

By: Representative Yancey

To: Business and Commerce;  
Ways and Means

HOUSE BILL NO. 1502  
(As Passed the House)

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 AMEND SECTION  
11 69-25-213, MISSISSIPPI CODE OF 1972, TO REDUCE, FROM A  
12 CONCENTRATION OF MORE THAN 0.5% TO A CONCENTRATION OF MORE THAN  
13 0.3%, THE THRESHOLD FOR VIOLATIONS OF PRODUCING CANNABIS SATIVA L.  
14 WITH A CERTAIN DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION ON A DRY  
15 WEIGHT BASIS; TO AMEND SECTION 69-25-217, MISSISSIPPI CODE OF  
16 1972, TO PROHIBIT THE SALE, OR MANUFACTURE OR PRODUCTION FOR SALE,  
17 IN MISSISSIPPI OR TO MISSISSIPPI CONSUMERS, OF PRODUCTS DERIVED  
18 FROM ANY CANNABIS PLANT, EXCEPT AS AUTHORIZED UNDER THE  
19 MISSISSIPPI HEMP ACT, THE LIGHT ALCOHOLIC BEVERAGE STATUTES, OR  
20 THE MISSISSIPPI MEDICAL CANNABIS ACT; TO PROHIBIT THE MANUFACTURE,  
21 PRODUCTION OR SALE OF ANY HEMP PRODUCT CONTAINING AN ARTIFICIALLY  
22 DERIVED CANNABINOID; TO PROHIBIT THE SALE OF ANY CONSUMABLE HEMP  
23 PRODUCT TO ANY PERSON UNDER THE AGE OF 21 YEARS; TO CREATE NEW  
24 CODE SECTIONS TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL  
25 BE RESPONSIBLE FOR LICENSING RETAILERS, WHOLESALERS, MANUFACTURERS  
26 AND PROCESSORS OF CONSUMABLE HEMP PRODUCTS; TO SET THE ANNUAL  
27 LICENSE FEES TO BE COLLECTED BY THE DEPARTMENT AND TO DIRECT THAT  
28 SUCH FEES BE DEPOSITED INTO THE STATE GENERAL FUND; TO REQUIRE  
29 THAT LABELS FOR HEMP PRODUCTS BE APPROVED BY THE DEPARTMENT; TO  
30 REQUIRE THAT A FINALIZED SAMPLE OF FINISHED HEMP PRODUCTS HAVE A  
31 CERTIFICATE OF ANALYSIS; TO REQUIRE ALL PRODUCTS CONTAINING  
32 CANNABIDIOL (CBD) TO BE TESTED IN A FACILITY WITH A UNITED STATES  
33 DRUG ENFORCEMENT ADMINISTRATION (DEA) CERTIFICATION; TO PROVIDE  
34 CERTAIN REQUIREMENTS FOR CONSUMABLE FOOD MANUFACTURING



35 DISTRIBUTORS; TO REQUIRE A LICENSED ENTITY TO PROVIDE A QUARTERLY  
36 REPORT TO THE DEPARTMENT; TO REQUIRE THE DEPARTMENT TO IMPLEMENT  
37 AN ELECTRONIC REPORTING SYSTEM; TO PROVIDE THAT ANY CONSUMABLE  
38 FOOD MANUFACTURING DISTRIBUTOR OR CONSUMABLE HEMP MANUFACTURER,  
39 PROCESSOR, WHOLESALER OR RETAILER THAT FAILS TO TIMELY REPORT HEMP  
40 PRODUCTS PURCHASED OR SOLD IN MISSISSIPPI, OR THAT PURCHASES OR  
41 SELLS ANY UNLAWFUL HEMP PRODUCT, SHALL BE SUBJECT TO A FINE AS  
42 PRESCRIBED BY THE DEPARTMENT, AND TO DIRECT THAT SUCH FINES BE  
43 DEPOSITED INTO THE STATE GENERAL FUND; TO IMPOSE A 3% EXCISE TAX  
44 ON CONSUMABLE HEMP PRODUCTS AND TO DIRECT THAT PROCEEDS OF SUCH  
45 TAX BE DEPOSITED INTO THE STATE GENERAL FUND; TO AMEND SECTIONS  
46 69-25-211, 69-25-215, 69-25-219, 69-25-221 AND 69-25-223,  
47 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;  
48 TO AMEND SECTION 41-137-45, MISSISSIPPI CODE OF 1972, TO PROVIDE  
49 THAT IT IS UNLAWFUL FOR ANY PERSON OR ENTITY TO SELL OR TRANSFER  
50 PRODUCTS DERIVED FROM ANY CANNABIS PLANT TO INDIVIDUALS IN THE  
51 STATE OF MISSISSIPPI, WITH CERTAIN EXCEPTIONS; TO PROVIDE  
52 PENALTIES FOR A PERSON OR BUSINESS ENTITY THAT UNLAWFULLY SELLS  
53 CANNABIS-DERIVED PRODUCTS; TO CREATE NEW CODE SECTIONS TO REQUIRE  
54 EVERY MANUFACTURER OF A CONSUMABLE HEMP PRODUCT THAT IS SOLD FOR  
55 RETAIL SALE IN MISSISSIPPI TO EXECUTE AND DELIVER TO THE  
56 DEPARTMENT OF REVENUE A CERTIFICATION FORM THAT SEPARATELY LISTS  
57 EACH BRAND NAME, CATEGORY, PRODUCT NAME AND FLAVOR FOR EACH  
58 CONSUMABLE HEMP PRODUCT THAT IS SOLD IN MISSISSIPPI; TO DIRECT THE  
59 DEPARTMENT OF REVENUE TO MAINTAIN AND MAKE PUBLICLY AVAILABLE ON  
60 ITS OFFICIAL WEBSITE A DIRECTORY THAT LISTS ALL CONSUMABLE HEMP  
61 PRODUCT MANUFACTURERS, BRAND NAMES, CATEGORIES, PRODUCT NAMES AND  
62 FLAVORS FOR WHICH CERTIFICATION FORMS HAVE BEEN SUBMITTED AND  
63 APPROVED BY THE DEPARTMENT OF REVENUE, AND TO UPDATE THE DIRECTORY  
64 AT LEAST MONTHLY TO ENSURE ACCURACY; TO PROVIDE THAT CONSUMABLE  
65 HEMP PRODUCTS NOT LISTED IN THE DIRECTORY AND INTENDED FOR RETAIL  
66 SALE IN MISSISSIPPI SHALL BE SUBJECT TO SEIZURE, FORFEITURE AND  
67 DESTRUCTION, AND MAY NOT BE PURCHASED OR SOLD FOR RETAIL SALE IN  
68 MISSISSIPPI; TO PROVIDE A PENALTY FOR THE RETAIL SALE OF  
69 CONSUMABLE HEMP PRODUCTS NOT INCLUDED IN THE DIRECTORY AND TO  
70 DIRECT THAT SUCH PENALTIES BE DEPOSITED INTO THE STATE GENERAL  
71 FUND; TO REQUIRE THAT CONSUMABLE HEMP PRODUCTS MAY NOT BE SOLD OR  
72 OFFERED FOR SALE UNLESS CERTAIN CLEARLY VISIBLE NOTICE IS POSTED  
73 AT THE LOCATION WHERE THE CONSUMABLE HEMP PRODUCT IS AVAILABLE FOR  
74 PURCHASE; TO PROVIDE FINES FOR SELLING OR OFFERING TO SELL  
75 CONSUMABLE HEMP PRODUCTS WITHOUT SUCH NOTICE AND TO DIRECT THAT  
76 SUCH FINES SHALL BE DEPOSITED INTO THE STATE GENERAL FUND; TO  
77 AMEND SECTIONS 67-3-1, 67-3-3, 67-3-5, 67-3-7, 67-3-9, 67-3-13,  
78 67-3-15, 67-3-17, 67-3-19, 67-3-22, 67-3-25, 67-3-27, 67-3-28,  
79 67-3-29, 67-3-41, 67-3-45, 67-3-46, 67-3-48, 67-3-48.1, 67-3-49,  
80 67-3-51, 67-3-52, 67-3-53, 67-3-54, 67-3-55, 67-3-57, 67-3-59,  
81 67-3-61, 67-3-63, 67-3-65, 67-3-67, 67-3-69, 67-3-70, 67-3-73,  
82 67-3-74, 67-1-5, 67-1-18, 67-1-51, 67-1-51.1, 67-1-72, 67-7-3,  
83 67-7-5, 67-7-7, 67-7-9, 67-7-11, 67-9-1, 27-65-241, 27-71-301,  
84 27-71-303, 27-71-307, 27-71-311, 27-71-315, 27-71-317, 27-71-325,  
85 27-71-327, 27-71-333, 27-71-335, 27-71-345, 27-71-349, 27-71-509,



86 45-9-101 AND 97-5-49, MISSISSIPPI CODE OF 1972, TO LEGALIZE THE  
87 MANUFACTURE AND SALE OF HEMP BEVERAGES, TO BE REGULATED IN THE  
88 SAME MANNER AS BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCTS,  
89 COLLECTIVELY TO BE REFERRED TO AS "LIGHT INTOXICATING BEVERAGES";  
90 AND FOR RELATED PURPOSES.

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

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

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

102 (2) The manufacture, production, distribution and sale of  
103 consumable hemp products other than beverages shall be regulated  
104 under this article. The manufacture, production, distribution and  
105 sale of consumable hemp products that are beverages shall be  
106 regulated under Chapter 3, Title 67, Mississippi Code of 1972.

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

109 69-25-203. For purposes of this article, the following words  
110 and phrases shall have the meanings set forth below unless the  
111 context clearly indicates otherwise:

112 \* \* \*



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

117 (b) "Consumable hemp product" means a finished product  
118 that is intended for human consumption, contains any part of the  
119 hemp plant, including naturally occurring cannabinoids, compounds,  
120 concentrates, extracts, isolates, or resins, and has a  
121 delta-9-tetrahydrocannabinol (THC) concentration of not more than  
122 three-tenths percent (0.3%) when tested in its finished form. The  
123 term "consumable hemp product" does not include any product  
124 containing any quantity of artificially derived cannabinoids, as  
125 defined in Section 41-137-3, delta-8-tetrahydrocannabinol,  
126 delta-10-tetrahydrocannabinol, hexahydrocannabinol,  
127 tetrahydrocannabinol acetate, tetrahydrocannabiphorol or  
128 tetrahydrocannabivarin.

129 (c) "Consumable food manufacturing distributor" means  
130 any individual, partnership, corporation, cooperative association  
131 or other business entity that receives raw hemp, hemp floral  
132 material, extracts, distillates, isolates or any extracted form of  
133 hemp as long as it is extracted from hemp for the manufacturing,  
134 distribution and/or processing of any consumable hemp product  
135 including, but not limited to, edibles, tinctures, smokables,  
136 vapables, lubricants, salves, lotions, hemp floral material,  
137 concentrates, distillates and/or liquids.



138 (d) "Delta-9-tetrahydrocannabinol" means the sum of the  
139 percentage by weight of tetrahydrocannabinol acid multiplied by  
140 eight hundred seventy-seven thousandths (0.877) plus the  
141 percentage by weight of delta-9-tetrahydrocannabinol.

142 (e) "Department" means the \* \* \* State Department of  
143 Health.

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

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

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

157 (i) "Manufacturer" means a business entity that is  
158 licensed by the department that manufactures or intends to  
159 manufacture a consumable hemp product from unprocessed hemp or  
160 hemp extract.

161 ( \* \* \*j) "Person" means any person, firm, association,  
162 corporation or business entity.



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

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

170 (m) "State Health Officer" means the Executive Director  
171 of the State Department of Health. Where applicable under the  
172 provisions of this article, "State Health Officer" includes the  
173 State Health Officer's designee.

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

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

178 ( \* \* \*p) "USDA" means the United States Department of  
179 Agriculture.

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

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

186 69-25-207. (1) Pursuant to the provisions of this article,  
187 cultivation and processing of hemp, as defined in Section



188 69-25-203, are authorized in this state. Cultivation and  
189 processing of hemp are subject to regulation by the department and  
190 may only be performed by persons or business entities that hold a  
191 valid license or registration issued \* \* \* under this article.

192 (2) The \* \* \* State Health Officer shall create a State Plan  
193 for submission to and approval by the United States Department of  
194 Agriculture and the United States Secretary of Agriculture.  
195 The \* \* \* State Department of Health shall promulgate such  
196 reasonable regulations as necessary to implement the State Plan  
197 and provisions of this article. The \* \* \* department shall be  
198 authorized to promulgate any rule or regulation deemed necessary  
199 for the administration of the provisions of this article in  
200 compliance with any federal law, rule or regulation promulgated by  
201 the United States Department of Agriculture.

202 (3) The department is authorized to accept applications, and  
203 issue licenses and/or registrations for all hemp growers and hemp  
204 processors. The department shall adopt and enforce all rules and  
205 regulations related to those licenses and/or registrations.

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

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

208 (6) All \* \* \* license holders and registered processors  
209 shall keep and maintain crop and/or processing records in  
210 accordance with rules and regulations adopted and enforced by the  
211 department. The department may subject the required records to



212 inspection. The department may make an inspection for the purpose  
213 of ensuring compliance with:

- 214 (a) USDA guidelines;
- 215 (b) Provisions of this article;
- 216 (c) Department rules and regulations;
- 217 (d) Any terms or conditions of a license issued  
218 hereunder;
- 219 (e) Registration with the department; or
- 220 (f) A final department order directed to the grower's  
221 or processor's hemp operations or activities.

222 (7) All hemp growers and processors shall be subject to a  
223 background investigation conducted by the Department of Public  
224 Safety, which shall include both a state and federal background  
225 check.

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

228 69-25-213. (1) Upon a determination by the \* \* \* State  
229 Health Officer or his or her designee, the following may  
230 constitute negligent violations:

- 231 (a) Failing to provide a legal description of land on  
232 which the grower produces hemp;
- 233 (b) Failing to obtain a license or other required  
234 authorization from the department;
- 235 (c) Failing to register with the department;





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

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

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

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

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

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

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

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



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

263           69-25-217. (1) It shall be unlawful for any person or  
264 business entity to:

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

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

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

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

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

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



285           (g) Manufacture, produce or sell any hemp product that  
286 contains an artificially derived cannabinoid as defined in Section  
287 41-137-3; or

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

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

297           (3) Notwithstanding subsection (2) of this section, if any  
298 person or entity purposely, recklessly or knowingly cultivates or  
299 grows hemp with a delta-9-tetrahydrocannabinol (THC) concentration  
300 of more than one percent (1%) on a dry weight basis that person or  
301 entity shall be guilty of a felony punishable by imprisonment for  
302 not more than five (5) years, or a fine of not more than Ten  
303 Thousand Dollars (\$10,000.00), or both such fine and imprisonment.

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

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



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

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

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

316 (i) The element involves the nature of his or her  
317 conduct or the attendant circumstances, he or she is aware that  
318 his or her conduct is of that nature or that such circumstances  
319 exist; and

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

323 (c) "Recklessly" means a person acts recklessly with  
324 respect to a material element of an offense when he or she  
325 consciously disregards a substantial and unjustifiable risk that  
326 the material element exists or will result from his or her  
327 conduct. The risk must be of such a nature and degree that,  
328 considering the nature and purpose of the actor's conduct and the  
329 circumstances known to him or her, its disregard involves a gross  
330 deviation from the standard of conduct that a law-abiding person  
331 would observe in the actor's situation.



332           **SECTION 6.** (1) The department shall be responsible for the  
333 licensing of retailers, wholesalers, manufacturers and processors  
334 of consumable hemp products other than beverages, and shall begin  
335 issuing licenses to such businesses on July 1, 2025. The  
336 nonrefundable annual license fees to be collected by the  
337 department are as follows:

338                   (a) For a consumable hemp retailer, Two Hundred Dollars  
339 (\$200.00);

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

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

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

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

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

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

354           (3) All products containing cannabidiol (CBD) shall be  
355 tested in a testing facility and/or laboratory with a United



356 States Drug Enforcement Administration (DEA) Certification  
357 (ISO17025) that analyzes the safety and potency of CBD products.

358 **SECTION 8.** (1) Consumable food manufacturing distributors  
359 shall:

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

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

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

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

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

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

379 **SECTION 9.** (1) (a) Any entity licensed with the department  
380 as provided in this article shall submit a report on a quarterly



381 basis, due by the twentieth of the following month, detailing any  
382 hemp product manufactured, distributed, purchased or sold at  
383 wholesale, or sold at retail.

384 (b) Any consumable food manufacturing distributor or  
385 any consumable hemp manufacturer, processor, wholesaler or  
386 retailer shall pay a minimum fine of One Thousand Dollars  
387 (\$1,000.00) to the department for failing to report, by the  
388 twentieth (20th) of the following month, hemp products purchased  
389 or sold in Mississippi.

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

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

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

398 **SECTION 10.** (1) There is imposed, levied and assessed an  
399 excise tax on consumable hemp products not otherwise taxed under  
400 Section 27-71-307. A manufacturer or processor shall collect and  
401 remit an excise tax on forms and in a manner specified by the  
402 Commissioner of Revenue. The excise tax on such consumable hemp  
403 products shall be based on the sales price for which a  
404 manufacturer or processor sells to a wholesaler or retailer, and  
405 the rate of the excise tax shall be three percent (3%) of such



406 sales price. The proceeds of such tax shall be deposited into the  
407 State General Fund.

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

412 (3) All provisions of the sales tax law, including those  
413 which fix damages, penalties and interest for nonpayment of taxes  
414 and for noncompliance, and all other requirements and duties  
415 imposed on a taxpayer, shall apply to all persons liable for taxes  
416 under this section. The Commissioner of Revenue shall exercise  
417 all power and authority and perform all duties with respect to  
418 taxpayers under this section as are provided in the sales tax law;  
419 however, in the event of conflict, this section shall control.

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

422 69-25-211. (1) (a) The \* \* \* State Health Officer or his  
423 or her designee may enter, at reasonable times, upon any public or  
424 private property at which hemp is being cultivated or processed  
425 for the purpose of determining compliance with this \* \* \* article  
426 and rules adopted under it. The \* \* \* State Health Officer may  
427 apply for, and any judge of a court of competent jurisdiction, may  
428 issue a search warrant as is necessary to achieve the purposes of  
429 this \* \* \* article relating to things, property or places within  
430 the court's territorial jurisdiction.





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

439 (c) Any person to whom such an order is issued shall  
440 immediately comply with that order, and may apply to the \* \* \*  
441 State Health Officer for an adjudication hearing. Upon receiving  
442 an application for an adjudication hearing, the \* \* \* State Health  
443 Officer shall hold the hearing as soon as practicable and not  
444 later than thirty (30) days after receipt of the application. On  
445 the basis of the hearing, the \* \* \* State Health Officer shall  
446 continue the order in effect, revoke it, or modify it.

447 (d) In addition to any other available remedies,  
448 the \* \* \* State Health Officer or the Mississippi Attorney General  
449 may apply to the circuit court in the county where any provision  
450 of this \* \* \* article or an order issued under paragraph (b) of  
451 this subsection is being violated for an injunction restraining  
452 any person from continuing the violation.

453 (e) An employee of the state or any division, agency,  
454 institution thereof involved in the administration and/or  
455 enforcement of this article, shall not be subject to prosecution



456 for violations related to possession or transportation of hemp or  
457 cannabis in conjunction with the employee's duties arising under  
458 this \* \* \* article.

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

- 463 (a) A license or registration requirement;  
464 (b) License or registration terms or conditions;  
465 (c) Department rules and regulations relating to  
466 growing or processing hemp; or  
467 (d) A final order of the department that is  
468 specifically directed to the grower's or processor's hemp  
469 operations or activities.

470 (3) The department may impose administrative penalties for  
471 violations under this section in \* \* \* substantially the same  
472 manner as provided for the Department of Agriculture and Commerce  
473 in Section 69-25-51.

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

476 69-25-215. If a hemp grower violates the State Plan,  
477 including growing hemp containing a delta-9-tetrahydrocannabinol  
478 (THC) concentration that exceeds three-tenths percent (0.3%) on a  
479 dry \* \* \* weight basis or a tolerance range as specified by USDA,  
480 with a culpable mental state greater than negligence as determined



481 by the department, the \* \* \* State Health Officer shall  
482 immediately report the violation and the hemp grower to the United  
483 States Attorney General, the Mississippi Attorney General and the  
484 Mississippi Public Safety Commissioner. Such violations shall  
485 also be referred to the Mississippi Bureau of Narcotics for  
486 investigation. The Bureau of Narcotics may detain, seize and/or  
487 destroy the crop and may initiate a criminal case for any  
488 violation of this article or the Mississippi Uniform Controlled  
489 Substances Law. The Mississippi Attorney General shall, in person  
490 or by his or her designee, prosecute all criminal actions related  
491 to violations arising under this \* \* \* article relating to hemp,  
492 on behalf of the state. Violations of the State Plan that involve  
493 culpability greater than negligence must be reported to the United  
494 States Attorney General and the Mississippi Attorney General. The  
495 provisions of Section 69-25-213 shall not apply to nonnegligent  
496 violations.

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

499 69-25-219. (1) Any person convicted of a felony relating to  
500 a controlled substance under state or federal law before, on or  
501 after \* \* \* June 29, 2020, shall be ineligible, during the  
502 ten-year period following the date of the conviction to  
503 participate in the program established under this article and to  
504 produce hemp under any regulations or guidelines issued under this  
505 article.



506 (2) Any person who materially falsifies any information  
507 contained in an application to participate in the State Plan  
508 established under this article shall be ineligible to participate  
509 in the State Plan.

510 (3) In addition to any inspection conducted, the department  
511 may inspect any hemp crop at any time and take a representative  
512 composite sample for analysis. It shall be the duty of the  
513 department to take such samples and deliver them to the State  
514 Chemist for examination and analysis. It shall be the duty of the  
515 State Chemist to cause as many analyses to be made of samples  
516 delivered to him or her by the department as may be necessary to  
517 properly implement the intent of this article. The State Chemist  
518 shall make a report of such analyses to the department.

519 (4) The department shall charge growers and processors a fee  
520 or fees as determined by the department in a sufficient amount to  
521 cover the costs required to administer and enforce the provisions  
522 of this \* \* \* article.

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

525 69-25-221. No person shall operate as a hemp processor  
526 without first having secured a surety bond pursuant to this  
527 section. The \* \* \* department shall promulgate rules and  
528 regulations as necessary to require hemp processors to secure a  
529 surety bond. A hemp processor may file with the department, in  
530 lieu of a surety bond, a certificate of deposit or irrevocable



531 letter of credit from any bank or banking corporation insured by  
532 the Federal Deposit Insurance Corporation. Rules and regulations  
533 required for certificates of deposit and irrevocable letters of  
534 credit shall be promulgated by the \* \* \* department.

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

537 69-25-223. (1) The provisions of this article which provide  
538 authority to the \* \* \* State Department of Health and the State  
539 Health Officer to administer the provisions of the "Mississippi  
540 Hemp \* \* \* Act \* \* \*" shall be subject to legislative  
541 appropriation or receipt of necessary funding from any private or  
542 public entity for purposes of implementation.

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

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

552 41-137-45. (1) It shall be unlawful for any person or  
553 entity to cultivate, process, transport, use, possess, purchase,  
554 sell or transfer cannabis except as authorized by this chapter.



555 (2) A cardholder or medical cannabis establishment that  
556 purposely or knowingly fails to provide a notice required by  
557 Section 41-137-31 is guilty of a civil offense, punishable by a  
558 fine of no more than One Thousand Five Hundred Dollars  
559 (\$1,500.00), which may be assessed and collected by the licensing  
560 agency.

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

573 (4) A cardholder or nonresident cardholder who purposely,  
574 knowingly, or recklessly sells or otherwise transfers medical  
575 cannabis to a person or other entity is guilty of a felony  
576 punishable by a fine of not more than Three Thousand Dollars  
577 (\$3,000.00), or by commitment to the custody of the Department of  
578 Corrections for not more than two (2) years, or both. A person  
579 convicted under this subsection is disqualified from further



580 participation in the medical cannabis program under this chapter.

581 (5) A person who purposely, knowingly, or recklessly makes a  
582 false statement to a law enforcement official about any fact or  
583 circumstance relating to the medical use of cannabis to avoid  
584 arrest or prosecution is guilty of a misdemeanor punishable by a  
585 fine of not more than One Thousand Dollars (\$1,000.00), by  
586 imprisonment in the county jail for not more than ninety (90)  
587 days, or both. If a person convicted of violating this subsection  
588 is a cardholder, the person is disqualified from further  
589 participation in the medical cannabis program under this chapter.

590 (6) A person who purposely submits false records or  
591 documentation for an application for a license for a medical  
592 cannabis establishment under this chapter is guilty of a felony  
593 punishable by a fine of not more than Five Thousand Dollars  
594 (\$5,000.00), or by commitment to the custody of the Department of  
595 Corrections for not more than two (2) years, or both. A person  
596 convicted under this subsection may not continue to be affiliated  
597 with the medical cannabis establishment and is disqualified from  
598 further participation in the medical cannabis program under this  
599 chapter.

600 (7) A practitioner who purposely refers patients to a  
601 specific medical cannabis establishment or to a registered  
602 designated caregiver, who advertises in a medical cannabis  
603 establishment, or who issues written certifications while holding  
604 a financial interest in a medical cannabis establishment, is



605 guilty of a civil offense for every false certification and shall  
606 be fined up to Five Thousand Dollars (\$5,000.00) by the MDOH.

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

614 (9) No person, other than a cannabis processing facility or  
615 its agents, complying with this chapter and the rules and  
616 regulations promulgated under it, may extract compounds from  
617 cannabis that involves a chemical extraction process using a  
618 nonhydrocarbon-based or other solvent, such as water, vegetable  
619 glycerin, vegetable oils, animal fats, steam distillation,  
620 food-grade ethanol, or hydrocarbon-based solvent carbon dioxide.  
621 No person may extract compounds from cannabis using ethanol in the  
622 presence or vicinity of an open flame. It shall be a felony  
623 punishable by commitment to the custody of the Mississippi  
624 Department of Corrections for up to three (3) years and a Ten  
625 Thousand Dollar (\$10,000.00) fine for any person to purposely,  
626 knowingly, or recklessly violate this subsection.

627 (10) A medical cannabis establishment is guilty of a civil  
628 offense for any purposeful, knowing or reckless violation of this  
629 chapter or the rules and regulations issued under this chapter





630 where no penalty has been specified, and shall be fined not more  
631 than Five Thousand Dollars (\$5,000.00) for each such violation by  
632 its licensing agency.

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

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

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

652 **SECTION 17. Consumable hemp product directory.** (1) By  
653 August 1, 2025, and annually thereafter, every manufacturer of a  
654 consumable hemp product that is sold for retail sale in



655 Mississippi shall execute and deliver to the Department of Revenue  
656 a certification, under penalty of perjury, on a form and in a  
657 manner prescribed by the Department of Revenue, that the  
658 manufacturer is compliant with this article.

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

664 (3) Starting October 1, 2025, the Department of Revenue  
665 shall maintain and make publicly available on its official website  
666 a directory that lists all consumable hemp product manufacturers,  
667 brand names, categories (e.g., edible, tincture, smokable,  
668 vapable, lubricant, salve, lotion, floral material, concentrate,  
669 distillate, and/or liquid), product names and flavors for which  
670 certification forms have been submitted and approved by the  
671 Department of Revenue and shall update the directory at least  
672 monthly to ensure accuracy. The Department of Revenue shall  
673 establish a process to provide licensed retailers, distributors  
674 and wholesalers notice of the initial publication of the directory  
675 and changes made to the directory in the prior month.

676 (4) After ninety (90) calendar days following publication of  
677 the directory, consumable hemp products not listed in the  
678 directory and intended for retail sale in Mississippi are subject



679 to seizure, forfeiture and destruction, and may not be purchased  
680 or sold for retail sale in Mississippi.

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

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

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

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

695 (2) The notice shall provide that:

696 (a) A consumable hemp product contains THC;

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

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

702 (3) Any person who sells or offers for sale a consumable  
703 hemp product without proper notice as provided in this section



704 shall be fined not less than Five Hundred Dollars (\$500.00) for  
705 the first offense and not more than One Thousand Dollars  
706 (\$1,000.00) for each subsequent offense. Each violation, and  
707 every day in which a violation occurs, constitutes a separate  
708 violation.

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

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

713 67-3-1. The purpose of this chapter is to legalize and  
714 regulate the manufacture and sale within this state of light \* \* \*  
715 intoxicating beverages so as to prevent the illicit manufacture,  
716 sale and consumption of alcoholic beverages as defined in Section  
717 67-1-5, the manufacture and sale of which it is not the purpose of  
718 this chapter to legalize.

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

721 67-3-3. When used in this chapter, unless the context  
722 indicates otherwise:

723 (a) "Commissioner" means the Commissioner of  
724 Revenue \* \* \* of the State of Mississippi, and his authorized  
725 agents and employees.

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



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

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

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

736 (f) "Small craft brewery" means a person having a  
737 permit under this chapter to manufacture or brew light \* \* \*  
738 intoxicating beverages in this state and who manufactures or brews  
739 not more than sixty thousand (60,000) barrels of light \* \* \*  
740 intoxicating beverage at all breweries that such person or its  
741 affiliates, subsidiary or parent company owns or controls or with  
742 whom such person contracts with for the manufacture of light \* \* \*  
743 intoxicating beverages. For purposes of this paragraph,  
744 contract-brewed beer manufactured by a person having a permit  
745 under this chapter to manufacture or brew light \* \* \* intoxicating  
746 beverages shall be included in the sixty-thousand-barrel  
747 limitation.

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



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

754 (i) "Contract-brewed beer" means beer brewed by a  
755 manufacturer who:

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

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

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

765 (j) "Light spirit product" means a beverage of an  
766 alcoholic content of not more than six percent (6%) by weight and  
767 containing one or more distilled spirits, as defined in Section  
768 67-1-5.

769 (k) "Microbrewery" means a person having a permit under  
770 this chapter to manufacture or brew light \* \* \* intoxicating  
771 beverages in this state and who manufactures or brews not more  
772 than three thousand (3,000) barrels of light \* \* \* intoxicating  
773 beverages at its permitted location.

774 (l) "Hemp beverage" means a nonalcoholic beverage that  
775 meets the definition of "consumable hemp product" in Section  
776 69-25-203, is sold in containers of no size other than twelve (12)



777 fluid ounces, and contains no more than five (5) milligrams of THC  
778 per twelve-ounce container.

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

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

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

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

787 67-3-5. (1) It shall be lawful, subject to the provisions  
788 set forth in this chapter and in Section 67-1-51, in this state to  
789 transport, store, sell, distribute, possess, receive, deliver  
790 and/or manufacture light \* \* \* intoxicating beverages, and it is  
791 hereby declared that it is the legislative intent that this  
792 chapter privileges the lawful sale and manufacture, within this  
793 state, of such light \* \* \* intoxicating beverages. In determining  
794 if a wine product is "light wine," or contains an alcoholic  
795 content of more than five percent (5%) by weight, or is not an  
796 "alcoholic beverage" as defined in the Local Option Alcoholic  
797 Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of  
798 1972, the alcoholic content of such wine product shall be subject  
799 to the same permitted tolerance as is allowed by the labeling  
800 requirements for light wine provided for in Section 27-71-509.



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

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

810 67-3-7. (1) If any county, at an election held for the  
811 purpose under the election laws of the state, shall by a majority  
812 vote of the duly qualified electors voting in the election  
813 determine that the transportation, storage, sale, distribution,  
814 receipt and/or manufacture of \* \* \* light intoxicating beverages  
815 shall not be permitted in such county, then the same shall not be  
816 permitted therein except as authorized under Section 67-9-1 and as  
817 may be otherwise authorized in this section. An election to  
818 determine whether such transportation, storage, sale,  
819 distribution, receipt and/or manufacture of such beverages shall  
820 be excluded from any county in the state, shall, on a petition of  
821 twenty percent (20%) or fifteen hundred (1,500), whichever number  
822 is the lesser, of the duly qualified electors of such county, be  
823 ordered by the board of supervisors of the county, for such county  
824 only. No election on the question shall be held in any one (1)  
825 county more often than once in five (5) years.





826 In counties which have elected, or may elect by a majority  
827 vote of the duly qualified electors voting in the election, that  
828 the transportation, storage, sale, distribution, receipt and/or  
829 manufacture of \* \* \* light intoxicating beverages shall not be  
830 permitted in the county, an election may be held in the same  
831 manner as the election hereinabove provided on the question of  
832 whether or not the transportation, storage, sale, distribution,  
833 receipt and/or manufacture of said beverages shall be permitted in  
834 such county. Such election shall be ordered by the board of  
835 supervisors of such county on a petition of twenty percent (20%)  
836 or fifteen hundred (1 \* \* \* 500), whichever number is the lesser,  
837 of the duly qualified electors of such county. No election on  
838 this question can be ordered more often than once in five (5)  
839 years.

840 (2) Nothing in this section shall make it unlawful to  
841 possess \* \* \* light intoxicating beverages.

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

843 (a) Sell, distribute and transport light \* \* \*  
844 intoxicating beverages to a qualified resort area as defined in  
845 Section 67-1-5;

846 (b) Sell light \* \* \* intoxicating beverages at a  
847 qualified resort area as defined in Section 67-1-5 if such  
848 light \* \* \* intoxicating beverages sold by a person with a permit  
849 to engage in the business as a retailer of light \* \* \*  
850 intoxicating beverages;



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

854 (d) Transport legally purchased light \* \* \*  
855 intoxicating beverages in unopened containers; however, this  
856 paragraph shall not apply to a retailer unless the retailer has  
857 purchased the light \* \* \* intoxicating beverages from a wholesaler  
858 or distributor for the designated sales territory in which the  
859 retailer is located and the retailer has in his possession an  
860 invoice from the wholesaler or distributor for the light \* \* \*  
861 intoxicating beverages; or

862 (e) Transport homemade beer as authorized in Section  
863 67-3-11.

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

866 67-3-9. Any city in this state, having a population of not  
867 less than two thousand five hundred (2,500) according to the  
868 latest federal decennial census; or any city in this state having  
869 a population of not less than one thousand five hundred (1,500)  
870 according to the latest federal decennial census and located  
871 within three (3) miles of a city or county that permits the sale,  
872 receipt, storage and transportation for the purpose of sale  
873 of \* \* \* light intoxicating beverages; or any city or town in this  
874 state having a population of not less than one thousand (1,000)  
875 according to the latest federal decennial census and located in a



876 county that has no city or town with a population of more than two  
877 thousand five hundred (2,500); or any city, town or village that  
878 is a county seat and has voted to come out from under the dry law  
879 under Section 67-1-14; at an election held for the purpose, under  
880 the election laws applicable to such city, may either prohibit or  
881 permit, except as otherwise provided under Section 67-9-1, the  
882 sale and the receipt, storage and transportation for the purpose  
883 of sale of \* \* \* light intoxicating beverages. An election to  
884 determine whether such sale shall be permitted in cities wherein  
885 its sale is prohibited by law shall be ordered by the city or town  
886 council or mayor and board of aldermen or other governing body of  
887 such city or town for such city or town only, upon the  
888 presentation of a petition for such city or town to such governing  
889 board containing the names of twenty percent (20%) or fifteen  
890 hundred (1,500), whichever number is the lesser, of the duly  
891 qualified voters of such city or town asking for such election.  
892 In like manner, an election to determine whether such sale shall  
893 be prohibited in cities wherein its sale is permitted by law shall  
894 be ordered by the city council or mayor and board of aldermen or  
895 other governing board of such city for such city only, upon the  
896 presentation of a petition to such governing board containing the  
897 names of twenty percent (20%) of the duly qualified voters of such  
898 city asking for such election. No election on either question  
899 shall be held by any one (1) city more often than once in five (5)  
900 years.



901 Thirty (30) days' notice shall be given to the qualified  
902 electors of such city or town in the manner prescribed by law upon  
903 the question of either permitting or prohibiting such sale, and  
904 the notice shall contain a statement of the question to be voted  
905 on at the election. The tickets to be used in the election shall  
906 have the following words printed thereon: "For the legal sale of  
907 light wine of an alcoholic content of not more than five percent  
908 (5%) by weight, light spirit product of an alcoholic content of  
909 not more than six percent (6%) by weight, \* \* \* beer of an  
910 alcoholic content of not more than eight percent (8%) by weight,  
911 and hemp beverages of a THC concentration of not more than  
912 three-tenths percent (0.3%)"; and the words "Against the legal  
913 sale of light wine of an alcoholic content of not more than five  
914 percent (5%) by weight, light spirit product of an alcoholic  
915 content of not more than six percent (6%) by weight, \* \* \* beer of  
916 an alcoholic content of not more than eight percent (8%) by  
917 weight, and hemp beverages of a THC concentration of not more than  
918 three-tenths percent (0.3%)," next below. In making up his or her  
919 ticket the voter shall make a cross (X) opposite the words of his  
920 choice.

