

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2370  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 67-1-25, MISSISSIPPI CODE OF 1972, TO  
 2 REMOVE THE PROVISION THAT REQUIRES THAT PERSONS APPOINTED  
 3 DIRECTOR, AGENT OR INSPECTOR FOR THE STATE TAX COMMISSION UNDER  
 4 THE LOCAL OPTION ALCOHOLIC BEVERAGES CONTROL LAW MUST HAVE RESIDED  
 5 WITHIN THE STATE OF MISSISSIPPI FOR THE FIVE SUCCESSIVE YEARS  
 6 PRECEDING THE DATE OF THEIR APPOINTMENT; TO AMEND SECTION 67-3-19,  
 7 MISSISSIPPI CODE OF 1972, TO REMOVE THE PROVISION THAT REQUIRES A  
 8 MANAGER OR EMPLOYEE OF A LICENSED PREMISES UNDER THE LIGHT WINE  
 9 AND BEER LAWS TO BE A RESIDENT OF MISSISSIPPI IF HE IS ALSO AN  
 10 OFFICER, DIRECTOR OR SHAREHOLDER IN A CORPORATION THAT IS THE  
 11 HOLDER OF THE PERMIT FOR THE LICENSED PREMISES; TO AMEND SECTIONS  
 12 67-1-37, 67-3-31, 67-3-37 AND 67-3-74, MISSISSIPPI CODE OF 1972,  
 13 TO EXTEND UNTIL JULY 1, 2011, THE REPEAL DATE ON THE PROVISIONS  
 14 THAT ALLOW THE ENFORCEMENT AGENTS OF THE ALCOHOLIC BEVERAGE  
 15 CONTROL DIVISION OF THE STATE TAX COMMISSION TO ENFORCE CERTAIN  
 16 PROVISIONS OF THE LIGHT WINE AND BEER LAWS AND TO AUTHORIZE SUCH  
 17 AGENTS TO ENFORCE PROVISIONS OF THE LIGHT WINE AND BEER LAW THAT  
 18 PROHIBIT RETAILERS FROM POSSESSING OR SELLING LIGHT WINE OR BEER  
 19 BEFORE THEY HAVE SECURED A PERMIT OR DURING THE TIME THEIR PERMIT  
 20 IS REVOKED OR SUSPENDED; TO FURTHER AMEND SECTION 67-1-37,  
 21 MISSISSIPPI CODE OF 1972, TO CLARIFY THE PROVISIONS RELATING TO  
 22 THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE CAMPUS OF  
 23 PUBLIC SCHOOLS, COMMUNITY OR JUNIOR COLLEGES, COLLEGES OR  
 24 UNIVERSITIES, AND THE PROHIBITION AGAINST THE SALE OR CONSUMPTION  
 25 OF ALCOHOLIC BEVERAGES AT ANY PUBLIC ATHLETIC EVENT AT PUBLIC  
 26 SCHOOLS, COMMUNITY OR JUNIOR COLLEGES, COLLEGES OR UNIVERSITIES;  
 27 TO AMEND SECTIONS 27-71-5, 27-71-301, 27-71-303 AND 67-1-51,  
 28 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SALE OF ALCOHOLIC  
 29 BEVERAGES AND LIGHT WINE AND BEER FROM MOBILE CARTS ON A GOLF  
 30 COURSE IF THE GOLF COURSE IS THE HOLDER OF AN ON-PREMISES  
 31 RETAILER'S PERMIT; AND FOR RELATED PURPOSES.

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

33 **SECTION 1.** Section 67-1-25, Mississippi Code of 1972, is  
 34 amended as follows:

35 67-1-25. No person shall be appointed director, agent or  
 36 inspector for the commission under this chapter who is not a  
 37 citizen of the United States \* \* \*. No director, agent, inspector  
 38 or other employee shall be appointed under this chapter who has  
 39 been convicted of any violation of any federal or state law  
 40 concerning the manufacture, sale or possession of alcoholic liquor  
 41 prior or subsequent to July 1, 1966, or who has paid a fine or

42 penalty in settlement of any prosecution against him for any  
43 violation of such laws or shall have forfeited his bond to appear  
44 in court to answer charges for any such violation, nor shall any  
45 person be so appointed who has been convicted of a felony in any  
46 state or federal court. No person appointed or employed by the  
47 commission under this chapter may, directly or indirectly,  
48 individually or as a member of a partnership or limited liability  
49 company, or as a shareholder of a corporation, have any interest  
50 whatsoever in the manufacture, sale or distribution of alcoholic  
51 liquor, or receive any compensation or profit therefrom, or have  
52 any interest whatsoever in the purchases or sales made by the  
53 persons authorized by this chapter to purchase or to sell  
54 alcoholic liquor.

55 This section shall not prevent any person appointed or  
56 employed by the commission from purchasing and keeping in his  
57 possession for the use of himself or members of his family or  
58 guests any alcoholic liquor which may be purchased or kept by any  
59 other person by virtue of this chapter.

60 **SECTION 2.** Section 67-3-19, Mississippi Code of 1972, is  
61 amended as follows:

62 67-3-19. Where application is made for a permit to engage in  
63 the business of a retailer of light wine or beer, the applicant  
64 shall show in his application that he possesses the following  
65 qualifications:

66 (a) Applicant must be a person at least twenty-one (21)  
67 years of age, of good moral character and a resident of the State  
68 of Mississippi.

69 (b) Applicant shall not have been convicted of a  
70 felony, or of pandering or of keeping or maintaining a house of  
71 prostitution, or have been convicted within two (2) years of the  
72 date of his application of any violation of the laws of this state  
73 or the laws of the United States relating to alcoholic liquor.

74 (c) Applicant shall not have had revoked, except for a  
75 violation of Section 67-3-52, within two (2) years next preceding  
76 his application, any license or permit issued to him pursuant to  
77 the laws of this state, or any other state, to sell alcoholic  
78 liquor of any kind.

79 (d) Applicant shall be the owner of the premises for  
80 which the permit is sought or the holder of an existing lease  
81 thereon.

82 (e) Applicant shall not be residentially domiciled with  
83 any person whose permit has been revoked for cause, except for a  
84 violation of Section 67-3-52, within two (2) years next preceding  
85 the date of the present application for a permit.

86 (f) The applicant has not had any license or permit to  
87 sell beer or light wine at retail revoked, within five (5) years  
88 next preceding his application, due to a violation of Section  
89 67-3-52.

