

By: Representative Zuber

To: Ways and Means

HOUSE BILL NO. 1091  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 27-71-301, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF THE TERM "RETAILER" AND TO DEFINE THE  
3 TERM "MICROBREWERY" FOR PURPOSES OF THE LAWS THAT RELATE TO  
4 LICENSE AND EXCISE TAXES ON LIGHT WINE, LIGHT SPIRIT PRODUCT AND  
5 BEER; TO AMEND SECTION 27-71-303, MISSISSIPPI CODE OF 1972, TO  
6 IMPOSE A PRIVILEGE TAX ON HOLDERS OF MICROBREWERY AND SMALL CRAFT  
7 BREWERY PERMITS; TO AMEND SECTION 27-71-307, MISSISSIPPI CODE OF  
8 1972, TO IMPOSE AN EXCISE TAX ON LIGHT WINE, LIGHT SPIRIT PRODUCT  
9 AND BEER PROVIDED BY MICROBREWERIES; TO AMEND SECTION 27-71-509,  
10 MISSISSIPPI CODE OF 1972, TO INCREASE THE ALCOHOL CONTENT FOR  
11 LIGHT SPIRIT PRODUCTS THAT MAY BE MANUFACTURED, DISTRIBUTED AND  
12 SOLD; TO AMEND SECTION 67-3-3, MISSISSIPPI CODE OF 1972, TO  
13 INCREASE THE ALCOHOL CONTENT PERTAINING TO THE DEFINITION OF THE  
14 TERM "LIGHT SPIRIT PRODUCT," AND TO DEFINE THE TERM "MICROBREWERY"  
15 FOR PURPOSES OF THE LAWS REGULATING THE SALE OF LIGHT WINE, LIGHT  
16 SPIRIT PRODUCT AND BEER; TO AMEND SECTION 67-3-48, MISSISSIPPI  
17 CODE OF 1972, TO REVISE THE AMOUNT OF LIGHT WINE, LIGHT SPIRIT  
18 PRODUCT AND BEER PRODUCED AT A SMALL CRAFT BREWERY THAT THE  
19 BREWERY MAY SELL AT RETAIL; TO LIMIT THE AMOUNT OF LIGHT WINE,  
20 LIGHT SPIRIT PRODUCT AND BEER PRODUCED AT A MICROBREWERY THAT THE  
21 MICROBREWERY MAY SELL AT RETAIL; TO AMEND SECTION 67-3-49,  
22 MISSISSIPPI CODE OF 1972, TO INCREASE THE ALCOHOL CONTENT FOR  
23 LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER THAT MAY BE LAWFULLY  
24 MANUFACTURED AND DISTRIBUTED; TO AMEND SECTION 67-3-45,  
25 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PROHIBITIONS IN  
26 SUCH SECTION SHALL NOT PROHIBIT A MICROBREWERY OR SMALL CRAFT  
27 BREWERY FROM BEING ELIGIBLE TO OBTAIN A RETAIL PERMIT FOR THE SALE  
28 OF BEER, LIGHT WINE OR LIGHT SPIRIT PRODUCTS ON ITS PREMISES; TO  
29 AMEND SECTION 67-3-55, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
30 CERTAIN PROHIBITIONS RELATING TO THE SALE OF LIGHT WINE, LIGHT  
31 SPIRIT PRODUCT AND BEER SHALL NOT APPLY TO LIGHT WINE, LIGHT  
32 SPIRIT PRODUCT AND BEER SOLD ON THE PREMISES OF A MICROBREWERY; TO  
33 AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
34 SMALL CRAFT BREWERIES AND MICROBREWERIES TO OBTAIN ON-PREMISES



35 RETAILER'S PERMITS UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE  
36 CONTROL LAW; TO AMEND SECTIONS 67-3-9, 67-3-17 AND 67-3-28,  
37 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE INCREASED ALCOHOL  
38 CONTENT FOR LIGHT SPIRIT PRODUCTS; TO AMEND SECTION 67-1-5,  
39 MISSISSIPPI CODE OF 1972, TO AMEND THE DEFINITION OF "DISTILLED  
40 SPIRITS"; AND FOR RELATED PURPOSES.

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

42 **SECTION 1.** Section 27-71-301, Mississippi Code of 1972, is  
43 amended as follows:

44 27-71-301. When used in this article the words and terms  
45 hereafter mentioned shall have the following definitions:

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

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

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

61 (d) "Retailer" means any person who comes into the  
62 possession of such light wines, light spirit products or beer for



63 the purpose of selling it to the consumer, or giving it away, or  
64 exposing it where it may be taken or purchased or acquired in any  
65 other manner by the consumer. The term "retailer" shall include  
66 small craft breweries and microbreweries; however, the term  
67 "retailer" shall not include a person who offers and provides beer  
68 on the premises of a brewery for the purpose of tasting or  
69 sampling as authorized in Section 67-3-47.

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

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

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

84 (h) "Light wines, light spirit products or beer" means  
85 beer, light spirit products and light wines legalized for sale by  
86 the provisions of Chapter 3 of Title 67, Mississippi Code of 1972.



87 (i) "Distributor" includes every person who receives  
88 either from within or from without this state, from a brewery, a  
89 winery or any other source, light wines, light spirit products or  
90 beer as defined in Chapter 3 of Title 67, Mississippi Code of  
91 1972, for the purpose of distributing or otherwise disposing of  
92 such light wines, light spirit products or beer to a wholesaler or  
93 retailer of such light wines, light spirit products or beer.

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

102 (k) "Hospitality cart" means a mobile cart from which  
103 alcoholic beverages and light wine, light spirit product and beer  
104 are sold on a golf course and for which a hospitality cart permit  
105 has been issued under Section 67-1-51.

106 (l) "Small craft brewery" shall have the meaning  
107 ascribed to such term in Section 67-3-3.

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

110 (n) "Microbrewery" shall have the meaning ascribed to  
111 such term in Section 67-3-3.



112           **SECTION 2.** Section 27-71-303, Mississippi Code of 1972, is  
113 amended as follows:

114           27-71-303. Upon each person approved for a permit to engage  
115 in the business of selling light wines, light spirit products or  
116 beer there is hereby imposed, levied and assessed, to be collected  
117 and paid as herein provided, annual privilege taxes in the  
118 following amounts:

- 119           (a) Retailers--for each place of  
120 business .....\$ 30.00
- 121           (b) Wholesalers or distributors--for each  
122 county .....\$ 100.00
- 123           (c) Manufacturers--for each place of  
124 business .....\$1,000.00
- 125           (d) Brewpubs--for each place of  
126 business .....\$1,000.00
- 127           (e) Microbrewery--for each place of  
128 business .....\$1,000.00
- 129           (f) Small craft brewery--for each  
130 place of business .....\$1,000.00

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



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

143            **SECTION 3.** Section 27-71-307, Mississippi Code of 1972, is  
144 amended as follows:

145            27-71-307. (1) (a) In addition to the specific tax imposed  
146 in Section 27-71-303, there is hereby imposed, levied, assessed  
147 and shall be collected, as hereinafter provided, an excise or  
148 privilege tax upon each person engaged or continuing in the  
149 business of wholesaler or distributor of light wines, light spirit  
150 products or beer equivalent to Forty-two and Sixty-eight  
151 One-hundredths Cents (42.68¢) per gallon upon all light wines,  
152 light spirit products and beer acquired for sale or distribution  
153 in this state. The excise or privilege tax is also imposed at the  
154 same rate upon each gallon of light wine, light spirit product or  
155 beer manufactured by brewpubs, each of which shall accurately and  
156 reliably measure the quantity of light wine, light spirit product  
157 and beer produced by using a measuring device such as a meter or  
158 gauge glass or any other suitable method approved by the  
159 commissioner. The excise or privilege tax is also imposed at the  
160 same rate upon each gallon of light wine, light spirit product or  
161 beer provided by a small craft brewery or microbrewery for sale as



162 authorized under Section 67-3-48 and upon each gallon of light  
163 wine, light spirit product or beer provided for tasting or  
164 sampling under Section 67-3-47. The tax is hereby imposed as an  
165 additional tax for the privilege of engaging or continuing in  
166 business.

167 (b) The excise tax imposed in this section shall be  
168 paid to the Department of Revenue monthly on or before the  
169 fifteenth day of the month following the month in which the beer,  
170 light spirit product or light wine was manufactured or received in  
171 this state. Monthly report forms shall be furnished by the  
172 commissioner to the wholesalers, distributors, brewpubs,  
173 microbreweries and small craft breweries.

174 (c) Provided that persons operating a railroad dining  
175 car, club car or other car in interstate commerce upon which light  
176 wines, light spirit products or beer may be sold and who are  
177 licensed under the provisions of Section 67-3-27 and any other law  
178 relating to the sale of such beverages shall keep such records of  
179 the sales of such light wines, light spirit products and beer in  
180 this state as the commissioner shall prescribe and shall submit  
181 monthly reports of such sales to the commissioner within fifteen  
182 (15) days after the end of each month on a form prescribed  
183 therefor by the commissioner, and shall pay the tax due under the  
184 provisions of this section at the time such reports are filed.

185 No official crowns, lids, labels or stamps with the word  
186 "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of



187 tax payment is required by this section, or may be required under  
188 rule or regulation promulgated by the commissioner, to be affixed  
189 on or to any part of a beer, light wine, light spirit product or  
190 malt cooler bottle, can or other light wine, light spirit product  
191 or malt cooler container. For purposes of this section, malt  
192 cooler products shall be defined as a flavored malt beverage made  
193 from a base of malt beverage and flavored with fruit juices,  
194 aromatics and essences of other flavoring in quantities and  
195 proportions such that the resulting product possesses a character  
196 and flavor distinctive from the base malt beverage and  
197 distinguishable from other malt beverages.

198 (2) A licensed wholesaler or distributor of beer, light  
199 spirit product or light wine may not import beer, light spirit  
200 product or light wine from any source other than a brewer or  
201 importer authorized by the commissioner to sell such beer, light  
202 spirit product or light wine in Mississippi. Any person who  
203 violates the provisions of this subsection, upon conviction  
204 thereof, shall be punished by a fine of not more than One Thousand  
205 Dollars (\$1,000.00) or by imprisonment in the county jail for not  
206 more than six (6) months, or by both such fine and imprisonment,  
207 in the discretion of the court and shall be subject to license  
208 forfeiture following an appropriate hearing before the Department  
209 of Revenue.

210 (3) The wholesaler, distributor, microbrewery or small craft  
211 brewery shall be allowed credit for tax paid on beer, light spirit





212 product or light wine which is no longer marketable and which is  
213 destroyed by same when such destruction is witnessed by an agent  
214 of the commissioner and when the amount of the excise tax exceeds  
215 One Hundred Dollars (\$100.00). No other loss will be allowed.

216 A brewpub shall be allowed credit for light wine, light  
217 spirit product or beer which has passed through the meter, gauge  
218 glass or other approved measuring device and which has been soured  
219 or damaged. The brewpub shall record the removal of sour or  
220 damaged light wine, light spirit product or beer and may take  
221 credit after the destruction is witnessed by an agent of the  
222 commissioner and when the amount of excise tax exceeds Twenty-five  
223 Dollars (\$25.00). No other loss shall be allowed.

