

By: Representative Zuber

To: Ways and Means

HOUSE BILL NO. 917

1 AN ACT TO AMEND SECTION 67-3-1, MISSISSIPPI CODE OF 1972, TO
2 LEGALIZE THE MANUFACTURE AND SALE OF LIGHT SPIRIT PRODUCTS, TO BE
3 REGULATED IN THE SAME MANNER AS BEER AND LIGHT WINE; TO AMEND
4 SECTION 67-3-3, MISSISSIPPI CODE OF 1972, TO DEFINE "LIGHT SPIRIT
5 PRODUCT" AS A BEVERAGE OF AN ALCOHOLIC CONTENT OF NOT MORE THAN 4%
6 BY WEIGHT AND CONTAINING ONE OR MORE DISTILLED SPIRITS; TO AMEND
7 SECTIONS 67-3-5, 67-3-7, 67-3-9, 67-3-11, 67-3-13, 67-3-15,
8 67-3-17, 67-3-19, 67-3-22, 67-3-25, 67-3-27, 67-3-28, 67-3-29,
9 67-3-41, 67-3-45, 67-3-46, 67-3-48, 67-3-48.1, 67-3-49, 67-3-51,
10 67-3-52, 67-3-53, 67-3-54, 67-3-55, 67-3-57, 67-3-59, 67-3-61,
11 67-3-63, 67-3-65, 67-3-67, 67-3-69, 67-3-70, 67-3-73, 67-3-74,
12 67-1-5, 67-1-18, 67-1-51, 67-1-72, 67-7-3, 67-7-5, 67-7-7, 67-7-9,
13 67-7-11, 67-9-1, 27-65-241, 27-71-301, 27-71-303, 27-71-307,
14 27-71-311, 27-71-315, 27-71-317, 27-71-325, 27-71-327, 27-71-333,
15 27-71-335, 27-71-345, 27-71-349, 27-71-509, 45-9-101 AND 97-5-49,
16 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
17 PURPOSES.

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

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

21 67-3-1. The purpose of this chapter is to legalize the sale
22 within this state of light wines, light spirit products and beer,
23 to legalize the manufacture of beer, and to regulate the business
24 of manufacturing and of selling light wines, light spirit products
25 and beer so as to prevent the illicit manufacture, sale and



26 consumption of alcoholic beverages as defined in Section 67-1-5,
27 the manufacture and sale of which it is not the purpose of this
28 chapter to legalize.

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

31 67-3-3. When used in this chapter, unless the context
32 indicates otherwise:

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

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

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

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

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

46 (f) "Small craft brewery" means a person having a
47 permit under this chapter to manufacture or brew light wine, light
48 spirit product or beer in this state and who manufactures or brews
49 not more than sixty thousand (60,000) barrels of light wine, light
50 spirit product or beer at all breweries that such person or its



51 affiliates, subsidiary or parent company owns or controls or with
52 whom such person contracts with for the manufacture of light wine,
53 light spirit product or beer. For purposes of this paragraph,
54 contract-brewed beer manufactured by a person having a permit
55 under this chapter to manufacture or brew light wine, light spirit
56 product or beer shall be included in the sixty-thousand-barrel
57 limitation.

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

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

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

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

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

72 (iii) Has no right to sell the beer to any other
73 beer manufacturer, importer or wholesaler other than the beer
74 manufacturer who contracted for the beer.



75 (j) "Light spirit product" means a beverage of an
76 alcoholic content of not more than four percent (4%) by weight and
77 containing one or more distilled spirits, as defined in Section
78 67-1-5.

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

81 67-3-5. (1) It shall be lawful, subject to the provisions
82 set forth in this chapter, in this state to transport, store,
83 sell, distribute, possess, receive and/or manufacture wine, light
84 spirit product and beer, and it is hereby declared that it is the
85 legislative intent that this chapter privileges the lawful sale
86 and manufacture, within this state, of such light wines, light
87 spirit products and beer. In determining if a wine product is
88 "light wine," or contains an alcoholic content of more than five
89 percent (5%) by weight, or is not an "alcoholic beverage" as
90 defined in the Local Option Alcoholic Beverage Control Law,
91 Chapter 1 of Title 67, Mississippi Code of 1972, the alcoholic
92 content of such wine product shall be subject to the same
93 permitted tolerance as is allowed by the labeling requirements for
94 light wine provided for in Section 27-71-509.

95 (2) Subject to the provisions set forth in this chapter, it
96 shall be lawful in this state to transport, store, sell,
97 distribute, possess, receive, and/or manufacture beer of an
98 alcoholic content of more than eight percent (8%) by weight, if



99 the beer is manufactured to be sold legally in another state and
100 is transported outside of this state for retail sale.

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

103 67-3-7. (1) If any county, at an election held for the
104 purpose under the election laws of the state, shall by a majority
105 vote of the duly qualified electors voting in the election
106 determine that the transportation, storage, sale, distribution,
107 receipt and/or manufacture of wine, light spirit product and beer
108 shall not be permitted in such county, then the same shall not be
109 permitted therein except as authorized under Section 67-9-1 and as
110 may be otherwise authorized in this section. An election to
111 determine whether such transportation, storage, sale,
112 distribution, receipt and/or manufacture of such beverages shall
113 be excluded from any county in the state, shall, on a petition of
114 twenty percent (20%) of the duly qualified electors of such
115 county, be ordered by the board of supervisors of the county, for
116 such county only. No election on the question shall be held in
117 any one (1) county more often than once in five (5) years.

118 In counties which have elected, or may elect by a majority
119 vote of the duly qualified electors voting in the election, that
120 the transportation, storage, sale, distribution, receipt and/or
121 manufacture of wine, light spirit product or beer shall not be
122 permitted in the county, an election may be held in the same
123 manner as the election hereinabove provided on the question of



124 whether or not the transportation, storage, sale, distribution,
125 receipt and/or manufacture of said beverages shall be permitted in
126 such county. Such election shall be ordered by the board of
127 supervisors of such county on a petition of twenty percent (20%)
128 of the duly qualified electors of such county. No election on
129 this question can be ordered more often than once in five (5)
130 years.

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

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

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

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

144 (c) Sell light wine, light spirit product or beer at a
145 qualified resort area as defined in Section 67-1-5 if such light
146 wine, light spirit product or beer is sold by a person with a
147 permit to engage in the business as a retailer of light wine,
148 light spirit product or beer;



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

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

161 (f) Transport homemade beer as authorized in Section
162 67-3-11.

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

165 67-3-9. Any city in this state, having a population of not
166 less than two thousand five hundred (2,500) according to the
167 latest federal census; or any city in this state having a
168 population of not less than one thousand five hundred (1,500)
169 according to the latest federal census and located within three
170 (3) miles of a city or county that permits the sale, receipt,
171 storage and transportation for the purpose of sale of beer, light
172 spirit product or light wine; at an election held for the purpose,
173 under the election laws applicable to such city, may either



174 prohibit or permit, except as otherwise provided under Section
175 67-9-1, the sale and the receipt, storage and transportation for
176 the purpose of sale of beer, light spirit product and light wine.
177 An election to determine whether such sale shall be permitted in
178 cities wherein its sale is prohibited by law shall be ordered by
179 the city council or mayor and board of aldermen or other governing
180 body of such city for such city only, upon the presentation of a
181 petition for such city to such governing board containing the
182 names of twenty percent (20%) of the duly qualified voters of such
183 city asking for such election. In like manner, an election to
184 determine whether such sale shall be prohibited in cities wherein
185 its sale is permitted by law shall be ordered by the city council
186 or mayor and board of aldermen or other governing board of such
187 city for such city only, upon the presentation of a petition to
188 such governing board containing the names of twenty percent (20%)
189 of the duly qualified voters of such city asking for such
190 election. No election on either question shall be held by any one
191 (1) city more often than once in five (5) years.

192 Thirty (30) days' notice shall be given to the qualified
193 electors of such city in the manner prescribed by law upon the
194 question of either permitting or prohibiting such sale, and the
195 notice shall contain a statement of the question to be voted on at
196 the election. The tickets to be used in the election shall have
197 the following words printed thereon: "For the legal sale of light
198 wine of an alcoholic content of not more than five percent (5%) by



199 weight, light spirit product of an alcoholic content of not more
200 than four percent (4%) by weight, and beer of an alcoholic content
201 of not more than eight percent (8%) by weight"; and the words
202 "Against the legal sale of light wine of an alcoholic content of
203 not more than five percent (5%) by weight, light spirit product of
204 an alcoholic content of not more than four percent (4%) by weight,
205 and beer of an alcoholic content of not more than eight percent
206 (8%) by weight," next below. In making up his ticket the voter
207 shall make a cross (X) opposite the words of his choice.

208 If in the election a majority of the qualified electors
209 voting in the election shall vote "For the legal sale of light
210 wine of an alcoholic content of not more than five percent (5%) by
211 weight, light spirit product of an alcoholic content of not more
212 than four percent (4%) by weight, and beer of an alcoholic content
213 of not more than eight percent (8%) by weight," then the city
214 council or mayor and board of aldermen or other governing body
215 shall pass the necessary order permitting the legal sale of such
216 light wine, light spirit product and beer in such city. If in the
217 election a majority of the qualified electors voting in the
218 election shall vote "Against the legal sale of light wine of an
219 alcoholic content of not more than five percent (5%) by weight,
220 light spirit product of an alcoholic content of not more than four
221 percent (4%) by weight, and beer of an alcoholic content of not
222 more than eight percent (8%) by weight," then the city council or
223 mayor and board of aldermen or other governing body shall pass the



224 necessary order prohibiting the sale of such light wine, light
225 spirit product and beer in such city.

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

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

231 67-3-11. (1) Every person shall have the right to make
232 homemade wine for domestic or household uses only, free of all
233 restraint by this chapter or otherwise, and no such election as
234 provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive
235 any person of the right to make homemade wine for domestic or
236 household uses only.

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

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

245 (i) One hundred (100) gallons if there is only one
246 (1) person over the age of twenty-one (21) years of age residing
247 in the household; and



248 (ii) Two hundred (200) gallons if there are two
249 (2) or more persons over the age of twenty-one (21) years residing
250 in the household.

251 (c) A person who makes homemade beer as authorized in
252 this section may remove the beer from the premises of the
253 household where it is made and transport the beer only for the
254 purpose of participating in a bona fide exhibition, contest or
255 competition where homemade beer is being tasted and judged;
256 however, homemade beer may not be sold or offered for sale under
257 any circumstances.

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

260 67-3-13. (1) Except as otherwise provided herein and as
261 authorized under this section and Section 67-9-1, in any county
262 which has at any time since February 26, 1934, elected, or which
263 may hereafter elect, to prohibit the transportation, storage,
264 sale, distribution, receipt and/or manufacture of wine and beer of
265 an alcoholic content of not more than four percent (4%) by weight
266 in such county, it is hereby declared to be unlawful to possess
267 such beverages therein. In any county which, after July 1, 1998,
268 elects to prohibit the transportation, storage, sale,
269 distribution, receipt and/or manufacture of wine and beer of an
270 alcoholic content of not more than five percent (5%) by weight in
271 such county, it is hereby declared to be unlawful to possess such
272 beer therein. In any county which, after July 1, 2012, elects to



273 prohibit the transportation, storage, sale, distribution, receipt
274 and/or manufacture of wine of an alcoholic content of not more
275 than five percent (5%) by weight in such county, light spirit
276 product of an alcoholic content of not more than four percent (4%)
277 by weight, and beer of an alcoholic content of not more than eight
278 percent (8%) by weight, it is hereby declared to be unlawful to
279 possess such wine, light spirit product or beer therein. Any
280 person found possessing any beer, light spirit product or wine of
281 any quantity whatsoever in such county shall, on conviction, be
282 imprisoned not more than ninety (90) days or fined not more than
283 Five Hundred Dollars (\$500.00), or be both so fined and
284 imprisoned.

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

295 (3) Notwithstanding the provisions of subsections (1) and
296 (2) of this section, in any county in which transportation,
297 storage, sale, distribution, receipt and/or manufacture of light



298 wine, light spirit product and beer is prohibited, it shall not be
299 unlawful:

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

303 (b) To distribute and transport light wine, light
304 spirit product or beer to a resort area as defined in Section
305 67-1-5;

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

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

318 (e) To transport homemade beer as authorized in Section
319 67-3-11.

320 (4) Any light wine, light spirit product or beer found in
321 possession of, or sold by, a person in violation of this section



322 shall be seized and disposed of in the manner provided for in
323 Section 67-1-18.

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

326 67-3-15. (1) Any person who shall brew or manufacture or
327 sell any beer, light spirit product or light wine without first
328 having secured a permit and/or license from the commissioner
329 authorizing the brewing or manufacture or sale of such liquor,
330 shall be guilty of a misdemeanor and, upon conviction thereof, be
331 punished by a fine of not more than One Thousand Dollars
332 (\$1,000.00) or imprisonment in the county jail for not more than
333 one (1) year, or both, in the discretion of the court. Any person
334 so convicted may not apply for any permit or license issued by the
335 commissioner until five (5) years have elapsed from the date of
336 such conviction.

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

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

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

345 67-3-17. (1) Any person desiring to engage in any business
346 taxable under Sections 27-71-303 through 27-71-317, Mississippi



347 Code of 1972, either as a retailer, or as a wholesaler or
348 distributor, or as a manufacturer, of light wines, light spirit
349 products or beer, shall file with the commissioner an application
350 for a permit allowing him to engage in such business. The
351 application for a permit shall contain a statement showing the
352 name of the business, and if a partnership, firm, association or
353 limited liability company, the name of each partner or member, and
354 if a corporation the names of two (2) principal officers, the post
355 office address, and the nature of business in which engaged. In
356 case any business is conducted at two (2) or more separate places,
357 a separate permit for each place of business shall be required.
358 The commissioner shall prescribe the form of the application and
359 designate who is required to sign the application. The
360 application shall be signed under penalty of perjury.

361 (2) The application shall include a statement that the
362 applicant will not, except as otherwise authorized in this
363 chapter, allow any alcoholic beverages as defined in Section
364 67-1-5, any beer having an alcoholic content of more than eight
365 percent (8%) by weight, any spirit product having an alcoholic
366 content of more than four percent (4%) by weight, or any
367 wine * * * having an alcoholic content of more than five percent
368 (5%) by weight, to be kept, stored or secreted in or on the
369 premises described in such permit or license, and that the
370 applicant will not otherwise violate any law of this state, or



371 knowingly allow any other person to violate any such law, while in
372 or on such premises.

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

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

378 67-3-19. Where application is made for a permit to engage in
379 the business of a retailer of light wine, light spirit product or
380 beer, the applicant shall show in his application that he
381 possesses the following qualifications:

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

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

390 (c) Applicant shall not have had revoked, except for a
391 violation of Section 67-3-52, within two (2) years next preceding
392 his application, any license or permit issued to him pursuant to
393 the laws of this state, or any other state, to sell alcoholic
394 liquor of any kind.



395 (d) Applicant shall be the owner of the premises for
396 which the permit is sought or the holder of an existing lease
397 thereon.

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

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

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

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

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

416 (j) If applicant is a corporation, all officers and
417 directors thereof, and any stockholder owning more than five
418 percent (5%) of the stock of such corporation, and the person or
419 persons who shall conduct and manage the licensed premises for the



420 corporation shall possess all the qualifications required herein
421 for any individual permittee. However, the requirements as to
422 residence shall not apply to officers, directors and stockholders
423 of such corporation.

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

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

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

436 67-3-22. (1) The production limits for a brewpub shall be
437 based upon production as determined by the Department of Revenue
438 pursuant to Section 27-71-307, Mississippi Code of 1972, and a
439 brewpub shall not manufacture more than seventy-five thousand
440 (75,000) gallons of light wine, light spirit product or beer per
441 calendar year.

442 (2) Light wine, light spirit product or beer produced at a
443 brewpub shall not be sold at a price less than it cost to
444 manufacture such light wine, light spirit product or beer.



445 (3) Except as otherwise provided in this subsection, light
446 wine, light spirit product or beer manufactured by a brewpub shall
447 not be sold away from the premises of such brewpub (as defined in
448 Section 27-71-301, Mississippi Code of 1972) and shall not be
449 packaged in any form that it may be carried away from the
450 premises; however, the final one hundred (100) gallons of beer
451 within a fermenting tank may be placed in kegs for sale on the
452 premises to facilitate transition from one fermenting tank to
453 another. A brewpub may sell light wine, light spirit product or
454 beer manufactured by it for consumption off the premises of the
455 brewpub if the light wine, light spirit product or beer so sold is
456 contained in a growler.

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

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

463 67-3-25. (1) Any permit issued authorizing the sale of
464 light wines, light spirit products and/or beer for consumption
465 shall be construed to authorize the sale of light wines, light
466 spirit products and/or beer by the bottle, by the glass or by
467 draught, and in or from the original package.



468 (2) The commissioner is authorized to establish, in his
469 discretion, dates for the expiration of permits issued under this
470 chapter.

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

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

480 67-3-27. Before any person shall engage in the business of
481 manufacturer, wholesaler, distributor or retailer of light wines,
482 light spirit products or beer, he shall apply to the commissioner
483 for a license to engage in such business, and shall pay to the
484 commissioner the specific tax imposed by Section 27-71-303, for
485 the privilege of engaging in such business. The commissioner upon
486 receipt of such tax shall issue to such person a privilege license
487 to engage in or continue in such business for a period of time not
488 to exceed one (1) year. No such license shall be issued to the
489 applicant unless such applicant shall have obtained from the
490 commissioner a permit as required in Section 67-3-17. A brewpub
491 shall obtain all necessary federal licenses and permits prior to
492 obtaining any license under this chapter.



493 All privilege licenses issued under the provisions of this
494 section shall be renewed annually on or before the first day of
495 the month in which the current license expires.

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

498 67-3-28. (1) Any person desiring to engage in business as a
499 brewpub shall file with the commissioner, along with the
500 application required by Section 67-3-17, Mississippi Code of 1972,
501 a certificate issued by a licensed testing laboratory indicating
502 that such laboratory has tested a sample of the applicant's beer,
503 light spirit product or light wine, or * * * a combination
504 thereof, and that the alcohol content of such sample of beer does
505 not exceed eight percent (8%) by weight, and the alcohol content
506 of such sample of light spirit product does not exceed four
507 percent (4%) by weight, and the alcoholic content of such sample
508 of light wine does not exceed five percent (5%) by weight.

509 (2) Every brewpub shall be required to submit to random
510 testing by the commissioner to determine whether any beer being
511 manufactured, sold, kept, stored or secreted by the license holder
512 contains an alcohol content greater than eight percent (8%) by
513 weight, and light spirit product being manufactured, sold, kept,
514 stored or secreted by the license holder contains an alcoholic
515 content greater than four percent (4%) by weight, and any light
516 wine being manufactured, sold, kept, stored or secreted by the
517 license holder contains an alcoholic content greater than five



518 percent (5%) by weight. The commissioner shall establish and
519 administer testing standards and procedures to be used in such
520 random testing. The brewpub licensee shall be responsible for all
521 costs incurred by the commissioner in conducting random testing
522 under this section.

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

525 67-3-29. (1) The commissioner, or a hearing officer or the
526 board of review, as designated by the commissioner, after a show
527 cause hearing, shall revoke or suspend any permit granted by
528 authority of this chapter to any person who shall violate any of
529 the provisions of this chapter or the revenue laws of this state
530 relating to engaging in transporting, storing, selling,
531 distributing, possessing, receiving or manufacturing of wines or
532 beers, or any person who shall hereafter be convicted of the
533 unlawful sale of intoxicating liquor, or any person who shall
534 allow or permit any form of illegal gambling or immorality on the
535 premises described in such permit. The commissioner shall not
536 revoke or suspend a permit of a retailer for the sale of light
537 wine, light spirit product or beer to a person under the age of
538 twenty-one (21) years until there has been a conviction of the
539 permit holder or an employee of the permit holder for such
540 violation.

541 (2) If any person exercising any privilege taxable under the
542 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,



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

562 (3) In addition to the reasons specified in this section and
563 other provisions of this chapter, the commissioner shall be
564 authorized to suspend the permit of any permit holder for being
565 out of compliance with an order for support, as defined in Section
566 93-11-153. The procedure for suspension of a permit for being out
567 of compliance with an order for support, and the procedure for the



568 reissuance or reinstatement of a permit suspended for that
569 purpose, and the payment of any fees for the reissuance or
570 reinstatement of a permit suspended for that purpose, shall be
571 governed by Section 93-11-157 or Section 93-11-163, as the case
572 may be. If there is any conflict between any provision of Section
573 93-11-157 or Section 93-11-163 and any provision of this chapter,
574 the provisions of Section 93-11-157 or 93-11-163, as the case may
575 be, shall control.

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

578 67-3-41. Sections 67-3-31 through 67-3-41 and Section
579 67-3-53 are declared to be cumulative, amendatory, and
580 supplemental to any and all other acts and laws of this state
581 pertaining to the governing of the sale and distribution of light
582 wines, light spirit products and beers as contained in Sections
583 27-71-301 through 27-71-347, Mississippi Code of 1972, and
584 Sections 67-3-17, 67-3-23, 67-3-27, 67-3-29(2), 67-3-55, and
585 67-3-57.

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

588 67-3-45. No manufacturer, distributor or wholesale dealer to
589 whom or to which this chapter applies shall:

590 (a) Make any loan, directly or indirectly, or furnish
591 any fixtures of any kind, directly or indirectly, to any retail
592 dealer in light wines, light spirit products and/or beer;



593 (b) Have any interest, direct or indirect, in the
594 business of or in the furnishings or fixtures or in the premises
595 used by any such retail dealer in connection with his or its
596 business;

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

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

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

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

605 67-3-46. (1) The provisions of subsection (2) of this
606 section apply to the following entities:

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

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

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

615 (2) No entity named in subsection (1) of this section may
616 have any interest in the license, business, assets or corporate
617 stock of a wholesaler or distributor to whom this chapter applies,



618 except a security interest granted to the entity of the type
619 provided for the Uniform Commercial Code in products sold to a
620 wholesaler or distributor until the full purchase price has been
621 paid therefor.

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

624 67-3-48. (1) A small craft brewery may sell at retail light
625 wine, light spirit product or beer produced at its brewery for
626 consumption on the premises of the brewery and consumption off the
627 premises of the brewery if the sales are made on the premises of
628 the brewery and the light wine, light spirit product or beer
629 products offered for sale are also made available for sale to
630 wholesalers.

631 (2) (a) A small craft brewery shall not sell at retail more
632 than ten percent (10%) of the light wine, light spirit product or
633 beer produced annually at its brewery or more than one thousand
634 five hundred (1,500) barrels of light wine, light spirit product
635 or beer produced at the brewery annually, whichever is the lesser
636 amount. For purposes of this subsection, contract-brewed beer
637 shall not be included in the amount of beer produced annually at
638 the brewery. The light wine, light spirit product or beer must be
639 sold at a price approximating retail prices generally charged for
640 identical beverages in the county where the brewery is located.

