

House Amendments to Senate Bill No. 2253

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

20 67-1-5. For the purposes of this chapter and unless
21 otherwise required by the context:

22 (a) "Alcoholic beverage" means any alcoholic liquid,
23 including wines of more than five percent (5%) of alcohol by
24 weight, capable of being consumed as a beverage by a human being,
25 but shall not include light wine and beer, as defined in Section
26 67-3-3, Mississippi Code of 1972, but shall include native wines.
27 The words "alcoholic beverage" shall not include ethyl alcohol
28 manufactured or distilled solely for fuel purposes or beer of an
29 alcoholic content of more than eight percent (8%) by weight if the
30 beer is legally manufactured in this state for sale in another
31 state.

32 (b) "Alcohol" means the product of distillation of any
33 fermented liquid, whatever the origin thereof, and includes

34 synthetic ethyl alcohol, but does not include denatured alcohol or
35 wood alcohol.

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

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

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

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

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

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

57 (i) "State Tax Commission," "commission" or
58 "department" means the Department of Revenue of the State of
59 Mississippi, which shall create a division in its organization to

60 be known as the Alcoholic Beverage Control Division. Any
61 reference to the commission or the department hereafter means the
62 powers and duties of the Department of Revenue with reference to
63 supervision of the Alcoholic Beverage Control Division.

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

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

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

84 (m) "Restaurant" means:

85 (i) A place which is regularly and in a bona fide
86 manner used and kept open for the serving of meals to guests for
87 compensation, which has suitable seating facilities for guests,
88 and which has suitable kitchen facilities connected therewith for
89 cooking an assortment of foods and meals commonly ordered at
90 various hours of the day; the service of such food as sandwiches
91 and salads only shall not be deemed in compliance with this
92 requirement. Except as otherwise provided in this paragraph, no
93 place shall qualify as a restaurant under this chapter unless
94 twenty-five percent (25%) or more of the revenue derived from such
95 place shall be from the preparation, cooking and serving of meals
96 and not from the sale of beverages, or unless the value of food
97 given to and consumed by customers is equal to twenty-five percent
98 (25%) or more of total revenue; or

99 (ii) Any privately owned business located in a
100 building in a historic district where the district is listed in
101 the National Register of Historic Places, where the building has a
102 total occupancy rating of not less than one thousand (1,000) and
103 where the business regularly utilizes ten thousand (10,000) square
104 feet or more in the building for live entertainment, including not
105 only the stage, lobby or area where the audience sits and/or
106 stands, but also any other portion of the building necessary for
107 the operation of the business, including any kitchen area, bar
108 area, storage area and office space, but excluding any area for
109 parking. In addition to the other requirements of this
110 subparagraph, the business must also serve food to guests for

111 compensation within the building and derive the majority of its
112 revenue from event-related fees, including, but not limited to,
113 admission fees or ticket sales to live entertainment in the
114 building, and from the rental of all or part of the facilities of
115 the business in the building to another party for a specific event
116 or function.

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

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

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

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

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

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

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

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

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

151 (o) "Qualified resort area" means any area or locality
152 outside of the limits of incorporated municipalities in this state
153 commonly known and accepted as a place which regularly and
154 customarily attracts tourists, vacationists and other transients
155 because of its historical, scenic or recreational facilities or
156 attractions, or because of other attributes which regularly and
157 customarily appeal to and attract tourists, vacationists and other
158 transients in substantial numbers; however, no area or locality
159 shall so qualify as a resort area until it has been duly and
160 properly approved as such by the department. The department may
161 not approve an area as a qualified resort area after July 1, 2018,
162 if any portion of such proposed area is located within two (2)

163 miles of a convent or monastery that is located in a county
164 traversed by Interstate 55 and U.S. Highway 98. A convent or
165 monastery may waive such distance restrictions in favor of
166 allowing approval by the department of an area as a qualified
167 resort area. Such waiver shall be in written form from the owner,
168 the governing body, or the appropriate officer of the convent or
169 monastery having the authority to execute such a waiver, and the
170 waiver shall be filed with and verified by the department before
171 becoming effective.

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

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

187 (iii) The term includes:

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

192 2. The clubhouse and associated golf course,
193 tennis courts and related facilities and swimming pool and related
194 facilities where the golf course * * * , tennis courts and related
195 facilities and swimming pool and related facilities are adjacent
196 to one or more planned residential developments and the golf
197 course and all such developments collectively include at least
198 seven hundred fifty (750) acres and at least four hundred (400)
199 residential units;

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

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

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

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

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

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

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

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

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

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

236 A. Owned by the Pearl River Valley
237 Water Supply District, and/or

238 B. Located within the Reservoir
239 Community District, zoned commercial, east of Old Fannin Road,

240 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
241 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
242 Drive and/or Lake Vista Place, and/or

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

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

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

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

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

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

264 10. Any facility that:

265 a. Consists of at least six thousand
266 (6,000) square feet being heated and cooled along with an
267 additional adjacent area that consists of at least two thousand
268 two hundred (2,200) square feet regardless of whether heated and
269 cooled,

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

272 c. Provides lodging accommodations
273 regardless of whether part of the facility and/or located adjacent
274 to or in close proximity to the facility, and

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

277 11. Any facility and related property:

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

283 b. Used for the purpose of providing
284 meals and hosting events, and

285 c. Used for the purpose of teaching
286 culinary arts courses and/or turf management and grounds keeping
287 courses, and/or outdoor recreation and leadership courses;

288 12. Any facility and related property that:

289 a. Consist of at least eight thousand
290 (8,000) square feet being heated and cooled,

291 b. For a fee is used to host events,
292 c. Is used for the purpose of culinary
293 arts courses, and/or outdoor recreation and leadership courses;

294 13. The clubhouse and associated golf course
295 where the golf course is adjacent to one or more residential
296 developments and the golf course and all such developments
297 collectively include at least two hundred (200) acres and at least
298 one hundred fifty (150) residential units and are located a. in a
299 county that has voted against coming out from under the dry law;
300 and b. outside of but in close proximity to a municipality in such
301 county which has voted under Section 67-1-14, after January 1,
302 2013, to come out from under the dry law;

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

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

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

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

317 c. Within one (1) mile of a state
318 institution of higher learning * * *;

319 16. Any facility with a capacity of five
320 hundred (500) people or more, to be used as a venue for private
321 events, on a tract of land in the Southwest Quarter of Section 33,
322 Township 2 South, Range 7 East, of a county where U.S. Highway 45
323 and U.S. Highway 72 intersect and that has not voted to come out
324 from under the dry law;

325 17. One hundred and five (105) contiguous
326 acres, more or less, located in Hinds County, Mississippi, and in
327 the City of Jackson, Mississippi, whereon are constructed a
328 variety of buildings, improvements, grounds or objects for the
329 purpose of holding events thereon to promote agricultural and
330 industrial development in Mississippi;

331 18. Land that is owned by a state institution
332 of higher learning and:

333 a. Located entirely within a county that
334 has elected by majority vote not to permit the transportation,
335 storage, sale, distribution, receipt and/or manufacture of light
336 wine and beer pursuant to Section 67-3-7, and

337 b. Adjacent to but outside the
338 incorporated limits of a municipality that has elected by majority
339 vote to permit the sale, receipt, storage and transportation of
340 light wine and beer pursuant to Section 67-3-9.

