

By: Representative Creekmore IV

To: Public Health and Human Services; Ways and Means

HOUSE BILL NO. 990

1 AN ACT TO AMEND SECTION 27-69-3, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE DEFINITION OF THE TERM "TOBACCO" UNDER THE TOBACCO TAX
 3 LAW; TO DEFINE THE TERM "VAPOR PRODUCT" UNDER THE TOBACCO TAX LAW;
 4 TO AMEND SECTION 27-69-13, MISSISSIPPI CODE OF 1972, TO LEVY AN
 5 EXCISE TAX ON VAPOR PRODUCTS; TO AMEND SECTIONS 27-69-15,
 6 27-69-27, 27-69-33 AND 27-69-35, MISSISSIPPI CODE OF 1972, IN
 7 CONFORMITY THERETO; TO AMEND SECTION 27-69-75, MISSISSIPPI CODE OF
 8 1972, TO PROVIDE THAT THE REVENUE DERIVED FROM THE EXCISE TAX ON
 9 VAPOR PRODUCTS SHALL BE DEPOSITED INTO THE "MISSISSIPPI COMMUNITY
 10 MENTAL HEALTH CENTERS PATIENT HOUSING FUND" AND THE "DEPARTMENT OF
 11 MENTAL HEALTH 9-8-8 CRISIS RESPONSE SYSTEM FUND" CREATED IN THIS
 12 ACT; TO BRING FORWARD SECTION 27-69-69, MISSISSIPPI CODE OF 1972,
 13 WHICH IS A SECTION OF THE TOBACCO TAX LAW, FOR THE PURPOSES OF
 14 POSSIBLE AMENDMENT; TO CREATE THE "MISSISSIPPI COMMUNITY MENTAL
 15 HEALTH CENTERS PATIENT HOUSING FUND" AS A SPECIAL FUND IN THE
 16 STATE TREASURY; TO PROVIDE THAT MONIES IN THE FUND SHALL BE USED
 17 BY THE DEPARTMENT OF MENTAL HEALTH, UPON APPROPRIATION BY THE
 18 LEGISLATURE, FOR THE PURPOSE OF PROVIDING GRANTS TO COMMUNITY
 19 MENTAL HEALTH CENTERS FOR THE PURPOSE OF INCREASING HOUSING FOR
 20 PATIENTS; TO PROVIDE THAT THE DEPARTMENT OF MENTAL HEALTH SHALL
 21 ESTABLISH A PROGRAM FOR PROVIDING SUCH GRANTS TO COMMUNITY MENTAL
 22 HEALTH CENTERS; TO CREATE THE "DEPARTMENT OF MENTAL HEALTH 9-8-8
 23 CRISIS RESPONSE SYSTEM FUND" AS A SPECIAL FUND IN THE STATE
 24 TREASURY; TO PROVIDE THAT MONIES IN THE FUND SHALL BE EXPENDED BY
 25 THE DEPARTMENT OF MENTAL HEALTH, UPON APPROPRIATION BY THE
 26 LEGISLATURE, FOR THE PURPOSE OF OPERATING THE DEPARTMENT'S 9-8-8
 27 CRISIS RESPONSE SYSTEM; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** Section 27-69-3, Mississippi Code of 1972, is
 30 amended as follows:



31 27-69-3. When used in this chapter:

32 (a) "State" means the State of Mississippi as
33 geographically defined, and any and all waters under the
34 jurisdiction of the State of Mississippi.

35 (b) "State Auditor" means the Auditor of Public
36 Accounts of the State of Mississippi, or his legally appointed
37 deputy, clerk or agent.

38 (c) "Commissioner" means the Commissioner of Revenue of
39 the Department of Revenue, and his authorized agents and
40 employees.

41 (d) "Person" means any individual, company,
42 corporation, partnership, association, joint venture, estate,
43 trust, or any other group, or combination acting as a unit, and
44 the plural as well as the singular, unless the intention to give a
45 more limited meaning is disclosed by the context.

