIONS TO REQUIRE EVERY
52 MANUFACTURER OF A CONSUMABLE HEMP PRODUCT THAT IS SOLD FOR RETAIL
53 SALE IN MISSISSIPPI TO EXECUTE AND DELIVER TO THE DEPARTMENT OF
54 REVENUE A CERTIFICATION FORM THAT SEPARATELY LISTS EACH BRAND
55 NAME, CATEGORY, PRODUCT NAME AND FLAVOR FOR EACH CONSUMABLE HEMP
56 PRODUCT THAT IS SOLD IN MISSISSIPPI; TO DIRECT THE DEPARTMENT OF
57 REVENUE TO MAINTAIN AND MAKE PUBLICLY AVAILABLE ON ITS OFFICIAL
58 WEBSITE A DIRECTORY THAT LISTS ALL CONSUMABLE HEMP PRODUCT
59 MANUFACTURERS, BRAND NAMES, CATEGORIES, PRODUCT NAMES AND FLAVORS
60 FOR WHICH CERTIFICATION FORMS HAVE BEEN SUBMITTED AND APPROVED BY
61 THE DEPARTMENT OF REVENUE, AND TO UPDATE THE DIRECTORY AT LEAST
62 MONTHLY TO ENSURE ACCURACY; TO PROVIDE THAT CONSUMABLE HEMP
63 PRODUCTS NOT LISTED IN THE DIRECTORY AND INTENDED FOR RETAIL SALE
64 IN MISSISSIPPI SHALL BE SUBJECT TO SEIZURE, FORFEITURE AND
65 DESTRUCTION, AND MAY NOT BE PURCHASED OR SOLD FOR RETAIL SALE IN
66 MISSISSIPPI; TO PROVIDE A PENALTY FOR THE RETAIL SALE OF
67 CONSUMABLE HEMP PRODUCTS NOT INCLUDED IN THE DIRECTORY AND TO
68 DIRECT THAT SUCH PENALTIES BE DEPOSITED INTO THE STATE GENERAL
69 FUND; TO REQUIRE THAT CONSUMABLE HEMP PRODUCTS MAY NOT BE SOLD OR
70 OFFERED FOR SALE UNLESS CERTAIN CLEARLY VISIBLE NOTICE IS POSTED
71 AT THE LOCATION WHERE THE CONSUMABLE HEMP PRODUCT IS AVAILABLE FOR
72 PURCHASE; TO PROVIDE FINES FOR SELLING OR OFFERING TO SELL
73 CONSUMABLE HEMP PRODUCTS WITHOUT SUCH NOTICE AND TO DIRECT THAT
74 SUCH FINES SHALL BE DEPOSITED INTO THE STATE GENERAL FUND; TO
75 AMEND SECTIONS 67-3-1, 67-3-3, 67-3-5, 67-3-7, 67-3-9, 67-3-13,
76 67-3-15, 67-3-17, 67-3-19, 67-3-22, 67-3-25, 67-3-27, 67-3-29,
77 67-3-41, 67-3-45, 67-3-46, 67-3-48, 67-3-48.1, 67-3-49, 67-3-51,
78 67-3-52, 67-3-53, 67-3-54, 67-3-55, 67-3-57, 67-3-59, 67-3-61,
79 67-3-63, 67-3-65, 67-3-67, 67-3-69, 67-3-70, 67-3-73, 67-3-74,
80 67-1-5, 67-1-18, 67-1-51, 67-1-51.1, 67-1-72, 67-7-3, 67-7-5,
81 67-7-7, 67-7-9, 67-7-11, 67-9-1, 27-65-241, 27-71-301, 27-71-303,
82 27-71-307, 27-71-311, 27-71-315, 27-71-317, 27-71-325, 27-71-327,
83 27-71-333, 27-71-335, 27-71-345, 27-71-349, 27-71-509, 45-9-101
84 AND 97-5-49, MISSISSIPPI CODE OF 1972, TO LEGALIZE THE MANUFACTURE
85 AND SALE OF HEMP BEVERAGES, TO BE REGULATED AND TAXED IN THE SAME
86 MANNER AS BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCTS, GENERICALLY
87 REFERRED TO AS "LIGHT INTOXICATING BEVERAGES"; TO REMOVE THE
88 PARENTAL CONSENT EXEMPTION FOR PERSONS AT LEAST 18 YEARS OLD BUT
89 UNDER 21; TO REVISE CERTAIN PROVISIONS REGARDING NOTICE TO PERMIT
90 HOLDERS OF COMPLAINTS OR VIOLATIONS; AND FOR RELATED PURPOSES.