224 (4) All manufacturers, brewers and importers of beer, light  
225 spirit product or light wine shall file monthly reports as  
226 prescribed by the commissioner listing sales to each wholesaler or  
227 distributor by date, invoice number, quantity and container size,  
228 and any other information deemed necessary.

229 (5) All small craft breweries and microbreweries shall file  
230 monthly reports as prescribed by the commissioner regarding the  
231 sale of light wine, light spirit product or beer authorized under  
232 Section 67-3-48.

233 (6) Manufacturers who offer and provide limited amounts of  
234 beer for tasting or sampling under Section 67-3-47 shall file  
235 monthly reports as prescribed by the commissioner regarding the  
236 beer provided for such tasting or sampling.



237 (7) All administrative provisions of the Mississippi Sales  
238 Tax Law, including those which fix damages, penalties and interest  
239 for nonpayment of taxes and for noncompliance with the provisions  
240 of such chapter, and all other requirements and duties imposed  
241 upon taxpayers, shall apply to all persons liable for taxes under  
242 the provisions of this chapter, and the commissioner shall  
243 exercise all the power and authority and perform all the duties  
244 with respect to taxpayers under this chapter as are provided in  
245 the sales tax law except where there is conflict, then the  
246 provisions of this chapter shall control.

247 **SECTION 4.** Section 27-71-509, Mississippi Code of 1972, is  
248 amended as follows:

249 27-71-509. It shall be unlawful for any brewer,  
250 manufacturer, distributor or retailer of light wines, light spirit  
251 products or beer to whom a permit has been issued under the  
252 provisions of Sections 67-3-15 and 67-3-23, Mississippi Code of  
253 1972, to write or print on any label or container of either of the  
254 above-named commodities any matter relating to the alcoholic  
255 content of such beverage or beverages, except a statement, to the  
256 effect that the contents of the vessel or container in which light  
257 wine shall be sold does not contain alcohol in excess of five  
258 percent (5%) of the contents thereof, by weight, that the contents  
259 of the vessel or container in which light spirit product shall be  
260 sold does not contain alcohol in excess of \* \* \* six percent (6%)  
261 of the contents thereof, by weight, and that the contents of the



262 vessel or container in which beer shall be sold does not contain  
263 alcohol in excess of eight percent (8%) of the contents thereof,  
264 by weight. It shall be unlawful for any such brewer, wholesaler,  
265 distributor or retailer to sell any such commodity with any  
266 statement in conflict with the provisions of this section, with  
267 reference to the alcoholic content of such beverage or beverages,  
268 except that a statement of alcoholic content may be expressed on  
269 any light wine, light spirit product or beer label in terms of  
270 volume or weight, at the manufacturer's option; and such  
271 statement, if by volume, shall be subject to the same permitted  
272 tolerance allowed for wine containing fourteen percent (14%)  
273 alcohol by volume or less by Section 4.36(b)(1) of the Federal  
274 Labeling Requirements for Wine, 27 CFR Part 4, subpart D, and  
275 Section 7.71(c) 27 CFR Part 7, subpart G, and, if by weight, shall  
276 be subject to an equivalent permitted tolerance, determined in  
277 terms of alcohol by weight.

278       **SECTION 5.** Section 67-3-3, Mississippi Code of 1972, is  
279 amended as follows:

280       67-3-3. When used in this chapter, unless the context  
281 indicates otherwise:

282           (a) "Commissioner" means the Commissioner of Revenue of  
283 the Department of Revenue of the State of Mississippi, and his  
284 authorized agents and employees.

285           (b) "Person" means one or more persons, a company, a  
286 corporation, a partnership, a syndicate or an association.



287 (c) "Brewpub" shall have the meaning ascribed to such  
288 term in Section 27-71-301.

289 (d) "Beer" means a malt beverage as defined in the  
290 Federal Alcohol Administration Act and any rules and regulations  
291 adopted pursuant to such act of an alcoholic content of not more  
292 than eight percent (8%) by weight.

293 (e) "Light wine" means wine of an alcoholic content of  
294 not more than five percent (5%) by weight.

295 (f) "Small craft brewery" means a person having a  
296 permit under this chapter to manufacture or brew light wine, light  
297 spirit product or beer in this state and who manufactures or brews  
298 not more than sixty thousand (60,000) barrels of light wine, light  
299 spirit product or beer at all breweries that such person or its  
300 affiliates, subsidiary or parent company owns or controls or with  
301 whom such person contracts with for the manufacture of light wine,  
302 light spirit product or beer. For purposes of this paragraph,  
303 contract-brewed beer manufactured by a person having a permit  
304 under this chapter to manufacture or brew light wine, light spirit  
305 product or beer shall be included in the sixty-thousand-barrel  
306 limitation.

307 (g) "Growler" means a sealed container that holds not  
308 more than one hundred twenty-eight (128) ounces of light wine,  
309 light spirit product or beer. A growler must have a label on it  
310 stating what it contains.



311 (h) "Manufacturer" shall have the meaning ascribed to  
312 such term in Section 27-71-301.

313 (i) "Contract-brewed beer" means beer brewed by a  
314 manufacturer who:

315 (i) Makes the beer pursuant to a written contract  
316 with another beer manufacturer, and neither entity has a  
317 controlling interest in the other entity;

318 (ii) Makes the beer in accordance with a recipe  
319 that is a trade secret of the beer manufacturer having its beer  
320 made under contract; and

321 (iii) Has no right to sell the beer to any other  
322 beer manufacturer, importer or wholesaler other than the beer  
323 manufacturer who contracted for the beer.

324 (j) "Light spirit product" means a beverage of an  
325 alcoholic content of not more than \* \* \* six percent (6%) by  
326 weight and containing one or more distilled spirits, as defined in  
327 Section 67-1-5.

328 (k) "Microbrewery" means a person having a permit under  
329 this chapter to manufacture or brew light wine, light spirit  
330 product or beer in this state and who manufactures or brews not  
331 more than three thousand (3,000) barrels of light wine, light  
332 spirit product or beer at its permitted location.

333 **SECTION 6.** Section 67-3-48, Mississippi Code of 1972, is  
334 amended as follows:



335           67-3-48. (1) A small craft brewery may sell at retail light  
336 wine, light spirit product or beer produced at its brewery for  
337 consumption on the premises of the brewery and consumption off the  
338 premises of the brewery if the sales are made on the premises of  
339 the brewery and the light wine, light spirit product or beer  
340 products offered for sale are also made available for sale to  
341 wholesalers.

342           (2) (a) A small craft brewery shall not sell at retail more  
343 than \* \* \* twenty-five percent (25%) of the light wine, light  
344 spirit product or beer produced annually at its brewery or more  
345 than \* \* \* two thousand five hundred (2,500) barrels of light  
346 wine, light spirit product or beer produced at the brewery  
347 annually, whichever is the lesser amount. For purposes of this  
348 subsection, contract-brewed beer shall not be included in the  
349 amount of beer produced annually at the brewery. The light wine,  
350 light spirit product or beer must be sold at a price approximating  
351 retail prices generally charged for identical beverages in the  
352 county where the brewery is located.

353           (b) A small craft brewery shall not make retail sales  
354 of more than \* \* \* six hundred seventy (670) ounces, in the  
355 aggregate, of light wine, light spirit product or beer to any one  
356 (1) individual for consumption off the premises of the brewery  
357 within a twenty-four-hour period.

358           (c) The limits on sales provided for in this subsection  
359 shall not apply to beer provided pursuant to Section 67-3-47.



360           (d) A microbrewery shall not sell at retail more than  
361 eighty percent (80%) of light wine, light spirit product or beer  
362 produced annually at its brewery. The light wine, light spirit  
363 product or beer must be sold at a price approximating prices  
364 generally charged for identical beverages in the county where the  
365 microbrewery is located.

366           (3) A small craft brewery or microbrewery shall take  
367 commercially reasonable steps to ensure that light wine, light  
368 spirit product or beer products sold for consumption off the  
369 premises of the brewery are being sold for personal use and not  
370 for resale and are not being sold to anyone holding a retail  
371 permit for the purpose of resale in their establishment.

372           (4) A small craft brewery or microbrewery shall not make  
373 retail sales of contract-brewed beer.

374           (5) A small craft brewery or microbrewery shall not mail or  
375 ship light wine, light spirit product or beer to a consumer.

376           **SECTION 7.** Section 67-3-49, Mississippi Code of 1972, is  
377 amended as follows:

378           67-3-49. (1) Except as otherwise provided in this section,  
379 it shall be unlawful for any brewer or manufacturer or distributor  
380 or wholesale dealer of or in light wines, light spirit products  
381 and/or beer to manufacture or knowingly bring upon his premises or  
382 keep thereon \* \* \* any light spirit product of an alcoholic  
383 content of more than \* \* \* six percent (6%) by weight, any beer of  
384 an alcoholic content of more than eight percent (8%) by



385 weight \* \* \*. Any person that shall add to or mix with any beer,  
386 light spirit product or light wine any alcoholic or other liquid,  
387 or any alcohol cube or cubes, or any other ingredient or  
388 ingredients that will increase or tend to increase the alcoholic  
389 content of such liquor, or any person that shall knowingly offer  
390 for sale any liquor so treated, shall be guilty of a misdemeanor  
391 and punished as hereinafter provided in this chapter. The  
392 commissioner shall take any action he considers necessary to  
393 ensure that light wine, light spirit product and/or beer  
394 manufactured at a brewpub complies with the provisions of this  
395 section.

396 (2) A brewer or manufacturer of light wine, light spirit  
397 product or beer may manufacture and keep upon his premises beer of  
398 an alcoholic content of more than eight percent (8%) by weight if  
399 the beer is manufactured for legal sale in another state.

400 **SECTION 8.** Section 67-3-45, Mississippi Code of 1972, is  
401 amended as follows:

402 67-3-45. No manufacturer, distributor or wholesale dealer to  
403 whom or to which this chapter applies shall:

404 (a) Make any loan, directly or indirectly, or furnish  
405 any fixtures of any kind, directly or indirectly, to any retail  
406 dealer in light wines, light spirit products and/or beer;

407 (b) Have any interest, direct or indirect, in the  
408 business of or in the furnishings or fixtures or in the premises





409 used by any such retail dealer in connection with his or its  
410 business;

411 (c) Have any lien on any such property of any such  
412 retail dealer; or

413 (d) Sell light wines, light spirit products and/or beer  
414 to any such retail dealer on credit.

415 This section shall not apply to a brewpub licensed pursuant  
416 to Article 3, Chapter 71, Title 27, Mississippi Code of 1972, and  
417 shall not prohibit a microbrewery or small craft brewery licensed  
418 under Article 3, Chapter 71, Title 27, Mississippi Code of 1972,  
419 from being eligible to obtain a retail permit for the sale of  
420 beer, light wine or light spirit products on its premises.

