

By: Senator(s) Gordon

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2166

1 AN ACT TO AMEND SECTIONS 67-3-7 AND 67-3-13, MISSISSIPPI CODE
2 OF 1972, TO AUTHORIZE THE SALE OF LIGHT WINE OR BEER AT QUALIFIED
3 RESORT AREAS IN COUNTIES IN WHICH THE SALE OF LIGHT WINE OR BEER
4 IS OTHERWISE PROHIBITED; AND FOR RELATED PURPOSES.

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

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

8 67-3-7. (1) If any county, at an election held for the
9 purpose under the election laws of the state, shall by a majority
10 vote of the duly qualified electors voting in the election
11 determine that the transportation, storage, sale, distribution,
12 receipt and/or manufacture of wine and beer of an alcoholic
13 content of not more than five percent (5%) by weight shall not be
14 permitted in such county, then the same shall not be permitted
15 therein except as authorized under Section 67-9-1 and as may be
16 otherwise authorized in this section. An election to determine
17 whether such transportation, storage, sale, distribution, receipt
18 and/or manufacture of such beverages shall be excluded from any
19 county in the state, shall on a petition of twenty percent (20%)
20 of the duly qualified electors of such county, be ordered by the
21 board of supervisors thereof, for such county only. No election
22 on the question shall be held in any one (1) county more often
23 than once in five (5) years.

24 In counties which have elected, or may elect by a majority
25 vote of the duly qualified electors voting in the election, that
26 the transportation, storage, sale, distribution, receipt and/or
27 manufacture of wine or beer of an alcoholic content of not more
28 than five percent (5%) by weight shall not be permitted in said



29 county, an election may be held in the same manner as the election
30 hereinabove provided on the question of whether or not said
31 transportation, storage, sale, distribution, receipt and/or
32 manufacture of said beverages shall be permitted in such county.
33 Such election shall be ordered by the board of supervisors of such
34 county on a petition of twenty percent (20%) of the duly qualified
35 electors of such county. No election on this question can be
36 ordered more often than once in five (5) years.

37 (2) Nothing in this section shall make it unlawful to
38 possess beer or wine, as defined herein, in any municipality which
39 has heretofore or which may hereafter vote in an election,
40 pursuant to Section 67-3-9, in which a majority of the qualified
41 electors vote in favor of permitting the sale and the receipt,
42 storage and transportation for the purpose of sale of beer or wine
43 as defined herein.

44 (3) Nothing in this section shall make it unlawful to:

45 (a) Possess light wine or beer at a qualified resort
46 area as defined in Section 67-1-5;

47 (b) Transport light wine or beer to a qualified resort
48 area as defined in Section 67-1-5, if such light wine or beer is
49 transported by a permitted wholesaler; or

50 (c) Sell light wine or beer at a qualified resort area
51 as defined in Section 67-1-5, if such light wine or beer is sold
52 by a person with a permit to engage in the business or as a
53 retailer of light wine or beer.

54 **SECTION 2.** Section 67-3-13, Mississippi Code of 1972, is
55 amended as follows:

56 67-3-13. (1) Except as otherwise provided herein and as
57 authorized under * * * this section and Section 67-9-1, in any
58 county which has at any time since February 26, 1934, elected, or
59 which may hereafter elect, to prohibit the transportation,
60 storage, sale, distribution, receipt and/or manufacture of wine
61 and beer of an alcoholic content of not more than four percent



62 (4%) by weight in such county, it is hereby declared to be
63 unlawful to possess such beverages therein. In any county which,
64 after July 1, 1998, elects to prohibit the transportation,
65 storage, sale, distribution, receipt and/or manufacture of wine
66 and beer of an alcoholic content of not more than five percent
67 (5%) by weight in such county, it is hereby declared to be
68 unlawful to possess such beer therein. Any person found
69 possessing any beer or wine of any quantity whatsoever in such
70 county shall, on conviction, be imprisoned not more than ninety
71 (90) days or fined not more than Five Hundred Dollars (\$500.00),
72 or be both so fined and imprisoned.

73 (2) Notwithstanding the provisions of subsection (1) of this
74 section, in any county or municipality in which the
75 transportation, storage, sale, distribution, receipt and/or
76 manufacture of light wine and beer is prohibited, it shall not be
77 unlawful for a permitted wholesaler or distributor to possess
78 light wine and beer when such light wine and beer is held therein
79 solely for the purpose of storage and for distribution to other
80 counties and municipalities in which possession of such beverages
81 is lawful.

82 (3) Notwithstanding the provisions of subsections (1) and
83 (2) of this section, in any county in which transportation,
84 storage, sale, distribution, receipt and/or manufacture of light
85 wine and beer is prohibited, it shall not be unlawful:

86 (a) To possess light wine or beer at a resort area as
87 defined in Section 67-1-5; or

88 (b) To distribute and transport light wine or beer to a
89 resort area as defined in Section 67-1-5, if such light wine or
90 beer is distributed by a permitted wholesaler.

91 **SECTION 3.** This act shall take effect and be in force from
92 and after July 1, 2002.

