

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1502: MS Hemp Cultivation Act; revise provisions of and legalize manufacture and sale of hemp beverages.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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

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

103 69-25-201. **Short title; exclusivity.** (1) This article
104 shall be known as the "Mississippi Hemp * * * Act." The
105 regulation of hemp cultivation and processing shall be governed
106 exclusively by the provisions of the Mississippi Hemp * * * Act.
107 A municipality, county or other political subdivision of this
108 state shall not enact, adopt or enforce a rule, ordinance, order,
109 resolution or other regulation that allows, prohibits or penalizes
110 the cultivation, production or processing of hemp in this state.

111 (2) The manufacture, production, distribution and sale of
112 consumable hemp products shall be regulated under this article.
113 Unless otherwise specifically referenced in this article, the
114 manufacture, production, distribution and sale of consumable hemp



115 products that are beverages shall be regulated under Chapter 3,
116 Title 67, Mississippi Code of 1972.

117 (3) The provisions of the Uniform Controlled Substances Law,
118 Section 41-29-101 et seq., shall not apply to the manufacture,
119 production, distribution or sale of consumable hemp products
120 regulated under this article or to the manufacture, production,
121 distribution or sale of consumable hemp products that are
122 beverages regulated under Chapter 3, Title 67, Mississippi Code of
123 1972.

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

126 69-25-203. **Definitions.** For purposes of this article, the
127 following words and phrases shall have the meanings set forth
128 below unless the context clearly indicates otherwise:

129 * * *

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

134 (b) "Consumable hemp product" means a finished product
135 that includes part of the hemp plant, including naturally derived
136 cannabinoids, compounds, concentrates, extracts, isolates, or
137 derivatives, that is intended for human consumption and not
138 marketed for intoxicating effect, and is:



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

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

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

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

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

160 (c) "Consumable hemp distributor" means any individual,
161 partnership, corporation, cooperative association or other
162 business entity that receives raw hemp, hemp floral material,
163 extracts, distillates, isolates or any extracted form of hemp as



164 long as it is extracted from hemp for the manufacturing,
165 distribution and/or processing of any consumable hemp product
166 including, but not limited to, edibles, tinctures, smokables,
167 vaporization devices, lubricants, salves, lotions, hemp floral
168 material, concentrates, distillates and/or liquids.

169 (d) "Consumable hemp manufacturer" means any
170 individual, partnership, corporation, cooperative association or
171 other business entity that is licensed by the department that
172 manufactures or intends to manufacture a consumable hemp product
173 from unprocessed hemp or hemp extract.

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

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

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

186 (h) "Container" means any final packaged product that
187 is offered, intended for sale or sold to a consumer in the form of
188 a package, can, bottle, bag, or other receptacle that can hold



189 hemp or consumable hemp products. Containers do not include exit
190 packaging or a shipping container or an outer wrapping used solely
191 for the transport of products in bulk quantity. Containers shall
192 be labeled according to the specific requirements promulgated by
193 the department as set forth in Section 7 of this article.

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

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

200 (k) "Federally defined THC level" means the lesser of:
201 a delta-9 tetrahydrocannabinol concentration of not more than 0.3
202 percent on a dry weight basis for hemp or as otherwise defined in
203 7 USC § 1639(o).

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

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



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

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

- 220 1. Delta-10 THC and its isomers;
- 221 2. Delta-9 THC and its isomers;
- 222 3. Delta-8 THC and its isomers;
- 223 4. Delta-7 THC and its isomers;
- 224 5. Delta-6a, 10a THC and its isomers;
- 225 6. Exo-tetrahydrocannabinol;
- 226 7. Metabolites of THC, including
227 11-hydroxy-THC, 3-hydroxy-THC or 7-hydroxy-THC;
- 228 8. Hydrogenated forms of THC, including
229 hexahydrocannabinol, hexaydrocannabiphrol and
230 hexahydrocannabihexol;
- 231 9. Synthetic forms of THC, including
232 dronabinol;
- 233 10. Ester forms of THC, including delta-8
234 THC-O-acetate, delta-9 THC-O-acetate and
235 hexahydrocannabinol-O-acetate;



236 11. Tetrahydrocannabivarin, including
237 delta-8 tetrahydrocannabivarin but excluding delta-9
238 tetrahydrocannabivarin;

239 12. Analogues or tetrahydrocannabinols with
240 an alkyl chain of four (4) or more carbon atoms, including
241 tetrahydrocannabiphorols, tetrahydrocannabiocyls,
242 tetrahydrocannabihexols or tetrahydrocannabutols;

243 13. Any combination of the compounds,
244 including hexahydrocannabiphorol-o-ester; and

245 14. Any other cannabinoid classified as an
246 intoxicant by rule of the department.

247 (ii) The term "intoxicating hemp product" does not
248 include a consumable hemp product, as defined in paragraph (b) of
249 this section and regulated under this article, or cannabis or a
250 cannabis product, as defined by and regulated under the
251 Mississippi Medical Cannabis Act.

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

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

258 (* * *q) "Processor" means * * * any individual,
259 partnership, corporation, cooperative association or business
260 entity * * * that receives hemp for processing into commodities,



261 products * * *, hemp seed or hemp extract for use in consumable
262 hemp products. A processor also includes any such entity that
263 brokers and/or stores hemp.

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

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

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

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

281 1. Delta-6-tetrahydrocannabinol (D6-THC) and
282 its isomers;

283 2. Delta-8-tetrahydrocannabinol (D8-THC) and
284 its isomers;



285 3. Delta-10-tetrahydrocannabinol (D10-THC)
286 and its isomers;
287 4. Hexahydrocannabinol (HHC);
288 5. Tetrahydrocannabinol acetate (THC-OA);
289 6. Tetrahydrocannabiphorol (THCP);
290 7. Delta-9(11) exo-tetrahydrocannabinol
291 (Exo-THC);
292 8. Tetrahydrocannabivarin (THCV) (including
293 delta 8-tetrahydrocannabivarin but excluding delta-9-
294 tetrahydrocannabivarin); and
295 9. Any other cannabinoid deemed synthetic by
296 the department.
297 (ii) The term "synthetic cannabinoid" excludes any
298 compounds approved by the United States Food and Drug
299 Administration and obtained by lawful prescription through a
300 licensed pharmacy.
301 (u) "THC" means delta-9-tetrahydrocannabinol.
302 (v) "Total THC" means the total concentration of all
303 tetrahydrocannabinols, including delta-8, delta-9, delta-10,
304 tetrahydrocannabinolic acid and any other chemically similar
305 compound, substance, derivative or isomer of tetrahydrocannabinol,
306 and any other cannabinoid identified by the department.
307 (* * *w) "USDA" means the United States Department of
308 Agriculture.



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

311 69-25-207. **Licensing and registration.** (1) Pursuant to the
312 provisions of this article, cultivation of hemp, and the
313 distribution, manufacturing, retail sale, wholesale and processing
314 of consumable hemp products, as defined in Section 69-25-203, are
315 authorized in this state. Cultivation, distribution,
316 manufacturing, retail sale, wholesale and processing of hemp and
317 consumable hemp products are subject to regulation by the
318 department and may only be performed by persons or business
319 entities that hold a valid license or registration issued * * *
320 under this article.

321 (2) The * * * State Health Officer shall create a State Plan
322 for submission to and approval by the United States Department of
323 Agriculture and the United States Secretary of Agriculture.
324 The * * * State Department of Health shall promulgate such
325 reasonable regulations as necessary to implement the State Plan
326 and provisions of this article. The * * * department shall be
327 authorized to promulgate any rule or regulation deemed necessary
328 for the administration of the provisions of this article in
329 compliance with any federal law, rule or regulation promulgated by
330 the United States Department of Agriculture.

331 (3) The department is authorized to accept applications, and
332 issue licenses and/or registrations for all hemp growers * * *,
333 consumable hemp distributors, consumable hemp manufacturers,



334 consumable hemp processors, consumable hemp retailers and
335 consumable hemp wholesalers. The department shall adopt and
336 enforce all rules and regulations related to those licenses and/or
337 registrations.

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

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

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

349 (7) All consumable hemp manufacturers and distributors
350 shall:

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

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



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

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

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

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

372 (a) USDA guidelines;
373 (b) Provisions of this article;
374 (c) Department rules and regulations;
375 (d) Any terms or conditions of a license issued
376 hereunder;

377 (e) Registration with the department; or
378 (f) A final department order directed to the * * *
379 licensee's hemp operations or activities.

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



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

390 (a) For a consumable hemp retailer, Two Hundred Dollars
391 (\$200.00);

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

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

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

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

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

402 69-25-213. **Negligent violations.** (1) Upon a determination
403 by the * * * State Health Officer or his or her designee, the
404 following may constitute negligent violations:

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

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



409 (c) Failing to register with the department;
410 (d) Producing Cannabis sativa L. with a
411 delta-9-tetrahydrocannabinol concentration of more than * * *
412 three-tenths percent (0.3%) on a dry weight basis; or
413 (e) Any other violation of the State Plan, including
414 any rules and regulations set forth by the department.

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

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

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

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

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

431 (4) **Repeat violations.** A hemp grower that negligently
432 violates the State Plan three (3) times in a five-year period



433 shall be ineligible to produce hemp for a period of five (5) years
434 beginning on the date of the third violation.

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

437 69-25-217. **Prohibitions.** (1) It shall be unlawful for any
438 person or business entity to:

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

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

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

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

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

454 (f) Sell any product derived from cannabis, as defined
455 in Section 41-137-3, within the State of Mississippi or to
456 Mississippi consumers, except as authorized under this article,



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

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

462 (h) Manufacture, produce or sell any intoxicating hemp
463 product, unless the person is authorized to sell hemp beverages
464 pursuant to Section 67-3-1 et seq., and is compliant with the age
465 restriction and registration requirements provided by Sections
466 69-25-217(i) and 69-25-207, and such beverages do not exceed five
467 (5) milligrams of THC and are packaged in a twelve (12) fluid
468 ounce container;

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

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

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

475 (i) For its intoxicating effect;

476 (ii) As containing THC; or

477 (iii) With unlawful drug or health claims.

478 (2) Any person or business entity that * * * violates this
479 provision of this chapter relating to hemp production,
480 manufacture, sale, distribution or processing shall be guilty of a
481 misdemeanor and, upon conviction of the violation, shall be fined



482 in an amount not to exceed Five Thousand Dollars (\$5,000.00), or
483 sentenced to imprisonment in the county jail for not more than one
484 (1) year, or both such fine and imprisonment.

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

490 (* * *4) Notwithstanding subsection (2) of this section, if
491 any person or entity * * * cultivates or grows hemp with a
492 delta-9-tetrahydrocannabinol (THC) concentration of more than one
493 percent (1%) on a dry weight basis that person or entity shall be
494 guilty of a felony punishable by imprisonment for not more than
495 five (5) years, or a fine of not more than Ten Thousand Dollars
496 (\$10,000.00), or both such fine and imprisonment.

497 * * *

498 **SECTION 6.** The following shall be codified as a separate
499 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
500 1972.

501 69-25- . **Labeling; certificates of analysis.** (1) All
502 labels for any consumable hemp product shall be approved by the
503 department.

504 (2) A finalized sample of any finished consumable hemp
505 product shall have a complete certificate of analysis (COA) from a
506 qualified testing facility or laboratory, as determined by the



507 department, that analyzes the safety and potency of consumable
508 hemp products, and such COA shall be provided to the department by
509 the licensed consumable hemp manufacturer or distributor
510 responsible for each consumable hemp product manufactured or
511 distributed in this state.

512 **SECTION 7.** The following shall be codified as a separate
513 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
514 1972.

515 69-25- . **Manufacture and distribution of consumable hemp.**

516 (1) Consumable hemp manufacturers and distributors shall:

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

520 (b) Be responsible for notifying the department of any
521 designated agents; and

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

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

528 **SECTION 8.** The following shall be codified as a separate
529 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
530 1972.



531 69-25- . **Licensee requirements, recordkeeping and tracking**

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

537 (b) Any consumable hemp manufacturer, distributor,
538 wholesaler or retailer shall pay a fine of One Thousand Dollars
539 (\$1,000.00) to the department for failing to report, by the
540 twentieth (20th) of the following month, hemp products purchased
541 or sold in Mississippi.

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

544 (2) In addition to the penalties set forth in Section
545 41-137-45(13), any consumable hemp manufacturer, distributor,
546 wholesaler or retailer shall be subject to a fine of Two Thousand
547 Dollars (\$2,000.00) per incident for purchasing or selling any
548 unlawful hemp product.

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

551 **SECTION 9.** The following shall be codified as a separate
552 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
553 1972.

554 69-25- . **Excise tax.** (1) There is imposed, levied and
555 assessed an excise tax on consumable hemp products not otherwise



556 taxed under Section 27-71-307. A manufacturer or processor shall
557 collect and remit an excise tax on forms and in a manner specified
558 by the Commissioner of Revenue. The excise tax on such consumable
559 hemp products shall be based on the sales price for which a
560 manufacturer or processor sells to a wholesaler or retailer, and
561 the rate of the excise tax shall be three percent (3%) of such
562 sales price. The proceeds of such tax shall be deposited into the
563 State General Fund.

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

568 (3) All provisions of the sales tax law, including those
569 which fix damages, penalties and interest for nonpayment of taxes
570 and for noncompliance, and all other requirements and duties
571 imposed on a taxpayer, shall apply to all persons liable for taxes
572 under this section. The Commissioner of Revenue shall exercise
573 all power and authority and perform all duties with respect to
574 taxpayers under this section as are provided in the sales tax law;
575 however, in the event of conflict, this section shall control.

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

578 69-25-211. **Enforcement.** (1) (a) The * * * State Health
579 Officer or his or her designee may enter, at reasonable times,
580 upon any public or private property at which hemp is being



581 cultivated or processed, or a consumable hemp product is
582 manufactured, distributed, processed or sold at wholesale or
583 retail for the purpose of determining compliance with this * * *
584 article and rules adopted under it. The * * * State Health
585 Officer may apply for, and any judge of a court of competent
586 jurisdiction, may issue a search warrant as is necessary to
587 achieve the purposes of this * * * article relating to things,
588 property or places within the court's territorial jurisdiction.

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

597 (c) Any person to whom such an order is issued shall
598 immediately comply with that order, and may apply to the * * *
599 State Health Officer for an adjudication hearing. Upon receiving
600 an application for an adjudication hearing, the * * * State Health
601 Officer shall hold the hearing as soon as practicable and not
602 later than thirty (30) days after receipt of the application. On
603 the basis of the hearing, the * * * State Health Officer shall
604 continue the order in effect, revoke it, or modify it.



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

611 (e) An employee of the state or any division,
612 agency * * * or institution thereof involved in the administration
613 and/or enforcement of this article, shall not be subject to
614 prosecution for violations related to possession or transportation
615 of hemp or cannabis in conjunction with the employee's duties
616 arising under this * * * article.

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

- 622 (a) A license or registration requirement;
- 623 (b) License or registration terms or conditions;
- 624 (c) Department rules and regulations relating to the
625 growing or processing, distribution, manufacture, wholesale or
626 retail sale of hemp or consumable hemp products; or

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



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

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

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

643 (6) The investigating agency may assess a penalty of not
644 more than One Thousand Dollars (\$1,000.00) per day, per violation
645 for each day the cease and desist order is violated. Any person
646 or business entity that violates this provision of this chapter,
647 rules promulgated thereunder, or a final cease and desist order
648 issued under this section, shall be fined in an amount not to
649 exceed Ten Thousand Dollars (\$10,000.00) per day per violation.

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

653 (8) In addition to the penalties set forth in Section
654 69-25-217(2) of this article, any person who sells or offers for



655 sale a consumable hemp product without proper notice as provided
656 in this section shall be fined not less than Five Hundred Dollars
657 (\$500.00) for the first offense and not more than One Thousand
658 Dollars (\$1,000.00) for each subsequent offense. Each violation,
659 and every day in which a violation occurs, constitutes a separate
660 violation.

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

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

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

669 69-25-215. **Nonnegligent violations.** If a hemp grower
670 violates the State Plan, including growing hemp containing a
671 delta-9-tetrahydrocannabinol (THC) concentration that exceeds
672 three-tenths percent (0.3%) on a dry * * * weight basis or a
673 tolerance range as specified by USDA, with a culpable mental state
674 greater than negligence as determined by the department, the * * *
675 State Health Officer shall immediately report the violation and
676 the hemp grower to the United States Attorney General, the
677 Mississippi Attorney General and the Mississippi Public Safety
678 Commissioner. Such violations shall also be referred to the
679 Mississippi Bureau of Narcotics for investigation. The Bureau of



680 Narcotics may detain, seize and/or destroy the crop and may
681 initiate a criminal case for any violation of this article or the
682 Mississippi Uniform Controlled Substances Law. The Mississippi
683 Attorney General shall, in person or by his or her designee,
684 prosecute all criminal actions related to violations arising under
685 this * * * article relating to hemp, on behalf of the state.
686 Violations of the State Plan that involve culpability greater than
687 negligence must be reported to the United States Attorney General
688 and the Mississippi Attorney General. The provisions of Section
689 69-25-213 shall not apply to nonnegligent violations.

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

692 69-25-219. **General provisions.** (1) Any person convicted of
693 a felony relating to a controlled substance under state or federal
694 law before, on or after * * * June 29, 2020, shall be ineligible,
695 during the ten-year period following the date of the conviction to
696 participate in the program established under this article and to
697 produce hemp under any regulations or guidelines issued under this
698 article.

699 (2) Any person who materially falsifies any information
700 contained in an application to participate in the State Plan
701 established under this article shall be ineligible to participate
702 in the State Plan.

703 (3) In addition to any inspection conducted, the department
704 may inspect any hemp crop at any time and take a representative



705 composite sample for analysis. It shall be the duty of the
706 department to take such samples and deliver them to the State
707 Chemist for examination and analysis. It shall be the duty of the
708 State Chemist to cause as many analyses to be made of samples
709 delivered to him or her by the department as may be necessary to
710 properly implement the intent of this article. The State Chemist
711 shall make a report of such analyses to the department.

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

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

718 69-25-221. **Necessity of surety bond.** No person shall
719 operate as a hemp processor without first having secured a surety
720 bond pursuant to this section. The * * * department shall
721 promulgate rules and regulations as necessary to require hemp
722 processors to secure a surety bond. A hemp processor may file
723 with the department, in lieu of a surety bond, a certificate of
724 deposit or irrevocable letter of credit from any bank or banking
725 corporation insured by the Federal Deposit Insurance Corporation.
726 Rules and regulations required for certificates of deposit and
727 irrevocable letters of credit shall be promulgated by the * * *
728 department.



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

731 69-25-223. (1) The provisions of this article which provide
732 authority to the * * * State Department of Health and the State
733 Health Officer to administer the provisions of the "Mississippi
734 Hemp * * * Act * * *" shall be subject to legislative
735 appropriation or receipt of necessary funding from any private or
736 public entity for purposes of implementation.

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

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

746 41-137-45. (1) It shall be unlawful for any person or
747 entity to cultivate, process, transport, use, possess, purchase,
748 sell or transfer cannabis except as authorized by this chapter.

749 (2) A cardholder or medical cannabis establishment that
750 purposely or knowingly fails to provide a notice required by
751 Section 41-137-31 is guilty of a civil offense, punishable by a
752 fine of no more than One Thousand Five Hundred Dollars



753 (\$1,500.00), which may be assessed and collected by the licensing
754 agency.

755 (3) A medical cannabis establishment or an agent of a
756 medical cannabis establishment that * * * sells or otherwise
757 transfers medical cannabis other than to a cardholder, a
758 nonresident cardholder, or to a medical cannabis establishment or
759 its agent as authorized under this chapter is guilty of a felony
760 punishable by a fine of not more than Ten Thousand Dollars
761 (\$10,000.00), or by commitment to the custody of the Department of
762 Corrections for not more than two (2) years, or both. A person
763 convicted under this subsection may not continue to be affiliated
764 with the medical cannabis establishment and is disqualified from
765 further participation in the medical cannabis program under this
766 chapter.

767 (4) A cardholder or nonresident cardholder who * * * sells
768 or otherwise transfers medical cannabis to a person or other
769 entity is guilty of a felony punishable by a fine of not more than
770 Three Thousand Dollars (\$3,000.00), or by commitment to the
771 custody of the Department of Corrections for not more than two (2)
772 years, or both. A person convicted under this subsection is
773 disqualified from further participation in the medical cannabis
774 program under this chapter.

775 (5) A person who * * * makes a false statement to a law
776 enforcement official about any fact or circumstance relating to
777 the medical use of cannabis to avoid arrest or prosecution is



778 guilty of a misdemeanor punishable by a fine of not more than One
779 Thousand Dollars (\$1,000.00), by imprisonment in the county jail
780 for not more than ninety (90) days, or both. If a person
781 convicted of violating this subsection is a cardholder, the person
782 is disqualified from further participation in the medical cannabis
783 program under this chapter.

784 (6) A person who purposely submits false records or
785 documentation for an application for a license for a medical
786 cannabis establishment under this chapter is guilty of a felony
787 punishable by a fine of not more than Five Thousand Dollars
788 (\$5,000.00), or by commitment to the custody of the Department of
789 Corrections for not more than two (2) years, or both. A person
790 convicted under this subsection may not continue to be affiliated
791 with the medical cannabis establishment and is disqualified from
792 further participation in the medical cannabis program under this
793 chapter.

794 (7) A practitioner who purposely refers patients to a
795 specific medical cannabis establishment or to a registered
796 designated caregiver, who advertises in a medical cannabis
797 establishment, or who issues written certifications while holding
798 a financial interest in a medical cannabis establishment, is
799 guilty of a civil offense for every false certification and shall
800 be fined up to Five Thousand Dollars (\$5,000.00) by the MDOH.

801 (8) Any person, including an employee or official of an
802 agency or local government, who * * * breaches the confidentiality



803 of information obtained under this chapter is guilty of a
804 misdemeanor punishable by a fine of not more than One Thousand
805 Dollars (\$1,000.00), or by imprisonment for not more than one
806 hundred eighty (180) days in the county jail, or both.

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

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



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

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

832 (13) A person or business entity that sells or otherwise
833 transfers products derived from cannabis to a person in the State
834 of Mississippi, except as authorized under this chapter, under the
835 Mississippi Hemp Act, or under Chapter 3, Title 67, Mississippi
836 Code of 1972, is guilty of a felony punishable by a fine of not
837 more than Ten Thousand Dollars (\$10,000.00), or by commitment to
838 the custody of the Department of Corrections for not more than two
839 (2) years, or both. A person convicted under this subsection is
840 disqualified from further participation in the medical cannabis
841 program under this chapter, the hemp program under the Mississippi
842 Hemp Act, and the hemp beverage program under Chapter 3 of Title
843 67, Mississippi Code of 1972.

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

848 **SECTION 16.** The following shall be codified as a separate
849 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
850 1972.



851 69-25- . **Consumable hemp product directory.** (1) By
852 December 1, 2025, and annually thereafter, every licensed
853 consumable hemp manufacturer of a consumable hemp product that is
854 sold for retail sale in Mississippi, whether such manufacturer is
855 located in or outside the State of Mississippi, shall execute and
856 deliver to the Department of Health a certification, under penalty
857 of perjury, on a form and in a manner prescribed by the Department
858 of Health, that the manufacturer is compliant with this article.

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

864 (3) Starting December 1, 2025, the Department of Health
865 shall maintain and make publicly available on its official website
866 a directory that lists all consumable hemp product manufacturers,
867 brand names, categories (e.g., edible, tincture, smokable,
868 vaporization device, lubricant, salve, lotion, floral material,
869 concentrate, distillate, and/or liquid), product names and flavors
870 for which certification forms have been submitted and approved by
871 the Department of Health and shall update the directory at least
872 monthly to ensure accuracy. The Department of Health shall
873 establish a process to provide licensed consumable hemp retailers,
874 distributors and wholesalers notice of the initial publication of



875 the directory and changes made to the directory in the prior
876 month.

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

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

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

891 **SECTION 17.** The following shall be codified as a separate
892 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
893 1972.

894 69-25- . **Notice required at point of sale; penalties.** (1)
895 A person may not sell or offer for sale a consumable hemp product
896 in the State of Mississippi unless a clearly visible notice is
897 posted at the location where the consumable hemp product is
898 available for purchase.

899 (2) The notice shall provide that:



900 (a) A consumable hemp product contains THC;
901 (b) Women who are pregnant or breastfeeding should not
902 use products that contain THC because of the risk of birth defects
903 and other developmental defects; and
904 (c) No person under the age of twenty-one (21) may
905 purchase a consumable hemp product.

906 (3) In addition to the penalties set forth in Sections 15 of
907 this article and 69-25-211, any person who sells or offers for
908 sale a consumable hemp product without proper notice as provided
909 in this section shall be fined not less than Five Hundred Dollars
910 (\$500.00) for the first offense and not more than One Thousand
911 Dollars (\$1,000.00) for each subsequent offense. Each violation,
912 and every day in which a violation occurs, constitutes a separate
913 violation.

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

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

918 67-3-1. The purpose of this chapter is to legalize and
919 regulate the manufacture and sale within this state of light * * *
920 intoxicating beverages so as to prevent the illicit manufacture,
921 sale and consumption of alcoholic beverages as defined in Section
922 67-1-5, the manufacture and sale of which it is not the purpose of
923 this chapter to legalize.



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

926 67-3-3. When used in this chapter, unless the context
927 indicates otherwise:

928 (a) "Commissioner" means the Commissioner of
929 Revenue * * * of the State of Mississippi, and his authorized
930 agents and employees.

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

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

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

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

941 (f) "Small craft brewery" means a person having a
942 permit under this chapter to manufacture or brew light * * *
943 intoxicating beverages in this state and who manufactures or brews
944 not more than sixty thousand (60,000) barrels of light * * *
945 intoxicating beverage at all breweries that such person or its
946 affiliates, subsidiary or parent company owns or controls or with
947 whom such person contracts with for the manufacture of light * * *
948 intoxicating beverages. For purposes of this paragraph,



949 contract-brewed beer manufactured by a person having a permit
950 under this chapter to manufacture or brew light * * * intoxicating
951 beverages shall be included in the sixty-thousand-barrel
952 limitation.

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

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

959 (i) "Contract-brewed beer" means beer brewed by a
960 manufacturer who:

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

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

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

970 (j) "Light spirit product" means a beverage of an
971 alcoholic content of not more than six percent (6%) by weight and
972 containing one or more distilled spirits, as defined in Section
973 67-1-5.



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

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

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

983 (n) "Hemp beverage" means a nonalcoholic beverage that
984 meets the definition of "intoxicating hemp product" in Section
985 69-25-203, is sold in containers of no size other than twelve (12)
986 fluid ounces, and contains no more than five (5) milligrams of THC
987 per twelve-ounce container.

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

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

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

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

996 67-3-5. (1) It shall be lawful, subject to the provisions
997 set forth in this chapter and in Section 67-1-51, in this state to
998 transport, store, sell, distribute, possess, receive, deliver



999 and/or manufacture light * * * intoxicating beverages, and it is
1000 hereby declared that it is the legislative intent that this
1001 chapter privileges the lawful sale and manufacture, within this
1002 state, of such light * * * intoxicating beverages. In determining
1003 if a wine product is "light wine," or contains an alcoholic
1004 content of more than five percent (5%) by weight, or is not an
1005 "alcoholic beverage" as defined in the Local Option Alcoholic
1006 Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of
1007 1972, the alcoholic content of such wine product shall be subject
1008 to the same permitted tolerance as is allowed by the labeling
1009 requirements for light wine provided for in Section 27-71-509.

1010 (2) Subject to the provisions set forth in this chapter and
1011 in Section 67-1-51, it shall be lawful in this state to transport,
1012 store, sell, distribute, possess, receive, deliver and/or
1013 manufacture beer of an alcoholic content of more than eight
1014 percent (8%) by weight, if the beer is manufactured to be sold
1015 legally in another state and is transported outside of this state
1016 for retail sale.

1017 **SECTION 21.** Section 67-3-7, Mississippi Code of 1972, is
1018 amended as follows:

1019 67-3-7. (1) If any county, at an election held for the
1020 purpose under the election laws of the state, shall by a majority
1021 vote of the duly qualified electors voting in the election
1022 determine that the transportation, storage, sale, distribution,
1023 receipt and/or manufacture of * * * light intoxicating beverages



1024 shall not be permitted in such county, then the same shall not be
1025 permitted therein except as authorized under Section 67-9-1 and as
1026 may be otherwise authorized in this section. An election to
1027 determine whether such transportation, storage, sale,
1028 distribution, receipt and/or manufacture of such beverages shall
1029 be excluded from any county in the state, shall, on a petition of
1030 twenty percent (20%) or fifteen hundred (1,500), whichever number
1031 is the lesser, of the duly qualified electors of such county, be
1032 ordered by the board of supervisors of the county, for such county
1033 only. No election on the question shall be held in any one (1)
1034 county more often than once in five (5) years.

1035 In counties which have elected, or may elect by a majority
1036 vote of the duly qualified electors voting in the election, that
1037 the transportation, storage, sale, distribution, receipt and/or
1038 manufacture of * * * light intoxicating beverages shall not be
1039 permitted in the county, an election may be held in the same
1040 manner as the election hereinabove provided on the question of
1041 whether or not the transportation, storage, sale, distribution,
1042 receipt and/or manufacture of said beverages shall be permitted in
1043 such county. Such election shall be ordered by the board of
1044 supervisors of such county on a petition of twenty percent (20%)
1045 or fifteen hundred (1 * * * 500), whichever number is the lesser,
1046 of the duly qualified electors of such county. No election on
1047 this question can be ordered more often than once in five (5)
1048 years.



1049 (2) Nothing in this section shall make it unlawful to
1050 possess * * * light intoxicating beverages.

1051 (3) Nothing in this section shall make it unlawful to:

1052 (a) Sell, distribute and transport light * * *
1053 intoxicating beverages to a qualified resort area as defined in
1054 Section 67-1-5;

1055 (b) Sell light * * * intoxicating beverages at a
1056 qualified resort area as defined in Section 67-1-5 if such
1057 light * * * intoxicating beverages sold by a person with a permit
1058 to engage in the business as a retailer of light * * *
1059 intoxicating beverages;

1060 (c) Transport beer of an alcoholic content of more than
1061 eight percent (8%) by weight if it is being transported to another
1062 state for legal sale in that state;

1063 (d) Transport legally purchased light * * *
1064 intoxicating beverages in unopened containers; however, this
1065 paragraph shall not apply to a retailer unless the retailer has
1066 purchased the light * * * intoxicating beverages from a wholesaler
1067 or distributor for the designated sales territory in which the
1068 retailer is located and the retailer has in his possession an
1069 invoice from the wholesaler or distributor for the light * * *
1070 intoxicating beverages; or

1071 (e) Transport homemade beer as authorized in Section
1072 67-3-11.



1073 **SECTION 22.** Section 67-3-9, Mississippi Code of 1972, is
1074 amended as follows:

1075 67-3-9. Any city in this state, having a population of not
1076 less than two thousand five hundred (2,500) according to the
1077 latest federal decennial census; or any city in this state having
1078 a population of not less than one thousand five hundred (1,500)
1079 according to the latest federal decennial census and located
1080 within three (3) miles of a city or county that permits the sale,
1081 receipt, storage and transportation for the purpose of sale
1082 of * * * light intoxicating beverages; or any city or town in this
1083 state having a population of not less than one thousand (1,000)
1084 according to the latest federal decennial census and located in a
1085 county that has no city or town with a population of more than two
1086 thousand five hundred (2,500); or any city, town or village that
1087 is a county seat and has voted to come out from under the dry law
1088 under Section 67-1-14; at an election held for the purpose, under
1089 the election laws applicable to such city, may either prohibit or
1090 permit, except as otherwise provided under Section 67-9-1, the
1091 sale and the receipt, storage and transportation for the purpose
1092 of sale of * * * light intoxicating beverages. An election to
1093 determine whether such sale shall be permitted in cities wherein
1094 its sale is prohibited by law shall be ordered by the city or town
1095 council or mayor and board of aldermen or other governing body of
1096 such city or town for such city or town only, upon the
1097 presentation of a petition for such city or town to such governing



1098 board containing the names of twenty percent (20%) or fifteen
1099 hundred (1,500), whichever number is the lesser, of the duly
1100 qualified voters of such city or town asking for such election.
1101 In like manner, an election to determine whether such sale shall
1102 be prohibited in cities wherein its sale is permitted by law shall
1103 be ordered by the city council or mayor and board of aldermen or
1104 other governing board of such city for such city only, upon the
1105 presentation of a petition to such governing board containing the
1106 names of twenty percent (20%) of the duly qualified voters of such
1107 city asking for such election. No election on either question
1108 shall be held by any one (1) city more often than once in five (5)
1109 years.

1110 Thirty (30) days' notice shall be given to the qualified
1111 electors of such city or town in the manner prescribed by law upon
1112 the question of either permitting or prohibiting such sale, and
1113 the notice shall contain a statement of the question to be voted
1114 on at the election. The tickets to be used in the election shall
1115 have the following words printed thereon: "For the legal sale of
1116 light wine of an alcoholic content of not more than five percent
1117 (5%) by weight, light spirit product of an alcoholic content of
1118 not more than six percent (6%) by weight, * * * beer of an
1119 alcoholic content of not more than eight percent (8%) by weight,
1120 and hemp beverages of a THC concentration of not more than
1121 three-tenths percent (0.3%)"; and the words "Against the legal
1122 sale of light wine of an alcoholic content of not more than five



1123 percent (5%) by weight, light spirit product of an alcoholic
1124 content of not more than six percent (6%) by weight, * * * beer of
1125 an alcoholic content of not more than eight percent (8%) by
1126 weight, and hemp beverages of a THC concentration of not more than
1127 three-tenths percent (0.3%)," next below. In making up his or her
1128 ticket the voter shall make a cross (X) opposite the words of his
1129 choice.

1130 If in the election a majority of the qualified electors
1131 voting in the election shall vote "For the legal sale of light
1132 wine of an alcoholic content of not more than five percent (5%) by
1133 weight, light spirit product of an alcoholic content of not more
1134 than six percent (6%) by weight, * * * beer of an alcoholic
1135 content of not more than eight percent (8%) by weight, and hemp
1136 beverages of a THC concentration of not more than three-tenths
1137 percent (0.3%)," then the city or town council or mayor and board
1138 of aldermen or other governing body shall pass the necessary order
1139 permitting the legal sale of such light * * * intoxicating
1140 beverages in such city or town. If in the election a majority of
1141 the qualified electors voting in the election shall vote "Against
1142 the legal sale of light wine of an alcoholic content of not more
1143 than five percent (5%) by weight, light spirit product of an
1144 alcoholic content of not more than six percent (6%) by
1145 weight, * * * beer of an alcoholic content of not more than eight
1146 percent (8%) by weight, and hemp beverages of a THC concentration
1147 of not more than three-tenths percent (0.3%)," then the city or



1148 town council or mayor and board of aldermen or other governing
1149 body shall pass the necessary order prohibiting the sale of such
1150 light * * * intoxicating beverages in such city or town.

1151 All laws or parts of laws in conflict with this section are
1152 hereby repealed to the extent of such conflict only, this section
1153 being cumulative and supplementary.

1154 **SECTION 23.** Section 67-3-13, Mississippi Code of 1972, is
1155 amended as follows:

1156 67-3-13. (1) It shall be lawful to possess * * * light
1157 intoxicating beverages throughout the state, unless otherwise
1158 prohibited by this chapter. However, nothing herein shall be
1159 construed to make lawful the possession of * * * light
1160 intoxicating beverages with the intent to sell except as
1161 authorized by this chapter.

1162 (2) In any county or municipality in which the
1163 transportation, storage, sale, distribution, receipt and/or
1164 manufacture of light * * * intoxicating beverages is prohibited,
1165 it shall not be unlawful for a permitted wholesaler or distributor
1166 to possess light * * * intoxicating beverages when such
1167 light * * * intoxicating beverages are held therein solely for the
1168 purpose of storage and for distribution to other counties and
1169 municipalities in which transportation, storage, sale,
1170 distribution, receipt and/or manufacture is lawful.

1171 (3) Notwithstanding the provisions of subsections (1) and
1172 (2) of this section, in any county in which transportation,



1173 storage, sale, distribution, receipt and/or manufacture of
1174 light * * * intoxicating beverages is prohibited, it shall not be
1175 unlawful:

1176 (a) To receive or store light * * * intoxicating
1177 beverages at a resort area as defined in Section 67-1-5;

1178 (b) To distribute and transport light * * *
1179 intoxicating beverages to a resort area as defined in Section
1180 67-1-5;

1181 (c) To transport beer of an alcoholic content of more
1182 than eight percent (8%) by weight if it is being transported to
1183 another state for legal sale in that state;

1184 (d) To transport legally purchased light * * *
1185 intoxicating beverages in unopened containers * * * on a state or
1186 federal highway; however, this paragraph shall not apply to a
1187 retailer unless the retailer has purchased the light * * *
1188 intoxicating beverages from a wholesaler or distributor for the
1189 designated sales territory in which the retailer is located and
1190 the retailer has in his possession an invoice from the wholesaler
1191 or distributor for the light * * * intoxicating beverages; or

1192 (e) To transport homemade beer as authorized in Section
1193 67-3-11.

1194 (4) Any light * * * intoxicating beverages found in
1195 possession of, or sold by, a person in violation of this section
1196 shall be seized and disposed of in the manner provided for in
1197 Section 67-1-18.



