

By: Senator(s) Hopson, Blount, Moran

To: Finance

SENATE BILL NO. 2552
(As Passed the Senate)

1 AN ACT TO AMEND SECTIONS 67-3-22 AND 67-3-69, MISSISSIPPI
2 CODE OF 1972, TO REMOVE THE PROHIBITIONS AGAINST, AND PENALTIES
3 FOR, BREWPUBS SELLING BEER AND LIGHT WINE AWAY FROM THEIR PREMISES
4 AND PACKAGING BEER AND LIGHT WINE SO THAT THEY MAY BE CARRIED AWAY
5 FROM THEIR PREMISES; TO AMEND SECTION 27-71-301, MISSISSIPPI CODE
6 OF 1972, TO REVISE THE DEFINITION OF BREWPUB ACCORDINGLY; TO BRING
7 FORWARD SECTION 27-71-303, MISSISSIPPI CODE OF 1972, FOR THE
8 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 67-3-22, Mississippi Code of 1972, is
11 amended as follows:

12 67-3-22. (1) The production limits for a brewpub shall be
13 based upon production as determined by the Department of Revenue
14 pursuant to Section 27-71-307, Mississippi Code of 1972, and a
15 brewpub shall not manufacture more than seventy-five thousand
16 (75,000) gallons of light wine or beer per calendar year.

17 (2) Light wine or beer produced at a brewpub shall not be
18 sold at a price less than it cost to manufacture such light wine
19 or beer.

20 * * *



21 (* * *3) A brewpub shall be required to offer for sale
22 light wine or beer that is normally carried on the inventory of
23 wholesalers or distributors of light wine or beer.

24 **SECTION 2.** Section 67-3-69, Mississippi Code of 1972, is
25 amended as follows:

26 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,
27 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of
28 this chapter or of any rule or regulation of the commissioner,
29 shall be a misdemeanor and, where the punishment therefor is not
30 elsewhere prescribed in this section, shall be punished by a fine
31 of not more than Five Hundred Dollars (\$500.00) or imprisonment
32 for not more than six (6) months, or both, in the discretion of
33 the court. If any person so convicted shall be the holder of any
34 permit or license issued by the commissioner under authority of
35 this chapter, the permit or license shall from and after the date
36 of such conviction be void and the holder thereof shall not
37 thereafter, for a period of one (1) year from the date of such
38 conviction, be entitled to any permit or license for any purpose
39 authorized by this chapter. Upon conviction of the holder of any
40 permit or license, the appropriate law enforcement officer shall
41 seize the permit or license and transmit it to the commissioner.

42 (2) (a) Any person who shall violate any provision of
43 Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a
44 misdemeanor, and upon conviction thereof shall be punished by a
45 fine of not more than Five Hundred Dollars (\$500.00) or by



46 imprisonment in the county jail for not more than six (6) months,
47 or by both such fine and imprisonment, in the discretion of the
48 court.

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

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

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



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

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

81 (d) For a fourth or subsequent offense occurring on the
82 licensed premises within twelve (12) months of the first, by a
83 fine of not less than Two Thousand Dollars (\$2,000.00) nor more
84 than Five Thousand Dollars (\$5,000.00) and/or suspension or
85 revocation of the permit to sell beer or light wine.

86 (4) A person who sells any beer or wine to a person under
87 the age of twenty-one (21) years shall not be guilty of a
88 violation of Section 67-3-53(b) if the person under the age of
89 twenty-one (21) years represents himself to be twenty-one (21)
90 years of age or older by displaying an apparently valid
91 Mississippi driver's license containing a physical description
92 consistent with his appearance or by displaying some other
93 apparently valid identification document containing a picture and
94 physical description consistent with his appearance for the
95 purpose of inducing the person to sell beer or wine to him.



96 * * *

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

101 (a) For the first offense, the small craft brewery may
102 be fined in an amount not to exceed Five Hundred Dollars
103 (\$500.00).

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

107 (c) For a third or subsequent offense occurring within
108 twelve (12) months of the first offense, the small craft brewery
109 may be fined an amount not to exceed Five Thousand Dollars
110 (\$5,000.00) and the permit to operate as a manufacturer shall be
111 suspended for thirty (30) days.

112 **SECTION 3.** Section 27-71-301, Mississippi Code of 1972, is
113 amended as follows:

114 27-71-301. When used in this article the words and terms
115 hereafter mentioned shall have the following definitions:

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

119 (b) "Person" includes all natural persons or
120 corporations, a partnership, an association, a joint venture, an



121 estate, a trust, or any other group or combination acting as a
122 unit and shall include the plural as well as the singular unless
123 an intention to give another meaning thereto is disclosed in the
124 context.

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

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

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

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

144 (g) "Sale" includes the exchange of such light wines or
145 beer for money, or giving away or distributing any such light



146 wines or beer for anything of value; however, the term "sale"
147 shall not include beer offered and provided on the premises of a
148 brewery for the purpose of tasting or sampling as authorized in
149 Section 67-3-47.

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

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

159 (j) "Brewpub" means the premises of any location in
160 which light wine or beer is manufactured or brewed, for retail
161 sale if the total amount of light wine or beer produced on the
162 premises does not exceed the production limitation imposed in
163 Section 67-3-22, and the light wine or beer is produced for
164 consumption on the premises * * *, although without prohibition on
165 sales for off-premises consumption.

166 (k) "Hospitality cart" means a mobile cart from which
167 alcoholic beverages and light wine and beer are sold on a golf
168 course and for which a hospitality cart permit has been issued
169 under Section 67-1-51.



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

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

174 **SECTION 4.** Section 27-71-303, Mississippi Code of 1972, is
175 brought forward as follows:

176 27-71-303. Upon each person approved for a permit to engage
177 in the business of selling light wines or beer there is hereby
178 imposed, levied and assessed, to be collected and paid as herein
179 provided, annual privilege taxes in the following amounts:

- 180 (a) Retailers--for each place of
181 business.....\$ 30.00
- 182 (b) Wholesalers or distributors--for each
183 county.....\$ 100.00
- 184 (c) Manufacturers--for each place of
185 business.....\$1,000.00
- 186 (d) Brewpubs--for each place of
187 business.....\$1,000.00

188 Upon each person operating an airline, bus, boat or railroad
189 car upon which light wines or beer may be sold there is hereby
190 imposed, levied and assessed, to be collected and paid, annual
191 privilege taxes of Thirty Dollars (\$30.00) for each airplane, bus,
192 boat or railroad car so operated in this state.

193 Provided, however, the amount of the privilege tax to be paid
194 for a permit issued for a period of less than twelve (12) months



195 shall be that proportionate amount of the annual privilege tax
196 that the number of months, or part of a month, remaining until its
197 expiration date bears to twelve (12) months, but in no case shall
198 the privilege tax be less than Ten Dollars (\$10.00).

199 **SECTION 5.** This act shall take effect and be in force from
200 and after July 1, 2020.