341 If any portion of the land described in this item 18 has been
342 declared a qualified resort area by the department before July 1,

343 2020, then that qualified resort area shall be incorporated into
344 the qualified resort area created by this item 18;

345 19. Any facility and related property:

346 a. Used as a flea market or similar
347 venue during a weekend (Saturday and Sunday) immediately preceding
348 the first Monday of a month and having an annual average of at
349 least one thousand (1,000) visitors for each such weekend and five
350 hundred (500) vendors for Saturday of each such weekend, and

351 b. Located in a county that has not
352 voted to come out from under the dry law and outside of but in
353 close proximity to a municipality located in such county and which
354 municipality has voted to come out from under the dry law;

355 20. Blocks 1,2 and 3 of the original town
356 square in any municipality with a population in excess of one
357 thousand five hundred (1,500) according to the latest federal
358 decennial census and which is located in:

359 a. A county traversed by Interstate 55
360 and Interstate 20, and

361 b. A judicial district that has not
362 voted to come out from under the dry law;

363 21. Any municipality with a population in
364 excess of two thousand (2,000) according to the latest federal
365 decennial census and in which is located a part of White's Creek
366 Lake and in which U.S. Highway 82 intersects with Mississippi
367 Highway 9 and located in a county that is partially bordered on

368 one (1) side by the Big Black River; however, the governing
369 authorities of such a municipality may by ordinance:

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

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

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

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

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

393 native wines without payment of any excise tax that would
394 otherwise accrue thereon.

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

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

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

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

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

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

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

439 **SECTION 2.** Section 67-1-7, Mississippi Code of 1972, is
440 amended as follows:

441 67-1-7. (1) Except as otherwise provided in Section 67-9-1
442 for the transportation and possession of limited amounts of
443 alcoholic beverages for the use of an alcohol processing

444 permittee, and subject to all of the provisions and restrictions
445 contained in this chapter, the manufacture, sale, distribution,
446 possession and transportation of alcoholic beverages shall be
447 lawful, subject to the restrictions hereinafter imposed, in those
448 counties and municipalities of this state in which, at a local
449 option election called and held for that purpose under the
450 provisions of this chapter, a majority of the qualified electors
451 voting in such election shall vote in favor thereof. Except as
452 otherwise provided in Section 67-1-51 for holders of a caterer's
453 permit, the manufacture, sale and distribution of alcoholic
454 beverages shall not be permissible or lawful in counties except in
455 (a) incorporated municipalities located within such counties, (b)
456 qualified resort areas within such counties approved as such by
457 the * * * Department of Revenue, or (c) clubs within such
458 counties, whether within a municipality or not. The manufacture,
459 sale, distribution and possession of native wines shall be lawful
460 in any location within any such county except those locations
461 where the manufacture, sale or distribution is prohibited by law
462 other than this section or by regulations of the * * * department.

463 (2) Notwithstanding the foregoing and except as otherwise
464 provided in this subsection (2), within any state park or any
465 state park facility that has been declared a qualified resort area
466 by the * * * department, and within any qualified resort area as
467 defined under Section 67-1-5(o)(iii), an on-premises retailer's
468 permit may be issued for the qualified resort area, and the
469 permittee may lawfully sell alcoholic beverages for consumption on

470 his licensed premises regardless of whether or not the county or
471 municipality in which the qualified resort area is located has
472 voted in favor of coming out from under the dry law, and it shall
473 be lawful to receive, store, sell, possess and consume alcoholic
474 beverages on the licensed premises, and to sell, distribute and
475 transport alcoholic beverages to the licensed premises. However,
476 within any qualified resort area as defined under Section
477 67-1-5(o)(iii)5, 7 or 8, the department may issue on-premises
478 retailer's permits and package retailer's permits and it shall be
479 lawful to receive, store, sell, possess, consume and distribute
480 alcoholic beverages on such premises as authorized by the permit.
481 In addition, it shall be lawful to possess and consume alcoholic
482 beverages within any municipality or district that is a qualified
483 resort area or in which a qualified resort area facility is
484 located as defined under Section 67-1-5(o)(iii)5, 7 or 8, subject
485 to such other restrictions as may be provided in this chapter.

486 **SECTION 3.** Section 67-1-37, Mississippi Code of 1972, is
487 amended as follows:

488 67-1-37. The Department of Revenue, under its duties and
489 powers with respect to the Alcoholic Beverage Control Division
490 therein, shall have the following powers, functions and duties:

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

495 (b) To revoke, suspend or cancel, for violation of or
496 noncompliance with the provisions of this chapter, or the law
497 governing the production and sale of native wines, or any lawful
498 rules and regulations of the department issued hereunder, or for
499 other sufficient cause, any permit issued by it under the
500 provisions of this chapter. The department shall also be
501 authorized to suspend the permit of any permit holder for being
502 out of compliance with an order for support, as defined in Section
503 93-11-153. The procedure for suspension of a permit for being out
504 of compliance with an order for support, and the procedure for the
505 reissuance or reinstatement of a permit suspended for that
506 purpose, and the payment of any fees for the reissuance or
507 reinstatement of a permit suspended for that purpose, shall be
508 governed by Section 93-11-157 or Section 93-11-163, as the case
509 may be. If there is any conflict between any provision of Section
510 93-11-157 or Section 93-11-163 and any provision of this chapter,
511 the provisions of Section 93-11-157 or Section 93-11-163, as the
512 case may be, shall control.

513 (c) To prescribe forms of permits and applications for
514 permits and of all reports which it deems necessary in
515 administering this chapter.

