AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" FOR PURPOSES OF THE STATE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW, TO INCLUDE CERTAIN ADJOINING COMMUNITIES OR SIMILAR ADJOINING DEVELOPMENTS OF REAL ESTATE CONSISTING OF A CERTAIN MINIMUM NUMBER OF AGGREGATE ACRES AND RESIDENTIAL UNITS AND HAVING CERTAIN RECREATIONAL OR ENTERTAINMENT FACILITIES; TO PROVIDE THAT THE TERM ALSO INCLUDES A DEVELOPMENT THAT HAS QUALIFIED AS A PROJECT UNDER SECTIONS 57-30-1 AND 57-30-3, MISSISSIPPI CODE OF 1972; TO PROVIDE THAT THE STATUS OF SUCH QUALIFIED RESORT AREAS MUST BE APPROVED BY THE STATE TAX COMMISSION IN ORDER TO BE EFFECTIVE; TO AMEND SECTIONS 67-1-7, 67-1-11, 67-1-13 AND 67-1-14, MISSISSIPPI CODE OF 1972, TO PERMIT CERTAIN ON-PREMISES SALES OF ALCOHOLIC BEVERAGES AT SUCH QUALIFIED RESORT AREAS IN COUNTIES AND MUNICIPALITIES WHERE THE SALE OF ALCOHOLIC BEVERAGES IS OTHERWISE PROHIBITED; TO AMEND SECTIONS 67-3-7, 67-3-9 AND 67-3-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SALE OF LIGHT WINE AND BEER AT SUCH QUALIFIED RESORT AREAS IN COUNTIES AND MUNICIPALITIES WHERE THE SALE OF ALCOHOLIC BEVERAGES IS OTHERWISE PROHIBITED; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 67-1-5, Mississippi Code of 1972, is amended as follows:

67-1-5. For the purposes of this chapter and unless otherwise required by the context:

(a) The words "alcoholic beverage" mean any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include wine containing five percent (5%) or less of alcohol by weight and shall not include beer containing not more than five percent (5%) of alcohol by weight, as provided for in Section 67-3-5, Mississippi Code of 1972, but shall include native wines. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or distilled solely for fuel purposes.

(b) The word "alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof,
and includes synthetic ethyl alcohol, but does not include
denatured alcohol or wood alcohol.

(c) The words "distilled spirits" mean any beverage
containing more than four percent (4%) of alcohol by weight
produced by distillation of fermented grain, starch, molasses or
sugar, including dilutions and mixtures of these beverages.

(d) The words "wine" or "vinous liquor" mean any
product obtained from the alcoholic fermentation of the juice of
sound, ripe grapes, fruits or berries and made in accordance with
the revenue laws of the United States.

(e) The word "person" means and includes any
individual, partnership, corporation, association or other legal
entity whatsoever.

(f) The word "manufacturer" means any person engaged in
manufacturing, distilling, rectifying, blending or bottling any
alcoholic beverage.

(g) The word "wholesaler" means any person, other than
a manufacturer, engaged in distributing or selling any alcoholic
beverage at wholesale for delivery within or without this state
when such sale is for the purpose of resale by the purchaser.

(h) The word "retailer" means any person who sells,
distributes, or offers for sale or distribution, any alcoholic
beverage for use or consumption by the purchaser and not for
resale.

(i) The word "commission" means the State Tax
Commission of the State of Mississippi, which shall create a
division in its organization to be known as the Alcoholic Beverage
Control Division. Any reference to the commission hereafter means
the powers and duties of the State Tax Commission with reference
to supervision of the Alcoholic Beverage Control Division.

(j) The word "division" means the Alcoholic Beverage
Control Division of the State Tax Commission.
(k) The word "municipality" means any incorporated city or town of this state.

(l) The word "hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the commission, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least twenty (20) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations. Hotels in towns or cities of more than twenty-five thousand (25,000) population are similarly defined except that they must have fifty (50) or more sleeping rooms. Any such establishment described in this paragraph with less than fifty (50) beds shall operate one or more regular dining rooms designed to be constantly frequented by customers each day. When used in this chapter, the word "hotel" shall also be construed to include any establishment that meets the definition of "bed and breakfast inn" as provided in this section.

(m) The word "restaurant" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. No place shall qualify as a restaurant under this chapter unless twenty-five percent (25%) or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue.
(n) The word "club" means an association or a corporation:

(1) Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;

(2) Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;

(3) Maintained by its members through the payment of annual dues;

(4) Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;

(5) The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and

(6) No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.

The commission may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the commission, at the time of its application for a license under this chapter, two (2) copies of a list of the names and residences of its members and similarly file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the commission at the time of the application a copy of its articles of association, charter of incorporation,
bylaws or other instruments governing the business and affairs thereof.