641 (b) A small craft brewery shall not make retail sales
642 of more than five hundred seventy-six (576) ounces, in the



643 aggregate, of light wine, light spirit product or beer to any one
644 (1) individual for consumption off the premises of the brewery
645 within a twenty-four-hour period.

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

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

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

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

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

660 67-3-48.1. (1) In the event a small craft brewery is
661 acquired by an entity that manufactures light wine, light spirit
662 product or beer that does not fall within the definition of the
663 term "small craft brewery," the entity that acquired the small
664 craft brewery may continue to operate the brewery as a small craft
665 brewery for as long as the acquired facility meets the definition
666 of the term "small craft brewery"; however, the limit in Section
667 67-3-3 on the amount of barrels of light wine, light spirit



668 product or beer that a small craft brewery may produce shall not
669 apply to light wine, light spirit product or beer that is not
670 produced by the acquired small craft brewery.

671 (2) In the event a small craft brewery acquires an entity
672 that manufactures light wine, light spirit product or beer that
673 does not fall within the definition of the term "small craft
674 brewery," the small craft brewery that acquired the entity may
675 continue to operate as a small craft brewery for as long as the
676 brewery meets the definition of the term "small craft brewery."
677 The light wine, light spirit product or beer produced by the
678 entity that is acquired by a small craft brewery shall not apply
679 to the limit in Section 67-3-3 on the amount of light wine, light
680 spirit product or beer that the small craft brewery may produce.

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

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

690 67-3-49. (1) Except as otherwise provided in this section,
691 it shall be unlawful for any brewer or manufacturer or distributor
692 or wholesale dealer of or in light wines, light spirit products



693 and/or beer to manufacture or knowingly bring upon his premises or
694 keep thereon any wine of an alcoholic content of more than five
695 percent (5%) by weight * * *, any light spirit product of an
696 alcoholic content of more than four percent (4%) by weight, any
697 beer of an alcoholic content of more than eight percent (8%) by
698 weight, or any distilled spirits of any alcoholic content
699 whatsoever. Any person that shall add to or mix with any beer,
700 light spirit product or light wine any alcoholic or other liquid,
701 or any alcohol cube or cubes, or any other ingredient or
702 ingredients that will increase or tend to increase the alcoholic
703 content of such liquor, or any person that shall knowingly offer
704 for sale any liquor so treated, shall be guilty of a misdemeanor
705 and punished as hereinafter provided in this chapter. The
706 commissioner shall take any action he considers necessary to
707 ensure that light wine, light spirit product and/or beer
708 manufactured at a brewpub complies with the provisions of this
709 section.

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

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

716 67-3-51. (1) It shall be unlawful for any person to sell,
717 or offer to sell, or keep for sale any bottled beer, bottled light



718 spirit product or bottled light wine except the same be in the
719 original bottle or in the original package containing bottles,
720 each of which bottles shall bear the original label and the full
721 name of the brewer or manufacturer of the contents of such bottle,
722 both on the label and on the cap or cork of such bottle in the
723 case of beer, and on the label only in the case of light wine and
724 light spirit product.

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

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

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

740 **SECTION 23.** Section 67-3-52, Mississippi Code of 1972, is
741 amended as follows:



742 67-3-52. It shall be unlawful for any person holding a
743 permit authorizing the sale of beer, light spirit product or light
744 wine at retail to obtain such beer, light spirit product or light
745 wine from any source outside of the State of Mississippi. Any
746 person who violates the provisions of this section, upon
747 conviction thereof, shall be punished by a fine of not more than
748 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
749 jail for not more than six (6) months, or by both such fine and
750 imprisonment, in the discretion of the court. Any person
751 convicted of violating this section, or any rules or regulations
752 promulgated by the commissioner with regard to the unlawful acts
753 described in this section, shall forfeit his permit. Any person
754 whose permit has been forfeited pursuant to this section shall not
755 be eligible for a permit issued by the commissioner for a period
756 of five (5) years after the date of such forfeiture. In addition,
757 no permit shall be issued for the same location, for which an
758 offender has forfeited a permit pursuant to this section, to a
759 spouse, offspring or sibling of the offender when to do so would
760 circumvent the purposes of this section. The commissioner may
761 assess a retailer who violates this section the amount of excise
762 taxes due on the unlawfully imported beer, light spirit product or
763 light wine, together with a penalty in the amount of four (4)
764 times the state excise taxes due or One Hundred Dollars (\$100.00)
765 per case, whichever is greater.



766 **SECTION 24.** Section 67-3-53, Mississippi Code of 1972, is
767 amended as follows:

768 67-3-53. In addition to any act declared to be unlawful by
769 this chapter, or by Sections 27-71-301 through 27-71-347, and
770 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be
771 unlawful for the holder of a permit authorizing the sale of beer,
772 light spirit product or light wine at retail or a small craft
773 brewery selling light wine, light spirit product or beer at retail
774 pursuant to Section 67-3-48 or for the employee of the holder of
775 such a permit or the employee of such a brewery:

776 (a) To sell or give to be consumed in or upon any
777 licensed premises or in or upon the premises of a small craft
778 brewery any beer, light spirit product or light wine between the
779 hours of midnight and seven o'clock the following morning or
780 during any time the licensed premises may be required to be closed
781 by municipal ordinance or order of the board of supervisors;
782 however, in areas where the sale of alcoholic beverages is legal
783 under the provisions of the Local Option Alcoholic Beverage
784 Control Law and the hours for selling those alcoholic beverages
785 have been extended beyond midnight for on-premises permittees
786 under Section 67-1-37, the hours for selling beer, light spirit
787 products or light wines are likewise extended in areas where the
788 sale of beer, light spirit products and light wines is legal in
789 accordance with the provisions of this chapter.



790 (b) To sell, give or furnish any beer, light spirit
791 product or light wine to any person visibly or noticeably
792 intoxicated, or to any habitual drunkard, or to any person under
793 the age of twenty-one (21) years.

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

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

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

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

807 (g) To receive, possess or sell on the licensed
808 premises or, except as otherwise authorized by this chapter, on
809 the premises of the small craft brewery any beverage of any kind
810 or character containing more than five percent (5%) of alcohol by
811 weight except any beer containing not more than eight percent (8%)
812 of alcohol by weight, unless the licensee also possesses an
813 on-premises or manufacturer's permit under the Local Option
814 Alcoholic Beverage Control Law.



815 (h) To accept as full or partial payment for any
816 product any coupons that are redeemed directly or indirectly from
817 a manufacturer, wholesaler or distributor of light wine, light
818 spirit product or beer.

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

821 67-3-54. (1) A person who is at least eighteen (18) years
822 of age but under the age of twenty-one (21) years may possess and
823 consume light wine, light spirit product or beer with the consent
824 of his parent or legal guardian in the presence of his parent or
825 legal guardian, and it shall not be unlawful for the parent, legal
826 guardian or spouse of such person to furnish light wine, light
827 spirit product or beer to such person who is at least eighteen
828 (18) years of age.

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

834 (3) A person who is under twenty-one (21) years of age shall
835 not be deemed to unlawfully possess or furnish light wine, light
836 spirit product or beer, if in the scope of his employment such
837 person:



838 (a) Clears or buses tables that have glasses or other
839 containers that contain or did contain light wine, light spirit
840 product or beer;

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

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

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

847 67-3-55. (1) It shall be unlawful for any retailer to
848 possess for purpose of sale, to sell, or to offer to sell any
849 light wine, light spirit product or beer which was not purchased
850 from a wholesaler in this state who has a permit to sell such
851 light wine, light spirit product or beer, except for beer, light
852 spirit product or light wine that was brewed on the premises of
853 the retailer who holds a permit as a brewpub pursuant to Article
854 3, Chapter 71, Title 27, Mississippi Code of 1972.

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

860 (3) This section shall not apply to:



861 (a) Beer offered and provided on the premises of a
862 brewery for the purpose of tasting or sampling as authorized in
863 Section 67-3-47; or

864 (b) Light wine, light spirit product or beer sold on
865 the premises of a small craft brewery as authorized in Section
866 67-3-48.

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

869 67-3-57. (1) It shall be unlawful for any retailer to
870 possess, sell or offer to sell, or to possess for purpose of sale,
871 any light wine, light spirit product or beer at his place of
872 business before securing a permit required by this chapter.

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

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

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

884 67-3-59. (1) Except as provided in this subsection, sales
885 by wholesalers, distributors or manufacturers to persons who do



886 not hold valid permits are unlawful; and any wholesaler,
887 distributor or manufacturer making such sales, or who sells any
888 beer, light spirit product or light wine on which the tax provided
889 by law has not been paid, shall, in addition to any other fines,
890 penalties and forfeitures, be subject to a penalty of Twenty-five
891 Dollars (\$25.00) for each sale. If all other applicable taxes are
892 paid, this penalty will not apply to the following: sales to
893 employees of the wholesaler; sales to nonprofit charitable and
894 civic organizations for special fund-raising events provided that
895 the beer, light spirit product or light wine is not resold; sales
896 to affiliated member associations.

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

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

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

905 67-3-61. Every railroad company, express company, aeroplane
906 company, motor transportation company, steamboat company, or other
907 transportation company, or any person that shall transport into,
908 from place to place within, or out of this state any light wines,
909 light spirit products or beer, whether brewed or manufactured
910 within this state or outside of this state, when requested by the



911 commissioner, shall furnish him with a duplicate of the bill of
912 lading covering the receipt for such liquor, showing the name of
913 the brewer or manufacturer or distributor, and the name and
914 address of the consignor and of the consignee, and the date when
915 and place where received, and the destination and the quantity of
916 such liquor received from the manufacturer or brewer or other
917 consignor for shipment from any point within or without this state
918 to any point within this state.

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

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

929 67-3-63. The commissioner shall cause a record to be kept of
930 the names and places of business of all persons engaged in the
931 brewing of beer, of all persons engaged in the manufacture of
932 light wines or light spirit products, and of all persons engaged
933 in the sale of light wines, light spirit products and/or beer,
934 whether at retail or otherwise. He shall also cause a record to
935 be kept of all beer, light spirit products and light wines (and of



936 the amount thereof) brewed or manufactured by each brewery or
937 winery, and of all such liquors (and of the amount thereof) sold
938 by each brewery or winery, with the names and business addresses
939 of the purchasers, and of all such liquors (and of the amount
940 thereof) sold by every dealer other than a brewer or manufacturer,
941 and in the case of sales by dealers other than retail dealers, of
942 the names and business addresses of the purchasers.

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

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

947 67-3-65. Municipalities may enforce such proper rules and
948 regulations for fixing zones and territories, prescribing hours of
949 opening and of closing, and for such other measures as will
950 promote public health, morals, and safety, as they may by
951 ordinance provide. The board of supervisors of any county may
952 make such rules and regulations as to territory outside of
953 municipalities as are herein provided for municipalities.

954 Nothing in this chapter shall prohibit the governing body of
955 any municipality from designating what territory surrounding
956 churches and schools in said municipalities, and the board of
957 supervisors of any county from designating what territory
958 surrounding churches and schools outside of any municipality, in
959 which light wines, light spirit products and beer shall not be
960 sold or consumed.



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

963 67-3-67. No county or any officer or agent thereof, nor any
964 other officer, agent, or person, shall interfere with or impede
965 the passage through such county of any light wine, light spirit
966 product or beer moving in accordance with the provisions of this
967 chapter and the provisions of Section 67-9-1 and which in transit
968 to or from any county of this state wherein the traffic in light
969 wines, light spirit products and beer is not prohibited, any
970 county prohibition of such traffic to the contrary
971 notwithstanding.

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

974 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,
975 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of
976 this chapter or of any rule or regulation of the commissioner,
977 shall be a misdemeanor and, where the punishment therefor is not
978 elsewhere prescribed in this section, shall be punished by a fine
979 of not more than Five Hundred Dollars (\$500.00) or imprisonment
980 for not more than six (6) months, or both, in the discretion of
981 the court. If any person so convicted shall be the holder of any
982 permit or license issued by the commissioner under authority of
983 this chapter, the permit or license shall from and after the date
984 of such conviction be void and the holder thereof shall not
985 thereafter, for a period of one (1) year from the date of such



986 conviction, be entitled to any permit or license for any purpose
987 authorized by this chapter. Upon conviction of the holder of any
988 permit or license, the appropriate law enforcement officer shall
989 seize the permit or license and transmit it to the commissioner.

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

997 (b) Any person who shall violate any provision of
998 Section 67-3-57 shall be guilty of a misdemeanor, and upon
999 conviction thereof, shall be punished by a fine of not more than
1000 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
1001 jail for not more than one (1) year, or by both, in the discretion
1002 of the court. Any person convicted of violating any provision of
1003 the sections referred to in this subsection shall forfeit his
1004 permit, and shall not thereafter be permitted to engage in any
1005 business taxable under the provisions of Sections 27-71-301
1006 through 27-71-347.

1007 (3) If the holder of a permit, or the employee of the holder
1008 of a permit, shall be convicted of selling any beer, light spirit
1009 product or wine to anyone who is visibly intoxicated from the
1010 licensed premises or to any person under the age of twenty-one



1011 (21) years from the licensed premises in violation of Section
1012 67-3-53(b), then, in addition to any other penalty provided for by
1013 law, the commissioner may impose the following penalties against
1014 the holder of a permit:

1015 (a) For the first offense on the licensed premises, by
1016 a fine of not less than Five Hundred Dollars (\$500.00) nor more
1017 than One Thousand Dollars (\$1,000.00) and/or suspension of the
1018 permit for not more than three (3) months.

1019 (b) For a second offense occurring on the licensed
1020 premises within twelve (12) months of the first offense, by a fine
1021 of not less than Five Hundred Dollars (\$500.00) nor more than Two
1022 Thousand Dollars (\$2,000.00) and/or suspension of the permit for
1023 not more than six (6) months.

1024 (c) For a third offense occurring on the licensed
1025 premises within twelve (12) months of the first, by a fine of not
1026 less than Two Thousand Dollars (\$2,000.00) nor more than Five
1027 Thousand Dollars (\$5,000.00) and/or suspension or revocation of
1028 the permit to sell beer, light spirit product or light wine.

1029 (d) For a fourth or subsequent offense occurring on the
1030 licensed premises within twelve (12) months of the first, by a
1031 fine of not less than Two Thousand Dollars (\$2,000.00) nor more
1032 than Five Thousand Dollars (\$5,000.00) and/or suspension or
1033 revocation of the permit to sell beer, light spirit product or
1034 light wine.



1035 (4) A person who sells any beer, light spirit product or
1036 wine to a person under the age of twenty-one (21) years shall not
1037 be guilty of a violation of Section 67-3-53(b) if the person under
1038 the age of twenty-one (21) years represents himself to be
1039 twenty-one (21) years of age or older by displaying an apparently
1040 valid Mississippi driver's license containing a physical
1041 description consistent with his appearance or by displaying some
1042 other apparently valid identification document containing a
1043 picture and physical description consistent with his appearance
1044 for the purpose of inducing the person to sell beer, light spirit
1045 product or wine to him.

1046 (5) If the holder of a permit to operate a brewpub is
1047 convicted of violating the provisions of Section 67-3-22(3), then,
1048 in addition to any other provision provided for by law, the holder
1049 of the permit shall be punished as follows:

1050 (a) For the first offense, the holder of a permit to
1051 operate a brewpub may be fined in an amount not to exceed Five
1052 Hundred Dollars (\$500.00).

1053 (b) For a second offense occurring within twelve (12)
1054 months of the first offense, the holder of a permit to operate a
1055 brewpub may be fined an amount not to exceed One Thousand Dollars
1056 (\$1,000.00).

1057 (c) For a third or subsequent offense occurring within
1058 twelve (12) months of the first offense, the holder of a permit to
1059 operate a brewpub may be fined an amount not to exceed Five



1060 Thousand Dollars (\$5,000.00) and the permit to operate a brewpub
1061 shall be suspended for thirty (30) days.

1062 (6) If a small craft brewery is convicted of violating the
1063 provisions of Section 67-3-48, then, in addition to any other
1064 provision provided for by law, the small craft brewery shall be
1065 punished as follows:

1066 (a) For the first offense, the small craft brewery may
1067 be fined in an amount not to exceed Five Hundred Dollars
1068 (\$500.00).

1069 (b) For a second offense occurring within twelve (12)
1070 months of the first offense, the small craft brewery may be fined
1071 an amount not to exceed One Thousand Dollars (\$1,000.00).

1072 (c) For a third or subsequent offense occurring within
1073 twelve (12) months of the first offense, the small craft brewery
1074 may be fined an amount not to exceed Five Thousand Dollars
1075 (\$5,000.00) and the permit to operate as a manufacturer shall be
1076 suspended for thirty (30) days.

1077 **SECTION 34.** Section 67-3-70, Mississippi Code of 1972, is
1078 amended as follows:

1079 67-3-70. (1) Except as otherwise provided by Section
1080 67-3-54, any person under the age of twenty-one (21) years who
1081 purchases or possesses any light wine, light spirit product or
1082 beer shall be guilty of a misdemeanor, and upon conviction, shall
1083 be punished by a fine of not less than Two Hundred Dollars



1084 (\$200.00) nor more than Five Hundred Dollars (\$500.00) and a
1085 sentence to not more than thirty (30) days community service.

1086 (2) Any person under the age of twenty-one (21) years who
1087 falsely states he is twenty-one (21) years of age or older or
1088 presents any document that indicates he is twenty-one (21) years
1089 of age or older for the purpose of purchasing or possessing any
1090 light wine, light spirit product or beer shall be guilty of a
1091 misdemeanor, and upon conviction, shall be punished by a fine of
1092 not less than Two Hundred Dollars (\$200.00) nor more than Five
1093 Hundred Dollars (\$500.00) and a sentence to not more than thirty
1094 (30) days community service.

1095 (3) Except as otherwise provided by Section 67-3-54, any
1096 person who knowingly purchases light wine, light spirit product or
1097 beer for, or gives light wine, light spirit product or beer to a
1098 person under the age of twenty-one (21) years, shall be guilty of
1099 a misdemeanor, and upon conviction, shall be punished by a fine of
1100 not less than Two Hundred Dollars (\$200.00) nor more than Five
1101 Hundred Dollars (\$500.00) and a sentence to not more than thirty
1102 (30) days community service. The punishment provided under this
1103 subsection shall not be applicable to violations of Section
1104 97-5-49.

1105 (4) The term "community service" as used in this section
1106 shall mean work, projects or services for the benefit of the
1107 community assigned, supervised and recorded by appropriate public
1108 officials.



1109 (5) If a person under the age of twenty-one (21) years is
1110 convicted or enters a plea of guilty of violating subsection (1)
1111 or subsection (2) of this section, the trial judge, in lieu of the
1112 penalties otherwise provided under this section, shall suspend the
1113 minor's driver's license by taking and keeping it in the custody
1114 of the court for a period of time not to exceed ninety (90) days.
1115 The judge so ordering the suspension shall enter upon his docket
1116 "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF
1117 CONVICTION" and such action by the trial judge shall not
1118 constitute a conviction. During the period that the minor's
1119 driver's license is suspended, the trial judge shall suspend the
1120 imposition of any fines or penalties that may be imposed under
1121 this section and may place the minor on probation subject to such
1122 conditions as the judge deems appropriate. If the minor violates
1123 any of the conditions of probation, then the trial judge shall
1124 return the driver's license to the minor and impose the fines,
1125 penalties, or both, that he would have otherwise imposed, and such
1126 action shall constitute a conviction.

1127 (6) Any person who has been charged with a violation of
1128 subsections (1) or (2) of this section may, not sooner than one
1129 (1) year after the dismissal and discharge or completion of any
1130 sentence and/or payment of any fine, apply to the court for an
1131 order to expunge from all official records all recordation
1132 relating to his arrest, trial, finding or plea of guilty, and
1133 dismissal and discharge. If the court determines that such person



1134 was dismissed and the proceedings against him discharged or that
1135 such person had satisfactorily served his sentence and/or paid his
1136 fine, it shall enter such order.

1137 **SECTION 35.** Section 67-3-73, Mississippi Code of 1972, is
1138 amended as follows:

1139 67-3-73. (1) The Mississippi Legislature finds and declares
1140 that the consumption of intoxicating beverages, rather than the
1141 sale or serving or furnishing of such beverages, is the proximate
1142 cause of any injury, including death and property damage,
1143 inflicted by an intoxicated person upon himself or upon another
1144 person.

1145 (2) Notwithstanding any other law to the contrary, no holder
1146 of an alcoholic beverage, beer, light spirit product or light wine
1147 permit, or any agent or employee of such holder, who lawfully
1148 sells or serves intoxicating beverages to a person who may
1149 lawfully purchase such intoxicating beverages, shall be liable to
1150 such person or to any other person or to the estate, or survivors
1151 of either, for any injury suffered off the licensed premises,
1152 including wrongful death and property damage, because of the
1153 intoxication of the person to whom the intoxicating beverages were
1154 sold or served.

1155 (3) Notwithstanding any other law to the contrary, no social
1156 host who serves or furnishes any intoxicating beverage to a person
1157 who may lawfully consume such intoxicating beverage shall be
1158 liable to such person or to any other person or to the estate, or



1159 survivors of either, for any injury suffered off such social
1160 host's premises, including wrongful death and property damage,
1161 because of the intoxication of the person to whom the intoxicating
1162 beverages were served or furnished. No social host who owns,
1163 leases or otherwise lawfully occupies a premises on which, in his
1164 absence and without his consent, intoxicating beverages are
1165 consumed by a person who may lawfully consume such intoxicating
1166 beverage shall be liable to such person or to any other person or
1167 to the estate, or survivors of either, for any injury suffered off
1168 the premises, including wrongful death and property damage,
1169 because of the intoxication of the person who consumed the
1170 intoxicating beverages.

1171 (4) The limitation of liability provided by this section
1172 shall not apply to any person who causes or contributes to the
1173 consumption of alcoholic beverages by force or by falsely
1174 representing that a beverage contains no alcohol, or to any holder
1175 of an alcoholic beverage, beer, light spirit product or light wine
1176 permit, or any agent or employee of such holder when it is shown
1177 that the person making a purchase of an alcoholic beverage was at
1178 the time of such purchase visibly intoxicated.

1179 **SECTION 36.** Section 67-3-74, Mississippi Code of 1972, is
1180 amended as follows:

1181 67-3-74. (1) In addition to peace officers within their
1182 jurisdiction, all enforcement officers of the Alcoholic Beverage
1183 Control Division of the Department of Revenue are authorized to



1184 enforce the provisions made unlawful by this chapter and Section
1185 97-5-49; however, the provisions prohibiting the sale of light
1186 wine, light spirit product or beer to persons under the age of
1187 twenty-one (21) years shall be enforced by the division as
1188 provided for in this section.

1189 (2) (a) The Alcoholic Beverage Control Division shall
1190 investigate violations of the laws prohibiting the sale of light
1191 wine, light spirit product or beer to persons under the age of
1192 twenty-one (21) years upon receipt of a complaint or information
1193 from a person stating that they have knowledge of such violation.