921 If in the election a majority of the qualified electors  
922 voting in the election shall vote "For the legal sale of light  
923 wine of an alcoholic content of not more than five percent (5%) by  
924 weight, light spirit product of an alcoholic content of not more  
925 than six percent (6%) by weight, \* \* \* beer of an alcoholic



926 content of not more than eight percent (8%) by weight, and hemp  
927 beverages of a THC concentration of not more than three-tenths  
928 percent (0.3%)," then the city or town council or mayor and board  
929 of aldermen or other governing body shall pass the necessary order  
930 permitting the legal sale of such light \* \* \* intoxicating  
931 beverages in such city or town. If in the election a majority of  
932 the qualified electors voting in the election shall vote "Against  
933 the legal sale of light wine of an alcoholic content of not more  
934 than five percent (5%) by weight, light spirit product of an  
935 alcoholic content of not more than six percent (6%) by  
936 weight, \* \* \* beer of an alcoholic content of not more than eight  
937 percent (8%) by weight, and hemp beverages of a THC concentration  
938 of not more than three-tenths percent (0.3%)," then the city or  
939 town council or mayor and board of aldermen or other governing  
940 body shall pass the necessary order prohibiting the sale of such  
941 light \* \* \* intoxicating beverages in such city or town.

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

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

947 67-3-13. (1) It shall be lawful to possess \* \* \* light  
948 intoxicating beverages throughout the state, unless otherwise  
949 prohibited by this chapter. However, nothing herein shall be  
950 construed to make lawful the possession of \* \* \* light



951 intoxicating beverages with the intent to sell except as  
952 authorized by this chapter.

953 (2) In any county or municipality in which the  
954 transportation, storage, sale, distribution, receipt and/or  
955 manufacture of light \* \* \* intoxicating beverages is prohibited,  
956 it shall not be unlawful for a permitted wholesaler or distributor  
957 to possess light \* \* \* intoxicating beverages when such  
958 light \* \* \* intoxicating beverages are held therein solely for the  
959 purpose of storage and for distribution to other counties and  
960 municipalities in which transportation, storage, sale,  
961 distribution, receipt and/or manufacture is lawful.

962 (3) Notwithstanding the provisions of subsections (1) and  
963 (2) of this section, in any county in which transportation,  
964 storage, sale, distribution, receipt and/or manufacture of  
965 light \* \* \* intoxicating beverages is prohibited, it shall not be  
966 unlawful:

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

969 (b) To distribute and transport light \* \* \*  
970 intoxicating beverages to a resort area as defined in Section  
971 67-1-5;

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



975 (d) To transport legally purchased light \* \* \*  
976 intoxicating beverages in unopened containers \* \* \* on a state or  
977 federal highway; however, this paragraph shall not apply to a  
978 retailer unless the retailer has purchased the light \* \* \*  
979 intoxicating beverages from a wholesaler or distributor for the  
980 designated sales territory in which the retailer is located and  
981 the retailer has in his possession an invoice from the wholesaler  
982 or distributor for the light \* \* \* intoxicating beverages; or

983 (e) To transport homemade beer as authorized in Section  
984 67-3-11.

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

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

991 67-3-15. (1) Any person who shall brew or manufacture or  
992 sell any \* \* \* light intoxicating beverages without first having  
993 secured a permit and/or license from the commissioner authorizing  
994 the brewing or manufacture or sale of such liquor, shall be guilty  
995 of a misdemeanor and, upon conviction thereof, be punished by a  
996 fine of not more than One Thousand Dollars (\$1,000.00) or  
997 imprisonment in the county jail for not more than one (1) year, or  
998 both, in the discretion of the court. Any person so convicted may  
999 not apply for any permit or license issued by the commissioner



1000 until five (5) years have elapsed from the date of such  
1001 conviction.

1002 (2) This section shall not apply to beer authorized to be  
1003 made pursuant to Section 67-3-11.

1004 (3) Any light \* \* \* intoxicating beverages found in  
1005 possession of, or sold by, a person in violation of this section  
1006 shall be seized and disposed of in the manner provided for in  
1007 Section 67-1-18.

1008 **SECTION 26.** Section 67-3-17, Mississippi Code of 1972, is  
1009 amended as follows:

1010 67-3-17. (1) Any person desiring to engage in any business  
1011 taxable under Sections 27-71-303 through 27-71-317, \* \* \* either  
1012 as a retailer, or as a wholesaler or distributor, or as a  
1013 manufacturer, of light \* \* \* intoxicating beverages, shall file  
1014 with the commissioner an application for a permit allowing him to  
1015 engage in such business. The application for a permit shall  
1016 contain a statement showing the name of the business, and if a  
1017 partnership, firm, association or limited liability company, the  
1018 name of each partner or member, and if a corporation the names of  
1019 two (2) principal officers, the post office address, and the  
1020 nature of business in which engaged. In case any business is  
1021 conducted at two (2) or more separate places, a separate permit  
1022 for each place of business shall be required. The commissioner  
1023 shall prescribe the form of the application and designate who is





1024 required to sign the application. The application shall be signed  
1025 under penalty of perjury.

1026 (2) The application shall include a statement that the  
1027 applicant will not, except as otherwise authorized in this  
1028 chapter, allow any alcoholic beverages as defined in Section  
1029 67-1-5, any beer having an alcoholic content of more than eight  
1030 percent (8%) by weight, any spirit product having an alcoholic  
1031 content of more than six percent (6%) by weight, \* \* \* any wine  
1032 having an alcoholic content of more than five percent (5%) by  
1033 weight, or any beverage having a THC concentration of more than  
1034 three-tenths percent (0.3%) to be kept, stored or secreted in or  
1035 on the premises described in such permit or license, and that the  
1036 applicant will not otherwise violate any law of this state, or  
1037 knowingly allow any other person to violate any such law, while in  
1038 or on such premises.

1039 (3) Each application or filing made under this section shall  
1040 include the social security number(s) of the applicant in  
1041 accordance with Section 93-11-64, Mississippi Code of 1972.

1042 **SECTION 27.** Section 67-3-19, Mississippi Code of 1972, is  
1043 amended as follows:

1044 67-3-19. Where application is made for a permit to engage in  
1045 the business of a retailer of light \* \* \* intoxicating beverages,  
1046 the applicant shall show in his application that he possesses the  
1047 following qualifications:



1048 (a) Applicant must be a person at least twenty-one (21)  
1049 years of age, of good moral character and a resident of the State  
1050 of Mississippi.

1051 (b) Applicant shall not have been convicted of a  
1052 felony, or of pandering or of keeping or maintaining a house of  
1053 prostitution, or have been convicted within two (2) years of the  
1054 date of his application of any violation of the laws of this state  
1055 or the laws of the United States relating to alcoholic liquor.

1056 (c) Applicant shall not have had revoked, except for a  
1057 violation of Section 67-3-52, within two (2) years next preceding  
1058 his application, any license or permit issued to him pursuant to  
1059 the laws of this state, or any other state, to sell alcoholic  
1060 liquor of any kind.

1061 (d) Applicant shall be the owner of the premises for  
1062 which the permit is sought or the holder of an existing lease  
1063 thereon.

1064 (e) Applicant shall not be residentially domiciled with  
1065 any person whose permit has been revoked for cause, except for a  
1066 violation of Section 67-3-52, within two (2) years next preceding  
1067 the date of the present application for a permit.

1068 (f) The applicant has not had any license or permit to  
1069 sell \* \* \* light intoxicating beverages at retail revoked, within  
1070 five (5) years next preceding his application, due to a violation  
1071 of Section 67-3-52.



1072 (g) Applicant shall not employ any person whose permit  
1073 has been revoked when such person owned or operated the business  
1074 on the premises for which a permit is sought or allow such person  
1075 to have any financial interest in the business of the applicant,  
1076 until such person is qualified to obtain a permit in his own name.

1077 (h) The applicant is not indebted to the State of  
1078 Mississippi for any taxes.

1079 (i) If applicant is a partnership, all members of the  
1080 partnership must be qualified to obtain a permit. Each member of  
1081 the partnership must be a resident of the State of Mississippi.

1082 (j) If applicant is a corporation, all officers and  
1083 directors thereof, and any stockholder owning more than five  
1084 percent (5%) of the stock of such corporation, and the person or  
1085 persons who shall conduct and manage the licensed premises for the  
1086 corporation shall possess all the qualifications required herein  
1087 for any individual permittee. However, the requirements as to  
1088 residence shall not apply to officers, directors and stockholders  
1089 of such corporation.

1090 Any misstatement or concealment of fact in an application  
1091 shall be grounds for denial of the application or for revocation  
1092 of the permit issued thereon.

1093 The commissioner may refuse to issue a permit to an applicant  
1094 for a place that is frequented by known criminals, prostitutes, or  
1095 other law violators or troublemakers who disturb the peace and  
1096 quietude of the community and frequently require the assistance of



1097 peace officers to apprehend such law violators or to restore  
1098 order. The burden of proof of establishing the foregoing shall  
1099 rest upon the commissioner.

1100 **SECTION 28.** Section 67-3-22, Mississippi Code of 1972, is  
1101 amended as follows:

1102 67-3-22. (1) The production limits for a brewpub shall be  
1103 based upon production as determined by the Department of Revenue  
1104 pursuant to Section 27-71-307, \* \* \* and a brewpub shall not  
1105 manufacture more than seventy-five thousand (75,000) gallons of  
1106 light \* \* \* intoxicating beverage per calendar year.

1107 (2) Light \* \* \* intoxicating beverages produced at a brewpub  
1108 shall not be sold at a price less than it cost to manufacture such  
1109 light \* \* \* intoxicating beverages.

1110 (3) A brewpub shall be required to offer for sale  
1111 light \* \* \* intoxicating beverages normally carried on the  
1112 inventory of wholesalers or distributors of light \* \* \*  
1113 intoxicating beverages.

1114 **SECTION 29.** Section 67-3-25, Mississippi Code of 1972, is  
1115 amended as follows:

1116 67-3-25. (1) Any permit issued authorizing the sale or  
1117 delivery of light \* \* \* intoxicating beverages for consumption  
1118 shall be construed to authorize the sale or delivery of  
1119 light \* \* \* intoxicating beverages by the bottle, by the glass or  
1120 by draught, and in or from the original package.



1121 (2) The commissioner is authorized to establish, in his  
1122 discretion, dates for the expiration of permits issued under this  
1123 chapter.

1124 (3) Except as otherwise provided in this section, permits  
1125 shall be issued for twelve (12) months and shall be renewed  
1126 annually on the first day of the month in which the permit  
1127 expires. The commissioner may issue temporary permits for less  
1128 than a full year. All permits shall show the effective date and  
1129 expiration date of the permit, the business location, individual  
1130 or business name and mailing address of the permittee.

1131 **SECTION 30.** Section 67-3-27, Mississippi Code of 1972, is  
1132 amended as follows:

1133 67-3-27. Before any person shall engage in the business of  
1134 manufacturer, wholesaler, distributor or retailer of light \* \* \*  
1135 intoxicating beverages, he shall apply to the commissioner for a  
1136 license to engage in such business, and shall pay to the  
1137 commissioner the specific tax imposed by Section 27-71-303, for  
1138 the privilege of engaging in such business. The commissioner upon  
1139 receipt of such tax shall issue to such person a privilege license  
1140 to engage in or continue in such business for a period of time not  
1141 to exceed one (1) year. No such license shall be issued to the  
1142 applicant unless such applicant shall have obtained from the  
1143 commissioner a permit as required in Section 67-3-17. A brewpub  
1144 shall obtain all necessary federal licenses and permits prior to  
1145 obtaining any license under this chapter.



1146 All privilege licenses issued under the provisions of this  
1147 section shall be renewed annually on or before the first day of  
1148 the month in which the current license expires.

1149 **SECTION 31.** Section 67-3-28, Mississippi Code of 1972, is  
1150 amended as follows:

1151 67-3-28. (1) Any person desiring to engage in business as a  
1152 brewpub shall file with the commissioner, along with the  
1153 application required by Section 67-3-17, \* \* \* a certificate  
1154 issued by a licensed testing laboratory indicating that such  
1155 laboratory has tested a sample of the applicant's \* \* \* light  
1156 intoxicating beverages, and that the alcohol content of such  
1157 sample of beer does not exceed eight percent (8%) by weight, and  
1158 the alcohol content of such sample of light spirit product does  
1159 not exceed six percent (6%) by weight, and the alcoholic content  
1160 of such sample of light wine does not exceed five percent (5%) by  
1161 weight, and the THC concentration of such sample of hemp beverage  
1162 does not exceed three-tenths percent (0.3%).

1163 (2) Every brewpub shall be required to submit to random  
1164 testing by the commissioner to determine whether any beer being  
1165 manufactured, sold, kept, stored or secreted by the license holder  
1166 contains an alcohol content greater than eight percent (8%) by  
1167 weight, and any light spirit product being manufactured, sold,  
1168 kept, stored or secreted by the license holder contains an  
1169 alcoholic content greater than six percent (6%) by weight, and any  
1170 light wine being manufactured, sold, kept, stored or secreted by



1171 the license holder contains an alcoholic content greater than five  
1172 percent (5%) by weight, and any hemp beverage being manufactured,  
1173 sold, kept, stored or secreted by the license holder contains a  
1174 THC concentration greater than three-tenths percent (0.3%). The  
1175 commissioner shall establish and administer testing standards and  
1176 procedures to be used in such random testing. The brewpub  
1177 licensee shall be responsible for all costs incurred by the  
1178 commissioner in conducting random testing under this section.

1179 **SECTION 32.** Section 67-3-29, Mississippi Code of 1972, is  
1180 amended as follows:

1181 67-3-29. (1) The commissioner, or a hearing officer or the  
1182 board of review, as designated by the commissioner, after a show  
1183 cause hearing, shall revoke or suspend any permit granted by  
1184 authority of this chapter to any person who shall violate any of  
1185 the provisions of this chapter or the revenue laws of this state  
1186 relating to engaging in transporting, storing, selling,  
1187 distributing, possessing, receiving or manufacturing of wines or  
1188 beers, or any person who shall hereafter be convicted of the  
1189 unlawful sale of intoxicating liquor, or any person who shall  
1190 allow or permit any form of illegal gambling or immorality on the  
1191 premises described in such permit. The commissioner shall not  
1192 revoke or suspend a permit of a retailer for the sale of  
1193 light \* \* \* intoxicating beverages to a person under the age of  
1194 twenty-one (21) years until there has been a conviction of the



1195 permit holder or an employee of the permit holder for such  
1196 violation.

1197 (2) If any person exercising any privilege taxable under the  
1198 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,  
1199 shall willfully neglect or refuse to comply with the provisions of  
1200 such chapter, or any rules or regulations promulgated by the  
1201 commissioner under authority of such chapter, or the provisions of  
1202 this chapter, including maintaining the qualifications of an  
1203 applicant under Section 67-3-19, during the permit period, the  
1204 commissioner shall be authorized to revoke or suspend the permit  
1205 theretofore issued to the person. Any person whose permit shall  
1206 have been revoked by the commissioner shall be thereafter  
1207 prohibited from exercising any privilege under the provisions of  
1208 Chapter 71 of Title 27, Mississippi Code of 1972, for a period of  
1209 two (2) years from the date of the revocation. The commissioner  
1210 may, however, for good cause shown, grant a new permit upon such  
1211 conditions as the commissioner may prescribe. Any person whose  
1212 permit shall have been suspended by the commissioner shall be  
1213 prohibited from exercising any privilege under the provisions of  
1214 Chapter 71 of Title 27, Mississippi Code of 1972, during the  
1215 period of the suspension. Failure of the person to comply with  
1216 the terms of the suspension shall be cause for revocation of his  
1217 permit, in addition to the other penalties provided by law.

1218 (3) In addition to the reasons specified in this section and  
1219 other provisions of this chapter, the commissioner shall be





1220 authorized to suspend the permit of any permit holder for being  
1221 out of compliance with an order for support, as defined in Section  
1222 93-11-153. The procedure for suspension of a permit for being out  
1223 of compliance with an order for support, and the procedure for the  
1224 reissuance or reinstatement of a permit suspended for that  
1225 purpose, and the payment of any fees for the reissuance or  
1226 reinstatement of a permit suspended for that purpose, shall be  
1227 governed by Section 93-11-157 or Section 93-11-163, as the case  
1228 may be. If there is any conflict between any provision of Section  
1229 93-11-157 or Section 93-11-163 and any provision of this chapter,  
1230 the provisions of Section 93-11-157 or 93-11-163, as the case may  
1231 be, shall control.

1232       **SECTION 33.** Section 67-3-41, Mississippi Code of 1972, is  
1233 amended as follows:

1234       67-3-41. Sections 67-3-31 through 67-3-41 and Section  
1235 67-3-53 are declared to be cumulative, amendatory, and  
1236 supplemental to any and all other acts and laws of this state  
1237 pertaining to the governing of the sale and distribution of  
1238 light \* \* \* intoxicating beverages as contained in Sections  
1239 27-71-301 through 27-71-347, \* \* \* 67-3-17, 67-3-23, 67-3-27,  
1240 67-3-29(2), 67-3-55, and 67-3-57.

1241       **SECTION 34.** Section 67-3-45, Mississippi Code of 1972, is  
1242 amended as follows:

1243       67-3-45. No manufacturer, distributor or wholesale dealer to  
1244 whom or to which this chapter applies shall:



1245 (a) Make any loan, directly or indirectly, or furnish  
1246 any fixtures of any kind, directly or indirectly, to any retail  
1247 dealer in light \* \* \* intoxicating beverages;

1248 (b) Have any interest, direct or indirect, in the  
1249 business of or in the furnishings or fixtures or in the premises  
1250 used by any such retail dealer in connection with his or its  
1251 business;

1252 (c) Have any lien on any such property of any such  
1253 retail dealer; or

1254 (d) Sell light \* \* \* intoxicating beverages to any such  
1255 retail dealer on credit.

1256 This section shall not apply to a brewpub licensed pursuant  
1257 to Article 3, Chapter 71, Title 27, Mississippi Code of 1972, and  
1258 shall not prohibit a microbrewery or small craft brewery licensed  
1259 under Article 3, Chapter 71, Title 27, Mississippi Code of 1972,  
1260 from being eligible to obtain a retail permit for the sale  
1261 of \* \* \* light intoxicating beverages on its premises.

1262 **SECTION 35.** Section 67-3-46, Mississippi Code of 1972, is  
1263 amended as follows:

1264 67-3-46. (1) The provisions of subsection (2) of this  
1265 section apply to the following entities:

1266 (a) Any person engaged in the business of brewing or  
1267 manufacturing beer or in the business of manufacturing or  
1268 producing light wines or, light spirit products or hemp beverages;



1269 (b) An officer, director, agent or employee of an  
1270 entity described in paragraph (a) or (d) of this subsection;

1271 (c) An affiliate of an entity described in paragraph  
1272 (a) or (d) of this subsection, regardless of whether the  
1273 affiliation is corporate or by management, direction or control.

1274 (d) An entity that is the manufacturer of a product or  
1275 substance that is infused into or becomes part of any \* \* \* light  
1276 intoxicating beverage regardless of whether the entity  
1277 manufactures the final product. This provision also shall apply  
1278 to all affiliated companies, wholly owned subsidiaries or joint  
1279 ventures.

1280 (2) No entity named in subsection (1) of this section may  
1281 have any interest in the license, business, assets or corporate  
1282 stock of a wholesaler or distributor to whom this chapter applies,  
1283 except a security interest granted to the entity of the type  
1284 provided for the Uniform Commercial Code in products sold to a  
1285 wholesaler or distributor until the full purchase price has been  
1286 paid therefor.

1287 **SECTION 36.** Section 67-3-48, Mississippi Code of 1972, is  
1288 amended as follows:

1289 67-3-48. (1) A small craft brewery may sell at retail  
1290 light \* \* \* intoxicating beverages produced at its brewery for  
1291 consumption on the premises of the brewery and consumption off the  
1292 premises of the brewery if the sales are made on the premises of



1293 the brewery and the light \* \* \* intoxicating beverages products  
1294 offered for sale are also made available for sale to wholesalers.

1295 (2) (a) A small craft brewery shall not sell at retail more  
1296 than twenty-five percent (25%) of the light \* \* \* intoxicating  
1297 beverage produced annually at its brewery or more than two  
1298 thousand five hundred (2,500) barrels of light \* \* \* intoxicating  
1299 beverage produced at the brewery annually, whichever is the lesser  
1300 amount. For purposes of this subsection, contract-brewed beer  
1301 shall not be included in the amount of beer produced annually at  
1302 the brewery. The light \* \* \* intoxicating beverages must be sold  
1303 at a price approximating retail prices generally charged for  
1304 identical beverages in the county where the brewery is located.

1305 (b) A small craft brewery shall not make retail sales  
1306 of more than six hundred seventy (670) ounces, in the aggregate,  
1307 of light \* \* \* intoxicating beverages to any one (1) individual  
1308 for consumption off the premises of the brewery within a  
1309 twenty-four-hour period.

1310 (c) The limits on sales provided for in this subsection  
1311 shall not apply to beer provided pursuant to Section 67-3-47.

1312 (d) A microbrewery shall not sell at retail more than  
1313 eighty percent (80%) of light \* \* \* intoxicating beverages  
1314 produced annually at its brewery. The light \* \* \* intoxicating  
1315 beverages must be sold at a price approximating prices generally  
1316 charged for identical beverages in the county where the  
1317 microbrewery is located.



1318 (3) A small craft brewery or microbrewery shall take  
1319 commercially reasonable steps to ensure that light \* \* \*  
1320 intoxicating beverages sold for consumption off the premises of  
1321 the brewery are being sold for personal use and not for resale and  
1322 are not being sold to anyone holding a retail permit for the  
1323 purpose of resale in their establishment.

1324 (4) A small craft brewery or microbrewery shall not make  
1325 retail sales of contract-brewed beer.

1326 (5) A small craft brewery or microbrewery shall not mail or  
1327 ship any light \* \* \* intoxicating beverage to a consumer.

1328 **SECTION 37.** Section 67-3-48.1, Mississippi Code of 1972, is  
1329 amended as follows:

1330 67-3-48.1. (1) In the event a small craft brewery is  
1331 acquired by an entity that manufactures light \* \* \* intoxicating  
1332 beverages that does not fall within the definition of the term  
1333 "small craft brewery," the entity that acquired the small craft  
1334 brewery may continue to operate the brewery as a small craft  
1335 brewery for as long as the acquired facility meets the definition  
1336 of the term "small craft brewery"; however, the limit in Section  
1337 67-3-3 on the amount of barrels of light \* \* \* intoxicating  
1338 beverages that a small craft brewery may produce shall not apply  
1339 to light \* \* \* intoxicating beverages not produced by the acquired  
1340 small craft brewery.

1341 (2) In the event a small craft brewery acquires an entity  
1342 that manufactures light \* \* \* intoxicating beverages that does not



1343 fall within the definition of the term "small craft brewery," the  
1344 small craft brewery that acquired the entity may continue to  
1345 operate as a small craft brewery for as long as the brewery meets  
1346 the definition of the term "small craft brewery." The light \* \* \*  
1347 intoxicating beverages produced by the entity that is acquired by  
1348 a small craft brewery shall not apply to the limit in Section  
1349 67-3-3 on the amount of light \* \* \* intoxicating beverages that  
1350 the small craft brewery may produce.

1351 (3) A small craft brewery described in subsections (1) and  
1352 (2) of this section may continue to sell at retail brands the  
1353 small craft brewery produces on its premises at all locations at  
1354 which it was selling the brands at retail at the time of the  
1355 acquisition; however, the small craft brewery may not sell at  
1356 retail brands produced by the entity that acquired it or by the  
1357 entity it acquires, as the case may be.

1358 **SECTION 38.** Section 67-3-49, Mississippi Code of 1972, is  
1359 amended as follows:

1360 67-3-49. (1) Except as otherwise provided in this section,  
1361 it shall be unlawful for any brewer or manufacturer or distributor  
1362 or wholesale dealer of or in light \* \* \* intoxicating beverages to  
1363 manufacture or knowingly bring upon his premises or keep  
1364 thereon \* \* \* any beer of an alcoholic content of more than eight  
1365 percent (8%) by weight. Any person that shall add to or mix with  
1366 any \* \* \* light intoxicating beverages any alcoholic or other  
1367 liquid, or any alcohol cube or cubes, or any other ingredient or



1368 ingredients that will increase or tend to increase the alcoholic  
1369 or THC content of such \* \* \* beverage, or any person that shall  
1370 knowingly offer for sale any \* \* \* beverage so treated, shall be  
1371 guilty of a misdemeanor and punished as hereinafter provided in  
1372 this chapter. The commissioner shall take any action he considers  
1373 necessary to ensure that light \* \* \* intoxicating beverages  
1374 manufactured at a brewpub complies with the provisions of this  
1375 section.

1376 (2) A brewer or manufacturer of light \* \* \* intoxicating  
1377 beverages may manufacture and keep upon his premises beer of an  
1378 alcoholic content of more than eight percent (8%) by weight if the  
1379 beer is manufactured for legal sale in another state.

1380 **SECTION 39.** Section 67-3-51, Mississippi Code of 1972, is  
1381 amended as follows:

1382 67-3-51. (1) It shall be unlawful for any person to sell,  
1383 or offer to sell, or keep for sale any bottled \* \* \* light  
1384 intoxicating beverage except the same be in the original bottle or  
1385 in the original package containing bottles, each of which bottles  
1386 shall bear the original label and the full name of the brewer or  
1387 manufacturer of the contents of such bottle, both on the label and  
1388 on the cap or cork of such bottle in the case of beer, and on the  
1389 label only in the case of light wine \* \* \* , light spirit products  
1390 and hemp beverages.

1391 (2) It shall be unlawful for any person to sell, or offer  
1392 for sale, or keep for sale any \* \* \* light intoxicating beverage



1393 in the original package or packages unless each such original  
1394 package (whether barrel or other container, and whether containing  
1395 liquor in bottles or otherwise) shall have plainly stamped on the  
1396 container or label for each such container the full name of the  
1397 manufacturer of the liquor therein contained.

1398 (3) It shall be unlawful for any person to sell on draught  
1399 any \* \* \* light intoxicating beverage except the same be drawn  
1400 from the original barrel or other container, which such container  
1401 shall have plainly stamped on each end thereof the full name of  
1402 the manufacturer of such liquor.

1403 (4) This section shall not apply to beer offered and  
1404 provided on the premises of a brewery for the purpose of tasting  
1405 or sampling as authorized in Section 67-3-47.

1406 **SECTION 40.** Section 67-3-52, Mississippi Code of 1972, is  
1407 amended as follows:

1408 67-3-52. It shall be unlawful for any person holding a  
1409 permit authorizing the sale of \* \* \* light intoxicating beverages  
1410 at retail to obtain such \* \* \* light intoxicating beverages from  
1411 any source outside of the State of Mississippi. Any person who  
1412 violates the provisions of this section, upon conviction thereof,  
1413 shall be punished by a fine of not more than One Thousand Dollars  
1414 (\$1,000.00) or by imprisonment in the county jail for not more  
1415 than six (6) months, or by both such fine and imprisonment, in the  
1416 discretion of the court. Any person convicted of violating this  
1417 section, or any rules or regulations promulgated by the





1418 commissioner with regard to the unlawful acts described in this  
1419 section, shall forfeit his permit. Any person whose permit has  
1420 been forfeited pursuant to this section shall not be eligible for  
1421 a permit issued by the commissioner for a period of five (5) years  
1422 after the date of such forfeiture. In addition, no permit shall  
1423 be issued for the same location, for which an offender has  
1424 forfeited a permit pursuant to this section, to a spouse,  
1425 offspring or sibling of the offender when to do so would  
1426 circumvent the purposes of this section. The commissioner may  
1427 assess a retailer who violates this section the amount of excise  
1428 taxes due on the unlawfully imported \* \* \* light intoxicating  
1429 beverages, together with a penalty in the amount of four (4) times  
1430 the state excise taxes due or One Hundred Dollars (\$100.00) per  
1431 case, whichever is greater.

1432       **SECTION 41.** Section 67-3-53, Mississippi Code of 1972, is  
1433 amended as follows:

1434       67-3-53. In addition to any act declared to be unlawful by  
1435 this chapter, or by Sections 27-71-301 through 27-71-347, and  
1436 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be  
1437 unlawful for the holder of a permit authorizing the sale of \* \* \*  
1438 light intoxicating beverages at retail or a small craft brewery  
1439 selling light \* \* \* intoxicating beverages at retail pursuant to  
1440 Section 67-3-48 or for the employee of the holder of such a permit  
1441 or the employee of such a brewery:



1442 (a) To sell or give to be consumed in or upon any  
1443 licensed premises or in or upon the premises of a small craft  
1444 brewery any \* \* \* light intoxicating beverage between the hours of  
1445 midnight and seven o'clock the following morning or during any  
1446 time the licensed premises may be required to be closed by  
1447 municipal ordinance or order of the board of supervisors; however,  
1448 in areas where the sale of alcoholic beverages is legal under the  
1449 provisions of the Local Option Alcoholic Beverage Control Law and  
1450 the hours for selling those alcoholic beverages have been extended  
1451 beyond midnight for on-premises permittees under Section 67-1-37,  
1452 the hours for selling \* \* \* light intoxicating beverages are  
1453 likewise extended in areas where the sale of \* \* \* light  
1454 intoxicating beverages is legal in accordance with the provisions  
1455 of this chapter.

1456 (b) To sell, give or furnish any \* \* \* light  
1457 intoxicating beverage to any person visibly or noticeably  
1458 intoxicated, or to any habitual drunkard, or to any person under  
1459 the age of twenty-one (21) years.

1460 (c) To permit in the premises any lewd, immoral or  
1461 improper entertainment, conduct or practices.

1462 (d) To permit loud, boisterous or disorderly conduct of  
1463 any kind upon the premises or to permit the use of loud musical  
1464 instruments if either or any of the same may disturb the peace and  
1465 quietude of the community in which the business is located.



1466 (e) To permit persons of ill repute, known criminals,  
1467 prostitutes or minors to frequent the licensed premises or the  
1468 premises of the small craft brewery, except minors accompanied by  
1469 parents or guardians, or under proper supervision.

1470 (f) To permit or suffer illegal gambling or the  
1471 operation of illegal games of chance upon the licensed premises or  
1472 the premises of the small craft brewery.

1473 (g) To receive, possess or sell on the licensed  
1474 premises or, except as otherwise authorized by this chapter, on  
1475 the premises of the small craft brewery any beverage of any kind  
1476 or character containing more than five percent (5%) of alcohol by  
1477 weight except any beer containing not more than eight percent (8%)  
1478 of alcohol by weight, unless the licensee also possesses an  
1479 on-premises or manufacturer's permit under the Local Option  
1480 Alcoholic Beverage Control Law.

1481 (h) To accept as full or partial payment for any  
1482 product any coupons that are redeemed directly or indirectly from  
1483 a manufacturer, wholesaler or distributor of light \* \* \*  
1484 intoxicating beverages.

1485 **SECTION 42.** Section 67-3-54, Mississippi Code of 1972, is  
1486 amended as follows:

1487 67-3-54. (1) A person who is at least eighteen (18) years  
1488 of age but under the age of twenty-one (21) years may possess and  
1489 consume light \* \* \* intoxicating beverages with the consent of his  
1490 parent or legal guardian in the presence of his parent or legal



1491 guardian, and it shall not be unlawful for the parent, legal  
1492 guardian or spouse of such person to furnish light \* \* \*  
1493 intoxicating beverages to such person who is at least eighteen  
1494 (18) years of age.

1495 (2) A person who is at least eighteen (18) years of age and  
1496 who is serving in the armed services of the United States may  
1497 lawfully possess and consume light \* \* \* intoxicating beverages on  
1498 military property where the consumption of light \* \* \*  
1499 intoxicating beverages is allowed.

1500 (3) A person who is under twenty-one (21) years of age shall  
1501 not be deemed to unlawfully possess or furnish light \* \* \*  
1502 intoxicating beverages, if in the scope of his employment such  
1503 person:

1504 (a) Clears or buses tables that have glasses or other  
1505 containers that contain or did contain light \* \* \* intoxicating  
1506 beverages;

1507 (b) Waits on tables by taking orders for light \* \* \*  
1508 intoxicating beverages; or

1509 (c) Stocks, bags or otherwise handles purchases of  
1510 light \* \* \* intoxicating beverages at a store.

1511 **SECTION 43.** Section 67-3-55, Mississippi Code of 1972, is  
1512 amended as follows:

1513 67-3-55. (1) Except as otherwise provided in Section  
1514 67-1-41, it shall be unlawful for any retailer to possess for  
1515 purpose of sale, to sell, or to offer to sell any light \* \* \*



1516 intoxicating beverage which was not purchased from a wholesaler in  
1517 this state who has a permit to sell such light \* \* \* intoxicating  
1518 beverage, except for \* \* \* a light intoxicating beverage that was  
1519 brewed on the premises of the retailer who holds a permit as a  
1520 brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi  
1521 Code of 1972.

1522 (2) It shall be unlawful for any wholesaler to possess for  
1523 purpose of sale, to sell, or to offer to sell any light \* \* \*  
1524 intoxicating beverage which was not purchased from a manufacturer  
1525 or importer of a foreign manufacturer authorized to sell such  
1526 light \* \* \* intoxicating beverage in this state.

1527 (3) This section shall not apply to:

1528 (a) Beer offered and provided on the premises of a  
1529 brewery for the purpose of tasting or sampling as authorized in  
1530 Section 67-3-47; or

1531 (b) Light \* \* \* intoxicating beverages sold on the  
1532 premises of a small craft brewery or microbrewery as authorized in  
1533 Section 67-3-48.

1534 **SECTION 44.** Section 67-3-57, Mississippi Code of 1972, is  
1535 amended as follows:

1536 67-3-57. (1) It shall be unlawful for any retailer to  
1537 possess, sell or offer to sell, or to possess for purpose of sale,  
1538 any light \* \* \* intoxicating beverage at his place of business  
1539 before securing a permit required by this chapter.



1540 (2) It shall be unlawful for any person to possess, sell or  
1541 offer to sell any light \* \* \* intoxicating beverage at his place  
1542 of business after revocation of his permit or to purchase, to sell  
1543 or offer to sell any light \* \* \* intoxicating beverage during the  
1544 period of suspension of his permit.

1545 (3) Any light \* \* \* intoxicating beverage found in  
1546 possession of, or sold by, a person in violation of this section  
1547 shall be seized and disposed of in the manner provided for in  
1548 Section 67-1-18.

1549 **SECTION 45.** Section 67-3-59, Mississippi Code of 1972, is  
1550 amended as follows:

1551 67-3-59. (1) Except as provided in this subsection, sales  
1552 by wholesalers, distributors or manufacturers to persons who do  
1553 not hold valid permits are unlawful; and any wholesaler,  
1554 distributor or manufacturer making such sales, or who sells  
1555 any \* \* \* light intoxicating beverage on which the tax provided by  
1556 law has not been paid, shall, in addition to any other fines,  
1557 penalties and forfeitures, be subject to a penalty of Twenty-five  
1558 Dollars (\$25.00) for each sale. If all other applicable taxes are  
1559 paid, this penalty will not apply to the following: sales to  
1560 employees of the wholesaler; sales to nonprofit charitable and  
1561 civic organizations for special fund-raising events, provided that  
1562 the \* \* \* light intoxicating beverage is not resold; sales to  
1563 affiliated member associations.



1564 (2) The commissioner may assess the penalty by giving notice  
1565 by mail, demanding payment within thirty (30) days from date of  
1566 delivery of the notice.

1567 The proceeds of all penalties shall be deposited by the  
1568 commissioner with the other monies collected by him and shall be  
1569 disposed of as provided by law.

1570 **SECTION 46.** Section 67-3-61, Mississippi Code of 1972, is  
1571 amended as follows:

1572 67-3-61. Every railroad company, express company, aeroplane  
1573 company, motor transportation company, steamboat company, or other  
1574 transportation company, or any person that shall transport into,  
1575 from place to place within, or out of this state any light \* \* \*  
1576 intoxicating beverage, whether brewed or manufactured within this  
1577 state or outside of this state, when requested by the  
1578 commissioner, shall furnish him with a duplicate of the bill of  
1579 lading covering the receipt for such liquor, showing the name of  
1580 the brewer or manufacturer or distributor, and the name and  
1581 address of the consignor and of the consignee, and the date when  
1582 and place where received, and the destination and the quantity of  
1583 such liquor received from the manufacturer or brewer or other  
1584 consignor for shipment from any point within or without this state  
1585 to any point within this state.

1586 Any such company or person so transporting any such liquor  
1587 that shall fail to comply with the requirements of this section,  
1588 shall forfeit and pay to the State of Mississippi the sum of One



1589 Hundred Dollars (\$100.00) for each such failure, to be recovered  
1590 in any court of competent jurisdiction. The commissioner is  
1591 hereby authorized and empowered to sue in his own name, on the  
1592 relation and for the use of the State of Mississippi, for such  
1593 recovery.

1594 **SECTION 47.** Section 67-3-63, Mississippi Code of 1972, is  
1595 amended as follows:

1596 67-3-63. The commissioner shall cause a record to be kept of  
1597 the names and places of business of all persons engaged in the  
1598 brewing of beer, of all persons engaged in the manufacture of  
1599 light \* \* \* intoxicating beverages, and of all persons engaged in  
1600 the sale of light \* \* \* intoxicating beverages, whether at retail  
1601 or otherwise. He shall also cause a record to be kept of  
1602 all \* \* \* light intoxicating beverages (and of the amount thereof)  
1603 brewed or manufactured by each brewery \* \* \*, winery or other  
1604 production facility, and of all such \* \* \* beverages (and of the  
1605 amount thereof) sold by each brewery \* \* \*, winery or other  
1606 production facility, with the names and business addresses of the  
1607 purchasers, and of all such \* \* \* beverages (and of the amount  
1608 thereof) sold by every dealer other than a brewer or manufacturer,  
1609 and in the case of sales by dealers other than retail dealers, of  
1610 the names and business addresses of the purchasers.