(o) The term "qualified resort area" means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place which regularly and customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the commission.

(i) The commission may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.

(ii) The term includes any state park which is declared a resort area by the commission; however, such declaration may only be initiated in a written request for resort area status made to the commission by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this chapter, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.

(iii) The term includes the clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle State Park, the Percy Quin State Park and the Hugh White State Park. The status of these clubhouses as qualified resort areas does not require any declaration of same by the commission.
(iv) The term includes adjoining communities, adjoining subdivisions or similar adjoining developments of real estate with monitored entrances and exits and consisting of at least one thousand (1,000) acres in the aggregate, at least four hundred (400) residential units in the aggregate, and at least one (1) adjoining recreational or entertainment facility such as a golf course with a clubhouse, a marina or a convention center or similar facility. An on-premises retailer’s permit for the sale of alcoholic beverages may be issued for a restaurant, golf course clubhouse and/or other clubhouse of any kind in such a qualified resort area. The status of such a qualified resort area must be approved by the commission in order to be effective.

(v) The term includes a development that has qualified as a project under Section 57-30-1 et seq. An on-premises permit for the sale of alcoholic beverages may be issued for a hotel or restaurant, or both, in such a qualified resort area. The status of such a qualified resort area must be approved by the commission in order to be effective.

(p) The words "native wine" shall mean any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The commission shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon.
(q) The words "native winery" shall mean any place or establishment within the State of Mississippi where native wine is produced in whole or in part for sale.

(r) The words "bed and breakfast inn" mean an establishment within a municipality where in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are located not less than eight (8) and not more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this chapter unless on the date of the initial application for a license under this chapter more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.

SECTION 2. Section 67-1-7, Mississippi Code of 1972, is amended as follows:

67-1-7. (1) Except as otherwise provided in Section 67-9-1 for the transportation and possession of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and subject to all of the provisions and restrictions contained in this chapter, the manufacture, sale, distribution, possession and transportation of alcoholic beverages shall be lawful, subject to the restrictions hereinafter imposed, in those counties and municipalities of this state in which, at a local option election called and held for that purpose under the provisions of this chapter, a majority of the qualified electors voting in such election shall vote in favor thereof. The manufacture, sale and distribution of alcoholic beverages shall not be permissible or lawful in counties except in (a) incorporated municipalities located within such counties, (b)
qualified resort areas within such counties approved as such by
the State Tax Commission, or (c) clubs within such counties,
whether within a municipality or not. The manufacture, sale,
distribution and possession of native wines shall be lawful in any
location within any such county except those locations where the
manufacture, sale or distribution is prohibited by law other than
this section or by regulations of the commission.

(2) (a) Notwithstanding the foregoing, within any state
park or any state park facility which has been declared a
qualified resort area by the commission and any clubhouse that is
a qualified resort area under Section 67-1-5(o)(iii), an
on-premises retailer's permittee may lawfully sell alcoholic
beverages for consumption on his licensed premises regardless of
whether or not the county or municipality in which the park is
located has voted in favor of coming out from under the dry law.

(b) Notwithstanding the foregoing, within any qualified
resort area defined in Section 67-1-5(o)(iv) or (v), an
on-premises retailer's permittee may lawfully sell alcoholic
beverages for consumption on his licensed premises regardless of
whether or not the county or municipality in which the qualified
resort area is located has voted in favor of coming out from under
the dry law.

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

67-1-11. (1) Notwithstanding any provision of this chapter,
the legalizing provisions of this chapter, except as authorized
under Section 67-1-7(2) and Section 67-9-1, shall not be
effective, applicable or operative in any county unless and until
a local option election shall be called and held in such county in
the manner and with the results hereinafter provided.

(2) Upon presentation and filing of a proper petition
requesting same signed by at least twenty percent (20%) or fifteen
hundred (1,500), whichever number is the lesser, of the qualified
electors of the county, it shall be the duty of the board of supervisors to call an election at which there shall be submitted to the qualified electors of the county the question of whether or not the sale, distribution and possession of alcoholic liquors shall be permitted in such county as provided in this chapter. Such election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date shall not be more than sixty (60) days from the date of the filing of said petition. Notice thereof shall be given by publishing such notice once each week for at least three (3) consecutive weeks in some newspaper published in said county or, if no newspaper be published therein, by such publication in a newspaper in an adjoining county and having a general circulation in the county involved. The election shall be held not earlier than fifteen (15) days from the first publication of such notice.

(3) Said election shall be held and conducted as far as may be possible in the same manner as is provided by law for the holding of general elections. The ballots used thereat shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR coming out from under the dry law in ______ County ( )" "I vote AGAINST coming out from under the dry law in ______ County ( )" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check (√) mark opposite the words of their choice.

