

House Amendments to Senate Bill No. 2868

TO THE SECRETARY OF THE SENATE:

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

AMENDMENT NO. 1

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

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

19 67-1-5. For the purposes of this chapter and unless
20 otherwise required by the context:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

83 (m) "Restaurant" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

186 (iii) The term includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

263 10. Any facility that:

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

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

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

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

276 11. Any facility and related property:

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

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

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

287 12. Any facility and related property that:

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

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

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

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

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

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

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

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

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

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

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

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

337 b. Adjacent to but outside the
338 incorporated limits of a municipality that has elected by majority

339 vote to permit the sale, receipt, storage and transportation of
340 light wine and beer pursuant to Section 67-3-9.

341 If any portion of the land described in this item 18 has been
342 declared a qualified resort area by the department before July 1,
343 2020, then that qualified resort area shall be incorporated into
344 the qualified resort area created by this item 18;

345 19. Any facility and related property:

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

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

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

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

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

363 21. Any municipality with a population in
364 excess of two thousand (2,000) according to the latest federal

365 decennial census and in which is located a part of White's Creek
366 Lake and in which U.S. Highway 82 intersects with Mississippi
367 Highway 9 and located in a county that is partially bordered on
368 one (1) side by the Big Black River; however, the governing
369 authorities of such a municipality may by ordinance:

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

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

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

379 22. A restaurant located on a two-acre tract
380 adjacent to a five-hundred-fifty-acre lake in the northeast corner
381 of a county traversed by U.S. Interstate 55 and U.S. Highway
382 84 * * *;

383 23. Any tracts of land in Oktibbeha County,
384 situated east of Mississippi Boulevard, north of Coliseum
385 Boulevard and east of Montgomery Hill Road, and not located on the
386 property of a state institution of higher learning * * *;

387 24. Any facility and related property that:

388 a. Is contracted for mixed-use
389 development improvements consisting of office and residential
390 space and a restaurant and lounge, partially occupying the

391 renovated space of a four-story commercial building which
392 previously served as a financial institution; and adjacent
393 property to the west consisting of a single story office building
394 that was originally occupied by the Brotherhood of Carpenters and
395 Joiners of American Local Number 569; and

396 b. Is situated on a tract of land
397 consisting of approximately one and one-tenth (1.10) acres, and
398 the adjacent property to the west consisting of approximately .5
399 acres, located in a municipality, which is the seat of county
400 government, situated South of Interstate Highway 10, traversed by
401 U.S. Highway 90, is partially bordered on one (1) side by the
402 Pascagoula River and having its most southern boundary bordered by
403 the Gulf of Mexico, with a population greater than twenty-two
404 thousand (22,000) according to the 2010 federal decennial census;
405 however, the governing authorities of such a municipality may by
406 ordinance:

407 A. Specify the hours of operation
408 of facilities that offer alcoholic beverages for sale;

409 B. Specify the percentage of
410 revenue that facilities that offer alcoholic beverages for sale
411 must derive from the preparation, cooking and serving of meals and
412 not from the sale of beverages; and

413 C. Designate the areas within the
414 facilities in which alcoholic beverages may be offered for sale.

415 The status of these municipalities, districts, clubhouses,
416 facilities, golf courses and areas described in subparagraph (iii)

417 of this paragraph (o) as qualified resort areas does not require
418 any declaration of same by the department.

419 (p) "Native wine" means any product, produced in
420 Mississippi for sale, having an alcohol content not to exceed
421 twenty-one percent (21%) by weight and made in accordance with
422 revenue laws of the United States, which shall be obtained
423 primarily from the alcoholic fermentation of the juice of ripe
424 grapes, fruits, berries, honey or vegetables grown and produced in
425 Mississippi; provided that bulk, concentrated or fortified wines
426 used for blending may be produced without this state and used in
427 producing native wines. The department shall adopt and promulgate
428 rules and regulations to permit a producer to import such bulk
429 and/or fortified wines into this state for use in blending with
430 native wines without payment of any excise tax that would
431 otherwise accrue thereon.

