

Senate Amendments to House Bill No. 1381

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE 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:

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 five (105) contiguous acres,
323 more or less, located in Hinds County, Mississippi, and in the
324 City of Jackson, Mississippi, whereon are constructed a variety of
325 buildings, improvements, grounds or objects for the purpose of
326 holding events thereon to promote agricultural and industrial
327 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. If any portion of
338 the land described in this item 18 has been declared a qualified
339 resort area by the department before July 1, 2020, then that

340 qualified resort area shall be incorporated into the qualified
341 resort area created by this item 18.

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

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

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

362 (r) "Bed and breakfast inn" means an establishment
363 within a municipality where in consideration of payment, breakfast
364 and lodging are habitually furnished to travelers and wherein are
365 located not less than eight (8) and not more than nineteen (19)

366 adequately furnished and completely separate sleeping rooms with
367 adequate facilities, that persons usually apply for and receive as
368 overnight accommodations; however, such restriction on the minimum
369 number of sleeping rooms shall not apply to establishments on the
370 National Register of Historic Places. No place shall qualify as a
371 bed and breakfast inn under this chapter unless on the date of the
372 initial application for a license under this chapter more than
373 fifty percent (50%) of the sleeping rooms are located in a
374 structure formerly used as a residence.

375 (s) "Board" shall refer to the Board of Tax Appeals of
376 the State of Mississippi.

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

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

386 (v) "Cooking school" means an establishment within a
387 municipality or qualified resort area and owned by a nationally
388 recognized company that offers an established culinary education
389 curriculum and program where, in consideration of payment, patrons
390 are given scheduled professional group instruction on culinary
391 techniques. For purposes of this paragraph, the definition of

392 cooking school shall not include schools or classes offered by
393 grocery stores, convenience stores or drugstores.

394 (w) "Campus" means property owned by a public school
395 district, community or junior college, college or university in
396 this state where educational courses are taught, school functions
397 are held, tests and examinations are administered or academic
398 course credits are awarded; however, the term shall not include
399 any "restaurant" or "hotel" that is located on property owned by a
400 community or junior college, college or university in this state,
401 and is operated by a third party who receives all revenue
402 generated from food and alcoholic beverage sales.

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

405 67-1-7. (1) Except as otherwise provided in Section 67-9-1
406 for the transportation and possession of limited amounts of
407 alcoholic beverages for the use of an alcohol processing
408 permittee, and subject to all of the provisions and restrictions
409 contained in this chapter, the manufacture, sale, distribution,
410 possession and transportation of alcoholic beverages shall be
411 lawful, subject to the restrictions hereinafter imposed, in those
412 counties and municipalities of this state in which, at a local
413 option election called and held for that purpose under the
414 provisions of this chapter, a majority of the qualified electors
415 voting in such election shall vote in favor thereof. Except as
416 otherwise provided in Section 67-1-51 for holders of a caterer's
417 permit, the manufacture, sale and distribution of alcoholic

418 beverages shall not be permissible or lawful in counties except in
419 (a) incorporated municipalities located within such counties, (b)
420 qualified resort areas within such counties approved as such by
421 the * * * Department of Revenue, or (c) clubs within such
422 counties, whether within a municipality or not. The manufacture,
423 sale, distribution and possession of native wines shall be lawful
424 in any location within any such county except those locations
425 where the manufacture, sale or distribution is prohibited by law
426 other than this section or by regulations of the * * * department.

427 (2) Notwithstanding the foregoing and except as otherwise
428 provided in this subsection (2), within any state park or any
429 state park facility that has been declared a qualified resort area
430 by the * * * department, and within any qualified resort area as
431 defined under Section 67-1-5(o)(iii), an on-premises retailer's
432 permit may be issued for the qualified resort area, and the
433 permittee may lawfully sell alcoholic beverages for consumption on
434 his licensed premises regardless of whether or not the county or
435 municipality in which the qualified resort area is located has
436 voted in favor of coming out from under the dry law, and it shall
437 be lawful to receive, store, sell, possess and consume alcoholic
438 beverages on the licensed premises, and to sell, distribute and
439 transport alcoholic beverages to the licensed premises. However,
440 within any qualified resort area as defined under Section
441 67-1-5(o)(iii)5, 7 or 8, the department may issue on-premises
442 retailer's permits and package retailer's permits and it shall be
443 lawful to receive, store, sell, possess, consume and distribute

444 alcoholic beverages on such premises as authorized by the permit.
445 In addition, it shall be lawful to possess and consume alcoholic
446 beverages within any municipality or district that is a qualified
447 resort area or in which a qualified resort area facility is
448 located as defined under Section 67-1-5(o)(iii)5, 7 or 8, subject
449 to such other restrictions as may be provided in this chapter.