90 (g) Applicant shall not employ any person whose permit  
91 has been revoked when such person owned or operated the business  
92 on the premises for which a permit is sought or allow such person  
93 to have any financial interest in the business of the applicant,  
94 until such person is qualified to obtain a permit in his own name.

95 (h) The applicant is not indebted to the State of  
96 Mississippi for any taxes.

97 (i) If applicant is a partnership, all members of the  
98 partnership must be qualified to obtain a permit. Each member of  
99 the partnership must be a resident of the State of Mississippi.

100 (j) If applicant is a corporation, all officers and  
101 directors thereof, and any stockholder owning more than five  
102 percent (5%) of the stock of such corporation, and the person or  
103 persons who shall conduct and manage the licensed premises for the  
104 corporation shall possess all the qualifications required herein  
105 for any individual permittee. However, the requirements as to

106 residence shall not apply to officers, directors and stockholders  
107 of such corporation \* \* \*.

108 Any misstatement or concealment of fact in an application  
109 shall be ground for denial of the application or for revocation of  
110 the permit issued thereon.

111 The commissioner may refuse to issue a permit to an applicant  
112 for a place that is frequented by known criminals, prostitutes, or  
113 other law violators or troublemakers who disturb the peace and  
114 quietude of the community and frequently require the assistance of  
115 peace officers to apprehend such law violators or to restore  
116 order. The burden of proof of establishing the foregoing shall  
117 rest upon the commissioner.

118 **SECTION 3.** Section 67-1-37, Mississippi Code of 1972, is  
119 amended as follows:

120 **[Until July 1, 2011, this section will read as follows:]**

121 67-1-37. (1) The State Tax Commission, under its duties and  
122 powers with respect to the Alcoholic Beverage Control Division  
123 therein, shall have the following powers, functions and duties:

124 (a) To issue or refuse to issue any permit provided for  
125 by this chapter, or to extend the permit or remit in whole or any  
126 part of the permit monies when the permit cannot be used due to a  
127 natural disaster or Act of God.

128 (b) To revoke, suspend or cancel, for violation of or  
129 noncompliance with the provisions of this chapter, or the law  
130 governing the production and sale of native wines, or any lawful  
131 rules and regulations of the commission issued hereunder, or for  
132 other sufficient cause, any permit issued by it under the  
133 provisions of this chapter; however, no such permit shall be  
134 revoked, suspended or cancelled except after a hearing of which  
135 the permit holder shall have been given reasonable notice and an  
136 opportunity to be heard. The board shall be authorized to suspend  
137 the permit of any permit holder for being out of compliance with  
138 an order for support, as defined in Section 93-11-153. The

139 procedure for suspension of a permit for being out of compliance  
140 with an order for support, and the procedure for the reissuance or  
141 reinstatement of a permit suspended for that purpose, and the  
142 payment of any fees for the reissuance or reinstatement of a  
143 permit suspended for that purpose, shall be governed by Section  
144 93-11-157 or Section 93-11-163, as the case may be. If there is  
145 any conflict between any provision of Section 93-11-157 or Section  
146 93-11-163 and any provision of this chapter, the provisions of  
147 Section 93-11-157 or Section 93-11-163, as the case may be, shall  
148 control.

149 (c) To prescribe forms of permits and applications for  
150 permits and of all reports which it deems necessary in  
151 administering this chapter.

152 (d) To fix standards, not in conflict with those  
153 prescribed by any law of this state or of the United States, to  
154 secure the use of proper ingredients and methods of manufacture of  
155 alcoholic beverages.

156 (e) To issue rules regulating the advertising of  
157 alcoholic beverages in the state in any class of media and  
158 permitting advertising of the retail price of alcoholic beverages.

159 (f) To issue reasonable rules and regulations, not  
160 inconsistent with the federal laws or regulations, requiring  
161 informative labeling of all alcoholic beverages offered for sale  
162 within this state and providing for the standards of fill and  
163 shapes of retail containers of alcoholic beverages; however, such  
164 containers shall not contain less than fifty (50) milliliters by  
165 liquid measure.

166 (g) Subject to the provisions of subsection (3) of  
167 Section 67-1-51, to issue rules and regulations governing the  
168 issuance of retail permits for premises located near or around  
169 schools, colleges, universities, churches and other public  
170 institutions, and specifying the distances therefrom within which  
171 no such permit shall be issued. The Alcoholic Beverage Control

172 Division shall not issue a package retailer's or on-premises  
173 retailer's permit for the sale or consumption of alcoholic  
174 beverages in or on the campus of any public school, community or  
175 junior college, college or university \* \* \*.

176 (h) To adopt and promulgate, repeal and amend, such  
177 rules, regulations, standards, requirements and orders, not  
178 inconsistent with this chapter or any law of this state or of the  
179 United States, as it deems necessary to control the manufacture,  
180 importation, transportation, distribution and sale of alcoholic  
181 liquor, whether intended for beverage or nonbeverage use in a  
182 manner not inconsistent with the provisions of this chapter or any  
183 other statute, including the native wine laws.

184 (i) To call upon other administrative departments of  
185 the state, county and municipal governments, county and city  
186 police departments and upon prosecuting officers for such  
187 information and assistance as it may deem necessary in the  
188 performance of its duties.

189 (j) To prepare and submit to the Governor during the  
190 month of January of each year a detailed report of its official  
191 acts during the preceding fiscal year ending June 30, including  
192 such recommendations as it may see fit to make, and to transmit a  
193 like report to each member of the Legislature of this state upon  
194 the convening thereof at its next regular session.

195 (k) To inspect, or cause to be inspected, any premises  
196 where alcoholic liquors intended for sale are manufactured,  
197 stored, distributed or sold, and to examine or cause to be  
198 examined all books and records pertaining to the business  
199 conducted therein.

200 (l) In the conduct of any hearing authorized to be held  
201 by the commission, to hear testimony and take proof material for  
202 its information in the discharge of its duties under this chapter;  
203 to issue subpoenas, which shall be effective in any part of this  
204 state, requiring the attendance of witnesses and the production of

205 books and records; to administer or cause to be administered  
206 oaths; and to examine or cause to be examined any witness under  
207 oath. Any court of record, or any judge thereof, may by order  
208 duly entered require the attendance of witnesses and the  
209 production of relevant books subpoenaed by the commission, and  
210 such court or judge may compel obedience to its or his order by  
211 proceedings for contempt.

