

By: Representative Powell

To: Ways and Means

HOUSE BILL NO. 979

1 AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO  
 2 RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE IN FAVOR OF THE  
 3 LEGAL MANUFACTURE, SALE, DISTRIBUTION, POSSESSION AND  
 4 TRANSPORTATION OF ALCOHOLIC BEVERAGES, EXCEPT IN COUNTIES THAT  
 5 VOTE TO INSTITUTE PROHIBITION AFTER HOLDING AN ELECTION ON THE  
 6 MATTER; TO AMEND SECTIONS 67-1-5, 67-1-7, 67-1-9, 67-1-15,  
 7 67-1-16, 67-1-17, 67-1-37, 67-1-51, 67-1-57, 67-1-85, 67-1-91,  
 8 67-1-101, 67-9-1, 27-71-15, 27-71-31 AND 97-31-47, MISSISSIPPI  
 9 CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS 67-1-11,  
 10 67-1-13 AND 67-1-14, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
 11 THERETO AND TO REVISE HOW OFTEN A COUNTY OR MUNICIPALITY MAY HOLD  
 12 AN ELECTION ON THE QUESTION OF INSTITUTION PROHIBITION; TO BRING  
 13 FORWARD SECTIONS 67-1-41, 67-1-65 AND 67-1-72, MISSISSIPPI CODE OF  
 14 1972, WHICH ARE CERTAIN SECTIONS OF THE LOCAL OPTION ALCOHOLIC  
 15 BEVERAGE CONTROL LAW, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO  
 16 BRING FORWARD SECTIONS 67-3-5, 67-3-7, 67-3-9, 67-3-13 AND  
 17 67-3-67, MISSISSIPPI CODE OF 1972, WHICH ARE CERTAIN SECTIONS  
 18 REGULATING THE MANUFACTURE, SALE, POSSESSION, TRANSPORTATION AND  
 19 DISTRIBUTION OF LIGHT WINE AND BEER, FOR THE PURPOSES OF POSSIBLE  
 20 AMENDMENT; TO BRING FORWARD SECTION 57-26-1, MISSISSIPPI CODE OF  
 21 1972, WHICH DEFINES CERTAIN TERMS FOR PURPOSES OF THE TOURISM  
 22 PROJECT SALES TAX INCENTIVE PROGRAM, FOR THE PURPOSES OF POSSIBLE  
 23 AMENDMENT; AND FOR RELATED PURPOSES.

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

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

27 67-1-3. From and after January 1, 2021, the policy of this  
 28 state is \* \* \* declared to be a renunciation of prohibition in



29 favor of the legal manufacture, sale, distribution, possession and  
30 transportation of \* \* \* alcoholic beverages in this state, except  
31 in such counties that vote to institute prohibition after holding  
32 an election on the matter. The purpose and intent of this chapter  
33 is to \* \* \* provide the laws under which alcoholic beverages may  
34 be legally sold, manufactured, possessed and distributed in this  
35 state.

36 All laws and parts of laws in conflict with this chapter are  
37 repealed only to the extent of such conflict; however, except as  
38 is provided in this chapter, all laws prohibiting the manufacture,  
39 sale, distribution and possession of alcoholic beverages, which  
40 are not in conflict with this chapter shall remain in full force  
41 and effect \* \* \* in counties and municipalities wherein a  
42 prohibition on the manufacture, sale, distribution and possession  
43 of alcoholic beverages \* \* \* shall hereafter be authorized as a  
44 result of an election held \* \* \* after January 1, 2021, as \* \* \*  
45 provided in this chapter.

46 **SECTION 2.** Section 67-1-5, Mississippi Code of 1972, is  
47 amended as follows:

48 67-1-5. For the purposes of this chapter and unless  
49 otherwise required by the context:

50 (a) "Alcoholic beverage" means any alcoholic liquid,  
51 including wines of more than five percent (5%) of alcohol by  
52 weight, capable of being consumed as a beverage by a human being,  
53 but shall not include light wine and beer, as defined in Section



54 67-3-3, Mississippi Code of 1972, but shall include native wines.  
55 The words "alcoholic beverage" shall not include ethyl alcohol  
56 manufactured or distilled solely for fuel purposes or beer of an  
57 alcoholic content of more than eight percent (8%) by weight if the  
58 beer is legally manufactured in this state for sale in another  
59 state.

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

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

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

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

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



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

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

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

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

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

96 (l) "Hotel" means an establishment within a  
97 municipality, or within a qualified resort area approved as such  
98 by the department, where, in consideration of payment, food and  
99 lodging are habitually furnished to travelers and wherein are  
100 located at least twenty (20) adequately furnished and completely  
101 separate sleeping rooms with adequate facilities that persons  
102 usually apply for and receive as overnight accommodations. Hotels



103 in towns or cities of more than twenty-five thousand (25,000)  
104 population are similarly defined except that they must have fifty  
105 (50) or more sleeping rooms. Any such establishment described in  
106 this paragraph with less than fifty (50) beds shall operate one or  
107 more regular dining rooms designed to be constantly frequented by  
108 customers each day. When used in this chapter, the word "hotel"  
109 shall also be construed to include any establishment that meets  
110 the definition of "bed and breakfast inn" as provided in this  
111 section.

112 (m) "Restaurant" means:

113 (i) A place which is regularly and in a bona fide  
114 manner used and kept open for the serving of meals to guests for  
115 compensation, which has suitable seating facilities for guests,  
116 and which has suitable kitchen facilities connected therewith for  
117 cooking an assortment of foods and meals commonly ordered at  
118 various hours of the day; the service of such food as sandwiches  
119 and salads only shall not be deemed in compliance with this  
120 requirement. Except as otherwise provided in this paragraph, no  
121 place shall qualify as a restaurant under this chapter unless  
122 twenty-five percent (25%) or more of the revenue derived from such  
123 place shall be from the preparation, cooking and serving of meals  
124 and not from the sale of beverages, or unless the value of food  
125 given to and consumed by customers is equal to twenty-five percent  
126 (25%) or more of total revenue; or



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

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

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

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



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

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

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

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

168 The department may, in its discretion, waive the five-year  
169 provision of this paragraph. In order to qualify under this  
170 paragraph, a club must file with the department, at the time of  
171 its application for a license under this chapter, two (2) copies  
172 of a list of the names and residences of its members and similarly  
173 file, within ten (10) days after the election of any additional  
174 member, his name and address. Each club applying for a license  
175 shall also file with the department at the time of the application



176 a copy of its articles of association, charter of incorporation,  
177 bylaws or other instruments governing the business and affairs  
178 thereof.

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

199           (i) The department may approve an area or  
200 locality \* \* \* that is in the process of being developed as a





201 qualified resort area if such area or locality, when developed,  
202 can reasonably be expected to meet the requisites of the  
203 definition of the term "qualified resort area." In such a case,  
204 the status of qualified resort area shall not take effect until  
205 completion of the development.

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

214 (iii) The term includes:

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

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

224 3. Any facility located on property that is a  
225 game reserve with restricted access that consists of at least



226 three thousand (3,000) contiguous acres with no public roads and  
227 that offers as a service hunts for a fee to overnight guests of  
228 the facility;

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

233 5. Any facility that is located in a  
234 municipality that is bordered by the Pearl River, traversed by  
235 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
236 International Airport and is located in a county which has voted  
237 before January 1, 2021, against coming out from under the dry law  
238 as such law existed before January 1, 2021; however, any such  
239 facility may only be located in areas designated by the governing  
240 authorities of such municipality;

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

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



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

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

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

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

261                           A. Owned by the Pearl River Valley  
262 Water Supply District, and/or

263                           B. Located within the Reservoir  
264 Community District, zoned commercial, east of Old Fannin Road,  
265 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
266 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
267 Drive and/or Lake Vista Place, and/or

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

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



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

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

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

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

289 10. Any facility that:

290 a. Consists of at least six thousand  
291 (6,000) square feet being heated and cooled along with an  
292 additional adjacent area that consists of at least two thousand  
293 two hundred (2,200) square feet regardless of whether heated and  
294 cooled,

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

297 c. Provides lodging accommodations  
298 regardless of whether part of the facility and/or located adjacent  
299 to or in close proximity to the facility, and



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

302 11. Any facility and related property:

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

308 b. Used for the purpose of providing  
309 meals and hosting events, and

310 c. Used for the purpose of teaching  
311 culinary arts courses and/or turf management and grounds keeping  
312 courses, and/or outdoor recreation and leadership courses;

313 12. Any facility and related property that:

314 a. Consist of at least eight thousand  
315 (8,000) square feet being heated and cooled,

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

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

319 13. The clubhouse and associated golf course  
320 where the golf course is adjacent to one or more residential  
321 developments and the golf course and all such developments  
322 collectively include at least two hundred (200) acres and at least  
323 one hundred fifty (150) residential units and are located a. in a  
324 county that has voted before January 1, 2021, against coming out



325 from under the dry law as such law existed before January 1, 2021;  
326 and b. outside of but in close proximity to a municipality in such  
327 county which has voted under Section 67-1-14, after January 1,  
328 2013, to come out from under the dry law as such law existed  
329 before January 1, 2021;

330 14. The clubhouse and associated eighteen  
331 (18) hole golf course located in a municipality traversed by  
332 Interstate Highway 55 and U.S. Highway 51 that has voted to come  
333 out from under the dry law as such law existed before January 1,  
334 2021;

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

340 a. In a county that has voted to come  
341 out from under the dry law as such law existed before January 1,  
342 2021,

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

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

348 The status of these municipalities, districts, clubhouses,  
349 facilities, golf courses and areas described in subparagraph (iii)



350 of this paragraph (o) as qualified resort areas does not require  
351 any declaration of same by the department. In addition, the  
352 status of these municipalities, districts, clubhouses, facilities,  
353 golf courses and areas described in subparagraph (iii) of this  
354 paragraph (o) as qualified resort areas shall not be affected by  
355 the institution of prohibition by a county or municipality.

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

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

372 (r) "Bed and breakfast inn" means an establishment  
373 within a municipality where in consideration of payment, breakfast  
374 and lodging are habitually furnished to travelers and wherein are



375 located not less than eight (8) and not more than nineteen (19)  
376 adequately furnished and completely separate sleeping rooms with  
377 adequate facilities, that persons usually apply for and receive as  
378 overnight accommodations; however, such restriction on the minimum  
379 number of sleeping rooms shall not apply to establishments on the  
380 National Register of Historic Places. No place shall qualify as a  
381 bed and breakfast inn under this chapter unless on the date of the  
382 initial application for a license under this chapter more than  
383 fifty percent (50%) of the sleeping rooms are located in a  
384 structure formerly used as a residence.

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

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

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

396 (v) "Cooking school" means an establishment within a  
397 municipality or qualified resort area and owned by a nationally  
398 recognized company that offers an established culinary education  
399 curriculum and program where, in consideration of payment, patrons





400 are given scheduled professional group instruction on culinary  
401 techniques. For purposes of this paragraph, the definition of  
402 cooking school shall not include schools or classes offered by  
403 grocery stores, convenience stores or drugstores.

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

413 **SECTION 3.** Section 67-1-7, Mississippi Code of 1972, is  
414 amended as follows:

415 67-1-7. (1) Except \* \* \* in those counties that hold an  
416 election pursuant to this chapter and vote to institute  
417 prohibition, and subject to all of the provisions and restrictions  
418 contained in this chapter, the manufacture, sale, distribution,  
419 possession and transportation of alcoholic beverages shall be  
420 lawful \* \* \*. The manufacture, sale, distribution and possession  
421 of native wines shall be lawful in any location within any such  
422 county except those locations where the manufacture, sale or  
423 distribution is prohibited by law other than this section or by  
424 regulations of the \* \* \* department.



425 (2) Notwithstanding the foregoing, within any state park or  
426 any state park facility that has been declared a qualified resort  
427 area by the \* \* \* department, and within any qualified resort area  
428 as defined under Section 67-1-5(o)(iii), an on-premises retailer's  
429 permit may be issued for the qualified resort area, and the  
430 permittee may lawfully sell alcoholic beverages for consumption on  
431 his licensed premises \* \* \* if the county \* \* \* in which the  
432 qualified resort area is located has voted in favor of \* \* \*  
433 instituting prohibition, and it shall be lawful to receive, store,  
434 sell, possess and consume alcoholic beverages on the licensed  
435 premises, and to sell, distribute and transport alcoholic  
436 beverages to the licensed premises.

437 **SECTION 4.** Section 67-1-9, Mississippi Code of 1972, is  
438 amended as follows:

439 67-1-9. (1) It shall be \* \* \* lawful for any person to  
440 manufacture, distill, brew, sell, possess, import into this  
441 state, \* \* \* transport, distribute, warehouse, store, solicit,  
442 take order for, bottle, rectify, blend, treat, mix or process any  
443 alcoholic beverage \* \* \* as authorized in this chapter. \* \* \*  
444 Nothing contained herein shall prevent importers, wineries and  
445 distillers of alcoholic beverages from storing such alcoholic  
446 beverages in private bonded warehouses located within the State of  
447 Mississippi for the ultimate use and benefit of the Department of  
448 Revenue as provided in Section 67-1-41. The department is hereby  
449 authorized to promulgate rules and regulations for the



450 establishment of such private bonded warehouses and for the  
451 control of alcoholic beverages stored in such warehouses.  
452 Additionally, nothing herein contained shall prevent any duly  
453 licensed practicing physician or dentist from possessing or using  
454 alcoholic liquor in the strict practice of his profession, or  
455 prevent any hospital or other institution caring for sick and  
456 diseased persons, from possessing and using alcoholic liquor for  
457 the treatment of bona fide patients of such hospital or other  
458 institution. Any drugstore employing a licensed pharmacist may  
459 possess and use alcoholic liquors in the combination of  
460 prescriptions of duly licensed physicians. The possession and  
461 dispensation of wine by an authorized representative of any church  
462 for the purpose of conducting any bona fide rite or religious  
463 ceremony conducted by such church shall not be prohibited by this  
464 chapter.