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

452 67-1-37. The Department of Revenue, under its duties and
453 powers with respect to the Alcoholic Beverage Control Division
454 therein, shall have the following powers, functions and duties:

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

459 (b) To revoke, suspend or cancel, for violation of or
460 noncompliance with the provisions of this chapter, or the law
461 governing the production and sale of native wines, or any lawful
462 rules and regulations of the department issued hereunder, or for
463 other sufficient cause, any permit issued by it under the
464 provisions of this chapter. The department shall also be
465 authorized to suspend the permit of any permit holder for being
466 out of compliance with an order for support, as defined in Section
467 93-11-153. The procedure for suspension of a permit for being out
468 of compliance with an order for support, and the procedure for the
469 reissuance or reinstatement of a permit suspended for that

470 purpose, and the payment of any fees for the reissuance or
471 reinstatement of a permit suspended for that purpose, shall be
472 governed by Section 93-11-157 or Section 93-11-163, as the case
473 may be. If there is any conflict between any provision of Section
474 93-11-157 or Section 93-11-163 and any provision of this chapter,
475 the provisions of Section 93-11-157 or Section 93-11-163, as the
476 case may be, shall control.

477 (c) To prescribe forms of permits and applications for
478 permits and of all reports which it deems necessary in
479 administering this chapter.

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

484 (e) To issue rules regulating the advertising of
485 alcoholic beverages in the state in any class of media and
486 permitting advertising of the retail price of alcoholic beverages.

487 (f) To issue reasonable rules and regulations, not
488 inconsistent with the federal laws or regulations, requiring
489 informative labeling of all alcoholic beverages offered for sale
490 within this state and providing for the standards of fill and
491 shapes of retail containers of alcoholic beverages; however, such
492 containers shall not contain less than fifty (50) milliliters by
493 liquid measure.

494 (g) Subject to the provisions of subsection (3) of
495 Section 67-1-51, to issue rules and regulations governing the

496 issuance of retail permits for premises located near or around
497 schools, colleges, universities, churches and other public
498 institutions, and specifying the distances therefrom within which
499 no such permit shall be issued. The Alcoholic Beverage Control
500 Division shall not issue a package retailer's or on-premises
501 retailer's permit for the sale or consumption of alcoholic
502 beverages in or on the campus of any public school, community or
503 junior college, college or university.

504 (h) To adopt and promulgate, repeal and amend, such
505 rules, regulations, standards, requirements and orders, not
506 inconsistent with this chapter or any law of this state or of the
507 United States, as it deems necessary to control the manufacture,
508 importation, transportation, distribution and sale of alcoholic
509 liquor, whether intended for beverage or nonbeverage use in a
510 manner not inconsistent with the provisions of this chapter or any
511 other statute, including the native wine laws.

512 (i) To call upon other administrative departments of
513 the state, county and municipal governments, county and city
514 police departments and upon prosecuting officers for such
515 information and assistance as it may deem necessary in the
516 performance of its duties.

517 (j) To prepare and submit to the Governor during the
518 month of January of each year a detailed report of its official
519 acts during the preceding fiscal year ending June 30, including
520 such recommendations as it may see fit to make, and to transmit a

521 like report to each member of the Legislature of this state upon
522 the convening thereof at its next regular session.

523 (k) To inspect, or cause to be inspected, any premises
524 where alcoholic liquors intended for sale are manufactured,
525 stored, distributed or sold, and to examine or cause to be
526 examined all books and records pertaining to the business
527 conducted therein.

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

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

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

542 (o) To enforce the provisions made unlawful by Chapter
543 3, Title 67 and Section 97-5-49.

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

547 * * *

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

550 67-1-14. (1) The legalizing provisions of this chapter may
551 be effective, applicable and operative in any municipality located
552 in a county which has voted against coming out from under the dry
553 law if a local option election shall be called and held in such
554 municipality in the manner and with the results hereinafter
555 provided.

556 (2) (a) Any municipality in this state having a population
557 of not less than five thousand (5,000) according to the latest
558 federal census and which is located in a county which has voted
559 against coming out from under the dry law, or any municipality
560 that is a county seat and which is located in a county which has
561 voted against coming out from under the dry law, may, at an
562 election held for the purpose under the election laws applicable
563 to such municipality, either prohibit or permit, except as
564 otherwise provided under Section 67-9-1, the sale, and the
565 receipt, storage and transportation for the purpose of sale, of
566 alcoholic beverages. An election to determine whether such sale
567 and possession shall be permitted in municipalities wherein its
568 sale and possession is prohibited by law shall be ordered by the
569 municipal governing authorities upon the presentation of a
570 petition to such governing authorities containing the names of at
571 least twenty percent (20%) of the duly qualified voters of such
572 municipality asking for such election. In like manner, an

573 election to determine whether such sale and possession shall be
574 prohibited in municipalities wherein its sale is permitted by law
575 shall be ordered by the municipal governing authorities upon the
576 presentation of a petition to such governing authorities
577 containing the names of at least twenty percent (20%) of the duly
578 qualified voters of such municipality asking for such election.
579 No election on either question shall be held by any one (1)
580 municipality more often than once in two (2) years.