212 (m) To investigate the administration of laws in  
213 relation to alcoholic liquors in this and other states and any  
214 foreign countries, and to recommend from time to time to the  
215 Governor and through him to the Legislature of this state such  
216 amendments to this chapter, if any, as it may think desirable.

217 (n) To designate hours and days when alcoholic  
218 beverages may be sold in different localities in the state which  
219 permit such sale.

220 (o) To assign employees to posts of duty at locations  
221 where they will be most beneficial for the control of alcoholic  
222 beverages, to remove, to dismiss, to suspend without pay, to act  
223 as a trial board in hearings based upon charges against employees.  
224 After twelve (12) months' service, no employee shall be removed,  
225 dismissed, demoted or suspended without just cause and only after  
226 being furnished with reasons for such removal, dismissal, demotion  
227 or suspension, and upon request given a hearing in his own  
228 defense.

229 (p) All hearings conducted by the commission shall be  
230 open to the public, and, when deemed necessary, a written  
231 transcript shall be made of the testimony introduced thereat.

232 (q) To enforce the provisions made unlawful by Sections  
233 67-3-13, 67-3-15, 67-3-53, 67-3-57 and 67-3-70.

234 (2) No alcoholic beverage shall be sold or consumed at any  
235 public athletic event at any public school, community or junior  
236 college, college or university.

237           **[From and after July 1, 2011, this section will read as**  
238 **follows:]**

239           67-1-37. (1) The State Tax Commission, under its duties and  
240 powers with respect to the Alcoholic Beverage Control Division  
241 therein, shall have the following powers, functions and duties:

242           (a) To issue or refuse to issue any permit provided for  
243 by this chapter, or to extend the permit or remit in whole or any  
244 part of the permit monies when the permit cannot be used due to a  
245 natural disaster or Act of God.

246           (b) To revoke, suspend or cancel, for violation of or  
247 noncompliance with the provisions of this chapter, or the law  
248 governing the production and sale of native wines, or any lawful  
249 rules and regulations of the commission issued hereunder, or for  
250 other sufficient cause, any permit issued by it under the  
251 provisions of this chapter; however, no such permit shall be  
252 revoked, suspended or cancelled except after a hearing of which  
253 the permit holder shall have been given reasonable notice and an  
254 opportunity to be heard. The board shall be authorized to suspend  
255 the permit of any permit holder for being out of compliance with  
256 an order for support, as defined in Section 93-11-153. The  
257 procedure for suspension of a permit for being out of compliance  
258 with an order for support, and the procedure for the reissuance or  
259 reinstatement of a permit suspended for that purpose, and the  
260 payment of any fees for the reissuance or reinstatement of a  
261 permit suspended for that purpose, shall be governed by Section  
262 93-11-157 or 93-11-163, as the case may be. If there is any  
263 conflict between any provision of Section 93-11-157 or 93-11-163  
264 and any provision of this chapter, the provisions of Section  
265 93-11-157 or 93-11-163, as the case may be, shall control.

266           (c) To prescribe forms of permits and applications for  
267 permits and of all reports which it deems necessary in  
268 administering this chapter.



269           (d) To fix standards, not in conflict with those  
270 prescribed by any law of this state or of the United States, to  
271 secure the use of proper ingredients and methods of manufacture of  
272 alcoholic beverages.

273           (e) To issue rules regulating the advertising of  
274 alcoholic beverages in the state in any class of media and  
275 permitting advertising of the retail price of alcoholic beverages.

276           (f) To issue reasonable rules and regulations, not  
277 inconsistent with the federal laws or regulations, requiring  
278 informative labeling of all alcoholic beverages offered for sale  
279 within this state and providing for the standards of fill and  
280 shapes of retail containers of alcoholic beverages; however, such  
281 containers shall not contain less than fifty (50) milliliters by  
282 liquid measure.

283           (g) Subject to the provisions of subsection (3) of  
284 Section 67-1-51, to issue rules and regulations governing the  
285 issuance of retail permits for premises located near or around  
286 schools, colleges, universities, churches and other public  
287 institutions, and specifying the distances therefrom within which  
288 no such permit shall be issued. The Alcoholic Beverage Control  
289 Division shall not issue a package retailer's or on-premises  
290 retailer's permit for the sale or consumption of alcoholic  
291 beverages in or on the campus of any public school, community or  
292 junior college, college or university \* \* \*.

293           (h) To adopt and promulgate, repeal and amend, such  
294 rules, regulations, standards, requirements and orders, not  
295 inconsistent with this chapter or any law of this state or of the  
296 United States, as it deems necessary to control the manufacture,  
297 importation, transportation, distribution and sale of alcoholic  
298 liquor, whether intended for beverage or nonbeverage use in a  
299 manner not inconsistent with the provisions of this chapter or any  
300 other statute, including the native wine laws.

301           (i) To call upon other administrative departments of  
302 the state, county and municipal governments, county and city  
303 police departments and upon prosecuting officers for such  
304 information and assistance as it may deem necessary in the  
305 performance of its duties.

306           (j) To prepare and submit to the Governor during the  
307 month of January of each year a detailed report of its official  
308 acts during the preceding fiscal year ending June 30, including  
309 such recommendations as it may see fit to make, and to transmit a  
310 like report to each member of the Legislature of this state upon  
311 the convening thereof at its next regular session.

312           (k) To inspect, or cause to be inspected, any premises  
313 where alcoholic liquors intended for sale are manufactured,  
314 stored, distributed or sold, and to examine or cause to be  
315 examined all books and records pertaining to the business  
316 conducted therein.

317           (l) In the conduct of any hearing authorized to be held  
318 by the commission, to hear testimony and take proof material for  
319 its information in the discharge of its duties under this chapter;  
320 to issue subpoenas, which shall be effective in any part of this  
321 state, requiring the attendance of witnesses and the production of  
322 books and records; to administer or cause to be administered  
323 oaths; and to examine or cause to be examined any witness under  
324 oath. Any court of record, or any judge thereof, may by order  
325 duly entered require the attendance of witnesses and the  
326 production of relevant books subpoenaed by the commission, and  
327 such court or judge may compel obedience to its or his order by  
328 proceedings for contempt.

329           (m) To investigate the administration of laws in  
330 relation to alcoholic liquors in this and other states and any  
331 foreign countries, and to recommend from time to time to the  
332 Governor and through him to the Legislature of this state such  
333 amendments to this chapter, if any, as it may think desirable.

334 (n) To designate hours and days when alcoholic  
335 beverages may be sold in different localities in the state which  
336 permit such sale.

