

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2253

BY: Committee

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

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

17 67-1-5. For the purposes of this chapter and unless
18 otherwise required by the context:

19 (a) "Alcoholic beverage" means any alcoholic liquid,
20 including wines of more than five percent (5%) of alcohol by
21 weight, capable of being consumed as a beverage by a human being,
22 but shall not include light wine and beer, as defined in Section
23 67-3-3, Mississippi Code of 1972, but shall include native wines.
24 The words "alcoholic beverage" shall not include ethyl alcohol



25 manufactured or distilled solely for fuel purposes or beer of an
26 alcoholic content of more than eight percent (8%) by weight if the
27 beer is legally manufactured in this state for sale in another
28 state.

29 (b) "Alcohol" means the product of distillation of any
30 fermented liquid, whatever the origin thereof, and includes
31 synthetic ethyl alcohol, but does not include denatured alcohol or
32 wood alcohol.

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

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

41 (e) "Person" means and includes any individual,
42 partnership, corporation, association or other legal entity
43 whatsoever.

44 (f) "Manufacturer" means any person engaged in
45 manufacturing, distilling, rectifying, blending or bottling any
46 alcoholic beverage.

47 (g) "Wholesaler" means any person, other than a
48 manufacturer, engaged in distributing or selling any alcoholic



49 beverage at wholesale for delivery within or without this state
50 when such sale is for the purpose of resale by the purchaser.

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

54 (i) "State Tax Commission," "commission" or
55 "department" means the Department of Revenue of the State of
56 Mississippi, which shall create a division in its organization to
57 be known as the Alcoholic Beverage Control Division. Any
58 reference to the commission or the department hereafter means the
59 powers and duties of the Department of Revenue with reference to
60 supervision of the Alcoholic Beverage Control Division.

61 (j) "Division" means the Alcoholic Beverage Control
62 Division of the Department of Revenue.

63 (k) "Municipality" means any incorporated city or town
64 of this state.

65 (l) "Hotel" means an establishment within a
66 municipality, or within a qualified resort area approved as such
67 by the department, where, in consideration of payment, food and
68 lodging are habitually furnished to travelers and wherein are
69 located at least twenty (20) adequately furnished and completely
70 separate sleeping rooms with adequate facilities that persons
71 usually apply for and receive as overnight accommodations. Hotels
72 in towns or cities of more than twenty-five thousand (25,000)
73 population are similarly defined except that they must have fifty



74 (50) or more sleeping rooms. Any such establishment described in
75 this paragraph with less than fifty (50) beds shall operate one or
76 more regular dining rooms designed to be constantly frequented by
77 customers each day. When used in this chapter, the word "hotel"
78 shall also be construed to include any establishment that meets
79 the definition of "bed and breakfast inn" as provided in this
80 section.

81 (m) "Restaurant" means:

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

96 (ii) Any privately owned business located in a
97 building in a historic district where the district is listed in
98 the National Register of Historic Places, where the building has a



99 total occupancy rating of not less than one thousand (1,000) and
100 where the business regularly utilizes ten thousand (10,000) square
101 feet or more in the building for live entertainment, including not
102 only the stage, lobby or area where the audience sits and/or
103 stands, but also any other portion of the building necessary for
104 the operation of the business, including any kitchen area, bar
105 area, storage area and office space, but excluding any area for
106 parking. In addition to the other requirements of this
107 subparagraph, the business must also serve food to guests for
108 compensation within the building and derive the majority of its
109 revenue from event-related fees, including, but not limited to,
110 admission fees or ticket sales to live entertainment in the
111 building, and from the rental of all or part of the facilities of
112 the business in the building to another party for a specific event
113 or function.

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

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

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

120 (iii) Maintained by its members through the
121 payment of annual dues;

122 (iv) Owning, hiring or leasing a building or space
123 in a building of such extent and character as may be suitable and



124 adequate for the reasonable and comfortable use and accommodation
125 of its members and their guests;

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

130 (vi) No member, officer, agent or employee of
131 which is paid, or directly or indirectly receives, in the form of
132 a salary or other compensation any profit from the distribution or
133 sale of alcoholic beverages to the club or to members or guests of
134 the club beyond such salary or compensation as may be fixed and
135 voted at a proper meeting by the board of directors or other
136 governing body out of the general revenues of the club.

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



148 (o) "Qualified resort area" means any area or locality
149 outside of the limits of incorporated municipalities in this state
150 commonly known and accepted as a place which regularly and
151 customarily attracts tourists, vacationists and other transients
152 because of its historical, scenic or recreational facilities or
153 attractions, or because of other attributes which regularly and
154 customarily appeal to and attract tourists, vacationists and other
155 transients in substantial numbers; however, no area or locality
156 shall so qualify as a resort area until it has been duly and
157 properly approved as such by the department. The department may
158 not approve an area as a qualified resort area after July 1, 2018,
159 if any portion of such proposed area is located within two (2)
160 miles of a convent or monastery that is located in a county
161 traversed by Interstate 55 and U.S. Highway 98. A convent or
162 monastery may waive such distance restrictions in favor of
163 allowing approval by the department of an area as a qualified
164 resort area. Such waiver shall be in written form from the owner,
165 the governing body, or the appropriate officer of the convent or
166 monastery having the authority to execute such a waiver, and the
167 waiver shall be filed with and verified by the department before
168 becoming effective.

169 (i) The department may approve an area or locality
170 outside of the limits of an incorporated municipality that is in
171 the process of being developed as a qualified resort area if such
172 area or locality, when developed, can reasonably be expected to



173 meet the requisites of the definition of the term "qualified
174 resort area." In such a case, the status of qualified resort area
175 shall not take effect until completion of the development.