581 Thirty (30) days' notice shall be given to the qualified
582 electors of such municipality, in the manner prescribed by law,
583 upon the question of either permitting or prohibiting such sale
584 and possession, such notice to contain a statement of the question
585 to be voted on at the election. The ballots to be used in the
586 election shall have the following words printed thereon: "For the
587 legal sale of alcoholic liquors" and the words "Against the legal
588 sale of alcoholic liquors" next below. In marking his ballot the
589 voter shall make a cross (X) opposite the words of his choice.

590 If in the election a majority of the qualified electors
591 voting in the election shall vote "for the legal sale of alcoholic
592 liquors," then the municipal governing authorities shall pass the
593 necessary order permitting the legal sale of such alcoholic
594 beverages in such municipality. If in the election a majority of
595 the qualified electors voting in the election shall vote "against
596 the legal sale of alcoholic liquors," then the municipal governing
597 authorities shall pass the necessary order prohibiting the sale of
598 alcoholic beverages in such municipality.

599 (b) The provisions of this subsection shall also apply
600 to any municipality having a population of not less than six
601 thousand (6,000) according to the latest federal census, a portion
602 of which is located in a county which has voted against coming out
603 from under the dry law and a portion of which is located in a
604 county which has voted in favor of coming out from under the dry
605 law. For the purpose of determining whether or not such a
606 municipality meets the threshold population of six thousand
607 (6,000) which will qualify the municipality to hold an election
608 under this subsection, the entire population of the municipality
609 shall be considered; however, the petition to hold the election
610 authorized in this subsection shall be ordered by the municipal
611 governing authorities upon the presentation of a petition to such
612 governing authorities containing the names of at least twenty
613 percent (20%) of the duly qualified voters of such municipality
614 who reside in that portion of the municipality located in a county
615 which has voted against coming out from under the dry law and the
616 election shall be held only in that portion of the municipality.
617 In all other respects, the authority for the holding of elections
618 and the manner in which such elections shall be conducted shall be
619 as prescribed in paragraph (a) of this subsection; and, after
620 proper certification of election results, the municipal governing
621 authorities shall pass the appropriate order to permit or prohibit
622 the legal sale of alcoholic beverages in that portion of the
623 municipality located in a county which has voted against coming
624 out from under the dry law.

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

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

632 67-1-41. (1) The department is hereby created a wholesale
633 distributor and seller of alcoholic beverages, not including malt
634 liquors, within the State of Mississippi. It is granted the sole
635 right to import and sell intoxicating liquors at wholesale within
636 the state, and no person who is granted the right to sell,
637 distribute or receive intoxicating liquors at retail shall
638 purchase any intoxicating liquors from any source other than the
639 department except as authorized in subsections (4) and (9). The
640 department may establish warehouses, purchase intoxicating liquors
641 in such quantities and from such sources as it may deem desirable
642 and sell the intoxicating liquors to authorized permittees within
643 the state including, at the discretion of the department, any
644 retail distributors operating within any military post or
645 qualified resort areas within the boundaries of the state, keeping
646 a correct and accurate record of all such transactions and
647 exercising such control over the distribution of alcoholic
648 beverages as seem right and proper in keeping with the provisions
649 or purposes of this chapter.

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

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

660 (4) The department may promulgate rules and regulations
661 which authorize on-premises retailers to purchase limited amounts
662 of alcoholic beverages from package retailers and for package
663 retailers to purchase limited amounts of alcoholic beverages from
664 other package retailers. The department shall develop and provide
665 forms to be completed by the on-premises retailers and the package
666 retailers verifying the transaction. The completed forms shall be
667 forwarded to the department within a period of time prescribed by
668 the department.

669 (5) The department may promulgate rules which authorize the
670 holder of a package retailer's permit to permit individual retail
671 purchasers of packages of alcoholic beverages to return, for
672 exchange, credit or refund, limited amounts of original sealed and
673 unopened packages of alcoholic beverages purchased by the
674 individual from the package retailer.

675 (6) The department shall maintain all forms to be completed
676 by applicants necessary for licensure by the department at all
677 district offices of the department.