(4) The election commissioners shall canvass and determine the results of said election, and shall certify same to the board of supervisors which shall adopt and spread upon its minutes an order declaring such results. If, in such election, a majority of the qualified electors participating therein shall vote in favor of the proposition, this chapter shall become applicable and operative in such county and the manufacture, sale, distribution
and possession of alcoholic beverages therein shall be lawful to
the extent and in the manner permitted hereby. If, on the other
hand, a majority of the qualified electors participating in the
election shall vote against the proposition, this chapter, except
for Section 67-1-7(2) and Section 67-9-1, shall not become
effective and operative in such county and, except as otherwise
provided under Section 67-1-7(2) and Section 67-9-1, all laws
prohibiting and regulating the manufacture, sale, distribution and
possession of intoxicating liquor shall remain in full force and
effect and be administered and vigorously prosecuted therein. In
either case, no further election shall be held in said county
under the provisions of this chapter for a period of two (2) years
from the date of the prior election and then only upon the filing
of a petition requesting same signed by at least twenty percent
(20%) or fifteen hundred (1,500), whichever number is the lesser,
of the qualified electors of the county as is otherwise provided
herein.

SECTION 4. Section 67-1-13, Mississippi Code of 1972, is
amended as follows:

67-1-13. (1) When this chapter has been made effective and
operative in any county as a result of an election called and held
as provided in Section 67-1-11, the same may be made ineffective
and inapplicable therein by an election called and held upon a
petition filed with the board of supervisors requesting same
signed by at least twenty percent (20%) or fifteen hundred (1500),
whichever number is the lesser, of the qualified electors of the
county as is otherwise provided in Section 67-1-11, all of the
provisions of which shall be fully applicable thereto. However,
nothing herein shall authorize or permit the calling and holding
of any election under this chapter in any county more often than
once every two (2) years. If in such election, a majority of the
qualified electors participating therein shall vote against the
legalized sale of intoxicating liquor, then the prohibition laws
of the State of Mississippi, except as otherwise provided under
Section 67-1-7(2) and Section 67-9-1, shall become applicable in
said county.

(2) Notwithstanding an election reinstating the prohibition
laws in a political subdivision, the holder of a native wine
producer's permit or a native wine retailer's permit is allowed to
continue to operate under such permits and to renew such permits.
Possession of native wines and personal property related to the
activities of the native wine permit holder which would otherwise
be unlawful under prohibition shall be allowed subject to
regulations of the Alcoholic Beverage Control Division.

SECTION 5. Section 67-1-14, Mississippi Code of 1972, is
amended as follows:

67-1-14. (1) The legalizing provisions of this chapter may
be effective, applicable and operative in any municipality located
in a county which has voted against coming out from under the dry
law if a local option election shall be called and held in such
municipality in the manner and with the results hereinafter
provided.

(2) (a) Any municipality in this state having a population
of not less than six thousand (6,000) according to the latest
federal census, all or any portion of which is located within five
(5) miles of the Tennessee-Tombigbee Waterway and which is located
in a county which has voted against coming out from under the dry
law, may, at an election held for the purpose under the election
laws applicable to such municipality, either prohibit or permit,
except as otherwise provided under Section 67-1-7(2) and Section
67-9-1, the sale, and the receipt, storage and transportation for
the purpose of sale, of alcoholic beverages. An election to
determine whether such sale and possession shall be permitted in
municipalities wherein its sale and possession is prohibited by
law shall be ordered by the municipal governing authorities upon
the presentation of a petition to such governing authorities
containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election.

In like manner, an election to determine whether such sale and possession shall be prohibited in municipalities wherein its sale is permitted by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. No election on either question shall be held by any one municipality more often than once in two (2) years.

Thirty (30) days' notice shall be given to the qualified electors of such municipality, in the manner prescribed by law, upon the question of either permitting or prohibiting such sale and possession, such notice to contain a statement of the question to be voted on at the election. The ballots to be used in the election shall have the following words printed thereon: "For the legal sale of alcoholic liquors," and the words "Against the legal sale of alcoholic liquors" next below. In marking his ballot the voter shall make a cross (X) opposite the words of his choice.

If in the election a majority of the qualified electors voting in the election shall vote "for the legal sale of alcoholic liquors," then the municipal governing authorities shall pass the necessary order permitting the legal sale of such alcoholic beverages in such municipality. If in the election a majority of the qualified electors voting in the election shall vote "against the legal sale of alcoholic liquors," then the municipal governing authorities shall pass the necessary order prohibiting the sale of alcoholic beverages in such municipality.

