

By: Senator(s) Harden (By Request)

To: Finance

SENATE BILL NO. 3036

1 AN ACT TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE PROVISION THAT REQUIRES ON PREMISES RETAILERS OF
3 ALCOHOLIC BEVERAGES AND PACKAGE RETAILERS OF ALCOHOLIC BEVERAGES
4 WHO PURCHASE LIMITED AMOUNTS OF ALCOHOLIC BEVERAGES FROM PACKAGE
5 RETAILERS TO PURCHASE ONLY FROM PACKAGE RETAILERS LOCATED WITHIN
6 THE COUNTY IN WHICH THEY ARE LOCATED; AND FOR RELATED PURPOSES.

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

8
9 SECTION 1. Section 67-1-41, Mississippi Code of 1972, is
10 amended as follows:

11 67-1-41. (1) The State Tax Commission is hereby created a
12 wholesale distributor and seller of alcoholic beverages, not
13 including malt liquors, within the State of Mississippi. It is
14 granted the sole right to import and sell such intoxicating
15 liquors at wholesale within the state, and no person who is
16 granted the right to sell, distribute or receive such liquors at
17 retail shall purchase any such intoxicating liquors from any
18 source other than the commission except as authorized in
19 subsections (4) and (9), provided that retailers and consumers may
20 purchase native wines directly from the producer. The commission
21 may establish warehouses, purchase intoxicating liquors in such
22 quantities and from such sources as it may deem desirable and sell
23 the same to authorized permittees within the state including, at
24 the discretion of the commission, any retail distributors
25 operating within any military post or qualified resort areas
26 within the boundaries of the state, keeping a correct and accurate
27 record of all such transactions and exercising such control over
28 the distribution of alcoholic beverages as seem right and proper
29 in keeping with the provisions or purposes of this chapter.

30 The commission is empowered to borrow such working capital as
31 may be required, not to exceed the sum of Nine Hundred Thousand
32 Dollars (\$900,000.00). Such loan shall be repaid from the
33 earnings of the wholesale liquor business.

34 The commission is hereby authorized to use and to promulgate
35 rules for the affixing of identification stamps to each container
36 of alcoholic liquor.

37 (2) No person for the purpose of sale shall manufacture,
38 distill, brew, sell, possess, export, transport, distribute,
39 warehouse, store, solicit, take orders for, bottle, rectify,
40 blend, treat, mix or process any alcoholic beverage except in
41 accordance with authority granted under this chapter, or as
42 otherwise provided by law for native wines.

43 (3) No alcoholic beverage intended for sale or resale shall
44 be imported, shipped or brought into this state for delivery to
45 any person other than as provided in this chapter, or as otherwise
46 provided by law for native wines.

47 (4) The commission may promulgate rules and regulations
48 which authorize on-premises retailers to purchase limited amounts
49 of alcoholic beverages from package retailers * * * and for
50 package retailers to purchase limited amounts of alcoholic
51 beverages from other package retailers * * *. The commission
52 shall develop and provide forms to be completed by the on-premises
53 retailers and the package retailers verifying the transaction.
54 The completed forms shall be forwarded to the commission within a
55 period of time prescribed by the commission.

56 (5) The commission may promulgate rules which authorize the
57 holder of a package retailer's permit to permit individual retail
58 purchasers of packages of alcoholic beverages to return, for
59 exchange, credit or refund, limited amounts of original sealed and
60 unopened packages of alcoholic beverages purchased by such
61 individual from the package retailer.

62 (6) The commission shall maintain all forms to be completed

63 by applicants necessary for licensure by the commission at all
64 district offices of the commission.

65 (7) The commission may promulgate rules which authorize the
66 manufacturer of an alcoholic beverage or wine to import, transport
67 and furnish or give a sample of alcoholic beverages or wines to
68 the holders of package retailer's permits, on-premises retailer's
69 permits, native wine retailer's permits and temporary retailer's
70 permits who have not previously purchased the brand of that
71 manufacturer from the commission. For each holder of the
72 designated permits, the manufacturer may furnish not more than
73 five hundred (500) milliliters of any brand of alcoholic beverage
74 and not more than three (3) liters of any brand of wine.

75 (8) The commission may promulgate rules disallowing open
76 product sampling of alcoholic beverages or wines by the holders of
77 package retailer's permits and permitting open product sampling of
78 alcoholic beverages by the holders of on-premises retailer's
79 permits. Permitted sample products shall be plainly identified
80 "sample" and the actual sampling must occur in the presence of the
81 manufacturer's representatives during the legal operating hours of
82 on-premises retailers.

83 (9) The commission may promulgate rules and regulations that
84 authorize the holder of a research permit to import and purchase
85 limited amounts of alcoholic beverages from importers, wineries
86 and distillers of alcoholic beverages or from the commission. The
87 commission shall develop and provide forms to be completed by the
88 research permittee verifying each transaction. The completed
89 forms shall be forwarded to the commission within a period of time
90 prescribed by the commission. The records and inventory of
91 alcoholic beverages shall be open to inspection at any time by the
92 Director of the Alcoholic Beverage Control Division or any duly
93 authorized agent.

94 SECTION 2. This act shall take effect and be in force from
95 and after July 1, 1999.