421 **SECTION 9.** Section 67-3-55, Mississippi Code of 1972, is  
422 amended as follows:

423 67-3-55. (1) Except as otherwise provided in Section  
424 67-1-41, it shall be unlawful for any retailer to possess for  
425 purpose of sale, to sell, or to offer to sell any light wine,  
426 light spirit product or beer which was not purchased from a  
427 wholesaler in this state who has a permit to sell such light wine,  
428 light spirit product or beer, except for beer, light spirit  
429 product or light wine that was brewed on the premises of the  
430 retailer who holds a permit as a brewpub pursuant to Article 3,  
431 Chapter 71, Title 27, Mississippi Code of 1972.

432 (2) It shall be unlawful for any wholesaler to possess for  
433 purpose of sale, to sell, or to offer to sell any light wine,



434 light spirit product or beer which was not purchased from a  
435 manufacturer or importer of a foreign manufacturer authorized to  
436 sell such light wine, light spirit product or beer in this state.

437 (3) This section shall not apply to:

438 (a) Beer offered and provided on the premises of a  
439 brewery for the purpose of tasting or sampling as authorized in  
440 Section 67-3-47; or

441 (b) Light wine, light spirit product or beer sold on  
442 the premises of a small craft brewery or microbrewery as  
443 authorized in Section 67-3-48.

444 **SECTION 10.** Section 67-1-51, Mississippi Code of 1972, as  
445 amended by House Bill No. 1135, 2021 Regular Session, House Bill  
446 No. 1288, 2021 Regular Session, Senate Bill No. 2606, 2021 Regular  
447 Session, and Senate Bill No. 2435, 2021 Regular Session, is  
448 amended as follows:

449 67-1-51. (1) Permits which may be issued by the department  
450 shall be as follows:

451 (a) **Manufacturer's permit.** A manufacturer's permit  
452 shall permit the manufacture, importation in bulk, bottling and  
453 storage of alcoholic liquor and its distribution and sale to  
454 manufacturers holding permits under this chapter in this state and  
455 to persons outside the state who are authorized by law to purchase  
456 the same, and to sell as provided by this chapter.

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



458           Class 1. Distiller's and/or rectifier's permit, which shall  
459 authorize the holder thereof to operate a distillery for the  
460 production of distilled spirits by distillation or redistillation  
461 and/or to operate a rectifying plant for the purifying, refining,  
462 mixing, blending, flavoring or reducing in proof of distilled  
463 spirits and alcohol.

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

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

470           Class 4. Native spirit producer's permit, which shall  
471 authorize the holder thereof to produce, bottle, store and sell  
472 native spirits.

473           (b) **Package retailer's permit.** Except as otherwise  
474 provided in this paragraph and Section 67-1-52, a package  
475 retailer's permit shall authorize the holder thereof to operate a  
476 store exclusively for the sale at retail in original sealed and  
477 unopened packages of alcoholic beverages, including native wines  
478 and native spirits, not to be consumed on the premises where sold.  
479 Alcoholic beverages shall not be sold by any retailer in any  
480 package or container containing less than fifty (50) milliliters  
481 by liquid measure. A package retailer's permit, with prior  
482 approval from the department, shall authorize the holder thereof



483 to sample new product furnished by a manufacturer's representative  
484 or his employees at the permitted place of business so long as the  
485 sampling otherwise complies with this chapter and applicable  
486 department regulations. Such samples may not be provided to  
487 customers at the permitted place of business. In addition to the  
488 sale at retail of packages of alcoholic beverages, the holder of a  
489 package retailer's permit is authorized to sell at retail  
490 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
491 other beverages commonly used to mix with alcoholic beverages.  
492 Nonalcoholic beverages sold by the holder of a package retailer's  
493 permit shall not be consumed on the premises where sold.

494 (c) **On-premises retailer's permit.** Except as otherwise  
495 provided in subsection (5) of this section, an on-premises  
496 retailer's permit shall authorize the sale of alcoholic beverages,  
497 including native wines and native spirits, for consumption on the  
498 licensed premises only; however, a patron of the permit holder may  
499 remove one (1) bottle of wine from the licensed premises if: (i)  
500 the patron consumed a portion of the bottle of wine in the course  
501 of consuming a meal purchased on the licensed premises; (ii) the  
502 permit holder securely reseals the bottle; (iii) the bottle is  
503 placed in a bag that is secured in a manner so that it will be  
504 visibly apparent if the bag is opened; and (iv) a dated receipt  
505 for the wine and the meal is available. Additionally, as part of  
506 a carryout order, a permit holder may sell one (1) bottle of wine  
507 to be removed from the licensed premises for every two (2) entrees



508 ordered. Such a permit shall be issued only to qualified hotels,  
509 restaurants and clubs, small craft breweries, microbreweries, and  
510 to common carriers with adequate facilities for serving  
511 passengers. In resort areas, whether inside or outside of a  
512 municipality, the department, in its discretion, may issue  
513 on-premises retailer's permits to such establishments as it deems  
514 proper. An on-premises retailer's permit when issued to a common  
515 carrier shall authorize the sale and serving of alcoholic  
516 beverages aboard any licensed vehicle while moving through any  
517 county of the state; however, the sale of such alcoholic beverages  
518 shall not be permitted while such vehicle is stopped in a county  
519 that has not legalized such sales. If an on-premises retailer's  
520 permit is applied for by a common carrier operating solely in the  
521 water, such common carrier must, along with all other  
522 qualifications for a permit, (i) be certified to carry at least  
523 one hundred fifty (150) passengers and/or provide overnight  
524 accommodations for at least fifty (50) passengers and (ii) operate  
525 primarily in the waters within the State of Mississippi which lie  
526 adjacent to the State of Mississippi south of the three (3) most  
527 southern counties in the State of Mississippi and/or on the  
528 Mississippi River or navigable waters within any county bordering  
529 on the Mississippi River.

530 (d) **Solicitor's permit.** A solicitor's permit shall  
531 authorize the holder thereof to act as salesman for a manufacturer  
532 or wholesaler holding a proper permit, to solicit on behalf of his



533 employer orders for alcoholic beverages, and to otherwise promote  
534 his employer's products in a legitimate manner. Such a permit  
535 shall authorize the representation of and employment by one (1)  
536 principal only. However, the permittee may also, in the  
537 discretion of the department, be issued additional permits to  
538 represent other principals. No such permittee shall buy or sell  
539 alcoholic beverages for his own account, and no such beverage  
540 shall be brought into this state in pursuance of the exercise of  
541 such permit otherwise than through a permit issued to a wholesaler  
542 or manufacturer in the state.

543           (e) **Native wine retailer's permit.** Except as otherwise  
544 provided in subsection (5) of this section, a native wine  
545 retailer's permit shall be issued only to a holder of a Class 3  
546 manufacturer's permit, and shall authorize the holder thereof to  
547 make retail sales of native wines to consumers for on-premises  
548 consumption or to consumers in originally sealed and unopened  
549 containers at an establishment located on the premises of or in  
550 the immediate vicinity of a native winery. When selling to  
551 consumers for on-premises consumption, a holder of a native wine  
552 retailer's permit may add to the native wine alcoholic beverages  
553 not produced on the premises, so long as the total volume of  
554 foreign beverage components does not exceed twenty percent (20%)  
555 of the mixed beverage. Hours of sale shall be the same as those  
556 authorized for on-premises permittees in the city or county in  
557 which the native wine retailer is located.



558 (f) **Temporary retailer's permit.** Except as otherwise  
559 provided in subsection (5) of this section, a temporary retailer's  
560 permit shall permit the purchase and resale of alcoholic  
561 beverages, including native wines and native spirits, during legal  
562 hours on the premises described in the temporary permit only.

563 Temporary retailer's permits shall be of the following  
564 classes:

565 Class 1. A temporary one-day permit may be issued to bona  
566 fide nonprofit civic or charitable organizations authorizing the  
567 sale of alcoholic beverages, including native wine and native  
568 spirit, for consumption on the premises described in the temporary  
569 permit only. Class 1 permits may be issued only to applicants  
570 demonstrating to the department, by a statement signed under  
571 penalty of perjury submitted ten (10) days prior to the proposed  
572 date or such other time as the department may determine, that they  
573 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
574 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
575 Class 1 permittees shall obtain all alcoholic beverages from  
576 package retailers located in the county in which the temporary  
577 permit is issued. Alcoholic beverages remaining in stock upon  
578 expiration of the temporary permit may be returned by the  
579 permittee to the package retailer for a refund of the purchase  
580 price upon consent of the package retailer or may be kept by the  
581 permittee exclusively for personal use and consumption, subject to  
582 all laws pertaining to the illegal sale and possession of



583 alcoholic beverages. The department, following review of the  
584 statement provided by the applicant and the requirements of the  
585 applicable statutes and regulations, may issue the permit.

586 Class 2. A temporary permit, not to exceed seventy (70)  
587 days, may be issued to prospective permittees seeking to transfer  
588 a permit authorized in paragraph (c) of this subsection. A Class  
589 2 permit may be issued only to applicants demonstrating to the  
590 department, by a statement signed under the penalty of perjury,  
591 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
592 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
593 67-1-59. The department, following a preliminary review of the  
594 statement provided by the applicant and the requirements of the  
595 applicable statutes and regulations, may issue the permit.

596 Class 2 temporary permittees must purchase their alcoholic  
597 beverages directly from the department or, with approval of the  
598 department, purchase the remaining stock of the previous  
599 permittee. If the proposed applicant of a Class 1 or Class 2  
600 temporary permit falsifies information contained in the  
601 application or statement, the applicant shall never again be  
602 eligible for a retail alcohol beverage permit and shall be subject  
603 to prosecution for perjury.

604 Class 3. A temporary one-day permit may be issued to a  
605 retail establishment authorizing the complimentary distribution of  
606 wine, including native wine, to patrons of the retail  
607 establishment at an open house or promotional event, for





608 consumption only on the premises described in the temporary  
609 permit. A Class 3 permit may be issued only to an applicant  
610 demonstrating to the department, by a statement signed under  
611 penalty of perjury submitted ten (10) days before the proposed  
612 date or such other time as the department may determine, that it  
613 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
614 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
615 A Class 3 permit holder shall obtain all alcoholic beverages from  
616 the holder(s) of a package retailer's permit located in the county  
617 in which the temporary permit is issued. Wine remaining in stock  
618 upon expiration of the temporary permit may be returned by the  
619 Class 3 temporary permit holder to the package retailer for a  
620 refund of the purchase price, with consent of the package  
621 retailer, or may be kept by the Class 3 temporary permit holder  
622 exclusively for personal use and consumption, subject to all laws  
623 pertaining to the illegal sale and possession of alcoholic  
624 beverages. The department, following review of the statement  
625 provided by the applicant and the requirements of the applicable  
626 statutes and regulations, may issue the permit. No retailer may  
627 receive more than twelve (12) Class 3 temporary permits in a  
628 calendar year. A Class 3 temporary permit shall not be issued to  
629 a retail establishment that either holds a merchant permit issued  
630 under paragraph (1) of this subsection, or holds a permit issued  
631 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing



632 the holder to engage in the business of a retailer of light wine  
633 or beer.