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

467 (a) By a fine of not less than One Hundred Dollars  
468 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by  
469 imprisonment in the county jail not less than one (1) week nor  
470 more than three (3) months, or both, for the first conviction  
471 under this section.

472 (b) By a fine of not less than One Hundred Dollars  
473 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by  
474 imprisonment in the county jail not less than sixty (60) days, nor



475 more than six (6) months, or both fine and imprisonment, for the  
476 second conviction for violating this section.

477 (c) By a fine of not less than One Hundred Dollars  
478 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by  
479 imprisonment in the State Penitentiary not less than one (1) year,  
480 nor more than five (5) years, or both fine and imprisonment, for  
481 conviction the third time under this section for the violation  
482 thereof after having been twice convicted of its violation.

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

487 **SECTION 5.** Section 67-1-11, Mississippi Code of 1972, is  
488 amended as follows:

489 67-1-11. (1) From and after January 1, 2021,  
490 notwithstanding any provision of this chapter, \* \* \* a county may  
491 hold an election to determine whether to institute prohibition and  
492 make the possession, sale, manufacture and distribution of  
493 alcoholic beverages illegal.

494 (2) Upon presentation and filing of a proper petition  
495 requesting same signed by at least twenty percent (20%) or fifteen  
496 hundred (1,500), whichever number is the lesser, of the qualified  
497 electors of the county, it shall be the duty of the board of  
498 supervisors to call an election at which there shall be submitted  
499 to the qualified electors of the county the question of whether or



500 not the sale, distribution, manufacture, and possession of  
501 alcoholic liquors shall be \* \* \* prohibited in such county as  
502 provided in this chapter. Such election shall be held and  
503 conducted by the county election commissioners on a date fixed by  
504 the order of the board of supervisors, which date shall not be  
505 more than sixty (60) days from the date of the filing of said  
506 petition. Notice thereof shall be given by publishing such notice  
507 once each week for at least three (3) consecutive weeks in some  
508 newspaper published in said county or, if no newspaper be  
509 published therein, by such publication in a newspaper in an  
510 adjoining county and having a general circulation in the county  
511 involved. The election shall be held not earlier than fifteen  
512 (15) days from the first publication of such notice.

513 (3) Said election shall be held and conducted as far as may  
514 be possible in the same manner as is provided by law for the  
515 holding of general elections. The ballots used thereat shall  
516 contain a brief statement of the proposition submitted and, on  
517 separate lines, the words "I vote FOR \* \* \* prohibiting alcoholic  
518 beverages and making \_\_\_\_\_ County a dry county ( )" "I vote  
519 AGAINST \* \* \* prohibiting alcoholic beverages and making \_\_\_\_\_  
520 County a dry county ( )" with appropriate boxes in which the  
521 voters may express their choice. All qualified electors may vote  
522 by marking the ballot with a cross (x) or check (√) mark opposite  
523 the words of their choice.



524           (4) The election commissioners shall canvass and determine  
525 the results of said election, and shall certify same to the board  
526 of supervisors which shall adopt and spread upon its minutes an  
527 order declaring such results. If, in such election, a majority of  
528 the qualified electors participating therein shall vote in favor  
529 of the proposition, \* \* \* the manufacture, sale, distribution and  
530 possession of alcoholic beverages \* \* \* in such county shall  
531 be \* \* \* unlawful to the extent and in the manner \* \* \* prohibited  
532 hereby. If, on the other hand, a majority of the qualified  
533 electors participating in the election shall vote against the  
534 proposition, \* \* \* the manufacture, sale, distribution, and  
535 possession of alcoholic beverages shall remain lawful to the  
536 extent and in the manner permitted hereby. In either case, no  
537 further election shall be held in said county under the provisions  
538 of this chapter for a period of \* \* \* four (4) years from the date  
539 of the prior election and then only upon the filing of a petition  
540 requesting same signed by at least twenty percent (20%) or fifteen  
541 hundred (1,500), whichever number is the lesser, of the qualified  
542 electors of the county as is otherwise provided herein.

543           (5) If a majority of the qualified electors participating in  
544 the election vote for the proposition, all alcohol permits issued  
545 to locations within the county shall expire thirty (30) days from  
546 the date the official recapitulation on the election is executed  
547 by the county. However, notwithstanding an election instituting  
548 the prohibition laws in a county, the holder of a native wine



549 producer's permit or a native wine retailer's permit is allowed to  
550 continue to operate under such permits and to renew such permits.  
551 Possession of native wines and personal property related to the  
552 activities of the native wine permit holder which would otherwise  
553 be unlawful under prohibition shall be allowed subject to  
554 regulations of the Alcoholic Beverage Control Division.

555       **SECTION 6.** Section 67-1-13, Mississippi Code of 1972, is  
556 amended as follows:

557       67-1-13. (1) When \* \* \* a county has voted to institute  
558 prohibition as a result of an election called and held as provided  
559 in Section 67-1-11, the same may be made ineffective and  
560 inapplicable therein by an election called and held upon a  
561 petition filed with the board of supervisors requesting same  
562 signed by at least twenty percent (20%) or fifteen hundred (1500),  
563 whichever number is the lesser, of the qualified electors of the  
564 county as is otherwise provided in Section 67-1-11, all of the  
565 provisions of which shall be fully applicable thereto. However,  
566 nothing herein shall authorize or permit the calling and holding  
567 of any election under this chapter in any county more often than  
568 once every \* \* \* four (4) years. If in such election, a majority  
569 of the qualified electors participating therein shall vote \* \* \*  
570 for legalizing the sale, distribution, possession and  
571 manufacturing of alcoholic beverages, then the prohibition laws of  
572 the State of Mississippi, \* \* \* shall become \* \* \* inapplicable in  
573 said county.



574 (2) Notwithstanding an election \* \* \* instituting the  
575 prohibition laws in a political subdivision, the holder of a  
576 native wine producer's permit or a native wine retailer's permit  
577 is allowed to continue to operate under such permits and to renew  
578 such permits. Possession of native wines and personal property  
579 related to the activities of the native wine permit holder which  
580 would otherwise be unlawful under prohibition shall be allowed  
581 subject to regulations of the Alcoholic Beverage Control Division.

582 **SECTION 7.** Section 67-1-14, Mississippi Code of 1972, is  
583 amended as follows:

584 67-1-14. (1) The legalizing provisions of this chapter may  
585 be effective, applicable and operative in any municipality located  
586 in a county which has voted \* \* \* for instituting prohibition if a  
587 local option election shall be called and held in such  
588 municipality in the manner and with the results hereinafter  
589 provided.

590 (2) (a) Any municipality in this state having a population  
591 of not less than five thousand (5,000) according to the latest  
592 federal census and which is located in a county which has  
593 voted \* \* \* for instituting prohibition, or any municipality that  
594 is a county seat and which is located in a county which has  
595 voted \* \* \* for instituting prohibition, may, at an election held  
596 for the purpose under the election laws applicable to such  
597 municipality, either prohibit or permit, except as otherwise  
598 provided under Section 67-9-1, the sale, and the receipt, storage





599 and transportation for the purpose of sale, of alcoholic  
600 beverages. An election to determine whether such sale and  
601 possession shall be permitted in municipalities wherein its sale  
602 and possession is prohibited by law shall be ordered by the  
603 municipal governing authorities upon the presentation of a  
604 petition to such governing authorities containing the names of at  
605 least twenty percent (20%) of the duly qualified voters of such  
606 municipality asking for such election. In like manner, an  
607 election to determine whether such sale and possession shall be  
608 prohibited in municipalities wherein its sale is permitted by law  
609 shall be ordered by the municipal governing authorities upon the  
610 presentation of a petition to such governing authorities  
611 containing the names of at least twenty percent (20%) of the duly  
612 qualified voters of such municipality asking for such election.  
613 No election on either question shall be held by any one (1)  
614 municipality more often than once in \* \* \* four (4) years.

615 Thirty (30) days' notice shall be given to the qualified  
616 electors of such municipality, in the manner prescribed by law,  
617 upon the question of either permitting or prohibiting such sale  
618 and possession, such notice to contain a statement of the question  
619 to be voted on at the election. The ballots to be used in the  
620 election shall have the following words printed thereon: "For the  
621 legal sale of alcoholic \* \* \* beverages" and the words "Against  
622 the legal sale of alcoholic \* \* \* beverages" next below. In



623 marking his ballot the voter shall make a cross (X) opposite the  
624 words of his choice.

625         If in the election a majority of the qualified electors  
626 voting in the election shall vote "for the legal sale of  
627 alcoholic \* \* \* beverages," then the municipal governing  
628 authorities shall pass the necessary order permitting the legal  
629 sale of such alcoholic beverages in such municipality. If in the  
630 election a majority of the qualified electors voting in the  
631 election shall vote "against the legal sale of alcoholic \* \* \*  
632 beverages," then the municipal governing authorities shall pass  
633 the necessary order prohibiting the sale of alcoholic beverages in  
634 such municipality.

635             (b) The provisions of this subsection shall also apply  
636 to any municipality having a population of not less than six  
637 thousand (6,000) according to the latest federal census, a portion  
638 of which is located in a county which has, prior to January 1,  
639 2021, voted against coming out from under the dry law as such law  
640 existed before January 1, 2021, and a portion of which is located  
641 in a county which has voted before January 1, 2021, in favor of  
642 coming out from under the dry law as such law existed before  
643 January 1, 2021. For the purpose of determining whether or not  
644 such a municipality meets the threshold population of six thousand  
645 (6,000) which will qualify the municipality to hold an election  
646 under this subsection, the entire population of the municipality  
647 shall be considered; however, the petition to hold the election



648 authorized in this subsection shall be ordered by the municipal  
649 governing authorities upon the presentation of a petition to such  
650 governing authorities containing the names of at least twenty  
651 percent (20%) of the duly qualified voters of such municipality  
652 who reside in that portion of the municipality located in a county  
653 which, prior to January 1, 2021, has voted against coming out from  
654 under the dry law as such law existed before January 1, 2021, and  
655 the election shall be held only in that portion of the  
656 municipality. In all other respects, the authority for the holding  
657 of elections and the manner in which such elections shall be  
658 conducted shall be as prescribed in paragraph (a) of this  
659 subsection; and, after proper certification of election results,  
660 the municipal governing  
661 authorities shall pass the appropriate order to permit or prohibit  
662 the legal sale of alcoholic beverages in that portion of the  
663 municipality located in a county which has voted against coming  
664 out from under the dry law.

665 (3) The governing authorities of a municipality that has  
666 voted to \* \* \* allow the legal sale, manufacture, distribution,  
667 and possession of alcoholic beverages after January 1, 2021, may,  
668 by ordinance, provide that alcoholic beverages may be sold in the  
669 municipality only by the holder of an on-premises retailer's  
670 permit.

671 **SECTION 8.** Section 67-1-15, Mississippi Code of 1972, is  
672 amended as follows:



673           67-1-15. In any county having two (2) judicial districts,  
674 each such judicial district shall be construed to be a political  
675 subdivision or subdivision of government on the same basis as a  
676 county, and as such, a judicial district will be entitled to all  
677 of the rights, privileges, and immunities as a county for the  
678 purposes of \* \* \* instituting prohibition therein under the  
679 provisions of this chapter.

680           **SECTION 9.** Section 67-1-16, Mississippi Code of 1972, is  
681 amended as follows:

682           67-1-16. (1) (a) Before an area may be designated by the  
683 governing authorities of a municipality as an area in which  
684 facilities which are defined as qualified resort areas in Section  
685 67-1-5(o)(iii)5 may be located, an election shall be held, under  
686 the election laws applicable to the municipality, on the question  
687 of whether qualified resort areas shall be allowed in the  
688 municipality. An election to determine whether qualified resort  
689 areas shall be allowed in the municipality shall be ordered by the  
690 municipal governing authorities, upon presentation to the  
691 governing authorities of a petition containing the names of at  
692 least twenty percent (20%) of the duly qualified voters of the  
693 municipality asking for the election. An election on the question  
694 may not be held by the municipality more often than once each  
695 year.

696           (b) Thirty (30) days' notice shall be given to the  
697 qualified electors of the municipality, in the manner prescribed



698 by law, on the question of allowing qualified resort areas to be  
699 established. The notice shall contain a statement of the question  
700 to be voted on at the election. The ballots used in the election  
701 shall have the following words printed thereon: "FOR THE  
702 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST  
703 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his  
704 ballot, the voter shall make a cross (X) opposite the words of his  
705 choice.

706 (c) Qualified resort areas may be established if a  
707 majority of the qualified electors voting in the election vote for  
708 such establishment. A qualified resort area may not be  
709 established if a majority of the qualified electors voting in the  
710 election vote against such establishment.

711 (2) (a) Before a municipality may be designated as a  
712 qualified resort area as defined in Section 67-1-5(o)(iii)6, an  
713 election shall be held, under the election laws applicable to the  
714 municipality, on the question of whether the municipality shall be  
715 a qualified resort area. An election to determine whether the  
716 municipality shall be a qualified resort area shall be ordered by  
717 the municipal governing authorities, upon presentation to the  
718 governing authorities of a petition containing the names of at  
719 least twenty percent (20%) of the duly qualified voters of the  
720 municipality asking for the election. An election on the question  
721 may not be held by the municipality more often than once each  
722 year.



723           (b) Thirty (30) days' notice shall be given to the  
724 qualified electors of the municipality, in the manner prescribed  
725 by law, on the question of allowing qualified resort areas to be  
726 established. The notice shall contain a statement of the question  
727 to be voted on at the election. The ballots used in the election  
728 shall have the following words printed thereon: "FOR THE  
729 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
730 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
731 marking his ballot, the voter shall make a cross (X) opposite the  
732 words of his choice.

