

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

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

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



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

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

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

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

64 67-3-7. (1) If any county, at an election held for the
65 purpose under the election laws of the state, shall by a majority
66 vote of the duly qualified electors voting in the election
67 determine that the transportation, storage, sale, distribution,
68 receipt and/or manufacture of wine and beer shall not be permitted
69 in such county, then the same shall not be permitted therein
70 except as authorized under Section 67-9-1 and as may be otherwise
71 authorized in this section. An election to determine whether such



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

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

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



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

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

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

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

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

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

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

118 (* * *f) Transport homemade beer as authorized in
119 Section 67-3-11.



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

122 67-3-13. (1) Except as otherwise provided herein and as
123 authorized under this section and Section 67-9-1, in any county
124 which has at any time since February 26, 1934, elected, or which
125 may hereafter elect, to prohibit the transportation, storage,
126 sale, distribution, receipt and/or manufacture of wine and beer of
127 an alcoholic content of not more than four percent (4%) by weight
128 in such county, it is hereby declared to be unlawful to possess
129 such beverages therein. In any county which, after July 1, 1998,
130 elects to prohibit the transportation, storage, sale,
131 distribution, receipt and/or manufacture of wine and beer of an
132 alcoholic content of not more than five percent (5%) by weight in
133 such county, it is hereby declared to be unlawful to possess such
134 beer therein. In any county which, after July 1, 2012, elects to
135 prohibit the transportation, storage, sale, distribution, receipt
136 and/or manufacture of wine of an alcoholic content of not more
137 than five percent (5%) by weight in such county and beer of an
138 alcoholic content of not more than eight percent (8%) by weight,
139 it is hereby declared to be unlawful to possess such beer therein.
140 Any person found possessing any beer or wine of any quantity
141 whatsoever in such county shall, on conviction, be imprisoned not
142 more than ninety (90) days or fined not more than Five Hundred
143 Dollars (\$500.00), or be both so fined and imprisoned.



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

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

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

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

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

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



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

172 (* * *e) To transport homemade beer as authorized in
173 Section 67-3-11.

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

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