1198 **SECTION 24.** Section 67-3-15, Mississippi Code of 1972, is
1199 amended as follows:

1200 67-3-15. (1) Any person who shall brew or manufacture or
1201 sell any * * * light intoxicating beverages without first having
1202 secured a permit and/or license from the commissioner authorizing
1203 the brewing or manufacture or sale of such liquor, shall be guilty
1204 of a misdemeanor and, upon conviction thereof, be punished by a
1205 fine of not more than One Thousand Dollars (\$1,000.00) or
1206 imprisonment in the county jail for not more than one (1) year, or
1207 both, in the discretion of the court. Any person so convicted may
1208 not apply for any permit or license issued by the commissioner
1209 until five (5) years have elapsed from the date of such
1210 conviction.

1211 (2) This section shall not apply to beer authorized to be
1212 made pursuant to Section 67-3-11.

1213 (3) Any light * * * intoxicating beverages found in
1214 possession of, or sold by, a person in violation of this section
1215 shall be seized and disposed of in the manner provided for in
1216 Section 67-1-18.

1217 **SECTION 25.** Section 67-3-17, Mississippi Code of 1972, is
1218 amended as follows:

1219 67-3-17. (1) Any person desiring to engage in any business
1220 taxable under Sections 27-71-303 through 27-71-317, * * * either
1221 as a retailer, or as a wholesaler or distributor, or as a
1222 manufacturer, of light * * * intoxicating beverages, shall file



1223 with the commissioner an application for a permit allowing him to
1224 engage in such business. The application for a permit shall
1225 contain a statement showing the name of the business, and if a
1226 partnership, firm, association or limited liability company, the
1227 name of each partner or member, and if a corporation the names of
1228 two (2) principal officers, the post office address, and the
1229 nature of business in which engaged. In case any business is
1230 conducted at two (2) or more separate places, a separate permit
1231 for each place of business shall be required. The commissioner
1232 shall prescribe the form of the application and designate who is
1233 required to sign the application. The application shall be signed
1234 under penalty of perjury.

1235 (2) The application shall include a statement that the
1236 applicant will not, except as otherwise authorized in this
1237 chapter, allow any alcoholic beverages as defined in Section
1238 67-1-5, any beer having an alcoholic content of more than eight
1239 percent (8%) by weight, any spirit product having an alcoholic
1240 content of more than six percent (6%) by weight, * * * any wine
1241 having an alcoholic content of more than five percent (5%) by
1242 weight, or any beverage having a THC concentration of more than
1243 three-tenths percent (0.3%) to be kept, stored or secreted in or
1244 on the premises described in such permit or license, and that the
1245 applicant will not otherwise violate any law of this state, or
1246 knowingly allow any other person to violate any such law, while in
1247 or on such premises.



1248 (3) Each application or filing made under this section shall
1249 include the social security number(s) of the applicant in
1250 accordance with Section 93-11-64, Mississippi Code of 1972.

1251 **SECTION 26.** Section 67-3-19, Mississippi Code of 1972, is
1252 amended as follows:

1253 67-3-19. Where application is made for a permit to engage in
1254 the business of a retailer of light * * * intoxicating beverages,
1255 the applicant shall show in his application that he possesses the
1256 following qualifications:

1257 (a) Applicant must be a person at least twenty-one (21)
1258 years of age, of good moral character and a resident of the State
1259 of Mississippi.

1260 (b) Applicant shall not have been convicted of a
1261 felony, or of pandering or of keeping or maintaining a house of
1262 prostitution, or have been convicted within two (2) years of the
1263 date of his application of any violation of the laws of this state
1264 or the laws of the United States relating to alcoholic liquor.

1265 (c) Applicant shall not have had revoked, except for a
1266 violation of Section 67-3-52, within two (2) years next preceding
1267 his application, any license or permit issued to him pursuant to
1268 the laws of this state, or any other state, to sell alcoholic
1269 liquor of any kind.

1270 (d) Applicant shall be the owner of the premises for
1271 which the permit is sought or the holder of an existing lease
1272 thereon.



1273 (e) Applicant shall not be residentially domiciled with
1274 any person whose permit has been revoked for cause, except for a
1275 violation of Section 67-3-52, within two (2) years next preceding
1276 the date of the present application for a permit.

1277 (f) The applicant has not had any license or permit to
1278 sell * * * light intoxicating beverages at retail revoked, within
1279 five (5) years next preceding his application, due to a violation
1280 of Section 67-3-52.

1281 (g) Applicant shall not employ any person whose permit
1282 has been revoked when such person owned or operated the business
1283 on the premises for which a permit is sought or allow such person
1284 to have any financial interest in the business of the applicant,
1285 until such person is qualified to obtain a permit in his own name.

1286 (h) The applicant is not indebted to the State of
1287 Mississippi for any taxes.

1288 (i) If applicant is a partnership, all members of the
1289 partnership must be qualified to obtain a permit. Each member of
1290 the partnership must be a resident of the State of Mississippi.

1291 (j) If applicant is a corporation, all officers and
1292 directors thereof, and any stockholder owning more than five
1293 percent (5%) of the stock of such corporation, and the person or
1294 persons who shall conduct and manage the licensed premises for the
1295 corporation shall possess all the qualifications required herein
1296 for any individual permittee. However, the requirements as to



1297 residence shall not apply to officers, directors and stockholders
1298 of such corporation.

1299 Any misstatement or concealment of fact in an application
1300 shall be grounds for denial of the application or for revocation
1301 of the permit issued thereon.

1302 The commissioner may refuse to issue a permit to an applicant
1303 for a place that is frequented by known criminals, prostitutes, or
1304 other law violators or troublemakers who disturb the peace and
1305 quietude of the community and frequently require the assistance of
1306 peace officers to apprehend such law violators or to restore
1307 order. The burden of proof of establishing the foregoing shall
1308 rest upon the commissioner.

1309 **SECTION 27.** Section 67-3-22, Mississippi Code of 1972, is
1310 amended as follows:

1311 67-3-22. (1) The production limits for a brewpub shall be
1312 based upon production as determined by the Department of Revenue
1313 pursuant to Section 27-71-307, * * * and a brewpub shall not
1314 manufacture more than seventy-five thousand (75,000) gallons of
1315 light wine, light spirit product or beer per calendar year.

1316 (2) Light wine, light spirit product or beer produced at a
1317 brewpub shall not be sold at a price less than it cost to
1318 manufacture such light wine, light spirit product or beer.

1319 (3) A brewpub shall be required to offer for sale light
1320 wine, light spirit product or beer normally carried on the



1321 inventory of wholesalers or distributors of light wine, light
1322 spirit product or beer.

1323 (4) A brewpub shall not be authorized to manufacture hemp
1324 beverages.

1325 **SECTION 28.** Section 67-3-25, Mississippi Code of 1972, is
1326 amended as follows:

1327 67-3-25. (1) Any permit issued authorizing the sale or
1328 delivery of light * * * intoxicating beverages for consumption
1329 shall be construed to authorize the sale or delivery of
1330 light * * * intoxicating beverages by the bottle, by the glass or
1331 by draught, and in or from the original package.

1332 (2) The commissioner is authorized to establish, in his
1333 discretion, dates for the expiration of permits issued under this
1334 chapter.

1335 (3) Except as otherwise provided in this section, permits
1336 shall be issued for twelve (12) months and shall be renewed
1337 annually on the first day of the month in which the permit
1338 expires. The commissioner may issue temporary permits for less
1339 than a full year. All permits shall show the effective date and
1340 expiration date of the permit, the business location, individual
1341 or business name and mailing address of the permittee.

1342 **SECTION 29.** Section 67-3-27, Mississippi Code of 1972, is
1343 amended as follows:

1344 67-3-27. Before any person shall engage in the business of
1345 manufacturer, wholesaler, distributor or retailer of light * * *



1346 intoxicating beverages, he shall apply to the commissioner for a
1347 license to engage in such business, and shall pay to the
1348 commissioner the specific tax imposed by Section 27-71-303, for
1349 the privilege of engaging in such business. The commissioner upon
1350 receipt of such tax shall issue to such person a privilege license
1351 to engage in or continue in such business for a period of time not
1352 to exceed one (1) year. No such license shall be issued to the
1353 applicant unless such applicant shall have obtained from the
1354 commissioner a permit as required in Section 67-3-17. A brewpub
1355 shall obtain all necessary federal licenses and permits prior to
1356 obtaining any license under this chapter.

1357 All privilege licenses issued under the provisions of this
1358 section shall be renewed annually on or before the first day of
1359 the month in which the current license expires.

1360 **SECTION 30.** Section 67-3-29, Mississippi Code of 1972, is
1361 amended as follows:

1362 67-3-29. (1) The commissioner, or a hearing officer or the
1363 board of review, as designated by the commissioner, after a show
1364 cause hearing, shall revoke or suspend any permit granted by
1365 authority of this chapter to any person who shall violate any of
1366 the provisions of this chapter or the revenue laws of this state
1367 relating to engaging in transporting, storing, selling,
1368 distributing, possessing, receiving or manufacturing of wines or
1369 beers, or any person who shall hereafter be convicted of the
1370 unlawful sale of intoxicating liquor, or any person who shall



1371 allow or permit any form of illegal gambling or immorality on the
1372 premises described in such permit. The commissioner shall not
1373 revoke or suspend a permit of a retailer for the sale of
1374 light * * * intoxicating beverages to a person under the age of
1375 twenty-one (21) years until there has been a conviction of the
1376 permit holder or an employee of the permit holder for such
1377 violation.

1378 (2) If any person exercising any privilege taxable under the
1379 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,
1380 shall willfully neglect or refuse to comply with the provisions of
1381 such chapter, or any rules or regulations promulgated by the
1382 commissioner under authority of such chapter, or the provisions of
1383 this chapter, including maintaining the qualifications of an
1384 applicant under Section 67-3-19, during the permit period, the
1385 commissioner shall be authorized to revoke or suspend the permit
1386 theretofore issued to the person. Any person whose permit shall
1387 have been revoked by the commissioner shall be thereafter
1388 prohibited from exercising any privilege under the provisions of
1389 Chapter 71 of Title 27, Mississippi Code of 1972, for a period of
1390 two (2) years from the date of the revocation. The commissioner
1391 may, however, for good cause shown, grant a new permit upon such
1392 conditions as the commissioner may prescribe. Any person whose
1393 permit shall have been suspended by the commissioner shall be
1394 prohibited from exercising any privilege under the provisions of
1395 Chapter 71 of Title 27, Mississippi Code of 1972, during the



1396 period of the suspension. Failure of the person to comply with
1397 the terms of the suspension shall be cause for revocation of his
1398 permit, in addition to the other penalties provided by law.

1399 (3) In addition to the reasons specified in this section and
1400 other provisions of this chapter, the commissioner shall be
1401 authorized to suspend the permit of any permit holder for being
1402 out of compliance with an order for support, as defined in Section
1403 93-11-153. The procedure for suspension of a permit for being out
1404 of compliance with an order for support, and the procedure for the
1405 reissuance or reinstatement of a permit suspended for that
1406 purpose, and the payment of any fees for the reissuance or
1407 reinstatement of a permit suspended for that purpose, shall be
1408 governed by Section 93-11-157 or Section 93-11-163, as the case
1409 may be. If there is any conflict between any provision of Section
1410 93-11-157 or Section 93-11-163 and any provision of this chapter,
1411 the provisions of Section 93-11-157 or 93-11-163, as the case may
1412 be, shall control.

1413 **SECTION 31.** The following shall be codified as a separate
1414 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
1415 1972.

1416 69-25- . **Sales to minors prohibited; penalties.** (1) (a)
1417 Any permittee or other person who shall sell, furnish, dispose of,
1418 give or cause to be sold, furnished, disposed of or given, any
1419 consumable hemp product to any person under the age of twenty-one
1420 (21) years shall be guilty of a misdemeanor and shall be punished



1421 by a fine of not less than Five Hundred Dollars (\$500.00) nor more
1422 than One Thousand Dollars (\$1,000.00) for a first offense. For a
1423 second or subsequent offense, such permittee or other person shall
1424 be punished by a fine of not less than One Thousand Dollars
1425 (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00), or by
1426 imprisonment for not more than one (1) year, or by both such fine
1427 and imprisonment in the discretion of the court.

1428 (b) If a permittee, or any employee of a permittee,
1429 violates paragraph (a) of this subsection (1), then, in addition
1430 to any other penalty provided for by law, the Chief Health Officer
1431 may impose the following penalties against the permittee on whose
1432 premises the alcoholic beverages were sold, given or furnished:

1433 (i) For the first offense on the licensed
1434 premises, suspension of the permit for not more than one (1) week.

1435 (ii) For a second offense occurring on the
1436 licensed premises within a twelve-month period, suspension of the
1437 permit for not more than two (2) weeks.

1438 (iii) For a third offense occurring on the
1439 licensed premises within a twelve-month period, suspension of the
1440 permit for not more than three (3) weeks or revocation of the
1441 permit.

1442 (iv) For a fourth or subsequent offense occurring
1443 on the licensed premises within a twelve-month period, revocation
1444 of the permit.



1445 A violation of paragraph (a) of this subsection (1) shall be
1446 sufficient to impose the administrative penalties authorized under
1447 this paragraph (b), and any expunction of conviction shall have no
1448 effect on any administrative penalty imposed against a permittee
1449 under this paragraph (b).

1450 (2) Any person under the age of twenty-one (21) years who
1451 purchases, receives, or has in his or her possession in any public
1452 place, any consumable hemp product, shall be guilty of a
1453 misdemeanor and shall be punished by a fine of not less than Two
1454 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars
1455 (\$500.00). Provided, stocking, bagging or otherwise handling
1456 purchases of consumable hemp products shall not be deemed
1457 possession of consumable hemp products for the purposes of this
1458 section. Provided further, that a person who is at least eighteen
1459 (18) years of age but under the age of twenty-one (21) years who
1460 handles, stocks or delivers to customers shall not be deemed to
1461 unlawfully possess or furnish consumable hemp products if in the
1462 scope of his or her employment by the holder of an consumable hemp
1463 product retailer's permit. Any person under the age of twenty-one
1464 (21) who knowingly makes a false statement to the effect that he
1465 or she is twenty-one (21) years old or older or presents any
1466 document that indicates he or she is twenty-one (21) years of age
1467 or older for the purpose of purchasing consumable hemp products
1468 from any person engaged in the sale of consumable hemp products
1469 shall be guilty of a misdemeanor and shall be punished by a fine



1470 of not less than Two Hundred Dollars (\$200.00) nor more than Five
1471 Hundred Dollars (\$500.00), and a sentence to not more than thirty
1472 (30) days' community service.

1473 (3) The term "community service" as used in this section
1474 shall mean work, projects or services for the benefit of the
1475 community assigned, supervised and recorded by appropriate public
1476 officials.

1477 (4) If a person under the age of twenty-one (21) years is
1478 convicted or enters a plea of guilty of purchasing, receiving or
1479 having in his or her possession in any public place any consumable
1480 hemp products in violation of subsection (2) of this section, the
1481 trial judge, in lieu of the penalties otherwise provided under
1482 subsection (2) of this section, shall suspend the minor's driver's
1483 license by taking and keeping it in the custody of the court for a
1484 period of time not to exceed ninety (90) days. The judge so
1485 ordering the suspension shall enter upon his docket "DEFENDANT'S
1486 DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION"
1487 and such action by the trial judge shall not constitute a
1488 conviction. During the period that the minor's driver's license
1489 is suspended, the trial judge shall suspend the imposition of any
1490 fines or penalties that may be imposed under subsection (2) of
1491 this section and may place the minor on probation subject to such
1492 conditions as the judge deems appropriate. If the minor violates
1493 any of the conditions of probation, then the trial judge shall
1494 return the driver's license to the minor and impose the fines,



1495 penalties or both, that he would have otherwise imposed, and such
1496 action shall constitute a conviction.

1497 **SECTION 32.** Section 67-3-41, Mississippi Code of 1972, is
1498 amended as follows:

1499 67-3-41. Sections 67-3-31 through 67-3-41 and Section
1500 67-3-53 are declared to be cumulative, amendatory, and
1501 supplemental to any and all other acts and laws of this state
1502 pertaining to the governing of the sale and distribution of
1503 light * * * intoxicating beverages as contained in Sections
1504 27-71-301 through 27-71-347, * * * 67-3-17, 67-3-23, 67-3-27,
1505 67-3-29(2), 67-3-55, and 67-3-57.

1506 **SECTION 33.** The following shall be codified as a separate
1507 section in Article 4 of Chapter 25, Title 69, Mississippi Code of
1508 1972.

1509 69-25- . **Obtaining consumable hemp products from another**
1510 **source.** Any authorized retail distributor who shall purchase or
1511 receive consumable hemp products from any source except from the
1512 sources as authorized under this article, unless authorized by
1513 rules and regulations of the department, shall be guilty of a
1514 misdemeanor and upon conviction thereof shall be punished by a
1515 fine of not less than Five Hundred Dollars (\$500.00), nor more
1516 than Two Thousand Dollars (\$2,000.00), to which may be added
1517 imprisonment in the county jail for not more than six (6) months.
1518 Any authorization of such person to sell intoxicating beverages
1519 may be revoked as provided by law.



1520 **SECTION 34.** Section 67-3-45, Mississippi Code of 1972, is
1521 amended as follows:

1522 67-3-45. No manufacturer, distributor or wholesale dealer to
1523 whom or to which this chapter applies shall:

1524 (a) Make any loan, directly or indirectly, or furnish
1525 any fixtures of any kind, directly or indirectly, to any retail
1526 dealer in light * * * intoxicating beverages;

1527 (b) Have any interest, direct or indirect, in the
1528 business of or in the furnishings or fixtures or in the premises
1529 used by any such retail dealer in connection with his or its
1530 business;

1531 (c) Have any lien on any such property of any such
1532 retail dealer; or

1533 (d) Sell light * * * intoxicating beverages to any such
1534 retail dealer on credit.

1535 This section shall not apply to a brewpub licensed pursuant
1536 to Article 3, Chapter 71, Title 27, Mississippi Code of 1972, and
1537 shall not prohibit a microbrewery or small craft brewery licensed
1538 under Article 3, Chapter 71, Title 27, Mississippi Code of 1972,
1539 from being eligible to obtain a retail permit for the sale
1540 of * * * light intoxicating beverages on its premises.

1541 **SECTION 35.** Section 67-3-46, Mississippi Code of 1972, is
1542 amended as follows:

1543 67-3-46. (1) The provisions of subsection (2) of this
1544 section apply to the following entities:



1545 (a) Any person engaged in the business of brewing or
1546 manufacturing beer or in the business of manufacturing or
1547 producing light wines or, light spirit products or hemp beverages;

1548 (b) An officer, director, agent or employee of an
1549 entity described in paragraph (a) or (d) of this subsection;

1550 (c) An affiliate of an entity described in paragraph
1551 (a) or (d) of this subsection, regardless of whether the
1552 affiliation is corporate or by management, direction or control.

1553 (d) An entity that is the manufacturer of a product or
1554 substance that is infused into or becomes part of any * * * light
1555 intoxicating beverage regardless of whether the entity
1556 manufactures the final product. This provision also shall apply
1557 to all affiliated companies, wholly owned subsidiaries or joint
1558 ventures.

1559 (2) No entity named in subsection (1) of this section may
1560 have any interest in the license, business, assets or corporate
1561 stock of a wholesaler or distributor to whom this chapter applies,
1562 except a security interest granted to the entity of the type
1563 provided for the Uniform Commercial Code in products sold to a
1564 wholesaler or distributor until the full purchase price has been
1565 paid therefor.

1566 **SECTION 36.** Section 67-3-48, Mississippi Code of 1972, is
1567 amended as follows:

1568 67-3-48. (1) A small craft brewery may sell at retail
1569 light * * * intoxicating beverages produced at its brewery for



1570 consumption on the premises of the brewery and consumption off the
1571 premises of the brewery if the sales are made on the premises of
1572 the brewery and the light * * * intoxicating beverages products
1573 offered for sale are also made available for sale to wholesalers.

1574 (2) (a) A small craft brewery shall not sell at retail more
1575 than twenty-five percent (25%) of the light * * * intoxicating
1576 beverage produced annually at its brewery or more than two
1577 thousand five hundred (2,500) barrels of light * * * intoxicating
1578 beverage produced at the brewery annually, whichever is the lesser
1579 amount. For purposes of this subsection, contract-brewed beer
1580 shall not be included in the amount of beer produced annually at
1581 the brewery. The light * * * intoxicating beverages must be sold
1582 at a price approximating retail prices generally charged for
1583 identical beverages in the county where the brewery is located.

1584 (b) A small craft brewery shall not make retail sales
1585 of more than six hundred seventy (670) ounces, in the aggregate,
1586 of light * * * intoxicating beverages to any one (1) individual
1587 for consumption off the premises of the brewery within a
1588 twenty-four-hour period.

1589 (c) The limits on sales provided for in this subsection
1590 shall not apply to beer provided pursuant to Section 67-3-47.

1591 (d) A microbrewery shall not sell at retail more than
1592 eighty percent (80%) of light wine, light spirit product or beer
1593 produced annually at its brewery. The light wine, light spirit
1594 product or beer must be sold at a price approximating prices



1595 generally charged for identical beverages in the county where the
1596 microbrewery is located. A microbrewery shall not be authorized
1597 to manufacture or produce hemp beverages.

1598 (3) A small craft brewery or microbrewery shall take
1599 commercially reasonable steps to ensure that light * * *
1600 intoxicating beverages sold for consumption off the premises of
1601 the brewery are being sold for personal use and not for resale and
1602 are not being sold to anyone holding a retail permit for the
1603 purpose of resale in their establishment.

1604 (4) A small craft brewery or microbrewery shall not make
1605 retail sales of contract-brewed beer.

1606 (5) A small craft brewery or microbrewery shall not mail or
1607 ship any light * * * intoxicating beverage to a consumer.

1608 **SECTION 37.** Section 67-3-48.1, Mississippi Code of 1972, is
1609 amended as follows:

1610 67-3-48.1. (1) In the event a small craft brewery is
1611 acquired by an entity that manufactures light * * * intoxicating
1612 beverages that does not fall within the definition of the term
1613 "small craft brewery," the entity that acquired the small craft
1614 brewery may continue to operate the brewery as a small craft
1615 brewery for as long as the acquired facility meets the definition
1616 of the term "small craft brewery"; however, the limit in Section
1617 67-3-3 on the amount of barrels of light * * * intoxicating
1618 beverages that a small craft brewery may produce shall not apply



1619 to light * * * intoxicating beverages not produced by the acquired
1620 small craft brewery.

1621 (2) In the event a small craft brewery acquires an entity
1622 that manufactures light * * * intoxicating beverages that does not
1623 fall within the definition of the term "small craft brewery," the
1624 small craft brewery that acquired the entity may continue to
1625 operate as a small craft brewery for as long as the brewery meets
1626 the definition of the term "small craft brewery." The light * * *
1627 intoxicating beverages produced by the entity that is acquired by
1628 a small craft brewery shall not apply to the limit in Section
1629 67-3-3 on the amount of light * * * intoxicating beverages that
1630 the small craft brewery may produce.

1631 (3) A small craft brewery described in subsections (1) and
1632 (2) of this section may continue to sell at retail brands the
1633 small craft brewery produces on its premises at all locations at
1634 which it was selling the brands at retail at the time of the
1635 acquisition; however, the small craft brewery may not sell at
1636 retail brands produced by the entity that acquired it or by the
1637 entity it acquires, as the case may be.

1638 **SECTION 38.** Section 67-3-49, Mississippi Code of 1972, is
1639 amended as follows:

1640 67-3-49. (1) Except as otherwise provided in this section,
1641 it shall be unlawful for any brewer or manufacturer or distributor
1642 or wholesale dealer of or in light * * * intoxicating beverages to
1643 manufacture or knowingly bring upon his premises or keep



1644 thereon * * * any beer of an alcoholic content of more than eight
1645 percent (8%) by weight. Any person that shall add to or mix with
1646 any * * * light intoxicating beverages any alcoholic or other
1647 liquid, or any alcohol cube or cubes, or any other ingredient or
1648 ingredients that will increase or tend to increase the alcoholic
1649 or THC content of such * * * beverage, or any person that shall
1650 knowingly offer for sale any * * * beverage so treated, shall be
1651 guilty of a misdemeanor and punished as hereinafter provided in
1652 this chapter. The commissioner shall take any action he considers
1653 necessary to ensure that light wine, light spirit product and/or
1654 beer manufactured at a brewpub complies with the provisions of
1655 this section.

1656 (2) A brewer or manufacturer of light * * * intoxicating
1657 beverages may manufacture and keep upon his premises beer of an
1658 alcoholic content of more than eight percent (8%) by weight if the
1659 beer is manufactured for legal sale in another state.

1660 **SECTION 39.** Section 67-3-51, Mississippi Code of 1972, is
1661 amended as follows:

1662 67-3-51. (1) It shall be unlawful for any person to sell,
1663 or offer to sell, or keep for sale any bottled * * * light
1664 intoxicating beverage except the same be in the original bottle or
1665 in the original package containing bottles, each of which bottles
1666 shall bear the original label and the full name of the brewer or
1667 manufacturer of the contents of such bottle, both on the label and
1668 on the cap or cork of such bottle in the case of beer, and on the



1669 label only in the case of light wine * * *, light spirit products
1670 and hemp beverages.

1671 (2) It shall be unlawful for any person to sell, or offer
1672 for sale, or keep for sale any * * * light intoxicating beverage
1673 in the original package or packages unless each such original
1674 package (whether barrel or other container, and whether containing
1675 liquor in bottles or otherwise) shall have plainly stamped on the
1676 container or label for each such container the full name of the
1677 manufacturer of the liquor therein contained.

1678 (3) It shall be unlawful for any person to sell on draught
1679 any * * * light intoxicating beverage except the same be drawn
1680 from the original barrel or other container, which such container
1681 shall have plainly stamped on each end thereof the full name of
1682 the manufacturer of such liquor.

1683 (4) This section shall not apply to beer offered and
1684 provided on the premises of a brewery for the purpose of tasting
1685 or sampling as authorized in Section 67-3-47.

1686 **SECTION 40.** Section 67-3-52, Mississippi Code of 1972, is
1687 amended as follows:

1688 67-3-52. It shall be unlawful for any person holding a
1689 permit authorizing the sale of * * * light intoxicating beverages
1690 at retail to obtain such * * * light intoxicating beverages from
1691 any source outside of the State of Mississippi. Any person who
1692 violates the provisions of this section, upon conviction thereof,
1693 shall be punished by a fine of not more than One Thousand Dollars



1694 (\$1,000.00) or by imprisonment in the county jail for not more
1695 than six (6) months, or by both such fine and imprisonment, in the
1696 discretion of the court. Any person convicted of violating this
1697 section, or any rules or regulations promulgated by the
1698 commissioner with regard to the unlawful acts described in this
1699 section, shall forfeit his permit. Any person whose permit has
1700 been forfeited pursuant to this section shall not be eligible for
1701 a permit issued by the commissioner for a period of five (5) years
1702 after the date of such forfeiture. In addition, no permit shall
1703 be issued for the same location, for which an offender has
1704 forfeited a permit pursuant to this section, to a spouse,
1705 offspring or sibling of the offender when to do so would
1706 circumvent the purposes of this section. The commissioner may
1707 assess a retailer who violates this section the amount of excise
1708 taxes due on the unlawfully imported * * * light intoxicating
1709 beverages, together with a penalty in the amount of four (4) times
1710 the state excise taxes due or One Hundred Dollars (\$100.00) per
1711 case, whichever is greater.

1712 **SECTION 41.** Section 67-3-53, Mississippi Code of 1972, is
1713 amended as follows:

1714 67-3-53. In addition to any act declared to be unlawful by
1715 this chapter, or by Sections 27-71-301 through 27-71-347, and
1716 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be
1717 unlawful for the holder of a permit authorizing the sale of * * *
1718 light intoxicating beverages at retail or a small craft brewery



1719 selling light * * * intoxicating beverages at retail pursuant to
1720 Section 67-3-48 or for the employee of the holder of such a permit
1721 or the employee of such a brewery:

1722 (a) To sell or give to be consumed in or upon any
1723 licensed premises or in or upon the premises of a small craft
1724 brewery any * * * light intoxicating beverage between the hours of
1725 midnight and seven o'clock the following morning or during any
1726 time the licensed premises may be required to be closed by
1727 municipal ordinance or order of the board of supervisors; however,
1728 in areas where the sale of alcoholic beverages is legal under the
1729 provisions of the Local Option Alcoholic Beverage Control Law and
1730 the hours for selling those alcoholic beverages have been extended
1731 beyond midnight for on-premises permittees under Section 67-1-37,
1732 the hours for selling * * * light intoxicating beverages are
1733 likewise extended in areas where the sale of * * * light
1734 intoxicating beverages is legal in accordance with the provisions
1735 of this chapter.

1736 (b) To sell, give or furnish any * * * light
1737 intoxicating beverage to any person visibly or noticeably
1738 intoxicated, or to any habitual drunkard, or to any person under
1739 the age of twenty-one (21) years.

1740 (c) To permit in the premises any lewd, immoral or
1741 improper entertainment, conduct or practices.

1742 (d) To permit loud, boisterous or disorderly conduct of
1743 any kind upon the premises or to permit the use of loud musical



1744 instruments if either or any of the same may disturb the peace and
1745 quietude of the community in which the business is located.

1746 (e) To permit persons of ill repute, known criminals,
1747 prostitutes or minors to frequent the licensed premises or the
1748 premises of the small craft brewery, except minors accompanied by
1749 parents or guardians, or under proper supervision.

1750 (f) To permit or suffer illegal gambling or the
1751 operation of illegal games of chance upon the licensed premises or
1752 the premises of the small craft brewery.

1753 (g) To receive, possess or sell on the licensed
1754 premises or, except as otherwise authorized by this chapter, on
1755 the premises of the small craft brewery any beverage of any kind
1756 or character containing more than five percent (5%) of alcohol by
1757 weight except any beer containing not more than eight percent (8%)
1758 of alcohol by weight, unless the licensee also possesses an
1759 on-premises or manufacturer's permit under the Local Option
1760 Alcoholic Beverage Control Law.

1761 (h) To accept as full or partial payment for any
1762 product any coupons that are redeemed directly or indirectly from
1763 a manufacturer, wholesaler or distributor of light * * *
1764 intoxicating beverages.

1765 **SECTION 42.** Section 67-3-54, Mississippi Code of 1972, is
1766 amended as follows:

1767 67-3-54. * * * (* * *1) A person who is at least eighteen
1768 (18) years of age and who is serving in the armed services of the



1769 United States may lawfully possess and consume light * * *
1770 intoxicating beverages on military property where the consumption
1771 of light * * * intoxicating beverages is allowed.

1772 (* * *2) A person who is under twenty-one (21) years of age
1773 shall not be deemed to unlawfully possess or furnish light * * *
1774 intoxicating beverages, if in the scope of his employment such
1775 person:

1776 (a) Clears or buses tables that have glasses or other
1777 containers that contain or did contain light * * * intoxicating
1778 beverages;

1779 (b) Waits on tables by taking orders for light * * *
1780 intoxicating beverages; or

1781 (c) Stocks, bags or otherwise handles purchases of
1782 light * * * intoxicating beverages at a store.

1783 **SECTION 43.** Section 67-3-55, Mississippi Code of 1972, is
1784 amended as follows:

1785 67-3-55. (1) Except as otherwise provided in Section
1786 67-1-41, it shall be unlawful for any retailer to possess for
1787 purpose of sale, to sell, or to offer to sell any light * * *
1788 intoxicating beverage which was not purchased from a wholesaler in
1789 this state who has a permit to sell such light * * * intoxicating
1790 beverage, except for beer, light spirit product or light wine that
1791 was brewed on the premises of the retailer who holds a permit as a
1792 brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi
1793 Code of 1972.



1794 (2) It shall be unlawful for any wholesaler to possess for
1795 purpose of sale, to sell, or to offer to sell any light * * *
1796 intoxicating beverage which was not purchased from a manufacturer
1797 or importer of a foreign manufacturer authorized to sell such
1798 light * * * intoxicating beverage in this state.

1799 (3) This section shall not apply to:

1800 (a) Beer offered and provided on the premises of a
1801 brewery for the purpose of tasting or sampling as authorized in
1802 Section 67-3-47; or

1803 (b) Light * * * intoxicating beverages sold on the
1804 premises of a small craft brewery or microbrewery as authorized in
1805 Section 67-3-48.

1806 **SECTION 44.** Section 67-3-57, Mississippi Code of 1972, is
1807 amended as follows:

1808 67-3-57. (1) It shall be unlawful for any retailer to
1809 possess, sell or offer to sell, or to possess for purpose of sale,
1810 any light * * * intoxicating beverage at his place of business
1811 before securing a permit required by this chapter.

1812 (2) It shall be unlawful for any person to possess, sell or
1813 offer to sell any light * * * intoxicating beverage at his place
1814 of business after revocation of his permit or to purchase, to sell
1815 or offer to sell any light * * * intoxicating beverage during the
1816 period of suspension of his permit.

1817 (3) Any light * * * intoxicating beverage found in
1818 possession of, or sold by, a person in violation of this section



1819 shall be seized and disposed of in the manner provided for in
1820 Section 67-1-18.

1821 **SECTION 45.** Section 67-3-59, Mississippi Code of 1972, is
1822 amended as follows:

1823 67-3-59. (1) Except as provided in this subsection, sales
1824 by wholesalers, distributors or manufacturers to persons who do
1825 not hold valid permits are unlawful; and any wholesaler,
1826 distributor or manufacturer making such sales, or who sells
1827 any * * * light intoxicating beverage on which the tax provided by
1828 law has not been paid, shall, in addition to any other fines,
1829 penalties and forfeitures, be subject to a penalty of Twenty-five
1830 Dollars (\$25.00) for each sale. If all other applicable taxes are
1831 paid, this penalty will not apply to the following: sales to
1832 employees of the wholesaler; sales to nonprofit charitable and
1833 civic organizations for special fund-raising events, provided that
1834 the * * * light intoxicating beverage is not resold; sales to
1835 affiliated member associations.

1836 (2) The commissioner may assess the penalty by giving notice
1837 by mail, demanding payment within thirty (30) days from date of
1838 delivery of the notice.

1839 The proceeds of all penalties shall be deposited by the
1840 commissioner with the other monies collected by him and shall be
1841 disposed of as provided by law.

1842 **SECTION 46.** Section 67-3-61, Mississippi Code of 1972, is
1843 amended as follows:



1844 67-3-61. Every railroad company, express company, aeroplane
1845 company, motor transportation company, steamboat company, or other
1846 transportation company, or any person that shall transport into,
1847 from place to place within, or out of this state any light * * *
1848 intoxicating beverage, whether brewed or manufactured within this
1849 state or outside of this state, when requested by the
1850 commissioner, shall furnish him with a duplicate of the bill of
1851 lading covering the receipt for such liquor, showing the name of
1852 the brewer or manufacturer or distributor, and the name and
1853 address of the consignor and of the consignee, and the date when
1854 and place where received, and the destination and the quantity of
1855 such liquor received from the manufacturer or brewer or other
1856 consignor for shipment from any point within or without this state
1857 to any point within this state.

1858 Any such company or person so transporting any such liquor
1859 that shall fail to comply with the requirements of this section,
1860 shall forfeit and pay to the State of Mississippi the sum of One
1861 Hundred Dollars (\$100.00) for each such failure, to be recovered
1862 in any court of competent jurisdiction. The commissioner is
1863 hereby authorized and empowered to sue in his own name, on the
1864 relation and for the use of the State of Mississippi, for such
1865 recovery.

1866 **SECTION 47.** Section 67-3-63, Mississippi Code of 1972, is
1867 amended as follows:



1868 67-3-63. The commissioner shall cause a record to be kept of
1869 the names and places of business of all persons engaged in the
1870 brewing of beer, of all persons engaged in the manufacture of
1871 light * * * intoxicating beverages, and of all persons engaged in
1872 the sale of light * * * intoxicating beverages, whether at retail
1873 or otherwise. He shall also cause a record to be kept of
1874 all * * * light intoxicating beverages (and of the amount thereof)
1875 brewed or manufactured by each brewery * * *, winery or other
1876 production facility, and of all such * * * beverages (and of the
1877 amount thereof) sold by each brewery * * *, winery or other
1878 production facility, with the names and business addresses of the
1879 purchasers, and of all such * * * beverages (and of the amount
1880 thereof) sold by every dealer other than a brewer or manufacturer,
1881 and in the case of sales by dealers other than retail dealers, of
1882 the names and business addresses of the purchasers.

1883 The commissioner shall cause a record to be kept of all
1884 expenses incurred in the collection of such data.

1885 **SECTION 48.** Section 67-3-65, Mississippi Code of 1972, is
1886 amended as follows:

1887 67-3-65. Municipalities may enforce such proper rules and
1888 regulations for fixing zones and territories, prescribing hours of
1889 opening and of closing, and for such other measures as will
1890 promote public health, morals, and safety, as they may by
1891 ordinance provide. The board of supervisors of any county may



1892 make such rules and regulations as to territory outside of
1893 municipalities as are herein provided for municipalities.

1894 Nothing in this chapter shall prohibit the governing body of
1895 any municipality from designating what territory surrounding
1896 churches and schools in said municipalities, and the board of
1897 supervisors of any county from designating what territory
1898 surrounding churches and schools outside of any municipality, in
1899 which light * * * intoxicating beverages shall not be sold or
1900 consumed.

1901 **SECTION 49.** Section 67-3-67, Mississippi Code of 1972, is
1902 amended as follows:

1903 67-3-67. No county or any officer or agent thereof, nor any
1904 other officer, agent, or person, shall interfere with or impede
1905 the passage through such county of any light * * * intoxicating
1906 beverage moving in accordance with the provisions of this chapter
1907 and the provisions of Section 67-9-1 and which in transit to or
1908 from any county of this state wherein the traffic in light * * *
1909 intoxicating beverages is not prohibited, any county prohibition
1910 of such traffic to the contrary notwithstanding.