634 (g) **Caterer's permit.** A caterer's permit shall permit  
635 the purchase of alcoholic beverages by a person engaging in  
636 business as a caterer and the resale of alcoholic beverages by  
637 such person in conjunction with such catering business. No person  
638 shall qualify as a caterer unless forty percent (40%) or more of  
639 the revenue derived from such catering business shall be from the  
640 serving of prepared food and not from the sale of alcoholic  
641 beverages and unless such person has obtained a permit for such  
642 business from the Department of Health. A caterer's permit shall  
643 not authorize the sale of alcoholic beverages on the premises of  
644 the person engaging in business as a caterer; however, the holder  
645 of an on-premises retailer's permit may hold a caterer's permit.  
646 When the holder of an on-premises retailer's permit or an  
647 affiliated entity of the holder also holds a caterer's permit, the  
648 caterer's permit shall not authorize the service of alcoholic  
649 beverages on a consistent, recurring basis at a separate, fixed  
650 location owned or operated by the caterer, on-premises retailer or  
651 affiliated entity and an on-premises retailer's permit shall be  
652 required for the separate location. All sales of alcoholic  
653 beverages by holders of a caterer's permit shall be made at the  
654 location being catered by the caterer, and, except as otherwise  
655 provided in subsection (5) of this section, such sales may be made  
656 only for consumption at the catered location. The location being



657 catered may be anywhere within a county or judicial district that  
658 has voted to come out from under the dry laws or in which the sale  
659 and distribution of alcoholic beverages is otherwise authorized by  
660 law. Such sales shall be made pursuant to any other conditions  
661 and restrictions which apply to sales made by on-premises retail  
662 permittees. The holder of a caterer's permit or his employees  
663 shall remain at the catered location as long as alcoholic  
664 beverages are being sold pursuant to the permit issued under this  
665 paragraph (g), and the permittee shall have at the location the  
666 identification card issued by the Alcoholic Beverage Control  
667 Division of the department. No unsold alcoholic beverages may be  
668 left at the catered location by the permittee upon the conclusion  
669 of his business at that location. Appropriate law enforcement  
670 officers and Alcoholic Beverage Control Division personnel may  
671 enter a catered location on private property in order to enforce  
672 laws governing the sale or serving of alcoholic beverages.

673 (h) **Research permit.** A research permit shall authorize  
674 the holder thereof to operate a research facility for the  
675 professional research of alcoholic beverages. Such permit shall  
676 authorize the holder of the permit to import and purchase limited  
677 amounts of alcoholic beverages from the department or from  
678 importers, wineries and distillers of alcoholic beverages for  
679 professional research.

680 (i) **Alcohol processing permit.** An alcohol processing  
681 permit shall authorize the holder thereof to purchase, transport



682 and possess alcoholic beverages for the exclusive use in cooking,  
683 processing or manufacturing products which contain alcoholic  
684 beverages as an integral ingredient. An alcohol processing permit  
685 shall not authorize the sale of alcoholic beverages on the  
686 premises of the person engaging in the business of cooking,  
687 processing or manufacturing products which contain alcoholic  
688 beverages. The amounts of alcoholic beverages allowed under an  
689 alcohol processing permit shall be set by the department.

690 (j) **Hospitality cart permit.** A hospitality cart permit  
691 shall authorize the sale of alcoholic beverages from a mobile cart  
692 on a golf course that is the holder of an on-premises retailer's  
693 permit. The alcoholic beverages sold from the cart must be  
694 consumed within the boundaries of the golf course.

695 (k) **Special service permit.** A special service permit  
696 shall authorize the holder to sell commercially sealed alcoholic  
697 beverages to the operator of a commercial or private aircraft for  
698 en route consumption only by passengers. A special service permit  
699 shall be issued only to a fixed-base operator who contracts with  
700 an airport facility to provide fueling and other associated  
701 services to commercial and private aircraft.

702 (l) **Merchant permit.** Except as otherwise provided in  
703 subsection (5) of this section, a merchant permit shall be issued  
704 only to the owner of a spa facility, an art studio or gallery, or  
705 a cooking school, and shall authorize the holder to serve  
706 complimentary by the glass wine only, including native wine, at



707 the holder's spa facility, art studio or gallery, or cooking  
708 school. A merchant permit holder shall obtain all wine from the  
709 holder of a package retailer's permit.

710 (m) **Temporary alcoholic beverages charitable auction**  
711 **permit.** A temporary permit, not to exceed five (5) days, may be  
712 issued to a qualifying charitable nonprofit organization that is  
713 exempt from taxation under Section 501(c)(3) or (4) of the  
714 Internal Revenue Code of 1986. The permit shall authorize the  
715 holder to sell alcoholic beverages for the limited purpose of  
716 raising funds for the organization during a live or silent auction  
717 that is conducted by the organization and that meets the following  
718 requirements: (i) the auction is conducted in an area of the  
719 state where the sale of alcoholic beverages is authorized; (ii) if  
720 the auction is conducted on the premises of an on-premises  
721 retailer's permit holder, then the alcoholic beverages to be  
722 auctioned must be stored separately from the alcoholic beverages  
723 sold, stored or served on the premises, must be removed from the  
724 premises immediately following the auction, and may not be  
725 consumed on the premises; (iii) the permit holder may not conduct  
726 more than two (2) auctions during a calendar year; (iv) the permit  
727 holder may not pay a commission or promotional fee to any person  
728 to arrange or conduct the auction.

729 (n) **Event venue retailer's permit.** An event venue  
730 retailer's permit shall authorize the holder thereof to purchase  
731 and resell alcoholic beverages, including native wines and native



732 spirits, for consumption on the premises during legal hours during  
733 events held on the licensed premises if food is being served at  
734 the event by a caterer who is not affiliated with or related to  
735 the permittee. The caterer must serve at least three (3) entrees.  
736 The permit may only be issued for venues that can accommodate two  
737 hundred (200) persons or more. The number of persons a venue may  
738 accommodate shall be determined by the local fire department and  
739 such determination shall be provided in writing and submitted  
740 along with all other documents required to be provided for an  
741 on-premises retailer's permit. The permittee must derive the  
742 majority of its revenue from event-related fees, including, but  
743 not limited to, admission fees or ticket sales for live  
744 entertainment in the building. "Event-related fees" do not  
745 include alcohol, beer or light wine sales or any fee which may be  
746 construed to cover the cost of alcohol, beer or light wine. This  
747 determination shall be made on a per event basis. An event may  
748 not last longer than two (2) consecutive days per week.

749 (o) **Temporary theatre permit.** A temporary theatre  
750 permit, not to exceed five (5) days, may be issued to a charitable  
751 nonprofit organization that is exempt from taxation under Section  
752 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
753 a theatre facility that features plays and other theatrical  
754 performances and productions. Except as otherwise provided in  
755 subsection (5) of this section, the permit shall authorize the  
756 holder to sell alcoholic beverages, including native wines and



757 native spirits, to patrons of the theatre during performances and  
758 productions at the theatre facility for consumption during such  
759 performances and productions on the premises of the facility  
760 described in the permit. A temporary theatre permit holder shall  
761 obtain all alcoholic beverages from package retailers located in  
762 the county in which the permit is issued. Alcoholic beverages  
763 remaining in stock upon expiration of the temporary theatre permit  
764 may be returned by the permittee to the package retailer for a  
765 refund of the purchase price upon consent of the package retailer  
766 or may be kept by the permittee exclusively for personal use and  
767 consumption, subject to all laws pertaining to the illegal sale  
768 and possession of alcoholic beverages.

769 (p) **Charter ship operator's permit.** Subject to the  
770 provisions of this paragraph (p), a charter ship operator's permit  
771 shall authorize the holder thereof and its employees to serve,  
772 monitor, store and otherwise control the serving and availability  
773 of alcoholic beverages to customers of the permit holder during  
774 private charters under contract provided by the permit holder. A  
775 charter ship operator's permit shall authorize such action by the  
776 permit holder and its employees only as to alcoholic beverages  
777 brought onto the permit holder's ship by customers of the permit  
778 holder as part of such a private charter. All such alcoholic  
779 beverages must be removed from the charter ship at the conclusion  
780 of each private charter. A charter ship operator's permit shall  
781 not authorize the permit holder to sell, charge for or otherwise



782 supply alcoholic beverages to customers, except as authorized in  
783 this paragraph (p). For the purposes of this paragraph (p),  
784 "charter ship operator" means a common carrier that (i) is  
785 certified to carry at least one hundred fifty (150) passengers  
786 and/or provide overnight accommodations for at least fifty (50)  
787 passengers, (ii) operates only in the waters within the State of  
788 Mississippi, which lie adjacent to the State of Mississippi south  
789 of the three (3) most southern counties in the State of  
790 Mississippi, and (iii) provides charters under contract for tours  
791 and trips in such waters.

792 (q) **Distillery retailer's permit.** The holder of a  
793 Class 1 manufacturer's permit may obtain a distillery retailer's  
794 permit. A distillery retailer's permit shall authorize the holder  
795 thereof to sell at retail alcoholic beverages to consumers for  
796 on-premises consumption, or to consumers by the sealed and  
797 unopened bottle from a retail location at the distillery for  
798 off-premises consumption. The holder may only sell product  
799 manufactured by the manufacturer at the distillery described in  
800 the permit. However, when selling to consumers for on-premises  
801 consumption, a holder of a distillery retailer's permit may add  
802 other beverages, alcoholic or not, so long as the total volume of  
803 other beverage components containing alcohol does not exceed  
804 twenty percent (20%). Hours of sale shall be the same as those  
805 authorized for on-premises permittees in the city or county in  
806 which the distillery retailer is located.





807           The holder shall not sell at retail more than ten percent  
808   (10%) of the alcoholic beverages produced annually at its  
809   distillery. The holder shall not make retail sales of more than  
810   two and twenty-five one-hundredths (2.25) liters, in the  
811   aggregate, of the alcoholic beverages produced at its distillery  
812   to any one (1) individual for consumption off the premises of the  
813   distillery within a twenty-four-hour period. The hours of sale  
814   shall be the same as those hours for package retailers under this  
815   chapter. The holder of a distillery retailer's permit is not  
816   required to purchase the alcoholic beverages authorized to be sold  
817   by this paragraph from the department's liquor distribution  
818   warehouse; however, if the holder does not purchase the alcoholic  
819   beverages from the department's liquor distribution warehouse, the  
820   holder shall pay to the department all taxes, fees and surcharges  
821   on the alcoholic beverages that are imposed upon the sale of  
822   alcoholic beverages shipped by the Alcoholic Beverage Control  
823   Division of the Department of Revenue. In addition to alcoholic  
824   beverages, the holder of a distillery retailer's permit may sell  
825   at retail promotional products from the same retail location,  
826   including shirts, hats, glasses, and other promotional products  
827   customarily sold by alcoholic beverage manufacturers.