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

184 (iii) The term includes:

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

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



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

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

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

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

220 a. Specify the hours of operation of
221 facilities that offer alcoholic beverages for sale;



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

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

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

230 8. a. Land that is located in any county in
231 which Mississippi Highway 43 and Mississippi Highway 25 intersect
232 and:

233 A. Owned by the Pearl River Valley
234 Water Supply District, and/or

235 B. Located within the Reservoir
236 Community District, zoned commercial, east of Old Fannin Road,
237 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
238 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
239 Drive and/or Lake Vista Place, and/or

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

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



247 A. Specify the hours of operation
248 of facilities that offer alcoholic beverages for sale,

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

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

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

261 10. Any facility that:

262 a. Consists of at least six thousand
263 (6,000) square feet being heated and cooled along with an
264 additional adjacent area that consists of at least two thousand
265 two hundred (2,200) square feet regardless of whether heated and
266 cooled,

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

269 c. Provides lodging accommodations
270 regardless of whether part of the facility and/or located adjacent
271 to or in close proximity to the facility, and



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

274 11. Any facility and related property:

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

280 b. Used for the purpose of providing
281 meals and hosting events, and

282 c. Used for the purpose of teaching
283 culinary arts courses and/or turf management and grounds keeping
284 courses, and/or outdoor recreation and leadership courses;

285 12. Any facility and related property that:

286 a. Consist of at least eight thousand
287 (8,000) square feet being heated and cooled,

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

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

291 13. The clubhouse and associated golf course
292 where the golf course is adjacent to one or more residential
293 developments and the golf course and all such developments
294 collectively include at least two hundred (200) acres and at least
295 one hundred fifty (150) residential units and are located a. in a
296 county that has voted against coming out from under the dry law;



297 and b. outside of but in close proximity to a municipality in such
298 county which has voted under Section 67-1-14, after January 1,
299 2013, to come out from under the dry law;

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

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

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

311 b. Outside the corporate limits of any
312 municipality in such county and adjacent to or in close proximity
313 to a golf course located in a municipality in such county, and

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

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



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

328 18. Land that is owned by a state institution
329 of higher learning and:

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

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

338 If any portion of the land described in this item 18 has been
339 declared a qualified resort area by the department before July 1,
340 2020, then that qualified resort area shall be incorporated into
341 the qualified resort area created by this item 18;

342 19. Any facility and related property:

343 a. Used as a flea market or similar
344 venue during a weekend (Saturday and Sunday) immediately preceding
345 the first Monday of a month and having an annual average of at



346 least one thousand (1,000) visitors for each such weekend and five
347 hundred (500) vendors for Saturday of each such weekend, and

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

352 20. Any municipality with a population in
353 excess of one thousand eight hundred (1,800) according to the
354 latest federal decennial census and which is located in:

355 a. A county traversed by Interstate 55
356 and Interstate 20, and

357 b. A judicial district that has not
358 voted to come out from under the dry law.

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

363 (p) "Native wine" means any product, produced in
364 Mississippi for sale, having an alcohol content not to exceed
365 twenty-one percent (21%) by weight and made in accordance with
366 revenue laws of the United States, which shall be obtained
367 primarily from the alcoholic fermentation of the juice of ripe
368 grapes, fruits, berries or vegetables grown and produced in
369 Mississippi; provided that bulk, concentrated or fortified wines
370 used for blending may be produced without this state and used in



371 producing native wines. The department shall adopt and promulgate
372 rules and regulations to permit a producer to import such bulk
373 and/or fortified wines into this state for use in blending with
374 native wines without payment of any excise tax that would
375 otherwise accrue thereon.

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

379 (r) "Bed and breakfast inn" means an establishment
380 within a municipality where in consideration of payment, breakfast
381 and lodging are habitually furnished to travelers and wherein are
382 located not less than eight (8) and not more than nineteen (19)
383 adequately furnished and completely separate sleeping rooms with
384 adequate facilities, that persons usually apply for and receive as
385 overnight accommodations; however, such restriction on the minimum
386 number of sleeping rooms shall not apply to establishments on the
387 National Register of Historic Places. No place shall qualify as a
388 bed and breakfast inn under this chapter unless on the date of the
389 initial application for a license under this chapter more than
390 fifty percent (50%) of the sleeping rooms are located in a
391 structure formerly used as a residence.

392 (s) "Board" shall refer to the Board of Tax Appeals of
393 the State of Mississippi.

394 (t) "Spa facility" means an establishment within a
395 municipality or qualified resort area and owned by a hotel where,



396 in consideration of payment, patrons receive from licensed
397 professionals a variety of private personal care treatments such
398 as massages, facials, waxes, exfoliation and hairstyling.

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

403 (v) "Cooking school" means an establishment within a
404 municipality or qualified resort area and owned by a nationally
405 recognized company that offers an established culinary education
406 curriculum and program where, in consideration of payment, patrons
407 are given scheduled professional group instruction on culinary
408 techniques. For purposes of this paragraph, the definition of
409 cooking school shall not include schools or classes offered by
410 grocery stores, convenience stores or drugstores.