1611 The commissioner shall cause a record to be kept of all  
1612 expenses incurred in the collection of such data.





1613           **SECTION 48.** Section 67-3-65, Mississippi Code of 1972, is  
1614 amended as follows:

1615           67-3-65. Municipalities may enforce such proper rules and  
1616 regulations for fixing zones and territories, prescribing hours of  
1617 opening and of closing, and for such other measures as will  
1618 promote public health, morals, and safety, as they may by  
1619 ordinance provide. The board of supervisors of any county may  
1620 make such rules and regulations as to territory outside of  
1621 municipalities as are herein provided for municipalities.

1622           Nothing in this chapter shall prohibit the governing body of  
1623 any municipality from designating what territory surrounding  
1624 churches and schools in said municipalities, and the board of  
1625 supervisors of any county from designating what territory  
1626 surrounding churches and schools outside of any municipality, in  
1627 which light \* \* \* intoxicating beverages shall not be sold or  
1628 consumed.

1629           **SECTION 49.** Section 67-3-67, Mississippi Code of 1972, is  
1630 amended as follows:

1631           67-3-67. No county or any officer or agent thereof, nor any  
1632 other officer, agent, or person, shall interfere with or impede  
1633 the passage through such county of any light \* \* \* intoxicating  
1634 beverage moving in accordance with the provisions of this chapter  
1635 and the provisions of Section 67-9-1 and which in transit to or  
1636 from any county of this state wherein the traffic in light \* \* \*



1637 intoxicating beverages is not prohibited, any county prohibition  
1638 of such traffic to the contrary notwithstanding.

1639 **SECTION 50.** Section 67-3-69, Mississippi Code of 1972, is  
1640 amended as follows:

1641 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,  
1642 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of  
1643 this chapter or of any rule or regulation of the commissioner,  
1644 shall be a misdemeanor and, where the punishment therefor is not  
1645 elsewhere prescribed in this section, shall be punished by a fine  
1646 of not more than Five Hundred Dollars (\$500.00) or imprisonment  
1647 for not more than six (6) months, or both, in the discretion of  
1648 the court. If any person so convicted shall be the holder of any  
1649 permit or license issued by the commissioner under authority of  
1650 this chapter, the permit or license shall from and after the date  
1651 of such conviction be void and the holder thereof shall not  
1652 thereafter, for a period of one (1) year from the date of such  
1653 conviction, be entitled to any permit or license for any purpose  
1654 authorized by this chapter. Upon conviction of the holder of any  
1655 permit or license, the appropriate law enforcement officer shall  
1656 seize the permit or license and transmit it to the commissioner.

1657 (2) (a) Any person who shall violate any provision of  
1658 Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a  
1659 misdemeanor, and upon conviction thereof shall be punished by a  
1660 fine of not more than Five Hundred Dollars (\$500.00) or by  
1661 imprisonment in the county jail for not more than six (6) months,



1662 or by both such fine and imprisonment, in the discretion of the  
1663 court.

1664 (b) Any person who shall violate any provision of  
1665 Section 67-3-57 shall be guilty of a misdemeanor, and upon  
1666 conviction thereof, shall be punished by a fine of not more than  
1667 One Thousand Dollars (\$1,000.00) or by imprisonment in the county  
1668 jail for not more than one (1) year, or by both, in the discretion  
1669 of the court. Any person convicted of violating any provision of  
1670 the sections referred to in this subsection shall forfeit his  
1671 permit, and shall not thereafter be permitted to engage in any  
1672 business taxable under the provisions of Sections 27-71-301  
1673 through 27-71-347.

1674 (3) If the holder of a permit, or the employee of the holder  
1675 of a permit, shall be convicted of selling any \* \* \* light  
1676 intoxicating beverage to anyone who is visibly intoxicated from  
1677 the licensed premises or to any person under the age of twenty-one  
1678 (21) years from the licensed premises in violation of Section  
1679 67-3-53(b), then, in addition to any other penalty provided for by  
1680 law, the commissioner may impose the following penalties against  
1681 the holder of a permit:

1682 (a) For the first offense on the licensed premises, by  
1683 a fine of not less than Five Hundred Dollars (\$500.00) nor more  
1684 than One Thousand Dollars (\$1,000.00) and/or suspension of the  
1685 permit for not more than three (3) months.



1686 (b) For a second offense occurring on the licensed  
1687 premises within twelve (12) months of the first offense, by a fine  
1688 of not less than Five Hundred Dollars (\$500.00) nor more than Two  
1689 Thousand Dollars (\$2,000.00) and/or suspension of the permit for  
1690 not more than six (6) months.

1691 (c) For a third offense occurring on the licensed  
1692 premises within twelve (12) months of the first, by a fine of not  
1693 less than Two Thousand Dollars (\$2,000.00) nor more than Five  
1694 Thousand Dollars (\$5,000.00) and/or suspension or revocation of  
1695 the permit to sell \* \* \* light intoxicating beverages.

1696 (d) For a fourth or subsequent offense occurring on the  
1697 licensed premises within twelve (12) months of the first, by a  
1698 fine of not less than Two Thousand Dollars (\$2,000.00) nor more  
1699 than Five Thousand Dollars (\$5,000.00) and/or suspension or  
1700 revocation of the permit to sell \* \* \* light intoxicating  
1701 beverages.

1702 (4) A person who sells any \* \* \* light intoxicating beverage  
1703 to a person under the age of twenty-one (21) years shall not be  
1704 guilty of a violation of Section 67-3-53(b) if the person under  
1705 the age of twenty-one (21) years represents himself to be  
1706 twenty-one (21) years of age or older by displaying an apparently  
1707 valid Mississippi driver's license containing a physical  
1708 description consistent with his appearance or by displaying some  
1709 other apparently valid identification card or document containing  
1710 a picture and physical description consistent with his appearance



1711 for the purpose of inducing the person to sell \* \* \* light  
1712 intoxicating beverages to him.

1713 (5) If a small craft brewery is convicted of violating the  
1714 provisions of Section 67-3-48, then, in addition to any other  
1715 provision provided for by law, the small craft brewery shall be  
1716 punished as follows:

1717 (a) For the first offense, the small craft brewery may  
1718 be fined in an amount not to exceed Five Hundred Dollars  
1719 (\$500.00).

1720 (b) For a second offense occurring within twelve (12)  
1721 months of the first offense, the small craft brewery may be fined  
1722 an amount not to exceed One Thousand Dollars (\$1,000.00).

1723 (c) For a third or subsequent offense occurring within  
1724 twelve (12) months of the first offense, the small craft brewery  
1725 may be fined an amount not to exceed Five Thousand Dollars  
1726 (\$5,000.00) and the permit to operate as a manufacturer shall be  
1727 suspended for thirty (30) days.

1728 **SECTION 51.** Section 67-3-70, Mississippi Code of 1972, is  
1729 amended as follows:

1730 67-3-70. (1) Except as otherwise provided by Section  
1731 67-3-54, any person under the age of twenty-one (21) years who  
1732 purchases or possesses any light \* \* \* intoxicating beverage shall  
1733 be guilty of a misdemeanor, and upon conviction, shall be punished  
1734 by a fine of not less than Two Hundred Dollars (\$200.00) nor more



1735 than Five Hundred Dollars (\$500.00) and a sentence to not more  
1736 than thirty (30) days community service.

1737 (2) Any person under the age of twenty-one (21) years who  
1738 falsely states he is twenty-one (21) years of age or older or  
1739 presents any document that indicates he is twenty-one (21) years  
1740 of age or older for the purpose of purchasing or possessing any  
1741 light \* \* \* intoxicating beverage shall be guilty of a  
1742 misdemeanor, and upon conviction, shall be punished by a fine of  
1743 not less than Two Hundred Dollars (\$200.00) nor more than Five  
1744 Hundred Dollars (\$500.00) and a sentence to not more than thirty  
1745 (30) days community service.

1746 (3) Except as otherwise provided by Section 67-3-54, any  
1747 person who knowingly purchases any light \* \* \* intoxicating  
1748 beverage for, or gives any light \* \* \* intoxicating beverage to, a  
1749 person under the age of twenty-one (21) years, shall be guilty of  
1750 a misdemeanor, and upon conviction, shall be punished by a fine of  
1751 not less than Two Hundred Dollars (\$200.00) nor more than Five  
1752 Hundred Dollars (\$500.00) and a sentence to not more than thirty  
1753 (30) days community service. The punishment provided under this  
1754 subsection shall not be applicable to violations of Section  
1755 97-5-49.

1756 (4) The term "community service" as used in this section  
1757 shall mean work, projects or services for the benefit of the  
1758 community assigned, supervised and recorded by appropriate public  
1759 officials.



1760 (5) If a person under the age of twenty-one (21) years is  
1761 convicted or enters a plea of guilty of violating subsection (1)  
1762 or subsection (2) of this section, the trial judge, in lieu of the  
1763 penalties otherwise provided under this section, shall suspend the  
1764 minor's driver's license by taking and keeping it in the custody  
1765 of the court for a period of time not to exceed ninety (90) days.  
1766 The judge so ordering the suspension shall enter upon his docket  
1767 "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR \_\_\_\_ DAYS IN LIEU OF  
1768 CONVICTION" and such action by the trial judge shall not  
1769 constitute a conviction. During the period that the minor's  
1770 driver's license is suspended, the trial judge shall suspend the  
1771 imposition of any fines or penalties that may be imposed under  
1772 this section and may place the minor on probation subject to such  
1773 conditions as the judge deems appropriate. If the minor violates  
1774 any of the conditions of probation, then the trial judge shall  
1775 return the driver's license to the minor and impose the fines,  
1776 penalties, or both, that he would have otherwise imposed, and such  
1777 action shall constitute a conviction.

1778 (6) Any person who has been charged with a violation  
1779 of \* \* \* subsection (1) or (2) of this section may, not sooner  
1780 than one (1) year after the dismissal and discharge or completion  
1781 of any sentence and/or payment of any fine, apply to the court for  
1782 an order to expunge from all official records all recordation  
1783 relating to his arrest, trial, finding or plea of guilty, and  
1784 dismissal and discharge. If the court determines that such person



1785 was dismissed and the proceedings against him discharged or that  
1786 such person had satisfactorily served his sentence and/or paid his  
1787 fine, it shall enter such order.

1788           **SECTION 52.** Section 67-3-73, Mississippi Code of 1972, is  
1789 amended as follows:

1790           67-3-73. (1) The Mississippi Legislature finds and declares  
1791 that the consumption of intoxicating beverages, rather than the  
1792 sale or serving or furnishing of such beverages, is the proximate  
1793 cause of any injury, including death and property damage,  
1794 inflicted by an intoxicated person upon himself or upon another  
1795 person.

1796           (2) Notwithstanding any other law to the contrary, no holder  
1797 of an alcoholic beverage \* \* \* or light intoxicating beverage  
1798 permit, or any agent or employee of such holder, who lawfully  
1799 sells or serves intoxicating beverages to a person who may  
1800 lawfully purchase such intoxicating beverages, shall be liable to  
1801 such person or to any other person or to the estate, or survivors  
1802 of either, for any injury suffered off the licensed premises,  
1803 including wrongful death and property damage, because of the  
1804 intoxication of the person to whom the intoxicating beverages were  
1805 sold or served.

1806           (3) Notwithstanding any other law to the contrary, no social  
1807 host who serves or furnishes any intoxicating beverage to a person  
1808 who may lawfully consume such intoxicating beverage shall be  
1809 liable to such person or to any other person or to the estate, or





1810 survivors of either, for any injury suffered off such social  
1811 host's premises, including wrongful death and property damage,  
1812 because of the intoxication of the person to whom the intoxicating  
1813 beverages were served or furnished. No social host who owns,  
1814 leases or otherwise lawfully occupies a premises on which, in his  
1815 absence and without his consent, intoxicating beverages are  
1816 consumed by a person who may lawfully consume such intoxicating  
1817 beverage shall be liable to such person or to any other person or  
1818 to the estate, or survivors of either, for any injury suffered off  
1819 the premises, including wrongful death and property damage,  
1820 because of the intoxication of the person who consumed the  
1821 intoxicating beverages.

1822 (4) The limitation of liability provided by this section  
1823 shall not apply to any person who causes or contributes to the  
1824 consumption of \* \* \* intoxicating beverages by force or by falsely  
1825 representing that a beverage contains no alcohol or THC, or to any  
1826 holder of an alcoholic beverage \* \* \* or light intoxicating  
1827 beverage permit, or any agent or employee of such holder when it  
1828 is shown that the person making a purchase of an \* \* \*  
1829 intoxicating beverage was at the time of such purchase visibly  
1830 intoxicated.

1831 **SECTION 53.** Section 67-3-74, Mississippi Code of 1972, is  
1832 amended as follows:

1833 67-3-74. (1) In addition to peace officers within their  
1834 jurisdiction, all enforcement officers of the Alcoholic Beverage



1835 Control Division of the Department of Revenue are authorized to  
1836 enforce the provisions made unlawful by this chapter and Section  
1837 97-5-49; however, the provisions prohibiting the sale of  
1838 light \* \* \* intoxicating beverages to persons under the age of  
1839 twenty-one (21) years shall be enforced by the division as  
1840 provided for in this section.

1841 (2) (a) The Alcoholic Beverage Control Division shall  
1842 investigate violations of the laws prohibiting the sale of  
1843 light \* \* \* intoxicating beverages to persons under the age of  
1844 twenty-one (21) years upon receipt of a complaint or information  
1845 from a person stating that they have knowledge of such violation.

1846 (b) Upon receipt of such complaint or information, the  
1847 Alcoholic Beverage Control Division shall notify the permit holder  
1848 of the complaint by certified mail to the primary business office  
1849 of such permit holder or by hand delivery of the complaint or  
1850 information to the primary business office of such holder, except  
1851 in cases where the complaint or information is received from any  
1852 law enforcement officer.

1853 (c) If an enforcement officer of the Alcoholic Beverage  
1854 Control Division enters the business of the holder of the permit  
1855 to investigate a complaint and discovers a violation, the agent  
1856 shall notify the person that committed the violation and the  
1857 holder of the permit:



1858 (i) Within ten (10) days after such violation,  
1859 Sundays and holidays excluded, if the business sells light \* \* \*  
1860 intoxicating beverages for on-premises consumption; and

1861 (ii) Within seventy-two (72) hours after such  
1862 violation, Sundays and holidays excluded, if the business does not  
1863 sell light \* \* \* intoxicating beverages for on-premises  
1864 consumption.

1865 **SECTION 54.** Section 67-1-5, Mississippi Code of 1972, is  
1866 amended as follows:

1867 67-1-5. For the purposes of this article and unless  
1868 otherwise required by the context:

1869 (a) "Alcoholic beverage" means any alcoholic liquid,  
1870 including wines of more than five percent (5%) of alcohol by  
1871 weight, capable of being consumed as a beverage by a human being,  
1872 but shall not include light \* \* \* intoxicating beverages, as  
1873 defined in Section 67-3-3, \* \* \* but shall include native wines  
1874 and native spirits. The words "alcoholic beverage" shall not  
1875 include ethyl alcohol manufactured or distilled solely for fuel  
1876 purposes or beer of an alcoholic content of more than eight  
1877 percent (8%) by weight if the beer is legally manufactured in this  
1878 state for sale in another state.

1879 (b) "Alcohol" means the product of distillation of any  
1880 fermented liquid, whatever the origin thereof, and includes  
1881 synthetic ethyl alcohol, but does not include denatured alcohol or  
1882 wood alcohol.



1883 (c) "Distilled spirits" means any beverage containing  
1884 more than six percent (6%) of alcohol by weight produced by  
1885 distillation of fermented grain, starch, molasses or sugar,  
1886 including dilutions and mixtures of these beverages.

1887 (d) "Wine" or "vinous liquor" means any product  
1888 obtained from the alcoholic fermentation of the juice of sound,  
1889 ripe grapes, fruits, honey or berries and made in accordance with  
1890 the revenue laws of the United States.

1891 (e) "Person" means and includes any individual,  
1892 partnership, corporation, association or other legal entity  
1893 whatsoever.

1894 (f) "Manufacturer" means any person engaged in  
1895 manufacturing, distilling, rectifying, blending or bottling any  
1896 alcoholic beverage.

1897 (g) "Wholesaler" means any person, other than a  
1898 manufacturer, engaged in distributing or selling any alcoholic  
1899 beverage at wholesale for delivery within or without this state  
1900 when such sale is for the purpose of resale by the purchaser.

1901 (h) "Retailer" means any person who sells, distributes,  
1902 or offers for sale or distribution, any alcoholic beverage for use  
1903 or consumption by the purchaser and not for resale.

1904 (i) "State Tax Commission," "commission" or  
1905 "department" means the Department of Revenue of the State of  
1906 Mississippi, which shall create a division in its organization to  
1907 be known as the Alcoholic Beverage Control Division. Any



1908 reference to the commission or the department hereafter means the  
1909 powers and duties of the Department of Revenue with reference to  
1910 supervision of the Alcoholic Beverage Control Division.

1911 (j) "Division" means the Alcoholic Beverage Control  
1912 Division of the Department of Revenue.

1913 (k) "Municipality" means any incorporated city or town  
1914 of this state.

1915 (l) "Hotel" means an establishment within a  
1916 municipality, or within a qualified resort area approved as such  
1917 by the department, where, in consideration of payment, food and  
1918 lodging are habitually furnished to travelers and wherein are  
1919 located at least twenty (20) adequately furnished and completely  
1920 separate sleeping rooms with adequate facilities that persons  
1921 usually apply for and receive as overnight accommodations. Hotels  
1922 in towns or cities of more than twenty-five thousand (25,000)  
1923 population are similarly defined except that they must have fifty  
1924 (50) or more sleeping rooms. Any such establishment described in  
1925 this paragraph with less than fifty (50) beds shall operate one or  
1926 more regular dining rooms designed to be constantly frequented by  
1927 customers each day. When used in this article, the word "hotel"  
1928 shall also be construed to include any establishment that meets  
1929 the definition of "bed and breakfast inn" as provided in this  
1930 section.

1931 (m) "Restaurant" means:



1932 (i) A place which is regularly and in a bona fide  
1933 manner used and kept open for the serving of meals to guests for  
1934 compensation, which has suitable seating facilities for guests,  
1935 and which has suitable kitchen facilities connected therewith for  
1936 cooking an assortment of foods and meals commonly ordered at  
1937 various hours of the day; the service of such food as sandwiches  
1938 and salads only shall not be deemed in compliance with this  
1939 requirement. Except as otherwise provided in this paragraph, no  
1940 place shall qualify as a restaurant under this article unless  
1941 twenty-five percent (25%) or more of the revenue derived from such  
1942 place shall be from the preparation, cooking and serving of meals  
1943 and not from the sale of beverages, or unless the value of food  
1944 given to and consumed by customers is equal to twenty-five percent  
1945 (25%) or more of total revenue; or

1946 (ii) Any privately owned business located in a  
1947 building in a historic district where the district is listed in  
1948 the National Register of Historic Places, where the building has a  
1949 total occupancy rating of not less than one thousand (1,000) and  
1950 where the business regularly utilizes ten thousand (10,000) square  
1951 feet or more in the building for live entertainment, including not  
1952 only the stage, lobby or area where the audience sits and/or  
1953 stands, but also any other portion of the building necessary for  
1954 the operation of the business, including any kitchen area, bar  
1955 area, storage area and office space, but excluding any area for  
1956 parking. In addition to the other requirements of this



1957 subparagraph, the business must also serve food to guests for  
1958 compensation within the building and derive the majority of its  
1959 revenue from event-related fees, including, but not limited to,  
1960 admission fees or ticket sales to live entertainment in the  
1961 building, and from the rental of all or part of the facilities of  
1962 the business in the building to another party for a specific event  
1963 or function.

1964 (n) "Club" means an association or a corporation:

1965 (i) Organized or created under the laws of this  
1966 state for a period of five (5) years prior to July 1, 1966;

1967 (ii) Organized not primarily for pecuniary profit  
1968 but for the promotion of some common object other than the sale or  
1969 consumption of alcoholic beverages;

1970 (iii) Maintained by its members through the  
1971 payment of annual dues;

1972 (iv) Owning, hiring or leasing a building or space  
1973 in a building of such extent and character as may be suitable and  
1974 adequate for the reasonable and comfortable use and accommodation  
1975 of its members and their guests;

1976 (v) The affairs and management of which are  
1977 conducted by a board of directors, board of governors, executive  
1978 committee, or similar governing body chosen by the members at a  
1979 regular meeting held at some periodic interval; and

1980 (vi) No member, officer, agent or employee of  
1981 which is paid, or directly or indirectly receives, in the form of



1982 a salary or other compensation any profit from the distribution or  
1983 sale of alcoholic beverages to the club or to members or guests of  
1984 the club beyond such salary or compensation as may be fixed and  
1985 voted at a proper meeting by the board of directors or other  
1986 governing body out of the general revenues of the club.

1987 The department may, in its discretion, waive the five-year  
1988 provision of this paragraph. In order to qualify under this  
1989 paragraph, a club must file with the department, at the time of  
1990 its application for a license under this article, two (2) copies  
1991 of a list of the names and residences of its members and similarly  
1992 file, within ten (10) days after the election of any additional  
1993 member, his name and address. Each club applying for a license  
1994 shall also file with the department at the time of the application  
1995 a copy of its articles of association, charter of incorporation,  
1996 bylaws or other instruments governing the business and affairs  
1997 thereof.

1998 (o) "Qualified resort area" means any area or locality  
1999 outside of the limits of incorporated municipalities in this state  
2000 commonly known and accepted as a place which regularly and  
2001 customarily attracts tourists, vacationists and other transients  
2002 because of its historical, scenic or recreational facilities or  
2003 attractions, or because of other attributes which regularly and  
2004 customarily appeal to and attract tourists, vacationists and other  
2005 transients in substantial numbers; however, no area or locality  
2006 shall so qualify as a resort area until it has been duly and





2007 properly approved as such by the department. The department may  
2008 not approve an area as a qualified resort area after July 1, 2018,  
2009 if any portion of such proposed area is located within two (2)  
2010 miles of a convent or monastery that is located in a county  
2011 traversed by Interstate 55 and U.S. Highway 98. A convent or  
2012 monastery may waive such distance restrictions in favor of  
2013 allowing approval by the department of an area as a qualified  
2014 resort area. Such waiver shall be in written form from the owner,  
2015 the governing body, or the appropriate officer of the convent or  
2016 monastery having the authority to execute such a waiver, and the  
2017 waiver shall be filed with and verified by the department before  
2018 becoming effective.

2019 (i) The department may approve an area or locality  
2020 outside of the limits of an incorporated municipality that is in  
2021 the process of being developed as a qualified resort area if such  
2022 area or locality, when developed, can reasonably be expected to  
2023 meet the requisites of the definition of the term "qualified  
2024 resort area." In such a case, the status of qualified resort area  
2025 shall not take effect until completion of the development.

2026 (ii) The term includes any state park which is  
2027 declared a resort area by the department; however, such  
2028 declaration may only be initiated in a written request for resort  
2029 area status made to the department by the Executive Director of  
2030 the Department of Wildlife, Fisheries and Parks, and no permit for  
2031 the sale of any alcoholic beverage, as defined in this article,



2032 except an on-premises retailer's permit, shall be issued for a  
2033 hotel, restaurant or bed and breakfast inn in such park.

2034 (iii) The term includes:

2035 1. The clubhouses associated with the state  
2036 park golf courses at the Lefleur's Bluff State Park, the John Kyle  
2037 State Park, the Percy Quin State Park and the Hugh White State  
2038 Park;

2039 2. The clubhouse and associated golf course,  
2040 tennis courts and related facilities and swimming pool and related  
2041 facilities where the golf course, tennis courts and related  
2042 facilities and swimming pool and related facilities are adjacent  
2043 to one or more planned residential developments and the golf  
2044 course and all such developments collectively include at least  
2045 seven hundred fifty (750) acres and at least four hundred (400)  
2046 residential units;

2047 3. Any facility located on property that is a  
2048 game reserve with restricted access that consists of at least  
2049 three thousand (3,000) contiguous acres with no public roads and  
2050 that offers as a service hunts for a fee to overnight guests of  
2051 the facility;

2052 4. Any facility located on federal property  
2053 surrounding a lake and designated as a recreational area by the  
2054 United States Army Corps of Engineers that consists of at least  
2055 one thousand five hundred (1,500) acres;



2056                   5. Any facility that is located in a  
2057 municipality that is bordered by the Pearl River, traversed by  
2058 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
2059 International Airport and is located in a county which has voted  
2060 against coming out from under the dry law; however, any such  
2061 facility may only be located in areas designated by the governing  
2062 authorities of such municipality;

2063                   6. Any municipality with a population in  
2064 excess of ten thousand (10,000) according to the latest federal  
2065 decennial census that is located in a county that is bordered by  
2066 the Pearl River and is not traversed by Interstate Highway 20,  
2067 with a population in excess of forty-five thousand (45,000)  
2068 according to the latest federal decennial census;

2069                   7. The West Pearl Restaurant Tax District as  
2070 defined in Chapter 912, Local and Private Laws of 2007;

2071                   8. a. Land that is located in any county in  
2072 which Mississippi Highway 43 and Mississippi Highway 25 intersect  
2073 and:

2074                               A. Owned by the Pearl River Valley  
2075 Water Supply District, and/or

2076                               B. Located within the Reservoir  
2077 Community District, zoned commercial, east of Old Fannin Road,  
2078 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
2079 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
2080 Drive and/or Lake Vista Place, and/or



2081 C. Located within the Reservoir  
2082 Community District, zoned commercial, west of Old Fannin Road,  
2083 south of Spillway Road and extending to the boundary of the  
2084 corporate limits of the City of Flowood, Mississippi;

2085 b. The board of supervisors of such  
2086 county, with respect to B and C of item 8.a., may by resolution or  
2087 other order:

2088 A. Specify the hours of operation  
2089 of facilities that offer alcoholic beverages for sale,

2090 B. Specify the percentage of  
2091 revenue that facilities that offer alcoholic beverages for sale  
2092 must derive from the preparation, cooking and serving of meals and  
2093 not from the sale of beverages, and

2094 C. Designate the areas in which  
2095 facilities that offer alcoholic beverages for sale may be located;

2096 9. Any facility located on property that is a  
2097 game reserve with restricted access that consists of at least  
2098 eight hundred (800) contiguous acres with no public roads, that  
2099 offers as a service hunts for a fee to overnight guests of the  
2100 facility, and has accommodations for at least fifty (50) overnight  
2101 guests;

2102 10. Any facility that:

2103 a. Consists of at least six thousand  
2104 (6,000) square feet being heated and cooled along with an  
2105 additional adjacent area that consists of at least two thousand



2106 two hundred (2,200) square feet regardless of whether heated and  
2107 cooled,

2108                                   b. For a fee is used to host events such  
2109 as weddings, reunions and conventions,

2110                                   c. Provides lodging accommodations  
2111 regardless of whether part of the facility and/or located adjacent  
2112 to or in close proximity to the facility, and

2113                                   d. Is located on property that consists  
2114 of at least thirty (30) contiguous acres;

2115                                   11. Any facility and related property:

2116                                   a. Located on property that consists of  
2117 at least one hundred twenty-five (125) contiguous acres and  
2118 consisting of an eighteen-hole golf course, and/or located in a  
2119 facility that consists of at least eight thousand (8,000) square  
2120 feet being heated and cooled,

2121                                   b. Used for the purpose of providing  
2122 meals and hosting events, and

2123                                   c. Used for the purpose of teaching  
2124 culinary arts courses and/or turf management and grounds keeping  
2125 courses, and/or outdoor recreation and leadership courses;

2126                                   12. Any facility and related property that:

2127                                   a. Consist of at least eight thousand  
2128 (8,000) square feet being heated and cooled,

2129                                   b. For a fee is used to host events,



2130 c. Is used for the purpose of culinary  
2131 arts courses, and/or live entertainment courses and art  
2132 performances, and/or outdoor recreation and leadership courses;

2133 13. The clubhouse and associated golf course  
2134 where the golf course is adjacent to one or more residential  
2135 developments and the golf course and all such developments  
2136 collectively include at least two hundred (200) acres and at least  
2137 one hundred fifty (150) residential units and are located a. in a  
2138 county that has voted against coming out from under the dry law;  
2139 and b. outside of but in close proximity to a municipality in such  
2140 county which has voted under Section 67-1-14, after January 1,  
2141 2013, to come out from under the dry law;

2142 14. The clubhouse and associated  
2143 eighteen-hole golf course located in a municipality traversed by  
2144 Interstate Highway 55 and U.S. Highway 51 that has voted to come  
2145 out from under the dry law;

2146 15. a. Land that is planned for mixed-use  
2147 development and consists of at least two hundred (200) contiguous  
2148 acres with one or more planned residential developments  
2149 collectively planned to include at least two hundred (200)  
2150 residential units when completed, and also including a facility  
2151 that consists of at least four thousand (4,000) square feet that  
2152 is not part of such land but is located adjacent to or in close  
2153 proximity thereto, and which land is located:



2154                                   A. In a county that has voted to  
2155 come out from under the dry law,  
2156                                   B. Outside the corporate limits of  
2157 any municipality in such county and adjacent to or in close  
2158 proximity to a golf course located in a municipality in such  
2159 county, and  
2160                                   C. Within one (1) mile of a state  
2161 institution of higher learning;  
2162                                   b. The board of supervisors of such  
2163 county may by resolution or other order:  
2164                                   A. Specify the hours of operation  
2165 of facilities that offer alcoholic beverages for sale,  
2166                                   B. Specify the percentage of  
2167 revenue that facilities that offer alcoholic beverages for sale  
2168 must derive from the preparation, cooking and serving of meals and  
2169 not from the sale of beverages, and  
2170                                   C. Designate the areas in which  
2171 facilities that offer alcoholic beverages for sale may be located;  
2172                                   16. Any facility with a capacity of five  
2173 hundred (500) people or more, to be used as a venue for private  
2174 events, on a tract of land in the Southwest Quarter of Section 33,  
2175 Township 2 South, Range 7 East, of a county where U.S. Highway 45  
2176 and U.S. Highway 72 intersect and that has not voted to come out  
2177 from under the dry law;



2178                   17. One hundred five (105) contiguous acres,  
2179 more or less, located in Hinds County, Mississippi, and in the  
2180 City of Jackson, Mississippi, whereon are constructed a variety of  
2181 buildings, improvements, grounds or objects for the purpose of  
2182 holding events thereon to promote agricultural and industrial  
2183 development in Mississippi;

2184                   18. Land that is owned by a state institution  
2185 of higher learning, land that is owned by an entity that is bound  
2186 by an affiliation agreement with a state institution of higher  
2187 learning, or land that is owned by one or more other entities so  
2188 long as such other entities are solely owned, either directly or  
2189 through additional entities, by an institution of higher learning  
2190 and/or one or more entities bound by affiliation agreements with  
2191 such institution, and:

2192                   a. Located entirely within a county that  
2193 has elected by majority vote not to permit the transportation,  
2194 storage, sale, distribution, receipt and/or manufacture of  
2195 light \* \* \* intoxicating beverages pursuant to Section 67-3-7; and

2196                   b. A. Located adjacent to but outside  
2197 the incorporated limits of a municipality that has elected by  
2198 majority vote to permit the sale, receipt, storage and  
2199 transportation of light \* \* \* intoxicating beverages pursuant to  
2200 Section 67-3-9; or

2201                   B. Located in an area bounded on  
2202 the north by College View Drive, on the east by Mississippi





2203 Highway 12 East, on the south by Mississippi Highway 12 East, on  
2204 the west by Mill Street, on the north by Russell Street, then on  
2205 the west by Colonel Muldrow Avenue, on the north by University  
2206 Drive, on the west by Adkerson Way within a municipality through  
2207 which run Mississippi Highway 25, Mississippi Highway 12 and U.S.  
2208 Highway 82.

2209 If any portion of the land described in this item 18 has been  
2210 declared a qualified resort area by the department before July 1,  
2211 2020, then that qualified resort area shall be incorporated into  
2212 the qualified resort area created by this item 18;

2213 19. Any facility and related property:

2214 a. Used as a flea market or similar  
2215 venue during a weekend (Saturday and Sunday) immediately preceding  
2216 the first Monday of a month and having an annual average of at  
2217 least one thousand (1,000) visitors for each such weekend and five  
2218 hundred (500) vendors for Saturday of each such weekend, and

2219 b. Located in a county that has not  
2220 voted to come out from under the dry law and outside of but in  
2221 close proximity to a municipality located in such county and which  
2222 municipality has voted to come out from under the dry law;

2223 20. Blocks 1, 2 and 3 of the original town  
2224 square in any municipality with a population in excess of one  
2225 thousand five hundred (1,500) according to the latest federal  
2226 decennial census and which is located in:



2227 a. A county traversed by Interstate 55  
2228 and Interstate 20, and

2229 b. A judicial district that has not  
2230 voted to come out from under the dry law;

2231 21. Any municipality with a population in  
2232 excess of two thousand (2,000) according to the latest federal  
2233 decennial census and in which is located a part of White's Creek  
2234 Lake and in which U.S. Highway 82 intersects with Mississippi  
2235 Highway 9 and located in a county that is partially bordered on  
2236 one (1) side by the Big Black River;

2237 22. A restaurant located on a two-acre tract  
2238 adjacent to a five-hundred-fifty-acre lake in the northeast corner  
2239 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

2240 23. Any tracts of land in Oktibbeha County,  
2241 situated north of Bailey Howell Drive, Lee Boulevard and Old  
2242 Mayhew Road, east of George Perry Street and south of Mississippi  
2243 Highway 182, and not located on the property of a state  
2244 institution of higher learning; however, the board of supervisors  
2245 of such county may by resolution or other order:

2246 a. Specify the hours of operation of  
2247 facilities that offer alcoholic beverages for sale;

2248 b. Specify the percentage of revenue  
2249 that facilities that offer alcoholic beverages for sale must  
2250 derive from the preparation, cooking and serving of meals and not  
2251 from the sale of beverages; and



2252 c. Designate the areas in which  
2253 facilities that offer alcoholic beverages for sale may be located;

2254 24. A municipality in which Mississippi  
2255 Highway 27 and Mississippi Highway 28 intersect;

2256 25. A municipality through which run  
2257 Mississippi Highway 35 and Interstate 20;

2258 26. A municipality in which Mississippi  
2259 Highway 16 and Mississippi Highway 35 intersect;

2260 27. A municipality in which U.S. Highway 82  
2261 and Old Highway 61 intersect;

2262 28. A municipality in which Mississippi  
2263 Highway 8 meets Mississippi Highway 1;

2264 29. A municipality in which U.S. Highway 82  
2265 and Mississippi Highway 1 intersect;

2266 30. A municipality in which Mississippi  
2267 Highway 50 meets Mississippi Highway 9;

2268 31. An area bounded on the north by Pearl  
2269 Street, on the east by West Street, on the south by Court Street  
2270 and on the west by Farish Street, within a municipality bordered  
2271 on the east by the Pearl River and through which run Interstate 20  
2272 and Interstate 55;

2273 32. Any facility and related property that:  
2274 a. Is contracted for mixed-use  
2275 development improvements consisting of office and residential  
2276 space and a restaurant and lounge, partially occupying the



2277 renovated space of a four-story commercial building which  
2278 previously served as a financial institution; and adjacent  
2279 property to the west consisting of a single-story office building  
2280 that was originally occupied by the Brotherhood of Carpenters and  
2281 Joiners of American Local Number 569; and

2282                   b. Is situated on a tract of land  
2283 consisting of approximately one and one-tenth (1.10) acres, and  
2284 the adjacent property to the west consisting of approximately 0.5  
2285 acres, located in a municipality which is the seat of county  
2286 government, situated south of Interstate 10, traversed by U.S.  
2287 Highway 90, partially bordered on one (1) side by the Pascagoula  
2288 River and having its most southern boundary bordered by the Gulf  
2289 of Mexico, with a population greater than twenty-two thousand  
2290 (22,000) according to the 2010 federal decennial census; however,  
2291 the governing authorities of such a municipality may by ordinance:

2292                   A. Specify the hours of operation  
2293 of facilities that offer alcoholic beverages for sale;

2294                   B. Specify the percentage of  
2295 revenue that facilities that offer alcoholic beverages for sale  
2296 must derive from the preparation, cooking and serving of meals and  
2297 not from the sale of beverages; and

2298                   C. Designate the areas within the  
2299 facilities in which alcoholic beverages may be offered for sale;

2300                   33. Any facility with a maximum capacity of  
2301 one hundred twenty (120) people that consists of at least three



2302 thousand (3,000) square feet being heated and cooled, has a  
2303 commercial kitchen, has a pavilion that consists of at least nine  
2304 thousand (9,000) square feet and is located on land more  
2305 particularly described as follows:

2306 All that part of the East Half of the Northwest Quarter of  
2307 Section 21, Township 7 South, Range 4 East, Union County,  
2308 Mississippi, that lies South of Mississippi State Highway 348  
2309 right-of-way and containing 19.48 acres, more or less.

2310 ALSO,

2311 The Northeast 38 acres of the Southwest Quarter of Section  
2312 21, Township 7 South, Range 4 East, Union County, Mississippi.

