

By: Senator(s) Baria

To: Finance

SENATE BILL NO. 2851

1 AN ACT TO AMEND SECTIONS 67-1-5, 67-3-1, 67-3-5, 67-3-7,  
2 67-3-9, 67-3-11, 67-3-13, 67-3-17, 67-3-28, 67-3-49, 67-3-53 AND  
3 27-71-509, MISSISSIPPI CODE OF 1972, TO INCREASE THE PERMISSIBLE  
4 ALCOHOLIC CONTENT OF BEER FROM 5% OF ALCOHOL BY WEIGHT TO 17% OF  
5 ALCOHOL BY WEIGHT; AND FOR RELATED PURPOSES.

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

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

9 67-1-5. For the purposes of this chapter and unless  
10 otherwise required by the context:

11 (a) "Alcoholic beverage" means any alcoholic liquid,  
12 including wines of more than five percent (5%) of alcohol by  
13 weight, capable of being consumed as a beverage by a human being,  
14 but shall not include wine containing five percent (5%) or less of  
15 alcohol by weight and shall not include beer containing not more  
16 than seventeen percent (17%) of alcohol by weight, as provided for  
17 in Section 67-3-5, Mississippi Code of 1972, but shall include  
18 native wines. The words "alcoholic beverage" shall not include  
19 ethyl alcohol manufactured or distilled solely for fuel purposes.

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

24 (c) "Distilled spirits" means any beverage containing  
25 more than four percent (4%) of alcohol by weight produced by  
26 distillation of fermented grain, starch, molasses or sugar,  
27 including dilutions and mixtures of these beverages.



28 (d) "Wine" or "vinous liquor" means any product  
29 obtained from the alcoholic fermentation of the juice of sound,  
30 ripe grapes, fruits or berries and made in accordance with the  
31 revenue laws of the United States.

32 (e) "Person" means and includes any individual,  
33 partnership, corporation, association or other legal entity  
34 whatsoever.

35 (f) "Manufacturer" means any person engaged in  
36 manufacturing, distilling, rectifying, blending or bottling any  
37 alcoholic beverage.

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

42 (h) "Retailer" means any person who sells, distributes,  
43 or offers for sale or distribution, any alcoholic beverage for use  
44 or consumption by the purchaser and not for resale.

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

51 (j) "Division" means the Alcoholic Beverage Control  
52 Division of the State Tax Commission.

53 (k) "Municipality" means any incorporated city or town  
54 of this state.

55 (l) "Hotel" means an establishment within a  
56 municipality, or within a qualified resort area approved as such  
57 by the commission, where, in consideration of payment, food and  
58 lodging are habitually furnished to travelers and wherein are  
59 located at least twenty (20) adequately furnished and completely  
60 separate sleeping rooms with adequate facilities that persons



61 usually apply for and receive as overnight accommodations. Hotels  
62 in towns or cities of more than twenty-five thousand (25,000)  
63 population are similarly defined except that they must have fifty  
64 (50) or more sleeping rooms. Any such establishment described in  
65 this paragraph with less than fifty (50) beds shall operate one or  
66 more regular dining rooms designed to be constantly frequented by  
67 customers each day. When used in this chapter, the word "hotel"  
68 shall also be construed to include any establishment that meets  
69 the definition of "bed and breakfast inn" as provided in this  
70 section.

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

84 (n) "Club" means an association or a corporation:

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

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

90 (iii) Maintained by its members through the  
91 payment of annual dues;

92 (iv) Owning, hiring or leasing a building or space  
93 in a building of such extent and character as may be suitable and



94 adequate for the reasonable and comfortable use and accommodation  
95 of its members and their guests;

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

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

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

118 (o) "Qualified resort area" means any area or locality  
119 outside of the limits of incorporated municipalities in this state  
120 commonly known and accepted as a place which regularly and  
121 customarily attracts tourists, vacationists and other transients  
122 because of its historical, scenic or recreational facilities or  
123 attractions, or because of other attributes which regularly and  
124 customarily appeal to and attract tourists, vacationists and other  
125 transients in substantial numbers; however, no area or locality



126 shall so qualify as a resort area until it has been duly and  
127 properly approved as such by the commission.