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

738           (3) (a) Before an area may be designated a qualified resort  
739 area as defined in Section 67-1-5(o)(iii)7, an election shall be  
740 held in the municipality in which the area is located under the  
741 election laws applicable to the municipality, on the question of  
742 whether the area shall be a qualified resort area. An election to  
743 determine whether the area shall be a qualified resort area shall  
744 be ordered by the municipal governing authorities, upon  
745 presentation to the governing authorities of a petition containing  
746 the names of at least twenty percent (20%) of the duly qualified  
747 voters of the municipality asking for the election. An election



748 on the question may not be held by the municipality more often  
749 than once each year.

750 (b) Thirty (30) days' notice shall be given to the  
751 qualified electors of the municipality, in the manner prescribed  
752 by law, on the question of allowing qualified resort areas to be  
753 established. The notice shall contain a statement of the question  
754 to be voted on at the election. The ballots used in the election  
755 shall have the following words printed thereon: "FOR THE  
756 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
757 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
758 marking his ballot, the voter shall make a cross (X) opposite the  
759 words of his choice.

760 (c) The area may be established as a qualified resort  
761 area if a majority of the qualified electors voting in the  
762 election vote for such establishment. A qualified resort area may  
763 not be established if a majority of the qualified electors voting  
764 in the election vote against such establishment.

765 (4) (a) Before an area may be designated a qualified resort  
766 area as defined in Section 67-1-5(o)(iii)8, an election shall be  
767 held in the area described in Section 67-1-5(o)(iii)8 under the  
768 election laws applicable to counties, on the question of whether  
769 the area shall be a qualified resort area. An election to  
770 determine whether the area shall be a qualified resort area shall  
771 be ordered by the board of supervisors, upon presentation to the  
772 board of a petition containing the names of at least twenty



773 percent (20%) of the duly qualified voters of the area described  
774 in Section 67-1-5(o)(iii)8 asking for the election. An election  
775 on the question may not be held by the county more often than once  
776 each year.

777 (b) Thirty (30) days' notice shall be given to the  
778 qualified electors of the area, in the manner prescribed by law,  
779 on the question of allowing qualified resort areas to be  
780 established. The notice shall contain a statement of the question  
781 to be voted on at the election. The ballots used in the election  
782 shall have the following words printed thereon: "FOR THE  
783 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
784 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
785 marking his ballot, the voter shall make a cross (X) opposite the  
786 words of his choice.

787 (c) The area may be established as a qualified resort  
788 area if a majority of the qualified electors voting in the  
789 election vote for such establishment. A qualified resort area may  
790 not be established if a majority of the qualified electors voting  
791 in the election vote against such establishment.

792 (5) No election shall be held under this section after  
793 December 31, 2020, relating to the designation or establishment of  
794 a qualified resort area.

795 **SECTION 10.** Section 67-1-17, Mississippi Code of 1972, is  
796 amended as follows:





797           67-1-17. (1) It shall be unlawful for any person to have or  
798 possess either alcoholic beverages or personal property intended  
799 for use in violating the provisions of this chapter, or  
800 regulations prescribed under this chapter, or Chapter 31 of Title  
801 97, Mississippi Code of 1972. No property rights shall exist in  
802 any such personal property or alcoholic beverages. All such  
803 personal property and alcoholic beverages shall be considered  
804 contraband and shall be seized and forfeited to the State of  
805 Mississippi.

806           (2) The following are subject to forfeiture:

807           (a) All alcoholic beverages which have been  
808 manufactured, distilled, distributed, dispensed or acquired in  
809 violation of this chapter or Chapter 31 of Title 97, Mississippi  
810 Code of 1972;

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

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

819           (d) All conveyances, including aircraft, vehicles or  
820 vessels, which are used, or intended for use, to transport, or in  
821 any manner to facilitate the transportation, for the purpose of



822 sale or receipt, possession or concealment, of property described  
823 in item (a) of this subsection which is in excess of six (6)  
824 gallons or of property described in item (b) of this subsection;  
825 however,

826 (i) No conveyance used by any person as a common  
827 carrier in the transaction of business as a common carrier is  
828 subject to forfeiture under this section unless it appears that  
829 the owner or other person in charge of the conveyance is a  
830 consenting party or privy to a violation of this chapter or  
831 Chapter 31 of Title 97, Mississippi Code of 1972;

832 (ii) No conveyance is subject to forfeiture under  
833 this section by reason of any act or omission proved by the owner  
834 thereof to have been committed or omitted without his knowledge or  
835 consent; if the confiscating authority has reason to believe that  
836 the conveyance is a leased or rented conveyance, then the  
837 confiscating authority shall notify the owner of the conveyance  
838 within five (5) days of the confiscation; and

839 (iii) A forfeiture of a conveyance encumbered by a  
840 bona fide security interest is subject to the interest of the  
841 secured party if he neither had knowledge of nor consented to the  
842 act or omission;

843 (e) All money, deadly weapons, books, records and  
844 research products and materials, including formulas, microfilm,  
845 tapes and data which are used, or intended for use, in violation



846 of this chapter or Chapter 31 of Title 97, Mississippi Code of  
847 1972.

848 (3) Property subject to forfeiture may be seized by the  
849 Alcoholic Beverage Control Division and its agents, local law  
850 enforcement officers, Mississippi Highway Patrol officers and  
851 other law enforcement personnel charged by Section 67-1-91, with  
852 enforcing the provisions of this chapter upon process issued by  
853 any appropriate court having jurisdiction over the property.

854 Seizure without process may be made if:

855 (a) The seizure is incident to an arrest or a search  
856 under a search warrant or an administrative inspection under  
857 Section 67-1-37(k);

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

862 (c) The Alcoholic Beverage Control Division of  
863 the \* \* \* Department of Revenue and other law enforcement  
864 personnel described in this subsection have probable cause to  
865 believe that the property was used or is intended to be used in  
866 violation of this chapter or Chapter 31 of Article 97, Mississippi  
867 Code of 1972.

868 (4) Alcoholic beverages and raw materials seized or detained  
869 under the authority of this chapter or Chapter 31 of Title 97,  
870 Mississippi Code of 1972, is deemed to be in the custody of the



871 agent or agency so seizing the property and subject only to the  
872 orders and decrees of the court having jurisdiction over the  
873 property. When such property is seized it may be retained as  
874 evidence until final disposition of the cause in which such  
875 property is involved, and then the agent or agency so seizing the  
876 property shall physically transfer such alcoholic beverage or raw  
877 material to the Director of the Alcoholic Beverage Control  
878 Division of the \* \* \* Department of Revenue together with an  
879 appropriate inventory of the items seized. Alcoholic beverages  
880 and raw materials seized or detained under the authority of this  
881 section shall be disposed of in accordance with the provisions of  
882 Section 67-1-18.

883 (5) Any property other than alcoholic beverages and raw  
884 materials seized or detained pursuant to this chapter or Chapter  
885 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in  
886 the custody of the agent or agency so seizing the property and  
887 subject only to the orders and decrees of the court having  
888 jurisdiction over the property. When such property is seized it  
889 may be retained as evidence until the final disposition of the  
890 cause in which such property is involved. Property seized or  
891 detained other than alcoholic beverages or raw materials shall be  
892 disposed of in accordance with the provisions of Sections 67-1-93,  
893 67-1-95 and 67-1-97.

894 **SECTION 11.** Section 67-1-37, Mississippi Code of 1972, is  
895 amended as follows:



896           67-1-37. (1) The Department of Revenue, under its duties  
897 and powers with respect to the Alcoholic Beverage Control Division  
898 therein, shall have the following powers, functions and duties:

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

903           (b) To revoke, suspend or cancel, for violation of or  
904 noncompliance with the provisions of this chapter, or the law  
905 governing the production and sale of native wines, or any lawful  
906 rules and regulations of the department issued hereunder, or for  
907 other sufficient cause, any permit issued by it under the  
908 provisions of this chapter. The department shall also be  
909 authorized to suspend the permit of any permit holder for being  
910 out of compliance with an order for support, as defined in Section  
911 93-11-153. The procedure for suspension of a permit for being out  
912 of compliance with an order for support, and the procedure for the  
913 reissuance or reinstatement of a permit suspended for that  
914 purpose, and the payment of any fees for the reissuance or  
915 reinstatement of a permit suspended for that purpose, shall be  
916 governed by Section 93-11-157 or Section 93-11-163, as the case  
917 may be. If there is any conflict between any provision of Section  
918 93-11-157 or Section 93-11-163 and any provision of this chapter,  
919 the provisions of Section 93-11-157 or Section 93-11-163, as the  
920 case may be, shall control.



921 (c) To prescribe forms of permits and applications for  
922 permits and of all reports which it deems necessary in  
923 administering this chapter.

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

928 (e) To issue rules regulating the advertising of  
929 alcoholic beverages in the state in any class of media and  
930 permitting advertising of the retail price of alcoholic beverages.

931 (f) To issue reasonable rules and regulations, not  
932 inconsistent with the federal laws or regulations, requiring  
933 informative labeling of all alcoholic beverages offered for sale  
934 within this state and providing for the standards of fill and  
935 shapes of retail containers of alcoholic beverages; however, such  
936 containers shall not contain less than fifty (50) milliliters by  
937 liquid measure.

938 (g) Subject to the provisions of subsection (3) of  
939 Section 67-1-51, to issue rules and regulations governing the  
940 issuance of retail permits for premises located near or around  
941 schools, colleges, universities, churches and other public  
942 institutions, and specifying the distances therefrom within which  
943 no such permit shall be issued. The Alcoholic Beverage Control  
944 Division shall not issue a package retailer's or on-premises  
945 retailer's permit for the sale or consumption of alcoholic



946 beverages in or on the campus of any public school, community or  
947 junior college, college or university.

948 (h) To adopt and promulgate, repeal and amend, such  
949 rules, regulations, standards, requirements and orders, not  
950 inconsistent with this chapter or any law of this state or of the  
951 United States, as it deems necessary to control the manufacture,  
952 importation, transportation, distribution and sale of alcoholic  
953 liquor, whether intended for beverage or nonbeverage use in a  
954 manner not inconsistent with the provisions of this chapter or any  
955 other statute, including the native wine laws.

956 (i) To call upon other administrative departments of  
957 the state, county and municipal governments, county and city  
958 police departments and upon prosecuting officers for such  
959 information and assistance as it may deem necessary in the  
960 performance of its duties.

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

967 (k) To inspect, or cause to be inspected, any premises  
968 where alcoholic \* \* \* beverages intended for sale are  
969 manufactured, stored, distributed or sold, and to examine or cause



970 to be examined all books and records pertaining to the business  
971 conducted therein.

972 (l) To investigate the administration of laws in  
973 relation to alcoholic \* \* \* beverages in this and other states and  
974 any foreign countries, and to recommend from time to time to the  
975 Governor and through him to the Legislature of this state such  
976 amendments to this chapter, if any, as it may think desirable.

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

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

986 (o) To enforce the provisions made unlawful by Chapter  
987 3, Title 67 and Section 97-5-49.

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

991 (2) No alcoholic beverage shall be sold or consumed at any  
992 public athletic event at any public school, community or junior  
993 college, college or university.





994           **SECTION 12.** Section 67-1-51, Mississippi Code of 1972, is  
995 amended as follows:

996           67-1-51. (1) It shall be illegal to sell, manufacture,  
997 bottle or distribute alcoholic beverages without first obtaining  
998 an applicable permit authorizing such activity. Permits which may  
999 be issued by the department shall be as follows:

1000           (a) **Manufacturer's permit.** A manufacturer's permit  
1001 shall permit the manufacture, importation in bulk, bottling and  
1002 storage of alcoholic liquor and its distribution and sale to  
1003 manufacturers holding permits under this chapter in this state and  
1004 to persons outside the state who are authorized by law to purchase  
1005 the same, and to sell exclusively to the department.

1006           Manufacturer's permits shall be of the following classes:

1007           Class 1. Distiller's and/or rectifier's permit, which shall  
1008 authorize the holder thereof to operate a distillery for the  
1009 production of distilled spirits by distillation or redistillation  
1010 and/or to operate a rectifying plant for the purifying, refining,  
1011 mixing, blending, flavoring or reducing in proof of distilled  
1012 spirits and alcohol.

1013           Class 2. Wine manufacturer's permit, which shall authorize  
1014 the holder thereof to manufacture, import in bulk, bottle and  
1015 store wine or vinous liquor.

1016           Class 3. Native wine producer's permit, which shall  
1017 authorize the holder thereof to produce, bottle, store and sell  
1018 native wines.



1019           (b) **Package retailer's permit.** Except as otherwise  
1020 provided in this paragraph and Section 67-1-52, a package  
1021 retailer's permit shall authorize the holder thereof to operate a  
1022 store exclusively for the sale at retail in original sealed and  
1023 unopened packages of alcoholic beverages, including native wines,  
1024 not to be consumed on the premises where sold. Alcoholic  
1025 beverages shall not be sold by any retailer in any package or  
1026 container containing less than fifty (50) milliliters by liquid  
1027 measure. A package retailer's permit, with prior approval from  
1028 the department, shall authorize the holder thereof to sample new  
1029 product furnished by a manufacturer's representative or his  
1030 employees at the permitted place of business so long as the  
1031 sampling otherwise complies with this chapter and applicable  
1032 department regulations. Such samples may not be provided to  
1033 customers at the permitted place of business. In addition to the  
1034 sale at retail of packages of alcoholic beverages, the holder of a  
1035 package retailer's permit is authorized to sell at retail  
1036 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
1037 other beverages commonly used to mix with alcoholic beverages.  
1038 Nonalcoholic beverages sold by the holder of a package retailer's  
1039 permit shall not be consumed on the premises where sold.

