



The purpose of the Opinion Outline is to inform, on a quarterly basis, state, county, and municipal officials and other interested persons of official opinions issued by the Attorney General’s Office. This outline contains synopses of opinions issued from 04/01/2025 through 06/30/2025.

The synopses that follow are based upon opinions that were issued by this office in response to specific facts and circumstances and, therefore, may not be applicable in all cases. **Complete opinions are available on our website, www.ago.state.ms.us.**

Sincerely,

Lynn Fitch
Attorney General
State of Mississippi

BOARD OF CHIROPRACTIC EXAMINERS

[Hill – April 17, 2025 \(OP-2025-00028\)](#)

Mississippi Code Annotated Section 73-6-14(1) is silent on whether an extern applicant must pass all of the component parts of the National Board of Chiropractic Examiners exam. Therefore, because state law gives broad authority to the Mississippi Board of Chiropractic Examiners (“Board”) “to establish rules and regulations for the implementation of this subsection (1), including, but not limited to, providing academic, professional and character requirements for eligible participants. . . ,” there is nothing prohibiting the Board from establishing such a rule. Miss. Code Ann. § 73-6-14(1). Our office, however, cannot opine on the interpretation of state board regulations. MS AG Op., *Provine* at *1 (July 28, 2006) (“[W]e do not officially interpret rules and regulations of a state board or agency by way of an official opinion . . .”).

COMMUNITY COLLEGES

[Waldo – April 22, 2025 \(OP-2024-00234\)](#)

Mississippi Code Annotated Section 37-73-5 explicitly allows eligible high school students to enroll in and attend career technical education (“CTE”) courses at the campus of another participating community college within the state when their local community college does not offer a particular course, and nothing within Section 37-73-5 allows a local community college to prohibit a student from doing so. Note, however, that all dual credit courses must align with the requirements set forth in Section 37-15-38, including but not limited to Section 37-15-38(10), which states that “dual credit memorandum of understandings must be established between each postsecondary institution and the school district implementing a dual credit program.”

Generally, a high school student may not take a CTE course taught at a neighboring school district’s vocational-technical center because it is not “at the campus of another participating community college within the state” as authorized in Section 37-73-5.

[Holleman – April 30, 2025 \(OP-2025-00032\)](#)

Pursuant to Article IV, Section 100 of the Mississippi Constitution, a Mississippi public community college may not fully and permanently extinguish student accounts receivable balances deemed uncollectible. Further, because the permanent extinguishment of balances deemed uncollectible is prohibited by the Mississippi Constitution, new legislative action would be required for a college to achieve permanent removal of those uncollectible obligations.

COUNTIES

[Johnson – April 17, 2025 \(OP-2025-00001\)](#)

Generally, the expenditure of county resources for personal or private use is prohibited by state law. We find no statutory authority excepting a county employee’s use of a county vehicle for business travel associated with a separately elected, compensated position on a state board. As to whether such use constitutes an ethical conflict of interest, we refer you to the Mississippi Ethics Commission.

HEMP

[Yancey – June 11, 2025 \(OP-2024-00263\)](#)

Except for products sold through a duly licensed medical cannabis dispensary and in strict accordance with the provisions of the Mississippi Medical Cannabis Act, the sale of a product derived from the hemp plant designed for human ingestion and/or consumption that is not approved by the United States Food and Drug Administration (“FDA”) is prohibited under Mississippi’s Uniform Controlled Substances Law.

Except for products possessed in strict accordance with the provisions of the Mississippi Medical Cannabis Act, the possession —with intent to sell, barter, transfer, manufacture, distribute or dispense— of a product derived from the hemp plant designed for human ingestion and/or consumption that is not approved by the FDA is prohibited under Mississippi’s Uniform Controlled Substances Law. However, because the cultivation of hemp in Mississippi is legalized, licensed, and controlled by federal law, a complete response to your request is outside the scope of an official opinion.

MISSISSIPPI SEX OFFENDERS REGISTRATION LAW

[Sims – April 4, 2025 \(OP-2025-00061\)](#)

As noted by the Mississippi Court of Appeals, the “Legislature took care to use the most expansive word it could when prohibiting sex offenders from living near playgrounds by forbidding residency by ‘any playground.’” *Taylor v. State*, 353 So. 3d 1114, 1121 (Miss. Ct. App. 2023) (emphasis in original). In determining whether a specific piece of property is a playground, the Court looked to how an ordinary person would see the defined area in question. *Id.* at 1122.

Consistent with the Court’s description of “playground” in *Taylor* and our opinion in MS AG Op., *Edwards* at *1 (June 23, 2023), many properties may be included within the statutory parameters of “any playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years” in Mississippi Code Annotated Section 45-33-25(4)(a). However, whether a specific park, forest, walking track or trail constitutes a playground or recreational facility for the purposes of the Mississippi Sex Offenders Registration Law is a factual determination to be made by the local authorities.