337 (o) To assign employees to posts of duty at locations  
338 where they will be most beneficial for the control of alcoholic  
339 beverages, to remove, to dismiss, to suspend without pay, to act  
340 as a trial board in hearings based upon charges against employees.  
341 After twelve (12) months' service, no employee shall be removed,  
342 dismissed, demoted or suspended without just cause and only after  
343 being furnished with reasons for such removal, dismissal, demotion  
344 or suspension, and upon request given a hearing in his own  
345 defense.

346 (p) All hearings conducted by the commission shall be  
347 open to the public, and, when deemed necessary, a written  
348 transcript shall be made of the testimony introduced thereat.

349 (2) No alcoholic beverage shall be sold or consumed at any  
350 public athletic event at any public school, community or junior  
351 college, college or university.

352 **SECTION 4.** Section 67-3-31, Mississippi Code of 1972, is  
353 amended as follows:

354 **[Until July 1, 2011, this section will read as follows:]**

355 67-3-31. Proceedings for the revocation or suspension of any  
356 permit authorizing the sale of beer or wine at retail for a  
357 violation of any of the provisions of Section 67-3-53 may be  
358 brought in the circuit or county court of the county in which the  
359 licensed premises are located. Such proceedings shall be entitled  
360 in the name of the state and against the permittee and shall be  
361 instituted by filing a complaint with the clerk of the court. The  
362 complaint may be filed by the county prosecuting attorney of the  
363 county upon his own initiative or, then by the district attorney  
364 of the district in which the county is located, and it shall be  
365 mandatory upon the county prosecuting attorney, or district  
366 attorney, as the case may be, to file a complaint when requested

367 to do so by a peace officer or any person as \* \* \* provided in  
368 this section. Any peace officer within his jurisdiction or any  
369 enforcement officer of the Alcoholic Beverage Control Division  
370 within the State Tax Commission who learns that a retail permittee  
371 within his jurisdiction has violated any of the provisions of such  
372 section shall file with the county prosecuting attorney of the  
373 county in which the licensed premises are located, or, then with  
374 the district attorney of the district in which such county is  
375 located, an affidavit specifying in detail the facts alleged to  
376 constitute such violation, and requesting that a complaint be  
377 filed against the permittee for the revocation or suspension of  
378 his permit. A like affidavit may be filed with the county  
379 prosecuting attorney, or district attorney, as the case may be, by  
380 any person who resides, and has for at least one (1) year prior  
381 thereto resided within the county in which the licensed premises  
382 are located requesting that a complaint be filed for the  
383 revocation or suspension of the permittee's permit. Promptly upon  
384 receiving any such affidavit the county prosecuting attorney, or  
385 district attorney, shall prepare a proper complaint, which shall  
386 be signed and sworn to by the person or persons filing the  
387 affidavit with him, and the county prosecuting attorney or  
388 district attorney shall file the complaint with the clerk of the  
389 circuit or county court.

390 **[From and after July 1, 2011, this section will read as**  
391 **follows:]**

392 67-3-31. Proceedings for the revocation or suspension of any  
393 permit authorizing the sale of beer or wine at retail for a  
394 violation of any of the provisions of Section 67-3-53 may be  
395 brought in the circuit or county court of the county in which the  
396 licensed premises are located. Such proceedings shall be entitled  
397 in the name of the state and against the permittee and shall be  
398 instituted by filing a complaint with the clerk of the court. The  
399 complaint may be filed by the county prosecuting attorney of the

400 county upon his own initiative or, then by the district attorney  
401 of the district in which the county is located, and it shall be  
402 mandatory upon the county prosecuting attorney, or district  
403 attorney, as the case may be, to file a complaint when requested  
404 to do so by a peace officer or any person as \* \* \* provided in  
405 this section. Any peace officer who learns that a retail  
406 permittee within his jurisdiction has violated any of the  
407 provisions of such section shall file with the county prosecuting  
408 attorney of the county in which the licensed premises are located,  
409 or, then with the district attorney of the district in which such  
410 county is located, an affidavit specifying in detail the facts  
411 alleged to constitute such violation, and requesting that a  
412 complaint be filed against the permittee for the revocation or  
413 suspension of his permit. A like affidavit may be filed with the  
414 county prosecuting attorney, or district attorney, as the case may  
415 be, by any person who resides, and has for at least one (1) year  
416 prior thereto resided within the county in which the licensed  
417 premises are located requesting that a complaint be filed for the  
418 revocation or suspension of the permittee's permit. Promptly upon  
419 receiving any such affidavit the county prosecuting attorney, or  
420 district attorney, shall prepare a proper complaint, which shall  
421 be signed and sworn to by the person or persons filing the  
422 affidavit with him, and the county prosecuting attorney or  
423 district attorney shall file the complaint with the clerk of the  
424 circuit or county court.

425       **SECTION 5.** Section 67-3-37, Mississippi Code of 1972, is  
426 amended as follows:

427       **[Until July 1, 2011, this section will read as follows:]**

428       67-3-37. It shall be the duty of the county prosecuting  
429 attorney or the district attorney, as the case may be, to file  
430 complaints as provided in Section 67-3-31 and to prosecute  
431 diligently and without delay all complaints filed by him.

432           It shall be the duty of all peace officers, within their  
433 jurisdiction, and all enforcement officers of the Alcoholic  
434 Beverage Control Division of the State Tax Commission to enforce  
435 the provisions of Section 67-3-53 and they shall frequently visit  
436 all licensed premises within their jurisdiction to determine  
437 whether such permittees are complying with the laws. They shall  
438 promptly investigate all complaints made to them by any citizen  
439 relative to any alleged violations of such section within their  
440 jurisdiction. When any peace officer or enforcement officer of  
441 the Alcoholic Beverage Control Division has knowledge of a  
442 violation of such section committed by a permittee within his  
443 jurisdiction, it shall be his duty forthwith to file an affidavit  
444 with the county prosecuting attorney or district attorney  
445 requesting that a complaint be filed for the revocation or  
446 suspension of the permit of the permittee.

447           **[From and after July 1, 2011, this section will read as**  
448 **follows:]**

449           67-3-37. It shall be the duty of the county prosecuting  
450 attorney or the district attorney, as the case may be, to file  
451 complaints as provided in Section 67-3-31 and to prosecute  
452 diligently and without delay all complaints filed by him.