2313 ALSO,

2314 The South 81 1/2 acres of the Southwest Quarter of Section  
2315 21, Township 7 South, Range 4 East, Union County, Mississippi;

2316 34. A municipality in which U.S. Highway 51  
2317 and Mississippi Highway 16 intersect;

2318 35. A municipality in which Interstate 20  
2319 passes over Mississippi Highway 15;

2320 36. Any municipality that is bordered in its  
2321 northwestern boundary by the Pearl River, traversed by U.S.  
2322 Highway 49 and Interstate 20, and is located in a county which has  
2323 voted against coming out from under the dry law;

2324 37. A municipality in which Mississippi  
2325 Highway 28 and Mississippi Highway 29 North intersect;



2326                                   38. An area bounded as follows within a  
2327 municipality through which run Interstate 22 and Mississippi  
2328 Highway 15: Beginning at a point at the intersection of Bankhead  
2329 Street and Tallahatchie Trails; then running to a point at the  
2330 intersection of Tallahatchie Trails and Interstate 22; then  
2331 running to a point at the intersection of Interstate 22 and Carter  
2332 Avenue; then running to a point at the intersection of Carter  
2333 Avenue and Camp Avenue; then running to a point at the  
2334 intersection of Camp Avenue and King Street; then running to a  
2335 point at the intersection of King Street and E. Main Street; then  
2336 running to a point at the intersection of E. Main Street and Camp  
2337 Avenue; then running to a point at the intersection of Camp Avenue  
2338 and Highland Street; then running to a point at the intersection  
2339 of Highland Street and Adams Street; then running to a point at  
2340 the intersection of Adams Street and Cleveland Street; then  
2341 running to a point at the intersection of Cleveland Street and N.  
2342 Railroad Avenue; then running to a point at the intersection of N.  
2343 Railroad Avenue and McGill Street; then running to a point at the  
2344 intersection of McGill Street and Snyder Street; then running to a  
2345 point at the intersection of Snyder Street and Bankhead Street;  
2346 then running to a point at the intersection of Bankhead Street and  
2347 Tallahatchie Trails and the point of the beginning;

2348                                   39. A municipality through which run  
2349 Mississippi Highway 43 and U.S. Highway 80;



2350 40. The coliseum in a municipality in which  
2351 U.S. Highway 72 passes over U.S. Highway 45;

2352 41. A piece of property on the northeast  
2353 corner of the T-intersection where Builders Square Drive meets  
2354 Mississippi Highway 471;

2355 42. The clubhouse and associated golf course,  
2356 tennis courts and related facilities and swimming pool and related  
2357 facilities located on Oaks Country Club Road less than one-half  
2358 (1/2) mile to the east of Mississippi Highway 15;

2359 43. Any facility located on land more  
2360 particularly described as follows:

2361 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of  
2362 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the  
2363 Southwest Corner of the Southwest Quarter (SW 1/4) of the  
2364 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2  
2365 East, running 210 feet east and west and 840 feet running north  
2366 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter  
2367 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in  
2368 Rankin County, Mississippi;

2369 44. Any facility located on land more  
2370 particularly described as follows:

2371 Beginning at a point 1915 feet west and 2171 feet north of  
2372 southeast corner, Section 11, Township 24 North, Range 2 West,  
2373 Second Judicial District, Tallahatchie County, Mississippi, which  
2374 point is the southwest corner of J.C. Section Lot mentioned in



2375 deed recorded in Book 50, page 34, in the records of the Chancery  
2376 Clerk's Office at Sumner, in said District of said County; thence  
2377 South 80° West, 19 feet to the east boundary of United States  
2378 Highway 49-E, thence East along the east boundary of said Highway  
2379 270 feet to point of beginning of Lot to be conveyed; thence  
2380 southeast along the east boundary of said Highway 204 feet to a  
2381 concrete post at the intersection of the east boundary of said  
2382 Highway with the west boundary of gravel road from Sumner to Webb,  
2383 known as Oil Mill Road, thence Northwest along west boundary of  
2384 said Oil Mill Road 194 feet to center of driveway running  
2385 southwest from said Oil Mill Road to U.S. Highway 49-E; thence  
2386 South 66° West along center of said driveway 128 feet to point of  
2387 beginning, being situated in Northwest Quarter of Southeast  
2388 Quarter of Section 11, together with all improvements situated  
2389 thereon;

2390 45. Any facility that:

2391 a. Consists of at least five thousand  
2392 six hundred (5,600) square feet being heated and cooled along with  
2393 a lakeside patio that consists of at least two thousand two  
2394 hundred (2,200) square feet, regardless of whether such patio is  
2395 part of the facility and/or located adjacent to or in close  
2396 proximity to the facility;

2397 b. Includes a caterer's kitchen and  
2398 green room for entertainment preparation;

2399 c. For a fee is used to host events; and





2400 d. Is located adjacent to or in close  
2401 proximity to an approximately nine \* \* \* -acre lake on property  
2402 that consists of at least one hundred twenty (120) acres in a  
2403 county traversed by Mississippi Highway 15 and U.S. Highway 278;

2404 46. Any municipality with a population in  
2405 excess of one thousand (1,000) according to the 2010 federal  
2406 decennial census and which is located in a county that is  
2407 traversed by U.S. Highways 84 and 98 and has not voted to come out  
2408 from under the dry law;

2409 47. The clubhouse and associated nine-hole  
2410 golf course, tennis courts and related facilities and swimming  
2411 pool and related facilities located on or near U.S. Highway 82  
2412 between Mississippi Highway 15 and Mississippi Highway 9;

2413 48. The downtown square area bound by East  
2414 Service Drive, Commerce Street, Second Street and Court Street and  
2415 adjacent properties in a municipality through which run Interstate  
2416 55, U.S. Highway 51 and Mississippi Highway 306;

2417 49. All parcels zoned for mixed-use  
2418 development located west of Mississippi Highway 589, more than  
2419 four hundred (400) feet north of Old Highway 24, east of  
2420 Parkers Creek and Black Creek, and south of J M Burge Road;

2421 50. Any facility used by a soccer club and  
2422 located on Old Highway 11 between one-tenth (0.1) and two-tenths  
2423 (0.2) of a mile from its intersection with Oak Grove Road, in a



2424 county in which U.S. Highway 98 and Mississippi Highway 589  
2425 intersect;

2426                           51. Any municipality in which U.S. Highway 49  
2427 and Mississippi Highway 469 intersect;

2428                           52. Any facility that is:

2429                           a. Owned by a Veterans of Foreign Wars  
2430 (VFW) organization that is a nonprofit corporation and registered  
2431 with the Mississippi Secretary of State;

2432                           b. Used by such organization for its  
2433 headquarters and other organization related purposes; and

2434                           c. Located outside of a municipality in  
2435 a county that has not voted to come out from under the dry law;

2436                           53. The following within a municipality in  
2437 which U.S. Highway 49 and U.S. 61 Highway intersect and through  
2438 which flows the Sunflower River:

2439                           a. An area bounded as follows: Starting  
2440 at the southern point of the intersection of Sunflower Avenue and  
2441 1st Street and going south along said avenue on its eastern side  
2442 to 8th Street, then going east along said street on its northern  
2443 side to West Tallahatchie Street, then going north along said  
2444 street on its western side to 4th Street/Martin Luther King  
2445 Boulevard, then going east along said street/boulevard on its  
2446 northern side to Desoto Avenue, then going north along said avenue  
2447 on its western side to 1st Street, then going west along said



2448 street on its southern side to the point of beginning along the  
2449 southern side of Court Street;

2450                                   b. Lots located at or near the  
2451 intersection of Madison Avenue, Walnut Street, and Riverside  
2452 Avenue that are in a commercial zone; and

2453                                   c. Any facility located on the west side  
2454 of Sunflower Avenue to the Sunflower River between the southern  
2455 side of 6th Street and the northern side of 8th Street and which  
2456 is operated as and/or was operated as a hotel or lodging facility,  
2457 in consideration of payment, regardless of whether the facility  
2458 meets the criteria for the definition of the term "hotel" in  
2459 paragraph (1) of this section; and

2460                                   d. Any facility located on the west side  
2461 of Sunflower Avenue to the Sunflower River between the southern  
2462 side of 3rd Street and the northern side of 4th Street/Martin  
2463 Luther King Boulevard and which is operated as and/or was operated  
2464 as a musical venue, in consideration of payment;

2465                                   54. Any municipality in which Mississippi  
2466 Highway 340 meets Mississippi Highway 15;

2467                                   55. Any municipality in which Mississippi  
2468 Highway 540 and Mississippi Highway 149 intersect;

2469                                   56. Any municipality in which Mississippi  
2470 Highway 15 and Mississippi Highway 345/Main Street intersect;

2471                                   57. The property and structures thereon at  
2472 the following locations within a municipality through which run



2473 U.S. Highway 45 and Mississippi Highway 145 and in which  
2474 Mississippi Highway 370 and Mississippi Highway 145 intersect:  
2475 104 West Main Street, 106 West Main Street, 108 West Main Street,  
2476 110 West Main Street and 112 West Main Street;

2477                   58. Any municipality in which U.S. Highway 11  
2478 and Main Street intersect and which is located in a county having  
2479 two (2) judicial districts;

2480                   59. Any municipality in which Interstate 22  
2481 passes over Mississippi Highway 9;

2482                   60. Any facility located on land more  
2483 particularly described as follows:

2484           A certain parcel of land being situated in the Southeast 1/4  
2485 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County,  
2486 Mississippi, and being more particularly described as follows:

2487           Commence at an existing 1/2" iron pin marking the Southwest  
2488 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of  
2489 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13  
2490 seconds East along the East line of the Southeast 1/4 of the  
2491 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"  
2492 iron pin; leaving said East line of the Southeast 1/4 of the  
2493 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds  
2494 East for a distance of 2.08 feet to an existing 1/2" iron pin; run  
2495 thence North 00 degrees 22 minutes 19 seconds East for a distance  
2496 of 561.90 feet to an existing 1/2" iron pin; run thence North 00  
2497 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to



2498 a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel  
2499 of land herein described; from said POINT OF BEGINNING, continue  
2500 thence North 00 degrees 16 minutes 18 seconds East along an  
2501 existing fence for a distance of 493.27 feet to an existing 1/2"  
2502 iron pin; run thence North 03 degrees 08 minutes 15 seconds East  
2503 for a distance of 170.22 feet to an existing 1/2" iron pin on the  
2504 North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of  
2505 Section 9; run thence North 89 degrees 46 minutes 45 seconds East  
2506 along said North line of the Southeast 1/4 of the Northeast 1/4 of  
2507 Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron  
2508 pin marking Northeast corner thereof; leaving said North line of  
2509 the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence  
2510 South 00 degrees 08 minutes 35 seconds West along the East line of  
2511 said Southeast 1/4 of the Northeast 1/4 of Section 9 for a  
2512 distance of 663.19 feet to a set 1/2" iron pin; leaving said East  
2513 line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run  
2514 thence South 89 degrees 46 minutes 45 seconds West for a distance  
2515 of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00  
2516 acres, more or less.

2517       And Also: An easement for the purpose of ingress and egress  
2518 being situated in the Southeast 1/4 of the Northeast 1/4 and in  
2519 the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E,  
2520 Rankin County, Mississippi, and being more particularly described  
2521 as follows:



2522           Begin at an existing 1/2" iron pin marking the Southwest  
2523 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of  
2524 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13  
2525 seconds East along the East line of the Southeast 1/4 of the  
2526 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"  
2527 iron pin; leaving said East line of the Southeast 1/4 of the  
2528 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds  
2529 East for a distance of 2.08 feet to an existing 1/2" iron pin; run  
2530 thence North 00 degrees 22 minutes 19 seconds East for a distance  
2531 of 561.90 feet to an existing 1/2" iron pin; run thence North 00  
2532 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to  
2533 a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45  
2534 seconds East for a distance of 25.00 feet to a set 1/2" iron pin;  
2535 run thence South 00 degrees 16 minutes 18 seconds West for a  
2536 distance of 76.66 feet to a set 1/2" iron pin; run thence South 00  
2537 degrees 22 minutes 19 seconds West for a distance of 619.81 feet  
2538 to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01  
2539 seconds West for a distance of 26.81 feet to a set 1/2" iron pin;  
2540 run thence North 00 degrees 06 minutes 13 seconds East along the  
2541 West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of  
2542 Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING,  
2543 containing 17,525.4 square feet, more or less.

2544                                   61. Any municipality bordered on the east by  
2545 the Pascagoula River and on the south by the Mississippi Sound;



2546                           62. The property and structures thereon  
2547 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201  
2548 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969  
2549 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original  
2550 town square in any municipality with a population in excess of one  
2551 thousand five hundred (1,500) according to the latest federal  
2552 decennial census and which is located in:

2553                           a. A county traversed by Interstate 55  
2554 and Interstate 20, and

2555                           b. A judicial district that has not  
2556 voted to come out from under the dry law;

2557                           63. Any municipality in which Mississippi  
2558 Highway 12 meets Mississippi Highway 17;

2559                           64. Any municipality in which U.S. Highway 49  
2560 and Mississippi Highway 469 intersect;

2561                           65. The clubhouse and associated nine-hole  
2562 golf course and related facilities located on or near the eastern  
2563 corner of the point at which Golf Course Road meets Athens Road,  
2564 in a county in which Mississippi Highway 13 and Mississippi  
2565 Highway 28 intersect, with GPS coordinates of approximately  
2566 31.900370078041004, -89.7928067652611;

2567                           66. Any facility located at the  
2568 south-to-southwest corner of the intersection of Madison Street  
2569 and Bolton Brownsville Road, in a municipality in which Bolton



2570 Brownsville Road passes over Interstate 20, with GPS coordinates  
2571 of approximately 32.349067271758955, -90.4596221146197;

2572                   67. Any facility located at the northwest  
2573 corner of the intersection of Depot Street and Madison Street, in  
2574 a municipality in which Bolton Brownsville Road passes over  
2575 Interstate 20, with GPS coordinates of approximately  
2576 32.34903152971068, -90.46047660172901;

2577                   68. Any facility located on Hinds Boulevard  
2578 approximately three-tenths (0.3) of a mile south of the point at  
2579 which Hinds Boulevard diverges from Clinton Road, in a  
2580 municipality whose northern boundary partially consists of Snake  
2581 Creek Road, and whose southern boundary partially consists of  
2582 Mississippi Highway 18, with GPS coordinates of approximately  
2583 32.26384517526713, -90.41586570183475;

2584                   69. Any facility located on Pleasant Grove  
2585 Drive approximately one and three-tenths (1.3) miles southeast of  
2586 its intersection with Harmony Drive, in a county through which run  
2587 Interstate 55 and U.S. Highway 84, with GPS coordinates of  
2588 approximately 31.512043770371907, -90.2506094382595;

2589                   70. Any facility located immediately north of  
2590 the intersection of two roads, both named Mason Clark Drive,  
2591 located between two-tenths (0.2) and three-tenths (0.3) of a mile  
2592 southwest of Mississippi Highway 57/63, with GPS coordinates of  
2593 approximately 31.135950529733048, -88.53068674585575;





2594 71. Any facility located on Raj Road  
2595 approximately three-tenths (0.3) of a mile south of Mississippi  
2596 Highway 57/63, with GPS coordinates of approximately  
2597 31.139553708288418, -88.53411203512971;

2598 72. Any facility located on Raj Road  
2599 approximately one-tenth (0.1) of a mile south of Mississippi  
2600 Highway 57/63, with GPS coordinates of approximately  
2601 31.14184097577295, -88.53287700849411;

2602 73. Any municipality through which run U.S.  
2603 Highway 45 and Mississippi Highway 145 and in which Mississippi  
2604 Highway 370 and Mississippi Highway 145 intersect; however, this  
2605 designation as a qualified resort area shall only apply to the  
2606 portion of such municipality which is located in a county that has  
2607 not voted to come out from under the dry law;

2608 74. A municipality through which runs a  
2609 portion of the Tanglefoot Trail and in which Mississippi Highway  
2610 32 and East Front Street intersect;

2611 75. Lot Three (3) in Block One Hundred  
2612 Seventy-eight (178) of the D.H. McInnis First Survey, sometimes  
2613 referred to as D.H. McInnis Railroad Addition, to the City of  
2614 Hattiesburg, the said lot having a frontage of thirty (30) feet on  
2615 the Eastern side of Front Street and extending back between  
2616 parallel lines ninety (90) feet to an alley, and being located in  
2617 the Northwest Quarter of Section 10, Township 4 North, Range 13  
2618 West, Forrest County, Mississippi;



2619                   76. An area of land in George County of  
2620 approximately eight and five hundredths (8.05) acres, bordered on  
2621 the east and northeast by Brushy Creek, on the northwest by Brushy  
2622 Creek Road, on the west by Beaver Creek Road, and on the south by  
2623 a property boundary running east and west;

2624                   77. A municipality in which Mississippi  
2625 Highway 15 intersects with Webster Street, and in which Webster  
2626 Street splits into Mill Street and Maben Starkville Road;

2627                   78. A municipality in which Mississippi  
2628 Highway 492 meets Mississippi Highway 35;

2629                   79. A facility operating as an event venue  
2630 and located on Mississippi Highway 589, with GPS coordinates of  
2631 approximately 31.36730, -89.50548;

2632                   80. An area situated in the SW 1/4 of Section  
2633 12, T7N-R2E, Madison County, Mississippi, and commencing at the  
2634 point on the Ross Barnett Reservoir directly east of the  
2635 intersection of North Natchez Street and Louisiana Street, then go  
2636 west on Louisiana Street to the intersection of Louisiana Street  
2637 and Andrew Jackson Street, then west on Andrew Jackson Street to  
2638 the intersection of Andrew Jackson Street and Choctaw Street, then  
2639 north on Choctaw Street to the intersection of Choctaw Street and  
2640 Republic Street, then west on Republic Street to the intersection  
2641 of Republic Street and Port Street, then north on Port Street to  
2642 the Natchez Trace right-of-way, then east on the Natchez Trace



2643 right-of-way to the Ross Barnett Reservoir, then following the  
2644 Ross Barnett Reservoir south back to the point of beginning;  
2645                   81. Any facility located on land more  
2646 particularly described as follows:  
2647 Commencing at a fence corner at the Northeast corner of Section  
2648 34, Township 6 South, Range 3 East, Union County, Mississippi, for  
2649 the point of beginning; thence run South 00 degrees 31 minutes 39  
2650 seconds East, along the Section line, a distance of 161.83 feet to  
2651 a one-half inch iron pin, thence North 88 degrees 20 minutes 48  
2652 seconds West, along a fence, a distance of 1221.09 feet to a  
2653 one-half iron pin, thence South 09 degrees 45 minutes 37 seconds  
2654 West, along a fence, a distance of 61.49 feet to a one-half inch  
2655 iron pin, thence North 84 degrees 18 minutes 01 seconds West,  
2656 along a fence, (passing through a one-half inch iron pin at 196.83  
2657 feet) a distance of 234.62 feet to a mag-nail on the centerline of  
2658 Union County Road No. 137, thence North 11 degrees 00 minutes 29  
2659 seconds East a distance of 187.87 feet to a one-half inch iron pin  
2660 on the West edge of said road, thence North 29 degrees 41 minutes  
2661 28 seconds East a distance of 59.28 feet to a point on the  
2662 centerline of said road, thence South 89 degrees 13 minutes 02  
2663 seconds East (passing through a one-half inch iron pin at 30.0  
2664 feet) along the South line of the Bernard Whiteside property as  
2665 recorded in Deed Book 117, Pages 517-518 and Deed Book 214, page  
2666 109, a distance of 646.07 feet to a concrete monument, thence  
2667 South 89 degrees 13 minutes 02 seconds East a distance of 751.31



2668 feet to a one-half inch iron pin, thence South 00 degrees 31  
2669 minutes 39 seconds East, along the aforesaid Section line, a  
2670 distance of 52.93 feet to the point of beginning, said tract lying  
2671 in the Southeast Quarter of Section 27, and the Northeast Quarter  
2672 of Section 34, Township 6 South, Range 3 East and containing 6.99  
2673 acres.

2674 Subject to a perpetual all purpose non-exclusive easement for  
2675 ingress, egress and public utilities together the right to enter  
2676 upon the above described property and do any and all work  
2677 necessary to build, repair and maintain a roadway or well or  
2678 install public utilities all over upon and across the following  
2679 described property:

2680 A 25.0 foot easement for ingress and egress, being 12.5 feet to  
2681 the right and 12.5 feet to the left of the following described  
2682 centerline: Commencing at a fence corner at the Northeast corner  
2683 of Section 34, Township 6 South, Range 3 East, Union County,  
2684 Mississippi, thence run South 00 degrees 31 minutes 39 seconds  
2685 East, along the Section line, a distance of 149.33 feet to the  
2686 point of beginning; thence North 88 degrees 20 minutes 48 seconds  
2687 West a distance of 1231.46 feet to a point, thence South 09  
2688 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a  
2689 point, thence North 84 degrees 18 minutes 01 seconds West a  
2690 distance of 221.82 feet to a point on the centerline of Union  
2691 County Road #137, said tract lying in the Northeast Quarter of  
2692 Section 34, Township 6 South, Range 3 East.



2693                               82. The clubhouse at a country club located:  
2694                               a. In a county in which Mississippi  
2695 Highway 15 and Mississippi Highway 16 intersect and which county  
2696 has not voted to come out from under the dry law, and  
2697                               b. Outside the corporate limits of any  
2698 municipality in such county and within one (1) mile of the  
2699 corporate limits of a municipality that is the county seat of such  
2700 county;

2701                               83. Any facility located on North Jackson  
2702 Street in a municipality through which run Mississippi Highway 8  
2703 and Mississippi Highway 15, with GPS coordinates of approximately  
2704 33.913692, -89.005219;

2705                               84. Any facility located on North Jackson  
2706 Street in a municipality through which run Mississippi Highway 8  
2707 and Mississippi Highway 15, with GPS coordinates of approximately  
2708 33.905581, -89.00200;

2709                               85. Any facility located on land more  
2710 particularly described as follows:  
2711 Commencing at the Southeast corner of Section 4, Township 6  
2712 South, Range 18 West, Pearl River County, Mississippi; thence  
2713 West 1310.00 feet to a T-bar; thence North 745.84 feet; thence  
2714 East 132.00 feet to a 1" iron pipe; thence North 83.61 feet  
2715 for the Point of Beginning; thence South 79 degrees 02 minutes  
2716 61 seconds West 248.28 feet; thence West 76.35 feet; thence  
2717 North 20 degrees 00 minutes 00 seconds West 185.54 feet;



2718 thence North 52 degrees 43 minutes 14 seconds East 365.98 feet  
2719 to a 1" iron pipe on the West margin of Henry Smith Road, a  
2720 gravel/paved, public road; thence along said margin South 17  
2721 degrees 59 minutes 13 seconds East 299.09 feet; thence South  
2722 64.39 feet to the Point of Beginning. This parcel containing  
2723 2.19 acres and being a part of the East 1/2 of Section 4,  
2724 Township 6 South, Range 18 West, Pearl River County,  
2725 Mississippi.

2726 INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4,  
2727 TOWNSHIP 6 SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY,  
2728 MISSISSIPPI;

2729 86. Any facility located on land in a county  
2730 through which run Mississippi Highway 25 and U.S. Highway 82 and  
2731 more particularly described as follows: Beginning at a point with  
2732 GPS coordinates of approximately 33.331869, -88.715054; then  
2733 running in a straight line to a point with GPS coordinates of  
2734 approximately 33.336207, -88.713453; then running in a straight  
2735 line to a point with GPS coordinates of approximately 33.335369,  
2736 -88.709835; then running in a straight line to a point with GPS  
2737 coordinates of approximately 33.330870, -88.711496; then running  
2738 in a straight line to a point with GPS coordinates of  
2739 approximately 33.331869, -88.715054 and the point of the  
2740 beginning;



2741 87. Any facility located on land that is  
2742 owned by a community college that is located in a county through  
2743 which run U.S. Highway 51 and Mississippi Highway 4;

2744 88. Any facility located on Mississippi  
2745 Highway 23/178 in a municipality in which Mississippi Highway  
2746 23/178 and Stone Drive intersect, with GPS coordinates of  
2747 approximately 34.235269, -88.262409;

2748 89. Any facility located on U.S. Highway 51  
2749 in a municipality through which run Interstate 55, U.S. Highway 51  
2750 and the Natchez Trace Parkway, with GPS coordinates of  
2751 approximately 32.42042°N, 90.13473°W;

2752 90. Any facility located on Mullican Road in  
2753 a county through which run U.S. Highway 84 and Interstate 59,  
2754 with GPS coordinates of approximately 31.73395N, 89.18186W;

2755 91. Any facility located on land in a county  
2756 through which run Mississippi Highway 25 and U.S. Highway 82 and  
2757 more particularly described as follows: Beginning at a point with  
2758 GPS coordinates of approximately 33.37391, -88.80645; then running  
2759 in a straight line to a point with GPS coordinates of  
2760 approximately 33.37391, -88.79972; then running in a straight line  
2761 to a point with GPS coordinates of approximately 33.36672,  
2762 -88.80644; then running in a straight line to a point with GPS  
2763 coordinates of approximately 33.36674, -88.79971; then running in  
2764 a straight line to a point with GPS coordinates of approximately  
2765 33.37391, -88.80645 and the point of the beginning;



2766                                   92. Any facility located on land more  
2767 particularly described as follows:  
2768 All that part of the South half (S 1/2) of the SE 1/4 of NE 1/4 of  
2769 Section 14, Township 4 North, Range 15 West, lying and being West  
2770 of State Highway No. 589, containing one (1) acre, more or less.  
2771 LESS AND EXCEPT:  
2772 Begin at the point of intersection of the North line of the South  
2773 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14,  
2774 Township 4 North, Range 15 West with the present Southwesterly  
2775 right-of-way line of Mississippi Highway No. 589, said point is  
2776 also the Northeast corner of grantor property; said point is 50.6  
2777 feet West of Station 7 + 59.27 on the centerline of survey of  
2778 Mississippi Highway No. 589 as shown on the plans for State  
2779 Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence  
2780 South 08°57' East along said present Southwesterly right-of-way  
2781 line, a distance of 37.1 feet to a point that is perpendicular to  
2782 and 50 feet Southwesterly of Station 7 + 30 on the centerline of  
2783 survey of Mississippi Highway 589 as shown on the plans for said  
2784 project; run thence South 81°03' West, a distance of 35.7 feet to  
2785 the West line of the South 1/2 of the Southeast 1/4 of the  
2786 Northeast 1/4 of said Section 14 and the West line of grantors  
2787 property; run thence North along said West property line, a  
2788 distance of 42.2 feet to the Northwest corner of the South 1/2 of  
2789 the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the  
2790 Northwest corner of grantors property; run thence East along





2791 grantors North property line, a distance of 29.5 feet to the POINT  
2792 OF BEGINNING containing 0.03 acres, more or less, and all being  
2793 situated in and a part of the South 1/2 of the Southeast 1/4 of  
2794 the Northeast 1/4 of Section 14, Township 4 North, Range 15 West,  
2795 Lamar County, Mississippi.

2796 LESS AND EXCEPT:

2797 A part of the South one-half of the Southeast 1/4 of Northeast  
2798 1/4, Northerly of a certain fence and West of Mississippi State  
2799 Highway 589, in Section 14, Township 4 North, Range 15 West, Lamar  
2800 County, Mississippi and more particularly described as commencing  
2801 at a pine (lighter) stake being used as the Southwest corner of  
2802 the Northeast 1/4 of Southeast 1/4 of the above said Section 14,  
2803 thence North and along the West line of the East 1/4 of the above  
2804 said Section 14 1638.8 feet to the POINT OF BEGINNING. Thence  
2805 continue North and along the West line of the East 1/4 of the  
2806 above said Section 14, 278.5 feet to the Southerly line of the  
2807 property Bobby G. Aultman and Marilyn S. Aultman previously sold  
2808 to the Mississippi State Highway Department; thence North 81°03'  
2809 East and along the above said Southerly property line for 35.7  
2810 feet more or less to the Westerly right-of-way line of Mississippi  
2811 State Highway 589; thence Southeasterly and along the above said  
2812 Westerly right-of-way line 232.7 feet to a concrete right-of-way  
2813 marker; thence South 51°39' West and along the Northerly line of a  
2814 wooden fence 88 feet to the POINT OF BEGINNING.

2815 AND ALSO:



2816 A parcel of land in a part of the Southeast 1/4 of Northwest 1/4  
2817 and a part of the Southwest 1/4, Section 14, Township 4 North,  
2818 Range 15 West, Lamar County, Mississippi, and more particularly  
2819 described as beginning at a point where the Southerly right-of-way  
2820 line of U.S. Highway 98 intersects the West line of the above said  
2821 Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along  
2822 the Southerly right-of-way line of said highway 208.75 feet;  
2823 thence South 208.75 feet; thence South 67°34' West 208.75 feet;  
2824 thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to  
2825 the centerline of Parkers Creek; thence Northerly and along the  
2826 centerline of said creek for the next three (3) calls: North  
2827 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North  
2828 09°51'30" West 64.3 feet to the Southerly right-of-way line of  
2829 U.S. Highway 98; thence North 67°34' East and along the Southerly  
2830 right-of-way line of said highway 327.85 feet to the POINT OF  
2831 BEGINNING. The above described area contains 3.02 acres.

2832 AND ALSO:

2833 Commencing at the Southwest corner of the Southwest 1/4 of the  
2834 Northeast 1/4 of Section 14, Township 4 North, Range 15 West,  
2835 Lamar County, Mississippi, run South 88°05'27" East 310.00 feet,  
2836 thence South 0°53'16" West 60.50 feet to a point on a fence line,  
2837 thence run along fence line South 88°05'27" East 718.93 feet to  
2838 the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to  
2839 a point on the South right-of-way line of Highway No. 98, thence  
2840 along said right-of-way along a curve to the right with a delta



2841 angle of 02°04'26" having a radius of 5603.58 feet and an arc  
2842 length of 202.84 feet, with a chord bearing a distance of North  
2843 71°53'47" East 202.83 feet to a Concrete Highway right-of-way  
2844 marker, thence South 20°09'13" East 328.13 feet, thence South  
2845 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet  
2846 to a Point on Possession Line fence, thence along said fence North  
2847 88°05'27" West 299.23 feet back to the POINT OF BEGINNING,  
2848 containing 5.0885 acres, more or less and being situated in the SW  
2849 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14,  
2850 together with all improvements and appurtenances thereunto  
2851 belonging.

2852 AND ALSO:

2853 PARCEL NUMBER ONE: That part of the Northwest Quarter of the  
2854 Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section  
2855 14, Township 4 North, Range 15 West, of Lamar County, Mississippi,  
2856 being located and situated East of the center thread of Mill Creek  
2857 as the same presently runs through and bisects said 40-acre tract,  
2858 and comprising 10.9 acres, more or less, and all being part of the  
2859 Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the  
2860 Southwest 1/4) of said Section, Township and Range, Lamar County,  
2861 Mississippi.

2862 AND ALSO:

2863 PARCEL NUMBER TWO: A part of the Southeast Quarter of the  
2864 Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of  
2865 the Northeast Quarter of the Southwest (Northeast 1/4 of the



2866 Southwest 1/4) all in Section 14, Township 4 North, Range 15 West,  
2867 Lamar County, Mississippi, being more particularly described as  
2868 follows, to wit:

2869 Beginning at a point where the South margin of State Highway 98  
2870 intersects the West margin of the Southeast 1/4 of the Northwest  
2871 1/4 of Section 14, Township 4 North, Range 15 West, and run  
2872 Easterly along the South margin of said highway right-of-way  
2873 208.75 feet; thence South 208.75 feet; thence Westerly parallel  
2874 with the South margin of said highway right-of-way 208.75 feet to  
2875 the West forty line; thence North 208.75 feet to the POINT OF  
2876 BEGINNING, containing 1 acre, more or less.

2877 LESS AND EXCEPT:

2878 Begin at the point of intersection of an Easterly line of grantors  
2879 property with the present Southerly right-of-way line of U.S.  
2880 Highway 98 as shown on the plans for State Project No.  
2881 97-0014-02-044-10; from said POINT OF BEGINNING run thence South  
2882 02°56' West along said Easterly property line, a distance of 127.6  
2883 feet; thence run South 69°11' West, a distance of 52.9 feet;  
2884 thence run South 67°13' West, a distance of 492.7 feet to the  
2885 Westerly line of grantors property and the center of a creek;  
2886 thence run Northerly along said Westerly property line and said  
2887 center of creek, a distance of 122.8 feet to said present  
2888 Southerly right-of-way line; thence run North 67°13' East along  
2889 said present Southerly right-of-way line, a distance of 553.4 feet  
2890 to the POINT OF BEGINNING, containing 1.43 acres, more or less,



2891 and being situated in and a part of the North 1/2 of the Southwest  
2892 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County,  
2893 Mississippi.

2894 LESS AND EXCEPT:

2895 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4  
2896 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST  
2897 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE  
2898 POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.  
2899 FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH 11°19'49 " "  
2900 EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40 °11'01" EAST  
2901 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 179.15  
2902 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S. HIGHWAY 98;  
2903 THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF SAID HIGHWAY AS  
2904 FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN IRON PIN; THENCE  
2905 SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE RIGHT-OF-WAY MARKER;  
2906 THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN IRON PIN; THENCE  
2907 LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST 667.21 FEET TO AN  
2908 IRON PIN; THENCE NORTH 67°35'21" EAST 491.91 FEET TO AN IRON PIN;  
2909 THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN IRON PIN; THENCE  
2910 NORTH 67°35'21" EAST 629.48 FEET BACK TO THE POINT OF BEGINNING.  
2911 SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE SE 1/4  
2912 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART IN THE  
2913 NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH, RANGE  
2914 15 WEST, LAMAR COUNTY, MISSISSIPPI.



2915           The status of these municipalities, districts, clubhouses,  
2916 facilities, golf courses and areas described in this paragraph  
2917 (o)(iii) as qualified resort areas does not require any  
2918 declaration of same by the department.

2919           The governing authorities of a municipality described, in  
2920 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,  
2921 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 56, 58, 59, 61,  
2922 63, 64, 66, 67, 68, 73, 74, 83 or 84 of this paragraph (o)(iii)  
2923 may by ordinance, with respect to the qualified resort area  
2924 described in the same item: specify the hours of operation of  
2925 facilities offering alcoholic beverages for sale; specify the  
2926 percentage of revenue that facilities offering alcoholic beverages  
2927 for sale must derive from the preparation, cooking and serving of  
2928 meals and not from the sale of beverages; and designate the areas  
2929 in which facilities offering alcoholic beverages for sale may be  
2930 located.

2931           (p) "Native wine" means any product, produced in  
2932 Mississippi for sale, having an alcohol content not to exceed  
2933 twenty-one percent (21%) by weight and made in accordance with  
2934 revenue laws of the United States, which shall be obtained  
2935 primarily from the alcoholic fermentation of the juice of ripe  
2936 grapes, fruits, berries, honey or vegetables grown and produced in  
2937 Mississippi; provided that bulk, concentrated or fortified wines  
2938 used for blending may be produced without this state and used in  
2939 producing native wines. The department shall adopt and promulgate



2940 rules and regulations to permit a producer to import such bulk  
2941 and/or fortified wines into this state for use in blending with  
2942 native wines without payment of any excise tax that would  
2943 otherwise accrue thereon.

2944 (q) "Native winery" means any place or establishment  
2945 within the State of Mississippi where native wine is produced, in  
2946 whole or in part, for sale.

2947 (r) "Bed and breakfast inn" means an establishment  
2948 within a municipality where in consideration of payment, breakfast  
2949 and lodging are habitually furnished to travelers and wherein are  
2950 located not less than eight (8) and not more than nineteen (19)  
2951 adequately furnished and completely separate sleeping rooms with  
2952 adequate facilities, that persons usually apply for and receive as  
2953 overnight accommodations; however, such restriction on the minimum  
2954 number of sleeping rooms shall not apply to establishments on the  
2955 National Register of Historic Places. No place shall qualify as a  
2956 bed and breakfast inn under this article unless on the date of the  
2957 initial application for a license under this article more than  
2958 fifty percent (50%) of the sleeping rooms are located in a  
2959 structure formerly used as a residence.

2960 (s) "Board" shall refer to the Board of Tax Appeals of  
2961 the State of Mississippi.

2962 (t) "Spa facility" means an establishment within a  
2963 municipality or qualified resort area and owned by a hotel where,  
2964 in consideration of payment, patrons receive from licensed



2965 professionals a variety of private personal care treatments such  
2966 as massages, facials, waxes, exfoliation and hairstyling.

2967 (u) "Art studio or gallery" means an establishment  
2968 within a municipality or qualified resort area that is in the sole  
2969 business of allowing patrons to view and/or purchase paintings and  
2970 other creative artwork.

2971 (v) "Cooking school" means an establishment within a  
2972 municipality or qualified resort area and owned by a nationally  
2973 recognized company that offers an established culinary education  
2974 curriculum and program where, in consideration of payment, patrons  
2975 are given scheduled professional group instruction on culinary  
2976 techniques. For purposes of this paragraph, the definition of  
2977 cooking school shall not include schools or classes offered by  
2978 grocery stores, convenience stores or drugstores.

2979 (w) "Campus" means property owned by a public school  
2980 district, community or junior college, college or university in  
2981 this state where educational courses are taught, school functions  
2982 are held, tests and examinations are administered or academic  
2983 course credits are awarded; however, the term shall not include  
2984 any "restaurant" or "hotel" that is located on property owned by a  
2985 community or junior college, college or university in this state,  
2986 and is operated by a third party who receives all revenue  
2987 generated from food and alcoholic beverage sales.