(b) The provisions of this subsection shall also apply to any municipality having a population of not less than six thousand (6,000) according to the latest federal census, a portion of which is located in a county which has voted against coming out from under the dry law and a portion of which is located in a
county which has voted in favor of coming out from under the dry
law. For the purpose of determining whether or not such a
municipality meets the threshold population of six thousand
(6,000) which will qualify the municipality to hold an election
under this subsection, the entire population of the municipality
shall be considered; however, the petition to hold the election
authorized in this subsection shall be ordered by the municipal
governing authorities upon the presentation of a petition to such
governing authorities containing the names of at least twenty
percent (20%) of the duly qualified voters of such municipality
who reside in that portion of the municipality located in a county
which has voted against coming out from under the dry law and the
election shall be held only in that portion of the municipality.
In all other respects, the authority for the holding of elections
and the manner in which such elections shall be conducted shall be
as prescribed in paragraph (a) of this subsection; and, after
proper certification of election results, the municipal governing
authorities shall pass the appropriate order to permit or prohibit
the legal sale of alcoholic beverages in that portion of the
municipality located in a county which has voted against coming
out from under the dry law.

SECTION 6. 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 of an alcoholic
content of not more than five percent (5%) by weight 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 thereof, for such county only. No election on the question shall be held in any one (1) 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 of an alcoholic content of not more than five percent (5%) by weight shall not be permitted in said county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not said 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 light wine or beer at a qualified resort area as defined in Section 67-1-5(o)(iv) or (v);

(b) Transport light wine or beer to a qualified resort area as defined in Section 67-1-5(o)(iv) or (v); or

(c) Sell light wine or beer at a qualified resort area as defined in Section 67-1-5(o)(iv) or (v) 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.

SECTION 7. Section 67-3-9, Mississippi Code of 1972, is
amended as follows:

67-3-9. Any city in this state, having a population of not
less than two thousand five hundred (2,500) according to the
latest federal census, at an election held for the purpose, under
the election laws applicable to such city, may either prohibit or
permit, except as otherwise provided under Section 67-9-1 and as
may be otherwise authorized in this section, the sale and the
receipt, storage and transportation for the purpose of sale of
beer of an alcoholic content of not more than five percent (5%) by
weight. An election to determine whether such sale shall be
permitted in cities wherein its sale is prohibited by law shall be
ordered by the city council or mayor and board of aldermen or
other governing body of such city for such city only, upon the
presentation of a petition for such city to such governing board
containing the names of twenty percent (20%) of the duly qualified
voters of such city asking for such election. In like manner, an
election to determine whether such sale shall be prohibited in
cities wherein its sale is permitted by law shall be ordered by
the city council or mayor and board of aldermen or other governing
board of such city for such city only, upon the presentation of a
petition to such governing board containing the names of twenty
percent (20%) of the duly qualified voters of such city asking for
such election. No election on either question shall be held by
any one (1) city oftener than once in five (5) years.

Thirty (30) days' notice shall be given to the qualified
electors of such city in the manner prescribed by law upon the
question of either permitting or prohibiting such sale, said
notice to contain a statement of the question to be voted on at
said election. The tickets to be used in said election shall have
the following words printed thereon: "For the legal sale of beer
of an alcoholic content of not more than five percent (5%) by
weight; and the words "Against the legal sale of beer of an
alcoholic content of not more than five percent (5%) by weight,"
next below. In making up his ticket the voter shall make a cross
(X) opposite the words of his choice.

If in said election a majority of the qualified electors
voting in the election shall vote "For the legal sale of beer of
an alcoholic content of not more than five percent (5%) by
weight," then the city council or mayor and board of aldermen or
other governing body shall pass the necessary order permitting the
legal sale of such beer in such city. If in said election a
majority of the qualified electors voting in the election shall
vote "Against the legal sale of beer of an alcoholic content of
not more than five percent (5%) by weight," then the city council
or mayor and board of aldermen or other governing body shall pass
the necessary order prohibiting the sale of such beer in such
city.

Nothing in this section shall make it unlawful to: (a)
possess light wine or beer at a qualified resort area as defined
in Section 67-1-5(o)(iv) or (v); (b) transport light wine or beer
to a qualified resort area as defined in Section 67-1-5(o)(iv) or
(v); or (c) sell light wine or beer at a qualified resort area as
defined in Section 67-1-5(o)(iv) or (v) 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.

All laws or parts of laws in conflict with this section are
hereby repealed to the extent of such conflict only, this section
being cumulative and supplementary.

SECTION 8. 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. 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 or municipality in which transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer is prohibited, it shall not be unlawful:

(a) To possess light wine or beer at a qualified resort area as defined in Section 67-1-5(o)(iv) or (v); or

(b) To distribute and transport light wine or beer to a qualified resort area as defined in Section 67-1-5(o)(iv) or (v).
**SECTION 9.** This act shall take effect and be in force from and after July 1, 2002.