1911 **SECTION 50.** Section 67-3-69, Mississippi Code of 1972, is
1912 amended as follows:

1913 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,
1914 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of
1915 this chapter or of any rule or regulation of the commissioner,
1916 shall be a misdemeanor and, where the punishment therefor is not



1917 elsewhere prescribed in this section, shall be punished by a fine
1918 of not more than Five Hundred Dollars (\$500.00) or imprisonment
1919 for not more than six (6) months, or both, in the discretion of
1920 the court. If any person so convicted shall be the holder of any
1921 permit or license issued by the commissioner under authority of
1922 this chapter, the permit or license shall from and after the date
1923 of such conviction be void and the holder thereof shall not
1924 thereafter, for a period of one (1) year from the date of such
1925 conviction, be entitled to any permit or license for any purpose
1926 authorized by this chapter. Upon conviction of the holder of any
1927 permit or license, the appropriate law enforcement officer shall
1928 seize the permit or license and transmit it to the commissioner.

1929 (2) (a) Any person who shall violate any provision of
1930 Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a
1931 misdemeanor, and upon conviction thereof shall be punished by a
1932 fine of not more than Five Hundred Dollars (\$500.00) or by
1933 imprisonment in the county jail for not more than six (6) months,
1934 or by both such fine and imprisonment, in the discretion of the
1935 court.

1936 (b) Any person who shall violate any provision of
1937 Section 67-3-57 shall be guilty of a misdemeanor, and upon
1938 conviction thereof, shall be punished by a fine of not more than
1939 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
1940 jail for not more than one (1) year, or by both, in the discretion
1941 of the court. Any person convicted of violating any provision of



1942 the sections referred to in this subsection shall forfeit his
1943 permit, and shall not thereafter be permitted to engage in any
1944 business taxable under the provisions of Sections 27-71-301
1945 through 27-71-347.

1946 (3) If the holder of a permit, or the employee of the holder
1947 of a permit, shall be convicted of selling any * * * light
1948 intoxicating beverage to anyone who is visibly intoxicated from
1949 the licensed premises or to any person under the age of twenty-one
1950 (21) years from the licensed premises in violation of Section
1951 67-3-53(b), then, in addition to any other penalty provided for by
1952 law, the commissioner may impose the following penalties against
1953 the holder of a permit:

1954 (a) For the first offense on the licensed premises, by
1955 a fine of not less than Five Hundred Dollars (\$500.00) nor more
1956 than One Thousand Dollars (\$1,000.00) and/or suspension of the
1957 permit for not more than three (3) months.

1958 (b) For a second offense occurring on the licensed
1959 premises within twelve (12) months of the first offense, by a fine
1960 of not less than Five Hundred Dollars (\$500.00) nor more than Two
1961 Thousand Dollars (\$2,000.00) and/or suspension of the permit for
1962 not more than six (6) months.

1963 (c) For a third offense occurring on the licensed
1964 premises within twelve (12) months of the first, by a fine of not
1965 less than Two Thousand Dollars (\$2,000.00) nor more than Five



1966 Thousand Dollars (\$5,000.00) and/or suspension or revocation of
1967 the permit to sell * * * light intoxicating beverages.

1968 (d) For a fourth or subsequent offense occurring on the
1969 licensed premises within twelve (12) months of the first, by a
1970 fine of not less than Two Thousand Dollars (\$2,000.00) nor more
1971 than Five Thousand Dollars (\$5,000.00) and/or suspension or
1972 revocation of the permit to sell * * * light intoxicating
1973 beverages.

1974 (4) A person who sells any * * * light intoxicating beverage
1975 to a person under the age of twenty-one (21) years shall not be
1976 guilty of a violation of Section 67-3-53(b) if the person under
1977 the age of twenty-one (21) years represents himself to be
1978 twenty-one (21) years of age or older by displaying an apparently
1979 valid Mississippi driver's license containing a physical
1980 description consistent with his appearance or by displaying some
1981 other apparently valid identification card or document containing
1982 a picture and physical description consistent with his appearance
1983 for the purpose of inducing the person to sell * * * light
1984 intoxicating beverages to him.

1985 (5) If a small craft brewery is convicted of violating the
1986 provisions of Section 67-3-48, then, in addition to any other
1987 provision provided for by law, the small craft brewery shall be
1988 punished as follows:



1989 (a) For the first offense, the small craft brewery may
1990 be fined in an amount not to exceed Five Hundred Dollars
1991 (\$500.00).

1992 (b) For a second offense occurring within twelve (12)
1993 months of the first offense, the small craft brewery may be fined
1994 an amount not to exceed One Thousand Dollars (\$1,000.00).

1995 (c) For a third or subsequent offense occurring within
1996 twelve (12) months of the first offense, the small craft brewery
1997 may be fined an amount not to exceed Five Thousand Dollars
1998 (\$5,000.00) and the permit to operate as a manufacturer shall be
1999 suspended for thirty (30) days.

2000 **SECTION 51.** Section 67-3-70, Mississippi Code of 1972, is
2001 amended as follows:

2002 67-3-70. (1) Except as otherwise provided by Section
2003 67-3-54, any person under the age of twenty-one (21) years who
2004 purchases or possesses any light * * * intoxicating beverage shall
2005 be guilty of a misdemeanor, and upon conviction, shall be punished
2006 by a fine of not less than Two Hundred Dollars (\$200.00) nor more
2007 than Five Hundred Dollars (\$500.00) and a sentence to not more
2008 than thirty (30) days community service.

2009 (2) Any person under the age of twenty-one (21) years who
2010 falsely states he is twenty-one (21) years of age or older or
2011 presents any document that indicates he is twenty-one (21) years
2012 of age or older for the purpose of purchasing or possessing any
2013 light * * * intoxicating beverage shall be guilty of a



2014 misdemeanor, and upon conviction, shall be punished by a fine of
2015 not less than Two Hundred Dollars (\$200.00) nor more than Five
2016 Hundred Dollars (\$500.00) and a sentence to not more than thirty
2017 (30) days community service.

2018 (3) Except as otherwise provided by Section 67-3-54, any
2019 person who knowingly purchases any light * * * intoxicating
2020 beverage for, or gives any light * * * intoxicating beverage to, a
2021 person under the age of twenty-one (21) years, shall be guilty of
2022 a misdemeanor, and upon conviction, shall be punished by a fine of
2023 not less than Two Hundred Dollars (\$200.00) nor more than Five
2024 Hundred Dollars (\$500.00) and a sentence to not more than thirty
2025 (30) days community service. The punishment provided under this
2026 subsection shall not be applicable to violations of Section
2027 97-5-49.

2028 (4) The term "community service" as used in this section
2029 shall mean work, projects or services for the benefit of the
2030 community assigned, supervised and recorded by appropriate public
2031 officials.

2032 (5) If a person under the age of twenty-one (21) years is
2033 convicted or enters a plea of guilty of violating subsection (1)
2034 or subsection (2) of this section, the trial judge, in lieu of the
2035 penalties otherwise provided under this section, shall suspend the
2036 minor's driver's license by taking and keeping it in the custody
2037 of the court for a period of time not to exceed ninety (90) days.
2038 The judge so ordering the suspension shall enter upon his docket



2039 "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR _____ DAYS IN LIEU OF
2040 CONVICTION" and such action by the trial judge shall not
2041 constitute a conviction. During the period that the minor's
2042 driver's license is suspended, the trial judge shall suspend the
2043 imposition of any fines or penalties that may be imposed under
2044 this section and may place the minor on probation subject to such
2045 conditions as the judge deems appropriate. If the minor violates
2046 any of the conditions of probation, then the trial judge shall
2047 return the driver's license to the minor and impose the fines,
2048 penalties, or both, that he would have otherwise imposed, and such
2049 action shall constitute a conviction.

2050 (6) Any person who has been charged with a violation
2051 of * * * subsection (1) or (2) of this section may, not sooner
2052 than one (1) year after the dismissal and discharge or completion
2053 of any sentence and/or payment of any fine, apply to the court for
2054 an order to expunge from all official records all recordation
2055 relating to his arrest, trial, finding or plea of guilty, and
2056 dismissal and discharge. If the court determines that such person
2057 was dismissed and the proceedings against him discharged or that
2058 such person had satisfactorily served his sentence and/or paid his
2059 fine, it shall enter such order.

2060 **SECTION 52.** Section 67-3-73, Mississippi Code of 1972, is
2061 amended as follows:

2062 67-3-73. (1) The Mississippi Legislature finds and declares
2063 that the consumption of intoxicating beverages, rather than the



2064 sale or serving or furnishing of such beverages, is the proximate
2065 cause of any injury, including death and property damage,
2066 inflicted by an intoxicated person upon himself or upon another
2067 person.

2068 (2) Notwithstanding any other law to the contrary, no holder
2069 of an alcoholic beverage * * * or light intoxicating beverage
2070 permit, or any agent or employee of such holder, who lawfully
2071 sells or serves intoxicating beverages to a person who may
2072 lawfully purchase such intoxicating beverages, shall be liable to
2073 such person or to any other person or to the estate, or survivors
2074 of either, for any injury suffered off the licensed premises,
2075 including wrongful death and property damage, because of the
2076 intoxication of the person to whom the intoxicating beverages were
2077 sold or served.

2078 (3) Notwithstanding any other law to the contrary, no social
2079 host who serves or furnishes any intoxicating beverage to a person
2080 who may lawfully consume such intoxicating beverage shall be
2081 liable to such person or to any other person or to the estate, or
2082 survivors of either, for any injury suffered off such social
2083 host's premises, including wrongful death and property damage,
2084 because of the intoxication of the person to whom the intoxicating
2085 beverages were served or furnished. No social host who owns,
2086 leases or otherwise lawfully occupies a premises on which, in his
2087 absence and without his consent, intoxicating beverages are
2088 consumed by a person who may lawfully consume such intoxicating



2089 beverage shall be liable to such person or to any other person or
2090 to the estate, or survivors of either, for any injury suffered off
2091 the premises, including wrongful death and property damage,
2092 because of the intoxication of the person who consumed the
2093 intoxicating beverages.

2094 (4) The limitation of liability provided by this section
2095 shall not apply to any person who causes or contributes to the
2096 consumption of * * * intoxicating beverages by force or by falsely
2097 representing that a beverage contains no alcohol or THC, or to any
2098 holder of an alcoholic beverage * * * or light intoxicating
2099 beverage permit, or any agent or employee of such holder when it
2100 is shown that the person making a purchase of an * * *
2101 intoxicating beverage was at the time of such purchase visibly
2102 intoxicated.

2103 **SECTION 53.** Section 67-3-74, Mississippi Code of 1972, is
2104 amended as follows:

2105 67-3-74. (1) In addition to peace officers within their
2106 jurisdiction, all enforcement officers of the * * * division * * *
2107 are authorized to enforce the provisions made unlawful by this
2108 chapter and Section 97-5-49; however, the provisions prohibiting
2109 the sale of light * * * intoxicating beverages to persons under
2110 the age of twenty-one (21) years shall be enforced by the division
2111 as provided for in this section.

2112 (2) (a) The * * * division shall investigate violations of
2113 the laws prohibiting the sale of light * * * intoxicating



2114 beverages to persons under the age of twenty-one (21) years upon
2115 receipt of a complaint or information from a person stating that
2116 they have knowledge of such violation.

2117 * * *

2118 (* * *b) If an enforcement officer of the * * *
2119 division enters the business of the holder of the permit to
2120 investigate a complaint and discovers a violation, the agent shall
2121 notify the person that committed the violation and the holder of
2122 the permit * * * within ten (10) days after such violation * * *.

2123 **SECTION 54.** Section 67-1-5, Mississippi Code of 1972, as
2124 amended by House Bill No. 1284, 2025 Regular Session, is amended
2125 as follows:

2126 67-1-5. For the purposes of this article and unless
2127 otherwise required by the context:

2128 (a) "Alcoholic beverage" means any alcoholic liquid,
2129 including wines of more than five percent (5%) of alcohol by
2130 weight, capable of being consumed as a beverage by a human being,
2131 but shall not include light * * * intoxicating beverages, as
2132 defined in Section 67-3-3, * * * but shall include native
2133 wines * * *, native spirits, and craft spirits. The words
2134 "alcoholic beverage" shall not include ethyl alcohol manufactured
2135 or distilled solely for fuel purposes or beer of an alcoholic
2136 content of more than eight percent (8%) by weight if the beer is
2137 legally manufactured in this state for sale in another state.



2138 (b) "Alcohol" means the product of distillation of any
2139 fermented liquid, whatever the origin thereof, and includes
2140 synthetic ethyl alcohol, but does not include denatured alcohol or
2141 wood alcohol.

2142 (c) "Distilled spirits" means any beverage containing
2143 more than six percent (6%) of alcohol by weight produced by
2144 distillation of fermented grain, starch, molasses or sugar,
2145 including dilutions and mixtures of these beverages.

2146 (d) "Wine" or "vinous liquor" means any product
2147 obtained from the alcoholic fermentation of the juice of sound,
2148 ripe grapes, fruits, honey or berries and made in accordance with
2149 the revenue laws of the United States.

2150 (e) "Person" means and includes any individual,
2151 partnership, corporation, association or other legal entity
2152 whatsoever.

2153 (f) "Manufacturer" means any person engaged in
2154 manufacturing, distilling, rectifying, blending or bottling any
2155 alcoholic beverage.

2156 (g) "Wholesaler" means any person, other than a
2157 manufacturer, engaged in distributing or selling any alcoholic
2158 beverage at wholesale for delivery within or without this state
2159 when such sale is for the purpose of resale by the purchaser.

2160 (h) "Retailer" means any person who sells, distributes,
2161 or offers for sale or distribution, any alcoholic beverage for use
2162 or consumption by the purchaser and not for resale.



2163 (i) "State Tax Commission," "commission" or
2164 "department" means the Department of Revenue of the State of
2165 Mississippi, which shall create a division in its organization to
2166 be known as the Alcoholic Beverage Control Division. Any
2167 reference to the commission or the department hereafter means the
2168 powers and duties of the Department of Revenue with reference to
2169 supervision of the Alcoholic Beverage Control Division.

2170 (j) "Division" means the Alcoholic Beverage Control
2171 Division of the Department of Revenue.

2172 (k) "Municipality" means any incorporated city or town
2173 of this state.

2174 (l) "Hotel" means an establishment within a
2175 municipality, or within a qualified resort area approved as such
2176 by the department, where, in consideration of payment, food and
2177 lodging are habitually furnished to travelers and wherein are
2178 located at least twenty (20) adequately furnished and completely
2179 separate sleeping rooms with adequate facilities that persons
2180 usually apply for and receive as overnight accommodations. Hotels
2181 in towns or cities of more than twenty-five thousand (25,000)
2182 population are similarly defined except that they must have fifty
2183 (50) or more sleeping rooms. Any such establishment described in
2184 this paragraph with less than fifty (50) beds shall operate one or
2185 more regular dining rooms designed to be constantly frequented by
2186 customers each day. When used in this article, the word "hotel"
2187 shall also be construed to include any establishment that meets



2188 the definition of "bed and breakfast inn" as provided in this
2189 section.

2190 (m) "Restaurant" means:

2191 (i) A place which is regularly and in a bona fide
2192 manner used and kept open for the serving of meals to guests for
2193 compensation, which has suitable seating facilities for guests,
2194 and which has suitable kitchen facilities connected therewith for
2195 cooking an assortment of foods and meals commonly ordered at
2196 various hours of the day; the service of such food as sandwiches
2197 and salads only shall not be deemed in compliance with this
2198 requirement. Except as otherwise provided in this paragraph, no
2199 place shall qualify as a restaurant under this article unless
2200 twenty-five percent (25%) or more of the revenue derived from such
2201 place shall be from the preparation, cooking and serving of meals
2202 and not from the sale of beverages, or unless the value of food
2203 given to and consumed by customers is equal to twenty-five percent
2204 (25%) or more of total revenue; or

2205 (ii) Any privately owned business located in a
2206 building in a historic district where the district is listed in
2207 the National Register of Historic Places, where the building has a
2208 total occupancy rating of not less than one thousand (1,000) and
2209 where the business regularly utilizes ten thousand (10,000) square
2210 feet or more in the building for live entertainment, including not
2211 only the stage, lobby or area where the audience sits and/or
2212 stands, but also any other portion of the building necessary for



2213 the operation of the business, including any kitchen area, bar
2214 area, storage area and office space, but excluding any area for
2215 parking. In addition to the other requirements of this
2216 subparagraph, the business must also serve food to guests for
2217 compensation within the building and derive the majority of its
2218 revenue from event-related fees, including, but not limited to,
2219 admission fees or ticket sales to live entertainment in the
2220 building, and from the rental of all or part of the facilities of
2221 the business in the building to another party for a specific event
2222 or function.

2223 (n) "Club" means an association or a corporation:

2224 (i) Organized or created under the laws of this
2225 state for a period of five (5) years prior to July 1, 1966;

2226 (ii) Organized not primarily for pecuniary profit
2227 but for the promotion of some common object other than the sale or
2228 consumption of alcoholic beverages;

2229 (iii) Maintained by its members through the
2230 payment of annual dues;

2231 (iv) Owning, hiring or leasing a building or space
2232 in a building of such extent and character as may be suitable and
2233 adequate for the reasonable and comfortable use and accommodation
2234 of its members and their guests;

2235 (v) The affairs and management of which are
2236 conducted by a board of directors, board of governors, executive



2237 committee, or similar governing body chosen by the members at a
2238 regular meeting held at some periodic interval; and

2239 (vi) No member, officer, agent or employee of
2240 which is paid, or directly or indirectly receives, in the form of
2241 a salary or other compensation any profit from the distribution or
2242 sale of alcoholic beverages to the club or to members or guests of
2243 the club beyond such salary or compensation as may be fixed and
2244 voted at a proper meeting by the board of directors or other
2245 governing body out of the general revenues of the club.

2246 The department may, in its discretion, waive the five-year
2247 provision of this paragraph. In order to qualify under this
2248 paragraph, a club must file with the department, at the time of
2249 its application for a license under this article, two (2) copies
2250 of a list of the names and residences of its members and similarly
2251 file, within ten (10) days after the election of any additional
2252 member, his name and address. Each club applying for a license
2253 shall also file with the department at the time of the application
2254 a copy of its articles of association, charter of incorporation,
2255 bylaws or other instruments governing the business and affairs
2256 thereof.

2257 (o) "Qualified resort area" means any area or locality
2258 outside of the limits of incorporated municipalities in this state
2259 commonly known and accepted as a place which regularly and
2260 customarily attracts tourists, vacationists and other transients
2261 because of its historical, scenic or recreational facilities or



2262 attractions, or because of other attributes which regularly and
2263 customarily appeal to and attract tourists, vacationists and other
2264 transients in substantial numbers; however, no area or locality
2265 shall so qualify as a resort area until it has been duly and
2266 properly approved as such by the department. The department may
2267 not approve an area as a qualified resort area after July 1, 2018,
2268 if any portion of such proposed area is located within two (2)
2269 miles of a convent or monastery that is located in a county
2270 traversed by Interstate 55 and U.S. Highway 98. A convent or
2271 monastery may waive such distance restrictions in favor of
2272 allowing approval by the department of an area as a qualified
2273 resort area. Such waiver shall be in written form from the owner,
2274 the governing body, or the appropriate officer of the convent or
2275 monastery having the authority to execute such a waiver, and the
2276 waiver shall be filed with and verified by the department before
2277 becoming effective.

2278 (i) The department may approve an area or locality
2279 outside of the limits of an incorporated municipality that is in
2280 the process of being developed as a qualified resort area if such
2281 area or locality, when developed, can reasonably be expected to
2282 meet the requisites of the definition of the term "qualified
2283 resort area." In such a case, the status of qualified resort area
2284 shall not take effect until completion of the development.

2285 (ii) The term includes any state park which is
2286 declared a resort area by the department; however, such



2287 declaration may only be initiated in a written request for resort
2288 area status made to the department by the Executive Director of
2289 the Department of Wildlife, Fisheries and Parks, and no permit for
2290 the sale of any alcoholic beverage, as defined in this article,
2291 except an on-premises retailer's permit, shall be issued for a
2292 hotel, restaurant or bed and breakfast inn in such park.

2293 (iii) The term includes:

2294 1. The clubhouses associated with the state
2295 park golf courses at the Lefleur's Bluff State Park, the John Kyle
2296 State Park, the Percy Quin State Park and the Hugh White State
2297 Park;

2298 2. The clubhouse and associated golf course,
2299 tennis courts and related facilities and swimming pool and related
2300 facilities where the golf course, tennis courts and related
2301 facilities and swimming pool and related facilities are adjacent
2302 to one or more planned residential developments and the golf
2303 course and all such developments collectively include at least
2304 seven hundred fifty (750) acres and at least four hundred (400)
2305 residential units;

2306 3. Any facility located on property that is a
2307 game reserve with restricted access that consists of at least
2308 three thousand (3,000) contiguous acres with no public roads and
2309 that offers as a service hunts for a fee to overnight guests of
2310 the facility;



2311 4. Any facility located on federal property
2312 surrounding a lake and designated as a recreational area by the
2313 United States Army Corps of Engineers that consists of at least
2314 one thousand five hundred (1,500) acres;

2315 5. Any facility that is located in a
2316 municipality that is bordered by the Pearl River, traversed by
2317 Mississippi Highway 25, adjacent to the boundaries of the Jackson
2318 International Airport and is located in a county which has voted
2319 against coming out from under the dry law; however, any such
2320 facility may only be located in areas designated by the governing
2321 authorities of such municipality;

2322 6. Any municipality with a population in
2323 excess of ten thousand (10,000) according to the latest federal
2324 decennial census that is located in a county that is bordered by
2325 the Pearl River and is not traversed by Interstate Highway 20,
2326 with a population in excess of forty-five thousand (45,000)
2327 according to the latest federal decennial census;

2328 7. The West Pearl Restaurant Tax District as
2329 defined in Chapter 912, Local and Private Laws of 2007;

2330 8. a. Land that is located in any county in
2331 which Mississippi Highway 43 and Mississippi Highway 25 intersect
2332 and:

2333 A. Owned by the Pearl River Valley
2334 Water Supply District, and/or



2335 B. Located within the Reservoir
2336 Community District, zoned commercial, east of Old Fannin Road,
2337 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
2338 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
2339 Drive and/or Lake Vista Place, and/or

2340 C. Located within the Reservoir
2341 Community District, zoned commercial, west of Old Fannin Road,
2342 south of Spillway Road and extending to the boundary of the
2343 corporate limits of the City of Flowood, Mississippi;

2344 b. The board of supervisors of such
2345 county, with respect to B and C of item 8.a., may by resolution or
2346 other order:

2347 A. Specify the hours of operation
2348 of facilities that offer alcoholic beverages for sale,

2349 B. Specify the percentage of
2350 revenue that facilities that offer alcoholic beverages for sale
2351 must derive from the preparation, cooking and serving of meals and
2352 not from the sale of beverages, and

2353 C. Designate the areas in which
2354 facilities that offer alcoholic beverages for sale may be located;

2355 9. Any facility located on property that is a
2356 game reserve with restricted access that consists of at least
2357 eight hundred (800) contiguous acres with no public roads, that
2358 offers as a service hunts for a fee to overnight guests of the



2359 facility, and has accommodations for at least fifty (50) overnight
2360 guests;

2361 10. Any facility that:

2362 a. Consists of at least six thousand
2363 (6,000) square feet being heated and cooled along with an
2364 additional adjacent area that consists of at least two thousand
2365 two hundred (2,200) square feet regardless of whether heated and
2366 cooled,

2367 b. For a fee is used to host events such
2368 as weddings, reunions and conventions,

2369 c. Provides lodging accommodations
2370 regardless of whether part of the facility and/or located adjacent
2371 to or in close proximity to the facility, and

2372 d. Is located on property that consists
2373 of at least thirty (30) contiguous acres;

2374 11. Any facility and related property:

2375 a. Located on property that consists of
2376 at least one hundred twenty-five (125) contiguous acres and
2377 consisting of an eighteen-hole golf course, and/or located in a
2378 facility that consists of at least eight thousand (8,000) square
2379 feet being heated and cooled,

2380 b. Used for the purpose of providing
2381 meals and hosting events, and



2382 c. Used for the purpose of teaching
2383 culinary arts courses and/or turf management and grounds keeping
2384 courses, and/or outdoor recreation and leadership courses;

2385 12. Any facility and related property that:

2386 a. Consist of at least eight thousand
2387 (8,000) square feet being heated and cooled,

2388 b. For a fee is used to host events,

2389 c. Is used for the purpose of culinary
2390 arts courses, and/or live entertainment courses and art
2391 performances, and/or outdoor recreation and leadership courses;

2392 13. The clubhouse and associated golf course
2393 where the golf course is adjacent to one or more residential
2394 developments and the golf course and all such developments
2395 collectively include at least two hundred (200) acres and at least
2396 one hundred fifty (150) residential units and are located a. in a
2397 county that has voted against coming out from under the dry law;
2398 and b. outside of but in close proximity to a municipality in such
2399 county which has voted under Section 67-1-14, after January 1,
2400 2013, to come out from under the dry law;

2401 14. The clubhouse and associated
2402 eighteen-hole golf course located in a municipality traversed by
2403 Interstate Highway 55 and U.S. Highway 51 that has voted to come
2404 out from under the dry law;

2405 15. a. Land that is planned for mixed-use
2406 development and consists of at least two hundred (200) contiguous



2407 acres with one or more planned residential developments
2408 collectively planned to include at least two hundred (200)
2409 residential units when completed, and also including a facility
2410 that consists of at least four thousand (4,000) square feet that
2411 is not part of such land but is located adjacent to or in close
2412 proximity thereto, and which land is located:

2413 A. In a county that has voted to
2414 come out from under the dry law,

2415 B. Outside the corporate limits of
2416 any municipality in such county and adjacent to or in close
2417 proximity to a golf course located in a municipality in such
2418 county, and

2419 C. Within one (1) mile of a state
2420 institution of higher learning;

2421 b. The board of supervisors of such
2422 county may by resolution or other order:

2423 A. Specify the hours of operation
2424 of facilities that offer alcoholic beverages for sale,

2425 B. Specify the percentage of
2426 revenue that facilities that offer alcoholic beverages for sale
2427 must derive from the preparation, cooking and serving of meals and
2428 not from the sale of beverages, and

2429 C. Designate the areas in which
2430 facilities that offer alcoholic beverages for sale may be located;



2431 16. Any facility with a capacity of five
2432 hundred (500) people or more, to be used as a venue for private
2433 events, on a tract of land in the Southwest Quarter of Section 33,
2434 Township 2 South, Range 7 East, of a county where U.S. Highway 45
2435 and U.S. Highway 72 intersect and that has not voted to come out
2436 from under the dry law;

2437 17. One hundred five (105) contiguous acres,
2438 more or less, located in Hinds County, Mississippi, and in the
2439 City of Jackson, Mississippi, whereon are constructed a variety of
2440 buildings, improvements, grounds or objects for the purpose of
2441 holding events thereon to promote agricultural and industrial
2442 development in Mississippi;

2443 18. Land that is owned by a state institution
2444 of higher learning, land that is owned by an entity that is bound
2445 by an affiliation agreement with a state institution of higher
2446 learning, or land that is owned by one or more other entities so
2447 long as such other entities are solely owned, either directly or
2448 through additional entities, by an institution of higher learning
2449 and/or one or more entities bound by affiliation agreements with
2450 such institution, and:

2451 a. Located entirely within a county that
2452 has elected by majority vote not to permit the transportation,
2453 storage, sale, distribution, receipt and/or manufacture of
2454 light * * * intoxicating beverages pursuant to Section 67-3-7; and



2455 b. A. Located adjacent to but outside
2456 the incorporated limits of a municipality that has elected by
2457 majority vote to permit the sale, receipt, storage and
2458 transportation of light * * * intoxicating beverages pursuant to
2459 Section 67-3-9; or

2460 B. Located in an area bounded on
2461 the north by College View Drive, on the east by Mississippi
2462 Highway 12 East, on the south by Mississippi Highway 12 East, on
2463 the west by Mill Street, on the north by Russell Street, then on
2464 the west by Colonel Muldrow Avenue, on the north by University
2465 Drive, on the west by Adkerson Way within a municipality through
2466 which run Mississippi Highway 25, Mississippi Highway 12 and U.S.
2467 Highway 82.

2468 If any portion of the land described in this item 18 has been
2469 declared a qualified resort area by the department before July 1,
2470 2020, then that qualified resort area shall be incorporated into
2471 the qualified resort area created by this item 18;

2472 19. Any facility and related property:

2473 a. Used as a flea market or similar
2474 venue during a weekend (Saturday and Sunday) immediately preceding
2475 the first Monday of a month and having an annual average of at
2476 least one thousand (1,000) visitors for each such weekend and five
2477 hundred (500) vendors for Saturday of each such weekend, and

2478 b. Located in a county that has not
2479 voted to come out from under the dry law and outside of but in



2480 close proximity to a municipality located in such county and which
2481 municipality has voted to come out from under the dry law;

2482 20. Blocks 1, 2 and 3 of the original town
2483 square in any municipality with a population in excess of one
2484 thousand five hundred (1,500) according to the latest federal
2485 decennial census and which is located in:

2486 a. A county traversed by Interstate 55
2487 and Interstate 20, and

2488 b. A judicial district that has not
2489 voted to come out from under the dry law;

2490 21. Any municipality with a population in
2491 excess of two thousand (2,000) according to the latest federal
2492 decennial census and in which is located a part of White's Creek
2493 Lake and in which U.S. Highway 82 intersects with Mississippi
2494 Highway 9 and located in a county that is partially bordered on
2495 one (1) side by the Big Black River;

2496 22. A restaurant located on a two-acre tract
2497 adjacent to a five-hundred-fifty-acre lake in the northeast corner
2498 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

2499 23. Any tracts of land in Oktibbeha County,
2500 situated north of Bailey Howell Drive, Lee Boulevard and Old
2501 Mayhew Road, east of George Perry Street and south of Mississippi
2502 Highway 182, and not located on the property of a state
2503 institution of higher learning; however, the board of supervisors
2504 of such county may by resolution or other order:



2505 a. Specify the hours of operation of
2506 facilities that offer alcoholic beverages for sale;
2507 b. Specify the percentage of revenue
2508 that facilities that offer alcoholic beverages for sale must
2509 derive from the preparation, cooking and serving of meals and not
2510 from the sale of beverages; and
2511 c. Designate the areas in which
2512 facilities that offer alcoholic beverages for sale may be located;
2513 24. A municipality in which Mississippi
2514 Highway 27 and Mississippi Highway 28 intersect;
2515 25. A municipality through which run
2516 Mississippi Highway 35 and Interstate 20;
2517 26. A municipality in which Mississippi
2518 Highway 16 and Mississippi Highway 35 intersect;
2519 27. A municipality in which U.S. Highway 82
2520 and Old Highway 61 intersect;
2521 28. A municipality in which Mississippi
2522 Highway 8 meets Mississippi Highway 1;
2523 29. A municipality in which U.S. Highway 82
2524 and Mississippi Highway 1 intersect;
2525 30. A municipality in which Mississippi
2526 Highway 50 meets Mississippi Highway 9;
2527 31. An area bounded on the north by Pearl
2528 Street, on the east by West Street, on the south by Court Street
2529 and on the west by Farish Street, within a municipality bordered



2530 on the east by the Pearl River and through which run Interstate 20
2531 and Interstate 55;

2532 32. Any facility and related property that:

2533 a. Is contracted for mixed-use
2534 development improvements consisting of office and residential
2535 space and a restaurant and lounge, partially occupying the
2536 renovated space of a four-story commercial building which
2537 previously served as a financial institution; and adjacent
2538 property to the west consisting of a single-story office building
2539 that was originally occupied by the Brotherhood of Carpenters and
2540 Joiners of American Local Number 569; and

2541 b. Is situated on a tract of land
2542 consisting of approximately one and one-tenth (1.10) acres, and
2543 the adjacent property to the west consisting of approximately 0.5
2544 acres, located in a municipality which is the seat of county
2545 government, situated south of Interstate 10, traversed by U.S.
2546 Highway 90, partially bordered on one (1) side by the Pascagoula
2547 River and having its most southern boundary bordered by the Gulf
2548 of Mexico, with a population greater than twenty-two thousand
2549 (22,000) according to the 2010 federal decennial census; however,
2550 the governing authorities of such a municipality may by ordinance:

2551 A. Specify the hours of operation
2552 of facilities that offer alcoholic beverages for sale;

2553 B. Specify the percentage of
2554 revenue that facilities that offer alcoholic beverages for sale



2555 must derive from the preparation, cooking and serving of meals and
2556 not from the sale of beverages; and

2557 C. Designate the areas within the
2558 facilities in which alcoholic beverages may be offered for sale;

2559 33. Any facility with a maximum capacity of
2560 one hundred twenty (120) people that consists of at least three
2561 thousand (3,000) square feet being heated and cooled, has a
2562 commercial kitchen, has a pavilion that consists of at least nine
2563 thousand (9,000) square feet and is located on land more
2564 particularly described as follows:

2565 All that part of the East Half of the Northwest Quarter of
2566 Section 21, Township 7 South, Range 4 East, Union County,
2567 Mississippi, that lies South of Mississippi State Highway 348
2568 right-of-way and containing 19.48 acres, more or less.

2569 ALSO,

2570 The Northeast 38 acres of the Southwest Quarter of Section
2571 21, Township 7 South, Range 4 East, Union County, Mississippi.