2988 (x) "Native spirit" shall mean any beverage, produced  
2989 in Mississippi for sale, manufactured primarily by the





2990 distillation of fermented grain, starch, molasses or sugar  
2991 produced in Mississippi, including dilutions and mixtures of these  
2992 beverages. In order to be classified as "native spirit" under the  
2993 provisions of this article, at least fifty-one percent (51%) of  
2994 the finished product by volume shall have been obtained from  
2995 distillation of fermented grain, starch, molasses or sugar grown  
2996 and produced in Mississippi.

2997 (y) "Native distillery" shall mean any place or  
2998 establishment within this state where native spirit is produced in  
2999 whole or in part for sale.

3000 (z) "Warehouse operator" shall have the meaning  
3001 ascribed in Section 67-1-201.

3002 (aa) "Light intoxicating beverage" has the meaning  
3003 ascribed in Section 67-3-3.

3004 **SECTION 55.** Section 67-1-18, Mississippi Code of 1972, is  
3005 amended as follows:

3006 67-1-18. (1) Any alcoholic beverage, light \* \* \*  
3007 intoxicating beverage or raw material seized under the authority  
3008 of this article, Chapter 3 of Title 67, or Chapter 31 of Title 97,  
3009 Mississippi Code of 1972, shall be submitted to the custody of  
3010 the \* \* \* department \* \* \* for disposition.

3011 (2) (a) Except as otherwise provided in this paragraph, the  
3012 department shall not dispose of any alcoholic beverage,  
3013 light \* \* \* intoxicating beverage or raw material without first  
3014 providing reasonable notice to all individuals having an interest



3015 in the property and an opportunity for them to appear and  
3016 establish their right or claim to the property. If no hearing is  
3017 requested by the passage of the appropriate deadline, the  
3018 department shall require the alcoholic beverages, light \* \* \*  
3019 intoxicating beverages or raw materials to be sold for the benefit  
3020 of the state or destroyed.

3021 (b) The provisions of paragraph (a) of this subsection  
3022 shall not apply in cases in which the owner or possessor of the  
3023 alcoholic beverage, light \* \* \* intoxicating beverage or raw  
3024 material is convicted of selling or possessing alcoholic  
3025 beverages, \* \* \* light intoxicating beverages or raw materials in  
3026 a manner or location prohibited by law, or convicted of a  
3027 violation of Section 67-1-81(2) or 67-3-70. In such cases, the  
3028 alcoholic beverage, light \* \* \* intoxicating beverage or raw  
3029 materials seized in connection with the violation may be disposed  
3030 of in the manner prescribed by the department.

3031 (3) (a) If the department orders the property, other than  
3032 alcoholic beverages, sold, then the property shall be sold to the  
3033 highest bidder, the bidder being any person, firm or government  
3034 agency. The offer for sale shall be made to not less than three  
3035 (3) qualified prospective buyers, by mailing them an invitation to  
3036 bid, which shall describe the property, terms of sale, method of  
3037 delivery, manner of bidding and fixing a time of not more than  
3038 fifteen (15) days from the date of invitation for opening of bids  
3039 received by the department.



3040 (b) All bids and payment shall be made in the manner as  
3041 prescribed by the department. Bids, after opening, shall be  
3042 subject to public inspection.

3043 (4) If the department orders the sale of seized alcoholic  
3044 beverages, it may place the alcoholic beverages in the state  
3045 inventory to be sold to authorized retailers in the same manner as  
3046 other alcoholic beverages in the state inventory are sold.

3047 (5) Any appeal from a seizure and disposal made under this  
3048 section shall be made pursuant to Section 67-1-72.

3049 **SECTION 56.** Section 67-1-51, Mississippi Code of 1972, is  
3050 amended as follows:

3051 67-1-51. (1) Permits which may be issued by the department  
3052 shall be as follows:

3053 (a) **Manufacturer's permit.** A manufacturer's permit  
3054 shall permit the manufacture, importation in bulk, bottling and  
3055 storage of alcoholic liquor and its distribution and sale to  
3056 manufacturers holding permits under this article in this state and  
3057 to persons outside the state who are authorized by law to purchase  
3058 the same, and to sell as provided by this article.

3059 Manufacturer's permits shall be of the following classes:

3060 Class 1. Distiller's and/or rectifier's permit, which shall  
3061 authorize the holder thereof to operate a distillery for the  
3062 production of distilled spirits by distillation or redistillation  
3063 and/or to operate a rectifying plant for the purifying, refining,



3064 mixing, blending, flavoring or reducing in proof of distilled  
3065 spirits and alcohol.

3066 Class 2. Wine manufacturer's permit, which shall authorize  
3067 the holder thereof to manufacture, import in bulk, bottle and  
3068 store wine or vinous liquor.

3069 Class 3. Native wine producer's permit, which shall  
3070 authorize the holder thereof to produce, bottle, store and sell  
3071 native wines.

3072 Class 4. Native spirit producer's permit, which shall  
3073 authorize the holder thereof to produce, bottle, store and sell  
3074 native spirits.

3075 (b) **Package retailer's permit.** Except as otherwise  
3076 provided in this paragraph and Section 67-1-52, a package  
3077 retailer's permit shall authorize the holder thereof to operate a  
3078 store exclusively for the sale at retail in original sealed and  
3079 unopened packages of alcoholic beverages, including native wines,  
3080 native spirits and edibles, not to be consumed on the premises  
3081 where sold. Alcoholic beverages shall not be sold by any retailer  
3082 in any package or container containing less than fifty (50)  
3083 milliliters by liquid measure. A package retailer's permit, with  
3084 prior approval from the department, shall authorize the holder  
3085 thereof to sample new product furnished by a manufacturer's  
3086 representative or his employees at the permitted place of business  
3087 so long as the sampling otherwise complies with this article and  
3088 applicable department regulations. Such samples may not be



3089 provided to customers at the permitted place of business. In  
3090 addition to the sale at retail of packages of alcoholic beverages,  
3091 the holder of a package retailer's permit is authorized to sell at  
3092 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,  
3093 other beverages commonly used to mix with alcoholic beverages, and  
3094 fruits and foods that have been submerged in alcohol and are  
3095 commonly referred to as edibles. Nonalcoholic beverages sold by  
3096 the holder of a package retailer's permit shall not be consumed on  
3097 the premises where sold.

3098           (c) **On-premises retailer's permit.** Except as otherwise  
3099 provided in subsection (5) of this section, an on-premises  
3100 retailer's permit shall authorize the sale of alcoholic beverages,  
3101 including native wines and native spirits, for consumption on the  
3102 licensed premises only; however, a patron of the permit holder may  
3103 remove one (1) bottle of wine from the licensed premises if: (i)  
3104 the patron consumed a portion of the bottle of wine in the course  
3105 of consuming a meal purchased on the licensed premises; (ii) the  
3106 permit holder securely reseals the bottle; (iii) the bottle is  
3107 placed in a bag that is secured in a manner so that it will be  
3108 visibly apparent if the bag is opened; and (iv) a dated receipt  
3109 for the wine and the meal is available. Additionally, as part of  
3110 a carryout order, a permit holder may sell one (1) bottle of wine  
3111 to be removed from the licensed premises for every two (2) entrees  
3112 ordered. In addition, an on-premises retailer's permittee at a  
3113 permitted premises located on Jefferson Davis Avenue within



3114 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic  
3115 beverages by the glass to a patron in a vehicle using a  
3116 drive-through method of delivery if the permitted premises is  
3117 located in a leisure and recreation district established under  
3118 Section 67-1-101. Such a sale will be considered to be made on  
3119 the permitted premises. An on-premises retailer's permit shall be  
3120 issued only to qualified hotels, restaurants and clubs, small  
3121 craft breweries, microbreweries, and to common carriers with  
3122 adequate facilities for serving passengers. In resort areas,  
3123 however, whether inside or outside of a municipality, the  
3124 department, in its discretion, may issue on-premises retailer's  
3125 permits to any establishments located therein as it deems proper.  
3126 An on-premises retailer's permit when issued to a common carrier  
3127 shall authorize the sale and serving of alcoholic beverages aboard  
3128 any licensed vehicle while moving through any county of the state;  
3129 however, the sale of such alcoholic beverages shall not be  
3130 permitted while such vehicle is stopped in a county that has not  
3131 legalized such sales. If an on-premises retailer's permit is  
3132 applied for by a common carrier operating solely in the water,  
3133 such common carrier must, along with all other qualifications for  
3134 a permit, (i) be certified to carry at least one hundred fifty  
3135 (150) passengers and/or provide overnight accommodations for at  
3136 least fifty (50) passengers and (ii) operate primarily in the  
3137 waters within the State of Mississippi which lie adjacent to the  
3138 State of Mississippi south of the three (3) most southern counties



3139 in the State of Mississippi and/or on the Mississippi River or  
3140 navigable waters within any county bordering on the Mississippi  
3141 River.

3142 (d) **Solicitor's permit.** A solicitor's permit shall  
3143 authorize the holder thereof to act as salesman for a manufacturer  
3144 or wholesaler holding a proper permit, to solicit on behalf of his  
3145 employer orders for alcoholic beverages, and to otherwise promote  
3146 his employer's products in a legitimate manner. Such a permit  
3147 shall authorize the representation of and employment by one (1)  
3148 principal only. However, the permittee may also, in the  
3149 discretion of the department, be issued additional permits to  
3150 represent other principals. No such permittee shall buy or sell  
3151 alcoholic beverages for his own account, and no such beverage  
3152 shall be brought into this state in pursuance of the exercise of  
3153 such permit otherwise than through a permit issued to a wholesaler  
3154 or manufacturer in the state.

3155 (e) **Native wine retailer's permit.** Except as otherwise  
3156 provided in subsection (5) of this section, a native wine  
3157 retailer's permit shall be issued only to a holder of a Class 3  
3158 manufacturer's permit, and shall authorize the holder thereof to  
3159 make retail sales of native wines to consumers for on-premises  
3160 consumption or to consumers in originally sealed and unopened  
3161 containers at an establishment located on the premises of or in  
3162 the immediate vicinity of a native winery. When selling to  
3163 consumers for on-premises consumption, a holder of a native wine



3164 retailer's permit may add to the native wine alcoholic beverages  
3165 not produced on the premises, so long as the total volume of  
3166 foreign beverage components does not exceed twenty percent (20%)  
3167 of the mixed beverage. Hours of sale shall be the same as those  
3168 authorized for on-premises permittees in the city or county in  
3169 which the native wine retailer is located.

3170 (f) **Temporary retailer's permit.** Except as otherwise  
3171 provided in subsection (5) of this section, a temporary retailer's  
3172 permit shall permit the purchase and resale of alcoholic  
3173 beverages, including native wines and native spirits, during legal  
3174 hours on the premises described in the temporary permit only.

3175 Temporary retailer's permits shall be of the following  
3176 classes:

3177 Class 1. A temporary one-day permit may be issued to bona  
3178 fide nonprofit civic or charitable organizations authorizing the  
3179 sale of alcoholic beverages, including native wine and native  
3180 spirit, for consumption on the premises described in the temporary  
3181 permit only. Class 1 permits may be issued only to applicants  
3182 demonstrating to the department, by a statement signed under  
3183 penalty of perjury submitted ten (10) days prior to the proposed  
3184 date or such other time as the department may determine, that they  
3185 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
3186 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
3187 Class 1 permittees shall obtain all alcoholic beverages from  
3188 package retailers located in the county in which the temporary





3189 permit is issued. Alcoholic beverages remaining in stock upon  
3190 expiration of the temporary permit may be returned by the  
3191 permittee to the package retailer for a refund of the purchase  
3192 price upon consent of the package retailer or may be kept by the  
3193 permittee exclusively for personal use and consumption, subject to  
3194 all laws pertaining to the illegal sale and possession of  
3195 alcoholic beverages. The department, following review of the  
3196 statement provided by the applicant and the requirements of the  
3197 applicable statutes and regulations, may issue the permit.

3198       Class 2. A temporary permit, not to exceed seventy (70)  
3199 days, may be issued to prospective permittees seeking to transfer  
3200 a permit authorized in paragraph (c) of this subsection. A Class  
3201 2 permit may be issued only to applicants demonstrating to the  
3202 department, by a statement signed under the penalty of perjury,  
3203 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
3204 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
3205 67-1-59. The department, following a preliminary review of the  
3206 statement provided by the applicant and the requirements of the  
3207 applicable statutes and regulations, may issue the permit.

3208       Class 2 temporary permittees must purchase their alcoholic  
3209 beverages directly from the department or, with approval of the  
3210 department, purchase the remaining stock of the previous  
3211 permittee. If the proposed applicant of a Class 1 or Class 2  
3212 temporary permit falsifies information contained in the  
3213 application or statement, the applicant shall never again be



3214 eligible for a retail alcohol beverage permit and shall be subject  
3215 to prosecution for perjury.

3216       Class 3. A temporary one-day permit may be issued to a  
3217 retail establishment authorizing the complimentary distribution of  
3218 wine, including native wine, to patrons of the retail  
3219 establishment at an open house or promotional event, for  
3220 consumption only on the premises described in the temporary  
3221 permit. A Class 3 permit may be issued only to an applicant  
3222 demonstrating to the department, by a statement signed under  
3223 penalty of perjury submitted ten (10) days before the proposed  
3224 date or such other time as the department may determine, that it  
3225 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
3226 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
3227 A Class 3 permit holder shall obtain all alcoholic beverages from  
3228 the holder(s) of a package retailer's permit located in the county  
3229 in which the temporary permit is issued. Wine remaining in stock  
3230 upon expiration of the temporary permit may be returned by the  
3231 Class 3 temporary permit holder to the package retailer for a  
3232 refund of the purchase price, with consent of the package  
3233 retailer, or may be kept by the Class 3 temporary permit holder  
3234 exclusively for personal use and consumption, subject to all laws  
3235 pertaining to the illegal sale and possession of alcoholic  
3236 beverages. The department, following review of the statement  
3237 provided by the applicant and the requirements of the applicable  
3238 statutes and regulations, may issue the permit. No retailer may



3239 receive more than twelve (12) Class 3 temporary permits in a  
3240 calendar year. A Class 3 temporary permit shall not be issued to  
3241 a retail establishment that either holds a merchant permit issued  
3242 under paragraph (1) of this subsection, or holds a permit issued  
3243 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
3244 the holder to engage in the business of a retailer of light \* \* \*  
3245 intoxicating beverages.

3246 (g) **Caterer's permit.** A caterer's permit shall permit  
3247 the purchase of alcoholic beverages by a person engaging in  
3248 business as a caterer and the resale of alcoholic beverages by  
3249 such person in conjunction with such catering business. No person  
3250 shall qualify as a caterer unless forty percent (40%) or more of  
3251 the revenue derived from such catering business shall be from the  
3252 serving of prepared food and not from the sale of alcoholic  
3253 beverages and unless such person has obtained a permit for such  
3254 business from the Department of Health. A caterer's permit shall  
3255 not authorize the sale of alcoholic beverages on the premises of  
3256 the person engaging in business as a caterer; however, the holder  
3257 of an on-premises retailer's permit may hold a caterer's permit.  
3258 When the holder of an on-premises retailer's permit or an  
3259 affiliated entity of the holder also holds a caterer's permit, the  
3260 caterer's permit shall not authorize the service of alcoholic  
3261 beverages on a consistent, recurring basis at a separate, fixed  
3262 location owned or operated by the caterer, on-premises retailer or  
3263 affiliated entity and an on-premises retailer's permit shall be



3264 required for the separate location. All sales of alcoholic  
3265 beverages by holders of a caterer's permit shall be made at the  
3266 location being catered by the caterer, and, except as otherwise  
3267 provided in subsection (5) of this section, such sales may be made  
3268 only for consumption at the catered location. The location being  
3269 catered may be anywhere within a county or judicial district that  
3270 has voted to come out from under the dry laws or in which the sale  
3271 and distribution of alcoholic beverages is otherwise authorized by  
3272 law. Such sales shall be made pursuant to any other conditions  
3273 and restrictions which apply to sales made by on-premises retail  
3274 permittees. The holder of a caterer's permit or his employees  
3275 shall remain at the catered location as long as alcoholic  
3276 beverages are being sold pursuant to the permit issued under this  
3277 paragraph (g), and the permittee shall have at the location the  
3278 identification card issued by the Alcoholic Beverage Control  
3279 Division of the department. No unsold alcoholic beverages may be  
3280 left at the catered location by the permittee upon the conclusion  
3281 of his business at that location. Appropriate law enforcement  
3282 officers and Alcoholic Beverage Control Division personnel may  
3283 enter a catered location on private property in order to enforce  
3284 laws governing the sale or serving of alcoholic beverages.

3285 (h) **Research permit.** A research permit shall authorize  
3286 the holder thereof to operate a research facility for the  
3287 professional research of alcoholic beverages. Such permit shall  
3288 authorize the holder of the permit to import and purchase limited



3289 amounts of alcoholic beverages from the department or from  
3290 importers, wineries and distillers of alcoholic beverages for  
3291 professional research.

3292           (i) **Alcohol processing permit.** An alcohol processing  
3293 permit shall authorize the holder thereof to purchase, transport  
3294 and possess alcoholic beverages for the exclusive use in cooking,  
3295 processing or manufacturing products which contain alcoholic  
3296 beverages as an integral ingredient. An alcohol processing permit  
3297 shall not authorize the sale of alcoholic beverages on the  
3298 premises of the person engaging in the business of cooking,  
3299 processing or manufacturing products which contain alcoholic  
3300 beverages. The amounts of alcoholic beverages allowed under an  
3301 alcohol processing permit shall be set by the department.

3302           (j) **Hospitality cart permit.** A hospitality cart permit  
3303 shall authorize the sale of alcoholic beverages from a mobile cart  
3304 on a golf course that is the holder of an on-premises retailer's  
3305 permit. The alcoholic beverages sold from the cart must be  
3306 consumed within the boundaries of the golf course.

3307           (k) **Special service permit.** A special service permit  
3308 shall authorize the holder to sell commercially sealed alcoholic  
3309 beverages to the operator of a commercial or private aircraft for  
3310 en route consumption only by passengers. A special service permit  
3311 shall be issued only to a fixed-base operator who contracts with  
3312 an airport facility to provide fueling and other associated  
3313 services to commercial and private aircraft.



3314 (1) **Merchant permit.** Except as otherwise provided in  
3315 subsection (5) of this section, a merchant permit shall be issued  
3316 only to the owner of a spa facility, an art studio or gallery, or  
3317 a cooking school, and shall authorize the holder to serve  
3318 complimentary by the glass wine only, including native wine, at  
3319 the holder's spa facility, art studio or gallery, or cooking  
3320 school. A merchant permit holder shall obtain all wine from the  
3321 holder of a package retailer's permit.

3322 (m) **Temporary alcoholic beverages charitable auction**  
3323 **permit.** A temporary permit, not to exceed five (5) days, may be  
3324 issued to a qualifying charitable nonprofit organization that is  
3325 exempt from taxation under Section 501(c)(3) or (4) of the  
3326 Internal Revenue Code of 1986. The permit shall authorize the  
3327 holder to sell alcoholic beverages for the limited purpose of  
3328 raising funds for the organization during a live or silent auction  
3329 that is conducted by the organization and that meets the following  
3330 requirements: (i) the auction is conducted in an area of the  
3331 state where the sale of alcoholic beverages is authorized; (ii) if  
3332 the auction is conducted on the premises of an on-premises  
3333 retailer's permit holder, then the alcoholic beverages to be  
3334 auctioned must be stored separately from the alcoholic beverages  
3335 sold, stored or served on the premises, must be removed from the  
3336 premises immediately following the auction, and may not be  
3337 consumed on the premises; (iii) the permit holder may not conduct  
3338 more than two (2) auctions during a calendar year; (iv) the permit



3339 holder may not pay a commission or promotional fee to any person  
3340 to arrange or conduct the auction.

3341 (n) **Event venue retailer's permit.** An event venue  
3342 retailer's permit shall authorize the holder thereof to purchase  
3343 and resell alcoholic beverages, including native wines and native  
3344 spirits, for consumption on the premises during legal hours during  
3345 events held on the licensed premises if food is being served at  
3346 the event by a caterer who is not affiliated with or related to  
3347 the permittee. The caterer must serve at least three (3) entrees.  
3348 The permit may only be issued for venues that can accommodate two  
3349 hundred (200) persons or more. The number of persons a venue may  
3350 accommodate shall be determined by the local fire department and  
3351 such determination shall be provided in writing and submitted  
3352 along with all other documents required to be provided for an  
3353 on-premises retailer's permit. The permittee must derive the  
3354 majority of its revenue from event-related fees, including, but  
3355 not limited to, admission fees or ticket sales for live  
3356 entertainment in the building. "Event-related fees" do not  
3357 include \* \* \* alcoholic beverage or light intoxicating beverage  
3358 sales or any fee which may be construed to cover the cost of \* \* \*  
3359 alcoholic beverages or light intoxicating beverages. This  
3360 determination shall be made on a per event basis. An event may  
3361 not last longer than two (2) consecutive days per week.

3362 (o) **Temporary theatre permit.** A temporary theatre  
3363 permit, not to exceed five (5) days, may be issued to a charitable



3364 nonprofit organization that is exempt from taxation under Section  
3365 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
3366 a theatre facility that features plays and other theatrical  
3367 performances and productions. Except as otherwise provided in  
3368 subsection (5) of this section, the permit shall authorize the  
3369 holder to sell alcoholic beverages, including native wines and  
3370 native spirits, to patrons of the theatre during performances and  
3371 productions at the theatre facility for consumption during such  
3372 performances and productions on the premises of the facility  
3373 described in the permit. A temporary theatre permit holder shall  
3374 obtain all alcoholic beverages from package retailers located in  
3375 the county in which the permit is issued. Alcoholic beverages  
3376 remaining in stock upon expiration of the temporary theatre permit  
3377 may be returned by the permittee to the package retailer for a  
3378 refund of the purchase price upon consent of the package retailer  
3379 or may be kept by the permittee exclusively for personal use and  
3380 consumption, subject to all laws pertaining to the illegal sale  
3381 and possession of alcoholic beverages.

3382 (p) **Charter ship operator's permit.** Subject to the  
3383 provisions of this paragraph (p), a charter ship operator's permit  
3384 shall authorize the holder thereof and its employees to serve,  
3385 monitor, store and otherwise control the serving and availability  
3386 of alcoholic beverages to customers of the permit holder during  
3387 private charters under contract provided by the permit holder. A  
3388 charter ship operator's permit shall authorize such action by the





3389 permit holder and its employees only as to alcoholic beverages  
3390 brought onto the permit holder's ship by customers of the permit  
3391 holder as part of such a private charter. All such alcoholic  
3392 beverages must be removed from the charter ship at the conclusion  
3393 of each private charter. A charter ship operator's permit shall  
3394 not authorize the permit holder to sell, charge for or otherwise  
3395 supply alcoholic beverages to customers, except as authorized in  
3396 this paragraph (p). For the purposes of this paragraph (p),  
3397 "charter ship operator" means a common carrier that (i) is  
3398 certified to carry at least one hundred fifty (150) passengers  
3399 and/or provide overnight accommodations for at least fifty (50)  
3400 passengers, (ii) operates only in the waters within the State of  
3401 Mississippi, which lie adjacent to the State of Mississippi south  
3402 of the three (3) most southern counties in the State of  
3403 Mississippi, and (iii) provides charters under contract for tours  
3404 and trips in such waters.

3405 (q) **Distillery retailer's permit.** The holder of a  
3406 Class 1 manufacturer's permit may obtain a distillery retailer's  
3407 permit. A distillery retailer's permit shall authorize the holder  
3408 thereof to sell at retail alcoholic beverages to consumers for  
3409 on-premises consumption, or to consumers by the sealed and  
3410 unopened bottle from a retail location at the distillery for  
3411 off-premises consumption. The holder may only sell product  
3412 manufactured by the manufacturer at the distillery described in  
3413 the permit. However, when selling to consumers for on-premises



3414 consumption, a holder of a distillery retailer's permit may add  
3415 other beverages, alcoholic or not, so long as the total volume of  
3416 other beverage components containing alcohol does not exceed  
3417 twenty percent (20%). Hours of sale shall be the same as those  
3418 authorized for on-premises permittees in the city or county in  
3419 which the distillery retailer is located.

3420         The holder shall not sell at retail more than ten percent  
3421 (10%) of the alcoholic beverages produced annually at its  
3422 distillery. The holder shall not make retail sales of more than  
3423 two and twenty-five one-hundredths (2.25) liters, in the  
3424 aggregate, of the alcoholic beverages produced at its distillery  
3425 to any one (1) individual for consumption off the premises of the  
3426 distillery within a twenty-four-hour period. The hours of sale  
3427 shall be the same as those hours for package retailers under this  
3428 article. The holder of a distillery retailer's permit is not  
3429 required to purchase the alcoholic beverages authorized to be sold  
3430 by this paragraph from the department's liquor distribution  
3431 warehouse; however, if the holder does not purchase the alcoholic  
3432 beverages from the department's liquor distribution warehouse, the  
3433 holder shall pay to the department all taxes, fees and surcharges  
3434 on the alcoholic beverages that are imposed upon the sale of  
3435 alcoholic beverages shipped by the department or its warehouse  
3436 operator. In addition to alcoholic beverages, the holder of a  
3437 distillery retailer's permit may sell at retail promotional  
3438 products from the same retail location, including shirts, hats,



3439 glasses, and other promotional products customarily sold by  
3440 alcoholic beverage manufacturers.

3441 (r) **Festival Wine Permit.** Any wine manufacturer or  
3442 native wine producer permitted by Mississippi or any other state  
3443 is eligible to obtain a Festival Wine Permit. This permit  
3444 authorizes the entity to transport product manufactured by it to  
3445 festivals held within the State of Mississippi and sell sealed,  
3446 unopened bottles to festival participants. The holder of this  
3447 permit may provide samples at no charge to participants.  
3448 "Festival" means any event at which three (3) or more vendors are  
3449 present at a location for the sale or distribution of goods. The  
3450 holder of a Festival Wine Permit is not required to purchase the  
3451 alcoholic beverages authorized to be sold by this paragraph from  
3452 the department's liquor distribution warehouse. However, if the  
3453 holder does not purchase the alcoholic beverages from the  
3454 department's liquor distribution warehouse, the holder of this  
3455 permit shall pay to the department all taxes, fees and surcharges  
3456 on the alcoholic beverages sold at such festivals that are imposed  
3457 upon the sale of alcoholic beverages shipped by the Alcoholic  
3458 Beverage Control Division of the Department of Revenue.  
3459 Additionally, the entity shall file all applicable reports and  
3460 returns as prescribed by the department. This permit is issued  
3461 per festival and provides authority to sell for two (2)  
3462 consecutive days during the hours authorized for on-premises  
3463 permittees' sales in that county or city. The holder of the



3464 permit shall be required to maintain all requirements set by Local  
3465 Option Law for the service and sale of alcoholic beverages. This  
3466 permit may be issued to entities participating in festivals at  
3467 which a Class 1 temporary permit is in effect.

3468 This paragraph (r) shall stand repealed from and after July  
3469 1, 2026.

3470 (s) **Charter vessel operator's permit.** Subject to the  
3471 provisions of this paragraph (s), a charter vessel operator's  
3472 permit shall authorize the holder thereof and its employees to  
3473 sell and serve alcoholic beverages to passengers of the permit  
3474 holder during public tours, historical tours, ecological tours and  
3475 sunset cruises provided by the permit holder. The permit shall  
3476 authorize the holder to only sell alcoholic beverages, including  
3477 native wines, to passengers of the charter vessel operator during  
3478 public tours, historical tours, ecological tours and sunset  
3479 cruises provided by the permit holder aboard the charter vessel  
3480 operator for consumption during such tours and cruises on the  
3481 premises of the charter vessel operator described in the permit.  
3482 For the purposes of this paragraph (s), "charter vessel operator"  
3483 means a common carrier that (i) is certified to carry at least  
3484 forty-nine (49) passengers, (ii) operates only in the waters  
3485 within the State of Mississippi, which lie south of Interstate 10  
3486 in the three (3) most southern counties in the State of  
3487 Mississippi, and lie adjacent to the State of Mississippi south of  
3488 the three (3) most southern counties in the State of Mississippi,



3489 extending not further than one (1) mile south of such counties,  
3490 and (iii) provides vessel services for tours and cruises in such  
3491 waters as provided in this paragraph(s).

3492 (t) **Native spirit retailer's permit.** Except as  
3493 otherwise provided in subsection (5) of this section, a native  
3494 spirit retailer's permit shall be issued only to a holder of a  
3495 Class 4 manufacturer's permit, and shall authorize the holder  
3496 thereof to make retail sales of native spirits to consumers for  
3497 on-premises consumption or to consumers in originally sealed and  
3498 unopened containers at an establishment located on the premises of  
3499 or in the immediate vicinity of a native distillery. When selling  
3500 to consumers for on-premises consumption, a holder of a native  
3501 spirit retailer's permit may add to the native spirit alcoholic  
3502 beverages not produced on the premises, so long as the total  
3503 volume of foreign beverage components does not exceed twenty  
3504 percent (20%) of the mixed beverage. Hours of sale shall be the  
3505 same as those authorized for on-premises permittees in the city or  
3506 county in which the native spirit retailer is located.

3507 (u) **Delivery service permit.** Any individual, limited  
3508 liability company, corporation or partnership registered to do  
3509 business in this state is eligible to obtain a delivery service  
3510 permit. Subject to the provisions of Section 67-1-51.1, this  
3511 permit authorizes the permittee, or its employee or an independent  
3512 contractor acting on its behalf, to deliver alcoholic  
3513 beverages \* \* \* and light intoxicating beverages from a licensed



3514 retailer to a person in this state who is at least twenty-one (21)  
3515 years of age for the individual's use and not for resale. This  
3516 permit does not authorize the delivery of alcoholic  
3517 beverages \* \* \* or light intoxicating beverages to the premises of  
3518 a location with a permit for the manufacture, distribution or  
3519 retail sale of alcoholic beverages \* \* \* or light intoxicating  
3520 beverages. The holder of a package retailer's permit or an  
3521 on-premises retailer's permit under Section 67-1-51 or of a \* \* \*  
3522 light intoxicating beverage permit under Section 67-3-19 is  
3523 authorized to apply for a delivery service permit as a privilege  
3524 separate from its existing retail permit.

3525 (v) **Food truck permit.** A food truck permit shall  
3526 authorize the holder of an on-premises retailer's permit to use a  
3527 food truck to sell alcoholic beverages off its premises to guests  
3528 who must consume the beverages in open containers. For the  
3529 purposes of this paragraph (v), "food truck" means a fully encased  
3530 food service establishment on a motor vehicle or on a trailer that  
3531 a motor vehicle pulls to transport, and from which a vendor,  
3532 standing within the frame of the establishment, prepares, cooks,  
3533 sells and serves food for immediate human consumption. The term  
3534 "food truck" does not include a food cart that is not motorized.  
3535 Food trucks shall maintain such distance requirements from  
3536 schools, churches, kindergartens and funeral homes as are required  
3537 for on-premises retailer's permittees under this article, and all  
3538 sales must be made within a valid leisure and recreation district



3539 established under Section 67-1-101. Food trucks cannot sell or  
3540 serve alcoholic beverages unless also offering food prepared and  
3541 cooked within the food truck, and permittees must maintain a  
3542 twenty-five percent (25%) food sale revenue requirement based on  
3543 the food sold from the food truck alone. The hours allowed for  
3544 sale shall be the same as those for on-premises retailer's  
3545 permittees in the location. This permit will not be required for  
3546 the holder of a caterer's permit issued under this article to  
3547 cater an event as allowed by law. Permittees must provide notice  
3548 of not less than forty-eight (48) hours to the department of each  
3549 location at which alcoholic beverages will be sold.

3550 (w) **On-premises tobacco permit.** An on-premises tobacco  
3551 permit shall authorize the permittee to sell alcoholic beverages  
3552 for consumption on the licensed premises. In addition to all  
3553 other requirements to obtain an alcoholic beverage permit, the  
3554 permittee must obtain and maintain a tobacco permit issued by the  
3555 State of Mississippi, and have a capital investment of not less  
3556 than Five Hundred Thousand Dollars (\$500,000.00) in the premises  
3557 for which the permit is issued. In addition to alcoholic  
3558 beverages, the permittee is authorized to sell only cigars,  
3559 cheroots, tobacco pipes, pipe tobacco, and/or stogies.  
3560 Additionally, seventy-five percent (75%) of the permittee's annual  
3561 gross revenue must be derived from the sale of cigars, cheroots,  
3562 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall  
3563 be required, but food may be sold on the premises. The issuance



3564 of this permit does not remove any obligation a permittee may have  
3565 to follow local ordinances or actions prohibiting the use of  
3566 tobacco products.

3567 (2) Except as otherwise provided in subsection (4) of this  
3568 section, retail permittees may hold more than one (1) retail  
3569 permit, at the discretion of the department.

3570 (3) (a) Except as otherwise provided in this subsection, no  
3571 authority shall be granted to any person to manufacture, sell or  
3572 store for sale any intoxicating liquor as specified in this  
3573 article within four hundred (400) feet of any church, school  
3574 (excluding any community college, junior college, college or  
3575 university), kindergarten or funeral home. However, within an  
3576 area zoned commercial or business, such minimum distance shall be  
3577 not less than one hundred (100) feet.

3578 (b) A church or funeral home may waive the distance  
3579 restrictions imposed in this subsection in favor of allowing  
3580 issuance by the department of a permit, pursuant to subsection (1)  
3581 of this section, to authorize activity relating to the  
3582 manufacturing, sale or storage of alcoholic beverages which would  
3583 otherwise be prohibited under the minimum distance criterion.  
3584 Such waiver shall be in written form from the owner, the governing  
3585 body, or the appropriate officer of the church or funeral home  
3586 having the authority to execute such a waiver, and the waiver  
3587 shall be filed with and verified by the department before becoming  
3588 effective.





3589 (c) The distance restrictions imposed in this  
3590 subsection shall not apply to the sale or storage of alcoholic  
3591 beverages at a bed and breakfast inn listed in the National  
3592 Register of Historic Places or to the sale or storage of alcoholic  
3593 beverages in a historic district that is listed in the National  
3594 Register of Historic Places, is a qualified resort area and is  
3595 located in a municipality having a population greater than one  
3596 hundred thousand (100,000) according to the latest federal  
3597 decennial census.

3598 (d) The distance restrictions imposed in this  
3599 subsection shall not apply to the sale or storage of alcoholic  
3600 beverages at a qualified resort area as defined in Section  
3601 67-1-5(o)(iii)32.

3602 (e) The distance restrictions imposed in this  
3603 subsection shall not apply to the sale or storage of alcoholic  
3604 beverages at a licensed premises in a building formerly owned by a  
3605 municipality and formerly leased by the municipality to a  
3606 municipal school district and used by the municipal school  
3607 district as a district bus shop facility.

3608 (f) The distance restrictions imposed in this  
3609 subsection shall not apply to the sale or storage of alcoholic  
3610 beverages at a licensed premises in a building consisting of at  
3611 least five thousand (5,000) square feet and located approximately  
3612 six hundred (600) feet from the intersection of Mississippi  
3613 Highway 15 and Mississippi Highway 4.



3614 (g) The distance restrictions imposed in this  
3615 subsection shall not apply to the sale or storage of alcoholic  
3616 beverages at a licensed premises in a building located at or near  
3617 the intersection of Ward and Tate Streets and adjacent properties  
3618 in the City of Senatobia, Mississippi.

3619 (h) The distance restrictions imposed in this  
3620 subsection shall not apply to the sale or storage of alcoholic  
3621 beverages at a theatre facility that features plays and other  
3622 theatrical performances and productions and (i) is capable of  
3623 seating more than seven hundred fifty (750) people, (ii) is owned  
3624 by a municipality which has a population greater than ten thousand  
3625 (10,000) according to the latest federal decennial census, (iii)  
3626 was constructed prior to 1930, (iv) is on the National Register of  
3627 Historic Places, and (v) is located in a historic district.

3628 (i) The distance restrictions imposed in this  
3629 subsection shall not apply to the sale or storage of alcoholic  
3630 beverages at a licensed premises in a building located  
3631 approximately one and six-tenths (1.6) miles north of the  
3632 intersection of Mississippi Highway 15 and Mississippi Highway 4  
3633 on the west side of Mississippi Highway 15.

3634 (4) No person, either individually or as a member of a firm,  
3635 partnership, limited liability company or association, or as a  
3636 stockholder, officer or director in a corporation, shall own or  
3637 control any interest in more than one (1) package retailer's  
3638 permit, nor shall such person's spouse, if living in the same



3639 household of such person, any relative of such person, if living  
3640 in the same household of such person, or any other person living  
3641 in the same household with such person own any interest in any  
3642 other package retailer's permit; however, in the case of a person  
3643 holding a package retailer's permit issued before July 1, 2024,  
3644 such a person may own one (1) additional package retailer's permit  
3645 if the additional permit is issued for a premises with a minimum  
3646 capital investment of Twenty Million Dollars (\$20,000,000.00) that  
3647 is part of a major retail development project and located in one  
3648 (1) of the three (3) most southern counties in the State of  
3649 Mississippi, and not within one hundred (100) miles of another  
3650 location in the State of Mississippi, for which the permittee  
3651 holds such a permit.

