

By: Representatives Powell, Baria, Holland

To: Ways and Means

HOUSE BILL NO. 1332

1 AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO
2 RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE IN FAVOR OF THE
3 LEGAL MANUFACTURE, SALE, DISTRIBUTION, POSSESSION AND
4 TRANSPORTATION OF ALCOHOLIC BEVERAGES, EXCEPT IN COUNTIES THAT
5 VOTE TO INSTITUTE PROHIBITION AFTER HOLDING A LOCAL OPTION
6 ELECTION ON THE MATTER; TO BRING FORWARD SECTIONS 67-1-5, 67-1-7,
7 67-1-9, 67-1-11, 67-1-13, 67-1-14, 67-1-15, 67-1-16, 67-1-17,
8 67-1-37, 67-1-41, 67-1-51, 67-1-57, 67-1-65, 67-1-72, 67-1-85,
9 67-1-91 AND 67-1-101, WHICH ARE CERTAIN SECTIONS OF THE LOCAL
10 OPTION ALCOHOLIC BEVERAGE CONTROL LAW, FOR THE PURPOSES OF
11 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 67-3-5, 67-3-7,
12 67-3-9, 67-3-13 AND 67-3-67, WHICH ARE CERTAIN SECTIONS REGULATING
13 THE MANUFACTURE, SALE, POSSESSION, TRANSPORTATION AND DISTRIBUTION
14 OF LIGHT WINE AND BEER, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO
15 BRING FORWARD SECTION 67-9-1, MISSISSIPPI CODE OF 1972, WHICH
16 RELATES TO THE TRANSPORTATION AND POSSESSION OF ALCOHOL BY PERSONS
17 WITH ALCOHOL PROCESSING PERMITS, FOR THE PURPOSES OF POSSIBLE
18 AMENDMENT; TO BRING FORWARD SECTIONS 27-71-15 AND 27-71-31,
19 MISSISSIPPI CODE OF 1972, WHICH PROVIDE RESTRICTIONS ON THE
20 TRANSPORTATION OF ALCOHOLIC BEVERAGES THROUGH COUNTIES THAT HAVE
21 NOT AUTHORIZED THE SALE OF ALCOHOLIC BEVERAGES AND FOR THE
22 CONSTRUCTION OF CERTAIN LAWS RELATING TO ALCOHOLIC BEVERAGES, FOR
23 THE PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
24 97-31-47, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR CRIMES
25 RELATED TO THE UNLAWFUL TRANSPORTATION OF LIQUOR, FOR THE PURPOSES
26 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 57-26-1,
27 MISSISSIPPI CODE OF 1972, WHICH DEFINES CERTAIN TERMS FOR PURPOSES
28 OF THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM; FOR THE
29 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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



31 **SECTION 1.** Section 67-1-3, Mississippi Code of 1972, is
32 amended as follows:

33 67-1-3. From and after January 1, 2019, the policy of this
34 state is * * * hereby declared to be a renunciation of prohibition
35 in favor of the legal manufacture, sale, distribution, possession
36 and transportation of * * * alcoholic beverages in this state,
37 except in such counties that vote to institute prohibition after
38 holding a local option election on the matter. The purpose and
39 intent of this chapter is to * * * provide the laws under which
40 alcoholic beverages may be legally sold, manufactured, possessed
41 and distributed.

42 All laws and parts of laws in conflict with this chapter are
43 repealed only to the extent of such conflict; however, except as
44 is provided in this chapter, all laws prohibiting the manufacture,
45 sale, distribution and possession of alcoholic beverages, which
46 are not in conflict with this chapter shall remain in full force
47 and effect * * * in counties * * * wherein * * * a prohibition on
48 the manufacture, sale, distribution and possession of alcoholic
49 beverages * * * shall hereafter be authorized as a result of an
50 election held after January 1, 2019, under Section 67-1-11 or
51 Section 67-1-14, Mississippi Code of 1972, or as otherwise
52 provided in this chapter.

53 **SECTION 2.** Section 67-1-5, Mississippi Code of 1972, is
54 brought forward as follows:



55 67-1-5. For the purposes of this chapter and unless
56 otherwise required by the context:

57 (a) "Alcoholic beverage" means any alcoholic liquid,
58 including wines of more than five percent (5%) of alcohol by
59 weight, capable of being consumed as a beverage by a human being,
60 but shall not include light wine and beer, as defined in Section
61 67-3-3, Mississippi Code of 1972, but shall include native wines.
62 The words "alcoholic beverage" shall not include ethyl alcohol
63 manufactured or distilled solely for fuel purposes or beer of an
64 alcoholic content of more than eight percent (8%) by weight if the
65 beer is legally manufactured in this state for sale in another
66 state.

67 (b) "Alcohol" means the product of distillation of any
68 fermented liquid, whatever the origin thereof, and includes
69 synthetic ethyl alcohol, but does not include denatured alcohol or
70 wood alcohol.

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

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



79 (e) "Person" means and includes any individual,
80 partnership, corporation, association or other legal entity
81 whatsoever.

82 (f) "Manufacturer" means any person engaged in
83 manufacturing, distilling, rectifying, blending or bottling any
84 alcoholic beverage.

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

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

92 (i) "State Tax Commission," "commission" or
93 "department" means the Department of Revenue of the State of
94 Mississippi, which shall create a division in its organization to
95 be known as the Alcoholic Beverage Control Division. Any
96 reference to the commission or the department hereafter means the
97 powers and duties of the Department of Revenue with reference to
98 supervision of the Alcoholic Beverage Control Division.

99 (j) "Division" means the Alcoholic Beverage Control
100 Division of the Department of Revenue.

101 (k) "Municipality" means any incorporated city or town
102 of this state.



103 (1) "Hotel" means an establishment within a
104 municipality, or within a qualified resort area approved as such
105 by the department, where, in consideration of payment, food and
106 lodging are habitually furnished to travelers and wherein are
107 located at least twenty (20) adequately furnished and completely
108 separate sleeping rooms with adequate facilities that persons
109 usually apply for and receive as overnight accommodations. Hotels
110 in towns or cities of more than twenty-five thousand (25,000)
111 population are similarly defined except that they must have fifty
112 (50) or more sleeping rooms. Any such establishment described in
113 this paragraph with less than fifty (50) beds shall operate one or
114 more regular dining rooms designed to be constantly frequented by
115 customers each day. When used in this chapter, the word "hotel"
116 shall also be construed to include any establishment that meets
117 the definition of "bed and breakfast inn" as provided in this
118 section.

119 (m) "Restaurant" means:

120 (i) A place which is regularly and in a bona fide
121 manner used and kept open for the serving of meals to guests for
122 compensation, which has suitable seating facilities for guests,
123 and which has suitable kitchen facilities connected therewith for
124 cooking an assortment of foods and meals commonly ordered at
125 various hours of the day; the service of such food as sandwiches
126 and salads only shall not be deemed in compliance with this
127 requirement. Except as otherwise provided in this paragraph, no



128 place shall qualify as a restaurant under this chapter unless
129 twenty-five percent (25%) or more of the revenue derived from such
130 place shall be from the preparation, cooking and serving of meals
131 and not from the sale of beverages, or unless the value of food
132 given to and consumed by customers is equal to twenty-five percent
133 (25%) or more of total revenue; or

134 (ii) Any privately owned business located in a
135 building in a historic district where the district is listed in
136 the National Register of Historic Places, where the building has a
137 total occupancy rating of not less than one thousand (1,000) and
138 where the business regularly utilizes ten thousand (10,000) square
139 feet or more in the building for live entertainment, including not
140 only the stage, lobby or area where the audience sits and/or
141 stands, but also any other portion of the building necessary for
142 the operation of the business, including any kitchen area, bar
143 area, storage area and office space, but excluding any area for
144 parking. In addition to the other requirements of this
145 subparagraph, the business must also serve food to guests for
146 compensation within the building and derive the majority of its
147 revenue from event-related fees, including, but not limited to,
148 admission fees or ticket sales to live entertainment in the
149 building, and from the rental of all or part of the facilities of
150 the business in the building to another party for a specific event
151 or function.

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



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

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

158 (iii) Maintained by its members through the
159 payment of annual dues;

160 (iv) Owning, hiring or leasing a building or space
161 in a building of such extent and character as may be suitable and
162 adequate for the reasonable and comfortable use and accommodation
163 of its members and their guests;

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

168 (vi) No member, officer, agent or employee of
169 which is paid, or directly or indirectly receives, in the form of
170 a salary or other compensation any profit from the distribution or
171 sale of alcoholic beverages to the club or to members or guests of
172 the club beyond such salary or compensation as may be fixed and
173 voted at a proper meeting by the board of directors or other
174 governing body out of the general revenues of the club.

175 The department may, in its discretion, waive the five-year
176 provision of this paragraph. In order to qualify under this
177 paragraph, a club must file with the department, at the time of



178 its application for a license under this chapter, two (2) copies
179 of a list of the names and residences of its members and similarly
180 file, within ten (10) days after the election of any additional
181 member, his name and address. Each club applying for a license
182 shall also file with the department at the time of the application
183 a copy of its articles of association, charter of incorporation,
184 bylaws or other instruments governing the business and affairs
185 thereof.

186 (o) "Qualified resort area" means any area or locality
187 outside of the limits of incorporated municipalities in this state
188 commonly known and accepted as a place which regularly and
189 customarily attracts tourists, vacationists and other transients
190 because of its historical, scenic or recreational facilities or
191 attractions, or because of other attributes which regularly and
192 customarily appeal to and attract tourists, vacationists and other
193 transients in substantial numbers; however, no area or locality
194 shall so qualify as a resort area until it has been duly and
195 properly approved as such by the department.

196 (i) The department may approve an area or locality
197 outside of the limits of an incorporated municipality that is in
198 the process of being developed as a qualified resort area if such
199 area or locality, when developed, can reasonably be expected to
200 meet the requisites of the definition of the term "qualified
201 resort area." In such a case, the status of qualified resort area
202 shall not take effect until completion of the development.



203 (ii) The term includes any state park which is
204 declared a resort area by the department; however, such
205 declaration may only be initiated in a written request for resort
206 area status made to the department by the Executive Director of
207 the Department of Wildlife, Fisheries and Parks, and no permit for
208 the sale of any alcoholic beverage, as defined in this chapter,
209 except an on-premises retailer's permit, shall be issued for a
210 hotel, restaurant or bed and breakfast inn in such park.

211 (iii) The term includes:

212 1. The clubhouses associated with the state
213 park golf courses at the Lefleur's Bluff State Park, the John Kyle
214 State Park, the Percy Quin State Park and the Hugh White State
215 Park;

216 2. The clubhouse and associated golf course
217 where the golf course is adjacent to one or more planned
218 residential developments and the golf course and all such
219 developments collectively include at least seven hundred fifty
220 (750) acres and at least four hundred (400) residential units;

221 3. Any facility located on property that is a
222 game reserve with restricted access that consists of at least
223 three thousand (3,000) contiguous acres with no public roads and
224 that offers as a service hunts for a fee to overnight guests of
225 the facility;

226 4. Any facility located on federal property
227 surrounding a lake and designated as a recreational area by the



228 United States Army Corps of Engineers that consists of at least
229 one thousand five hundred (1,500) acres;

230 5. Any facility that is located in a
231 municipality that is bordered by the Pearl River, traversed by
232 Mississippi Highway 25, adjacent to the boundaries of the Jackson
233 International Airport and is located in a county which has voted
234 against coming out from under the dry law; however, any such
235 facility may only be located in areas designated by the governing
236 authorities of such municipality;

237 6. Any municipality with a population in
238 excess of ten thousand (10,000) according to the latest federal
239 decennial census that is located in a county that is bordered by
240 the Pearl River and is not traversed by Interstate Highway 20,
241 with a population in excess of forty-five thousand (45,000)
242 according to the latest federal decennial census; however, the
243 governing authorities of such a municipality may by ordinance:

244 a. Specify the hours of operation of
245 facilities that offer alcoholic beverages for sale;

246 b. Specify the percentage of revenue
247 that facilities that offer alcoholic beverages for sale must
248 derive from the preparation, cooking and serving of meals and not
249 from the sale of beverages;

250 c. Designate the areas in which
251 facilities that offer alcoholic beverages for sale may be located;



252 7. The West Pearl Restaurant Tax District as
253 defined in Chapter 912, Local and Private Laws of 2007;

254 8. Land that is located in any county in
255 which Mississippi Highway 43 and Mississippi Highway 25 intersect
256 and:

257 a. Owned by the Pearl River Valley Water
258 Supply District, and/or

259 b. Located within the Reservoir
260 Community District, zoned commercial, east of Old Fannin Road,
261 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
262 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
263 Drive and/or Lake Vista Place;

264 9. Any facility located on property that is a
265 game reserve with restricted access that consists of at least
266 eight hundred (800) contiguous acres with no public roads, that
267 offers as a service hunts for a fee to overnight guests of the
268 facility, and has accommodations for at least fifty (50) overnight
269 guests;

270 10. Any facility that:

271 a. Consists of at least six thousand
272 (6,000) square feet being heated and cooled along with an
273 additional adjacent area that consists of at least two thousand
274 two hundred (2,200) square feet regardless of whether heated and
275 cooled,



276 b. For a fee is used to host events such
277 as weddings, reunions and conventions,

278 c. Provides lodging accommodations
279 regardless of whether part of the facility and/or located adjacent
280 to or in close proximity to the facility, and

281 d. Is located on property that consists
282 of at least thirty (30) contiguous acres;

283 11. Any facility and related property:

284 a. Located on property that consists of
285 at least one hundred twenty-five (125) contiguous acres and
286 consisting of an eighteen (18) hole golf course, and/or located in
287 a facility that consists of at least eight thousand (8,000) square
288 feet being heated and cooled,

289 b. Used for the purpose of providing
290 meals and hosting events, and

291 c. Used for the purpose of teaching
292 culinary arts courses and/or turf management and grounds keeping
293 courses, and/or outdoor recreation and leadership courses;

294 12. Any facility and related property that:

295 a. Consist of at least eight thousand
296 (8,000) square feet being heated and cooled,

297 b. For a fee is used to host events,

298 c. Is located on property on or near a
299 bayou or other waterway,



300 d. Is used for the purpose of culinary
301 arts courses, and/or outdoor recreation and leadership courses;

302 13. The clubhouse and associated golf course
303 where the golf course is adjacent to one or more residential
304 developments and the golf course and all such developments
305 collectively include at least two hundred (200) acres and at least
306 one hundred fifty (150) residential units and are located a. in a
307 county that has voted against coming out from under the dry law;
308 and b. outside of but in close proximity to a municipality in such
309 county which has voted under Section 67-1-14, after January 1,
310 2013, to come out from under the dry law.

311 The status of these municipalities, districts, clubhouses,
312 facilities, golf courses and areas described in subparagraph (iii)
313 of this paragraph (o) as qualified resort areas does not require
314 any declaration of same by the department.

