MISSISSIPPI LEGISLATURE

By: Representative Zuber

REGULAR SESSION 2020

To: Ways and Means

HOUSE BILL NO. 917


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

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

67-3-1. The purpose of this chapter is to legalize the sale within this state of light wines, light spirit products and beer, to legalize the manufacture of beer, and to regulate the business of manufacturing and of selling light wines, light spirit products and beer so as to prevent the illicit manufacture, sale and
consumption of alcoholic beverages as defined in Section 67-1-5, the manufacture and sale of which it is not the purpose of this chapter to legalize.

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

67-3-3. When used in this chapter, unless the context indicates otherwise:

(a) "Commissioner" means the Commissioner of Revenue of the Department of Revenue of the State of Mississippi, and his authorized agents and employees.

(b) "Person" means one or more persons, a company, a corporation, a partnership, a syndicate or an association.

(c) "Brewpub" shall have the meaning ascribed to such term in Section 27-71-301.

(d) "Beer" means a malt beverage as defined in the Federal Alcohol Administration Act and any rules and regulations adopted pursuant to such act of an alcoholic content of not more than eight percent (8%) by weight.

(e) "Light wine" means wine of an alcoholic content of not more than five percent (5%) by weight.

(f) "Small craft brewery" means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than sixty thousand (60,000) barrels of light wine, light spirit product or beer at all breweries that such person or its
affiliates, subsidiary or parent company owns or controls or with whom such person contracts with for the manufacture of light wine, light spirit product or beer. For purposes of this paragraph, contract-brewed beer manufactured by a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer shall be included in the sixty-thousand-barrel limitation.

(g) "Growler" means a sealed container that holds not more than one hundred twenty-eight (128) ounces of light wine, light spirit product or beer. A growler must have a label on it stating what it contains.

(h) "Manufacturer" shall have the meaning ascribed to such term in Section 27-71-301.

(i) "Contract-brewed beer" means beer brewed by a manufacturer who:

   (i) Makes the beer pursuant to a written contract with another beer manufacturer, and neither entity has a controlling interest in the other entity;

   (ii) Makes the beer in accordance with a recipe that is a trade secret of the beer manufacturer having its beer made under contract; and

   (iii) Has no right to sell the beer to any other beer manufacturer, importer or wholesaler other than the beer manufacturer who contracted for the beer.
(j) "Light spirit product" means a beverage of an alcoholic content of not more than four percent (4%) by weight and containing one or more distilled spirits, as defined in Section 67-1-5.

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

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

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

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

67-3-7. (1) If any county, at an election held for the purpose under the election laws of the state, shall by a majority vote of the duly qualified electors voting in the election determine that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product and beer shall not be permitted in such county, then the same shall not be permitted therein except as authorized under Section 67-9-1 and as may be otherwise authorized in this section. An election to determine whether such transportation, storage, sale, distribution, receipt and/or manufacture of such beverages shall be excluded from any county in the state, shall, on a petition of twenty percent (20%) of the duly qualified electors of such county, be ordered by the board of supervisors of the county, for such county only. No election on the question shall be held in any one (1) county more often than once in five (5) years.

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

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

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

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

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

(c) Sell light wine, light spirit product or beer at a qualified resort area as defined in Section 67-1-5 if such light wine, light spirit product or beer is sold by a person with a permit to engage in the business as a retailer of light wine, light spirit product or beer;
(d) Transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;

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

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

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

67-3-9. Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the latest federal census; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer, light spirit product or light wine; at an election held for the purpose, under the election laws applicable to such city, may either
prohibit or permit, except as otherwise provided under Section 67-9-1, the sale and the receipt, storage and transportation for the purpose of sale of beer, light spirit product and light wine.

An election to determine whether such sale shall be permitted in cities wherein its sale is prohibited by law shall be ordered by the city council or mayor and board of aldermen or other governing body of such city for such city only, upon the presentation of a petition for such city to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. In like manner, an election to determine whether such sale shall be prohibited in cities wherein its sale is permitted by law shall be ordered by the city council or mayor and board of aldermen or other governing board of such city for such city only, upon the presentation of a petition to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. No election on either question shall be held by any one city more often than once in five (5) years.

Thirty (30) days' notice shall be given to the qualified electors of such city in the manner prescribed by law upon the question of either permitting or prohibiting such sale, and the notice shall contain a statement of the question to be voted on at the election. The tickets to be used in the election shall have the following words printed thereon: "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by
weight, light spirit product of an alcoholic content of not more than four percent (4%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight"; and the words "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than four percent (4%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," next below. In making up his ticket the voter shall make a cross (X) opposite the words of his choice.

If in the election a majority of the qualified electors voting in the election shall vote "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than four percent (4%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the necessary order permitting the legal sale of such light wine, light spirit product and beer in such city. If in the election a majority of the qualified electors voting in the election shall vote "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than four percent (4%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the
necessary order prohibiting the sale of such light wine, light spirit product and beer in such city.

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

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

67-3-11. (1) Every person shall have the right to make homemade wine for domestic or household uses only, free of all restraint by this chapter or otherwise, and no such election as provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive any person of the right to make homemade wine for domestic or household uses only.

(2) (a) Every person twenty-one (21) years of age or older shall have the right to make homemade beer for personal, family, domestic or household uses without restraint by this chapter or otherwise if the beer is made in a county or municipality in which the possession of light wine, light spirit product or beer is lawful.

(b) The maximum amount of homemade beer that a person may make in a calendar year shall not exceed:

(i) One hundred (100) gallons if there is only one (1) person over the age of twenty-one (21) years of age residing in the household; and
(ii) Two hundred (200) gallons if there are two
(2) or more persons over the age of twenty-one (21) years residing
in the household.
(c) A person who makes homemade beer as authorized in
this section may remove the beer from the premises of the
household where it is made and transport the beer only for the
purpose of participating in a bona fide exhibition, contest or
competition where homemade beer is being tasted and judged;
however, homemade beer may not be sold or offered for sale under
any circumstances.

SECTION 7. Section 67-3-13, Mississippi Code of 1972, is
amended as follows:
67-3-13. (1) Except as otherwise provided herein and as
authorized under this section and Section 67-9-1, in any county
which has at any time since February 26, 1934, elected, or which
may hereafter elect, to prohibit the transportation, storage,
sale, distribution, receipt and/or manufacture of wine and beer of
an alcoholic content of not more than four percent (4%) by weight
in such county, it is hereby declared to be unlawful to possess
such beverages therein. In any county which, after July 1, 1998,
elects to prohibit the transportation, storage, sale,
distribution, receipt and/or manufacture of wine and beer of an
alcoholic content of not more than five percent (5%) by weight in
such county, it is hereby declared to be unlawful to possess such
beer therein. In any county which, after July 1, 2012, elects to
prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine of an alcoholic content of not more than five percent (5%) by weight in such county, light spirit product of an alcoholic content of not more than four percent (4%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight, it is hereby declared to be unlawful to possess such wine, light spirit product or beer therein. Any person found possessing any beer, light spirit product or wine of any quantity whatsoever in such county shall, on conviction, be imprisoned not more than ninety (90) days or fined not more than Five Hundred Dollars ($500.00), or be both so fined and imprisoned.

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

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

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

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

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

(d) To transport legally purchased light wine, light spirit product or beer in unopened containers if it is being transported on a state or federal highway; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine, light spirit product or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine, light spirit product or beer; or

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

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

SECTION 8. Section 67-3-15, Mississippi Code of 1972, is amended as follows:

67-3-15. (1) Any person who shall brew or manufacture or sell any beer, light spirit product or light wine without first having secured a permit and/or license from the commissioner authorizing the brewing or manufacture or sale of such liquor, shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars ($1,000.00) or imprisonment in the county jail for not more than one (1) year, or both, in the discretion of the court. Any person so convicted may not apply for any permit or license issued by the commissioner until five (5) years have elapsed from the date of such conviction.

(2) This section shall not apply to beer authorized to be made pursuant to Section 67-3-11.

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

SECTION 9. Section 67-3-17, Mississippi Code of 1972, is amended as follows:

67-3-17. (1) Any person desiring to engage in any business taxable under Sections 27-71-303 through 27-71-317, Mississippi
Code of 1972, either as a retailer, or as a wholesaler or
distributor, or as a manufacturer, of light wines, light spirit
products or beer, shall file with the commissioner an application
for a permit allowing him to engage in such business. The
application for a permit shall contain a statement showing the
name of the business, and if a partnership, firm, association or
limited liability company, the name of each partner or member, and
if a corporation the names of two (2) principal officers, the post
office address, and the nature of business in which engaged. In
case any business is conducted at two (2) or more separate places,
a separate permit for each place of business shall be required.
The commissioner shall prescribe the form of the application and
designate who is required to sign the application. The
application shall be signed under penalty of perjury.

(2) The application shall include a statement that the
applicant will not, except as otherwise authorized in this
chapter, allow any alcoholic beverages as defined in Section
67-1-5, any beer having an alcoholic content of more than eight
percent (8%) by weight, any spirit product having an alcoholic
content of more than four percent (4%) by weight, or any
wine * * * having an alcoholic content of more than five percent
(5%) by weight, to be kept, stored or secreted in or on the
premises described in such permit or license, and that the
applicant will not otherwise violate any law of this state, or
knowingly allow any other person to violate any such law, while in
or on such premises.

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

SECTION 10. Section 67-3-19, Mississippi Code of 1972, is
amended as follows:

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

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

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

(c) Applicant shall not have had revoked, except for a
violation of Section 67-3-52, within two (2) years next preceding
his application, any license or permit issued to him pursuant to
the laws of this state, or any other state, to sell alcoholic
liquor of any kind.
(d) Applicant shall be the owner of the premises for which the permit is sought or the holder of an existing lease thereon.

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

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

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

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

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

(j) If applicant is a corporation, all officers and directors thereof, and any stockholder owning more than five percent (5%) of the stock of such corporation, and the person or persons who shall conduct and manage the licensed premises for the
corporation shall possess all the qualifications required herein for any individual permittee. However, the requirements as to residence shall not apply to officers, directors and stockholders of such corporation.

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

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

SECTION 11. Section 67-3-22, Mississippi Code of 1972, is amended as follows:

67-3-22. (1) The production limits for a brewpub shall be based upon production as determined by the Department of Revenue pursuant to Section 27-71-307, Mississippi Code of 1972, and a brewpub shall not manufacture more than seventy-five thousand (75,000) gallons of light wine, light spirit product or beer per calendar year.

(2) Light wine, light spirit product or beer produced at a brewpub shall not be sold at a price less than it cost to manufacture such light wine, light spirit product or beer.
(3) Except as otherwise provided in this subsection, light wine, light spirit product or beer manufactured by a brewpub shall not be sold away from the premises of such brewpub (as defined in Section 27-71-301, Mississippi Code of 1972) and shall not be packaged in any form that it may be carried away from the premises; however, the final one hundred (100) gallons of beer within a fermenting tank may be placed in kegs for sale on the premises to facilitate transition from one fermenting tank to another. A brewpub may sell light wine, light spirit product or beer manufactured by it for consumption off the premises of the brewpub if the light wine, light spirit product or beer so sold is contained in a growler.

(4) A brewpub shall be required to offer for sale light wine, light spirit product or beer that is normally carried on the inventory of wholesalers or distributors of light wine, light spirit product or beer.

SECTION 12. Section 67-3-25, Mississippi Code of 1972, is amended as follows:

67-3-25. (1) Any permit issued authorizing the sale of light wines, light spirit products and/or beer for consumption shall be construed to authorize the sale of light wines, light spirit products and/or beer by the bottle, by the glass or by draught, and in or from the original package.
(2) The commissioner is authorized to establish, in his
discretion, dates for the expiration of permits issued under this
chapter.

(3) Except as otherwise provided in this section, permits
shall be issued for twelve (12) months and shall be renewed
annually on the first day of the month in which the permit
expires. The commissioner may issue temporary permits for less
than a full year. All permits shall show the effective date and
expiration date of the permit, the business location, individual
or business name and mailing address of the permittee.

SECTION 13. Section 67-3-27, Mississippi Code of 1972, is
amended as follows:

67-3-27. Before any person shall engage in the business of
manufacturer, wholesaler, distributor or retailer of light wines,
light spirit products or beer, he shall apply to the commissioner
for a license to engage in such business, and shall pay to the
commissioner the specific tax imposed by Section 27-71-303, for
the privilege of engaging in such business. The commissioner upon
receipt of such tax shall issue to such person a privilege license
to engage in or continue in such business for a period of time not
to exceed one (1) year. No such license shall be issued to the
applicant unless such applicant shall have obtained from the
commissioner a permit as required in Section 67-3-17. A brewpub
shall obtain all necessary federal licenses and permits prior to
obtaining any license under this chapter.
All privilege licenses issued under the provisions of this section shall be renewed annually on or before the first day of the month in which the current license expires.

**SECTION 14.** Section 67-3-28, Mississippi Code of 1972, is amended as follows:

67-3-28. (1) Any person desiring to engage in business as a brewpub shall file with the commissioner, along with the application required by Section 67-3-17, Mississippi Code of 1972, a certificate issued by a licensed testing laboratory indicating that such laboratory has tested a sample of the applicant's beer, light spirit product or light wine, or a combination thereof, and that the alcohol content of such sample of beer does not exceed eight percent (8%) by weight, and the alcohol content of such sample of light spirit product does not exceed four percent (4%) by weight, and the alcoholic content of such sample of light wine does not exceed five percent (5%) by weight.

(2) Every brewpub shall be required to submit to random testing by the commissioner to determine whether any beer being manufactured, sold, kept, stored or secreted by the license holder contains an alcohol content greater than eight percent (8%) by weight, and light spirit product being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than four percent (4%) by weight, and any light wine being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than five percent.
percent (5%) by weight. The commissioner shall establish and administer testing standards and procedures to be used in such random testing. The brewpub licensee shall be responsible for all costs incurred by the commissioner in conducting random testing under this section.

SECTION 15. Section 67-3-29, Mississippi Code of 1972, is amended as follows:

67-3-29. (1) The commissioner, or a hearing officer or the board of review, as designated by the commissioner, after a show cause hearing, shall revoke or suspend any permit granted by authority of this chapter to any person who shall violate any of the provisions of this chapter or the revenue laws of this state relating to engaging in transporting, storing, selling, distributing, possessing, receiving or manufacturing of wines or beers, or any person who shall hereafter be convicted of the unlawful sale of intoxicating liquor, or any person who shall allow or permit any form of illegal gambling or immorality on the premises described in such permit. The commissioner shall not revoke or suspend a permit of a retailer for the sale of light wine, light spirit product or beer to a person under the age of twenty-one (21) years until there has been a conviction of the permit holder or an employee of the permit holder for such violation.