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

520 (e) To issue rules regulating the advertising of
521 alcoholic beverages in the state in any class of media and
522 permitting advertising of the retail price of alcoholic beverages.

523 (f) To issue reasonable rules and regulations, not
524 inconsistent with the federal laws or regulations, requiring
525 informative labeling of all alcoholic beverages offered for sale
526 within this state and providing for the standards of fill and
527 shapes of retail containers of alcoholic beverages; however, such
528 containers shall not contain less than fifty (50) milliliters by
529 liquid measure.

530 (g) Subject to the provisions of subsection (3) of
531 Section 67-1-51, to issue rules and regulations governing the
532 issuance of retail permits for premises located near or around
533 schools, colleges, universities, churches and other public
534 institutions, and specifying the distances therefrom within which
535 no such permit shall be issued. The Alcoholic Beverage Control
536 Division shall not issue a package retailer's or on-premises
537 retailer's permit for the sale or consumption of alcoholic
538 beverages in or on the campus of any public school, community or
539 junior college, college or university.

540 (h) To adopt and promulgate, repeal and amend, such
541 rules, regulations, standards, requirements and orders, not
542 inconsistent with this chapter or any law of this state or of the
543 United States, as it deems necessary to control the manufacture,
544 importation, transportation, distribution and sale of alcoholic
545 liquor, whether intended for beverage or nonbeverage use in a

546 manner not inconsistent with the provisions of this chapter or any
547 other statute, including the native wine laws.

548 (i) To call upon other administrative departments of
549 the state, county and municipal governments, county and city
550 police departments and upon prosecuting officers for such
551 information and assistance as it may deem necessary in the
552 performance of its duties.

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

559 (k) To inspect, or cause to be inspected, any premises
560 where alcoholic liquors intended for sale are manufactured,
561 stored, distributed or sold, and to examine or cause to be
562 examined all books and records pertaining to the business
563 conducted therein.

564 (l) To investigate the administration of laws in
565 relation to alcoholic liquors in this and other states and any
566 foreign countries, and to recommend from time to time to the
567 Governor and through him to the Legislature of this state such
568 amendments to this chapter, if any, as it may think desirable.

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

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

578 (o) To enforce the provisions made unlawful by Chapter
579 3, Title 67 and Section 97-5-49.

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

583 * * *

584 **SECTION 4.** Section 67-1-16, Mississippi Code of 1972, is
585 amended as follows:

586 67-1-16. (1) (a) Before an area may be designated by the
587 governing authorities of a municipality as an area in which
588 facilities which are defined as qualified resort areas in Section
589 67-1-5(o)(iii)5 may be located, an election shall be held, under
590 the election laws applicable to the municipality, on the question
591 of whether qualified resort areas shall be allowed in the
592 municipality. An election to determine whether qualified resort
593 areas shall be allowed in the municipality shall be ordered by the
594 municipal governing authorities, upon presentation to the
595 governing authorities of a petition containing the names of at
596 least twenty percent (20%) of the duly qualified voters of the
597 municipality asking for the election. An election on the question

598 may not be held by the municipality more often than once each
599 year.

600 (b) Thirty (30) days' notice shall be given to the
601 qualified electors of the municipality, in the manner prescribed
602 by law, on the question of allowing qualified resort areas to be
603 established. The notice shall contain a statement of the question
604 to be voted on at the election. The ballots used in the election
605 shall have the following words printed thereon: "FOR THE
606 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST
607 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his
608 ballot, the voter shall make a cross (X) opposite the words of his
609 choice.

610 (c) Qualified resort areas may be established if a
611 majority of the qualified electors voting in the election vote for
612 such establishment. A qualified resort area may not be
613 established if a majority of the qualified electors voting in the
614 election vote against such establishment.

615 (2) (a) Before a municipality may be designated as a
616 qualified resort area as defined in Section 67-1-5(o)(iii)6, an
617 election shall be held, under the election laws applicable to the
618 municipality, on the question of whether the municipality shall be
619 a qualified resort area. An election to determine whether the
620 municipality shall be a qualified resort area shall be ordered by
621 the municipal governing authorities, upon presentation to the
622 governing authorities of a petition containing the names of at
623 least twenty percent (20%) of the duly qualified voters of the

624 municipality asking for the election. An election on the question
625 may not be held by the municipality more often than once each
626 year.

627 (b) Thirty (30) days' notice shall be given to the
628 qualified electors of the municipality, in the manner prescribed
629 by law, on the question of allowing qualified resort areas to be
630 established. The notice shall contain a statement of the question
631 to be voted on at the election. The ballots used in the election
632 shall have the following words printed thereon: "FOR THE
633 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
634 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
635 marking his ballot, the voter shall make a cross (X) opposite the
636 words of his choice.

637 (c) The municipality may be established as a qualified
638 resort area if a majority of the qualified electors voting in the
639 election vote for such establishment. A qualified resort area may
640 not be established if a majority of the qualified electors voting
641 in the election vote against such establishment.

642 (3) (a) Before an area may be designated a qualified resort
643 area as defined in Section 67-1-5(o)(iii)7, an election shall be
644 held in the municipality in which the area is located under the
645 election laws applicable to the municipality, on the question of
646 whether the area shall be a qualified resort area. An election to
647 determine whether the area shall be a qualified resort area shall
648 be ordered by the municipal governing authorities, upon
649 presentation to the governing authorities of a petition containing

650 the names of at least twenty percent (20%) of the duly qualified
651 voters of the municipality asking for the election. An election
652 on the question may not be held by the municipality more often
653 than once each year.

654 (b) Thirty (30) days' notice shall be given to the
655 qualified electors of the municipality, in the manner prescribed
656 by law, on the question of allowing qualified resort areas to be
657 established. The notice shall contain a statement of the question
658 to be voted on at the election. The ballots used in the election
659 shall have the following words printed thereon: "FOR THE
660 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
661 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
662 marking his ballot, the voter shall make a cross (X) opposite the
663 words of his choice.

664 (c) The area may be established as a qualified resort
665 area if a majority of the qualified electors voting in the
666 election vote for such establishment. A qualified resort area may
667 not be established if a majority of the qualified electors voting
668 in the election vote against such establishment.