828           (r) **Festival Wine Permit.** Any wine manufacturer or  
829   native wine producer permitted by Mississippi or any other state  
830   is eligible to obtain a Festival Wine Permit. This permit  
831   authorizes the entity to transport product manufactured by it to



832 festivals held within the State of Mississippi and sell sealed,  
833 unopened bottles to festival participants. The holder of this  
834 permit may provide samples at no charge to participants.  
835 "Festival" means any event at which three (3) or more vendors are  
836 present at a location for the sale or distribution of goods. The  
837 holder of a Festival Wine Permit is not required to purchase the  
838 alcoholic beverages authorized to be sold by this paragraph from  
839 the department's liquor distribution warehouse. However, if the  
840 holder does not purchase the alcoholic beverages from the  
841 department's liquor distribution warehouse, the holder of this  
842 permit shall pay to the department all taxes, fees and surcharges  
843 on the alcoholic beverages sold at such festivals that are imposed  
844 upon the sale of alcoholic beverages shipped by the Alcoholic  
845 Beverage Control Division of the Department of Revenue.  
846 Additionally, the entity shall file all applicable reports and  
847 returns as prescribed by the department. This permit is issued  
848 per festival and provides authority to sell for two (2)  
849 consecutive days during the hours authorized for on-premises  
850 permittees' sales in that county or city. The holder of the  
851 permit shall be required to maintain all requirements set by Local  
852 Option Law for the service and sale of alcoholic beverages. This  
853 permit may be issued to entities participating in festivals at  
854 which a Class 1 temporary permit is in effect.

855 This paragraph (r) shall stand repealed from and after July  
856 1, 2023.



857 (s) **Charter vessel operator's permit.** Subject to the  
858 provisions of this paragraph (s), a charter vessel operator's  
859 permit shall authorize the holder thereof and its employees to  
860 sell and serve alcoholic beverages to passengers of the permit  
861 holder during public tours, historical tours, ecological tours and  
862 sunset cruises provided by the permit holder. The permit shall  
863 authorize the holder to only sell alcoholic beverages, including  
864 native wines, to passengers of the charter vessel operator during  
865 public tours, historical tours, ecological tours and sunset  
866 cruises provided by the permit holder aboard the charter vessel  
867 operator for consumption during such tours and cruises on the  
868 premises of the charter vessel operator described in the permit.  
869 For the purposes of this paragraph (s), "charter vessel operator"  
870 means a common carrier that (i) is certified to carry at least  
871 forty-nine (49) passengers, (ii) operates only in the waters  
872 within the State of Mississippi, which lie south of Interstate-10  
873 in the three (3) most southern counties in the State of  
874 Mississippi, and lie adjacent to the State of Mississippi south of  
875 the three (3) most southern counties in the State of Mississippi,  
876 extending not further than one (1) mile south of such counties,  
877 and (iii) provides vessel services for tours and cruises in such  
878 waters as provided in this paragraph (s).

879 ( \* \* \*t) **Native spirit retailer's permit.** Except as  
880 otherwise provided in subsection (5) of this section, a native  
881 spirit retailer's permit shall be issued only to a holder of a



882 Class 4 manufacturer's permit, and shall authorize the holder  
883 thereof to make retail sales of native spirits to consumers for  
884 on-premises consumption or to consumers in originally sealed and  
885 unopened containers at an establishment located on the premises of  
886 or in the immediate vicinity of a native distillery. When selling  
887 to consumers for on-premises consumption, a holder of a native  
888 spirit retailer's permit may add to the native spirit alcoholic  
889 beverages not produced on the premises, so long as the total  
890 volume of foreign beverage components does not exceed twenty  
891 percent (20%) of the mixed beverage. Hours of sale shall be the  
892 same as those authorized for on-premises permittees in the city or  
893 county in which the native spirit retailer is located.

894 (u) **Delivery service permit.** Any individual, limited  
895 liability company, corporation or partnership registered to do  
896 business in this state is eligible to obtain a delivery service  
897 permit. Subject to the provisions of Section 1 of House Bill No.  
898 1135, 2021 Regular Session, this permit authorizes the permittee,  
899 or its employee or an independent contractor acting on its behalf,  
900 to deliver alcoholic beverages, beer, light wine and light spirit  
901 product from a licensed retailer to a person in this state who is  
902 at least twenty-one (21) years of age for the individual's use and  
903 not for resale. This permit does not authorize the delivery of  
904 alcoholic beverages, beer, light wine or light spirit product to  
905 the premises of a location with a permit for the manufacture,  
906 distribution or retail sale of alcoholic beverages, beer, light



907 wine or light spirit product. The holder of a package retailer's  
908 permit or an on-premises retailer's permit under Section 67-1-51  
909 or of a beer, light wine and light spirit product permit under  
910 Section 67-3-19 is authorized to apply for a delivery service  
911 permit as a privilege separate from its existing retail permit.

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

915 (3) (a) Except as otherwise provided in this subsection, no  
916 authority shall be granted to any person to manufacture, sell or  
917 store for sale any intoxicating liquor as specified in this  
918 chapter within four hundred (400) feet of any church, school,  
919 kindergarten or funeral home. However, within an area zoned  
920 commercial or business, such minimum distance shall be not less  
921 than one hundred (100) feet.

922 (b) A church or funeral home may waive the distance  
923 restrictions imposed in this subsection in favor of allowing  
924 issuance by the department of a permit, pursuant to subsection (1)  
925 of this section, to authorize activity relating to the  
926 manufacturing, sale or storage of alcoholic beverages which would  
927 otherwise be prohibited under the minimum distance criterion.  
928 Such waiver shall be in written form from the owner, the governing  
929 body, or the appropriate officer of the church or funeral home  
930 having the authority to execute such a waiver, and the waiver



931 shall be filed with and verified by the department before becoming  
932 effective.

933 (c) The distance restrictions imposed in this  
934 subsection shall not apply to the sale or storage of alcoholic  
935 beverages at a bed and breakfast inn listed in the National  
936 Register of Historic Places or to the sale or storage of alcoholic  
937 beverages in a historic district that is listed in the National  
938 Register of Historic Places, is a qualified resort area and is  
939 located in a municipality having a population greater than one  
940 hundred thousand (100,000) according to the latest federal  
941 decennial census.

942 (d) The distance restrictions imposed in this  
943 subsection shall not apply to the sale or storage of alcoholic  
944 beverages at a qualified resort area as defined in Section  
945 67-1-5(o)(iii)32.

946 (e) The distance restrictions imposed in this  
947 subsection shall not apply to the sale or storage of alcoholic  
948 beverages at a licensed premises in a building formerly owned by a  
949 municipality and formerly leased by the municipality to a  
950 municipal school district and used by the municipal school  
951 district as a district bus shop facility.

952 (f) The distance restrictions imposed in this  
953 subsection shall not apply to the sale or storage of alcoholic  
954 beverages at a licensed premises in a building consisting of at  
955 least five thousand (5,000) square feet and located approximately



956 six hundred (600) feet from the intersection of Mississippi  
957 Highway 15 and Mississippi Highway 4.

958 (g) The distance restrictions imposed in this  
959 subsection shall not apply to the sale or storage of alcoholic  
960 beverages at a licensed premises in a building located at the  
961 southeast corner of Ward and Tate Streets in the City of  
962 Senatobia, Mississippi.

963 (4) No person, either individually or as a member of a firm,  
964 partnership, limited liability company or association, or as a  
965 stockholder, officer or director in a corporation, shall own or  
966 control any interest in more than one (1) package retailer's  
967 permit, nor shall such person's spouse, if living in the same  
968 household of such person, any relative of such person, if living  
969 in the same household of such person, or any other person living  
970 in the same household with such person own any interest in any  
971 other package retailer's permit.

972 (5) (a) In addition to any other authority granted under  
973 this section, the holder of a permit issued under subsection  
974 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
975 sell or otherwise provide alcoholic beverages and/or wine to a  
976 patron of the permit holder in the manner authorized in the permit  
977 and the patron may remove an open glass, cup or other container of  
978 the alcoholic beverage and/or wine from the licensed premises and  
979 may possess and consume the alcoholic beverage or wine outside of  
980 the licensed premises if: (i) the licensed premises is located



981 within a leisure and recreation district created under Section  
982 67-1-101 and (ii) the patron remains within the boundaries of the  
983 leisure and recreation district while in possession of the  
984 alcoholic beverage or wine.

985 (b) Nothing in this subsection shall be construed to  
986 allow a person to bring any alcoholic beverages into a permitted  
987 premises except to the extent otherwise authorized by this  
988 chapter.

989 **SECTION 11.** Section 67-3-9, Mississippi Code of 1972, as  
990 amended by House Bill No. 945, 2021 Regular Session, is amended as  
991 follows:

992 67-3-9. Any city in this state, having a population of not  
993 less than two thousand five hundred (2,500) according to the  
994 latest federal decennial census; or any city in this state having  
995 a population of not less than one thousand five hundred (1,500)  
996 according to the latest federal decennial census and located  
997 within three (3) miles of a city or county that permits the sale,  
998 receipt, storage and transportation for the purpose of sale of  
999 beer, light spirit product or light wine; or any city or town in  
1000 this state having a population of not less than one thousand  
1001 (1,000) according to the latest federal decennial census and  
1002 located in a county that has no city or town with a population of  
1003 more than two thousand five hundred (2,500); or any city, town or  
1004 village that is a county seat and has voted to come out from under  
1005 the dry law under Section 67-1-14; at an election held for the





1006 purpose, under the election laws applicable to such city, may  
1007 either prohibit or permit, except as otherwise provided under  
1008 Section 67-9-1, the sale and the receipt, storage and  
1009 transportation for the purpose of sale of beer, light spirit  
1010 product and light wine. An election to determine whether such  
1011 sale shall be permitted in cities wherein its sale is prohibited  
1012 by law shall be ordered by the city or town council or mayor and  
1013 board of aldermen or other governing body of such city or town for  
1014 such city or town only, upon the presentation of a petition for  
1015 such city or town to such governing board containing the names of  
1016 twenty percent (20%) or fifteen hundred (1,500), whichever number  
1017 is the lesser, of the duly qualified voters of such city or town  
1018 asking for such election. In like manner, an election to  
1019 determine whether such sale shall be prohibited in cities wherein  
1020 its sale is permitted by law shall be ordered by the city council  
1021 or mayor and board of aldermen or other governing board of such  
1022 city for such city only, upon the presentation of a petition to  
1023 such governing board containing the names of twenty percent (20%)  
1024 of the duly qualified voters of such city asking for such  
1025 election. No election on either question shall be held by any one  
1026 (1) city more often than once in five (5) years.

1027 Thirty (30) days' notice shall be given to the qualified  
1028 electors of such city or town in the manner prescribed by law upon  
1029 the question of either permitting or prohibiting such sale, and  
1030 the notice shall contain a statement of the question to be voted



1031 on at the election. The tickets to be used in the election shall  
1032 have the following words printed thereon: "For the legal sale of  
1033 light wine of an alcoholic content of not more than five percent  
1034 (5%) by weight, light spirit product of an alcoholic content of  
1035 not more than \* \* \* six percent (6%) by weight, and beer of an  
1036 alcoholic content of not more than eight percent (8%) by weight";  
1037 and the words "Against the legal sale of light wine of an  
1038 alcoholic content of not more than five percent (5%) by weight,  
1039 light spirit product of an alcoholic content of not more  
1040 than \* \* \* six percent (6%) by weight, and beer of an alcoholic  
1041 content of not more than eight percent (8%) by weight," next  
1042 below. In making up his or her ticket the voter shall make a  
1043 cross (X) opposite the words of his choice.

