SENATE BILL NO. 2903

AN ACT TO AMEND SECTION 67-3-22, MISSISSIPPI CODE OF 1972, TO REMOVE THE JULY 1, 2002, REPEAL PROVISION IN THE LAW THAT LIMITS THE AMOUNT OF LIGHT WINE OR BEER THAT BREWPUBS MAY PRODUCE IN A CALENDAR YEAR, PROVIDES THAT LIGHT WINE OR BEER PRODUCED AT A BREWPUB SHALL NOT BE SOLD AT A PRICE LESS THAN IT COST TO MANUFACTURE THE LIGHT WINE OR BEER, PROVIDES THAT LIGHT WINE OR BEER SHALL NOT BE SOLD OR CARRIED AWAY FROM THE PREMISES OF THE BREWPUB AND REQUIRES BREWPUBS TO OFFER FOR SALE LIGHT WINE OR BEER THAT IS NORMALLY CARRIED ON THE INVENTORY OR WHOLESALERS OR DISTRIBUTORS OF LIGHT WINE OR BEER; AND FOR RELATED PURPOSES.

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

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

67-3-22. (1) The production limits for a brewpub shall be based upon production as determined by the State Tax Commission pursuant to Section 27-71-307, Mississippi Code of 1972, and shall be limited as follows:

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

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

(c) A restaurant operated by a hospitality operator with five hundred (500) or more guest rooms in the aggregate but less than one thousand (1,000) guest rooms in the aggregate shall not manufacture more than seventy-five thousand (75,000) gallons of light wine or beer per calendar year.
(d) A restaurant operated by a hospitality operator with one thousand (1,000) or more guest rooms in the aggregate shall not manufacture more than ninety-nine thousand (99,000) gallons of light wine or beer per calendar year.

(2) Light wine or beer produced at a brewpub shall not be sold at a price less than it cost to manufacture such light wine or beer.

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

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

(5) As used in this section, the term "hospitality operator" means a business that operates guest rooms that at any one (1) time will accommodate transient guests on a daily or weekly basis in conjunction with a brewpub at one (1) location or facility.

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