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

435 (r) "Bed and breakfast inn" means an establishment
436 within a municipality where in consideration of payment, breakfast
437 and lodging are habitually furnished to travelers and wherein are
438 located not less than eight (8) and not more than nineteen (19)
439 adequately furnished and completely separate sleeping rooms with
440 adequate facilities, that persons usually apply for and receive as
441 overnight accommodations; however, such restriction on the minimum
442 number of sleeping rooms shall not apply to establishments on the

443 National Register of Historic Places. No place shall qualify as a
444 bed and breakfast inn under this chapter unless on the date of the
445 initial application for a license under this chapter more than
446 fifty percent (50%) of the sleeping rooms are located in a
447 structure formerly used as a residence.

448 (s) "Board" shall refer to the Board of Tax Appeals of
449 the State of Mississippi.

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

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

459 (v) "Cooking school" means an establishment within a
460 municipality or qualified resort area and owned by a nationally
461 recognized company that offers an established culinary education
462 curriculum and program where, in consideration of payment, patrons
463 are given scheduled professional group instruction on culinary
464 techniques. For purposes of this paragraph, the definition of
465 cooking school shall not include schools or classes offered by
466 grocery stores, convenience stores or drugstores.

467 (w) "Campus" means property owned by a public school
468 district, community or junior college, college or university in

469 this state where educational courses are taught, school functions
470 are held, tests and examinations are administered or academic
471 course credits are awarded; however, the term shall not include
472 any "restaurant" or "hotel" that is located on property owned by a
473 community or junior college, college or university in this state,
474 and is operated by a third party who receives all revenue
475 generated from food and alcoholic beverage sales.

476 **SECTION 2.** Section 67-1-51, Mississippi Code of 1972, is
477 amended as follows:

478 67-1-51. (1) Permits which may be issued by the department
479 shall be as follows:

480 (a) **Manufacturer's permit.** A manufacturer's permit
481 shall permit the manufacture, importation in bulk, bottling and
482 storage of alcoholic liquor and its distribution and sale to
483 manufacturers holding permits under this chapter in this state and
484 to persons outside the state who are authorized by law to purchase
485 the same, and to sell as provided by this chapter.

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

487 Class 1. Distiller's and/or rectifier's permit, which shall
488 authorize the holder thereof to operate a distillery for the
489 production of distilled spirits by distillation or redistillation
490 and/or to operate a rectifying plant for the purifying, refining,
491 mixing, blending, flavoring or reducing in proof of distilled
492 spirits and alcohol.

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

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

499 (b) **Package retailer's permit.** Except as otherwise
500 provided in this paragraph and Section 67-1-52, a package
501 retailer's permit shall authorize the holder thereof to operate a
502 store exclusively for the sale at retail in original sealed and
503 unopened packages of alcoholic beverages, including native wines,
504 not to be consumed on the premises where sold. Alcoholic
505 beverages shall not be sold by any retailer in any package or
506 container containing less than fifty (50) milliliters by liquid
507 measure. A package retailer's permit, with prior approval from
508 the department, shall authorize the holder thereof to sample new
509 product furnished by a manufacturer's representative or his
510 employees at the permitted place of business so long as the
511 sampling otherwise complies with this chapter and applicable
512 department regulations. Such samples may not be provided to
513 customers at the permitted place of business. In addition to the
514 sale at retail of packages of alcoholic beverages, the holder of a
515 package retailer's permit is authorized to sell at retail
516 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
517 other beverages commonly used to mix with alcoholic beverages.

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

520 (c) **On-premises retailer's permit.** Except as otherwise
521 provided in subsection (5) of this section, an on-premises
522 retailer's permit shall authorize the sale of alcoholic beverages,
523 including native wines, for consumption on the licensed premises
524 only; however, a patron of the permit holder may remove one (1)
525 bottle of wine from the licensed premises if: (i) the patron
526 consumed a portion of the bottle of wine in the course of
527 consuming a meal purchased on the licensed premises; (ii) the
528 permit holder securely reseals the bottle; (iii) the bottle is
529 placed in a bag that is secured in a manner so that it will be
530 visibly apparent if the bag is opened; and (iv) a dated receipt
531 for the wine and the meal is available. Additionally, as part of
532 a carryout order, a permit holder may sell one (1) bottle of wine
533 to be removed from the licensed premises for every two (2) entrees
534 ordered. Such a permit shall be issued only to qualified hotels,
535 restaurants and clubs, and to common carriers with adequate
536 facilities for serving passengers. In resort areas, whether
537 inside or outside of a municipality, the department, in its
538 discretion, may issue on-premises retailer's permits to such
539 establishments as it deems proper. An on-premises retailer's
540 permit when issued to a common carrier shall authorize the sale
541 and serving of alcoholic beverages aboard any licensed vehicle
542 while moving through any county of the state; however, the sale of
543 such alcoholic beverages shall not be permitted while such vehicle