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



420 **SECTION 2.** Section 67-1-7, Mississippi Code of 1972, is
421 amended as follows:
422 67-1-7. (1) Except as otherwise provided in Section 67-9-1
423 for the transportation and possession of limited amounts of
424 alcoholic beverages for the use of an alcohol processing
425 permittee, and subject to all of the provisions and restrictions
426 contained in this chapter, the manufacture, sale, distribution,
427 possession and transportation of alcoholic beverages shall be
428 lawful, subject to the restrictions hereinafter imposed, in those
429 counties and municipalities of this state in which, at a local
430 option election called and held for that purpose under the
431 provisions of this chapter, a majority of the qualified electors
432 voting in such election shall vote in favor thereof. Except as
433 otherwise provided in Section 67-1-51 for holders of a caterer's
434 permit, the manufacture, sale and distribution of alcoholic
435 beverages shall not be permissible or lawful in counties except in
436 (a) incorporated municipalities located within such counties, (b)
437 qualified resort areas within such counties approved as such by
438 the * * * Department of Revenue, or (c) clubs within such
439 counties, whether within a municipality or not. The manufacture,
440 sale, distribution and possession of native wines shall be lawful
441 in any location within any such county except those locations
442 where the manufacture, sale or distribution is prohibited by law
443 other than this section or by regulations of the * * * department.



444 (2) Notwithstanding the foregoing and except as otherwise
445 provided in this subsection (2), within any state park or any
446 state park facility that has been declared a qualified resort area
447 by the * * * department, and within any qualified resort area as
448 defined under Section 67-1-5(o)(iii), an on-premises retailer's
449 permit may be issued for the qualified resort area, and the
450 permittee may lawfully sell alcoholic beverages for consumption on
451 his licensed premises regardless of whether or not the county or
452 municipality in which the qualified resort area is located has
453 voted in favor of coming out from under the dry law, and it shall
454 be lawful to receive, store, sell, possess and consume alcoholic
455 beverages on the licensed premises, and to sell, distribute and
456 transport alcoholic beverages to the licensed premises. However,
457 within any qualified resort area as defined under Section
458 67-1-5(o)(iii)5, 7 or 8, the department may issue on-premises
459 retailer's permits and package retailer's permits and it shall be
460 lawful to receive, store, sell, possess, consume and distribute
461 alcoholic beverages on such premises as authorized by the permit.
462 In addition, it shall be lawful to possess and consume alcoholic
463 beverages within any municipality or district that is a qualified
464 resort area or in which a qualified resort area facility is
465 located as defined under Section 67-1-5(o)(iii)5, 7 or 8, subject
466 to such other restrictions as may be provided in this chapter.

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



469 67-1-37. The Department of Revenue, under its duties and
470 powers with respect to the Alcoholic Beverage Control Division
471 therein, shall have the following powers, functions and duties:

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

476 (b) To revoke, suspend or cancel, for violation of or
477 noncompliance with the provisions of this chapter, or the law
478 governing the production and sale of native wines, or any lawful
479 rules and regulations of the department issued hereunder, or for
480 other sufficient cause, any permit issued by it under the
481 provisions of this chapter. The department shall also be
482 authorized to suspend the permit of any permit holder for being
483 out of compliance with an order for support, as defined in Section
484 93-11-153. The procedure for suspension of a permit for being out
485 of compliance with an order for support, and the procedure for the
486 reissuance or reinstatement of a permit suspended for that
487 purpose, and the payment of any fees for the reissuance or
488 reinstatement of a permit suspended for that purpose, shall be
489 governed by Section 93-11-157 or Section 93-11-163, as the case
490 may be. If there is any conflict between any provision of Section
491 93-11-157 or Section 93-11-163 and any provision of this chapter,
492 the provisions of Section 93-11-157 or Section 93-11-163, as the
493 case may be, shall control.



494 (c) To prescribe forms of permits and applications for
495 permits and of all reports which it deems necessary in
496 administering this chapter.

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

501 (e) To issue rules regulating the advertising of
502 alcoholic beverages in the state in any class of media and
503 permitting advertising of the retail price of alcoholic beverages.

504 (f) To issue reasonable rules and regulations, not
505 inconsistent with the federal laws or regulations, requiring
506 informative labeling of all alcoholic beverages offered for sale
507 within this state and providing for the standards of fill and
508 shapes of retail containers of alcoholic beverages; however, such
509 containers shall not contain less than fifty (50) milliliters by
510 liquid measure.

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



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

521 (h) To adopt and promulgate, repeal and amend, such
522 rules, regulations, standards, requirements and orders, not
523 inconsistent with this chapter or any law of this state or of the
524 United States, as it deems necessary to control the manufacture,
525 importation, transportation, distribution and sale of alcoholic
526 liquor, whether intended for beverage or nonbeverage use in a
527 manner not inconsistent with the provisions of this chapter or any
528 other statute, including the native wine laws.

529 (i) To call upon other administrative departments of
530 the state, county and municipal governments, county and city
531 police departments and upon prosecuting officers for such
532 information and assistance as it may deem necessary in the
533 performance of its duties.

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

540 (k) To inspect, or cause to be inspected, any premises
541 where alcoholic liquors intended for sale are manufactured,
542 stored, distributed or sold, and to examine or cause to be



543 examined all books and records pertaining to the business
544 conducted therein.

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

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

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

559 (o) To enforce the provisions made unlawful by Chapter
560 3, Title 67 and Section 97-5-49.

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

564 * * *

565 **SECTION 4.** Section 67-1-14, Mississippi Code of 1972, is
566 brought forward as follows:



567 67-1-14. (1) The legalizing provisions of this chapter may
568 be effective, applicable and operative in any municipality located
569 in a county which has voted against coming out from under the dry
570 law if a local option election shall be called and held in such
571 municipality in the manner and with the results hereinafter
572 provided.