1194 (b) Upon receipt of such complaint or information, the
1195 Alcoholic Beverage Control Division shall notify the permit holder
1196 of the complaint by certified mail to the primary business office
1197 of such permit holder or by hand delivery of the complaint or
1198 information to the primary business office of such holder, except
1199 in cases where the complaint or information is received from any
1200 law enforcement officer.

1201 (c) If an enforcement officer of the Alcoholic Beverage
1202 Control Division enters the business of the holder of the permit
1203 to investigate a complaint and discovers a violation, the agent
1204 shall notify the person that committed the violation and the
1205 holder of the permit:

1206 (i) Within ten (10) days after such violation,
1207 Sundays and holidays excluded, if the business sells light wine,
1208 light spirit product or beer for on-premises consumption; and



1209 (ii) Within seventy-two (72) hours after such
1210 violation, Sundays and holidays excluded, if the business does not
1211 sell light wine, light spirit product or beer for on-premises
1212 consumption.

1213 **SECTION 37.** Section 67-1-5, Mississippi Code of 1972, is
1214 amended as follows:

1215 67-1-5. For the purposes of this chapter and unless
1216 otherwise required by the context:

1217 (a) "Alcoholic beverage" means any alcoholic liquid,
1218 including wines of more than five percent (5%) of alcohol by
1219 weight, capable of being consumed as a beverage by a human being,
1220 but shall not include light wine, light spirit product and beer,
1221 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
1222 include native wines. The words "alcoholic beverage" shall not
1223 include ethyl alcohol manufactured or distilled solely for fuel
1224 purposes or beer of an alcoholic content of more than eight
1225 percent (8%) by weight if the beer is legally manufactured in this
1226 state for sale in another state.

1227 (b) "Alcohol" means the product of distillation of any
1228 fermented liquid, whatever the origin thereof, and includes
1229 synthetic ethyl alcohol, but does not include denatured alcohol or
1230 wood alcohol.

1231 (c) "Distilled spirits" means any beverage containing
1232 more than four percent (4%) of alcohol by weight produced by



1233 distillation of fermented grain, starch, molasses or sugar,
1234 including dilutions and mixtures of these beverages.

1235 (d) "Wine" or "vinous liquor" means any product
1236 obtained from the alcoholic fermentation of the juice of sound,
1237 ripe grapes, fruits or berries and made in accordance with the
1238 revenue laws of the United States.

1239 (e) "Person" means and includes any individual,
1240 partnership, corporation, association or other legal entity
1241 whatsoever.

1242 (f) "Manufacturer" means any person engaged in
1243 manufacturing, distilling, rectifying, blending or bottling any
1244 alcoholic beverage.

1245 (g) "Wholesaler" means any person, other than a
1246 manufacturer, engaged in distributing or selling any alcoholic
1247 beverage at wholesale for delivery within or without this state
1248 when such sale is for the purpose of resale by the purchaser.

1249 (h) "Retailer" means any person who sells, distributes,
1250 or offers for sale or distribution, any alcoholic beverage for use
1251 or consumption by the purchaser and not for resale.

1252 (i) "State Tax Commission," "commission" or
1253 "department" means the Department of Revenue of the State of
1254 Mississippi, which shall create a division in its organization to
1255 be known as the Alcoholic Beverage Control Division. Any
1256 reference to the commission or the department hereafter means the



1257 powers and duties of the Department of Revenue with reference to
1258 supervision of the Alcoholic Beverage Control Division.

1259 (j) "Division" means the Alcoholic Beverage Control
1260 Division of the Department of Revenue.

1261 (k) "Municipality" means any incorporated city or town
1262 of this state.

1263 (l) "Hotel" means an establishment within a
1264 municipality, or within a qualified resort area approved as such
1265 by the department, where, in consideration of payment, food and
1266 lodging are habitually furnished to travelers and wherein are
1267 located at least twenty (20) adequately furnished and completely
1268 separate sleeping rooms with adequate facilities that persons
1269 usually apply for and receive as overnight accommodations. Hotels
1270 in towns or cities of more than twenty-five thousand (25,000)
1271 population are similarly defined except that they must have fifty
1272 (50) or more sleeping rooms. Any such establishment described in
1273 this paragraph with less than fifty (50) beds shall operate one or
1274 more regular dining rooms designed to be constantly frequented by
1275 customers each day. When used in this chapter, the word "hotel"
1276 shall also be construed to include any establishment that meets
1277 the definition of "bed and breakfast inn" as provided in this
1278 section.

1279 (m) "Restaurant" means:

1280 (i) A place which is regularly and in a bona fide
1281 manner used and kept open for the serving of meals to guests for



1282 compensation, which has suitable seating facilities for guests,
1283 and which has suitable kitchen facilities connected therewith for
1284 cooking an assortment of foods and meals commonly ordered at
1285 various hours of the day; the service of such food as sandwiches
1286 and salads only shall not be deemed in compliance with this
1287 requirement. Except as otherwise provided in this paragraph, no
1288 place shall qualify as a restaurant under this chapter unless
1289 twenty-five percent (25%) or more of the revenue derived from such
1290 place shall be from the preparation, cooking and serving of meals
1291 and not from the sale of beverages, or unless the value of food
1292 given to and consumed by customers is equal to twenty-five percent
1293 (25%) or more of total revenue; or

1294 (ii) Any privately owned business located in a
1295 building in a historic district where the district is listed in
1296 the National Register of Historic Places, where the building has a
1297 total occupancy rating of not less than one thousand (1,000) and
1298 where the business regularly utilizes ten thousand (10,000) square
1299 feet or more in the building for live entertainment, including not
1300 only the stage, lobby or area where the audience sits and/or
1301 stands, but also any other portion of the building necessary for
1302 the operation of the business, including any kitchen area, bar
1303 area, storage area and office space, but excluding any area for
1304 parking. In addition to the other requirements of this
1305 subparagraph, the business must also serve food to guests for
1306 compensation within the building and derive the majority of its



1307 revenue from event-related fees, including, but not limited to,
1308 admission fees or ticket sales to live entertainment in the
1309 building, and from the rental of all or part of the facilities of
1310 the business in the building to another party for a specific event
1311 or function.

1312 (n) "Club" means an association or a corporation:

1313 (i) Organized or created under the laws of this
1314 state for a period of five (5) years prior to July 1, 1966;

1315 (ii) Organized not primarily for pecuniary profit
1316 but for the promotion of some common object other than the sale or
1317 consumption of alcoholic beverages;

1318 (iii) Maintained by its members through the
1319 payment of annual dues;

1320 (iv) Owning, hiring or leasing a building or space
1321 in a building of such extent and character as may be suitable and
1322 adequate for the reasonable and comfortable use and accommodation
1323 of its members and their guests;

1324 (v) The affairs and management of which are
1325 conducted by a board of directors, board of governors, executive
1326 committee, or similar governing body chosen by the members at a
1327 regular meeting held at some periodic interval; and

1328 (vi) No member, officer, agent or employee of
1329 which is paid, or directly or indirectly receives, in the form of
1330 a salary or other compensation any profit from the distribution or
1331 sale of alcoholic beverages to the club or to members or guests of



1332 the club beyond such salary or compensation as may be fixed and
1333 voted at a proper meeting by the board of directors or other
1334 governing body out of the general revenues of the club.

1335 The department may, in its discretion, waive the five-year
1336 provision of this paragraph. In order to qualify under this
1337 paragraph, a club must file with the department, at the time of
1338 its application for a license under this chapter, two (2) copies
1339 of a list of the names and residences of its members and similarly
1340 file, within ten (10) days after the election of any additional
1341 member, his name and address. Each club applying for a license
1342 shall also file with the department at the time of the application
1343 a copy of its articles of association, charter of incorporation,
1344 bylaws or other instruments governing the business and affairs
1345 thereof.

1346 (o) "Qualified resort area" means any area or locality
1347 outside of the limits of incorporated municipalities in this state
1348 commonly known and accepted as a place which regularly and
1349 customarily attracts tourists, vacationists and other transients
1350 because of its historical, scenic or recreational facilities or
1351 attractions, or because of other attributes which regularly and
1352 customarily appeal to and attract tourists, vacationists and other
1353 transients in substantial numbers; however, no area or locality
1354 shall so qualify as a resort area until it has been duly and
1355 properly approved as such by the department. The department may
1356 not approve an area as a qualified resort area after July 1, 2018,



1357 if any portion of such proposed area is located within two (2)
1358 miles of a convent or monastery that is located in a county
1359 traversed by Interstate 55 and U.S. Highway 98. A convent or
1360 monastery may waive such distance restrictions in favor of
1361 allowing approval by the department of an area as a qualified
1362 resort area. Such waiver shall be in written form from the owner,
1363 the governing body, or the appropriate officer of the convent or
1364 monastery having the authority to execute such a waiver, and the
1365 waiver shall be filed with and verified by the department before
1366 becoming effective.

1367 (i) The department may approve an area or locality
1368 outside of the limits of an incorporated municipality that is in
1369 the process of being developed as a qualified resort area if such
1370 area or locality, when developed, can reasonably be expected to
1371 meet the requisites of the definition of the term "qualified
1372 resort area." In such a case, the status of qualified resort area
1373 shall not take effect until completion of the development.

1374 (ii) The term includes any state park which is
1375 declared a resort area by the department; however, such
1376 declaration may only be initiated in a written request for resort
1377 area status made to the department by the Executive Director of
1378 the Department of Wildlife, Fisheries and Parks, and no permit for
1379 the sale of any alcoholic beverage, as defined in this chapter,
1380 except an on-premises retailer's permit, shall be issued for a
1381 hotel, restaurant or bed and breakfast inn in such park.



1382 (iii) The term includes:

1383 1. The clubhouses associated with the state
1384 park golf courses at the Lefleur's Bluff State Park, the John Kyle
1385 State Park, the Percy Quin State Park and the Hugh White State
1386 Park;

1387 2. The clubhouse and associated golf course
1388 where the golf course is adjacent to one or more planned
1389 residential developments and the golf course and all such
1390 developments collectively include at least seven hundred fifty
1391 (750) acres and at least four hundred (400) residential units;

1392 3. Any facility located on property that is a
1393 game reserve with restricted access that consists of at least
1394 three thousand (3,000) contiguous acres with no public roads and
1395 that offers as a service hunts for a fee to overnight guests of
1396 the facility;

1397 4. Any facility located on federal property
1398 surrounding a lake and designated as a recreational area by the
1399 United States Army Corps of Engineers that consists of at least
1400 one thousand five hundred (1,500) acres;

1401 5. Any facility that is located in a
1402 municipality that is bordered by the Pearl River, traversed by
1403 Mississippi Highway 25, adjacent to the boundaries of the Jackson
1404 International Airport and is located in a county which has voted
1405 against coming out from under the dry law; however, any such



1406 facility may only be located in areas designated by the governing
1407 authorities of such municipality;

1408 6. Any municipality with a population in
1409 excess of ten thousand (10,000) according to the latest federal
1410 decennial census that is located in a county that is bordered by
1411 the Pearl River and is not traversed by Interstate Highway 20,
1412 with a population in excess of forty-five thousand (45,000)
1413 according to the latest federal decennial census; however, the
1414 governing authorities of such a municipality may by ordinance:

1415 a. Specify the hours of operation of
1416 facilities that offer alcoholic beverages for sale;

1417 b. Specify the percentage of revenue
1418 that facilities that offer alcoholic beverages for sale must
1419 derive from the preparation, cooking and serving of meals and not
1420 from the sale of beverages;

1421 c. Designate the areas in which
1422 facilities that offer alcoholic beverages for sale may be located;

1423 7. The West Pearl Restaurant Tax District as
1424 defined in Chapter 912, Local and Private Laws of 2007;

1425 8. a. Land that is located in any county in
1426 which Mississippi Highway 43 and Mississippi Highway 25 intersect
1427 and:

1428 A. Owned by the Pearl River Valley
1429 Water Supply District, and/or



1430 B. Located within the Reservoir
1431 Community District, zoned commercial, east of Old Fannin Road,
1432 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
1433 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
1434 Drive and/or Lake Vista Place, and/or

1435 C. Located within the Reservoir
1436 Community District, zoned commercial, west of Old Fannin Road,
1437 south of Spillway Road and extending to the boundary of the
1438 corporate limits of the City of Flowood, Mississippi;

1439 b. The board of supervisors of such
1440 county, with respect to B and C of this item 8, may by resolution
1441 or other order:

1442 A. Specify the hours of operation
1443 of facilities that offer alcoholic beverages for sale,

1444 B. Specify the percentage of
1445 revenue that facilities that offer alcoholic beverages for sale
1446 must derive from the preparation, cooking and serving of meals and
1447 not from the sale of beverages, and

1448 C. Designate the areas in which
1449 facilities that offer alcoholic beverages for sale may be located;

1450 9. Any facility located on property that is a
1451 game reserve with restricted access that consists of at least
1452 eight hundred (800) contiguous acres with no public roads, that
1453 offers as a service hunts for a fee to overnight guests of the



1454 facility, and has accommodations for at least fifty (50) overnight
1455 guests;

1456 10. Any facility that:

1457 a. Consists of at least six thousand
1458 (6,000) square feet being heated and cooled along with an
1459 additional adjacent area that consists of at least two thousand
1460 two hundred (2,200) square feet regardless of whether heated and
1461 cooled,

1462 b. For a fee is used to host events such
1463 as weddings, reunions and conventions,

1464 c. Provides lodging accommodations
1465 regardless of whether part of the facility and/or located adjacent
1466 to or in close proximity to the facility, and

1467 d. Is located on property that consists
1468 of at least thirty (30) contiguous acres;

1469 11. Any facility and related property:

1470 a. Located on property that consists of
1471 at least one hundred twenty-five (125) contiguous acres and
1472 consisting of an eighteen (18) hole golf course, and/or located in
1473 a facility that consists of at least eight thousand (8,000) square
1474 feet being heated and cooled,

1475 b. Used for the purpose of providing
1476 meals and hosting events, and



1477 c. Used for the purpose of teaching
1478 culinary arts courses and/or turf management and grounds keeping
1479 courses, and/or outdoor recreation and leadership courses;

1480 12. Any facility and related property that:

1481 a. Consist of at least eight thousand
1482 (8,000) square feet being heated and cooled,

1483 b. For a fee is used to host events,

1484 c. Is used for the purpose of culinary
1485 arts courses, and/or outdoor recreation and leadership courses;

1486 13. The clubhouse and associated golf course
1487 where the golf course is adjacent to one or more residential
1488 developments and the golf course and all such developments
1489 collectively include at least two hundred (200) acres and at least
1490 one hundred fifty (150) residential units and are located a. in a
1491 county that has voted against coming out from under the dry law;
1492 and b. outside of but in close proximity to a municipality in such
1493 county which has voted under Section 67-1-14, after January 1,
1494 2013, to come out from under the dry law;

1495 14. The clubhouse and associated eighteen
1496 (18) hole golf course located in a municipality traversed by
1497 Interstate Highway 55 and U.S. Highway 51 that has voted to come
1498 out from under the dry law;

1499 15. Land that is planned for mixed use
1500 development and consists of at least two hundred (200) contiguous
1501 acres with one or more planned residential developments



1502 collectively planned to include at least two hundred (200)
1503 residential units when completed and which land is located:

1504 a. In a county that has voted to come
1505 out from under the dry law,

1506 b. Outside the corporate limits of any
1507 municipality in such county and adjacent to or in close proximity
1508 to a golf course located in a municipality in such county, and

1509 c. Within one (1) mile of a state
1510 institution of higher learning.

1511 The status of these municipalities, districts, clubhouses,
1512 facilities, golf courses and areas described in subparagraph (iii)
1513 of this paragraph (o) as qualified resort areas does not require
1514 any declaration of same by the department.

1515 (p) "Native wine" means any product, produced in
1516 Mississippi for sale, having an alcohol content not to exceed
1517 twenty-one percent (21%) by weight and made in accordance with
1518 revenue laws of the United States, which shall be obtained
1519 primarily from the alcoholic fermentation of the juice of ripe
1520 grapes, fruits, berries or vegetables grown and produced in
1521 Mississippi; provided that bulk, concentrated or fortified wines
1522 used for blending may be produced without this state and used in
1523 producing native wines. The department shall adopt and promulgate
1524 rules and regulations to permit a producer to import such bulk
1525 and/or fortified wines into this state for use in blending with



1526 native wines without payment of any excise tax that would
1527 otherwise accrue thereon.

1528 (q) "Native winery" means any place or establishment
1529 within the State of Mississippi where native wine is produced, in
1530 whole or in part, for sale.

1531 (r) "Bed and breakfast inn" means an establishment
1532 within a municipality where in consideration of payment, breakfast
1533 and lodging are habitually furnished to travelers and wherein are
1534 located not less than eight (8) and not more than nineteen (19)
1535 adequately furnished and completely separate sleeping rooms with
1536 adequate facilities, that persons usually apply for and receive as
1537 overnight accommodations; however, such restriction on the minimum
1538 number of sleeping rooms shall not apply to establishments on the
1539 National Register of Historic Places. No place shall qualify as a
1540 bed and breakfast inn under this chapter unless on the date of the
1541 initial application for a license under this chapter more than
1542 fifty percent (50%) of the sleeping rooms are located in a
1543 structure formerly used as a residence.

1544 (s) "Board" shall refer to the Board of Tax Appeals of
1545 the State of Mississippi.

1546 (t) "Spa facility" means an establishment within a
1547 municipality or qualified resort area and owned by a hotel where,
1548 in consideration of payment, patrons receive from licensed
1549 professionals a variety of private personal care treatments such
1550 as massages, facials, waxes, exfoliation and hairstyling.



1551 (u) "Art studio or gallery" means an establishment
1552 within a municipality or qualified resort area that is in the sole
1553 business of allowing patrons to view and/or purchase paintings and
1554 other creative artwork.

1555 (v) "Cooking school" means an establishment within a
1556 municipality or qualified resort area and owned by a nationally
1557 recognized company that offers an established culinary education
1558 curriculum and program where, in consideration of payment, patrons
1559 are given scheduled professional group instruction on culinary
1560 techniques. For purposes of this paragraph, the definition of
1561 cooking school shall not include schools or classes offered by
1562 grocery stores, convenience stores or drugstores.

1563 (w) "Campus" means property owned by a public school
1564 district, community or junior college, college or university in
1565 this state where educational courses are taught, school functions
1566 are held, tests and examinations are administered or academic
1567 course credits are awarded; however, the term shall not include
1568 any "restaurant" or "hotel" that is located on property owned by a
1569 community or junior college, college or university in this state,
1570 and is operated by a third party who receives all revenue
1571 generated from food and alcoholic beverage sales.

1572 **SECTION 38.** Section 67-1-18, Mississippi Code of 1972, is
1573 amended as follows:

1574 67-1-18. (1) Any alcoholic beverage, light wine, beer,
1575 light spirit product or raw material seized under the authority of



1576 this chapter, Chapter 3 of Title 67, or Chapter 31 of Title 97,
1577 Mississippi Code of 1972, shall be submitted to the custody of the
1578 Mississippi Department of Revenue for disposition.

1579 (2) (a) Except as otherwise provided in this paragraph, the
1580 department shall not dispose of any alcoholic beverage, light
1581 wine, beer, light spirit product or raw material without first
1582 providing reasonable notice to all individuals having an interest
1583 in the property and an opportunity for them to appear and
1584 establish their right or claim to the property. If no hearing is
1585 requested by the passage of the appropriate deadline, the
1586 department shall require the alcoholic beverages, light wine,
1587 beer, light spirit products or raw materials to be sold for the
1588 benefit of the state or destroyed.

1589 (b) The provisions of paragraph (a) of this subsection
1590 shall not apply in cases in which the owner or possessor of the
1591 alcoholic beverage, light wine, beer, light spirit product or raw
1592 material is convicted of possession of alcoholic beverages, beer,
1593 light spirit products or light wine in a location in which such
1594 possession is prohibited by law, or convicted of a violation of
1595 Section 67-1-81(2) or 67-3-70. In such cases, the alcoholic
1596 beverage, light wine, beer, light spirit product or raw materials
1597 seized in connection with the violation may be disposed of in the
1598 manner prescribed by the department.

1599 (3) (a) If the department orders the property, other than
1600 alcoholic beverages, sold, then the property shall be sold to the



1601 highest bidder, the bidder being any person, firm or government
1602 agency. The offer for sale shall be made to not less than three
1603 (3) qualified prospective buyers, by mailing them an invitation to
1604 bid, which shall describe the property, terms of sale, method of
1605 delivery, manner of bidding and fixing a time of not more than
1606 fifteen (15) days from the date of invitation for opening of bids
1607 received by the department.

1608 (b) All bids and payment shall be made in the manner as
1609 prescribed by the department. Bids, after opening, shall be
1610 subject to public inspection.

1611 (4) If the department orders the sale of seized alcoholic
1612 beverages, it may place the alcoholic beverages in the state
1613 inventory to be sold to authorized retailers in the same manner as
1614 other alcoholic beverages in the state inventory are sold.

1615 (5) Any appeal from a seizure and disposal made under this
1616 section shall be made pursuant to Section 67-1-72.

1617 **SECTION 39.** Section 67-1-51, Mississippi Code of 1972, is
1618 amended as follows:

1619 67-1-51. (1) Permits which may be issued by the department
1620 shall be as follows:

1621 (a) **Manufacturer's permit.** A manufacturer's permit
1622 shall permit the manufacture, importation in bulk, bottling and
1623 storage of alcoholic liquor and its distribution and sale to
1624 manufacturers holding permits under this chapter in this state and



1625 to persons outside the state who are authorized by law to purchase
1626 the same, and to sell exclusively to the department.

1627 Manufacturer's permits shall be of the following classes:

1628 Class 1. Distiller's and/or rectifier's permit, which shall
1629 authorize the holder thereof to operate a distillery for the
1630 production of distilled spirits by distillation or redistillation
1631 and/or to operate a rectifying plant for the purifying, refining,
1632 mixing, blending, flavoring or reducing in proof of distilled
1633 spirits and alcohol.

1634 Class 2. Wine manufacturer's permit, which shall authorize
1635 the holder thereof to manufacture, import in bulk, bottle and
1636 store wine or vinous liquor.

1637 Class 3. Native wine producer's permit, which shall
1638 authorize the holder thereof to produce, bottle, store and sell
1639 native wines.

1640 (b) **Package retailer's permit.** Except as otherwise
1641 provided in this paragraph and Section 67-1-52, a package
1642 retailer's permit shall authorize the holder thereof to operate a
1643 store exclusively for the sale at retail in original sealed and
1644 unopened packages of alcoholic beverages, including native wines,
1645 not to be consumed on the premises where sold. Alcoholic
1646 beverages shall not be sold by any retailer in any package or
1647 container containing less than fifty (50) milliliters by liquid
1648 measure. A package retailer's permit, with prior approval from
1649 the department, shall authorize the holder thereof to sample new



1650 products furnished by a manufacturer's representative or his
1651 employees at the permitted place of business so long as the
1652 sampling otherwise complies with this chapter and applicable
1653 department regulations. Such samples may not be provided to
1654 customers at the permitted place of business. In addition to the
1655 sale at retail of packages of alcoholic beverages, the holder of a
1656 package retailer's permit is authorized to sell at retail
1657 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
1658 other beverages commonly used to mix with alcoholic beverages.
1659 Nonalcoholic beverages sold by the holder of a package retailer's
1660 permit shall not be consumed on the premises where sold.