1040           (c) **On-premises retailer's permit.** Except as otherwise  
1041 provided in subsection (5) of this section, an on-premises  
1042 retailer's permit shall authorize the sale of alcoholic beverages,  
1043 including native wines, for consumption on the licensed premises



1044 only; however, a patron of the permit holder may remove one (1)  
1045 bottle of wine from the licensed premises if: (i) the patron  
1046 consumed a portion of the bottle of wine in the course of  
1047 consuming a meal purchased on the licensed premises; (ii) the  
1048 permit holder securely reseals the bottle; (iii) the bottle is  
1049 placed in a bag that is secured in a manner so that it will be  
1050 visibly apparent if the bag is opened; and (iv) a dated receipt  
1051 for the wine and the meal is available. Such a permit shall be  
1052 issued only to qualified hotels, restaurants and clubs, and to  
1053 common carriers with adequate facilities for serving passengers.  
1054 In resort areas, whether inside or outside of a municipality, the  
1055 department, in its discretion, may issue on-premises retailer's  
1056 permits to such establishments as it deems proper. An on-premises  
1057 retailer's permit when issued to a common carrier shall authorize  
1058 the sale and serving of alcoholic beverages aboard any licensed  
1059 vehicle while moving through any county of the state; however, the  
1060 sale of such alcoholic beverages shall not be permitted while such  
1061 vehicle is stopped in a county that has \* \* \* voted to institute  
1062 prohibition, unless the vehicle is located in a municipality  
1063 wherein the sale of alcoholic beverages is legal. If an  
1064 on-premises retailer's permit is applied for by a common carrier  
1065 operating solely in the water, such common carrier must, along  
1066 with all other qualifications for a permit, (i) be certified to  
1067 carry at least one hundred fifty (150) passengers and/or provide  
1068 overnight accommodations for at least fifty (50) passengers and



1069 (ii) operate primarily in the waters within the State of  
1070 Mississippi which lie adjacent to the State of Mississippi south  
1071 of the three (3) most southern counties in the State of  
1072 Mississippi and/or on the Mississippi River or navigable waters  
1073 within any county bordering on the Mississippi River.

1074 (d) **Solicitor's permit.** A solicitor's permit shall  
1075 authorize the holder thereof to act as salesman for a manufacturer  
1076 or wholesaler holding a proper permit, to solicit on behalf of his  
1077 employer orders for alcoholic beverages, and to otherwise promote  
1078 his employer's products in a legitimate manner. Such a permit  
1079 shall authorize the representation of and employment by one (1)  
1080 principal only. However, the permittee may also, in the  
1081 discretion of the department, be issued additional permits to  
1082 represent other principals. No such permittee shall buy or sell  
1083 alcoholic beverages for his own account, and no such beverage  
1084 shall be brought into this state in pursuance of the exercise of  
1085 such permit otherwise than through a permit issued to a wholesaler  
1086 or manufacturer in the state.

1087 (e) **Native wine retailer's permit.** Except as otherwise  
1088 provided in subsection (5) of this section, a native wine  
1089 retailer's permit shall be issued only to a holder of a Class 3  
1090 manufacturer's permit, and shall authorize the holder thereof to  
1091 make retail sales of native wines to consumers for on-premises  
1092 consumption or to consumers in originally sealed and unopened



1093 containers at an establishment located on the premises of or in  
1094 the immediate vicinity of a native winery.

1095 (f) **Temporary retailer's permit.** Except as otherwise  
1096 provided in subsection (5) of this section, a temporary retailer's  
1097 permit shall permit the purchase and resale of alcoholic  
1098 beverages, including native wines, during legal hours on the  
1099 premises described in the temporary permit only.

1100 Temporary retailer's permits shall be of the following  
1101 classes:

1102 Class 1. A temporary one-day permit may be issued to bona  
1103 fide nonprofit civic or charitable organizations authorizing the  
1104 sale of alcoholic beverages, including native wine, for  
1105 consumption on the premises described in the temporary permit  
1106 only. Class 1 permits may be issued only to applicants  
1107 demonstrating to the department, by a statement signed under  
1108 penalty of perjury submitted ten (10) days prior to the proposed  
1109 date or such other time as the department may determine, that they  
1110 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
1111 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
1112 Class 1 permittees shall obtain all alcoholic beverages from  
1113 package retailers located in the county in which the temporary  
1114 permit is issued. Alcoholic beverages remaining in stock upon  
1115 expiration of the temporary permit may be returned by the  
1116 permittee to the package retailer for a refund of the purchase  
1117 price upon consent of the package retailer or may be kept by the



1118 permittee exclusively for personal use and consumption, subject to  
1119 all laws pertaining to the illegal sale and possession of  
1120 alcoholic beverages. The department, following review of the  
1121 statement provided by the applicant and the requirements of the  
1122 applicable statutes and regulations, may issue the permit.

1123       Class 2. A temporary permit, not to exceed seventy (70)  
1124 days, may be issued to prospective permittees seeking to transfer  
1125 a permit authorized in paragraph (c) of this subsection. A Class  
1126 2 permit may be issued only to applicants demonstrating to the  
1127 department, by a statement signed under the penalty of perjury,  
1128 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
1129 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
1130 67-1-59. The department, following a preliminary review of the  
1131 statement provided by the applicant and the requirements of the  
1132 applicable statutes and regulations, may issue the permit.

1133       Class 2 temporary permittees must purchase their alcoholic  
1134 beverages directly from the department or, with approval of the  
1135 department, purchase the remaining stock of the previous  
1136 permittee. If the proposed applicant of a Class 1 or Class 2  
1137 temporary permit falsifies information contained in the  
1138 application or statement, the applicant shall never again be  
1139 eligible for a retail alcohol beverage permit and shall be subject  
1140 to prosecution for perjury.

1141       Class 3. A temporary one-day permit may be issued to a  
1142 retail establishment authorizing the complimentary distribution of



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



1168 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
1169 the holder to engage in the business of a retailer of light wine  
1170 or beer.

1171 (g) **Caterer's permit.** A caterer's permit shall permit  
1172 the purchase of alcoholic beverages by a person engaging in  
1173 business as a caterer and the resale of alcoholic beverages by  
1174 such person in conjunction with such catering business. No person  
1175 shall qualify as a caterer unless forty percent (40%) or more of  
1176 the revenue derived from such catering business shall be from the  
1177 serving of prepared food and not from the sale of alcoholic  
1178 beverages and unless such person has obtained a permit for such  
1179 business from the Department of Health. A caterer's permit shall  
1180 not authorize the sale of alcoholic beverages on the premises of  
1181 the person engaging in business as a caterer; however, the holder  
1182 of an on-premises retailer's permit may hold a caterer's permit.  
1183 When the holder of an on-premises retailer's permit or an  
1184 affiliated entity of the holder also holds a caterer's permit, the  
1185 caterer's permit shall not authorize the service of alcoholic  
1186 beverages on a consistent, recurring basis at a separate, fixed  
1187 location owned or operated by the caterer, on-premises retailer or  
1188 affiliated entity and an on-premises retailer's permit shall be  
1189 required for the separate location. All sales of alcoholic  
1190 beverages by holders of a caterer's permit shall be made at the  
1191 location being catered by the caterer, and, except as otherwise  
1192 provided in subsection (5) of this section, such sales may be made





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

1211 (h) **Research permit.** A research permit shall authorize  
1212 the holder thereof to operate a research facility for the  
1213 professional research of alcoholic beverages. Such permit shall  
1214 authorize the holder of the permit to import and purchase limited  
1215 amounts of alcoholic beverages from the department or from  
1216 importers, wineries and distillers of alcoholic beverages for  
1217 professional research.



1218           (i) **Alcohol processing permit.** An alcohol processing  
1219 permit shall authorize the holder thereof to purchase, transport  
1220 and possess alcoholic beverages for the exclusive use in cooking,  
1221 processing or manufacturing products which contain alcoholic  
1222 beverages as an integral ingredient. An alcohol processing permit  
1223 shall not authorize the sale of alcoholic beverages on the  
1224 premises of the person engaging in the business of cooking,  
1225 processing or manufacturing products which contain alcoholic  
1226 beverages. The amounts of alcoholic beverages allowed under an  
1227 alcohol processing permit shall be set by the department.

1228           (j) **Hospitality cart permit.** A hospitality cart permit  
1229 shall authorize the sale of alcoholic beverages from a mobile cart  
1230 on a golf course that is the holder of an on-premises retailer's  
1231 permit. The alcoholic beverages sold from the cart must be  
1232 consumed within the boundaries of the golf course.

1233           (k) **Special service permit.** A special service permit  
1234 shall authorize the holder to sell commercially sealed alcoholic  
1235 beverages to the operator of a commercial or private aircraft for  
1236 en route consumption only by passengers. A special service permit  
1237 shall be issued only to a fixed-base operator who contracts with  
1238 an airport facility to provide fueling and other associated  
1239 services to commercial and private aircraft.

1240           (l) **Merchant permit.** Except as otherwise provided in  
1241 subsection (5) of this section, a merchant permit shall be issued  
1242 only to the owner of a spa facility, an art studio or gallery, or



1243 a cooking school, and shall authorize the holder to serve  
1244 complimentary by the glass wine only, including native wine, at  
1245 the holder's spa facility, art studio or gallery, or cooking  
1246 school. A merchant permit holder shall obtain all wine from the  
1247 holder of a package retailer's permit.

1248 (m) **Temporary alcoholic beverages charitable auction**  
1249 **permit.** A temporary permit, not to exceed five (5) days, may be  
1250 issued to a qualifying charitable nonprofit organization that is  
1251 exempt from taxation under Section 501(c)(3) or (4) of the  
1252 Internal Revenue Code of 1986. The permit shall authorize the  
1253 holder to sell alcoholic beverages for the limited purpose of  
1254 raising funds for the organization during a live or silent auction  
1255 that is conducted by the organization and that meets the following  
1256 requirements: (i) the auction is conducted in an area of the  
1257 state where the sale of alcoholic beverages is authorized; (ii) if  
1258 the auction is conducted on the premises of an on-premises  
1259 retailer's permit holder, then the alcoholic beverages to be  
1260 auctioned must be stored separately from the alcoholic beverages  
1261 sold, stored or served on the premises, must be removed from the  
1262 premises immediately following the auction, and may not be  
1263 consumed on the premises; (iii) the permit holder may not conduct  
1264 more than two (2) auctions during a calendar year; (iv) the permit  
1265 holder may not pay a commission or promotional fee to any person  
1266 to arrange or conduct the auction.



1267                   (n)   **Event venue retailer's permit.**   An event venue  
1268 retailer's permit shall authorize the holder thereof to purchase  
1269 and resell alcoholic beverages, including native wines, for  
1270 consumption on the premises during legal hours during events held  
1271 on the licensed premises if food is being served at the event by a  
1272 caterer who is not affiliated with or related to the permittee.  
1273 The caterer must serve at least three (3) entrees.   The permit may  
1274 only be issued for venues that can accommodate two hundred (200)  
1275 persons or more.   The number of persons a venue may accommodate  
1276 shall be determined by the local fire department and such  
1277 determination shall be provided in writing and submitted along  
1278 with all other documents required to be provided for an  
1279 on-premises retailer's permit.   The permittee must derive the  
1280 majority of its revenue from event-related fees, including, but  
1281 not limited to, admission fees or ticket sales for live  
1282 entertainment in the building.   "Event-related fees" do not  
1283 include alcohol, beer or light wine sales or any fee which may be  
1284 construed to cover the cost of alcohol, beer or light wine.   This  
1285 determination shall be made on a per event basis.   An event may  
1286 not last longer than two (2) consecutive days per week.

1287                   (o)   **Temporary theatre permit.**   A temporary theatre  
1288 permit, not to exceed five (5) days, may be issued to a charitable  
1289 nonprofit organization that is exempt from taxation under Section  
1290 501(c) (3) or (4) of the Internal Revenue Code and owns or operates  
1291 a theatre facility that features plays and other theatrical



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

1307           (p) **Charter ship operator's permit.** Subject to the  
1308 provisions of this paragraph (p), a charter ship operator's permit  
1309 shall authorize the holder thereof and its employees to serve,  
1310 monitor, store and otherwise control the serving and availability  
1311 of alcoholic beverages to customers of the permit holder during  
1312 private charters under contract provided by the permit holder. A  
1313 charter ship operator's permit shall authorize such action by the  
1314 permit holder and its employees only as to alcoholic beverages  
1315 brought onto the permit holder's ship by customers of the permit  
1316 holder as part of such a private charter. All such alcoholic



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

1330 (q) **Distillery retailer's permit.** The holder of a  
1331 Class 1 manufacturer's permit may obtain a distillery retailer's  
1332 permit. A distillery retailer's permit shall authorize the holder  
1333 thereof to sell at retail alcoholic beverages by the sealed and  
1334 unopened bottle from a retail location at the distillery for  
1335 off-premises consumption. The holder may only sell product  
1336 manufactured by the manufacturer at the distillery described in  
1337 the permit. The holder shall not sell at retail more than ten  
1338 percent (10%) of the alcoholic beverages produced annually at its  
1339 distillery. The holder shall not make retail sales of more than  
1340 two and twenty-five one-hundredths (2.25) liters, in the  
1341 aggregate, of the alcoholic beverages produced at its distillery



1342 to any one (1) individual for consumption off the premises of the  
1343 distillery within a twenty-four-hour period. The hours of sale  
1344 shall be the same as those hours for package retailers under this  
1345 chapter. The holder of a distillery retailer's permit is not  
1346 required to purchase the alcoholic beverages authorized to be sold  
1347 by this paragraph from the department's liquor distribution  
1348 warehouse; however, if the holder does not purchase the alcoholic  
1349 beverages from the department's liquor distribution warehouse, the  
1350 holder shall pay to the department all taxes, fees and surcharges  
1351 on the alcoholic beverages that are imposed upon the sale of  
1352 alcoholic beverages shipped by the Alcoholic Beverage Control  
1353 Division of the Department of Revenue. In addition to alcoholic  
1354 beverages, the holder of a distillery retailer's permit may sell  
1355 at retail promotional products from the same retail location,  
1356 including shirts, hats, glasses, and other promotional products  
1357 customarily sold by alcoholic beverage manufacturers.