573 (2) (a) Any municipality in this state having a population
574 of not less than five thousand (5,000) according to the latest
575 federal census and which is located in a county which has voted
576 against coming out from under the dry law, or any municipality
577 that is a county seat and which is located in a county which has
578 voted against coming out from under the dry law, may, at an
579 election held for the purpose under the election laws applicable
580 to such municipality, either prohibit or permit, except as
581 otherwise provided under Section 67-9-1, the sale, and the
582 receipt, storage and transportation for the purpose of sale, of
583 alcoholic beverages. An election to determine whether such sale
584 and possession shall be permitted in municipalities wherein its
585 sale and possession is prohibited by law shall be ordered by the
586 municipal governing authorities upon the presentation of a
587 petition to such governing authorities containing the names of at
588 least twenty percent (20%) of the duly qualified voters of such
589 municipality asking for such election. In like manner, an
590 election to determine whether such sale and possession shall be
591 prohibited in municipalities wherein its sale is permitted by law



592 shall be ordered by the municipal governing authorities upon the
593 presentation of a petition to such governing authorities
594 containing the names of at least twenty percent (20%) of the duly
595 qualified voters of such municipality asking for such election.
596 No election on either question shall be held by any one (1)
597 municipality more often than once in two (2) years.

598 Thirty (30) days' notice shall be given to the qualified
599 electors of such municipality, in the manner prescribed by law,
600 upon the question of either permitting or prohibiting such sale
601 and possession, such notice to contain a statement of the question
602 to be voted on at the election. The ballots to be used in the
603 election shall have the following words printed thereon: "For the
604 legal sale of alcoholic liquors" and the words "Against the legal
605 sale of alcoholic liquors" next below. In marking his ballot the
606 voter shall make a cross (X) opposite the words of his choice.

607 If in the election a majority of the qualified electors
608 voting in the election shall vote "for the legal sale of alcoholic
609 liquors," then the municipal governing authorities shall pass the
610 necessary order permitting the legal sale of such alcoholic
611 beverages in such municipality. If in the election a majority of
612 the qualified electors voting in the election shall vote "against
613 the legal sale of alcoholic liquors," then the municipal governing
614 authorities shall pass the necessary order prohibiting the sale of
615 alcoholic beverages in such municipality.



616 (b) The provisions of this subsection shall also apply
617 to any municipality having a population of not less than six
618 thousand (6,000) according to the latest federal census, a portion
619 of which is located in a county which has voted against coming out
620 from under the dry law and a portion of which is located in a
621 county which has voted in favor of coming out from under the dry
622 law. For the purpose of determining whether or not such a
623 municipality meets the threshold population of six thousand
624 (6,000) which will qualify the municipality to hold an election
625 under this subsection, the entire population of the municipality
626 shall be considered; however, the petition to hold the election
627 authorized in this subsection shall be ordered by the municipal
628 governing authorities upon the presentation of a petition to such
629 governing authorities containing the names of at least twenty
630 percent (20%) of the duly qualified voters of such municipality
631 who reside in that portion of the municipality located in a county
632 which has voted against coming out from under the dry law and the
633 election shall be held only in that portion of the municipality.
634 In all other respects, the authority for the holding of elections
635 and the manner in which such elections shall be conducted shall be
636 as prescribed in paragraph (a) of this subsection; and, after
637 proper certification of election results, the municipal governing
638 authorities shall pass the appropriate order to permit or prohibit
639 the legal sale of alcoholic beverages in that portion of the



640 municipality located in a county which has voted against coming
641 out from under the dry law.

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

647 **SECTION 5.** Section 67-1-41, Mississippi Code of 1972, is
648 brought forward as follows:

649 67-1-41. (1) The department is hereby created a wholesale
650 distributor and seller of alcoholic beverages, not including malt
651 liquors, within the State of Mississippi. It is granted the sole
652 right to import and sell intoxicating liquors at wholesale within
653 the state, and no person who is granted the right to sell,
654 distribute or receive intoxicating liquors at retail shall
655 purchase any intoxicating liquors from any source other than the
656 department except as authorized in subsections (4) and (9). The
657 department may establish warehouses, purchase intoxicating liquors
658 in such quantities and from such sources as it may deem desirable
659 and sell the intoxicating liquors to authorized permittees within
660 the state including, at the discretion of the department, any
661 retail distributors operating within any military post or
662 qualified resort areas within the boundaries of the state, keeping
663 a correct and accurate record of all such transactions and
664 exercising such control over the distribution of alcoholic



665 beverages as seem right and proper in keeping with the provisions
666 or purposes of this chapter.

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

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

677 (4) The department may promulgate rules and regulations
678 which authorize on-premises retailers to purchase limited amounts
679 of alcoholic beverages from package retailers and for package
680 retailers to purchase limited amounts of alcoholic beverages from
681 other package retailers. The department shall develop and provide
682 forms to be completed by the on-premises retailers and the package
683 retailers verifying the transaction. The completed forms shall be
684 forwarded to the department within a period of time prescribed by
685 the department.

686 (5) The department may promulgate rules which authorize the
687 holder of a package retailer's permit to permit individual retail
688 purchasers of packages of alcoholic beverages to return, for
689 exchange, credit or refund, limited amounts of original sealed and



690 unopened packages of alcoholic beverages purchased by the
691 individual from the package retailer.

692 (6) The department shall maintain all forms to be completed
693 by applicants necessary for licensure by the department at all
694 district offices of the department.

695 (7) The department may promulgate rules which authorize the
696 manufacturer of an alcoholic beverage or wine to import, transport
697 and furnish or give a sample of alcoholic beverages or wines to
698 the holders of package retailer's permits, on-premises retailer's
699 permits, native wine retailer's permits and temporary retailer's
700 permits who have not previously purchased the brand of that
701 manufacturer from the department. For each holder of the
702 designated permits, the manufacturer may furnish not more than
703 five hundred (500) milliliters of any brand of alcoholic beverage
704 and not more than three (3) liters of any brand of wine.