(2) If any person exercising any privilege taxable under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972,
shall willfully neglect or refuse to comply with the provisions of such chapter, or any rules or regulations promulgated by the commissioner under authority of such chapter, or the provisions of this chapter, including maintaining the qualifications of an applicant under Section 67-3-19, during the permit period, the commissioner shall be authorized to revoke or suspend the permit theretofore issued to the person. Any person whose permit shall have been revoked by the commissioner shall be thereafter prohibited from exercising any privilege under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, for a period of two (2) years from the date of the revocation. The commissioner may, however, for good cause shown, grant a new permit upon such conditions as the commissioner may prescribe. Any person whose permit shall have been suspended by the commissioner shall be prohibited from exercising any privilege under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, during the period of the suspension. Failure of the person to comply with the terms of the suspension shall be cause for revocation of his permit, in addition to the other penalties provided by law.

(3) In addition to the reasons specified in this section and other provisions of this chapter, the commissioner shall be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the
reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 16. Section 67-3-41, Mississippi Code of 1972, is amended as follows:

67-3-41. Sections 67-3-31 through 67-3-41 and Section 67-3-53 are declared to be cumulative, amendatory, and supplemental to any and all other acts and laws of this state pertaining to the governing of the sale and distribution of light wines, light spirit products and beers as contained in Sections 27-71-301 through 27-71-347, Mississippi Code of 1972, and Sections 67-3-17, 67-3-23, 67-3-27, 67-3-29(2), 67-3-55, and 67-3-57.

SECTION 17. Section 67-3-45, Mississippi Code of 1972, is amended as follows:

67-3-45. No manufacturer, distributor or wholesale dealer to whom or to which this chapter applies shall:

(a) Make any loan, directly or indirectly, or furnish any fixtures of any kind, directly or indirectly, to any retail dealer in light wines, light spirit products and/or beer;
(b) Have any interest, direct or indirect, in the business of or in the furnishings or fixtures or in the premises used by any such retail dealer in connection with his or its business;

(c) Have any lien on any such property of any such retail dealer; or

(d) Sell light wines, light spirit products and/or beer to any such retail dealer on credit.

This section shall not apply to a brewpub licensed pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972.

SECTION 18. Section 67-3-46, Mississippi Code of 1972, is amended as follows:

67-3-46. (1) The provisions of subsection (2) of this section apply to the following entities:

(a) Any person engaged in the business of brewing or manufacturing beer or in the business of manufacturing or producing light wines or light spirit products;

(b) An officer, director, agent or employee of an entity described in paragraph (a) of this subsection;

(c) An affiliate of an entity described in paragraph (a) of this subsection, regardless of whether the affiliation is corporate or by management, direction or control.

(2) No entity named in subsection (1) of this section may have any interest in the license, business, assets or corporate stock of a wholesaler or distributor to whom this chapter applies,
except a security interest granted to the entity of the type
provided for the Uniform Commercial Code in products sold to a
wholesaler or distributor until the full purchase price has been
paid therefor.

SECTION 19. Section 67-3-48, Mississippi Code of 1972, is
amended as follows:

67-3-48. (1) A small craft brewery may sell at retail light
wine, light spirit product or beer produced at its brewery for
consumption on the premises of the brewery and consumption off the
premises of the brewery if the sales are made on the premises of
the brewery and the light wine, light spirit product or beer
products offered for sale are also made available for sale to
wholesalers.

(2) (a) A small craft brewery shall not sell at retail more
than ten percent (10%) of the light wine, light spirit product or
beer produced annually at its brewery or more than one thousand
five hundred (1,500) barrels of light wine, light spirit product
or beer produced at the brewery annually, whichever is the lesser
amount. For purposes of this subsection, contract-brewed beer
shall not be included in the amount of beer produced annually at
the brewery. The light wine, light spirit product or beer must be
sold at a price approximating retail prices generally charged for
identical beverages in the county where the brewery is located.
(b) A small craft brewery shall not make retail sales
of more than five hundred seventy-six (576) ounces, in the
aggregate, of light wine, light spirit product or beer to any one
(1) individual for consumption off the premises of the brewery
within a twenty-four-hour period.

(c) The limits on sales provided for in this subsection
shall not apply to beer provided pursuant to Section 67-3-47.

(3) A small craft brewery shall take commercially reasonable
steps to ensure that light wine, light spirit product or beer
products sold for consumption off the premises of the brewery are
being sold for personal use and not for resale and are not being
sold to anyone holding a retail permit for the purpose of resale
in their establishment.

(4) A small craft brewery shall not make retail sales of
contract-brewed beer.

(5) A small craft brewery shall not mail or ship light wine,
light spirit product or beer to a consumer.

SECTION 20. Section 67-3-48.1, Mississippi Code of 1972, is
amended as follows:

67-3-48.1. (1) In the event a small craft brewery is
acquired by an entity that manufactures light wine, light spirit
product or beer that does not fall within the definition of the
term "small craft brewery," the entity that acquired the small
craft brewery may continue to operate the brewery as a small craft
brewery for as long as the acquired facility meets the definition
of the term "small craft brewery"; however, the limit in Section
67-3-3 on the amount of barrels of light wine, light spirit
product or beer that a small craft brewery may produce shall not apply to light wine, light spirit product or beer that is not produced by the acquired small craft brewery.

(2) In the event a small craft brewery acquires an entity that manufactures light wine, light spirit product or beer that does not fall within the definition of the term "small craft brewery," the small craft brewery that acquired the entity may continue to operate as a small craft brewery for as long as the brewery meets the definition of the term "small craft brewery."

The light wine, light spirit product or beer produced by the entity that is acquired by a small craft brewery shall not apply to the limit in Section 67-3-3 on the amount of light wine, light spirit product or beer that the small craft brewery may produce.

(3) A small craft brewery described in subsections (1) and (2) of this section may continue to sell at retail brands the small craft brewery produces on its premises at all locations at which it was selling the brands at retail at the time of the acquisition; however, the small craft brewery may not sell at retail brands produced by the entity that acquired it or by the entity it acquires, as the case may be.

SECTION 21. Section 67-3-49, Mississippi Code of 1972, is amended as follows:

67-3-49. (1) Except as otherwise provided in this section, it shall be unlawful for any brewer or manufacturer or distributor or wholesale dealer of or in light wines, light spirit products
and/or beer to manufacture or knowingly bring upon his premises or keep thereon any wine of an alcoholic content of more than five percent (5%) by weight, any light spirit product of an alcoholic content of more than four percent (4%) by weight, any beer of an alcoholic content of more than eight percent (8%) by weight, or any distilled spirits of any alcoholic content whatsoever. Any person that shall add to or mix with any beer, light spirit product or light wine any alcoholic or other liquid, or any alcohol cube or cubes, or any other ingredient or ingredients that will increase or tend to increase the alcoholic content of such liquor, or any person that shall knowingly offer for sale any liquor so treated, shall be guilty of a misdemeanor and punished as hereinafter provided in this chapter. The commissioner shall take any action he considers necessary to ensure that light wine, light spirit product and/or beer manufactured at a brewpub complies with the provisions of this section.

(2) A brewer or manufacturer of light wine, light spirit product or beer may manufacture and keep upon his premises beer of an alcoholic content of more than eight percent (8%) by weight if the beer is manufactured for legal sale in another state.

SECTION 22. Section 67-3-51, Mississippi Code of 1972, is amended as follows:

67-3-51. (1) It shall be unlawful for any person to sell, or offer to sell, or keep for sale any bottled beer, bottled light
spirit product or bottled light wine except the same be in the original bottle or in the original package containing bottles, each of which bottles shall bear the original label and the full name of the brewer or manufacturer of the contents of such bottle, both on the label and on the cap or cork of such bottle in the case of beer, and on the label only in the case of light wine and light spirit product.

(2) It shall be unlawful for any person to sell, or offer for sale, or keep for sale any beer, light spirit product or light wine in the original package or packages unless each such original package (whether barrel or other container, and whether containing liquor in bottles or otherwise) shall have plainly stamped on the container or label for each such container the full name of the manufacturer of the liquor therein contained.

(3) It shall be unlawful for any person to sell on draught any beer, light spirit product or light wine except the same be drawn from the original barrel or other container, which such container shall have plainly stamped on each end thereof the full name of the manufacturer of such liquor.

(4) This section shall not apply to beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47.

SECTION 23. Section 67-3-52, Mississippi Code of 1972, is amended as follows:
67-3-52. It shall be unlawful for any person holding a permit authorizing the sale of beer, light spirit product or light wine at retail to obtain such beer, light spirit product or light wine from any source outside of the State of Mississippi. Any person who violates the provisions of this section, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. Any person convicted of violating this section, or any rules or regulations promulgated by the commissioner with regard to the unlawful acts described in this section, shall forfeit his permit. Any person whose permit has been forfeited pursuant to this section shall not be eligible for a permit issued by the commissioner for a period of five (5) years after the date of such forfeiture. In addition, no permit shall be issued for the same location, for which an offender has forfeited a permit pursuant to this section, to a spouse, offspring or sibling of the offender when to do so would circumvent the purposes of this section. The commissioner may assess a retailer who violates this section the amount of excise taxes due on the unlawfully imported beer, light spirit product or light wine, together with a penalty in the amount of four (4) times the state excise taxes due or One Hundred Dollars ($100.00) per case, whichever is greater.
SECTION 24. Section 67-3-53, Mississippi Code of 1972, is amended as follows:

67-3-53. In addition to any act declared to be unlawful by this chapter, or by Sections 27-71-301 through 27-71-347, and Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be unlawful for the holder of a permit authorizing the sale of beer, light spirit product or light wine at retail or a small craft brewery selling light wine, light spirit product or beer at retail pursuant to Section 67-3-48 or for the employee of the holder of such a permit or the employee of such a brewery:

(a) To sell or give to be consumed in or upon any licensed premises or in or upon the premises of a small craft brewery any beer, light spirit product or light wine between the hours of midnight and seven o'clock the following morning or during any time the licensed premises may be required to be closed by municipal ordinance or order of the board of supervisors; however, in areas where the sale of alcoholic beverages is legal under the provisions of the Local Option Alcoholic Beverage Control Law and the hours for selling those alcoholic beverages have been extended beyond midnight for on-premises permittees under Section 67-1-37, the hours for selling beer, light spirit products or light wines are likewise extended in areas where the sale of beer, light spirit products and light wines is legal in accordance with the provisions of this chapter.
(b) To sell, give or furnish any beer, light spirit product or light wine to any person visibly or noticeably intoxicated, or to any habitual drunkard, or to any person under the age of twenty-one (21) years.

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

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

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

(f) To permit or suffer illegal gambling or the operation of illegal games of chance upon the licensed premises or the premises of the small craft brewery.

(g) To receive, possess or sell on the licensed premises or, except as otherwise authorized by this chapter, on the premises of the small craft brewery any beverage of any kind or character containing more than five percent (5%) of alcohol by weight except any beer containing not more than eight percent (8%) of alcohol by weight, unless the licensee also possesses an on-premises or manufacturer's permit under the Local Option Alcoholic Beverage Control Law.
(h) To accept as full or partial payment for any product any coupons that are redeemed directly or indirectly from a manufacturer, wholesaler or distributor of light wine, light spirit product or beer.

SECTION 25. Section 67-3-54, Mississippi Code of 1972, is amended as follows:

67-3-54. (1) A person who is at least eighteen (18) years of age but under the age of twenty-one (21) years may possess and consume light wine, light spirit product or beer with the consent of his parent or legal guardian in the presence of his parent or legal guardian, and it shall not be unlawful for the parent, legal guardian or spouse of such person to furnish light wine, light spirit product or beer to such person who is at least eighteen (18) years of age.

(2) A person who is at least eighteen (18) years of age and who is serving in the armed services of the United States may lawfully possess and consume light wine, light spirit product or beer on military property where the consumption of light wine, light spirit product or beer is allowed.

(3) A person who is under twenty-one (21) years of age shall not be deemed to unlawfully possess or furnish light wine, light spirit product or beer, if in the scope of his employment such person:
(a) Clears or buses tables that have glasses or other containers that contain or did contain light wine, light spirit product or beer;

(b) Waits on tables by taking orders for light wine, light spirit product or beer; or

(c) Stocks, bags or otherwise handles purchases of light wine, light spirit product or beer at a store.

SECTION 26. Section 67-3-55, Mississippi Code of 1972, is amended as follows:

67-3-55. (1) It shall be unlawful for any retailer to possess for purpose of sale, to sell, or to offer to sell any light wine, light spirit product or beer which was not purchased from a wholesaler in this state who has a permit to sell such light wine, light spirit product or beer, except for beer, light spirit product or light wine that was brewed on the premises of the retailer who holds a permit as a brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972.

(2) It shall be unlawful for any wholesaler to possess for purpose of sale, to sell, or to offer to sell any light wine, light spirit product or beer which was not purchased from a manufacturer or importer of a foreign manufacturer authorized to sell such light wine, light spirit product or beer in this state.

(3) This section shall not apply to:
(a) Beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47; or

(b) Light wine, light spirit product or beer sold on the premises of a small craft brewery as authorized in Section 67-3-48.

SECTION 27. Section 67-3-57, Mississippi Code of 1972, is amended as follows:

67-3-57. (1) It shall be unlawful for any retailer to possess, sell or offer to sell, or to possess for purpose of sale, any light wine, light spirit product or beer at his place of business before securing a permit required by this chapter.

(2) It shall be unlawful for any person to possess, sell or offer to sell any light wine, light spirit product or beer at his place of business after revocation of his permit or to purchase, to sell or offer to sell any light wine, light spirit product or beer during the period of suspension of his permit.

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

SECTION 28. Section 67-3-59, Mississippi Code of 1972, is amended as follows:

67-3-59. (1) Except as provided in this subsection, sales by wholesalers, distributors or manufacturers to persons who do
not hold valid permits are unlawful; and any wholesaler, 
distributor or manufacturer making such sales, or who sells any 
beer, light spirit product or light wine on which the tax provided 
by law has not been paid, shall, in addition to any other fines, 
penalties and forfeitures, be subject to a penalty of Twenty-five 
Dollars ($25.00) for each sale. If all other applicable taxes are 
paid, this penalty will not apply to the following: sales to 
employees of the wholesaler; sales to nonprofit charitable and 
civic organizations for special fund-raising events provided that 
the beer, light spirit product or light wine is not resold; sales 
to affiliated member associations.

(2) The commissioner may assess the penalty by giving notice 
by mail, demanding payment within thirty (30) days from date of 
delivery of the notice.

The proceeds of all penalties shall be deposited by the 
commissioner with the other monies collected by him and shall be 
disposed of as provided by law.

