SENATE BILL NO. 2009

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

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

SECTION 1. 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;
(b) Transport light wine or beer to a qualified resort
area as defined in Section 67-1-5, if such light wine or beer is
transported by a permitted wholesaler; or
(c) Sell light wine or beer at a qualified resort area
as defined in Section 67-1-5, if such light wine or beer is sold
by a person with a permit to engage in the business or as a
retailer of light wine or beer.

SECTION 2. 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 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 resort area as defined in Section 67-1-5; or

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

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.