46 (e) "Consumer" means a person who comes into possession
47 of tobacco for the purpose of consuming it, giving it away, or
48 disposing of it in any way by sale, barter or exchange.

49 (f) "Tobacco" means any cigarettes, cigars, cheroots,
50 stogies, smoking tobacco (including granulated, plug cut, crimp
51 cut, ready rubbed, and other kinds and forms of tobacco, or
52 substitutes therefor, prepared in such manner as to be suitable
53 for smoking in a pipe or cigarette) and including plug and twist
54 chewing tobacco and snuff, when such "tobacco" is manufactured and
55 prepared for sale or personal consumption. The term "tobacco"



56 also includes vapor products. All words used herein, except vapor
57 products, shall be given the meaning as defined in the regulations
58 of the Treasury Department of the United States of America.

59 (g) "First sale" means and includes the first sale, or
60 distribution of such tobacco in intrastate commerce, or the first
61 use or consumption of such tobacco within this state.

62 (h) "Drop shipment" means and includes any delivery of
63 tobacco received by any person within this state, when payment for
64 such tobacco is made to the shipper, or seller by or through a
65 person other than a consignee.

66 (i) "Distributor" includes every person, except
67 retailers as defined herein, in the state who manufactures or
68 produces tobacco or who ships, transports, or imports into this
69 state, or in any manner acquires or possesses tobacco, and makes a
70 first sale of the same in the state.

71 (j) "Wholesaler" includes dealers, whose principal
72 business is that of a wholesale dealer or jobber, who is known to
73 the retail trade as such, and whose place of business is located
74 in Mississippi or in a state which affords reciprocity to
75 wholesalers domiciled in Mississippi, who shall sell any taxable
76 tobacco to retail dealers only for the purpose of resale.

77 (k) "Retailer" includes every person, other than a
78 wholesale dealer, as defined above, whose principal business is
79 that of selling merchandise at retail, who shall sell, or offer
80 for sale tobacco to the consumer. The sale of tobacco in quantity



81 lots by retailers to other retailers, transient vendors, or other
82 persons, shall not be construed as wholesale and shall not qualify
83 such retailer for a permit as a wholesaler.

84 (l) "Dealer" includes every person, firm, corporation
85 or association of persons, except retailers as defined herein, who
86 manufacture tobacco for distribution, for sale, for use or for
87 consumption in the State of Mississippi.

88 The word "dealer" is further defined to mean any person,
89 firm, corporation or association of persons, except retailers as
90 defined herein, who imports tobacco from any state or foreign
91 country for distribution, sale, use, or consumption in the State
92 of Mississippi.

93 (m) "Distributing agent" includes every person in the
94 state who acts as an agent of any person outside the State of
95 Mississippi, by receiving tobacco in interstate commerce, and
96 storing such tobacco in this state subject to distribution, or
97 delivery upon order from the person outside the state to
98 distributors, wholesalers, retailers and dealers.

99 (n) "Transient vendor" means and includes every person
100 commonly and generally termed "peddlers" and every person acting
101 for himself, or as an agent, employee, salesman, or in any
102 capacity for another, whether as owner, bailee, or other custodian
103 of tobacco, and going from person to person, dealer to dealer,
104 house to house, or place to place, and selling or offering for
105 sale at retail or wholesale tobacco, and every person who does not



106 keep a regular place of business open at all times in regular
107 hours, and every person who goes from person to person, dealer to
108 dealer, house to house, or place to place, and sells or offers for
109 sale tobacco which he carries with him, and who delivers the same
110 at the time of, or immediately after the sale, or without
111 returning to the place of business operations (a permanent place
112 of business within the state) between the taking of the order and
113 the delivery of the tobacco, or