544 is stopped in a county that has not legalized such sales. If an
545 on-premises retailer's permit is applied for by a common carrier
546 operating solely in the water, such common carrier must, along
547 with all other qualifications for a permit, (i) be certified to
548 carry at least one hundred fifty (150) passengers and/or provide
549 overnight accommodations for at least fifty (50) passengers and
550 (ii) operate primarily in the waters within the State of
551 Mississippi which lie adjacent to the State of Mississippi south
552 of the three (3) most southern counties in the State of
553 Mississippi and/or on the Mississippi River or navigable waters
554 within any county bordering on the Mississippi River.

555 (d) **Solicitor's permit.** A solicitor's permit shall
556 authorize the holder thereof to act as salesman for a manufacturer
557 or wholesaler holding a proper permit, to solicit on behalf of his
558 employer orders for alcoholic beverages, and to otherwise promote
559 his employer's products in a legitimate manner. Such a permit
560 shall authorize the representation of and employment by one (1)
561 principal only. However, the permittee may also, in the
562 discretion of the department, be issued additional permits to
563 represent other principals. No such permittee shall buy or sell
564 alcoholic beverages for his own account, and no such beverage
565 shall be brought into this state in pursuance of the exercise of
566 such permit otherwise than through a permit issued to a wholesaler
567 or manufacturer in the state.

568 (e) **Native wine retailer's permit.** Except as otherwise
569 provided in subsection (5) of this section, a native wine

570 retailer's permit shall be issued only to a holder of a Class 3
571 manufacturer's permit, and shall authorize the holder thereof to
572 make retail sales of native wines to consumers for on-premises
573 consumption or to consumers in originally sealed and unopened
574 containers at an establishment located on the premises of or in
575 the immediate vicinity of a native winery. When selling to
576 consumers for on-premises consumption, a holder of a native wine
577 retailer's permit may add to the native wine alcoholic beverages
578 not produced on the premises, so long as the total volume of
579 foreign beverage components does not exceed twenty percent (20%)
580 of the mixed beverage. Hours of sale shall be the same as those
581 authorized for on-premises permittees in the city or county in
582 which the native wine retailer is located.

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

588 Temporary retailer's permits shall be of the following
589 classes:

590 Class 1. A temporary one-day permit may be issued to bona
591 fide nonprofit civic or charitable organizations authorizing the
592 sale of alcoholic beverages, including native wine, for
593 consumption on the premises described in the temporary permit
594 only. Class 1 permits may be issued only to applicants
595 demonstrating to the department, by a statement signed under

596 penalty of perjury submitted ten (10) days prior to the proposed
597 date or such other time as the department may determine, that they
598 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
599 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
600 Class 1 permittees shall obtain all alcoholic beverages from
601 package retailers located in the county in which the temporary
602 permit is issued. Alcoholic beverages remaining in stock upon
603 expiration of the temporary permit may be returned by the
604 permittee to the package retailer for a refund of the purchase
605 price upon consent of the package retailer or may be kept by the
606 permittee exclusively for personal use and consumption, subject to
607 all laws pertaining to the illegal sale and possession of
608 alcoholic beverages. The department, following review of the
609 statement provided by the applicant and the requirements of the
610 applicable statutes and regulations, may issue the permit.

611 Class 2. A temporary permit, not to exceed seventy (70)
612 days, may be issued to prospective permittees seeking to transfer
613 a permit authorized in paragraph (c) of this subsection. A Class
614 2 permit may be issued only to applicants demonstrating to the
615 department, by a statement signed under the penalty of perjury,
616 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
617 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
618 67-1-59. The department, following a preliminary review of the
619 statement provided by the applicant and the requirements of the
620 applicable statutes and regulations, may issue the permit.