669 (4) (a) Before an area may be designated a qualified resort
670 area as defined in Section 67-1-5(o)(iii)8, an election shall be
671 held in the area described in Section 67-1-5(o)(iii)8 under the
672 election laws applicable to counties, on the question of whether
673 the area shall be a qualified resort area. An election to
674 determine whether the area shall be a qualified resort area shall
675 be ordered by the board of supervisors, upon presentation to the

676 board of a petition containing the names of at least twenty
677 percent (20%) of the duly qualified voters of the area described
678 in Section 67-1-5(o)(iii)8 asking for the election. An election
679 on the question may not be held by the county more often than once
680 each year.

681 (b) Thirty (30) days' notice shall be given to the
682 qualified electors of the area, in the manner prescribed by law,
683 on the question of allowing qualified resort areas to be
684 established. The notice shall contain a statement of the question
685 to be voted on at the election. The ballots used in the election
686 shall have the following words printed thereon: "FOR THE
687 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
688 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
689 marking his ballot, the voter shall make a cross (X) opposite the
690 words of his choice.

691 (c) The area may be established as a qualified resort
692 area if a majority of the qualified electors voting in the
693 election vote for such establishment. A qualified resort area may
694 not be established if a majority of the qualified electors voting
695 in the election vote against such establishment.

696 (5) (a) Before a municipality may be designated as a
697 qualified resort area as defined in Section 67-1-5(o)(iii)21, an
698 election shall be held, under the election laws applicable to the
699 municipality, on the question of whether the municipality shall be
700 a qualified resort area. An election to determine whether the
701 municipality shall be a qualified resort area shall be ordered by

702 the municipal governing authorities. An election on the question
703 may not be held by the municipality more often than once each
704 year.

705 (b) Thirty (30) days' notice shall be given to the
706 qualified electors of the municipality, in the manner prescribed
707 by law, on the question of allowing qualified resort areas to be
708 established. The notice shall contain a statement of the question
709 to be voted on at the election. The ballots used in the election
710 shall have the following words printed thereon: "FOR THE
711 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
712 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
713 marking his ballot, the voter shall make a cross (X) opposite the
714 words of his choice.

715 (c) The municipality may be established as a qualified
716 resort area if a majority of the qualified electors voting in the
717 election vote for such establishment. A qualified resort area may
718 not be established if a majority of the qualified electors voting
719 in the election vote against such establishment.

720 **SECTION 5.** Section 67-1-14, Mississippi Code of 1972, is
721 brought forward as follows:

722 67-1-14. (1) The legalizing provisions of this chapter may
723 be effective, applicable and operative in any municipality located
724 in a county which has voted against coming out from under the dry
725 law if a local option election shall be called and held in such
726 municipality in the manner and with the results hereinafter
727 provided.

728 (2) (a) Any municipality in this state having a population
729 of not less than five thousand (5,000) according to the latest
730 federal census and which is located in a county which has voted
731 against coming out from under the dry law, or any municipality
732 that is a county seat and which is located in a county which has
733 voted against coming out from under the dry law, may, at an
734 election held for the purpose under the election laws applicable
735 to such municipality, either prohibit or permit, except as
736 otherwise provided under Section 67-9-1, the sale, and the
737 receipt, storage and transportation for the purpose of sale, of
738 alcoholic beverages. An election to determine whether such sale
739 and possession shall be permitted in municipalities wherein its
740 sale and possession is prohibited by law shall be ordered by the
741 municipal governing authorities upon the presentation of a
742 petition to such governing authorities containing the names of at
743 least twenty percent (20%) of the duly qualified voters of such
744 municipality asking for such election. In like manner, an
745 election to determine whether such sale and possession shall be
746 prohibited in municipalities wherein its sale is permitted by law
747 shall be ordered by the municipal governing authorities upon the
748 presentation of a petition to such governing authorities
749 containing the names of at least twenty percent (20%) of the duly
750 qualified voters of such municipality asking for such election.
751 No election on either question shall be held by any one (1)
752 municipality more often than once in two (2) years.

753 Thirty (30) days' notice shall be given to the qualified
754 electors of such municipality, in the manner prescribed by law,
755 upon the question of either permitting or prohibiting such sale
756 and possession, such notice to contain a statement of the question
757 to be voted on at the election. The ballots to be used in the
758 election shall have the following words printed thereon: "For the
759 legal sale of alcoholic liquors" and the words "Against the legal
760 sale of alcoholic liquors" next below. In marking his ballot the
761 voter shall make a cross (X) opposite the words of his choice.

762 If in the election a majority of the qualified electors
763 voting in the election shall vote "for the legal sale of alcoholic
764 liquors," then the municipal governing authorities shall pass the
765 necessary order permitting the legal sale of such alcoholic
766 beverages in such municipality. If in the election a majority of
767 the qualified electors voting in the election shall vote "against
768 the legal sale of alcoholic liquors," then the municipal governing
769 authorities shall pass the necessary order prohibiting the sale of
770 alcoholic beverages in such municipality.

771 (b) The provisions of this subsection shall also apply
772 to any municipality having a population of not less than six
773 thousand (6,000) according to the latest federal census, a portion
774 of which is located in a county which has voted against coming out
775 from under the dry law and a portion of which is located in a
776 county which has voted in favor of coming out from under the dry
777 law. For the purpose of determining whether or not such a
778 municipality meets the threshold population of six thousand

779 (6,000) which will qualify the municipality to hold an election
780 under this subsection, the entire population of the municipality
781 shall be considered; however, the petition to hold the election
782 authorized in this subsection shall be ordered by the municipal
783 governing authorities upon the presentation of a petition to such
784 governing authorities containing the names of at least twenty
785 percent (20%) of the duly qualified voters of such municipality
786 who reside in that portion of the municipality located in a county
787 which has voted against coming out from under the dry law and the
788 election shall be held only in that portion of the municipality.
789 In all other respects, the authority for the holding of elections
790 and the manner in which such elections shall be conducted shall be
791 as prescribed in paragraph (a) of this subsection; and, after
792 proper certification of election results, the municipal governing
793 authorities shall pass the appropriate order to permit or prohibit
794 the legal sale of alcoholic beverages in that portion of the
795 municipality located in a county which has voted against coming
796 out from under the dry law.

797 (3) The governing authorities of a municipality that has
798 voted to come out from under the dry laws after August 23, 2012,
799 may, by ordinance, provide that alcoholic beverages may be sold in
800 the municipality only by the holder of an on-premises retailer's
801 permit.