SECTION 29. Section 67-3-61, Mississippi Code of 1972, is 
amended as follows:

67-3-61. Every railroad company, express company, aeroplane 
company, motor transportation company, steamboat company, or other 
transportation company, or any person that shall transport into, 
from place to place within, or out of this state any light wines, 
light spirit products or beer, whether brewed or manufactured 
within this state or outside of this state, when requested by the
commissioner, shall furnish him with a duplicate of the bill of
lading covering the receipt for such liquor, showing the name of
the brewer or manufacturer or distributor, and the name and
address of the consignor and of the consignee, and the date when
and place where received, and the destination and the quantity of
such liquor received from the manufacturer or brewer or other
consignor for shipment from any point within or without this state
to any point within this state.

Any such company or person so transporting any such liquor
that shall fail to comply with the requirements of this section,
shall forfeit and pay to the State of Mississippi the sum of One
Hundred Dollars ($100.00) for each such failure, to be recovered
in any court of competent jurisdiction. The commissioner is
hereby authorized and empowered to sue in his own name, on the
relation and for the use of the State of Mississippi, for such
recovery.

SECTION 30. Section 67-3-63, Mississippi Code of 1972, is
amended as follows:

67-3-63. The commissioner shall cause a record to be kept of
the names and places of business of all persons engaged in the
brewing of beer, of all persons engaged in the manufacture of
light wines or light spirit products, and of all persons engaged
in the sale of light wines, light spirit products and/or beer,
whether at retail or otherwise. He shall also cause a record to
be kept of all beer, light spirit products and light wines (and of
the amount thereof) brewed or manufactured by each brewery or
winery, and of all such liquors (and of the amount thereof) sold
by each brewery or winery, with the names and business addresses
of the purchasers, and of all such liquors (and of the amount
thereof) sold by every dealer other than a brewer or manufacturer,
and in the case of sales by dealers other than retail dealers, of
the names and business addresses of the purchasers.

The commissioner shall cause a record to be kept of all
expenses incurred in the collection of such data.

SECTION 31. Section 67-3-65, Mississippi Code of 1972, is
amended as follows:

67-3-65. Municipalities may enforce such proper rules and
regulations for fixing zones and territories, prescribing hours of
opening and of closing, and for such other measures as will
promote public health, morals, and safety, as they may by
ordinance provide. The board of supervisors of any county may
make such rules and regulations as to territory outside of
municipalities as are herein provided for municipalities.

Nothing in this chapter shall prohibit the governing body of
any municipality from designating what territory surrounding
churches and schools in said municipalities, and the board of
supervisors of any county from designating what territory
surrounding churches and schools outside of any municipality, in
which light wines, light spirit products and beer shall not be
sold or consumed.
SECTION 32. Section 67-3-67, Mississippi Code of 1972, is amended as follows:

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

SECTION 33. Section 67-3-69, Mississippi Code of 1972, is amended as follows:

67-3-69. (1) Except as to Sections 67-3-17, 67-3-23, 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of this chapter or of any rule or regulation of the commissioner, shall be a misdemeanor and, where the punishment therefor is not elsewhere prescribed in this section, shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or imprisonment for not more than six (6) months, or both, in the discretion of the court. If any person so convicted shall be the holder of any permit or license issued by the commissioner under authority of this chapter, the permit or license shall from and after the date of such conviction be void and the holder thereof shall not thereafter, for a period of one (1) year from the date of such
conviction, be entitled to any permit or license for any purpose
authorized by this chapter. Upon conviction of the holder of any
permit or license, the appropriate law enforcement officer shall
seize the permit or license and transmit it to the commissioner.

(2) (a) Any person who shall violate any provision of
Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a
misdemeanor, and upon conviction thereof shall be punished by a
fine of not more than Five Hundred Dollars ($500.00) or by
imprisonment in the county jail for not more than six (6) months,
or by both such fine and imprisonment, in the discretion of the
court.

(b) Any person who shall violate any provision of
Section 67-3-57 shall be guilty of a misdemeanor, and upon
conviction thereof, shall be punished by a fine of not more than
One Thousand Dollars ($1,000.00) or by imprisonment in the county
jail for not more than one (1) year, or by both, in the discretion
of the court. Any person convicted of violating any provision of
the sections referred to in this subsection shall forfeit his
permit, and shall not thereafter be permitted to engage in any
business taxable under the provisions of Sections 27-71-301
through 27-71-347.

(3) If the holder of a permit, or the employee of the holder
of a permit, shall be convicted of selling any beer, light spirit
product or wine to anyone who is visibly intoxicated from the
licensed premises or to any person under the age of twenty-one
(21) years from the licensed premises in violation of Section 67-3-53(b), then, in addition to any other penalty provided for by law, the commissioner may impose the following penalties against the holder of a permit:

(a) For the first offense on the licensed premises, by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00) and/or suspension of the permit for not more than three (3) months.

(b) For a second offense occurring on the licensed premises within twelve (12) months of the first offense, by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00) and/or suspension of the permit for not more than six (6) months.

(c) For a third offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine.

(d) For a fourth or subsequent offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine.
(4) A person who sells any beer, light spirit product or wine to a person under the age of twenty-one (21) years shall not be guilty of a violation of Section 67-3-53(b) if the person under the age of twenty-one (21) years represents himself to be twenty-one (21) years of age or older by displaying an apparently valid Mississippi driver's license containing a physical description consistent with his appearance or by displaying some other apparently valid identification document containing a picture and physical description consistent with his appearance for the purpose of inducing the person to sell beer, light spirit product or wine to him.

(5) If the holder of a permit to operate a brewpub is convicted of violating the provisions of Section 67-3-22(3), then, in addition to any other provision provided for by law, the holder of the permit shall be punished as follows:

   (a) For the first offense, the holder of a permit to operate a brewpub may be fined in an amount not to exceed Five Hundred Dollars ($500.00).

   (b) For a second offense occurring within twelve (12) months of the first offense, the holder of a permit to operate a brewpub may be fined an amount not to exceed One Thousand Dollars ($1,000.00).

   (c) For a third or subsequent offense occurring within twelve (12) months of the first offense, the holder of a permit to operate a brewpub may be fined an amount not to exceed Five
Thousand Dollars ($5,000.00) and the permit to operate a brewpub shall be suspended for thirty (30) days.

(6) If a small craft brewery is convicted of violating the provisions of Section 67-3-48, then, in addition to any other provision provided for by law, the small craft brewery shall be punished as follows:

(a) For the first offense, the small craft brewery may be fined in an amount not to exceed Five Hundred Dollars ($500.00).

(b) For a second offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed One Thousand Dollars ($1,000.00).

(c) For a third or subsequent offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed Five Thousand Dollars ($5,000.00) and the permit to operate as a manufacturer shall be suspended for thirty (30) days.

SECTION 34. Section 67-3-70, Mississippi Code of 1972, is amended as follows:

67-3-70. (1) Except as otherwise provided by Section 67-3-54, any person under the age of twenty-one (21) years who purchases or possesses any light wine, light spirit product or beer shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Dollars
($200.00) nor more than Five Hundred Dollars ($500.00) and a sentence to not more than thirty (30) days community service.

(2) Any person under the age of twenty-one (21) years who falsely states he is twenty-one (21) years of age or older or presents any document that indicates he is twenty-one (21) years of age or older for the purpose of purchasing or possessing any light wine, light spirit product or beer shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00) and a sentence to not more than thirty (30) days community service.

(3) Except as otherwise provided by Section 67-3-54, any person who knowingly purchases light wine, light spirit product or beer for, or gives light wine, light spirit product or beer to a person under the age of twenty-one (21) years, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00) and a sentence to not more than thirty (30) days community service. The punishment provided under this subsection shall not be applicable to violations of Section 97-5-49.

(4) The term "community service" as used in this section shall mean work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials.
(5) If a person under the age of twenty-one (21) years is convicted or enters a plea of guilty of violating subsection (1) or subsection (2) of this section, the trial judge, in lieu of the penalties otherwise provided under this section, shall suspend the minor's driver's license by taking and keeping it in the custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering the suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. During the period that the minor's driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties, or both, that he would have otherwise imposed, and such action shall constitute a conviction.

(6) Any person who has been charged with a violation of subsections (1) or (2) of this section may, not sooner than one year after the dismissal and discharge or completion of any sentence and/or payment of any fine, apply to the court for an order to expunge from all official records all recordation relating to his arrest, trial, finding or plea of guilty, and dismissal and discharge. If the court determines that such person
was dismissed and the proceedings against him discharged or that
such person had satisfactorily served his sentence and/or paid his
fine, it shall enter such order.

SECTION 35. Section 67-3-73, Mississippi Code of 1972, is
amended as follows:

67-3-73. (1) The Mississippi Legislature finds and declares
that the consumption of intoxicating beverages, rather than the
sale or serving or furnishing of such beverages, is the proximate
cause of any injury, including death and property damage,
inflicted by an intoxicated person upon himself or upon another
person.

(2) Notwithstanding any other law to the contrary, no holder
of an alcoholic beverage, beer, light spirit product or light wine
permit, or any agent or employee of such holder, who lawfully
sells or serves intoxicating beverages to a person who may
lawfully purchase such intoxicating beverages, shall be liable to
such person or to any other person or to the estate, or survivors
of either, for any injury suffered off the licensed premises,
including wrongful death and property damage, because of the
intoxication of the person to whom the intoxicating beverages were
sold or served.

(3) Notwithstanding any other law to the contrary, no social
host who serves or furnishes any intoxicating beverage to a person
who may lawfully consume such intoxicating beverage shall be
liable to such person or to any other person or to the estate, or
survivors of either, for any injury suffered off such social host's premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were served or furnished. No social host who owns, leases or otherwise lawfully occupies a premises on which, in his absence and without his consent, intoxicating beverages are consumed by a person who may lawfully consume such intoxicating beverage shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off the premises, including wrongful death and property damage, because of the intoxication of the person who consumed the intoxicating beverages.

(4) The limitation of liability provided by this section shall not apply to any person who causes or contributes to the consumption of alcoholic beverages by force or by falsely representing that a beverage contains no alcohol, or to any holder of an alcoholic beverage, beer, light spirit product or light wine permit, or any agent or employee of such holder when it is shown that the person making a purchase of an alcoholic beverage was at the time of such purchase visibly intoxicated.

SECTION 36. Section 67-3-74, Mississippi Code of 1972, is amended as follows:

67-3-74. (1) In addition to peace officers within their jurisdiction, all enforcement officers of the Alcoholic Beverage Control Division of the Department of Revenue are authorized to
enforce the provisions made unlawful by this chapter and Section 97-5-49; however, the provisions prohibiting the sale of light wine, light spirit product or beer to persons under the age of twenty-one (21) years shall be enforced by the division as provided for in this section.

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

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

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

(i) Within ten (10) days after such violation, Sundays and holidays excluded, if the business sells light wine, light spirit product or beer for on-premises consumption; and
(ii) Within seventy-two (72) hours after such violation, Sundays and holidays excluded, if the business does not sell light wine, light spirit product or beer for on-premises consumption.

SECTION 37. Section 67-1-5, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) "Restaurant" means:

(i) A place which is regularly and in a bona fide
manner used and kept open for the serving of meals to guests for
compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. Except as otherwise provided in this paragraph, no place shall qualify as a restaurant under this chapter unless twenty-five percent (25%) or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue; or

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

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

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

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

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

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

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

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

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

(o) "Qualified resort area" means any area or locality
outside of the limits of incorporated municipalities in this state
commonly known and accepted as a place which regularly and
customarily attracts tourists, vacationists and other transients
because of its historical, scenic or recreational facilities or
attractions, or because of other attributes which regularly and
customarily appeal to and attract tourists, vacationists and other
transients in substantial numbers; however, no area or locality
shall so qualify as a resort area until it has been duly and
properly approved as such by the department. The department may
not approve an area as a qualified resort area after July 1, 2018,
if any portion of such proposed area is located within two (2) miles of a convent or monastery that is located in a county traversed by Interstate 55 and U.S. Highway 98. A convent or monastery may waive such distance restrictions in favor of allowing approval by the department of an area as a qualified resort area. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the convent or monastery having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

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

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

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

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

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

4. Any facility located on federal property surrounding a lake and designated as a recreational area by the United States Army Corps of Engineers that consists of at least one thousand five hundred (1,500) acres;

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

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

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

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

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

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

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

A. Owned by the Pearl River Valley Water Supply District, and/or
B. Located within the Reservoir Community District, zoned commercial, east of Old Fannin Road, north of Regatta Drive, south of Spillway Road, west of Hugh Ward Boulevard and accessible by Old Fannin Road, Spillway Road, Spann Drive and/or Lake Vista Place, and/or

C. Located within the Reservoir Community District, zoned commercial, west of Old Fannin Road, south of Spillway Road and extending to the boundary of the corporate limits of the City of Flowood, Mississippi;

b. The board of supervisors of such county, with respect to B and C of this item 8, may by resolution or other order:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale,

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and

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

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

10. Any facility that:
   a. Consists of at least six thousand (6,000) square feet being heated and cooled along with an
   additional adjacent area that consists of at least two thousand two hundred (2,200) square feet regardless of whether heated and
   cooled,
   b. For a fee is used to host events such as weddings, reunions and conventions,
   c. Provides lodging accommodations regardless of whether part of the facility and/or located adjacent
to or in close proximity to the facility, and
   d. Is located on property that consists of at least thirty (30) contiguous acres;

11. Any facility and related property:
   a. Located on property that consists of at least one hundred twenty-five (125) contiguous acres and
   consisting of an eighteen (18) hole golf course, and/or located in a facility that consists of at least eight thousand (8,000) square
   feet being heated and cooled,
   b. Used for the purpose of providing meals and hosting events, and
c. Used for the purpose of teaching culinary arts courses and/or turf management and grounds keeping courses, and/or outdoor recreation and leadership courses;

12. Any facility and related property that:
   a. Consist of at least eight thousand (8,000) square feet being heated and cooled,
   b. For a fee is used to host events,
   c. Is used for the purpose of culinary arts courses, and/or outdoor recreation and leadership courses;

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

14. The clubhouse and associated eighteen (18) hole golf course located in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted to come out from under the dry law;

15. Land that is planned for mixed use development and consists of at least two hundred (200) contiguous acres with one or more planned residential developments
collectively planned to include at least two hundred (200) residential units when completed and which land is located:

a. In a county that has voted to come out from under the dry law,

b. Outside the corporate limits of any municipality in such county and adjacent to or in close proximity to a golf course located in a municipality in such county, and

c. Within one (1) mile of a state institution of higher learning.

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

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

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

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

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

(t) "Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling.
(u) "Art studio or gallery" means an establishment within a municipality or qualified resort area that is in the sole business of allowing patrons to view and/or purchase paintings and other creative artwork.

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

(w) "Campus" means property owned by a public school district, community or junior college, college or university in this state where educational courses are taught, school functions are held, tests and examinations are administered or academic course credits are awarded; however, the term shall not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state, and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales.

