

By: Simpson

To: Ways and Means

HOUSE BILL NO. 1342
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 67-3-22, MISSISSIPPI CODE OF 1972, TO
2 ALLOW A HOSPITALITY OPERATOR TO PROVIDE COMPLIMENTARY LIGHT WINE
3 OR BEER PRODUCED AT A BREWPUB TO CERTAIN GUESTS; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 67-3-22, Mississippi Code of 1972, is
7 amended as follows:

8 67-3-22. (1) The production limits for a brewpub shall be
9 based upon production as determined by the State Tax Commission
10 pursuant to Section 27-71-307, and shall be limited as follows:

11 (a) A stand-alone restaurant or restaurant operated by
12 a hospitality operator with less than fifty (50) guest rooms in
13 the aggregate shall not manufacture more than forty thousand three
14 hundred (40,300) gallons of light wine or beer per calendar year.

15 (b) A restaurant operated by a hospitality operator
16 with fifty (50) or more guest rooms in the aggregate but less than
17 five hundred (500) guest rooms in the aggregate shall not
18 manufacture more than sixty thousand (60,000) gallons of light
19 wine or beer per calendar year.

20 (c) A restaurant operated by a hospitality operator
21 with five hundred (500) or more guest rooms in the aggregate but
22 less than one thousand (1,000) guest rooms in the aggregate shall
23 not manufacture more than seventy-five thousand (75,000) gallons
24 of light wine or beer per calendar year.

25 (d) A restaurant operated by a hospitality operator
26 with one thousand (1,000) or more guest rooms in the aggregate
27 shall not manufacture more than ninety-nine thousand (99,000)

28 gallons of light wine or beer per calendar year.

29 (2) Light wine or beer produced at a brewpub shall not be
30 sold at a price less than it cost to manufacture such light wine
31 or beer, except that providing complimentary light wine or beer
32 produced at the brewpub to guests who are room, food and beverage
33 patrons for consumption exclusively on premises is authorized.

34 (3) Light wine or beer manufactured by a brewpub shall not
35 be sold away from the premises of such brewpub (as defined in
36 Section 27-71-301, Mississippi Code of 1972) and shall not be
37 packaged in any form that it may be carried away from the
38 premises; provided, however, that the final one hundred (100)
39 gallons of beer within a fermenting tank may be placed in kegs for
40 sale on the premises to facilitate transition from one fermenting
41 tank to another.

42 (4) A brewpub shall be required to offer for sale light wine
43 or beer that is normally carried on the inventory of wholesaler or
44 distributor of light wine or beer.

45 (5) As used in this section, the following terms shall have
46 the meanings ascribed in this subsection:

47 (a) "Hospitality operator" means a business that
48 operates guest rooms that at any one (1) time will accommodate
49 transient guests on a daily or weekly basis in conjunction with a
50 brewpub at one (1) location or facility.

51 (b) "Premises" means those areas where food is normally
52 sold and consumed and which are immediately adjacent and connected
53 to the brewing facility or brewpub operated by a hospitality
54 operator.

55 (c) "Room, food and beverage patron" means a patron who
56 receives from a hospitality operator lodging, food and beverages
57 at no cost to the patron.

58 (6) This section shall stand repealed from and after July 1,
59 2002.

60 SECTION 2. This act shall take effect and be in force from
61 and after its passage.