1661 (c) **On-premises retailer's permit.** Except as otherwise
1662 provided in subsection (5) of this section, an on-premises
1663 retailer's permit shall authorize the sale of alcoholic beverages,
1664 including native wines, for consumption on the licensed premises
1665 only; however, a patron of the permit holder may remove one (1)
1666 bottle of wine from the licensed premises if: (i) the patron
1667 consumed a portion of the bottle of wine in the course of
1668 consuming a meal purchased on the licensed premises; (ii) the
1669 permit holder securely reseals the bottle; (iii) the bottle is
1670 placed in a bag that is secured in a manner so that it will be
1671 visibly apparent if the bag is opened; and (iv) a dated receipt
1672 for the wine and the meal is available. Such a permit shall be
1673 issued only to qualified hotels, restaurants and clubs, and to
1674 common carriers with adequate facilities for serving passengers.



1675 In resort areas, whether inside or outside of a municipality, the
1676 department, in its discretion, may issue on-premises retailer's
1677 permits to such establishments as it deems proper. An on-premises
1678 retailer's permit when issued to a common carrier shall authorize
1679 the sale and serving of alcoholic beverages aboard any licensed
1680 vehicle while moving through any county of the state; however, the
1681 sale of such alcoholic beverages shall not be permitted while such
1682 vehicle is stopped in a county that has not legalized such sales.
1683 If an on-premises retailer's permit is applied for by a common
1684 carrier operating solely in the water, such common carrier must,
1685 along with all other qualifications for a permit, (i) be certified
1686 to carry at least one hundred fifty (150) passengers and/or
1687 provide overnight accommodations for at least fifty (50)
1688 passengers and (ii) operate primarily in the waters within the
1689 State of Mississippi which lie adjacent to the State of
1690 Mississippi south of the three (3) most southern counties in the
1691 State of Mississippi and/or on the Mississippi River or navigable
1692 waters within any county bordering on the Mississippi River.

1693 (d) **Solicitor's permit.** A solicitor's permit shall
1694 authorize the holder thereof to act as salesman for a manufacturer
1695 or wholesaler holding a proper permit, to solicit on behalf of his
1696 employer orders for alcoholic beverages, and to otherwise promote
1697 his employer's products in a legitimate manner. Such a permit
1698 shall authorize the representation of and employment by one (1)
1699 principal only. However, the permittee may also, in the



1700 discretion of the department, be issued additional permits to
1701 represent other principals. No such permittee shall buy or sell
1702 alcoholic beverages for his own account, and no such beverage
1703 shall be brought into this state in pursuance of the exercise of
1704 such permit otherwise than through a permit issued to a wholesaler
1705 or manufacturer in the state.

1706 (e) **Native wine retailer's permit.** Except as otherwise
1707 provided in subsection (5) of this section, a native wine
1708 retailer's permit shall be issued only to a holder of a Class 3
1709 manufacturer's permit, and shall authorize the holder thereof to
1710 make retail sales of native wines to consumers for on-premises
1711 consumption or to consumers in originally sealed and unopened
1712 containers at an establishment located on the premises of or in
1713 the immediate vicinity of a native winery.

1714 (f) **Temporary retailer's permit.** Except as otherwise
1715 provided in subsection (5) of this section, a temporary retailer's
1716 permit shall permit the purchase and resale of alcoholic
1717 beverages, including native wines, during legal hours on the
1718 premises described in the temporary permit only.

1719 Temporary retailer's permits shall be of the following
1720 classes:

1721 Class 1. A temporary one-day permit may be issued to bona
1722 fide nonprofit civic or charitable organizations authorizing the
1723 sale of alcoholic beverages, including native wine, for
1724 consumption on the premises described in the temporary permit



1725 only. Class 1 permits may be issued only to applicants
1726 demonstrating to the department, by a statement signed under
1727 penalty of perjury submitted ten (10) days prior to the proposed
1728 date or such other time as the department may determine, that they
1729 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1730 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1731 Class 1 permittees shall obtain all alcoholic beverages from
1732 package retailers located in the county in which the temporary
1733 permit is issued. Alcoholic beverages remaining in stock upon
1734 expiration of the temporary permit may be returned by the
1735 permittee to the package retailer for a refund of the purchase
1736 price upon consent of the package retailer or may be kept by the
1737 permittee exclusively for personal use and consumption, subject to
1738 all laws pertaining to the illegal sale and possession of
1739 alcoholic beverages. The department, following review of the
1740 statement provided by the applicant and the requirements of the
1741 applicable statutes and regulations, may issue the permit.

1742 Class 2. A temporary permit, not to exceed seventy (70)
1743 days, may be issued to prospective permittees seeking to transfer
1744 a permit authorized in paragraph (c) of this subsection. A Class
1745 2 permit may be issued only to applicants demonstrating to the
1746 department, by a statement signed under the penalty of perjury,
1747 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1748 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1749 67-1-59. The department, following a preliminary review of the



1750 statement provided by the applicant and the requirements of the
1751 applicable statutes and regulations, may issue the permit.

1752 Class 2 temporary permittees must purchase their alcoholic
1753 beverages directly from the department or, with approval of the
1754 department, purchase the remaining stock of the previous
1755 permittee. If the proposed applicant of a Class 1 or Class 2
1756 temporary permit falsifies information contained in the
1757 application or statement, the applicant shall never again be
1758 eligible for a retail alcohol beverage permit and shall be subject
1759 to prosecution for perjury.

1760 Class 3. A temporary one-day permit may be issued to a
1761 retail establishment authorizing the complimentary distribution of
1762 wine, including native wine, to patrons of the retail
1763 establishment at an open house or promotional event, for
1764 consumption only on the premises described in the temporary
1765 permit. A Class 3 permit may be issued only to an applicant
1766 demonstrating to the department, by a statement signed under
1767 penalty of perjury submitted ten (10) days before the proposed
1768 date or such other time as the department may determine, that it
1769 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1770 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1771 A Class 3 permit holder shall obtain all alcoholic beverages from
1772 the holder(s) of a package retailer's permit located in the county
1773 in which the temporary permit is issued. Wine remaining in stock
1774 upon expiration of the temporary permit may be returned by the



1775 Class 3 temporary permit holder to the package retailer for a
1776 refund of the purchase price, with consent of the package
1777 retailer, or may be kept by the Class 3 temporary permit holder
1778 exclusively for personal use and consumption, subject to all laws
1779 pertaining to the illegal sale and possession of alcoholic
1780 beverages. The department, following review of the statement
1781 provided by the applicant and the requirements of the applicable
1782 statutes and regulations, may issue the permit. No retailer may
1783 receive more than twelve (12) Class 3 temporary permits in a
1784 calendar year. A Class 3 temporary permit shall not be issued to
1785 a retail establishment that either holds a merchant permit issued
1786 under paragraph (1) of this subsection, or holds a permit issued
1787 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1788 the holder to engage in the business of a retailer of light wine,
1789 light spirit product or beer.

1790 (g) **Caterer's permit.** A caterer's permit shall permit
1791 the purchase of alcoholic beverages by a person engaging in
1792 business as a caterer and the resale of alcoholic beverages by
1793 such person in conjunction with such catering business. No person
1794 shall qualify as a caterer unless forty percent (40%) or more of
1795 the revenue derived from such catering business shall be from the
1796 serving of prepared food and not from the sale of alcoholic
1797 beverages and unless such person has obtained a permit for such
1798 business from the Department of Health. A caterer's permit shall
1799 not authorize the sale of alcoholic beverages on the premises of



1800 the person engaging in business as a caterer; however, the holder
1801 of an on-premises retailer's permit may hold a caterer's permit.
1802 When the holder of an on-premises retailer's permit or an
1803 affiliated entity of the holder also holds a caterer's permit, the
1804 caterer's permit shall not authorize the service of alcoholic
1805 beverages on a consistent, recurring basis at a separate, fixed
1806 location owned or operated by the caterer, on-premises retailer or
1807 affiliated entity and an on-premises retailer's permit shall be
1808 required for the separate location. All sales of alcoholic
1809 beverages by holders of a caterer's permit shall be made at the
1810 location being catered by the caterer, and, except as otherwise
1811 provided in subsection (5) of this section, such sales may be made
1812 only for consumption at the catered location. The location being
1813 catered may be anywhere within a county or judicial district that
1814 has voted to come out from under the dry laws or in which the
1815 sale, distribution and possession of alcoholic beverages is
1816 otherwise authorized by law. Such sales shall be made pursuant to
1817 any other conditions and restrictions which apply to sales made by
1818 on-premises retail permittees. The holder of a caterer's permit
1819 or his employees shall remain at the catered location as long as
1820 alcoholic beverages are being sold pursuant to the permit issued
1821 under this paragraph (g), and the permittee shall have at the
1822 location the identification card issued by the Alcoholic Beverage
1823 Control Division of the department. No unsold alcoholic beverages
1824 may be left at the catered location by the permittee upon the



1825 conclusion of his business at that location. Appropriate law
1826 enforcement officers and Alcoholic Beverage Control Division
1827 personnel may enter a catered location on private property in
1828 order to enforce laws governing the sale or serving of alcoholic
1829 beverages.

1830 (h) **Research permit.** A research permit shall authorize
1831 the holder thereof to operate a research facility for the
1832 professional research of alcoholic beverages. Such permit shall
1833 authorize the holder of the permit to import and purchase limited
1834 amounts of alcoholic beverages from the department or from
1835 importers, wineries and distillers of alcoholic beverages for
1836 professional research.

1837 (i) **Alcohol processing permit.** An alcohol processing
1838 permit shall authorize the holder thereof to purchase, transport
1839 and possess alcoholic beverages for the exclusive use in cooking,
1840 processing or manufacturing products which contain alcoholic
1841 beverages as an integral ingredient. An alcohol processing permit
1842 shall not authorize the sale of alcoholic beverages on the
1843 premises of the person engaging in the business of cooking,
1844 processing or manufacturing products which contain alcoholic
1845 beverages. The amounts of alcoholic beverages allowed under an
1846 alcohol processing permit shall be set by the department.

1847 (j) **Hospitality cart permit.** A hospitality cart permit
1848 shall authorize the sale of alcoholic beverages from a mobile cart
1849 on a golf course that is the holder of an on-premises retailer's



1850 permit. The alcoholic beverages sold from the cart must be
1851 consumed within the boundaries of the golf course.

1852 (k) **Special service permit.** A special service permit
1853 shall authorize the holder to sell commercially sealed alcoholic
1854 beverages to the operator of a commercial or private aircraft for
1855 en route consumption only by passengers. A special service permit
1856 shall be issued only to a fixed-base operator who contracts with
1857 an airport facility to provide fueling and other associated
1858 services to commercial and private aircraft.

1859 (l) **Merchant permit.** Except as otherwise provided in
1860 subsection (5) of this section, a merchant permit shall be issued
1861 only to the owner of a spa facility, an art studio or gallery, or
1862 a cooking school, and shall authorize the holder to serve
1863 complimentary by the glass wine only, including native wine, at
1864 the holder's spa facility, art studio or gallery, or cooking
1865 school. A merchant permit holder shall obtain all wine from the
1866 holder of a package retailer's permit.

1867 (m) **Temporary alcoholic beverages charitable auction**
1868 **permit.** A temporary permit, not to exceed five (5) days, may be
1869 issued to a qualifying charitable nonprofit organization that is
1870 exempt from taxation under Section 501(c)(3) or (4) of the
1871 Internal Revenue Code of 1986. The permit shall authorize the
1872 holder to sell alcoholic beverages for the limited purpose of
1873 raising funds for the organization during a live or silent auction
1874 that is conducted by the organization and that meets the following



1875 requirements: (i) the auction is conducted in an area of the
1876 state where the sale of alcoholic beverages is authorized; (ii) if
1877 the auction is conducted on the premises of an on-premises
1878 retailer's permit holder, then the alcoholic beverages to be
1879 auctioned must be stored separately from the alcoholic beverages
1880 sold, stored or served on the premises, must be removed from the
1881 premises immediately following the auction, and may not be
1882 consumed on the premises; (iii) the permit holder may not conduct
1883 more than two (2) auctions during a calendar year; (iv) the permit
1884 holder may not pay a commission or promotional fee to any person
1885 to arrange or conduct the auction.

1886 (n) **Event venue retailer's permit.** An event venue
1887 retailer's permit shall authorize the holder thereof to purchase
1888 and resell alcoholic beverages, including native wines, for
1889 consumption on the premises during legal hours during events held
1890 on the licensed premises if food is being served at the event by a
1891 caterer who is not affiliated with or related to the permittee.
1892 The caterer must serve at least three (3) entrees. The permit may
1893 only be issued for venues that can accommodate two hundred (200)
1894 persons or more. The number of persons a venue may accommodate
1895 shall be determined by the local fire department and such
1896 determination shall be provided in writing and submitted along
1897 with all other documents required to be provided for an
1898 on-premises retailer's permit. The permittee must derive the
1899 majority of its revenue from event-related fees, including, but



1900 not limited to, admission fees or ticket sales for live
1901 entertainment in the building. "Event-related fees" do not
1902 include alcohol, beer, light spirit product or light wine sales or
1903 any fee which may be construed to cover the cost of alcohol, beer,
1904 light spirit product or light wine. This determination shall be
1905 made on a per event basis. An event may not last longer than two
1906 (2) consecutive days per week.

1907 (o) **Temporary theatre permit.** A temporary theatre
1908 permit, not to exceed five (5) days, may be issued to a charitable
1909 nonprofit organization that is exempt from taxation under Section
1910 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
1911 a theatre facility that features plays and other theatrical
1912 performances and productions. Except as otherwise provided in
1913 subsection (5) of this section, the permit shall authorize the
1914 holder to sell alcoholic beverages, including native wines, to
1915 patrons of the theatre during performances and productions at the
1916 theatre facility for consumption during such performances and
1917 productions on the premises of the facility described in the
1918 permit. A temporary theatre permit holder shall obtain all
1919 alcoholic beverages from package retailers located in the county
1920 in which the permit is issued. Alcoholic beverages remaining in
1921 stock upon expiration of the temporary theatre permit may be
1922 returned by the permittee to the package retailer for a refund of
1923 the purchase price upon consent of the package retailer or may be
1924 kept by the permittee exclusively for personal use and



1925 consumption, subject to all laws pertaining to the illegal sale
1926 and possession of alcoholic beverages.

1927 (p) **Charter ship operator's permit.** Subject to the
1928 provisions of this paragraph (p), a charter ship operator's permit
1929 shall authorize the holder thereof and its employees to serve,
1930 monitor, store and otherwise control the serving and availability
1931 of alcoholic beverages to customers of the permit holder during
1932 private charters under contract provided by the permit holder. A
1933 charter ship operator's permit shall authorize such action by the
1934 permit holder and its employees only as to alcoholic beverages
1935 brought onto the permit holder's ship by customers of the permit
1936 holder as part of such a private charter. All such alcoholic
1937 beverages must be removed from the charter ship at the conclusion
1938 of each private charter. A charter ship operator's permit shall
1939 not authorize the permit holder to sell, charge for or otherwise
1940 supply alcoholic beverages to customers, except as authorized in
1941 this paragraph (p). For the purposes of this paragraph (p),
1942 "charter ship operator" means a common carrier that (i) is
1943 certified to carry at least one hundred fifty (150) passengers
1944 and/or provide overnight accommodations for at least fifty (50)
1945 passengers, (ii) operates only in the waters within the State of
1946 Mississippi, which lie adjacent to the State of Mississippi south
1947 of the three (3) most southern counties in the State of
1948 Mississippi, and (iii) provides charters under contract for tours
1949 and trips in such waters.



1950 (q) **Distillery retailer's permit.** The holder of a
1951 Class 1 manufacturer's permit may obtain a distillery retailer's
1952 permit. A distillery retailer's permit shall authorize the holder
1953 thereof to sell at retail alcoholic beverages by the sealed and
1954 unopened bottle from a retail location at the distillery for
1955 off-premises consumption. The holder may only sell product
1956 manufactured by the manufacturer at the distillery described in
1957 the permit. The holder shall not sell at retail more than ten
1958 percent (10%) of the alcoholic beverages produced annually at its
1959 distillery. The holder shall not make retail sales of more than
1960 two and twenty-five one-hundredths (2.25) liters, in the
1961 aggregate, of the alcoholic beverages produced at its distillery
1962 to any one (1) individual for consumption off the premises of the
1963 distillery within a twenty-four-hour period. The hours of sale
1964 shall be the same as those hours for package retailers under this
1965 chapter. The holder of a distillery retailer's permit is not
1966 required to purchase the alcoholic beverages authorized to be sold
1967 by this paragraph from the department's liquor distribution
1968 warehouse; however, if the holder does not purchase the alcoholic
1969 beverages from the department's liquor distribution warehouse, the
1970 holder shall pay to the department all taxes, fees and surcharges
1971 on the alcoholic beverages that are imposed upon the sale of
1972 alcoholic beverages shipped by the Alcoholic Beverage Control
1973 Division of the Department of Revenue. In addition to alcoholic
1974 beverages, the holder of a distillery retailer's permit may sell



1975 at retail promotional products from the same retail location,
1976 including shirts, hats, glasses, and other promotional products
1977 customarily sold by alcoholic beverage manufacturers.

1978 (2) Except as otherwise provided in subsection (4) of this
1979 section, retail permittees may hold more than one (1) retail
1980 permit, at the discretion of the department.

1981 (3) Except as otherwise provided in this subsection, no
1982 authority shall be granted to any person to manufacture, sell or
1983 store for sale any intoxicating liquor as specified in this
1984 chapter within four hundred (400) feet of any church, school,
1985 kindergarten or funeral home. However, within an area zoned
1986 commercial or business, such minimum distance shall be not less
1987 than one hundred (100) feet.

1988 A church or funeral home may waive the distance restrictions
1989 imposed in this subsection in favor of allowing issuance by the
1990 department of a permit, pursuant to subsection (1) of this
1991 section, to authorize activity relating to the manufacturing, sale
1992 or storage of alcoholic beverages which would otherwise be
1993 prohibited under the minimum distance criterion. Such waiver
1994 shall be in written form from the owner, the governing body, or
1995 the appropriate officer of the church or funeral home having the
1996 authority to execute such a waiver, and the waiver shall be filed
1997 with and verified by the department before becoming effective.

1998 The distance restrictions imposed in this subsection shall
1999 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,
2007 partnership, limited liability company or association, or as a
2008 stockholder, officer or director in a corporation, shall own or
2009 control any interest in more than one (1) package retailer's
2010 permit, nor shall such person's spouse, if living in the same
2011 household of such person, any relative of such person, if living
2012 in the same household of such person, or any other person living
2013 in the same household with such person own any interest in any
2014 other package retailer's permit.

2015 (5) (a) In addition to any other authority granted under
2016 this section, the holder of a permit issued under subsection
2017 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
2018 sell or otherwise provide alcoholic beverages and/or wine to a
2019 patron of the permit holder in the manner authorized in the permit
2020 and the patron may remove an open glass, cup or other container of
2021 the alcoholic beverage and/or wine from the licensed premises and
2022 may possess and consume the alcoholic beverage or wine outside of
2023 the licensed premises if: (i) the licensed premises is located
2024 within a leisure and recreation district created under Section



2025 67-1-101 and (ii) the patron remains within the boundaries of the
2026 leisure and recreation district while in possession of the
2027 alcoholic beverage or wine.

2028 (b) Nothing in this subsection shall be construed to
2029 allow a person to bring any alcoholic beverages into a permitted
2030 premises except to the extent otherwise authorized by this
2031 chapter.

2032 **SECTION 40.** Section 67-1-72, Mississippi Code of 1972, is
2033 amended as follows:

2034 67-1-72. (1) Except as otherwise provided in this chapter,
2035 any applicant or holder of a permit issued under this chapter
2036 which is aggrieved by an action of the Department of Revenue to
2037 deny his application for a permit, to deny the renewal of his
2038 permit or to revoke or suspend his permit shall be allowed to
2039 appeal to the Board of Tax Appeals from this action. This appeal
2040 is to be filed by the aggrieved person with the Executive Director
2041 of the Board of Tax Appeals, with a copy being sent to the
2042 Department of Revenue, within fifteen (15) days from the date that
2043 person received notice of the action of the department being
2044 aggrieved. If the person aggrieved fails to appeal within this
2045 fifteen-day period, the action of the Department of Revenue shall
2046 take effect as set out in the notice. The Department of Revenue
2047 retains the authority to change at any time the action aggrieved
2048 to in an appeal under this subsection. The applicant or holder of
2049 any permit issued under this chapter may waive his right to notice



2050 and opportunity to a hearing as provided by this subsection and
2051 agree to the action being taken by the department. The inability
2052 of the Department of Revenue to issue or renew a permit due to an
2053 incomplete application or due to the failure of the applicant to
2054 pay the annual privilege taxes and fees provided by Section
2055 27-71-5 and/or the failure of the applicant to post or deposit the
2056 bond, cash or securities as required by Section 27-71-21 shall not
2057 constitute a denial for purposes of this subsection.

2058 (2) Any applicant for approval as a manager of an
2059 establishment operating under a permit issued under this chapter
2060 or who holds the designation of an approved manager of an
2061 establishment operating under a permit issued under this chapter
2062 and who is aggrieved by an action of the Department of Revenue to
2063 deny his application for approval as a manager or to revoke or
2064 suspend his designation as an approved manager shall be allowed to
2065 appeal to the Board of Tax Appeals from this action. This appeal
2066 is to be filed by the aggrieved person with the Executive Director
2067 of the Board of Tax Appeals, with a copy being sent to the
2068 Department of Revenue, within fifteen (15) days from the date that
2069 person received notice of the action of the department being
2070 aggrieved. If the person aggrieved fails to appeal within this
2071 fifteen-day period, the action of the Department of Revenue shall
2072 take effect as set out in the notice. The Department of Revenue
2073 retains the authority to change at any time the action aggrieved
2074 to in an appeal under this subsection. The applicant or holder of



2075 an approved manager designation may waive his right to notice and
2076 opportunity to a hearing as provided by this subsection and agree
2077 to the action being taken by the department. The inability of the
2078 Department of Revenue to consider an application for approval of
2079 an applicant as a manager due to an incomplete application shall
2080 not constitute a denial of the application for purposes of this
2081 subsection.