802 **SECTION 6.** Section 67-1-41, Mississippi Code of 1972, is
803 brought forward as follows:

804 67-1-41. (1) The department is hereby created a wholesale
805 distributor and seller of alcoholic beverages, not including malt
806 liquors, within the State of Mississippi. It is granted the sole
807 right to import and sell intoxicating liquors at wholesale within
808 the state, and no person who is granted the right to sell,
809 distribute or receive intoxicating liquors at retail shall
810 purchase any intoxicating liquors from any source other than the
811 department except as authorized in subsections (4) and (9). The
812 department may establish warehouses, purchase intoxicating liquors
813 in such quantities and from such sources as it may deem desirable
814 and sell the intoxicating liquors to authorized permittees within
815 the state including, at the discretion of the department, any
816 retail distributors operating within any military post or
817 qualified resort areas within the boundaries of the state, keeping
818 a correct and accurate record of all such transactions and
819 exercising such control over the distribution of alcoholic
820 beverages as seem right and proper in keeping with the provisions
821 or purposes of this chapter.

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

828 (3) No alcoholic beverage intended for sale or resale shall
829 be imported, shipped or brought into this state for delivery to

830 any person other than as provided in this chapter, or as otherwise
831 provided by law for native wines.

832 (4) The department may promulgate rules and regulations
833 which authorize on-premises retailers to purchase limited amounts
834 of alcoholic beverages from package retailers and for package
835 retailers to purchase limited amounts of alcoholic beverages from
836 other package retailers. The department shall develop and provide
837 forms to be completed by the on-premises retailers and the package
838 retailers verifying the transaction. The completed forms shall be
839 forwarded to the department within a period of time prescribed by
840 the department.

841 (5) The department may promulgate rules which authorize the
842 holder of a package retailer's permit to permit individual retail
843 purchasers of packages of alcoholic beverages to return, for
844 exchange, credit or refund, limited amounts of original sealed and
845 unopened packages of alcoholic beverages purchased by the
846 individual from the package retailer.

847 (6) The department shall maintain all forms to be completed
848 by applicants necessary for licensure by the department at all
849 district offices of the department.

850 (7) The department may promulgate rules which authorize the
851 manufacturer of an alcoholic beverage or wine to import, transport
852 and furnish or give a sample of alcoholic beverages or wines to
853 the holders of package retailer's permits, on-premises retailer's
854 permits, native wine retailer's permits and temporary retailer's
855 permits who have not previously purchased the brand of that

856 manufacturer from the department. For each holder of the
857 designated permits, the manufacturer may furnish not more than
858 five hundred (500) milliliters of any brand of alcoholic beverage
859 and not more than three (3) liters of any brand of wine.

860 (8) The department may promulgate rules disallowing open
861 product sampling of alcoholic beverages or wines by the holders of
862 package retailer's permits and permitting open product sampling of
863 alcoholic beverages by the holders of on-premises retailer's
864 permits. Permitted sample products shall be plainly identified
865 "sample" and the actual sampling must occur in the presence of the
866 manufacturer's representatives during the legal operating hours of
867 on-premises retailers.

868 (9) The department may promulgate rules and regulations that
869 authorize the holder of a research permit to import and purchase
870 limited amounts of alcoholic beverages from importers, wineries
871 and distillers of alcoholic beverages or from the department. The
872 department shall develop and provide forms to be completed by the
873 research permittee verifying each transaction. The completed
874 forms shall be forwarded to the department within a period of time
875 prescribed by the department. The records and inventory of
876 alcoholic beverages shall be open to inspection at any time by the
877 Director of the Alcoholic Beverage Control Division or any duly
878 authorized agent.

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

882 **SECTION 7.** Section 67-1-51, Mississippi Code of 1972, is
883 brought forward as follows:

884 67-1-51. (1) Permits which may be issued by the department
885 shall be as follows:

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

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

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

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

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

905 (b) **Package retailer's permit.** Except as otherwise
906 provided in this paragraph and Section 67-1-52, a package
907 retailer's permit shall authorize the holder thereof to operate a

908 store exclusively for the sale at retail in original sealed and
909 unopened packages of alcoholic beverages, including native wines,
910 not to be consumed on the premises where sold. Alcoholic
911 beverages shall not be sold by any retailer in any package or
912 container containing less than fifty (50) milliliters by liquid
913 measure. A package retailer's permit, with prior approval from
914 the department, shall authorize the holder thereof to sample new
915 product furnished by a manufacturer's representative or his
916 employees at the permitted place of business so long as the
917 sampling otherwise complies with this chapter and applicable
918 department regulations. Such samples may not be provided to
919 customers at the permitted place of business. In addition to the
920 sale at retail of packages of alcoholic beverages, the holder of a
921 package retailer's permit is authorized to sell at retail
922 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
923 other beverages commonly used to mix with alcoholic beverages.
924 Nonalcoholic beverages sold by the holder of a package retailer's
925 permit shall not be consumed on the premises where sold.

926 (c) **On-premises retailer's permit.** Except as otherwise
927 provided in subsection (5) of this section, an on-premises
928 retailer's permit shall authorize the sale of alcoholic beverages,
929 including native wines, for consumption on the licensed premises
930 only; however, a patron of the permit holder may remove one (1)
931 bottle of wine from the licensed premises if: (i) the patron
932 consumed a portion of the bottle of wine in the course of
933 consuming a meal purchased on the licensed premises; (ii) the

934 permit holder securely reseals the bottle; (iii) the bottle is
935 placed in a bag that is secured in a manner so that it will be
936 visibly apparent if the bag is opened; and (iv) a dated receipt
937 for the wine and the meal is available. Such a permit shall be
938 issued only to qualified hotels, restaurants and clubs, and to
939 common carriers with adequate facilities for serving passengers.
940 In resort areas, whether inside or outside of a municipality, the
941 department, in its discretion, may issue on-premises retailer's
942 permits to such establishments as it deems proper. An on-premises
943 retailer's permit when issued to a common carrier shall authorize
944 the sale and serving of alcoholic beverages aboard any licensed
945 vehicle while moving through any county of the state; however, the
946 sale of such alcoholic beverages shall not be permitted while such
947 vehicle is stopped in a county that has not legalized such sales.
948 If an on-premises retailer's permit is applied for by a common
949 carrier operating solely in the water, such common carrier must,
950 along with all other qualifications for a permit, (i) be certified
951 to carry at least one hundred fifty (150) passengers and/or
952 provide overnight accommodations for at least fifty (50)
953 passengers and (ii) operate primarily in the waters within the
954 State of Mississippi which lie adjacent to the State of
955 Mississippi south of the three (3) most southern counties in the
956 State of Mississippi and/or on the Mississippi River or navigable
957 waters within any county bordering on the Mississippi River.