705 (8) The department may promulgate rules disallowing open
706 product sampling of alcoholic beverages or wines by the holders of
707 package retailer's permits and permitting open product sampling of
708 alcoholic beverages by the holders of on-premises retailer's
709 permits. Permitted sample products shall be plainly identified
710 "sample" and the actual sampling must occur in the presence of the
711 manufacturer's representatives during the legal operating hours of
712 on-premises retailers.

713 (9) The department may promulgate rules and regulations that
714 authorize the holder of a research permit to import and purchase



715 limited amounts of alcoholic beverages from importers, wineries
716 and distillers of alcoholic beverages or from the department. The
717 department shall develop and provide forms to be completed by the
718 research permittee verifying each transaction. The completed
719 forms shall be forwarded to the department within a period of time
720 prescribed by the department. The records and inventory of
721 alcoholic beverages shall be open to inspection at any time by the
722 Director of the Alcoholic Beverage Control Division or any duly
723 authorized agent.

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

727 **SECTION 6.** Section 67-1-51, Mississippi Code of 1972, is
728 brought forward as follows:

729 67-1-51. (1) Permits which may be issued by the department
730 shall be as follows:

731 (a) **Manufacturer's permit.** A manufacturer's permit
732 shall permit the manufacture, importation in bulk, bottling and
733 storage of alcoholic liquor and its distribution and sale to
734 manufacturers holding permits under this chapter in this state and
735 to persons outside the state who are authorized by law to purchase
736 the same, and to sell exclusively to the department.

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

738 Class 1. Distiller's and/or rectifier's permit, which shall
739 authorize the holder thereof to operate a distillery for the



740 production of distilled spirits by distillation or redistillation
741 and/or to operate a rectifying plant for the purifying, refining,
742 mixing, blending, flavoring or reducing in proof of distilled
743 spirits and alcohol.

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

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

750 (b) **Package retailer's permit.** Except as otherwise
751 provided in this paragraph and Section 67-1-52, a package
752 retailer's permit shall authorize the holder thereof to operate a
753 store exclusively for the sale at retail in original sealed and
754 unopened packages of alcoholic beverages, including native wines,
755 not to be consumed on the premises where sold. Alcoholic
756 beverages shall not be sold by any retailer in any package or
757 container containing less than fifty (50) milliliters by liquid
758 measure. A package retailer's permit, with prior approval from
759 the department, shall authorize the holder thereof to sample new
760 product furnished by a manufacturer's representative or his
761 employees at the permitted place of business so long as the
762 sampling otherwise complies with this chapter and applicable
763 department regulations. Such samples may not be provided to
764 customers at the permitted place of business. In addition to the



765 sale at retail of packages of alcoholic beverages, the holder of a
766 package retailer's permit is authorized to sell at retail
767 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
768 other beverages commonly used to mix with alcoholic beverages.
769 Nonalcoholic beverages sold by the holder of a package retailer's
770 permit shall not be consumed on the premises where sold.

771 (c) **On-premises retailer's permit.** Except as otherwise
772 provided in subsection (5) of this section, an on-premises
773 retailer's permit shall authorize the sale of alcoholic beverages,
774 including native wines, for consumption on the licensed premises
775 only; however, a patron of the permit holder may remove one (1)
776 bottle of wine from the licensed premises if: (i) the patron
777 consumed a portion of the bottle of wine in the course of
778 consuming a meal purchased on the licensed premises; (ii) the
779 permit holder securely reseals the bottle; (iii) the bottle is
780 placed in a bag that is secured in a manner so that it will be
781 visibly apparent if the bag is opened; and (iv) a dated receipt
782 for the wine and the meal is available. Such a permit shall be
783 issued only to qualified hotels, restaurants and clubs, and to
784 common carriers with adequate facilities for serving passengers.
785 In resort areas, whether inside or outside of a municipality, the
786 department, in its discretion, may issue on-premises retailer's
787 permits to such establishments as it deems proper. An on-premises
788 retailer's permit when issued to a common carrier shall authorize
789 the sale and serving of alcoholic beverages aboard any licensed



790 vehicle while moving through any county of the state; however, the
791 sale of such alcoholic beverages shall not be permitted while such
792 vehicle is stopped in a county that has not legalized such sales.
793 If an on-premises retailer's permit is applied for by a common
794 carrier operating solely in the water, such common carrier must,
795 along with all other qualifications for a permit, (i) be certified
796 to carry at least one hundred fifty (150) passengers and/or
797 provide overnight accommodations for at least fifty (50)
798 passengers and (ii) operate primarily in the waters within the
799 State of Mississippi which lie adjacent to the State of
800 Mississippi south of the three (3) most southern counties in the
801 State of Mississippi and/or on the Mississippi River or navigable
802 waters within any county bordering on the Mississippi River.

803 (d) **Solicitor's permit.** A solicitor's permit shall
804 authorize the holder thereof to act as salesman for a manufacturer
805 or wholesaler holding a proper permit, to solicit on behalf of his
806 employer orders for alcoholic beverages, and to otherwise promote
807 his employer's products in a legitimate manner. Such a permit
808 shall authorize the representation of and employment by one (1)
809 principal only. However, the permittee may also, in the
810 discretion of the department, be issued additional permits to
811 represent other principals. No such permittee shall buy or sell
812 alcoholic beverages for his own account, and no such beverage
813 shall be brought into this state in pursuance of the exercise of



814 such permit otherwise than through a permit issued to a wholesaler
815 or manufacturer in the state.

816 (e) **Native wine retailer's permit.** Except as otherwise
817 provided in subsection (5) of this section, a native wine
818 retailer's permit shall be issued only to a holder of a Class 3
819 manufacturer's permit, and shall authorize the holder thereof to
820 make retail sales of native wines to consumers for on-premises
821 consumption or to consumers in originally sealed and unopened
822 containers at an establishment located on the premises of or in
823 the immediate vicinity of a native winery.