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

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

143 (iii) The term includes:

144 1. The clubhouses associated with the state  
145 park golf courses at the Lefleur's Bluff State Park, the John Kyle  
146 State Park, the Percy Quin State Park and the Hugh White State  
147 Park; and

148 2. The clubhouse and associated golf course  
149 where the golf course is adjacent to one or more planned  
150 residential developments and the golf course and all such  
151 developments collectively include at least seven hundred fifty  
152 (750) acres and at least four hundred (400) residential units.

153 The status of these clubhouses and golf courses as qualified  
154 resort areas does not require any declaration of same by the  
155 commission.

156 (p) "Native wine" means any product, produced in  
157 Mississippi for sale, having an alcohol content not to exceed  
158 twenty-one percent (21%) by weight and made in accordance with



159 revenue laws of the United States, which shall be obtained  
160 primarily from the alcoholic fermentation of the juice of ripe  
161 grapes, fruits, berries or vegetables grown and produced in  
162 Mississippi; provided that bulk, concentrated or fortified wines  
163 used for blending may be produced without this state and used in  
164 producing native wines. The commission shall adopt and promulgate  
165 rules and regulations to permit a producer to import such bulk  
166 and/or fortified wines into this state for use in blending with  
167 native wines without payment of any excise tax that would  
168 otherwise accrue thereon.

169 (q) "Native winery" means any place or establishment  
170 within the State of Mississippi where native wine is produced in  
171 whole or in part for sale.

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

185 **SECTION 2.** Section 67-3-1, Mississippi Code of 1972, is  
186 amended as follows:

187 67-3-1. The purpose of this chapter is to legalize the  
188 manufacture and sale within this state of light wines \* \* \* of an  
189 alcoholic content of not more than five percent (5%) by weight and  
190 beer of an alcoholic content of not more than seventeen percent  
191 (17%) by weight, and to regulate the business of manufacturing and



192 of selling light wines and beer so as to prevent the illicit  
193 manufacture, sale and consumption of alcoholic beverages defined  
194 in Section 67-1-5, the manufacture and sale of which it is not the  
195 purpose of this chapter to legalize.

196 **SECTION 3.** Section 67-3-5, Mississippi Code of 1972, is  
197 amended as follows:

198 67-3-5. It shall be lawful, subject to the provisions set  
199 forth in this chapter, in this state to transport, store, sell,  
200 distribute, possess, receive and/or manufacture wine \* \* \* of an  
201 alcoholic content of not more than five percent (5%) by weight and  
202 beer of an alcoholic content of not more than seventeen percent  
203 (17%) by weight, and it is hereby declared that it is the  
204 legislative intent that this chapter privileges the lawful sale  
205 and manufacture, within this state, of such light wines and beer.  
206 In determining if a wine product is "light wine," or contains an  
207 alcoholic content of more than five percent (5%) by weight, or is  
208 not an "alcoholic beverage" as defined in the Local Option  
209 Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi  
210 Code of 1972, the alcoholic content of such wine product shall be  
211 subject to the same permitted tolerance as is allowed by the  
212 labeling requirements for light wine provided for in Section  
213 27-71-509.