958 (d) **Solicitor's permit.** A solicitor's permit shall
959 authorize the holder thereof to act as salesman for a manufacturer

960 or wholesaler holding a proper permit, to solicit on behalf of his
961 employer orders for alcoholic beverages, and to otherwise promote
962 his employer's products in a legitimate manner. Such a permit
963 shall authorize the representation of and employment by one (1)
964 principal only. However, the permittee may also, in the
965 discretion of the department, be issued additional permits to
966 represent other principals. No such permittee shall buy or sell
967 alcoholic beverages for his own account, and no such beverage
968 shall be brought into this state in pursuance of the exercise of
969 such permit otherwise than through a permit issued to a wholesaler
970 or manufacturer in the state.

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

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

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

986 Class 1. A temporary one-day permit may be issued to bona
987 fide nonprofit civic or charitable organizations authorizing the
988 sale of alcoholic beverages, including native wine, for
989 consumption on the premises described in the temporary permit
990 only. Class 1 permits may be issued only to applicants
991 demonstrating to the department, by a statement signed under
992 penalty of perjury submitted ten (10) days prior to the proposed
993 date or such other time as the department may determine, that they
994 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
995 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
996 Class 1 permittees shall obtain all alcoholic beverages from
997 package retailers located in the county in which the temporary
998 permit is issued. Alcoholic beverages remaining in stock upon
999 expiration of the temporary permit may be returned by the
1000 permittee to the package retailer for a refund of the purchase
1001 price upon consent of the package retailer or may be kept by the
1002 permittee exclusively for personal use and consumption, subject to
1003 all laws pertaining to the illegal sale and possession of
1004 alcoholic beverages. The department, following review of the
1005 statement provided by the applicant and the requirements of the
1006 applicable statutes and regulations, may issue the permit.

1007 Class 2. A temporary permit, not to exceed seventy (70)
1008 days, may be issued to prospective permittees seeking to transfer
1009 a permit authorized in paragraph (c) of this subsection. A Class
1010 2 permit may be issued only to applicants demonstrating to the
1011 department, by a statement signed under the penalty of perjury,

1012 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1013 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1014 67-1-59. The department, following a preliminary review of the
1015 statement provided by the applicant and the requirements of the
1016 applicable statutes and regulations, may issue the permit.

1017 Class 2 temporary permittees must purchase their alcoholic
1018 beverages directly from the department or, with approval of the
1019 department, purchase the remaining stock of the previous
1020 permittee. If the proposed applicant of a Class 1 or Class 2
1021 temporary permit falsifies information contained in the
1022 application or statement, the applicant shall never again be
1023 eligible for a retail alcohol beverage permit and shall be subject
1024 to prosecution for perjury.

1025 Class 3. A temporary one-day permit may be issued to a
1026 retail establishment authorizing the complimentary distribution of
1027 wine, including native wine, to patrons of the retail
1028 establishment at an open house or promotional event, for
1029 consumption only on the premises described in the temporary
1030 permit. A Class 3 permit may be issued only to an applicant
1031 demonstrating to the department, by a statement signed under
1032 penalty of perjury submitted ten (10) days before the proposed
1033 date or such other time as the department may determine, that it
1034 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1035 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1036 A Class 3 permit holder shall obtain all alcoholic beverages from
1037 the holder(s) of a package retailer's permit located in the county

1038 in which the temporary permit is issued. Wine remaining in stock
1039 upon expiration of the temporary permit may be returned by the
1040 Class 3 temporary permit holder to the package retailer for a
1041 refund of the purchase price, with consent of the package
1042 retailer, or may be kept by the Class 3 temporary permit holder
1043 exclusively for personal use and consumption, subject to all laws
1044 pertaining to the illegal sale and possession of alcoholic
1045 beverages. The department, following review of the statement
1046 provided by the applicant and the requirements of the applicable
1047 statutes and regulations, may issue the permit. No retailer may
1048 receive more than twelve (12) Class 3 temporary permits in a
1049 calendar year. A Class 3 temporary permit shall not be issued to
1050 a retail establishment that either holds a merchant permit issued
1051 under paragraph (1) of this subsection, or holds a permit issued
1052 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1053 the holder to engage in the business of a retailer of light wine
1054 or beer.

1055 (g) **Caterer's permit.** A caterer's permit shall permit
1056 the purchase of alcoholic beverages by a person engaging in
1057 business as a caterer and the resale of alcoholic beverages by
1058 such person in conjunction with such catering business. No person
1059 shall qualify as a caterer unless forty percent (40%) or more of
1060 the revenue derived from such catering business shall be from the
1061 serving of prepared food and not from the sale of alcoholic
1062 beverages and unless such person has obtained a permit for such
1063 business from the Department of Health. A caterer's permit shall

1064 not authorize the sale of alcoholic beverages on the premises of
1065 the person engaging in business as a caterer; however, the holder
1066 of an on-premises retailer's permit may hold a caterer's permit.
1067 When the holder of an on-premises retailer's permit or an
1068 affiliated entity of the holder also holds a caterer's permit, the
1069 caterer's permit shall not authorize the service of alcoholic
1070 beverages on a consistent, recurring basis at a separate, fixed
1071 location owned or operated by the caterer, on-premises retailer or
1072 affiliated entity and an on-premises retailer's permit shall be
1073 required for the separate location. All sales of alcoholic
1074 beverages by holders of a caterer's permit shall be made at the
1075 location being catered by the caterer, and, except as otherwise
1076 provided in subsection (5) of this section, such sales may be made
1077 only for consumption at the catered location. The location being
1078 catered may be anywhere within a county or judicial district that
1079 has voted to come out from under the dry laws or in which the
1080 sale, distribution and possession of alcoholic beverages is
1081 otherwise authorized by law. Such sales shall be made pursuant to
1082 any other conditions and restrictions which apply to sales made by
1083 on-premises retail permittees. The holder of a caterer's permit
1084 or his employees shall remain at the catered location as long as
1085 alcoholic beverages are being sold pursuant to the permit issued
1086 under this paragraph (g), and the permittee shall have at the
1087 location the identification card issued by the Alcoholic Beverage
1088 Control Division of the department. No unsold alcoholic beverages
1089 may be left at the catered location by the permittee upon the

1090 conclusion of his business at that location. Appropriate law
1091 enforcement officers and Alcoholic Beverage Control Division
1092 personnel may enter a catered location on private property in
1093 order to enforce laws governing the sale or serving of alcoholic
1094 beverages.