2082 (3) Any applicant for approval of an area or locality as a
2083 qualified resort area under this chapter who is aggrieved by the
2084 decision of the Department of Revenue to deny the qualified resort
2085 area as requested and any county or municipality wherein the
2086 proposed qualified resort area is located may appeal to the Board
2087 of Tax Appeals from such decision. This appeal is to be filed by
2088 the aggrieved applicant or by the affected county or municipality
2089 with the Executive Director of the Board of Tax Appeals, with a
2090 copy being sent to the Department of Revenue, within fifteen (15)
2091 days from the date that the person or entity filing the appeal
2092 received notice of the decision of the Department of Revenue to
2093 deny the qualified resort area. If an appeal is not filed within
2094 this fifteen-day period, the decision of the Department of Revenue
2095 shall become final. The Department of Revenue retains the
2096 authority to change at any time the decision aggrieved to in an
2097 appeal under this subsection. The inability of the Department of
2098 Revenue to consider an application for the approval of an area or
2099 locality as a qualified resort area due to an incomplete



2100 application shall not constitute a denial of that application for
2101 purposes of this subsection.

2102 (4) Any person, including any county or municipality in
2103 which the qualified resort area is located, who is aggrieved by
2104 the decision of the Department of Revenue to revoke the approval
2105 of an area or locality as a qualified resort area may appeal to
2106 the Board of Tax Appeals from such decision. This appeal is to be
2107 filed by the aggrieved person with the Executive Director of the
2108 Board of Tax Appeals, with a copy being sent to the Department of
2109 Revenue, within fifteen (15) days from the date that the person or
2110 entity filing the appeal received notice of the decision of the
2111 department to revoke approval of the qualified resort area. At
2112 the discretion of the Department of Revenue, in addition to any
2113 other notice to be provided under this subsection, the department
2114 may provide notice of its decision to revoke approval of the
2115 qualified resort area by publication in the same manner as
2116 provided by regulation when approval of a qualified resort area is
2117 sought. In regard to such publication, the fifteen-day period
2118 provided herein will begin on the date that notice is first
2119 published. If an appeal is not filed within this fifteen-day
2120 period, the decision of the Department of Revenue shall become
2121 final. The Department of Revenue retains the authority to change
2122 at any time the decision aggrieved to in an appeal under this
2123 subsection.



2124 (5) Any person objecting to an application for the issuance
2125 or transfer of a permit, other than a temporary retailer's permit,
2126 issued under this chapter and who timely requests in writing a
2127 hearing on his objection shall be given a hearing before the Board
2128 of Tax Appeals unless the permit is denied by the Department of
2129 Revenue and an appeal is not taken by the applicant to the Board
2130 of Tax Appeals from that denial or the applicant withdraws his
2131 application. Any written request for a hearing on an objection
2132 must be filed with the Department of Revenue within fifteen (15)
2133 days from the first date of publication of the notice of such
2134 application under Section 67-1-53. If the department determines
2135 that the permit should be denied, notice will be provided to the
2136 applicant as set out in subsection (1) of this section, and if the
2137 applicant timely requests a hearing on the denial as provided by
2138 this subsection (5), the department will advise the Executive
2139 Director of the Board of Tax Appeals and the applicant of the
2140 written request for a hearing on an objection to the permit. The
2141 hearing on the objection to the permit and the hearing on the
2142 appeal by the applicant from the denial of the department of the
2143 application shall be consolidated and heard by the Board of Tax
2144 Appeals at the same time. If the department determines that the
2145 permit should be issued, the department will advise the applicant
2146 and the Executive Director of the Board of Tax Appeals of the
2147 timely written request for a hearing on an objection to the
2148 application and a hearing will be set before the Board of Tax



2149 Appeals on this objection. If prior to the hearing, either the
2150 person requesting the hearing withdraws his request or the
2151 applicant withdraws his application, the hearing will be cancelled
2152 and the objection proceedings before the Board of Tax Appeals on
2153 the application will be dismissed as moot. In the case of such
2154 withdrawals, the Board of Tax Appeals is authorized to assess to
2155 either or both parties any costs incurred by it prior to such
2156 withdrawal. The Department of Revenue retains authority to issue
2157 the permit to the applicant where the person objecting to the
2158 application withdraws his request for a hearing.

2159 (6) Any person objecting to an application for approval by
2160 the Department of Revenue of a area or locality as a qualified
2161 resort area under this chapter and who timely requests in writing
2162 a hearing on his objection shall be given a hearing before the
2163 Board of Tax Appeals unless approval of the application is denied
2164 by the Department of Revenue and an appeal is not taken by the
2165 applicant or the county or municipality in which the proposed
2166 qualified resort area is located to the Board of Tax Appeals from
2167 that denial or the applicant withdraws his application. Any
2168 written request for a hearing on an objection must be filed with
2169 the Department of Revenue within fifteen (15) days from the first
2170 date of publication of the notice of such application as provided
2171 by regulation. If the department determines that the application
2172 for approval of the proposed area or locality as a qualified
2173 resort area should be denied, the department will proceed with



2174 denial of such application as set out in subsection (3) of this
2175 section, and if the applicant or the county or municipality in
2176 which the proposed qualified resort area is located timely
2177 requests a hearing on the denial as provided by subsection (3) of
2178 this section, the department will advise the Executive Director of
2179 the Board of Tax Appeals and the applicant of the written request
2180 for a hearing on an objection to the application. The hearing on
2181 the objection to approval of the proposed qualified resort area
2182 and the hearing on the appeal from the denial of the department of
2183 the application for such approval shall be consolidated and heard
2184 by the Board of Tax Appeals at the same time. If the department
2185 determines that the proposed qualified resort area should be
2186 approved, the department will advise the applicant and the
2187 Executive Director of the Board of Tax Appeals of the timely
2188 written request for a hearing on an objection to the application
2189 and a hearing will be set before the Board of Tax Appeals on this
2190 objection. If prior to the hearing, either the person requesting
2191 the hearing withdraws his request or the applicant withdraws his
2192 application, the hearing will be cancelled and the objection
2193 proceedings before the Board of Tax Appeals on the application
2194 will be dismissed as moot. In the case of such withdrawals, the
2195 Board of Tax Appeals is authorized to assess to either or both
2196 parties any costs incurred by it prior to such withdrawal. The
2197 Department of Revenue retains authority to approve the proposed



2198 area or locality as a qualified resort area where the person
2199 objecting to the application withdraws his request for a hearing.

2200 (7) Any person having an interest in any alcoholic
2201 beverages, light wine, beer, light spirit products or raw
2202 materials which the Department of Revenue intends to dispose of
2203 under Section 67-1-18 shall be given reasonable notice of this
2204 proposed disposal, and upon such notice, this person may request a
2205 hearing before the Board of Tax Appeals to establish his right or
2206 claim to this property. This request for a hearing shall be filed
2207 with the Board of Tax Appeals, with a copy sent to the Department
2208 of Revenue, within fifteen (15) days from the date of receipt of
2209 the notice provided above by the person filing the request. If a
2210 request is not received by the Board of Tax Appeals within this
2211 fifteen-day period, the department may order the property disposed
2212 of in accordance with Section 67-1-18.

2213 (8) Upon receipt of a written request for hearing or appeal
2214 as set out above, the executive director shall schedule a hearing
2215 before the Board of Tax Appeals on this request or appeal. A
2216 notice of the hearing shall be mailed to all persons or entities
2217 having an interest in the matter being heard which shall always
2218 include the person or entity filing the request or appeal for
2219 which the hearing is being set, the applicant or holder of any
2220 permit, approved manager status or qualified resort area status in
2221 issue, any person who filed a written request for a hearing on an
2222 objection to any application in issue and the Department of



2223 Revenue. This notice shall provide the date, time and location of
2224 the hearing. Mailing to the attorney representing a person or
2225 entity in the matter being heard shall be the same as mailing to
2226 the person or entity the attorney represents. Failure of the
2227 person or entity on whose request or appeal the matter was set for
2228 hearing to appear personally or through his designated
2229 representative at the hearing shall constitute an involuntary
2230 withdrawal of his request or appeal. Upon such withdrawal, the
2231 Board of Tax Appeals shall note on the record the failure of the
2232 person or entity to appear at the hearing and shall dismiss the
2233 request or appeal and remand the matter back to the Department of
2234 Revenue for appropriate action.

2235 (9) At any hearing before the Board of Tax Appeals on an
2236 appeal or hearing request as set out above, two (2) members of the
2237 Board of Tax Appeals shall constitute a quorum. At the hearing,
2238 the Board of Tax Appeals shall try the issues presented according
2239 to law and the facts and pursuant to any guidelines established by
2240 regulation. The rules of evidence shall be relaxed at the hearing
2241 and the hearing shall be recorded by a court reporter. After
2242 reaching a decision on the issues presented, the Board of Tax
2243 Appeals shall enter an order setting forth its findings and
2244 decision in the matter. A copy of the order of the Board of Tax
2245 Appeals shall be mailed to the person or entity filing the request
2246 or appeal which was heard, the applicant or holder of any permit,
2247 approved manager status or qualified resort area status in issue,



2248 any person who filed a written request for a hearing on an
2249 objection to any application in issue and the Department of
2250 Revenue to notify them of the findings and decision of the Board
2251 of Tax Appeals.

2252 **SECTION 41.** Section 67-7-3, Mississippi Code of 1972, is
2253 amended as follows:

2254 67-7-3. The legislative purpose of this chapter is to
2255 provide a structure for the business relations between a
2256 wholesaler and a supplier of light wine, light spirit product or
2257 beer. Regulation in this area is considered necessary for the
2258 following reasons:

2259 (a) To maintain stability and healthy competition in
2260 the light wine, light spirit product and beer industry in this
2261 state.

2262 (b) To promote and maintain a sound, stable and viable
2263 system of distribution of light wine, light spirit product and
2264 beer to the public.

2265 (c) To provide for the private settlement of disputes
2266 between wholesalers and suppliers of light wine, light spirit
2267 product or beer as an alternative to civil litigation which
2268 consumes the time and resources of the parties and the judicial
2269 system.

2270 (d) To promote the public health, safety and welfare.

2271 **SECTION 42.** Section 67-7-5, Mississippi Code of 1972, is
2272 amended as follows:



2273 67-7-5. As used in this chapter, the following words or
2274 phrases, or the plural thereof, whenever they appear in this
2275 chapter, unless the context clearly requires otherwise, shall have
2276 the meaning ascribed to them in this section.

2277 (a) "Agreement" means any agreement between a
2278 wholesaler and a supplier, whether oral or written, whereby a
2279 wholesaler is granted the right to purchase and sell a brand or
2280 brands of light wine, light spirit product or beer sold by a
2281 supplier.

2282 (b) "Ancillary business" means a business owned by the
2283 wholesaler, by a substantial stockholder of a wholesaler, or by a
2284 substantial partner of a wholesaler, the primary business of which
2285 is directly related to the transporting, storing or marketing of
2286 the brand or brands of light wine, light spirit product or beer of
2287 a supplier with whom the wholesaler has an agreement; or a
2288 business owned by a wholesaler, a substantial stockholder of a
2289 wholesaler.

2290 (c) "Commission" or "department" means the Department
2291 of Revenue of the State of Mississippi.

2292 (d) "Commissioner" means the Commissioner of Revenue of
2293 the Department of Revenue.

2294 (e) "Designated member" means the spouse, child,
2295 grandchild, parent, brother or sister of a deceased individual who
2296 owned an interest, including a controlling interest, in a
2297 wholesaler, or any person who inherits under the deceased



2298 individual's will, or under the laws of intestate succession of
2299 this state; or any person who or entity which has otherwise,
2300 through a valid testamentary device by the deceased individual,
2301 succeeded the deceased individual in the wholesaler's business, or
2302 has succeeded to the deceased individual's ownership interest in
2303 the wholesaler pursuant to a written contract or instrument which
2304 has been previously approved by the supplier; "designated member"
2305 includes the appointed and qualified personal representative and
2306 the testamentary trustee of a deceased individual owning an
2307 ownership interest in a wholesaler, and it includes the person
2308 appointed by a court as the guardian or conservator of the
2309 property of an incapacitated individual owning an ownership
2310 interest in a wholesaler.

2311 (f) "Establish" means to adjust or regulate, to provide
2312 for and uphold.

2313 (g) "Good faith" means honesty in fact and observance
2314 of reasonable commercial standards of fair dealing in the trade,
2315 as defined in and interpreted under the Uniform Commercial Code.

2316 (h) "Reasonable qualifications" means the standard of
2317 the reasonable criteria established and consistently used by the
2318 respective supplier for similarly situated wholesalers that
2319 entered into, continued or renewed an agreement with the supplier
2320 during a period of twenty-four (24) months before the proposed
2321 transfer of the wholesaler's business, or for similarly situated
2322 wholesalers who have changed managers or designated managers,



2323 under the agreement, during a period of twenty-four (24) months
2324 before the proposed change in the manager or successor manager of
2325 the wholesaler's business.

2326 (i) "Retaliatory action" means the refusal to continue
2327 an agreement, or a material reduction in the quality of service or
2328 quantity of products available to a wholesaler under an agreement,
2329 which refusal or reduction is not made in good faith.

2330 (j) "Sales territory" means a primary area of sales
2331 responsibility for the brand or brands of light wine, light spirit
2332 product or beer sold by a supplier as designated by an agreement.

2333 (k) "Substantial stockholder or substantial partner"
2334 means a stockholder of or partner in the wholesaler who owns an
2335 interest of ten percent (10%) or more of the partnership or of the
2336 capital stock of a corporate wholesaler.

2337 (l) "Successor" means a person who replaces a supplier
2338 with regard to the right to manufacture, sell, distribute or
2339 import a brand or brands of light wine, light spirit product or
2340 beer.

2341 (m) "Supplier" means a manufacturer or importer of
2342 light wine, light spirit product or beer as regulated by the
2343 department under Sections 67-3-1 through 67-3-73.

2344 (n) "Transfer of wholesaler's business" means the
2345 voluntary sale, assignment or other transfer of ten percent (10%)
2346 or more of control of the business or all or substantially all of
2347 the assets of the wholesaler, or ten percent (10%) or more of



2348 control of the capital stocks of the wholesaler, including without
2349 limitation the sale or other transfer of capital stock or assets
2350 by merger, consolidation or dissolution, or of the capital stock
2351 of the parent corporation, or of the capital stock or beneficial
2352 ownership of any other entity owning or controlling the
2353 wholesaler.

2354 (o) "Wholesaler" means a wholesaler of light wine,
2355 light spirit product or beer as regulated by the department under
2356 Sections 67-3-1 through 67-3-73.

2357 (p) "Similarly situated wholesalers" means wholesalers
2358 of a supplier that are of a generally comparable size and operate
2359 in markets in Mississippi and adjoining states with similar
2360 demographic characteristics, including population size, density,
2361 distribution and vital statistics, as well as reasonably similar
2362 economic and geographic conditions.

2363 (q) "Light wine, light spirit product and/or beer" has
2364 the meaning ascribed to such terms in Section 67-3- * * *3.

2365 **SECTION 43.** Section 67-7-7, Mississippi Code of 1972, is
2366 amended as follows:

2367 67-7-7. (1) A supplier shall not do the following:

2368 (a) Fail to provide each wholesaler of the supplier's
2369 brand or brands with a written agreement which contains in total
2370 the supplier's agreement with each wholesaler, and designates a
2371 specific sales territory. Any agreement which is in existence on
2372 April 7, 1995, shall be renewed consistent with this chapter,



2373 provided that this chapter may be incorporated by reference in the
2374 agreement. Nothing contained herein shall prevent a supplier from
2375 appointing, one (1) time for a period not to exceed ninety (90)
2376 days, a wholesaler to service temporarily a sales territory not
2377 designated to another wholesaler, until such time as a wholesaler
2378 is appointed by the supplier; and such wholesaler who is
2379 designated to service the sales territory during this period of
2380 temporary service shall not be in violation of the chapter, and,
2381 with respect to the temporary service territory, shall not have
2382 any of the rights provided under Sections 67-7-11 and 67-7-15.

2383 (b) Fix, maintain or establish the price at which a
2384 wholesaler shall sell any light wine, light spirit product or
2385 beer.

2386 (c) Enter into an additional agreement with any other
2387 wholesaler for, or to sell to any other wholesaler, the same brand
2388 or brands of light wine, light spirit product or beer in the same
2389 territory or any portion thereof, or to sell directly to any
2390 retailer in this state.

2391 (d) Require any wholesaler to accept delivery of any
2392 light wine, light spirit product or beer or other commodity which
2393 has not been ordered by the wholesaler, except that a supplier may
2394 impose reasonable inventory requirements upon a wholesaler if the
2395 requirements are made in good faith and are generally applied to
2396 other similarly situated wholesalers who have an agreement with
2397 the supplier.



2398 (e) Require any wholesaler to accept delivery of any
2399 light wine, light spirit product or beer or other commodity
2400 ordered by a wholesaler if the order was properly cancelled by the
2401 wholesaler in accordance with the supplier's procedure.

2402 (f) Require any wholesaler to do any illegal act or to
2403 violate any law or regulation by threatening to amend, modify,
2404 cancel, terminate or refuse to renew any agreement existing
2405 between the supplier and wholesaler.

2406 (g) Require a wholesaler to assent to any condition,
2407 stipulation or provision limiting the wholesaler's right to sell
2408 the brand or brands of light wine, light spirit product or beer of
2409 any other supplier unless the acquisition of the brand or brands
2410 of another supplier would materially impair or adversely affect
2411 the wholesaler's quality of service, sales or ability to compete
2412 effectively in representing the brand or brands of the supplier
2413 presently being sold by the wholesaler, except that in any action
2414 challenging a supplier's position, the supplier shall have the
2415 burden of providing that such acquisition of such other brand or
2416 brands would have such effect.

2417 (h) Require a wholesaler to purchase one or more brands
2418 of light wine, light spirit product or beer products in order for
2419 the wholesaler to purchase another brand or brands of light wine,
2420 light spirit product or beer for any reason, except that a
2421 wholesaler that has agreed to distribute a brand or brands before



2422 April 7, 1995, shall continue to distribute the brand or brands in
2423 conformance with this chapter.

2424 (i) Require a wholesaler to submit audited profit and
2425 loss statements, balance sheets or financial records as a
2426 condition of renewal or continuation of an agreement, except that
2427 a supplier may require reasonable proof of a wholesaler's
2428 financial condition prior to extending credit terms to a
2429 wholesaler.

2430 (j) Withhold delivery of light wine, light spirit
2431 product or beer ordered by wholesaler, or change a wholesaler's
2432 quota of a brand or brands if the withholding or change is not
2433 made in good faith.

2434 (k) Require a wholesaler by any means directly to
2435 participate in or contribute to any local or national advertising
2436 fund controlled directly or indirectly by a supplier.

2437 (l) Take any retaliatory action against a wholesaler
2438 that files a complaint in good faith regarding an alleged
2439 violation by the supplier of federal, state or local law or an
2440 administrative rule as a result of that complaint.

2441 (m) Require or prohibit any change in the manager or
2442 successor manager of any wholesaler who has been approved by the
2443 supplier as of or after April 7, 1995, unless the supplier acts in
2444 good faith. Should a wholesaler change an approved manager or
2445 successor manager, a supplier shall not require or prohibit the
2446 change unless the person selected by the wholesaler fails to meet



2447 the nondiscriminatory, material and reasonable standards and
2448 qualifications for managers consistently applied to similarly
2449 situated wholesalers by the supplier, except that, in any action
2450 challenging a supplier's decision, the supplier shall have the
2451 burden of proving that such person fails to meet such standards
2452 and qualifications.

2453 (n) Upon written notice of intent to transfer the
2454 wholesaler's business, interfere with, prevent or unreasonably
2455 delay (not to exceed thirty (30) days) the transfer of the
2456 wholesaler's business if the proposed transferee is a designated
2457 member.

2458 (o) Upon written notice of intent to transfer the
2459 wholesaler's business other than to a designated member, withhold
2460 consent to or approval of, or unreasonably delay (not to exceed
2461 thirty (30) days after receipt of all material information
2462 reasonably requested) a response to a request by the wholesaler
2463 for any transfer of a wholesaler's business if the proposed
2464 transferee meets the nondiscriminatory material and reasonable
2465 qualifications and standards required by the supplier for
2466 similarly situated wholesalers.

2467 (p) Restrict or inhibit the right of free association
2468 among wholesalers for any lawful purpose.

2469 (q) Threaten to cancel or withhold credit, or to reduce
2470 the time period normally given the wholesaler to make payment on a
2471 delivery from the supplier as a means of compelling the wholesaler



2472 to meet certain standards of performance in any area of business
2473 not directly related to credit.

2474 **SECTION 44.** Section 67-7-9, Mississippi Code of 1972, is
2475 amended as follows:

2476 67-7-9. A wholesaler shall not do any of the following:

2477 (a) Fail to devote such efforts and resources to the
2478 sale and distribution of all the supplier's brands of light wine,
2479 light spirit product or beer which the wholesaler has been granted
2480 the right to sell or distribute as are required in the
2481 wholesaler's agreement with the supplier.

2482 (b) Sell or deliver light wine, light spirit product or
2483 beer to a retail licensee located outside the sales territory
2484 designated to the wholesaler by the supplier of a particular brand
2485 or brands of light wine, light spirit product or beer, except that
2486 during periods of temporary service interruptions impacting a
2487 particular sales territory, a supplier may appoint another
2488 wholesaler to service the sales territory during the period of
2489 temporary service interruption. A wholesaler who is designated to
2490 service the impacted sales territory during the period of
2491 temporary service interruption shall not be in violation of this
2492 chapter and shall not have any of the rights provided under
2493 Sections 67-7-11 and 67-7-15 with respect to the temporary service
2494 territory.

2495 (c) Transfer the wholesaler's business without giving
2496 the supplier written notice of intent to transfer the wholesaler's



2497 business and, where required by this chapter, receiving the
2498 supplier's written approval for the proposed transfer, except that
2499 the consent or approval of the supplier shall not be required of
2500 any transfer of the wholesaler's business to a designated member,
2501 or of any transfer of less than ten percent (10%) of the
2502 wholesaler's business unless such transfer results in a change in
2503 control. The wholesaler shall give the supplier written notice of
2504 any change in ownership of the wholesaler.

2505 **SECTION 45.** Section 67-7-11, Mississippi Code of 1972, is
2506 amended as follows:

2507 67-7-11. (1) Except as otherwise provided for in this
2508 chapter, a supplier shall not amend or modify an agreement; cause
2509 a wholesaler to resign from an agreement; or cancel, terminate,
2510 fail to renew or refuse to continue under an agreement, unless the
2511 supplier has complied with all of the following:

2512 (a) Has satisfied the applicable notice requirements of
2513 this section.

2514 (b) Has acted in good faith.

2515 (c) Has good cause for the amendment, modification,
2516 cancellation, termination, nonrenewal, discontinuance or forced
2517 resignation.

2518 (2) In any action challenging such amendment, modification,
2519 termination, cancellation, nonrenewal or discontinuance, the
2520 supplier shall have the burden of proving that it has acted in
2521 good faith, that the notice requirements under this section have



2522 been complied with, and that there was good cause for the
2523 amendment, modification, termination, cancellation, nonrenewal or
2524 discontinuance.

2525 (3) Except as otherwise provided in this section, and in
2526 addition to the time limits set forth in subsection (4)(d) of this
2527 section, the supplier shall furnish written notice of the
2528 amendment, modification, termination, cancellation, nonrenewal or
2529 discontinuance of an agreement to the wholesaler not less than
2530 thirty (30) days before the effective date of the amendment,
2531 modification, termination, cancellation, nonrenewal or
2532 discontinuance. The notice shall be by certified mail and shall
2533 contain all of the following:

2534 (a) A statement of intention to amend, modify,
2535 terminate, cancel, nonrenew or discontinue the agreement.