214 **SECTION 4.** Section 67-3-7, Mississippi Code of 1972, is  
215 amended as follows:

216 67-3-7. (1) If any county, at an election held for the  
217 purpose under the election laws of the state, shall by a majority  
218 vote of the duly qualified electors voting in the election  
219 determine that the transportation, storage, sale, distribution,  
220 receipt and/or manufacture of wine \* \* \* of an alcoholic content  
221 of not more than five percent (5%) by weight and beer of an  
222 alcoholic content of not more than seventeen percent (17%) by  
223 weight shall not be permitted in such county, then the same shall  
224 not be permitted therein except as authorized under Section 67-9-1



225 and as may be otherwise authorized in this section. An election  
226 to determine whether such transportation, storage, sale,  
227 distribution, receipt and/or manufacture of such beverages shall  
228 be excluded from any county in the state, shall, on a petition of  
229 twenty percent (20%) of the duly qualified electors of such  
230 county, be ordered by the board of supervisors of the county, for  
231 such county only. No election on the question shall be held in  
232 any one county more often than once in five (5) years.

233 In counties which have elected, or may elect by a majority  
234 vote of the duly qualified electors voting in the election, that  
235 the transportation, storage, sale, distribution, receipt and/or  
236 manufacture of wine \* \* \* of an alcoholic content of not more than  
237 five percent (5%) by weight and beer of an alcoholic content of  
238 not more than seventeen percent (17%) by weight shall not be  
239 permitted in the county, an election may be held in the same  
240 manner as the election hereinabove provided on the question of  
241 whether or not the transportation, storage, sale, distribution,  
242 receipt and/or manufacture of said beverages shall be permitted in  
243 such county. Such election shall be ordered by the board of  
244 supervisors of such county on a petition of twenty percent (20%)  
245 of the duly qualified electors of such county. No election on  
246 this question can be ordered more often than once in five (5)  
247 years.

248 (2) Nothing in this section shall make it unlawful to  
249 possess beer or wine, as defined herein, in any municipality which  
250 has heretofore or which may hereafter vote in an election,  
251 pursuant to Section 67-3-9, in which a majority of the qualified  
252 electors vote in favor of permitting the sale and the receipt,  
253 storage and transportation for the purpose of sale of beer or wine  
254 as defined herein.

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

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





258 (b) Sell, distribute and transport light wine or beer  
259 to a qualified resort area as defined in Section 67-1-5;

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

264 **SECTION 5.** Section 67-3-9, Mississippi Code of 1972, is  
265 amended as follows:

266 67-3-9. Any city in this state, having a population of not  
267 less than two thousand five hundred (2,500) according to the  
268 latest federal census, at an election held for the purpose, under  
269 the election laws applicable to such city, may either prohibit or  
270 permit, except as otherwise provided under Section 67-9-1, the  
271 sale and the receipt, storage and transportation for the purpose  
272 of sale of light wine of an alcoholic content of not more than  
273 five percent (5%) by weight and beer of an alcoholic content of  
274 not more than seventeen percent (17%). An election to determine  
275 whether such sale shall be permitted in cities wherein its sale is  
276 prohibited by law shall be ordered by the city council or mayor  
277 and board of aldermen or other governing body of such city for  
278 such city only, upon the presentation of a petition for such city  
279 to such governing board containing the names of twenty percent  
280 (20%) of the duly qualified voters of such city asking for such  
281 election. In like manner, an election to determine whether such  
282 sale shall be prohibited in cities wherein its sale is permitted  
283 by law shall be ordered by the city council or mayor and board of  
284 aldermen or other governing board of such city for such city only,  
285 upon the presentation of a petition to such governing board  
286 containing the names of twenty percent (20%) of the duly qualified  
287 voters of such city asking for such election. No election on  
288 either question shall be held by any one (1) city more often than  
289 once in five (5) years.



290 Thirty (30) days' notice shall be given to the qualified  
291 electors of such city in the manner prescribed by law upon the  
292 question of either permitting or prohibiting such sale, and the  
293 notice shall contain a statement of the question to be voted on at  
294 the election. The tickets to be used in the election shall have  
295 the following words printed thereon: "For the legal sale of light  
296 wine of an alcoholic content of not more than five percent (5%) by  
297 weight and beer of an alcoholic content of not more than seventeen  
298 percent (17%) by weight"; and the words "Against the legal sale of  
299 light wine of an alcoholic content of not more than five percent  
300 (5%) by weight and beer of an alcoholic content of not more than  
301 seventeen percent (17%) weight," next below. In making up his  
302 ticket the voter shall make a cross (X) opposite the words of his  
303 choice.