315 (p) "Native wine" means any product, produced in
316 Mississippi for sale, having an alcohol content not to exceed
317 twenty-one percent (21%) by weight and made in accordance with
318 revenue laws of the United States, which shall be obtained
319 primarily from the alcoholic fermentation of the juice of ripe
320 grapes, fruits, berries or vegetables grown and produced in
321 Mississippi; provided that bulk, concentrated or fortified wines
322 used for blending may be produced without this state and used in
323 producing native wines. The department shall adopt and promulgate
324 rules and regulations to permit a producer to import such bulk



325 and/or fortified wines into this state for use in blending with
326 native wines without payment of any excise tax that would
327 otherwise accrue thereon.

328 (q) "Native winery" means any place or establishment
329 within the State of Mississippi where native wine is produced, in
330 whole or in part, for sale.

331 (r) "Bed and breakfast inn" means an establishment
332 within a municipality where in consideration of payment, breakfast
333 and lodging are habitually furnished to travelers and wherein are
334 located not less than eight (8) and not more than nineteen (19)
335 adequately furnished and completely separate sleeping rooms with
336 adequate facilities, that persons usually apply for and receive as
337 overnight accommodations; however, such restriction on the minimum
338 number of sleeping rooms shall not apply to establishments on the
339 National Register of Historic Places. No place shall qualify as a
340 bed and breakfast inn under this chapter unless on the date of the
341 initial application for a license under this chapter more than
342 fifty percent (50%) of the sleeping rooms are located in a
343 structure formerly used as a residence.

344 (s) "Board" shall refer to the Board of Tax Appeals of
345 the State of Mississippi.

346 (t) "Spa facility" means an establishment within a
347 municipality or qualified resort area and owned by a hotel where,
348 in consideration of payment, patrons receive from licensed



349 professionals a variety of private personal care treatments such
350 as massages, facials, waxes, exfoliation and hairstyling.

351 (u) "Art studio or gallery" means an establishment
352 within a municipality or qualified resort area that is in the sole
353 business of allowing patrons to view and/or purchase paintings and
354 other creative artwork.

355 (v) "Cooking school" means an establishment within a
356 municipality or qualified resort area and owned by a nationally
357 recognized company that offers an established culinary education
358 curriculum and program where, in consideration of payment, patrons
359 are given scheduled professional group instruction on culinary
360 techniques. For purposes of this paragraph, the definition of
361 cooking school shall not include schools or classes offered by
362 grocery stores, convenience stores or drugstores.

363 **SECTION 3.** Section 67-1-7, Mississippi Code of 1972, is
364 brought forward as follows:

365 67-1-7. (1) Except as otherwise provided in Section 67-9-1
366 for the transportation and possession of limited amounts of
367 alcoholic beverages for the use of an alcohol processing
368 permittee, and subject to all of the provisions and restrictions
369 contained in this chapter, the manufacture, sale, distribution,
370 possession and transportation of alcoholic beverages shall be
371 lawful, subject to the restrictions hereinafter imposed, in those
372 counties and municipalities of this state in which, at a local
373 option election called and held for that purpose under the



374 provisions of this chapter, a majority of the qualified electors
375 voting in such election shall vote in favor thereof. Except as
376 otherwise provided in Section 67-1-51 for holders of a caterer's
377 permit, the manufacture, sale and distribution of alcoholic
378 beverages shall not be permissible or lawful in counties except in
379 (a) incorporated municipalities located within such counties, (b)
380 qualified resort areas within such counties approved as such by
381 the State Tax Commission, or (c) clubs within such counties,
382 whether within a municipality or not. The manufacture, sale,
383 distribution and possession of native wines shall be lawful in any
384 location within any such county except those locations where the
385 manufacture, sale or distribution is prohibited by law other than
386 this section or by regulations of the commission.

387 (2) Notwithstanding the foregoing, within any state park or
388 any state park facility that has been declared a qualified resort
389 area by the commission, and within any qualified resort area as
390 defined under Section 67-1-5(o)(iii), an on-premises retailer's
391 permit may be issued for the qualified resort area, and the
392 permittee may lawfully sell alcoholic beverages for consumption on
393 his licensed premises regardless of whether or not the county or
394 municipality in which the qualified resort area is located has
395 voted in favor of coming out from under the dry law, and it shall
396 be lawful to receive, store, sell, possess and consume alcoholic
397 beverages on the licensed premises, and to sell, distribute and
398 transport alcoholic beverages to the licensed premises.



399 **SECTION 4.** Section 67-1-9, Mississippi Code of 1972, is
400 brought forward as follows:

401 67-1-9. (1) It shall be unlawful for any person to
402 manufacture, distill, brew, sell, possess, import into this state,
403 export from the state, transport, distribute, warehouse, store,
404 solicit, take order for, bottle, rectify, blend, treat, mix or
405 process any alcoholic beverage except as authorized in this
406 chapter. However, nothing contained herein shall prevent
407 importers, wineries and distillers of alcoholic beverages from
408 storing such alcoholic beverages in private bonded warehouses
409 located within the State of Mississippi for the ultimate use and
410 benefit of the State Tax Commission as provided in Section
411 67-1-41. The commission is hereby authorized to promulgate rules
412 and regulations for the establishment of such private bonded
413 warehouses and for the control of alcoholic beverages stored in
414 such warehouses. Additionally, nothing herein contained shall
415 prevent any duly licensed practicing physician or dentist from
416 possessing or using alcoholic liquor in the strict practice of his
417 profession, or prevent any hospital or other institution caring
418 for sick and diseased persons, from possessing and using alcoholic
419 liquor for the treatment of bona fide patients of such hospital or
420 other institution. Any drugstore employing a licensed pharmacist
421 may possess and use alcoholic liquors in the combination of
422 prescriptions of duly licensed physicians. The possession and
423 dispensation of wine by an authorized representative of any church



424 for the purpose of conducting any bona fide rite or religious
425 ceremony conducted by such church shall not be prohibited by this
426 chapter.

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

429 (a) By a fine of not less than One Hundred Dollars
430 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by
431 imprisonment in the county jail not less than one (1) week nor
432 more than three (3) months, or both, for the first conviction
433 under this section.

434 (b) By a fine of not less than One Hundred Dollars
435 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
436 imprisonment in the county jail not less than sixty (60) days, nor
437 more than six (6) months, or both fine and imprisonment, for the
438 second conviction for violating this section.

439 (c) By a fine of not less than One Hundred Dollars
440 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
441 imprisonment in the State Penitentiary not less than one (1) year,
442 nor more than five (5) years, or both fine and imprisonment, for
443 conviction the third time under this section for the violation
444 thereof after having been twice convicted of its violation.

445 **SECTION 5.** Section 67-1-11, Mississippi Code of 1972, is
446 brought forward as follows:

447 67-1-11. (1) Notwithstanding any provision of this chapter,
448 the legalizing provisions of this chapter, except as authorized



449 under Section 67-9-1 and Section 67-1-7(2), shall not be
450 effective, applicable or operative in any county unless and until
451 a local option election shall be called and held in such county in
452 the manner and with the results hereinafter provided.

453 (2) Upon presentation and filing of a proper petition
454 requesting same signed by at least twenty percent (20%) or fifteen
455 hundred (1,500), whichever number is the lesser, of the qualified
456 electors of the county, it shall be the duty of the board of
457 supervisors to call an election at which there shall be submitted
458 to the qualified electors of the county the question of whether or
459 not the sale, distribution and possession of alcoholic liquors
460 shall be permitted in such county as provided in this chapter.
461 Such election shall be held and conducted by the county election
462 commissioners on a date fixed by the order of the board of
463 supervisors, which date shall not be more than sixty (60) days
464 from the date of the filing of said petition. Notice thereof
465 shall be given by publishing such notice once each week for at
466 least three (3) consecutive weeks in some newspaper published in
467 said county or, if no newspaper be published therein, by such
468 publication in a newspaper in an adjoining county and having a
469 general circulation in the county involved. The election shall be
470 held not earlier than fifteen (15) days from the first publication
471 of such notice.

472 (3) Said election shall be held and conducted as far as may
473 be possible in the same manner as is provided by law for the



474 holding of general elections. The ballots used thereat shall
475 contain a brief statement of the proposition submitted and, on
476 separate lines, the words "I vote FOR coming out from under the
477 dry law in _____ County ()" "I vote AGAINST coming out from
478 under the dry law in _____ County ()" with appropriate boxes
479 in which the voters may express their choice. All qualified
480 electors may vote by marking the ballot with a cross (x) or check
481 (√) mark opposite the words of their choice.

482 (4) The election commissioners shall canvass and determine
483 the results of said election, and shall certify same to the board
484 of supervisors which shall adopt and spread upon its minutes an
485 order declaring such results. If, in such election, a majority of
486 the qualified electors participating therein shall vote in favor
487 of the proposition, this chapter shall become applicable and
488 operative in such county and the manufacture, sale, distribution
489 and possession of alcoholic beverages therein shall be lawful to
490 the extent and in the manner permitted hereby. If, on the other
491 hand, a majority of the qualified electors participating in the
492 election shall vote against the proposition, this chapter, except
493 for Section 67-9-1 and 67-1-7(2), shall not become effective and
494 operative in such county and, except as otherwise provided under
495 Section 67-9-1 and 67-1-7(2), all laws prohibiting and regulating
496 the manufacture, sale, distribution and possession of intoxicating
497 liquor shall remain in full force and effect and be administered
498 and vigorously prosecuted therein. In either case, no further



499 election shall be held in said county under the provisions of this
500 chapter for a period of two (2) years from the date of the prior
501 election and then only upon the filing of a petition requesting
502 same signed by at least twenty percent (20%) or fifteen hundred
503 (1,500), whichever number is the lesser, of the qualified electors
504 of the county as is otherwise provided herein.

505 **SECTION 6.** Section 67-1-13, Mississippi Code of 1972, is
506 brought forward as follows:

507 67-1-13. (1) When this chapter has been made effective and
508 operative in any county as a result of an election called and held
509 as provided in Section 67-1-11, the same may be made ineffective
510 and inapplicable therein by an election called and held upon a
511 petition filed with the board of supervisors requesting same
512 signed by at least twenty percent (20%) or fifteen hundred (1500),
513 whichever number is the lesser, of the qualified electors of the
514 county as is otherwise provided in Section 67-1-11, all of the
515 provisions of which shall be fully applicable thereto. However,
516 nothing herein shall authorize or permit the calling and holding
517 of any election under this chapter in any county more often than
518 once every two (2) years. If in such election, a majority of the
519 qualified electors participating therein shall vote against the
520 legalized sale of intoxicating liquor, then the prohibition laws
521 of the State of Mississippi, except as otherwise provided under
522 Section 67-9-1 and 67-1-7(2), shall become applicable in said
523 county.



524 (2) Notwithstanding an election reinstating the prohibition
525 laws in a political subdivision, the holder of a native wine
526 producer's permit or a native wine retailer's permit is allowed to
527 continue to operate under such permits and to renew such permits.
528 Possession of native wines and personal property related to the
529 activities of the native wine permit holder which would otherwise
530 be unlawful under prohibition shall be allowed subject to
531 regulations of the Alcoholic Beverage Control Division.

532 **SECTION 7.** Section 67-1-14, Mississippi Code of 1972, is
533 brought forward as follows:

534 67-1-14. (1) The legalizing provisions of this chapter may
535 be effective, applicable and operative in any municipality located
536 in a county which has voted against coming out from under the dry
537 law if a local option election shall be called and held in such
538 municipality in the manner and with the results hereinafter
539 provided.

540 (2) (a) Any municipality in this state having a population
541 of not less than five thousand (5,000) according to the latest
542 federal census and which is located in a county which has voted
543 against coming out from under the dry law, or any municipality
544 that is a county seat and which is located in a county which has
545 voted against coming out from under the dry law, may, at an
546 election held for the purpose under the election laws applicable
547 to such municipality, either prohibit or permit, except as
548 otherwise provided under Section 67-9-1, the sale, and the



549 receipt, storage and transportation for the purpose of sale, of
550 alcoholic beverages. An election to determine whether such sale
551 and possession shall be permitted in municipalities wherein its
552 sale and possession is prohibited by law shall be ordered by the
553 municipal governing authorities upon the presentation of a
554 petition to such governing authorities containing the names of at
555 least twenty percent (20%) of the duly qualified voters of such
556 municipality asking for such election. In like manner, an
557 election to determine whether such sale and possession shall be
558 prohibited in municipalities wherein its sale is permitted by law
559 shall be ordered by the municipal governing authorities upon the
560 presentation of a petition to such governing authorities
561 containing the names of at least twenty percent (20%) of the duly
562 qualified voters of such municipality asking for such election.
563 No election on either question shall be held by any one (1)
564 municipality more often than once in two (2) years.

565 Thirty (30) days' notice shall be given to the qualified
566 electors of such municipality, in the manner prescribed by law,
567 upon the question of either permitting or prohibiting such sale
568 and possession, such notice to contain a statement of the question
569 to be voted on at the election. The ballots to be used in the
570 election shall have the following words printed thereon: "For the
571 legal sale of alcoholic liquors" and the words "Against the legal
572 sale of alcoholic liquors" next below. In marking his ballot the
573 voter shall make a cross (X) opposite the words of his choice.



574 If in the election a majority of the qualified electors
575 voting in the election shall vote "for the legal sale of alcoholic
576 liquors," then the municipal governing authorities shall pass the
577 necessary order permitting the legal sale of such alcoholic
578 beverages in such municipality. If in the election a majority of
579 the qualified electors voting in the election shall vote "against
580 the legal sale of alcoholic liquors," then the municipal governing
581 authorities shall pass the necessary order prohibiting the sale of
582 alcoholic beverages in such municipality.

583 (b) The provisions of this subsection shall also apply
584 to any municipality having a population of not less than six
585 thousand (6,000) according to the latest federal census, a portion
586 of which is located in a county which has voted against coming out
587 from under the dry law and a portion of which is located in a
588 county which has voted in favor of coming out from under the dry
589 law. For the purpose of determining whether or not such a
590 municipality meets the threshold population of six thousand
591 (6,000) which will qualify the municipality to hold an election
592 under this subsection, the entire population of the municipality
593 shall be considered; however, the petition to hold the election
594 authorized in this subsection shall be ordered by the municipal
595 governing authorities upon the presentation of a petition to such
596 governing authorities containing the names of at least twenty
597 percent (20%) of the duly qualified voters of such municipality
598 who reside in that portion of the municipality located in a county



599 which has voted against coming out from under the dry law and the
600 election shall be held only in that portion of the municipality.
601 In all other respects, the authority for the holding of elections
602 and the manner in which such elections shall be conducted shall be
603 as prescribed in paragraph (a) of this subsection; and, after
604 proper certification of election results, the municipal governing
605 authorities shall pass the appropriate order to permit or prohibit
606 the legal sale of alcoholic beverages in that portion of the
607 municipality located in a county which has voted against coming
608 out from under the dry law.

