

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1381**

**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 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.