304 If in the election a majority of the qualified electors  
305 voting in the election shall vote "For the legal sale of light  
306 wine of an alcoholic content of not more than five percent (5%) by  
307 weight and beer of an alcoholic content of not more than seventeen  
308 percent (17%) weight," then the city council or mayor and board of  
309 aldermen or other governing body shall pass the necessary order  
310 permitting the legal sale of such light wine and beer in such  
311 city. If in the election a majority of the qualified electors  
312 voting in the election shall vote "Against the legal sale of light  
313 wine of an alcoholic content of not more than five percent (5%) by  
314 weight and beer of an alcoholic content of not more than seventeen  
315 percent (17%) weight," then the city council or mayor and board of  
316 aldermen or other governing body shall pass the necessary order  
317 prohibiting the sale of such light wine and beer in such city.

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

321 **SECTION 6.** Section 67-3-11, Mississippi Code of 1972, is  
322 amended as follows:



323           67-3-11. Every person shall have the right to make homemade  
324 wine and beer for domestic or household uses only, free of all  
325 restraint by this chapter or otherwise, and no such election as  
326 provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive  
327 any person of the right to make homemade wine or beer for domestic  
328 or household uses only.

329           **SECTION 7.** Section 67-3-13, Mississippi Code of 1972, is  
330 amended as follows:

331           67-3-13. (1) Except as otherwise provided herein and as  
332 authorized under this section and Section 67-9-1, in any county  
333 which has at any time since February 26, 1934, elected, or which  
334 may hereafter elect, to prohibit the transportation, storage,  
335 sale, distribution, receipt and/or manufacture of wine and beer of  
336 an alcoholic content of not more than four percent (4%) by weight  
337 in such county, it is hereby declared to be unlawful to possess  
338 such beverages therein. In any county which, after July 1, 1998,  
339 elects to prohibit the transportation, storage, sale,  
340 distribution, receipt and/or manufacture of wine and beer of an  
341 alcoholic content of not more than five percent (5%) by weight in  
342 such county, it is hereby declared to be unlawful to possess such  
343 beer therein. In any county which, after July 1, 2008, elects to  
344 prohibit the transportation, storage, sale, distribution, receipt  
345 and/or manufacture of wine of an alcoholic content of not more  
346 than five percent (5%) by weight in such county and beer of an  
347 alcoholic content of not more than seventeen percent (17%) weight,  
348 it is hereby declared to be unlawful to possess such beer therein.  
349 Any person found possessing any beer or wine of any quantity  
350 whatsoever in such county shall, on conviction, be imprisoned not  
351 more than ninety (90) days or fined not more than Five Hundred  
352 Dollars (\$500.00), or be both so fined and imprisoned.

353           (2) Notwithstanding the provisions of subsection (1) of this  
354 section, in any county or municipality in which the  
355 transportation, storage, sale, distribution, receipt and/or



356 manufacture of light wine and beer is prohibited, it shall not be  
357 unlawful for a permitted wholesaler or distributor to possess  
358 light wine and beer when such light wine and beer is held therein  
359 solely for the purpose of storage and for distribution to other  
360 counties and municipalities in which possession of such beverages  
361 is lawful.

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

366 (a) To receive, store, possess or consume light wine or  
367 beer at a resort area as defined in Section 67-1-5;

368 (b) To distribute and transport light wine or beer to a  
369 resort area as defined in Section 67-1-5.

