

By: Representatives Bennett, Sykes

To: Ways and Means

HOUSE BILL NO. 192

1 AN ACT TO AMEND SECTION 67-1-9, MISSISSIPPI CODE OF 1972, TO  
 2 AUTHORIZE THE TRANSPORT THROUGH AREAS THAT ARE DRY OF ALCOHOLIC  
 3 BEVERAGES THAT ARE LEGALLY PURCHASED IN THIS STATE IF SUCH  
 4 ALCOHOLIC BEVERAGES ARE IN UNOPENED BOTTLES OR CONTAINERS AND  
 5 BEING TRANSPORTED ON A STATE OR FEDERAL HIGHWAY; TO AMEND SECTIONS  
 6 67-3-7 AND 67-3-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
 7 TRANSPORT THROUGH AREAS THAT ARE DRY OF LEGALLY PURCHASED LIGHT  
 8 WINE AND BEER IF SUCH LIGHT WINE OR BEER IS IN UNOPENED CONTAINERS  
 9 AND BEING TRANSPORTED ON A STATE OR FEDERAL HIGHWAY; AND FOR  
 10 RELATED PURPOSES.

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

12 **SECTION 1.** Section 67-1-9, Mississippi Code of 1972, is  
 13 amended as follows:

14 67-1-9. (1) It shall be unlawful for any person to  
 15 manufacture, distill, brew, sell, possess, import into this state,  
 16 export from the state, transport, distribute, warehouse, store,  
 17 solicit, take order for, bottle, rectify, blend, treat, mix or  
 18 process any alcoholic beverage except as authorized in this  
 19 chapter. However, nothing contained herein shall prevent  
 20 importers, wineries and distillers of alcoholic beverages from  
 21 storing such alcoholic beverages in private bonded warehouses  
 22 located within the State of Mississippi for the ultimate use and



23 benefit of the \* \* \*~~State Tax Commission~~ Department of Revenue as  
24 provided in Section 67-1-41. The \* \* \*~~commission~~ department is  
25 hereby authorized to promulgate rules and regulations for the  
26 establishment of such private bonded warehouses and for the  
27 control of alcoholic beverages stored in such warehouses.  
28 Additionally, nothing herein contained shall prevent any duly  
29 licensed practicing physician or dentist from possessing or using  
30 alcoholic liquor in the strict practice of his profession, or  
31 prevent any hospital or other institution caring for sick and  
32 diseased persons, from possessing and using alcoholic liquor for  
33 the treatment of bona fide patients of such hospital or other  
34 institution. Any drugstore employing a licensed pharmacist may  
35 possess and use alcoholic liquors in the combination of  
36 prescriptions of duly licensed physicians. The possession and  
37 dispensation of wine by an authorized representative of any church  
38 for the purpose of conducting any bona fide rite or religious  
39 ceremony conducted by such church shall not be prohibited by this  
40 chapter.

41 (2) Any person, upon conviction of any provision of this  
42 section, shall be punished as follows:

43 (a) By a fine of not less than One Hundred Dollars  
44 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by  
45 imprisonment in the county jail not less than one (1) week nor  
46 more than three (3) months, or both, for the first conviction  
47 under this section.



48 (b) By a fine of not less than One Hundred Dollars  
49 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by  
50 imprisonment in the county jail not less than sixty (60) days, nor  
51 more than six (6) months, or both fine and imprisonment, for the  
52 second conviction for violating this section.

53 (c) By a fine of not less than One Hundred Dollars  
54 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by  
55 imprisonment in the State Penitentiary not less than one (1) year,  
56 nor more than five (5) years, or both fine and imprisonment, for  
57 conviction the third time under this section for the violation  
58 thereof after having been twice convicted of its violation.

59 (3) Nothing in this section shall make it unlawful to  
60 transport bottles or containers of alcoholic beverages that are  
61 legally purchased in this state if the bottles or containers are  
62 unopened and are being transported on state or federal highway.

63 **SECTION 2.** Section 67-3-7, Mississippi Code of 1972, is  
64 amended as follows:

65 67-3-7. (1) If any county, at an election held for the  
66 purpose under the election laws of the state, shall by a majority  
67 vote of the duly qualified electors voting in the election  
68 determine that the transportation, storage, sale, distribution,  
69 receipt and/or manufacture of wine and beer shall not be permitted  
70 in such county, then the same shall not be permitted therein  
71 except as authorized under Section 67-9-1 and as may be otherwise  
72 authorized in this section. An election to determine whether such



73 transportation, storage, sale, distribution, receipt and/or  
74 manufacture of such beverages shall be excluded from any county in  
75 the state, shall, on a petition of twenty percent (20%) of the  
76 duly qualified electors of such county, be ordered by the board of  
77 supervisors of the county, for such county only. No election on  
78 the question shall be held in any one (1) county more often than  
79 once in five (5) years.