1044 If in the election a majority of the qualified electors  
1045 voting in the election shall vote "For the legal sale of light  
1046 wine of an alcoholic content of not more than five percent (5%) by  
1047 weight, light spirit product of an alcoholic content of not more  
1048 than \* \* \* six percent (6%) by weight, and beer of an alcoholic  
1049 content of not more than eight percent (8%) by weight," then the  
1050 city or town council or mayor and board of aldermen or other  
1051 governing body shall pass the necessary order permitting the legal  
1052 sale of such light wine, light spirit product and beer in such  
1053 city or town. If in the election a majority of the qualified  
1054 electors voting in the election shall vote "Against the legal sale  
1055 of light wine of an alcoholic content of not more than five



1056 percent (5%) by weight, light spirit product of an alcoholic  
1057 content of not more than \* \* \* six percent (6%) by weight, and  
1058 beer of an alcoholic content of not more than eight percent (8%)  
1059 by weight," then the city council or mayor and board of aldermen  
1060 or other governing body shall pass the necessary order prohibiting  
1061 the sale of such light wine, light spirit product and beer in such  
1062 city.

1063 All laws or parts of laws in conflict with this section are  
1064 hereby repealed to the extent of such conflict only, this section  
1065 being cumulative and supplementary.

1066 **SECTION 12.** Section 67-3-17, Mississippi Code of 1972, is  
1067 amended as follows:

1068 67-3-17. (1) Any person desiring to engage in any business  
1069 taxable under Sections 27-71-303 through 27-71-317, Mississippi  
1070 Code of 1972, either as a retailer, or as a wholesaler or  
1071 distributor, or as a manufacturer, of light wines, light spirit  
1072 products or beer, shall file with the commissioner an application  
1073 for a permit allowing him to engage in such business. The  
1074 application for a permit shall contain a statement showing the  
1075 name of the business, and if a partnership, firm, association or  
1076 limited liability company, the name of each partner or member, and  
1077 if a corporation the names of two (2) principal officers, the post  
1078 office address, and the nature of business in which engaged. In  
1079 case any business is conducted at two (2) or more separate places,  
1080 a separate permit for each place of business shall be required.



1081 The commissioner shall prescribe the form of the application and  
1082 designate who is required to sign the application. The  
1083 application shall be signed under penalty of perjury.

1084 (2) The application shall include a statement that the  
1085 applicant will not, except as otherwise authorized in this  
1086 chapter, allow any alcoholic beverages as defined in Section  
1087 67-1-5, any beer having an alcoholic content of more than eight  
1088 percent (8%) by weight, any spirit product having an alcoholic  
1089 content of more than \* \* \* six percent (6%) by weight, or any wine  
1090 having an alcoholic content of more than five percent (5%) by  
1091 weight, to be kept, stored or secreted in or on the premises  
1092 described in such permit or license, and that the applicant will  
1093 not otherwise violate any law of this state, or knowingly allow  
1094 any other person to violate any such law, while in or on such  
1095 premises.

1096 (3) Each application or filing made under this section shall  
1097 include the social security number(s) of the applicant in  
1098 accordance with Section 93-11-64, Mississippi Code of 1972.

1099 **SECTION 13.** Section 67-3-28, Mississippi Code of 1972, is  
1100 amended as follows:

1101 67-3-28. (1) Any person desiring to engage in business as a  
1102 brewpub shall file with the commissioner, along with the  
1103 application required by Section 67-3-17, Mississippi Code of 1972,  
1104 a certificate issued by a licensed testing laboratory indicating  
1105 that such laboratory has tested a sample of the applicant's beer,



1106 light spirit product or light wine, or a combination thereof, and  
1107 that the alcohol content of such sample of beer does not exceed  
1108 eight percent (8%) by weight, and the alcohol content of such  
1109 sample of light spirit product does not exceed \* \* \* six percent  
1110 (6%) by weight, and the alcoholic content of such sample of light  
1111 wine does not exceed five percent (5%) by weight.

1112 (2) Every brewpub shall be required to submit to random  
1113 testing by the commissioner to determine whether any beer being  
1114 manufactured, sold, kept, stored or secreted by the license holder  
1115 contains an alcohol content greater than eight percent (8%) by  
1116 weight, and light spirit product being manufactured, sold, kept,  
1117 stored or secreted by the license holder contains an alcoholic  
1118 content greater than \* \* \* six percent (6%) by weight, and any  
1119 light wine being manufactured, sold, kept, stored or secreted by  
1120 the license holder contains an alcoholic content greater than five  
1121 percent (5%) by weight. The commissioner shall establish and  
1122 administer testing standards and procedures to be used in such  
1123 random testing. The brewpub licensee shall be responsible for all  
1124 costs incurred by the commissioner in conducting random testing  
1125 under this section.

1126 **SECTION 14.** Section 67-1-5, Mississippi Code of 1972, as  
1127 amended by Senate Bill No. 2606, 2021 Regular Session, is amended  
1128 as follows:

1129 67-1-5. For the purposes of this chapter and unless  
1130 otherwise required by the context:



1131 (a) "Alcoholic beverage" means any alcoholic liquid,  
1132 including wines of more than five percent (5%) of alcohol by  
1133 weight, capable of being consumed as a beverage by a human being,  
1134 but shall not include light wine, light spirit product and beer,  
1135 as defined in Section 67-3-3, Mississippi Code of 1972, but shall  
1136 include native wines and native spirits. The words "alcoholic  
1137 beverage" shall not include ethyl alcohol manufactured or  
1138 distilled solely for fuel purposes or beer of an alcoholic content  
1139 of more than eight percent (8%) by weight if the beer is legally  
1140 manufactured in this state for sale in another state.

1141 (b) "Alcohol" means the product of distillation of any  
1142 fermented liquid, whatever the origin thereof, and includes  
1143 synthetic ethyl alcohol, but does not include denatured alcohol or  
1144 wood alcohol.

1145 (c) "Distilled spirits" means any beverage containing  
1146 more than \* \* \* six percent (6%) of alcohol by weight produced by  
1147 distillation of fermented grain, starch, molasses or sugar,  
1148 including dilutions and mixtures of these beverages.

1149 (d) "Wine" or "vinous liquor" means any product  
1150 obtained from the alcoholic fermentation of the juice of sound,  
1151 ripe grapes, fruits, honey or berries and made in accordance with  
1152 the revenue laws of the United States.

1153 (e) "Person" means and includes any individual,  
1154 partnership, corporation, association or other legal entity  
1155 whatsoever.



1156 (f) "Manufacturer" means any person engaged in  
1157 manufacturing, distilling, rectifying, blending or bottling any  
1158 alcoholic beverage.

1159 (g) "Wholesaler" means any person, other than a  
1160 manufacturer, engaged in distributing or selling any alcoholic  
1161 beverage at wholesale for delivery within or without this state  
1162 when such sale is for the purpose of resale by the purchaser.

1163 (h) "Retailer" means any person who sells, distributes,  
1164 or offers for sale or distribution, any alcoholic beverage for use  
1165 or consumption by the purchaser and not for resale.

1166 (i) "State Tax Commission," "commission" or  
1167 "department" means the Department of Revenue of the State of  
1168 Mississippi, which shall create a division in its organization to  
1169 be known as the Alcoholic Beverage Control Division. Any  
1170 reference to the commission or the department hereafter means the  
1171 powers and duties of the Department of Revenue with reference to  
1172 supervision of the Alcoholic Beverage Control Division.

1173 (j) "Division" means the Alcoholic Beverage Control  
1174 Division of the Department of Revenue.

1175 (k) "Municipality" means any incorporated city or town  
1176 of this state.

1177 (l) "Hotel" means an establishment within a  
1178 municipality, or within a qualified resort area approved as such  
1179 by the department, where, in consideration of payment, food and  
1180 lodging are habitually furnished to travelers and wherein are



1181 located at least twenty (20) adequately furnished and completely  
1182 separate sleeping rooms with adequate facilities that persons  
1183 usually apply for and receive as overnight accommodations. Hotels  
1184 in towns or cities of more than twenty-five thousand (25,000)  
1185 population are similarly defined except that they must have fifty  
1186 (50) or more sleeping rooms. Any such establishment described in  
1187 this paragraph with less than fifty (50) beds shall operate one or  
1188 more regular dining rooms designed to be constantly frequented by  
1189 customers each day. When used in this chapter, the word "hotel"  
1190 shall also be construed to include any establishment that meets  
1191 the definition of "bed and breakfast inn" as provided in this  
1192 section.

1193 (m) "Restaurant" means:

1194 (i) A place which is regularly and in a bona fide  
1195 manner used and kept open for the serving of meals to guests for  
1196 compensation, which has suitable seating facilities for guests,  
1197 and which has suitable kitchen facilities connected therewith for  
1198 cooking an assortment of foods and meals commonly ordered at  
1199 various hours of the day; the service of such food as sandwiches  
1200 and salads only shall not be deemed in compliance with this  
1201 requirement. Except as otherwise provided in this paragraph, no  
1202 place shall qualify as a restaurant under this chapter unless  
1203 twenty-five percent (25%) or more of the revenue derived from such  
1204 place shall be from the preparation, cooking and serving of meals  
1205 and not from the sale of beverages, or unless the value of food





1206 given to and consumed by customers is equal to twenty-five percent  
1207 (25%) or more of total revenue; or

1208 (ii) Any privately owned business located in a  
1209 building in a historic district where the district is listed in  
1210 the National Register of Historic Places, where the building has a  
1211 total occupancy rating of not less than one thousand (1,000) and  
1212 where the business regularly utilizes ten thousand (10,000) square  
1213 feet or more in the building for live entertainment, including not  
1214 only the stage, lobby or area where the audience sits and/or  
1215 stands, but also any other portion of the building necessary for  
1216 the operation of the business, including any kitchen area, bar  
1217 area, storage area and office space, but excluding any area for  
1218 parking. In addition to the other requirements of this  
1219 subparagraph, the business must also serve food to guests for  
1220 compensation within the building and derive the majority of its  
1221 revenue from event-related fees, including, but not limited to,  
1222 admission fees or ticket sales to live entertainment in the  
1223 building, and from the rental of all or part of the facilities of  
1224 the business in the building to another party for a specific event  
1225 or function.

1226 (n) "Club" means an association or a corporation:

1227 (i) Organized or created under the laws of this  
1228 state for a period of five (5) years prior to July 1, 1966;



1229 (ii) Organized not primarily for pecuniary profit  
1230 but for the promotion of some common object other than the sale or  
1231 consumption of alcoholic beverages;

1232 (iii) Maintained by its members through the  
1233 payment of annual dues;

1234 (iv) Owning, hiring or leasing a building or space  
1235 in a building of such extent and character as may be suitable and  
1236 adequate for the reasonable and comfortable use and accommodation  
1237 of its members and their guests;

1238 (v) The affairs and management of which are  
1239 conducted by a board of directors, board of governors, executive  
1240 committee, or similar governing body chosen by the members at a  
1241 regular meeting held at some periodic interval; and

1242 (vi) No member, officer, agent or employee of  
1243 which is paid, or directly or indirectly receives, in the form of  
1244 a salary or other compensation any profit from the distribution or  
1245 sale of alcoholic beverages to the club or to members or guests of  
1246 the club beyond such salary or compensation as may be fixed and  
1247 voted at a proper meeting by the board of directors or other  
1248 governing body out of the general revenues of the club.