370 **SECTION 8.** Section 67-3-17, Mississippi Code of 1972, is  
371 amended as follows:

372 67-3-17. Any person desiring to engage in any business  
373 taxable under Sections 27-71-303 through 27-71-317, Mississippi  
374 Code of 1972, either as a retailer, or as a wholesaler or  
375 distributor, or as a manufacturer, of light wines or beer, shall  
376 file with the commissioner an application for a permit allowing  
377 him to engage in such business. The application for a permit  
378 shall be filed on a blank to be furnished by the commissioner for  
379 that purpose, and shall contain a statement showing the name of  
380 the business, and if a partnership, firm or association, the name  
381 of each partner or member, and if a corporation the names of two  
382 (2) principal officers, the post office address, and the nature of  
383 business in which engaged. In case any business is conducted at  
384 two (2) or more separate places, a separate permit for each place  
385 of business shall be required.

386 The applicant, at the time of filing such application for a  
387 permit or license to engage in such business, shall also file with  
388 the commissioner an oath, duly subscribed and sworn to by him



389 before an officer authorized to administer oaths, that he will not  
390 allow any intoxicating liquor as defined by this chapter,  
391 including beer, wine and distilled spirits, or alcoholic, malt, or  
392 vinous liquors including \* \* \* wine, having an alcoholic content  
393 of more than five percent (5%) by weight and beer having an  
394 alcoholic content of not more than seventeen percent (17%) weight,  
395 to be kept, stored or secreted in or on the premises described in  
396 such permit or license, and that the applicant will not otherwise  
397 violate any law of this state, or knowingly allow any other person  
398 to violate any such law, while in or on such premises.

399 Each application or filing made under this section shall  
400 include the social security number(s) of the applicant in  
401 accordance with Section 93-11-64, Mississippi Code of 1972.

402 **SECTION 9.** Section 67-3-28, Mississippi Code of 1972, is  
403 amended as follows:

404 67-3-28. (1) Any person desiring to engage in business as a  
405 brewpub shall file with the commissioner, along with the  
406 application required by Section 67-3-17, Mississippi Code of 1972,  
407 a certificate issued by a licensed testing laboratory indicating  
408 that such laboratory has tested a sample of the applicant's beer  
409 or light wine, or both, and that the alcohol content of such  
410 sample does not exceed seventeen percent (17%) by weight.

411 (2) Every brewpub shall be required to submit to random  
412 testing by the commissioner to determine whether any beer or light  
413 wine being manufactured, sold, kept, stored or secreted by the  
414 license holder contains an alcohol content greater than seventeen  
415 percent (17%) by weight. The commissioner shall establish and  
416 administer testing standards and procedures to be used in such  
417 random testing. The brewpub licensee shall be responsible for all  
418 costs incurred by the commissioner in conducting random testing  
419 under this section.

420 **SECTION 10.** Section 67-3-49, Mississippi Code of 1972, is  
421 amended as follows:



422           67-3-49. It shall be unlawful for any brewer or manufacturer  
423 or distributor or wholesale dealer of or in light wines and/or  
424 beer to manufacture or knowingly bring upon his premises or keep  
425 thereon any \* \* \* wine of an alcoholic content of more than five  
426 percent (5%) by weight and beer of an alcoholic content of not  
427 more than seventeen percent (17%) weight, or any distilled spirits  
428 of any alcoholic content whatsoever. Any person that shall add to  
429 or mix with any beer or light wine any alcoholic or other liquid,  
430 or any alcohol cube or cubes, or any other ingredient or  
431 ingredients that will increase or tend to increase the alcoholic  
432 content of such liquor, or any person that shall knowingly offer  
433 for sale any liquor so treated, shall be guilty of a misdemeanor  
434 and punished as hereinafter provided in this chapter. The  
435 commissioner shall take any action he considers necessary to  
436 ensure that light wine and/or beer manufactured at a brewpub  
437 complies with the provisions of this section.