SECTION 38. Section 67-1-18, Mississippi Code of 1972, is amended as follows:

67-1-18. (1) Any alcoholic beverage, light wine, beer, light spirit product or raw material seized under the authority of
this chapter, Chapter 3 of Title 67, or Chapter 31 of Title 97, Mississippi Code of 1972, shall be submitted to the custody of the Mississippi Department of Revenue for disposition.

(2) (a) Except as otherwise provided in this paragraph, the department shall not dispose of any alcoholic beverage, light wine, beer, light spirit product or raw material without first providing reasonable notice to all individuals having an interest in the property and an opportunity for them to appear and establish their right or claim to the property. If no hearing is requested by the passage of the appropriate deadline, the department shall require the alcoholic beverages, light wine, beer, light spirit products or raw materials to be sold for the benefit of the state or destroyed.

(b) The provisions of paragraph (a) of this subsection shall not apply in cases in which the owner or possessor of the alcoholic beverage, light wine, beer, light spirit product or raw material is convicted of possession of alcoholic beverages, beer, light spirit products or light wine in a location in which such possession is prohibited by law, or convicted of a violation of Section 67-1-81(2) or 67-3-70. In such cases, the alcoholic beverage, light wine, beer, light spirit product or raw materials seized in connection with the violation may be disposed of in the manner prescribed by the department.

(3) (a) If the department orders the property, other than alcoholic beverages, sold, then the property shall be sold to the
highest bidder, the bidder being any person, firm or government agency. The offer for sale shall be made to not less than three (3) qualified prospective buyers, by mailing them an invitation to bid, which shall describe the property, terms of sale, method of delivery, manner of bidding and fixing a time of not more than fifteen (15) days from the date of invitation for opening of bids received by the department.

(b) All bids and payment shall be made in the manner as prescribed by the department. Bids, after opening, shall be subject to public inspection.

(4) If the department orders the sale of seized alcoholic beverages, it may place the alcoholic beverages in the state inventory to be sold to authorized retailers in the same manner as other alcoholic beverages in the state inventory are sold.

(5) Any appeal from a seizure and disposal made under this section shall be made pursuant to Section 67-1-72.

**SECTION 39.** Section 67-1-51, Mississippi Code of 1972, is amended as follows:

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

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

Manufacturer's permits shall be of the following classes:

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

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

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

(b) Package retailer's permit. Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new
products furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) On-premises retailer's permit. Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Such a permit shall be issued only to qualified hotels, restaurants and clubs, and to common carriers with adequate facilities for serving passengers.
In resort areas, whether inside or outside of a municipality, the
department, in its discretion, may issue on-premises retailer's
permits to such establishments as it deems proper. An on-premises
retailer's permit when issued to a common carrier shall authorize
the sale and serving of alcoholic beverages aboard any licensed
vehicle while moving through any county of the state; however, the
sale of such alcoholic beverages shall not be permitted while such
vehicle is stopped in a county that has not legalized such sales.
If an on-premises retailer's permit is applied for by a common
carrier operating solely in the water, such common carrier must,
along with all other qualifications for a permit, (i) be certified
to carry at least one hundred fifty (150) passengers and/or
provide overnight accommodations for at least fifty (50)
passengers and (ii) operate primarily in the waters within the
State of Mississippi which lie adjacent to the State of
Mississippi south of the three (3) most southern counties in the
State of Mississippi and/or on the Mississippi River or navigable
waters within any county bordering on the Mississippi River.
(d) Solicitor's permit. A solicitor's permit shall
authorize the holder thereof to act as salesman for a manufacturer
or wholesaler holding a proper permit, to solicit on behalf of his
employer orders for alcoholic beverages, and to otherwise promote
his employer's products in a legitimate manner. Such a permit
shall authorize the representation of and employment by one (1)
principal only. However, the permittee may also, in the
discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery.

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

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

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine, for consumption on the premises described in the temporary permit.
only. Class 1 permits may be issued only to applicants

demonstrating to the department, by a statement signed under

penalty of perjury submitted ten (10) days prior to the proposed
date or such other time as the department may determine, that they
meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.

Class 1 permittees shall obtain all alcoholic beverages from
package retailers located in the county in which the temporary
permit is issued. Alcoholic beverages remaining in stock upon
expiration of the temporary permit may be returned by the
permittee to the package retailer for a refund of the purchase
price upon consent of the package retailer or may be kept by the
permittee exclusively for personal use and consumption, subject to
all laws pertaining to the illegal sale and possession of
alcoholic beverages. The department, following review of the
statement provided by the applicant and the requirements of the
applicable statutes and regulations, may issue the permit.

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

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

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the holder(s) to the holder(s) of the permanent permit.
Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine, light spirit product or beer.

(g) Caterer's permit. A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of...
the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale, distribution and possession of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the
conclusion of his business at that location. Appropriate law
enforcement officers and Alcoholic Beverage Control Division
personnel may enter a catered location on private property in
order to enforce laws governing the sale or serving of alcoholic
beverages.

(h) **Research permit.** A research permit shall authorize
the holder thereof to operate a research facility for the
professional research of alcoholic beverages. Such permit shall
authorize the holder of the permit to import and purchase limited
amounts of alcoholic beverages from the department or from
importers, wineries and distillers of alcoholic beverages for
professional research.

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

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

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

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

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following...
requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

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

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and
consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.
(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell
at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

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

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

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

The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed.
2000 and breakfast inn listed in the National Register of Historic
2001 Places or to the sale or storage of alcoholic beverages in a
2002 historic district that is listed in the National Register of
2003 Historic Places, is a qualified resort area and is located in a
2004 municipality having a population greater than one hundred thousand
2005 (100,000) according to the latest federal decennial census.
2006
(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.
2015 (5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located within a leisure and recreation district created under Section
67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

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

**SECTION 40.** Section 67-1-72, Mississippi Code of 1972, is amended as follows:

67-1-72. (1) Except as otherwise provided in this chapter, any applicant or holder of a permit issued under this chapter which is aggrieved by an action of the Department of Revenue to deny his application for a permit, to deny the renewal of his permit or to revoke or suspend his permit shall be allowed to appeal to the Board of Tax Appeals from this action. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that person received notice of the action of the department being aggrieved. If the person aggrieved fails to appeal within this fifteen-day period, the action of the Department of Revenue shall take effect as set out in the notice. The Department of Revenue retains the authority to change at any time the action aggrieved to in an appeal under this subsection. The applicant or holder of any permit issued under this chapter may waive his right to notice.
and opportunity to a hearing as provided by this subsection and agree to the action being taken by the department. The inability of the Department of Revenue to issue or renew a permit due to an incomplete application or due to the failure of the applicant to pay the annual privilege taxes and fees provided by Section 27-71-5 and/or the failure of the applicant to post or deposit the bond, cash or securities as required by Section 27-71-21 shall not constitute a denial for purposes of this subsection.

(2) Any applicant for approval as a manager of an establishment operating under a permit issued under this chapter or who holds the designation of an approved manager of an establishment operating under a permit issued under this chapter and who is aggrieved by an action of the Department of Revenue to deny his application for approval as a manager or to revoke or suspend his designation as an approved manager shall be allowed to appeal to the Board of Tax Appeals from this action. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that person received notice of the action of the department being aggrieved. If the person aggrieved fails to appeal within this fifteen-day period, the action of the Department of Revenue shall take effect as set out in the notice. The Department of Revenue retains the authority to change at any time the action aggrieved to in an appeal under this subsection. The applicant or holder of
an approved manager designation may waive his right to notice and opportunity to a hearing as provided by this subsection and agree to the action being taken by the department. The inability of the Department of Revenue to consider an application for approval of an applicant as a manager due to an incomplete application shall not constitute a denial of the application for purposes of this subsection.

(3) Any applicant for approval of an area or locality as a qualified resort area under this chapter who is aggrieved by the decision of the Department of Revenue to deny the qualified resort area as requested and any county or municipality wherein the proposed qualified resort area is located may appeal to the Board of Tax Appeals from such decision. This appeal is to be filed by the aggrieved applicant or by the affected county or municipality with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that the person or entity filing the appeal received notice of the decision of the Department of Revenue to deny the qualified resort area. If an appeal is not filed within this fifteen-day period, the decision of the Department of Revenue shall become final. The Department of Revenue retains the authority to change at any time the decision aggrieved to in an appeal under this subsection. The inability of the Department of Revenue to consider an application for the approval of an area or locality as a qualified resort area due to an incomplete
application shall not constitute a denial of that application for purposes of this subsection.

(4) Any person, including any county or municipality in which the qualified resort area is located, who is aggrieved by the decision of the Department of Revenue to revoke the approval of an area or locality as a qualified resort area may appeal to the Board of Tax Appeals from such decision. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that the person or entity filing the appeal received notice of the decision of the department to revoke approval of the qualified resort area. At the discretion of the Department of Revenue, in addition to any other notice to be provided under this subsection, the department may provide notice of its decision to revoke approval of the qualified resort area by publication in the same manner as provided by regulation when approval of a qualified resort area is sought. In regard to such publication, the fifteen-day period provided herein will begin on the date that notice is first published. If an appeal is not filed within this fifteen-day period, the decision of the Department of Revenue shall become final. The Department of Revenue retains the authority to change at any time the decision aggrieved to in an appeal under this subsection.
(5) Any person objecting to an application for the issuance or transfer of a permit, other than a temporary retailer's permit, issued under this chapter and who timely requests in writing a hearing on his objection shall be given a hearing before the Board of Tax Appeals unless the permit is denied by the Department of Revenue and an appeal is not taken by the applicant to the Board of Tax Appeals from that denial or the applicant withdraws his application. Any written request for a hearing on an objection must be filed with the Department of Revenue within fifteen (15) days from the first date of publication of the notice of such application under Section 67-1-53. If the department determines that the permit should be denied, notice will be provided to the applicant as set out in subsection (1) of this section, and if the applicant timely requests a hearing on the denial as provided by this subsection (5), the department will advise the Executive Director of the Board of Tax Appeals and the applicant of the written request for a hearing on an objection to the permit. The hearing on the objection to the permit and the hearing on the appeal by the applicant from the denial of the department of the application shall be consolidated and heard by the Board of Tax Appeals at the same time. If the department determines that the permit should be issued, the department will advise the applicant and the Executive Director of the Board of Tax Appeals of the timely written request for a hearing on an objection to the application and a hearing will be set before the Board of Tax Appeals.
Appeals on this objection. If prior to the hearing, either the
person requesting the hearing withdraws his request or the
applicant withdraws his application, the hearing will be cancelled
and the objection proceedings before the Board of Tax Appeals on
the application will be dismissed as moot. In the case of such
withdrawals, the Board of Tax Appeals is authorized to assess to
either or both parties any costs incurred by it prior to such
withdrawal. The Department of Revenue retains authority to issue
the permit to the applicant where the person objecting to the
application withdraws his request for a hearing.

(6) Any person objecting to an application for approval by
the Department of Revenue of a area or locality as a qualified
resort area under this chapter and who timely requests in writing
a hearing on his objection shall be given a hearing before the
Board of Tax Appeals unless approval of the application is denied
by the Department of Revenue and an appeal is not taken by the
applicant or the county or municipality in which the proposed
qualified resort area is located to the Board of Tax Appeals from
that denial or the applicant withdraws his application. Any
written request for a hearing on an objection must be filed with
the Department of Revenue within fifteen (15) days from the first
date of publication of the notice of such application as provided
by regulation. If the department determines that the application
for approval of the proposed area or locality as a qualified
resort area should be denied, the department will proceed with
denial of such application as set out in subsection (3) of this
section, and if the applicant or the county or municipality in
which the proposed qualified resort area is located timely
requests a hearing on the denial as provided by subsection (3) of
this section, the department will advise the Executive Director of
the Board of Tax Appeals and the applicant of the written request
for a hearing on an objection to the application. The hearing on
the objection to approval of the proposed qualified resort area
and the hearing on the appeal from the denial of the department of
the application for such approval shall be consolidated and heard
by the Board of Tax Appeals at the same time. If the department
determines that the proposed qualified resort area should be
approved, the department will advise the applicant and the
Executive Director of the Board of Tax Appeals of the timely
written request for a hearing on an objection to the application
and a hearing will be set before the Board of Tax Appeals on this
objection. If prior to the hearing, either the person requesting
the hearing withdraws his request or the applicant withdraws his
application, the hearing will be cancelled and the objection
proceedings before the Board of Tax Appeals on the application
will be dismissed as moot. In the case of such withdrawals, the
Board of Tax Appeals is authorized to assess to either or both
parties any costs incurred by it prior to such withdrawal. The
Department of Revenue retains authority to approve the proposed
area or locality as a qualified resort area where the person objecting to the application withdraws his request for a hearing.

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

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

(9) At any hearing before the Board of Tax Appeals on an appeal or hearing request as set out above, two (2) members of the Board of Tax Appeals shall constitute a quorum. At the hearing, the Board of Tax Appeals shall try the issues presented according to law and the facts and pursuant to any guidelines established by regulation. The rules of evidence shall be relaxed at the hearing and the hearing shall be recorded by a court reporter. After reaching a decision on the issues presented, the Board of Tax Appeals shall enter an order setting forth its findings and decision in the matter. A copy of the order of the Board of Tax Appeals shall be mailed to the person or entity filing the request or appeal which was heard, the applicant or holder of any permit, approved manager status or qualified resort area status in issue,
any person who filed a written request for a hearing on an
objection to any application in issue and the Department of
Revenue to notify them of the findings and decision of the Board
of Tax Appeals.

SECTION 41. Section 67-7-3, Mississippi Code of 1972, is
amended as follows:

67-7-3. The legislative purpose of this chapter is to
provide a structure for the business relations between a
wholesaler and a supplier of light wine, light spirit product or
beer. Regulation in this area is considered necessary for the
following reasons:

(a) To maintain stability and healthy competition in
the light wine, light spirit product and beer industry in this
state.

(b) To promote and maintain a sound, stable and viable
system of distribution of light wine, light spirit product and
beer to the public.

(c) To provide for the private settlement of disputes
between wholesalers and suppliers of light wine, light spirit
product or beer as an alternative to civil litigation which
consumes the time and resources of the parties and the judicial
system.

(d) To promote the public health, safety and welfare.

SECTION 42. Section 67-7-5, Mississippi Code of 1972, is
amended as follows:
67-7-5. As used in this chapter, the following words or phrases, or the plural thereof, whenever they appear in this chapter, unless the context clearly requires otherwise, shall have the meaning ascribed to them in this section.

(a) "Agreement" means any agreement between a wholesaler and a supplier, whether oral or written, whereby a wholesaler is granted the right to purchase and sell a brand or brands of light wine, light spirit product or beer sold by a supplier.

(b) "Ancillary business" means a business owned by the wholesaler, by a substantial stockholder of a wholesaler, or by a substantial partner of a wholesaler, the primary business of which is directly related to the transporting, storing or marketing of the brand or brands of light wine, light spirit product or beer of a supplier with whom the wholesaler has an agreement; or a business owned by a wholesaler, a substantial stockholder of a wholesaler.