2572 ALSO,

2573 The South 81 1/2 acres of the Southwest Quarter of Section
2574 21, Township 7 South, Range 4 East, Union County, Mississippi;

2575 34. A municipality in which U.S. Highway 51
2576 and Mississippi Highway 16 intersect;

2577 35. A municipality in which Interstate 20
2578 passes over Mississippi Highway 15;



2579 36. Any municipality that is bordered in its
2580 northwestern boundary by the Pearl River, traversed by U.S.
2581 Highway 49 and Interstate 20, and is located in a county which has
2582 voted against coming out from under the dry law;

2583 37. A municipality in which Mississippi
2584 Highway 28 and Mississippi Highway 29 North intersect;

2585 38. An area bounded as follows within a
2586 municipality through which run Interstate 22 and Mississippi
2587 Highway 15: Beginning at a point at the intersection of Bankhead
2588 Street and Tallahatchie Trails; then running to a point at the
2589 intersection of Tallahatchie Trails and Interstate 22; then
2590 running to a point at the intersection of Interstate 22 and Carter
2591 Avenue; then running to a point at the intersection of Carter
2592 Avenue and Camp Avenue; then running to a point at the
2593 intersection of Camp Avenue and King Street; then running to a
2594 point at the intersection of King Street and E. Main Street; then
2595 running to a point at the intersection of E. Main Street and Camp
2596 Avenue; then running to a point at the intersection of Camp Avenue
2597 and Highland Street; then running to a point at the intersection
2598 of Highland Street and Adams Street; then running to a point at
2599 the intersection of Adams Street and Cleveland Street; then
2600 running to a point at the intersection of Cleveland Street and N.
2601 Railroad Avenue; then running to a point at the intersection of N.
2602 Railroad Avenue and McGill Street; then running to a point at the
2603 intersection of McGill Street and Snyder Street; then running to a



2604 point at the intersection of Snyder Street and Bankhead Street;
2605 then running to a point at the intersection of Bankhead Street and
2606 Tallahatchie Trails and the point of the beginning;

2607 39. A municipality through which run
2608 Mississippi Highway 43 and U.S. Highway 80;

2609 40. The coliseum in a municipality in which
2610 U.S. Highway 72 passes over U.S. Highway 45;

2611 41. A piece of property on the northeast
2612 corner of the T-intersection where Builders Square Drive meets
2613 Mississippi Highway 471;

2614 42. The clubhouse and associated golf course,
2615 tennis courts and related facilities and swimming pool and related
2616 facilities located on Oaks Country Club Road less than one-half
2617 (1/2) mile to the east of Mississippi Highway 15;

2618 43. Any facility located on land more
2619 particularly described as follows:

2620 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
2621 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
2622 Southwest Corner of the Southwest Quarter (SW 1/4) of the
2623 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
2624 East, running 210 feet east and west and 840 feet running north
2625 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
2626 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
2627 Rankin County, Mississippi;



2628 44. Any facility located on land more
2629 particularly described as follows:

2630 Beginning at a point 1915 feet west and 2171 feet north of
2631 southeast corner, Section 11, Township 24 North, Range 2 West,
2632 Second Judicial District, Tallahatchie County, Mississippi, which
2633 point is the southwest corner of J.C. Section Lot mentioned in
2634 deed recorded in Book 50, page 34, in the records of the Chancery
2635 Clerk's Office at Sumner, in said District of said County; thence
2636 South 80° West, 19 feet to the east boundary of United States
2637 Highway 49-E, thence East along the east boundary of said Highway
2638 270 feet to point of beginning of Lot to be conveyed; thence
2639 southeast along the east boundary of said Highway 204 feet to a
2640 concrete post at the intersection of the east boundary of said
2641 Highway with the west boundary of gravel road from Sumner to Webb,
2642 known as Oil Mill Road, thence Northwest along west boundary of
2643 said Oil Mill Road 194 feet to center of driveway running
2644 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
2645 South 66° West along center of said driveway 128 feet to point of
2646 beginning, being situated in Northwest Quarter of Southeast
2647 Quarter of Section 11, together with all improvements situated
2648 thereon;

2649 45. Any facility that:

2650 a. Consists of at least five thousand
2651 six hundred (5,600) square feet being heated and cooled along with
2652 a lakeside patio that consists of at least two thousand two



2653 hundred (2,200) square feet, regardless of whether such patio is
2654 part of the facility and/or located adjacent to or in close
2655 proximity to the facility;

2656 b. Includes a caterer's kitchen and
2657 green room for entertainment preparation;

2658 c. For a fee is used to host events; and

2659 d. Is located adjacent to or in close
2660 proximity to an approximately nine * * *_acre lake on property
2661 that consists of at least one hundred twenty (120) acres in a
2662 county traversed by Mississippi Highway 15 and U.S. Highway 278;

2663 46. Any municipality with a population in
2664 excess of one thousand (1,000) according to the 2010 federal
2665 decennial census and which is located in a county that is
2666 traversed by U.S. Highways 84 and 98 and has not voted to come out
2667 from under the dry law;

2668 47. The clubhouse and associated nine-hole
2669 golf course, tennis courts and related facilities and swimming
2670 pool and related facilities located on or near U.S. Highway 82
2671 between Mississippi Highway 15 and Mississippi Highway 9;

2672 48. The downtown square area bound by East
2673 Service Drive, Commerce Street, Second Street and Court Street and
2674 adjacent properties in a municipality through which run Interstate
2675 55, U.S. Highway 51 and Mississippi Highway 306;

2676 49. All parcels zoned for mixed-use
2677 development located west of Mississippi Highway 589, more than



2678 four hundred (400) feet north of Old Highway 24, east of
2679 Parkers Creek and Black Creek, and south of J M Burge Road;

2680 50. Any facility used by a soccer club and
2681 located on Old Highway 11 between one-tenth (0.1) and two-tenths
2682 (0.2) of a mile from its intersection with Oak Grove Road, in a
2683 county in which U.S. Highway 98 and Mississippi Highway 589
2684 intersect;

2685 51. Any municipality in which U.S. Highway 49
2686 and Mississippi Highway 469 intersect;

2687 52. Any facility that is:

2688 a. Owned by a Veterans of Foreign Wars
2689 (VFW) organization that is a nonprofit corporation and registered
2690 with the Mississippi Secretary of State;

2691 b. Used by such organization for its
2692 headquarters and other organization related purposes; and

2693 c. Located outside of a municipality in
2694 a county that has not voted to come out from under the dry law;

2695 53. The following within a municipality in
2696 which U.S. Highway 49 and U.S. 61 Highway intersect and through
2697 which flows the Sunflower River:

2698 a. An area bounded as follows: Starting
2699 at the southern point of the intersection of Sunflower Avenue and
2700 1st Street and going south along said avenue on its eastern side
2701 to 8th Street, then going east along said street on its northern
2702 side to West Tallahatchie Street, then going north along said



2703 street on its western side to 4th Street/Martin Luther King
2704 Boulevard, then going east along said street/boulevard on its
2705 northern side to Desoto Avenue, then going north along said avenue
2706 on its western side to 1st Street, then going west along said
2707 street on its southern side to the point of beginning along the
2708 southern side of Court Street;

2709 b. Lots located at or near the
2710 intersection of Madison Avenue, Walnut Street, and Riverside
2711 Avenue that are in a commercial zone; and

2712 c. Any facility located on the west side
2713 of Sunflower Avenue to the Sunflower River between the southern
2714 side of 6th Street and the northern side of 8th Street and which
2715 is operated as and/or was operated as a hotel or lodging facility,
2716 in consideration of payment, regardless of whether the facility
2717 meets the criteria for the definition of the term "hotel" in
2718 paragraph (1) of this section; and

2719 d. Any facility located on the west side
2720 of Sunflower Avenue to the Sunflower River between the southern
2721 side of 3rd Street and the northern side of 4th Street/Martin
2722 Luther King Boulevard and which is operated as and/or was operated
2723 as a musical venue, in consideration of payment;

2724 54. Any municipality in which Mississippi
2725 Highway 340 meets Mississippi Highway 15;

2726 55. Any municipality in which Mississippi
2727 Highway 540 and Mississippi Highway 149 intersect;



2728 56. Any municipality in which Mississippi
2729 Highway 15 and Mississippi Highway 345/Main Street intersect;

2730 57. The property and structures thereon at
2731 the following locations within a municipality through which run
2732 U.S. Highway 45 and Mississippi Highway 145 and in which
2733 Mississippi Highway 370 and Mississippi Highway 145 intersect:
2734 104 West Main Street, 106 West Main Street, 108 West Main Street,
2735 110 West Main Street and 112 West Main Street;

2736 58. Any municipality in which U.S. Highway 11
2737 and Main Street intersect and which is located in a county having
2738 two (2) judicial districts;

2739 59. Any municipality in which Interstate 22
2740 passes over Mississippi Highway 9;

2741 60. Any facility located on land more
2742 particularly described as follows:

2743 A certain parcel of land being situated in the Southeast 1/4
2744 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County,
2745 Mississippi, and being more particularly described as follows:

2746 Commence at an existing 1/2" iron pin marking the Southwest
2747 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of
2748 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13
2749 seconds East along the East line of the Southeast 1/4 of the
2750 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"
2751 iron pin; leaving said East line of the Southeast 1/4 of the
2752 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds



2753 East for a distance of 2.08 feet to an existing 1/2" iron pin; run
2754 thence North 00 degrees 22 minutes 19 seconds East for a distance
2755 of 561.90 feet to an existing 1/2" iron pin; run thence North 00
2756 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to
2757 a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel
2758 of land herein described; from said POINT OF BEGINNING, continue
2759 thence North 00 degrees 16 minutes 18 seconds East along an
2760 existing fence for a distance of 493.27 feet to an existing 1/2"
2761 iron pin; run thence North 03 degrees 08 minutes 15 seconds East
2762 for a distance of 170.22 feet to an existing 1/2" iron pin on the
2763 North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of
2764 Section 9; run thence North 89 degrees 46 minutes 45 seconds East
2765 along said North line of the Southeast 1/4 of the Northeast 1/4 of
2766 Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron
2767 pin marking Northeast corner thereof; leaving said North line of
2768 the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence
2769 South 00 degrees 08 minutes 35 seconds West along the East line of
2770 said Southeast 1/4 of the Northeast 1/4 of Section 9 for a
2771 distance of 663.19 feet to a set 1/2" iron pin; leaving said East
2772 line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run
2773 thence South 89 degrees 46 minutes 45 seconds West for a distance
2774 of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00
2775 acres, more or less.

2776 And Also: An easement for the purpose of ingress and egress
2777 being situated in the Southeast 1/4 of the Northeast 1/4 and in



2778 the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E,
2779 Rankin County, Mississippi, and being more particularly described
2780 as follows:

2781 Begin at an existing 1/2" iron pin marking the Southwest
2782 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of
2783 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13
2784 seconds East along the East line of the Southeast 1/4 of the
2785 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"
2786 iron pin; leaving said East line of the Southeast 1/4 of the
2787 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds
2788 East for a distance of 2.08 feet to an existing 1/2" iron pin; run
2789 thence North 00 degrees 22 minutes 19 seconds East for a distance
2790 of 561.90 feet to an existing 1/2" iron pin; run thence North 00
2791 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to
2792 a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45
2793 seconds East for a distance of 25.00 feet to a set 1/2" iron pin;
2794 run thence South 00 degrees 16 minutes 18 seconds West for a
2795 distance of 76.66 feet to a set 1/2" iron pin; run thence South 00
2796 degrees 22 minutes 19 seconds West for a distance of 619.81 feet
2797 to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01
2798 seconds West for a distance of 26.81 feet to a set 1/2" iron pin;
2799 run thence North 00 degrees 06 minutes 13 seconds East along the
2800 West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of
2801 Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING,
2802 containing 17,525.4 square feet, more or less.



2803 61. Any municipality bordered on the east by
2804 the Pascagoula River and on the south by the Mississippi Sound;

2805 62. The property and structures thereon
2806 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201
2807 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969
2808 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original
2809 town square in any municipality with a population in excess of one
2810 thousand five hundred (1,500) according to the latest federal
2811 decennial census and which is located in:

2812 a. A county traversed by Interstate 55
2813 and Interstate 20, and

2814 b. A judicial district that has not
2815 voted to come out from under the dry law;

2816 63. Any municipality in which Mississippi
2817 Highway 12 meets Mississippi Highway 17;

2818 64. Any municipality in which U.S. Highway 49
2819 and Mississippi Highway 469 intersect;

2820 65. The clubhouse and associated nine-hole
2821 golf course and related facilities located on or near the eastern
2822 corner of the point at which Golf Course Road meets Athens Road,
2823 in a county in which Mississippi Highway 13 and Mississippi
2824 Highway 28 intersect, with GPS coordinates of approximately
2825 31.900370078041004, -89.7928067652611;

2826 66. Any facility located at the
2827 south-to-southwest corner of the intersection of Madison Street



2828 and Bolton Brownsville Road, in a municipality in which Bolton
2829 Brownsville Road passes over Interstate 20, with GPS coordinates
2830 of approximately 32.349067271758955, -90.4596221146197;

2831 67. Any facility located at the northwest
2832 corner of the intersection of Depot Street and Madison Street, in
2833 a municipality in which Bolton Brownsville Road passes over
2834 Interstate 20, with GPS coordinates of approximately
2835 32.34903152971068, -90.46047660172901;

2836 68. Any facility located on Hinds Boulevard
2837 approximately three-tenths (0.3) of a mile south of the point at
2838 which Hinds Boulevard diverges from Clinton Road, in a
2839 municipality whose northern boundary partially consists of Snake
2840 Creek Road, and whose southern boundary partially consists of
2841 Mississippi Highway 18, with GPS coordinates of approximately
2842 32.26384517526713, -90.41586570183475;

2843 69. Any facility located on Pleasant Grove
2844 Drive approximately one and three-tenths (1.3) miles southeast of
2845 its intersection with Harmony Drive, in a county through which run
2846 Interstate 55 and U.S. Highway 84, with GPS coordinates of
2847 approximately 31.512043770371907, -90.2506094382595;

2848 70. Any facility located immediately north of
2849 the intersection of two roads, both named Mason Clark Drive,
2850 located between two-tenths (0.2) and three-tenths (0.3) of a mile
2851 southwest of Mississippi Highway 57/63, with GPS coordinates of
2852 approximately 31.135950529733048, -88.53068674585575;



2853 71. Any facility located on Raj Road
2854 approximately three-tenths (0.3) of a mile south of Mississippi
2855 Highway 57/63, with GPS coordinates of approximately
2856 31.139553708288418, -88.53411203512971;

2857 72. Any facility located on Raj Road
2858 approximately one-tenth (0.1) of a mile south of Mississippi
2859 Highway 57/63, with GPS coordinates of approximately
2860 31.14184097577295, -88.53287700849411;

2861 73. Any municipality through which run U.S.
2862 Highway 45 and Mississippi Highway 145 and in which Mississippi
2863 Highway 370 and Mississippi Highway 145 intersect; however, this
2864 designation as a qualified resort area shall only apply to the
2865 portion of such municipality which is located in a county that has
2866 not voted to come out from under the dry law;

2867 74. A municipality through which runs a
2868 portion of the Tanglefoot Trail and in which Mississippi Highway
2869 32 and East Front Street intersect;

2870 75. Lot Three (3) in Block One Hundred
2871 Seventy-eight (178) of the D.H. McInnis First Survey, sometimes
2872 referred to as D.H. McInnis Railroad Addition, to the City of
2873 Hattiesburg, the said lot having a frontage of thirty (30) feet on
2874 the Eastern side of Front Street and extending back between
2875 parallel lines ninety (90) feet to an alley, and being located in
2876 the Northwest Quarter of Section 10, Township 4 North, Range 13
2877 West, Forrest County, Mississippi;



2878 76. An area of land in George County of
2879 approximately eight and five hundredths (8.05) acres, bordered on
2880 the east and northeast by Brushy Creek, on the northwest by Brushy
2881 Creek Road, on the west by Beaver Creek Road, and on the south by
2882 a property boundary running east and west;

2883 77. A municipality in which Mississippi
2884 Highway 15 intersects with Webster Street, and in which Webster
2885 Street splits into Mill Street and Maben Starkville Road;

2886 78. A municipality in which Mississippi
2887 Highway 492 meets Mississippi Highway 35;

2888 79. A facility operating as an event venue
2889 and located on Mississippi Highway 589, with GPS coordinates of
2890 approximately 31.36730, -89.50548;

2891 80. An area situated in the SW 1/4 of Section
2892 12, T7N-R2E, Madison County, Mississippi, and commencing at the
2893 point on the Ross Barnett Reservoir directly east of the
2894 intersection of North Natchez Street and Louisiana Street, then go
2895 west on Louisiana Street to the intersection of Louisiana Street
2896 and Andrew Jackson Street, then west on Andrew Jackson Street to
2897 the intersection of Andrew Jackson Street and Choctaw Street, then
2898 north on Choctaw Street to the intersection of Choctaw Street and
2899 Republic Street, then west on Republic Street to the intersection
2900 of Republic Street and Port Street, then north on Port Street to
2901 the Natchez Trace right-of-way, then east on the Natchez Trace



2902 right-of-way to the Ross Barnett Reservoir, then following the
2903 Ross Barnett Reservoir south back to the point of beginning;
2904 81. Any facility located on land more
2905 particularly described as follows:
2906 Commencing at a fence corner at the Northeast corner of Section
2907 34, Township 6 South, Range 3 East, Union County, Mississippi, for
2908 the point of beginning; thence run South 00 degrees 31 minutes 39
2909 seconds East, along the Section line, a distance of 161.83 feet to
2910 a one-half inch iron pin, thence North 88 degrees 20 minutes 48
2911 seconds West, along a fence, a distance of 1221.09 feet to a
2912 one-half iron pin, thence South 09 degrees 45 minutes 37 seconds
2913 West, along a fence, a distance of 61.49 feet to a one-half inch
2914 iron pin, thence North 84 degrees 18 minutes 01 seconds West,
2915 along a fence, (passing through a one-half inch iron pin at 196.83
2916 feet) a distance of 234.62 feet to a mag-nail on the centerline of
2917 Union County Road No. 137, thence North 11 degrees 00 minutes 29
2918 seconds East a distance of 187.87 feet to a one-half inch iron pin
2919 on the West edge of said road, thence North 29 degrees 41 minutes
2920 28 seconds East a distance of 59.28 feet to a point on the
2921 centerline of said road, thence South 89 degrees 13 minutes 02
2922 seconds East (passing through a one-half inch iron pin at 30.0
2923 feet) along the South line of the Bernard Whiteside property as
2924 recorded in Deed Book 117, Pages 517-518 and Deed Book 214, page
2925 109, a distance of 646.07 feet to a concrete monument, thence
2926 South 89 degrees 13 minutes 02 seconds East a distance of 751.31



2927 feet to a one-half inch iron pin, thence South 00 degrees 31
2928 minutes 39 seconds East, along the aforesaid Section line, a
2929 distance of 52.93 feet to the point of beginning, said tract lying
2930 in the Southeast Quarter of Section 27, and the Northeast Quarter
2931 of Section 34, Township 6 South, Range 3 East and containing 6.99
2932 acres.

2933 Subject to a perpetual all purpose non-exclusive easement for
2934 ingress, egress and public utilities together the right to enter
2935 upon the above described property and do any and all work
2936 necessary to build, repair and maintain a roadway or well or
2937 install public utilities all over upon and across the following
2938 described property:

2939 A 25.0 foot easement for ingress and egress, being 12.5 feet to
2940 the right and 12.5 feet to the left of the following described
2941 centerline: Commencing at a fence corner at the Northeast corner
2942 of Section 34, Township 6 South, Range 3 East, Union County,
2943 Mississippi, thence run South 00 degrees 31 minutes 39 seconds
2944 East, along the Section line, a distance of 149.33 feet to the
2945 point of beginning; thence North 88 degrees 20 minutes 48 seconds
2946 West a distance of 1231.46 feet to a point, thence South 09
2947 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a
2948 point, thence North 84 degrees 18 minutes 01 seconds West a
2949 distance of 221.82 feet to a point on the centerline of Union
2950 County Road #137, said tract lying in the Northeast Quarter of
2951 Section 34, Township 6 South, Range 3 East.



2952 82. The clubhouse at a country club located:

2953 a. In a county in which Mississippi
2954 Highway 15 and Mississippi Highway 16 intersect and which county
2955 has not voted to come out from under the dry law, and

2956 b. Outside the corporate limits of any
2957 municipality in such county and within one (1) mile of the
2958 corporate limits of a municipality that is the county seat of such
2959 county;

2960 83. Any facility located on North Jackson
2961 Street in a municipality through which run Mississippi Highway 8
2962 and Mississippi Highway 15, with GPS coordinates of approximately
2963 33.913692, -89.005219;

2964 84. Any facility located on North Jackson
2965 Street in a municipality through which run Mississippi Highway 8
2966 and Mississippi Highway 15, with GPS coordinates of approximately
2967 33.905581, -89.00200;

2968 85. Any facility located on land more
2969 particularly described as follows:
2970 Commencing at the Southeast corner of Section 4, Township 6
2971 South, Range 18 West, Pearl River County, Mississippi; thence
2972 West 1310.00 feet to a T-bar; thence North 745.84 feet; thence
2973 East 132.00 feet to a 1" iron pipe; thence North 83.61 feet
2974 for the Point of Beginning; thence South 79 degrees 02 minutes
2975 61 seconds West 248.28 feet; thence West 76.35 feet; thence
2976 North 20 degrees 00 minutes 00 seconds West 185.54 feet;



2977 thence North 52 degrees 43 minutes 14 seconds East 365.98 feet
2978 to a 1" iron pipe on the West margin of Henry Smith Road, a
2979 gravel/paved, public road; thence along said margin South 17
2980 degrees 59 minutes 13 seconds East 299.09 feet; thence South
2981 64.39 feet to the Point of Beginning. This parcel containing
2982 2.19 acres and being a part of the East 1/2 of Section 4,
2983 Township 6 South, Range 18 West, Pearl River County,
2984 Mississippi.

2985 INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4,
2986 TOWNSHIP 6 SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY,
2987 MISSISSIPPI;

2988 86. Any facility located on land in a county
2989 through which run Mississippi Highway 25 and U.S. Highway 82 and
2990 more particularly described as follows: Beginning at a point with
2991 GPS coordinates of approximately 33.331869, -88.715054; then
2992 running in a straight line to a point with GPS coordinates of
2993 approximately 33.336207, -88.713453; then running in a straight
2994 line to a point with GPS coordinates of approximately 33.335369,
2995 -88.709835; then running in a straight line to a point with GPS
2996 coordinates of approximately 33.330870, -88.711496; then running
2997 in a straight line to a point with GPS coordinates of
2998 approximately 33.331869, -88.715054 and the point of the
2999 beginning;



3000 87. Any facility located on land that is
3001 owned by a community college that is located in a county through
3002 which run U.S. Highway 51 and Mississippi Highway 4;

3003 88. Any facility located on Mississippi
3004 Highway 23/178 in a municipality in which Mississippi Highway
3005 23/178 and Stone Drive intersect, with GPS coordinates of
3006 approximately 34.235269, -88.262409;

3007 89. Any facility located on U.S. Highway 51
3008 in a municipality through which run Interstate 55, U.S. Highway 51
3009 and the Natchez Trace Parkway, with GPS coordinates of
3010 approximately 32.42042°N, 90.13473°W;

3011 90. Any facility located on Mullican Road in
3012 a county through which run U.S. Highway 84 and Interstate 59,
3013 with GPS coordinates of approximately 31.73395N, 89.18186W;

3014 91. Any facility located on land in a county
3015 through which run Mississippi Highway 25 and U.S. Highway 82 and
3016 more particularly described as follows: Beginning at a point with
3017 GPS coordinates of approximately 33.37391, -88.80645; then running
3018 in a straight line to a point with GPS coordinates of
3019 approximately 33.37391, -88.79972; then running in a straight line
3020 to a point with GPS coordinates of approximately 33.36672,
3021 -88.80644; then running in a straight line to a point with GPS
3022 coordinates of approximately 33.36674, -88.79971; then running in
3023 a straight line to a point with GPS coordinates of approximately
3024 33.37391, -88.80645 and the point of the beginning;



3025 92. Any facility located on land more
3026 particularly described as follows:
3027 All that part of the South half (S 1/2) of the SE 1/4 of NE 1/4 of
3028 Section 14, Township 4 North, Range 15 West, lying and being West
3029 of State Highway No. 589, containing one (1) acre, more or less.
3030 LESS AND EXCEPT:
3031 Begin at the point of intersection of the North line of the South
3032 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14,
3033 Township 4 North, Range 15 West with the present Southwesterly
3034 right-of-way line of Mississippi Highway No. 589, said point is
3035 also the Northeast corner of grantor property; said point is 50.6
3036 feet West of Station 7 + 59.27 on the centerline of survey of
3037 Mississippi Highway No. 589 as shown on the plans for State
3038 Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence
3039 South 08°57' East along said present Southwesterly right-of-way
3040 line, a distance of 37.1 feet to a point that is perpendicular to
3041 and 50 feet Southwesterly of Station 7 + 30 on the centerline of
3042 survey of Mississippi Highway 589 as shown on the plans for said
3043 project; run thence South 81°03' West, a distance of 35.7 feet to
3044 the West line of the South 1/2 of the Southeast 1/4 of the
3045 Northeast 1/4 of said Section 14 and the West line of grantors
3046 property; run thence North along said West property line, a
3047 distance of 42.2 feet to the Northwest corner of the South 1/2 of
3048 the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the
3049 Northwest corner of grantors property; run thence East along



3050 grantors North property line, a distance of 29.5 feet to the POINT
3051 OF BEGINNING containing 0.03 acres, more or less, and all being
3052 situated in and a part of the South 1/2 of the Southeast 1/4 of
3053 the Northeast 1/4 of Section 14, Township 4 North, Range 15 West,
3054 Lamar County, Mississippi.

3055 LESS AND EXCEPT:

3056 A part of the South one-half of the Southeast 1/4 of Northeast
3057 1/4, Northerly of a certain fence and West of Mississippi State
3058 Highway 589, in Section 14, Township 4 North, Range 15 West, Lamar
3059 County, Mississippi and more particularly described as commencing
3060 at a pine (lighter) stake being used as the Southwest corner of
3061 the Northeast 1/4 of Southeast 1/4 of the above said Section 14,
3062 thence North and along the West line of the East 1/4 of the above
3063 said Section 14 1638.8 feet to the POINT OF BEGINNING. Thence
3064 continue North and along the West line of the East 1/4 of the
3065 above said Section 14, 278.5 feet to the Southerly line of the
3066 property Bobby G. Aultman and Marilyn S. Aultman previously sold
3067 to the Mississippi State Highway Department; thence North 81°03'
3068 East and along the above said Southerly property line for 35.7
3069 feet more or less to the Westerly right-of-way line of Mississippi
3070 State Highway 589; thence Southeasterly and along the above said
3071 Westerly right-of-way line 232.7 feet to a concrete right-of-way
3072 marker; thence South 51°39' West and along the Northerly line of a
3073 wooden fence 88 feet to the POINT OF BEGINNING.

3074 AND ALSO:



3075 A parcel of land in a part of the Southeast 1/4 of Northwest 1/4
3076 and a part of the Southwest 1/4, Section 14, Township 4 North,
3077 Range 15 West, Lamar County, Mississippi, and more particularly
3078 described as beginning at a point where the Southerly right-of-way
3079 line of U.S. Highway 98 intersects the West line of the above said
3080 Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along
3081 the Southerly right-of-way line of said highway 208.75 feet;
3082 thence South 208.75 feet; thence South 67°34' West 208.75 feet;
3083 thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to
3084 the centerline of Parkers Creek; thence Northerly and along the
3085 centerline of said creek for the next three (3) calls: North
3086 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North
3087 09°51'30" West 64.3 feet to the Southerly right-of-way line of
3088 U.S. Highway 98; thence North 67°34' East and along the Southerly
3089 right-of-way line of said highway 327.85 feet to the POINT OF
3090 BEGINNING. The above described area contains 3.02 acres.

3091 AND ALSO:

3092 Commencing at the Southwest corner of the Southwest 1/4 of the
3093 Northeast 1/4 of Section 14, Township 4 North, Range 15 West,
3094 Lamar County, Mississippi, run South 88°05'27" East 310.00 feet,
3095 thence South 0°53'16" West 60.50 feet to a point on a fence line,
3096 thence run along fence line South 88°05'27" East 718.93 feet to
3097 the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to
3098 a point on the South right-of-way line of Highway No. 98, thence
3099 along said right-of-way along a curve to the right with a delta



3100 angle of 02°04'26" having a radius of 5603.58 feet and an arc
3101 length of 202.84 feet, with a chord bearing a distance of North
3102 71°53'47" East 202.83 feet to a Concrete Highway right-of-way
3103 marker, thence South 20°09'13" East 328.13 feet, thence South
3104 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet
3105 to a Point on Possession Line fence, thence along said fence North
3106 88°05'27" West 299.23 feet back to the POINT OF BEGINNING,
3107 containing 5.0885 acres, more or less and being situated in the SW
3108 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14,
3109 together with all improvements and appurtenances thereunto
3110 belonging.

3111 AND ALSO:

3112 PARCEL NUMBER ONE: That part of the Northwest Quarter of the
3113 Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section
3114 14, Township 4 North, Range 15 West, of Lamar County, Mississippi,
3115 being located and situated East of the center thread of Mill Creek
3116 as the same presently runs through and bisects said 40-acre tract,
3117 and comprising 10.9 acres, more or less, and all being part of the
3118 Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the
3119 Southwest 1/4) of said Section, Township and Range, Lamar County,
3120 Mississippi.

3121 AND ALSO:

3122 PARCEL NUMBER TWO: A part of the Southeast Quarter of the
3123 Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of
3124 the Northeast Quarter of the Southwest (Northeast 1/4 of the



3125 Southwest 1/4) all in Section 14, Township 4 North, Range 15 West,
3126 Lamar County, Mississippi, being more particularly described as
3127 follows, to wit:

3128 Beginning at a point where the South margin of State Highway 98
3129 intersects the West margin of the Southeast 1/4 of the Northwest
3130 1/4 of Section 14, Township 4 North, Range 15 West, and run
3131 Easterly along the South margin of said highway right-of-way
3132 208.75 feet; thence South 208.75 feet; thence Westerly parallel
3133 with the South margin of said highway right-of-way 208.75 feet to
3134 the West forty line; thence North 208.75 feet to the POINT OF
3135 BEGINNING, containing 1 acre, more or less.

3136 LESS AND EXCEPT:

3137 Begin at the point of intersection of an Easterly line of grantors
3138 property with the present Southerly right-of-way line of U.S.
3139 Highway 98 as shown on the plans for State Project No.
3140 97-0014-02-044-10; from said POINT OF BEGINNING run thence South
3141 02°56' West along said Easterly property line, a distance of 127.6
3142 feet; thence run South 69°11' West, a distance of 52.9 feet;
3143 thence run South 67°13' West, a distance of 492.7 feet to the
3144 Westerly line of grantors property and the center of a creek;
3145 thence run Northerly along said Westerly property line and said
3146 center of creek, a distance of 122.8 feet to said present
3147 Southerly right-of-way line; thence run North 67°13' East along
3148 said present Southerly right-of-way line, a distance of 553.4 feet
3149 to the POINT OF BEGINNING, containing 1.43 acres, more or less,



3150 and being situated in and a part of the North 1/2 of the Southwest
3151 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County,
3152 Mississippi.

3153 LESS AND EXCEPT:

3154 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4
3155 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST
3156 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE
3157 POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

3158 FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH 11°19'49 " "
3159 EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40 °11'01" EAST
3160 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 179.15
3161 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S. HIGHWAY 98;
3162 THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF SAID HIGHWAY AS
3163 FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN IRON PIN; THENCE
3164 SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE RIGHT-OF-WAY MARKER;
3165 THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN IRON PIN; THENCE
3166 LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST 667.21 FEET TO AN
3167 IRON PIN; THENCE NORTH 67°35'21" EAST 491.91 FEET TO AN IRON PIN;
3168 THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN IRON PIN; THENCE
3169 NORTH 67°35'21" EAST 629.48 FEET BACK TO THE POINT OF BEGINNING.

3170 SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE SE 1/4
3171 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART IN THE
3172 NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH, RANGE
3173 15 WEST, LAMAR COUNTY, MISSISSIPPI.



3174 The status of these municipalities, districts, clubhouses,
3175 facilities, golf courses and areas described in this paragraph
3176 (o)(iii) as qualified resort areas does not require any
3177 declaration of same by the department.

3178 The governing authorities of a municipality described, in
3179 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
3180 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 56, 58, 59, 61,
3181 63, 64, 66, 67, 68, 73, 74, 83 or 84 of this paragraph (o)(iii)
3182 may by ordinance, with respect to the qualified resort area
3183 described in the same item: specify the hours of operation of
3184 facilities offering alcoholic beverages for sale; specify the
3185 percentage of revenue that facilities offering alcoholic beverages
3186 for sale must derive from the preparation, cooking and serving of
3187 meals and not from the sale of beverages; and designate the areas
3188 in which facilities offering alcoholic beverages for sale may be
3189 located.

3190 (p) "Native wine" means any product, produced in
3191 Mississippi for sale, having an alcohol content not to exceed
3192 twenty-one percent (21%) by weight and made in accordance with
3193 revenue laws of the United States, which shall be obtained
3194 primarily from the alcoholic fermentation of the juice of ripe
3195 grapes, fruits, berries, honey or vegetables grown and produced in
3196 Mississippi; provided that bulk, concentrated or fortified wines
3197 used for blending may be produced without this state and used in
3198 producing native wines. The department shall adopt and promulgate



3199 rules and regulations to permit a producer to import such bulk
3200 and/or fortified wines into this state for use in blending with
3201 native wines without payment of any excise tax that would
3202 otherwise accrue thereon.

3203 (q) "Native winery" means any place or establishment
3204 within the State of Mississippi where native wine is produced, in
3205 whole or in part, for sale.

3206 (r) "Bed and breakfast inn" means an establishment
3207 within a municipality where in consideration of payment, breakfast
3208 and lodging are habitually furnished to travelers and wherein are
3209 located not less than eight (8) and not more than nineteen (19)
3210 adequately furnished and completely separate sleeping rooms with
3211 adequate facilities, that persons usually apply for and receive as
3212 overnight accommodations; however, such restriction on the minimum
3213 number of sleeping rooms shall not apply to establishments on the
3214 National Register of Historic Places. No place shall qualify as a
3215 bed and breakfast inn under this article unless on the date of the
3216 initial application for a license under this article more than
3217 fifty percent (50%) of the sleeping rooms are located in a
3218 structure formerly used as a residence.

3219 (s) "Board" shall refer to the Board of Tax Appeals of
3220 the State of Mississippi.

3221 (t) "Spa facility" means an establishment within a
3222 municipality or qualified resort area and owned by a hotel where,
3223 in consideration of payment, patrons receive from licensed



3224 professionals a variety of private personal care treatments such
3225 as massages, facials, waxes, exfoliation and hairstyling.

3226 (u) "Art studio or gallery" means an establishment
3227 within a municipality or qualified resort area that is in the sole
3228 business of allowing patrons to view and/or purchase paintings and
3229 other creative artwork.

3230 (v) "Cooking school" means an establishment within a
3231 municipality or qualified resort area and owned by a nationally
3232 recognized company that offers an established culinary education
3233 curriculum and program where, in consideration of payment, patrons
3234 are given scheduled professional group instruction on culinary
3235 techniques. For purposes of this paragraph, the definition of
3236 cooking school shall not include schools or classes offered by
3237 grocery stores, convenience stores or drugstores.

3238 (w) "Campus" means property owned by a public school
3239 district, community or junior college, college or university in
3240 this state where educational courses are taught, school functions
3241 are held, tests and examinations are administered or academic
3242 course credits are awarded; however, the term shall not include
3243 any "restaurant" or "hotel" that is located on property owned by a
3244 community or junior college, college or university in this state,
3245 and is operated by a third party who receives all revenue
3246 generated from food and alcoholic beverage sales.

3247 (x) "Native spirit" shall mean any beverage, produced
3248 in Mississippi for sale, manufactured primarily by the



3249 distillation of fermented grain, starch, molasses or sugar
3250 produced in Mississippi, including dilutions and mixtures of these
3251 beverages. In order to be classified as "native spirit" under the
3252 provisions of this article, at least fifty-one percent (51%) of
3253 the finished product by volume shall have been obtained from
3254 distillation of fermented grain, starch, molasses or sugar grown
3255 and produced in Mississippi.

3256 (y) "Native distillery" shall mean any place or
3257 establishment within this state where native spirit is produced in
3258 whole or in part for sale.

3259 (z) "Warehouse operator" shall have the meaning
3260 ascribed in Section 67-1-201.

3261 (aa) "Craft spirit" shall mean any alcoholic beverage
3262 produced in whole or in part in Mississippi by a distillery
3263 created under the laws of Mississippi at a location within
3264 Mississippi.

3265 (bb) "Craft distillery" shall mean any place or
3266 establishment within this state where craft spirit is produced in
3267 whole or in part.

3268 (cc) "Light intoxicating beverage" has the meaning
3269 ascribed in Section 67-3-3.

3270 **SECTION 55.** Section 67-1-18, Mississippi Code of 1972, is
3271 amended as follows:

3272 67-1-18. (1) Any alcoholic beverage, light * * *
3273 intoxicating beverage or raw material seized under the authority



3274 of this article, Chapter 3 of Title 67, or Chapter 31 of Title 97,
3275 Mississippi Code of 1972, shall be submitted to the custody of
3276 the * * * department * * * for disposition.

3277 (2) (a) Except as otherwise provided in this paragraph, the
3278 department shall not dispose of any alcoholic beverage,
3279 light * * * intoxicating beverage or raw material without first
3280 providing reasonable notice to all individuals having an interest
3281 in the property and an opportunity for them to appear and
3282 establish their right or claim to the property. If no hearing is
3283 requested by the passage of the appropriate deadline, the
3284 department shall require the alcoholic beverages, light * * *
3285 intoxicating beverages or raw materials to be sold for the benefit
3286 of the state or destroyed.

3287 (b) The provisions of paragraph (a) of this subsection
3288 shall not apply in cases in which the owner or possessor of the
3289 alcoholic beverage, light * * * intoxicating beverage or raw
3290 material is convicted of selling or possessing alcoholic
3291 beverages, * * * light intoxicating beverages or raw materials in
3292 a manner or location prohibited by law, or convicted of a
3293 violation of Section 67-1-81(2) or 67-3-70. In such cases, the
3294 alcoholic beverage, light * * * intoxicating beverage or raw
3295 materials seized in connection with the violation may be disposed
3296 of in the manner prescribed by the department.

3297 (3) (a) If the department orders the property, other than
3298 alcoholic beverages, sold, then the property shall be sold to the



3299 highest bidder, the bidder being any person, firm or government
3300 agency. The offer for sale shall be made to not less than three
3301 (3) qualified prospective buyers, by mailing them an invitation to
3302 bid, which shall describe the property, terms of sale, method of
3303 delivery, manner of bidding and fixing a time of not more than
3304 fifteen (15) days from the date of invitation for opening of bids
3305 received by the department.

3306 (b) All bids and payment shall be made in the manner as
3307 prescribed by the department. Bids, after opening, shall be
3308 subject to public inspection.

3309 (4) If the department orders the sale of seized alcoholic
3310 beverages, it may place the alcoholic beverages in the state
3311 inventory to be sold to authorized retailers in the same manner as
3312 other alcoholic beverages in the state inventory are sold.

3313 (5) Any appeal from a seizure and disposal made under this
3314 section shall be made pursuant to Section 67-1-72.

3315 **SECTION 56.** Section 67-1-51, Mississippi Code of 1972, as
3316 amended by House Bill No. 1284, 2025 Regular Session, as amended
3317 by Senate Bill No. 2145, 2025 Regular Session, is amended as
3318 follows:

3319 67-1-51. (1) Permits which may be issued by the department
3320 shall be as follows:

3321 (a) **Manufacturer's permit.** A manufacturer's permit
3322 shall permit the manufacture, importation in bulk, bottling and
3323 storage of alcoholic liquor and its distribution and sale to



3324 manufacturers holding permits under this article in this state and
3325 to persons outside the state who are authorized by law to purchase
3326 the same, and to sell as provided by this article.

3327 Manufacturer's permits shall be of the following classes:

3328 Class 1. Distiller's and/or rectifier's permit, which shall
3329 authorize the holder thereof to operate a distillery for the
3330 production of distilled spirits by distillation or redistillation
3331 and/or to operate a rectifying plant for the purifying, refining,
3332 mixing, blending, flavoring or reducing in proof of distilled
3333 spirits and alcohol.

3334 Class 2. Wine manufacturer's permit, which shall authorize
3335 the holder thereof to manufacture, import in bulk, bottle and
3336 store wine or vinous liquor.

3337 Class 3. Native wine producer's permit, which shall
3338 authorize the holder thereof to produce, bottle, store and sell
3339 native wines.

3340 Class 4. Native spirit producer's permit, which shall
3341 authorize the holder thereof to produce, bottle, store and sell
3342 native spirits.

3343 Class 5. Craft spirit producer's permit, which shall
3344 authorize the holder thereof to perform any act or thing in the
3345 process of making craft spirit, including the manufacture,
3346 importation, bottling, and storage of alcoholic liquor and its
3347 sale.