1249 The department may, in its discretion, waive the five-year  
1250 provision of this paragraph. In order to qualify under this  
1251 paragraph, a club must file with the department, at the time of  
1252 its application for a license under this chapter, two (2) copies  
1253 of a list of the names and residences of its members and similarly



1254 file, within ten (10) days after the election of any additional  
1255 member, his name and address. Each club applying for a license  
1256 shall also file with the department at the time of the application  
1257 a copy of its articles of association, charter of incorporation,  
1258 bylaws or other instruments governing the business and affairs  
1259 thereof.

1260 (o) "Qualified resort area" means any area or locality  
1261 outside of the limits of incorporated municipalities in this state  
1262 commonly known and accepted as a place which regularly and  
1263 customarily attracts tourists, vacationists and other transients  
1264 because of its historical, scenic or recreational facilities or  
1265 attractions, or because of other attributes which regularly and  
1266 customarily appeal to and attract tourists, vacationists and other  
1267 transients in substantial numbers; however, no area or locality  
1268 shall so qualify as a resort area until it has been duly and  
1269 properly approved as such by the department. The department may  
1270 not approve an area as a qualified resort area after July 1, 2018,  
1271 if any portion of such proposed area is located within two (2)  
1272 miles of a convent or monastery that is located in a county  
1273 traversed by Interstate 55 and U.S. Highway 98. A convent or  
1274 monastery may waive such distance restrictions in favor of  
1275 allowing approval by the department of an area as a qualified  
1276 resort area. Such waiver shall be in written form from the owner,  
1277 the governing body, or the appropriate officer of the convent or  
1278 monastery having the authority to execute such a waiver, and the



1279 waiver shall be filed with and verified by the department before  
1280 becoming effective.

1281 (i) The department may approve an area or locality  
1282 outside of the limits of an incorporated municipality that is in  
1283 the process of being developed as a qualified resort area if such  
1284 area or locality, when developed, can reasonably be expected to  
1285 meet the requisites of the definition of the term "qualified  
1286 resort area." In such a case, the status of qualified resort area  
1287 shall not take effect until completion of the development.

1288 (ii) The term includes any state park which is  
1289 declared a resort area by the department; however, such  
1290 declaration may only be initiated in a written request for resort  
1291 area status made to the department by the Executive Director of  
1292 the Department of Wildlife, Fisheries and Parks, and no permit for  
1293 the sale of any alcoholic beverage, as defined in this chapter,  
1294 except an on-premises retailer's permit, shall be issued for a  
1295 hotel, restaurant or bed and breakfast inn in such park.

1296 (iii) The term includes:

1297 1. The clubhouses associated with the state  
1298 park golf courses at the Lefleur's Bluff State Park, the John Kyle  
1299 State Park, the Percy Quin State Park and the Hugh White State  
1300 Park;

1301 2. The clubhouse and associated golf course,  
1302 tennis courts and related facilities and swimming pool and related  
1303 facilities where the golf course, tennis courts and related



1304 facilities and swimming pool and related facilities are adjacent  
1305 to one or more planned residential developments and the golf  
1306 course and all such developments collectively include at least  
1307 seven hundred fifty (750) acres and at least four hundred (400)  
1308 residential units;

1309                   3. Any facility located on property that is a  
1310 game reserve with restricted access that consists of at least  
1311 three thousand (3,000) contiguous acres with no public roads and  
1312 that offers as a service hunts for a fee to overnight guests of  
1313 the facility;

1314                   4. Any facility located on federal property  
1315 surrounding a lake and designated as a recreational area by the  
1316 United States Army Corps of Engineers that consists of at least  
1317 one thousand five hundred (1,500) acres;

1318                   5. Any facility that is located in a  
1319 municipality that is bordered by the Pearl River, traversed by  
1320 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
1321 International Airport and is located in a county which has voted  
1322 against coming out from under the dry law; however, any such  
1323 facility may only be located in areas designated by the governing  
1324 authorities of such municipality;

1325                   6. Any municipality with a population in  
1326 excess of ten thousand (10,000) according to the latest federal  
1327 decennial census that is located in a county that is bordered by  
1328 the Pearl River and is not traversed by Interstate Highway 20,



1329 with a population in excess of forty-five thousand (45,000)  
1330 according to the latest federal decennial census; however, the  
1331 governing authorities of such a municipality may by ordinance:  
1332                   a. Specify the hours of operation of  
1333 facilities that offer alcoholic beverages for sale;  
1334                   b. Specify the percentage of revenue  
1335 that facilities that offer alcoholic beverages for sale must  
1336 derive from the preparation, cooking and serving of meals and not  
1337 from the sale of beverages;  
1338                   c. Designate the areas in which  
1339 facilities that offer alcoholic beverages for sale may be located;  
1340                   7. The West Pearl Restaurant Tax District as  
1341 defined in Chapter 912, Local and Private Laws of 2007;  
1342                   8. a. Land that is located in any county in  
1343 which Mississippi Highway 43 and Mississippi Highway 25 intersect  
1344 and:  
1345                   A. Owned by the Pearl River Valley  
1346 Water Supply District, and/or  
1347                   B. Located within the Reservoir  
1348 Community District, zoned commercial, east of Old Fannin Road,  
1349 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
1350 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
1351 Drive and/or Lake Vista Place, and/or  
1352                   C. Located within the Reservoir  
1353 Community District, zoned commercial, west of Old Fannin Road,



1354 south of Spillway Road and extending to the boundary of the  
1355 corporate limits of the City of Flowood, Mississippi;

1356                                   b. The board of supervisors of such  
1357 county, with respect to B and C of item 8.a., may by resolution or  
1358 other order:

1359                                   A. Specify the hours of operation  
1360 of facilities that offer alcoholic beverages for sale,

1361                                   B. Specify the percentage of  
1362 revenue that facilities that offer alcoholic beverages for sale  
1363 must derive from the preparation, cooking and serving of meals and  
1364 not from the sale of beverages, and

1365                                   C. Designate the areas in which  
1366 facilities that offer alcoholic beverages for sale may be located;

1367                                   9. Any facility located on property that is a  
1368 game reserve with restricted access that consists of at least  
1369 eight hundred (800) contiguous acres with no public roads, that  
1370 offers as a service hunts for a fee to overnight guests of the  
1371 facility, and has accommodations for at least fifty (50) overnight  
1372 guests;

1373                                   10. Any facility that:

1374                                   a. Consists of at least six thousand  
1375 (6,000) square feet being heated and cooled along with an  
1376 additional adjacent area that consists of at least two thousand  
1377 two hundred (2,200) square feet regardless of whether heated and  
1378 cooled,



1379                                   b. For a fee is used to host events such  
1380 as weddings, reunions and conventions,

1381                                   c. Provides lodging accommodations  
1382 regardless of whether part of the facility and/or located adjacent  
1383 to or in close proximity to the facility, and

1384                                   d. Is located on property that consists  
1385 of at least thirty (30) contiguous acres;

1386                                   11. Any facility and related property:

1387                                   a. Located on property that consists of  
1388 at least one hundred twenty-five (125) contiguous acres and  
1389 consisting of an eighteen (18) hole golf course, and/or located in  
1390 a facility that consists of at least eight thousand (8,000) square  
1391 feet being heated and cooled,

1392                                   b. Used for the purpose of providing  
1393 meals and hosting events, and

1394                                   c. Used for the purpose of teaching  
1395 culinary arts courses and/or turf management and grounds keeping  
1396 courses, and/or outdoor recreation and leadership courses;

1397                                   12. Any facility and related property that:

1398                                   a. Consist of at least eight thousand  
1399 (8,000) square feet being heated and cooled,

1400                                   b. For a fee is used to host events,

1401                                   c. Is used for the purpose of culinary  
1402 arts courses, and/or live entertainment courses and art  
1403 performances, and/or outdoor recreation and leadership courses;





1404                   13. The clubhouse and associated golf course  
1405 where the golf course is adjacent to one or more residential  
1406 developments and the golf course and all such developments  
1407 collectively include at least two hundred (200) acres and at least  
1408 one hundred fifty (150) residential units and are located a. in a  
1409 county that has voted against coming out from under the dry law;  
1410 and b. outside of but in close proximity to a municipality in such  
1411 county which has voted under Section 67-1-14, after January 1,  
1412 2013, to come out from under the dry law;

1413                   14. The clubhouse and associated eighteen  
1414 (18) hole golf course located in a municipality traversed by  
1415 Interstate Highway 55 and U.S. Highway 51 that has voted to come  
1416 out from under the dry law;

1417                   15. a. Land that is planned for mixed use  
1418 development and consists of at least two hundred (200) contiguous  
1419 acres with one or more planned residential developments  
1420 collectively planned to include at least two hundred (200)  
1421 residential units when completed, and also including a facility  
1422 that consists of at least four thousand (4,000) square feet that  
1423 is not part of such land but is located adjacent to or in close  
1424 proximity thereto, and which land is located:

1425                                   \* \* \* A. In a county that has  
1426 voted to come out from under the dry law,

1427                                   \* \* \* B. Outside the corporate  
1428 limits of any municipality in such county and adjacent to or in



1429 close proximity to a golf course located in a municipality in such  
1430 county, and

1431                                   \* \* \* C. Within one (1) mile of a  
1432 state institution of higher learning;

1433                                   b. The board of supervisors of such  
1434 county may by resolution or other order:

1435                                   A. Specify the hours of operation  
1436 of facilities that offer alcoholic beverages for sale,

1437                                   B. Specify the percentage of  
1438 revenue that facilities that offer alcoholic beverages for sale  
1439 must derive from the preparation, cooking and serving of meals and  
1440 not from the sale of beverages, and

1441                                   C. Designate the areas in which  
1442 facilities that offer alcoholic beverages for sale may be located;

1443                                   16. Any facility with a capacity of five  
1444 hundred (500) people or more, to be used as a venue for private  
1445 events, on a tract of land in the Southwest Quarter of Section 33,  
1446 Township 2 South, Range 7 East, of a county where U.S. Highway 45  
1447 and U.S. Highway 72 intersect and that has not voted to come out  
1448 from under the dry law;

1449                                   17. One hundred five (105) contiguous acres,  
1450 more or less, located in Hinds County, Mississippi, and in the  
1451 City of Jackson, Mississippi, whereon are constructed a variety of  
1452 buildings, improvements, grounds or objects for the purpose of



1453 holding events thereon to promote agricultural and industrial  
1454 development in Mississippi;

1455                   18. Land that is owned by a state institution  
1456 of higher learning and:

1457                   a. Located entirely within a county that  
1458 has elected by majority vote not to permit the transportation,  
1459 storage, sale, distribution, receipt and/or manufacture of light  
1460 wine and beer pursuant to Section 67-3-7, and

1461                   b. Adjacent to but outside the  
1462 incorporated limits of a municipality that has elected by majority  
1463 vote to permit the sale, receipt, storage and transportation of  
1464 light wine and beer pursuant to Section 67-3-9.