The 3000-foot zone required by Section 45-33-25(4)(a) should be “measured from the nearest real property line of the sex offender’s residence to the nearest real property line of the prohibited place.” *Taylor v. State*, 353 So. 3d at 1124.

MUNICIPALITIES

[Purdie – April 17, 2025 \(OP-2025-00018\)](#)

As amended, Section 19-25-73(3) provides that municipalities may only pay up to the amount “provided under state law for the keeping in the county jail of persons committed, sentenced or otherwise placed under the custody of the Department of Corrections.” Specifically, “for holding a municipal pretrial detainee or prisoner in the county jail, a municipality is authorized to pay a county up to \$25 per day for days one through thirty and up to \$32.71 for days thirty-one or greater.” MS AG Op., *Mallette* at *2 (Mar. 18, 2025).

[Hopson – May 1, 2025 \(OP-2025-00059\)](#)

In response to whether the City of Indianola (“City”) has the authority to donate \$15,000 to Sunflower County (“County”) for the operation of a local shelter, Mississippi House Bill No. 1801 (2025 Regular Session) only grants additional contribution authority to the County. It does not authorize the City or any other municipality to donate funds to the County.

However, under Mississippi Code Annotated Sections 21-19-65 and 21-17-1(8), the City may contribute directly to a nonprofit organization if it makes the requisite factual determination under each applicable statute prior to the contribution.

Finally, because your request deals with the expenditure of public funds, we also refer you to the Technical Division of the Office of the State Auditor.

OPEN MEETINGS

[Nailor – May 1, 2025 \(OP-2025-00030\)](#)

The Open Meetings Act, Mississippi Code Annotated §§ 25-41-1, *et seq.*, requires that the final

actions of a board of aldermen be included in the official minutes of the board. The board also has the discretion to include information in the minutes beyond what the Open Meetings Act requires.

SEPARATION OF POWERS

[Butler – May 1, 2025 \(OP-2025-00033\)](#)

The separation of powers doctrine prohibits a school board member from concurrent service as a city alderman because a school board member exercises core powers in the executive branch of government, and a city alderman exercises core powers in the legislative branch of government.

SHERIFFS

[James – June 10, 2025 \(OP-2025-00037\)](#)

An auxiliary deputy sheriff is considered a part-time law enforcement officer and, therefore, must meet the training requirements and qualifications for part-time law enforcement officers, including the “authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state or the ordinances of any political subdivision therefor.” Miss. Code Ann. § 45-6-3(d). Therefore, a person who has not been certified as a part-time law enforcement officer cannot serve as an auxiliary deputy sheriff.

TAXES

[Chambers – April 3, 2025 \(OP-2025-00005\)](#)

Liens imposed on property for cleanup costs and penalties under Mississippi Code Annotated Section 21-19-11 remain enrolled until paid. However, when a municipality does not impose or file a lien on the property prior to an individual’s purchase of the property from the State, and said individual has no actual or constructive notice of a lien, such lien is not binding on the individual. The municipality may still collect cleanup costs and penalties from the previous landowner as a civil debt pursuant to Section 21-19-11(3).

[Pettit – April 4, 2025 \(OP-2024-00205\)](#)

Mississippi Code Annotated Section 27-33-67(2)(a) is silent on whether a military veteran must be unemployed or unemployable in the civilian job market in order to receive a full homestead exemption. The statute does not define “service-connected, total disability” but only requires that a veteran taxpayer present documentation of 1) a service-connected, total disability and 2) an honorable discharge from military service, to be eligible for the full disabled veterans’ homestead exemption under Section 27-33-75, with the specific form of such documentation to be determined by the Mississippi Department of Revenue. Miss. Code Ann. §§ 27-33-67(2)(a), 27-33-41.

INTERLOCAL AGREEMENTS APPROVED

[Harris – April 17, 2025 \(OP-2025-00024\)](#)

The Interlocal Cooperation Agreement between Noxubee County and the City of Macon regarding the collection of taxes is approved.

Harris – April 17, 2025 (OP-2025-00025)

The Interlocal Cooperation Agreement between Noxubee County and the Town of Brooksville regarding the collection of taxes is approved.

Harris – April 17, 2025 (OP-2025-00026)

The Interlocal Cooperation Agreement between Noxubee County and the Town of Shuqualak regarding the collection of taxes is approved.

Emerson – June 13, 2025 (OP-2025-00052)

The Interlocal Cooperation Agreement between DeSoto County and the City of Hernando regarding the Commerce Street Extension Utility Relocation Project is approved.

Compton – June 13, 2025 (OP-2025-00040)

The Interlocal Cooperation Agreement between the Quitman School District and the City of Quitman regarding the installation of a traffic safety device is approved.

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