2536 (b) A statement of the reason for the amendment,
2537 modification, termination, cancellation, nonrenewal or
2538 discontinuance.

2539 (c) The date on which the amendment, modification,
2540 termination, cancellation, nonrenewal or discontinuance takes
2541 effect.

2542 (4) Good cause shall exist for the purposes of a
2543 termination, cancellation, nonrenewal or discontinuance under
2544 subsection (1)(c) of this section when all of the following occur:

2545 (a) There is a failure by the wholesaler to comply with
2546 a provision of the agreement which is both reasonable and of



2547 material significance to the business relationship between the
2548 wholesaler and the supplier.

2549 (b) The supplier first acquired knowledge of the
2550 failure described in subparagraph (a) not more than twenty-four
2551 (24) months before the date notification was given pursuant to
2552 subsection (3) of this section.

2553 (c) The wholesaler was given notice by the supplier of
2554 failure to comply with this agreement.

2555 (d) The wholesaler has been afforded thirty (30) days
2556 in which to submit a plan of corrective action to comply with the
2557 agreement and an additional ninety (90) days to cure such
2558 noncompliance in accordance with the plan.

2559 (5) Notwithstanding subsections (1) and (3) of this section,
2560 a supplier may terminate, cancel, fail to renew or discontinue an
2561 agreement immediately upon written notice given in the manner and
2562 containing the information required by subsection (3)(a), (b) and
2563 (c) of this section if any of the following occur:

2564 (a) Insolvency of the wholesaler, the filing of any
2565 petition by or against the wholesaler under any bankruptcy or
2566 receivership law or the assignment for the benefit of creditors or
2567 dissolution or liquidation of the wholesaler which materially
2568 affects the wholesaler's ability to remain in business.

2569 (b) Revocation or suspension of the wholesaler's state
2570 or federal license by the appropriate regulatory agency whereby



2571 the wholesaler cannot service the wholesaler's sales territory for
2572 more than thirty-one (31) days.

2573 (c) The wholesaler, or a partner or an individual who
2574 owns ten percent (10%) or more of the partnership or stock of a
2575 corporate wholesaler, has been convicted of a felony under the
2576 United States Code or the laws of any state which reasonably may
2577 adversely affect the good will or interest of the wholesaler or
2578 supplier. However, an existing stockholder or stockholders, or
2579 partner or partners, or a designated member or members, shall
2580 have, subject to the provisions of this chapter, the right to
2581 purchase the partnership interest or the stock of the offending
2582 partner or stockholder prior to the conviction of the offending
2583 partner or stockholder, and if the sale is completed prior to
2584 conviction the provisions of this subparagraph shall not apply.

2585 (d) There was fraudulent conduct relating to a material
2586 matter on the part of the wholesaler in dealings with the supplier
2587 or its product, except that the supplier shall have the burden of
2588 proving fraudulent conduct relating to a material matter on the
2589 part of the wholesaler in any legal action challenging such
2590 termination.

2591 (e) The wholesaler failed to confine to the designated
2592 sales territory its sales of a brand or brands to retailers except
2593 that this subsection does not apply if there is a dispute between
2594 two (2) or more wholesalers as to the boundaries of the assigned
2595 territory, and the boundaries cannot be determined by a reading of



2596 the description contained in the agreements between the supplier
2597 and the wholesalers.

2598 (f) A wholesaler has failed to pay for light wine,
2599 light spirit product or beer ordered and delivered in accordance
2600 with established terms and the wholesaler fails to make full
2601 payment within five (5) business days after receipt of written
2602 notice of the delinquency and demand for immediate payment from
2603 the supplier.

2604 (g) A wholesaler intentionally has made a transfer of
2605 wholesaler's business, other than a transfer to a designated
2606 member without prior written notice to the supplier.

2607 (h) A wholesaler intentionally has made a transfer of
2608 wholesaler's business, other than a transfer to a designated
2609 member, although the wholesaler has prior to said transfer
2610 received from supplier a timely notice of disapproval of said
2611 transfer in accordance with this chapter.

2612 (i) The wholesaler intentionally ceases to carry on
2613 business with respect to any of supplier's brand or brands
2614 previously serviced by wholesaler in its territory designated by
2615 the supplier, unless such cessation is due to force majeure or to
2616 labor dispute and the wholesaler has made good faith efforts to
2617 overcome such events. Provided, however, this shall affect only
2618 that brand or brands with respect to which the wholesaler ceased
2619 to carry on business.



2620 (6) Notwithstanding subsections (1), (3) and (5) of this
2621 section, a supplier may terminate, cancel, not renew or
2622 discontinue an agreement upon not less than thirty (30) days prior
2623 written notice if the supplier discontinues production or
2624 discontinues distribution in this state of all the brands sold by
2625 the supplier to the wholesaler, except that nothing in this
2626 section shall prohibit a supplier from: (a) upon not less than
2627 thirty (30) days notice, discontinuing the distribution of any
2628 particular brand or package of light wine, light spirit product or
2629 beer; or (b) conducting test marketing of a new brand of light
2630 wine, light spirit product or beer which is not currently being
2631 sold in this state, except that the supplier has notified
2632 the * * * department in writing of its plans to test market, which
2633 notice shall describe the market area in which the test shall be
2634 conducted; the name or names of the wholesaler or wholesalers who
2635 will be selling the light wine, light spirit product or beer; the
2636 name or names of the brand of light wine, light spirit product or
2637 beer being tested; and the period of time, not to exceed eighteen
2638 (18) months, during which the testing will take place.

2639 **SECTION 46.** Section 67-9-1, Mississippi Code of 1972, is
2640 amended as follows:

2641 67-9-1. Notwithstanding the provisions of any section of
2642 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
2643 any person holding an alcohol processing permit to transport and
2644 possess alcoholic beverages, light wine, light spirit product and



2645 beer, in any part of the state, for his or her use in cooking,
2646 processing or manufacturing products which contain alcoholic
2647 beverages as an integral ingredient, in amounts as limited by the
2648 Alcoholic Beverage Control Division of the * * * Department of
2649 Revenue. The authority to transport and possess alcoholic
2650 beverages, light wine, light spirit product and beer under this
2651 section exists regardless of whether (a) the county or
2652 municipality in which the transportation or possession takes place
2653 has voted for or against coming out from under the dry law, or (b)
2654 the transportation, storage, sale, distribution, receipt or
2655 manufacture of light wine, light spirit product and beer otherwise
2656 is prohibited.

2657 The provisions of this section shall not be construed as
2658 amending, repealing or otherwise affecting any statute or any
2659 lawfully adopted ordinance, rule or regulation that prohibits or
2660 restricts the location at which, or the premises upon which,
2661 alcoholic beverages, light wine, light spirit product or beer may
2662 be sold or consumed.

2663 **SECTION 47.** Section 27-65-241, Mississippi Code of 1972, is
2664 amended as follows:

2665 27-65-241. (1) As used in this section, the following terms
2666 shall have the meanings ascribed to them in this section unless
2667 otherwise clearly indicated by the context in which they are used:

2668 (a) "Hotel" or "motel" means and includes a place of
2669 lodging that at any one time will accommodate transient guests on



2670 a daily or weekly basis and that is known to the trade as such.
2671 Such terms shall not include a place of lodging with ten (10) or
2672 less rental units.

2673 (b) "Municipality" means any municipality in the State
2674 of Mississippi with a population of one hundred fifty thousand
2675 (150,000) or more according to the most recent federal decennial
2676 census.

2677 (c) "Restaurant" means and includes all places where
2678 prepared food is sold and whose annual gross proceeds of sales or
2679 gross income for the preceding calendar year equals or exceeds One
2680 Hundred Thousand Dollars (\$100,000.00). The term "restaurant"
2681 shall not include any nonprofit organization that is exempt from
2682 federal income taxation under Section 501(c)(3) of the Internal
2683 Revenue Code. For the purpose of calculating gross proceeds of
2684 sales or gross income, the sales or income of all establishments
2685 owned, operated or controlled by the same person, persons or
2686 corporation shall be aggregated.

2687 (2) (a) Subject to the provisions of this section, the
2688 governing authorities of a municipality may impose upon all
2689 persons as a privilege for engaging or continuing in business or
2690 doing business within such municipality, a special sales tax at
2691 the rate of not more than one percent (1%) of the gross proceeds
2692 of sales or gross income of the business, as the case may be,
2693 derived from any of the activities taxed at the rate of seven



2694 percent (7%) or more under the Mississippi Sales Tax Law, Section
2695 27-65-1 et seq.

2696 (b) The tax levied under this section shall apply to
2697 every person making sales of tangible personal property or
2698 services within the municipality but shall not apply to:

2699 (i) Sales exempted by Sections 27-65-19,
2700 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and
2701 27-65-111 of the Mississippi Sales Tax Law;

2702 (ii) Gross proceeds of sales or gross income of
2703 restaurants derived from the sale of food and beverages;

2704 (iii) Gross proceeds of sales or gross income of
2705 hotels and motels derived from the sale of hotel rooms and motel
2706 rooms for lodging purposes;

2707 (iv) Retail sales of food for human consumption
2708 not purchased with food stamps issued by the United States
2709 Department of Agriculture, or other federal agency, but which
2710 would be exempt under Section 27-65-111(o) from the taxes imposed
2711 by this chapter if the food items were purchased with food stamps;

2712 (v) Gross income of businesses engaging or
2713 continuing in the business of TV cable systems, subscription TV
2714 services, and other similar activities, including, but not limited
2715 to, cable Internet services;

2716 (vi) Wholesale sales of food and drink for human
2717 consumption sold to full service vending machine operators; and



2718 (vii) Wholesale sales of light wine, light spirit
2719 product, beer and alcoholic beverages.

2720 (3) (a) Before any tax authorized under this section may be
2721 imposed, the governing authorities of the municipality shall adopt
2722 a resolution declaring its intention to levy the tax, setting
2723 forth the amount of the tax to be imposed, the purposes for which
2724 the revenue collected pursuant to the tax levy may be used and
2725 expended, the date upon which the tax shall become effective, the
2726 date upon which the tax shall be repealed, and calling for an
2727 election to be held on the question. The date of the election
2728 shall be set in the resolution. Notice of the election shall be
2729 published once each week for at least three (3) consecutive weeks
2730 in a newspaper published or having a general circulation in the
2731 municipality, with the first publication of the notice to be made
2732 not less than twenty-one (21) days before the date fixed in the
2733 resolution for the election and the last publication to be made
2734 not more than seven (7) days before the election. At the
2735 election, all qualified electors of the municipality may vote.
2736 The ballots used at the election shall have printed thereon a
2737 brief description of the sales tax, the amount of the sales tax
2738 levy, a description of the purposes for which the tax revenue may
2739 be used and expended and the words "FOR THE LOCAL SALES TAX" and
2740 "AGAINST THE LOCAL SALES TAX" and the voter shall vote by placing
2741 a cross (X) or check mark (✓) opposite his choice on the
2742 proposition. When the results of the election have been canvassed



2743 by the election commissioners of the municipality and certified by
2744 them to the governing authorities, it shall be the duty of such
2745 governing authorities to determine and adjudicate whether at least
2746 three-fifths (3/5) of the qualified electors who voted in the
2747 election voted in favor of the tax. If at least three-fifths
2748 (3/5) of the qualified electors who voted in the election voted in
2749 favor of the tax, the governing authorities shall adopt a
2750 resolution declaring the levy and collection of the tax provided
2751 in this section and shall set the first day of the second month
2752 following the date of such adoption as the effective date of the
2753 tax levy. A certified copy of this resolution, together with the
2754 result of the election, shall be furnished to the Department of
2755 Revenue not less than thirty (30) days before the effective date
2756 of the levy.

2757 (b) A municipality shall not hold more than two (2)
2758 elections under this subsection.

2759 (4) The revenue collected pursuant to the tax levy imposed
2760 under this section may be expended to pay the cost of road and
2761 street repair, reconstruction and resurfacing projects based on
2762 traffic patterns, need and usage, and to pay the costs of water,
2763 sewer and drainage projects in accordance with a master plan
2764 adopted by the * * * department established pursuant to subsection
2765 (7).

2766 (5) (a) The special sales tax authorized by this section
2767 shall be collected by the Department of Revenue, shall be



2768 accounted for separately from the amount of sales tax collected
2769 for the state in the municipality and shall be paid to the
2770 municipality. The Department of Revenue may retain one percent
2771 (1%) of the proceeds of such tax for the purpose of defraying the
2772 costs incurred by the department in the collection of the tax.
2773 Payments to the municipality shall be made by the Department of
2774 Revenue on or before the fifteenth day of the month following the
2775 month in which the tax was collected.

2776 (b) The proceeds of the special sales tax shall be
2777 placed into a special municipal fund apart from the municipal
2778 general fund and any other funds of the municipality, and shall be
2779 expended by the municipality solely for the purposes authorized in
2780 subsection (4) of this section. The records reflecting the
2781 receipts and expenditures of the revenue from the special sales
2782 tax shall be audited annually by an independent certified public
2783 accountant. The accountant shall make a report of his findings to
2784 the governing authorities of the municipality and file a copy of
2785 his report with the Secretary of the Senate and the Clerk of the
2786 House of Representatives. The audit shall be made and completed
2787 as soon as practical after the close of the fiscal year of the
2788 municipality, and expenses of the audit shall be paid from the
2789 funds derived by the municipality pursuant to this section.

2790 (c) All provisions of the Mississippi Sales Tax Law
2791 applicable to filing of returns, discounts to the taxpayer,
2792 remittances to the Department of Revenue, enforced collection,



2793 rights of taxpayers, recovery of improper taxes, refunds of
2794 overpaid taxes or other provisions of law providing for imposition
2795 and collection of the state sales tax shall apply to the special
2796 sales tax authorized by this section, except where there is a
2797 conflict, in which case the provisions of this section shall
2798 control. Any damages, penalties or interest collected for the
2799 nonpayment of taxes imposed under this section, or for
2800 noncompliance with the provisions of this section, shall be paid
2801 to the municipality on the same basis and in the same manner as
2802 the tax proceeds. Any overpayment of tax for any reason that has
2803 been disbursed to a municipality or any payment of the tax to a
2804 municipality in error may be adjusted by the Department of Revenue
2805 on any subsequent payment to the municipality pursuant to the
2806 provisions of the Mississippi Sales Tax Law. The Department of
2807 Revenue may, from time to time, make such rules and regulations
2808 not inconsistent with this section as may be deemed necessary to
2809 carry out the provisions of this section, and such rules and
2810 regulations shall have the full force and effect of law.

2811 (6) If a municipality expands its corporate boundaries, the
2812 governing authorities of the municipality may not impose the
2813 special sales tax in the annexed area unless the tax is approved
2814 at an election conducted, as far as is practicable, in the manner
2815 provided in subsection (3) of this section, except that only
2816 qualified electors in the annexed area may vote in the election.



2817 (7) (a) Any municipality that levies the special sales tax
2818 authorized under this section shall establish a commission as
2819 provided for in this section. Expenditures of revenue from the
2820 special sales tax authorized by this section shall be in
2821 accordance with a master plan adopted by the commission pursuant
2822 to this subsection.

2823 (b) The commission shall be composed of ten (10) voting
2824 members who shall be known as commissioners appointed as follows:

2825 (i) Four (4) members representing the business
2826 community in the municipality appointed by the local chamber of
2827 commerce for initial terms of one (1), two (2), four (4) and five
2828 (5) years respectively. The members appointed pursuant to this
2829 paragraph shall be persons who represent businesses located within
2830 the city limits of the municipality.

2831 (ii) Three (3) members shall be appointed at large
2832 by the mayor of the municipality, with the advice and consent of
2833 the legislative body of the municipality, for initial terms of two
2834 (2), three (3) and four (4) years respectively. All appointments
2835 made by the mayor pursuant to this paragraph shall be residents of
2836 the municipality.

2837 (iii) One (1) member shall be appointed at large
2838 by the Governor for an initial term of four (4) years. All
2839 appointments made by the Governor pursuant to this paragraph shall
2840 be residents of the municipality.



2841 (iv) One (1) member shall be appointed at large by
2842 the Lieutenant Governor for an initial term of four (4) years.
2843 All appointments made by the Lieutenant Governor pursuant to this
2844 paragraph shall be residents of the municipality.

2845 (v) One (1) member shall be appointed at large by
2846 the Speaker of the House of Representatives for a term of four (4)
2847 years. All appointments made by the Speaker of the House of
2848 Representatives pursuant to this paragraph shall be residents of
2849 the municipality.

2850 (c) The terms of all appointments made subsequent to
2851 the initial appointment shall be made for five (5) years. Any
2852 vacancy which may occur shall be filled in the same manner as the
2853 original appointment and shall be made for the unexpired term.
2854 Each member of the commission shall serve until his successor is
2855 appointed and qualified.

2856 (d) The mayor of the municipality shall designate a
2857 chairman of the commission from among the membership of the
2858 commission. The vice chairman and secretary shall be elected by
2859 the commission from among the membership of the commission for a
2860 term of two (2) years. The vice chairman and secretary may be
2861 reelected, and the chairman may be reappointed.

2862 (e) The commissioners shall serve without compensation.

2863 (f) Any commissioner shall be disqualified and shall be
2864 removed from office for either of the following reasons:



2865 (i) Conviction of a felony in any state court or
2866 in federal court; or

2867 (ii) Failure to attend three (3) consecutive
2868 meetings without just cause.

2869 If a commissioner is removed for any of the above reasons,
2870 the vacancy shall be filled in the manner prescribed in this
2871 section and shall be made for the unexpired term.

2872 (g) A quorum shall consist of six (6) voting members of
2873 the commission. The commission shall adopt such rules and
2874 regulations as may govern the time and place for holding meetings,
2875 regular and special.

2876 (h) The commission shall, with input from the
2877 municipality, establish a master plan for road and street repair,
2878 reconstruction and resurfacing projects based on traffic patterns,
2879 need and usage, and for water, sewer and drainage projects.
2880 Expenditures of the revenue from the tax authorized to be imposed
2881 pursuant to this section shall be made at the discretion of the
2882 governing authorities of the municipality if the expenditures
2883 comply with the master plan. The commission shall monitor the
2884 compliance of the municipality with the master plan.

2885 (8) The governing authorities of any municipality that
2886 levies the special sales tax authorized under this section are
2887 authorized to incur debt, including bonds, notes or other
2888 evidences of indebtedness, for the purpose of paying the costs of
2889 road and street repair, reconstruction and resurfacing projects



2890 based on traffic patterns, need and usage, and to pay the costs of
2891 water, sewer and drainage projects in accordance with a master
2892 plan adopted by the commission established pursuant to subsection
2893 (7) of this section. Any bonds or notes issued to pay such costs
2894 may be secured by the proceeds of the special sales tax levied
2895 pursuant to this section or may be general obligations of the
2896 municipality and shall satisfy the requirements for the issuance
2897 of debt provided by Sections 21-33-313 through 21-33-323.

2898 (9) This section shall stand repealed from and after July 1,
2899 2035.

2900 **SECTION 48.** Section 27-71-301, Mississippi Code of 1972, is
2901 amended as follows:

2902 27-71-301. When used in this article the words and terms
2903 hereafter mentioned shall have the following definitions:

2904 (a) "State Auditor" means the State Auditor of Public
2905 Accounts of the State of Mississippi or any legally appointed
2906 deputy, clerk or agent.

2907 (b) "Person" includes all natural persons or
2908 corporations, a partnership, an association, a joint venture, an
2909 estate, a trust, or any other group or combination acting as a
2910 unit and shall include the plural as well as the singular unless
2911 an intention to give another meaning thereto is disclosed in the
2912 context.

2913 (c) "Consumer" means a person who comes into the
2914 possession of beer, light spirit product or light wine, the sale



2915 of which is authorized by Chapter 3 of Title 67, Mississippi Code
2916 of 1972, for the purpose of consuming it, giving it away or
2917 otherwise disposing of it in any manner except by sale, barter or
2918 exchange.

2919 (d) "Retailer" means any person who comes into the
2920 possession of such light wines, light spirit products or beer for
2921 the purpose of selling it to the consumer, or giving it away, or
2922 exposing it where it may be taken or purchased or acquired in any
2923 other manner by the consumer; however, the term "retailer" shall
2924 not include a person who offers and provides beer on the premises
2925 of a brewery for the purpose of tasting or sampling as authorized
2926 in Section 67-3-47.

2927 (e) "Wholesaler" means any person who comes into
2928 possession of such light wine, light spirit product or beer for
2929 the purpose of selling, distributing, or giving it away to
2930 retailers or other wholesalers or dealers inside or outside of
2931 this state.

2932 (f) "Commissioner" means the Commissioner of Revenue of
2933 the Department of Revenue or his duly appointed agents or
2934 employees.

2935 (g) "Sale" includes the exchange of such light wines,
2936 light spirit products or beer for money, or giving away or
2937 distributing any such light wines, light spirit products or beer
2938 for anything of value; however, the term "sale" shall not include



2939 beer offered and provided on the premises of a brewery for the
2940 purpose of tasting or sampling as authorized in Section 67-3-47.

2941 (h) "Light wines, light spirit products or beer" means
2942 beer, light spirit products and light wines legalized for sale by
2943 the provisions of Chapter 3 of Title 67, Mississippi Code of 1972.

2944 (i) "Distributor" includes every person who receives
2945 either from within or from without this state, from a brewery, a
2946 winery or any other source, light wines, light spirit products or
2947 beer as defined in Chapter 3 of Title 67, Mississippi Code of
2948 1972, for the purpose of distributing or otherwise disposing of
2949 such light wines, light spirit products or beer to a wholesaler or
2950 retailer of such light wines, light spirit products or beer.

2951 (j) "Brewpub" means the premises of any location in
2952 which light wine, light spirit product or beer is manufactured or
2953 brewed, for retail sale if the total amount of light wine, light
2954 spirit product or beer produced on the premises does not exceed
2955 the production limitation imposed in Section 67-3-22, and the
2956 light wine, light spirit product or beer is produced for
2957 consumption on the premises or off the premises as authorized in
2958 Section 67-3-22(3).

2959 (k) "Hospitality cart" means a mobile cart from which
2960 alcoholic beverages and light wine, light spirit product and beer
2961 are sold on a golf course and for which a hospitality cart permit
2962 has been issued under Section 67-1-51.



2963 (1) "Small craft brewery" shall have the meaning
2964 ascribed to such term in Section 67-3-3.

2965 (m) "Manufacturer" means a person who brews beer at a
2966 brewery; however, the term does not include "brewpubs."