3348 (b) **Package retailer's permit.** Except as otherwise
3349 provided in this paragraph and Section 67-1-52, a package
3350 retailer's permit shall authorize the holder thereof to operate a
3351 store exclusively for the sale at retail in original sealed and
3352 unopened packages of alcoholic beverages, including native wines,
3353 native spirits, craft spirits, and edibles, not to be consumed on
3354 the premises where sold. Alcoholic beverages shall not be sold by
3355 any retailer in any package or container containing less than
3356 fifty (50) milliliters by liquid measure. A package retailer's
3357 permit, with prior approval from the department, shall authorize
3358 the holder thereof to sample new product furnished by a
3359 manufacturer's representative or his employees at the permitted
3360 place of business so long as the sampling otherwise complies with
3361 this article and applicable department regulations. Such samples
3362 may not be provided to customers at the permitted place of
3363 business. In addition to the sale at retail of packages of
3364 alcoholic beverages, the holder of a package retailer's permit is
3365 authorized to sell at retail corkscrews, wine glasses, soft
3366 drinks, ice, juices, mixers, other beverages commonly used to mix
3367 with alcoholic beverages, and fruits and foods that have been
3368 submerged in alcohol and are commonly referred to as edibles.
3369 Nonalcoholic beverages sold by the holder of a package retailer's
3370 permit shall not be consumed on the premises where sold.

3371 (c) **On-premises retailer's permit.** Except as otherwise
3372 provided in subsection (5) of this section, an on-premises



3373 retailer's permit shall authorize the sale of alcoholic beverages,
3374 including native wines * * *, native spirits, and craft spirits,
3375 for consumption on the licensed premises only; however, a patron
3376 of the permit holder may remove one (1) bottle of wine from the
3377 licensed premises if: (i) the patron consumed a portion of the
3378 bottle of wine in the course of consuming a meal purchased on the
3379 licensed premises; (ii) the permit holder securely reseals the
3380 bottle; (iii) the bottle is placed in a bag that is secured in a
3381 manner so that it will be visibly apparent if the bag is opened;
3382 and (iv) a dated receipt for the wine and the meal is available.
3383 Additionally, as part of a carryout order, a permit holder may
3384 sell one (1) bottle of wine to be removed from the licensed
3385 premises for every two (2) entrees ordered. In addition, an
3386 on-premises retailer's permittee at a permitted premises located
3387 on Jefferson Davis Avenue within one-half (1/2) mile north of U.S.
3388 Highway 90 may serve alcoholic beverages by the glass to a patron
3389 in a vehicle using a drive-through method of delivery if the
3390 permitted premises is located in a leisure and recreation district
3391 established under Section 67-1-101. Such a sale will be
3392 considered to be made on the permitted premises. An on-premises
3393 retailer's permit shall be issued only to qualified hotels,
3394 restaurants and clubs, small craft breweries, microbreweries, and
3395 to common carriers with adequate facilities for serving
3396 passengers. In resort areas, however, whether inside or outside
3397 of a municipality, the department, in its discretion, may issue



3398 on-premises retailer's permits to any establishments located
3399 therein as it deems proper. An on-premises retailer's permit when
3400 issued to a common carrier shall authorize the sale and serving of
3401 alcoholic beverages aboard any licensed vehicle while moving
3402 through any county of the state; however, the sale of such
3403 alcoholic beverages shall not be permitted while such vehicle is
3404 stopped in a county that has not legalized such sales. If an
3405 on-premises retailer's permit is applied for by a common carrier
3406 operating solely in the water, such common carrier must, along
3407 with all other qualifications for a permit, (i) be certified to
3408 carry at least one hundred fifty (150) passengers and/or provide
3409 overnight accommodations for at least fifty (50) passengers and
3410 (ii) operate primarily in the waters within the State of
3411 Mississippi which lie adjacent to the State of Mississippi south
3412 of the three (3) most southern counties in the State of
3413 Mississippi and/or on the Mississippi River or navigable waters
3414 within any county bordering on the Mississippi River.

3415 (d) **Solicitor's permit.** A solicitor's permit shall
3416 authorize the holder thereof to act as salesman for a manufacturer
3417 or wholesaler holding a proper permit, to solicit on behalf of his
3418 employer orders for alcoholic beverages, and to otherwise promote
3419 his employer's products in a legitimate manner. Such a permit
3420 shall authorize the representation of and employment by one (1)
3421 principal only. However, the permittee may also, in the
3422 discretion of the department, be issued additional permits to



3423 represent other principals. No such permittee shall buy or sell
3424 alcoholic beverages for his own account, and no such beverage
3425 shall be brought into this state in pursuance of the exercise of
3426 such permit otherwise than through a permit issued to a wholesaler
3427 or manufacturer in the state.

3428 (e) **Native wine retailer's permit.** Except as otherwise
3429 provided in subsection (5) of this section, a native wine
3430 retailer's permit shall be issued only to a holder of a Class 3
3431 manufacturer's permit, and shall authorize the holder thereof to
3432 make retail sales of native wines to consumers for on-premises
3433 consumption or to consumers in originally sealed and unopened
3434 containers at an establishment located on the premises of or in
3435 the immediate vicinity of a native winery. When selling to
3436 consumers for on-premises consumption, a holder of a native wine
3437 retailer's permit may add to the native wine alcoholic beverages
3438 not produced on the premises, so long as the total volume of
3439 foreign beverage components does not exceed twenty percent (20%)
3440 of the mixed beverage. Hours of sale shall be the same as those
3441 authorized for on-premises permittees in the city or county in
3442 which the native wine retailer is located.

3443 (f) **Temporary retailer's permit.** Except as otherwise
3444 provided in subsection (5) of this section, a temporary retailer's
3445 permit shall permit the purchase and resale of alcoholic
3446 beverages, including native wines and native spirits, during legal
3447 hours on the premises described in the temporary permit only.



3448 Temporary retailer's permits shall be of the following
3449 classes:

3450 Class 1. A temporary one-day permit may be issued to bona
3451 fide nonprofit civic or charitable organizations authorizing the
3452 sale of alcoholic beverages, including native wine * * *, native
3453 spirits, and craft spirits, for consumption on the premises
3454 described in the temporary permit only. Class 1 permits may be
3455 issued only to applicants demonstrating to the department, by a
3456 statement signed under penalty of perjury submitted ten (10) days
3457 prior to the proposed date or such other time as the department
3458 may determine, that they meet the qualifications of Sections
3459 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding
3460 paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all
3461 alcoholic beverages from package retailers located in the county
3462 in which the temporary permit is issued. Alcoholic beverages
3463 remaining in stock upon expiration of the temporary permit may be
3464 returned by the permittee to the package retailer for a refund of
3465 the purchase price upon consent of the package retailer or may be
3466 kept by the permittee exclusively for personal use and
3467 consumption, subject to all laws pertaining to the illegal sale
3468 and possession of alcoholic beverages. The department, following
3469 review of the statement provided by the applicant and the
3470 requirements of the applicable statutes and regulations, may issue
3471 the permit.



3472 Class 2. A temporary permit, not to exceed seventy (70)
3473 days, may be issued to prospective permittees seeking to transfer
3474 a permit authorized in paragraph (c) of this subsection. A Class
3475 2 permit may be issued only to applicants demonstrating to the
3476 department, by a statement signed under the penalty of perjury,
3477 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
3478 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
3479 67-1-59. The department, following a preliminary review of the
3480 statement provided by the applicant and the requirements of the
3481 applicable statutes and regulations, may issue the permit.

3482 Class 2 temporary permittees must purchase their alcoholic
3483 beverages directly from the department or, with approval of the
3484 department, purchase the remaining stock of the previous
3485 permittee. If the proposed applicant of a Class 1 or Class 2
3486 temporary permit falsifies information contained in the
3487 application or statement, the applicant shall never again be
3488 eligible for a retail alcohol beverage permit and shall be subject
3489 to prosecution for perjury.

3490 Class 3. A temporary one-day permit may be issued to a
3491 retail establishment authorizing the complimentary distribution of
3492 wine, including native wine, to patrons of the retail
3493 establishment at an open house or promotional event, for
3494 consumption only on the premises described in the temporary
3495 permit. A Class 3 permit may be issued only to an applicant
3496 demonstrating to the department, by a statement signed under



3497 penalty of perjury submitted ten (10) days before the proposed
3498 date or such other time as the department may determine, that it
3499 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
3500 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
3501 A Class 3 permit holder shall obtain all alcoholic beverages from
3502 the holder(s) of a package retailer's permit located in the county
3503 in which the temporary permit is issued. Wine remaining in stock
3504 upon expiration of the temporary permit may be returned by the
3505 Class 3 temporary permit holder to the package retailer for a
3506 refund of the purchase price, with consent of the package
3507 retailer, or may be kept by the Class 3 temporary permit holder
3508 exclusively for personal use and consumption, subject to all laws
3509 pertaining to the illegal sale and possession of alcoholic
3510 beverages. The department, following review of the statement
3511 provided by the applicant and the requirements of the applicable
3512 statutes and regulations, may issue the permit. No retailer may
3513 receive more than twelve (12) Class 3 temporary permits in a
3514 calendar year. A Class 3 temporary permit shall not be issued to
3515 a retail establishment that either holds a merchant permit issued
3516 under paragraph (1) of this subsection, or holds a permit issued
3517 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
3518 the holder to engage in the business of a retailer of light * * *
3519 intoxicating beverages.

3520 (g) **Caterer's permit.** A caterer's permit shall permit
3521 the purchase of alcoholic beverages by a person engaging in



3522 business as a caterer and the resale of alcoholic beverages by
3523 such person in conjunction with such catering business. No person
3524 shall qualify as a caterer unless forty percent (40%) or more of
3525 the revenue derived from such catering business shall be from the
3526 serving of prepared food and not from the sale of alcoholic
3527 beverages and unless such person has obtained a permit for such
3528 business from the Department of Health. A caterer's permit shall
3529 not authorize the sale of alcoholic beverages on the premises of
3530 the person engaging in business as a caterer; however, the holder
3531 of an on-premises retailer's permit may hold a caterer's permit.
3532 When the holder of an on-premises retailer's permit or an
3533 affiliated entity of the holder also holds a caterer's permit, the
3534 caterer's permit shall not authorize the service of alcoholic
3535 beverages on a consistent, recurring basis at a separate, fixed
3536 location owned or operated by the caterer, on-premises retailer or
3537 affiliated entity and an on-premises retailer's permit shall be
3538 required for the separate location. All sales of alcoholic
3539 beverages by holders of a caterer's permit shall be made at the
3540 location being catered by the caterer, and, except as otherwise
3541 provided in subsection (5) of this section, such sales may be made
3542 only for consumption at the catered location. The location being
3543 catered may be anywhere within a county or judicial district that
3544 has voted to come out from under the dry laws or in which the sale
3545 and distribution of alcoholic beverages is otherwise authorized by
3546 law. Such sales shall be made pursuant to any other conditions



3547 and restrictions which apply to sales made by on-premises retail
3548 permittees. The holder of a caterer's permit or his employees
3549 shall remain at the catered location as long as alcoholic
3550 beverages are being sold pursuant to the permit issued under this
3551 paragraph (g), and the permittee shall have at the location the
3552 identification card issued by the * * * division * * *. No unsold
3553 alcoholic beverages may be left at the catered location by the
3554 permittee upon the conclusion of his business at that location.
3555 Appropriate law enforcement officers and * * * division personnel
3556 may enter a catered location on private property in order to
3557 enforce laws governing the sale or serving of alcoholic beverages.

3558 (h) **Research permit.** A research permit shall authorize
3559 the holder thereof to operate a research facility for the
3560 professional research of alcoholic beverages. Such permit shall
3561 authorize the holder of the permit to import and purchase limited
3562 amounts of alcoholic beverages from the department or from
3563 importers, wineries and distillers of alcoholic beverages for
3564 professional research.

3565 (i) **Alcohol processing permit.** An alcohol processing
3566 permit shall authorize the holder thereof to purchase, transport
3567 and possess alcoholic beverages for the exclusive use in cooking,
3568 processing or manufacturing products which contain alcoholic
3569 beverages as an integral ingredient. An alcohol processing permit
3570 shall not authorize the sale of alcoholic beverages on the
3571 premises of the person engaging in the business of cooking,



3572 processing or manufacturing products which contain alcoholic
3573 beverages. The amounts of alcoholic beverages allowed under an
3574 alcohol processing permit shall be set by the department.

3575 (j) **Hospitality cart permit.** A hospitality cart permit
3576 shall authorize the sale of alcoholic beverages from a mobile cart
3577 on a golf course that is the holder of an on-premises retailer's
3578 permit. The alcoholic beverages sold from the cart must be
3579 consumed within the boundaries of the golf course.

3580 (k) **Special service permit.** A special service permit
3581 shall authorize the holder to sell commercially sealed alcoholic
3582 beverages to the operator of a commercial or private aircraft for
3583 en route consumption only by passengers. A special service permit
3584 shall be issued only to a fixed-base operator who contracts with
3585 an airport facility to provide fueling and other associated
3586 services to commercial and private aircraft.

3587 (l) **Merchant permit.** Except as otherwise provided in
3588 subsection (5) of this section, a merchant permit shall be issued
3589 only to the owner of a spa facility, an art studio or gallery, or
3590 a cooking school, and shall authorize the holder to serve
3591 complimentary by the glass wine only, including native wine, at
3592 the holder's spa facility, art studio or gallery, or cooking
3593 school. A merchant permit holder shall obtain all wine from the
3594 holder of a package retailer's permit.

3595 (m) **Temporary alcoholic beverages charitable auction**
3596 **permit.** A temporary permit, not to exceed five (5) days, may be



3597 issued to a qualifying charitable nonprofit organization that is
3598 exempt from taxation under Section 501(c)(3) or (4) of the
3599 Internal Revenue Code of 1986. The permit shall authorize the
3600 holder to sell alcoholic beverages for the limited purpose of
3601 raising funds for the organization during a live or silent auction
3602 that is conducted by the organization and that meets the following
3603 requirements: (i) the auction is conducted in an area of the
3604 state where the sale of alcoholic beverages is authorized; (ii) if
3605 the auction is conducted on the premises of an on-premises
3606 retailer's permit holder, then the alcoholic beverages to be
3607 auctioned must be stored separately from the alcoholic beverages
3608 sold, stored or served on the premises, must be removed from the
3609 premises immediately following the auction, and may not be
3610 consumed on the premises; (iii) the permit holder may not conduct
3611 more than two (2) auctions during a calendar year; (iv) the permit
3612 holder may not pay a commission or promotional fee to any person
3613 to arrange or conduct the auction.

3614 (n) **Event venue retailer's permit.** An event venue
3615 retailer's permit shall authorize the holder thereof to purchase
3616 and resell alcoholic beverages, including native wines * * *,
3617 native spirits, and craft spirits, for consumption on the premises
3618 during legal hours during events held on the licensed premises if
3619 food is being served at the event by a caterer who is not
3620 affiliated with or related to the permittee. The caterer must
3621 serve at least three (3) entrees. The permit may only be issued



3622 for venues that can accommodate two hundred (200) persons or more.
3623 The number of persons a venue may accommodate shall be determined
3624 by the local fire department and such determination shall be
3625 provided in writing and submitted along with all other documents
3626 required to be provided for an on-premises retailer's permit. The
3627 permittee must derive the majority of its revenue from
3628 event-related fees, including, but not limited to, admission fees
3629 or ticket sales for live entertainment in the building.
3630 "Event-related fees" do not include * * * alcoholic beverage or
3631 light intoxicating beverage sales or any fee which may be
3632 construed to cover the cost of * * * alcoholic beverages or light
3633 intoxicating beverages. This determination shall be made on a per
3634 event basis. An event may not last longer than two (2)
3635 consecutive days per week.

3636 (o) **Temporary theatre permit.** A temporary theatre
3637 permit, not to exceed five (5) days, may be issued to a charitable
3638 nonprofit organization that is exempt from taxation under Section
3639 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
3640 a theatre facility that features plays and other theatrical
3641 performances and productions. Except as otherwise provided in
3642 subsection (5) of this section, the permit shall authorize the
3643 holder to sell alcoholic beverages, including native wines * * *,
3644 native spirits, and craft spirits, to patrons of the theatre
3645 during performances and productions at the theatre facility for
3646 consumption during such performances and productions on the



3647 premises of the facility described in the permit. A temporary
3648 theatre permit holder shall obtain all alcoholic beverages from
3649 package retailers located in the county in which the permit is
3650 issued. Alcoholic beverages remaining in stock upon expiration of
3651 the temporary theatre permit may be returned by the permittee to
3652 the package retailer for a refund of the purchase price upon
3653 consent of the package retailer or may be kept by the permittee
3654 exclusively for personal use and consumption, subject to all laws
3655 pertaining to the illegal sale and possession of alcoholic
3656 beverages.

3657 (p) **Charter ship operator's permit.** Subject to the
3658 provisions of this paragraph (p), a charter ship operator's permit
3659 shall authorize the holder thereof and its employees to serve,
3660 monitor, store and otherwise control the serving and availability
3661 of alcoholic beverages to customers of the permit holder during
3662 private charters under contract provided by the permit holder. A
3663 charter ship operator's permit shall authorize such action by the
3664 permit holder and its employees only as to alcoholic beverages
3665 brought onto the permit holder's ship by customers of the permit
3666 holder as part of such a private charter. All such alcoholic
3667 beverages must be removed from the charter ship at the conclusion
3668 of each private charter. A charter ship operator's permit shall
3669 not authorize the permit holder to sell, charge for or otherwise
3670 supply alcoholic beverages to customers, except as authorized in
3671 this paragraph (p). For the purposes of this paragraph (p),



3672 "charter ship operator" means a common carrier that (i) is
3673 certified to carry at least one hundred fifty (150) passengers
3674 and/or provide overnight accommodations for at least fifty (50)
3675 passengers, (ii) operates only in the waters within the State of
3676 Mississippi, which lie adjacent to the State of Mississippi south
3677 of the three (3) most southern counties in the State of
3678 Mississippi, and (iii) provides charters under contract for tours
3679 and trips in such waters.

3680 (q) **Distillery retailer's permit.** The holder of a
3681 Class 1 manufacturer's permit may obtain a distillery retailer's
3682 permit. A distillery retailer's permit shall authorize the holder
3683 thereof to sell at retail alcoholic beverages to consumers for
3684 on-premises consumption, or to consumers by the sealed and
3685 unopened bottle from a retail location at the distillery for
3686 off-premises consumption. The holder may only sell product
3687 manufactured by the manufacturer at the distillery described in
3688 the permit. However, when selling to consumers for on-premises
3689 consumption, a holder of a distillery retailer's permit may add
3690 other beverages, alcoholic or not, so long as the total volume of
3691 other beverage components containing alcohol does not exceed
3692 twenty percent (20%). Hours of sale shall be the same as those
3693 authorized for on-premises permittees in the city or county in
3694 which the distillery retailer is located.

3695 The holder shall not sell at retail more than ten percent
3696 (10%) of the alcoholic beverages produced annually at its



3697 distillery. The holder shall not make retail sales of more than
3698 two and twenty-five one-hundredths (2.25) liters, in the
3699 aggregate, of the alcoholic beverages produced at its distillery
3700 to any one (1) individual for consumption off the premises of the
3701 distillery within a twenty-four-hour period. The hours of sale
3702 shall be the same as those hours for package retailers under this
3703 article. The holder of a distillery retailer's permit is not
3704 required to purchase the alcoholic beverages authorized to be sold
3705 by this paragraph from the department's liquor distribution
3706 warehouse; however, if the holder does not purchase the alcoholic
3707 beverages from the department's liquor distribution warehouse, the
3708 holder shall pay to the department all taxes, fees and surcharges
3709 on the alcoholic beverages that are imposed upon the sale of
3710 alcoholic beverages shipped by the department or its warehouse
3711 operator. In addition to alcoholic beverages, the holder of a
3712 distillery retailer's permit may sell at retail promotional
3713 products from the same retail location, including shirts, hats,
3714 glasses, and other promotional products customarily sold by
3715 alcoholic beverage manufacturers.

3716 (r) **Festival * * * Permit.** Any wine
3717 manufacturer * * *, native wine producer, native spirit producer,
3718 craft spirit producer, or distilled spirit manufacturer permitted
3719 by Mississippi or any other state is eligible to obtain a
3720 Festival * * * Permit. This permit authorizes the entity to
3721 transport product manufactured by it to festivals held within the



3722 State of Mississippi and sell sealed, unopened bottles to festival
3723 participants. The holder of this permit may provide samples at no
3724 charge to participants. "Festival" means any event at which three
3725 (3) or more vendors are present at a location for the sale or
3726 distribution of goods. The holder of a Festival * * * Permit is
3727 not required to purchase the alcoholic beverages authorized to be
3728 sold by this paragraph from the department's liquor distribution
3729 warehouse. However, if the holder does not purchase the alcoholic
3730 beverages from the department's liquor distribution warehouse, the
3731 holder of this permit shall pay to the department all taxes, fees
3732 and surcharges on the alcoholic beverages sold at such festivals
3733 that are imposed upon the sale of alcoholic beverages shipped by
3734 the * * * division * * *. Additionally, the entity shall file all
3735 applicable reports and returns as prescribed by the department.
3736 This permit is issued per festival and provides authority to sell
3737 for * * * three (3) consecutive days during the hours authorized
3738 for on-premises permittees' sales in that county or city. The
3739 holder of the permit shall be required to maintain all
3740 requirements set by Local Option Law for the service and sale of
3741 alcoholic beverages. This permit may be issued to entities
3742 participating in festivals at which a Class 1 temporary permit is
3743 in effect.

3744 This paragraph (r) shall stand repealed from and after July
3745 1, 2026.



3746 (s) **Charter vessel operator's permit.** Subject to the
3747 provisions of this paragraph (s), a charter vessel operator's
3748 permit shall authorize the holder thereof and its employees to
3749 sell and serve alcoholic beverages to passengers of the permit
3750 holder during public tours, historical tours, ecological tours and
3751 sunset cruises provided by the permit holder. The permit shall
3752 authorize the holder to only sell alcoholic beverages, including
3753 native wines, to passengers of the charter vessel operator during
3754 public tours, historical tours, ecological tours and sunset
3755 cruises provided by the permit holder aboard the charter vessel
3756 operator for consumption during such tours and cruises on the
3757 premises of the charter vessel operator described in the permit.
3758 For the purposes of this paragraph (s), "charter vessel operator"
3759 means a common carrier that (i) is certified to carry at least
3760 forty-nine (49) passengers, (ii) operates only in the waters
3761 within the State of Mississippi, which lie south of Interstate 10
3762 in the three (3) most southern counties in the State of
3763 Mississippi, and lie adjacent to the State of Mississippi south of
3764 the three (3) most southern counties in the State of Mississippi,
3765 extending not further than one (1) mile south of such counties,
3766 and (iii) provides vessel services for tours and cruises in such
3767 waters as provided in this paragraph(s).

3768 (t) **Native spirit retailer's permit.** Except as
3769 otherwise provided in subsection (5) of this section, a native
3770 spirit retailer's permit shall be issued only to a holder of a



3771 Class 4 manufacturer's permit, and shall authorize the holder
3772 thereof to make retail sales of native spirits to consumers for
3773 on-premises consumption or to consumers in originally sealed and
3774 unopened containers at an establishment located on the premises
3775 of * * * the * * * distillery, or at any tasting room location or
3776 locations within five (5) miles of the native distillery.
3777 Further, every native distillery is authorized to have one (1)
3778 permanent satellite tasting room sales location in any other
3779 location in the state that otherwise allows the sale of alcoholic
3780 beverages. When selling to consumers for on-premises consumption,
3781 a holder of a native spirit retailer's permit may * * * sell
3782 alcoholic beverages produced by other suppliers. Hours of sale
3783 shall be the same as those authorized for on-premises permittees
3784 in the city or county in which the native spirit retailer is
3785 located.

3786 (u) **Delivery service permit.** Any individual, limited
3787 liability company, corporation or partnership registered to do
3788 business in this state is eligible to obtain a delivery service
3789 permit. Subject to the provisions of Section 67-1-51.1, this
3790 permit authorizes the permittee, or its employee or an independent
3791 contractor acting on its behalf, to deliver alcoholic
3792 beverages * * * and light intoxicating beverages from a licensed
3793 retailer to a person in this state who is at least twenty-one (21)
3794 years of age for the individual's use and not for resale. This
3795 permit does not authorize the delivery of alcoholic



3796 beverages * * * or light intoxicating beverages to the premises of
3797 a location with a permit for the manufacture, distribution or
3798 retail sale of alcoholic beverages * * * or light intoxicating
3799 beverages. The holder of a package retailer's permit or an
3800 on-premises retailer's permit under Section 67-1-51 or of a * * *
3801 light intoxicating beverage permit under Section 67-3-19 is
3802 authorized to apply for a delivery service permit as a privilege
3803 separate from its existing retail permit.

3804 (v) **Food truck permit.** A food truck permit shall
3805 authorize the holder of an on-premises retailer's permit to use a
3806 food truck to sell alcoholic beverages off its premises to guests
3807 who must consume the beverages in open containers. For the
3808 purposes of this paragraph (v), "food truck" means a fully encased
3809 food service establishment on a motor vehicle or on a trailer that
3810 a motor vehicle pulls to transport, and from which a vendor,
3811 standing within the frame of the establishment, prepares, cooks,
3812 sells and serves food for immediate human consumption. The term
3813 "food truck" does not include a food cart that is not motorized.
3814 Food trucks shall maintain such distance requirements from
3815 schools, churches, kindergartens and funeral homes as are required
3816 for on-premises retailer's permittees under this article, and all
3817 sales must be made within a valid leisure and recreation district
3818 established under Section 67-1-101. Food trucks cannot sell or
3819 serve alcoholic beverages unless also offering food prepared and
3820 cooked within the food truck, and permittees must maintain a



3821 twenty-five percent (25%) food sale revenue requirement based on
3822 the food sold from the food truck alone. The hours allowed for
3823 sale shall be the same as those for on-premises retailer's
3824 permittees in the location. This permit will not be required for
3825 the holder of a caterer's permit issued under this article to
3826 cater an event as allowed by law. Permittees must provide notice
3827 of not less than forty-eight (48) hours to the department of each
3828 location at which alcoholic beverages will be sold.

3829 (w) **On-premises tobacco permit.** An on-premises tobacco
3830 permit shall authorize the permittee to sell alcoholic beverages
3831 for consumption on the licensed premises. In addition to all
3832 other requirements to obtain an alcoholic beverage permit, the
3833 permittee must obtain and maintain a tobacco permit issued by the
3834 State of Mississippi, and have a capital investment of not less
3835 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
3836 for which the permit is issued. In addition to alcoholic
3837 beverages, the permittee is authorized to sell only cigars,
3838 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
3839 Additionally, seventy-five percent (75%) of the permittee's annual
3840 gross revenue must be derived from the sale of cigars, cheroots,
3841 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
3842 be required, but food may be sold on the premises. The issuance
3843 of this permit does not remove any obligation a permittee may have
3844 to follow local ordinances or actions prohibiting the use of
3845 tobacco products.



3846 (x) **Direct wine shipper's permit.** A direct wine
3847 shipper's permit shall authorize the holder to sell and ship a
3848 limited amount of wine directly to residents in this state in
3849 accordance with the provisions of Sections 1 through 9 of Senate
3850 Bill No. 2145, 2025 Regular Session, without being required to
3851 transact the sale and shipment of those wines through the
3852 division.

3853 (y) **Wine fulfillment provider's permit.** A wine
3854 fulfillment provider's permit authorizes a fulfillment provider,
3855 as defined in Section 1 of Senate Bill No. 2145, 2025 Regular
3856 Session, to ship wine to a consumer on behalf of a holder of a
3857 direct wine shipper's permit.

3858 (z) **Craft spirit retailer's permit.** Except as
3859 otherwise provided in subsection (5) of this section, a craft
3860 spirit retailer's permit shall be issued only to a holder of a
3861 Class 5 manufacturer's permit, and shall authorize the holder
3862 thereof to make retail sales of craft spirits to consumers for
3863 on-premises consumption or to consumers in originally sealed and
3864 unopened containers at an establishment located on the premises of
3865 the distillery or at any tasting room location or locations within
3866 five (5) miles of the craft distillery. Further, every craft
3867 distillery is authorized to have one (1) permanent satellite
3868 tasting room sales location in any other location in the state
3869 that otherwise allows the sale of alcoholic beverages. When
3870 selling to consumers for on-premises consumption, a holder of a



3871 craft spirit retailer's permit may sell alcoholic beverages
3872 produced by other suppliers. Hours of sale shall be the same as
3873 those authorized for on-premises permittees in the city or county
3874 in which the craft spirit retailer is located.

3875 (2) Except as otherwise provided in subsection (4) of this
3876 section, retail permittees may hold more than one (1) retail
3877 permit, at the discretion of the department.

3878 (3) (a) Except as otherwise provided in this subsection, no
3879 authority shall be granted to any person to manufacture, sell or
3880 store for sale any intoxicating liquor as specified in this
3881 article within four hundred (400) feet of any church, school
3882 (excluding any community college, junior college, college or
3883 university), kindergarten or funeral home. However, within an
3884 area zoned commercial or business, such minimum distance shall be
3885 not less than one hundred (100) feet.

3886 (b) A church or funeral home may waive the distance
3887 restrictions imposed in this subsection in favor of allowing
3888 issuance by the department of a permit, pursuant to subsection (1)
3889 of this section, to authorize activity relating to the
3890 manufacturing, sale or storage of alcoholic beverages which would
3891 otherwise be prohibited under the minimum distance criterion.
3892 Such waiver shall be in written form from the owner, the governing
3893 body, or the appropriate officer of the church or funeral home
3894 having the authority to execute such a waiver, and the waiver



3895 shall be filed with and verified by the department before becoming
3896 effective.

3897 (c) The distance restrictions imposed in this
3898 subsection shall not apply to the sale or storage of alcoholic
3899 beverages at a bed and breakfast inn listed in the National
3900 Register of Historic Places or to the sale or storage of alcoholic
3901 beverages in a historic district that is listed in the National
3902 Register of Historic Places, is a qualified resort area and is
3903 located (i) in a municipality having a population greater than one
3904 hundred thousand (100,000) according to the latest federal
3905 decennial census, or (ii) in a municipality in which Mississippi
3906 Highways 1 and 8 intersect.

3907 (d) The distance restrictions imposed in this
3908 subsection shall not apply to the sale or storage of alcoholic
3909 beverages at a qualified resort area as defined in Section
3910 67-1-5(o)(iii)32.

3911 (e) The distance restrictions imposed in this
3912 subsection shall not apply to the sale or storage of alcoholic
3913 beverages at a licensed premises in a building formerly owned by a
3914 municipality and formerly leased by the municipality to a
3915 municipal school district and used by the municipal school
3916 district as a district bus shop facility.

3917 (f) The distance restrictions imposed in this
3918 subsection shall not apply to the sale or storage of alcoholic
3919 beverages at a licensed premises in a building consisting of at



3920 least five thousand (5,000) square feet and located approximately
3921 six hundred (600) feet from the intersection of Mississippi
3922 Highway 15 and Mississippi Highway 4.

3923 (g) The distance restrictions imposed in this
3924 subsection shall not apply to the sale or storage of alcoholic
3925 beverages at a licensed premises in a building located at or near
3926 the intersection of Ward and Tate Streets and adjacent properties
3927 in the City of Senatobia, Mississippi.

3928 (h) The distance restrictions imposed in this
3929 subsection shall not apply to the sale or storage of alcoholic
3930 beverages at a theatre facility that features plays and other
3931 theatrical performances and productions and (i) is capable of
3932 seating more than seven hundred fifty (750) people, (ii) is owned
3933 by a municipality which has a population greater than ten thousand
3934 (10,000) according to the latest federal decennial census, (iii)
3935 was constructed prior to 1930, (iv) is on the National Register of
3936 Historic Places, and (v) is located in a historic district.

3937 (i) The distance restrictions imposed in this
3938 subsection shall not apply to the sale or storage of alcoholic
3939 beverages at a licensed premises in a building located
3940 approximately one and six-tenths (1.6) miles north of the
3941 intersection of Mississippi Highway 15 and Mississippi Highway 4
3942 on the west side of Mississippi Highway 15.

3943 (4) No person, either individually or as a member of a firm,
3944 partnership, limited liability company or association, or as a



3945 stockholder, officer or director in a corporation, shall own or
3946 control any interest in more than one (1) package retailer's
3947 permit, nor shall such person's spouse, if living in the same
3948 household of such person, any relative of such person, if living
3949 in the same household of such person, or any other person living
3950 in the same household with such person own any interest in any
3951 other package retailer's permit; however, in the case of a person
3952 holding a package retailer's permit issued before July 1, 2024,
3953 such a person may own one (1) additional package retailer's permit
3954 if the additional permit is issued for a premises with a minimum
3955 capital investment of Twenty Million Dollars (\$20,000,000.00) that
3956 is part of a major retail development project and located in one
3957 (1) of the three (3) most southern counties in the State of
3958 Mississippi, and not within one hundred (100) miles of another
3959 location in the State of Mississippi, for which the permittee
3960 holds such a permit.

3961 (5) (a) In addition to any other authority granted under
3962 this section, the holder of a permit issued under subsection
3963 (1)(c), (e), (f), (g), (l), (n) * * *, (o), (q), (t) and (x) of
3964 this section may sell or otherwise provide alcoholic beverages
3965 and/or wine to a patron of the permit holder in the manner
3966 authorized in the permit and the patron may remove an open glass,
3967 cup or other container of the alcoholic beverage and/or wine from
3968 the licensed premises and may possess and consume the alcoholic
3969 beverage or wine outside of the licensed premises if: (i) the



3970 licensed premises is located within a leisure and recreation
3971 district created under Section 67-1-101 and (ii) the patron
3972 remains within the boundaries of the leisure and recreation
3973 district while in possession of the alcoholic beverage or wine.

3974 (b) Nothing in this subsection shall be construed to
3975 allow a person to bring any alcoholic beverages into a permitted
3976 premises except to the extent otherwise authorized by this
3977 article.

3978 (c) Where a permit is issued under subsection (1)(c) of
3979 this section to an establishment located in a resort area created
3980 by Section 67-1-5(o)(iii)(18), persons in the permitted premises
3981 are allowed to bring alcoholic beverages into the permitted
3982 premises and to possess, store and consume those alcoholic
3983 beverages in the permitted premises.

3984 **SECTION 57.** Section 67-1-51.1, Mississippi Code of 1972, is
3985 amended as follows:

3986 67-1-51.1. (1) The holder of a delivery service permit
3987 under Section 67-1-51:

3988 (a) May contract with the holder of a package
3989 retailer's permit or an on-premises retailer's permit under
3990 Section 67-1-51 or the holder of a * * * light intoxicating
3991 beverage retail permit under Section 67-3-19 for the purpose of
3992 intrastate delivery of alcoholic beverages or * * * light
3993 intoxicating beverages, as authorized to be sold under the
3994 respective permits;



3995 (b) May deliver alcoholic beverages or * * * light
3996 intoxicating beverages without a delivery contract, if the
3997 permittee holds a package retailer's permit or an on-premises
3998 retailer's permit under Section 67-1-51 or a * * * light
3999 intoxicating beverage retail permit under Section 67-3-19,
4000 respectively;

4001 (c) May use its own employees or independent
4002 contractors who are at least twenty-one (21) years of age to
4003 deliver such alcoholic beverages * * * or light intoxicating
4004 beverages under this section, provided all delivery agents are
4005 trained and certified consistent with the training program
4006 submitted to the division as required by subsection (2) (d) of this
4007 section. If independent contractors are used, the delivery
4008 service permittee must enter into a contract with the retailer as
4009 required by subsection (2) (c) of this section;

4010 (d) May facilitate orders by telephone, internet or
4011 other electronic means for the sale and delivery of alcoholic
4012 beverages * * * or light intoxicating beverages under this
4013 section. The full amount of each order must be handled in a
4014 manner that gives the retail permittee control over the ultimate
4015 receipt of payment from the consumer. The retail permittee shall
4016 remain responsible for the proper remittance of all applicable
4017 taxes on the sale of the product;



4018 (e) May deliver only sealed containers of alcoholic
4019 beverages * * * or light intoxicating beverages to an individual
4020 in Mississippi;

4021 (f) Shall obtain from the customer a confirmation that
4022 he or she is at least twenty-one (21) years of age at the time the
4023 order is placed;

4024 (g) Shall place a stamp, print or label on the outside
4025 of the sealed package to indicate that the sealed package contains
4026 alcoholic beverages * * * or light intoxicating beverages;

4027 (h) Shall require the recipient, at the time of
4028 delivery, to provide valid photo identification verifying he or
4029 she is at least twenty-one (21) years of age and to sign for the
4030 delivery;

4031 (i) Shall possess identification scanning software
4032 technology or a state-of-the-art alternative at the point of
4033 delivery to verify the recipient is at least twenty-one (21) years
4034 of age and to collect the recipient's name and date of birth.
4035 Records relating to this verification shall be maintained for at
4036 least ninety (90) days and shall be subject to review by the
4037 division;

4038 (j) Shall return all alcoholic beverages * * * or light
4039 intoxicating beverages to the retailer if the recipient is under
4040 the age of twenty-one (21) years, appears intoxicated, fails to
4041 provide proof of identification, fails or refuses to sign for
4042 delivery, fails to complete the identification verification



4043 process or declines to accept delivery, or if any circumstances in
4044 the delivery environment indicate illegal conduct, overconsumption
4045 of alcohol, or an otherwise unsafe environment for the consumption
4046 of alcohol;

4047 (k) May not deliver any alcoholic beverage * * * or
4048 light intoxicating beverage to any person located within a
4049 jurisdiction that is dry for that product, as provided by the
4050 division's wet-dry map;

4051 (l) May not deliver any alcoholic beverage * * * or
4052 light intoxicating beverage in a jurisdiction during times
4053 prohibited for lawful sale in that jurisdiction;

4054 (m) May not deliver any alcoholic beverage * * * or
4055 light intoxicating beverage more than thirty (30) miles from the
4056 retailer's licensed premises;

4057 (n) Shall permit the division to perform an audit of
4058 the licensee's records upon request and with sufficient
4059 notification; and

4060 (o) Shall be deemed to have consented to the
4061 jurisdiction of the division or any law enforcement agency and the
4062 Mississippi courts concerning enforcement of this section and any
4063 related laws or rules.