678 (7) The department may promulgate rules which authorize the
679 manufacturer of an alcoholic beverage or wine to import, transport
680 and furnish or give a sample of alcoholic beverages or wines to
681 the holders of package retailer's permits, on-premises retailer's
682 permits, native wine retailer's permits and temporary retailer's
683 permits who have not previously purchased the brand of that
684 manufacturer from the department. For each holder of the
685 designated permits, the manufacturer may furnish not more than
686 five hundred (500) milliliters of any brand of alcoholic beverage
687 and not more than three (3) liters of any brand of wine.

688 (8) The department may promulgate rules disallowing open
689 product sampling of alcoholic beverages or wines by the holders of
690 package retailer's permits and permitting open product sampling of
691 alcoholic beverages by the holders of on-premises retailer's
692 permits. Permitted sample products shall be plainly identified
693 "sample" and the actual sampling must occur in the presence of the
694 manufacturer's representatives during the legal operating hours of
695 on-premises retailers.

696 (9) The department may promulgate rules and regulations that
697 authorize the holder of a research permit to import and purchase
698 limited amounts of alcoholic beverages from importers, wineries
699 and distillers of alcoholic beverages or from the department. The
700 department shall develop and provide forms to be completed by the

701 research permittee verifying each transaction. The completed
702 forms shall be forwarded to the department within a period of time
703 prescribed by the department. The records and inventory of
704 alcoholic beverages shall be open to inspection at any time by the
705 Director of the Alcoholic Beverage Control Division or any duly
706 authorized agent.

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

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

712 67-1-51. (1) Permits which may be issued by the department
713 shall be as follows:

714 (a) **Manufacturer's permit.** A manufacturer's permit
715 shall permit the manufacture, importation in bulk, bottling and
716 storage of alcoholic liquor and its distribution and sale to
717 manufacturers holding permits under this chapter in this state and
718 to persons outside the state who are authorized by law to purchase
719 the same, and to sell exclusively to the department.

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

721 Class 1. Distiller's and/or rectifier's permit, which shall
722 authorize the holder thereof to operate a distillery for the
723 production of distilled spirits by distillation or redistillation
724 and/or to operate a rectifying plant for the purifying, refining,
725 mixing, blending, flavoring or reducing in proof of distilled
726 spirits and alcohol.

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

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

733 (b) **Package retailer's permit.** Except as otherwise
734 provided in this paragraph and Section 67-1-52, a package
735 retailer's permit shall authorize the holder thereof to operate a
736 store exclusively for the sale at retail in original sealed and
737 unopened packages of alcoholic beverages, including native wines,
738 not to be consumed on the premises where sold. Alcoholic
739 beverages shall not be sold by any retailer in any package or
740 container containing less than fifty (50) milliliters by liquid
741 measure. A package retailer's permit, with prior approval from
742 the department, shall authorize the holder thereof to sample new
743 product furnished by a manufacturer's representative or his
744 employees at the permitted place of business so long as the
745 sampling otherwise complies with this chapter and applicable
746 department regulations. Such samples may not be provided to
747 customers at the permitted place of business. In addition to the
748 sale at retail of packages of alcoholic beverages, the holder of a
749 package retailer's permit is authorized to sell at retail
750 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
751 other beverages commonly used to mix with alcoholic beverages.

752 Nonalcoholic beverages sold by the holder of a package retailer's
753 permit shall not be consumed on the premises where sold.

754 (c) **On-premises retailer's permit.** Except as otherwise
755 provided in subsection (5) of this section, an on-premises
756 retailer's permit shall authorize the sale of alcoholic beverages,
757 including native wines, for consumption on the licensed premises
758 only; however, a patron of the permit holder may remove one (1)
759 bottle of wine from the licensed premises if: (i) the patron
760 consumed a portion of the bottle of wine in the course of
761 consuming a meal purchased on the licensed premises; (ii) the
762 permit holder securely reseals the bottle; (iii) the bottle is
763 placed in a bag that is secured in a manner so that it will be
764 visibly apparent if the bag is opened; and (iv) a dated receipt
765 for the wine and the meal is available. Such a permit shall be
766 issued only to qualified hotels, restaurants and clubs, and to
767 common carriers with adequate facilities for serving passengers.
768 In resort areas, whether inside or outside of a municipality, the
769 department, in its discretion, may issue on-premises retailer's
770 permits to such establishments as it deems proper. An on-premises
771 retailer's permit when issued to a common carrier shall authorize
772 the sale and serving of alcoholic beverages aboard any licensed
773 vehicle while moving through any county of the state; however, the
774 sale of such alcoholic beverages shall not be permitted while such
775 vehicle is stopped in a county that has not legalized such sales.
776 If an on-premises retailer's permit is applied for by a common
777 carrier operating solely in the water, such common carrier must,

778 along with all other qualifications for a permit, (i) be certified
779 to carry at least one hundred fifty (150) passengers and/or
780 provide overnight accommodations for at least fifty (50)
781 passengers and (ii) operate primarily in the waters within the
782 State of Mississippi which lie adjacent to the State of
783 Mississippi south of the three (3) most southern counties in the
784 State of Mississippi and/or on the Mississippi River or navigable
785 waters within any county bordering on the Mississippi River.