2967 **SECTION 49.** Section 27-71-303, Mississippi Code of 1972, is
2968 amended as follows:

2969 27-71-303. Upon each person approved for a permit to engage
2970 in the business of selling light wines, light spirit products or
2971 beer there is hereby imposed, levied and assessed, to be collected
2972 and paid as herein provided, annual privilege taxes in the
2973 following amounts:

- 2974 (a) Retailers--for each place of
2975 business.....\$ 30.00
- 2976 (b) Wholesalers or distributors--for each
2977 county.....\$ 100.00
- 2978 (c) Manufacturers--for each place of
2979 business.....\$1,000.00
- 2980 (d) Brewpubs--for each place of
2981 business.....\$1,000.00

2982 Upon each person operating an airline, bus, boat or railroad
2983 car upon which light wines, light spirit products or beer may be
2984 sold there is hereby imposed, levied and assessed, to be collected
2985 and paid, annual privilege taxes of Thirty Dollars (\$30.00) for
2986 each airplane, bus, boat or railroad car so operated in this
2987 state.



2988 Provided, however, the amount of the privilege tax to be paid
2989 for a permit issued for a period of less than twelve (12) months
2990 shall be that proportionate amount of the annual privilege tax
2991 that the number of months, or part of a month, remaining until its
2992 expiration date bears to twelve (12) months, but in no case shall
2993 the privilege tax be less than Ten Dollars (\$10.00).

2994 **SECTION 50.** Section 27-71-307, Mississippi Code of 1972, is
2995 amended as follows:

2996 27-71-307. (1) (a) In addition to the specific tax imposed
2997 in Section 27-71-303, there is hereby imposed, levied, assessed
2998 and shall be collected, as hereinafter provided, an excise or
2999 privilege tax upon each person engaged or continuing in the
3000 business of wholesaler or distributor of light wines, light spirit
3001 products or beer equivalent to Forty-two and Sixty-eight
3002 One-hundredths Cents (42.68¢) per gallon upon all light wines,
3003 light spirit products and beer acquired for sale or distribution
3004 in this state. The excise or privilege tax is also imposed at the
3005 same rate upon each gallon of light wine, light spirit product or
3006 beer manufactured by brewpubs, each of which shall accurately and
3007 reliably measure the quantity of light wine, light spirit product
3008 and beer produced by using a measuring device such as a meter or
3009 gauge glass or any other suitable method approved by the
3010 commissioner. The excise or privilege tax is also imposed at the
3011 same rate upon each gallon of light wine, light spirit product or
3012 beer provided by a small craft brewery for sale as authorized



3013 under Section 67-3-48 and upon each gallon of light wine, light
3014 spirit product or beer provided for tasting or sampling under
3015 Section 67-3-47. The tax is hereby imposed as an additional tax
3016 for the privilege of engaging or continuing in business.

3017 (b) The excise tax imposed in this section shall be
3018 paid to the Department of Revenue monthly on or before the
3019 fifteenth day of the month following the month in which the beer,
3020 light spirit product or light wine was manufactured or received in
3021 this state. Monthly report forms shall be furnished by the
3022 commissioner to the wholesalers, distributors, brewpubs and small
3023 craft breweries.

3024 (c) Provided that persons operating a railroad dining
3025 car, club car or other car in interstate commerce upon which light
3026 wines, light spirit products or beer may be sold and who are
3027 licensed under the provisions of Section 67-3-27 and any other law
3028 relating to the sale of such beverages shall keep such records of
3029 the sales of such light wines, light spirit products and beer in
3030 this state as the commissioner shall prescribe and shall submit
3031 monthly reports of such sales to the commissioner within fifteen
3032 (15) days after the end of each month on a form prescribed
3033 therefor by the commissioner, and shall pay the tax due under the
3034 provisions of this section at the time such reports are filed.

3035 No official crowns, lids, labels or stamps with the word
3036 "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of
3037 tax payment is required by this section, or may be required under



3038 rule or regulation promulgated by the commissioner, to be affixed
3039 on or to any part of a beer, light wine, light spirit product or
3040 malt cooler bottle, can or other light wine, light spirit product
3041 or malt cooler container. For purposes of this section, malt
3042 cooler products shall be defined as a flavored malt beverage made
3043 from a base of malt beverage and flavored with fruit juices,
3044 aromatics and essences of other flavoring in quantities and
3045 proportions such that the resulting product possesses a character
3046 and flavor distinctive from the base malt beverage and
3047 distinguishable from other malt beverages.

3048 (2) A licensed wholesaler or distributor of beer, light
3049 spirit product or light wine may not import beer, light spirit
3050 product or light wine from any source other than a brewer or
3051 importer authorized by the commissioner to sell such beer, light
3052 spirit product or light wine in Mississippi. Any person who
3053 violates the provisions of this subsection, upon conviction
3054 thereof, shall be punished by a fine of not more than One Thousand
3055 Dollars (\$1,000.00) or by imprisonment in the county jail for not
3056 more than six (6) months, or by both such fine and imprisonment,
3057 in the discretion of the court and shall be subject to license
3058 forfeiture following an appropriate hearing before the Department
3059 of Revenue.

3060 (3) The wholesaler, distributor or small craft brewery shall
3061 be allowed credit for tax paid on beer, light spirit product or
3062 light wine which is no longer marketable and which is destroyed by



3063 same when such destruction is witnessed by an agent of the
3064 commissioner and when the amount of the excise tax exceeds One
3065 Hundred Dollars (\$100.00). No other loss will be allowed.

3066 A brewpub shall be allowed credit for light wine, light
3067 spirit product or beer which has passed through the meter, gauge
3068 glass or other approved measuring device and which has been soured
3069 or damaged. The brewpub shall record the removal of sour or
3070 damaged light wine, light spirit product or beer and may take
3071 credit after the destruction is witnessed by an agent of the
3072 commissioner and when the amount of excise tax exceeds Twenty-five
3073 Dollars (\$25.00). No other loss shall be allowed.

3074 (4) All manufacturers, brewers and importers of beer, light
3075 spirit product or light wine shall file monthly reports as
3076 prescribed by the commissioner listing sales to each wholesaler or
3077 distributor by date, invoice number, quantity and container size,
3078 and any other information deemed necessary.

3079 (5) All small craft breweries shall file monthly reports as
3080 prescribed by the commissioner regarding the sale of light wine,
3081 light spirit product or beer authorized under Section 67-3-48.

3082 (6) Manufacturers who offer and provide limited amounts of
3083 beer for tasting or sampling under Section 67-3-47 shall file
3084 monthly reports as prescribed by the commissioner regarding the
3085 beer provided for such tasting or sampling.

3086 (7) All administrative provisions of the Mississippi Sales
3087 Tax Law, including those which fix damages, penalties and interest



3088 for nonpayment of taxes and for noncompliance with the provisions
3089 of such chapter, and all other requirements and duties imposed
3090 upon taxpayers, shall apply to all persons liable for taxes under
3091 the provisions of this chapter, and the commissioner shall
3092 exercise all the power and authority and perform all the duties
3093 with respect to taxpayers under this chapter as are provided in
3094 the sales tax law except where there is conflict, then the
3095 provisions of this chapter shall control.

3096 **SECTION 51.** Section 27-71-311, Mississippi Code of 1972, is
3097 amended as follows:

3098 27-71-311. Before any person shall engage in the business of
3099 manufacturing light wines, light spirit products or beer, in the
3100 business of wholesaler or distributor of light wines, light spirit
3101 products or beer, or in the business of a brewpub, he shall be
3102 required to enter into a good and sufficient bond. The bond shall
3103 be made payable to the State of Mississippi, in a sum of not less
3104 than Five Thousand Dollars (\$5,000.00) nor more than Two Hundred
3105 Thousand Dollars (\$200,000.00), the amount to be determined by
3106 the * * * Department of Revenue. The bond of a wholesaler,
3107 distributor or brewpub shall not exceed the amount of excise tax
3108 estimated to be owed by such wholesaler, distributor or brewpub
3109 for any sixty-day period. If a manufacturer is operating a small
3110 craft brewery and is distributing light wine, light spirit product
3111 or beer for sale as authorized under Section 67-3-48, the
3112 manufacturer, in addition to any other required bond, shall enter



3113 into a bond not to exceed the amount of excise tax estimated to be
3114 owed by such manufacturer for any sixty-day period. The bond
3115 shall be conditioned that he will conduct his business strictly in
3116 accordance with the laws of the State of Mississippi, and that he
3117 will comply with the rules and regulations prescribed by the
3118 commissioner, and pay the taxes imposed under the provisions of
3119 this article for the privilege of engaging or continuing in such
3120 business. Such bond shall be made in a surety company authorized
3121 to do business in the State of Mississippi, and shall be approved
3122 by the commissioner. The commissioner shall be authorized to
3123 institute suit in the proper court on said bond for any violation
3124 of the conditions of said bond.

3125 **SECTION 52.** Section 27-71-315, Mississippi Code of 1972, is
3126 amended as follows:

3127 27-71-315. Except as otherwise provided in Section 67-9-1
3128 for the transportation of limited amounts of alcoholic beverages
3129 for the use of an alcohol processing permittee, it shall be
3130 unlawful for any person to transport from any point outside of
3131 this state to any point within this state, any light wines, light
3132 spirit products or beer except for delivery to a licensed
3133 wholesaler or distributor in this state; and except by common
3134 carrier. The commissioner may, however, upon application of a
3135 licensed wholesaler or distributor in this state, and under rules
3136 and regulations duly promulgated by him, issue a permit for the
3137 transportation by a licensed wholesaler or distributor of light



3138 wines, light spirit products and beer in trucks owned by such
3139 licensee, from without the state to the place of business of such
3140 licensee within the state, for distribution by said licensee.
3141 Such permit shall be granted for a specified period, not to exceed
3142 one (1) year.

3143 Any person engaged in transporting any light wines, light
3144 spirit products or beer from any point outside of this state to
3145 any point within this state, shall have in his possession during
3146 the entire time he is engaged in transporting such light wines,
3147 light spirit products or beer, an invoice, bill of sale, or bill
3148 of lading, showing the true name and address of the consignor, and
3149 also the true name and address of the licensed wholesaler or
3150 distributor to whom such light wines, light spirit products or
3151 beer is to be delivered, and the quantity of such light wines,
3152 light spirit products or beer, unless such common carrier
3153 maintains a permanent office within this state where complete
3154 records of all light wines, light spirit products or beer
3155 transported from without this state to points within this state
3156 are kept, and open to inspection by the commissioner or his duly
3157 authorized agent, at all reasonable times.

3158 It is hereby made the duty of all common carriers, and
3159 licensed wholesalers and distributors, transporting light wines,
3160 light spirit products or beer from without the State of
3161 Mississippi into the State of Mississippi, to furnish the
3162 commissioner on or before the fifteenth day of each month, a



3163 report showing the amount of beer transported within the state
3164 during the preceding month, the consignor, the consignee, and the
3165 quantity of light wines, light spirit products or beer so
3166 transported.

3167 **SECTION 53.** Section 27-71-317, Mississippi Code of 1972, is
3168 amended as follows:

3169 27-71-317. It shall be unlawful for any person to transport
3170 from any point within this state to another point within this
3171 state, any light wines, light spirit products or beer, on which
3172 the tax imposed in Section 27-71-307 of this article has not been
3173 paid, except for immediate delivery to a licensed wholesaler or
3174 distributor in this state. And any person engaged in transporting
3175 any light wines, light spirit products or beer, on which the tax
3176 imposed in Section 27-71-307 of this article has not been paid,
3177 from any point within this state to another point within this
3178 state shall have in his possession during the entire time he is
3179 engaged in transporting such light wines, light spirit products or
3180 beer an invoice, bill of sale, or bill of lading showing the true
3181 name and address of the consignor, and also the true name and
3182 address of the licensed wholesaler or distributor to whom such
3183 light wines, light spirit products or beer is to be delivered and
3184 the quantity of such light wines, light spirit products or beer.

3185 **SECTION 54.** Section 27-71-325, Mississippi Code of 1972, is
3186 amended as follows:



3187 27-71-325. It shall be the duty of every wholesaler or
3188 distributor of light wines, light spirit products or beer licensed
3189 under the provisions of Section 67-3-27, Mississippi Code of 1972,
3190 to file with the commissioner, on or before the fifteenth * * *
3191 day of each month, a report covering all sales of such light
3192 wines, light spirit products or beer during the preceding month.
3193 Such report shall show the names and post-office addresses of all
3194 persons to whom such light wines, light spirit products or beer
3195 have been sold or delivered and the quantities and invoice prices
3196 of the light wines, light spirit products or beer thus sold or
3197 delivered.

3198 It shall be the duty of each retail dealer in such light
3199 wines, light spirit products or beer to procure from the
3200 distributor or wholesaler from whom such light wines, light spirit
3201 products or beer were purchased or acquired, invoices showing the
3202 quantity of the light wines, light spirit products or beer
3203 purchased or acquired, and the date of each delivery thereof.
3204 Such invoices shall be preserved by the retailer and shall be open
3205 for inspection by the commissioner or his duly authorized agent
3206 for a period of two (2) years. It shall likewise be the duty of
3207 such retail dealer to file with the commissioner, on or before the
3208 fifteenth * * * day of each calendar month, a report showing all
3209 purchases of such light wines, light spirit products or beer made
3210 by him during the preceding month. Such report shall disclose the
3211 names and addresses of all persons from whom such light wines,



3212 light spirit products or beer have been purchased or received by
3213 him during the preceding month and the quantities thus purchased
3214 or received.

3215 **SECTION 55.** Section 27-71-327, Mississippi Code of 1972, is
3216 amended as follows:

3217 27-71-327. Any person engaged in the business of
3218 manufacturer, distributor, wholesaler or retailer of light wines,
3219 light spirit products or beer and any brewpub shall keep such
3220 additional records and make such additional reports with respect
3221 to the manufacture, receipt, distribution and sale of such light
3222 wines, light spirit products or beer as the commissioner may
3223 require. It shall be the duty of the commissioner to prescribe
3224 and promulgate uniform rules and regulations for keeping such
3225 records and making such reports.

3226 **SECTION 56.** Section 27-71-333, Mississippi Code of 1972, is
3227 amended as follows:

3228 27-71-333. Whenever it shall be determined by the
3229 commissioner that any wholesaler or distributor having in his
3230 possession, or engaging in the sale or distribution of light
3231 wines, light spirit products or beer, has failed to pay the tax,
3232 as provided herein, the commissioner shall compute the correct
3233 amount of tax due and unpaid and shall notify the taxpayer of the
3234 amount as being actually due and unpaid, and penalties, and
3235 interest and shall state in what manner this article is violated.
3236 The taxpayer so notified shall be given a period of ten (10) days



3237 in which to make objection and show cause why the additional tax,
3238 and penalties, and interest, should not be paid. On petition of
3239 the taxpayer, a hearing before the commissioner shall be granted,
3240 a final decision thereon shall be rendered, and the taxpayer
3241 notified as early as practicable. Any tax or deficiency in tax
3242 shall be assessed and paid, together with penalties and interest,
3243 if any, applicable thereto, within ten (10) days after notice and
3244 demand by the commissioner.

3245 If no objection be made to the finding of the commissioner,
3246 and no hearing be had before the commissioner within the time
3247 herein specified, the findings of the commissioner shall be final.
3248 If a hearing be had, and the amount of tax due and unpaid be
3249 determined, notice of the amount of such tax, penalties and
3250 interest shall be mailed to the taxpayer, and, if not paid within
3251 ten (10) days thereafter, the commissioner shall forthwith issue a
3252 warrant under official seal directed to the sheriff of any county
3253 of the state commanding him to levy upon and sell the real and
3254 personal property of the person owing the tax, found within his
3255 county, for the payment of the amount thereof, with added damages,
3256 interest and cost of executing the warrant, and to return such
3257 warrant to the commissioner and pay to him money collected by
3258 virtue thereof by a time to be therein specified not more than
3259 sixty (60) days from the date of the warrant. The sheriff shall,
3260 within five (5) days after the receipt of the warrant, file with
3261 the circuit clerk of his county a copy thereof, and thereupon the



3262 circuit clerk shall enter in the judgment roll, in the column for
3263 judgment debtors, the name of the taxpayer mentioned in the
3264 warrant, and in appropriate columns, the amount of the tax, or
3265 portion thereof and damages for which the warrant is issued, and
3266 the date when such copy is filed; and thereupon the amount of such
3267 warrant or warrants so docketed shall become a lien upon the title
3268 to and interest in the real and personal property, including
3269 choses in action, of the person against whom it is issued in the
3270 same manner as a judgment duly enrolled in the office of such
3271 clerk. The sheriff thereupon shall proceed upon the same in all
3272 respects, with like effect, and in the same manner prescribed by
3273 law in respect to executions issued against property upon judgment
3274 or attachment proceedings of a court of record; and he shall be
3275 entitled to the same fee for his service in executing the warrant
3276 as now allowed by law for like service, to be collected in the
3277 same manner as provided by law for like service.

3278 **SECTION 57.** Section 27-71-335, Mississippi Code of 1972, is
3279 amended as follows:

3280 27-71-335. Any light wines, light spirit products or beer
3281 found at any point within this state which has been in the
3282 possession of any wholesaler or distributor for a period of more
3283 than forty-eight (48) hours and any light wines, light spirit
3284 products or beer transported into this state from a point outside
3285 this state, or from point-to-point within this state in violation
3286 of the provisions of this article, or any light wines, light



3287 spirit products or beer held or possessed by any person within
3288 this state on which the legal and proper tax has not been paid
3289 when due, whether such person be a wholesaler, retailer or
3290 distributor, or individual, and whether the light wines, light
3291 spirit products or beer be for sale or storage or individual use,
3292 except light wines, light spirit products or beer in possession of
3293 a licensed wholesaler or distributor for a period of time less
3294 than forty-eight (48) hours after receipt of the light wines, l
3295 ight spirit products or beer within this state, and light wines, l
3296 ight spirit products or beer held in storage by licensed
3297 manufacturers or producers, are hereby declared to be contraband
3298 goods, and there is hereby imposed and assessed, as tax and
3299 penalty, to be collected by the commissioner, an amount equal to
3300 the amount of the excise tax otherwise imposed under the
3301 Mississippi Wine and Beer Tax Law, plus a penalty of one hundred
3302 percent (100%) of the amount of the tax; or, at the option of the
3303 commissioner, the light wines, light spirit products or beer may
3304 be seized by the commissioner or his agents or any sheriff, or
3305 other lawful officer, and shall be dealt with in the same manner
3306 as provided for in Section 67-1-18 for alcoholic beverages.

3307 **SECTION 58.** Section 27-71-345, Mississippi Code of 1972, is
3308 amended as follows:

3309 27-71-345. Any municipality, in which any business licensed
3310 under the provisions of Section 67-3-27, Mississippi Code of 1972,
3311 may be carried on, shall have the right to impose upon persons



3312 engaged in such business an annual privilege tax of not more than
3313 fifty percent (50%) of the tax imposed by Section 27-71-303 of
3314 this article, and any county, in which any business licensed under
3315 the provisions of Section 67-3-27, Mississippi Code of 1972, may
3316 be carried on outside of the territory taxed by municipalities,
3317 shall have the right to impose upon persons engaged in such
3318 business an annual privilege tax of not more than fifty percent
3319 (50%) of the tax imposed by Section 27-71-303 of this article;
3320 provided, however, that no person engaged in the business of
3321 manufacturer, brewpub, wholesaler or distributor of light wines,
3322 light spirit products or beer shall be taxed by any municipality
3323 other than that in which the warehouse or plant of such wholesaler
3324 or distributor, or the premises of such brewpub, is located, nor
3325 shall any county impose any such tax upon such manufacturer,
3326 brewpub, wholesaler or distributor of light wines, light spirit
3327 products or beer if the place of business is located within the
3328 jurisdiction of any municipality.

3329 **SECTION 59.** Section 27-71-349, Mississippi Code of 1972, is
3330 amended as follows:

3331 27-71-349. (1) Every manufacturer or importer of light
3332 wine, light spirit product or beer shall designate sales
3333 territories for each of its brands sold in Mississippi and shall
3334 name one (1) licensed light wine, light spirit product or beer
3335 wholesaler in each territory who, within such territory, shall be
3336 the licensed wholesaler for the brand or brands assigned by the



3337 manufacturer or importer. If the manufacturer or importer
3338 supplies more than one (1) brand, sales territories may be granted
3339 to a different wholesaler for the sale of each brand. No licensed
3340 wholesaler shall distribute the specified brand or brands of light
3341 wine, light spirit product or beer outside his assigned territory,
3342 nor shall he knowingly sell to a retailer whose licensed retail
3343 establishment is located outside his assigned territory.

3344 (2) A licensed wholesaler designated as the licensed
3345 wholesaler for light wine, light spirit product or beer within a
3346 designated sales territory shall present that light wine, light
3347 spirit product or beer for sale to all licensed retailers within
3348 the designated sales territory without discrimination in service.
3349 A licensed wholesaler shall not sell, supply or deliver, either
3350 directly or indirectly through a third party, any light wine,
3351 light spirit product or beer to a licensed retailer outside of the
3352 designated sales territory of the designated wholesaler, nor to
3353 any person the licensed wholesaler has reason to believe will sell
3354 or supply any quantity of the light wine, light spirit product or
3355 beer to any retail location outside of the designated sales
3356 territory of the licensed wholesaler.

3357 (3) All light wines, light spirit products or beer shall be
3358 transported only by a marked conveyance owned or leased by the
3359 licensed wholesaler and operated by the licensed wholesaler or an
3360 employee of the wholesaler for the products of a manufacturer or
3361 importer within the designated sales territory to the address and



3362 location of a licensed retail dealer within that designated sales
3363 territory.

3364 (4) Any light wine, light spirit product or beer sold by the
3365 licensed wholesaler shall not be delivered to, received by or
3366 stored at any place other than the address and location of the
3367 licensed retailer for which the required licenses and permits have
3368 been issued.

3369 (5) With the approval of the designated manufacturer, a
3370 licensed wholesaler may sell the designated brands to a licensed
3371 retailer located in a designated sales territory of another
3372 licensed wholesaler if the former licensed wholesaler is unable
3373 temporarily for any reason to provide the designated brands of the
3374 designated manufacturer within its designated sales territory.

3375 (6) All light wine, light spirit product or beer purchased
3376 by a licensed wholesaler for resale in this state shall come into
3377 the physical possession of the licensed wholesaler and be unloaded
3378 in and distributed from the warehouse of the licensed wholesaler
3379 located in this state before being resold in this state.

3380 (7) As used in this section, the term "sales territory"
3381 shall have the meaning ascribed to such term in Section 67-7-5.