609 (3) The governing authorities of a municipality that has
610 voted to come out from under the dry laws after August 23, 2012,
611 may, by ordinance, provide that alcoholic beverages may be sold in
612 the municipality only by the holder of an on-premises retailer's
613 permit.

614 **SECTION 8.** Section 67-1-15, Mississippi Code of 1972, is
615 brought forward as follows:

616 67-1-15. In any county having two judicial districts, each
617 such judicial district shall be construed to be a political
618 subdivision or subdivision of government on the same basis as a
619 county, and as such, a judicial district will be entitled to all
620 of the rights, privileges, and immunities as a county for the
621 purposes of authorizing the sale of intoxicating liquor therein
622 under the provisions of this chapter.



623 **SECTION 9.** Section 67-1-16, Mississippi Code of 1972, is
624 brought forward as follows:

625 67-1-16. (1) (a) Before an area may be designated by the
626 governing authorities of a municipality as an area in which
627 facilities which are defined as qualified resort areas in Section
628 67-1-5(o)(iii)5 may be located, an election shall be held, under
629 the election laws applicable to the municipality, on the question
630 of whether qualified resort areas shall be allowed in the
631 municipality. An election to determine whether qualified resort
632 areas shall be allowed in the municipality shall be ordered by the
633 municipal governing authorities, upon presentation to the
634 governing authorities of a petition containing the names of at
635 least twenty percent (20%) of the duly qualified voters of the
636 municipality asking for the election. An election on the question
637 may not be held by the municipality more often than once each
638 year.

639 (b) Thirty (30) days' notice shall be given to the
640 qualified electors of the municipality, in the manner prescribed
641 by law, on the question of allowing qualified resort areas to be
642 established. The notice shall contain a statement of the question
643 to be voted on at the election. The ballots used in the election
644 shall have the following words printed thereon: "FOR THE
645 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST
646 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his



647 ballot, the voter shall make a cross (X) opposite the words of his
648 choice.

649 (c) Qualified resort areas may be established if a
650 majority of the qualified electors voting in the election vote for
651 such establishment. A qualified resort area may not be
652 established if a majority of the qualified electors voting in the
653 election vote against such establishment.

654 (2) (a) Before a municipality may be designated as a
655 qualified resort area as defined in Section 67-1-5(o)(iii)6, an
656 election shall be held, under the election laws applicable to the
657 municipality, on the question of whether the municipality shall be
658 a qualified resort area. An election to determine whether the
659 municipality shall be a qualified resort area shall be ordered by
660 the municipal governing authorities, upon presentation to the
661 governing authorities of a petition containing the names of at
662 least twenty percent (20%) of the duly qualified voters of the
663 municipality asking for the election. An election on the question
664 may not be held by the municipality more often than once each
665 year.

666 (b) Thirty (30) days' notice shall be given to the
667 qualified electors of the municipality, in the manner prescribed
668 by law, on the question of allowing qualified resort areas to be
669 established. The notice shall contain a statement of the question
670 to be voted on at the election. The ballots used in the election
671 shall have the following words printed thereon: "FOR THE



672 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
673 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
674 marking his ballot, the voter shall make a cross (X) opposite the
675 words of his choice.

676 (c) The municipality may be established as a qualified
677 resort area if a majority of the qualified electors voting in the
678 election vote for such establishment. A qualified resort area may
679 not be established if a majority of the qualified electors voting
680 in the election vote against such establishment.

681 (3) (a) Before an area may be designated a qualified resort
682 area as defined in Section 67-1-5(o)(iii)7, an election shall be
683 held in the municipality in which the area is located under the
684 election laws applicable to the municipality, on the question of
685 whether the area shall be a qualified resort area. An election to
686 determine whether the area shall be a qualified resort area shall
687 be ordered by the municipal governing authorities, upon
688 presentation to the governing authorities of a petition containing
689 the names of at least twenty percent (20%) of the duly qualified
690 voters of the municipality asking for the election. An election
691 on the question may not be held by the municipality more often
692 than once each year.

693 (b) Thirty (30) days' notice shall be given to the
694 qualified electors of the municipality, in the manner prescribed
695 by law, on the question of allowing qualified resort areas to be
696 established. The notice shall contain a statement of the question



697 to be voted on at the election. The ballots used in the election
698 shall have the following words printed thereon: "FOR THE
699 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
700 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
701 marking his ballot, the voter shall make a cross (X) opposite the
702 words of his choice.

703 (c) The area may be established as a qualified resort
704 area if a majority of the qualified electors voting in the
705 election vote for such establishment. A qualified resort area may
706 not be established if a majority of the qualified electors voting
707 in the election vote against such establishment.

708 (4) (a) Before an area may be designated a qualified resort
709 area as defined in Section 67-1-5(o)(iii)8, an election shall be
710 held in the area described in Section 67-1-5(o)(iii)8 under the
711 election laws applicable to counties, on the question of whether
712 the area shall be a qualified resort area. An election to
713 determine whether the area shall be a qualified resort area shall
714 be ordered by the board of supervisors, upon presentation to the
715 board of a petition containing the names of at least twenty
716 percent (20%) of the duly qualified voters of the area described
717 in Section 67-1-5(o)(iii)8 asking for the election. An election
718 on the question may not be held by the county more often than once
719 each year.

720 (b) Thirty (30) days' notice shall be given to the
721 qualified electors of the area, in the manner prescribed by law,



722 on the question of allowing qualified resort areas to be
723 established. The notice shall contain a statement of the question
724 to be voted on at the election. The ballots used in the election
725 shall have the following words printed thereon: "FOR THE
726 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
727 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
728 marking his ballot, the voter shall make a cross (X) opposite the
729 words of his choice.

730 (c) The area may be established as a qualified resort
731 area if a majority of the qualified electors voting in the
732 election vote for such establishment. A qualified resort area may
733 not be established if a majority of the qualified electors voting
734 in the election vote against such establishment.

735 **SECTION 10.** Section 67-1-17, Mississippi Code of 1972, is
736 brought forward as follows:

737 67-1-17. (1) It shall be unlawful for any person to have or
738 possess either alcoholic beverages or personal property intended
739 for use in violating the provisions of this chapter, or
740 regulations prescribed under this chapter, or Chapter 31 of Title
741 97, Mississippi Code of 1972. No property rights shall exist in
742 any such personal property or alcoholic beverages. All such
743 personal property and alcoholic beverages shall be considered
744 contraband and shall be seized and forfeited to the State of
745 Mississippi.

746 (2) The following are subject to forfeiture:



747 (a) All alcoholic beverages which have been
748 manufactured, distilled, distributed, dispensed or acquired in
749 violation of this chapter or Chapter 31 of Title 97, Mississippi
750 Code of 1972;

751 (b) All raw materials, products and equipment of any
752 kind which are used, or intended for use, in manufacturing,
753 compounding, processing, delivering, importing or exporting any
754 alcoholic beverage in violation of this chapter or Chapter 31 of
755 Title 97, Mississippi Code of 1972;

756 (c) All property which is used, or intended for use, as
757 a container for property described in items (a) or (b) of this
758 subsection;

759 (d) All conveyances, including aircraft, vehicles or
760 vessels, which are used, or intended for use, to transport, or in
761 any manner to facilitate the transportation, for the purpose of
762 sale or receipt, possession or concealment, of property described
763 in item (a) of this subsection which is in excess of six (6)
764 gallons or of property described in item (b) of this subsection;
765 however,

766 (i) No conveyance used by any person as a common
767 carrier in the transaction of business as a common carrier is
768 subject to forfeiture under this section unless it appears that
769 the owner or other person in charge of the conveyance is a
770 consenting party or privy to a violation of this chapter or
771 Chapter 31 of Title 97, Mississippi Code of 1972;



772 (ii) No conveyance is subject to forfeiture under
773 this section by reason of any act or omission proved by the owner
774 thereof to have been committed or omitted without his knowledge or
775 consent; if the confiscating authority has reason to believe that
776 the conveyance is a leased or rented conveyance, then the
777 confiscating authority shall notify the owner of the conveyance
778 within five (5) days of the confiscation; and

779 (iii) A forfeiture of a conveyance encumbered by a
780 bona fide security interest is subject to the interest of the
781 secured party if he neither had knowledge of nor consented to the
782 act or omission;

783 (e) All money, deadly weapons, books, records and
784 research products and materials, including formulas, microfilm,
785 tapes and data which are used, or intended for use, in violation
786 of this chapter or Chapter 31 of Title 97, Mississippi Code of
787 1972.

788 (3) Property subject to forfeiture may be seized by the
789 Alcoholic Beverage Control Division and its agents, local law
790 enforcement officers, Mississippi Highway Patrol officers and
791 other law enforcement personnel charged by Section 67-1-91, with
792 enforcing the provisions of this chapter upon process issued by
793 any appropriate court having jurisdiction over the property.
794 Seizure without process may be made if:



795 (a) The seizure is incident to an arrest or a search
796 under a search warrant or an administrative inspection under
797 Section 67-1-37(k);

798 (b) The property subject to seizure has been the
799 subject of a prior judgment in favor of the state in a criminal
800 injunction or forfeiture proceeding based upon this chapter or
801 Chapter 31 of Article 97, Mississippi Code of 1972; or

802 (c) The Alcoholic Beverage Control Division of the
803 State Tax Commission and other law enforcement personnel described
804 in this subsection have probable cause to believe that the
805 property was used or is intended to be used in violation of this
806 chapter or Chapter 31 of Article 97, Mississippi Code of 1972.

807 (4) Alcoholic beverages and raw materials seized or detained
808 under the authority of this chapter or Chapter 31 of Title 97,
809 Mississippi Code of 1972, is deemed to be in the custody of the
810 agent or agency so seizing the property and subject only to the
811 orders and decrees of the court having jurisdiction over the
812 property. When such property is seized it may be retained as
813 evidence until final disposition of the cause in which such
814 property is involved, and then the agent or agency so seizing the
815 property shall physically transfer such alcoholic beverage or raw
816 material to the Director of the Alcoholic Beverage Control
817 Division of the State Tax Commission together with an appropriate
818 inventory of the items seized. Alcoholic beverages and raw
819 materials seized or detained under the authority of this section



820 shall be disposed of in accordance with the provisions of Section
821 67-1-18.

822 (5) Any property other than alcoholic beverages and raw
823 materials seized or detained pursuant to this chapter or Chapter
824 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in
825 the custody of the agent or agency so seizing the property and
826 subject only to the orders and decrees of the court having
827 jurisdiction over the property. When such property is seized it
828 may be retained as evidence until the final disposition of the
829 cause in which such property is involved. Property seized or
830 detained other than alcoholic beverages or raw materials shall be
831 disposed of in accordance with the provisions of Sections 67-1-93,
832 67-1-95 and 67-1-97.

833 **SECTION 11.** Section 67-1-37, Mississippi Code of 1972, is
834 brought forward as follows:

835 67-1-37. (1) The Department of Revenue, under its duties
836 and powers with respect to the Alcoholic Beverage Control Division
837 therein, shall have the following powers, functions and duties:

838 (a) To issue or refuse to issue any permit provided for
839 by this chapter, or to extend the permit or remit in whole or any
840 part of the permit monies when the permit cannot be used due to a
841 natural disaster or act of God.

842 (b) To revoke, suspend or cancel, for violation of or
843 noncompliance with the provisions of this chapter, or the law
844 governing the production and sale of native wines, or any lawful



845 rules and regulations of the department issued hereunder, or for
846 other sufficient cause, any permit issued by it under the
847 provisions of this chapter. The department shall also be
848 authorized to suspend the permit of any permit holder for being
849 out of compliance with an order for support, as defined in Section
850 93-11-153. The procedure for suspension of a permit for being out
851 of compliance with an order for support, and the procedure for the
852 reissuance or reinstatement of a permit suspended for that
853 purpose, and the payment of any fees for the reissuance or
854 reinstatement of a permit suspended for that purpose, shall be
855 governed by Section 93-11-157 or Section 93-11-163, as the case
856 may be. If there is any conflict between any provision of Section
857 93-11-157 or Section 93-11-163 and any provision of this chapter,
858 the provisions of Section 93-11-157 or Section 93-11-163, as the
859 case may be, shall control.

860 (c) To prescribe forms of permits and applications for
861 permits and of all reports which it deems necessary in
862 administering this chapter.

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

867 (e) To issue rules regulating the advertising of
868 alcoholic beverages in the state in any class of media and
869 permitting advertising of the retail price of alcoholic beverages.



870 (f) To issue reasonable rules and regulations, not
871 inconsistent with the federal laws or regulations, requiring
872 informative labeling of all alcoholic beverages offered for sale
873 within this state and providing for the standards of fill and
874 shapes of retail containers of alcoholic beverages; however, such
875 containers shall not contain less than fifty (50) milliliters by
876 liquid measure.

877 (g) Subject to the provisions of subsection (3) of
878 Section 67-1-51, to issue rules and regulations governing the
879 issuance of retail permits for premises located near or around
880 schools, colleges, universities, churches and other public
881 institutions, and specifying the distances therefrom within which
882 no such permit shall be issued. The Alcoholic Beverage Control
883 Division shall not issue a package retailer's or on-premises
884 retailer's permit for the sale or consumption of alcoholic
885 beverages in or on the campus of any public school, community or
886 junior college, college or university.

887 (h) To adopt and promulgate, repeal and amend, such
888 rules, regulations, standards, requirements and orders, not
889 inconsistent with this chapter or any law of this state or of the
890 United States, as it deems necessary to control the manufacture,
891 importation, transportation, distribution and sale of alcoholic
892 liquor, whether intended for beverage or nonbeverage use in a
893 manner not inconsistent with the provisions of this chapter or any
894 other statute, including the native wine laws.



895 (i) To call upon other administrative departments of
896 the state, county and municipal governments, county and city
897 police departments and upon prosecuting officers for such
898 information and assistance as it may deem necessary in the
899 performance of its duties.

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

906 (k) To inspect, or cause to be inspected, any premises
907 where alcoholic liquors intended for sale are manufactured,
908 stored, distributed or sold, and to examine or cause to be
909 examined all books and records pertaining to the business
910 conducted therein.

911 (l) To investigate the administration of laws in
912 relation to alcoholic liquors in this and other states and any
913 foreign countries, and to recommend from time to time to the
914 Governor and through him to the Legislature of this state such
915 amendments to this chapter, if any, as it may think desirable.

916 (m) To designate hours and days when alcoholic
917 beverages may be sold in different localities in the state which
918 permit such sale.



919 (n) To assign employees to posts of duty at locations
920 where they will be most beneficial for the control of alcoholic
921 beverages and to take any other action concerning persons employed
922 under this chapter as authorized by law and taken in accordance
923 with the rules, regulations and procedures of the State Personnel
924 Board.

925 (o) To enforce the provisions made unlawful by Chapter
926 3, Title 67 and Section 97-5-49.