114 All persons who go from person to person, house to house,
115 place to place, or dealer to dealer, soliciting orders by
116 exhibiting samples, or taking orders, and thereafter making
117 delivery of tobacco, or filling the order without carrying or
118 sending the order to the permanent place of business, and
119 thereafter making delivery of the tobacco pursuant to the terms of
120 the order, or

121 All persons who go from person to person, place to place,
122 house to house, or dealer to dealer, carrying samples and selling
123 tobacco from samples, and afterwards making delivery without
124 taking and sending an order therefor to a permanent place of
125 business for the filling of the order, and delivery of the
126 tobacco, or the exchange of tobacco having become damaged or
127 unsalable, or the purchase by tobacco of advertising space, or

128 All persons who have in their possession, or under their
129 control, any tobacco offered, or to be offered for sale or to be
130 delivered, unless the sale or delivery thereof is to be made in



131 pursuance of a bona fide order for the tobacco, to be sold or
132 delivered, the order to be evidenced by an invoice or memorandum.

133 (o) "Contraband tobacco" means all tobacco found in the
134 possession of any person whose permit to engage in dealing in
135 tobacco has been revoked by the commissioner; and any cigarettes
136 found in the possession of any person to which the proper tax
137 stamps have not been affixed; and any cigarettes improperly
138 stamped when found in the possession of any person; and all other
139 tobacco upon which the excise tax has not been paid.

140 (p) "Sale" means an exchange for money or goods, giving
141 away, or distributing any tobacco as defined in this chapter.

142 (q) "Forty-eight (48) hours" and "seventy-two (72)
143 hours" means two (2) calendar days and three (3) calendar days,
144 respectively, excluding Sundays and legal holidays.

145 (r) "Stamp" or "stamping," or the import of such word,
146 when used in this chapter, means any manner of stamp or impression
147 permitted by the commissioner that carries out the purposes of the
148 chapter in clearly indicating upon the packages of cigarettes
149 taxed the due payment of the tax and clearly identifying, by
150 serial number or otherwise, the permittee who affixed the stamp to
151 the particular package.

152 (s) "Manufacturer's list price" means the full sales
153 price at which tobacco is sold or offered for sale by a
154 manufacturer to the wholesaler or distributor in this state
155 without any deduction for freight, trade discount, cash discounts,



156 special discounts or deals, cash rebates, or any other reduction
157 from the regular selling price. In the event freight charges on
158 shipments to wholesalers or distributors are not paid by the
159 manufacturer, then such freight charges required to be paid by the
160 wholesalers and distributors shall be added to the amount paid to
161 the manufacturer in order to determine "manufacturer's list
162 price." In the case of a wholesaler or distributor whose place of
163 business is located outside this state, the "manufacturer's list
164 price" for tobacco sold in this state by such wholesaler or
165 distributor shall in all cases be considered to be the same as
166 that of a wholesaler or distributor located within this state.

167 (t) "Vapor product" means an electronic product or
168 device that may be used to deliver any aerosolized or vaporized
169 substance to the person inhaling from the product or device,
170 including, but not limited to, an e-cigar, e-cigarillo, e-pipe,
171 vape pen or e-hookah; and includes any cartridge, component, part
172 or accessory of the electronic product or device, whether or not
173 sold separately, and also includes any liquid, capsule, powder or
174 substance intended to be aerosolized, vaporized or otherwise
175 ingested during the use of the electronic product or device,
176 whether or not the substance contains nicotine. The term "vapor
177 product" does not include (i) a product that is a drug under 21
178 USCS 321(g) (1); (ii) a product that is a device under 21 USCS
179 321(h); or (iii) a combination product described in 21 USCS
180 353(g).