80 In counties which have elected, or may elect by a majority  
81 vote of the duly qualified electors voting in the election, that  
82 the transportation, storage, sale, distribution, receipt and/or  
83 manufacture of wine or beer shall not be permitted in the county,  
84 an election may be held in the same manner as the election  
85 hereinabove provided on the question of whether or not the  
86 transportation, storage, sale, distribution, receipt and/or  
87 manufacture of said beverages shall be permitted in such county.  
88 Such election shall be ordered by the board of supervisors of such  
89 county on a petition of twenty percent (20%) of the duly qualified  
90 electors of such county. No election on this question can be  
91 ordered more often than once in five (5) years.

92 (2) Nothing in this section shall make it unlawful to  
93 possess beer or wine, as defined herein, in any municipality which  
94 has heretofore or which may hereafter vote in an election,  
95 pursuant to Section 67-3-9, in which a majority of the qualified  
96 electors vote in favor of permitting the sale and the receipt,



97 storage and transportation for the purpose of sale of beer or wine  
98 as defined herein.

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

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

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

104 (c) Sell light wine or beer at a qualified resort area  
105 as defined in Section 67-1-5 if such light wine or beer is sold by  
106 a person with a permit to engage in the business as a retailer of  
107 light wine or beer;

108 (d) Transport beer of an alcoholic content of more than  
109 eight percent (8%) by weight if it is being transported to another  
110 state for legal sale in that state;

111 (e) Transport legally purchased light wine or beer in  
112 unopened containers if it is being transported on a state or  
113 federal highway; however, this paragraph shall not apply to a  
114 retailer unless the retailer has purchased the light wine or beer  
115 from a wholesaler or distributor for the designated sales  
116 territory in which the retailer is located and the retailer has in  
117 his possession an invoice from the wholesaler or distributor for  
118 the light wine or beer; or

119 ( \* \* \*~~ef~~) Transport homemade beer as authorized in  
120 Section 67-3-11.



121           **SECTION 3.** Section 67-3-13, Mississippi Code of 1972, is  
122 amended as follows:

123           67-3-13. (1) Except as otherwise provided herein and as  
124 authorized under this section and Section 67-9-1, in any county  
125 which has at any time since February 26, 1934, elected, or which  
126 may hereafter elect, to prohibit the transportation, storage,  
127 sale, distribution, receipt and/or manufacture of wine and beer of  
128 an alcoholic content of not more than four percent (4%) by weight  
129 in such county, it is hereby declared to be unlawful to possess  
130 such beverages therein. In any county which, after July 1, 1998,  
131 elects to prohibit the transportation, storage, sale,  
132 distribution, receipt and/or manufacture of wine and beer of an  
133 alcoholic content of not more than five percent (5%) by weight in  
134 such county, it is hereby declared to be unlawful to possess such  
135 beer therein. In any county which, after July 1, 2012, elects to  
136 prohibit the transportation, storage, sale, distribution, receipt  
137 and/or manufacture of wine of an alcoholic content of not more  
138 than five percent (5%) by weight in such county and beer of an  
139 alcoholic content of not more than eight percent (8%) by weight,  
140 it is hereby declared to be unlawful to possess such beer therein.  
141 Any person found possessing any beer or wine of any quantity  
142 whatsoever in such county shall, on conviction, be imprisoned not  
143 more than ninety (90) days or fined not more than Five Hundred  
144 Dollars (\$500.00), or be both so fined and imprisoned.



145 (2) Notwithstanding the provisions of subsection (1) of this  
146 section, in any county or municipality in which the  
147 transportation, storage, sale, distribution, receipt and/or  
148 manufacture of light wine and beer is prohibited, it shall not be  
149 unlawful for a permitted wholesaler or distributor to possess  
150 light wine and beer when such light wine and beer is held therein  
151 solely for the purpose of storage and for distribution to other  
152 counties and municipalities in which possession of such beverages  
153 is lawful.

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

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

160 (b) To distribute and transport light wine or beer to a  
161 resort area as defined in Section 67-1-5;

162 (c) To transport beer of an alcoholic content of more  
163 than eight percent (8%) by weight if it is being transported to  
164 another state for legal sale in that state;

165 (d) To transport legally purchased light wine or beer  
166 in unopened containers if it is being transported on a state or  
167 federal highway; however, this paragraph shall not apply to a  
168 retailer unless the retailer has purchased the light wine or beer  
169 from a wholesaler or distributor for the designated sales



170 territory in which the retailer is located and the retailer has in  
171 his possession an invoice from the wholesaler or distributor for  
172 the light wine or beer; or

173 ( \* \* \*~~de~~) To transport homemade beer as authorized in  
174 Section 67-3-11.

175 (4) Any light wine or beer found in possession of, or sold  
176 by, a person in violation of this section shall be seized and  
177 disposed of in the manner provided for in Section 67-1-18.

178 **SECTION 4.** This act shall take effect and be in force from  
179 and after July 1, 2018.