927 (p) To delegate its authority under this chapter to the
928 Alcoholic Beverage Control Division, its director or any other
929 officer or employee of the department that it deems appropriate.

930 (2) No alcoholic beverage shall be sold or consumed at any
931 public athletic event at any public school, community or junior
932 college, college or university.

933 **SECTION 12.** Section 67-1-41, Mississippi Code of 1972, is
934 brought forward as follows:

935 67-1-41. (1) The State Tax Commission is hereby created a
936 wholesale distributor and seller of alcoholic beverages, not
937 including malt liquors, within the State of Mississippi. It is
938 granted the sole right to import and sell intoxicating liquors at
939 wholesale within the state, and no person who is granted the right
940 to sell, distribute or receive intoxicating liquors at retail
941 shall purchase any intoxicating liquors from any source other than
942 the commission except as authorized in subsections (4) and (9).
943 The commission may establish warehouses, purchase intoxicating



944 liquors in such quantities and from such sources as it may deem
945 desirable and sell the intoxicating liquors to authorized
946 permittees within the state including, at the discretion of the
947 commission, any retail distributors operating within any military
948 post or qualified resort areas within the boundaries of the state,
949 keeping a correct and accurate record of all such transactions and
950 exercising such control over the distribution of alcoholic
951 beverages as seem right and proper in keeping with the provisions
952 or purposes of this chapter.

953 (2) No person for the purpose of sale shall manufacture,
954 distill, brew, sell, possess, export, transport, distribute,
955 warehouse, store, solicit, take orders for, bottle, rectify,
956 blend, treat, mix or process any alcoholic beverage except in
957 accordance with authority granted under this chapter, or as
958 otherwise provided by law for native wines.

959 (3) No alcoholic beverage intended for sale or resale shall
960 be imported, shipped or brought into this state for delivery to
961 any person other than as provided in this chapter, or as otherwise
962 provided by law for native wines.

963 (4) The commission may promulgate rules and regulations
964 which authorize on-premises retailers to purchase limited amounts
965 of alcoholic beverages from package retailers and for package
966 retailers to purchase limited amounts of alcoholic beverages from
967 other package retailers. The commission shall develop and provide
968 forms to be completed by the on-premises retailers and the package



969 retailers verifying the transaction. The completed forms shall be
970 forwarded to the commission within a period of time prescribed by
971 the commission.

972 (5) The commission may promulgate rules which authorize the
973 holder of a package retailer's permit to permit individual retail
974 purchasers of packages of alcoholic beverages to return, for
975 exchange, credit or refund, limited amounts of original sealed and
976 unopened packages of alcoholic beverages purchased by the
977 individual from the package retailer.

978 (6) The commission shall maintain all forms to be completed
979 by applicants necessary for licensure by the commission at all
980 district offices of the commission.

981 (7) The commission may promulgate rules which authorize the
982 manufacturer of an alcoholic beverage or wine to import, transport
983 and furnish or give a sample of alcoholic beverages or wines to
984 the holders of package retailer's permits, on-premises retailer's
985 permits, native wine retailer's permits and temporary retailer's
986 permits who have not previously purchased the brand of that
987 manufacturer from the commission. For each holder of the
988 designated permits, the manufacturer may furnish not more than
989 five hundred (500) milliliters of any brand of alcoholic beverage
990 and not more than three (3) liters of any brand of wine.

991 (8) The commission may promulgate rules disallowing open
992 product sampling of alcoholic beverages or wines by the holders of
993 package retailer's permits and permitting open product sampling of



994 alcoholic beverages by the holders of on-premises retailer's
995 permits. Permitted sample products shall be plainly identified
996 "sample" and the actual sampling must occur in the presence of the
997 manufacturer's representatives during the legal operating hours of
998 on-premises retailers.

999 (9) The commission may promulgate rules and regulations that
1000 authorize the holder of a research permit to import and purchase
1001 limited amounts of alcoholic beverages from importers, wineries
1002 and distillers of alcoholic beverages or from the commission. The
1003 commission shall develop and provide forms to be completed by the
1004 research permittee verifying each transaction. The completed
1005 forms shall be forwarded to the commission within a period of time
1006 prescribed by the commission. The records and inventory of
1007 alcoholic beverages shall be open to inspection at any time by the
1008 Director of the Alcoholic Beverage Control Division or any duly
1009 authorized agent.

1010 **SECTION 13.** Section 67-1-51, Mississippi Code of 1972, is
1011 brought forward as follows:

1012 67-1-51. (1) Permits which may be issued by the department
1013 shall be as follows:

1014 (a) **Manufacturer's permit.** A manufacturer's permit
1015 shall permit the manufacture, importation in bulk, bottling and
1016 storage of alcoholic liquor and its distribution and sale to
1017 manufacturers holding permits under this chapter in this state and



1018 to persons outside the state who are authorized by law to purchase
1019 the same, and to sell exclusively to the department.

1020 Manufacturer's permits shall be of the following classes:

1021 Class 1. Distiller's and/or rectifier's permit, which shall
1022 authorize the holder thereof to operate a distillery for the
1023 production of distilled spirits by distillation or redistillation
1024 and/or to operate a rectifying plant for the purifying, refining,
1025 mixing, blending, flavoring or reducing in proof of distilled
1026 spirits and alcohol.

1027 Class 2. Wine manufacturer's permit, which shall authorize
1028 the holder thereof to manufacture, import in bulk, bottle and
1029 store wine or vinous liquor.

1030 Class 3. Native wine producer's permit, which shall
1031 authorize the holder thereof to produce, bottle, store and sell
1032 native wines.

1033 (b) **Package retailer's permit.** Except as otherwise
1034 provided in this paragraph and Section 67-1-52, a package
1035 retailer's permit shall authorize the holder thereof to operate a
1036 store exclusively for the sale at retail in original sealed and
1037 unopened packages of alcoholic beverages, including native wines,
1038 not to be consumed on the premises where sold. Alcoholic
1039 beverages shall not be sold by any retailer in any package or
1040 container containing less than fifty (50) milliliters by liquid
1041 measure. A package retailer's permit, with prior approval from
1042 the department, shall authorize the holder thereof to sample new



1043 product furnished by a manufacturer's representative or his
1044 employees at the permitted place of business so long as the
1045 sampling otherwise complies with this chapter and applicable
1046 department regulations. Such samples may not be provided to
1047 customers at the permitted place of business. In addition to the
1048 sale at retail of packages of alcoholic beverages, the holder of a
1049 package retailer's permit is authorized to sell at retail
1050 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
1051 other beverages commonly used to mix with alcoholic beverages.
1052 Nonalcoholic beverages sold by the holder of a package retailer's
1053 permit shall not be consumed on the premises where sold.

1054 (c) **On-premises retailer's permit.** Except as otherwise
1055 provided in subsection (5) of this section, an on-premises
1056 retailer's permit shall authorize the sale of alcoholic beverages,
1057 including native wines, for consumption on the licensed premises
1058 only; however, a patron of the permit holder may remove one (1)
1059 bottle of wine from the licensed premises if: (i) the patron
1060 consumed a portion of the bottle of wine in the course of
1061 consuming a meal purchased on the licensed premises; (ii) the
1062 permit holder securely reseals the bottle; (iii) the bottle is
1063 placed in a bag that is secured in a manner so that it will be
1064 visibly apparent if the bag is opened; and (iv) a dated receipt
1065 for the wine and the meal is available. Such a permit shall be
1066 issued only to qualified hotels, restaurants and clubs, and to
1067 common carriers with adequate facilities for serving passengers.



1068 In resort areas, whether inside or outside of a municipality, the
1069 department, in its discretion, may issue on-premises retailer's
1070 permits to such establishments as it deems proper. An on-premises
1071 retailer's permit when issued to a common carrier shall authorize
1072 the sale and serving of alcoholic beverages aboard any licensed
1073 vehicle while moving through any county of the state; however, the
1074 sale of such alcoholic beverages shall not be permitted while such
1075 vehicle is stopped in a county that has not legalized such sales.

1076 (d) **Solicitor's permit.** A solicitor's permit shall
1077 authorize the holder thereof to act as salesman for a manufacturer
1078 or wholesaler holding a proper permit, to solicit on behalf of his
1079 employer orders for alcoholic beverages, and to otherwise promote
1080 his employer's products in a legitimate manner. Such a permit
1081 shall authorize the representation of and employment by one (1)
1082 principal only. However, the permittee may also, in the
1083 discretion of the department, be issued additional permits to
1084 represent other principals. No such permittee shall buy or sell
1085 alcoholic beverages for his own account, and no such beverage
1086 shall be brought into this state in pursuance of the exercise of
1087 such permit otherwise than through a permit issued to a wholesaler
1088 or manufacturer in the state.

1089 (e) **Native wine retailer's permit.** Except as otherwise
1090 provided in subsection (5) of this section, a native wine
1091 retailer's permit shall be issued only to a holder of a Class 3
1092 manufacturer's permit, and shall authorize the holder thereof to



1093 make retail sales of native wines to consumers for on-premises
1094 consumption or to consumers in originally sealed and unopened
1095 containers at an establishment located on the premises of or in
1096 the immediate vicinity of a native winery.

1097 (f) **Temporary retailer's permit.** Except as otherwise
1098 provided in subsection (5) of this section, a temporary retailer's
1099 permit shall permit the purchase and resale of alcoholic
1100 beverages, including native wines, during legal hours on the
1101 premises described in the temporary permit only.

1102 Temporary retailer's permits shall be of the following
1103 classes:

1104 Class 1. A temporary one-day permit may be issued to bona
1105 fide nonprofit civic or charitable organizations authorizing the
1106 sale of alcoholic beverages, including native wine, for
1107 consumption on the premises described in the temporary permit
1108 only. Class 1 permits may be issued only to applicants
1109 demonstrating to the department, by a statement signed under
1110 penalty of perjury submitted ten (10) days prior to the proposed
1111 date or such other time as the department may determine, that they
1112 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1113 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1114 Class 1 permittees shall obtain all alcoholic beverages from
1115 package retailers located in the county in which the temporary
1116 permit is issued. Alcoholic beverages remaining in stock upon
1117 expiration of the temporary permit may be returned by the



1118 permittee to the package retailer for a refund of the purchase
1119 price upon consent of the package retailer or may be kept by the
1120 permittee exclusively for personal use and consumption, subject to
1121 all laws pertaining to the illegal sale and possession of
1122 alcoholic beverages. The department, following review of the
1123 statement provided by the applicant and the requirements of the
1124 applicable statutes and regulations, may issue the permit.

1125 Class 2. A temporary permit, not to exceed seventy (70)
1126 days, may be issued to prospective permittees seeking to transfer
1127 a permit authorized in paragraph (c) of this subsection. A Class
1128 2 permit may be issued only to applicants demonstrating to the
1129 department, by a statement signed under the penalty of perjury,
1130 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1131 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1132 67-1-59. The department, following a preliminary review of the
1133 statement provided by the applicant and the requirements of the
1134 applicable statutes and regulations, may issue the permit.

1135 Class 2 temporary permittees must purchase their alcoholic
1136 beverages directly from the department or, with approval of the
1137 department, purchase the remaining stock of the previous
1138 permittee. If the proposed applicant of a Class 1 or Class 2
1139 temporary permit falsifies information contained in the
1140 application or statement, the applicant shall never again be
1141 eligible for a retail alcohol beverage permit and shall be subject
1142 to prosecution for perjury.



1143 Class 3. A temporary one-day permit may be issued to a
1144 retail establishment authorizing the complimentary distribution of
1145 wine, including native wine, to patrons of the retail
1146 establishment at an open house or promotional event, for
1147 consumption only on the premises described in the temporary
1148 permit. A Class 3 permit may be issued only to an applicant
1149 demonstrating to the department, by a statement signed under
1150 penalty of perjury submitted ten (10) days before the proposed
1151 date or such other time as the department may determine, that it
1152 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1153 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1154 A Class 3 permit holder shall obtain all alcoholic beverages from
1155 the holder(s) of a package retailer's permit located in the county
1156 in which the temporary permit is issued. Wine remaining in stock
1157 upon expiration of the temporary permit may be returned by the
1158 Class 3 temporary permit holder to the package retailer for a
1159 refund of the purchase price, with consent of the package
1160 retailer, or may be kept by the Class 3 temporary permit holder
1161 exclusively for personal use and consumption, subject to all laws
1162 pertaining to the illegal sale and possession of alcoholic
1163 beverages. The department, following review of the statement
1164 provided by the applicant and the requirements of the applicable
1165 statutes and regulations, may issue the permit. No retailer may
1166 receive more than twelve (12) Class 3 temporary permits in a
1167 calendar year. A Class 3 temporary permit shall not be issued to



1168 a retail establishment that either holds a merchant permit issued
1169 under paragraph (1) of this subsection, or holds a permit issued
1170 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1171 the holder to engage in the business of a retailer of light wine
1172 or beer.

1173 (g) **Caterer's permit.** A caterer's permit shall permit
1174 the purchase of alcoholic beverages by a person engaging in
1175 business as a caterer and the resale of alcoholic beverages by
1176 such person in conjunction with such catering business. No person
1177 shall qualify as a caterer unless forty percent (40%) or more of
1178 the revenue derived from such catering business shall be from the
1179 serving of prepared food and not from the sale of alcoholic
1180 beverages and unless such person has obtained a permit for such
1181 business from the Department of Health. A caterer's permit shall
1182 not authorize the sale of alcoholic beverages on the premises of
1183 the person engaging in business as a caterer; however, the holder
1184 of an on-premises retailer's permit may hold a caterer's permit.
1185 When the holder of an on-premises retailer's permit or an
1186 affiliated entity of the holder also holds a caterer's permit, the
1187 caterer's permit shall not authorize the service of alcoholic
1188 beverages on a consistent, recurring basis at a separate, fixed
1189 location owned or operated by the caterer, on-premises retailer or
1190 affiliated entity and an on-premises retailer's permit shall be
1191 required for the separate location. All sales of alcoholic
1192 beverages by holders of a caterer's permit shall be made at the



1193 location being catered by the caterer, and, except as otherwise
1194 provided in subsection (5) of this section, such sales may be made
1195 only for consumption at the catered location. The location being
1196 catered may be anywhere within a county or judicial district that
1197 has voted to come out from under the dry laws or in which the
1198 sale, distribution and possession of alcoholic beverages is
1199 otherwise authorized by law. Such sales shall be made pursuant to
1200 any other conditions and restrictions which apply to sales made by
1201 on-premises retail permittees. The holder of a caterer's permit
1202 or his employees shall remain at the catered location as long as
1203 alcoholic beverages are being sold pursuant to the permit issued
1204 under this paragraph (g), and the permittee shall have at the
1205 location the identification card issued by the Alcoholic Beverage
1206 Control Division of the department. No unsold alcoholic beverages
1207 may be left at the catered location by the permittee upon the
1208 conclusion of his business at that location. Appropriate law
1209 enforcement officers and Alcoholic Beverage Control Division
1210 personnel may enter a catered location on private property in
1211 order to enforce laws governing the sale or serving of alcoholic
1212 beverages.