4064 (2) In order to receive a delivery service permit, an
4065 applicant shall:

4066 (a) File an application with the division;



4067 (b) Pay the privilege license tax of Five Hundred
4068 Dollars (\$500.00) as provided in Section 27-71-5;

4069 (c) Provide to the division a sample contract that the
4070 applicant intends to enter into with a retailer for the delivery
4071 of alcoholic beverages * * * or light intoxicating beverages,
4072 unless the applicant is the retailer;

4073 (d) Submit to the division an outline of an internal or
4074 external training and certification program for delivery service
4075 personnel that addresses topics such as identifying underage
4076 persons, intoxicated persons, and fake or altered identification;

4077 (e) Provide an attestation that the applicant is at
4078 least twenty-one (21) years of age and has not been convicted of a
4079 felony in any state or federal courts;

4080 (f) Shall provide proof of a general liability
4081 insurance policy in an amount not less than One Million Dollars
4082 (\$1,000,000.00) per occurrence; and

4083 (g) Shall be properly registered to conduct business in
4084 Mississippi.

4085 (3) Nothing in this section shall be construed to require a
4086 technology services company to obtain a delivery service permit if
4087 the company does not employ or contract with delivery agents but
4088 merely provides software or a digital network application that
4089 connects consumers and licensed retailers for the delivery of
4090 alcoholic beverages from the licensed retailer. However, the act



4091 of connecting consumers to licensed retailers shall serve to grant
4092 jurisdiction to the State of Mississippi.

4093 (4) The division may enforce the requirements of this
4094 section by the same administrative proceedings that apply to other
4095 alcoholic beverage licenses or permits, including, without
4096 limitation, any disciplinary action applicable to the package
4097 retailer's permittee, on-premises retailer's permittee, retail
4098 permittee for * * * light intoxicating beverages, or delivery
4099 service permittee resulting from any unlawful sale to a minor.

4100 (5) The division may enforce the requirements of this
4101 section against the package retailer's permittee, on-premises
4102 retailer's permittee, retail permittee for * * * light
4103 intoxicating beverages, or delivery service permittee, and any
4104 employee or independent contractor of such permittee. If a
4105 package retailer permittee, an on-premises retailer's permittee,
4106 or a retail permittee for * * * light intoxicating beverages is
4107 also a delivery permittee, a violation of alcohol law by its
4108 employee or independent contractor during delivery will subject
4109 both the retailer permit and the delivery service permit to
4110 disciplinary action for the violation. Delivery to a minor shall
4111 be treated as furnishing to a minor and shall result in any
4112 applicable disciplinary action.

4113 (6) Nothing in this section shall be construed to limit or
4114 otherwise diminish the ability of the division to enforce the
4115 provisions of Chapters 1 and 3, Title 67, Mississippi Code of



4116 1972, with respect to the liability of any package retailer's
4117 permittee, on-premises retailer's permittee, retail permittee
4118 for * * * light intoxicating beverages, or delivery service
4119 permittee engaging in delivery activity authorized by this
4120 section.

4121 (7) Nothing in this section shall be construed to authorize
4122 the direct shipment of alcoholic beverages * * * or light
4123 intoxicating beverages from any manufacturer or distributor
4124 holding a permit under this article, or under Title 67, Chapter 3,
4125 Mississippi Code of 1972, to consumers in this state.

4126 **SECTION 58.** Section 67-1-72, Mississippi Code of 1972, is
4127 amended as follows:

4128 67-1-72. (1) Except as otherwise provided in this article,
4129 any applicant or holder of a permit issued under this article
4130 which is aggrieved by an action of the department * * * to deny
4131 his application for a permit, to deny the renewal of his permit or
4132 to revoke or suspend his permit shall be allowed to appeal to the
4133 Board of Tax Appeals from this action. This appeal is to be filed
4134 by the aggrieved person with the Executive Director of the Board
4135 of Tax Appeals, with a copy being sent to the department * * *,
4136 within fifteen (15) days from the date that person received notice
4137 of the action of the department being aggrieved. If the person
4138 aggrieved fails to appeal within this fifteen-day period, the
4139 action of the department * * * shall take effect as set out in the
4140 notice. The department * * * retains the authority to change at



4141 any time the action aggrieved to in an appeal under this
4142 subsection. The applicant or holder of any permit issued under
4143 this article may waive his right to notice and opportunity to a
4144 hearing as provided by this subsection and agree to the action
4145 being taken by the department. The inability of the
4146 department * * * to issue or renew a permit due to an incomplete
4147 application or due to the failure of the applicant to pay the
4148 annual privilege taxes and fees provided by Section 27-71-5 and/or
4149 the failure of the applicant to post or deposit the bond, cash or
4150 securities as required by Section 27-71-21 shall not constitute a
4151 denial for purposes of this subsection.

4152 (2) Any applicant for approval as a manager of an
4153 establishment operating under a permit issued under this article
4154 or who holds the designation of an approved manager of an
4155 establishment operating under a permit issued under this article
4156 and who is aggrieved by an action of the department * * * to deny
4157 his application for approval as a manager or to revoke or suspend
4158 his designation as an approved manager shall be allowed to appeal
4159 to the Board of Tax Appeals from this action. This appeal is to
4160 be filed by the aggrieved person with the Executive Director of
4161 the Board of Tax Appeals, with a copy being sent to the
4162 department * * *, within fifteen (15) days from the date that
4163 person received notice of the action of the department being
4164 aggrieved. If the person aggrieved fails to appeal within this
4165 fifteen-day period, the action of the department * * * shall take



4166 effect as set out in the notice. The department * * * retains the
4167 authority to change at any time the action aggrieved to in an
4168 appeal under this subsection. The applicant or holder of an
4169 approved manager designation may waive his right to notice and
4170 opportunity to a hearing as provided by this subsection and agree
4171 to the action being taken by the department. The inability of the
4172 department * * * to consider an application for approval of an
4173 applicant as a manager due to an incomplete application shall not
4174 constitute a denial of the application for purposes of this
4175 subsection.

4176 (3) Any applicant for approval of an area or locality as a
4177 qualified resort area under this article who is aggrieved by the
4178 decision of the department * * * to deny the qualified resort area
4179 as requested and any county or municipality wherein the proposed
4180 qualified resort area is located may appeal to the Board of Tax
4181 Appeals from such decision. This appeal is to be filed by the
4182 aggrieved applicant or by the affected county or municipality with
4183 the Executive Director of the Board of Tax Appeals, with a copy
4184 being sent to the department * * *, within fifteen (15) days from
4185 the date that the person or entity filing the appeal received
4186 notice of the decision of the department * * * to deny the
4187 qualified resort area. If an appeal is not filed within this
4188 fifteen-day period, the decision of the department * * * shall
4189 become final. The Department * * * retains the authority to
4190 change at any time the decision aggrieved to in an appeal under



4191 this subsection. The inability of the department * * * to
4192 consider an application for the approval of an area or locality as
4193 a qualified resort area due to an incomplete application shall not
4194 constitute a denial of that application for purposes of this
4195 subsection.

4196 (4) Any person, including any county or municipality in
4197 which the qualified resort area is located, who is aggrieved by
4198 the decision of the department * * * to revoke the approval of an
4199 area or locality as a qualified resort area may appeal to the
4200 Board of Tax Appeals from such decision. This appeal is to be
4201 filed by the aggrieved person with the Executive Director of the
4202 Board of Tax Appeals, with a copy being sent to the
4203 department * * *, within fifteen (15) days from the date that the
4204 person or entity filing the appeal received notice of the decision
4205 of the department to revoke approval of the qualified resort area.
4206 At the discretion of the department * * *, in addition to any
4207 other notice to be provided under this subsection, the department
4208 may provide notice of its decision to revoke approval of the
4209 qualified resort area by publication in the same manner as
4210 provided by regulation when approval of a qualified resort area is
4211 sought. In regard to such publication, the fifteen-day period
4212 provided herein will begin on the date that notice is first
4213 published. If an appeal is not filed within this fifteen-day
4214 period, the decision of the department * * * shall become final.



4215 The department * * * retains the authority to change at any time
4216 the decision aggrieved to in an appeal under this subsection.

4217 (5) Any person objecting to an application for the issuance
4218 or transfer of a permit, other than a temporary retailer's permit,
4219 issued under this article and who timely requests in writing a
4220 hearing on his objection shall be given a hearing before the Board
4221 of Tax Appeals unless the permit is denied by the department * * *
4222 and an appeal is not taken by the applicant to the Board of Tax
4223 Appeals from that denial or the applicant withdraws his
4224 application. Any written request for a hearing on an objection
4225 must be filed with the department * * * within fifteen (15) days
4226 from the first date of publication of the notice of such
4227 application under Section 67-1-53. If the department determines
4228 that the permit should be denied, notice will be provided to the
4229 applicant as set out in subsection (1) of this section, and if the
4230 applicant timely requests a hearing on the denial as provided by
4231 this subsection (5), the department will advise the Executive
4232 Director of the Board of Tax Appeals and the applicant of the
4233 written request for a hearing on an objection to the permit. The
4234 hearing on the objection to the permit and the hearing on the
4235 appeal by the applicant from the denial of the department of the
4236 application shall be consolidated and heard by the Board of Tax
4237 Appeals at the same time. If the department determines that the
4238 permit should be issued, the department will advise the applicant
4239 and the Executive Director of the Board of Tax Appeals of the



4240 timely written request for a hearing on an objection to the
4241 application and a hearing will be set before the Board of Tax
4242 Appeals on this objection. If prior to the hearing, either the
4243 person requesting the hearing withdraws his request or the
4244 applicant withdraws his application, the hearing will be cancelled
4245 and the objection proceedings before the Board of Tax Appeals on
4246 the application will be dismissed as moot. In the case of such
4247 withdrawals, the Board of Tax Appeals is authorized to assess to
4248 either or both parties any costs incurred by it prior to such
4249 withdrawal. The department * * * retains authority to issue the
4250 permit to the applicant where the person objecting to the
4251 application withdraws his request for a hearing.

4252 (6) Any person objecting to an application for approval by
4253 the department * * * of * * * an area or locality as a qualified
4254 resort area under this article and who timely requests in writing
4255 a hearing on his objection shall be given a hearing before the
4256 Board of Tax Appeals unless approval of the application is denied
4257 by the department * * * and an appeal is not taken by the
4258 applicant or the county or municipality in which the proposed
4259 qualified resort area is located to the Board of Tax Appeals from
4260 that denial or the applicant withdraws his application. Any
4261 written request for a hearing on an objection must be filed with
4262 the department * * * within fifteen (15) days from the first date
4263 of publication of the notice of such application as provided by
4264 regulation. If the department determines that the application for



4265 approval of the proposed area or locality as a qualified resort
4266 area should be denied, the department will proceed with denial of
4267 such application as set out in subsection (3) of this section, and
4268 if the applicant or the county or municipality in which the
4269 proposed qualified resort area is located timely requests a
4270 hearing on the denial as provided by subsection (3) of this
4271 section, the department will advise the Executive Director of the
4272 Board of Tax Appeals and the applicant of the written request for
4273 a hearing on an objection to the application. The hearing on the
4274 objection to approval of the proposed qualified resort area and
4275 the hearing on the appeal from the denial of the department of the
4276 application for such approval shall be consolidated and heard by
4277 the Board of Tax Appeals at the same time. If the department
4278 determines that the proposed qualified resort area should be
4279 approved, the department will advise the applicant and the
4280 Executive Director of the Board of Tax Appeals of the timely
4281 written request for a hearing on an objection to the application
4282 and a hearing will be set before the Board of Tax Appeals on this
4283 objection. If prior to the hearing, either the person requesting
4284 the hearing withdraws his request or the applicant withdraws his
4285 application, the hearing will be cancelled and the objection
4286 proceedings before the Board of Tax Appeals on the application
4287 will be dismissed as moot. In the case of such withdrawals, the
4288 Board of Tax Appeals is authorized to assess to either or both
4289 parties any costs incurred by it prior to such withdrawal. The



4290 department * * * retains authority to approve the proposed area or
4291 locality as a qualified resort area where the person objecting to
4292 the application withdraws his request for a hearing.

4293 (7) Any person having an interest in any alcoholic
4294 beverages, * * * light intoxicating beverages or raw materials
4295 which the department * * * intends to dispose of under Section
4296 67-1-18 shall be given reasonable notice of this proposed
4297 disposal, and upon such notice, this person may request a hearing
4298 before the Board of Tax Appeals to establish his right or claim to
4299 this property. This request for a hearing shall be filed with the
4300 Board of Tax Appeals, with a copy sent to the department * * *,
4301 within fifteen (15) days from the date of receipt of the notice
4302 provided above by the person filing the request. If a request is
4303 not received by the Board of Tax Appeals within this fifteen-day
4304 period, the department may order the property disposed of in
4305 accordance with Section 67-1-18.

4306 (8) Upon receipt of a written request for hearing or appeal
4307 as set out above, the executive director shall schedule a hearing
4308 before the Board of Tax Appeals on this request or appeal. A
4309 notice of the hearing shall be mailed to all persons or entities
4310 having an interest in the matter being heard which shall always
4311 include the person or entity filing the request or appeal for
4312 which the hearing is being set, the applicant or holder of any
4313 permit, approved manager status or qualified resort area status in
4314 issue, any person who filed a written request for a hearing on an



4315 objection to any application in issue and the department * * *.
4316 This notice shall provide the date, time and location of the
4317 hearing. Mailing to the attorney representing a person or entity
4318 in the matter being heard shall be the same as mailing to the
4319 person or entity the attorney represents. Failure of the person
4320 or entity on whose request or appeal the matter was set for
4321 hearing to appear personally or through his designated
4322 representative at the hearing shall constitute an involuntary
4323 withdrawal of his request or appeal. Upon such withdrawal, the
4324 Board of Tax Appeals shall note on the record the failure of the
4325 person or entity to appear at the hearing and shall dismiss the
4326 request or appeal and remand the matter back to the
4327 department * * * for appropriate action.

4328 (9) At any hearing before the Board of Tax Appeals on an
4329 appeal or hearing request as set out above, two (2) members of the
4330 Board of Tax Appeals shall constitute a quorum. At the hearing,
4331 the Board of Tax Appeals shall try the issues presented according
4332 to law and the facts and pursuant to any guidelines established by
4333 regulation. The rules of evidence shall be relaxed at the hearing
4334 and the hearing shall be recorded by a court reporter. After
4335 reaching a decision on the issues presented, the Board of Tax
4336 Appeals shall enter an order setting forth its findings and
4337 decision in the matter. A copy of the order of the Board of Tax
4338 Appeals shall be mailed to the person or entity filing the request
4339 or appeal which was heard, the applicant or holder of any permit,



4340 approved manager status or qualified resort area status in issue,
4341 any person who filed a written request for a hearing on an
4342 objection to any application in issue and the department * * * to
4343 notify them of the findings and decision of the Board of Tax
4344 Appeals.

4345 **SECTION 59.** Section 67-7-3, Mississippi Code of 1972, is
4346 amended as follows:

4347 67-7-3. The legislative purpose of this chapter is to
4348 provide a structure for the business relations between a
4349 wholesaler and a supplier of light wine, light spirit
4350 product * * *, beer or hemp beverages. Regulation in this area is
4351 considered necessary for the following reasons:

4352 (a) To maintain stability and healthy competition in
4353 the light wine, light spirit product * * *, beer * * * and hemp
4354 beverage industries in this state.

4355 (b) To promote and maintain a sound, stable and viable
4356 system of distribution of light * * * intoxicating beverages to
4357 the public.

4358 (c) To provide for the private settlement of disputes
4359 between wholesalers and suppliers of light * * * intoxicating
4360 beverages as an alternative to civil litigation which consumes the
4361 time and resources of the parties and the judicial system.

4362 (d) To promote the public health, safety and welfare.

4363 **SECTION 60.** Section 67-7-5, Mississippi Code of 1972, is
4364 amended as follows:



4365 67-7-5. As used in this chapter, the following words or
4366 phrases, or the plural thereof, whenever they appear in this
4367 chapter, unless the context clearly requires otherwise, shall have
4368 the meaning ascribed to them in this section.

4369 (a) "Agreement" means any agreement between a
4370 wholesaler and a supplier, whether oral or written, whereby a
4371 wholesaler is granted the right to purchase and sell a brand or
4372 brands of light * * * intoxicating beverages sold by a supplier.

4373 (b) "Ancillary business" means a business owned by the
4374 wholesaler, by a substantial stockholder of a wholesaler, or by a
4375 substantial partner of a wholesaler, the primary business of which
4376 is directly related to the transporting, storing or marketing of
4377 the brand or brands of light * * * intoxicating beverages of a
4378 supplier with whom the wholesaler has an agreement; or a business
4379 owned by a wholesaler, a substantial stockholder of a wholesaler.

4380 (c) "Commission" or "department" means the Department
4381 of Revenue of the State of Mississippi.

4382 (d) "Commissioner" means the Commissioner of Revenue of
4383 the Department of Revenue.

4384 (e) "Designated member" means the spouse, child,
4385 grandchild, parent, brother or sister of a deceased individual who
4386 owned an interest, including a controlling interest, in a
4387 wholesaler, or any person who inherits under the deceased
4388 individual's will, or under the laws of intestate succession of
4389 this state; or any person who or entity which has otherwise,



4390 through a valid testamentary device by the deceased individual,
4391 succeeded the deceased individual in the wholesaler's business, or
4392 has succeeded to the deceased individual's ownership interest in
4393 the wholesaler pursuant to a written contract or instrument which
4394 has been previously approved by the supplier; "designated member"
4395 includes the appointed and qualified personal representative and
4396 the testamentary trustee of a deceased individual owning an
4397 ownership interest in a wholesaler, and it includes the person
4398 appointed by a court as the guardian or conservator of the
4399 property of an incapacitated individual owning an ownership
4400 interest in a wholesaler.

4401 (f) "Establish" means to adjust or regulate, to provide
4402 for and uphold.

4403 (g) "Good faith" means honesty in fact and observance
4404 of reasonable commercial standards of fair dealing in the trade,
4405 as defined in and interpreted under the Uniform Commercial Code.

4406 (h) "Reasonable qualifications" means the standard of
4407 the reasonable criteria established and consistently used by the
4408 respective supplier for similarly situated wholesalers that
4409 entered into, continued or renewed an agreement with the supplier
4410 during a period of twenty-four (24) months before the proposed
4411 transfer of the wholesaler's business, or for similarly situated
4412 wholesalers who have changed managers or designated managers,
4413 under the agreement, during a period of twenty-four (24) months



4414 before the proposed change in the manager or successor manager of
4415 the wholesaler's business.

4416 (i) "Retaliatory action" means the refusal to continue
4417 an agreement, or a material reduction in the quality of service or
4418 quantity of products available to a wholesaler under an agreement,
4419 which refusal or reduction is not made in good faith.

4420 (j) "Sales territory" means a primary area of sales
4421 responsibility for the brand or brands of light * * * intoxicating
4422 beverages sold by a supplier as designated by an agreement.

4423 (k) "Substantial stockholder or substantial partner"
4424 means a stockholder of or partner in the wholesaler who owns an
4425 interest of ten percent (10%) or more of the partnership or of the
4426 capital stock of a corporate wholesaler.

4427 (l) "Successor" means a person who replaces a supplier
4428 with regard to the right to manufacture, sell, distribute or
4429 import a brand or brands of light * * * intoxicating beverages.

4430 (m) "Supplier" means a manufacturer or importer of
4431 light * * * intoxicating beverages as regulated by the department
4432 under Sections 67-3-1 through 67-3-73.

4433 (n) "Transfer of wholesaler's business" means the
4434 voluntary sale, assignment or other transfer of ten percent (10%)
4435 or more of control of the business or all or substantially all of
4436 the assets of the wholesaler, or ten percent (10%) or more of
4437 control of the capital stocks of the wholesaler, including without
4438 limitation the sale or other transfer of capital stock or assets



4439 by merger, consolidation or dissolution, or of the capital stock
4440 of the parent corporation, or of the capital stock or beneficial
4441 ownership of any other entity owning or controlling the
4442 wholesaler.

4443 (o) "Wholesaler" means a wholesaler of light * * *
4444 intoxicating beverages as regulated by the department under
4445 Sections 67-3-1 through 67-3-73.

4446 (p) "Similarly situated wholesalers" means wholesalers
4447 of a supplier that are of a generally comparable size and operate
4448 in markets in Mississippi and adjoining states with similar
4449 demographic characteristics, including population size, density,
4450 distribution and vital statistics, as well as reasonably similar
4451 economic and geographic conditions.

4452 (q) "Light * * * intoxicating beverage" has the meaning
4453 ascribed * * * in Section 67-3-3.

4454 **SECTION 61.** Section 67-7-7, Mississippi Code of 1972, is
4455 amended as follows:

4456 67-7-7. A supplier shall not do the following:

4457 (a) Fail to provide each wholesaler of the supplier's
4458 brand or brands with a written agreement which contains in total
4459 the supplier's agreement with each wholesaler, and designates a
4460 specific sales territory. Any agreement which is in existence on
4461 April 7, 1995, shall be renewed consistent with this chapter,
4462 provided that this chapter may be incorporated by reference in the
4463 agreement. Nothing contained herein shall prevent a supplier from



4464 appointing, one (1) time for a period not to exceed ninety (90)
4465 days, a wholesaler to service temporarily a sales territory not
4466 designated to another wholesaler, until such time as a wholesaler
4467 is appointed by the supplier; and such wholesaler who is
4468 designated to service the sales territory during this period of
4469 temporary service shall not be in violation of the chapter, and,
4470 with respect to the temporary service territory, shall not have
4471 any of the rights provided under Sections 67-7-11 and 67-7-15.

4472 (b) Fix, maintain or establish the price at which a
4473 wholesaler shall sell any light * * * intoxicating beverage.

4474 (c) Enter into an additional agreement with any other
4475 wholesaler for, or to sell to any other wholesaler, the same brand
4476 or brands of light * * * intoxicating beverages in the same
4477 territory or any portion thereof, or to sell directly to any
4478 retailer in this state.

4479 (d) Require any wholesaler to accept delivery of any
4480 light * * * intoxicating beverage or other commodity which has not
4481 been ordered by the wholesaler, except that a supplier may impose
4482 reasonable inventory requirements upon a wholesaler if the
4483 requirements are made in good faith and are generally applied to
4484 other similarly situated wholesalers who have an agreement with
4485 the supplier.

4486 (e) Require any wholesaler to accept delivery of any
4487 light * * * intoxicating beverage or other commodity ordered by a



4488 wholesaler if the order was properly cancelled by the wholesaler
4489 in accordance with the supplier's procedure.

4490 (f) Require any wholesaler to do any illegal act or to
4491 violate any law or regulation by threatening to amend, modify,
4492 cancel, terminate or refuse to renew any agreement existing
4493 between the supplier and wholesaler.

4494 (g) Require a wholesaler to assent to any condition,
4495 stipulation or provision limiting the wholesaler's right to sell
4496 the brand or brands of light * * * intoxicating beverages of any
4497 other supplier unless the acquisition of the brand or brands of
4498 another supplier would materially impair or adversely affect the
4499 wholesaler's quality of service, sales or ability to compete
4500 effectively in representing the brand or brands of the supplier
4501 presently being sold by the wholesaler, except that in any action
4502 challenging a supplier's position, the supplier shall have the
4503 burden of providing that such acquisition of such other brand or
4504 brands would have such effect.

4505 (h) Require a wholesaler to purchase one or more brands
4506 of light * * * intoxicating beverages in order for the wholesaler
4507 to purchase another brand or brands of light * * * intoxicating
4508 beverages for any reason, except that a wholesaler that has agreed
4509 to distribute a brand or brands before April 7, 1995, shall
4510 continue to distribute the brand or brands in conformance with
4511 this chapter.



4512 (i) Require a wholesaler to submit audited profit and
4513 loss statements, balance sheets or financial records as a
4514 condition of renewal or continuation of an agreement, except that
4515 a supplier may require reasonable proof of a wholesaler's
4516 financial condition prior to extending credit terms to a
4517 wholesaler.

4518 (j) Withhold delivery of light * * * intoxicating
4519 beverages ordered by wholesaler, or change a wholesaler's quota of
4520 a brand or brands if the withholding or change is not made in good
4521 faith.

4522 (k) Require a wholesaler by any means directly to
4523 participate in or contribute to any local or national advertising
4524 fund controlled directly or indirectly by a supplier.

4525 (l) Take any retaliatory action against a wholesaler
4526 that files a complaint in good faith regarding an alleged
4527 violation by the supplier of federal, state or local law or an
4528 administrative rule as a result of that complaint.

4529 (m) Require or prohibit any change in the manager or
4530 successor manager of any wholesaler who has been approved by the
4531 supplier as of or after April 7, 1995, unless the supplier acts in
4532 good faith. Should a wholesaler change an approved manager or
4533 successor manager, a supplier shall not require or prohibit the
4534 change unless the person selected by the wholesaler fails to meet
4535 the nondiscriminatory, material and reasonable standards and
4536 qualifications for managers consistently applied to similarly



4537 situated wholesalers by the supplier, except that, in any action
4538 challenging a supplier's decision, the supplier shall have the
4539 burden of proving that such person fails to meet such standards
4540 and qualifications.

4541 (n) Upon written notice of intent to transfer the
4542 wholesaler's business, interfere with, prevent or unreasonably
4543 delay (not to exceed thirty (30) days) the transfer of the
4544 wholesaler's business if the proposed transferee is a designated
4545 member.

4546 (o) Upon written notice of intent to transfer the
4547 wholesaler's business other than to a designated member, withhold
4548 consent to or approval of, or unreasonably delay (not to exceed
4549 thirty (30) days after receipt of all material information
4550 reasonably requested) a response to a request by the wholesaler
4551 for any transfer of a wholesaler's business if the proposed
4552 transferee meets the nondiscriminatory material and reasonable
4553 qualifications and standards required by the supplier for
4554 similarly situated wholesalers.

4555 (p) Restrict or inhibit the right of free association
4556 among wholesalers for any lawful purpose.

4557 (q) Threaten to cancel or withhold credit, or to reduce
4558 the time period normally given the wholesaler to make payment on a
4559 delivery from the supplier as a means of compelling the wholesaler
4560 to meet certain standards of performance in any area of business
4561 not directly related to credit.



4562 **SECTION 62.** Section 67-7-9, Mississippi Code of 1972, is
4563 amended as follows:

4564 67-7-9. A wholesaler shall not do any of the following:

4565 (a) Fail to devote such efforts and resources to the
4566 sale and distribution of all the supplier's brands of light * * *
4567 intoxicating beverages which the wholesaler has been granted the
4568 right to sell or distribute as are required in the wholesaler's
4569 agreement with the supplier.

4570 (b) Sell or deliver light * * * intoxicating beverages
4571 to a retail licensee located outside the sales territory
4572 designated to the wholesaler by the supplier of a particular brand
4573 or brands of light * * * intoxicating beverages, except that
4574 during periods of temporary service interruptions impacting a
4575 particular sales territory, a supplier may appoint another
4576 wholesaler to service the sales territory during the period of
4577 temporary service interruption. A wholesaler who is designated to
4578 service the impacted sales territory during the period of
4579 temporary service interruption shall not be in violation of this
4580 chapter and shall not have any of the rights provided under
4581 Sections 67-7-11 and 67-7-15 with respect to the temporary service
4582 territory.

4583 (c) Transfer the wholesaler's business without giving
4584 the supplier written notice of intent to transfer the wholesaler's
4585 business and, where required by this chapter, receiving the
4586 supplier's written approval for the proposed transfer, except that



4587 the consent or approval of the supplier shall not be required of
4588 any transfer of the wholesaler's business to a designated member,
4589 or of any transfer of less than ten percent (10%) of the
4590 wholesaler's business unless such transfer results in a change in
4591 control. The wholesaler shall give the supplier written notice of
4592 any change in ownership of the wholesaler.

4593 **SECTION 63.** Section 67-7-11, Mississippi Code of 1972, is
4594 amended as follows:

4595 67-7-11. (1) Except as otherwise provided for in this
4596 chapter, a supplier shall not amend or modify an agreement; cause
4597 a wholesaler to resign from an agreement; or cancel, terminate,
4598 fail to renew or refuse to continue under an agreement, unless the
4599 supplier has complied with all of the following:

4600 (a) Has satisfied the applicable notice requirements of
4601 this section.

4602 (b) Has acted in good faith.

4603 (c) Has good cause for the amendment, modification,
4604 cancellation, termination, nonrenewal, discontinuance or forced
4605 resignation.

4606 (2) In any action challenging such amendment, modification,
4607 termination, cancellation, nonrenewal or discontinuance, the
4608 supplier shall have the burden of proving that it has acted in
4609 good faith, that the notice requirements under this section have
4610 been complied with, and that there was good cause for the



4611 amendment, modification, termination, cancellation, nonrenewal or
4612 discontinuance.

4613 (3) Except as otherwise provided in this section, and in
4614 addition to the time limits set forth in subsection (4)(d) of this
4615 section, the supplier shall furnish written notice of the
4616 amendment, modification, termination, cancellation, nonrenewal or
4617 discontinuance of an agreement to the wholesaler not less than
4618 thirty (30) days before the effective date of the amendment,
4619 modification, termination, cancellation, nonrenewal or
4620 discontinuance. The notice shall be by certified mail and shall
4621 contain all of the following:

4622 (a) A statement of intention to amend, modify,
4623 terminate, cancel, nonrenew or discontinue the agreement.

4624 (b) A statement of the reason for the amendment,
4625 modification, termination, cancellation, nonrenewal or
4626 discontinuance.

4627 (c) The date on which the amendment, modification,
4628 termination, cancellation, nonrenewal or discontinuance takes
4629 effect.

4630 (4) Good cause shall exist for the purposes of a
4631 termination, cancellation, nonrenewal or discontinuance under
4632 subsection (1)(c) of this section when all of the following occur:

4633 (a) There is a failure by the wholesaler to comply with
4634 a provision of the agreement which is both reasonable and of



4635 material significance to the business relationship between the
4636 wholesaler and the supplier.

4637 (b) The supplier first acquired knowledge of the
4638 failure described in * * * paragraph (a) not more than twenty-four
4639 (24) months before the date notification was given pursuant to
4640 subsection (3) of this section.

4641 (c) The wholesaler was given notice by the supplier of
4642 failure to comply with this agreement.

4643 (d) The wholesaler has been afforded thirty (30) days
4644 in which to submit a plan of corrective action to comply with the
4645 agreement and an additional ninety (90) days to cure such
4646 noncompliance in accordance with the plan.

4647 (5) Notwithstanding subsections (1) and (3) of this section,
4648 a supplier may terminate, cancel, fail to renew or discontinue an
4649 agreement immediately upon written notice given in the manner and
4650 containing the information required by subsection (3)(a), (b) and
4651 (c) of this section if any of the following occur:

4652 (a) Insolvency of the wholesaler, the filing of any
4653 petition by or against the wholesaler under any bankruptcy or
4654 receivership law or the assignment for the benefit of creditors or
4655 dissolution or liquidation of the wholesaler which materially
4656 affects the wholesaler's ability to remain in business.

4657 (b) Revocation or suspension of the wholesaler's state
4658 or federal license by the appropriate regulatory agency whereby



4659 the wholesaler cannot service the wholesaler's sales territory for
4660 more than thirty-one (31) days.

4661 (c) The wholesaler, or a partner or an individual who
4662 owns ten percent (10%) or more of the partnership or stock of a
4663 corporate wholesaler, has been convicted of a felony under the
4664 United States Code or the laws of any state which reasonably may
4665 adversely affect the good will or interest of the wholesaler or
4666 supplier. However, an existing stockholder or stockholders, or
4667 partner or partners, or a designated member or members, shall
4668 have, subject to the provisions of this chapter, the right to
4669 purchase the partnership interest or the stock of the offending
4670 partner or stockholder prior to the conviction of the offending
4671 partner or stockholder, and if the sale is completed prior to
4672 conviction the provisions of this * * * paragraph shall not apply.

4673 (d) There was fraudulent conduct relating to a material
4674 matter on the part of the wholesaler in dealings with the supplier
4675 or its product, except that the supplier shall have the burden of
4676 proving fraudulent conduct relating to a material matter on the
4677 part of the wholesaler in any legal action challenging such
4678 termination.

4679 (e) The wholesaler failed to confine to the designated
4680 sales territory its sales of a brand or brands to retailers except
4681 that this subsection does not apply if there is a dispute between
4682 two (2) or more wholesalers as to the boundaries of the assigned
4683 territory, and the boundaries cannot be determined by a reading of



4684 the description contained in the agreements between the supplier
4685 and the wholesalers.

4686 (f) A wholesaler has failed to pay for light * * *
4687 intoxicating beverages ordered and delivered in accordance with
4688 established terms and the wholesaler fails to make full payment
4689 within five (5) business days after receipt of written notice of
4690 the delinquency and demand for immediate payment from the
4691 supplier.

4692 (g) A wholesaler intentionally has made a transfer of
4693 wholesaler's business, other than a transfer to a designated
4694 member without prior written notice to the supplier.

4695 (h) A wholesaler intentionally has made a transfer of
4696 wholesaler's business, other than a transfer to a designated
4697 member, although the wholesaler has prior to said transfer
4698 received from supplier a timely notice of disapproval of said
4699 transfer in accordance with this chapter.

4700 (i) The wholesaler intentionally ceases to carry on
4701 business with respect to any of supplier's brand or brands
4702 previously serviced by wholesaler in its territory designated by
4703 the supplier, unless such cessation is due to force majeure or to
4704 labor dispute and the wholesaler has made good faith efforts to
4705 overcome such events. Provided, however, this shall affect only
4706 that brand or brands with respect to which the wholesaler ceased
4707 to carry on business.



4708 (6) Notwithstanding subsections (1), (3) and (5) of this
4709 section, a supplier may terminate, cancel, not renew or
4710 discontinue an agreement upon not less than thirty (30) days prior
4711 written notice if the supplier discontinues production or
4712 discontinues distribution in this state of all the brands sold by
4713 the supplier to the wholesaler, except that nothing in this
4714 section shall prohibit a supplier from: (a) upon not less than
4715 thirty (30) days notice, discontinuing the distribution of any
4716 particular brand or package of light * * * intoxicating beverage;
4717 or (b) conducting test marketing of a new brand of light * * *
4718 intoxicating beverage which is not currently being sold in this
4719 state, except that the supplier has notified the department in
4720 writing of its plans to test market, which notice shall describe
4721 the market area in which the test shall be conducted; the name or
4722 names of the wholesaler or wholesalers who will be selling the
4723 light * * * intoxicating beverage; the name or names of the brand
4724 of light * * * intoxicating beverage being tested; and the period
4725 of time, not to exceed eighteen (18) months, during which the
4726 testing will take place.

4727 **SECTION 64.** Section 67-9-1, Mississippi Code of 1972, is
4728 amended as follows:

4729 67-9-1. Notwithstanding the provisions of any section of
4730 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
4731 any person holding an alcohol processing permit to transport and
4732 possess alcoholic beverages * * * and light intoxicating



4733 beverages, in any part of the state, for his or her use in
4734 cooking, processing or manufacturing products which contain
4735 alcoholic beverages as an integral ingredient, in amounts as
4736 limited by the Alcoholic Beverage Control Division of the
4737 Department of Revenue. The authority to transport and possess
4738 alcoholic beverages * * * and light intoxicating beverages under
4739 this section exists regardless of whether (a) the county or
4740 municipality in which the transportation or possession takes place
4741 has voted for or against coming out from under the dry law, or (b)
4742 the transportation, storage, sale, distribution, receipt or
4743 manufacture of light * * * intoxicating beverages otherwise is
4744 prohibited.

4745 The provisions of this section shall not be construed as
4746 amending, repealing or otherwise affecting any statute or any
4747 lawfully adopted ordinance, rule or regulation that prohibits or
4748 restricts the location at which, or the premises upon which,
4749 alcoholic beverages * * * or light intoxicating beverages may be
4750 sold or consumed.

4751 The term "alcoholic beverages" has the meaning ascribed in
4752 Section 67-1-5, and the term "light intoxicating beverages" has
4753 the meaning ascribed in Section 67-3-3.

4754 **SECTION 65.** Section 27-65-241, Mississippi Code of 1972, as
4755 amended by House Bill No. 1, 2025 Regular Session, is amended as
4756 follows:



4757 27-65-241. (1) As used in this section, the following terms
4758 shall have the meanings ascribed to them in this section unless
4759 otherwise clearly indicated by the context in which they are used:

4760 (a) "Hotel" or "motel" means and includes a place of
4761 lodging that at any one time will accommodate transient guests on
4762 a daily or weekly basis and that is known to the trade as such.
4763 Such terms shall not include a place of lodging with ten (10) or
4764 less rental units.

4765 (b) "Municipality" means any municipality in the State
4766 of Mississippi with a population of one hundred fifty thousand
4767 (150,000) or more according to the most recent federal decennial
4768 census.

4769 (c) "Restaurant" means and includes all places where
4770 prepared food is sold and whose annual gross proceeds of sales or
4771 gross income for the preceding calendar year equals or exceeds One
4772 Hundred Thousand Dollars (\$100,000.00). The term "restaurant"
4773 shall not include any nonprofit organization that is exempt from
4774 federal income taxation under Section 501(c)(3) of the Internal
4775 Revenue Code. For the purpose of calculating gross proceeds of
4776 sales or gross income, the sales or income of all establishments
4777 owned, operated or controlled by the same person, persons or
4778 corporation shall be aggregated.

