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Chapter No. 345

13/SS26/R239CS

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SENATE BILL NO. 2183

Originated in Senate

Liz Welch

Secretary

SENATE BILL NO. 2183

AN ACT TO AMEND SECTION 67-3-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EVERY PERSON SHALL HAVE THE RIGHT TO MAKE HOMEMADE BEER FOR PERSONAL, FAMILY, DOMESTIC OR HOUSEHOLD PURPOSES IF THE BEER IS MADE IN A COUNTY OR MUNICIPALITY IN WHICH THE POSSESSION OF LIGHT WINE OR BEER IS LAWFUL; TO LIMIT THE AMOUNT OF HOMEMADE BEER THAT MAY BE MADE BY ANY PERSON IN A CALENDAR YEAR; TO AUTHORIZE HOMEMADE BEER; TO AUTHORIZE THE TRANSPORT OF HOMEMADE BEER FROM THE PREMISES WHERE MADE ONLY FOR THE PURPOSE OF PARTICIPATING IN A BONA FIDE EXHIBITION, CONTEST OR COMPETITION WHERE HOMEMADE BEER IS BEING TASTED AND JUDGED; TO MAKE IT CLEAR THAT HOMEMADE BEER MAY NOT BE SOLD; TO AMEND SECTIONS 67-3-7, 67-3-13 AND 67-3-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 67-3-11, Mississippi Code of 1972, is amended as follows:

67-3-11. (1) Every person shall have the right to make homemade wine for domestic or household uses only, free of all restraint by this chapter or otherwise, and no such election as provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive any person of the right to make homemade wine for domestic or household uses only.

(2) (a) Every person twenty-one (21) years of age or older shall have the right to make homemade beer for personal, family, domestic or household uses without restraint by this chapter or otherwise if the beer is made in a county or municipality in which the possession of light wine or beer is lawful.

(b) The maximum amount of homemade beer that a person may make in a calendar year shall not exceed:

(i) One hundred (100) gallons if there is only one (1) person over the age of twenty-one (21) years of age residing in the household; and

(ii) Two hundred (200) gallons if there are two (2) or more persons over the age of twenty-one (21) years residing in the household.

(c) A person who makes homemade beer as authorized in this section may remove the beer from the premises of the household where it is made and transport the beer only for the purpose of participating in a bona fide exhibition, contest or competition where homemade beer is being tasted and judged; however, homemade beer may not be sold or offered for sale under any circumstances.

SECTION 2. Section 67-3-7, Mississippi Code of 1972, is amended as follows:

67-3-7. (1) If any county, at an election held for the purpose under the election laws of the state, shall by a majority vote of the duly qualified electors voting in the election

determine that the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer shall not be permitted in such county, then the same shall not be permitted therein except as authorized under Section 67-9-1 and as may be otherwise authorized in this section. An election to determine whether such transportation, storage, sale, distribution, receipt and/or manufacture of such beverages shall be excluded from any county in the state, shall, on a petition of twenty percent (20%) of the duly qualified electors of such county, be ordered by the board of supervisors of the county, for such county only. No election on the question shall be held in any one county more often than once in five (5) years.

In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that the transportation, storage, sale, distribution, receipt and/or manufacture of wine or beer shall not be permitted in the county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) of the duly qualified electors of such county. No election on this question can be ordered more often than once in five (5) years.

(2) Nothing in this section shall make it unlawful to possess beer or wine, as defined herein, in any municipality which has heretofore or which may hereafter vote in an election, pursuant to Section 67-3-9, in which a majority of the qualified electors vote in favor of permitting the sale and the receipt, storage and transportation for the purpose of sale of beer or wine as defined herein.

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

(a) Possess or consume light wine or beer at a qualified resort area as defined in Section 67-1-5;

(b) Sell, distribute and transport light wine or beer to a qualified resort area as defined in Section 67-1-5;

(c) Sell light wine or beer at a qualified resort area as defined in Section 67-1-5 if such light wine or beer is sold by a person with a permit to engage in the business as a retailer of light wine or beer;

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

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

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

67-3-13. (1) Except as otherwise provided herein and as authorized under this section and Section 67-9-1, in any county

which has at any time since February 26, 1934, elected, or which may hereafter elect, to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer of an alcoholic content of not more than four percent (4%) by weight in such county, it is hereby declared to be unlawful to possess such beverages therein. In any county which, after July 1, 1998, elects to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer of an alcoholic content of not more than five percent (5%) by weight in such county, it is hereby declared to be unlawful to possess such beer therein. In any county which, after July 1, 2012, elects to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine of an alcoholic content of not more than five percent (5%) by weight in such county and beer of an alcoholic content of not more than eight percent (8%) by weight, it is hereby declared to be unlawful to possess such beer therein. Any person found possessing any beer or wine of any quantity whatsoever in such county shall, on conviction, be imprisoned not more than ninety (90) days or fined not more than Five Hundred Dollars (\$500.00), or be both so fined and imprisoned.

(2) Notwithstanding the provisions of subsection (1) of this section, in any county or municipality in which the transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer is prohibited, it shall not be unlawful for a permitted wholesaler or distributor to possess

light wine and beer when such light wine and beer is held therein solely for the purpose of storage and for distribution to other counties and municipalities in which possession of such beverages is lawful.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, in any county in which transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer is prohibited, it shall not be unlawful:

(a) To receive, store, possess or consume light wine or beer at a resort area as defined in Section 67-1-5;

(b) To distribute and transport light wine or beer to a resort area as defined in Section 67-1-5;

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

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

SECTION 4. Section 67-3-15, Mississippi Code of 1972, is amended as follows:

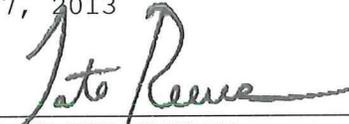
67-3-15. (1) Any person who shall brew or manufacture or sell any beer or light wine without first having secured a permit and/or license from the commissioner authorizing the brewing or manufacture or sale of such liquor, shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment in

the county jail for not more than one (1) year, or both, in the discretion of the court. Any person so convicted may not apply for any permit or license issued by the commissioner until five (5) years have elapsed from the date of such conviction.

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

SECTION 5. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE SENATE
February 7, 2013



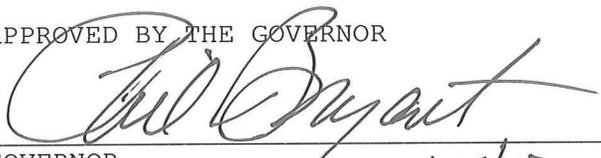
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 6, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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