453           It shall be the duty of all peace officers to enforce, within  
454 their jurisdiction, the provisions of Section 67-3-53 and they  
455 shall frequently visit all licensed premises within their  
456 jurisdiction to determine whether such permittees are complying  
457 with the laws. They shall promptly investigate all complaints  
458 made to them by any citizen relative to any alleged violations of  
459 such section within their jurisdiction. When any peace officer  
460 has knowledge of a violation of such section committed by a  
461 permittee within his jurisdiction, it shall be his duty forthwith  
462 to file an affidavit with the county prosecuting attorney or  
463 district attorney requesting that a complaint be filed for the  
464 revocation or suspension of the permit of the permittee.

465           **SECTION 6.** Section 67-3-74, Mississippi Code of 1972, is  
466 amended as follows:

467           67-3-74. (1) In addition to peace officers within their  
468 jurisdiction, all enforcement officers of the Alcoholic Beverage  
469 Control Division of the State Tax Commission are authorized to  
470 enforce the provisions made unlawful by Sections 67-3-13, 67-3-15,  
471 67-3-53, 67-3-57 and 67-3-70; provided, however, that the  
472 provisions prohibiting the sale of light wine or beer to persons  
473 under the age of twenty-one (21) years shall be enforced by the  
474 division as provided for in this section.

475           (2) (a) The Alcoholic Beverage Control Division shall  
476 investigate violations of the laws prohibiting the sale of light  
477 wine or beer to persons under the age of twenty-one (21) years  
478 upon receipt of a complaint or information from a person stating  
479 that they have knowledge of such violation.

480           (b) Upon receipt of such complaint or information, the  
481 Alcoholic Beverage Control Division shall notify the permit holder  
482 of the complaint by certified mail to the primary business office  
483 of such permit holder or by hand delivery of the complaint or  
484 information to the primary business office of such holder, except  
485 in cases where the complaint or information is received from any  
486 law enforcement officer.

487           (c) If an enforcement officer of the Alcoholic Beverage  
488 Control Division enters the business of the holder of the permit  
489 to investigate a complaint and discovers a violation, the agent  
490 shall notify the person that committed the violation and the  
491 holder of the permit:

492                   (i) Within ten (10) days after such violation,  
493 Sundays and holidays excluded, if the business sells light wine or  
494 beer for on-premises consumption; and

495                   (ii) Within seventy-two (72) hours after such  
496 violation, Sundays and holidays excluded, if the business does not  
497 sell light wine or beer for on-premises consumption.

498 (3) The provisions of this section shall be repealed on July  
499 1, 2011.

500 **SECTION 7.** Section 27-71-5, Mississippi Code of 1972, is  
501 amended as follows:

502 27-71-5. (1) Upon each person approved for a permit under  
503 the provisions of the Alcoholic Beverage Control Law and  
504 amendments thereto, there is levied and imposed for each location  
505 for the privilege of engaging and continuing in this state in the  
506 business authorized by such permit, an annual privilege license  
507 tax in the amount provided in the following schedule:

508 (a) Except as otherwise provided in this subsection  
509 (1), manufacturer's permit, Class 1, distiller's and/or  
510 rectifier's..... \$4,500.00

511 (b) Manufacturer's permit, Class 2, wine manufacturer  
512 ..... \$1,800.00

513 (c) Manufacturer's permit, Class 3, native wine  
514 manufacturer per ten thousand (10,000) gallons or part thereof  
515 produced..... \$ 10.00

516 (d) Native wine retailer's permit..... \$ 50.00

517 (e) Package retailer's permit, each..... \$ 900.00

518 (f) On-premises retailer's permit, except for clubs and  
519 common carriers, each..... \$ 450.00

520 On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
521 for each additional Five Thousand Dollars (\$5,000.00), or fraction  
522 thereof..... \$ 225.00

523 (g) On-premises retailer's permit for wine of more than  
524 five percent (5%) alcohol by weight, but not more than twenty-one  
525 percent (21%) alcohol by weight, each..... \$ 225.00

526 On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
527 for each additional Five Thousand Dollars (\$5,000.00), or fraction  
528 thereof..... \$ 225.00

529 (h) On-premises retailer's permit for clubs.. \$ 225.00



530           On purchases exceeding Five Thousand Dollars (\$5,000.00)  
531 and for each additional Five Thousand Dollars (\$5,000.00), or  
532 fraction thereof..... \$ 225.00

533           (i) On-premises retailer's permit for common carriers,  
534 per car, plane, or other vehicle..... \$ 120.00

535           (j) Solicitor's permit, regardless of any other  
536 provision of law, solicitor's permits shall be issued only in the  
537 discretion of the commission..... \$ 100.00

538           (k) Filing fee for each application except for an  
539 employee identification card..... \$ 25.00

540           (l) Temporary permit, Class 1, each..... \$ 10.00

541           (m) Temporary permit, Class 2, each..... \$ 50.00

542           On-premises purchases exceeding Five Thousand Dollars  
543 (\$5,000.00) and for each additional Five Thousand Dollars  
544 (\$5,000.00), or fraction thereof..... \$ 225.00

545           (n) (i) Caterer's permit..... \$ 600.00

546           On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
547 for each additional Five Thousand Dollars (\$5,000.00), or fraction  
548 thereof..... \$ 250.00

549           (ii) Caterer's permit for holders of on-premises  
550 retailer's permit..... \$ 150.00

551           On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
552 for each additional Five Thousand Dollars (\$5,000.00), or fraction  
553 thereof..... \$ 250.00

554           (o) Research permit..... \$ 100.00

555           

(p) Hospitality cart permit..... \$ 50.00

556           For purposes of the additional privilege license tax provided  
557 for in paragraph (f) of this subsection, purchases from a  
558 hospitality cart shall be considered to be sales made by the  
559 holder of the on-premises retailer's permit issued for the golf  
560 course upon which the sales are made.

561           If a person approved for a manufacturer's permit, Class 1,  
562 distiller's permit produces a product with at least fifty-one

563 percent (51%) of the finished product by volume being obtained  
564 from alcoholic fermentation of grapes, fruits, berries, honey  
565 and/or vegetables grown and produced in Mississippi, and produces  
566 all of the product by using not more than one (1) still having a  
567 maximum capacity of one hundred fifty (150) liters, the annual  
568 privilege license tax for such a permit shall be Ten Dollars  
569 (\$10.00) per ten thousand (10,000) gallons or part thereof  
570 produced. Bulk, concentrated or fortified ingredients used for  
571 blending may be produced outside this state and used in producing  
572 such a product.