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

829 Temporary retailer's permits shall be of the following
830 classes:

831 Class 1. A temporary one-day permit may be issued to bona
832 fide nonprofit civic or charitable organizations authorizing the
833 sale of alcoholic beverages, including native wine, for
834 consumption on the premises described in the temporary permit
835 only. Class 1 permits may be issued only to applicants
836 demonstrating to the department, by a statement signed under
837 penalty of perjury submitted ten (10) days prior to the proposed
838 date or such other time as the department may determine, that they



839 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
840 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
841 Class 1 permittees shall obtain all alcoholic beverages from
842 package retailers located in the county in which the temporary
843 permit is issued. Alcoholic beverages remaining in stock upon
844 expiration of the temporary permit may be returned by the
845 permittee to the package retailer for a refund of the purchase
846 price upon consent of the package retailer or may be kept by the
847 permittee exclusively for personal use and consumption, subject to
848 all laws pertaining to the illegal sale and possession of
849 alcoholic beverages. The department, following review of the
850 statement provided by the applicant and the requirements of the
851 applicable statutes and regulations, may issue the permit.

852 Class 2. A temporary permit, not to exceed seventy (70)
853 days, may be issued to prospective permittees seeking to transfer
854 a permit authorized in paragraph (c) of this subsection. A Class
855 2 permit may be issued only to applicants demonstrating to the
856 department, by a statement signed under the penalty of perjury,
857 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
858 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
859 67-1-59. The department, following a preliminary review of the
860 statement provided by the applicant and the requirements of the
861 applicable statutes and regulations, may issue the permit.

862 Class 2 temporary permittees must purchase their alcoholic
863 beverages directly from the department or, with approval of the



864 department, purchase the remaining stock of the previous
865 permittee. If the proposed applicant of a Class 1 or Class 2
866 temporary permit falsifies information contained in the
867 application or statement, the applicant shall never again be
868 eligible for a retail alcohol beverage permit and shall be subject
869 to prosecution for perjury.

870 Class 3. A temporary one-day permit may be issued to a
871 retail establishment authorizing the complimentary distribution of
872 wine, including native wine, to patrons of the retail
873 establishment at an open house or promotional event, for
874 consumption only on the premises described in the temporary
875 permit. A Class 3 permit may be issued only to an applicant
876 demonstrating to the department, by a statement signed under
877 penalty of perjury submitted ten (10) days before the proposed
878 date or such other time as the department may determine, that it
879 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
880 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
881 A Class 3 permit holder shall obtain all alcoholic beverages from
882 the holder(s) of a package retailer's permit located in the county
883 in which the temporary permit is issued. Wine remaining in stock
884 upon expiration of the temporary permit may be returned by the
885 Class 3 temporary permit holder to the package retailer for a
886 refund of the purchase price, with consent of the package
887 retailer, or may be kept by the Class 3 temporary permit holder
888 exclusively for personal use and consumption, subject to all laws



889 pertaining to the illegal sale and possession of alcoholic
890 beverages. The department, following review of the statement
891 provided by the applicant and the requirements of the applicable
892 statutes and regulations, may issue the permit. No retailer may
893 receive more than twelve (12) Class 3 temporary permits in a
894 calendar year. A Class 3 temporary permit shall not be issued to
895 a retail establishment that either holds a merchant permit issued
896 under paragraph (1) of this subsection, or holds a permit issued
897 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
898 the holder to engage in the business of a retailer of light wine
899 or beer.

900 (g) **Caterer's permit.** A caterer's permit shall permit
901 the purchase of alcoholic beverages by a person engaging in
902 business as a caterer and the resale of alcoholic beverages by
903 such person in conjunction with such catering business. No person
904 shall qualify as a caterer unless forty percent (40%) or more of
905 the revenue derived from such catering business shall be from the
906 serving of prepared food and not from the sale of alcoholic
907 beverages and unless such person has obtained a permit for such
908 business from the Department of Health. A caterer's permit shall
909 not authorize the sale of alcoholic beverages on the premises of
910 the person engaging in business as a caterer; however, the holder
911 of an on-premises retailer's permit may hold a caterer's permit.
912 When the holder of an on-premises retailer's permit or an
913 affiliated entity of the holder also holds a caterer's permit, the



914 caterer's permit shall not authorize the service of alcoholic
915 beverages on a consistent, recurring basis at a separate, fixed
916 location owned or operated by the caterer, on-premises retailer or
917 affiliated entity and an on-premises retailer's permit shall be
918 required for the separate location. All sales of alcoholic
919 beverages by holders of a caterer's permit shall be made at the
920 location being catered by the caterer, and, except as otherwise
921 provided in subsection (5) of this section, such sales may be made
922 only for consumption at the catered location. The location being
923 catered may be anywhere within a county or judicial district that
924 has voted to come out from under the dry laws or in which the
925 sale, distribution and possession of alcoholic beverages is
926 otherwise authorized by law. Such sales shall be made pursuant to
927 any other conditions and restrictions which apply to sales made by
928 on-premises retail permittees. The holder of a caterer's permit
929 or his employees shall remain at the catered location as long as
930 alcoholic beverages are being sold pursuant to the permit issued
931 under this paragraph (g), and the permittee shall have at the
932 location the identification card issued by the Alcoholic Beverage
933 Control Division of the department. No unsold alcoholic beverages
934 may be left at the catered location by the permittee upon the
935 conclusion of his business at that location. Appropriate law
936 enforcement officers and Alcoholic Beverage Control Division
937 personnel may enter a catered location on private property in



938 order to enforce laws governing the sale or serving of alcoholic
939 beverages.