1465           If any portion of the land described in this item 18 has been  
1466 declared a qualified resort area by the department before July 1,  
1467 2020, then that qualified resort area shall be incorporated into  
1468 the qualified resort area created by this item 18;

1469                   19. Any facility and related property:

1470                   a. Used as a flea market or similar  
1471 venue during a weekend (Saturday and Sunday) immediately preceding  
1472 the first Monday of a month and having an annual average of at  
1473 least one thousand (1,000) visitors for each such weekend and five  
1474 hundred (500) vendors for Saturday of each such weekend, and

1475                   b. Located in a county that has not  
1476 voted to come out from under the dry law and outside of but in



1477 close proximity to a municipality located in such county and which  
1478 municipality has voted to come out from under the dry law;

1479                   20. Blocks 1, 2 and 3 of the original town  
1480 square in any municipality with a population in excess of one  
1481 thousand five hundred (1,500) according to the latest federal  
1482 decennial census and which is located in:

1483                   a. A county traversed by Interstate 55  
1484 and Interstate 20, and

1485                   b. A judicial district that has not  
1486 voted to come out from under the dry law;

1487                   21. Any municipality with a population in  
1488 excess of two thousand (2,000) according to the latest federal  
1489 decennial census and in which is located a part of White's Creek  
1490 Lake and in which U.S. Highway 82 intersects with Mississippi  
1491 Highway 9 and located in a county that is partially bordered on  
1492 one (1) side by the Big Black River; however, the governing  
1493 authorities of such a municipality may by ordinance:

1494                   a. Specify the hours of operation of  
1495 facilities that offer alcoholic beverages for sale;

1496                   b. Specify the percentage of revenue  
1497 that facilities that offer alcoholic beverages for sale must  
1498 derive from the preparation, cooking and serving of meals and not  
1499 from the sale of beverages; and



1500 c. Designate the areas in which  
1501 facilities that offer alcoholic beverages for sale may be  
1502 located \* \* \*;

1503 22. A restaurant located on a two-acre tract  
1504 adjacent to a five-hundred-fifty-acre lake in the northeast corner  
1505 of a county traversed by U.S. Interstate 55 and U.S. Highway  
1506 84 \* \* \*;

1507 23. Any tracts of land in Oktibbeha County,  
1508 situated \* \* \* west of Mississippi \* \* \* Highway 12, north of  
1509 Coliseum Boulevard \* \* \*, east of \* \* \* George Perry Street and  
1510 south of Mississippi Highway 182, and not located on the property  
1511 of a state institution of higher learning \* \* \*; however, the  
1512 board of supervisors of such county may by resolution or other  
1513 order:

1514 a. Specify the hours of operation of  
1515 facilities that offer alcoholic beverages for sale;

1516 b. Specify the percentage of revenue  
1517 that facilities that offer alcoholic beverages for sale must  
1518 derive from the preparation, cooking and serving of meals and not  
1519 from the sale of beverages; and

1520 c. Designate the areas in which  
1521 facilities that offer alcoholic beverages for sale may be located;

1522 24. A municipality in which Mississippi  
1523 Highway 27 and Mississippi Highway 28 intersect; however, the  
1524 governing authorities of such a municipality may by ordinance:



1525 a. Specify the hours of operation of  
1526 facilities offering alcoholic beverages for sale;  
1527 b. Specify the percentage of revenue  
1528 that facilities offering alcoholic beverages for sale must derive  
1529 from the preparation, cooking and serving of meals and not from  
1530 the sale of beverages; and  
1531 c. Designate the areas in which  
1532 facilities offering alcoholic beverages for sale may be located;  
1533 25. A municipality through which run  
1534 Mississippi Highway 35 and Interstate 20; however, the governing  
1535 authorities of such a municipality may by ordinance:  
1536 a. Specify the hours of operation of  
1537 facilities offering alcoholic beverages for sale;  
1538 b. Specify the percentage of revenue  
1539 that facilities offering alcoholic beverages for sale must derive  
1540 from the preparation, cooking and serving of meals and not from  
1541 the sale of beverages; and  
1542 c. Designate the areas in which  
1543 facilities offering alcoholic beverages for sale may be located;  
1544 26. A municipality in which Mississippi  
1545 Highway 16 and Mississippi Highway 35 intersect;  
1546 27. A municipality in which U.S. Highway 82  
1547 and Old Highway 61 intersect;  
1548 28. A municipality in which Mississippi  
1549 Highway 8 meets Mississippi Highway 1;



1550 29. A municipality in which U.S. Highway 82  
1551 and Mississippi Highway 1 intersect;

1552 30. A municipality in which Mississippi  
1553 Highway 50 meets Mississippi Highway 9;

1554 31. An area bounded on the north by Pearl  
1555 Street, on the east by West Street, on the south by Court Street  
1556 and on the west by Farish Street, within a municipality bordered  
1557 on the east by the Pearl River and through which run Interstate 20  
1558 and Interstate 55;

1559 32. Any facility and related property that:

1560 a. Is contracted for mixed-use  
1561 development improvements consisting of office and residential  
1562 space and a restaurant and lounge, partially occupying the  
1563 renovated space of a four-story commercial building which  
1564 previously served as a financial institution; and adjacent  
1565 property to the west consisting of a single-story office building  
1566 that was originally occupied by the Brotherhood of Carpenters and  
1567 Joiners of American Local Number 569; and

1568 b. Is situated on a tract of land  
1569 consisting of approximately one and one-tenth (1.10) acres, and  
1570 the adjacent property to the west consisting of approximately 0.5  
1571 acres, located in a municipality which is the seat of county  
1572 government, situated south of Interstate 10, traversed by U.S.  
1573 Highway 90, partially bordered on one (1) side by the Pascagoula  
1574 River and having its most southern boundary bordered by the Gulf



1575 of Mexico, with a population greater than twenty-two thousand  
1576 (22,000) according to the 2010 federal decennial census; however,  
1577 the governing authorities of such a municipality may by ordinance:

1578 A. Specify the hours of operation  
1579 of facilities that offer alcoholic beverages for sale;

1580 B. Specify the percentage of  
1581 revenue that facilities that offer alcoholic beverages for sale  
1582 must derive from the preparation, cooking and serving of meals and  
1583 not from the sale of beverages; and

1584 C. Designate the areas within the  
1585 facilities in which alcoholic beverages may be offered for sale;

1586 33. Any facility with a maximum capacity of  
1587 one hundred twenty (120) people that consists of at least three  
1588 thousand (3,000) square feet being heated and cooled, has a  
1589 commercial kitchen, has a pavilion that consists of at least nine  
1590 thousand (9,000) square feet and is located on land more  
1591 particularly described as follows:

1592 All that part of the East Half of the Northwest Quarter  
1593 of Section 21, Township 7 South, Range 4 East, Union  
1594 County, Mississippi, that lies South of Mississippi  
1595 State Highway 348 right-of-way and containing 19.48  
1596 acres, more or less.

1597 ALSO,





1598 The Northeast 38 acres of the Southwest Quarter of  
1599 Section 21, Township 7 South, Range 4 East, Union  
1600 County, Mississippi.

1601 ALSO,

1602 The South 81 1/2 acres of the Southwest Quarter of  
1603 Section 21, Township 7 South, Range 4 East, Union  
1604 County, Mississippi; and

1605 34. A municipality in which U.S. Highway 51  
1606 and Mississippi Highway 16 intersect.

1607 The status of these municipalities, districts, clubhouses,  
1608 facilities, golf courses and areas described in subparagraph (iii)  
1609 of this paragraph (o) as qualified resort areas does not require  
1610 any declaration of same by the department.

1611 (p) "Native wine" means any product, produced in  
1612 Mississippi for sale, having an alcohol content not to exceed  
1613 twenty-one percent (21%) by weight and made in accordance with  
1614 revenue laws of the United States, which shall be obtained  
1615 primarily from the alcoholic fermentation of the juice of ripe  
1616 grapes, fruits, berries, honey or vegetables grown and produced in  
1617 Mississippi; provided that bulk, concentrated or fortified wines  
1618 used for blending may be produced without this state and used in  
1619 producing native wines. The department shall adopt and promulgate  
1620 rules and regulations to permit a producer to import such bulk  
1621 and/or fortified wines into this state for use in blending with



1622 native wines without payment of any excise tax that would  
1623 otherwise accrue thereon.

1624 (q) "Native winery" means any place or establishment  
1625 within the State of Mississippi where native wine is produced, in  
1626 whole or in part, for sale.

1627 (r) "Bed and breakfast inn" means an establishment  
1628 within a municipality where in consideration of payment, breakfast  
1629 and lodging are habitually furnished to travelers and wherein are  
1630 located not less than eight (8) and not more than nineteen (19)  
1631 adequately furnished and completely separate sleeping rooms with  
1632 adequate facilities, that persons usually apply for and receive as  
1633 overnight accommodations; however, such restriction on the minimum  
1634 number of sleeping rooms shall not apply to establishments on the  
1635 National Register of Historic Places. No place shall qualify as a  
1636 bed and breakfast inn under this chapter unless on the date of the  
1637 initial application for a license under this chapter more than  
1638 fifty percent (50%) of the sleeping rooms are located in a  
1639 structure formerly used as a residence.

1640 (s) "Board" shall refer to the Board of Tax Appeals of  
1641 the State of Mississippi.

1642 (t) "Spa facility" means an establishment within a  
1643 municipality or qualified resort area and owned by a hotel where,  
1644 in consideration of payment, patrons receive from licensed  
1645 professionals a variety of private personal care treatments such  
1646 as massages, facials, waxes, exfoliation and hairstyling.



1647 (u) "Art studio or gallery" means an establishment  
1648 within a municipality or qualified resort area that is in the sole  
1649 business of allowing patrons to view and/or purchase paintings and  
1650 other creative artwork.

1651 (v) "Cooking school" means an establishment within a  
1652 municipality or qualified resort area and owned by a nationally  
1653 recognized company that offers an established culinary education  
1654 curriculum and program where, in consideration of payment, patrons  
1655 are given scheduled professional group instruction on culinary  
1656 techniques. For purposes of this paragraph, the definition of  
1657 cooking school shall not include schools or classes offered by  
1658 grocery stores, convenience stores or drugstores.

1659 (w) "Campus" means property owned by a public school  
1660 district, community or junior college, college or university in  
1661 this state where educational courses are taught, school functions  
1662 are held, tests and examinations are administered or academic  
1663 course credits are awarded; however, the term shall not include  
1664 any "restaurant" or "hotel" that is located on property owned by a  
1665 community or junior college, college or university in this state,  
1666 and is operated by a third party who receives all revenue  
1667 generated from food and alcoholic beverage sales.

1668 (x) "Native spirit" shall mean any beverage, produced  
1669 in Mississippi for sale, manufactured primarily by the  
1670 distillation of fermented grain, starch, molasses or sugar  
1671 produced in Mississippi, including dilutions and mixtures of these



1672 beverages. In order to be classified as "native spirit" under the  
1673 provisions of this chapter, at least fifty-one percent (51%) of  
1674 the finished product by volume shall have been obtained from  
1675 distillation of fermented grain, starch, molasses or sugar grown  
1676 and produced in Mississippi.

1677 (y) "Native distillery" shall mean any place or  
1678 establishment within this state where native spirit is produced in  
1679 whole or in part for sale.

1680 **SECTION 15.** This act shall take effect and be in force from  
1681 and after July 1, 2021.