438           **SECTION 11.** Section 67-3-53, Mississippi Code of 1972, is  
439 amended as follows:

440           67-3-53. In addition to any act declared to be unlawful by  
441 this chapter, or by Sections 27-71-301 through 27-71-347, and  
442 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be  
443 unlawful for the holder of a permit authorizing the sale of beer  
444 or light wine at retail or for the employee of the holder of such  
445 a permit:

446           (a) To sell or give to be consumed in or upon any  
447 licensed premises any beer or light wine between the hours of  
448 midnight and seven o'clock the following morning or during any  
449 time the licensed premises may be required to be closed by  
450 municipal ordinance or order of the board of supervisors;  
451 provided, however, in areas where the sale of alcoholic beverages  
452 is legal under the provisions of the Local Option Alcoholic  
453 Beverage Control Law and the hours for selling such alcoholic  
454 beverages have been extended beyond midnight for on-premises



455 permittees under Section 67-1-37, the hours for selling beer or  
456 light wines are likewise extended in areas where the sale of beer  
457 and light wines is legal in accordance with the provisions of this  
458 chapter.

459 (b) To sell, give or furnish any beer or light wine to  
460 any person visibly or noticeably intoxicated, or to any insane  
461 person, or to any habitual drunkard, or to any person under the  
462 age of twenty-one (21) years.

463 (c) To permit in the premises any lewd, immoral or  
464 improper entertainment, conduct or practices.

465 (d) To permit loud, boisterous or disorderly conduct of  
466 any kind upon the premises or to permit the use of loud musical  
467 instruments if either or any of the same may disturb the peace and  
468 quietude of the community wherein such business is located.

469 (e) To permit persons of ill repute, known criminals,  
470 prostitutes or minors to frequent the licensed premises, except  
471 minors accompanied by parents or guardians, or under proper  
472 supervision.

473 (f) To permit or suffer illegal gambling or the  
474 operation of illegal games of chance upon the licensed premises.

475 (g) To receive, possess or sell on the licensed  
476 premises any beverage of any kind or character containing more  
477 than five percent (5%) of alcohol by weight except and beer  
478 containing an alcoholic content of not more than seventeen percent  
479 (17%) weight unless the licensee also possesses an on-premises  
480 permit under the Local Option Alcoholic Beverage Control Law.

481 **SECTION 12.** Section 27-71-509, Mississippi Code of 1972, is  
482 amended as follows:

483 27-71-509. It shall be unlawful for any brewer,  
484 manufacturer, distributor or retailer of light wines and beer, or  
485 either of them, to whom a permit has been issued under the  
486 provisions of Sections 67-3-15 and 67-3-23, Mississippi Code of  
487 1972, to write or print on any label or container of either of the



488 above named commodities any matter relating to the alcoholic  
489 content of such beverage or beverages, except a statement, to the  
490 effect that the contents of the vessel or container in which light  
491 wine shall be sold does not contain alcohol in excess of five  
492 percent (5%) of the contents thereof, by weight and that the  
493 contents of the vessel or container in which beer shall be sold  
494 does not contain alcohol in excess or seventeen percent (17%) of  
495 the contents thereof by weight. It shall be unlawful for any such  
496 brewer, wholesaler, distributor or retailer to sell any such  
497 commodity with any statement in conflict with the provisions of  
498 this section, with reference to the alcoholic content of such  
499 beverage or beverages, except that a statement of alcoholic  
500 content may be expressed on any light wine or beer label in terms  
501 of volume or weight, at the manufacturer's option; and such  
502 statement, if by volume, shall be subject to the same permitted  
503 tolerance allowed for wine containing fourteen percent (14%)  
504 alcohol by volume or less by Section 4.36(b)(1) of the Federal  
505 Labeling Requirements for Wine, 27 CFR Part 4, subpart D, and  
506 Section 7.71(c) 27 CFR Part 7, subpart G, and, if by weight, shall  
507 be subject to an equivalent permitted tolerance, determined in  
508 terms of alcohol by weight.

509       **SECTION 13.** This act shall take effect and be in force from  
510 and after July 1, 2008.