181 **SECTION 2.** Section 27-69-13, Mississippi Code of 1972, is
182 amended as follows:

183 27-69-13. There is hereby imposed, levied and assessed, to
184 be collected and paid as hereinafter provided in this chapter, an
185 excise tax on each person or dealer in cigarettes, cigars,
186 stogies, snuff, chewing tobacco, * * * smoking tobacco, vapor
187 products, or substitutes therefor, upon the sale, use,
188 consumption, handling or distribution in the State of Mississippi,
189 as follows:

190 (a) On cigarettes, the rate of tax shall be Three and
191 Four-tenths Cents (3.4¢) on each cigarette sold with a maximum
192 length of one hundred twenty (120) millimeters; any cigarette in
193 excess of this length shall be taxed as if it were two (2) or more
194 cigarettes. Provided, however, if the federal tax rate on
195 cigarettes in effect on June 1, 1985, is reduced, then the rate as
196 provided herein shall be increased by the amount of the federal
197 tax reduction. Such tax increase shall take effect on the first
198 day of the month following the effective date of such reduction in
199 the federal tax rate.

200 (b) On cigars, cheroots, stogies, snuff, chewing and
201 smoking tobacco and all other tobacco products except cigarettes
202 and vapor products, the rate of tax shall be fifteen percent (15%)
203 of the manufacturer's list price.

204 (c) On vapor products, the rate of tax shall be
205 twenty-five percent (25%) of the manufacturer's list price.



206 No stamp evidencing the tax herein levied on cigarettes shall
207 be of a denomination of less than One Cent (1¢), and whenever the
208 tax computed at the rates herein prescribed on cigarettes shall be
209 a specified amount, plus a fractional part of One Cent (1¢), the
210 package shall be stamped for the next full cent; however, the
211 additional face value of stamps purchased to comply with taxes
212 imposed by this section after June 1, 1985, shall be subject to a
213 four percent (4%) discount or compensation to dealers for their
214 services rather than the eight percent (8%) discount or
215 compensation allowed by Section 27-69-31.

216 Every wholesaler shall purchase stamps as provided in this
217 chapter, and affix the same to all packages of cigarettes handled
218 by him as herein provided.

219 The above tax is levied upon the sale, use, gift, possession
220 or consumption of tobacco within the State of Mississippi, and the
221 impact of the tax levied by this chapter is hereby declared to be
222 on the vendee, user, consumer or possessor of tobacco in this
223 state; and when said tax is paid by any other person, such payment
224 shall be considered as an advance payment and shall thereafter be
225 added to the price of the tobacco and recovered from the ultimate
226 consumer or user.

227 **SECTION 3.** Section 27-69-15, Mississippi Code of 1972, is
228 amended as follows:

229 27-69-15. Any retailer, transient vendor, distributing
230 agent, salesman, or other dealer who shall receive any cigarettes



231 other than from a wholesaler having a permit as herein provided,
232 and not having the necessary stamps already affixed, shall, after
233 the receipt of such cigarettes, within the time limit herein
234 provided, present the same to some wholesaler having such permit,
235 for the affixing of the stamps required, and it shall be the duty
236 of such wholesaler, thereupon and upon the payment to him by such
237 retailer of the face value of the stamps required, to affix the
238 stamps to said cigarettes in the same manner as if the cigarettes
239 were handled and sold by such wholesaler, provided, that such
240 wholesaler, before affixing the stamps, shall require of the
241 retailer, transient vendor, distributing agent, salesman, or other
242 dealer, the original invoice for the cigarettes to be stamped, and
243 such wholesaler shall in each instance note upon the invoice, the
244 denominations and number of stamps affixed to the cigarettes
245 covered by said invoice, the notation to be made in ink, or other
246 manner not easy to erase, at the time the stamps are affixed.

247 It is further provided that, in addition hereto, the
248 wholesaler shall keep a separate record of all stamps affixed to
249 taxable cigarettes presented by retailers, transient vendors,
250 distributing agents, salesmen, or other dealers, showing the name
251 of the retailer, transient vendor, distributing agent, salesman,
252 or other dealer, name of the shipper, date of shipper's invoice,
253 the date stamps were affixed, denomination of stamps affixed, and
254 total value of stamps affixed.