786 (d) **Solicitor's permit.** A solicitor's permit shall
787 authorize the holder thereof to act as salesman for a manufacturer
788 or wholesaler holding a proper permit, to solicit on behalf of his
789 employer orders for alcoholic beverages, and to otherwise promote
790 his employer's products in a legitimate manner. Such a permit
791 shall authorize the representation of and employment by one (1)
792 principal only. However, the permittee may also, in the
793 discretion of the department, be issued additional permits to
794 represent other principals. No such permittee shall buy or sell
795 alcoholic beverages for his own account, and no such beverage
796 shall be brought into this state in pursuance of the exercise of
797 such permit otherwise than through a permit issued to a wholesaler
798 or manufacturer in the state.

799 (e) **Native wine retailer's permit.** Except as otherwise
800 provided in subsection (5) of this section, a native wine
801 retailer's permit shall be issued only to a holder of a Class 3
802 manufacturer's permit, and shall authorize the holder thereof to
803 make retail sales of native wines to consumers for on-premises

804 consumption or to consumers in originally sealed and unopened
805 containers at an establishment located on the premises of or in
806 the immediate vicinity of a native winery.

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

812 Temporary retailer's permits shall be of the following
813 classes:

814 Class 1. A temporary one-day permit may be issued to bona
815 fide nonprofit civic or charitable organizations authorizing the
816 sale of alcoholic beverages, including native wine, for
817 consumption on the premises described in the temporary permit
818 only. Class 1 permits may be issued only to applicants
819 demonstrating to the department, by a statement signed under
820 penalty of perjury submitted ten (10) days prior to the proposed
821 date or such other time as the department may determine, that they
822 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
823 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
824 Class 1 permittees shall obtain all alcoholic beverages from
825 package retailers located in the county in which the temporary
826 permit is issued. Alcoholic beverages remaining in stock upon
827 expiration of the temporary permit may be returned by the
828 permittee to the package retailer for a refund of the purchase
829 price upon consent of the package retailer or may be kept by the

830 permittee exclusively for personal use and consumption, subject to
831 all laws pertaining to the illegal sale and possession of
832 alcoholic beverages. The department, following review of the
833 statement provided by the applicant and the requirements of the
834 applicable statutes and regulations, may issue the permit.

835 Class 2. A temporary permit, not to exceed seventy (70)
836 days, may be issued to prospective permittees seeking to transfer
837 a permit authorized in paragraph (c) of this subsection. A Class
838 2 permit may be issued only to applicants demonstrating to the
839 department, by a statement signed under the penalty of perjury,
840 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
841 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
842 67-1-59. The department, following a preliminary review of the
843 statement provided by the applicant and the requirements of the
844 applicable statutes and regulations, may issue the permit.

845 Class 2 temporary permittees must purchase their alcoholic
846 beverages directly from the department or, with approval of the
847 department, purchase the remaining stock of the previous
848 permittee. If the proposed applicant of a Class 1 or Class 2
849 temporary permit falsifies information contained in the
850 application or statement, the applicant shall never again be
851 eligible for a retail alcohol beverage permit and shall be subject
852 to prosecution for perjury.

853 Class 3. A temporary one-day permit may be issued to a
854 retail establishment authorizing the complimentary distribution of
855 wine, including native wine, to patrons of the retail

856 establishment at an open house or promotional event, for
857 consumption only on the premises described in the temporary
858 permit. A Class 3 permit may be issued only to an applicant
859 demonstrating to the department, by a statement signed under
860 penalty of perjury submitted ten (10) days before the proposed
861 date or such other time as the department may determine, that it
862 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
863 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
864 A Class 3 permit holder shall obtain all alcoholic beverages from
865 the holder(s) of a package retailer's permit located in the county
866 in which the temporary permit is issued. Wine remaining in stock
867 upon expiration of the temporary permit may be returned by the
868 Class 3 temporary permit holder to the package retailer for a
869 refund of the purchase price, with consent of the package
870 retailer, or may be kept by the Class 3 temporary permit holder
871 exclusively for personal use and consumption, subject to all laws
872 pertaining to the illegal sale and possession of alcoholic
873 beverages. The department, following review of the statement
874 provided by the applicant and the requirements of the applicable
875 statutes and regulations, may issue the permit. No retailer may
876 receive more than twelve (12) Class 3 temporary permits in a
877 calendar year. A Class 3 temporary permit shall not be issued to
878 a retail establishment that either holds a merchant permit issued
879 under paragraph (1) of this subsection, or holds a permit issued
880 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing

881 the holder to engage in the business of a retailer of light wine
882 or beer.

