

**ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
BRANDON, MISSISSIPPI TO INCLUDE CHAPTER 7 REGULATING
TETRAHYDROCANNABINOL (THC) CONSUMABLE PRODUCTS AND TO
INCLUDE SECTION 7-1 REGULATING THE SALE OF THC BEVERAGES**

WHEREAS, the City of Brandon, Mississippi ("City") has the authority to adopt ordinances necessary to protect the health, safety, and welfare of its residents; and

WHEREAS, the sale of beverages containing tetrahydrocannabinol ("THC") poses potential health and safety concerns for the residents of the City; and

WHEREAS, on September 9, 2024, the Mississippi Attorney General issued an official opinion to the Honorable Lee Yancey, Mississippi House of Representatives, regarding the legality of hemp beverages in Mississippi; and

WHEREAS, the Mississippi Attorney General opined that, pursuant to Mississippi Code Annotated Section 97-31-5, it is unlawful to sell any drug, elixir, or compound that "when drunk to excess, in the form sold, will produce intoxication" unless otherwise legalized under state law; and

WHEREAS, the Mississippi Attorney General further opined that beverages containing a THC concentration of greater than 0.3% would be classified as marijuana beverages, which are illegal under state law unless purchased in accordance with the Mississippi Medical Cannabis Act; and

WHEREAS, the Board of Aldermen of the City of Brandon finds that beverages containing THC may produce intoxication when consumed to excess; and

WHEREAS, the Board of Aldermen of the City of Brandon finds that prohibiting the sale of beverages containing THC within the City is necessary to protect the health, safety, and welfare of its residents.

NOW THEREFORE BE IT ORDAINED, that the Code of Ordinances of the City of Brandon, Mississippi, is hereby amended to include Chapter 7 regarding the regulation of THC consumable products in the City and to include Section 7-1 prohibiting the sale of THC Beverages, to read as follows, to-wit:

CHAPTER 7 - THC CONSUMABLE PRODUCTS

Section 7-1. THC Beverages Sale Restrictions.

(a) **Definitions.** For purposes of this chapter:

1. "Tetrahydrocannabinol" or "THC" means the natural or synthetic equivalents of the substances contained in the plant *Cannabis sativa* L., or in the resinous extractives of *Cannabis*, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity.
2. "THC beverage" means any beverage containing any amount of tetrahydrocannabinol (THC), regardless of concentration, including but not limited to beverages containing hemp-derived THC or delta-9 tetrahydrocannabinol, delta-8 tetrahydrocannabinol, or any other variant or isomer of THC.

(b) **Prohibition.** It shall be unlawful for any person, firm, corporation, or other entity to sell, distribute, deliver, barter, or give away, or keep for such purposes, any beverage containing tetrahydrocannabinol (THC) within the corporate limits of the City of Brandon, Mississippi.

(c) **Exceptions.** This prohibition shall not apply to:

1. The sale of medical cannabis beverages by licensed dispensaries to registered qualifying patients in accordance with the Mississippi Medical Cannabis Act (Mississippi Code Annotated Sections 41-137-1, et seq.) and all applicable state regulations, provided that as of the date of the adoption of this ordinance, medical cannabis dispensaries are not permitted to operate within the City of Brandon, and this exception shall only apply if such dispensaries are hereafter permitted to operate within the City by subsequent ordinance or resolution; or
2. The sale of beverages for medicinal purposes as may be specifically authorized under state or federal law and dispensed by a pharmacy provider in accordance with state or federal law pursuant to a valid prescription.

(d) **Penalties.** Any violation of this chapter shall be subject to the fines and penalties as provided in Section 1-12 of the Code of Ordinances of the City of Brandon, Mississippi.

(e) **Severability.** If any provision, section, subsection, sentence, clause, or phrase of this chapter, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this chapter or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen in adopting this chapter that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof.

Section 2. This Ordinance shall go into effect thirty (30) days after the adoption hereof.

Section 3. Said Ordinance having been previously reduced to writing, a motion was made by Alderman Coker and seconded by Alderman Womack to adopt the Ordinance and no request having been made by the Mayor or any member of the Board of Aldermen that said Ordinance be read by the City Clerk before a vote was taken, and reading of such having been waived, said Ordinance was adopted by the vote of the Board of Aldermen, the results being as follows:

Sharon Womack, Alderman at Large	AYE
Jarrad Craine, Alderman Ward 1	AYE
Cris Vinson, Alderman Ward 2	AYE
Harry Williams, Alderman Ward 3	ABSENT
Lu Coker, Alderman Ward 4	AYE
Dwight Middleton, Alderman Ward 5	AYE
David Farris, Alderman Ward 6	AYE

The Mayor thereby declared the motion carried and the Ordinance adopted and approved on this the 5TH day of May 2025.

BUTCH LEE, MAYOR

ATTEST:

MARY ANN HESS, CITY CLERK