3652 (5) (a) In addition to any other authority granted under  
3653 this section, the holder of a permit issued under subsection  
3654 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
3655 sell or otherwise provide alcoholic beverages and/or wine to a  
3656 patron of the permit holder in the manner authorized in the permit  
3657 and the patron may remove an open glass, cup or other container of  
3658 the alcoholic beverage and/or wine from the licensed premises and  
3659 may possess and consume the alcoholic beverage or wine outside of  
3660 the licensed premises if: (i) the licensed premises is located  
3661 within a leisure and recreation district created under Section  
3662 67-1-101 and (ii) the patron remains within the boundaries of the



3663 leisure and recreation district while in possession of the  
3664 alcoholic beverage or wine.

3665 (b) Nothing in this subsection shall be construed to  
3666 allow a person to bring any alcoholic beverages into a permitted  
3667 premises except to the extent otherwise authorized by this  
3668 article.

3669 **SECTION 57.** Section 67-1-51.1, Mississippi Code of 1972, is  
3670 amended as follows:

3671 67-1-51.1. (1) The holder of a delivery service permit  
3672 under Section 67-1-51:

3673 (a) May contract with the holder of a package  
3674 retailer's permit or an on-premises retailer's permit under  
3675 Section 67-1-51 or the holder of a \* \* \* light intoxicating  
3676 beverage retail permit under Section 67-3-19 for the purpose of  
3677 intrastate delivery of alcoholic beverages or \* \* \* light  
3678 intoxicating beverages, as authorized to be sold under the  
3679 respective permits;

3680 (b) May deliver alcoholic beverages or \* \* \* light  
3681 intoxicating beverages without a delivery contract, if the  
3682 permittee holds a package retailer's permit or an on-premises  
3683 retailer's permit under Section 67-1-51 or a \* \* \* light  
3684 intoxicating beverage retail permit under Section 67-3-19,  
3685 respectively;

3686 (c) May use its own employees or independent  
3687 contractors who are at least twenty-one (21) years of age to



3688 deliver such alcoholic beverages \* \* \* or light intoxicating  
3689 beverages under this section, provided all delivery agents are  
3690 trained and certified consistent with the training program  
3691 submitted to the division as required by subsection (2) (d) of this  
3692 section. If independent contractors are used, the delivery  
3693 service permittee must enter into a contract with the retailer as  
3694 required by subsection (2) (c) of this section;

3695 (d) May facilitate orders by telephone, internet or  
3696 other electronic means for the sale and delivery of alcoholic  
3697 beverages \* \* \* or light intoxicating beverages under this  
3698 section. The full amount of each order must be handled in a  
3699 manner that gives the retail permittee control over the ultimate  
3700 receipt of payment from the consumer. The retail permittee shall  
3701 remain responsible for the proper remittance of all applicable  
3702 taxes on the sale of the product;

3703 (e) May deliver only sealed containers of alcoholic  
3704 beverages \* \* \* or light intoxicating beverages to an individual  
3705 in Mississippi;

3706 (f) Shall obtain from the customer a confirmation that  
3707 he or she is at least twenty-one (21) years of age at the time the  
3708 order is placed;

3709 (g) Shall place a stamp, print or label on the outside  
3710 of the sealed package to indicate that the sealed package contains  
3711 alcoholic beverages \* \* \* or light intoxicating beverages;



3712 (h) Shall require the recipient, at the time of  
3713 delivery, to provide valid photo identification verifying he or  
3714 she is at least twenty-one (21) years of age and to sign for the  
3715 delivery;

3716 (i) Shall possess identification scanning software  
3717 technology or a state-of-the-art alternative at the point of  
3718 delivery to verify the recipient is at least twenty-one (21) years  
3719 of age and to collect the recipient's name and date of birth.  
3720 Records relating to this verification shall be maintained for at  
3721 least ninety (90) days and shall be subject to review by the  
3722 division;

3723 (j) Shall return all alcoholic beverages \* \* \* or light  
3724 intoxicating beverages to the retailer if the recipient is under  
3725 the age of twenty-one (21) years, appears intoxicated, fails to  
3726 provide proof of identification, fails or refuses to sign for  
3727 delivery, fails to complete the identification verification  
3728 process or declines to accept delivery, or if any circumstances in  
3729 the delivery environment indicate illegal conduct, overconsumption  
3730 of alcohol, or an otherwise unsafe environment for the consumption  
3731 of alcohol;

3732 (k) May not deliver any alcoholic beverage \* \* \* or  
3733 light intoxicating beverage to any person located within a  
3734 jurisdiction that is dry for that product, as provided by the  
3735 division's wet-dry map;



3736 (l) May not deliver any alcoholic beverage \* \* \* or  
3737 light intoxicating beverage in a jurisdiction during times  
3738 prohibited for lawful sale in that jurisdiction;

3739 (m) May not deliver any alcoholic beverage \* \* \* or  
3740 light intoxicating beverage more than thirty (30) miles from the  
3741 retailer's licensed premises;

3742 (n) Shall permit the division to perform an audit of  
3743 the licensee's records upon request and with sufficient  
3744 notification; and

3745 (o) Shall be deemed to have consented to the  
3746 jurisdiction of the division or any law enforcement agency and the  
3747 Mississippi courts concerning enforcement of this section and any  
3748 related laws or rules.

3749 (2) In order to receive a delivery service permit, an  
3750 applicant shall:

3751 (a) File an application with the division;

3752 (b) Pay the privilege license tax of Five Hundred  
3753 Dollars (\$500.00) as provided in Section 27-71-5;

3754 (c) Provide to the division a sample contract that the  
3755 applicant intends to enter into with a retailer for the delivery  
3756 of alcoholic beverages \* \* \* or light intoxicating beverages,  
3757 unless the applicant is the retailer;

3758 (d) Submit to the division an outline of an internal or  
3759 external training and certification program for delivery service



3760 personnel that addresses topics such as identifying underage  
3761 persons, intoxicated persons, and fake or altered identification;

3762 (e) Provide an attestation that the applicant is at  
3763 least twenty-one (21) years of age and has not been convicted of a  
3764 felony in any state or federal courts;

3765 (f) Shall provide proof of a general liability  
3766 insurance policy in an amount not less than One Million Dollars  
3767 (\$1,000,000.00) per occurrence; and

3768 (g) Shall be properly registered to conduct business in  
3769 Mississippi.

3770 (3) Nothing in this section shall be construed to require a  
3771 technology services company to obtain a delivery service permit if  
3772 the company does not employ or contract with delivery agents but  
3773 merely provides software or a digital network application that  
3774 connects consumers and licensed retailers for the delivery of  
3775 alcoholic beverages from the licensed retailer. However, the act  
3776 of connecting consumers to licensed retailers shall serve to grant  
3777 jurisdiction to the State of Mississippi.

3778 (4) The division may enforce the requirements of this  
3779 section by the same administrative proceedings that apply to other  
3780 alcoholic beverage licenses or permits, including, without  
3781 limitation, any disciplinary action applicable to the package  
3782 retailer's permittee, on-premises retailer's permittee, retail  
3783 permittee for \* \* \* light intoxicating beverages, or delivery  
3784 service permittee resulting from any unlawful sale to a minor.





3785 (5) The division may enforce the requirements of this  
3786 section against the package retailer's permittee, on-premises  
3787 retailer's permittee, retail permittee for \* \* \* light  
3788 intoxicating beverages, or delivery service permittee, and any  
3789 employee or independent contractor of such permittee. If a  
3790 package retailer permittee, an on-premises retailer's permittee,  
3791 or a retail permittee for \* \* \* light intoxicating beverages is  
3792 also a delivery permittee, a violation of alcohol law by its  
3793 employee or independent contractor during delivery will subject  
3794 both the retailer permit and the delivery service permit to  
3795 disciplinary action for the violation. Delivery to a minor shall  
3796 be treated as furnishing to a minor and shall result in any  
3797 applicable disciplinary action.

3798 (6) Nothing in this section shall be construed to limit or  
3799 otherwise diminish the ability of the division to enforce the  
3800 provisions of Chapters 1 and 3, Title 67, Mississippi Code of  
3801 1972, with respect to the liability of any package retailer's  
3802 permittee, on-premises retailer's permittee, retail permittee  
3803 for \* \* \* light intoxicating beverages, or delivery service  
3804 permittee engaging in delivery activity authorized by this  
3805 section.

3806 (7) Nothing in this section shall be construed to authorize  
3807 the direct shipment of alcoholic beverages \* \* \* or light  
3808 intoxicating beverages from any manufacturer or distributor



3809 holding a permit under this article, or under Title 67, Chapter 3,  
3810 Mississippi Code of 1972, to consumers in this state.

3811 **SECTION 58.** Section 67-1-72, Mississippi Code of 1972, is  
3812 amended as follows:

3813 67-1-72. (1) Except as otherwise provided in this article,  
3814 any applicant or holder of a permit issued under this article  
3815 which is aggrieved by an action of the department \* \* \* to deny  
3816 his application for a permit, to deny the renewal of his permit or  
3817 to revoke or suspend his permit shall be allowed to appeal to the  
3818 Board of Tax Appeals from this action. This appeal is to be filed  
3819 by the aggrieved person with the Executive Director of the Board  
3820 of Tax Appeals, with a copy being sent to the department \* \* \*,  
3821 within fifteen (15) days from the date that person received notice  
3822 of the action of the department being aggrieved. If the person  
3823 aggrieved fails to appeal within this fifteen-day period, the  
3824 action of the department \* \* \* shall take effect as set out in the  
3825 notice. The department \* \* \* retains the authority to change at  
3826 any time the action aggrieved to in an appeal under this  
3827 subsection. The applicant or holder of any permit issued under  
3828 this article may waive his right to notice and opportunity to a  
3829 hearing as provided by this subsection and agree to the action  
3830 being taken by the department. The inability of the  
3831 department \* \* \* to issue or renew a permit due to an incomplete  
3832 application or due to the failure of the applicant to pay the  
3833 annual privilege taxes and fees provided by Section 27-71-5 and/or



3834 the failure of the applicant to post or deposit the bond, cash or  
3835 securities as required by Section 27-71-21 shall not constitute a  
3836 denial for purposes of this subsection.

3837 (2) Any applicant for approval as a manager of an  
3838 establishment operating under a permit issued under this article  
3839 or who holds the designation of an approved manager of an  
3840 establishment operating under a permit issued under this article  
3841 and who is aggrieved by an action of the department \* \* \* to deny  
3842 his application for approval as a manager or to revoke or suspend  
3843 his designation as an approved manager shall be allowed to appeal  
3844 to the Board of Tax Appeals from this action. This appeal is to  
3845 be filed by the aggrieved person with the Executive Director of  
3846 the Board of Tax Appeals, with a copy being sent to the  
3847 department \* \* \*, within fifteen (15) days from the date that  
3848 person received notice of the action of the department being  
3849 aggrieved. If the person aggrieved fails to appeal within this  
3850 fifteen-day period, the action of the department \* \* \* shall take  
3851 effect as set out in the notice. The department \* \* \* retains the  
3852 authority to change at any time the action aggrieved to in an  
3853 appeal under this subsection. The applicant or holder of an  
3854 approved manager designation may waive his right to notice and  
3855 opportunity to a hearing as provided by this subsection and agree  
3856 to the action being taken by the department. The inability of the  
3857 department \* \* \* to consider an application for approval of an  
3858 applicant as a manager due to an incomplete application shall not



3859 constitute a denial of the application for purposes of this  
3860 subsection.

3861 (3) Any applicant for approval of an area or locality as a  
3862 qualified resort area under this article who is aggrieved by the  
3863 decision of the department \* \* \* to deny the qualified resort area  
3864 as requested and any county or municipality wherein the proposed  
3865 qualified resort area is located may appeal to the Board of Tax  
3866 Appeals from such decision. This appeal is to be filed by the  
3867 aggrieved applicant or by the affected county or municipality with  
3868 the Executive Director of the Board of Tax Appeals, with a copy  
3869 being sent to the department \* \* \*, within fifteen (15) days from  
3870 the date that the person or entity filing the appeal received  
3871 notice of the decision of the department \* \* \* to deny the  
3872 qualified resort area. If an appeal is not filed within this  
3873 fifteen-day period, the decision of the department \* \* \* shall  
3874 become final. The Department \* \* \* retains the authority to  
3875 change at any time the decision aggrieved to in an appeal under  
3876 this subsection. The inability of the department \* \* \* to  
3877 consider an application for the approval of an area or locality as  
3878 a qualified resort area due to an incomplete application shall not  
3879 constitute a denial of that application for purposes of this  
3880 subsection.

3881 (4) Any person, including any county or municipality in  
3882 which the qualified resort area is located, who is aggrieved by  
3883 the decision of the department \* \* \* to revoke the approval of an



3884 area or locality as a qualified resort area may appeal to the  
3885 Board of Tax Appeals from such decision. This appeal is to be  
3886 filed by the aggrieved person with the Executive Director of the  
3887 Board of Tax Appeals, with a copy being sent to the  
3888 department \* \* \*, within fifteen (15) days from the date that the  
3889 person or entity filing the appeal received notice of the decision  
3890 of the department to revoke approval of the qualified resort area.  
3891 At the discretion of the department \* \* \*, in addition to any  
3892 other notice to be provided under this subsection, the department  
3893 may provide notice of its decision to revoke approval of the  
3894 qualified resort area by publication in the same manner as  
3895 provided by regulation when approval of a qualified resort area is  
3896 sought. In regard to such publication, the fifteen-day period  
3897 provided herein will begin on the date that notice is first  
3898 published. If an appeal is not filed within this fifteen-day  
3899 period, the decision of the department \* \* \* shall become final.  
3900 The department \* \* \* retains the authority to change at any time  
3901 the decision aggrieved to in an appeal under this subsection.

3902 (5) Any person objecting to an application for the issuance  
3903 or transfer of a permit, other than a temporary retailer's permit,  
3904 issued under this article and who timely requests in writing a  
3905 hearing on his objection shall be given a hearing before the Board  
3906 of Tax Appeals unless the permit is denied by the department \* \* \*  
3907 and an appeal is not taken by the applicant to the Board of Tax  
3908 Appeals from that denial or the applicant withdraws his



3909 application. Any written request for a hearing on an objection  
3910 must be filed with the department \* \* \* within fifteen (15) days  
3911 from the first date of publication of the notice of such  
3912 application under Section 67-1-53. If the department determines  
3913 that the permit should be denied, notice will be provided to the  
3914 applicant as set out in subsection (1) of this section, and if the  
3915 applicant timely requests a hearing on the denial as provided by  
3916 this subsection (5), the department will advise the Executive  
3917 Director of the Board of Tax Appeals and the applicant of the  
3918 written request for a hearing on an objection to the permit. The  
3919 hearing on the objection to the permit and the hearing on the  
3920 appeal by the applicant from the denial of the department of the  
3921 application shall be consolidated and heard by the Board of Tax  
3922 Appeals at the same time. If the department determines that the  
3923 permit should be issued, the department will advise the applicant  
3924 and the Executive Director of the Board of Tax Appeals of the  
3925 timely written request for a hearing on an objection to the  
3926 application and a hearing will be set before the Board of Tax  
3927 Appeals on this objection. If prior to the hearing, either the  
3928 person requesting the hearing withdraws his request or the  
3929 applicant withdraws his application, the hearing will be cancelled  
3930 and the objection proceedings before the Board of Tax Appeals on  
3931 the application will be dismissed as moot. In the case of such  
3932 withdrawals, the Board of Tax Appeals is authorized to assess to  
3933 either or both parties any costs incurred by it prior to such



3934 withdrawal. The department \* \* \* retains authority to issue the  
3935 permit to the applicant where the person objecting to the  
3936 application withdraws his request for a hearing.

3937 (6) Any person objecting to an application for approval by  
3938 the department \* \* \* of \* \* \* an area or locality as a qualified  
3939 resort area under this article and who timely requests in writing  
3940 a hearing on his objection shall be given a hearing before the  
3941 Board of Tax Appeals unless approval of the application is denied  
3942 by the department \* \* \* and an appeal is not taken by the  
3943 applicant or the county or municipality in which the proposed  
3944 qualified resort area is located to the Board of Tax Appeals from  
3945 that denial or the applicant withdraws his application. Any  
3946 written request for a hearing on an objection must be filed with  
3947 the department \* \* \* within fifteen (15) days from the first date  
3948 of publication of the notice of such application as provided by  
3949 regulation. If the department determines that the application for  
3950 approval of the proposed area or locality as a qualified resort  
3951 area should be denied, the department will proceed with denial of  
3952 such application as set out in subsection (3) of this section, and  
3953 if the applicant or the county or municipality in which the  
3954 proposed qualified resort area is located timely requests a  
3955 hearing on the denial as provided by subsection (3) of this  
3956 section, the department will advise the Executive Director of the  
3957 Board of Tax Appeals and the applicant of the written request for  
3958 a hearing on an objection to the application. The hearing on the



3959 objection to approval of the proposed qualified resort area and  
3960 the hearing on the appeal from the denial of the department of the  
3961 application for such approval shall be consolidated and heard by  
3962 the Board of Tax Appeals at the same time. If the department  
3963 determines that the proposed qualified resort area should be  
3964 approved, the department will advise the applicant and the  
3965 Executive Director of the Board of Tax Appeals of the timely  
3966 written request for a hearing on an objection to the application  
3967 and a hearing will be set before the Board of Tax Appeals on this  
3968 objection. If prior to the hearing, either the person requesting  
3969 the hearing withdraws his request or the applicant withdraws his  
3970 application, the hearing will be cancelled and the objection  
3971 proceedings before the Board of Tax Appeals on the application  
3972 will be dismissed as moot. In the case of such withdrawals, the  
3973 Board of Tax Appeals is authorized to assess to either or both  
3974 parties any costs incurred by it prior to such withdrawal. The  
3975 department \* \* \* retains authority to approve the proposed area or  
3976 locality as a qualified resort area where the person objecting to  
3977 the application withdraws his request for a hearing.

3978 (7) Any person having an interest in any alcoholic  
3979 beverages \* \* \*, light intoxicating beverages or raw materials  
3980 which the department \* \* \* intends to dispose of under Section  
3981 67-1-18 shall be given reasonable notice of this proposed  
3982 disposal, and upon such notice, this person may request a hearing  
3983 before the Board of Tax Appeals to establish his right or claim to





3984 this property. This request for a hearing shall be filed with the  
3985 Board of Tax Appeals, with a copy sent to the department \* \* \*,  
3986 within fifteen (15) days from the date of receipt of the notice  
3987 provided above by the person filing the request. If a request is  
3988 not received by the Board of Tax Appeals within this fifteen-day  
3989 period, the department may order the property disposed of in  
3990 accordance with Section 67-1-18.

3991 (8) Upon receipt of a written request for hearing or appeal  
3992 as set out above, the executive director shall schedule a hearing  
3993 before the Board of Tax Appeals on this request or appeal. A  
3994 notice of the hearing shall be mailed to all persons or entities  
3995 having an interest in the matter being heard which shall always  
3996 include the person or entity filing the request or appeal for  
3997 which the hearing is being set, the applicant or holder of any  
3998 permit, approved manager status or qualified resort area status in  
3999 issue, any person who filed a written request for a hearing on an  
4000 objection to any application in issue and the department \* \* \*.  
4001 This notice shall provide the date, time and location of the  
4002 hearing. Mailing to the attorney representing a person or entity  
4003 in the matter being heard shall be the same as mailing to the  
4004 person or entity the attorney represents. Failure of the person  
4005 or entity on whose request or appeal the matter was set for  
4006 hearing to appear personally or through his designated  
4007 representative at the hearing shall constitute an involuntary  
4008 withdrawal of his request or appeal. Upon such withdrawal, the



4009 Board of Tax Appeals shall note on the record the failure of the  
4010 person or entity to appear at the hearing and shall dismiss the  
4011 request or appeal and remand the matter back to the  
4012 department \* \* \* for appropriate action.

4013 (9) At any hearing before the Board of Tax Appeals on an  
4014 appeal or hearing request as set out above, two (2) members of the  
4015 Board of Tax Appeals shall constitute a quorum. At the hearing,  
4016 the Board of Tax Appeals shall try the issues presented according  
4017 to law and the facts and pursuant to any guidelines established by  
4018 regulation. The rules of evidence shall be relaxed at the hearing  
4019 and the hearing shall be recorded by a court reporter. After  
4020 reaching a decision on the issues presented, the Board of Tax  
4021 Appeals shall enter an order setting forth its findings and  
4022 decision in the matter. A copy of the order of the Board of Tax  
4023 Appeals shall be mailed to the person or entity filing the request  
4024 or appeal which was heard, the applicant or holder of any permit,  
4025 approved manager status or qualified resort area status in issue,  
4026 any person who filed a written request for a hearing on an  
4027 objection to any application in issue and the department \* \* \* to  
4028 notify them of the findings and decision of the Board of Tax  
4029 Appeals.

4030 **SECTION 59.** Section 67-7-3, Mississippi Code of 1972, is  
4031 amended as follows:

4032 67-7-3. The legislative purpose of this chapter is to  
4033 provide a structure for the business relations between a



4034 wholesaler and a supplier of light wine, light spirit  
4035 product \* \* \*, beer or hemp beverages. Regulation in this area is  
4036 considered necessary for the following reasons:

4037 (a) To maintain stability and healthy competition in  
4038 the light wine, light spirit product \* \* \*, beer \* \* \* and hemp  
4039 beverage industries in this state.

4040 (b) To promote and maintain a sound, stable and viable  
4041 system of distribution of light \* \* \* intoxicating beverages to  
4042 the public.

4043 (c) To provide for the private settlement of disputes  
4044 between wholesalers and suppliers of light \* \* \* intoxicating  
4045 beverages as an alternative to civil litigation which consumes the  
4046 time and resources of the parties and the judicial system.

4047 (d) To promote the public health, safety and welfare.

4048 **SECTION 60.** Section 67-7-5, Mississippi Code of 1972, is  
4049 amended as follows:

4050 67-7-5. As used in this chapter, the following words or  
4051 phrases, or the plural thereof, whenever they appear in this  
4052 chapter, unless the context clearly requires otherwise, shall have  
4053 the meaning ascribed to them in this section.

4054 (a) "Agreement" means any agreement between a  
4055 wholesaler and a supplier, whether oral or written, whereby a  
4056 wholesaler is granted the right to purchase and sell a brand or  
4057 brands of \* \* \* light intoxicating beverages sold by a supplier.



4058 (b) "Ancillary business" means a business owned by the  
4059 wholesaler, by a substantial stockholder of a wholesaler, or by a  
4060 substantial partner of a wholesaler, the primary business of which  
4061 is directly related to the transporting, storing or marketing of  
4062 the brand or brands of light \* \* \* intoxicating beverages of a  
4063 supplier with whom the wholesaler has an agreement; or a business  
4064 owned by a wholesaler, a substantial stockholder of a wholesaler.

4065 (c) "Commission" or "department" means the Department  
4066 of Revenue of the State of Mississippi.

4067 (d) "Commissioner" means the Commissioner of Revenue of  
4068 the Department of Revenue.

4069 (e) "Designated member" means the spouse, child,  
4070 grandchild, parent, brother or sister of a deceased individual who  
4071 owned an interest, including a controlling interest, in a  
4072 wholesaler, or any person who inherits under the deceased  
4073 individual's will, or under the laws of intestate succession of  
4074 this state; or any person who or entity which has otherwise,  
4075 through a valid testamentary device by the deceased individual,  
4076 succeeded the deceased individual in the wholesaler's business, or  
4077 has succeeded to the deceased individual's ownership interest in  
4078 the wholesaler pursuant to a written contract or instrument which  
4079 has been previously approved by the supplier; "designated member"  
4080 includes the appointed and qualified personal representative and  
4081 the testamentary trustee of a deceased individual owning an  
4082 ownership interest in a wholesaler, and it includes the person



4083 appointed by a court as the guardian or conservator of the  
4084 property of an incapacitated individual owning an ownership  
4085 interest in a wholesaler.

4086 (f) "Establish" means to adjust or regulate, to provide  
4087 for and uphold.

4088 (g) "Good faith" means honesty in fact and observance  
4089 of reasonable commercial standards of fair dealing in the trade,  
4090 as defined in and interpreted under the Uniform Commercial Code.

4091 (h) "Reasonable qualifications" means the standard of  
4092 the reasonable criteria established and consistently used by the  
4093 respective supplier for similarly situated wholesalers that  
4094 entered into, continued or renewed an agreement with the supplier  
4095 during a period of twenty-four (24) months before the proposed  
4096 transfer of the wholesaler's business, or for similarly situated  
4097 wholesalers who have changed managers or designated managers,  
4098 under the agreement, during a period of twenty-four (24) months  
4099 before the proposed change in the manager or successor manager of  
4100 the wholesaler's business.

4101 (i) "Retaliatory action" means the refusal to continue  
4102 an agreement, or a material reduction in the quality of service or  
4103 quantity of products available to a wholesaler under an agreement,  
4104 which refusal or reduction is not made in good faith.

4105 (j) "Sales territory" means a primary area of sales  
4106 responsibility for the brand or brands of light \* \* \* intoxicating  
4107 beverages sold by a supplier as designated by an agreement.



4108 (k) "Substantial stockholder or substantial partner"  
4109 means a stockholder of or partner in the wholesaler who owns an  
4110 interest of ten percent (10%) or more of the partnership or of the  
4111 capital stock of a corporate wholesaler.

4112 (l) "Successor" means a person who replaces a supplier  
4113 with regard to the right to manufacture, sell, distribute or  
4114 import a brand or brands of light \* \* \* intoxicating beverages.

4115 (m) "Supplier" means a manufacturer or importer of  
4116 light \* \* \* intoxicating beverages as regulated by the department  
4117 under Sections 67-3-1 through 67-3-73.

4118 (n) "Transfer of wholesaler's business" means the  
4119 voluntary sale, assignment or other transfer of ten percent (10%)  
4120 or more of control of the business or all or substantially all of  
4121 the assets of the wholesaler, or ten percent (10%) or more of  
4122 control of the capital stocks of the wholesaler, including without  
4123 limitation the sale or other transfer of capital stock or assets  
4124 by merger, consolidation or dissolution, or of the capital stock  
4125 of the parent corporation, or of the capital stock or beneficial  
4126 ownership of any other entity owning or controlling the  
4127 wholesaler.

4128 (o) "Wholesaler" means a wholesaler of light \* \* \*  
4129 intoxicating beverages as regulated by the department under  
4130 Sections 67-3-1 through 67-3-73.

4131 (p) "Similarly situated wholesalers" means wholesalers  
4132 of a supplier that are of a generally comparable size and operate



4133 in markets in Mississippi and adjoining states with similar  
4134 demographic characteristics, including population size, density,  
4135 distribution and vital statistics, as well as reasonably similar  
4136 economic and geographic conditions.

4137 (q) "Light \* \* \* intoxicating beverage" has the meaning  
4138 ascribed \* \* \* in Section 67-3-3.

4139 **SECTION 61.** Section 67-7-7, Mississippi Code of 1972, is  
4140 amended as follows:

4141 67-7-7. A supplier shall not do the following:

4142 (a) Fail to provide each wholesaler of the supplier's  
4143 brand or brands with a written agreement which contains in total  
4144 the supplier's agreement with each wholesaler, and designates a  
4145 specific sales territory. Any agreement which is in existence on  
4146 April 7, 1995, shall be renewed consistent with this chapter,  
4147 provided that this chapter may be incorporated by reference in the  
4148 agreement. Nothing contained herein shall prevent a supplier from  
4149 appointing, one (1) time for a period not to exceed ninety (90)  
4150 days, a wholesaler to service temporarily a sales territory not  
4151 designated to another wholesaler, until such time as a wholesaler  
4152 is appointed by the supplier; and such wholesaler who is  
4153 designated to service the sales territory during this period of  
4154 temporary service shall not be in violation of the chapter, and,  
4155 with respect to the temporary service territory, shall not have  
4156 any of the rights provided under Sections 67-7-11 and 67-7-15.



4157 (b) Fix, maintain or establish the price at which a  
4158 wholesaler shall sell any light \* \* \* intoxicating beverage.

4159 (c) Enter into an additional agreement with any other  
4160 wholesaler for, or to sell to any other wholesaler, the same brand  
4161 or brands of light \* \* \* intoxicating beverages in the same  
4162 territory or any portion thereof, or to sell directly to any  
4163 retailer in this state.

4164 (d) Require any wholesaler to accept delivery of any  
4165 light \* \* \* intoxicating beverage or other commodity which has not  
4166 been ordered by the wholesaler, except that a supplier may impose  
4167 reasonable inventory requirements upon a wholesaler if the  
4168 requirements are made in good faith and are generally applied to  
4169 other similarly situated wholesalers who have an agreement with  
4170 the supplier.

4171 (e) Require any wholesaler to accept delivery of any  
4172 light \* \* \* intoxicating beverage or other commodity ordered by a  
4173 wholesaler if the order was properly cancelled by the wholesaler  
4174 in accordance with the supplier's procedure.

4175 (f) Require any wholesaler to do any illegal act or to  
4176 violate any law or regulation by threatening to amend, modify,  
4177 cancel, terminate or refuse to renew any agreement existing  
4178 between the supplier and wholesaler.

4179 (g) Require a wholesaler to assent to any condition,  
4180 stipulation or provision limiting the wholesaler's right to sell  
4181 the brand or brands of light \* \* \* intoxicating beverages of any





4182 other supplier unless the acquisition of the brand or brands of  
4183 another supplier would materially impair or adversely affect the  
4184 wholesaler's quality of service, sales or ability to compete  
4185 effectively in representing the brand or brands of the supplier  
4186 presently being sold by the wholesaler, except that in any action  
4187 challenging a supplier's position, the supplier shall have the  
4188 burden of providing that such acquisition of such other brand or  
4189 brands would have such effect.

4190 (h) Require a wholesaler to purchase one or more brands  
4191 of light \* \* \* intoxicating beverages in order for the wholesaler  
4192 to purchase another brand or brands of light \* \* \* intoxicating  
4193 beverages for any reason, except that a wholesaler that has agreed  
4194 to distribute a brand or brands before April 7, 1995, shall  
4195 continue to distribute the brand or brands in conformance with  
4196 this chapter.

4197 (i) Require a wholesaler to submit audited profit and  
4198 loss statements, balance sheets or financial records as a  
4199 condition of renewal or continuation of an agreement, except that  
4200 a supplier may require reasonable proof of a wholesaler's  
4201 financial condition prior to extending credit terms to a  
4202 wholesaler.

4203 (j) Withhold delivery of light \* \* \* intoxicating  
4204 beverages ordered by wholesaler, or change a wholesaler's quota of  
4205 a brand or brands if the withholding or change is not made in good  
4206 faith.



4207           (k) Require a wholesaler by any means directly to  
4208 participate in or contribute to any local or national advertising  
4209 fund controlled directly or indirectly by a supplier.

4210           (l) Take any retaliatory action against a wholesaler  
4211 that files a complaint in good faith regarding an alleged  
4212 violation by the supplier of federal, state or local law or an  
4213 administrative rule as a result of that complaint.

4214           (m) Require or prohibit any change in the manager or  
4215 successor manager of any wholesaler who has been approved by the  
4216 supplier as of or after April 7, 1995, unless the supplier acts in  
4217 good faith. Should a wholesaler change an approved manager or  
4218 successor manager, a supplier shall not require or prohibit the  
4219 change unless the person selected by the wholesaler fails to meet  
4220 the nondiscriminatory, material and reasonable standards and  
4221 qualifications for managers consistently applied to similarly  
4222 situated wholesalers by the supplier, except that, in any action  
4223 challenging a supplier's decision, the supplier shall have the  
4224 burden of proving that such person fails to meet such standards  
4225 and qualifications.

4226           (n) Upon written notice of intent to transfer the  
4227 wholesaler's business, interfere with, prevent or unreasonably  
4228 delay (not to exceed thirty (30) days) the transfer of the  
4229 wholesaler's business if the proposed transferee is a designated  
4230 member.



4231 (o) Upon written notice of intent to transfer the  
4232 wholesaler's business other than to a designated member, withhold  
4233 consent to or approval of, or unreasonably delay (not to exceed  
4234 thirty (30) days after receipt of all material information  
4235 reasonably requested) a response to a request by the wholesaler  
4236 for any transfer of a wholesaler's business if the proposed  
4237 transferee meets the nondiscriminatory material and reasonable  
4238 qualifications and standards required by the supplier for  
4239 similarly situated wholesalers.

4240 (p) Restrict or inhibit the right of free association  
4241 among wholesalers for any lawful purpose.

4242 (q) Threaten to cancel or withhold credit, or to reduce  
4243 the time period normally given the wholesaler to make payment on a  
4244 delivery from the supplier as a means of compelling the wholesaler  
4245 to meet certain standards of performance in any area of business  
4246 not directly related to credit.

4247 **SECTION 62.** Section 67-7-9, Mississippi Code of 1972, is  
4248 amended as follows:

4249 67-7-9. A wholesaler shall not do any of the following:

4250 (a) Fail to devote such efforts and resources to the  
4251 sale and distribution of all the supplier's brands of light \* \* \*  
4252 intoxicating beverages which the wholesaler has been granted the  
4253 right to sell or distribute as are required in the wholesaler's  
4254 agreement with the supplier.



4255 (b) Sell or deliver light \* \* \* intoxicating beverages  
4256 to a retail licensee located outside the sales territory  
4257 designated to the wholesaler by the supplier of a particular brand  
4258 or brands of light \* \* \* intoxicating beverages, except that  
4259 during periods of temporary service interruptions impacting a  
4260 particular sales territory, a supplier may appoint another  
4261 wholesaler to service the sales territory during the period of  
4262 temporary service interruption. A wholesaler who is designated to  
4263 service the impacted sales territory during the period of  
4264 temporary service interruption shall not be in violation of this  
4265 chapter and shall not have any of the rights provided under  
4266 Sections 67-7-11 and 67-7-15 with respect to the temporary service  
4267 territory.

4268 (c) Transfer the wholesaler's business without giving  
4269 the supplier written notice of intent to transfer the wholesaler's  
4270 business and, where required by this chapter, receiving the  
4271 supplier's written approval for the proposed transfer, except that  
4272 the consent or approval of the supplier shall not be required of  
4273 any transfer of the wholesaler's business to a designated member,  
4274 or of any transfer of less than ten percent (10%) of the  
4275 wholesaler's business unless such transfer results in a change in  
4276 control. The wholesaler shall give the supplier written notice of  
4277 any change in ownership of the wholesaler.

4278 **SECTION 63.** Section 67-7-11, Mississippi Code of 1972, is  
4279 amended as follows:



4280           67-7-11. (1) Except as otherwise provided for in this  
4281 chapter, a supplier shall not amend or modify an agreement; cause  
4282 a wholesaler to resign from an agreement; or cancel, terminate,  
4283 fail to renew or refuse to continue under an agreement, unless the  
4284 supplier has complied with all of the following:

4285           (a) Has satisfied the applicable notice requirements of  
4286 this section.

4287           (b) Has acted in good faith.

4288           (c) Has good cause for the amendment, modification,  
4289 cancellation, termination, nonrenewal, discontinuance or forced  
4290 resignation.

4291           (2) In any action challenging such amendment, modification,  
4292 termination, cancellation, nonrenewal or discontinuance, the  
4293 supplier shall have the burden of proving that it has acted in  
4294 good faith, that the notice requirements under this section have  
4295 been complied with, and that there was good cause for the  
4296 amendment, modification, termination, cancellation, nonrenewal or  
4297 discontinuance.

4298           (3) Except as otherwise provided in this section, and in  
4299 addition to the time limits set forth in subsection (4) (d) of this  
4300 section, the supplier shall furnish written notice of the  
4301 amendment, modification, termination, cancellation, nonrenewal or  
4302 discontinuance of an agreement to the wholesaler not less than  
4303 thirty (30) days before the effective date of the amendment,  
4304 modification, termination, cancellation, nonrenewal or



4305 discontinuance. The notice shall be by certified mail and shall  
4306 contain all of the following:

4307 (a) A statement of intention to amend, modify,  
4308 terminate, cancel, nonrenew or discontinue the agreement.

4309 (b) A statement of the reason for the amendment,  
4310 modification, termination, cancellation, nonrenewal or  
4311 discontinuance.

4312 (c) The date on which the amendment, modification,  
4313 termination, cancellation, nonrenewal or discontinuance takes  
4314 effect.

4315 (4) Good cause shall exist for the purposes of a  
4316 termination, cancellation, nonrenewal or discontinuance under  
4317 subsection (1)(c) of this section when all of the following occur:

4318 (a) There is a failure by the wholesaler to comply with  
4319 a provision of the agreement which is both reasonable and of  
4320 material significance to the business relationship between the  
4321 wholesaler and the supplier.

4322 (b) The supplier first acquired knowledge of the  
4323 failure described in \* \* \* paragraph (a) not more than twenty-four  
4324 (24) months before the date notification was given pursuant to  
4325 subsection (3) of this section.

4326 (c) The wholesaler was given notice by the supplier of  
4327 failure to comply with this agreement.

4328 (d) The wholesaler has been afforded thirty (30) days  
4329 in which to submit a plan of corrective action to comply with the



4330 agreement and an additional ninety (90) days to cure such  
4331 noncompliance in accordance with the plan.

4332 (5) Notwithstanding subsections (1) and (3) of this section,  
4333 a supplier may terminate, cancel, fail to renew or discontinue an  
4334 agreement immediately upon written notice given in the manner and  
4335 containing the information required by subsection (3)(a), (b) and  
4336 (c) of this section if any of the following occur:

4337 (a) Insolvency of the wholesaler, the filing of any  
4338 petition by or against the wholesaler under any bankruptcy or  
4339 receivership law or the assignment for the benefit of creditors or  
4340 dissolution or liquidation of the wholesaler which materially  
4341 affects the wholesaler's ability to remain in business.