883 (g) **Caterer's permit.** A caterer's permit shall permit
884 the purchase of alcoholic beverages by a person engaging in
885 business as a caterer and the resale of alcoholic beverages by
886 such person in conjunction with such catering business. No person
887 shall qualify as a caterer unless forty percent (40%) or more of
888 the revenue derived from such catering business shall be from the
889 serving of prepared food and not from the sale of alcoholic
890 beverages and unless such person has obtained a permit for such
891 business from the Department of Health. A caterer's permit shall
892 not authorize the sale of alcoholic beverages on the premises of
893 the person engaging in business as a caterer; however, the holder
894 of an on-premises retailer's permit may hold a caterer's permit.
895 When the holder of an on-premises retailer's permit or an
896 affiliated entity of the holder also holds a caterer's permit, the
897 caterer's permit shall not authorize the service of alcoholic
898 beverages on a consistent, recurring basis at a separate, fixed
899 location owned or operated by the caterer, on-premises retailer or
900 affiliated entity and an on-premises retailer's permit shall be
901 required for the separate location. All sales of alcoholic
902 beverages by holders of a caterer's permit shall be made at the
903 location being catered by the caterer, and, except as otherwise
904 provided in subsection (5) of this section, such sales may be made
905 only for consumption at the catered location. The location being
906 catered may be anywhere within a county or judicial district that

907 has voted to come out from under the dry laws or in which the
908 sale, distribution and possession of alcoholic beverages is
909 otherwise authorized by law. Such sales shall be made pursuant to
910 any other conditions and restrictions which apply to sales made by
911 on-premises retail permittees. The holder of a caterer's permit
912 or his employees shall remain at the catered location as long as
913 alcoholic beverages are being sold pursuant to the permit issued
914 under this paragraph (g), and the permittee shall have at the
915 location the identification card issued by the Alcoholic Beverage
916 Control Division of the department. No unsold alcoholic beverages
917 may be left at the catered location by the permittee upon the
918 conclusion of his business at that location. Appropriate law
919 enforcement officers and Alcoholic Beverage Control Division
920 personnel may enter a catered location on private property in
921 order to enforce laws governing the sale or serving of alcoholic
922 beverages.

923 (h) **Research permit.** A research permit shall authorize
924 the holder thereof to operate a research facility for the
925 professional research of alcoholic beverages. Such permit shall
926 authorize the holder of the permit to import and purchase limited
927 amounts of alcoholic beverages from the department or from
928 importers, wineries and distillers of alcoholic beverages for
929 professional research.

930 (i) **Alcohol processing permit.** An alcohol processing
931 permit shall authorize the holder thereof to purchase, transport
932 and possess alcoholic beverages for the exclusive use in cooking,

933 processing or manufacturing products which contain alcoholic
934 beverages as an integral ingredient. An alcohol processing permit
935 shall not authorize the sale of alcoholic beverages on the
936 premises of the person engaging in the business of cooking,
937 processing or manufacturing products which contain alcoholic
938 beverages. The amounts of alcoholic beverages allowed under an
939 alcohol processing permit shall be set by the department.

940 (j) **Hospitality cart permit.** A hospitality cart permit
941 shall authorize the sale of alcoholic beverages from a mobile cart
942 on a golf course that is the holder of an on-premises retailer's
943 permit. The alcoholic beverages sold from the cart must be
944 consumed within the boundaries of the golf course.

945 (k) **Special service permit.** A special service permit
946 shall authorize the holder to sell commercially sealed alcoholic
947 beverages to the operator of a commercial or private aircraft for
948 en route consumption only by passengers. A special service permit
949 shall be issued only to a fixed-base operator who contracts with
950 an airport facility to provide fueling and other associated
951 services to commercial and private aircraft.

952 (l) **Merchant permit.** Except as otherwise provided in
953 subsection (5) of this section, a merchant permit shall be issued
954 only to the owner of a spa facility, an art studio or gallery, or
955 a cooking school, and shall authorize the holder to serve
956 complimentary by the glass wine only, including native wine, at
957 the holder's spa facility, art studio or gallery, or cooking

958 school. A merchant permit holder shall obtain all wine from the
959 holder of a package retailer's permit.