573 In addition to the filing fee imposed by item (k) of this  
574 subsection, a fee to be determined by the State Tax Commission may  
575 be charged to defray costs incurred to process applications. The  
576 additional fees shall be paid into the State Treasury to the  
577 credit of a special fund account, which is hereby created, and  
578 expenditures therefrom shall be made only to defray the costs  
579 incurred by the State Tax Commission in processing alcoholic  
580 beverage applications. Any unencumbered balance remaining in the  
581 special fund account on June 30 of any fiscal year shall lapse  
582 into the State General Fund.

583 All privilege taxes imposed by this section shall be paid in  
584 advance of doing business. The additional privilege tax imposed  
585 for an on-premises retailer's permit based upon purchases shall be  
586 due and payable on demand.

587 Any person who has paid the additional privilege license tax  
588 imposed by item (f), (g), (h), (m) or (n) of this subsection, and  
589 whose permit is renewed, may add any unused fraction of Five  
590 Thousand Dollars (\$5,000.00) purchases to the first Five Thousand  
591 Dollars (\$5,000.00) purchases authorized by the renewal permit,  
592 and no additional license tax will be required until purchases  
593 exceed the sum of the two (2) figures.

594 (2) There is imposed and shall be collected from each  
595 permittee, except a common carrier, solicitor or a temporary

596 permittee, by the commission, an additional license tax equal to  
597 the amounts imposed under subsection (1) of this section for the  
598 privilege of doing business within any municipality or county in  
599 which the licensee is located. If the licensee is located within  
600 a municipality, the commission shall pay the amount of additional  
601 license tax to the municipality, and if outside a municipality the  
602 commission shall pay the additional license tax to the county in  
603 which the licensee is located. Payments by the commission to the  
604 respective local government subdivisions shall be made once each  
605 month for any collections during the preceding month.

606 (3) When an application for any permit, other than for  
607 renewal of a permit, has been rejected by the commission, such  
608 decision shall be final. Appeal may be made in the manner  
609 provided by Section 67-1-39. Another application from an  
610 applicant who has been denied a permit shall not be reconsidered  
611 within a twelve-month period.

612 (4) The number of permits issued by the commission shall not  
613 be restricted or limited on a population basis; however, the  
614 foregoing limitation shall not be construed to preclude the right  
615 of the commission to refuse to issue a permit because of the  
616 undesirability of the proposed location.

617 (5) If any person shall engage or continue in any business  
618 which is taxable under this section without having paid the tax as  
619 provided in this section, the person shall be liable for the full  
620 amount of the tax plus a penalty thereon equal to the amount  
621 thereof, and, in addition, shall be punished by a fine of not more  
622 than One Thousand Dollars (\$1,000.00), or by imprisonment in the  
623 county jail for a term of not more than six (6) months, or by both  
624 such fine and imprisonment, in the discretion of the court.

625 (6) It shall be unlawful for any person to consume alcoholic  
626 beverages on the premises of any hotel restaurant, restaurant,  
627 club or the interior of any public place defined in Chapter 1,  
628 Title 67, Mississippi Code of 1972, when the owner or manager

629 thereof displays in several conspicuous places inside the  
630 establishment and at the entrances of establishment a sign  
631 containing the following language: NO ALCOHOLIC BEVERAGES  
632 ALLOWED.

633 SECTION 8. Section 27-71-301, Mississippi Code of 1972, is  
634 amended as follows:

635 27-71-301. When used in this article the words and terms  
636 hereafter mentioned shall have the following definitions:

637 (a) "State Auditor" means the State Auditor of Public  
638 Accounts of the State of Mississippi or any legally appointed  
639 deputy, clerk or agent.

640 (b) "Person" includes all natural persons or  
641 corporations, a partnership, an association, a joint venture, an  
642 estate, a trust, or any other group or combination acting as a  
643 unit and shall include the plural as well as the singular unless  
644 an intention to give another meaning thereto is disclosed in the  
645 context.

646 (c) "Consumer" means a person who comes into the  
647 possession of beer or light wine, the sale of which is authorized  
648 by Chapter 3 of Title 67, Mississippi Code of 1972, for the  
649 purpose of consuming it, giving it away or otherwise disposing of  
650 it in any manner except by sale, barter or exchange.

651 (d) "Retailer" means any person who comes into the  
652 possession of such light wines or beer for the purpose of selling  
653 it to the consumer, or giving it away, or exposing it where it may  
654 be taken or purchased or acquired in any other manner by the  
655 consumer.

656 (e) "Wholesaler" means any person who comes into  
657 possession of such light wine or beer for the purpose of selling,  
658 distributing, or giving it away to retailers or other wholesalers  
659 or dealers inside or outside of this state.

660 (f) "Commissioner" means the Chairman of the State Tax  
661 Commission or his duly appointed agents or employees.

662 (g) "Sale" includes the exchange of such light wines or  
663 beer for money, or giving away or distributing any such light  
664 wines or beer for anything of value.

665 (h) "Light wines or beer" means beer and light wines  
666 legalized for sale by the provisions of Chapter 3 of Title 67,  
667 Mississippi Code of 1972.

668 (i) "Distributor" includes every person who receives  
669 either from within or from without this state, from a brewery, a  
670 winery or any other source, light wines or beer as defined in  
671 Chapter 3 of Title 67, Mississippi Code of 1972, for the purpose  
672 of distributing or otherwise disposing of such light wines or beer  
673 to a wholesaler or retailer of such light wines or beer.

674 (j) "Brewpub" means the premises of any restaurant, as  
675 defined in Section 67-1-5, Mississippi Code of 1972, in which  
676 light wine or beer is manufactured or brewed, subject to the  
677 production limitation imposed in Section 67-3-22, for consumption  
678 exclusively on the premises. "Premises," for the purpose of this  
679 paragraph (j) for a brewpub operated by a hospitality operator,  
680 means only those areas immediately adjacent and connected to the  
681 brewing facility where food is normally sold and consumed.  
682 "Premises," for the purposes of this paragraph (j) for a brewpub  
683 not operated by a hospitality operator, means those areas normally  
684 used by the brewpub to conduct business and shall include the  
685 selling areas, brewing areas and storage areas. For purposes of  
686 this paragraph (j), hospitality operator shall have the meaning  
687 ascribed to such term in Section 67-33-22.

688 (k) "Hospitality cart" means a mobile cart from which  
689 alcoholic beverages and light wine and beer are sold on a golf  
690 course and for which a hospitality cart permit has been issued  
691 under Section 67-1-51.