4342 (b) Revocation or suspension of the wholesaler's state  
4343 or federal license by the appropriate regulatory agency whereby  
4344 the wholesaler cannot service the wholesaler's sales territory for  
4345 more than thirty-one (31) days.

4346 (c) The wholesaler, or a partner or an individual who  
4347 owns ten percent (10%) or more of the partnership or stock of a  
4348 corporate wholesaler, has been convicted of a felony under the  
4349 United States Code or the laws of any state which reasonably may  
4350 adversely affect the good will or interest of the wholesaler or  
4351 supplier. However, an existing stockholder or stockholders, or  
4352 partner or partners, or a designated member or members, shall  
4353 have, subject to the provisions of this chapter, the right to  
4354 purchase the partnership interest or the stock of the offending



4355 partner or stockholder prior to the conviction of the offending  
4356 partner or stockholder, and if the sale is completed prior to  
4357 conviction the provisions of this \* \* \* paragraph shall not apply.

4358 (d) There was fraudulent conduct relating to a material  
4359 matter on the part of the wholesaler in dealings with the supplier  
4360 or its product, except that the supplier shall have the burden of  
4361 proving fraudulent conduct relating to a material matter on the  
4362 part of the wholesaler in any legal action challenging such  
4363 termination.

4364 (e) The wholesaler failed to confine to the designated  
4365 sales territory its sales of a brand or brands to retailers except  
4366 that this subsection does not apply if there is a dispute between  
4367 two (2) or more wholesalers as to the boundaries of the assigned  
4368 territory, and the boundaries cannot be determined by a reading of  
4369 the description contained in the agreements between the supplier  
4370 and the wholesalers.

4371 (f) A wholesaler has failed to pay for light \* \* \*  
4372 intoxicating beverages ordered and delivered in accordance with  
4373 established terms and the wholesaler fails to make full payment  
4374 within five (5) business days after receipt of written notice of  
4375 the delinquency and demand for immediate payment from the  
4376 supplier.

4377 (g) A wholesaler intentionally has made a transfer of  
4378 wholesaler's business, other than a transfer to a designated  
4379 member without prior written notice to the supplier.





4380 (h) A wholesaler intentionally has made a transfer of  
4381 wholesaler's business, other than a transfer to a designated  
4382 member, although the wholesaler has prior to said transfer  
4383 received from supplier a timely notice of disapproval of said  
4384 transfer in accordance with this chapter.

4385 (i) The wholesaler intentionally ceases to carry on  
4386 business with respect to any of supplier's brand or brands  
4387 previously serviced by wholesaler in its territory designated by  
4388 the supplier, unless such cessation is due to force majeure or to  
4389 labor dispute and the wholesaler has made good faith efforts to  
4390 overcome such events. Provided, however, this shall affect only  
4391 that brand or brands with respect to which the wholesaler ceased  
4392 to carry on business.

4393 (6) Notwithstanding subsections (1), (3) and (5) of this  
4394 section, a supplier may terminate, cancel, not renew or  
4395 discontinue an agreement upon not less than thirty (30) days prior  
4396 written notice if the supplier discontinues production or  
4397 discontinues distribution in this state of all the brands sold by  
4398 the supplier to the wholesaler, except that nothing in this  
4399 section shall prohibit a supplier from: (a) upon not less than  
4400 thirty (30) days notice, discontinuing the distribution of any  
4401 particular brand or package of light \* \* \* intoxicating beverage;  
4402 or (b) conducting test marketing of a new brand of light \* \* \*  
4403 intoxicating beverage which is not currently being sold in this  
4404 state, except that the supplier has notified the department in



4405 writing of its plans to test market, which notice shall describe  
4406 the market area in which the test shall be conducted; the name or  
4407 names of the wholesaler or wholesalers who will be selling the  
4408 light \* \* \* intoxicating beverage; the name or names of the brand  
4409 of light \* \* \* intoxicating beverage being tested; and the period  
4410 of time, not to exceed eighteen (18) months, during which the  
4411 testing will take place.

4412         **SECTION 64.** Section 67-9-1, Mississippi Code of 1972, is  
4413 amended as follows:

4414         67-9-1. Notwithstanding the provisions of any section of  
4415 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for  
4416 any person holding an alcohol processing permit to transport and  
4417 possess alcoholic beverages \* \* \* and light intoxicating  
4418 beverages, in any part of the state, for his or her use in  
4419 cooking, processing or manufacturing products which contain  
4420 alcoholic beverages as an integral ingredient, in amounts as  
4421 limited by the Alcoholic Beverage Control Division of the  
4422 Department of Revenue. The authority to transport and possess  
4423 alcoholic beverages \* \* \* and light intoxicating beverages under  
4424 this section exists regardless of whether (a) the county or  
4425 municipality in which the transportation or possession takes place  
4426 has voted for or against coming out from under the dry law, or (b)  
4427 the transportation, storage, sale, distribution, receipt or  
4428 manufacture of light \* \* \* intoxicating beverages otherwise is  
4429 prohibited.



4430 The provisions of this section shall not be construed as  
4431 amending, repealing or otherwise affecting any statute or any  
4432 lawfully adopted ordinance, rule or regulation that prohibits or  
4433 restricts the location at which, or the premises upon which,  
4434 alcoholic beverages \* \* \* or light intoxicating beverages may be  
4435 sold or consumed.

4436 The term "alcoholic beverages" has the meaning ascribed in  
4437 Section 67-1-5, and the term "light intoxicating beverages" has  
4438 the meaning ascribed in Section 67-3-3.

4439 **SECTION 65.** Section 27-65-241, Mississippi Code of 1972, is  
4440 amended as follows:

4441 27-65-241. (1) As used in this section, the following terms  
4442 shall have the meanings ascribed to them in this section unless  
4443 otherwise clearly indicated by the context in which they are used:

4444 (a) "Hotel" or "motel" means and includes a place of  
4445 lodging that at any one time will accommodate transient guests on  
4446 a daily or weekly basis and that is known to the trade as such.  
4447 Such terms shall not include a place of lodging with ten (10) or  
4448 less rental units.

4449 (b) "Municipality" means any municipality in the State  
4450 of Mississippi with a population of one hundred fifty thousand  
4451 (150,000) or more according to the most recent federal decennial  
4452 census.

4453 (c) "Restaurant" means and includes all places where  
4454 prepared food is sold and whose annual gross proceeds of sales or



4455 gross income for the preceding calendar year equals or exceeds One  
4456 Hundred Thousand Dollars (\$100,000.00). The term "restaurant"  
4457 shall not include any nonprofit organization that is exempt from  
4458 federal income taxation under Section 501(c)(3) of the Internal  
4459 Revenue Code. For the purpose of calculating gross proceeds of  
4460 sales or gross income, the sales or income of all establishments  
4461 owned, operated or controlled by the same person, persons or  
4462 corporation shall be aggregated.

4463 (2) (a) Subject to the provisions of this section, the  
4464 governing authorities of a municipality may impose upon all  
4465 persons as a privilege for engaging or continuing in business or  
4466 doing business within such municipality, a special sales tax at  
4467 the rate of not more than one percent (1%) of the gross proceeds  
4468 of sales or gross income of the business, as the case may be,  
4469 derived from any of the activities taxed at the rate of seven  
4470 percent (7%) or more under the Mississippi Sales Tax Law, Section  
4471 27-65-1 et seq.

4472 (b) The tax levied under this section shall apply to  
4473 every person making sales of tangible personal property or  
4474 services within the municipality but shall not apply to:

4475 (i) Sales exempted by Sections 27-65-19,  
4476 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and  
4477 27-65-111 of the Mississippi Sales Tax Law;

4478 (ii) Gross proceeds of sales or gross income of  
4479 restaurants derived from the sale of food and beverages;



4480 (iii) Gross proceeds of sales or gross income of  
4481 hotels and motels derived from the sale of hotel rooms and motel  
4482 rooms for lodging purposes;

4483 (iv) Retail sales of food for human consumption  
4484 not purchased with food stamps issued by the United States  
4485 Department of Agriculture, or other federal agency, but which  
4486 would be exempt under Section 27-65-111(o) from the taxes imposed  
4487 by this chapter if the food items were purchased with food stamps;

4488 (v) Gross income of businesses engaging or  
4489 continuing in the business of TV cable systems, subscription TV  
4490 services, and other similar activities, including, but not limited  
4491 to, cable Internet services;

4492 (vi) Wholesale sales of food and drink for human  
4493 consumption sold to full service vending machine operators; and

4494 (vii) Wholesale sales of light \* \* \* intoxicating  
4495 beverages, as defined in Section 67-3-3, and alcoholic beverages,  
4496 as defined in Section 67-1-5.

4497 (3) (a) Before any tax authorized under this section may be  
4498 imposed, the governing authorities of the municipality shall adopt  
4499 a resolution declaring its intention to levy the tax, setting  
4500 forth the amount of the tax to be imposed, the purposes for which  
4501 the revenue collected pursuant to the tax levy may be used and  
4502 expended, the date upon which the tax shall become effective, the  
4503 date upon which the tax shall be repealed, and calling for an  
4504 election to be held on the question. The date of the election



4505 shall be set in the resolution. Notice of the election shall be  
4506 published once each week for at least three (3) consecutive weeks  
4507 in a newspaper published or having a general circulation in the  
4508 municipality, with the first publication of the notice to be made  
4509 not less than twenty-one (21) days before the date fixed in the  
4510 resolution for the election and the last publication to be made  
4511 not more than seven (7) days before the election. At the  
4512 election, all qualified electors of the municipality may vote.  
4513 The ballots used at the election shall have printed thereon a  
4514 brief description of the sales tax, the amount of the sales tax  
4515 levy, a description of the purposes for which the tax revenue may  
4516 be used and expended and the words "FOR THE LOCAL SALES TAX" and  
4517 "AGAINST THE LOCAL SALES TAX" and the voter shall vote by placing  
4518 a cross (X) or check mark (✓) opposite his choice on the  
4519 proposition. When the results of the election have been canvassed  
4520 by the election commissioners of the municipality and certified by  
4521 them to the governing authorities, it shall be the duty of such  
4522 governing authorities to determine and adjudicate whether at least  
4523 three-fifths (3/5) of the qualified electors who voted in the  
4524 election voted in favor of the tax. If at least three-fifths  
4525 (3/5) of the qualified electors who voted in the election voted in  
4526 favor of the tax, the governing authorities shall adopt a  
4527 resolution declaring the levy and collection of the tax provided  
4528 in this section and shall set the first day of the second month  
4529 following the date of such adoption as the effective date of the



4530 tax levy. A certified copy of this resolution, together with the  
4531 result of the election, shall be furnished to the Department of  
4532 Revenue not less than thirty (30) days before the effective date  
4533 of the levy.

4534 (b) A municipality shall not hold more than two (2)  
4535 elections under this subsection.

4536 (4) The revenue collected pursuant to the tax levy imposed  
4537 under this section may be expended to pay the cost of road and  
4538 street repair, reconstruction and resurfacing projects based on  
4539 traffic patterns, need and usage, and to pay the costs of water,  
4540 sewer and drainage projects in accordance with a master plan  
4541 adopted by the commission established pursuant to subsection (7).

4542 (5) (a) The special sales tax authorized by this section  
4543 shall be collected by the Department of Revenue, shall be  
4544 accounted for separately from the amount of sales tax collected  
4545 for the state in the municipality and shall be paid to the  
4546 municipality. The Department of Revenue may retain one percent  
4547 (1%) of the proceeds of such tax for the purpose of defraying the  
4548 costs incurred by the department in the collection of the tax.  
4549 Payments to the municipality shall be made by the Department of  
4550 Revenue on or before the fifteenth day of the month following the  
4551 month in which the tax was collected. However, if a municipality  
4552 fails to comply with the audit, reporting and/or report filing  
4553 requirements of paragraph (b) of this subsection and does not  
4554 remedy such noncompliance within thirty (30) days after receiving



4555 written notice of noncompliance, the Department of Revenue shall  
4556 withhold payments otherwise payable to the municipality under this  
4557 paragraph (a) until the department receives written notice that  
4558 the municipality has complied with such requirements.

4559           (b) The proceeds of the special sales tax shall be  
4560 placed into a special municipal fund apart from the municipal  
4561 general fund and any other funds of the municipality, and shall be  
4562 expended by the municipality solely for the purposes authorized in  
4563 subsection (4) of this section. The records reflecting the  
4564 receipts and expenditures of the revenue from the special sales  
4565 tax shall be provided in detail to the members of the commission  
4566 monthly, to include the name of the vendor and the project, and  
4567 the dates and amounts received and paid, and shall also be audited  
4568 annually by an independent certified public accountant. The  
4569 accountant shall make a report of his findings to the governing  
4570 authorities of the municipality and file a copy of his report with  
4571 the Secretary of the Senate and the Clerk of the House of  
4572 Representatives and the commission members. The audit shall be  
4573 made and completed as soon as practical after the close of the  
4574 fiscal year of the municipality, and expenses of the audit shall  
4575 be paid from the funds derived by the municipality pursuant to  
4576 this section.

4577           (c) Any expenditure from the special municipal fund  
4578 defined in paragraph (b) above that was not for a project approved





4579 by the commission, or was in excess of the amount approved by the  
4580 commission, shall be reimbursed by the city to the special fund.

4581 (d) All provisions of the Mississippi Sales Tax Law  
4582 applicable to filing of returns, discounts to the taxpayer,  
4583 remittances to the Department of Revenue, enforced collection,  
4584 rights of taxpayers, recovery of improper taxes, refunds of  
4585 overpaid taxes or other provisions of law providing for imposition  
4586 and collection of the state sales tax shall apply to the special  
4587 sales tax authorized by this section, except where there is a  
4588 conflict, in which case the provisions of this section shall  
4589 control. Any damages, penalties or interest collected for the  
4590 nonpayment of taxes imposed under this section, or for  
4591 noncompliance with the provisions of this section, shall be paid  
4592 to the municipality on the same basis and in the same manner as  
4593 the tax proceeds. Any overpayment of tax for any reason that has  
4594 been disbursed to a municipality or any payment of the tax to a  
4595 municipality in error may be adjusted by the Department of Revenue  
4596 on any subsequent payment to the municipality pursuant to the  
4597 provisions of the Mississippi Sales Tax Law. The Department of  
4598 Revenue may, from time to time, make such rules and regulations  
4599 not inconsistent with this section as may be deemed necessary to  
4600 carry out the provisions of this section, and such rules and  
4601 regulations shall have the full force and effect of law.

4602 (6) If a municipality expands its corporate boundaries, the  
4603 governing authorities of the municipality may not impose the



4604 special sales tax in the annexed area unless the tax is approved  
4605 at an election conducted, as far as is practicable, in the manner  
4606 provided in subsection (3) of this section, except that only  
4607 qualified electors in the annexed area may vote in the election.

4608 (7) (a) Any municipality that levies the special sales tax  
4609 authorized under this section shall establish a commission as  
4610 provided for in this section. Expenditures of revenue from the  
4611 special sales tax authorized by this section shall be in  
4612 accordance with a master plan adopted by the commission pursuant  
4613 to this subsection.

4614 (b) The commission shall be composed of ten (10) voting  
4615 members who shall be known as commissioners appointed as follows:

4616 (i) Four (4) members representing the business  
4617 community in the municipality appointed by the local chamber of  
4618 commerce for initial terms of one (1), two (2), four (4) and five  
4619 (5) years respectively. The members appointed pursuant to this  
4620 paragraph shall be persons who represent businesses located within  
4621 the city limits of the municipality.

4622 (ii) Three (3) members shall be appointed at large  
4623 by the mayor of the municipality, with the advice and consent of  
4624 the legislative body of the municipality, for initial terms of two  
4625 (2), three (3) and four (4) years respectively. All appointments  
4626 made by the mayor pursuant to this paragraph shall be residents of  
4627 the municipality.



4628 (iii) One (1) member shall be appointed at large  
4629 by the Governor for an initial term of four (4) years. All  
4630 appointments made by the Governor pursuant to this paragraph shall  
4631 be residents of the municipality.

4632 (iv) One (1) member shall be appointed at large by  
4633 the Lieutenant Governor for an initial term of four (4) years.  
4634 All appointments made by the Lieutenant Governor pursuant to this  
4635 paragraph shall be residents of the municipality.

4636 (v) One (1) member shall be appointed at large by  
4637 the Speaker of the House of Representatives for a term of four (4)  
4638 years. All appointments made by the Speaker of the House of  
4639 Representatives pursuant to this paragraph shall be residents of  
4640 the municipality.

4641 (c) The terms of all appointments made subsequent to  
4642 the initial appointment shall be made for five (5) years. Any  
4643 vacancy which may occur shall be filled in the same manner as the  
4644 original appointment and shall be made for the unexpired term.

4645 (d) The mayor of the municipality shall designate a  
4646 chairman of the commission from among the membership of the  
4647 commission. The vice chairman and secretary shall be elected by  
4648 the commission from among the membership of the commission for a  
4649 term of two (2) years. The vice chairman and secretary may be  
4650 reelected, and the chairman may be reappointed.

4651 (e) The commissioners shall serve without compensation.



4652 (f) Any commissioner shall be disqualified and shall be  
4653 removed from office for either of the following reasons:

4654 (i) Conviction of a felony in any state court or  
4655 in federal court; or

4656 (ii) Failure to attend three (3) consecutive  
4657 meetings without just cause.

4658 If a commissioner is removed for any of the above reasons,  
4659 the vacancy shall be filled in the manner prescribed in this  
4660 section and shall be made for the unexpired term.

4661 (g) A quorum shall consist of six (6) voting members of  
4662 the commission. The commission shall adopt such rules and  
4663 regulations as may govern the time and place for holding meetings,  
4664 regular and special.

4665 (h) The commission shall, with input from the  
4666 municipality, establish a master plan for road and street repair,  
4667 reconstruction and resurfacing projects based on traffic patterns,  
4668 need and usage, and for water, sewer and drainage projects.

4669 Expenditures of the revenue from the tax authorized to be imposed  
4670 pursuant to this section shall be made at the discretion of the  
4671 governing authorities of the municipality if the expenditures  
4672 comply with the master plan. The commission shall monitor the  
4673 compliance of the municipality with the master plan.

4674 (8) The governing authorities of any municipality that  
4675 levies the special sales tax authorized under this section are  
4676 authorized to incur debt, including bonds, notes or other



4677 evidences of indebtedness, for the purpose of paying the costs of  
4678 road and street repair, reconstruction and resurfacing projects  
4679 based on traffic patterns, need and usage, and to pay the costs of  
4680 water, sewer and drainage projects in accordance with a master  
4681 plan adopted by the commission established pursuant to subsection  
4682 (7) of this section. Any bonds or notes issued to pay such costs  
4683 may be secured by the proceeds of the special sales tax levied  
4684 pursuant to this section or may be general obligations of the  
4685 municipality and shall satisfy the requirements for the issuance  
4686 of debt provided by Sections 21-33-313 through 21-33-323.

4687 (9) This section shall stand repealed from and after July 1,  
4688 2035.

4689 **SECTION 66.** Section 27-71-301, Mississippi Code of 1972, is  
4690 amended as follows:

4691 27-71-301. When used in this article the words and terms  
4692 hereafter mentioned shall have the following definitions:

4693 (a) "State Auditor" means the State Auditor of Public  
4694 Accounts of the State of Mississippi or any legally appointed  
4695 deputy, clerk or agent.

4696 (b) "Person" includes all natural persons or  
4697 corporations, a partnership, an association, a joint venture, an  
4698 estate, a trust, or any other group or combination acting as a  
4699 unit and shall include the plural as well as the singular unless  
4700 an intention to give another meaning thereto is disclosed in the  
4701 context.



4702 (c) "Consumer" means a person who comes into the  
4703 possession of \* \* \* any light intoxicating beverage for the  
4704 purpose of consuming it, giving it away or otherwise disposing of  
4705 it in any manner except by sale, barter or exchange.

4706 (d) "Retailer" means any person who comes into the  
4707 possession of such light \* \* \* intoxicating beverage for the  
4708 purpose of selling it to the consumer, or giving it away, or  
4709 exposing it where it may be taken or purchased or acquired in any  
4710 other manner by the consumer. The term "retailer" shall include  
4711 small craft breweries and microbreweries; however, the term  
4712 "retailer" shall not include a person who offers and provides beer  
4713 on the premises of a brewery for the purpose of tasting or  
4714 sampling as authorized in Section 67-3-47.

4715 (e) "Wholesaler" means any person who comes into  
4716 possession of such light \* \* \* intoxicating beverage for the  
4717 purpose of selling, distributing, or giving it away to retailers  
4718 or other wholesalers or dealers inside or outside of this state.

4719 (f) "Commissioner" means the Commissioner of Revenue of  
4720 the Department of Revenue or his duly appointed agents or  
4721 employees.

4722 (g) "Sale" includes the exchange of such light \* \* \*  
4723 intoxicating beverages for money, or giving away or distributing  
4724 any such light \* \* \* intoxicating beverages for anything of value;  
4725 however, the term "sale" shall not include beer offered and



4726 provided on the premises of a brewery for the purpose of tasting  
4727 or sampling as authorized in Section 67-3-47.

4728 (h) \* \* \* "Beer," "light wine," "light spirit product,"  
4729 "hemp beverage" and "light intoxicating beverage" have the  
4730 meanings ascribed in Section 67-3-3.

4731 (i) "Distributor" includes every person who receives,  
4732 either from within or from without this state, from a brewery, a  
4733 winery or any other source, light \* \* \* intoxicating beverages for  
4734 the purpose of distributing or otherwise disposing of such  
4735 light \* \* \* intoxicating beverages to a wholesaler or retailer of  
4736 such light \* \* \* intoxicating beverages.

4737 (j) "Brewpub" means the premises of any location in  
4738 which any light \* \* \* intoxicating beverage is manufactured or  
4739 brewed, for retail sale if the total amount of light \* \* \*  
4740 intoxicating beverage produced on the premises does not exceed the  
4741 production limitation imposed in Section 67-3-22, and the  
4742 light \* \* \* intoxicating beverage is produced for consumption on  
4743 the premises, although without prohibition on sales for  
4744 off-premises consumption.

4745 (k) "Hospitality cart" means a mobile cart from which  
4746 alcoholic beverages and light \* \* \* intoxicating beverages are  
4747 sold on a golf course and for which a hospitality cart permit has  
4748 been issued under Section 67-1-51.

4749 (l) "Small craft brewery" shall have the meaning  
4750 ascribed to such term in Section 67-3-3.



4751 (m) "Manufacturer" means a person who brews beer at a  
4752 brewery; however, the term does not include "brewpubs."

4753 (n) "Microbrewery" shall have the meaning ascribed to  
4754 such term in Section 67-3-3.

4755 **SECTION 67.** Section 27-71-303, Mississippi Code of 1972, is  
4756 amended as follows:

4757 27-71-303. (1) Upon each person approved for a permit to  
4758 engage in the business of selling light wines, light spirit  
4759 products or beer, there is hereby imposed, levied and assessed, to  
4760 be collected and paid as herein provided, annual privilege taxes  
4761 in the following amounts:

4762 (a) Retailers--for each place of  
4763 business.....\$ \* \* \* 150.00

4764 (b) Wholesalers or distributors--for  
4765 each \* \* \* location.....\$ \* \* \* 2,000.00

4766 (c) Manufacturers--for each place of  
4767 business.....\$ \* \* \* 2,000.00

4768 (d) Brewpubs--for each place of  
4769 business.....\$ \* \* \* 2,000.00

4770 (e) Microbrewery--for each place of  
4771 business.....\$ \* \* \* 2,000.00

4772 (f) Small craft brewery--for each  
4773 place of business.....\$ \* \* \* 2,000.00

4774 (2) Upon each person approved to engage in the business of  
4775 selling hemp beverages, there is hereby imposed, levied and





4776 assessed, to be collected and paid as herein provided, separate  
4777 annual privilege taxes in the same amounts as provided in  
4778 subsection (1) of this section for each category of business.

4779 (3) Upon each person operating an airline, bus, boat or  
4780 railroad car upon which light \* \* \* intoxicating beverages may be  
4781 sold, there is hereby imposed, levied and assessed, to be  
4782 collected and paid, annual privilege taxes of Thirty Dollars  
4783 (\$30.00) for each airplane, bus, boat or railroad car so operated  
4784 in this state.

4785 \* \* \* (4) The amount of the privilege tax to be paid for a  
4786 permit issued for a period of less than twelve (12) months shall  
4787 be that proportionate amount of the annual privilege tax that the  
4788 number of months, or part of a month, remaining until its  
4789 expiration date bears to twelve (12) months, but in no case shall  
4790 the privilege tax be less than Ten Dollars (\$10.00).

4791 **SECTION 68.** Section 27-71-307, Mississippi Code of 1972, is  
4792 amended as follows:

4793 27-71-307. (1) (a) In addition to the specific tax imposed  
4794 in Section 27-71-303, there is hereby imposed, levied, assessed  
4795 and shall be collected, as hereinafter provided, an excise or  
4796 privilege tax upon each person engaged or continuing in the  
4797 business of wholesaler or distributor of light \* \* \* intoxicating  
4798 beverages equivalent to Forty-two and Sixty-eight One-hundredths  
4799 Cents (42.68¢) per gallon upon all light \* \* \* intoxicating  
4800 beverages acquired for sale or distribution in this state. The



4801 excise or privilege tax is also imposed at the same rate upon each  
4802 gallon of light \* \* \* intoxicating beverage manufactured by  
4803 brewpubs, each of which shall accurately and reliably measure the  
4804 quantity of light \* \* \* intoxicating beverage produced by using a  
4805 measuring device such as a meter or gauge glass or any other  
4806 suitable method approved by the commissioner. The excise or  
4807 privilege tax is also imposed at the same rate upon each gallon of  
4808 light \* \* \* intoxicating beverage provided by a small craft  
4809 brewery or microbrewery for sale as authorized under Section  
4810 67-3-48 and upon each gallon of light \* \* \* intoxicating beverage  
4811 provided for tasting or sampling under Section 67-3-47. The tax  
4812 is hereby imposed as an additional tax for the privilege of  
4813 engaging or continuing in business.

4814 (b) The excise tax imposed in this section shall be  
4815 paid to the department \* \* \* monthly on or before the fifteenth  
4816 day of the month following the month in which the \* \* \* light  
4817 intoxicating beverage was manufactured or received in this state.  
4818 Monthly report forms shall be furnished by the commissioner to the  
4819 wholesalers, distributors, brewpubs, microbreweries and small  
4820 craft breweries.

4821 (c) Provided that persons operating a railroad dining  
4822 car, club car or other car in interstate commerce upon which  
4823 light \* \* \* intoxicating beverages may be sold and who are  
4824 licensed under the provisions of Section 67-3-27 and any other law  
4825 relating to the sale of such beverages shall keep such records of



4826 the sales of such light \* \* \* intoxicating beverages in this state  
4827 as the commissioner shall prescribe and shall submit monthly  
4828 reports of such sales to the commissioner within fifteen (15) days  
4829 after the end of each month on a form prescribed therefor by the  
4830 commissioner, and shall pay the tax due under the provisions of  
4831 this section at the time such reports are filed.

4832 No official crowns, lids, labels or stamps with the word  
4833 "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of  
4834 tax payment is required by this section, or may be required under  
4835 rule or regulation promulgated by the commissioner, to be affixed  
4836 on or to any part of a \* \* \* light intoxicating beverage or malt  
4837 cooler bottle, can or other light \* \* \* intoxicating beverage or  
4838 malt cooler container. For purposes of this section, malt cooler  
4839 products shall be defined as a flavored malt beverage made from a  
4840 base of malt beverage and flavored with fruit juices, aromatics  
4841 and essences of other flavoring in quantities and proportions such  
4842 that the resulting product possesses a character and flavor  
4843 distinctive from the base malt beverage and distinguishable from  
4844 other malt beverages.

4845 (2) A licensed wholesaler or distributor of \* \* \* light  
4846 intoxicating beverages may not import \* \* \* light intoxicating  
4847 beverages from any source other than a brewer or importer  
4848 authorized by the commissioner to sell such \* \* \* light  
4849 intoxicating beverages in Mississippi. Any person who violates  
4850 the provisions of this subsection, upon conviction thereof, shall



4851 be punished by a fine of not more than One Thousand Dollars  
4852 (\$1,000.00) or by imprisonment in the county jail for not more  
4853 than six (6) months, or by both such fine and imprisonment, in the  
4854 discretion of the court and shall be subject to license forfeiture  
4855 following an appropriate hearing before the Department of Revenue.

4856 (3) The wholesaler, distributor, microbrewery or small craft  
4857 brewery shall be allowed credit for tax paid on \* \* \* any light  
4858 intoxicating beverage which is no longer marketable and which is  
4859 destroyed by same when such destruction is witnessed by an agent  
4860 of the commissioner and when the amount of the excise tax exceeds  
4861 One Hundred Dollars (\$100.00). No other loss will be allowed.

4862 A brewpub shall be allowed credit for any light \* \* \*  
4863 intoxicating beverage which has passed through the meter, gauge  
4864 glass or other approved measuring device and which has been soured  
4865 or damaged. The brewpub shall record the removal of sour or  
4866 damaged light \* \* \* intoxicating beverages and may take credit  
4867 after the destruction is witnessed by an agent of the commissioner  
4868 and when the amount of excise tax exceeds Twenty-five Dollars  
4869 (\$25.00). No other loss shall be allowed.

4870 (4) All manufacturers, brewers and importers of \* \* \*  
4871 intoxicating beverages shall file monthly reports as prescribed by  
4872 the commissioner listing sales to each wholesaler or distributor  
4873 by date, invoice number, quantity and container size, and any  
4874 other information deemed necessary.



4875 (5) All small craft breweries and microbreweries shall file  
4876 monthly reports as prescribed by the commissioner regarding the  
4877 sale of light \* \* \* intoxicating beverages authorized under  
4878 Section 67-3-48.

4879 (6) Manufacturers who offer and provide limited amounts of  
4880 beer for tasting or sampling under Section 67-3-47 shall file  
4881 monthly reports as prescribed by the commissioner regarding the  
4882 beer provided for such tasting or sampling.

4883 (7) All administrative provisions of the Mississippi Sales  
4884 Tax Law, including those which fix damages, penalties and interest  
4885 for nonpayment of taxes and for noncompliance with the provisions  
4886 of such chapter, and all other requirements and duties imposed  
4887 upon taxpayers, shall apply to all persons liable for taxes under  
4888 the provisions of this chapter, and the commissioner shall  
4889 exercise all the power and authority and perform all the duties  
4890 with respect to taxpayers under this chapter as are provided in  
4891 the sales tax law except where there is conflict, then the  
4892 provisions of this chapter shall control.

4893 **SECTION 69.** Section 27-71-311, Mississippi Code of 1972, is  
4894 amended as follows:

4895 27-71-311. Before any person shall engage in the business of  
4896 manufacturing light \* \* \* intoxicating beverages, in the business  
4897 of wholesaler or distributor of light \* \* \* intoxicating  
4898 beverages, or in the business of a brewpub, he shall be required  
4899 to enter into a good and sufficient bond. The bond shall be made



4900 payable to the State of Mississippi, in a sum of not less than  
4901 Five Thousand Dollars (\$5,000.00) nor more than Two Hundred  
4902 Thousand Dollars (\$200,000.00), the amount to be determined by the  
4903 department \* \* \*. The bond of a wholesaler, distributor or  
4904 brewpub shall not exceed the amount of excise tax estimated to be  
4905 owed by such wholesaler, distributor or brewpub for any sixty-day  
4906 period. If a manufacturer is operating a small craft brewery and  
4907 is distributing light \* \* \* intoxicating beverages for sale as  
4908 authorized under Section 67-3-48, the manufacturer, in addition to  
4909 any other required bond, shall enter into a bond not to exceed the  
4910 amount of excise tax estimated to be owed by such manufacturer for  
4911 any sixty-day period. The bond shall be conditioned that he will  
4912 conduct his business strictly in accordance with the laws of the  
4913 State of Mississippi, and that he will comply with the rules and  
4914 regulations prescribed by the commissioner, and pay the taxes  
4915 imposed under the provisions of this article for the privilege of  
4916 engaging or continuing in such business. Such bond shall be made  
4917 in a surety company authorized to do business in the State of  
4918 Mississippi, and shall be approved by the commissioner. The  
4919 commissioner shall be authorized to institute suit in the proper  
4920 court on said bond for any violation of the conditions of said  
4921 bond.

4922       **SECTION 70.** Section 27-71-315, Mississippi Code of 1972, is  
4923 amended as follows:



4924           27-71-315. Except as otherwise provided in Section 67-9-1  
4925 for the transportation of limited amounts of alcoholic beverages  
4926 for the use of an alcohol processing permittee, it shall be  
4927 unlawful for any person to transport from any point outside of  
4928 this state to any point within this state, any light \* \* \*  
4929 intoxicating beverage except for delivery to a licensed wholesaler  
4930 or distributor in this state; and except by common carrier. The  
4931 commissioner may, however, upon application of a licensed  
4932 wholesaler or distributor in this state, and under rules and  
4933 regulations duly promulgated by him, issue a permit for the  
4934 transportation by a licensed wholesaler or distributor of  
4935 light \* \* \* intoxicating beverages in trucks owned by such  
4936 licensee, from without the state to the place of business of such  
4937 licensee within the state, for distribution by said licensee.  
4938 Such permit shall be granted for a specified period, not to exceed  
4939 one (1) year.

4940           Any person engaged in transporting any light \* \* \*  
4941 intoxicating beverage from any point outside of this state to any  
4942 point within this state, shall have in his possession during the  
4943 entire time he is engaged in transporting such light \* \* \*  
4944 intoxicating beverage, an invoice, bill of sale, or bill of  
4945 lading, showing the true name and address of the consignor, and  
4946 also the true name and address of the licensed wholesaler or  
4947 distributor to whom such light \* \* \* intoxicating beverage is to  
4948 be delivered, and the quantity of such light \* \* \* intoxicating



4949 beverage, unless such common carrier maintains a permanent office  
4950 within this state where complete records of all light \* \* \*  
4951 intoxicating beverages transported from without this state to  
4952 points within this state are kept, and open to inspection by the  
4953 commissioner or his duly authorized agent, at all reasonable  
4954 times.

4955 It is hereby made the duty of all common carriers, and  
4956 licensed wholesalers and distributors, transporting light \* \* \*  
4957 intoxicating beverages from without the State of Mississippi into  
4958 the State of Mississippi, to furnish the commissioner on or before  
4959 the fifteenth day of each month, a report showing the amount of  
4960 beer transported within the state during the preceding month, the  
4961 consignor, the consignee, and the quantity of light \* \* \*  
4962 intoxicating beverages so transported.

4963 **SECTION 71.** Section 27-71-317, Mississippi Code of 1972, is  
4964 amended as follows:

4965 27-71-317. It shall be unlawful for any person to transport  
4966 from any point within this state to another point within this  
4967 state, any light \* \* \* intoxicating beverage on which the tax  
4968 imposed in Section 27-71-307 of this article has not been paid,  
4969 except for immediate delivery to a licensed wholesaler or  
4970 distributor in this state. And any person engaged in transporting  
4971 any light \* \* \* intoxicating beverage on which the tax imposed in  
4972 Section 27-71-307 of this article has not been paid, from any  
4973 point within this state to another point within this state shall





4974 have in his possession during the entire time he is engaged in  
4975 transporting such light \* \* \* intoxicating beverage an invoice,  
4976 bill of sale, or bill of lading showing the true name and address  
4977 of the consignor, and also the true name and address of the  
4978 licensed wholesaler or distributor to whom such light \* \* \*  
4979 intoxicating beverage is to be delivered and the quantity of such  
4980 light \* \* \* intoxicating beverage.

4981 **SECTION 72.** Section 27-71-325, Mississippi Code of 1972, is  
4982 amended as follows:

4983 27-71-325. It shall be the duty of every wholesaler or  
4984 distributor of light \* \* \* intoxicating beverages licensed under  
4985 the provisions of Section 67-3-27, \* \* \* to file with the  
4986 commissioner, on or before the fifteenth day of each month, a  
4987 report covering all sales of such light \* \* \* intoxicating  
4988 beverages during the preceding month. Such report shall show the  
4989 names and post-office addresses of all persons to whom such  
4990 light \* \* \* intoxicating beverages have been sold or delivered and  
4991 the quantities and invoice prices of the light \* \* \* intoxicating  
4992 beverages thus sold or delivered.

4993 It shall be the duty of each retail dealer in such  
4994 light \* \* \* intoxicating beverages to procure from the distributor  
4995 or wholesaler from whom such light \* \* \* intoxicating beverages  
4996 were purchased or acquired, invoices showing the quantity of the  
4997 light \* \* \* intoxicating beverages purchased or acquired, and the  
4998 date of each delivery thereof. Such invoices shall be preserved



4999 by the retailer and shall be open for inspection by the  
5000 commissioner or his duly authorized agent for a period of two (2)  
5001 years. It shall likewise be the duty of such retail dealer to  
5002 file with the commissioner, on or before the fifteenth day of each  
5003 calendar month, a report showing all purchases of such light \* \* \*  
5004 intoxicating beverages made by him during the preceding month.  
5005 Such report shall disclose the names and addresses of all persons  
5006 from whom such light \* \* \* intoxicating beverages have been  
5007 purchased or received by him during the preceding month and the  
5008 quantities thus purchased or received.