(c) "Commission" or "department" means the Department of Revenue of the State of Mississippi.

(d) "Commissioner" means the Commissioner of Revenue of the Department of Revenue.

(e) "Designated member" means the spouse, child, grandchild, parent, brother or sister of a deceased individual who owned an interest, including a controlling interest, in a wholesaler, or any person who inherits under the deceased
individual's will, or under the laws of intestate succession of this state; or any person who or entity which has otherwise, through a valid testamentary device by the deceased individual, succeeded the deceased individual in the wholesaler's business, or has succeeded to the deceased individual's ownership interest in the wholesaler pursuant to a written contract or instrument which has been previously approved by the supplier; "designated member" includes the appointed and qualified personal representative and the testamentary trustee of a deceased individual owning an ownership interest in a wholesaler, and it includes the person appointed by a court as the guardian or conservator of the property of an incapacitated individual owning an ownership interest in a wholesaler.

(f) "Establish" means to adjust or regulate, to provide for and uphold.

(g) "Good faith" means honesty in fact and observance of reasonable commercial standards of fair dealing in the trade, as defined in and interpreted under the Uniform Commercial Code.

(h) "Reasonable qualifications" means the standard of the reasonable criteria established and consistently used by the respective supplier for similarly situated wholesalers that entered into, continued or renewed an agreement with the supplier during a period of twenty-four (24) months before the proposed transfer of the wholesaler's business, or for similarly situated wholesalers who have changed managers or designated managers,
under the agreement, during a period of twenty-four (24) months before the proposed change in the manager or successor manager of the wholesaler's business.

(i) "Retaliatory action" means the refusal to continue an agreement, or a material reduction in the quality of service or quantity of products available to a wholesaler under an agreement, which refusal or reduction is not made in good faith.

(j) "Sales territory" means a primary area of sales responsibility for the brand or brands of light wine, light spirit product or beer sold by a supplier as designated by an agreement.

(k) "Substantial stockholder or substantial partner" means a stockholder of or partner in the wholesaler who owns an interest of ten percent (10%) or more of the partnership or of the capital stock of a corporate wholesaler.

(l) "Successor" means a person who replaces a supplier with regard to the right to manufacture, sell, distribute or import a brand or brands of light wine, light spirit product or beer.

(m) "Supplier" means a manufacturer or importer of light wine, light spirit product or beer as regulated by the department under Sections 67-3-1 through 67-3-73.

(n) "Transfer of wholesaler's business" means the voluntary sale, assignment or other transfer of ten percent (10%) or more of control of the business or all or substantially all of the assets of the wholesaler, or ten percent (10%) or more of
control of the capital stocks of the wholesaler, including without limitation the sale or other transfer of capital stock or assets by merger, consolidation or dissolution, or of the capital stock of the parent corporation, or of the capital stock or beneficial ownership of any other entity owning or controlling the wholesaler.

(o) "Wholesaler" means a wholesaler of light wine, light spirit product or beer as regulated by the department under Sections 67-3-1 through 67-3-73.

(p) "Similarly situated wholesalers" means wholesalers of a supplier that are of a generally comparable size and operate in markets in Mississippi and adjoining states with similar demographic characteristics, including population size, density, distribution and vital statistics, as well as reasonably similar economic and geographic conditions.

(q) "Light wine, light spirit product and/or beer" has the meaning ascribed to such terms in Section 67-3-3.

SECTION 43. Section 67-7-7, Mississippi Code of 1972, is amended as follows:

67-7-7. (1) A supplier shall not do the following:

(a) Fail to provide each wholesaler of the supplier's brand or brands with a written agreement which contains in total the supplier's agreement with each wholesaler, and designates a specific sales territory. Any agreement which is in existence on April 7, 1995, shall be renewed consistent with this chapter,
provided that this chapter may be incorporated by reference in the
agreement. Nothing contained herein shall prevent a supplier from
appointing, one (1) time for a period not to exceed ninety (90)
days, a wholesaler to service temporarily a sales territory not
designated to another wholesaler, until such time as a wholesaler
is appointed by the supplier; and such wholesaler who is
designated to service the sales territory during this period of
temporary service shall not be in violation of the chapter, and,
with respect to the temporary service territory, shall not have
any of the rights provided under Sections 67-7-11 and 67-7-15.

(b) Fix, maintain or establish the price at which a
wholesaler shall sell any light wine, light spirit product or
beer.

(c) Enter into an additional agreement with any other
wholesaler for, or to sell to any other wholesaler, the same brand
or brands of light wine, light spirit product or beer in the same
territory or any portion thereof, or to sell directly to any
retailer in this state.

(d) Require any wholesaler to accept delivery of any
light wine, light spirit product or beer or other commodity which
has not been ordered by the wholesaler, except that a supplier may
impose reasonable inventory requirements upon a wholesaler if the
requirements are made in good faith and are generally applied to
other similarly situated wholesalers who have an agreement with
the supplier.
(e) Require any wholesaler to accept delivery of any light wine, light spirit product or beer or other commodity ordered by a wholesaler if the order was properly cancelled by the wholesaler in accordance with the supplier's procedure.

(f) Require any wholesaler to do any illegal act or to violate any law or regulation by threatening to amend, modify, cancel, terminate or refuse to renew any agreement existing between the supplier and wholesaler.

(g) Require a wholesaler to assent to any condition, stipulation or provision limiting the wholesaler's right to sell the brand or brands of light wine, light spirit product or beer of any other supplier unless the acquisition of the brand or brands of another supplier would materially impair or adversely affect the wholesaler's quality of service, sales or ability to compete effectively in representing the brand or brands of the supplier presently being sold by the wholesaler, except that in any action challenging a supplier's position, the supplier shall have the burden of providing that such acquisition of such other brand or brands would have such effect.

(h) Require a wholesaler to purchase one or more brands of light wine, light spirit product or beer products in order for the wholesaler to purchase another brand or brands of light wine, light spirit product or beer for any reason, except that a wholesaler that has agreed to distribute a brand or brands before
April 7, 1995, shall continue to distribute the brand or brands in
conformance with this chapter.

(i) Require a wholesaler to submit audited profit and
loss statements, balance sheets or financial records as a
condition of renewal or continuation of an agreement, except that
a supplier may require reasonable proof of a wholesaler's
financial condition prior to extending credit terms to a
wholesaler.

(j) Withhold delivery of light wine, light spirit
product or beer ordered by wholesaler, or change a wholesaler's
quota of a brand or brands if the withholding or change is not
made in good faith.

(k) Require a wholesaler by any means directly to
participate in or contribute to any local or national advertising
fund controlled directly or indirectly by a supplier.

(l) Take any retaliatory action against a wholesaler
that files a complaint in good faith regarding an alleged
violation by the supplier of federal, state or local law or an
administrative rule as a result of that complaint.

(m) Require or prohibit any change in the manager or
successor manager of any wholesaler who has been approved by the
supplier as of or after April 7, 1995, unless the supplier acts in
good faith. Should a wholesaler change an approved manager or
successor manager, a supplier shall not require or prohibit the
change unless the person selected by the wholesaler fails to meet
the nondiscriminatory, material and reasonable standards and
qualifications for managers consistently applied to similarly
situated wholesalers by the supplier, except that, in any action
challenging a supplier's decision, the supplier shall have the
burden of proving that such person fails to meet such standards
and qualifications.

(n) Upon written notice of intent to transfer the
wholesaler's business, interfere with, prevent or unreasonably
delay (not to exceed thirty (30) days) the transfer of the
wholesaler's business if the proposed transferee is a designated
member.

(o) Upon written notice of intent to transfer the
wholesaler's business other than to a designated member, withhold
consent to or approval of, or unreasonably delay (not to exceed
thirty (30) days after receipt of all material information
reasonably requested) a response to a request by the wholesaler
for any transfer of a wholesaler's business if the proposed
transferee meets the nondiscriminatory material and reasonable
qualifications and standards required by the supplier for
similarly situated wholesalers.

(p) Restrict or inhibit the right of free association
among wholesalers for any lawful purpose.

(q) Threaten to cancel or withhold credit, or to reduce
the time period normally given the wholesaler to make payment on a
delivery from the supplier as a means of compelling the wholesaler
to meet certain standards of performance in any area of business not directly related to credit.

**SECTION 44.** Section 67-7-9, Mississippi Code of 1972, is amended as follows:

67-7-9. A wholesaler shall not do any of the following:

(a) Fail to devote such efforts and resources to the sale and distribution of all the supplier's brands of light wine, light spirit product or beer which the wholesaler has been granted the right to sell or distribute as are required in the wholesaler's agreement with the supplier.

(b) Sell or deliver light wine, light spirit product or beer to a retail licensee located outside the sales territory designated to the wholesaler by the supplier of a particular brand or brands of light wine, light spirit product or beer, except that during periods of temporary service interruptions impacting a particular sales territory, a supplier may appoint another wholesaler to service the sales territory during the period of temporary service interruption. A wholesaler who is designated to service the impacted sales territory during the period of temporary service interruption shall not be in violation of this chapter and shall not have any of the rights provided under Sections 67-7-11 and 67-7-15 with respect to the temporary service territory.

(c) Transfer the wholesaler's business without giving the supplier written notice of intent to transfer the wholesaler's
business and, where required by this chapter, receiving the supplier's written approval for the proposed transfer, except that the consent or approval of the supplier shall not be required of any transfer of the wholesaler's business to a designated member, or of any transfer of less than ten percent (10%) of the wholesaler's business unless such transfer results in a change in control. The wholesaler shall give the supplier written notice of any change in ownership of the wholesaler.

SECTION 45. Section 67-7-11, Mississippi Code of 1972, is amended as follows:

67-7-11. (1) Except as otherwise provided for in this chapter, a supplier shall not amend or modify an agreement; cause a wholesaler to resign from an agreement; or cancel, terminate, fail to renew or refuse to continue under an agreement, unless the supplier has complied with all of the following:

(a) Has satisfied the applicable notice requirements of this section.

(b) Has acted in good faith.

(c) Has good cause for the amendment, modification, cancellation, termination, nonrenewal, discontinuance or forced resignation.

(2) In any action challenging such amendment, modification, termination, cancellation, nonrenewal or discontinuance, the supplier shall have the burden of proving that it has acted in good faith, that the notice requirements under this section have
been complied with, and that there was good cause for the amendment, modification, termination, cancellation, nonrenewal or discontinuance.

(3) Except as otherwise provided in this section, and in addition to the time limits set forth in subsection (4)(d) of this section, the supplier shall furnish written notice of the amendment, modification, termination, cancellation, nonrenewal or discontinuance of an agreement to the wholesaler not less than thirty (30) days before the effective date of the amendment, modification, termination, cancellation, nonrenewal or discontinuance. The notice shall be by certified mail and shall contain all of the following:

(a) A statement of intention to amend, modify, terminate, cancel, nonrenew or discontinue the agreement.

(b) A statement of the reason for the amendment, modification, termination, cancellation, nonrenewal or discontinuance.

(c) The date on which the amendment, modification, termination, cancellation, nonrenewal or discontinuance takes effect.

(4) Good cause shall exist for the purposes of a termination, cancellation, nonrenewal or discontinuance under subsection (1)(c) of this section when all of the following occur:

(a) There is a failure by the wholesaler to comply with a provision of the agreement which is both reasonable and of
material significance to the business relationship between the wholesaler and the supplier.

(b) The supplier first acquired knowledge of the failure described in subparagraph (a) not more than twenty-four (24) months before the date notification was given pursuant to subsection (3) of this section.

(c) The wholesaler was given notice by the supplier of failure to comply with this agreement.

(d) The wholesaler has been afforded thirty (30) days in which to submit a plan of corrective action to comply with the agreement and an additional ninety (90) days to cure such noncompliance in accordance with the plan.

(5) Notwithstanding subsections (1) and (3) of this section, a supplier may terminate, cancel, fail to renew or discontinue an agreement immediately upon written notice given in the manner and containing the information required by subsection (3)(a), (b) and (c) of this section if any of the following occur:

(a) Insolvency of the wholesaler, the filing of any petition by or against the wholesaler under any bankruptcy or receivership law or the assignment for the benefit of creditors or dissolution or liquidation of the wholesaler which materially affects the wholesaler's ability to remain in business.

(b) Revocation or suspension of the wholesaler's state or federal license by the appropriate regulatory agency whereby
the wholesaler cannot service the wholesaler's sales territory for more than thirty-one (31) days.

c) The wholesaler, or a partner or an individual who owns ten percent (10%) or more of the partnership or stock of a corporate wholesaler, has been convicted of a felony under the United States Code or the laws of any state which reasonably may adversely affect the good will or interest of the wholesaler or supplier. However, an existing stockholder or stockholders, or partner or partners, or a designated member or members, shall have, subject to the provisions of this chapter, the right to purchase the partnership interest or the stock of the offending partner or stockholder prior to the conviction of the offending partner or stockholder, and if the sale is completed prior to conviction the provisions of this subparagraph shall not apply.

d) There was fraudulent conduct relating to a material matter on the part of the wholesaler in dealings with the supplier or its product, except that the supplier shall have the burden of proving fraudulent conduct relating to a material matter on the part of the wholesaler in any legal action challenging such termination.

e) The wholesaler failed to confine to the designated sales territory its sales of a brand or brands to retailers except that this subsection does not apply if there is a dispute between two (2) or more wholesalers as to the boundaries of the assigned territory, and the boundaries cannot be determined by a reading of
the description contained in the agreements between the supplier and the wholesalers.

(f) A wholesaler has failed to pay for light wine, light spirit product or beer ordered and delivered in accordance with established terms and the wholesaler fails to make full payment within five (5) business days after receipt of written notice of the delinquency and demand for immediate payment from the supplier.

(g) A wholesaler intentionally has made a transfer of wholesaler's business, other than a transfer to a designated member without prior written notice to the supplier.

(h) A wholesaler intentionally has made a transfer of wholesaler's business, other than a transfer to a designated member, although the wholesaler has prior to said transfer received from supplier a timely notice of disapproval of said transfer in accordance with this chapter.

(i) The wholesaler intentionally ceases to carry on business with respect to any of supplier's brand or brands previously serviced by wholesaler in its territory designated by the supplier, unless such cessation is due to force majeure or to labor dispute and the wholesaler has made good faith efforts to overcome such events. Provided, however, this shall affect only that brand or brands with respect to which the wholesaler ceased to carry on business.
(6) Notwithstanding subsections (1), (3) and (5) of this section, a supplier may terminate, cancel, not renew or discontinue an agreement upon not less than thirty (30) days prior written notice if the supplier discontinues production or discontinues distribution in this state of all the brands sold by the supplier to the wholesaler, except that nothing in this section shall prohibit a supplier from: (a) upon not less than thirty (30) days notice, discontinuing the distribution of any particular brand or package of light wine, light spirit product or beer; or (b) conducting test marketing of a new brand of light wine, light spirit product or beer which is not currently being sold in this state, except that the supplier has notified the * * * department in writing of its plans to test market, which notice shall describe the market area in which the test shall be conducted; the name or names of the wholesaler or wholesalers who will be selling the light wine, light spirit product or beer; the name or names of the brand of light wine, light spirit product or beer being tested; and the period of time, not to exceed eighteen (18) months, during which the testing will take place.