960 (m) **Temporary alcoholic beverages charitable auction**
961 **permit.** A temporary permit, not to exceed five (5) days, may be
962 issued to a qualifying charitable nonprofit organization that is
963 exempt from taxation under Section 501(c)(3) or (4) of the
964 Internal Revenue Code of 1986. The permit shall authorize the
965 holder to sell alcoholic beverages for the limited purpose of
966 raising funds for the organization during a live or silent auction
967 that is conducted by the organization and that meets the following
968 requirements: (i) the auction is conducted in an area of the
969 state where the sale of alcoholic beverages is authorized; (ii) if
970 the auction is conducted on the premises of an on-premises
971 retailer's permit holder, then the alcoholic beverages to be
972 auctioned must be stored separately from the alcoholic beverages
973 sold, stored or served on the premises, must be removed from the
974 premises immediately following the auction, and may not be
975 consumed on the premises; (iii) the permit holder may not conduct
976 more than two (2) auctions during a calendar year; (iv) the permit
977 holder may not pay a commission or promotional fee to any person
978 to arrange or conduct the auction.

979 (n) **Event venue retailer's permit.** An event venue
980 retailer's permit shall authorize the holder thereof to purchase
981 and resell alcoholic beverages, including native wines, for
982 consumption on the premises during legal hours during events held
983 on the licensed premises if food is being served at the event by a

984 caterer who is not affiliated with or related to the permittee.
985 The caterer must serve at least three (3) entrees. The permit may
986 only be issued for venues that can accommodate two hundred (200)
987 persons or more. The number of persons a venue may accommodate
988 shall be determined by the local fire department and such
989 determination shall be provided in writing and submitted along
990 with all other documents required to be provided for an
991 on-premises retailer's permit. The permittee must derive the
992 majority of its revenue from event-related fees, including, but
993 not limited to, admission fees or ticket sales for live
994 entertainment in the building. "Event-related fees" do not
995 include alcohol, beer or light wine sales or any fee which may be
996 construed to cover the cost of alcohol, beer or light wine. This
997 determination shall be made on a per event basis. An event may
998 not last longer than two (2) consecutive days per week.

999 (o) **Temporary theatre permit.** A temporary theatre
1000 permit, not to exceed five (5) days, may be issued to a charitable
1001 nonprofit organization that is exempt from taxation under Section
1002 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
1003 a theatre facility that features plays and other theatrical
1004 performances and productions. Except as otherwise provided in
1005 subsection (5) of this section, the permit shall authorize the
1006 holder to sell alcoholic beverages, including native wines, to
1007 patrons of the theatre during performances and productions at the
1008 theatre facility for consumption during such performances and
1009 productions on the premises of the facility described in the

1010 permit. A temporary theatre permit holder shall obtain all
1011 alcoholic beverages from package retailers located in the county
1012 in which the permit is issued. Alcoholic beverages remaining in
1013 stock upon expiration of the temporary theatre permit may be
1014 returned by the permittee to the package retailer for a refund of
1015 the purchase price upon consent of the package retailer or may be
1016 kept by the permittee exclusively for personal use and
1017 consumption, subject to all laws pertaining to the illegal sale
1018 and possession of alcoholic beverages.

1019 (p) **Charter ship operator's permit.** Subject to the
1020 provisions of this paragraph (p), a charter ship operator's permit
1021 shall authorize the holder thereof and its employees to serve,
1022 monitor, store and otherwise control the serving and availability
1023 of alcoholic beverages to customers of the permit holder during
1024 private charters under contract provided by the permit holder. A
1025 charter ship operator's permit shall authorize such action by the
1026 permit holder and its employees only as to alcoholic beverages
1027 brought onto the permit holder's ship by customers of the permit
1028 holder as part of such a private charter. All such alcoholic
1029 beverages must be removed from the charter ship at the conclusion
1030 of each private charter. A charter ship operator's permit shall
1031 not authorize the permit holder to sell, charge for or otherwise
1032 supply alcoholic beverages to customers, except as authorized in
1033 this paragraph (p). For the purposes of this paragraph (p),
1034 "charter ship operator" means a common carrier that (i) is
1035 certified to carry at least one hundred fifty (150) passengers

1036 and/or provide overnight accommodations for at least fifty (50)
1037 passengers, (ii) operates only in the waters within the State of
1038 Mississippi, which lie adjacent to the State of Mississippi south
1039 of the three (3) most southern counties in the State of
1040 Mississippi, and (iii) provides charters under contract for tours
1041 and trips in such waters.