1095 (h) **Research permit.** A research permit shall authorize
1096 the holder thereof to operate a research facility for the
1097 professional research of alcoholic beverages. Such permit shall
1098 authorize the holder of the permit to import and purchase limited
1099 amounts of alcoholic beverages from the department or from
1100 importers, wineries and distillers of alcoholic beverages for
1101 professional research.

1102 (i) **Alcohol processing permit.** An alcohol processing
1103 permit shall authorize the holder thereof to purchase, transport
1104 and possess alcoholic beverages for the exclusive use in cooking,
1105 processing or manufacturing products which contain alcoholic
1106 beverages as an integral ingredient. An alcohol processing permit
1107 shall not authorize the sale of alcoholic beverages on the
1108 premises of the person engaging in the business of cooking,
1109 processing or manufacturing products which contain alcoholic
1110 beverages. The amounts of alcoholic beverages allowed under an
1111 alcohol processing permit shall be set by the department.

1112 (j) **Hospitality cart permit.** A hospitality cart permit
1113 shall authorize the sale of alcoholic beverages from a mobile cart
1114 on a golf course that is the holder of an on-premises retailer's

1115 permit. The alcoholic beverages sold from the cart must be
1116 consumed within the boundaries of the golf course.

1117 (k) **Special service permit.** A special service permit
1118 shall authorize the holder to sell commercially sealed alcoholic
1119 beverages to the operator of a commercial or private aircraft for
1120 en route consumption only by passengers. A special service permit
1121 shall be issued only to a fixed-base operator who contracts with
1122 an airport facility to provide fueling and other associated
1123 services to commercial and private aircraft.

1124 (l) **Merchant permit.** Except as otherwise provided in
1125 subsection (5) of this section, a merchant permit shall be issued
1126 only to the owner of a spa facility, an art studio or gallery, or
1127 a cooking school, and shall authorize the holder to serve
1128 complimentary by the glass wine only, including native wine, at
1129 the holder's spa facility, art studio or gallery, or cooking
1130 school. A merchant permit holder shall obtain all wine from the
1131 holder of a package retailer's permit.

1132 (m) **Temporary alcoholic beverages charitable auction**
1133 **permit.** A temporary permit, not to exceed five (5) days, may be
1134 issued to a qualifying charitable nonprofit organization that is
1135 exempt from taxation under Section 501(c)(3) or (4) of the
1136 Internal Revenue Code of 1986. The permit shall authorize the
1137 holder to sell alcoholic beverages for the limited purpose of
1138 raising funds for the organization during a live or silent auction
1139 that is conducted by the organization and that meets the following
1140 requirements: (i) the auction is conducted in an area of the

1141 state where the sale of alcoholic beverages is authorized; (ii) if
1142 the auction is conducted on the premises of an on-premises
1143 retailer's permit holder, then the alcoholic beverages to be
1144 auctioned must be stored separately from the alcoholic beverages
1145 sold, stored or served on the premises, must be removed from the
1146 premises immediately following the auction, and may not be
1147 consumed on the premises; (iii) the permit holder may not conduct
1148 more than two (2) auctions during a calendar year; (iv) the permit
1149 holder may not pay a commission or promotional fee to any person
1150 to arrange or conduct the auction.

1151 (n) **Event venue retailer's permit.** An event venue
1152 retailer's permit shall authorize the holder thereof to purchase
1153 and resell alcoholic beverages, including native wines, for
1154 consumption on the premises during legal hours during events held
1155 on the licensed premises if food is being served at the event by a
1156 caterer who is not affiliated with or related to the permittee.
1157 The caterer must serve at least three (3) entrees. The permit may
1158 only be issued for venues that can accommodate two hundred (200)
1159 persons or more. The number of persons a venue may accommodate
1160 shall be determined by the local fire department and such
1161 determination shall be provided in writing and submitted along
1162 with all other documents required to be provided for an
1163 on-premises retailer's permit. The permittee must derive the
1164 majority of its revenue from event-related fees, including, but
1165 not limited to, admission fees or ticket sales for live
1166 entertainment in the building. "Event-related fees" do not

1167 include alcohol, beer or light wine sales or any fee which may be
1168 construed to cover the cost of alcohol, beer or light wine. This
1169 determination shall be made on a per event basis. An event may
1170 not last longer than two (2) consecutive days per week.

1171 (o) **Temporary theatre permit.** A temporary theatre
1172 permit, not to exceed five (5) days, may be issued to a charitable
1173 nonprofit organization that is exempt from taxation under Section
1174 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
1175 a theatre facility that features plays and other theatrical
1176 performances and productions. Except as otherwise provided in
1177 subsection (5) of this section, the permit shall authorize the
1178 holder to sell alcoholic beverages, including native wines, to
1179 patrons of the theatre during performances and productions at the
1180 theatre facility for consumption during such performances and
1181 productions on the premises of the facility described in the
1182 permit. A temporary theatre permit holder shall obtain all
1183 alcoholic beverages from package retailers located in the county
1184 in which the permit is issued. Alcoholic beverages remaining in
1185 stock upon expiration of the temporary theatre permit may be
1186 returned by the permittee to the package retailer for a refund of
1187 the purchase price upon consent of the package retailer or may be
1188 kept by the permittee exclusively for personal use and
1189 consumption, subject to all laws pertaining to the illegal sale
1190 and possession of alcoholic beverages.

1191 (p) **Charter ship operator's permit.** Subject to the
1192 provisions of this paragraph (p), a charter ship operator's permit

1193 shall authorize the holder thereof and its employees to serve,
1194 monitor, store and otherwise control the serving and availability
1195 of alcoholic beverages to customers of the permit holder during
1196 private charters under contract provided by the permit holder. A
1197 charter ship operator's permit shall authorize such action by the
1198 permit holder and its employees only as to alcoholic beverages
1199 brought onto the permit holder's ship by customers of the permit
1200 holder as part of such a private charter. All such alcoholic
1201 beverages must be removed from the charter ship at the conclusion
1202 of each private charter. A charter ship operator's permit shall
1203 not authorize the permit holder to sell, charge for or otherwise
1204 supply alcoholic beverages to customers, except as authorized in
1205 this paragraph (p). For the purposes of this paragraph (p),
1206 "charter ship operator" means a common carrier that (i) is
1207 certified to carry at least one hundred fifty (150) passengers
1208 and/or provide overnight accommodations for at least fifty (50)
1209 passengers, (ii) operates only in the waters within the State of
1210 Mississippi, which lie adjacent to the State of Mississippi south
1211 of the three (3) most southern counties in the State of
1212 Mississippi, and (iii) provides charters under contract for tours
1213 and trips in such waters.