1358 (2) Except as otherwise provided in subsection (4) of this  
1359 section, retail permittees may hold more than one (1) retail  
1360 permit, at the discretion of the department.

1361 (3) Except as otherwise provided in this subsection, no  
1362 authority shall be granted to any person to manufacture, sell or  
1363 store for sale any intoxicating liquor as specified in this  
1364 chapter within four hundred (400) feet of any church, school,  
1365 kindergarten or funeral home. However, within an area zoned



1366 commercial or business, such minimum distance shall be not less  
1367 than one hundred (100) feet.

1368 A church or funeral home may waive the distance restrictions  
1369 imposed in this subsection in favor of allowing issuance by the  
1370 department of a permit, pursuant to subsection (1) of this  
1371 section, to authorize activity relating to the manufacturing, sale  
1372 or storage of alcoholic beverages which would otherwise be  
1373 prohibited under the minimum distance criterion. Such waiver  
1374 shall be in written form from the owner, the governing body, or  
1375 the appropriate officer of the church or funeral home having the  
1376 authority to execute such a waiver, and the waiver shall be filed  
1377 with and verified by the department before becoming effective.

1378 The distance restrictions imposed in this subsection shall  
1379 not apply to the sale or storage of alcoholic beverages at a bed  
1380 and breakfast inn listed in the National Register of Historic  
1381 Places or to the sale or storage of alcoholic beverages in a  
1382 historic district that is listed in the National Register of  
1383 Historic Places, is a qualified resort area and is located in a  
1384 municipality having a population greater than one hundred thousand  
1385 (100,000) according to the latest federal decennial census.

1386 (4) No person, either individually or as a member of a firm,  
1387 partnership, limited liability company or association, or as a  
1388 stockholder, officer or director in a corporation, shall own or  
1389 control any interest in more than one (1) package retailer's  
1390 permit, nor shall such person's spouse, if living in the same





1391 household of such person, any relative of such person, if living  
1392 in the same household of such person, or any other person living  
1393 in the same household with such person own any interest in any  
1394 other package retailer's permit.

1395 (5) (a) In addition to any other authority granted under  
1396 this section, the holder of a permit issued under subsection  
1397 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
1398 sell or otherwise provide alcoholic beverages and/or wine to a  
1399 patron of the permit holder in the manner authorized in the permit  
1400 and the patron may remove an open glass, cup or other container of  
1401 the alcoholic beverage and/or wine from the licensed premises and  
1402 may possess and consume the alcoholic beverage or wine outside of  
1403 the licensed premises if: (i) the licensed premises is located  
1404 within a leisure and recreation district created under Section  
1405 67-1-101 and (ii) the patron remains within the boundaries of the  
1406 leisure and recreation district while in possession of the  
1407 alcoholic beverage or wine.

1408 (b) Nothing in this subsection shall be construed to  
1409 allow a person to bring any alcoholic beverages into a permitted  
1410 premises except to the extent otherwise authorized by this  
1411 chapter.

1412 **SECTION 13.** Section 67-1-57, Mississippi Code of 1972, is  
1413 amended as follows:

1414 67-1-57. Before a permit is issued the department shall  
1415 satisfy itself:



1416           (a) That the applicant, if an individual, or if a  
1417 partnership, each of the members of the partnership, or if a  
1418 corporation, each of its principal officers and directors, or if a  
1419 limited liability company, each member of the limited liability  
1420 company, is of good moral character and, in addition, enjoys a  
1421 reputation of being a peaceable, law-abiding citizen of the  
1422 community in which he resides, and is generally fit for the trust  
1423 to be reposed in him, is not less than twenty-one (21) years of  
1424 age, and has not been convicted of a felony in any state or  
1425 federal court.

1426           (b) That, except in the case of an application for a  
1427 solicitor's permit, the applicant is the true and actual owner of  
1428 the business for which the permit is desired, and that he intends  
1429 to carry on the business authorized for himself and not as the  
1430 agent of any other person, and that he intends to superintend in  
1431 person the management of the business or that he will designate a  
1432 manager to manage the business for him. All managers must be  
1433 approved by the department prior to completing any managerial  
1434 tasks on behalf of the permittee and must possess all of the  
1435 qualifications required of a permittee; however, a felony  
1436 conviction, other than a crime of violence, does not automatically  
1437 disqualify a person from being approved as a manager if the person  
1438 was released from incarceration at least three (3) years prior to  
1439 application for approval as a manager. A felony conviction, other



1440 than a crime of violence, may be considered by the department in  
1441 determining whether all other qualifications are met.

1442 (c) That the applicant for a package retailer's permit,  
1443 if an individual, is a resident of the State of Mississippi. If  
1444 the applicant is a partnership, each member of the partnership  
1445 must be a resident of the state. If the applicant is a limited  
1446 liability company, each member of the limited liability company  
1447 must be a resident of the state. If the applicant is a  
1448 corporation, the designated manager of the corporation must be a  
1449 resident of the state.

1450 (d) That the place for which the permit is to be issued  
1451 is an appropriate one considering the character of the premises  
1452 and the surrounding neighborhood.

1453 (e) That the place for which the permit is to be issued  
1454 is within the corporate limits of an incorporated municipality or  
1455 qualified resort area or club which comes within the provisions of  
1456 this chapter.

1457 (f) That the applicant is not indebted to the state for  
1458 any taxes, fees or payment of penalties imposed by any law of the  
1459 State of Mississippi or by any rule or regulation of the \* \* \*  
1460 department.

1461 (g) That the applicant is not in the habit of using  
1462 alcoholic beverages to excess and is not physically or mentally  
1463 incapacitated, and that the applicant has the ability to read and  
1464 write the English language.



1465           (h) That the \* \* \* department does not believe and has  
1466 no reason to believe that the applicant will sell or knowingly  
1467 permit any agent, servant or employee to unlawfully sell liquor  
1468 in \* \* \* an area in which prohibition is instituted or in any  
1469 other manner contrary to law.

1470           (i) That the applicant is not residentially domiciled  
1471 with any person whose permit or license has been cancelled for  
1472 cause within the twelve (12) months next preceding the date of the  
1473 present application for a permit.

1474           (j) That the \* \* \* department has not, in the exercise  
1475 of its discretion which is reserved and preserved to it, refused  
1476 to grant permits under the restrictions of this section, as well  
1477 as under any other pertinent provision of this chapter.

1478           (k) That there are not sufficient legal reasons to deny  
1479 a permit on the ground that the premises for which the permit is  
1480 sought has previously been operated, used or frequented for any  
1481 purpose or in any manner that is lewd, immoral or offensive to  
1482 public decency. In the granting or withholding of any permit to  
1483 sell alcoholic beverages at retail, the \* \* \* department in  
1484 forming its conclusions may give consideration to any  
1485 recommendations made in writing by the district or county attorney  
1486 or county, circuit or chancery judge of the county, or the sheriff  
1487 of the county, or the mayor or chief of police of an incorporated  
1488 city or town wherein the applicant proposes to conduct his



1489 business and to any recommendations made by representatives of  
1490 the \* \* \* department.

1491 (1) That the applicant and the applicant's key  
1492 employees, as determined by the \* \* \* department, do not have a  
1493 disqualifying criminal record. In order to obtain a criminal  
1494 record history check, the applicant shall submit to the commission  
1495 a set of fingerprints from any local law enforcement agency for  
1496 each person for whom the records check is required. The  
1497 commission shall forward the fingerprints to the Mississippi  
1498 Department of Public Safety. If no disqualifying record is  
1499 identified at the state level, the Department of Public Safety  
1500 shall forward the fingerprints to the Federal Bureau of  
1501 Investigation for a national criminal history record check. Costs  
1502 for processing the set or sets of fingerprints shall be borne by  
1503 the applicant. The \* \* \* department shall not deny employment to  
1504 an employee of the applicant prior to the identification of a  
1505 disqualifying record or other disqualifying information.

1506 **SECTION 14.** Section 67-1-85, Mississippi Code of 1972, is  
1507 amended as follows:

1508 67-1-85. (1) The holder of a package retailer's permit may  
1509 have signs, lighted or otherwise, on the outside of the premises  
1510 covered by his permit which advertise, announce or advise of the  
1511 sale of alcoholic beverages in or on said premises. Wherever the  
1512 sign is located on the premises, the name of the business shall



1513 also include the permit number thereof, preceded by the words  
1514 "A.B.C. Permit No."

1515 (2) It shall be lawful to advertise alcoholic beverages by  
1516 means of signs, billboards or displays on or along any road,  
1517 highway, street or building.

1518 (3) It shall be lawful for publishers, broadcasters and  
1519 other kinds, types or forms of public and private advertising  
1520 media to advertise alcoholic beverages; however, no alcoholic  
1521 beverages may be advertised during, or within five (5) minutes  
1522 preceding or following, any television broadcast which consists  
1523 primarily of animated material intended for viewing by young  
1524 children.

1525 (4) Notwithstanding the provisions of this section to the  
1526 contrary, it shall be unlawful to advertise alcoholic beverages by  
1527 means of signs, billboards or displays in any municipality, county  
1528 or judicial district \* \* \* that has voted to institute  
1529 prohibition.

1530 **SECTION 15.** Section 67-1-91, Mississippi Code of 1972, is  
1531 amended as follows:

1532 67-1-91. (1) It is hereby made the duty of every police and  
1533 peace officer and every district and county attorney and the  
1534 Alcoholic Beverage Control Division of the \* \* \* Department of  
1535 Revenue to enforce the provisions of this chapter and to inform  
1536 against and diligently prosecute persons whom they have reasonable  
1537 cause to believe to be offenders against the provisions thereof.



1538 Every such officer refusing or neglecting to do so shall be guilty  
1539 of a misdemeanor, and the court, in addition to imposing the  
1540 penalty therefor, shall adjudge forfeiture of his office.

1541 (2) In any county or municipality where it is readily  
1542 apparent that local law enforcement authorities in cooperation  
1543 with the agents and inspectors provided by the \* \* \* department  
1544 cannot control the illegal sale of alcoholic beverages, the \* \* \*  
1545 department shall request such assistance as it may deem necessary  
1546 from the Mississippi Highway Safety Patrol; and it shall be the  
1547 duty of the Governor of the State of Mississippi to see that the  
1548 laws of the state are properly enforced by use of the additional  
1549 authority as herein provided.

1550 (3) The officers, agents and representatives of the \* \* \*  
1551 Department of Revenue and the Alcoholic Beverage Control Division  
1552 thereof are authorized and directed to strictly enforce the \* \* \*  
1553 provisions of this chapter and any other provisions of law  
1554 regulating the proper sale, possession, distribution and  
1555 transportation of alcoholic beverages, and, in such counties that  
1556 vote to institute prohibition, enforce such prohibition on the  
1557 sale, possession, distribution and transportation, except as  
1558 provided herein, of alcoholic beverages within the boundaries of  
1559 such counties. The State Highway Patrol, sheriffs, police  
1560 departments, constables, and all peace officers, and prosecuting  
1561 attorneys, the Attorney General's office, district attorneys,  
1562 county attorneys, city attorneys, and all others charged with



1563 upholding the law, as well as the citizenry of this state, are  
1564 hereby urged and directed to uphold the dignity of the law, to  
1565 foster public respect therefor and to strictly enforce the laws  
1566 against \* \* \* alcoholic beverages in all cases while operating a  
1567 motor vehicle on the streets and highways of this state, and to  
1568 enforce the law and prosecute against the wrongful use of \* \* \*  
1569 alcoholic beverages in any county or municipality by a permit  
1570 holder or licensee or anyone else under such circumstances and  
1571 conditions as would lead to a breakdown in public law or is  
1572 violative of the public sense of common decency, as well as to  
1573 enforce the law against gambling, organized crime, or social vice  
1574 and corruption.

1575       **SECTION 16.** Section 67-1-101, Mississippi Code of 1972, is  
1576 amended as follows:

1577       67-1-101. (1) For the purposes of this section, the  
1578 following words shall have the following meanings ascribed in this  
1579 section, unless the context clearly otherwise requires:

1580           (a) "Municipality" means any incorporated city, town or  
1581 village that has voted in favor of coming out from under the dry  
1582 law or is in a county that has voted in favor of coming out from  
1583 under the dry law.

1584           (b) "Leisure and recreation district" means an area  
1585 officially designated by ordinance or resolution of the governing  
1586 authorities of a municipality or county as a leisure and  
1587 recreation district.





1588 (c) "County" means any county that has voted in favor  
1589 of coming out from under the dry law.

1590 (2) (a) Subject to the provisions of this section, the  
1591 governing authorities of a municipality, by ordinance, may  
1592 establish one or more leisure and recreation districts within the  
1593 corporate boundaries of the municipality and designate the  
1594 geographic area or areas to be included within a district. The  
1595 governing authorities of a municipality, by ordinance, may modify  
1596 the boundaries of a leisure and recreation district. In addition,  
1597 the boundaries of a leisure and recreation district may extend  
1598 from within the municipality into the unincorporated area of the  
1599 county in which the municipality is located if the county consents  
1600 to the extension and has not voted in favor of \* \* \* instituting  
1601 prohibition.

1602 (b) Subject to the provisions of this section, the  
1603 board of Supervisors of a county, by resolution, may establish one  
1604 or more leisure and recreation districts within the county that  
1605 are outside the corporate limits of any municipality in the county  
1606 and designate the geographic area or areas to be included within  
1607 the districts.