4779 (2) (a) Subject to the provisions of this section, the
4780 governing authorities of a municipality may impose upon all
4781 persons as a privilege for engaging or continuing in business or



4782 doing business within such municipality, a special sales tax at
4783 the rate of not more than one percent (1%) of the gross proceeds
4784 of sales or gross income of the business, as the case may be,
4785 derived from any of the activities taxed at the rate of seven
4786 percent (7%) or more under the Mississippi Sales Tax Law, Section
4787 27-65-1 et seq.

4788 (b) The tax levied under this section shall apply to
4789 every person making sales of tangible personal property or
4790 services within the municipality but shall not apply to:

4791 (i) Sales exempted by Sections 27-65-19,
4792 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and
4793 27-65-111 of the Mississippi Sales Tax Law;

4794 (ii) Gross proceeds of sales or gross income of
4795 restaurants derived from the sale of food and beverages;

4796 (iii) Gross proceeds of sales or gross income of
4797 hotels and motels derived from the sale of hotel rooms and motel
4798 rooms for lodging purposes;

4799 * * *

4800 (* * * iv) Gross income of businesses engaging or
4801 continuing in the business of TV cable systems, subscription TV
4802 services, and other similar activities, including, but not limited
4803 to, cable Internet services;

4804 (* * * y) Wholesale sales of food and drink for
4805 human consumption sold to full service vending machine operators;
4806 and



4807 (* * *vi) Wholesale sales of light * * *
4808 intoxicating beverages, as defined in Section 67-3-3, and
4809 alcoholic beverages, as defined in Section 67-1-5.

4810 (3) (a) Before any tax authorized under this section may be
4811 imposed, the governing authorities of the municipality shall adopt
4812 a resolution declaring its intention to levy the tax, setting
4813 forth the amount of the tax to be imposed, the purposes for which
4814 the revenue collected pursuant to the tax levy may be used and
4815 expended, the date upon which the tax shall become effective, the
4816 date upon which the tax shall be repealed, and calling for an
4817 election to be held on the question. The date of the election
4818 shall be set in the resolution. Notice of the election shall be
4819 published once each week for at least three (3) consecutive weeks
4820 in a newspaper published or having a general circulation in the
4821 municipality, with the first publication of the notice to be made
4822 not less than twenty-one (21) days before the date fixed in the
4823 resolution for the election and the last publication to be made
4824 not more than seven (7) days before the election. At the
4825 election, all qualified electors of the municipality may vote.
4826 The ballots used at the election shall have printed thereon a
4827 brief description of the sales tax, the amount of the sales tax
4828 levy, a description of the purposes for which the tax revenue may
4829 be used and expended and the words "FOR THE LOCAL SALES TAX" and
4830 "AGAINST THE LOCAL SALES TAX" and the voter shall vote by placing
4831 a cross (X) or check mark (✓) opposite his choice on the



4832 proposition. When the results of the election have been canvassed
4833 by the election commissioners of the municipality and certified by
4834 them to the governing authorities, it shall be the duty of such
4835 governing authorities to determine and adjudicate whether at least
4836 three-fifths (3/5) of the qualified electors who voted in the
4837 election voted in favor of the tax. If at least three-fifths
4838 (3/5) of the qualified electors who voted in the election voted in
4839 favor of the tax, the governing authorities shall adopt a
4840 resolution declaring the levy and collection of the tax provided
4841 in this section and shall set the first day of the second month
4842 following the date of such adoption as the effective date of the
4843 tax levy. A certified copy of this resolution, together with the
4844 result of the election, shall be furnished to the Department of
4845 Revenue not less than thirty (30) days before the effective date
4846 of the levy.

4847 (b) A municipality shall not hold more than two (2)
4848 elections under this subsection.

4849 (4) The revenue collected pursuant to the tax levy imposed
4850 under this section may be expended to pay the cost of road and
4851 street repair, reconstruction and resurfacing projects based on
4852 traffic patterns, need and usage, and to pay the costs of water,
4853 sewer and drainage projects in accordance with a master plan
4854 adopted by the commission established pursuant to subsection (7).

4855 (5) (a) The special sales tax authorized by this section
4856 shall be collected by the Department of Revenue, shall be



4857 accounted for separately from the amount of sales tax collected
4858 for the state in the municipality and shall be paid to the
4859 municipality. The Department of Revenue may retain one percent
4860 (1%) of the proceeds of such tax for the purpose of defraying the
4861 costs incurred by the department in the collection of the tax.
4862 Payments to the municipality shall be made by the Department of
4863 Revenue on or before the fifteenth day of the month following the
4864 month in which the tax was collected. However, if a municipality
4865 fails to comply with the audit, reporting and/or report filing
4866 requirements of paragraph (b) of this subsection and does not
4867 remedy such noncompliance within thirty (30) days after receiving
4868 written notice of noncompliance, the Department of Revenue shall
4869 withhold payments otherwise payable to the municipality under this
4870 paragraph (a) until the department receives written notice that
4871 the municipality has complied with such requirements.

4872 (b) The proceeds of the special sales tax shall be
4873 placed into a special municipal fund apart from the municipal
4874 general fund and any other funds of the municipality, and shall be
4875 expended by the municipality solely for the purposes authorized in
4876 subsection (4) of this section. The records reflecting the
4877 receipts and expenditures of the revenue from the special sales
4878 tax shall be provided in detail to the members of the commission
4879 monthly, to include the name of the vendor and the project, and
4880 the dates and amounts received and paid, and shall also be audited
4881 annually by an independent certified public accountant. The



4882 accountant shall make a report of his findings to the governing
4883 authorities of the municipality and file a copy of his report with
4884 the Secretary of the Senate and the Clerk of the House of
4885 Representatives and the commission members. The audit shall be
4886 made and completed as soon as practical after the close of the
4887 fiscal year of the municipality, and expenses of the audit shall
4888 be paid from the funds derived by the municipality pursuant to
4889 this section.

4890 (c) Any expenditure from the special municipal fund
4891 defined in paragraph (b) above that was not for a project approved
4892 by the commission, or was in excess of the amount approved by the
4893 commission, shall be reimbursed by the city to the special fund.

4894 (d) All provisions of the Mississippi Sales Tax Law
4895 applicable to filing of returns, discounts to the taxpayer,
4896 remittances to the Department of Revenue, enforced collection,
4897 rights of taxpayers, recovery of improper taxes, refunds of
4898 overpaid taxes or other provisions of law providing for imposition
4899 and collection of the state sales tax shall apply to the special
4900 sales tax authorized by this section, except where there is a
4901 conflict, in which case the provisions of this section shall
4902 control. Any damages, penalties or interest collected for the
4903 nonpayment of taxes imposed under this section, or for
4904 noncompliance with the provisions of this section, shall be paid
4905 to the municipality on the same basis and in the same manner as
4906 the tax proceeds. Any overpayment of tax for any reason that has



4907 been disbursed to a municipality or any payment of the tax to a
4908 municipality in error may be adjusted by the Department of Revenue
4909 on any subsequent payment to the municipality pursuant to the
4910 provisions of the Mississippi Sales Tax Law. The Department of
4911 Revenue may, from time to time, make such rules and regulations
4912 not inconsistent with this section as may be deemed necessary to
4913 carry out the provisions of this section, and such rules and
4914 regulations shall have the full force and effect of law.

4915 (6) If a municipality expands its corporate boundaries, the
4916 governing authorities of the municipality may not impose the
4917 special sales tax in the annexed area unless the tax is approved
4918 at an election conducted, as far as is practicable, in the manner
4919 provided in subsection (3) of this section, except that only
4920 qualified electors in the annexed area may vote in the election.

4921 (7) (a) Any municipality that levies the special sales tax
4922 authorized under this section shall establish a commission as
4923 provided for in this section. Expenditures of revenue from the
4924 special sales tax authorized by this section shall be in
4925 accordance with a master plan adopted by the commission pursuant
4926 to this subsection.

4927 (b) The commission shall be composed of ten (10) voting
4928 members who shall be known as commissioners appointed as follows:

4929 (i) Four (4) members representing the business
4930 community in the municipality appointed by the local chamber of
4931 commerce for initial terms of one (1), two (2), four (4) and five



4932 (5) years respectively. The members appointed pursuant to this
4933 paragraph shall be persons who represent businesses located within
4934 the city limits of the municipality.

4935 (ii) Three (3) members shall be appointed at large
4936 by the mayor of the municipality, with the advice and consent of
4937 the legislative body of the municipality, for initial terms of two
4938 (2), three (3) and four (4) years respectively. All appointments
4939 made by the mayor pursuant to this paragraph shall be residents of
4940 the municipality.

4941 (iii) One (1) member shall be appointed at large
4942 by the Governor for an initial term of four (4) years. All
4943 appointments made by the Governor pursuant to this paragraph shall
4944 be residents of the municipality.

4945 (iv) One (1) member shall be appointed at large by
4946 the Lieutenant Governor for an initial term of four (4) years.
4947 All appointments made by the Lieutenant Governor pursuant to this
4948 paragraph shall be residents of the municipality.

4949 (v) One (1) member shall be appointed at large by
4950 the Speaker of the House of Representatives for a term of four (4)
4951 years. All appointments made by the Speaker of the House of
4952 Representatives pursuant to this paragraph shall be residents of
4953 the municipality.

4954 (c) The terms of all appointments made subsequent to
4955 the initial appointment shall be made for five (5) years. Any



4956 vacancy which may occur shall be filled in the same manner as the
4957 original appointment and shall be made for the unexpired term.

4958 (d) The mayor of the municipality shall designate a
4959 chairman of the commission from among the membership of the
4960 commission. The vice chairman and secretary shall be elected by
4961 the commission from among the membership of the commission for a
4962 term of two (2) years. The vice chairman and secretary may be
4963 reelected, and the chairman may be reappointed.

4964 (e) The commissioners shall serve without compensation.

4965 (f) Any commissioner shall be disqualified and shall be
4966 removed from office for either of the following reasons:

4967 (i) Conviction of a felony in any state court or
4968 in federal court; or

4969 (ii) Failure to attend three (3) consecutive
4970 meetings without just cause.

4971 If a commissioner is removed for any of the above reasons,
4972 the vacancy shall be filled in the manner prescribed in this
4973 section and shall be made for the unexpired term.

4974 (g) A quorum shall consist of six (6) voting members of
4975 the commission. The commission shall adopt such rules and
4976 regulations as may govern the time and place for holding meetings,
4977 regular and special.

4978 (h) The commission shall, with input from the
4979 municipality, establish a master plan for road and street repair,
4980 reconstruction and resurfacing projects based on traffic patterns,



4981 need and usage, and for water, sewer and drainage projects.
4982 Expenditures of the revenue from the tax authorized to be imposed
4983 pursuant to this section shall be made at the discretion of the
4984 governing authorities of the municipality if the expenditures
4985 comply with the master plan. The commission shall monitor the
4986 compliance of the municipality with the master plan.

4987 (8) The governing authorities of any municipality that
4988 levies the special sales tax authorized under this section are
4989 authorized to incur debt, including bonds, notes or other
4990 evidences of indebtedness, for the purpose of paying the costs of
4991 road and street repair, reconstruction and resurfacing projects
4992 based on traffic patterns, need and usage, and to pay the costs of
4993 water, sewer and drainage projects in accordance with a master
4994 plan adopted by the commission established pursuant to subsection
4995 (7) of this section. Any bonds or notes issued to pay such costs
4996 may be secured by the proceeds of the special sales tax levied
4997 pursuant to this section or may be general obligations of the
4998 municipality and shall satisfy the requirements for the issuance
4999 of debt provided by Sections 21-33-313 through 21-33-323.

5000 (9) This section shall stand repealed from and after July 1,
5001 2035.

5002 **SECTION 66.** Section 27-71-301, Mississippi Code of 1972, is
5003 amended as follows:

5004 27-71-301. When used in this article the words and terms
5005 hereafter mentioned shall have the following definitions:



5006 (a) "State Auditor" means the State Auditor of Public
5007 Accounts of the State of Mississippi or any legally appointed
5008 deputy, clerk or agent.

5009 (b) "Person" includes all natural persons or
5010 corporations, a partnership, an association, a joint venture, an
5011 estate, a trust, or any other group or combination acting as a
5012 unit and shall include the plural as well as the singular unless
5013 an intention to give another meaning thereto is disclosed in the
5014 context.

5015 (c) "Consumer" means a person who comes into the
5016 possession of * * * any light intoxicating beverage for the
5017 purpose of consuming it, giving it away or otherwise disposing of
5018 it in any manner except by sale, barter or exchange.

5019 (d) "Retailer" means any person who comes into the
5020 possession of such light * * * intoxicating beverage for the
5021 purpose of selling it to the consumer, or giving it away, or
5022 exposing it where it may be taken or purchased or acquired in any
5023 other manner by the consumer. The term "retailer" shall include
5024 small craft breweries and microbreweries; however, the term
5025 "retailer" shall not include a person who offers and provides beer
5026 on the premises of a brewery for the purpose of tasting or
5027 sampling as authorized in Section 67-3-47.

5028 (e) "Wholesaler" means any person who comes into
5029 possession of such light * * * intoxicating beverage for the



5030 purpose of selling, distributing, or giving it away to retailers
5031 or other wholesalers or dealers inside or outside of this state.

5032 (f) "Commissioner" means the Commissioner of Revenue of
5033 the Department of Revenue or his duly appointed agents or
5034 employees.

5035 (g) "Sale" includes the exchange of such light * * *
5036 intoxicating beverages for money, or giving away or distributing
5037 any such light * * * intoxicating beverages for anything of value;
5038 however, the term "sale" shall not include beer offered and
5039 provided on the premises of a brewery for the purpose of tasting
5040 or sampling as authorized in Section 67-3-47.

5041 (h) * * * "Beer," "light wine," "light spirit product,"
5042 "hemp beverage" and "light intoxicating beverage" have the
5043 meanings ascribed in Section 67-3-3.

5044 (i) "Distributor" includes every person who receives,
5045 either from within or from without this state, from a brewery, a
5046 winery or any other source, light * * * intoxicating beverages for
5047 the purpose of distributing or otherwise disposing of such
5048 light * * * intoxicating beverages to a wholesaler or retailer of
5049 such light * * * intoxicating beverages.

5050 (j) "Brewpub" means the premises of any location in
5051 which any light wine, light spirit product or beer is manufactured
5052 or brewed, for retail sale if the total amount of light wine,
5053 light spirit product or beer produced on the premises does not
5054 exceed the production limitation imposed in Section 67-3-22, and



5055 the light wine, light spirit product or beer is produced for
5056 consumption on the premises, although without prohibition on sales
5057 for off-premises consumption.

5058 (k) "Hospitality cart" means a mobile cart from which
5059 alcoholic beverages and light * * * intoxicating beverages are
5060 sold on a golf course and for which a hospitality cart permit has
5061 been issued under Section 67-1-51.

5062 (l) "Small craft brewery" shall have the meaning
5063 ascribed to such term in Section 67-3-3.

5064 (m) "Manufacturer" means a * * * producer of light
5065 intoxicating beverages for sale to a distributor; however, the
5066 term does not include * * * brewpubs or, with respect to hemp
5067 beverages, microbreweries.

5068 (n) "Microbrewery" shall have the meaning ascribed to
5069 such term in Section 67-3-3.

5070 **SECTION 67.** Section 27-71-303, Mississippi Code of 1972, is
5071 amended as follows:

5072 27-71-303. (1) Upon each person approved for a permit to
5073 engage in the business of selling light wines, light spirit
5074 products or beer, there is hereby imposed, levied and assessed, to
5075 be collected and paid as herein provided, annual privilege taxes
5076 in the following amounts:

5077 (a) Retailers--for each place of
5078 business.....\$ * * * 150.00

5079 (b) Wholesalers or distributors--for



5080 each * * * location.....\$ * * * 2,000.00

5081 (c) Manufacturers--for each place of
5082 business.....\$ * * * 2,000.00

5083 (d) Brewpubs--for each place of
5084 business.....\$ * * * 2,000.00

5085 (e) Microbrewery--for each place of
5086 business.....\$ * * * 2,000.00

5087 (f) Small craft brewery--for each
5088 place of business.....\$ * * * 2,000.00

5089 (2) Upon each person approved to engage in the business of
5090 selling hemp beverages, there is hereby imposed, levied and
5091 assessed, to be collected and paid as herein provided, separate
5092 annual privilege taxes in the same amounts as provided in
5093 subsection (1) of this section for each category of business:

5094 (a) Retailers--for each place of
5095 business.....\$ 150.00

5096 (b) Wholesalers or distributors--for each
5097 location.....\$ 2,000.00

5098 (c) Manufacturers--for each place of
5099 business.....\$ 2,000.00

5100 (d) Small craft brewery--for each place of
5101 business.....\$ 2,000.00

5102 (3) Upon each person operating an airline, bus, boat or
5103 railroad car upon which light * * * intoxicating beverages may be
5104 sold, there is hereby imposed, levied and assessed, to be



5105 collected and paid, annual privilege taxes of * * * One Hundred
5106 Fifty Dollars (\$150.00) for each airplane, bus, boat or railroad
5107 car so operated in this state.

5108 * * * (4) The amount of the privilege tax to be paid for a
5109 permit issued for a period of less than twelve (12) months shall
5110 be that proportionate amount of the annual privilege tax that the
5111 number of months, or part of a month, remaining until its
5112 expiration date bears to twelve (12) months, but in no case shall
5113 the privilege tax be less than * * * Fifty Dollars (\$50.00).

5114 **SECTION 68.** Section 27-71-307, Mississippi Code of 1972, is
5115 amended as follows:

5116 27-71-307. (1) (a) In addition to the specific tax imposed
5117 in Section 27-71-303, there is hereby imposed, levied, assessed
5118 and shall be collected, as hereinafter provided, an excise or
5119 privilege tax upon each person engaged or continuing in the
5120 business of wholesaler or distributor of light * * * intoxicating
5121 beverages equivalent to Forty-two and Sixty-eight One-hundredths
5122 Cents (42.68¢) per gallon upon all light * * * intoxicating
5123 beverages acquired for sale or distribution in this state. The
5124 excise or privilege tax is also imposed at the same rate upon each
5125 gallon of light wine, light spirit product or beer manufactured by
5126 brewpubs, each of which shall accurately and reliably measure the
5127 quantity of light wine, light spirit product or beer produced by
5128 using a measuring device such as a meter or gauge glass or any
5129 other suitable method approved by the commissioner. The excise or



5130 privilege tax is also imposed at the same rate upon each gallon of
5131 light * * * intoxicating beverage provided by a small craft
5132 brewery or microbrewery for sale as authorized under Section
5133 67-3-48 and upon each gallon of * * * beer provided for tasting or
5134 sampling under Section 67-3-47. The tax is hereby imposed as an
5135 additional tax for the privilege of engaging or continuing in
5136 business.

5137 (b) The excise tax imposed in this section shall be
5138 paid to the department * * * monthly on or before the fifteenth
5139 day of the month following the month in which the * * * light
5140 intoxicating beverage was manufactured or received in this state.
5141 Monthly report forms shall be furnished by the commissioner to the
5142 wholesalers, distributors, brewpubs, microbreweries and small
5143 craft breweries.

5144 (c) Provided that persons operating a railroad dining
5145 car, club car or other car in interstate commerce upon which
5146 light * * * intoxicating beverages may be sold and who are
5147 licensed under the provisions of Section 67-3-27 and any other law
5148 relating to the sale of such beverages shall keep such records of
5149 the sales of such light * * * intoxicating beverages in this state
5150 as the commissioner shall prescribe and shall submit monthly
5151 reports of such sales to the commissioner within fifteen (15) days
5152 after the end of each month on a form prescribed therefor by the
5153 commissioner, and shall pay the tax due under the provisions of
5154 this section at the time such reports are filed.



5155 No official crowns, lids, labels or stamps with the word
5156 "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of
5157 tax payment is required by this section, or may be required under
5158 rule or regulation promulgated by the commissioner, to be affixed
5159 on or to any part of a * * * light intoxicating beverage or malt
5160 cooler bottle, can or other light * * * intoxicating beverage or
5161 malt cooler container. For purposes of this section, malt cooler
5162 products shall be defined as a flavored malt beverage made from a
5163 base of malt beverage and flavored with fruit juices, aromatics
5164 and essences of other flavoring in quantities and proportions such
5165 that the resulting product possesses a character and flavor
5166 distinctive from the base malt beverage and distinguishable from
5167 other malt beverages.

5168 (2) A licensed wholesaler or distributor of * * * light
5169 intoxicating beverages may not import * * * light intoxicating
5170 beverages from any source other than a brewer or importer
5171 authorized by the commissioner to sell such * * * light
5172 intoxicating beverages in Mississippi. Any person who violates
5173 the provisions of this subsection, upon conviction thereof, shall
5174 be punished by a fine of not more than One Thousand Dollars
5175 (\$1,000.00) or by imprisonment in the county jail for not more
5176 than six (6) months, or by both such fine and imprisonment, in the
5177 discretion of the court and shall be subject to license forfeiture
5178 following an appropriate hearing before the Department of Revenue.



5179 (3) The wholesaler, distributor, microbrewery or small craft
5180 brewery shall be allowed credit for tax paid on * * * any light
5181 intoxicating beverage which is no longer marketable and which is
5182 destroyed by same when such destruction is witnessed by an agent
5183 of the commissioner and when the amount of the excise tax exceeds
5184 One Hundred Dollars (\$100.00). No other loss will be allowed.

5185 A brewpub shall be allowed credit for any light wine, light
5186 spirit product or beer which has passed through the meter, gauge
5187 glass or other approved measuring device and which has been soured
5188 or damaged. The brewpub shall record the removal of sour or
5189 damaged light wine, light spirit product or beer and may take
5190 credit after the destruction is witnessed by an agent of the
5191 commissioner and when the amount of excise tax exceeds Twenty-five
5192 Dollars (\$25.00). No other loss shall be allowed.

5193 (4) All manufacturers, brewers and importers of * * *
5194 intoxicating beverages shall file monthly reports as prescribed by
5195 the commissioner listing sales to each wholesaler or distributor
5196 by date, invoice number, quantity and container size, and any
5197 other information deemed necessary.

5198 (5) All small craft breweries and microbreweries shall file
5199 monthly reports as prescribed by the commissioner regarding the
5200 sale of light * * * intoxicating beverages authorized under
5201 Section 67-3-48.

5202 (6) Manufacturers who offer and provide limited amounts of
5203 beer for tasting or sampling under Section 67-3-47 shall file



5204 monthly reports as prescribed by the commissioner regarding the
5205 beer provided for such tasting or sampling.

5206 (7) All administrative provisions of the Mississippi Sales
5207 Tax Law, including those which fix damages, penalties and interest
5208 for nonpayment of taxes and for noncompliance with the provisions
5209 of such chapter, and all other requirements and duties imposed
5210 upon taxpayers, shall apply to all persons liable for taxes under
5211 the provisions of this chapter, and the commissioner shall
5212 exercise all the power and authority and perform all the duties
5213 with respect to taxpayers under this chapter as are provided in
5214 the sales tax law except where there is conflict, then the
5215 provisions of this chapter shall control.

5216 **SECTION 69.** Section 27-71-311, Mississippi Code of 1972, is
5217 amended as follows:

5218 27-71-311. Before any person shall engage in the business of
5219 manufacturing light * * * intoxicating beverages, in the business
5220 of wholesaler or distributor of light * * * intoxicating
5221 beverages, or in the business of a brewpub, he shall be required
5222 to enter into a good and sufficient bond. The bond shall be made
5223 payable to the State of Mississippi, in a sum of not less than
5224 Five Thousand Dollars (\$5,000.00) nor more than Two Hundred
5225 Thousand Dollars (\$200,000.00), the amount to be determined by the
5226 department * * *. The bond of a wholesaler, distributor or
5227 brewpub shall not exceed the amount of excise tax estimated to be
5228 owed by such wholesaler, distributor or brewpub for any sixty-day



5229 period. If a manufacturer is operating a small craft brewery and
5230 is distributing light * * * intoxicating beverages for sale as
5231 authorized under Section 67-3-48, the manufacturer, in addition to
5232 any other required bond, shall enter into a bond not to exceed the
5233 amount of excise tax estimated to be owed by such manufacturer for
5234 any sixty-day period. The bond shall be conditioned that he will
5235 conduct his business strictly in accordance with the laws of the
5236 State of Mississippi, and that he will comply with the rules and
5237 regulations prescribed by the commissioner, and pay the taxes
5238 imposed under the provisions of this article for the privilege of
5239 engaging or continuing in such business. Such bond shall be made
5240 in a surety company authorized to do business in the State of
5241 Mississippi, and shall be approved by the commissioner. The
5242 commissioner shall be authorized to institute suit in the proper
5243 court on said bond for any violation of the conditions of said
5244 bond.

5245 **SECTION 70.** Section 27-71-315, Mississippi Code of 1972, is
5246 amended as follows:

5247 27-71-315. Except as otherwise provided in Section 67-9-1
5248 for the transportation of limited amounts of alcoholic beverages
5249 for the use of an alcohol processing permittee, it shall be
5250 unlawful for any person to transport from any point outside of
5251 this state to any point within this state, any light * * *
5252 intoxicating beverage except for delivery to a licensed wholesaler
5253 or distributor in this state; and except by common carrier. The



5254 commissioner may, however, upon application of a licensed
5255 wholesaler or distributor in this state, and under rules and
5256 regulations duly promulgated by him, issue a permit for the
5257 transportation by a licensed wholesaler or distributor of
5258 light * * * intoxicating beverages in trucks owned by such
5259 licensee, from without the state to the place of business of such
5260 licensee within the state, for distribution by said licensee.
5261 Such permit shall be granted for a specified period, not to exceed
5262 one (1) year.

5263 Any person engaged in transporting any light * * *
5264 intoxicating beverage from any point outside of this state to any
5265 point within this state, shall have in his possession during the
5266 entire time he is engaged in transporting such light * * *
5267 intoxicating beverage, an invoice, bill of sale, or bill of
5268 lading, showing the true name and address of the consignor, and
5269 also the true name and address of the licensed wholesaler or
5270 distributor to whom such light * * * intoxicating beverage is to
5271 be delivered, and the quantity of such light * * * intoxicating
5272 beverage, unless such common carrier maintains a permanent office
5273 within this state where complete records of all light * * *
5274 intoxicating beverages transported from without this state to
5275 points within this state are kept, and open to inspection by the
5276 commissioner or his duly authorized agent, at all reasonable
5277 times.



5278 It is hereby made the duty of all common carriers, and
5279 licensed wholesalers and distributors, transporting light * * *
5280 intoxicating beverages from without the State of Mississippi into
5281 the State of Mississippi, to furnish the commissioner on or before
5282 the fifteenth day of each month, a report showing the amount of
5283 beer transported within the state during the preceding month, the
5284 consignor, the consignee, and the quantity of light * * *
5285 intoxicating beverages so transported.

5286 **SECTION 71.** Section 27-71-317, Mississippi Code of 1972, is
5287 amended as follows:

5288 27-71-317. It shall be unlawful for any person to transport
5289 from any point within this state to another point within this
5290 state, any light * * * intoxicating beverage on which the tax
5291 imposed in Section 27-71-307 of this article has not been paid,
5292 except for immediate delivery to a licensed wholesaler or
5293 distributor in this state. And any person engaged in transporting
5294 any light * * * intoxicating beverage on which the tax imposed in
5295 Section 27-71-307 of this article has not been paid, from any
5296 point within this state to another point within this state shall
5297 have in his possession during the entire time he is engaged in
5298 transporting such light * * * intoxicating beverage an invoice,
5299 bill of sale, or bill of lading showing the true name and address
5300 of the consignor, and also the true name and address of the
5301 licensed wholesaler or distributor to whom such light * * *



5302 intoxicating beverage is to be delivered and the quantity of such
5303 light * * * intoxicating beverage.

5304 **SECTION 72.** Section 27-71-325, Mississippi Code of 1972, is
5305 amended as follows:

5306 27-71-325. It shall be the duty of every wholesaler or
5307 distributor of light * * * intoxicating beverages licensed under
5308 the provisions of Section 67-3-27, * * * to file with the
5309 commissioner, on or before the fifteenth day of each month, a
5310 report covering all sales of such light * * * intoxicating
5311 beverages during the preceding month. Such report shall show the
5312 names and post-office addresses of all persons to whom such
5313 light * * * intoxicating beverages have been sold or delivered and
5314 the quantities and invoice prices of the light * * * intoxicating
5315 beverages thus sold or delivered.

5316 It shall be the duty of each retail dealer in such
5317 light * * * intoxicating beverages to procure from the distributor
5318 or wholesaler from whom such light * * * intoxicating beverages
5319 were purchased or acquired, invoices showing the quantity of the
5320 light * * * intoxicating beverages purchased or acquired, and the
5321 date of each delivery thereof. Such invoices shall be preserved
5322 by the retailer and shall be open for inspection by the
5323 commissioner or his duly authorized agent for a period of two (2)
5324 years. It shall likewise be the duty of such retail dealer to
5325 file with the commissioner, on or before the fifteenth day of each
5326 calendar month, a report showing all purchases of such light * * *



5327 intoxicating beverages made by him during the preceding month.
5328 Such report shall disclose the names and addresses of all persons
5329 from whom such light * * * intoxicating beverages have been
5330 purchased or received by him during the preceding month and the
5331 quantities thus purchased or received.

5332 **SECTION 73.** Section 27-71-327, Mississippi Code of 1972, is
5333 amended as follows:

5334 27-71-327. Any person engaged in the business of
5335 manufacturer, distributor, wholesaler or retailer of light * * *
5336 intoxicating beverages and any brewpub shall keep such additional
5337 records and make such additional reports with respect to the
5338 manufacture, receipt, distribution and sale of such light * * *
5339 intoxicating beverages as the commissioner may require. It shall
5340 be the duty of the commissioner to prescribe and promulgate
5341 uniform rules and regulations for keeping such records and making
5342 such reports.

5343 **SECTION 74.** Section 27-71-333, Mississippi Code of 1972, is
5344 amended as follows:

5345 27-71-333. Whenever it shall be determined by the
5346 commissioner that any wholesaler or distributor having in his
5347 possession, or engaging in the sale or distribution of light * * *
5348 intoxicating beverages, has failed to pay the tax, as provided
5349 herein, the commissioner shall compute the correct amount of tax
5350 due and unpaid and shall notify the taxpayer of the amount as
5351 being actually due and unpaid, and penalties, and interest and



5352 shall state in what manner this article is violated. The taxpayer
5353 so notified shall be given a period of ten (10) days in which to
5354 make objection and show cause why the additional tax, and
5355 penalties, and interest, should not be paid. On petition of the
5356 taxpayer, a hearing before the commissioner shall be granted, a
5357 final decision thereon shall be rendered, and the taxpayer
5358 notified as early as practicable. Any tax or deficiency in tax
5359 shall be assessed and paid, together with penalties and interest,
5360 if any, applicable thereto, within ten (10) days after notice and
5361 demand by the commissioner.

5362 If no objection be made to the finding of the commissioner,
5363 and no hearing be had before the commissioner within the time
5364 herein specified, the findings of the commissioner shall be final.
5365 If a hearing be had, and the amount of tax due and unpaid be
5366 determined, notice of the amount of such tax, penalties and
5367 interest shall be mailed to the taxpayer, and, if not paid within
5368 ten (10) days thereafter, the commissioner shall forthwith issue a
5369 warrant under official seal directed to the sheriff of any county
5370 of the state commanding him to levy upon and sell the real and
5371 personal property of the person owing the tax, found within his
5372 county, for the payment of the amount thereof, with added damages,
5373 interest and cost of executing the warrant, and to return such
5374 warrant to the commissioner and pay to him money collected by
5375 virtue thereof by a time to be therein specified not more than
5376 sixty (60) days from the date of the warrant. The sheriff shall,



5377 within five (5) days after the receipt of the warrant, file with
5378 the circuit clerk of his county a copy thereof, and thereupon the
5379 circuit clerk shall enter in the judgment roll, in the column for
5380 judgment debtors, the name of the taxpayer mentioned in the
5381 warrant, and in appropriate columns, the amount of the tax, or
5382 portion thereof and damages for which the warrant is issued, and
5383 the date when such copy is filed; and thereupon the amount of such
5384 warrant or warrants so docketed shall become a lien upon the title
5385 to and interest in the real and personal property, including
5386 choses in action, of the person against whom it is issued in the
5387 same manner as a judgment duly enrolled in the office of such
5388 clerk. The sheriff thereupon shall proceed upon the same in all
5389 respects, with like effect, and in the same manner prescribed by
5390 law in respect to executions issued against property upon judgment
5391 or attachment proceedings of a court of record; and he shall be
5392 entitled to the same fee for his service in executing the warrant
5393 as now allowed by law for like service, to be collected in the
5394 same manner as provided by law for like service.

5395 **SECTION 75.** Section 27-71-335, Mississippi Code of 1972, is
5396 amended as follows:

5397 27-71-335. Any light * * * intoxicating beverage found at
5398 any point within this state which has been in the possession of
5399 any wholesaler or distributor for a period of more than
5400 forty-eight (48) hours and any light * * * intoxicating beverage
5401 transported into this state from a point outside this state, or



5402 from point-to-point within this state in violation of the
5403 provisions of this article, or any light * * * intoxicating
5404 beverage held or possessed by any person within this state on
5405 which the legal and proper tax has not been paid when due, whether
5406 such person be a wholesaler, retailer or distributor, or
5407 individual, and whether the light * * * intoxicating beverages be
5408 for sale or storage or individual use, except light * * *
5409 intoxicating beverages in possession of a licensed wholesaler or
5410 distributor for a period of time less than forty-eight (48) hours
5411 after receipt of the light * * * intoxicating beverages within
5412 this state, and light * * * intoxicating beverages held in storage
5413 by licensed manufacturers or producers, are hereby declared to be
5414 contraband goods, and there is hereby imposed and assessed, as tax
5415 and penalty, to be collected by the commissioner, an amount equal
5416 to the amount of the excise tax otherwise imposed under the
5417 Mississippi Wine and Beer Tax Law, plus a penalty of one hundred
5418 percent (100%) of the amount of the tax; or, at the option of the
5419 commissioner, the light * * * intoxicating beverages may be seized
5420 by the commissioner or his agents or any sheriff, or other lawful
5421 officer, and shall be dealt with in the same manner as provided
5422 for in Section 67-1-18 for alcoholic beverages.

5423 **SECTION 76.** Section 27-71-345, Mississippi Code of 1972, is
5424 amended as follows:

5425 27-71-345. Any municipality, in which any business licensed
5426 under * * * Section 67-3-27 * * * may be carried on, shall have



5427 the right to impose upon persons engaged in such business an
5428 annual privilege tax of not more than fifty percent (50%) of the
5429 tax imposed by Section 27-71-303 of this article, and any county,
5430 in which any business licensed under * * * Section 67-3-27 * * *
5431 may be carried on outside of the territory taxed by
5432 municipalities, shall have the right to impose upon persons
5433 engaged in such business an annual privilege tax of not more than
5434 fifty percent (50%) of the tax imposed by Section 27-71-303 of
5435 this article; provided, however, that no person engaged in the
5436 business of manufacturer, brewpub, wholesaler or distributor of
5437 light * * * intoxicating beverages shall be taxed by any
5438 municipality other than that in which the warehouse or plant of
5439 such wholesaler or distributor, or the premises of such brewpub,
5440 is located, nor shall any county impose any such tax upon such
5441 manufacturer, brewpub, wholesaler or distributor of light * * *
5442 intoxicating beverages if the place of business is located within
5443 the jurisdiction of any municipality.

5444 **SECTION 77.** Section 27-71-349, Mississippi Code of 1972, is
5445 amended as follows:

5446 27-71-349. (1) Every manufacturer or importer of
5447 light * * * intoxicating beverages shall designate sales
5448 territories for each of its brands sold in Mississippi and shall
5449 name one (1) licensed light * * * intoxicating beverage wholesaler
5450 in each territory who, within such territory, shall be the
5451 licensed wholesaler for the brand or brands assigned by the



5452 manufacturer or importer. If the manufacturer or importer
5453 supplies more than one (1) brand, sales territories may be granted
5454 to a different wholesaler for the sale of each brand. No licensed
5455 wholesaler shall distribute the specified brand or brands of
5456 light * * * intoxicating beverages outside his assigned territory,
5457 nor shall he knowingly sell to a retailer whose licensed retail
5458 establishment is located outside his assigned territory.

5459 (2) A licensed wholesaler designated as the licensed
5460 wholesaler for light * * * intoxicating beverages within a
5461 designated sales territory shall present that light * * *
5462 intoxicating beverage for sale to all licensed retailers within
5463 the designated sales territory without discrimination in service.
5464 A licensed wholesaler shall not sell, supply or deliver, either
5465 directly or indirectly through a third party, any light * * *
5466 intoxicating beverage to a licensed retailer outside of the
5467 designated sales territory of the designated wholesaler, nor to
5468 any person the licensed wholesaler has reason to believe will sell
5469 or supply any quantity of the light * * * intoxicating beverage to
5470 any retail location outside of the designated sales territory of
5471 the licensed wholesaler.

5472 (3) All light * * * intoxicating beverages shall be
5473 transported only by a marked conveyance owned or leased by the
5474 licensed wholesaler and operated by the licensed wholesaler or an
5475 employee of the wholesaler for the products of a manufacturer or
5476 importer within the designated sales territory to the address and



5477 location of a licensed retail dealer within that designated sales
5478 territory.

5479 (4) Any light * * * intoxicating beverage sold by the
5480 licensed wholesaler shall not be delivered to, received by or
5481 stored at any place other than the address and location of the
5482 licensed retailer for which the required licenses and permits have
5483 been issued.