1214 (q) **Distillery retailer's permit.** The holder of a
1215 Class 1 manufacturer's permit may obtain a distillery retailer's
1216 permit. A distillery retailer's permit shall authorize the holder
1217 thereof to sell at retail alcoholic beverages by the sealed and
1218 unopened bottle from a retail location at the distillery for

1219 off-premises consumption. The holder may only sell product
1220 manufactured by the manufacturer at the distillery described in
1221 the permit. The holder shall not sell at retail more than ten
1222 percent (10%) of the alcoholic beverages produced annually at its
1223 distillery. The holder shall not make retail sales of more than
1224 two and twenty-five one-hundredths (2.25) liters, in the
1225 aggregate, of the alcoholic beverages produced at its distillery
1226 to any one (1) individual for consumption off the premises of the
1227 distillery within a twenty-four-hour period. The hours of sale
1228 shall be the same as those hours for package retailers under this
1229 chapter. The holder of a distillery retailer's permit is not
1230 required to purchase the alcoholic beverages authorized to be sold
1231 by this paragraph from the department's liquor distribution
1232 warehouse; however, if the holder does not purchase the alcoholic
1233 beverages from the department's liquor distribution warehouse, the
1234 holder shall pay to the department all taxes, fees and surcharges
1235 on the alcoholic beverages that are imposed upon the sale of
1236 alcoholic beverages shipped by the Alcoholic Beverage Control
1237 Division of the Department of Revenue. In addition to alcoholic
1238 beverages, the holder of a distillery retailer's permit may sell
1239 at retail promotional products from the same retail location,
1240 including shirts, hats, glasses, and other promotional products
1241 customarily sold by alcoholic beverage manufacturers.

1242 (2) Except as otherwise provided in subsection (4) of this
1243 section, retail permittees may hold more than one (1) retail
1244 permit, at the discretion of the department.

1245 (3) Except as otherwise provided in this subsection, no
1246 authority shall be granted to any person to manufacture, sell or
1247 store for sale any intoxicating liquor as specified in this
1248 chapter within four hundred (400) feet of any church, school,
1249 kindergarten or funeral home. However, within an area zoned
1250 commercial or business, such minimum distance shall be not less
1251 than one hundred (100) feet.

1252 A church or funeral home may waive the distance restrictions
1253 imposed in this subsection in favor of allowing issuance by the
1254 department of a permit, pursuant to subsection (1) of this
1255 section, to authorize activity relating to the manufacturing, sale
1256 or storage of alcoholic beverages which would otherwise be
1257 prohibited under the minimum distance criterion. Such waiver
1258 shall be in written form from the owner, the governing body, or
1259 the appropriate officer of the church or funeral home having the
1260 authority to execute such a waiver, and the waiver shall be filed
1261 with and verified by the department before becoming effective.

1262 The distance restrictions imposed in this subsection shall
1263 not apply to the sale or storage of alcoholic beverages at a bed
1264 and breakfast inn listed in the National Register of Historic
1265 Places or to the sale or storage of alcoholic beverages in a
1266 historic district that is listed in the National Register of
1267 Historic Places, is a qualified resort area and is located in a
1268 municipality having a population greater than one hundred thousand
1269 (100,000) according to the latest federal decennial census.

1270 (4) No person, either individually or as a member of a firm,
1271 partnership, limited liability company or association, or as a
1272 stockholder, officer or director in a corporation, shall own or
1273 control any interest in more than one (1) package retailer's
1274 permit, nor shall such person's spouse, if living in the same
1275 household of such person, any relative of such person, if living
1276 in the same household of such person, or any other person living
1277 in the same household with such person own any interest in any
1278 other package retailer's permit.

1279 (5) (a) In addition to any other authority granted under
1280 this section, the holder of a permit issued under subsection
1281 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1282 sell or otherwise provide alcoholic beverages and/or wine to a
1283 patron of the permit holder in the manner authorized in the permit
1284 and the patron may remove an open glass, cup or other container of
1285 the alcoholic beverage and/or wine from the licensed premises and
1286 may possess and consume the alcoholic beverage or wine outside of
1287 the licensed premises if: (i) the licensed premises is located
1288 within a leisure and recreation district created under Section
1289 67-1-101 and (ii) the patron remains within the boundaries of the
1290 leisure and recreation district while in possession of the
1291 alcoholic beverage or wine.

1292 (b) Nothing in this subsection shall be construed to
1293 allow a person to bring any alcoholic beverages into a permitted
1294 premises except to the extent otherwise authorized by this
1295 chapter.

1296 **SECTION 8.** This act shall take effect and be in force from
1297 and after July 1, 2020.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER
3 THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION
4 67-1-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALCOHOLIC
5 BEVERAGES MAY BE SOLD IN CERTAIN QUALIFIED RESORT AREAS BY HOLDERS
6 OF PACKAGE RETAILER'S PERMITS; TO AMEND SECTION 67-1-37,
7 MISSISSIPPI CODE OF 1972, TO DELETE THE PROHIBITION AGAINST THE
8 SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES AT ANY PUBLIC ATHLETIC
9 EVENT AT ANY PUBLIC SCHOOL, COMMUNITY OR JUNIOR COLLEGE, COLLEGE
10 OR UNIVERSITY; TO AMEND SECTION 67-1-16, MISSISSIPPI CODE OF 1972,
11 TO REQUIRE AN ELECTION TO BE HELD BEFORE CERTAIN MUNICIPALITIES
12 MAY BE DESIGNATED A QUALIFIED RESORT AREA UNDER THE LOCAL OPTION
13 ALCOHOLIC BEVERAGE CONTROL LAW; TO BRING FORWARD SECTIONS 67-1-14,
14 67-1-41 AND 67-1-51, MISSISSIPPI CODE OF 1972, WHICH ARE SECTIONS
15 OF THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW, FOR THE
16 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

HR43\SB2253PH.J

Andrew Ketchings
Clerk of the House of Representatives