SECTION 46. Section 67-9-1, Mississippi Code of 1972, is amended as follows:

67-9-1. Notwithstanding the provisions of any section of Title 27 or 67, Mississippi Code of 1972, it shall be lawful for any person holding an alcohol processing permit to transport and possess alcoholic beverages, light wine, light spirit product and
beer, in any part of the state, for his or her use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient, in amounts as limited by the Alcoholic Beverage Control Division of the * * * Department of Revenue. The authority to transport and possess alcoholic beverages, light wine, light spirit product and beer under this section exists regardless of whether (a) the county or municipality in which the transportation or possession takes place has voted for or against coming out from under the dry law, or (b) the transportation, storage, sale, distribution, receipt or manufacture of light wine, light spirit product and beer otherwise is prohibited.

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

SECTION 47. Section 27-65-241, Mississippi Code of 1972, is amended as follows:

27-65-241. (1) As used in this section, the following terms shall have the meanings ascribed to them in this section unless otherwise clearly indicated by the context in which they are used:

(a) "Hotel" or "motel" means and includes a place of lodging that at any one time will accommodate transient guests on
a daily or weekly basis and that is known to the trade as such. Such terms shall not include a place of lodging with ten (10) or less rental units.

(b) "Municipality" means any municipality in the State of Mississippi with a population of one hundred fifty thousand (150,000) or more according to the most recent federal decennial census.

(c) "Restaurant" means and includes all places where prepared food is sold and whose annual gross proceeds of sales or gross income for the preceding calendar year equals or exceeds One Hundred Thousand Dollars ($100,000.00). The term "restaurant" shall not include any nonprofit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. For the purpose of calculating gross proceeds of sales or gross income, the sales or income of all establishments owned, operated or controlled by the same person, persons or corporation shall be aggregated.

(2) (a) Subject to the provisions of this section, the governing authorities of a municipality may impose upon all persons as a privilege for engaging or continuing in business or doing business within such municipality, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven
percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.

(b) The tax levied under this section shall apply to every person making sales of tangible personal property or services within the municipality but shall not apply to:


(ii) Gross proceeds of sales or gross income of restaurants derived from the sale of food and beverages;

(iii) Gross proceeds of sales or gross income of hotels and motels derived from the sale of hotel rooms and motel rooms for lodging purposes;

(iv) Retail sales of food for human consumption not purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, but which would be exempt under Section 27-65-111(o) from the taxes imposed by this chapter if the food items were purchased with food stamps;

(v) Gross income of businesses engaging or continuing in the business of TV cable systems, subscription TV services, and other similar activities, including, but not limited to, cable Internet services;

(vi) Wholesale sales of food and drink for human consumption sold to full service vending machine operators; and
(vii) Wholesale sales of light wine, light spirit product, beer and alcoholic beverages.

(3) (a) Before any tax authorized under this section may be imposed, the governing authorities of the municipality shall adopt a resolution declaring its intention to levy the tax, setting forth the amount of the tax to be imposed, the purposes for which the revenue collected pursuant to the tax levy may be used and expended, the date upon which the tax shall become effective, the date upon which the tax shall be repealed, and calling for an election to be held on the question. The date of the election shall be set in the resolution. Notice of the election shall be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the municipality, with the first publication of the notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the election and the last publication to be made not more than seven (7) days before the election. At the election, all qualified electors of the municipality may vote. The ballots used at the election shall have printed thereon a brief description of the sales tax, the amount of the sales tax levy, a description of the purposes for which the tax revenue may be used and expended and the words "FOR THE LOCAL SALES TAX" and "AGAINST THE LOCAL SALES TAX" and the voter shall vote by placing a cross (X) or check mark (√) opposite his choice on the proposition. When the results of the election have been canvassed
by the election commissioners of the municipality and certified by
them to the governing authorities, it shall be the duty of such
governing authorities to determine and adjudicate whether at least
three-fifths (3/5) of the qualified electors who voted in the
election voted in favor of the tax. If at least three-fifths
(3/5) of the qualified electors who voted in the election voted in
favor of the tax, the governing authorities shall adopt a
resolution declaring the levy and collection of the tax provided
in this section and shall set the first day of the second month
following the date of such adoption as the effective date of the
tax levy. A certified copy of this resolution, together with the
result of the election, shall be furnished to the Department of
Revenue not less than thirty (30) days before the effective date
of the levy.

(b) A municipality shall not hold more than two (2)
elections under this subsection.

(4) The revenue collected pursuant to the tax levy imposed
under this section may be expended to pay the cost of road and
street repair, reconstruction and resurfacing projects based on
traffic patterns, need and usage, and to pay the costs of water,
sewer and drainage projects in accordance with a master plan
adopted by the *** department established pursuant to subsection
(7).

(5) (a) The special sales tax authorized by this section
shall be collected by the Department of Revenue, shall be
accounted for separately from the amount of sales tax collected for the state in the municipality and shall be paid to the municipality. The Department of Revenue may retain one percent (1%) of the proceeds of such tax for the purpose of defraying the costs incurred by the department in the collection of the tax. Payments to the municipality shall be made by the Department of Revenue on or before the fifteenth day of the month following the month in which the tax was collected.

(b) The proceeds of the special sales tax shall be placed into a special municipal fund apart from the municipal general fund and any other funds of the municipality, and shall be expended by the municipality solely for the purposes authorized in subsection (4) of this section. The records reflecting the receipts and expenditures of the revenue from the special sales tax shall be audited annually by an independent certified public accountant. The accountant shall make a report of his findings to the governing authorities of the municipality and file a copy of his report with the Secretary of the Senate and the Clerk of the House of Representatives. The audit shall be made and completed as soon as practical after the close of the fiscal year of the municipality, and expenses of the audit shall be paid from the funds derived by the municipality pursuant to this section.

(c) All provisions of the Mississippi Sales Tax Law applicable to filing of returns, discounts to the taxpayer, remittances to the Department of Revenue, enforced collection,
rights of taxpayers, recovery of improper taxes, refunds of overpaid taxes or other provisions of law providing for imposition and collection of the state sales tax shall apply to the special sales tax authorized by this section, except where there is a conflict, in which case the provisions of this section shall control. Any damages, penalties or interest collected for the nonpayment of taxes imposed under this section, or for noncompliance with the provisions of this section, shall be paid to the municipality on the same basis and in the same manner as the tax proceeds. Any overpayment of tax for any reason that has been disbursed to a municipality or any payment of the tax to a municipality in error may be adjusted by the Department of Revenue on any subsequent payment to the municipality pursuant to the provisions of the Mississippi Sales Tax Law. The Department of Revenue may, from time to time, make such rules and regulations not inconsistent with this section as may be deemed necessary to carry out the provisions of this section, and such rules and regulations shall have the full force and effect of law.

(6) If a municipality expands its corporate boundaries, the governing authorities of the municipality may not impose the special sales tax in the annexed area unless the tax is approved at an election conducted, as far as is practicable, in the manner provided in subsection (3) of this section, except that only qualified electors in the annexed area may vote in the election.
(7) (a) Any municipality that levies the special sales tax authorized under this section shall establish a commission as provided for in this section. Expenditures of revenue from the special sales tax authorized by this section shall be in accordance with a master plan adopted by the commission pursuant to this subsection.

(b) The commission shall be composed of ten (10) voting members who shall be known as commissioners appointed as follows:

(i) Four (4) members representing the business community in the municipality appointed by the local chamber of commerce for initial terms of one (1), two (2), four (4) and five (5) years respectively. The members appointed pursuant to this paragraph shall be persons who represent businesses located within the city limits of the municipality.

(ii) Three (3) members shall be appointed at large by the mayor of the municipality, with the advice and consent of the legislative body of the municipality, for initial terms of two (2), three (3) and four (4) years respectively. All appointments made by the mayor pursuant to this paragraph shall be residents of the municipality.

(iii) One (1) member shall be appointed at large by the Governor for an initial term of four (4) years. All appointments made by the Governor pursuant to this paragraph shall be residents of the municipality.
(iv) One (1) member shall be appointed at large by the Lieutenant Governor for an initial term of four (4) years. All appointments made by the Lieutenant Governor pursuant to this paragraph shall be residents of the municipality.

(v) One (1) member shall be appointed at large by the Speaker of the House of Representatives for a term of four (4) years. All appointments made by the Speaker of the House of Representatives pursuant to this paragraph shall be residents of the municipality.

(c) The terms of all appointments made subsequent to the initial appointment shall be made for five (5) years. Any vacancy which may occur shall be filled in the same manner as the original appointment and shall be made for the unexpired term. Each member of the commission shall serve until his successor is appointed and qualified.

(d) The mayor of the municipality shall designate a chairman of the commission from among the membership of the commission. The vice chairman and secretary shall be elected by the commission from among the membership of the commission for a term of two (2) years. The vice chairman and secretary may be reelected, and the chairman may be reappointed.

(e) The commissioners shall serve without compensation.

(f) Any commissioner shall be disqualified and shall be removed from office for either of the following reasons:
(i) Conviction of a felony in any state court or in federal court; or

(ii) Failure to attend three (3) consecutive meetings without just cause.

If a commissioner is removed for any of the above reasons, the vacancy shall be filled in the manner prescribed in this section and shall be made for the unexpired term.

(g) A quorum shall consist of six (6) voting members of the commission. The commission shall adopt such rules and regulations as may govern the time and place for holding meetings, regular and special.

(h) The commission shall, with input from the municipality, establish a master plan for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and for water, sewer and drainage projects. Expenditures of the revenue from the tax authorized to be imposed pursuant to this section shall be made at the discretion of the governing authorities of the municipality if the expenditures comply with the master plan. The commission shall monitor the compliance of the municipality with the master plan.

(8) The governing authorities of any municipality that levies the special sales tax authorized under this section are authorized to incur debt, including bonds, notes or other evidences of indebtedness, for the purpose of paying the costs of road and street repair, reconstruction and resurfacing projects.
based on traffic patterns, need and usage, and to pay the costs of
water, sewer and drainage projects in accordance with a master
plan adopted by the commission established pursuant to subsection
(7) of this section. Any bonds or notes issued to pay such costs
may be secured by the proceeds of the special sales tax levied
pursuant to this section or may be general obligations of the
municipality and shall satisfy the requirements for the issuance
of debt provided by Sections 21-33-313 through 21-33-323.

(9) This section shall stand repealed from and after July 1, 2035.

SECTION 48. Section 27-71-301, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

(d) "Retailer" means any person who comes into the possession of such light wines, light spirit products or beer for the purpose of selling it to the consumer, or giving it away, or exposing it where it may be taken or purchased or acquired in any other manner by the consumer; however, the term "retailer" shall not include a person who offers and provides beer on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47.

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

(f) "Commissioner" means the Commissioner of Revenue of the Department of Revenue or his duly appointed agents or employees.

(g) "Sale" includes the exchange of such light wines, light spirit products or beer for money, or giving away or distributing any such light wines, light spirit products or beer for anything of value; however, the term "sale" shall not include
beer offered and provided on the premises of a brewery for the
purpose of tasting or sampling as authorized in Section 67-3-47.

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

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

(j) "Brewpub" means the premises of any location in
which light wine, light spirit product or beer is manufactured or
brewed, for retail sale if the total amount of light wine, light
spirit product or beer produced on the premises does not exceed
the production limitation imposed in Section 67-3-22, and the
light wine, light spirit product or beer is produced for
consumption on the premises or off the premises as authorized in
Section 67-3-22(3).

(k) "Hospitality cart" means a mobile cart from which
alcoholic beverages and light wine, light spirit product and beer
are sold on a golf course and for which a hospitality cart permit
has been issued under Section 67-1-51.
(l) "Small craft brewery" shall have the meaning ascribed to such term in Section 67-3-3.

(m) "Manufacturer" means a person who brews beer at a brewery; however, the term does not include "brewpubs."

SECTION 49. Section 27-71-303, Mississippi Code of 1972, is amended as follows:

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

(a) Retailers--for each place of business ................................ $ 30.00
(b) Wholesalers or distributors--for each county ................................ $ 100.00
(c) Manufacturers--for each place of business ................................ $1,000.00
(d) Brewpubs--for each place of business ....................................... $1,000.00

Upon each person operating an airline, bus, boat or railroad car upon which light wines, light spirit products or beer may be sold there is hereby imposed, levied and assessed, to be collected and paid, annual privilege taxes of Thirty Dollars ($30.00) for each airplane, bus, boat or railroad car so operated in this state.
Provided, however, the amount of the privilege tax to be paid for a permit issued for a period of less than twelve (12) months shall be that proportionate amount of the annual privilege tax that the number of months, or part of a month, remaining until its expiration date bears to twelve (12) months, but in no case shall the privilege tax be less than Ten Dollars ($10.00).

SECTION 50.  Section 27-71-307, Mississippi Code of 1972, is amended as follows:

27-71-307.  (1)  (a)  In addition to the specific tax imposed in Section 27-71-303, there is hereby imposed, levied, assessed and shall be collected, as hereinafter provided, an excise or privilege tax upon each person engaged or continuing in the business of wholesaler or distributor of light wines, light spirit products or beer equivalent to Forty-two and Sixty-eight One-hundredths Cents (42.68¢) per gallon upon all light wines, light spirit products and beer acquired for sale or distribution in this state.  The excise or privilege tax is also imposed at the same rate upon each gallon of light wine, light spirit product or beer manufactured by brewpubs, each of which shall accurately and reliably measure the quantity of light wine, light spirit product and beer produced by using a measuring device such as a meter or gauge glass or any other suitable method approved by the commissioner.  The excise or privilege tax is also imposed at the same rate upon each gallon of light wine, light spirit product or beer provided by a small craft brewery for sale as authorized
under Section 67-3-48 and upon each gallon of light wine, light spirit product or beer provided for tasting or sampling under Section 67-3-47. The tax is hereby imposed as an additional tax for the privilege of engaging or continuing in business.

(b) The excise tax imposed in this section shall be paid to the Department of Revenue monthly on or before the fifteenth day of the month following the month in which the beer, light spirit product or light wine was manufactured or received in this state. Monthly report forms shall be furnished by the commissioner to the wholesalers, distributors, brewpubs and small craft breweries.