692 **SECTION 9.** Section 27-71-303, Mississippi Code of 1972, is  
693 amended as follows:

694 27-71-303. Upon each person approved for a permit to engage  
695 in the business of selling light wines or beer there is hereby  
696 imposed, levied and assessed, to be collected and paid as herein  
697 provided, annual privilege taxes in the following amounts:

- 698 (a) Retailers--for each place of  
699 business..... \$ 30.00  
700 (b) Wholesalers or distributors--for each  
701 county..... \$ 100.00  
702 (c) Manufacturers--for each place of  
703 business..... \$1,000.00  
704 (d) Brewpubs--for each place of  
705 business..... \$1,000.00

706 Upon each person operating an airline, bus, boat, railroad  
707 car or hospitality cart upon which light wines or beer may be sold  
708 there is hereby imposed, levied and assessed, to be collected and  
709 paid, annual privilege taxes of Thirty Dollars (\$30.00) for each  
710 airplane, bus, boat, railroad car or hospitality cart so operated  
711 in this state.

712 Provided, however, the amount of the privilege tax to be paid  
713 for a permit issued for a period of less than twelve (12) months  
714 shall be that proportionate amount of the annual privilege tax  
715 that the number of months, or part of a month, remaining until its  
716 expiration date bears to twelve (12) months, but in no case shall  
717 the privilege tax be less than Ten Dollars (\$10.00).

718 **SECTION 10.** Section 67-1-51, Mississippi Code of 1972, is  
719 amended as follows:

720 67-1-51. (1) Permits which may be issued by the commission  
721 shall be as follows:

- 722 (a) **Manufacturer's permit.** A manufacturer's permit  
723 shall permit the manufacture, importation in bulk, bottling and  
724 storage of alcoholic liquor and its distribution and sale to  
725 manufacturers holding permits under this chapter in this state and  
726 to persons outside the state who are authorized by law to purchase

727 the same, and to sell exclusively to the commission.

728 Manufacturer's permits shall be of the following classes:

729       Class 1. Distiller's and/or rectifier's permit, which shall  
730 authorize the holder thereof to operate a distillery for the  
731 production of distilled spirits by distillation or redistillation  
732 and/or to operate a rectifying plant for the purifying, refining,  
733 mixing, blending, flavoring or reducing in proof of distilled  
734 spirits and alcohol.

735       Class 2. Wine manufacturer's permit, which shall authorize  
736 the holder thereof to manufacture, import in bulk, bottle and  
737 store wine or vinous liquor.

738       Class 3. Native wine producer's permit, which shall  
739 authorize the holder thereof to produce, bottle, store and sell  
740 native wines.

741               (b) **Package retailer's permit.** Except as otherwise  
742 provided in this paragraph, a package retailer's permit shall  
743 authorize the holder thereof to operate a store exclusively for  
744 the sale at retail in original sealed and unopened packages of  
745 alcoholic beverages, including native wines, not to be consumed on  
746 the premises where sold. Alcoholic beverages shall not be sold by  
747 any retailer in any package or container containing less than  
748 fifty (50) milliliters by liquid measure. In addition to the sale  
749 at retail of packages of alcoholic beverages, the holder of a  
750 package retailer's permit is authorized to sell at retail  
751 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
752 other beverages commonly used to mix with alcoholic beverages.  
753 Nonalcoholic beverages sold by the holder of a package retailer's  
754 permit shall not be consumed on the premises where sold.

755               (c) **On-premises retailer's permit.** An on-premises  
756 retailer's permit shall authorize the sale of alcoholic beverages,  
757 including native wines, for consumption on the licensed premises  
758 only. Such a permit shall issue only to qualified hotels,  
759 restaurants and clubs, and to common carriers with adequate

760 facilities for serving passengers. In resort areas, whether  
761 inside or outside of a municipality, the commission may, in its  
762 discretion, issue on-premises retailer's permits to such  
763 establishments as it deems proper. An on-premises retailer's  
764 permit when issued to a common carrier shall authorize the sale  
765 and serving of alcoholic beverages aboard any licensed vehicle  
766 while moving through any county of the state; however, the sale of  
767 such alcoholic beverages shall not be permitted while such vehicle  
768 is stopped in a county that has not legalized such sales.

769           (d) **Solicitor's permit.** A solicitor's permit shall  
770 authorize the holder thereof to act as salesman for a manufacturer  
771 or wholesaler holding a proper permit, to solicit on behalf of his  
772 employer orders for alcoholic beverages, and to otherwise promote  
773 his employer's products in a legitimate manner. Such a permit  
774 shall authorize the representation of and employment by one (1)  
775 principal only. However, the permittee may also, in the  
776 discretion of the commission, be issued additional permits to  
777 represent other principals. No such permittee shall buy or sell  
778 alcoholic beverages for his own account, and no such beverage  
779 shall be brought into this state in pursuance of the exercise of  
780 such permit otherwise than through a permit issued to a wholesaler  
781 or manufacturer in the state.

782           (e) **Native wine retailer's permit.** A native wine  
783 retailer's permit shall be issued only to a holder of a Class 3  
784 manufacturer's permit, and shall authorize the holder thereof to  
785 make retail sales of native wines to consumers for on-premises  
786 consumption or to consumers in originally sealed and unopened  
787 containers at an establishment located on the premises of or in  
788 the immediate vicinity of a native winery.

789           (f) **Temporary retailer's permit.** A temporary  
790 retailer's permit shall permit the purchase and resale of  
791 alcoholic beverages, including native wines, during legal hours on  
792 the premises described in the temporary permit only.



793 Temporary retailer's permits shall be of the following  
794 classes:

795 Class 1. A temporary one-day permit may be issued to bona  
796 fide nonprofit civic or charitable organizations authorizing the  
797 sale of alcoholic beverages, including native wine, for  
798 consumption on the premises described in the temporary permit  
799 only. Class 1 permits may be issued only to applicants  
800 demonstrating to the commission, by affidavit submitted ten (10)  
801 days prior to the proposed date or such other time as the  
802 commission may determine, that they meet the qualifications of  
803 Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57  
804 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall  
805 obtain all alcoholic beverages from package retailers located in  
806 the county in which the temporary permit is issued. Alcoholic  
807 beverages remaining in stock upon expiration of the temporary  
808 permit may be returned by the permittee to the package retailer  
809 for a refund of the purchase price upon consent of the package  
810 retailer or may be kept by the permittee exclusively for personal  
811 use and consumption, subject to all laws pertaining to the illegal  
812 sale and possession of alcoholic beverages. The commission,  
813 following review of the affidavit and the requirements of the  
814 applicable statutes and regulations, may issue the permit.