255 When the request is made to any wholesaler in this state by a
256 retailer, transient vendor, distributing agent, salesman, or other
257 dealer in this state, said request being duly and seasonably made
258 for the affixing of stamps, and the request is accompanied by
259 proper remittance and invoice, and such wholesaler refuses to
260 affix the stamps to cigarettes as requested, said wholesaler shall
261 forfeit to the state a penalty of Twenty-five Dollars (\$25.00) for
262 each offense, the same to be collected by the commissioner and, in
263 addition thereto, in the discretion of the commissioner, forfeit
264 his permit to handle stamps. In the event of such refusal on the
265 part of any wholesaler to affix stamps said retailer, transient
266 vendor, distributing agent, salesman, or other dealer may make
267 application to the commissioner for stamps to be placed on the
268 cigarettes upon which the wholesaler refused to affix the stamps,
269 said application to be accompanied by an affidavit from the
270 retailer, transient vendor, distributing agent, salesman, or other
271 dealer, or some other credible person, setting forth the facts,
272 whereupon the commissioner may issue and sell to such retailer,
273 transient vendor, distributing agent, salesman, or other dealer, a
274 sufficient number of stamps to be affixed to the cigarettes.

275 Stamps shall not be affixed to any cigarettes except by a
276 wholesale dealer having a permit, except as otherwise provided in
277 this chapter.

278 Stamps shall not be required to be affixed to any cigarettes
279 while the same is in interstate commerce.



280 Any person who receives cigars, smoking tobacco, chewing
281 tobacco, snuff, vapor products or any other tobacco products
282 except cigarettes from anyone other than a wholesaler having a
283 tobacco permit issued by this state and the excise tax on the
284 tobacco received has not been paid, shall compute the excise tax
285 due the State of Mississippi at the rate prescribed herein on
286 forms furnished by the commissioner for that purpose. Such report
287 shall be accompanied by the remittance for the tax due and shall
288 be filed with the commissioner within forty-eight (48) hours after
289 receipt of the tobacco by such person.

290 In no case shall the provisions of this chapter be construed
291 to require the payment of a tax upon any tobacco upon which the
292 tax herein levied has once been paid to the state.

293 **SECTION 4.** Section 27-69-27, Mississippi Code of 1972, is
294 amended as follows:

295 27-69-27. The payment of the tax imposed by this chapter
296 shall be evidenced by affixing stamps to each individual package
297 of cigarettes usually sold to consumers, as distinguished from
298 cartons or larger units which are composed of a number of
299 individual packages.

300 Except as otherwise provided in this paragraph, the stamp
301 shall be affixed within seventy-two (72) hours after the receipt
302 of the cigarettes by the wholesaler, and within forty-eight (48)
303 hours after receipt of the cigarettes by the retailer; provided,
304 that in the case a dealer conducts a wholesale and retail business



305 at one (1) place of business, stamps shall be affixed within
306 forty-eight (48) hours after receipt of the cigarettes. However,
307 the provisions of this paragraph shall not apply to tobacco at the
308 point it is purchased at a sale under Section 27-69-56. The stamp
309 must be so securely affixed as to require the continued
310 application of water or of steam to remove it, or so that it
311 cannot be otherwise removed without destruction or mutilation.

312 The excise tax imposed on cigars, smoking tobacco, chewing
313 tobacco, snuff, vapor products and all other tobacco products
314 except cigarettes shall be computed by the application of the
315 excise tax rate to the manufacturer's list price on all purchases
316 of such tobacco. The excise tax shall be due and payable on or
317 before the fifteenth day of the month next succeeding the month in
318 which the tax accrues. The tax shall be filed with the
319 commissioner on forms prescribed by the commissioner.