621 Class 2 temporary permittees must purchase their alcoholic
622 beverages directly from the department or, with approval of the
623 department, purchase the remaining stock of the previous
624 permittee. If the proposed applicant of a Class 1 or Class 2
625 temporary permit falsifies information contained in the
626 application or statement, the applicant shall never again be
627 eligible for a retail alcohol beverage permit and shall be subject
628 to prosecution for perjury.

629 Class 3. A temporary one-day permit may be issued to a
630 retail establishment authorizing the complimentary distribution of
631 wine, including native wine, to patrons of the retail
632 establishment at an open house or promotional event, for
633 consumption only on the premises described in the temporary
634 permit. A Class 3 permit may be issued only to an applicant
635 demonstrating to the department, by a statement signed under
636 penalty of perjury submitted ten (10) days before the proposed
637 date or such other time as the department may determine, that it
638 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
639 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
640 A Class 3 permit holder shall obtain all alcoholic beverages from
641 the holder(s) of a package retailer's permit located in the county
642 in which the temporary permit is issued. Wine remaining in stock
643 upon expiration of the temporary permit may be returned by the
644 Class 3 temporary permit holder to the package retailer for a
645 refund of the purchase price, with consent of the package
646 retailer, or may be kept by the Class 3 temporary permit holder

647 exclusively for personal use and consumption, subject to all laws
648 pertaining to the illegal sale and possession of alcoholic
649 beverages. The department, following review of the statement
650 provided by the applicant and the requirements of the applicable
651 statutes and regulations, may issue the permit. No retailer may
652 receive more than twelve (12) Class 3 temporary permits in a
653 calendar year. A Class 3 temporary permit shall not be issued to
654 a retail establishment that either holds a merchant permit issued
655 under paragraph (1) of this subsection, or holds a permit issued
656 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
657 the holder to engage in the business of a retailer of light wine
658 or beer.

659 (g) **Caterer's permit.** A caterer's permit shall permit
660 the purchase of alcoholic beverages by a person engaging in
661 business as a caterer and the resale of alcoholic beverages by
662 such person in conjunction with such catering business. No person
663 shall qualify as a caterer unless forty percent (40%) or more of
664 the revenue derived from such catering business shall be from the
665 serving of prepared food and not from the sale of alcoholic
666 beverages and unless such person has obtained a permit for such
667 business from the Department of Health. A caterer's permit shall
668 not authorize the sale of alcoholic beverages on the premises of
669 the person engaging in business as a caterer; however, the holder
670 of an on-premises retailer's permit may hold a caterer's permit.
671 When the holder of an on-premises retailer's permit or an
672 affiliated entity of the holder also holds a caterer's permit, the

673 caterer's permit shall not authorize the service of alcoholic
674 beverages on a consistent, recurring basis at a separate, fixed
675 location owned or operated by the caterer, on-premises retailer or
676 affiliated entity and an on-premises retailer's permit shall be
677 required for the separate location. All sales of alcoholic
678 beverages by holders of a caterer's permit shall be made at the
679 location being catered by the caterer, and, except as otherwise
680 provided in subsection (5) of this section, such sales may be made
681 only for consumption at the catered location. The location being
682 catered may be anywhere within a county or judicial district that
683 has voted to come out from under the dry laws or in which the sale
684 and distribution of alcoholic beverages is otherwise authorized by
685 law. Such sales shall be made pursuant to any other conditions
686 and restrictions which apply to sales made by on-premises retail
687 permittees. The holder of a caterer's permit or his employees
688 shall remain at the catered location as long as alcoholic
689 beverages are being sold pursuant to the permit issued under this
690 paragraph (g), and the permittee shall have at the location the
691 identification card issued by the Alcoholic Beverage Control
692 Division of the department. No unsold alcoholic beverages may be
693 left at the catered location by the permittee upon the conclusion
694 of his business at that location. Appropriate law enforcement
695 officers and Alcoholic Beverage Control Division personnel may
696 enter a catered location on private property in order to enforce
697 laws governing the sale or serving of alcoholic beverages.