940 (h) **Research permit.** A research permit shall authorize
941 the holder thereof to operate a research facility for the
942 professional research of alcoholic beverages. Such permit shall
943 authorize the holder of the permit to import and purchase limited
944 amounts of alcoholic beverages from the department or from
945 importers, wineries and distillers of alcoholic beverages for
946 professional research.

947 (i) **Alcohol processing permit.** An alcohol processing
948 permit shall authorize the holder thereof to purchase, transport
949 and possess alcoholic beverages for the exclusive use in cooking,
950 processing or manufacturing products which contain alcoholic
951 beverages as an integral ingredient. An alcohol processing permit
952 shall not authorize the sale of alcoholic beverages on the
953 premises of the person engaging in the business of cooking,
954 processing or manufacturing products which contain alcoholic
955 beverages. The amounts of alcoholic beverages allowed under an
956 alcohol processing permit shall be set by the department.

957 (j) **Hospitality cart permit.** A hospitality cart permit
958 shall authorize the sale of alcoholic beverages from a mobile cart
959 on a golf course that is the holder of an on-premises retailer's
960 permit. The alcoholic beverages sold from the cart must be
961 consumed within the boundaries of the golf course.



962 (k) **Special service permit.** A special service permit
963 shall authorize the holder to sell commercially sealed alcoholic
964 beverages to the operator of a commercial or private aircraft for
965 en route consumption only by passengers. A special service permit
966 shall be issued only to a fixed-base operator who contracts with
967 an airport facility to provide fueling and other associated
968 services to commercial and private aircraft.

969 (1) **Merchant permit.** Except as otherwise provided in
970 subsection (5) of this section, a merchant permit shall be issued
971 only to the owner of a spa facility, an art studio or gallery, or
972 a cooking school, and shall authorize the holder to serve
973 complimentary by the glass wine only, including native wine, at
974 the holder's spa facility, art studio or gallery, or cooking
975 school. A merchant permit holder shall obtain all wine from the
976 holder of a package retailer's permit.

977 (m) **Temporary alcoholic beverages charitable auction**
978 **permit.** A temporary permit, not to exceed five (5) days, may be
979 issued to a qualifying charitable nonprofit organization that is
980 exempt from taxation under Section 501(c)(3) or (4) of the
981 Internal Revenue Code of 1986. The permit shall authorize the
982 holder to sell alcoholic beverages for the limited purpose of
983 raising funds for the organization during a live or silent auction
984 that is conducted by the organization and that meets the following
985 requirements: (i) the auction is conducted in an area of the
986 state where the sale of alcoholic beverages is authorized; (ii) if



987 the auction is conducted on the premises of an on-premises
988 retailer's permit holder, then the alcoholic beverages to be
989 auctioned must be stored separately from the alcoholic beverages
990 sold, stored or served on the premises, must be removed from the
991 premises immediately following the auction, and may not be
992 consumed on the premises; (iii) the permit holder may not conduct
993 more than two (2) auctions during a calendar year; (iv) the permit
994 holder may not pay a commission or promotional fee to any person
995 to arrange or conduct the auction.

996 (n) **Event venue retailer's permit.** An event venue
997 retailer's permit shall authorize the holder thereof to purchase
998 and resell alcoholic beverages, including native wines, for
999 consumption on the premises during legal hours during events held
1000 on the licensed premises if food is being served at the event by a
1001 caterer who is not affiliated with or related to the permittee.
1002 The caterer must serve at least three (3) entrees. The permit may
1003 only be issued for venues that can accommodate two hundred (200)
1004 persons or more. The number of persons a venue may accommodate
1005 shall be determined by the local fire department and such
1006 determination shall be provided in writing and submitted along
1007 with all other documents required to be provided for an
1008 on-premises retailer's permit. The permittee must derive the
1009 majority of its revenue from event-related fees, including, but
1010 not limited to, admission fees or ticket sales for live
1011 entertainment in the building. "Event-related fees" do not



1012 include alcohol, beer or light wine sales or any fee which may be
1013 construed to cover the cost of alcohol, beer or light wine. This
1014 determination shall be made on a per event basis. An event may
1015 not last longer than two (2) consecutive days per week.

1016 (o) **Temporary theatre permit.** A temporary theatre
1017 permit, not to exceed five (5) days, may be issued to a charitable
1018 nonprofit organization that is exempt from taxation under Section
1019 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
1020 a theatre facility that features plays and other theatrical
1021 performances and productions. Except as otherwise provided in
1022 subsection (5) of this section, the permit shall authorize the
1023 holder to sell alcoholic beverages, including native wines, to
1024 patrons of the theatre during performances and productions at the
1025 theatre facility for consumption during such performances and
1026 productions on the premises of the facility described in the
1027 permit. A temporary theatre permit holder shall obtain all
1028 alcoholic beverages from package retailers located in the county
1029 in which the permit is issued. Alcoholic beverages remaining in
1030 stock upon expiration of the temporary theatre permit may be
1031 returned by the permittee to the package retailer for a refund of
1032 the purchase price upon consent of the package retailer or may be
1033 kept by the permittee exclusively for personal use and
1034 consumption, subject to all laws pertaining to the illegal sale
1035 and possession of alcoholic beverages.