1213 (h) **Research permit.** A research permit shall authorize
1214 the holder thereof to operate a research facility for the
1215 professional research of alcoholic beverages. Such permit shall
1216 authorize the holder of the permit to import and purchase limited
1217 amounts of alcoholic beverages from the department or from



1218 importers, wineries and distillers of alcoholic beverages for
1219 professional research.

1220 (i) **Alcohol processing permit.** An alcohol processing
1221 permit shall authorize the holder thereof to purchase, transport
1222 and possess alcoholic beverages for the exclusive use in cooking,
1223 processing or manufacturing products which contain alcoholic
1224 beverages as an integral ingredient. An alcohol processing permit
1225 shall not authorize the sale of alcoholic beverages on the
1226 premises of the person engaging in the business of cooking,
1227 processing or manufacturing products which contain alcoholic
1228 beverages. The amounts of alcoholic beverages allowed under an
1229 alcohol processing permit shall be set by the department.

1230 (j) **Hospitality cart permit.** A hospitality cart permit
1231 shall authorize the sale of alcoholic beverages from a mobile cart
1232 on a golf course that is the holder of an on-premises retailer's
1233 permit. The alcoholic beverages sold from the cart must be
1234 consumed within the boundaries of the golf course.

1235 (k) **Special service permit.** A special service permit
1236 shall authorize the holder to sell commercially sealed alcoholic
1237 beverages to the operator of a commercial or private aircraft for
1238 en route consumption only by passengers. A special service permit
1239 shall be issued only to a fixed-base operator who contracts with
1240 an airport facility to provide fueling and other associated
1241 services to commercial and private aircraft.



1242 (1) **Merchant permit.** Except as otherwise provided in
1243 subsection (5) of this section, a merchant permit shall be issued
1244 only to the owner of a spa facility, an art studio or gallery, or
1245 a cooking school, and shall authorize the holder to serve
1246 complimentary by the glass wine only, including native wine, at
1247 the holder's spa facility, art studio or gallery, or cooking
1248 school. A merchant permit holder shall obtain all wine from the
1249 holder of a package retailer's permit.

1250 (m) **Temporary wine charitable auction permit.** A
1251 temporary permit, not to exceed five (5) days, may be issued to a
1252 qualifying charitable nonprofit organization that is exempt from
1253 taxation under Section 501(c) (3) or (4) of the Internal Revenue
1254 Code of 1986. The permit shall authorize the holder to sell wine
1255 for the limited purpose of raising funds for the organization
1256 during a live or silent auction that is conducted by the
1257 organization and that meets the following requirements: (i) the
1258 auction is conducted in an area of the state where the sale of
1259 wine is authorized; (ii) if the auction is conducted on the
1260 premises of an on-premises retailer's permit holder, then the wine
1261 to be auctioned must be stored separately from the wine sold,
1262 stored or served on the premises, must be removed from the
1263 premises immediately following the auction, and may not be
1264 consumed on the premises; (iii) the permit holder may not conduct
1265 more than two (2) auctions during a calendar year; (iv) the permit



1266 holder may not pay a commission or promotional fee to any person
1267 to arrange or conduct the auction.

1268 (n) **Event venue retailer's permit.** An event venue
1269 retailer's permit shall authorize the holder thereof to purchase
1270 and resell alcoholic beverages, including native wines, for
1271 consumption on the premises during legal hours during events held
1272 on the licensed premises if food is being served at the event by a
1273 caterer who is not affiliated with or related to the permittee.
1274 The caterer must serve at least three (3) entrees. The permit may
1275 only be issued for venues that can accommodate two hundred (200)
1276 persons or more. The number of persons a venue may accommodate
1277 shall be determined by the local fire department and such
1278 determination shall be provided in writing and submitted along
1279 with all other documents required to be provided for an
1280 on-premises retailer's permit. The permittee must derive the
1281 majority of its revenue from event-related fees, including, but
1282 not limited to, admission fees or ticket sales for live
1283 entertainment in the building. "Event-related fees" do not
1284 include alcohol, beer or light wine sales or any fee which may be
1285 construed to cover the cost of alcohol, beer or light wine. This
1286 determination shall be made on a per event basis. An event may
1287 not last longer than two (2) consecutive days per week.

1288 (o) **Temporary theatre permit.** A temporary theatre
1289 permit, not to exceed five (5) days, may be issued to a charitable
1290 nonprofit organization that is exempt from taxation under Section



1291 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
1292 a theatre facility that features plays and other theatrical
1293 performances and productions. Except as otherwise provided in
1294 subsection (5) of this section, the permit shall authorize the
1295 holder to sell alcoholic beverages, including native wines, to
1296 patrons of the theatre during performances and productions at the
1297 theatre facility for consumption during such performances and
1298 productions on the premises of the facility described in the
1299 permit. A temporary theatre permit holder shall obtain all
1300 alcoholic beverages from package retailers located in the county
1301 in which the permit is issued. Alcoholic beverages remaining in
1302 stock upon expiration of the temporary theatre permit may be
1303 returned by the permittee to the package retailer for a refund of
1304 the purchase price upon consent of the package retailer or may be
1305 kept by the permittee exclusively for personal use and
1306 consumption, subject to all laws pertaining to the illegal sale
1307 and possession of alcoholic beverages.

1308 (p) **Charter ship operator's permit.** Subject to the
1309 provisions of this paragraph (p), a charter ship operator's permit
1310 shall authorize the holder thereof and its employees to serve,
1311 monitor, store and otherwise control the serving and availability
1312 of alcoholic beverages to customers of the permit holder during
1313 private charters under contract provided by the permit holder. A
1314 charter ship operator's permit shall authorize such action by the
1315 permit holder and its employees only as to alcoholic beverages



1316 brought onto the permit holder's ship by customers of the permit
1317 holder as part of such a private charter. All such alcoholic
1318 beverages must be removed from the charter ship at the conclusion
1319 of each private charter. A charter ship operator's permit shall
1320 not authorize the permit holder to sell, charge for or otherwise
1321 supply alcoholic beverages to customers, except as authorized in
1322 this paragraph (p). For the purposes of this paragraph (p),
1323 "charter ship operator" means a common carrier that (i) is
1324 certified to carry at least one hundred fifty (150) passengers
1325 and/or provide overnight accommodations for at least fifty (50)
1326 passengers, (ii) operates only in the waters within the State of
1327 Mississippi, which lie adjacent to the State of Mississippi south
1328 of the three (3) most southern counties in the State of
1329 Mississippi, and (iii) provides charters under contract for tours
1330 and trips in such waters.

1331 (2) Except as otherwise provided in subsection (4) of this
1332 section, retail permittees may hold more than one (1) retail
1333 permit, at the discretion of the department.

1334 (3) Except as otherwise provided in this subsection, no
1335 authority shall be granted to any person to manufacture, sell or
1336 store for sale any intoxicating liquor as specified in this
1337 chapter within four hundred (400) feet of any church, school,
1338 kindergarten or funeral home. However, within an area zoned
1339 commercial or business, such minimum distance shall be not less
1340 than one hundred (100) feet.



1341 A church or funeral home may waive the distance restrictions
1342 imposed in this subsection in favor of allowing issuance by the
1343 department of a permit, pursuant to subsection (1) of this
1344 section, to authorize activity relating to the manufacturing, sale
1345 or storage of alcoholic beverages which would otherwise be
1346 prohibited under the minimum distance criterion. Such waiver
1347 shall be in written form from the owner, the governing body, or
1348 the appropriate officer of the church or funeral home having the
1349 authority to execute such a waiver, and the waiver shall be filed
1350 with and verified by the department before becoming effective.

1351 The distance restrictions imposed in this subsection shall
1352 not apply to the sale or storage of alcoholic beverages at a bed
1353 and breakfast inn listed in the National Register of Historic
1354 Places or to the sale or storage of alcoholic beverages in a
1355 historic district that is listed in the National Register of
1356 Historic Places, is a qualified resort area and is located in a
1357 municipality having a population greater than one hundred thousand
1358 (100,000) according to the latest federal decennial census.

1359 (4) No person, either individually or as a member of a firm,
1360 partnership, limited liability company or association, or as a
1361 stockholder, officer or director in a corporation, shall own or
1362 control any interest in more than one (1) package retailer's
1363 permit, nor shall such person's spouse, if living in the same
1364 household of such person, any relative of such person, if living
1365 in the same household of such person, or any other person living



1366 in the same household with such person own any interest in any
1367 other package retailer's permit.

1368 (5) (a) In addition to any other authority granted under
1369 this section, the holder of a permit issued under subsection
1370 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1371 sell or otherwise provide alcoholic beverages and/or wine to a
1372 patron of the permit holder in the manner authorized in the permit
1373 and the patron may remove an open glass, cup or other container of
1374 the alcoholic beverage and/or wine from the licensed premises and
1375 may possess and consume the alcoholic beverage or wine outside of
1376 the licensed premises if: (i) the licensed premises is located
1377 within a leisure and recreation district created under Section
1378 67-1-101 and (ii) the patron remains within the boundaries of the
1379 leisure and recreation district while in possession of the
1380 alcoholic beverage or wine.

1381 (b) Nothing in this subsection shall be construed to
1382 allow a person to bring any alcoholic beverages into a permitted
1383 premises except to the extent otherwise authorized by this
1384 chapter.

1385 **SECTION 14.** Section 67-1-57, Mississippi Code of 1972, is
1386 brought forward as follows:

1387 67-1-57. Before a permit is issued the department shall
1388 satisfy itself:

1389 (a) That the applicant, if an individual, or if a
1390 partnership, each of the members of the partnership, or if a



1391 corporation, each of its principal officers and directors, or if a
1392 limited liability company, each member of the limited liability
1393 company, is of good moral character and, in addition, enjoys a
1394 reputation of being a peaceable, law-abiding citizen of the
1395 community in which he resides, and is generally fit for the trust
1396 to be reposed in him, is not less than twenty-one (21) years of
1397 age, and has not been convicted of a felony in any state or
1398 federal court.

1399 (b) That, except in the case of an application for a
1400 solicitor's permit, the applicant is the true and actual owner of
1401 the business for which the permit is desired, and that he intends
1402 to carry on the business authorized for himself and not as the
1403 agent of any other person, and that he intends to superintend in
1404 person the management of the business or that he will designate a
1405 manager to manage the business for him. All managers must be
1406 approved by the department prior to completing any managerial
1407 tasks on behalf of the permittee and must possess all of the
1408 qualifications required of a permittee; however, a felony
1409 conviction, other than a crime of violence, does not automatically
1410 disqualify a person from being approved as a manager if the person
1411 was released from incarceration at least three (3) years prior to
1412 application for approval as a manager. A felony conviction, other
1413 than a crime of violence, may be considered by the department in
1414 determining whether all other qualifications are met.



1415 (c) That the applicant for a package retailer's permit,
1416 if an individual, is a resident of the State of Mississippi. If
1417 the applicant is a partnership, each member of the partnership
1418 must be a resident of the state. If the applicant is a limited
1419 liability company, each member of the limited liability company
1420 must be a resident of the state. If the applicant is a
1421 corporation, the designated manager of the corporation must be a
1422 resident of the state.

1423 (d) That the place for which the permit is to be issued
1424 is an appropriate one considering the character of the premises
1425 and the surrounding neighborhood.

1426 (e) That the place for which the permit is to be issued
1427 is within the corporate limits of an incorporated municipality or
1428 qualified resort area or club which comes within the provisions of
1429 this chapter.

1430 (f) That the applicant is not indebted to the state for
1431 any taxes, fees or payment of penalties imposed by any law of the
1432 State of Mississippi or by any rule or regulation of the
1433 commission.

1434 (g) That the applicant is not in the habit of using
1435 alcoholic beverages to excess and is not physically or mentally
1436 incapacitated, and that the applicant has the ability to read and
1437 write the English language.

1438 (h) That the commission does not believe and has no
1439 reason to believe that the applicant will sell or knowingly permit



1440 any agent, servant or employee to unlawfully sell liquor in a dry
1441 area or in any other manner contrary to law.

1442 (i) That the applicant is not residentially domiciled
1443 with any person whose permit or license has been cancelled for
1444 cause within the twelve (12) months next preceding the date of the
1445 present application for a permit.

1446 (j) That the commission has not, in the exercise of its
1447 discretion which is reserved and preserved to it, refused to grant
1448 permits under the restrictions of this section, as well as under
1449 any other pertinent provision of this chapter.

1450 (k) That there are not sufficient legal reasons to deny
1451 a permit on the ground that the premises for which the permit is
1452 sought has previously been operated, used or frequented for any
1453 purpose or in any manner that is lewd, immoral or offensive to
1454 public decency. In the granting or withholding of any permit to
1455 sell alcoholic beverages at retail, the commission in forming its
1456 conclusions may give consideration to any recommendations made in
1457 writing by the district or county attorney or county, circuit or
1458 chancery judge of the county, or the sheriff of the county, or the
1459 mayor or chief of police of an incorporated city or town wherein
1460 the applicant proposes to conduct his business and to any
1461 recommendations made by representatives of the commission.

1462 (l) That the applicant and the applicant's key
1463 employees, as determined by the commission, do not have a
1464 disqualifying criminal record. In order to obtain a criminal



1465 record history check, the applicant shall submit to the commission
1466 a set of fingerprints from any local law enforcement agency for
1467 each person for whom the records check is required. The
1468 commission shall forward the fingerprints to the Mississippi
1469 Department of Public Safety. If no disqualifying record is
1470 identified at the state level, the Department of Public Safety
1471 shall forward the fingerprints to the Federal Bureau of
1472 Investigation for a national criminal history record check. Costs
1473 for processing the set or sets of fingerprints shall be borne by
1474 the applicant. The commission shall not deny employment to an
1475 employee of the applicant prior to the identification of a
1476 disqualifying record or other disqualifying information.

1477 **SECTION 15.** Section 67-1-65, Mississippi Code of 1972, is
1478 brought forward as follows:

1479 67-1-65. In any county having heretofore voted, or which
1480 hereafter votes, to come out from under the prohibition law, in
1481 which there is not located an incorporated municipality within
1482 such county, the State Tax Commission may issue package retailer's
1483 permits in such county.