1608 (c) The designation or modification of the geographic  
1609 area or areas as a leisure and recreation district shall include a  
1610 detailed description of the area or areas within the district,  
1611 boundaries of the district and a georeferenced map of the  
1612 district. In addition to any other matters addressed in an



1613 ordinance or resolution establishing or modifying a leisure and  
1614 recreation district, a municipality or county, as the case may be,  
1615 must describe the manner in which the municipality or county, as  
1616 the case may be, will provide for adequate law enforcement and  
1617 other public safety measures and services within the district.  
1618 Following the establishment and/or modification of a leisure and  
1619 recreation district, the municipality or county, as the case may  
1620 be, shall provide the Department of Revenue with (i) a copy of any  
1621 ordinance or resolution relating to the establishment or  
1622 modification of the district, (ii) verification from the municipal  
1623 police department and/or applicable sheriff's department  
1624 indicating how such department will provide adequate law  
1625 enforcement and other public safety measures and services within  
1626 the district, and (iii) a list of persons or other entities that  
1627 hold permits issued under Section 67-1-51(c), (e), (f), (g), (l),  
1628 (n) or (o) and are located and/or doing business under such  
1629 permits in the district at the time the district is established.

1630       **SECTION 17.** Section 67-9-1, Mississippi Code of 1972, is  
1631 amended as follows:

1632       67-9-1. Notwithstanding the provisions of any section of  
1633 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for  
1634 any person holding an alcohol processing permit to transport and  
1635 possess alcoholic beverages, light wine and beer, in any part of  
1636 the state, for his or her use in cooking, processing or  
1637 manufacturing products which contain alcoholic beverages as an



1638 integral ingredient, in amounts as limited by the Alcoholic  
1639 Beverage Control Division of the \* \* \* Department of Revenue. The  
1640 authority to transport and possess alcoholic beverages, light wine  
1641 and beer under this section exists regardless of whether (a) the  
1642 county or municipality in which the transportation or possession  
1643 takes place has voted for \* \* \* instituting prohibition, or (b)  
1644 the transportation, storage, sale, distribution, receipt or  
1645 manufacture of light wine and beer otherwise is prohibited.

1646 The provisions of this section shall not be construed as  
1647 amending, repealing or otherwise affecting any statute or any  
1648 lawfully adopted ordinance, rule or regulation that prohibits or  
1649 restricts the location at which, or the premises upon which,  
1650 alcoholic beverages, light wine or beer may be sold or consumed.

1651 **SECTION 18.** Section 97-31-47, Mississippi Code of 1972, is  
1652 amended as follows:

1653 97-31-47. It shall be unlawful for any transportation  
1654 company, or any agent, employee, or officer of such company, or  
1655 any other person, or corporation to transport into or deliver in  
1656 this state in any manner or by any means any spirituous, vinous,  
1657 malt, or other intoxicating liquors or drinks, or for any such  
1658 person, company, or corporation to transport any spirituous, malt,  
1659 vinous, or intoxicating liquors or drinks from one place within  
1660 this state to another place within the state, or from one (1)  
1661 point within this state to any point without the state, except in  
1662 cases where this chapter \* \* \*, Title 27, Mississippi Code of



1663 1972, or Title 67, Mississippi Code of 1972, authorizes the  
1664 transportation.

1665 **SECTION 19.** Section 27-71-15, Mississippi Code of 1972, is  
1666 amended as follows:

1667 27-71-15. Except as otherwise provided in Section 67-9-1 for  
1668 the transportation of limited amounts of alcoholic beverages for  
1669 the use of an alcohol processing permittee, if transportation  
1670 requires passage through a county which has \* \* \* voted to  
1671 institute prohibition, such transportation shall be by a sealed  
1672 vehicle. Such seal shall remain unbroken until the vehicle shall  
1673 reach the place of business operated by the permittee. The  
1674 operator of any vehicle transporting alcoholic beverages shall  
1675 have in his possession an invoice issued by the \* \* \* department  
1676 at the time of the wholesale sale covering the merchandise  
1677 transported by the vehicle. The \* \* \* department is authorized to  
1678 issue regulations controlling the transportation of alcoholic  
1679 beverages.

1680 When the restrictions imposed by this section and by the  
1681 regulation of the \* \* \* department have not been violated, the  
1682 person transporting alcoholic beverages through a county wherein  
1683 the sale of alcoholic beverages is prohibited shall not be guilty  
1684 of unlawful possession and such merchandise shall be immune from  
1685 seizure.

1686 **SECTION 20.** Section 27-71-31, Mississippi Code of 1972, is  
1687 amended as follows:



1688           27-71-31. Nothing herein shall be construed to make \* \* \*  
1689 unlawful the sale, possession, distribution or transportation of  
1690 alcoholic beverages in this state, except to the extent, in the  
1691 manner and in the localities that same shall be made \* \* \*  
1692 unlawful by the institution of prohibition.

1693           **SECTION 21.** Section 67-1-41, Mississippi Code of 1972, is  
1694 brought forward as follows:

1695           67-1-41. (1) The department is hereby created a wholesale  
1696 distributor and seller of alcoholic beverages, not including malt  
1697 liquors, within the State of Mississippi. It is granted the sole  
1698 right to import and sell intoxicating liquors at wholesale within  
1699 the state, and no person who is granted the right to sell,  
1700 distribute or receive intoxicating liquors at retail shall  
1701 purchase any intoxicating liquors from any source other than the  
1702 department except as authorized in subsections (4) and (9). The  
1703 department may establish warehouses, purchase intoxicating liquors  
1704 in such quantities and from such sources as it may deem desirable  
1705 and sell the intoxicating liquors to authorized permittees within  
1706 the state including, at the discretion of the department, any  
1707 retail distributors operating within any military post or  
1708 qualified resort areas within the boundaries of the state, keeping  
1709 a correct and accurate record of all such transactions and  
1710 exercising such control over the distribution of alcoholic  
1711 beverages as seem right and proper in keeping with the provisions  
1712 or purposes of this chapter.



1713           (2) No person for the purpose of sale shall manufacture,  
1714 distill, brew, sell, possess, export, transport, distribute,  
1715 warehouse, store, solicit, take orders for, bottle, rectify,  
1716 blend, treat, mix or process any alcoholic beverage except in  
1717 accordance with authority granted under this chapter, or as  
1718 otherwise provided by law for native wines.

1719           (3) No alcoholic beverage intended for sale or resale shall  
1720 be imported, shipped or brought into this state for delivery to  
1721 any person other than as provided in this chapter, or as otherwise  
1722 provided by law for native wines.

1723           (4) The department may promulgate rules and regulations  
1724 which authorize on-premises retailers to purchase limited amounts  
1725 of alcoholic beverages from package retailers and for package  
1726 retailers to purchase limited amounts of alcoholic beverages from  
1727 other package retailers. The department shall develop and provide  
1728 forms to be completed by the on-premises retailers and the package  
1729 retailers verifying the transaction. The completed forms shall be  
1730 forwarded to the department within a period of time prescribed by  
1731 the department.

1732           (5) The department may promulgate rules which authorize the  
1733 holder of a package retailer's permit to permit individual retail  
1734 purchasers of packages of alcoholic beverages to return, for  
1735 exchange, credit or refund, limited amounts of original sealed and  
1736 unopened packages of alcoholic beverages purchased by the  
1737 individual from the package retailer.



1738           (6) The department shall maintain all forms to be completed  
1739 by applicants necessary for licensure by the department at all  
1740 district offices of the department.

1741           (7) The department may promulgate rules which authorize the  
1742 manufacturer of an alcoholic beverage or wine to import, transport  
1743 and furnish or give a sample of alcoholic beverages or wines to  
1744 the holders of package retailer's permits, on-premises retailer's  
1745 permits, native wine retailer's permits and temporary retailer's  
1746 permits who have not previously purchased the brand of that  
1747 manufacturer from the department. For each holder of the  
1748 designated permits, the manufacturer may furnish not more than  
1749 five hundred (500) milliliters of any brand of alcoholic beverage  
1750 and not more than three (3) liters of any brand of wine.

1751           (8) The department may promulgate rules disallowing open  
1752 product sampling of alcoholic beverages or wines by the holders of  
1753 package retailer's permits and permitting open product sampling of  
1754 alcoholic beverages by the holders of on-premises retailer's  
1755 permits. Permitted sample products shall be plainly identified  
1756 "sample" and the actual sampling must occur in the presence of the  
1757 manufacturer's representatives during the legal operating hours of  
1758 on-premises retailers.

1759           (9) The department may promulgate rules and regulations that  
1760 authorize the holder of a research permit to import and purchase  
1761 limited amounts of alcoholic beverages from importers, wineries  
1762 and distillers of alcoholic beverages or from the department. The



1763 department shall develop and provide forms to be completed by the  
1764 research permittee verifying each transaction. The completed  
1765 forms shall be forwarded to the department within a period of time  
1766 prescribed by the department. The records and inventory of  
1767 alcoholic beverages shall be open to inspection at any time by the  
1768 Director of the Alcoholic Beverage Control Division or any duly  
1769 authorized agent.

1770 (10) This section shall not apply to alcoholic beverages  
1771 authorized to be sold by the holder of a distillery retailer's  
1772 permit.

1773 **SECTION 22.** Section 67-1-65, Mississippi Code of 1972, is  
1774 brought forward as follows:

1775 67-1-65. In any county having heretofore voted, or which  
1776 hereafter votes, to come out from under the prohibition law, in  
1777 which there is not located an incorporated municipality within  
1778 such county, the state tax commission may issue package retailer's  
1779 permits in such county.

1780 **SECTION 23.** Section 67-1-72, Mississippi Code of 1972, is  
1781 brought forward as follows:

1782 67-1-72. (1) Except as otherwise provided in this chapter,  
1783 any applicant or holder of a permit issued under this chapter  
1784 which is aggrieved by an action of the Department of Revenue to  
1785 deny his application for a permit, to deny the renewal of his  
1786 permit or to revoke or suspend his permit shall be allowed to  
1787 appeal to the Board of Tax Appeals from this action. This appeal





1788 is to be filed by the aggrieved person with the Executive Director  
1789 of the Board of Tax Appeals, with a copy being sent to the  
1790 Department of Revenue, within fifteen (15) days from the date that  
1791 person received notice of the action of the department being  
1792 aggrieved. If the person aggrieved fails to appeal within this  
1793 fifteen-day period, the action of the Department of Revenue shall  
1794 take effect as set out in the notice. The Department of Revenue  
1795 retains the authority to change at any time the action aggrieved  
1796 to in an appeal under this subsection. The applicant or holder of  
1797 any permit issued under this chapter may waive his right to notice  
1798 and opportunity to a hearing as provided by this subsection and  
1799 agree to the action being taken by the department. The inability  
1800 of the Department of Revenue to issue or renew a permit due to an  
1801 incomplete application or due to the failure of the applicant to  
1802 pay the annual privilege taxes and fees provided by Section  
1803 27-71-5 and/or the failure of the applicant to post or deposit the  
1804 bond, cash or securities as required by Section 27-71-21 shall not  
1805 constitute a denial for purposes of this subsection.

1806 (2) Any applicant for approval as a manager of an  
1807 establishment operating under a permit issued under this chapter  
1808 or who holds the designation of an approved manager of an  
1809 establishment operating under a permit issued under this chapter  
1810 and who is aggrieved by an action of the Department of Revenue to  
1811 deny his application for approval as a manager or to revoke or  
1812 suspend his designation as an approved manager shall be allowed to



1813 appeal to the Board of Tax Appeals from this action. This appeal  
1814 is to be filed by the aggrieved person with the Executive Director  
1815 of the Board of Tax Appeals, with a copy being sent to the  
1816 Department of Revenue, within fifteen (15) days from the date that  
1817 person received notice of the action of the department being  
1818 aggrieved. If the person aggrieved fails to appeal within this  
1819 fifteen-day period, the action of the Department of Revenue shall  
1820 take effect as set out in the notice. The Department of Revenue  
1821 retains the authority to change at any time the action aggrieved  
1822 to in an appeal under this subsection. The applicant or holder of  
1823 an approved manager designation may waive his right to notice and  
1824 opportunity to a hearing as provided by this subsection and agree  
1825 to the action being taken by the department. The inability of the  
1826 Department of Revenue to consider an application for approval of  
1827 an applicant as a manager due to an incomplete application shall  
1828 not constitute a denial of the application for purposes of this  
1829 subsection.

1830 (3) Any applicant for approval of an area or locality as a  
1831 qualified resort area under this chapter who is aggrieved by the  
1832 decision of the Department of Revenue to deny the qualified resort  
1833 area as requested and any county or municipality wherein the  
1834 proposed qualified resort area is located may appeal to the Board  
1835 of Tax Appeals from such decision. This appeal is to be filed by  
1836 the aggrieved applicant or by the affected county or municipality  
1837 with the Executive Director of the Board of Tax Appeals, with a



1838 copy being sent to the Department of Revenue, within fifteen (15)  
1839 days from the date that the person or entity filing the appeal  
1840 received notice of the decision of the Department of Revenue to  
1841 deny the qualified resort area. If an appeal is not filed within  
1842 this fifteen-day period, the decision of the Department of Revenue  
1843 shall become final. The Department of Revenue retains the  
1844 authority to change at any time the decision aggrieved to in an  
1845 appeal under this subsection. The inability of the Department of  
1846 Revenue to consider an application for the approval of an area or  
1847 locality as a qualified resort area due to an incomplete  
1848 application shall not constitute a denial of that application for  
1849 purposes of this subsection.