1036 (p) **Charter ship operator's permit.** Subject to the
1037 provisions of this paragraph (p), a charter ship operator's permit
1038 shall authorize the holder thereof and its employees to serve,
1039 monitor, store and otherwise control the serving and availability
1040 of alcoholic beverages to customers of the permit holder during
1041 private charters under contract provided by the permit holder. A
1042 charter ship operator's permit shall authorize such action by the
1043 permit holder and its employees only as to alcoholic beverages
1044 brought onto the permit holder's ship by customers of the permit
1045 holder as part of such a private charter. All such alcoholic
1046 beverages must be removed from the charter ship at the conclusion
1047 of each private charter. A charter ship operator's permit shall
1048 not authorize the permit holder to sell, charge for or otherwise
1049 supply alcoholic beverages to customers, except as authorized in
1050 this paragraph (p). For the purposes of this paragraph (p),
1051 "charter ship operator" means a common carrier that (i) is
1052 certified to carry at least one hundred fifty (150) passengers
1053 and/or provide overnight accommodations for at least fifty (50)
1054 passengers, (ii) operates only in the waters within the State of
1055 Mississippi, which lie adjacent to the State of Mississippi south
1056 of the three (3) most southern counties in the State of
1057 Mississippi, and (iii) provides charters under contract for tours
1058 and trips in such waters.

1059 (q) **Distillery retailer's permit.** The holder of a
1060 Class 1 manufacturer's permit may obtain a distillery retailer's



1061 permit. A distillery retailer's permit shall authorize the holder
1062 thereof to sell at retail alcoholic beverages by the sealed and
1063 unopened bottle from a retail location at the distillery for
1064 off-premises consumption. The holder may only sell product
1065 manufactured by the manufacturer at the distillery described in
1066 the permit. The holder shall not sell at retail more than ten
1067 percent (10%) of the alcoholic beverages produced annually at its
1068 distillery. The holder shall not make retail sales of more than
1069 two and twenty-five one-hundredths (2.25) liters, in the
1070 aggregate, of the alcoholic beverages produced at its distillery
1071 to any one (1) individual for consumption off the premises of the
1072 distillery within a twenty-four-hour period. The hours of sale
1073 shall be the same as those hours for package retailers under this
1074 chapter. The holder of a distillery retailer's permit is not
1075 required to purchase the alcoholic beverages authorized to be sold
1076 by this paragraph from the department's liquor distribution
1077 warehouse; however, if the holder does not purchase the alcoholic
1078 beverages from the department's liquor distribution warehouse, the
1079 holder shall pay to the department all taxes, fees and surcharges
1080 on the alcoholic beverages that are imposed upon the sale of
1081 alcoholic beverages shipped by the Alcoholic Beverage Control
1082 Division of the Department of Revenue. In addition to alcoholic
1083 beverages, the holder of a distillery retailer's permit may sell
1084 at retail promotional products from the same retail location,



1085 including shirts, hats, glasses, and other promotional products
1086 customarily sold by alcoholic beverage manufacturers.

1087 (2) Except as otherwise provided in subsection (4) of this
1088 section, retail permittees may hold more than one (1) retail
1089 permit, at the discretion of the department.

1090 (3) Except as otherwise provided in this subsection, no
1091 authority shall be granted to any person to manufacture, sell or
1092 store for sale any intoxicating liquor as specified in this
1093 chapter within four hundred (400) feet of any church, school,
1094 kindergarten or funeral home. However, within an area zoned
1095 commercial or business, such minimum distance shall be not less
1096 than one hundred (100) feet.

1097 A church or funeral home may waive the distance restrictions
1098 imposed in this subsection in favor of allowing issuance by the
1099 department of a permit, pursuant to subsection (1) of this
1100 section, to authorize activity relating to the manufacturing, sale
1101 or storage of alcoholic beverages which would otherwise be
1102 prohibited under the minimum distance criterion. Such waiver
1103 shall be in written form from the owner, the governing body, or
1104 the appropriate officer of the church or funeral home having the
1105 authority to execute such a waiver, and the waiver shall be filed
1106 with and verified by the department before becoming effective.

1107 The distance restrictions imposed in this subsection shall
1108 not apply to the sale or storage of alcoholic beverages at a bed
1109 and breakfast inn listed in the National Register of Historic



1110 Places or to the sale or storage of alcoholic beverages in a
1111 historic district that is listed in the National Register of
1112 Historic Places, is a qualified resort area and is located in a
1113 municipality having a population greater than one hundred thousand
1114 (100,000) according to the latest federal decennial census.

1115 (4) No person, either individually or as a member of a firm,
1116 partnership, limited liability company or association, or as a
1117 stockholder, officer or director in a corporation, shall own or
1118 control any interest in more than one (1) package retailer's
1119 permit, nor shall such person's spouse, if living in the same
1120 household of such person, any relative of such person, if living
1121 in the same household of such person, or any other person living
1122 in the same household with such person own any interest in any
1123 other package retailer's permit.

1124 (5) (a) In addition to any other authority granted under
1125 this section, the holder of a permit issued under subsection
1126 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1127 sell or otherwise provide alcoholic beverages and/or wine to a
1128 patron of the permit holder in the manner authorized in the permit
1129 and the patron may remove an open glass, cup or other container of
1130 the alcoholic beverage and/or wine from the licensed premises and
1131 may possess and consume the alcoholic beverage or wine outside of
1132 the licensed premises if: (i) the licensed premises is located
1133 within a leisure and recreation district created under Section
1134 67-1-101 and (ii) the patron remains within the boundaries of the



1135 leisure and recreation district while in possession of the
1136 alcoholic beverage or wine.

1137 (b) Nothing in this subsection shall be construed to
1138 allow a person to bring any alcoholic beverages into a permitted
1139 premises except to the extent otherwise authorized by this
1140 chapter.

1141 **SECTION 7.** This act shall take effect and be in force from
1142 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 BRING FORWARD SECTIONS 67-1-14, 67-1-41 AND
11 67-1-51, MISSISSIPPI CODE OF 1972, WHICH ARE SECTIONS OF THE LOCAL
12 OPTION ALCOHOLIC BEVERAGE CONTROL LAW, FOR THE PURPOSES OF
13 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