1484 **SECTION 16.** Section 67-1-72, Mississippi Code of 1972, is
1485 brought forward as follows:

1486 67-1-72. (1) Except as otherwise provided in this chapter,
1487 any applicant or holder of a permit issued under this chapter
1488 which is aggrieved by an action of the Department of Revenue to
1489 deny his application for a permit, to deny the renewal of his



1490 permit or to revoke or suspend his permit shall be allowed to
1491 appeal to the Board of Tax Appeals from this action. This appeal
1492 is to be filed by the aggrieved person with the Executive Director
1493 of the Board of Tax Appeals, with a copy being sent to the
1494 Department of Revenue, within fifteen (15) days from the date that
1495 person received notice of the action of the department being
1496 aggrieved. If the person aggrieved fails to appeal within this
1497 fifteen-day period, the action of the Department of Revenue shall
1498 take effect as set out in the notice. The Department of Revenue
1499 retains the authority to change at any time the action aggrieved
1500 to in an appeal under this subsection. The applicant or holder of
1501 any permit issued under this chapter may waive his right to notice
1502 and opportunity to a hearing as provided by this subsection and
1503 agree to the action being taken by the department. The inability
1504 of the Department of Revenue to issue or renew a permit due to an
1505 incomplete application or due to the failure of the applicant to
1506 pay the annual privilege taxes and fees provided by Section
1507 27-71-5 and/or the failure of the applicant to post or deposit the
1508 bond, cash or securities as required by Section 27-71-21 shall not
1509 constitute a denial for purposes of this subsection.

1510 (2) Any applicant for approval as a manager of an
1511 establishment operating under a permit issued under this chapter
1512 or who holds the designation of an approved manager of an
1513 establishment operating under a permit issued under this chapter
1514 and who is aggrieved by an action of the Department of Revenue to



1515 deny his application for approval as a manager or to revoke or
1516 suspend his designation as an approved manager shall be allowed to
1517 appeal to the Board of Tax Appeals from this action. This appeal
1518 is to be filed by the aggrieved person with the Executive Director
1519 of the Board of Tax Appeals, with a copy being sent to the
1520 Department of Revenue, within fifteen (15) days from the date that
1521 person received notice of the action of the department being
1522 aggrieved. If the person aggrieved fails to appeal within this
1523 fifteen-day period, the action of the Department of Revenue shall
1524 take effect as set out in the notice. The Department of Revenue
1525 retains the authority to change at any time the action aggrieved
1526 to in an appeal under this subsection. The applicant or holder of
1527 an approved manager designation may waive his right to notice and
1528 opportunity to a hearing as provided by this subsection and agree
1529 to the action being taken by the department. The inability of the
1530 Department of Revenue to consider an application for approval of
1531 an applicant as a manager due to an incomplete application shall
1532 not constitute a denial of the application for purposes of this
1533 subsection.

1534 (3) Any applicant for approval of an area or locality as a
1535 qualified resort area under this chapter who is aggrieved by the
1536 decision of the Department of Revenue to deny the qualified resort
1537 area as requested and any county or municipality wherein the
1538 proposed qualified resort area is located may appeal to the Board
1539 of Tax Appeals from such decision. This appeal is to be filed by



1540 the aggrieved applicant or by the affected county or municipality
1541 with the Executive Director of the Board of Tax Appeals, with a
1542 copy being sent to the Department of Revenue, within fifteen (15)
1543 days from the date that the person or entity filing the appeal
1544 received notice of the decision of the Department of Revenue to
1545 deny the qualified resort area. If an appeal is not filed within
1546 this fifteen-day period, the decision of the Department of Revenue
1547 shall become final. The Department of Revenue retains the
1548 authority to change at any time the decision aggrieved to in an
1549 appeal under this subsection. The inability of the Department of
1550 Revenue to consider an application for the approval of an area or
1551 locality as a qualified resort area due to an incomplete
1552 application shall not constitute a denial of that application for
1553 purposes of this subsection.

1554 (4) Any person, including any county or municipality in
1555 which the qualified resort area is located, who is aggrieved by
1556 the decision of the Department of Revenue to revoke the approval
1557 of an area or locality as a qualified resort area may appeal to
1558 the Board of Tax Appeals from such decision. This appeal is to be
1559 filed by the aggrieved person with the Executive Director of the
1560 Board of Tax Appeals, with a copy being sent to the Department of
1561 Revenue, within fifteen (15) days from the date that the person or
1562 entity filing the appeal received notice of the decision of the
1563 department to revoke approval of the qualified resort area. At
1564 the discretion of the Department of Revenue, in addition to any



1565 other notice to be provided under this subsection, the department
1566 may provide notice of its decision to revoke approval of the
1567 qualified resort area by publication in the same manner as
1568 provided by regulation when approval of a qualified resort area is
1569 sought. In regard to such publication, the fifteen-day period
1570 provided herein will begin on the date that notice is first
1571 published. If an appeal is not filed within this fifteen-day
1572 period, the decision of the Department of Revenue shall become
1573 final. The Department of Revenue retains the authority to change
1574 at any time the decision aggrieved to in an appeal under this
1575 subsection.

1576 (5) Any person objecting to an application for the issuance
1577 or transfer of a permit, other than a temporary retailer's permit,
1578 issued under this chapter and who timely requests in writing a
1579 hearing on his objection shall be given a hearing before the Board
1580 of Tax Appeals unless the permit is denied by the Department of
1581 Revenue and an appeal is not taken by the applicant to the Board
1582 of Tax Appeals from that denial or the applicant withdraws his
1583 application. Any written request for a hearing on an objection
1584 must be filed with the Department of Revenue within fifteen (15)
1585 days from the first date of publication of the notice of such
1586 application under Section 67-1-53. If the department determines
1587 that the permit should be denied, notice will be provided to the
1588 applicant as set out in subsection (1) of this section, and if the
1589 applicant timely requests a hearing on the denial as provided by



1590 this subsection (5), the department will advise the Executive
1591 Director of the Board of Tax Appeals and the applicant of the
1592 written request for a hearing on an objection to the permit. The
1593 hearing on the objection to the permit and the hearing on the
1594 appeal by the applicant from the denial of the department of the
1595 application shall be consolidated and heard by the Board of Tax
1596 Appeals at the same time. If the department determines that the
1597 permit should be issued, the department will advise the applicant
1598 and the Executive Director of the Board of Tax Appeals of the
1599 timely written request for a hearing on an objection to the
1600 application and a hearing will be set before the Board of Tax
1601 Appeals on this objection. If prior to the hearing, either the
1602 person requesting the hearing withdraws his request or the
1603 applicant withdraws his application, the hearing will be cancelled
1604 and the objection proceedings before the Board of Tax Appeals on
1605 the application will be dismissed as moot. In the case of such
1606 withdrawals, the Board of Tax Appeals is authorized to assess to
1607 either or both parties any costs incurred by it prior to such
1608 withdrawal. The Department of Revenue retains authority to issue
1609 the permit to the applicant where the person objecting to the
1610 application withdraws his request for a hearing.

1611 (6) Any person objecting to an application for approval by
1612 the Department of Revenue of a area or locality as a qualified
1613 resort area under this chapter and who timely requests in writing
1614 a hearing on his objection shall be given a hearing before the



1615 Board of Tax Appeals unless approval of the application is denied
1616 by the Department of Revenue and an appeal is not taken by the
1617 applicant or the county or municipality in which the proposed
1618 qualified resort area is located to the Board of Tax Appeals from
1619 that denial or the applicant withdraws his application. Any
1620 written request for a hearing on an objection must be filed with
1621 the Department of Revenue within fifteen (15) days from the first
1622 date of publication of the notice of such application as provided
1623 by regulation. If the department determines that the application
1624 for approval of the proposed area or locality as a qualified
1625 resort area should be denied, the department will proceed with
1626 denial of such application as set out in subsection (3) of this
1627 section, and if the applicant or the county or municipality in
1628 which the proposed qualified resort area is located timely
1629 requests a hearing on the denial as provided by subsection (3) of
1630 this section, the department will advise the Executive Director of
1631 the Board of Tax Appeals and the applicant of the written request
1632 for a hearing on an objection to the application. The hearing on
1633 the objection to approval of the proposed qualified resort area
1634 and the hearing on the appeal from the denial of the department of
1635 the application for such approval shall be consolidated and heard
1636 by the Board of Tax Appeals at the same time. If the department
1637 determines that the proposed qualified resort area should be
1638 approved, the department will advise the applicant and the
1639 Executive Director of the Board of Tax Appeals of the timely



1640 written request for a hearing on an objection to the application
1641 and a hearing will be set before the Board of Tax Appeals on this
1642 objection. If prior to the hearing, either the person requesting
1643 the hearing withdraws his request or the applicant withdraws his
1644 application, the hearing will be cancelled and the objection
1645 proceedings before the Board of Tax Appeals on the application
1646 will be dismissed as moot. In the case of such withdrawals, the
1647 Board of Tax Appeals is authorized to assess to either or both
1648 parties any costs incurred by it prior to such withdrawal. The
1649 Department of Revenue retains authority to approve the proposed
1650 area or locality as a qualified resort area where the person
1651 objecting to the application withdraws his request for a hearing.

1652 (7) Any person having an interest in any alcoholic
1653 beverages, light wine, beer or raw materials which the Department
1654 of Revenue intends to dispose of under Section 67-1-18 shall be
1655 given reasonable notice of this proposed disposal, and upon such
1656 notice, this person may request a hearing before the Board of Tax
1657 Appeals to establish his right or claim to this property. This
1658 request for a hearing shall be filed with the Board of Tax
1659 Appeals, with a copy sent to the Department of Revenue, within
1660 fifteen (15) days from the date of receipt of the notice provided
1661 above by the person filing the request. If a request is not
1662 received by the Board of Tax Appeals within this fifteen-day
1663 period, the department may order the property disposed of in
1664 accordance with Section 67-1-18.



1665 (8) Upon receipt of a written request for hearing or appeal
1666 as set out above, the executive director shall schedule a hearing
1667 before the Board of Tax Appeals on this request or appeal. A
1668 notice of the hearing shall be mailed to all persons or entities
1669 having an interest in the matter being heard which shall always
1670 include the person or entity filing the request or appeal for
1671 which the hearing is being set, the applicant or holder of any
1672 permit, approved manager status or qualified resort area status in
1673 issue, any person who filed a written request for a hearing on an
1674 objection to any application in issue and the Department of
1675 Revenue. This notice shall provide the date, time and location of
1676 the hearing. Mailing to the attorney representing a person or
1677 entity in the matter being heard shall be the same as mailing to
1678 the person or entity the attorney represents. Failure of the
1679 person or entity on whose request or appeal the matter was set for
1680 hearing to appear personally or through his designated
1681 representative at the hearing shall constitute an involuntary
1682 withdrawal of his request or appeal. Upon such withdrawal, the
1683 Board of Tax Appeals shall note on the record the failure of the
1684 person or entity to appear at the hearing and shall dismiss the
1685 request or appeal and remand the matter back to the Department of
1686 Revenue for appropriate action.

1687 (9) At any hearing before the Board of Tax Appeals on an
1688 appeal or hearing request as set out above, two (2) members of the
1689 Board of Tax Appeals shall constitute a quorum. At the hearing,



1690 the Board of Tax Appeals shall try the issues presented according
1691 to law and the facts and pursuant to any guidelines established by
1692 regulation. The rules of evidence shall be relaxed at the hearing
1693 and the hearing shall be recorded by a court reporter. After
1694 reaching a decision on the issues presented, the Board of Tax
1695 Appeals shall enter an order setting forth its findings and
1696 decision in the matter. A copy of the order of the Board of Tax
1697 Appeals shall be mailed to the person or entity filing the request
1698 or appeal which was heard, the applicant or holder of any permit,
1699 approved manager status or qualified resort area status in issue,
1700 any person who filed a written request for a hearing on an
1701 objection to any application in issue and the Department of
1702 Revenue to notify them of the findings and decision of the Board
1703 of Tax Appeals.

1704 **SECTION 17.** Section 67-1-85, Mississippi Code of 1972, is
1705 brought forward as follows:

1706 67-1-85. (1) The holder of a package retailer's permit may
1707 have signs, lighted or otherwise, on the outside of the premises
1708 covered by his permit which advertise, announce or advise of the
1709 sale of alcoholic beverages in or on said premises. Wherever the
1710 sign is located on the premises, the name of the business shall
1711 also include the permit number thereof, preceded by the words
1712 "A.B.C. Permit No."



1713 (2) It shall be lawful to advertise alcoholic beverages by
1714 means of signs, billboards or displays on or along any road,
1715 highway, street or building.

1716 (3) It shall be lawful for publishers, broadcasters and
1717 other kinds, types or forms of public and private advertising
1718 media to advertise alcoholic beverages; however, no alcoholic
1719 beverages may be advertised during, or within five (5) minutes
1720 preceding or following, any television broadcast which consists
1721 primarily of animated material intended for viewing by young
1722 children.

1723 (4) Notwithstanding the provisions of this section to the
1724 contrary, it shall be unlawful to advertise alcoholic beverages by
1725 means of signs, billboards or displays in any municipality, county
1726 or judicial district which has not voted pursuant to the
1727 provisions of this chapter to legalize the sale of alcoholic
1728 beverages.

1729 **SECTION 18.** Section 67-1-91, Mississippi Code of 1972, is
1730 brought forward as follows:

1731 67-1-91. (1) It is hereby made the duty of every police and
1732 peace officer and every district and county attorney and the
1733 Alcoholic Beverage Control Division of the State Tax Commission to
1734 enforce the provisions of this chapter and to inform against and
1735 diligently prosecute persons whom they have reasonable cause to
1736 believe to be offenders against the provisions thereof. Every
1737 such officer refusing or neglecting to do so shall be guilty of a



1738 misdemeanor, and the court, in addition to imposing the penalty
1739 therefor, shall adjudge forfeiture of his office.

1740 (2) In any county or municipality where it is readily
1741 apparent that local law enforcement authorities in cooperation
1742 with the agents and inspectors provided by the commission cannot
1743 control the illegal sale of alcoholic beverages, the commission
1744 shall request such assistance as it may deem necessary from the
1745 Mississippi Highway Safety Patrol; and it shall be the duty of the
1746 Governor of the State of Mississippi to see that the laws of the
1747 state are properly enforced by use of the additional authority as
1748 herein provided.

1749 (3) The officers, agents and representatives of the State
1750 Tax Commission and the Alcoholic Beverage Control Division thereof
1751 are authorized and directed to strictly enforce the prohibition
1752 laws throughout the state, except in those counties and
1753 municipalities which have voted for the legalized sale of
1754 intoxicating liquor. The State Highway Patrol, sheriffs, police
1755 departments, constables, and all peace officers, and prosecuting
1756 attorneys, the Attorney General's office, district attorneys,
1757 county attorneys, city attorneys, and all others charged with
1758 upholding the law, as well as the citizenry of this state, are
1759 hereby urged and directed to uphold the dignity of the law, to
1760 foster public respect therefor and to strictly enforce the laws
1761 against intoxicating liquor in all cases while operating a motor
1762 vehicle on the streets and highways of this state, and to enforce



1763 the law and prosecute against the wrongful use of intoxicating
1764 liquor in any county or municipality by a permit holder or
1765 licensee or anyone else under such circumstances and conditions as
1766 would lead to a breakdown in public law or is violative of the
1767 public sense of common decency, as well as to enforce the law
1768 against gambling, organized crime, or social vice and corruption.