1042 (q) **Distillery retailer's permit.** The holder of a
1043 Class 1 manufacturer's permit may obtain a distillery retailer's
1044 permit. A distillery retailer's permit shall authorize the holder
1045 thereof to sell at retail alcoholic beverages by the sealed and
1046 unopened bottle from a retail location at the distillery for
1047 off-premises consumption. The holder may only sell product
1048 manufactured by the manufacturer at the distillery described in
1049 the permit. The holder shall not sell at retail more than ten
1050 percent (10%) of the alcoholic beverages produced annually at its
1051 distillery. The holder shall not make retail sales of more than
1052 two and twenty-five one-hundredths (2.25) liters, in the
1053 aggregate, of the alcoholic beverages produced at its distillery
1054 to any one (1) individual for consumption off the premises of the
1055 distillery within a twenty-four-hour period. The hours of sale
1056 shall be the same as those hours for package retailers under this
1057 chapter. The holder of a distillery retailer's permit is not
1058 required to purchase the alcoholic beverages authorized to be sold
1059 by this paragraph from the department's liquor distribution
1060 warehouse; however, if the holder does not purchase the alcoholic
1061 beverages from the department's liquor distribution warehouse, the

1062 holder shall pay to the department all taxes, fees and surcharges
1063 on the alcoholic beverages that are imposed upon the sale of
1064 alcoholic beverages shipped by the Alcoholic Beverage Control
1065 Division of the Department of Revenue. In addition to alcoholic
1066 beverages, the holder of a distillery retailer's permit may sell
1067 at retail promotional products from the same retail location,
1068 including shirts, hats, glasses, and other promotional products
1069 customarily sold by alcoholic beverage manufacturers.

1070 (2) Except as otherwise provided in subsection (4) of this
1071 section, retail permittees may hold more than one (1) retail
1072 permit, at the discretion of the department.

1073 (3) Except as otherwise provided in this subsection, no
1074 authority shall be granted to any person to manufacture, sell or
1075 store for sale any intoxicating liquor as specified in this
1076 chapter within four hundred (400) feet of any church, school,
1077 kindergarten or funeral home. However, within an area zoned
1078 commercial or business, such minimum distance shall be not less
1079 than one hundred (100) feet.

1080 A church or funeral home may waive the distance restrictions
1081 imposed in this subsection in favor of allowing issuance by the
1082 department of a permit, pursuant to subsection (1) of this
1083 section, to authorize activity relating to the manufacturing, sale
1084 or storage of alcoholic beverages which would otherwise be
1085 prohibited under the minimum distance criterion. Such waiver
1086 shall be in written form from the owner, the governing body, or
1087 the appropriate officer of the church or funeral home having the

1088 authority to execute such a waiver, and the waiver shall be filed
1089 with and verified by the department before becoming effective.

1090 The distance restrictions imposed in this subsection shall
1091 not apply to the sale or storage of alcoholic beverages at a bed
1092 and breakfast inn listed in the National Register of Historic
1093 Places or to the sale or storage of alcoholic beverages in a
1094 historic district that is listed in the National Register of
1095 Historic Places, is a qualified resort area and is located in a
1096 municipality having a population greater than one hundred thousand
1097 (100,000) according to the latest federal decennial census.

1098 (4) No person, either individually or as a member of a firm,
1099 partnership, limited liability company or association, or as a
1100 stockholder, officer or director in a corporation, shall own or
1101 control any interest in more than one (1) package retailer's
1102 permit, nor shall such person's spouse, if living in the same
1103 household of such person, any relative of such person, if living
1104 in the same household of such person, or any other person living
1105 in the same household with such person own any interest in any
1106 other package retailer's permit.

1107 (5) (a) In addition to any other authority granted under
1108 this section, the holder of a permit issued under subsection
1109 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1110 sell or otherwise provide alcoholic beverages and/or wine to a
1111 patron of the permit holder in the manner authorized in the permit
1112 and the patron may remove an open glass, cup or other container of
1113 the alcoholic beverage and/or wine from the licensed premises and

1114 may possess and consume the alcoholic beverage or wine outside of
1115 the licensed premises if: (i) the licensed premises is located
1116 within a leisure and recreation district created under Section
1117 67-1-101 and (ii) the patron remains within the boundaries of the
1118 leisure and recreation district while in possession of the
1119 alcoholic beverage or wine.

1120 (b) Nothing in this subsection shall be construed to
1121 allow a person to bring any alcoholic beverages into a permitted
1122 premises except to the extent otherwise authorized by this
1123 chapter.

1124 **SECTION 7.** This act shall take effect and be in force from
1125 and after July 1, 2020, and shall stand repealed on June 30, 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.

SS36\HB1381A.1J

Eugene S. Clarke
Secretary of the Senate