5484 (5) With the approval of the designated manufacturer, a
5485 licensed wholesaler may sell the designated brands to a licensed
5486 retailer located in a designated sales territory of another
5487 licensed wholesaler if the former licensed wholesaler is unable
5488 temporarily for any reason to provide the designated brands of the
5489 designated manufacturer within its designated sales territory.

5490 (6) All light * * * intoxicating beverages purchased by a
5491 licensed wholesaler for resale in this state shall come into the
5492 physical possession of the licensed wholesaler and be unloaded in
5493 and distributed from the warehouse of the licensed wholesaler
5494 located in this state before being resold in this state.

5495 (7) As used in this section, the term "sales territory"
5496 shall have the meaning ascribed to such term in Section 67-7-5.

5497 **SECTION 78.** Section 27-71-509, Mississippi Code of 1972, is
5498 amended as follows:

5499 27-71-509. It shall be unlawful for any brewer,
5500 manufacturer, wholesaler, distributor or retailer of light * * *
5501 intoxicating beverages to whom a permit has been issued



5502 under * * * Sections 67-3-15 and 67-3-23 * * * to write or print
5503 on any label or container of either of the above-named commodities
5504 any matter relating to the alcoholic or THC content of such
5505 beverage or beverages, except a statement * * * to the effect that
5506 the contents of the vessel or container in which light wine shall
5507 be sold does not contain alcohol in excess of five percent (5%) of
5508 the contents thereof, by weight, that the contents of the vessel
5509 or container in which light spirit product shall be sold does not
5510 contain alcohol in excess of six percent (6%) of the contents
5511 thereof, by weight, * * * that the contents of the vessel or
5512 container in which beer shall be sold does not contain alcohol in
5513 excess of eight percent (8%) of the contents thereof, by weight,
5514 and that the contents of the vessel or container in which hemp
5515 beverage shall be sold does not contain THC in excess of
5516 three-tenths percent (0.3%) of the contents thereof. It shall be
5517 unlawful for any such brewer, manufacturer, wholesaler,
5518 distributor or retailer to sell any such commodity with any
5519 statement in conflict with the provisions of this section, with
5520 reference to the alcoholic content of such beverage or beverages,
5521 except that a statement of alcoholic content may be expressed on
5522 any light wine, light spirit product or beer label in terms of
5523 volume or weight, at the manufacturer's option; and such
5524 statement, if by volume, shall be subject to the same permitted
5525 tolerance allowed for wine containing fourteen percent (14%)
5526 alcohol by volume or less by Section 4.36(b) (1) of the Federal



5527 Labeling Requirements for Wine, 27 CFR Part 4, subpart D, and
5528 Section 7.71(c) 27 CFR Part 7, subpart G, and, if by weight, shall
5529 be subject to an equivalent permitted tolerance, determined in
5530 terms of alcohol by weight.

5531 The terms "light intoxicating beverage," "light wine," "light
5532 spirit product," "beer" and "hemp beverage" have the meanings
5533 ascribed in Section 67-3-3.

5534 **SECTION 79.** Section 45-9-101, Mississippi Code of 1972, is
5535 amended as follows:

5536 45-9-101. (1) (a) Except as otherwise provided, the
5537 Department of Public Safety is authorized to issue licenses to
5538 carry stun guns, concealed pistols or revolvers to persons
5539 qualified as provided in this section. Such licenses shall be
5540 valid throughout the state for a period of five (5) years from the
5541 date of issuance, except as provided in subsection (25) of this
5542 section. Any person possessing a valid license issued pursuant to
5543 this section may carry a stun gun, concealed pistol or concealed
5544 revolver.

5545 (b) The licensee must carry the license, together with
5546 valid identification, at all times in which the licensee is
5547 carrying a stun gun, concealed pistol or revolver and must display
5548 both the license and proper identification upon demand by a law
5549 enforcement officer. A violation of the provisions of this
5550 paragraph (b) shall constitute a noncriminal violation with a



5551 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
5552 by summons.

5553 (2) The Department of Public Safety shall issue a license if
5554 the applicant:

5555 (a) Is a resident of the state. However, this
5556 residency requirement may be waived if the applicant possesses a
5557 valid permit from another state, is a member of any active or
5558 reserve component branch of the United States of America Armed
5559 Forces stationed in Mississippi, is the spouse of a member of any
5560 active or reserve component branch of the United States of America
5561 Armed Forces stationed in Mississippi, or is a retired law
5562 enforcement officer establishing residency in the state;

5563 (b) (i) Is twenty-one (21) years of age or older; or

5564 (ii) Is at least eighteen (18) years of age but
5565 not yet twenty-one (21) years of age and the applicant:

5566 1. Is a member or veteran of the United
5567 States Armed Forces, including National Guard or Reserve; and

5568 2. Holds a valid Mississippi driver's license
5569 or identification card issued by the Department of Public Safety
5570 or a valid and current tribal identification card issued by a
5571 federally recognized Indian tribe containing a photograph of the
5572 holder;

5573 (c) Does not suffer from a physical infirmity which
5574 prevents the safe handling of a stun gun, pistol or revolver;



5575 (d) Is not ineligible to possess a firearm by virtue of
5576 having been convicted of a felony in a court of this state, of any
5577 other state, or of the United States without having been pardoned
5578 or without having been expunged for same;

5579 (e) Does not chronically or habitually abuse controlled
5580 substances to the extent that his normal faculties are impaired.
5581 It shall be presumed that an applicant chronically and habitually
5582 uses controlled substances to the extent that his faculties are
5583 impaired if the applicant has been voluntarily or involuntarily
5584 committed to a treatment facility for the abuse of a controlled
5585 substance or been found guilty of a crime under the provisions of
5586 the Uniform Controlled Substances Law or similar laws of any other
5587 state or the United States relating to controlled substances
5588 within a three-year period immediately preceding the date on which
5589 the application is submitted;

5590 (f) Does not chronically and habitually use alcoholic
5591 beverages to the extent that his normal faculties are impaired.
5592 It shall be presumed that an applicant chronically and habitually
5593 uses alcoholic beverages to the extent that his normal faculties
5594 are impaired if the applicant has been voluntarily or
5595 involuntarily committed as an alcoholic to a treatment facility or
5596 has been convicted of two (2) or more offenses related to the use
5597 of alcohol under the laws of this state or similar laws of any
5598 other state or the United States within the three-year period



5599 immediately preceding the date on which the application is
5600 submitted;

5601 (g) Desires a legal means to carry a stun gun,
5602 concealed pistol or revolver to defend himself;

5603 (h) Has not been adjudicated mentally incompetent, or
5604 has waited five (5) years from the date of his restoration to
5605 capacity by court order;

5606 (i) Has not been voluntarily or involuntarily committed
5607 to a mental institution or mental health treatment facility unless
5608 he possesses a certificate from a psychiatrist licensed in this
5609 state that he has not suffered from disability for a period of
5610 five (5) years;

5611 (j) Has not had adjudication of guilt withheld or
5612 imposition of sentence suspended on any felony unless three (3)
5613 years have elapsed since probation or any other conditions set by
5614 the court have been fulfilled;

5615 (k) Is not a fugitive from justice; and

5616 (l) Is not disqualified to possess a weapon based on
5617 federal law.

5618 (3) The Department of Public Safety may deny a license if
5619 the applicant has been found guilty of one or more crimes of
5620 violence constituting a misdemeanor unless three (3) years have
5621 elapsed since probation or any other conditions set by the court
5622 have been fulfilled or expunction has occurred prior to the date
5623 on which the application is submitted, or may revoke a license if



5624 the licensee has been found guilty of one or more crimes of
5625 violence within the preceding three (3) years. The department
5626 shall, upon notification by a law enforcement agency or a court
5627 and subsequent written verification, suspend a license or the
5628 processing of an application for a license if the licensee or
5629 applicant is arrested or formally charged with a crime which would
5630 disqualify such person from having a license under this section,
5631 until final disposition of the case. The provisions of subsection
5632 (7) of this section shall apply to any suspension or revocation of
5633 a license pursuant to the provisions of this section.

5634 (4) The application shall be completed, under oath, on a
5635 form promulgated by the Department of Public Safety and shall
5636 include only:

5637 (a) The name, address, place and date of birth, race,
5638 sex and occupation of the applicant;

5639 (b) The driver's license number or social security
5640 number of applicant;

5641 (c) Any previous address of the applicant for the two
5642 (2) years preceding the date of the application;

5643 (d) A statement that the applicant is in compliance
5644 with criteria contained within subsections (2) and (3) of this
5645 section;

5646 (e) A statement that the applicant has been furnished a
5647 copy of this section and is knowledgeable of its provisions;



5648 (f) A conspicuous warning that the application is
5649 executed under oath and that a knowingly false answer to any
5650 question, or the knowing submission of any false document by the
5651 applicant, subjects the applicant to criminal prosecution; and

5652 (g) A statement that the applicant desires a legal
5653 means to carry a stun gun, concealed pistol or revolver to defend
5654 himself.

5655 (5) The applicant shall submit only the following to the
5656 Department of Public Safety:

5657 (a) A completed application as described in subsection
5658 (4) of this section;

5659 (b) A full-face photograph of the applicant taken
5660 within the preceding thirty (30) days in which the head, including
5661 hair, in a size as determined by the Department of Public Safety,
5662 except that an applicant who is younger than twenty-one (21) years
5663 of age must submit a photograph in profile of the applicant;

5664 (c) A nonrefundable license fee of Eighty Dollars
5665 (\$80.00). Costs for processing the set of fingerprints as
5666 required in paragraph (d) of this subsection shall be borne by the
5667 applicant. Honorably retired law enforcement officers, disabled
5668 veterans and active duty members of the Armed Forces of the United
5669 States, and law enforcement officers employed with a law
5670 enforcement agency of a municipality, county or state at the time
5671 of application for the license, shall be exempt from the payment
5672 of the license fee;



5673 (d) A full set of fingerprints of the applicant
5674 administered by the Department of Public Safety; and

5675 (e) A waiver authorizing the Department of Public
5676 Safety access to any records concerning commitments of the
5677 applicant to any of the treatment facilities or institutions
5678 referred to in subsection (2) of this section and permitting
5679 access to all the applicant's criminal records.

5680 (6) (a) The Department of Public Safety, upon receipt of
5681 the items listed in subsection (5) of this section, shall forward
5682 the full set of fingerprints of the applicant to the appropriate
5683 agencies for state and federal processing.

5684 (b) The Department of Public Safety shall forward a
5685 copy of the applicant's application to the sheriff of the
5686 applicant's county of residence and, if applicable, the police
5687 chief of the applicant's municipality of residence. The sheriff
5688 of the applicant's county of residence, and, if applicable, the
5689 police chief of the applicant's municipality of residence may, at
5690 his discretion, participate in the process by submitting a
5691 voluntary report to the Department of Public Safety containing any
5692 readily discoverable prior information that he feels may be
5693 pertinent to the licensing of any applicant. The reporting shall
5694 be made within thirty (30) days after the date he receives the
5695 copy of the application. Upon receipt of a response from a
5696 sheriff or police chief, such sheriff or police chief shall be
5697 reimbursed at a rate set by the department.



5698 (c) The Department of Public Safety shall, within
5699 forty-five (45) days after the date of receipt of the items listed
5700 in subsection (5) of this section:

5701 (i) Issue the license;

5702 (ii) Deny the application based solely on the
5703 ground that the applicant fails to qualify under the criteria
5704 listed in subsections (2) and (3) of this section. If the
5705 Department of Public Safety denies the application, it shall
5706 notify the applicant in writing, stating the ground for denial,
5707 and the denial shall be subject to the appeal process set forth in
5708 subsection (7); or

5709 (iii) Notify the applicant that the department is
5710 unable to make a determination regarding the issuance or denial of
5711 a license within the forty-five-day period prescribed by this
5712 subsection, and provide an estimate of the amount of time the
5713 department will need to make the determination.

5714 (d) In the event a legible set of fingerprints, as
5715 determined by the Department of Public Safety and the Federal
5716 Bureau of Investigation, cannot be obtained after a minimum of two
5717 (2) attempts, the Department of Public Safety shall determine
5718 eligibility based upon a name check by the Mississippi Highway
5719 Safety Patrol and a Federal Bureau of Investigation name check
5720 conducted by the Mississippi Highway Safety Patrol at the request
5721 of the Department of Public Safety.



5722 (7) (a) If the Department of Public Safety denies the
5723 issuance of a license, or suspends or revokes a license, the party
5724 aggrieved may appeal such denial, suspension or revocation to the
5725 Commissioner of Public Safety, or his authorized agent, within
5726 thirty (30) days after the aggrieved party receives written notice
5727 of such denial, suspension or revocation. The Commissioner of
5728 Public Safety, or his duly authorized agent, shall rule upon such
5729 appeal within thirty (30) days after the appeal is filed and
5730 failure to rule within this thirty-day period shall constitute
5731 sustaining such denial, suspension or revocation. Such review
5732 shall be conducted pursuant to such reasonable rules and
5733 regulations as the Commissioner of Public Safety may adopt.

5734 (b) If the revocation, suspension or denial of issuance
5735 is sustained by the Commissioner of Public Safety, or his duly
5736 authorized agent pursuant to paragraph (a) of this subsection, the
5737 aggrieved party may file within ten (10) days after the rendition
5738 of such decision a petition in the circuit or county court of his
5739 residence for review of such decision. A hearing for review shall
5740 be held and shall proceed before the court without a jury upon the
5741 record made at the hearing before the Commissioner of Public
5742 Safety or his duly authorized agent. No such party shall be
5743 allowed to carry a stun gun, concealed pistol or revolver pursuant
5744 to the provisions of this section while any such appeal is
5745 pending.



5746 (8) The Department of Public Safety shall maintain an
5747 automated listing of license holders and such information shall be
5748 available online, upon request, at all times, to all law
5749 enforcement agencies through the Mississippi Crime Information
5750 Center. However, the records of the department relating to
5751 applications for licenses to carry stun guns, concealed pistols or
5752 revolvers and records relating to license holders shall be exempt
5753 from the provisions of the Mississippi Public Records Act of 1983,
5754 and shall be released only upon order of a court having proper
5755 jurisdiction over a petition for release of the record or records.

5756 (9) Within thirty (30) days after the changing of a
5757 permanent address, or within thirty (30) days after having a
5758 license lost or destroyed, the licensee shall notify the
5759 Department of Public Safety in writing of such change or loss.
5760 Failure to notify the Department of Public Safety pursuant to the
5761 provisions of this subsection shall constitute a noncriminal
5762 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
5763 be enforceable by a summons.

5764 (10) In the event that a stun gun, concealed pistol or
5765 revolver license is lost or destroyed, the person to whom the
5766 license was issued shall comply with the provisions of subsection
5767 (9) of this section and may obtain a duplicate, or substitute
5768 thereof, upon payment of Fifteen Dollars (\$15.00) to the
5769 Department of Public Safety, and furnishing a notarized statement
5770 to the department that such license has been lost or destroyed.



5771 (11) A license issued under this section shall be revoked if
5772 the licensee becomes ineligible under the criteria set forth in
5773 subsection (2) of this section.

5774 (12) (a) Except as provided in subsection (25) of this
5775 section, no less than ninety (90) days prior to the expiration
5776 date of the license, the Department of Public Safety shall send to
5777 each licensee a written notice of the expiration and a renewal
5778 form prescribed by the department. The licensee must renew his
5779 license on or before the expiration date by filing with the
5780 department the renewal form, a notarized affidavit stating that
5781 the licensee remains qualified pursuant to the criteria specified
5782 in subsections (2) and (3) of this section if necessary, and a
5783 full set of fingerprints administered by the Department of Public
5784 Safety or the sheriff of the county of residence of the licensee.
5785 The first renewal may be processed by mail "or other means as
5786 determined by the Department" and the subsequent renewal must be
5787 made in person. Thereafter every other renewal may be processed
5788 by mail to assure that the applicant must appear in person every
5789 ten (10) years for the purpose of obtaining a new photograph.

5790 (i) Except as provided in this subsection, a
5791 renewal fee of Forty Dollars (\$40.00) shall also be submitted
5792 along with costs for processing the fingerprints;

5793 (ii) Honorably retired law enforcement officers,
5794 disabled veterans, active duty members of the Armed Forces of the
5795 United States and law enforcement officers employed with a law



5796 enforcement agency of a municipality, county or state at the time
5797 of renewal, shall be exempt from the renewal fee; and

5798 (iii) The renewal fee for a Mississippi resident
5799 aged sixty-five (65) years of age or older shall be Twenty Dollars
5800 (\$20.00).

5801 (b) The Department of Public Safety shall forward the
5802 full set of fingerprints of the applicant to the appropriate
5803 agencies for state and federal processing. The license shall be
5804 renewed upon receipt of the completed renewal application and
5805 appropriate payment of fees.

5806 (c) A licensee who fails to file a renewal application
5807 on or before its expiration date must renew his license by paying
5808 a late fee of Fifteen Dollars (\$15.00). No license shall be
5809 renewed six (6) months or more after its expiration date, and such
5810 license shall be deemed to be permanently expired. A person whose
5811 license has been permanently expired may reapply for licensure;
5812 however, an application for licensure and fees pursuant to
5813 subsection (5) of this section must be submitted, and a background
5814 investigation shall be conducted pursuant to the provisions of
5815 this section.

5816 (13) No license issued pursuant to this section shall
5817 authorize any person, except a law enforcement officer as defined
5818 in Section 45-6-3 with a distinct license authorized by the
5819 Department of Public Safety, to carry a stun gun, concealed pistol
5820 or revolver into any place of nuisance as defined in Section



5821 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
5822 patrol station; any detention facility, prison or jail; any
5823 courthouse; any courtroom, except that nothing in this section
5824 shall preclude a judge from carrying a concealed weapon or
5825 determining who will carry a concealed weapon in his courtroom;
5826 any polling place; any meeting place of the governing body of any
5827 governmental entity; any meeting of the Legislature or a committee
5828 thereof; any school, college or professional athletic event not
5829 related to firearms; any portion of an establishment, licensed to
5830 dispense alcoholic beverages for consumption on the premises, that
5831 is primarily devoted to dispensing alcoholic beverages; any
5832 portion of an establishment in which * * * light intoxicating
5833 beverages, as defined in Section 67-3-3, are consumed on the
5834 premises, that is primarily devoted to such purpose; any
5835 elementary or secondary school facility; any junior college,
5836 community college, college or university facility unless for the
5837 purpose of participating in any authorized firearms-related
5838 activity; inside the passenger terminal of any airport, except
5839 that no person shall be prohibited from carrying any legal firearm
5840 into the terminal if the firearm is encased for shipment, for
5841 purposes of checking such firearm as baggage to be lawfully
5842 transported on any aircraft; any church or other place of worship,
5843 except as provided in Section 45-9-171; or any place where the
5844 carrying of firearms is prohibited by federal law. In addition to
5845 the places enumerated in this subsection, the carrying of a stun



5846 gun, concealed pistol or revolver may be disallowed in any place
5847 in the discretion of the person or entity exercising control over
5848 the physical location of such place by the placing of a written
5849 notice clearly readable at a distance of not less than ten (10)
5850 feet that the "carrying of a pistol or revolver is prohibited."
5851 No license issued pursuant to this section shall authorize the
5852 participants in a parade or demonstration for which a permit is
5853 required to carry a stun gun, concealed pistol or revolver.

5854 (14) A law enforcement officer as defined in Section 45-6-3,
5855 chiefs of police, sheriffs and persons licensed as professional
5856 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
5857 1972, shall be exempt from the licensing requirements of this
5858 section.

5859 (a) The Commissioner of Public Safety shall promulgate
5860 rules and regulations to provide licenses to law enforcement
5861 officers as defined in Section 45-6-3 who choose to obtain a
5862 license under the provisions of this section, which shall include
5863 a distinction that the officer is an "active duty" law enforcement
5864 officer and an endorsement that such officer is authorized to
5865 carry in the locations listed in subsection (13). A law
5866 enforcement officer shall provide the following information to
5867 receive the license described in this subsection: (i) a letter,
5868 with the official letterhead of the agency or department for which
5869 the officer is employed at the time of application and (ii) a
5870 letter with the official letterhead of the agency or department,



5871 which explains that such officer has completed a certified law
5872 enforcement training academy.

5873 (b) The licensing requirements of this section do not
5874 apply to the carrying by any person of a stun gun, pistol or
5875 revolver, knife, or other deadly weapon that is not concealed as
5876 defined in Section 97-37-1.

5877 (15) Any person who knowingly submits a false answer to any
5878 question on an application for a license issued pursuant to this
5879 section, or who knowingly submits a false document when applying
5880 for a license issued pursuant to this section, shall, upon
5881 conviction, be guilty of a misdemeanor and shall be punished as
5882 provided in Section 99-19-31, Mississippi Code of 1972.

5883 (16) All fees collected by the Department of Public Safety
5884 pursuant to this section shall be deposited into a special fund
5885 hereby created in the State Treasury and shall be used for
5886 implementation and administration of this section. After the
5887 close of each fiscal year, the balance in this fund shall be
5888 certified to the Legislature and then may be used by the
5889 Department of Public Safety as directed by the Legislature.

5890 (17) All funds received by a sheriff or police chief
5891 pursuant to the provisions of this section shall be deposited into
5892 the general fund of the county or municipality, as appropriate,
5893 and shall be budgeted to the sheriff's office or police department
5894 as appropriate.



5895 (18) Nothing in this section shall be construed to require
5896 or allow the registration, documentation or providing of serial
5897 numbers with regard to any stun gun or firearm.

5898 (19) Any person holding a valid unrevoked and unexpired
5899 license to carry stun guns, concealed pistols or revolvers issued
5900 in another state shall have such license recognized by this state
5901 to carry stun guns, concealed pistols or revolvers. The
5902 Department of Public Safety is authorized to enter into a
5903 reciprocal agreement with another state if that state requires a
5904 written agreement in order to recognize licenses to carry stun
5905 guns, concealed pistols or revolvers issued by this state.

5906 (20) The provisions of this section shall be under the
5907 supervision of the Commissioner of Public Safety. The
5908 commissioner is authorized to promulgate reasonable rules and
5909 regulations to carry out the provisions of this section.

5910 (21) For the purposes of this section, the term "stun gun"
5911 means a portable device or weapon from which an electric current,
5912 impulse, wave or beam may be directed, which current, impulse,
5913 wave or beam is designed to incapacitate temporarily, injure,
5914 momentarily stun, knock out, cause mental disorientation or
5915 paralyze.

5916 (22) (a) From and after January 1, 2016, the Commissioner
5917 of Public Safety shall promulgate rules and regulations which
5918 provide that licenses authorized by this section for honorably
5919 retired law enforcement officers and honorably retired



5920 correctional officers from the Mississippi Department of
5921 Corrections shall (i) include the words "retired law enforcement
5922 officer" on the front of the license, and (ii) unless the licensee
5923 chooses to have this license combined with a driver's license or
5924 identification card under subsection (25) of this section, that
5925 the license itself have a red background to distinguish it from
5926 other licenses issued under this section.

5927 (b) An honorably retired law enforcement officer and
5928 honorably retired correctional officer shall provide the following
5929 information to receive the license described in this section: (i)
5930 a letter, with the official letterhead of the agency or department
5931 from which such officer is retiring, which explains that such
5932 officer is honorably retired, and (ii) a letter with the official
5933 letterhead of the agency or department, which explains that such
5934 officer has completed a certified law enforcement training
5935 academy.

5936 (23) A disabled veteran who seeks to qualify for an
5937 exemption under this section shall be required to provide a
5938 veterans health services identification card issued by the United
5939 States Department of Veterans Affairs indicating a
5940 service-connected disability, which shall be sufficient proof of
5941 such service-connected disability.

5942 (24) A license under this section is not required for a
5943 loaded or unloaded pistol or revolver to be carried upon the
5944 person in a sheath, belt holster or shoulder holster or in a



5945 purse, handbag, satchel, other similar bag or briefcase or fully
5946 enclosed case if the person is not engaged in criminal activity
5947 other than a misdemeanor traffic offense, is not otherwise
5948 prohibited from possessing a pistol or revolver under state or
5949 federal law, and is not in a location prohibited under subsection
5950 (13) of this section. However, the medical use of medical
5951 cannabis by a cardholder who is a registered qualifying patient
5952 which is lawful under the provisions of the Mississippi Medical
5953 Cannabis Act and in compliance with rules and regulations adopted
5954 thereunder shall not disqualify a person under this subsection
5955 (24) solely because the person is prohibited from possessing a
5956 firearm under 18 USCS Section 922(g)(3) due to such medical use of
5957 medical cannabis.

5958 (25) An applicant for a license under this section shall
5959 have the option of, instead of being issued a separate card for
5960 the license, having the license appear as a notation on the
5961 individual's driver's license or identification card. If the
5962 applicant chooses this option, the license issued under this
5963 section shall have the same expiration date as the driver's
5964 license or identification card, and renewal shall take place at
5965 the same time and place as renewal of the driver's license or
5966 identification card. The Commissioner of Public Safety shall have
5967 the authority to promulgate rules and regulations which may be
5968 necessary to ensure the effectiveness of the concurrent
5969 application and renewal processes.



5970 **SECTION 80.** Section 97-5-49, Mississippi Code of 1972, is
5971 amended as follows:

5972 97-5-49. (1) As used in this section:

5973 (a) "Adult" means a person over the age of twenty-one
5974 (21) years.

5975 (b) "Alcoholic beverage" has the meaning as defined in
5976 Section 67-1-5.

5977 * * *

5978 (* * *c) "Minor" means a person under the age of
5979 twenty-one (21) years.

5980 (* * *d) "Party" means a gathering or event at which a
5981 group of two (2) or more persons assembles for a social occasion
5982 or activity at a private residence or a private premises.

5983 (* * *e) "Private premises" means privately owned
5984 land, including any appurtenances or improvements on the land.

5985 (* * *f) "Private residence" means the place where a
5986 person actually lives or has his or her home.

5987 * * *

5988 (* * *g) "Light * * * intoxicating beverage" has the
5989 meaning ascribed in Section 67-3-3.

5990 (2) No adult who owns or leases a private residence or
5991 private premises shall knowingly allow a party to take place or
5992 continue at the residence or premises if a minor at the party
5993 obtains, possesses or consumes any alcoholic beverage * * * or
5994 light intoxicating beverage if the adult knows that the minor has



5995 obtained, possesses or is consuming alcoholic beverages * * * or
5996 light intoxicating beverages.

5997 (3) This section shall not apply to legally protected
5998 religious activities or gatherings of family members or to any of
5999 the exemptions set forth in Section 67-3-54.

6000 (4) Each incident in violation of subsection (2) of this
6001 section or any part of subsection (2) constitutes a separate
6002 offense.

6003 (5) Any person who violates subsection (2) of this section
6004 shall be guilty of a misdemeanor and, upon conviction thereof,
6005 shall be punished by a fine of One Thousand Dollars (\$1,000.00) or
6006 by imprisonment in the county jail for not more than six (6)
6007 months, or by both the fine and imprisonment, in the discretion of
6008 the court.

6009 **SECTION 81. Severability.** If any provision of this article
6010 or the application thereof to any person or circumstances is held
6011 invalid, such invalidity shall not affect other provisions or
6012 applications of this article which can be given effect without the
6013 invalid provision or application, and to this end the provisions
6014 of this article are declared to be severable.

6015 **SECTION 82.** This act shall take effect and be in force from
6016 and after July 1, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**



1 AN ACT TO AMEND SECTION 69-25-201, MISSISSIPPI CODE OF 1972,
2 TO RENAME THE "MISSISSIPPI HEMP CULTIVATION ACT" AS THE
3 "MISSISSIPPI HEMP ACT," AND TO EXPAND ITS PURPOSE TO REGULATING
4 THE MANUFACTURE, PRODUCTION, DISTRIBUTION AND SALE OF CONSUMABLE
5 HEMP PRODUCTS OTHER THAN BEVERAGES; TO AMEND SECTION 69-25-203,
6 MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS; TO AMEND
7 SECTION 69-25-207, MISSISSIPPI CODE OF 1972, TO TRANSFER THE
8 ADMINISTRATION OF THE MISSISSIPPI HEMP ACT FROM THE COMMISSIONER
9 AND DEPARTMENT OF AGRICULTURE AND COMMERCE TO THE STATE HEALTH
10 OFFICER AND THE STATE DEPARTMENT OF HEALTH; TO PROVIDE THAT THE
11 STATE DEPARTMENT OF HEALTH SHALL BE RESPONSIBLE FOR LICENSING
12 RETAILERS, WHOLESALERS, MANUFACTURERS AND PROCESSORS OF CONSUMABLE
13 HEMP PRODUCTS OTHER THAN BEVERAGES; TO SET THE ANNUAL LICENSE FEES
14 TO BE COLLECTED BY THE DEPARTMENT AND TO DIRECT THAT SUCH FEES BE
15 DEPOSITED INTO THE STATE GENERAL FUND; TO AMEND SECTION 69-25-213,
16 MISSISSIPPI CODE OF 1972, TO REDUCE, FROM A CONCENTRATION OF MORE
17 THAN 0.5% TO A CONCENTRATION OF MORE THAN 0.3%, THE THRESHOLD FOR
18 VIOLATIONS OF PRODUCING CANNABIS SATIVA L. WITH A CERTAIN
19 DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION ON A DRY WEIGHT BASIS;
20 TO AMEND SECTION 69-25-217, MISSISSIPPI CODE OF 1972, TO PROHIBIT
21 THE SALE, OR MANUFACTURE OR PRODUCTION FOR SALE, IN MISSISSIPPI OR
22 TO MISSISSIPPI CONSUMERS, OF PRODUCTS DERIVED FROM ANY CANNABIS
23 PLANT, EXCEPT AS AUTHORIZED UNDER THE MISSISSIPPI HEMP ACT, THE
24 LIGHT ALCOHOLIC BEVERAGE STATUTES, OR THE MISSISSIPPI MEDICAL
25 CANNABIS ACT; TO PROHIBIT THE MANUFACTURE, PRODUCTION OR SALE OF
26 ANY HEMP PRODUCT CONTAINING SYNTHETIC CANNABINOID; TO PROHIBIT THE
27 SALE OF ANY CONSUMABLE HEMP PRODUCT TO ANY PERSON UNDER THE AGE OF
28 21 YEARS; TO CREATE NEW CODE SECTIONS TO REQUIRE THAT LABELS FOR
29 HEMP PRODUCTS BE APPROVED BY THE DEPARTMENT; TO REQUIRE THAT A
30 FINALIZED SAMPLE OF FINISHED HEMP PRODUCTS HAVE A CERTIFICATE OF
31 ANALYSIS; TO PROVIDE CERTAIN REQUIREMENTS FOR CONSUMABLE FOOD
32 MANUFACTURING DISTRIBUTORS; TO REQUIRE A LICENSED ENTITY TO
33 PROVIDE A QUARTERLY REPORT TO THE DEPARTMENT; TO REQUIRE THE
34 DEPARTMENT TO IMPLEMENT AN ELECTRONIC REPORTING SYSTEM; TO PROVIDE
35 THAT ANY CONSUMABLE FOOD MANUFACTURING DISTRIBUTOR OR CONSUMABLE
36 HEMP MANUFACTURER, PROCESSOR, WHOLESALER OR RETAILER THAT FAILS TO
37 TIMELY REPORT HEMP PRODUCTS PURCHASED OR SOLD IN MISSISSIPPI, OR
38 THAT PURCHASES OR SELLS ANY UNLAWFUL HEMP PRODUCT, SHALL BE
39 SUBJECT TO A FINE AS PRESCRIBED BY THE DEPARTMENT, AND TO DIRECT
40 THAT SUCH FINES BE DEPOSITED INTO THE STATE GENERAL FUND; TO
41 IMPOSE A 3% EXCISE TAX ON CONSUMABLE HEMP PRODUCTS AND TO DIRECT
42 THAT PROCEEDS OF SUCH TAX BE DEPOSITED INTO THE STATE GENERAL
43 FUND; TO AMEND SECTIONS 69-25-211, 69-25-215, 69-25-219, 69-25-221
44 AND 69-25-223, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
45 PRECEDING PROVISIONS; TO AMEND SECTION 41-137-45, MISSISSIPPI CODE
46 OF 1972, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON OR ENTITY
47 TO SELL OR TRANSFER PRODUCTS DERIVED FROM ANY CANNABIS PLANT TO
48 INDIVIDUALS IN THE STATE OF MISSISSIPPI, WITH CERTAIN EXCEPTIONS;
49 TO PROVIDE PENALTIES FOR A PERSON OR BUSINESS ENTITY THAT
50 UNLAWFULLY SELLS CANNABIS-DERIVED PRODUCTS; TO REVISE CERTAIN



51 INTENT REQUIREMENTS; TO CREATE NEW CODE SECTIONS TO REQUIRE EVERY
52 MANUFACTURER OF A CONSUMABLE HEMP PRODUCT THAT IS SOLD FOR RETAIL
53 SALE IN MISSISSIPPI TO EXECUTE AND DELIVER TO THE DEPARTMENT OF
54 REVENUE A CERTIFICATION FORM THAT SEPARATELY LISTS EACH BRAND
55 NAME, CATEGORY, PRODUCT NAME AND FLAVOR FOR EACH CONSUMABLE HEMP
56 PRODUCT THAT IS SOLD IN MISSISSIPPI; TO DIRECT THE DEPARTMENT OF
57 REVENUE TO MAINTAIN AND MAKE PUBLICLY AVAILABLE ON ITS OFFICIAL
58 WEBSITE A DIRECTORY THAT LISTS ALL CONSUMABLE HEMP PRODUCT
59 MANUFACTURERS, BRAND NAMES, CATEGORIES, PRODUCT NAMES AND FLAVORS
60 FOR WHICH CERTIFICATION FORMS HAVE BEEN SUBMITTED AND APPROVED BY
61 THE DEPARTMENT OF REVENUE, AND TO UPDATE THE DIRECTORY AT LEAST
62 MONTHLY TO ENSURE ACCURACY; TO PROVIDE THAT CONSUMABLE HEMP
63 PRODUCTS NOT LISTED IN THE DIRECTORY AND INTENDED FOR RETAIL SALE
64 IN MISSISSIPPI SHALL BE SUBJECT TO SEIZURE, FORFEITURE AND
65 DESTRUCTION, AND MAY NOT BE PURCHASED OR SOLD FOR RETAIL SALE IN
66 MISSISSIPPI; TO PROVIDE A PENALTY FOR THE RETAIL SALE OF
67 CONSUMABLE HEMP PRODUCTS NOT INCLUDED IN THE DIRECTORY AND TO
68 DIRECT THAT SUCH PENALTIES BE DEPOSITED INTO THE STATE GENERAL
69 FUND; TO REQUIRE THAT CONSUMABLE HEMP PRODUCTS MAY NOT BE SOLD OR
70 OFFERED FOR SALE UNLESS CERTAIN CLEARLY VISIBLE NOTICE IS POSTED
71 AT THE LOCATION WHERE THE CONSUMABLE HEMP PRODUCT IS AVAILABLE FOR
72 PURCHASE; TO PROVIDE FINES FOR SELLING OR OFFERING TO SELL
73 CONSUMABLE HEMP PRODUCTS WITHOUT SUCH NOTICE AND TO DIRECT THAT
74 SUCH FINES SHALL BE DEPOSITED INTO THE STATE GENERAL FUND; TO
75 AMEND SECTIONS 67-3-1, 67-3-3, 67-3-5, 67-3-7, 67-3-9, 67-3-13,
76 67-3-15, 67-3-17, 67-3-19, 67-3-22, 67-3-25, 67-3-27, 67-3-29,
77 67-3-41, 67-3-45, 67-3-46, 67-3-48, 67-3-48.1, 67-3-49, 67-3-51,
78 67-3-52, 67-3-53, 67-3-54, 67-3-55, 67-3-57, 67-3-59, 67-3-61,
79 67-3-63, 67-3-65, 67-3-67, 67-3-69, 67-3-70, 67-3-73, 67-3-74 AND
80 67-1-5, AS AMENDED BY HOUSE BILL NO. 1284, 2025 REGULAR SESSION,
81 SECTIONS 67-1-18 AND 67-1-51, AS AMENDED BY HOUSE BILL NO. 1284,
82 2025 REGULAR SESSION, AS AMENDED BY SENATE BILL NO. 2145, 2025
83 REGULAR SESSION, SECTIONS 67-1-51.1, 67-1-72, 67-7-3, 67-7-5,
84 67-7-7, 67-7-9, 67-7-11, 67-9-1 AND 27-65-241, AS AMENDED BY HOUSE
85 BILL NO. 1, 2025 REGULAR SESSION, SECTIONS 27-71-301, 27-71-303,
86 27-71-307, 27-71-311, 27-71-315, 27-71-317, 27-71-325, 27-71-327,
87 27-71-333, 27-71-335, 27-71-345, 27-71-349, 27-71-509, 45-9-101
88 AND 97-5-49, MISSISSIPPI CODE OF 1972, TO LEGALIZE THE MANUFACTURE
89 AND SALE OF HEMP BEVERAGES, TO BE REGULATED AND TAXED IN THE SAME
90 MANNER AS BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCTS, GENERICALLY
91 REFERRED TO AS "LIGHT INTOXICATING BEVERAGES"; TO REMOVE THE
92 PARENTAL CONSENT EXEMPTION FOR PERSONS AT LEAST 18 YEARS OLD BUT
93 UNDER 21; TO REVISE CERTAIN PROVISIONS REGARDING NOTICE TO PERMIT
94 HOLDERS OF COMPLAINTS OR VIOLATIONS; AND FOR RELATED PURPOSES.



CONFEREES FOR THE HOUSE

X (SIGNED)
Yancey

X (SIGNED)
Calvert

X (SIGNED)
Lamar

CONFEREES FOR THE SENATE

X (SIGNED)
Bryan

X (SIGNED)
Blackwell

X (SIGNED)
Johnson