320 Provided, however, manufacturers or other wholesale
321 distributors of tobacco, which are subject to the excise taxes
322 imposed by Section 27-69-13 of this chapter for the privilege of
323 selling or using such tobaccos within this state, who maintain
324 "terminals" or warehouses in which such tobaccos are stored, and
325 who sell only to licensed wholesale dealers within the state who
326 are qualified to purchase and affix the stamps required, may
327 maintain such "spot stocks," intended only for such sales, without
328 affixing the stamps or filing returns and paying the tax.



329 Any person desiring to maintain such "terminal" or warehouse,
330 shall make application to the commissioner and obtain a permit to
331 maintain such stocks without affixing stamps thereto, for sale
332 exclusively to out-of-state purchasers, or licensed wholesale
333 dealers within this state, and the commissioner is hereby
334 authorized to grant such permit upon the execution and filing with
335 the commissioner, by the applicant, a bond with surety companies,
336 authorized to do business in Mississippi, as surety thereon, and
337 conditioned for the strict compliance by the applicant, with the
338 following conditions under which said privilege may be granted.

339 The person maintaining such stock of untaxed tobacco shall
340 supply to the commissioner monthly, or at such times as the
341 commissioner may require, complete invoices of all tobaccos
342 received, and shall also supply correct invoices of all tobaccos
343 removed from such "terminal" or warehouse, said invoices to
344 contain the correct name and address of all persons to whom such
345 tobacco shall be delivered or consigned, whether within or without
346 the State of Mississippi.

347 The penalty of such bond shall be determined by the
348 commissioner, in an amount sufficient to protect the State of
349 Mississippi from any loss of revenue which might occur by reason
350 of the failure of principal to strictly adhere to the requirement
351 that no tobacco would be sold from such stock within the State of
352 Mississippi, except to licensed wholesale dealers.



353 **SECTION 5.** Section 27-69-33, Mississippi Code of 1972, is
354 amended as follows:

355 27-69-33. Manufacturers, distributors and wholesalers of
356 cigars, cigarettes * * *, smoking tobacco or vapor products
357 subject to the tax under this chapter, doing both intrastate and
358 interstate business in such tobacco, must qualify as interstate
359 dealers in such tobacco by applying to the commissioner for
360 permission to engage in such business, and, upon receipt of such
361 permission, he shall be permitted to set aside such part of his
362 stock as may be absolutely necessary for the conduct of such
363 interstate business, without affixing the stamps to cigarettes
364 required by this chapter. Said interstate stock shall be kept in
365 an entirely separate part of the building, separate and apart from
366 intrastate stock, and the said interstate business shall be
367 conducted by the said wholesale dealer in accordance with rules
368 and regulations to be promulgated by the commissioner.

369 It is further provided that shipment of such merchandise be
370 made only by a railroad, express company, boat line, or motor
371 freight line certified by the Mississippi Public Service
372 Commission as a common carrier, or by registered or insured parcel
373 post.

374 It is further provided that any manufacturer, distributor, or
375 wholesaler of cigars, cigarettes * * *, smoking tobacco or vapor
376 products, engaged in interstate commerce in such tobaccos, shall
377 report to the commissioner on or before the fifteenth day of each



378 month, on forms prescribed by the commissioner, all sales of
379 cigarettes made in interstate commerce during the preceding month
380 to which Mississippi stamps were not affixed. These reports must
381 be made supplementary to the reports required to be filed by
382 Section 27-69-35 of this chapter.

383 Each shipment must be covered by a complete copy of invoice
384 of the consignor, and supported by properly receipted bill of
385 lading of the transportation company, or post office department as
386 specified in the foregoing, and the receipted bills of lading and
387 invoices shall be subject to inspection by the commissioner for a
388 period of three (3) years.

389 The commissioner is further authorized to verify the actual
390 delivery to the consignee of such unstamped taxable cigarettes
391 before allowing credit, and for the purpose of such verification,
392 the commissioner may exchange information with the proper
393 authorities of other states as to movement of taxable tobacco to
394 and from other states into and from the State of Mississippi.