1850 (4) Any person, including any county or municipality in  
1851 which the qualified resort area is located, who is aggrieved by  
1852 the decision of the Department of Revenue to revoke the approval  
1853 of an area or locality as a qualified resort area may appeal to  
1854 the Board of Tax Appeals from such decision. This appeal is to be  
1855 filed by the aggrieved person with the Executive Director of the  
1856 Board of Tax Appeals, with a copy being sent to the Department of  
1857 Revenue, within fifteen (15) days from the date that the person or  
1858 entity filing the appeal received notice of the decision of the  
1859 department to revoke approval of the qualified resort area. At  
1860 the discretion of the Department of Revenue, in addition to any  
1861 other notice to be provided under this subsection, the department  
1862 may provide notice of its decision to revoke approval of the



1863 qualified resort area by publication in the same manner as  
1864 provided by regulation when approval of a qualified resort area is  
1865 sought. In regard to such publication, the fifteen-day period  
1866 provided herein will begin on the date that notice is first  
1867 published. If an appeal is not filed within this fifteen-day  
1868 period, the decision of the Department of Revenue shall become  
1869 final. The Department of Revenue retains the authority to change  
1870 at any time the decision aggrieved to in an appeal under this  
1871 subsection.

1872 (5) Any person objecting to an application for the issuance  
1873 or transfer of a permit, other than a temporary retailer's permit,  
1874 issued under this chapter and who timely requests in writing a  
1875 hearing on his objection shall be given a hearing before the Board  
1876 of Tax Appeals unless the permit is denied by the Department of  
1877 Revenue and an appeal is not taken by the applicant to the Board  
1878 of Tax Appeals from that denial or the applicant withdraws his  
1879 application. Any written request for a hearing on an objection  
1880 must be filed with the Department of Revenue within fifteen (15)  
1881 days from the first date of publication of the notice of such  
1882 application under Section 67-1-53. If the department determines  
1883 that the permit should be denied, notice will be provided to the  
1884 applicant as set out in subsection (1) of this section, and if the  
1885 applicant timely requests a hearing on the denial as provided by  
1886 this subsection (5), the department will advise the Executive  
1887 Director of the Board of Tax Appeals and the applicant of the



1888 written request for a hearing on an objection to the permit. The  
1889 hearing on the objection to the permit and the hearing on the  
1890 appeal by the applicant from the denial of the department of the  
1891 application shall be consolidated and heard by the Board of Tax  
1892 Appeals at the same time. If the department determines that the  
1893 permit should be issued, the department will advise the applicant  
1894 and the Executive Director of the Board of Tax Appeals of the  
1895 timely written request for a hearing on an objection to the  
1896 application and a hearing will be set before the Board of Tax  
1897 Appeals on this objection. If prior to the hearing, either the  
1898 person requesting the hearing withdraws his request or the  
1899 applicant withdraws his application, the hearing will be cancelled  
1900 and the objection proceedings before the Board of Tax Appeals on  
1901 the application will be dismissed as moot. In the case of such  
1902 withdrawals, the Board of Tax Appeals is authorized to assess to  
1903 either or both parties any costs incurred by it prior to such  
1904 withdrawal. The Department of Revenue retains authority to issue  
1905 the permit to the applicant where the person objecting to the  
1906 application withdraws his request for a hearing.

1907 (6) Any person objecting to an application for approval by  
1908 the Department of Revenue of a area or locality as a qualified  
1909 resort area under this chapter and who timely requests in writing  
1910 a hearing on his objection shall be given a hearing before the  
1911 Board of Tax Appeals unless approval of the application is denied  
1912 by the Department of Revenue and an appeal is not taken by the



1913 applicant or the county or municipality in which the proposed  
1914 qualified resort area is located to the Board of Tax Appeals from  
1915 that denial or the applicant withdraws his application. Any  
1916 written request for a hearing on an objection must be filed with  
1917 the Department of Revenue within fifteen (15) days from the first  
1918 date of publication of the notice of such application as provided  
1919 by regulation. If the department determines that the application  
1920 for approval of the proposed area or locality as a qualified  
1921 resort area should be denied, the department will proceed with  
1922 denial of such application as set out in subsection (3) of this  
1923 section, and if the applicant or the county or municipality in  
1924 which the proposed qualified resort area is located timely  
1925 requests a hearing on the denial as provided by subsection (3) of  
1926 this section, the department will advise the Executive Director of  
1927 the Board of Tax Appeals and the applicant of the written request  
1928 for a hearing on an objection to the application. The hearing on  
1929 the objection to approval of the proposed qualified resort area  
1930 and the hearing on the appeal from the denial of the department of  
1931 the application for such approval shall be consolidated and heard  
1932 by the Board of Tax Appeals at the same time. If the department  
1933 determines that the proposed qualified resort area should be  
1934 approved, the department will advise the applicant and the  
1935 Executive Director of the Board of Tax Appeals of the timely  
1936 written request for a hearing on an objection to the application  
1937 and a hearing will be set before the Board of Tax Appeals on this



1938 objection. If prior to the hearing, either the person requesting  
1939 the hearing withdraws his request or the applicant withdraws his  
1940 application, the hearing will be cancelled and the objection  
1941 proceedings before the Board of Tax Appeals on the application  
1942 will be dismissed as moot. In the case of such withdrawals, the  
1943 Board of Tax Appeals is authorized to assess to either or both  
1944 parties any costs incurred by it prior to such withdrawal. The  
1945 Department of Revenue retains authority to approve the proposed  
1946 area or locality as a qualified resort area where the person  
1947 objecting to the application withdraws his request for a hearing.

1948 (7) Any person having an interest in any alcoholic  
1949 beverages, light wine, beer or raw materials which the Department  
1950 of Revenue intends to dispose of under Section 67-1-18 shall be  
1951 given reasonable notice of this proposed disposal, and upon such  
1952 notice, this person may request a hearing before the Board of Tax  
1953 Appeals to establish his right or claim to this property. This  
1954 request for a hearing shall be filed with the Board of Tax  
1955 Appeals, with a copy sent to the Department of Revenue, within  
1956 fifteen (15) days from the date of receipt of the notice provided  
1957 above by the person filing the request. If a request is not  
1958 received by the Board of Tax Appeals within this fifteen-day  
1959 period, the department may order the property disposed of in  
1960 accordance with Section 67-1-18.

1961 (8) Upon receipt of a written request for hearing or appeal  
1962 as set out above, the executive director shall schedule a hearing



1963 before the Board of Tax Appeals on this request or appeal. A  
1964 notice of the hearing shall be mailed to all persons or entities  
1965 having an interest in the matter being heard which shall always  
1966 include the person or entity filing the request or appeal for  
1967 which the hearing is being set, the applicant or holder of any  
1968 permit, approved manager status or qualified resort area status in  
1969 issue, any person who filed a written request for a hearing on an  
1970 objection to any application in issue and the Department of  
1971 Revenue. This notice shall provide the date, time and location of  
1972 the hearing. Mailing to the attorney representing a person or  
1973 entity in the matter being heard shall be the same as mailing to  
1974 the person or entity the attorney represents. Failure of the  
1975 person or entity on whose request or appeal the matter was set for  
1976 hearing to appear personally or through his designated  
1977 representative at the hearing shall constitute an involuntary  
1978 withdrawal of his request or appeal. Upon such withdrawal, the  
1979 Board of Tax Appeals shall note on the record the failure of the  
1980 person or entity to appear at the hearing and shall dismiss the  
1981 request or appeal and remand the matter back to the Department of  
1982 Revenue for appropriate action.

1983 (9) At any hearing before the Board of Tax Appeals on an  
1984 appeal or hearing request as set out above, two (2) members of the  
1985 Board of Tax Appeals shall constitute a quorum. At the hearing,  
1986 the Board of Tax Appeals shall try the issues presented according  
1987 to law and the facts and pursuant to any guidelines established by





1988 regulation. The rules of evidence shall be relaxed at the hearing  
1989 and the hearing shall be recorded by a court reporter. After  
1990 reaching a decision on the issues presented, the Board of Tax  
1991 Appeals shall enter an order setting forth its findings and  
1992 decision in the matter. A copy of the order of the Board of Tax  
1993 Appeals shall be mailed to the person or entity filing the request  
1994 or appeal which was heard, the applicant or holder of any permit,  
1995 approved manager status or qualified resort area status in issue,  
1996 any person who filed a written request for a hearing on an  
1997 objection to any application in issue and the Department of  
1998 Revenue to notify them of the findings and decision of the Board  
1999 of Tax Appeals.

2000 **SECTION 24.** Section 67-3-5, Mississippi Code of 1972, is  
2001 brought forward as follows:

2002 67-3-5. (1) It shall be lawful, subject to the provisions  
2003 set forth in this chapter, in this state to transport, store,  
2004 sell, distribute, possess, receive and/or manufacture wine and  
2005 beer, and it is hereby declared that it is the legislative intent  
2006 that this chapter privileges the lawful sale and manufacture,  
2007 within this state, of such light wines and beer. In determining  
2008 if a wine product is "light wine," or contains an alcoholic  
2009 content of more than five percent (5%) by weight, or is not an  
2010 "alcoholic beverage" as defined in the Local Option Alcoholic  
2011 Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of  
2012 1972, the alcoholic content of such wine product shall be subject



2013 to the same permitted tolerance as is allowed by the labeling  
2014 requirements for light wine provided for in Section 27-71-509.

2015 (2) Subject to the provisions set forth in this chapter, it  
2016 shall be lawful in this state to transport, store, sell,  
2017 distribute, possess, receive, and/or manufacture beer of an  
2018 alcoholic content of more than eight percent (8%) by weight, if  
2019 the beer is manufactured to be sold legally in another state and  
2020 is transported outside of this state for retail sale.

2021 **SECTION 25.** Section 67-3-7, Mississippi Code of 1972, is  
2022 brought forward as follows:

2023 67-3-7. (1) If any county, at an election held for the  
2024 purpose under the election laws of the state, shall by a majority  
2025 vote of the duly qualified electors voting in the election  
2026 determine that the transportation, storage, sale, distribution,  
2027 receipt and/or manufacture of wine and beer shall not be permitted  
2028 in such county, then the same shall not be permitted therein  
2029 except as authorized under Section 67-9-1 and as may be otherwise  
2030 authorized in this section. An election to determine whether such  
2031 transportation, storage, sale, distribution, receipt and/or  
2032 manufacture of such beverages shall be excluded from any county in  
2033 the state, shall, on a petition of twenty percent (20%) of the  
2034 duly qualified electors of such county, be ordered by the board of  
2035 supervisors of the county, for such county only. No election on  
2036 the question shall be held in any one (1) county more often than  
2037 once in five (5) years.



2038           In counties which have elected, or may elect by a majority  
2039 vote of the duly qualified electors voting in the election, that  
2040 the transportation, storage, sale, distribution, receipt and/or  
2041 manufacture of wine or beer shall not be permitted in the county,  
2042 an election may be held in the same manner as the election  
2043 hereinabove provided on the question of whether or not the  
2044 transportation, storage, sale, distribution, receipt and/or  
2045 manufacture of said beverages shall be permitted in such county.  
2046 Such election shall be ordered by the board of supervisors of such  
2047 county on a petition of twenty percent (20%) of the duly qualified  
2048 electors of such county. No election on this question can be  
2049 ordered more often than once in five (5) years.

2050           (2) Nothing in this section shall make it unlawful to  
2051 possess beer or wine, as defined herein, in any municipality which  
2052 has heretofore or which may hereafter vote in an election,  
2053 pursuant to Section 67-3-9, in which a majority of the qualified  
2054 electors vote in favor of permitting the sale and the receipt,  
2055 storage and transportation for the purpose of sale of beer or wine  
2056 as defined herein.

2057           (3) Nothing in this section shall make it unlawful to:

2058                   (a) Possess or consume light wine or beer at a  
2059 qualified resort area as defined in Section 67-1-5;

2060                   (b) Sell, distribute and transport light wine or beer  
2061 to a qualified resort area as defined in Section 67-1-5;



2062 (c) Sell light wine or beer at a qualified resort area  
2063 as defined in Section 67-1-5 if such light wine or beer is sold by  
2064 a person with a permit to engage in the business as a retailer of  
2065 light wine or beer;

2066 (d) Transport beer of an alcoholic content of more than  
2067 eight percent (8%) by weight if it is being transported to another  
2068 state for legal sale in that state;

2069 (e) Transport legally purchased light wine or beer in  
2070 unopened containers if it is being transported on a state or  
2071 federal highway; however, this paragraph shall not apply to a  
2072 retailer unless the retailer has purchased the light wine or beer  
2073 from a wholesaler or distributor for the designated sales  
2074 territory in which the retailer is located and the retailer has in  
2075 his possession an invoice from the wholesaler or distributor for  
2076 the light wine or beer; or

2077 (f) Transport homemade beer as authorized in Section  
2078 67-3-11.

2079 **SECTION 26.** Section 67-3-9, Mississippi Code of 1972, is  
2080 brought forward as follows:

2081 67-3-9. Any city in this state, having a population of not  
2082 less than two thousand five hundred (2,500) according to the  
2083 latest federal census; or any city in this state having a  
2084 population of not less than one thousand five hundred (1,500)  
2085 according to the latest federal census and located within three  
2086 (3) miles of a city or county that permits the sale, receipt,



2087 storage and transportation for the purpose of sale of beer or  
2088 light wine; at an election held for the purpose, under the  
2089 election laws applicable to such city, may either prohibit or  
2090 permit, except as otherwise provided under Section 67-9-1, the  
2091 sale and the receipt, storage and transportation for the purpose  
2092 of sale of beer and light wine. An election to determine whether  
2093 such sale shall be permitted in cities wherein its sale is  
2094 prohibited by law shall be ordered by the city council or mayor  
2095 and board of aldermen or other governing body of such city for  
2096 such city only, upon the presentation of a petition for such city  
2097 to such governing board containing the names of twenty percent  
2098 (20%) of the duly qualified voters of such city asking for such  
2099 election. In like manner, an election to determine whether such  
2100 sale shall be prohibited in cities wherein its sale is permitted  
2101 by law shall be ordered by the city council or mayor and board of  
2102 aldermen or other governing board of such city for such city only,  
2103 upon the presentation of a petition to such governing board  
2104 containing the names of twenty percent (20%) of the duly qualified  
2105 voters of such city asking for such election. No election on  
2106 either question shall be held by any one (1) city more often than  
2107 once in five (5) years.

