SENATE BILL NO. 2552
(As Passed the Senate)

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

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

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

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

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

* * *

S. B. No. 2552 ~ OFFICIAL ~ G1/2
20/SS26/R727PS PAGE 1
A brewpub shall be required to offer for sale light wine or beer that is normally carried on the inventory of wholesalers or distributors of light wine or beer.

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

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

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

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

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

(a) For the first offense on the licensed premises, by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00) and/or suspension of the permit for not more than three (3) months.
(b) For a second offense occurring on the licensed premises within twelve (12) months of the first offense, by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00) and/or suspension of the permit for not more than six (6) months.

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

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

(4) A person who sells any beer or wine to a person under the age of twenty-one (21) years shall not be guilty of a violation of Section 67-3-53(b) if the person under the age of twenty-one (21) years represents himself to be twenty-one (21) years of age or older by displaying an apparently valid Mississippi driver's license containing a physical description consistent with his appearance or by displaying some other apparently valid identification document containing a picture and physical description consistent with his appearance for the purpose of inducing the person to sell beer or wine to him.
If a small craft brewery is convicted of violating the provisions of Section 67-3-48, then, in addition to any other provision provided for by law, the small craft brewery shall be punished as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(h) "Light wines or beer" means beer and light wines
legalized for sale by the provisions of Chapter 3 of Title 67,

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

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

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

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

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

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

(a) Retailers--for each place of business...........................................$ 30.00

(b) Wholesalers or distributors--for each county...........................................$ 100.00

(c) Manufacturers--for each place of business...........................................$1,000.00

(d) Brewpubs--for each place of business...........................................$1,000.00

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

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

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