395 **SECTION 6.** Section 27-69-35, Mississippi Code of 1972, is
396 amended as follows:

397 27-69-35. It shall be the duty of every person subject to
398 the provisions of this chapter, to keep an accurate set of
399 records, showing all transactions had with reference to the
400 purchase, sale or gift of cigars, cigarettes, * * *, smoking
401 tobacco or vapor products, and such person shall keep separately
402 all invoices of cigars, cigarettes * * *, smoking tobacco or vapor



403 products, and shall keep a record of all stamps purchased, and
404 such records, and all stocks of cigars, cigarettes * * *, smoking
405 tobacco or vapor products on hand, shall be open to inspection at
406 all reasonable times to the commissioner; provided, however, that
407 all retail dealers, transient vendors, distributing agents, or
408 other dealers purchasing, or receiving cigars, cigarettes, * * *, smoking
409 tobacco or vapor products from without the state, whether
410 the same shall have been ordered through a wholesaler, or jobber
411 in this state, or by drop shipment, or otherwise, shall within
412 five (5) days after receipt of the same, mail a duplicate invoice
413 of all such purchases, or receipts, to the commissioner, and
414 failure to furnish such duplicate invoices shall be deemed a
415 misdemeanor.

416 It is further provided that all manufacturers, distributors
417 and wholesalers of cigars, cigarettes * * *, smoking tobacco or
418 vapor products, who have a permit required by this chapter shall
419 furnish the commissioner with a statement monthly, showing the
420 amount of taxable tobacco received, and must also furnish the
421 commissioner with duplicate invoices covering stamps affixed to
422 drop shipments purchased by retailers.

423 In the examination of such books, records, etc., the
424 commissioner shall have the power to administer oaths to any
425 person, and any person answering falsely, under oath, any of such
426 questions, shall be guilty of perjury.



427 If any person being so examined, fails to answer questions
428 propounded to him by the commissioner, or if any person, being
429 summoned to appear and answer such questions, shall fail or refuse
430 to do so, or if any person shall fail or refuse to permit the
431 inspection of his stock of merchandise, or invoices, or books, or
432 papers pertaining to any dealers in cigars, cigarettes * * *,
433 smoking tobacco or vapor products, the commissioner may make such
434 fact known to the circuit court of the county in which such
435 failure or refusal occurs, or judge thereof in termtime or in
436 vacation, by petition, and such circuit court, or judge thereof,
437 shall issue a summons for such person so refusing, returnable on a
438 date to be fixed by said court, or said judge, and on said date,
439 the said circuit court, or the circuit judge, shall proceed to
440 examine into the truth of the matter set out in said petition, and
441 if the same be found to be true, the said circuit court, or
442 circuit judge, shall issue a writ of subpoena duces tecum ordering
443 and directing the person so summoned to bring into court, and
444 exhibit for the inspection of the commissioner, all such books,
445 records, invoices, etc., as the court may deem proper from all the
446 facts and circumstances in the case. Any person failing or
447 refusing to present such books, records, invoices, etc., or
448 failing or refusing to testify, shall be punished for contempt as
449 provided by Section 9-1-17 of the Mississippi Code of 1972.

450 **SECTION 7.** Section 27-69-75, Mississippi Code of 1972, is
451 amended as follows:



452 27-69-75. All taxes levied by this chapter shall be payable
453 to the commissioner in cash, or by personal check, cashier's
454 check, bank exchange, post office money order or express money
455 order, and shall be deposited by the commissioner in the State
456 Treasury on the same day collected. No remittance other than cash
457 shall be a final discharge of liability for the tax herein
458 assessed and levied, unless and until it has been paid in cash to
459 the commissioner.