(c) Provided that persons operating a railroad dining car, club car or other car in interstate commerce upon which light wines, light spirit products or beer may be sold and who are licensed under the provisions of Section 67-3-27 and any other law relating to the sale of such beverages shall keep such records of the sales of such light wines, light spirit products and beer in this state as the commissioner shall prescribe and shall submit monthly reports of such sales to the commissioner within fifteen (15) days after the end of each month on a form prescribed therefor by the commissioner, and shall pay the tax due under the provisions of this section at the time such reports are filed.

No official crowns, lids, labels or stamps with the word "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of tax payment is required by this section, or may be required under...
rule or regulation promulgated by the commissioner, to be affixed on or to any part of a beer, light wine, light spirit product or malt cooler bottle, can or other light wine, light spirit product or malt cooler container. For purposes of this section, malt cooler products shall be defined as a flavored malt beverage made from a base of malt beverage and flavored with fruit juices, aromatics and essences of other flavoring in quantities and proportions such that the resulting product possesses a character and flavor distinctive from the base malt beverage and distinguishable from other malt beverages.

(2) A licensed wholesaler or distributor of beer, light spirit product or light wine may not import beer, light spirit product or light wine from any source other than a brewer or importer authorized by the commissioner to sell such beer, light spirit product or light wine in Mississippi. Any person who violates the provisions of this subsection, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court and shall be subject to license forfeiture following an appropriate hearing before the Department of Revenue.

(3) The wholesaler, distributor or small craft brewery shall be allowed credit for tax paid on beer, light spirit product or light wine which is no longer marketable and which is destroyed by
same when such destruction is witnessed by an agent of the
commissioner and when the amount of the excise tax exceeds One
Hundred Dollars ($100.00). No other loss will be allowed.

A brewpub shall be allowed credit for light wine, light
spirit product or beer which has passed through the meter, gauge
glass or other approved measuring device and which has been soured
or damaged. The brewpub shall record the removal of sour or
damaged light wine, light spirit product or beer and may take
credit after the destruction is witnessed by an agent of the
commissioner and when the amount of excise tax exceeds Twenty-five
Dollars ($25.00). No other loss shall be allowed.

(4) All manufacturers, brewers and importers of beer, light
spirit product or light wine shall file monthly reports as
prescribed by the commissioner listing sales to each wholesaler or
distributor by date, invoice number, quantity and container size,
and any other information deemed necessary.

(5) All small craft breweries shall file monthly reports as
prescribed by the commissioner regarding the sale of light wine,
light spirit product or beer authorized under Section 67-3-48.

(6) Manufacturers who offer and provide limited amounts of
beer for tasting or sampling under Section 67-3-47 shall file
monthly reports as prescribed by the commissioner regarding the
beer provided for such tasting or sampling.

(7) All administrative provisions of the Mississippi Sales
Tax Law, including those which fix damages, penalties and interest
for nonpayment of taxes and for noncompliance with the provisions
of such chapter, and all other requirements and duties imposed
upon taxpayers, shall apply to all persons liable for taxes under
the provisions of this chapter, and the commissioner shall
exercise all the power and authority and perform all the duties
with respect to taxpayers under this chapter as are provided in
the sales tax law except where there is conflict, then the
provisions of this chapter shall control.

SECTION 51. Section 27-71-311, Mississippi Code of 1972, is
amended as follows:

27-71-311. Before any person shall engage in the business of
manufacturing light wines, light spirit products or beer, in the
business of wholesaler or distributor of light wines, light spirit
products or beer, or in the business of a brewpub, he shall be
required to enter into a good and sufficient bond. The bond shall
be made payable to the State of Mississippi, in a sum of not less
than Five Thousand Dollars ($5,000.00) nor more than Two Hundred
Thousand Dollars ($200,000.00), the amount to be determined by
the * * * Department of Revenue. The bond of a wholesaler,
distributor or brewpub shall not exceed the amount of excise tax
estimated to be owed by such wholesaler, distributor or brewpub
for any sixty-day period. If a manufacturer is operating a small
craft brewery and is distributing light wine, light spirit product
or beer for sale as authorized under Section 67-3-48, the
manufacturer, in addition to any other required bond, shall enter
into a bond not to exceed the amount of excise tax estimated to be owed by such manufacturer for any sixty-day period. The bond shall be conditioned that he will conduct his business strictly in accordance with the laws of the State of Mississippi, and that he will comply with the rules and regulations prescribed by the commissioner, and pay the taxes imposed under the provisions of this article for the privilege of engaging or continuing in such business. Such bond shall be made in a surety company authorized to do business in the State of Mississippi, and shall be approved by the commissioner. The commissioner shall be authorized to institute suit in the proper court on said bond for any violation of the conditions of said bond.

SECTION 52. Section 27-71-315, Mississippi Code of 1972, is amended as follows:

27-71-315. Except as otherwise provided in Section 67-9-1 for the transportation of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, it shall be unlawful for any person to transport from any point outside of this state to any point within this state, any light wines, light spirit products or beer except for delivery to a licensed wholesaler or distributor in this state; and except by common carrier. The commissioner may, however, upon application of a licensed wholesaler or distributor in this state, and under rules and regulations duly promulgated by him, issue a permit for the transportation by a licensed wholesaler or distributor of light
wines, light spirit products and beer in trucks owned by such licensee, from without the state to the place of business of such licensee within the state, for distribution by said licensee. Such permit shall be granted for a specified period, not to exceed one (1) year.

Any person engaged in transporting any light wines, light spirit products or beer from any point outside of this state to any point within this state, shall have in his possession during the entire time he is engaged in transporting such light wines, light spirit products or beer, an invoice, bill of sale, or bill of lading, showing the true name and address of the consignor, and also the true name and address of the licensed wholesaler or distributor to whom such light wines, light spirit products or beer is to be delivered, and the quantity of such light wines, light spirit products or beer, unless such common carrier maintains a permanent office within this state where complete records of all light wines, light spirit products or beer transported from without this state to points within this state are kept, and open to inspection by the commissioner or his duly authorized agent, at all reasonable times.

It is hereby made the duty of all common carriers, and licensed wholesalers and distributors, transporting light wines, light spirit products or beer from without the State of Mississippi into the State of Mississippi, to furnish the commissioner on or before the fifteenth day of each month, a
report showing the amount of beer transported within the state
during the preceding month, the consignor, the consignee, and the
quantity of light wines, light spirit products or beer so
transported.

SECTION 53. Section 27-71-317, Mississippi Code of 1972, is
amended as follows:

27-71-317. It shall be unlawful for any person to transport
from any point within this state to another point within this
state, any light wines, light spirit products or beer, on which
the tax imposed in Section 27-71-307 of this article has not been
paid, except for immediate delivery to a licensed wholesaler or
distributor in this state. And any person engaged in transporting
any light wines, light spirit products or beer, on which the tax
imposed in Section 27-71-307 of this article has not been paid,
from any point within this state to another point within this
state shall have in his possession during the entire time he is
engaged in transporting such light wines, light spirit products or
beer an invoice, bill of sale, or bill of lading showing the true
name and address of the consignor, and also the true name and
address of the licensed wholesaler or distributor to whom such
light wines, light spirit products or beer is to be delivered and
the quantity of such light wines, light spirit products or beer.

SECTION 54. Section 27-71-325, Mississippi Code of 1972, is
amended as follows:
27-71-325. It shall be the duty of every wholesaler or distributor of light wines, light spirit products or beer licensed under the provisions of Section 67-3-27, Mississippi Code of 1972, to file with the commissioner, on or before the fifteenth day of each month, a report covering all sales of such light wines, light spirit products or beer during the preceding month. Such report shall show the names and post-office addresses of all persons to whom such light wines, light spirit products or beer have been sold or delivered and the quantities and invoice prices of the light wines, light spirit products or beer thus sold or delivered.

It shall be the duty of each retail dealer in such light wines, light spirit products or beer to procure from the distributor or wholesaler from whom such light wines, light spirit products or beer were purchased or acquired, invoices showing the quantity of the light wines, light spirit products or beer purchased or acquired, and the date of each delivery thereof. Such invoices shall be preserved by the retailer and shall be open for inspection by the commissioner or his duly authorized agent for a period of two (2) years. It shall likewise be the duty of such retail dealer to file with the commissioner, on or before the fifteenth day of each calendar month, a report showing all purchases of such light wines, light spirit products or beer made by him during the preceding month. Such report shall disclose the names and addresses of all persons from whom such light wines,
light spirit products or beer have been purchased or received by
him during the preceding month and the quantities thus purchased
or received.

SECTION 55. Section 27-71-327, Mississippi Code of 1972, is
amended as follows:

27-71-327. Any person engaged in the business of
manufacturer, distributor, wholesaler or retailer of light wines,
light spirit products or beer and any brewpub shall keep such
additional records and make such additional reports with respect
to the manufacture, receipt, distribution and sale of such light
wines, light spirit products or beer as the commissioner may
require. It shall be the duty of the commissioner to prescribe
and promulgate uniform rules and regulations for keeping such
records and making such reports.

SECTION 56. Section 27-71-333, Mississippi Code of 1972, is
amended as follows:

27-71-333. Whenever it shall be determined by the
commissioner that any wholesaler or distributor having in his
possession, or engaging in the sale or distribution of light
wines, light spirit products or beer, has failed to pay the tax,
as provided herein, the commissioner shall compute the correct
amount of tax due and unpaid and shall notify the taxpayer of the
amount as being actually due and unpaid, and penalties, and
interest and shall state in what manner this article is violated.
The taxpayer so notified shall be given a period of ten (10) days
in which to make objection and show cause why the additional tax, and penalties, and interest, should not be paid. On petition of the taxpayer, a hearing before the commissioner shall be granted, a final decision thereon shall be rendered, and the taxpayer notified as early as practicable. Any tax or deficiency in tax shall be assessed and paid, together with penalties and interest, if any, applicable thereto, within ten (10) days after notice and demand by the commissioner.

If no objection be made to the finding of the commissioner, and no hearing be had before the commissioner within the time herein specified, the findings of the commissioner shall be final. If a hearing be had, and the amount of tax due and unpaid be determined, notice of the amount of such tax, penalties and interest shall be mailed to the taxpayer, and, if not paid within ten (10) days thereafter, the commissioner shall forthwith issue a warrant under official seal directed to the sheriff of any county of the state commanding him to levy upon and sell the real and personal property of the person owing the tax, found within his county, for the payment of the amount thereof, with added damages, interest and cost of executing the warrant, and to return such warrant to the commissioner and pay to him money collected by virtue thereof by a time to be therein specified not more than sixty (60) days from the date of the warrant. The sheriff shall, within five (5) days after the receipt of the warrant, file with the circuit clerk of his county a copy thereof, and thereupon the
circuit clerk shall enter in the judgment roll, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in appropriate columns, the amount of the tax, or portion thereof and damages for which the warrant is issued, and the date when such copy is filed; and thereupon the amount of such warrant or warrants so docketed shall become a lien upon the title to and interest in the real and personal property, including choses in action, of the person against whom it is issued in the same manner as a judgment duly enrolled in the office of such clerk. The sheriff thereupon shall proceed upon the same in all respects, with like effect, and in the same manner prescribed by law in respect to executions issued against property upon judgment or attachment proceedings of a court of record; and he shall be entitled to the same fee for his service in executing the warrant as now allowed by law for like service, to be collected in the same manner as provided by law for like service.

SECTION 57. Section 27-71-335, Mississippi Code of 1972, is amended as follows:

27-71-335. Any light wines, light spirit products or beer found at any point within this state which has been in the possession of any wholesaler or distributor for a period of more than forty-eight (48) hours and any light wines, light spirit products or beer transported into this state from a point outside this state, or from point-to-point within this state in violation of the provisions of this article, or any light wines, light
spirit products or beer held or possessed by any person within this state on which the legal and proper tax has not been paid when due, whether such person be a wholesaler, retailer or distributor, or individual, and whether the light wines, light spirit products or beer be for sale or storage or individual use, except light wines, light spirit products or beer in possession of a licensed wholesaler or distributor for a period of time less than forty-eight (48) hours after receipt of the light wines, light spirit products or beer within this state, and light wines, light spirit products or beer held in storage by licensed manufacturers or producers, are hereby declared to be contraband goods, and there is hereby imposed and assessed, as tax and penalty, to be collected by the commissioner, an amount equal to the amount of the excise tax otherwise imposed under the Mississippi Wine and Beer Tax Law, plus a penalty of one hundred percent (100%) of the amount of the tax; or, at the option of the commissioner, the light wines, light spirit products or beer may be seized by the commissioner or his agents or any sheriff, or other lawful officer, and shall be dealt with in the same manner as provided for in Section 67-1-18 for alcoholic beverages.

SECTION 58. Section 27-71-345, Mississippi Code of 1972, is amended as follows:

27-71-345. Any municipality, in which any business licensed under the provisions of Section 67-3-27, Mississippi Code of 1972, may be carried on, shall have the right to impose upon persons
engaged in such business an annual privilege tax of not more than fifty percent (50%) of the tax imposed by Section 27-71-303 of this article, and any county, in which any business licensed under the provisions of Section 67-3-27, Mississippi Code of 1972, may be carried on outside of the territory taxed by municipalities, shall have the right to impose upon persons engaged in such business an annual privilege tax of not more than fifty percent (50%) of the tax imposed by Section 27-71-303 of this article; provided, however, that no person engaged in the business of manufacturer, brewpub, wholesaler or distributor of light wines, light spirit products or beer shall be taxed by any municipality other than that in which the warehouse or plant of such wholesaler or distributor, or the premises of such brewpub, is located, nor shall any county impose any such tax upon such manufacturer, brewpub, wholesaler or distributor of light wines, light spirit products or beer if the place of business is located within the jurisdiction of any municipality.

SECTION 59. Section 27-71-349, Mississippi Code of 1972, is amended as follows:

27-71-349. (1) Every manufacturer or importer of light wine, light spirit product or beer shall designate sales territories for each of its brands sold in Mississippi and shall name one (1) licensed light wine, light spirit product or beer wholesaler in each territory who, within such territory, shall be the licensed wholesaler for the brand or brands assigned by the
manufacturer or importer. If the manufacturer or importer supplies more than one (1) brand, sales territories may be granted to a different wholesaler for the sale of each brand. No licensed wholesaler shall distribute the specified brand or brands of light wine, light spirit product or beer outside his assigned territory, nor shall he knowingly sell to a retailer whose licensed retail establishment is located outside his assigned territory.

(2) A licensed wholesaler designated as the licensed wholesaler for light wine, light spirit product or beer within a designated sales territory shall present that light wine, light spirit product or beer for sale to all licensed retailers within the designated sales territory without discrimination in service. A licensed wholesaler shall not sell, supply or deliver, either directly or indirectly through a third party, any light wine, light spirit product or beer to a licensed retailer outside of the designated sales territory of the designated wholesaler, nor to any person the licensed wholesaler has reason to believe will sell or supply any quantity of the light wine, light spirit product or beer to any retail location outside of the designated sales territory of the licensed wholesaler.