1769 **SECTION 19.** Section 67-1-101, Mississippi Code of 1972, is
1770 brought forward as follows:

1771 67-1-101. (1) For the purposes of this section, the
1772 following words shall have the following meanings ascribed in this
1773 section, unless the context clearly otherwise requires:

1774 (a) "Municipality" means any incorporated city, town or
1775 village:

1776 (i) Located in one (1) of the three (3) most
1777 southern counties in the State of Mississippi,

1778 (ii) The City of Hattiesburg, Mississippi,

1779 (iii) The City of Tupelo, Mississippi,

1780 (iv) The City of Holly Springs, Mississippi,

1781 (v) The City of Greenville, Mississippi,

1782 (vi) The City of Greenwood, Mississippi,

1783 (vii) The City of Canton, Mississippi,

1784 (viii) The City of Grenada, Mississippi,

1785 (ix) The City of Starkville, Mississippi,

1786 (x) The City of Water Valley, Mississippi,

1787 (xi) The City of Jackson, Mississippi,



- 1788 (xii) The City of Senatobia, Mississippi,
1789 (xiii) The City of Corinth, Mississippi,
1790 (xiv) The City of Natchez, Mississippi,
1791 (xv) The City of Laurel, Mississippi,
1792 (xvi) The City of Clinton, Mississippi,
1793 (xvii) The City of Cleveland, Mississippi,
1794 (xviii) The City of Vicksburg, Mississippi,
1795 (xix) The City of Ridgeland, Mississippi,
1796 (xx) The City of Brandon, Mississippi,
1797 (xxi) The City of Flowood, Mississippi, and
1798 (xxii) The City of Clarksdale, Mississippi.

1799 (b) "Leisure and recreation district" means an area
1800 officially designated by ordinance or resolution of the governing
1801 authorities of a municipality or county as a leisure and
1802 recreation district.

1803 (2) (a) (i) Subject to the provisions of this section, the
1804 governing authorities of a municipality, by ordinance, may
1805 establish one or more leisure and recreation districts within the
1806 corporate boundaries of the municipality and designate the
1807 geographic area or areas to be included within a district. The
1808 governing authorities of a municipality, by ordinance, may modify
1809 the boundaries of a leisure and recreation district. In addition,
1810 the boundaries of a leisure and recreation district may extend
1811 from within the municipality into the unincorporated area of the
1812 county in which the municipality is located if the county consents



1813 to the extension and has voted in favor of coming out from under
1814 the dry law.

1815 (ii) If a municipality defined in subsection
1816 (1) (a) (xi) of this section establishes one or more leisure and
1817 recreation districts, the districts shall consist of and be
1818 limited to:

1819 1. The area located in the municipality
1820 consisting of the area beginning at Duling Avenue with its
1821 intersection with State Street and running to its intersection
1822 with Old Canton Road; then running along Old Canton Road to the
1823 point where it merges into State Street; then running along State
1824 Street to its intersection with Duling Avenue, as well as all of
1825 the area located within five hundred (500) feet outside of the
1826 area described in this item 1; and/or

1827 2. The area located in the municipality
1828 consisting of the area more particularly described as follows:

1829 Starting at a concrete monument that is the SE corner of the
1830 SW 1/4 of the SW 1/4 of Section 24, T6N, R1E in the First Judicial
1831 District, Hinds County, Mississippi, run thence N 00°-01' E along
1832 the line between the E 1/2 and the W 1/2 of the SW 1/4 of Section
1833 24, T6N, R1E for a distance of 194.40 feet to a point on the north
1834 line of Eastover Drive, as said drive is now laid out and
1835 improved, the point of beginning.

1836 Run thence N 56°-46' W along said north line of said Eastover
1837 Drive for a distance of 3.02 feet to the P.C. of a curve to the



1838 left with a radius (chord) of 5769.65 feet (angle of curve was
1839 omitted, 04°-00'-0r"); Run thence along said curve and said north
1840 line of Eastover Drive for a distance of 402.91 feet to the P.T.
1841 of said curve; Run thence N 60°-46' W along said north line of
1842 said Eastover Drive for a distance of 684.92 feet to a point on
1843 the east right-of-way line of U.S. Highway No. 51, as said highway
1844 is now laid out and improved; Run thence N 29°-14' E along said
1845 east right-of-way line of U.S. Highway No. 51 for a distance of
1846 1422.24 feet to a point; Run thence N 87°-06' E for a distance of
1847 251.28 feet to a point on the line between the E 1/2 and the W 1/2
1848 of the SW 1/4 of Section 24, T6N, R1E, and also being a point on
1849 the south line of share 1 of the Mosal partition; Run thence S
1850 00°-01' W along said line between the E 1/2 and the W 1/2 of the
1851 SW 1/4 of Section 24, T6N, R1E for a distance of 1796.17 feet to
1852 the point of beginning.

1853 All the above described land being situated in the W 1/2 of
1854 the SW 1/4 of Section 24, T6N, R1E in the First Judicial District
1855 of Hinds County, Mississippi, and being wholly within the
1856 corporate limits of the City of Jackson and containing 22.822
1857 acres.

1858 (iii) If a municipality defined in subsection
1859 (1) (a) (xii) of this section establishes a leisure and recreation
1860 district, the district shall consist of and be limited to the
1861 following areas in the downtown historic district located in the
1862 municipality:



1863 1. The segment of Front Street located south
1864 of College Street and north of Tate Street, as well as all of the
1865 area located within three hundred (300) feet of such segment of
1866 Front Street,

1867 2. The segment of Main Street located west of
1868 the railroad track and east of U.S. Highway 51, as well as all of
1869 the area located within three hundred (300) feet of such segment
1870 of Main Street,

1871 3. The segment of Center Street located north
1872 of Tate Street and south of College Street, as well as all of the
1873 area located within three hundred (300) feet of such segment of
1874 Center Street,

1875 4. The segment of Ward Street located north
1876 of Court Street and south of College Street, as well as all of the
1877 area located within three hundred (300) feet of such segment of
1878 Ward Street, and

1879 5. The segment of Tate Street located west of
1880 the railroad track and east of Ward Street, as well as all of the
1881 area located within three hundred (300) feet of such segment of
1882 Tate Street.

1883 (b) (i) Subject to the provisions of this section, the
1884 Board of Supervisors of Madison County, Mississippi, by
1885 resolution, may establish one or more leisure and recreation
1886 districts within the county in the areas described in this
1887 paragraph (b) and designate the geographic area or areas to be



1888 included within a district. The board of supervisors, by
1889 resolution, may modify the boundaries of a leisure and recreation
1890 district within the areas described in this paragraph (b).

1891 (ii) If the board of supervisors establishes a
1892 leisure and recreation districts under this paragraph (b), the
1893 districts shall consist of and be limited to:

1894 1. The area of not more than fifty (50) acres
1895 located southwest of the intersection of Mississippi Highways 22
1896 and 463 in the county and comprising the area or part of the area
1897 once constituting the boundaries or part of the boundaries of the
1898 former municipality of Livingston, Mississippi; and/or

1899 2. The Town of Lost Rabbit, Phase IV, as
1900 described in the records of the Chancery Clerk of Madison County.

1901 (c) Subject to the provisions of this section, the
1902 Board of Supervisors of Lee County, Mississippi, by resolution,
1903 may establish one or more leisure and recreation districts within
1904 the county that are outside the corporate limits of any
1905 municipality in the county and designate the geographic area or
1906 areas to be included within the districts.

1907 (d) Subject to the provisions of this section, the
1908 Board of Supervisors of Rankin County, Mississippi, by resolution,
1909 may establish one or more leisure and recreation districts within
1910 the county that are outside the corporate limits of any
1911 municipality in the county and designate the geographic area or
1912 areas to be included within the districts.



1913 (e) The designation or modification of the geographic
1914 area or areas as a leisure and recreation district shall include a
1915 detailed description of the area or areas within the district,
1916 boundaries of the district and a georeferenced map of the
1917 district. In addition to any other matters addressed in an
1918 ordinance or resolution establishing or modifying a leisure and
1919 recreation district, a municipality or county, as the case may be,
1920 must describe the manner in which the municipality or county, as
1921 the case may be, will provide for adequate law enforcement and
1922 other public safety measures and services within the district.
1923 Following the establishment and/or modification of a leisure and
1924 recreation district, the municipality or county, as the case may
1925 be, shall provide the Department of Revenue with (i) a copy of any
1926 ordinance or resolution relating to the establishment or
1927 modification of the district, (ii) verification from the municipal
1928 police department and/or applicable sheriff's department
1929 indicating how such department will provide adequate law
1930 enforcement and other public safety measures and services within
1931 the district, and (iii) a list of persons or other entities that
1932 hold permits issued under Section 67-1-51(c), (e), (f), (g), (l),
1933 (n) or (o) and are located and/or doing business under such
1934 permits in the district at the time the district is established.

1935 **SECTION 20.** Section 67-3-5, Mississippi Code of 1972, is
1936 brought forward as follows:



1937 67-3-5. (1) It shall be lawful, subject to the provisions
1938 set forth in this chapter, in this state to transport, store,
1939 sell, distribute, possess, receive and/or manufacture wine and
1940 beer, and it is hereby declared that it is the legislative intent
1941 that this chapter privileges the lawful sale and manufacture,
1942 within this state, of such light wines and beer. In determining
1943 if a wine product is "light wine," or contains an alcoholic
1944 content of more than five percent (5%) by weight, or is not an
1945 "alcoholic beverage" as defined in the Local Option Alcoholic
1946 Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of
1947 1972, the alcoholic content of such wine product shall be subject
1948 to the same permitted tolerance as is allowed by the labeling
1949 requirements for light wine provided for in Section 27-71-509.

1950 (2) Subject to the provisions set forth in this chapter, it
1951 shall be lawful in this state to transport, store, sell,
1952 distribute, possess, receive, and/or manufacture beer of an
1953 alcoholic content of more than eight percent (8%) by weight, if
1954 the beer is manufactured to be sold legally in another state and
1955 is transported outside of this state for retail sale.

1956 **SECTION 21.** Section 67-3-7, Mississippi Code of 1972, is
1957 brought forward as follows:

1958 67-3-7. (1) If any county, at an election held for the
1959 purpose under the election laws of the state, shall by a majority
1960 vote of the duly qualified electors voting in the election
1961 determine that the transportation, storage, sale, distribution,



1962 receipt and/or manufacture of wine and beer shall not be permitted
1963 in such county, then the same shall not be permitted therein
1964 except as authorized under Section 67-9-1 and as may be otherwise
1965 authorized in this section. An election to determine whether such
1966 transportation, storage, sale, distribution, receipt and/or
1967 manufacture of such beverages shall be excluded from any county in
1968 the state, shall, on a petition of twenty percent (20%) of the
1969 duly qualified electors of such county, be ordered by the board of
1970 supervisors of the county, for such county only. No election on
1971 the question shall be held in any one (1) county more often than
1972 once in five (5) years.

1973 In counties which have elected, or may elect by a majority
1974 vote of the duly qualified electors voting in the election, that
1975 the transportation, storage, sale, distribution, receipt and/or
1976 manufacture of wine or beer shall not be permitted in the county,
1977 an election may be held in the same manner as the election
1978 hereinabove provided on the question of whether or not the
1979 transportation, storage, sale, distribution, receipt and/or
1980 manufacture of said beverages shall be permitted in such county.
1981 Such election shall be ordered by the board of supervisors of such
1982 county on a petition of twenty percent (20%) of the duly qualified
1983 electors of such county. No election on this question can be
1984 ordered more often than once in five (5) years.

1985 (2) Nothing in this section shall make it unlawful to
1986 possess beer or wine, as defined herein, in any municipality which



1987 has heretofore or which may hereafter vote in an election,
1988 pursuant to Section 67-3-9, in which a majority of the qualified
1989 electors vote in favor of permitting the sale and the receipt,
1990 storage and transportation for the purpose of sale of beer or wine
1991 as defined herein.

1992 (3) Nothing in this section shall make it unlawful to:

1993 (a) Possess or consume light wine or beer at a
1994 qualified resort area as defined in Section 67-1-5;

1995 (b) Sell, distribute and transport light wine or beer
1996 to a qualified resort area as defined in Section 67-1-5;

1997 (c) Sell light wine or beer at a qualified resort area
1998 as defined in Section 67-1-5 if such light wine or beer is sold by
1999 a person with a permit to engage in the business as a retailer of
2000 light wine or beer;

2001 (d) Transport beer of an alcoholic content of more than
2002 eight percent (8%) by weight if it is being transported to another
2003 state for legal sale in that state;

2004 (e) Transport homemade beer as authorized in Section
2005 67-3-11.

2006 **SECTION 22.** Section 67-3-9, Mississippi Code of 1972, is
2007 brought forward as follows:

2008 67-3-9. Any city in this state, having a population of not
2009 less than two thousand five hundred (2,500) according to the
2010 latest federal census; or any city in this state having a
2011 population of not less than one thousand five hundred (1,500)



2012 according to the latest federal census and located within three
2013 (3) miles of a city or county that permits the sale, receipt,
2014 storage and transportation for the purpose of sale of beer or
2015 light wine; at an election held for the purpose, under the
2016 election laws applicable to such city, may either prohibit or
2017 permit, except as otherwise provided under Section 67-9-1, the
2018 sale and the receipt, storage and transportation for the purpose
2019 of sale of beer and light wine. An election to determine whether
2020 such sale shall be permitted in cities wherein its sale is
2021 prohibited by law shall be ordered by the city council or mayor
2022 and board of aldermen or other governing body of such city for
2023 such city only, upon the presentation of a petition for such city
2024 to such governing board containing the names of twenty percent
2025 (20%) of the duly qualified voters of such city asking for such
2026 election. In like manner, an election to determine whether such
2027 sale shall be prohibited in cities wherein its sale is permitted
2028 by law shall be ordered by the city council or mayor and board of
2029 aldermen or other governing board of such city for such city only,
2030 upon the presentation of a petition to such governing board
2031 containing the names of twenty percent (20%) of the duly qualified
2032 voters of such city asking for such election. No election on
2033 either question shall be held by any one (1) city more often than
2034 once in five (5) years.

2035 Thirty (30) days' notice shall be given to the qualified
2036 electors of such city in the manner prescribed by law upon the



2037 question of either permitting or prohibiting such sale, and the
2038 notice shall contain a statement of the question to be voted on at
2039 the election. The tickets to be used in the election shall have
2040 the following words printed thereon: "For the legal sale of light
2041 wine of an alcoholic content of not more than five percent (5%) by
2042 weight and beer of an alcoholic content of not more than eight
2043 percent (8%) by weight"; and the words "Against the legal sale of
2044 light wine of an alcoholic content of not more than five percent
2045 (5%) by weight and beer of an alcoholic content of not more than
2046 eight percent (8%) by weight," next below. In making up his
2047 ticket the voter shall make a cross (X) opposite the words of his
2048 choice.