2108 Thirty (30) days' notice shall be given to the qualified  
2109 electors of such city in the manner prescribed by law upon the  
2110 question of either permitting or prohibiting such sale, and the  
2111 notice shall contain a statement of the question to be voted on at



2112 the election. The tickets to be used in the election shall have  
2113 the following words printed thereon: "For the legal sale of light  
2114 wine of an alcoholic content of not more than five percent (5%) by  
2115 weight and beer of an alcoholic content of not more than eight  
2116 percent (8%) by weight"; and the words "Against the legal sale of  
2117 light wine of an alcoholic content of not more than five percent  
2118 (5%) by weight and beer of an alcoholic content of not more than  
2119 eight percent (8%) by weight," next below. In making up his  
2120 ticket the voter shall make a cross (X) opposite the words of his  
2121 choice.

2122 If in the election a majority of the qualified electors  
2123 voting in the election shall vote "For the legal sale of light  
2124 wine of an alcoholic content of not more than five percent (5%) by  
2125 weight and beer of an alcoholic content of not more than eight  
2126 percent (8%) by weight," then the city council or mayor and board  
2127 of aldermen or other governing body shall pass the necessary order  
2128 permitting the legal sale of such light wine and beer in such  
2129 city. If in the election a majority of the qualified electors  
2130 voting in the election shall vote "Against the legal sale of light  
2131 wine of an alcoholic content of not more than five percent (5%) by  
2132 weight and beer of an alcoholic content of not more than eight  
2133 percent (8%) by weight," then the city council or mayor and board  
2134 of aldermen or other governing body shall pass the necessary order  
2135 prohibiting the sale of such light wine and beer in such city.



2136 All laws or parts of laws in conflict with this section are  
2137 hereby repealed to the extent of such conflict only, this section  
2138 being cumulative and supplementary.

2139 **SECTION 27.** Section 67-3-13, Mississippi Code of 1972, is  
2140 brought forward as follows:

2141 67-3-13. (1) Except as otherwise provided herein and as  
2142 authorized under this section and Section 67-9-1, in any county  
2143 which has at any time since February 26, 1934, elected, or which  
2144 may hereafter elect, to prohibit the transportation, storage,  
2145 sale, distribution, receipt and/or manufacture of wine and beer of  
2146 an alcoholic content of not more than four percent (4%) by weight  
2147 in such county, it is hereby declared to be unlawful to possess  
2148 such beverages therein. In any county which, after July 1, 1998,  
2149 elects to prohibit the transportation, storage, sale,  
2150 distribution, receipt and/or manufacture of wine and beer of an  
2151 alcoholic content of not more than five percent (5%) by weight in  
2152 such county, it is hereby declared to be unlawful to possess such  
2153 beer therein. In any county which, after July 1, 2012, elects to  
2154 prohibit the transportation, storage, sale, distribution, receipt  
2155 and/or manufacture of wine of an alcoholic content of not more  
2156 than five percent (5%) by weight in such county and beer of an  
2157 alcoholic content of not more than eight percent (8%) by weight,  
2158 it is hereby declared to be unlawful to possess such beer therein.  
2159 Any person found possessing any beer or wine of any quantity  
2160 whatsoever in such county shall, on conviction, be imprisoned not



2161 more than ninety (90) days or fined not more than Five Hundred  
2162 Dollars (\$500.00), or be both so fined and imprisoned.

2163 (2) Notwithstanding the provisions of subsection (1) of this  
2164 section, in any county or municipality in which the  
2165 transportation, storage, sale, distribution, receipt and/or  
2166 manufacture of light wine and beer is prohibited, it shall not be  
2167 unlawful for a permitted wholesaler or distributor to possess  
2168 light wine and beer when such light wine and beer is held therein  
2169 solely for the purpose of storage and for distribution to other  
2170 counties and municipalities in which possession of such beverages  
2171 is lawful.

2172 (3) Notwithstanding the provisions of subsections (1) and  
2173 (2) of this section, in any county in which transportation,  
2174 storage, sale, distribution, receipt and/or manufacture of light  
2175 wine and beer is prohibited, it shall not be unlawful:

2176 (a) To receive, store, possess or consume light wine or  
2177 beer at a resort area as defined in Section 67-1-5;

2178 (b) To distribute and transport light wine or beer to a  
2179 resort area as defined in Section 67-1-5;

2180 (c) To transport beer of an alcoholic content of more  
2181 than eight percent (8%) by weight if it is being transported to  
2182 another state for legal sale in that state;

2183 (d) To transport legally purchased light wine or beer  
2184 in unopened containers if it is being transported on a state or  
2185 federal highway; however, this paragraph shall not apply to a





2186 retailer unless the retailer has purchased the light wine or beer  
2187 from a wholesaler or distributor for the designated sales  
2188 territory in which the retailer is located and the retailer has in  
2189 his possession an invoice from the wholesaler or distributor for  
2190 the light wine or beer; or

2191 (e) To transport homemade beer as authorized in Section  
2192 67-3-11.

2193 (4) Any light wine or beer found in possession of, or sold  
2194 by, a person in violation of this section shall be seized and  
2195 disposed of in the manner provided for in Section 67-1-18.

2196 **SECTION 28.** Section 67-3-67, Mississippi Code of 1972, is  
2197 brought forward as follows:

2198 67-3-67. No county or any officer or agent thereof, nor any  
2199 other officer, agent, or person, shall interfere with or impede  
2200 the passage through such county of any light wine or beer moving  
2201 in accordance with the provisions of this chapter and the  
2202 provisions of Section 67-9-1 and which in transit to or from any  
2203 county of this state wherein the traffic in light wines and beer  
2204 is not prohibited, any county prohibition of such traffic to the  
2205 contrary notwithstanding.

2206 **SECTION 29.** Section 57-26-1, Mississippi Code of 1972, is  
2207 brought forward as follows:

2208 57-26-1. As used in Sections 57-26-1 through 57-26-5, the  
2209 following terms and phrases shall have the meanings ascribed in  
2210 this section unless the context clearly indicates otherwise:



2211 (a) "Approved project costs" means actual costs  
2212 incurred by an approved participant for land acquisition,  
2213 construction, engineering, design and other costs approved by the  
2214 Mississippi Development Authority relating to a tourism project;  
2215 however, for the purposes of a tourism project described in  
2216 paragraph (d)(iv) of this section, such costs include only those  
2217 incurred after January 1, 2011, relating to the hotel portion of  
2218 the project consisting of facilities used for lodging and common  
2219 areas in that portion of the project. All costs must be verified  
2220 by an independent third party approved by the MDA. An approved  
2221 participant shall pay the costs for the third-party verification  
2222 of costs. Approved project costs may not increase regardless of  
2223 the actual costs incurred by the project.

2224 (b) "Approved participant" means a person, corporation  
2225 or other entity issued a certificate by the Mississippi  
2226 Development Authority under Section 57-26-5.

2227 (c) "MDA" means the Mississippi Development Authority.

2228 (d) "Tourism project" shall include any of the  
2229 following as may be approved by the MDA:

2230 (i) Theme parks, water parks, entertainment parks  
2231 or outdoor adventure parks, cultural or historical interpretive  
2232 educational centers or museums, motor speedways, indoor or outdoor  
2233 entertainment centers or complexes, convention centers,  
2234 professional sports facilities, spas, attractions created around a  
2235 natural phenomenon or scenic landscape and marinas open to the



2236 public with a minimum private investment of not less than Ten  
2237 Million Dollars (\$10,000,000.00);

2238 (ii) A hotel with a minimum private investment of  
2239 Forty Million Dollars (\$40,000,000.00) in land, buildings,  
2240 architecture, engineering, fixtures, equipment, furnishings,  
2241 amenities and other related soft costs approved by the Mississippi  
2242 Development Authority, and having a minimum private investment of  
2243 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room  
2244 which amount shall be included within the minimum private  
2245 investment of Forty Million Dollars (\$40,000,000.00);

2246 (iii) A public golf course with a minimum private  
2247 investment of Ten Million Dollars (\$10,000,000.00);

2248 (iv) A full service hotel with a minimum private  
2249 investment of Fifteen Million Dollars (\$15,000,000.00) in land,  
2250 buildings, architecture, engineering, fixtures, equipment,  
2251 furnishings, amenities and other related soft costs approved by  
2252 the Mississippi Development Authority, and having a minimum  
2253 private investment of Two Hundred Thousand Dollars (\$200,000.00)  
2254 per guest room or suite which amount shall be included within the  
2255 minimum private investment of Fifteen Million Dollars  
2256 (\$15,000,000.00), a minimum of twenty-five (25) guest rooms or  
2257 suites, and guest amenities such as restaurants, spas and other  
2258 amenities as determined by the Mississippi Development Authority;  
2259 however, in a county in which the Grammy Museum Mississippi or the  
2260 Mississippi Arts and Entertainment Center is located, the minimum



2261 private investment per guest room or suite shall be One Hundred  
2262 Fifty Thousand Dollars (\$150,000.00) which amount shall be  
2263 included within the minimum private investment of Fifteen Million  
2264 Dollars (\$15,000,000.00);

2265 (v) A tourism attraction located within an  
2266 "entertainment district" as defined in Section 17-29-3 that is  
2267 open to the public, has seating to accommodate at least forty (40)  
2268 persons, is open at least five (5) days per week from at least  
2269 6:00 p.m. until midnight, serves food and beverages, and provides  
2270 live entertainment at least three (3) nights per week;

2271 (vi) A cultural retail attraction;

2272 (vii) A tourism attraction located within a  
2273 historic district where the district is listed in the National  
2274 Register of Historic Places, where the tourism attraction is open  
2275 to the public, has seating to accommodate at least forty (40)  
2276 persons, is open at least five (5) days per week from at least  
2277 6:00 p.m. until midnight, serves food and beverages, and provides  
2278 live entertainment at least three (3) nights per week.

2279 The term "tourism project" does not include any licensed  
2280 gaming establishment owned, leased or controlled by a business,  
2281 corporation or entity having a gaming license issued under Section  
2282 75-76-1 et seq.; however, the term "tourism project" may include a  
2283 project described in this paragraph (d) that is owned, leased or  
2284 controlled by such a business, corporation or entity or in which  
2285 the business, corporation or entity has a direct or indirect



2286 financial interest if the project is in excess of development that  
2287 the State Gaming Commission requires for the issuance or renewal  
2288 of a gaming license and is not part of a licensed gaming  
2289 establishment in which gaming activities are conducted.

2290 The term "tourism project" does not include any facility  
2291 within the project whose primary business is retail sales or any  
2292 expansions of existing projects; however, pro shops, souvenir  
2293 shops, gift shops, concessions and similar retail activities, and  
2294 cultural retail attractions may be included within the definition  
2295 of the term "tourism project." In addition, retail activities,  
2296 regardless of whether the primary business is retail sales, that  
2297 are part of a resort development may be included within the  
2298 definition of "tourism project."

2299 (e) "Resort development" means a travel destination  
2300 development with a minimum private investment of One Hundred  
2301 Million Dollars (\$100,000,000.00) and which consists of (i) a  
2302 hotel with a minimum of two hundred (200) guest rooms or suites  
2303 and having a minimum private investment of Two Hundred Thousand  
2304 Dollars (\$200,000.00) per guest room or suite, and (ii) guest  
2305 amenities such as restaurants, golf courses, spas, fitness  
2306 facilities, entertainment activities and other amenities as  
2307 determined by the MDA. Not more than an amount equal to forty  
2308 percent (40%) of the private investment required by this paragraph  
2309 may be expended on facilities to house retail activity.



2310 (f) "Cultural retail attraction" means a project which  
2311 combines destination shopping with cultural or historical  
2312 interpretive elements specific to Mississippi with a minimum  
2313 private investment of Fifty Million Dollars (\$50,000,000.00) in  
2314 land, buildings, architecture, engineering, fixtures, equipment,  
2315 furnishings, amenities and other related soft costs approved by  
2316 the Mississippi Development Authority and which:

2317 (i) Is located in a qualified resort area as  
2318 defined in Section 67-1-5;

2319 (ii) Is a part of a master-planned development  
2320 with a total investment of not less than One Hundred Million  
2321 Dollars (\$100,000,000.00) in land, buildings, architecture,  
2322 engineering, fixtures, equipment, furnishings, amenities and other  
2323 related soft costs approved by the Mississippi Development  
2324 Authority;

2325 (iii) Has a minimum of fifty (50) retail tenants  
2326 with a minimum of three hundred thousand (300,000) square feet of  
2327 heated and cooled space; and

2328 (iv) Has a minimum investment of One Million  
2329 Dollars (\$1,000,000.00) in one or more of the following:

2330 1. Art created by Mississippi artists or  
2331 portraying themes specific to Mississippi;

2332 2. Memorabilia, signage or historical markers  
2333 which serve to promote the State of Mississippi;



2334                           3. Audio/visual equipment used to showcase  
2335 Mississippi artists;

2336                           4. A minimum of one thousand two hundred and  
2337 fifty (1,250) square feet of heated and cooled space available to  
2338 the Mississippi Development Authority or its assignee for a period  
2339 of not less than ten (10) years.

2340                   (g) "Retail activity" means businesses whose inventory  
2341 consists primarily of upscale name brands or their equivalent as  
2342 determined by the MDA.

2343                   (h) "State" means the State of Mississippi.

2344                   **SECTION 30.** This act shall take effect and be in force from  
2345 and after January 1, 2021.