5009       **SECTION 73.** Section 27-71-327, Mississippi Code of 1972, is  
5010 amended as follows:

5011       27-71-327. Any person engaged in the business of  
5012 manufacturer, distributor, wholesaler or retailer of light \* \* \*  
5013 intoxicating beverages and any brewpub shall keep such additional  
5014 records and make such additional reports with respect to the  
5015 manufacture, receipt, distribution and sale of such light \* \* \*  
5016 intoxicating beverages as the commissioner may require. It shall  
5017 be the duty of the commissioner to prescribe and promulgate  
5018 uniform rules and regulations for keeping such records and making  
5019 such reports.

5020       **SECTION 74.** Section 27-71-333, Mississippi Code of 1972, is  
5021 amended as follows:

5022       27-71-333. Whenever it shall be determined by the  
5023 commissioner that any wholesaler or distributor having in his



5024 possession, or engaging in the sale or distribution of light \* \* \*  
5025 intoxicating beverages, has failed to pay the tax, as provided  
5026 herein, the commissioner shall compute the correct amount of tax  
5027 due and unpaid and shall notify the taxpayer of the amount as  
5028 being actually due and unpaid, and penalties, and interest and  
5029 shall state in what manner this article is violated. The taxpayer  
5030 so notified shall be given a period of ten (10) days in which to  
5031 make objection and show cause why the additional tax, and  
5032 penalties, and interest, should not be paid. On petition of the  
5033 taxpayer, a hearing before the commissioner shall be granted, a  
5034 final decision thereon shall be rendered, and the taxpayer  
5035 notified as early as practicable. Any tax or deficiency in tax  
5036 shall be assessed and paid, together with penalties and interest,  
5037 if any, applicable thereto, within ten (10) days after notice and  
5038 demand by the commissioner.

5039       If no objection be made to the finding of the commissioner,  
5040 and no hearing be had before the commissioner within the time  
5041 herein specified, the findings of the commissioner shall be final.  
5042 If a hearing be had, and the amount of tax due and unpaid be  
5043 determined, notice of the amount of such tax, penalties and  
5044 interest shall be mailed to the taxpayer, and, if not paid within  
5045 ten (10) days thereafter, the commissioner shall forthwith issue a  
5046 warrant under official seal directed to the sheriff of any county  
5047 of the state commanding him to levy upon and sell the real and  
5048 personal property of the person owing the tax, found within his



5049 county, for the payment of the amount thereof, with added damages,  
5050 interest and cost of executing the warrant, and to return such  
5051 warrant to the commissioner and pay to him money collected by  
5052 virtue thereof by a time to be therein specified not more than  
5053 sixty (60) days from the date of the warrant. The sheriff shall,  
5054 within five (5) days after the receipt of the warrant, file with  
5055 the circuit clerk of his county a copy thereof, and thereupon the  
5056 circuit clerk shall enter in the judgment roll, in the column for  
5057 judgment debtors, the name of the taxpayer mentioned in the  
5058 warrant, and in appropriate columns, the amount of the tax, or  
5059 portion thereof and damages for which the warrant is issued, and  
5060 the date when such copy is filed; and thereupon the amount of such  
5061 warrant or warrants so docketed shall become a lien upon the title  
5062 to and interest in the real and personal property, including  
5063 choses in action, of the person against whom it is issued in the  
5064 same manner as a judgment duly enrolled in the office of such  
5065 clerk. The sheriff thereupon shall proceed upon the same in all  
5066 respects, with like effect, and in the same manner prescribed by  
5067 law in respect to executions issued against property upon judgment  
5068 or attachment proceedings of a court of record; and he shall be  
5069 entitled to the same fee for his service in executing the warrant  
5070 as now allowed by law for like service, to be collected in the  
5071 same manner as provided by law for like service.

5072       **SECTION 75.** Section 27-71-335, Mississippi Code of 1972, is  
5073 amended as follows:



5074           27-71-335. Any light \* \* \* intoxicating beverage found at  
5075 any point within this state which has been in the possession of  
5076 any wholesaler or distributor for a period of more than  
5077 forty-eight (48) hours and any light \* \* \* intoxicating beverage  
5078 transported into this state from a point outside this state, or  
5079 from point-to-point within this state in violation of the  
5080 provisions of this article, or any light \* \* \* intoxicating  
5081 beverage held or possessed by any person within this state on  
5082 which the legal and proper tax has not been paid when due, whether  
5083 such person be a wholesaler, retailer or distributor, or  
5084 individual, and whether the light \* \* \* intoxicating beverages be  
5085 for sale or storage or individual use, except light \* \* \*  
5086 intoxicating beverages in possession of a licensed wholesaler or  
5087 distributor for a period of time less than forty-eight (48) hours  
5088 after receipt of the light \* \* \* intoxicating beverages within  
5089 this state, and light \* \* \* intoxicating beverages held in storage  
5090 by licensed manufacturers or producers, are hereby declared to be  
5091 contraband goods, and there is hereby imposed and assessed, as tax  
5092 and penalty, to be collected by the commissioner, an amount equal  
5093 to the amount of the excise tax otherwise imposed under the  
5094 Mississippi Wine and Beer Tax Law, plus a penalty of one hundred  
5095 percent (100%) of the amount of the tax; or, at the option of the  
5096 commissioner, the light \* \* \* intoxicating beverages may be seized  
5097 by the commissioner or his agents or any sheriff, or other lawful



5098 officer, and shall be dealt with in the same manner as provided  
5099 for in Section 67-1-18 for alcoholic beverages.

5100           **SECTION 76.** Section 27-71-345, Mississippi Code of 1972, is  
5101 amended as follows:

5102           27-71-345. Any municipality, in which any business licensed  
5103 under \* \* \* Section 67-3-27 \* \* \* may be carried on, shall have  
5104 the right to impose upon persons engaged in such business an  
5105 annual privilege tax of not more than fifty percent (50%) of the  
5106 tax imposed by Section 27-71-303 of this article, and any county,  
5107 in which any business licensed under \* \* \* Section 67-3-27 \* \* \*  
5108 may be carried on outside of the territory taxed by  
5109 municipalities, shall have the right to impose upon persons  
5110 engaged in such business an annual privilege tax of not more than  
5111 fifty percent (50%) of the tax imposed by Section 27-71-303 of  
5112 this article; provided, however, that no person engaged in the  
5113 business of manufacturer, brewpub, wholesaler or distributor of  
5114 light \* \* \* intoxicating beverages shall be taxed by any  
5115 municipality other than that in which the warehouse or plant of  
5116 such wholesaler or distributor, or the premises of such brewpub,  
5117 is located, nor shall any county impose any such tax upon such  
5118 manufacturer, brewpub, wholesaler or distributor of light \* \* \*  
5119 intoxicating beverages if the place of business is located within  
5120 the jurisdiction of any municipality.

5121           **SECTION 77.** Section 27-71-349, Mississippi Code of 1972, is  
5122 amended as follows:



5123           27-71-349. (1) Every manufacturer or importer of  
5124 light \* \* \* intoxicating beverages shall designate sales  
5125 territories for each of its brands sold in Mississippi and shall  
5126 name one (1) licensed light \* \* \* intoxicating beverage wholesaler  
5127 in each territory who, within such territory, shall be the  
5128 licensed wholesaler for the brand or brands assigned by the  
5129 manufacturer or importer. If the manufacturer or importer  
5130 supplies more than one (1) brand, sales territories may be granted  
5131 to a different wholesaler for the sale of each brand. No licensed  
5132 wholesaler shall distribute the specified brand or brands of  
5133 light \* \* \* intoxicating beverages outside his assigned territory,  
5134 nor shall he knowingly sell to a retailer whose licensed retail  
5135 establishment is located outside his assigned territory.

5136           (2) A licensed wholesaler designated as the licensed  
5137 wholesaler for light \* \* \* intoxicating beverages within a  
5138 designated sales territory shall present that light \* \* \*  
5139 intoxicating beverage for sale to all licensed retailers within  
5140 the designated sales territory without discrimination in service.  
5141 A licensed wholesaler shall not sell, supply or deliver, either  
5142 directly or indirectly through a third party, any light \* \* \*  
5143 intoxicating beverage to a licensed retailer outside of the  
5144 designated sales territory of the designated wholesaler, nor to  
5145 any person the licensed wholesaler has reason to believe will sell  
5146 or supply any quantity of the light \* \* \* intoxicating beverage to



5147 any retail location outside of the designated sales territory of  
5148 the licensed wholesaler.

5149 (3) All light \* \* \* intoxicating beverages shall be  
5150 transported only by a marked conveyance owned or leased by the  
5151 licensed wholesaler and operated by the licensed wholesaler or an  
5152 employee of the wholesaler for the products of a manufacturer or  
5153 importer within the designated sales territory to the address and  
5154 location of a licensed retail dealer within that designated sales  
5155 territory.

5156 (4) Any light \* \* \* intoxicating beverage sold by the  
5157 licensed wholesaler shall not be delivered to, received by or  
5158 stored at any place other than the address and location of the  
5159 licensed retailer for which the required licenses and permits have  
5160 been issued.

5161 (5) With the approval of the designated manufacturer, a  
5162 licensed wholesaler may sell the designated brands to a licensed  
5163 retailer located in a designated sales territory of another  
5164 licensed wholesaler if the former licensed wholesaler is unable  
5165 temporarily for any reason to provide the designated brands of the  
5166 designated manufacturer within its designated sales territory.

5167 (6) All light \* \* \* intoxicating beverages purchased by a  
5168 licensed wholesaler for resale in this state shall come into the  
5169 physical possession of the licensed wholesaler and be unloaded in  
5170 and distributed from the warehouse of the licensed wholesaler  
5171 located in this state before being resold in this state.





5172 (7) As used in this section, the term "sales territory"  
5173 shall have the meaning ascribed to such term in Section 67-7-5.

5174 **SECTION 78.** Section 27-71-509, Mississippi Code of 1972, is  
5175 amended as follows:

5176 27-71-509. It shall be unlawful for any brewer,  
5177 manufacturer, wholesaler, distributor or retailer of light \* \* \*  
5178 intoxicating beverages to whom a permit has been issued  
5179 under \* \* \* Sections 67-3-15 and 67-3-23 \* \* \* to write or print  
5180 on any label or container of either of the above-named commodities  
5181 any matter relating to the alcoholic or THC content of such  
5182 beverage or beverages, except a statement \* \* \* to the effect that  
5183 the contents of the vessel or container in which light wine shall  
5184 be sold does not contain alcohol in excess of five percent (5%) of  
5185 the contents thereof, by weight, that the contents of the vessel  
5186 or container in which light spirit product shall be sold does not  
5187 contain alcohol in excess of six percent (6%) of the contents  
5188 thereof, by weight, \* \* \* that the contents of the vessel or  
5189 container in which beer shall be sold does not contain alcohol in  
5190 excess of eight percent (8%) of the contents thereof, by weight,  
5191 and that the contents of the vessel or container in which hemp  
5192 beverage shall be sold does not contain THC in excess of  
5193 three-tenths percent (0.3%) of the contents thereof. It shall be  
5194 unlawful for any such brewer, manufacturer, wholesaler,  
5195 distributor or retailer to sell any such commodity with any  
5196 statement in conflict with the provisions of this section, with



5197 reference to the alcoholic content of such beverage or beverages,  
5198 except that a statement of alcoholic content may be expressed on  
5199 any light wine, light spirit product or beer label in terms of  
5200 volume or weight, at the manufacturer's option; and such  
5201 statement, if by volume, shall be subject to the same permitted  
5202 tolerance allowed for wine containing fourteen percent (14%)  
5203 alcohol by volume or less by Section 4.36(b) (1) of the Federal  
5204 Labeling Requirements for Wine, 27 CFR Part 4, subpart D, and  
5205 Section 7.71(c) 27 CFR Part 7, subpart G, and, if by weight, shall  
5206 be subject to an equivalent permitted tolerance, determined in  
5207 terms of alcohol by weight.

5208 The terms "light intoxicating beverage," "light wine," "light  
5209 spirit product," "beer," and "hemp beverage" have the meanings  
5210 ascribed in Section 67-3-3.

5211 **SECTION 79.** Section 45-9-101, Mississippi Code of 1972, is  
5212 amended as follows:

5213 45-9-101. (1) (a) Except as otherwise provided, the  
5214 Department of Public Safety is authorized to issue licenses to  
5215 carry stun guns, concealed pistols or revolvers to persons  
5216 qualified as provided in this section. Such licenses shall be  
5217 valid throughout the state for a period of five (5) years from the  
5218 date of issuance, except as provided in subsection (25) of this  
5219 section. Any person possessing a valid license issued pursuant to  
5220 this section may carry a stun gun, concealed pistol or concealed  
5221 revolver.



5222 (b) The licensee must carry the license, together with  
5223 valid identification, at all times in which the licensee is  
5224 carrying a stun gun, concealed pistol or revolver and must display  
5225 both the license and proper identification upon demand by a law  
5226 enforcement officer. A violation of the provisions of this  
5227 paragraph (b) shall constitute a noncriminal violation with a  
5228 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
5229 by summons.

5230 (2) The Department of Public Safety shall issue a license if  
5231 the applicant:

5232 (a) Is a resident of the state. However, this  
5233 residency requirement may be waived if the applicant possesses a  
5234 valid permit from another state, is a member of any active or  
5235 reserve component branch of the United States of America Armed  
5236 Forces stationed in Mississippi, is the spouse of a member of any  
5237 active or reserve component branch of the United States of America  
5238 Armed Forces stationed in Mississippi, or is a retired law  
5239 enforcement officer establishing residency in the state;

5240 (b) (i) Is twenty-one (21) years of age or older; or

5241 (ii) Is at least eighteen (18) years of age but  
5242 not yet twenty-one (21) years of age and the applicant:

5243 1. Is a member or veteran of the United  
5244 States Armed Forces, including National Guard or Reserve; and

5245 2. Holds a valid Mississippi driver's license  
5246 or identification card issued by the Department of Public Safety



5247 or a valid and current tribal identification card issued by a  
5248 federally recognized Indian tribe containing a photograph of the  
5249 holder;

5250 (c) Does not suffer from a physical infirmity which  
5251 prevents the safe handling of a stun gun, pistol or revolver;

5252 (d) Is not ineligible to possess a firearm by virtue of  
5253 having been convicted of a felony in a court of this state, of any  
5254 other state, or of the United States without having been pardoned  
5255 or without having been expunged for same;

5256 (e) Does not chronically or habitually abuse controlled  
5257 substances to the extent that his normal faculties are impaired.  
5258 It shall be presumed that an applicant chronically and habitually  
5259 uses controlled substances to the extent that his faculties are  
5260 impaired if the applicant has been voluntarily or involuntarily  
5261 committed to a treatment facility for the abuse of a controlled  
5262 substance or been found guilty of a crime under the provisions of  
5263 the Uniform Controlled Substances Law or similar laws of any other  
5264 state or the United States relating to controlled substances  
5265 within a three-year period immediately preceding the date on which  
5266 the application is submitted;

5267 (f) Does not chronically and habitually use alcoholic  
5268 beverages to the extent that his normal faculties are impaired.  
5269 It shall be presumed that an applicant chronically and habitually  
5270 uses alcoholic beverages to the extent that his normal faculties  
5271 are impaired if the applicant has been voluntarily or



5272 involuntarily committed as an alcoholic to a treatment facility or  
5273 has been convicted of two (2) or more offenses related to the use  
5274 of alcohol under the laws of this state or similar laws of any  
5275 other state or the United States within the three-year period  
5276 immediately preceding the date on which the application is  
5277 submitted;

5278 (g) Desires a legal means to carry a stun gun,  
5279 concealed pistol or revolver to defend himself;

5280 (h) Has not been adjudicated mentally incompetent, or  
5281 has waited five (5) years from the date of his restoration to  
5282 capacity by court order;

5283 (i) Has not been voluntarily or involuntarily committed  
5284 to a mental institution or mental health treatment facility unless  
5285 he possesses a certificate from a psychiatrist licensed in this  
5286 state that he has not suffered from disability for a period of  
5287 five (5) years;

5288 (j) Has not had adjudication of guilt withheld or  
5289 imposition of sentence suspended on any felony unless three (3)  
5290 years have elapsed since probation or any other conditions set by  
5291 the court have been fulfilled;

5292 (k) Is not a fugitive from justice; and

5293 (l) Is not disqualified to possess a weapon based on  
5294 federal law.

5295 (3) The Department of Public Safety may deny a license if  
5296 the applicant has been found guilty of one or more crimes of



5297 violence constituting a misdemeanor unless three (3) years have  
5298 elapsed since probation or any other conditions set by the court  
5299 have been fulfilled or expunction has occurred prior to the date  
5300 on which the application is submitted, or may revoke a license if  
5301 the licensee has been found guilty of one or more crimes of  
5302 violence within the preceding three (3) years. The department  
5303 shall, upon notification by a law enforcement agency or a court  
5304 and subsequent written verification, suspend a license or the  
5305 processing of an application for a license if the licensee or  
5306 applicant is arrested or formally charged with a crime which would  
5307 disqualify such person from having a license under this section,  
5308 until final disposition of the case. The provisions of subsection  
5309 (7) of this section shall apply to any suspension or revocation of  
5310 a license pursuant to the provisions of this section.

5311 (4) The application shall be completed, under oath, on a  
5312 form promulgated by the Department of Public Safety and shall  
5313 include only:

5314 (a) The name, address, place and date of birth, race,  
5315 sex and occupation of the applicant;

5316 (b) The driver's license number or social security  
5317 number of applicant;

5318 (c) Any previous address of the applicant for the two  
5319 (2) years preceding the date of the application;



5320 (d) A statement that the applicant is in compliance  
5321 with criteria contained within subsections (2) and (3) of this  
5322 section;

5323 (e) A statement that the applicant has been furnished a  
5324 copy of this section and is knowledgeable of its provisions;

5325 (f) A conspicuous warning that the application is  
5326 executed under oath and that a knowingly false answer to any  
5327 question, or the knowing submission of any false document by the  
5328 applicant, subjects the applicant to criminal prosecution; and

5329 (g) A statement that the applicant desires a legal  
5330 means to carry a stun gun, concealed pistol or revolver to defend  
5331 himself.

5332 (5) The applicant shall submit only the following to the  
5333 Department of Public Safety:

5334 (a) A completed application as described in subsection  
5335 (4) of this section;

5336 (b) A full-face photograph of the applicant taken  
5337 within the preceding thirty (30) days in which the head, including  
5338 hair, in a size as determined by the Department of Public Safety,  
5339 except that an applicant who is younger than twenty-one (21) years  
5340 of age must submit a photograph in profile of the applicant;

5341 (c) A nonrefundable license fee of Eighty Dollars  
5342 (\$80.00). Costs for processing the set of fingerprints as  
5343 required in paragraph (d) of this subsection shall be borne by the  
5344 applicant. Honorably retired law enforcement officers, disabled



5345 veterans and active duty members of the Armed Forces of the United  
5346 States, and law enforcement officers employed with a law  
5347 enforcement agency of a municipality, county or state at the time  
5348 of application for the license, shall be exempt from the payment  
5349 of the license fee;

5350 (d) A full set of fingerprints of the applicant  
5351 administered by the Department of Public Safety; and

5352 (e) A waiver authorizing the Department of Public  
5353 Safety access to any records concerning commitments of the  
5354 applicant to any of the treatment facilities or institutions  
5355 referred to in subsection (2) of this section and permitting  
5356 access to all the applicant's criminal records.

5357 (6) (a) The Department of Public Safety, upon receipt of  
5358 the items listed in subsection (5) of this section, shall forward  
5359 the full set of fingerprints of the applicant to the appropriate  
5360 agencies for state and federal processing.

5361 (b) The Department of Public Safety shall forward a  
5362 copy of the applicant's application to the sheriff of the  
5363 applicant's county of residence and, if applicable, the police  
5364 chief of the applicant's municipality of residence. The sheriff  
5365 of the applicant's county of residence, and, if applicable, the  
5366 police chief of the applicant's municipality of residence may, at  
5367 his discretion, participate in the process by submitting a  
5368 voluntary report to the Department of Public Safety containing any  
5369 readily discoverable prior information that he feels may be





5370 pertinent to the licensing of any applicant. The reporting shall  
5371 be made within thirty (30) days after the date he receives the  
5372 copy of the application. Upon receipt of a response from a  
5373 sheriff or police chief, such sheriff or police chief shall be  
5374 reimbursed at a rate set by the department.

5375 (c) The Department of Public Safety shall, within  
5376 forty-five (45) days after the date of receipt of the items listed  
5377 in subsection (5) of this section:

5378 (i) Issue the license;

5379 (ii) Deny the application based solely on the  
5380 ground that the applicant fails to qualify under the criteria  
5381 listed in subsections (2) and (3) of this section. If the  
5382 Department of Public Safety denies the application, it shall  
5383 notify the applicant in writing, stating the ground for denial,  
5384 and the denial shall be subject to the appeal process set forth in  
5385 subsection (7); or

5386 (iii) Notify the applicant that the department is  
5387 unable to make a determination regarding the issuance or denial of  
5388 a license within the forty-five-day period prescribed by this  
5389 subsection, and provide an estimate of the amount of time the  
5390 department will need to make the determination.

5391 (d) In the event a legible set of fingerprints, as  
5392 determined by the Department of Public Safety and the Federal  
5393 Bureau of Investigation, cannot be obtained after a minimum of two  
5394 (2) attempts, the Department of Public Safety shall determine



5395 eligibility based upon a name check by the Mississippi Highway  
5396 Safety Patrol and a Federal Bureau of Investigation name check  
5397 conducted by the Mississippi Highway Safety Patrol at the request  
5398 of the Department of Public Safety.

5399       (7) (a) If the Department of Public Safety denies the  
5400 issuance of a license, or suspends or revokes a license, the party  
5401 aggrieved may appeal such denial, suspension or revocation to the  
5402 Commissioner of Public Safety, or his authorized agent, within  
5403 thirty (30) days after the aggrieved party receives written notice  
5404 of such denial, suspension or revocation. The Commissioner of  
5405 Public Safety, or his duly authorized agent, shall rule upon such  
5406 appeal within thirty (30) days after the appeal is filed and  
5407 failure to rule within this thirty-day period shall constitute  
5408 sustaining such denial, suspension or revocation. Such review  
5409 shall be conducted pursuant to such reasonable rules and  
5410 regulations as the Commissioner of Public Safety may adopt.

5411       (b) If the revocation, suspension or denial of issuance  
5412 is sustained by the Commissioner of Public Safety, or his duly  
5413 authorized agent pursuant to paragraph (a) of this subsection, the  
5414 aggrieved party may file within ten (10) days after the rendition  
5415 of such decision a petition in the circuit or county court of his  
5416 residence for review of such decision. A hearing for review shall  
5417 be held and shall proceed before the court without a jury upon the  
5418 record made at the hearing before the Commissioner of Public  
5419 Safety or his duly authorized agent. No such party shall be



5420 allowed to carry a stun gun, concealed pistol or revolver pursuant  
5421 to the provisions of this section while any such appeal is  
5422 pending.

5423 (8) The Department of Public Safety shall maintain an  
5424 automated listing of license holders and such information shall be  
5425 available online, upon request, at all times, to all law  
5426 enforcement agencies through the Mississippi Crime Information  
5427 Center. However, the records of the department relating to  
5428 applications for licenses to carry stun guns, concealed pistols or  
5429 revolvers and records relating to license holders shall be exempt  
5430 from the provisions of the Mississippi Public Records Act of 1983,  
5431 and shall be released only upon order of a court having proper  
5432 jurisdiction over a petition for release of the record or records.

5433 (9) Within thirty (30) days after the changing of a  
5434 permanent address, or within thirty (30) days after having a  
5435 license lost or destroyed, the licensee shall notify the  
5436 Department of Public Safety in writing of such change or loss.  
5437 Failure to notify the Department of Public Safety pursuant to the  
5438 provisions of this subsection shall constitute a noncriminal  
5439 violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
5440 be enforceable by a summons.

5441 (10) In the event that a stun gun, concealed pistol or  
5442 revolver license is lost or destroyed, the person to whom the  
5443 license was issued shall comply with the provisions of subsection  
5444 (9) of this section and may obtain a duplicate, or substitute



5445 thereof, upon payment of Fifteen Dollars (\$15.00) to the  
5446 Department of Public Safety, and furnishing a notarized statement  
5447 to the department that such license has been lost or destroyed.

5448 (11) A license issued under this section shall be revoked if  
5449 the licensee becomes ineligible under the criteria set forth in  
5450 subsection (2) of this section.

5451 (12) (a) Except as provided in subsection (25) of this  
5452 section, no less than ninety (90) days prior to the expiration  
5453 date of the license, the Department of Public Safety shall send to  
5454 each licensee a written notice of the expiration and a renewal  
5455 form prescribed by the department. The licensee must renew his  
5456 license on or before the expiration date by filing with the  
5457 department the renewal form, a notarized affidavit stating that  
5458 the licensee remains qualified pursuant to the criteria specified  
5459 in subsections (2) and (3) of this section if necessary, and a  
5460 full set of fingerprints administered by the Department of Public  
5461 Safety or the sheriff of the county of residence of the licensee.  
5462 The first renewal may be processed by mail "or other means as  
5463 determined by the Department" and the subsequent renewal must be  
5464 made in person. Thereafter every other renewal may be processed  
5465 by mail to assure that the applicant must appear in person every  
5466 ten (10) years for the purpose of obtaining a new photograph.

5467 (i) Except as provided in this subsection, a  
5468 renewal fee of Forty Dollars (\$40.00) shall also be submitted  
5469 along with costs for processing the fingerprints;



5470 (ii) Honorably retired law enforcement officers,  
5471 disabled veterans, active duty members of the Armed Forces of the  
5472 United States and law enforcement officers employed with a law  
5473 enforcement agency of a municipality, county or state at the time  
5474 of renewal, shall be exempt from the renewal fee; and

5475 (iii) The renewal fee for a Mississippi resident  
5476 aged sixty-five (65) years of age or older shall be Twenty Dollars  
5477 (\$20.00).

5478 (b) The Department of Public Safety shall forward the  
5479 full set of fingerprints of the applicant to the appropriate  
5480 agencies for state and federal processing. The license shall be  
5481 renewed upon receipt of the completed renewal application and  
5482 appropriate payment of fees.

5483 (c) A licensee who fails to file a renewal application  
5484 on or before its expiration date must renew his license by paying  
5485 a late fee of Fifteen Dollars (\$15.00). No license shall be  
5486 renewed six (6) months or more after its expiration date, and such  
5487 license shall be deemed to be permanently expired. A person whose  
5488 license has been permanently expired may reapply for licensure;  
5489 however, an application for licensure and fees pursuant to  
5490 subsection (5) of this section must be submitted, and a background  
5491 investigation shall be conducted pursuant to the provisions of  
5492 this section.

5493 (13) No license issued pursuant to this section shall  
5494 authorize any person, except a law enforcement officer as defined



5495 in Section 45-6-3 with a distinct license authorized by the  
5496 Department of Public Safety, to carry a stun gun, concealed pistol  
5497 or revolver into any place of nuisance as defined in Section  
5498 95-3-1, Mississippi Code of 1972; any police, sheriff or highway  
5499 patrol station; any detention facility, prison or jail; any  
5500 courthouse; any courtroom, except that nothing in this section  
5501 shall preclude a judge from carrying a concealed weapon or  
5502 determining who will carry a concealed weapon in his courtroom;  
5503 any polling place; any meeting place of the governing body of any  
5504 governmental entity; any meeting of the Legislature or a committee  
5505 thereof; any school, college or professional athletic event not  
5506 related to firearms; any portion of an establishment, licensed to  
5507 dispense alcoholic beverages for consumption on the premises, that  
5508 is primarily devoted to dispensing alcoholic beverages; any  
5509 portion of an establishment in which \* \* \* light intoxicating  
5510 beverages, as defined in Section 67-3-3, are consumed on the  
5511 premises, that is primarily devoted to such purpose; any  
5512 elementary or secondary school facility; any junior college,  
5513 community college, college or university facility unless for the  
5514 purpose of participating in any authorized firearms-related  
5515 activity; inside the passenger terminal of any airport, except  
5516 that no person shall be prohibited from carrying any legal firearm  
5517 into the terminal if the firearm is encased for shipment, for  
5518 purposes of checking such firearm as baggage to be lawfully  
5519 transported on any aircraft; any church or other place of worship,



5520 except as provided in Section 45-9-171; or any place where the  
5521 carrying of firearms is prohibited by federal law. In addition to  
5522 the places enumerated in this subsection, the carrying of a stun  
5523 gun, concealed pistol or revolver may be disallowed in any place  
5524 in the discretion of the person or entity exercising control over  
5525 the physical location of such place by the placing of a written  
5526 notice clearly readable at a distance of not less than ten (10)  
5527 feet that the "carrying of a pistol or revolver is prohibited."  
5528 No license issued pursuant to this section shall authorize the  
5529 participants in a parade or demonstration for which a permit is  
5530 required to carry a stun gun, concealed pistol or revolver.

5531 (14) A law enforcement officer as defined in Section 45-6-3,  
5532 chiefs of police, sheriffs and persons licensed as professional  
5533 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
5534 1972, shall be exempt from the licensing requirements of this  
5535 section.

5536 (a) The Commissioner of Public Safety shall promulgate  
5537 rules and regulations to provide licenses to law enforcement  
5538 officers as defined in Section 45-6-3 who choose to obtain a  
5539 license under the provisions of this section, which shall include  
5540 a distinction that the officer is an "active duty" law enforcement  
5541 officer and an endorsement that such officer is authorized to  
5542 carry in the locations listed in subsection (13). A law  
5543 enforcement officer shall provide the following information to  
5544 receive the license described in this subsection: (i) a letter,



5545 with the official letterhead of the agency or department for which  
5546 the officer is employed at the time of application and (ii) a  
5547 letter with the official letterhead of the agency or department,  
5548 which explains that such officer has completed a certified law  
5549 enforcement training academy.

5550 (b) The licensing requirements of this section do not  
5551 apply to the carrying by any person of a stun gun, pistol or  
5552 revolver, knife, or other deadly weapon that is not concealed as  
5553 defined in Section 97-37-1.

5554 (15) Any person who knowingly submits a false answer to any  
5555 question on an application for a license issued pursuant to this  
5556 section, or who knowingly submits a false document when applying  
5557 for a license issued pursuant to this section, shall, upon  
5558 conviction, be guilty of a misdemeanor and shall be punished as  
5559 provided in Section 99-19-31, Mississippi Code of 1972.

5560 (16) All fees collected by the Department of Public Safety  
5561 pursuant to this section shall be deposited into a special fund  
5562 hereby created in the State Treasury and shall be used for  
5563 implementation and administration of this section. After the  
5564 close of each fiscal year, the balance in this fund shall be  
5565 certified to the Legislature and then may be used by the  
5566 Department of Public Safety as directed by the Legislature.

5567 (17) All funds received by a sheriff or police chief  
5568 pursuant to the provisions of this section shall be deposited into  
5569 the general fund of the county or municipality, as appropriate,





5570 and shall be budgeted to the sheriff's office or police department  
5571 as appropriate.

5572 (18) Nothing in this section shall be construed to require  
5573 or allow the registration, documentation or providing of serial  
5574 numbers with regard to any stun gun or firearm.

5575 (19) Any person holding a valid unrevoked and unexpired  
5576 license to carry stun guns, concealed pistols or revolvers issued  
5577 in another state shall have such license recognized by this state  
5578 to carry stun guns, concealed pistols or revolvers. The  
5579 Department of Public Safety is authorized to enter into a  
5580 reciprocal agreement with another state if that state requires a  
5581 written agreement in order to recognize licenses to carry stun  
5582 guns, concealed pistols or revolvers issued by this state.

5583 (20) The provisions of this section shall be under the  
5584 supervision of the Commissioner of Public Safety. The  
5585 commissioner is authorized to promulgate reasonable rules and  
5586 regulations to carry out the provisions of this section.

5587 (21) For the purposes of this section, the term "stun gun"  
5588 means a portable device or weapon from which an electric current,  
5589 impulse, wave or beam may be directed, which current, impulse,  
5590 wave or beam is designed to incapacitate temporarily, injure,  
5591 momentarily stun, knock out, cause mental disorientation or  
5592 paralyze.

5593 (22) (a) From and after January 1, 2016, the Commissioner  
5594 of Public Safety shall promulgate rules and regulations which



5595 provide that licenses authorized by this section for honorably  
5596 retired law enforcement officers and honorably retired  
5597 correctional officers from the Mississippi Department of  
5598 Corrections shall (i) include the words "retired law enforcement  
5599 officer" on the front of the license, and (ii) unless the licensee  
5600 chooses to have this license combined with a driver's license or  
5601 identification card under subsection (25) of this section, that  
5602 the license itself have a red background to distinguish it from  
5603 other licenses issued under this section.

5604 (b) An honorably retired law enforcement officer and  
5605 honorably retired correctional officer shall provide the following  
5606 information to receive the license described in this section: (i)  
5607 a letter, with the official letterhead of the agency or department  
5608 from which such officer is retiring, which explains that such  
5609 officer is honorably retired, and (ii) a letter with the official  
5610 letterhead of the agency or department, which explains that such  
5611 officer has completed a certified law enforcement training  
5612 academy.

5613 (23) A disabled veteran who seeks to qualify for an  
5614 exemption under this section shall be required to provide a  
5615 veterans health services identification card issued by the United  
5616 States Department of Veterans Affairs indicating a  
5617 service-connected disability, which shall be sufficient proof of  
5618 such service-connected disability.



5619 (24) A license under this section is not required for a  
5620 loaded or unloaded pistol or revolver to be carried upon the  
5621 person in a sheath, belt holster or shoulder holster or in a  
5622 purse, handbag, satchel, other similar bag or briefcase or fully  
5623 enclosed case if the person is not engaged in criminal activity  
5624 other than a misdemeanor traffic offense, is not otherwise  
5625 prohibited from possessing a pistol or revolver under state or  
5626 federal law, and is not in a location prohibited under subsection  
5627 (13) of this section. However, the medical use of medical  
5628 cannabis by a cardholder who is a registered qualifying patient  
5629 which is lawful under the provisions of the Mississippi Medical  
5630 Cannabis Act and in compliance with rules and regulations adopted  
5631 thereunder shall not disqualify a person under this subsection  
5632 (24) solely because the person is prohibited from possessing a  
5633 firearm under 18 USCS Section 922(g)(3) due to such medical use of  
5634 medical cannabis.

5635 (25) An applicant for a license under this section shall  
5636 have the option of, instead of being issued a separate card for  
5637 the license, having the license appear as a notation on the  
5638 individual's driver's license or identification card. If the  
5639 applicant chooses this option, the license issued under this  
5640 section shall have the same expiration date as the driver's  
5641 license or identification card, and renewal shall take place at  
5642 the same time and place as renewal of the driver's license or  
5643 identification card. The Commissioner of Public Safety shall have



5644 the authority to promulgate rules and regulations which may be  
5645 necessary to ensure the effectiveness of the concurrent  
5646 application and renewal processes.

5647 **SECTION 80.** Section 97-5-49, Mississippi Code of 1972, is  
5648 amended as follows:

5649 97-5-49. (1) As used in this section:

5650 (a) "Adult" means a person over the age of twenty-one  
5651 (21) years.

5652 (b) "Alcoholic beverage" has the meaning as defined in  
5653 Section 67-1-5.

5654 \* \* \*

5655 ( \* \* \* c) "Minor" means a person under the age of  
5656 twenty-one (21) years.

5657 ( \* \* \* d) "Party" means a gathering or event at which a  
5658 group of two (2) or more persons assembles for a social occasion  
5659 or activity at a private residence or a private premises.

5660 ( \* \* \* e) "Private premises" means privately owned  
5661 land, including any appurtenances or improvements on the land.

5662 ( \* \* \* f) "Private residence" means the place where a  
5663 person actually lives or has his or her home.

5664 \* \* \*

5665 ( \* \* \* g) "Light \* \* \* intoxicating beverage" has the  
5666 meaning ascribed in Section 67-3-3.

5667 (2) No adult who owns or leases a private residence or  
5668 private premises shall knowingly allow a party to take place or



5669 continue at the residence or premises if a minor at the party  
5670 obtains, possesses or consumes any alcoholic beverage \* \* \* or  
5671 light intoxicating beverage if the adult knows that the minor has  
5672 obtained, possesses or is consuming alcoholic beverages \* \* \* or  
5673 light intoxicating beverages.

5674 (3) This section shall not apply to legally protected  
5675 religious activities or gatherings of family members or to any of  
5676 the exemptions set forth in Section 67-3-54.

5677 (4) Each incident in violation of subsection (2) of this  
5678 section or any part of subsection (2) constitutes a separate  
5679 offense.

5680 (5) Any person who violates subsection (2) of this section  
5681 shall be guilty of a misdemeanor and, upon conviction thereof,  
5682 shall be punished by a fine of One Thousand Dollars (\$1,000.00) or  
5683 by imprisonment in the county jail for not more than six (6)  
5684 months, or by both the fine and imprisonment, in the discretion of  
5685 the court.

5686 **SECTION 81.** Sections 6 through 10 and Sections 17 and 18 of  
5687 this act shall be codified in Article 4 of Chapter 25, Title 69,  
5688 Mississippi Code of 1972.

5689 **SECTION 82.** This act shall take effect and be in force from  
5690 and after July 1, 2025, and shall stand repealed on June 30, 2025.