2049 If in the election a majority of the qualified electors
2050 voting in the election shall vote "For the legal sale of light
2051 wine of an alcoholic content of not more than five percent (5%) by
2052 weight and beer of an alcoholic content of not more than eight
2053 percent (8%) by weight," then the city council or mayor and board
2054 of aldermen or other governing body shall pass the necessary order
2055 permitting the legal sale of such light wine and beer in such
2056 city. If in the election a majority of the qualified electors
2057 voting in the election shall vote "Against the legal sale of light
2058 wine of an alcoholic content of not more than five percent (5%) by
2059 weight and beer of an alcoholic content of not more than eight
2060 percent (8%) by weight," then the city council or mayor and board



2061 of aldermen or other governing body shall pass the necessary order
2062 prohibiting the sale of such light wine and beer in such city.

2063 All laws or parts of laws in conflict with this section are
2064 hereby repealed to the extent of such conflict only, this section
2065 being cumulative and supplementary.

2066 **SECTION 23.** Section 67-3-13, Mississippi Code of 1972, is
2067 brought forward as follows:

2068 67-3-13. (1) Except as otherwise provided herein and as
2069 authorized under this section and Section 67-9-1, in any county
2070 which has at any time since February 26, 1934, elected, or which
2071 may hereafter elect, to prohibit the transportation, storage,
2072 sale, distribution, receipt and/or manufacture of wine and beer of
2073 an alcoholic content of not more than four percent (4%) by weight
2074 in such county, it is hereby declared to be unlawful to possess
2075 such beverages therein. In any county which, after July 1, 1998,
2076 elects to prohibit the transportation, storage, sale,
2077 distribution, receipt and/or manufacture of wine and beer of an
2078 alcoholic content of not more than five percent (5%) by weight in
2079 such county, it is hereby declared to be unlawful to possess such
2080 beer therein. In any county which, after July 1, 2012, elects to
2081 prohibit the transportation, storage, sale, distribution, receipt
2082 and/or manufacture of wine of an alcoholic content of not more
2083 than five percent (5%) by weight in such county and beer of an
2084 alcoholic content of not more than eight percent (8%) by weight,
2085 it is hereby declared to be unlawful to possess such beer therein.



2086 Any person found possessing any beer or wine of any quantity
2087 whatsoever in such county shall, on conviction, be imprisoned not
2088 more than ninety (90) days or fined not more than Five Hundred
2089 Dollars (\$500.00), or be both so fined and imprisoned.

2090 (2) Notwithstanding the provisions of subsection (1) of this
2091 section, in any county or municipality in which the
2092 transportation, storage, sale, distribution, receipt and/or
2093 manufacture of light wine and beer is prohibited, it shall not be
2094 unlawful for a permitted wholesaler or distributor to possess
2095 light wine and beer when such light wine and beer is held therein
2096 solely for the purpose of storage and for distribution to other
2097 counties and municipalities in which possession of such beverages
2098 is lawful.

2099 (3) Notwithstanding the provisions of subsections (1) and
2100 (2) of this section, in any county in which transportation,
2101 storage, sale, distribution, receipt and/or manufacture of light
2102 wine and beer is prohibited, it shall not be unlawful:

2103 (a) To receive, store, possess or consume light wine or
2104 beer at a resort area as defined in Section 67-1-5;

2105 (b) To distribute and transport light wine or beer to a
2106 resort area as defined in Section 67-1-5;

2107 (c) To transport beer of an alcoholic content of more
2108 than eight percent (8%) by weight if it is being transported to
2109 another state for legal sale in that state;



2110 (d) To transport homemade beer as authorized in Section
2111 67-3-11.

2112 (4) Any light wine or beer found in possession of, or sold
2113 by, a person in violation of this section shall be seized and
2114 disposed of in the manner provided for in Section 67-1-18.

2115 **SECTION 24.** Section 67-3-67, Mississippi Code of 1972, is
2116 brought forward as follows:

2117 67-3-67. No county or any officer or agent thereof, nor any
2118 other officer, agent, or person, shall interfere with or impede
2119 the passage through such county of any light wine or beer moving
2120 in accordance with the provisions of this chapter and the
2121 provisions of Section 67-9-1 and which in transit to or from any
2122 county of this state wherein the traffic in light wines and beer
2123 is not prohibited, any county prohibition of such traffic to the
2124 contrary notwithstanding.

2125 **SECTION 25.** Section 67-9-1, Mississippi Code of 1972, is
2126 brought forward as follows:

2127 67-9-1. Notwithstanding the provisions of any section of
2128 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
2129 any person holding an alcohol processing permit to transport and
2130 possess alcoholic beverages, light wine and beer, in any part of
2131 the state, for his or her use in cooking, processing or
2132 manufacturing products which contain alcoholic beverages as an
2133 integral ingredient, in amounts as limited by the Alcoholic
2134 Beverage Control Division of the State Tax Commission. The



2135 authority to transport and possess alcoholic beverages, light wine
2136 and beer under this section exists regardless of whether (a) the
2137 county or municipality in which the transportation or possession
2138 takes place has voted for or against coming out from under the dry
2139 law, or (b) the transportation, storage, sale, distribution,
2140 receipt or manufacture of light wine and beer otherwise is
2141 prohibited.

2142 The provisions of this section shall not be construed as
2143 amending, repealing or otherwise affecting any statute or any
2144 lawfully adopted ordinance, rule or regulation that prohibits or
2145 restricts the location at which, or the premises upon which,
2146 alcoholic beverages, light wine or beer may be sold or consumed.

2147 **SECTION 26.** Section 27-71-15, Mississippi Code of 1972, is
2148 brought forward as follows:

2149 27-71-15. Except as otherwise provided in Section 67-9-1 for
2150 the transportation of limited amounts of alcoholic beverages for
2151 the use of an alcohol processing permittee, if transportation
2152 requires passage through a county which has not authorized the
2153 sale of alcoholic beverages, such transportation shall be by a
2154 sealed vehicle. Such seal shall remain unbroken until the vehicle
2155 shall reach the place of business operated by the permittee. The
2156 operator of any vehicle transporting alcoholic beverages shall
2157 have in his possession an invoice issued by the commission at the
2158 time of the wholesale sale covering the merchandise transported by



2159 the vehicle. The commission is authorized to issue regulations
2160 controlling the transportation of alcoholic beverages.

2161 When the restrictions imposed by this section and by the
2162 regulation of the commission have not been violated, the person
2163 transporting alcoholic beverages through a county wherein the sale
2164 of alcoholic beverages is prohibited shall not be guilty of
2165 unlawful possession and such merchandise shall be immune from
2166 seizure.

2167 **SECTION 27.** Section 27-71-31, Mississippi Code of 1972, is
2168 brought forward as follows:

2169 27-71-31. Nothing herein shall be construed to make lawful
2170 the sale, possession, distribution or transportation of alcoholic
2171 beverages in this state, except to the extent, in the manner and
2172 in the localities that same shall be made lawful and legal under
2173 the provisions of the Alcoholic Beverage Control Law.

2174 **SECTION 28.** Section 97-31-47, Mississippi Code of 1972, is
2175 brought forward as follows:

2176 97-31-47. It shall be unlawful for any transportation
2177 company, or any agent, employee, or officer of such company, or
2178 any other person, or corporation to transport into or deliver in
2179 this state in any manner or by any means any spirituous, vinous,
2180 malt, or other intoxicating liquors or drinks, or for any such
2181 person, company, or corporation to transport any spirituous, malt,
2182 vinous, or intoxicating liquors or drinks from one place within
2183 this state to another place within the state, or from one (1)



2184 point within this state to any point without the state, except in
2185 cases where this chapter or Section 67-9-1 authorizes the
2186 transportation.

2187 **SECTION 29.** Section 57-26-1, Mississippi Code of 1972, is
2188 brought forward as follows:

2189 57-26-1. As used in Sections 57-26-1 through 57-26-5, the
2190 following terms and phrases shall have the meanings ascribed in
2191 this section unless the context clearly indicates otherwise:

2192 (a) "Approved project costs" means actual costs
2193 incurred by an approved participant for land acquisition,
2194 construction, engineering, design and other costs approved by the
2195 Mississippi Development Authority relating to a tourism project;
2196 however, for the purposes of a tourism project described in
2197 paragraph (d)(iv) of this section, such costs include only those
2198 incurred after January 1, 2011, relating to the hotel portion of
2199 the project consisting of facilities used for lodging and common
2200 areas in that portion of the project. All costs must be verified
2201 by an independent third party approved by the MDA. An approved
2202 participant shall pay the costs for the third-party verification
2203 of costs. Approved project costs may not increase regardless of
2204 the actual costs incurred by the project.

2205 (b) "Approved participant" means a person, corporation
2206 or other entity issued a certificate by the Mississippi
2207 Development Authority under Section 57-26-5.

2208 (c) "MDA" means the Mississippi Development Authority.



2209 (d) "Tourism project" shall include any of the
2210 following as may be approved by the MDA:
2211 (i) Theme parks, water parks, entertainment parks
2212 or outdoor adventure parks, cultural or historical interpretive
2213 educational centers or museums, motor speedways, indoor or outdoor
2214 entertainment centers or complexes, convention centers,
2215 professional sports facilities, spas, attractions created around a
2216 natural phenomenon or scenic landscape and marinas open to the
2217 public with a minimum private investment of not less than Ten
2218 Million Dollars (\$10,000,000.00);
2219 (ii) A hotel with a minimum private investment of
2220 Forty Million Dollars (\$40,000,000.00) in land, buildings,
2221 architecture, engineering, fixtures, equipment, furnishings,
2222 amenities and other related soft costs approved by the Mississippi
2223 Development Authority, and having a minimum private investment of
2224 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room
2225 which amount shall be included within the minimum private
2226 investment of Forty Million Dollars (\$40,000,000.00);
2227 (iii) A public golf course with a minimum private
2228 investment of Ten Million Dollars (\$10,000,000.00);
2229 (iv) A full service hotel with a minimum private
2230 investment of Fifteen Million Dollars (\$15,000,000.00) in land,
2231 buildings, architecture, engineering, fixtures, equipment,
2232 furnishings, amenities and other related soft costs approved by
2233 the Mississippi Development Authority, and having a minimum



2234 private investment of Two Hundred Thousand Dollars (\$200,000.00)
2235 per guest room or suite which amount shall be included within the
2236 minimum private investment of Fifteen Million Dollars
2237 (\$15,000,000.00), a minimum of twenty-five (25) guest rooms or
2238 suites, and guest amenities such as restaurants, spas and other
2239 amenities as determined by the Mississippi Development Authority;
2240 however, in a county in which the Grammy Museum Mississippi or the
2241 Mississippi Arts and Entertainment Center is located, the minimum
2242 private investment per guest room or suite shall be One Hundred
2243 Fifty Thousand Dollars (\$150,000.00) which amount shall be
2244 included within the minimum private investment of Fifteen Million
2245 Dollars (\$15,000,000.00);

2246 (v) A tourism attraction located within an
2247 "entertainment district" as defined in Section 17-29-3 that is
2248 open to the public, has seating to accommodate at least forty (40)
2249 persons, is open at least five (5) days per week from at least
2250 6:00 p.m. until midnight, serves food and beverages, and provides
2251 live entertainment at least three (3) nights per week;

2252 (vi) A cultural retail attraction;

2253 (vii) A tourism attraction located within a
2254 historic district where the district is listed in the National
2255 Register of Historic Places, where the tourism attraction is open
2256 to the public, has seating to accommodate at least forty (40)
2257 persons, is open at least five (5) days per week from at least



2258 6:00 p.m. until midnight, serves food and beverages, and provides
2259 live entertainment at least three (3) nights per week.

2260 The term "tourism project" does not include any licensed
2261 gaming establishment owned, leased or controlled by a business,
2262 corporation or entity having a gaming license issued under Section
2263 75-76-1 et seq.; however, the term "tourism project" may include a
2264 project described in this paragraph (d) that is owned, leased or
2265 controlled by such a business, corporation or entity or in which
2266 the business, corporation or entity has a direct or indirect
2267 financial interest if the project is in excess of development that
2268 the State Gaming Commission requires for the issuance or renewal
2269 of a gaming license and is not part of a licensed gaming
2270 establishment in which gaming activities are conducted.

2271 The term "tourism project" does not include any facility
2272 within the project whose primary business is retail sales or any
2273 expansions of existing projects; however, pro shops, souvenir
2274 shops, gift shops, concessions and similar retail activities, and
2275 cultural retail attractions may be included within the definition
2276 of the term "tourism project." In addition, retail activities,
2277 regardless of whether the primary business is retail sales, that
2278 are part of a resort development may be included within the
2279 definition of "tourism project."

2280 (e) "Resort development" means a travel destination
2281 development with a minimum private investment of One Hundred
2282 Million Dollars (\$100,000,000.00) and which consists of (i) a



2283 hotel with a minimum of two hundred (200) guest rooms or suites
2284 and having a minimum private investment of Two Hundred Thousand
2285 Dollars (\$200,000.00) per guest room or suite, and (ii) guest
2286 amenities such as restaurants, golf courses, spas, fitness
2287 facilities, entertainment activities and other amenities as
2288 determined by the MDA. Not more than an amount equal to forty
2289 percent (40%) of the private investment required by this paragraph
2290 may be expended on facilities to house retail activity.

2291 (f) "Cultural retail attraction" means a project which
2292 combines destination shopping with cultural or historical
2293 interpretive elements specific to Mississippi with a minimum
2294 private investment of Fifty Million Dollars (\$50,000,000.00) in
2295 land, buildings, architecture, engineering, fixtures, equipment,
2296 furnishings, amenities and other related soft costs approved by
2297 the Mississippi Development Authority and which:

2298 (i) Is located in a qualified resort area as
2299 defined in Section 67-1-5;

2300 (ii) Is a part of a master-planned development
2301 with a total investment of not less than One Hundred Million
2302 Dollars (\$100,000,000.00) in land, buildings, architecture,
2303 engineering, fixtures, equipment, furnishings, amenities and other
2304 related soft costs approved by the Mississippi Development
2305 Authority;



2306 (iii) Has a minimum of fifty (50) retail tenants
2307 with a minimum of three hundred thousand (300,000) square feet of
2308 heated and cooled space; and

2309 (iv) Has a minimum investment of One Million
2310 Dollars (\$1,000,000.00) in one or more of the following:

2311 1. Art created by Mississippi artists or
2312 portraying themes specific to Mississippi;

2313 2. Memorabilia, signage or historical markers
2314 which serve to promote the State of Mississippi;

2315 3. Audio/visual equipment used to showcase
2316 Mississippi artists;

2317 4. A minimum of one thousand two hundred and
2318 fifty (1,250) square feet of heated and cooled space available to
2319 the Mississippi Development Authority or its assignee for a period
2320 of not less than ten (10) years.

2321 (g) "Retail activity" means businesses whose inventory
2322 consists primarily of upscale name brands or their equivalent as
2323 determined by the MDA.

2324 (h) "State" means the State of Mississippi.

2325 **SECTION 30.** This act shall take effect and be in force from
2326 and after July 1, 2018.