460 Except as otherwise provided in this section, all tobacco
461 taxes collected, including tobacco license taxes, shall be
462 deposited into the State Treasury to the credit of the General
463 Fund. All tobacco taxes collected on vapor products under Section
464 27-69-13 shall be deposited as follows: (a) fifty percent (50%)
465 of such taxes shall be deposited into the Mississippi Community
466 Mental Health Centers Patient Housing Fund created in Section 9 of
467 this act and (b) fifty percent (50%) of such taxes shall be
468 deposited into the Department of Mental Health 9-8-8 Crisis
469 Response System Fund created in Section 10 of this act.

470 Wholesalers who are entitled to purchase stamps at a
471 discount, as provided by Section 27-69-31, may have consigned to
472 them, without advance payment, such stamps, if and when such
473 wholesaler shall give to the commissioner a good and sufficient
474 bond executed by some surety company authorized to do business in
475 this state, conditioned to secure the payment for the stamps so
476 consigned. The commissioner shall require payment for such stamps



477 not later than thirty (30) days from the date the stamps were
478 consigned.

479 **SECTION 8.** Section 27-69-69, Mississippi Code of 1972, is
480 brought forward as follows:

481 27-69-69. Any municipality within this state, in which any
482 business licensed under the provisions of this chapter, may be
483 carried on, shall have the right to impose upon persons engaged in
484 such business, an annual privilege tax of not more than fifty
485 percent (50%) of the permit fee imposed by Section 27-69-7 of this
486 chapter; provided, however, that no person engaged in the
487 wholesale sale, or distribution of cigars, cigarettes or smoking
488 tobacco taxed by this chapter shall be taxed by any municipality
489 other than that in which the warehouse or wholesale business is
490 located.

491 **SECTION 9.** (1) (a) There is created in the State Treasury
492 a special fund to be designated as the "Mississippi Community
493 Mental Health Centers Patient Housing Fund," which shall consist
494 of funds deposited therein under Section 27-69-75, Mississippi
495 Code of 1972, and funds from any other source designated for
496 deposit into such fund. The fund shall be maintained by the State
497 Treasurer as a separate and special fund, separate and apart from
498 the General Fund of the state. Unexpended amounts remaining in
499 the fund at the end of a fiscal year shall not lapse into the
500 State General Fund, and any investment earnings or interest earned
501 on amounts in the fund shall be deposited to the credit of the



502 fund. Monies in the fund shall be used by the Department of
503 Mental Health, upon appropriation by the Legislature, for the
504 purposes provided in this section.

505 (b) The Department of Mental Health shall establish a
506 program for providing grants to community mental health centers
507 for the purpose of increasing housing for patients. A community
508 mental health center may apply to the Department of Mental Health
509 for a grant to pay for the cost of patient housing. A community
510 mental health center desiring assistance under this section must
511 submit an application to the Department of Mental Health. The
512 application must include any information required by the
513 Department of Mental Health.

514 (c) The Department of Mental Health shall have all
515 powers necessary to implement and administer the program
516 established under this section, and the department shall
517 promulgate rules and regulations, in accordance with the
518 Mississippi Administrative Procedures Law, necessary for the
519 implementation of this section.

520 **SECTION 10.** (1) (a) There is created in the State Treasury
521 a special fund to be designated as the "Department of Mental
522 Health 9-8-8 Crisis Response System Fund," which shall consist of
523 funds deposited therein under Section 27-69-75, Mississippi Code
524 of 1972, and funds from any other source designated for deposit
525 into such fund. The fund shall be maintained by the State
526 Treasurer as a separate and special fund, separate and apart from



527 the General Fund of the state. Unexpended amounts remaining in
528 the fund at the end of a fiscal year shall not lapse into the
529 State General Fund, and any investment earnings or interest earned
530 on amounts in the fund shall be deposited to the credit of the
531 fund. Monies in the fund shall be expended by the Department of
532 Mental Health, upon appropriation by the Legislature, for the
533 purpose of operating the department's 9-8-8 Crisis Response
534 System.

535 **SECTION 11.** This act shall take effect and be in force from
536 and after July 1, 2024.