3382 **SECTION 60.** Section 27-71-509, Mississippi Code of 1972, is
3383 amended as follows:

3384 27-71-509. It shall be unlawful for any brewer,
3385 manufacturer, distributor or retailer of light wines, light spirit
3386 products and beer, or either of them, to whom a permit has been



3387 issued under the provisions of Sections 67-3-15 and 67-3-23,
3388 Mississippi Code of 1972, to write or print on any label or
3389 container of either of the above-named commodities any matter
3390 relating to the alcoholic content of such beverage or beverages,
3391 except a statement, to the effect that the contents of the vessel
3392 or container in which light wine shall be sold does not contain
3393 alcohol in excess of five percent (5%) of the contents thereof, by
3394 weight, that the contents of the vessel or container in which
3395 light spirit product shall be sold does not contain alcohol in
3396 excess of four percent (4%) of the contents thereof, by weight,
3397 and that the contents of the vessel or container in which beer
3398 shall be sold does not contain alcohol in excess of eight percent
3399 (8%) of the contents thereof, by weight. It shall be unlawful for
3400 any such brewer, wholesaler, distributor or retailer to sell any
3401 such commodity with any statement in conflict with the provisions
3402 of this section, with reference to the alcoholic content of such
3403 beverage or beverages, except that a statement of alcoholic
3404 content may be expressed on any light wine, light spirit product
3405 or beer label in terms of volume or weight, at the manufacturer's
3406 option; and such statement, if by volume, shall be subject to the
3407 same permitted tolerance allowed for wine containing fourteen
3408 percent (14%) alcohol by volume or less by Section 4.36(b)(1) of
3409 the Federal Labeling Requirements for Wine, 27 CFR Part 4, subpart
3410 D, and Section 7.71(c) 27 CFR Part 7, subpart G, and, if by



3411 weight, shall be subject to an equivalent permitted tolerance,
3412 determined in terms of alcohol by weight.

3413 **SECTION 61.** Section 45-9-101, Mississippi Code of 1972, is
3414 amended as follows:

3415 45-9-101. (1) (a) Except as otherwise provided, the
3416 Department of Public Safety is authorized to issue licenses to
3417 carry stun guns, concealed pistols or revolvers to persons
3418 qualified as provided in this section. Such licenses shall be
3419 valid throughout the state for a period of five (5) years from the
3420 date of issuance. Any person possessing a valid license issued
3421 pursuant to this section may carry a stun gun, concealed pistol or
3422 concealed revolver.

3423 (b) The licensee must carry the license, together with
3424 valid identification, at all times in which the licensee is
3425 carrying a stun gun, concealed pistol or revolver and must display
3426 both the license and proper identification upon demand by a law
3427 enforcement officer. A violation of the provisions of this
3428 paragraph (b) shall constitute a noncriminal violation with a
3429 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
3430 by summons.

3431 (2) The Department of Public Safety shall issue a license if
3432 the applicant:

3433 (a) Is a resident of the state. However, this
3434 residency requirement may be waived if the applicant possesses a
3435 valid permit from another state, is active military personnel



3436 stationed in Mississippi, or is a retired law enforcement officer
3437 establishing residency in the state;

3438 (b) (i) Is twenty-one (21) years of age or older; or

3439 (ii) Is at least eighteen (18) years of age but
3440 not yet twenty-one (21) years of age and the applicant:

3441 1. Is a member or veteran of the United
3442 States Armed Forces, including National Guard or Reserve; and

3443 2. Holds a valid Mississippi driver's license
3444 or identification card issued by the Department of Public Safety;

3445 (c) Does not suffer from a physical infirmity which
3446 prevents the safe handling of a stun gun, pistol or revolver;

3447 (d) Is not ineligible to possess a firearm by virtue of
3448 having been convicted of a felony in a court of this state, of any
3449 other state, or of the United States without having been pardoned
3450 for same;

3451 (e) Does not chronically or habitually abuse controlled
3452 substances to the extent that his normal faculties are impaired.

3453 It shall be presumed that an applicant chronically and habitually
3454 uses controlled substances to the extent that his faculties are
3455 impaired if the applicant has been voluntarily or involuntarily
3456 committed to a treatment facility for the abuse of a controlled
3457 substance or been found guilty of a crime under the provisions of
3458 the Uniform Controlled Substances Law or similar laws of any other
3459 state or the United States relating to controlled substances



3460 within a three-year period immediately preceding the date on which
3461 the application is submitted;

3462 (f) Does not chronically and habitually use alcoholic
3463 beverages to the extent that his normal faculties are impaired.
3464 It shall be presumed that an applicant chronically and habitually
3465 uses alcoholic beverages to the extent that his normal faculties
3466 are impaired if the applicant has been voluntarily or
3467 involuntarily committed as an alcoholic to a treatment facility or
3468 has been convicted of two (2) or more offenses related to the use
3469 of alcohol under the laws of this state or similar laws of any
3470 other state or the United States within the three-year period
3471 immediately preceding the date on which the application is
3472 submitted;

3473 (g) Desires a legal means to carry a stun gun,
3474 concealed pistol or revolver to defend himself;

3475 (h) Has not been adjudicated mentally incompetent, or
3476 has waited five (5) years from the date of his restoration to
3477 capacity by court order;

3478 (i) Has not been voluntarily or involuntarily committed
3479 to a mental institution or mental health treatment facility unless
3480 he possesses a certificate from a psychiatrist licensed in this
3481 state that he has not suffered from disability for a period of
3482 five (5) years;

3483 (j) Has not had adjudication of guilt withheld or
3484 imposition of sentence suspended on any felony unless three (3)



3485 years have elapsed since probation or any other conditions set by
3486 the court have been fulfilled;

3487 (k) Is not a fugitive from justice; and

3488 (l) Is not disqualified to possess a weapon based on
3489 federal law.

3490 (3) The Department of Public Safety may deny a license if
3491 the applicant has been found guilty of one or more crimes of
3492 violence constituting a misdemeanor unless three (3) years have
3493 elapsed since probation or any other conditions set by the court
3494 have been fulfilled or expunction has occurred prior to the date
3495 on which the application is submitted, or may revoke a license if
3496 the licensee has been found guilty of one or more crimes of
3497 violence within the preceding three (3) years. The department
3498 shall, upon notification by a law enforcement agency or a court
3499 and subsequent written verification, suspend a license or the
3500 processing of an application for a license if the licensee or
3501 applicant is arrested or formally charged with a crime which would
3502 disqualify such person from having a license under this section,
3503 until final disposition of the case. The provisions of subsection
3504 (7) of this section shall apply to any suspension or revocation of
3505 a license pursuant to the provisions of this section.

3506 (4) The application shall be completed, under oath, on a
3507 form promulgated by the Department of Public Safety and shall
3508 include only:



3509 (a) The name, address, place and date of birth, race,
3510 sex and occupation of the applicant;

3511 (b) The driver's license number or social security
3512 number of applicant;

3513 (c) Any previous address of the applicant for the two
3514 (2) years preceding the date of the application;

3515 (d) A statement that the applicant is in compliance
3516 with criteria contained within subsections (2) and (3) of this
3517 section;

3518 (e) A statement that the applicant has been furnished a
3519 copy of this section and is knowledgeable of its provisions;

3520 (f) A conspicuous warning that the application is
3521 executed under oath and that a knowingly false answer to any
3522 question, or the knowing submission of any false document by the
3523 applicant, subjects the applicant to criminal prosecution; and

3524 (g) A statement that the applicant desires a legal
3525 means to carry a stun gun, concealed pistol or revolver to defend
3526 himself.

3527 (5) The applicant shall submit only the following to the
3528 Department of Public Safety:

3529 (a) A completed application as described in subsection
3530 (4) of this section;

3531 (b) A full-face photograph of the applicant taken
3532 within the preceding thirty (30) days in which the head, including
3533 hair, in a size as determined by the Department of Public Safety,



3534 except that an applicant who is younger than twenty-one (21) years
3535 of age must submit a photograph in profile of the applicant;

3536 (c) A nonrefundable license fee of Eighty Dollars
3537 (\$80.00). Costs for processing the set of fingerprints as
3538 required in paragraph (d) of this subsection shall be borne by the
3539 applicant. Honorably retired law enforcement officers, disabled
3540 veterans and active duty members of the Armed Forces of the United
3541 States shall be exempt from the payment of the license fee;

3542 (d) A full set of fingerprints of the applicant
3543 administered by the Department of Public Safety; and

3544 (e) A waiver authorizing the Department of Public
3545 Safety access to any records concerning commitments of the
3546 applicant to any of the treatment facilities or institutions
3547 referred to in subsection (2) and permitting access to all the
3548 applicant's criminal records.

3549 (6) (a) The Department of Public Safety, upon receipt of
3550 the items listed in subsection (5) of this section, shall forward
3551 the full set of fingerprints of the applicant to the appropriate
3552 agencies for state and federal processing.

3553 (b) The Department of Public Safety shall forward a
3554 copy of the applicant's application to the sheriff of the
3555 applicant's county of residence and, if applicable, the police
3556 chief of the applicant's municipality of residence. The sheriff
3557 of the applicant's county of residence and, if applicable, the
3558 police chief of the applicant's municipality of residence may, at



3559 his discretion, participate in the process by submitting a
3560 voluntary report to the Department of Public Safety containing any
3561 readily discoverable prior information that he feels may be
3562 pertinent to the licensing of any applicant. The reporting shall
3563 be made within thirty (30) days after the date he receives the
3564 copy of the application. Upon receipt of a response from a
3565 sheriff or police chief, such sheriff or police chief shall be
3566 reimbursed at a rate set by the department.

3567 (c) The Department of Public Safety shall, within
3568 forty-five (45) days after the date of receipt of the items listed
3569 in subsection (5) of this section:

3570 (i) Issue the license;

3571 (ii) Deny the application based solely on the
3572 ground that the applicant fails to qualify under the criteria
3573 listed in subsections (2) and (3) of this section. If the
3574 Department of Public Safety denies the application, it shall
3575 notify the applicant in writing, stating the ground for denial,
3576 and the denial shall be subject to the appeal process set forth in
3577 subsection (7); or

3578 (iii) Notify the applicant that the department is
3579 unable to make a determination regarding the issuance or denial of
3580 a license within the forty-five-day period prescribed by this
3581 subsection, and provide an estimate of the amount of time the
3582 department will need to make the determination.



3583 (d) In the event a legible set of fingerprints, as
3584 determined by the Department of Public Safety and the Federal
3585 Bureau of Investigation, cannot be obtained after a minimum of two
3586 (2) attempts, the Department of Public Safety shall determine
3587 eligibility based upon a name check by the Mississippi Highway
3588 Safety Patrol and a Federal Bureau of Investigation name check
3589 conducted by the Mississippi Highway Safety Patrol at the request
3590 of the Department of Public Safety.

3591 (7) (a) If the Department of Public Safety denies the
3592 issuance of a license, or suspends or revokes a license, the party
3593 aggrieved may appeal such denial, suspension or revocation to the
3594 Commissioner of Public Safety, or his authorized agent, within
3595 thirty (30) days after the aggrieved party receives written notice
3596 of such denial, suspension or revocation. The Commissioner of
3597 Public Safety, or his duly authorized agent, shall rule upon such
3598 appeal within thirty (30) days after the appeal is filed and
3599 failure to rule within this thirty-day period shall constitute
3600 sustaining such denial, suspension or revocation. Such review
3601 shall be conducted pursuant to such reasonable rules and
3602 regulations as the Commissioner of Public Safety may adopt.

3603 (b) If the revocation, suspension or denial of issuance
3604 is sustained by the Commissioner of Public Safety, or his duly
3605 authorized agent pursuant to paragraph (a) of this subsection, the
3606 aggrieved party may file within ten (10) days after the rendition
3607 of such decision a petition in the circuit or county court of his



3608 residence for review of such decision. A hearing for review shall
3609 be held and shall proceed before the court without a jury upon the
3610 record made at the hearing before the Commissioner of Public
3611 Safety or his duly authorized agent. No such party shall be
3612 allowed to carry a stun gun, concealed pistol or revolver pursuant
3613 to the provisions of this section while any such appeal is
3614 pending.

3615 (8) The Department of Public Safety shall maintain an
3616 automated listing of license holders and such information shall be
3617 available online, upon request, at all times, to all law
3618 enforcement agencies through the Mississippi Crime Information
3619 Center. However, the records of the department relating to
3620 applications for licenses to carry stun guns, concealed pistols or
3621 revolvers and records relating to license holders shall be exempt
3622 from the provisions of the Mississippi Public Records Act of 1983,
3623 and shall be released only upon order of a court having proper
3624 jurisdiction over a petition for release of the record or records.

3625 (9) Within thirty (30) days after the changing of a
3626 permanent address, or within thirty (30) days after having a
3627 license lost or destroyed, the licensee shall notify the
3628 Department of Public Safety in writing of such change or loss.
3629 Failure to notify the Department of Public Safety pursuant to the
3630 provisions of this subsection shall constitute a noncriminal
3631 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
3632 be enforceable by a summons.



3633 (10) In the event that a stun gun, concealed pistol or
3634 revolver license is lost or destroyed, the person to whom the
3635 license was issued shall comply with the provisions of subsection
3636 (9) of this section and may obtain a duplicate, or substitute
3637 thereof, upon payment of Fifteen Dollars (\$15.00) to the
3638 Department of Public Safety, and furnishing a notarized statement
3639 to the department that such license has been lost or destroyed.

3640 (11) A license issued under this section shall be revoked if
3641 the licensee becomes ineligible under the criteria set forth in
3642 subsection (2) of this section.

3643 (12) (a) No less than ninety (90) days prior to the
3644 expiration date of the license, the Department of Public Safety
3645 shall mail to each licensee a written notice of the expiration and
3646 a renewal form prescribed by the department. The licensee must
3647 renew his license on or before the expiration date by filing with
3648 the department the renewal form, a notarized affidavit stating
3649 that the licensee remains qualified pursuant to the criteria
3650 specified in subsections (2) and (3) of this section, and a full
3651 set of fingerprints administered by the Department of Public
3652 Safety or the sheriff of the county of residence of the licensee.
3653 The first renewal may be processed by mail and the subsequent
3654 renewal must be made in person. Thereafter every other renewal
3655 may be processed by mail to assure that the applicant must appear
3656 in person every ten (10) years for the purpose of obtaining a new
3657 photograph.



3658 (i) Except as provided in this subsection, a
3659 renewal fee of Forty Dollars (\$40.00) shall also be submitted
3660 along with costs for processing the fingerprints;
3661 (ii) Honorably retired law enforcement officers,
3662 disabled veterans and active duty members of the Armed Forces of
3663 the United States shall be exempt from the renewal fee; and
3664 (iii) The renewal fee for a Mississippi resident
3665 aged sixty-five (65) years of age or older shall be Twenty Dollars
3666 (\$20.00).
3667 (b) The Department of Public Safety shall forward the
3668 full set of fingerprints of the applicant to the appropriate
3669 agencies for state and federal processing. The license shall be
3670 renewed upon receipt of the completed renewal application and
3671 appropriate payment of fees.
3672 (c) A licensee who fails to file a renewal application
3673 on or before its expiration date must renew his license by paying
3674 a late fee of Fifteen Dollars (\$15.00). No license shall be
3675 renewed six (6) months or more after its expiration date, and such
3676 license shall be deemed to be permanently expired. A person whose
3677 license has been permanently expired may reapply for licensure;
3678 however, an application for licensure and fees pursuant to
3679 subsection (5) of this section must be submitted, and a background
3680 investigation shall be conducted pursuant to the provisions of
3681 this section.



3682 (13) No license issued pursuant to this section shall
3683 authorize any person to carry a stun gun, concealed pistol or
3684 revolver into any place of nuisance as defined in Section 95-3-1,
3685 Mississippi Code of 1972; any police, sheriff or highway patrol
3686 station; any detention facility, prison or jail; any courthouse;
3687 any courtroom, except that nothing in this section shall preclude
3688 a judge from carrying a concealed weapon or determining who will
3689 carry a concealed weapon in his courtroom; any polling place; any
3690 meeting place of the governing body of any governmental entity;
3691 any meeting of the Legislature or a committee thereof; any school,
3692 college or professional athletic event not related to firearms;
3693 any portion of an establishment, licensed to dispense alcoholic
3694 beverages for consumption on the premises, that is primarily
3695 devoted to dispensing alcoholic beverages; any portion of an
3696 establishment in which beer, light spirit product or light wine is
3697 consumed on the premises, that is primarily devoted to such
3698 purpose; any elementary or secondary school facility; any junior
3699 college, community college, college or university facility unless
3700 for the purpose of participating in any authorized
3701 firearms-related activity; inside the passenger terminal of any
3702 airport, except that no person shall be prohibited from carrying
3703 any legal firearm into the terminal if the firearm is encased for
3704 shipment, for purposes of checking such firearm as baggage to be
3705 lawfully transported on any aircraft; any church or other place of
3706 worship, except as provided in Section 45-9-171; or any place



3707 where the carrying of firearms is prohibited by federal law. In
3708 addition to the places enumerated in this subsection, the carrying
3709 of a stun gun, concealed pistol or revolver may be disallowed in
3710 any place in the discretion of the person or entity exercising
3711 control over the physical location of such place by the placing of
3712 a written notice clearly readable at a distance of not less than
3713 ten (10) feet that the "carrying of a pistol or revolver is
3714 prohibited." No license issued pursuant to this section shall
3715 authorize the participants in a parade or demonstration for which
3716 a permit is required to carry a stun gun, concealed pistol or
3717 revolver.

3718 (14) A law enforcement officer as defined in Section 45-6-3,
3719 chiefs of police, sheriffs and persons licensed as professional
3720 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
3721 1972, shall be exempt from the licensing requirements of this
3722 section. The licensing requirements of this section do not apply
3723 to the carrying by any person of a stun gun, pistol or revolver,
3724 knife, or other deadly weapon that is not concealed as defined in
3725 Section 97-37-1.

3726 (15) Any person who knowingly submits a false answer to any
3727 question on an application for a license issued pursuant to this
3728 section, or who knowingly submits a false document when applying
3729 for a license issued pursuant to this section, shall, upon
3730 conviction, be guilty of a misdemeanor and shall be punished as
3731 provided in Section 99-19-31, Mississippi Code of 1972.



3732 (16) All fees collected by the Department of Public Safety
3733 pursuant to this section shall be deposited into a special fund
3734 hereby created in the State Treasury and shall be used for
3735 implementation and administration of this section. After the
3736 close of each fiscal year, the balance in this fund shall be
3737 certified to the Legislature and then may be used by the
3738 Department of Public Safety as directed by the Legislature.

3739 (17) All funds received by a sheriff or police chief
3740 pursuant to the provisions of this section shall be deposited into
3741 the general fund of the county or municipality, as appropriate,
3742 and shall be budgeted to the sheriff's office or police department
3743 as appropriate.

3744 (18) Nothing in this section shall be construed to require
3745 or allow the registration, documentation or providing of serial
3746 numbers with regard to any stun gun or firearm.

3747 (19) Any person holding a valid unrevoked and unexpired
3748 license to carry stun guns, concealed pistols or revolvers issued
3749 in another state shall have such license recognized by this state
3750 to carry stun guns, concealed pistols or revolvers. The
3751 Department of Public Safety is authorized to enter into a
3752 reciprocal agreement with another state if that state requires a
3753 written agreement in order to recognize licenses to carry stun
3754 guns, concealed pistols or revolvers issued by this state.

3755 (20) The provisions of this section shall be under the
3756 supervision of the Commissioner of Public Safety. The



3757 commissioner is authorized to promulgate reasonable rules and
3758 regulations to carry out the provisions of this section.

3759 (21) For the purposes of this section, the term "stun gun"
3760 means a portable device or weapon from which an electric current,
3761 impulse, wave or beam may be directed, which current, impulse,
3762 wave or beam is designed to incapacitate temporarily, injure,
3763 momentarily stun, knock out, cause mental disorientation or
3764 paralyze.

3765 (22) (a) From and after January 1, 2016, the Commissioner
3766 of Public Safety shall promulgate rules and regulations which
3767 provide that licenses authorized by this section for honorably
3768 retired law enforcement officers and honorably retired
3769 correctional officers from the Mississippi Department of
3770 Corrections shall (i) include the words "retired law enforcement
3771 officer" on the front of the license, and (ii) that the license
3772 itself have a red background to distinguish it from other licenses
3773 issued under this section.

3774 (b) An honorably retired law enforcement officer and
3775 honorably retired correctional officer shall provide the following
3776 information to receive the license described in this section: (i)
3777 a letter, with the official letterhead of the agency or department
3778 from which such officer is retiring, which explains that such
3779 officer is honorably retired, and (ii) a letter with the official
3780 letterhead of the agency or department, which explains that such



3781 officer has completed a certified law enforcement training
3782 academy.

3783 (23) A disabled veteran who seeks to qualify for an
3784 exemption under this section shall be required to provide, as
3785 proof of service-connected disability, verification from the
3786 United States Department of Veterans Affairs.

3787 (24) A license under this section is not required for a
3788 loaded or unloaded pistol or revolver to be carried upon the
3789 person in a sheath, belt holster or shoulder holster or in a
3790 purse, handbag, satchel, other similar bag or briefcase or fully
3791 enclosed case if the person is not engaged in criminal activity
3792 other than a misdemeanor traffic offense, is not otherwise
3793 prohibited from possessing a pistol or revolver under state or
3794 federal law, and is not in a location prohibited under subsection
3795 (13) of this section.

3796 **SECTION 62.** Section 97-5-49, Mississippi Code of 1972, is
3797 amended as follows:

3798 97-5-49. (1) As used in this section:

3799 (a) "Adult" means a person over the age of twenty-one
3800 (21) years.

3801 (b) "Alcoholic beverage" has the meaning as defined in
3802 Section 67-1-5.

3803 (c) "Beer" has the meaning as defined in Section
3804 67-3-3.



3805 (d) "Light wine" means wine containing five percent
3806 (5%) or less of alcohol by weight.

3807 (e) "Minor" means a person under the age of twenty-one
3808 (21) years.

3809 (f) "Party" means a gathering or event at which a group
3810 of two (2) or more persons assembles for a social occasion or
3811 activity at a private residence or a private premises.

3812 (g) "Private premises" means privately owned land,
3813 including any appurtenances or improvements on the land.

3814 (h) "Private residence" means the place where a person
3815 actually lives or has his or her home.

3816 (i) "Wine" has the meaning as defined in Section
3817 67-1-5.

3818 (j) "Light spirit product" means a beverage of an
3819 alcoholic content of not more than four percent (4%) by weight and
3820 containing one or more distilled spirits, as defined in Section
3821 67-1-5.

3822 (2) No adult who owns or leases a private residence or
3823 private premises shall knowingly allow a party to take place or
3824 continue at the residence or premises if a minor at the party
3825 obtains, possesses or consumes any alcoholic beverage, light wine,
3826 light spirit product or beer if the adult knows that the minor has
3827 obtained, possesses or is consuming alcoholic beverages, light
3828 wine, light spirit product or beer.



3829 (3) This section shall not apply to legally protected
3830 religious activities or gatherings of family members or to any of
3831 the exemptions set forth in Section 67-3-54.

3832 (4) Each incident in violation of subsection (2) of this
3833 section or any part of subsection (2) constitutes a separate
3834 offense.

3835 (5) Any person who violates subsection (2) of this section
3836 shall be guilty of a misdemeanor and, upon conviction thereof,
3837 shall be punished by a fine of One Thousand Dollars (\$1,000.00) or
3838 by imprisonment in the county jail for not more than six (6)
3839 months, or by both the fine and imprisonment, in the discretion of
3840 the court.

3841 **SECTION 63.** This act shall take effect and be in force from
3842 and after its passage.