815 Class 2. A temporary permit, not to exceed seventy (70)  
816 days, may be issued to prospective permittees seeking to transfer  
817 a permit authorized in either paragraph (b) or (c) of this  
818 section. A Class 2 permit may be issued only to applicants  
819 demonstrating to the commission, by affidavit, that they meet the  
820 qualifications of Sections 67-1-5(1), (m), (n), (o), (p) or (q),  
821 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The  
822 commission, following a preliminary review of the affidavit and  
823 the requirements of the applicable statutes and regulations, may  
824 issue the permit.

825           Class 2 temporary permittees must purchase their alcoholic  
826 beverages directly from the commission or, with approval of the  
827 commission, purchase the remaining stock of the previous  
828 permittee. If the proposed applicant of a Class 1 or Class 2  
829 temporary permit falsifies information contained in the  
830 application or affidavit, the applicant shall never again be  
831 eligible for a retail alcohol beverage permit and shall be subject  
832 to prosecution for perjury.

833           (g) **Caterer's permit.** A caterer's permit shall permit  
834 the purchase of alcoholic beverages by a person engaging in  
835 business as a caterer and the resale of alcoholic beverages by  
836 such person in conjunction with such catering business. No person  
837 shall qualify as a caterer unless forty percent (40%) or more of  
838 the revenue derived from such catering business shall be from the  
839 serving of prepared food and not from the sale of alcoholic  
840 beverages and unless such person has obtained a permit for such  
841 business from the Department of Health. A caterer's permit shall  
842 not authorize the sale of alcoholic beverages on the premises of  
843 the person engaging in business as a caterer; however, the holder  
844 of an on-premises retailer's permit may hold a caterer's permit.  
845 When the holder of an on-premises retailer's permit or an  
846 affiliated entity of the holder also holds a caterer's permit, the  
847 caterer's permit shall not authorize the service of alcoholic  
848 beverages on a consistent, recurring basis at a separate, fixed  
849 location owned or operated by the caterer, on-premises retailer or  
850 affiliated entity and an on-premises retailer's permit shall be  
851 required for the separate location. All sales of alcoholic  
852 beverages by holders of a caterer's permit shall be made at the  
853 location being catered by the caterer, and such sales may be made  
854 only for consumption at the catered location. The location being  
855 catered may be anywhere within a county or judicial district that  
856 has voted to come out from under the dry laws or in which the  
857 sale, distribution and possession of alcoholic beverages is

858 otherwise authorized by law. Such sales shall be made pursuant to  
859 any other conditions and restrictions which apply to sales made by  
860 on-premises retail permittees. The holder of a caterer's permit  
861 or his employees shall remain at the catered location as long as  
862 alcoholic beverages are being sold pursuant to the permit issued  
863 under this paragraph (g), and the permittee shall have at the  
864 location the identification card issued by the Alcoholic Beverage  
865 Control Division of the commission. No unsold alcoholic beverages  
866 may be left at the catered location by the permittee upon the  
867 conclusion of his business at that location. Appropriate law  
868 enforcement officers and Alcoholic Beverage Control Division  
869 personnel may enter a catered location on private property in  
870 order to enforce laws governing the sale or serving of alcoholic  
871 beverages.

872 (h) **Research permit.** A research permit shall authorize  
873 the holder thereof to operate a research facility for the  
874 professional research of alcoholic beverages. Such permit shall  
875 authorize the holder of the permit to import and purchase limited  
876 amounts of alcoholic beverages from the commission or from  
877 importers, wineries and distillers of alcoholic beverages for  
878 professional research.

879 (i) **Alcohol processing permit.** An alcohol processing  
880 permit shall authorize the holder thereof to purchase, transport  
881 and possess alcoholic beverages for the exclusive use in cooking,  
882 processing or manufacturing products which contain alcoholic  
883 beverages as an integral ingredient. An alcohol processing permit  
884 shall not authorize the sale of alcoholic beverages on the  
885 premises of the person engaging in the business of cooking,  
886 processing or manufacturing products which contain alcoholic  
887 beverages. The amounts of alcoholic beverages allowed under an  
888 alcohol processing permit shall be set by the commission.

889 (j) **Hospitality cart permit.** A hospitality cart permit  
890 shall authorize the sale of alcoholic beverages from a mobile cart

891 on a golf course that is the holder of an on-premises retailer's  
892 permit. The alcoholic beverages sold from the cart must be  
893 consumed within the boundaries of the golf course.

894 (2) Except as otherwise provided in subsection (4) of this  
895 section, retail permittees may hold more than one (1) retail  
896 permit, at the discretion of the commission.

897 (3) Except as otherwise provided in this subsection, no  
898 authority shall be granted to any person to manufacture, sell or  
899 store for sale any intoxicating liquor as specified in this  
900 chapter within four hundred (400) feet of any church, school,  
901 kindergarten or funeral home. However, within an area zoned  
902 commercial or business, such minimum distance shall be not less  
903 than one hundred (100) feet.

904 A church or funeral home may waive the distance restrictions  
905 imposed in this subsection in favor of allowing issuance by the  
906 commission of a permit, pursuant to subsection (1) of this  
907 section, to authorize activity relating to the manufacturing, sale  
908 or storage of alcoholic beverages which would otherwise be  
909 prohibited under the minimum distance criterion. Such waiver  
910 shall be in written form from the owner, the governing body, or  
911 the appropriate officer of the church or funeral home having the  
912 authority to execute such a waiver, and the waiver shall be filed  
913 with and verified by the commission before becoming effective.

914 The distance restrictions imposed in this subsection shall  
915 not apply to the sale or storage of alcoholic beverages at a bed  
916 and breakfast inn listed in the National Register of Historic  
917 Places.

918 (4) No person, either individually or as a member of a firm,  
919 partnership, limited liability company or association, or as a  
920 stockholder, officer or director in a corporation, shall own or  
921 control any interest in more than one (1) package retailer's  
922 permit, nor shall such person's spouse, if living in the same  
923 household of such person, any relative of such person, if living

924 in the same household of such person, or any other person living  
925 in the same household with such person own any interest in any  
926 other package retailer's permit.

927         **SECTION 11.** This act shall take effect and be in force from  
928 and after July 1, 2007.