(3) All light wines, light spirit products or beer shall be transported only by a marked conveyance owned or leased by the licensed wholesaler and operated by the licensed wholesaler or an employee of the wholesaler for the products of a manufacturer or importer within the designated sales territory to the address and...
location of a licensed retail dealer within that designated sales territory.

(4) Any light wine, light spirit product or beer sold by the licensed wholesaler shall not be delivered to, received by or stored at any place other than the address and location of the licensed retailer for which the required licenses and permits have been issued.

(5) With the approval of the designated manufacturer, a licensed wholesaler may sell the designated brands to a licensed retailer located in a designated sales territory of another licensed wholesaler if the former licensed wholesaler is unable temporarily for any reason to provide the designated brands of the designated manufacturer within its designated sales territory.

(6) All light wine, light spirit product or beer purchased by a licensed wholesaler for resale in this state shall come into the physical possession of the licensed wholesaler and be unloaded in and distributed from the warehouse of the licensed wholesaler located in this state before being resold in this state.

(7) As used in this section, the term "sales territory" shall have the meaning ascribed to such term in Section 67-7-5.

SECTION 60. Section 27-71-509, Mississippi Code of 1972, is amended as follows:

27-71-509. It shall be unlawful for any brewer, manufacturer, distributor or retailer of light wines, light spirit products and beer, or either of them, to whom a permit has been
issued under the provisions of Sections 67-3-15 and 67-3-23, Mississippi Code of 1972, to write or print on any label or container of either of the above-named commodities any matter relating to the alcoholic content of such beverage or beverages, except a statement, to the effect that the contents of the vessel or container in which light wine shall be sold does not contain alcohol in excess of five percent (5%) of the contents thereof, by weight, that the contents of the vessel or container in which light spirit product shall be sold does not contain alcohol in excess of four percent (4%) of the contents thereof, by weight, and that the contents of the vessel or container in which beer shall be sold does not contain alcohol in excess of eight percent (8%) of the contents thereof, by weight. It shall be unlawful for any such brewer, wholesaler, distributor or retailer to sell any such commodity with any statement in conflict with the provisions of this section, with reference to the alcoholic content of such beverage or beverages, except that a statement of alcoholic content may be expressed on any light wine, light spirit product or beer label in terms of volume or weight, at the manufacturer's option; and such statement, if by volume, shall be subject to the same permitted tolerance allowed for wine containing fourteen percent (14%) alcohol by volume or less by Section 4.36(b)(1) of the Federal Labeling Requirements for Wine, 27 CFR Part 4, subpart D, and Section 7.71(c) 27 CFR Part 7, subpart G, and, if by
weight, shall be subject to an equivalent permitted tolerance, determined in terms of alcohol by weight.

SECTION 61. Section 45-9-101, Mississippi Code of 1972, is amended as follows:

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons qualified as provided in this section. Such licenses shall be valid throughout the state for a period of five (5) years from the date of issuance. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

(b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a stun gun, concealed pistol or revolver and must display both the license and proper identification upon demand by a law enforcement officer. A violation of the provisions of this paragraph (b) shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by summons.

(2) The Department of Public Safety shall issue a license if the applicant:

(a) Is a resident of the state. However, this residency requirement may be waived if the applicant possesses a valid permit from another state, is active military personnel
stationed in Mississippi, or is a retired law enforcement officer establishing residency in the state;

(b) (i) Is twenty-one (21) years of age or older; or

(ii) Is at least eighteen (18) years of age but not yet twenty-one (21) years of age and the applicant:

1. Is a member or veteran of the United States Armed Forces, including National Guard or Reserve; and

2. Holds a valid Mississippi driver's license or identification card issued by the Department of Public Safety;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a stun gun, pistol or revolver;

(d) Is not ineligible to possess a firearm by virtue of having been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned for same;

(e) Does not chronically or habitually abuse controlled substances to the extent that his normal faculties are impaired.

It shall be presumed that an applicant chronically and habitually uses controlled substances to the extent that his faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or been found guilty of a crime under the provisions of the Uniform Controlled Substances Law or similar laws of any other state or the United States relating to controlled substances
within a three-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any other state or the United States within the three-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself;

(h) Has not been adjudicated mentally incompetent, or has waited five (5) years from the date of his restoration to capacity by court order;

(i) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of five (5) years;

(j) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless three (3)
years have elapsed since probation or any other conditions set by the court have been fulfilled;

(k) Is not a fugitive from justice; and

(l) Is not disqualified to possess a weapon based on federal law.

(3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred prior to the date on which the application is submitted, or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three (3) years. The department shall, upon notification by a law enforcement agency or a court and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case. The provisions of subsection (7) of this section shall apply to any suspension or revocation of a license pursuant to the provisions of this section.

(4) The application shall be completed, under oath, on a form promulgated by the Department of Public Safety and shall include only:
(a) The name, address, place and date of birth, race, sex and occupation of the applicant;
(b) The driver's license number or social security number of applicant;
(c) Any previous address of the applicant for the two (2) years preceding the date of the application;
(d) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3) of this section;
(e) A statement that the applicant has been furnished a copy of this section and is knowledgeable of its provisions;
(f) A conspicuous warning that the application is executed under oath and that a knowingly false answer to any question, or the knowing submission of any false document by the applicant, subjects the applicant to criminal prosecution; and
(g) A statement that the applicant desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself.
(5) The applicant shall submit only the following to the Department of Public Safety:
(a) A completed application as described in subsection (4) of this section;
(b) A full-face photograph of the applicant taken within the preceding thirty (30) days in which the head, including hair, in a size as determined by the Department of Public Safety,
except that an applicant who is younger than twenty-one (21) years of age must submit a photograph in profile of the applicant;

(c) A nonrefundable license fee of Eighty Dollars ($80.00). Costs for processing the set of fingerprints as required in paragraph (d) of this subsection shall be borne by the applicant. Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the payment of the license fee;

(d) A full set of fingerprints of the applicant administered by the Department of Public Safety; and

(e) A waiver authorizing the Department of Public Safety access to any records concerning commitments of the applicant to any of the treatment facilities or institutions referred to in subsection (2) and permitting access to all the applicant's criminal records.

(6) (a) The Department of Public Safety, upon receipt of the items listed in subsection (5) of this section, shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(b) The Department of Public Safety shall forward a copy of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence. The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may, at
his discretion, participate in the process by submitting a voluntary report to the Department of Public Safety containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.

(c) The Department of Public Safety shall, within forty-five (45) days after the date of receipt of the items listed in subsection (5) of this section:

(i) Issue the license;
(ii) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsections (2) and (3) of this section. If the Department of Public Safety denies the application, it shall notify the applicant in writing, stating the ground for denial, and the denial shall be subject to the appeal process set forth in subsection (7); or
(iii) Notify the applicant that the department is unable to make a determination regarding the issuance or denial of a license within the forty-five-day period prescribed by this subsection, and provide an estimate of the amount of time the department will need to make the determination.
(d) In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.

(7) (a) If the Department of Public Safety denies the issuance of a license, or suspends or revokes a license, the party aggrieved may appeal such denial, suspension or revocation to the Commissioner of Public Safety, or his authorized agent, within thirty (30) days after the aggrieved party receives written notice of such denial, suspension or revocation. The Commissioner of Public Safety, or his duly authorized agent, shall rule upon such appeal within thirty (30) days after the appeal is filed and failure to rule within this thirty-day period shall constitute sustaining such denial, suspension or revocation. Such review shall be conducted pursuant to such reasonable rules and regulations as the Commissioner of Public Safety may adopt.

(b) If the revocation, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to paragraph (a) of this subsection, the aggrieved party may file within ten (10) days after the rendition of such decision a petition in the circuit or county court of his
residence for review of such decision. A hearing for review shall be held and shall proceed before the court without a jury upon the record made at the hearing before the Commissioner of Public Safety or his duly authorized agent. No such party shall be allowed to carry a stun gun, concealed pistol or revolver pursuant to the provisions of this section while any such appeal is pending.

(8) The Department of Public Safety shall maintain an automated listing of license holders and such information shall be available online, upon request, at all times, to all law enforcement agencies through the Mississippi Crime Information Center. However, the records of the department relating to applications for licenses to carry stun guns, concealed pistols or revolvers and records relating to license holders shall be exempt from the provisions of the Mississippi Public Records Act of 1983, and shall be released only upon order of a court having proper jurisdiction over a petition for release of the record or records.

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee shall notify the Department of Public Safety in writing of such change or loss. Failure to notify the Department of Public Safety pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by a summons.
(10) In the event that a stun gun, concealed pistol or revolver license is lost or destroyed, the person to whom the license was issued shall comply with the provisions of subsection (9) of this section and may obtain a duplicate, or substitute thereof, upon payment of Fifteen Dollars ($15.00) to the Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.

(11) A license issued under this section shall be revoked if the licensee becomes ineligible under the criteria set forth in subsection (2) of this section.

(12) (a) No less than ninety (90) days prior to the expiration date of the license, the Department of Public Safety shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the department. The licensee must renew his license on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section, and a full set of fingerprints administered by the Department of Public Safety or the sheriff of the county of residence of the licensee. The first renewal may be processed by mail and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.
(i) Except as provided in this subsection, a renewal fee of Forty Dollars ($40.00) shall also be submitted along with costs for processing the fingerprints;

(ii) Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the renewal fee; and

(iii) The renewal fee for a Mississippi resident aged sixty-five (65) years of age or older shall be Twenty Dollars ($20.00).

(b) The Department of Public Safety shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing. The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.

(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars ($15.00). No license shall be renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section.
(13) No license issued pursuant to this section shall authorize any person to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol station; any detention facility, prison or jail; any courthouse; any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his courtroom; any polling place; any meeting place of the governing body of any governmental entity; any meeting of the Legislature or a committee thereof; any school, college or professional athletic event not related to firearms; any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer, light spirit product or light wine is consumed on the premises, that is primarily devoted to such purpose; any elementary or secondary school facility; any junior college, community college, college or university facility unless for the purpose of participating in any authorized firearms-related activity; inside the passenger terminal of any airport, except that no person shall be prohibited from carrying any legal firearm into the terminal if the firearm is encased for shipment, for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; any church or other place of worship, except as provided in Section 45-9-171; or any place
where the carrying of firearms is prohibited by federal law. In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.

(14) A law enforcement officer as defined in Section 45-6-3, chiefs of police, sheriffs and persons licensed as professional bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of 1972, shall be exempt from the licensing requirements of this section. The licensing requirements of this section do not apply to the carrying by any person of a stun gun, pistol or revolver, knife, or other deadly weapon that is not concealed as defined in Section 97-37-1.

(15) Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this section, or who knowingly submits a false document when applying for a license issued pursuant to this section, shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 99-19-31, Mississippi Code of 1972.
(16) All fees collected by the Department of Public Safety pursuant to this section shall be deposited into a special fund hereby created in the State Treasury and shall be used for implementation and administration of this section. After the close of each fiscal year, the balance in this fund shall be certified to the Legislature and then may be used by the Department of Public Safety as directed by the Legislature.

(17) All funds received by a sheriff or police chief pursuant to the provisions of this section shall be deposited into the general fund of the county or municipality, as appropriate, and shall be budgeted to the sheriff's office or police department as appropriate.

(18) Nothing in this section shall be construed to require or allow the registration, documentation or providing of serial numbers with regard to any stun gun or firearm.

(19) Any person holding a valid unrevoked and unexpired license to carry stun guns, concealed pistols or revolvers issued in another state shall have such license recognized by this state to carry stun guns, concealed pistols or revolvers. The Department of Public Safety is authorized to enter into a reciprocal agreement with another state if that state requires a written agreement in order to recognize licenses to carry stun guns, concealed pistols or revolvers issued by this state.

(20) The provisions of this section shall be under the supervision of the Commissioner of Public Safety. The
commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

(21) For the purposes of this section, the term "stun gun" means a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure, momentarily stun, knock out, cause mental disorientation or paralyze.

(22) (a) From and after January 1, 2016, the Commissioner of Public Safety shall promulgate rules and regulations which provide that licenses authorized by this section for honorably retired law enforcement officers and honorably retired correctional officers from the Mississippi Department of Corrections shall (i) include the words "retired law enforcement officer" on the front of the license, and (ii) that the license itself have a red background to distinguish it from other licenses issued under this section.

(b) An honorably retired law enforcement officer and honorably retired correctional officer shall provide the following information to receive the license described in this section: (i) a letter, with the official letterhead of the agency or department from which such officer is retiring, which explains that such officer is honorably retired, and (ii) a letter with the official letterhead of the agency or department, which explains that such
officer has completed a certified law enforcement training academy.

(23) A disabled veteran who seeks to qualify for an exemption under this section shall be required to provide, as proof of service-connected disability, verification from the United States Department of Veterans Affairs.

(24) A license under this section is not required for a loaded or unloaded pistol or revolver to be carried upon the person in a sheath, belt holster or shoulder holster or in a purse, handbag, satchel, other similar bag or briefcase or fully enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense, is not otherwise prohibited from possessing a pistol or revolver under state or federal law, and is not in a location prohibited under subsection (13) of this section.

SECTION 62. Section 97-5-49, Mississippi Code of 1972, is amended as follows:

97-5-49. (1) As used in this section:

(a) "Adult" means a person over the age of twenty-one (21) years.

(b) "Alcoholic beverage" has the meaning as defined in Section 67-1-5.

(c) "Beer" has the meaning as defined in Section 67-3-3.
(d) "Light wine" means wine containing five percent (5%) or less of alcohol by weight.

(e) "Minor" means a person under the age of twenty-one (21) years.

(f) "Party" means a gathering or event at which a group of two (2) or more persons assembles for a social occasion or activity at a private residence or a private premises.

(g) "Private premises" means privately owned land, including any appurtenances or improvements on the land.

(h) "Private residence" means the place where a person actually lives or has his or her home.

(i) "Wine" has the meaning as defined in Section 67-1-5.

(j) "Light spirit product" means a beverage of an alcoholic content of not more than four percent (4%) by weight and containing one or more distilled spirits, as defined in Section 67-1-5.

(2) No adult who owns or leases a private residence or private premises shall knowingly allow a party to take place or continue at the residence or premises if a minor at the party obtains, possesses or consumes any alcoholic beverage, light wine, light spirit product or beer if the adult knows that the minor has obtained, possesses or is consuming alcoholic beverages, light wine, light spirit product or beer.
(3) This section shall not apply to legally protected religious activities or gatherings of family members or to any of the exemptions set forth in Section 67-3-54.

(4) Each incident in violation of subsection (2) of this section or any part of subsection (2) constitutes a separate offense.

(5) Any person who violates subsection (2) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both the fine and imprisonment, in the discretion of the court.

SECTION 63. This act shall take effect and be in force from and after its passage.