698 (h) **Research permit.** A research permit shall authorize
699 the holder thereof to operate a research facility for the
700 professional research of alcoholic beverages. Such permit shall
701 authorize the holder of the permit to import and purchase limited
702 amounts of alcoholic beverages from the department or from
703 importers, wineries and distillers of alcoholic beverages for
704 professional research.

705 (i) **Alcohol processing permit.** An alcohol processing
706 permit shall authorize the holder thereof to purchase, transport
707 and possess alcoholic beverages for the exclusive use in cooking,
708 processing or manufacturing products which contain alcoholic
709 beverages as an integral ingredient. An alcohol processing permit
710 shall not authorize the sale of alcoholic beverages on the
711 premises of the person engaging in the business of cooking,
712 processing or manufacturing products which contain alcoholic
713 beverages. The amounts of alcoholic beverages allowed under an
714 alcohol processing permit shall be set by the department.

715 (j) **Hospitality cart permit.** A hospitality cart permit
716 shall authorize the sale of alcoholic beverages from a mobile cart
717 on a golf course that is the holder of an on-premises retailer's
718 permit. The alcoholic beverages sold from the cart must be
719 consumed within the boundaries of the golf course.

720 (k) **Special service permit.** A special service permit
721 shall authorize the holder to sell commercially sealed alcoholic
722 beverages to the operator of a commercial or private aircraft for
723 en route consumption only by passengers. A special service permit

724 shall be issued only to a fixed-base operator who contracts with
725 an airport facility to provide fueling and other associated
726 services to commercial and private aircraft.

727 (1) **Merchant permit.** Except as otherwise provided in
728 subsection (5) of this section, a merchant permit shall be issued
729 only to the owner of a spa facility, an art studio or gallery, or
730 a cooking school, and shall authorize the holder to serve
731 complimentary by the glass wine only, including native wine, at
732 the holder's spa facility, art studio or gallery, or cooking
733 school. A merchant permit holder shall obtain all wine from the
734 holder of a package retailer's permit.

735 (m) **Temporary alcoholic beverages charitable auction**
736 **permit.** A temporary permit, not to exceed five (5) days, may be
737 issued to a qualifying charitable nonprofit organization that is
738 exempt from taxation under Section 501(c)(3) or (4) of the
739 Internal Revenue Code of 1986. The permit shall authorize the
740 holder to sell alcoholic beverages for the limited purpose of
741 raising funds for the organization during a live or silent auction
742 that is conducted by the organization and that meets the following
743 requirements: (i) the auction is conducted in an area of the
744 state where the sale of alcoholic beverages is authorized; (ii) if
745 the auction is conducted on the premises of an on-premises
746 retailer's permit holder, then the alcoholic beverages to be
747 auctioned must be stored separately from the alcoholic beverages
748 sold, stored or served on the premises, must be removed from the
749 premises immediately following the auction, and may not be

750 consumed on the premises; (iii) the permit holder may not conduct
751 more than two (2) auctions during a calendar year; (iv) the permit
752 holder may not pay a commission or promotional fee to any person
753 to arrange or conduct the auction.

754 (n) **Event venue retailer's permit.** An event venue
755 retailer's permit shall authorize the holder thereof to purchase
756 and resell alcoholic beverages, including native wines, for
757 consumption on the premises during legal hours during events held
758 on the licensed premises if food is being served at the event by a
759 caterer who is not affiliated with or related to the permittee.
760 The caterer must serve at least three (3) entrees. The permit may
761 only be issued for venues that can accommodate two hundred (200)
762 persons or more. The number of persons a venue may accommodate
763 shall be determined by the local fire department and such
764 determination shall be provided in writing and submitted along
765 with all other documents required to be provided for an
766 on-premises retailer's permit. The permittee must derive the
767 majority of its revenue from event-related fees, including, but
768 not limited to, admission fees or ticket sales for live
769 entertainment in the building. "Event-related fees" do not
770 include alcohol, beer or light wine sales or any fee which may be
771 construed to cover the cost of alcohol, beer or light wine. This
772 determination shall be made on a per event basis. An event may
773 not last longer than two (2) consecutive days per week.

774 (o) **Temporary theatre permit.** A temporary theatre
775 permit, not to exceed five (5) days, may be issued to a charitable

776 nonprofit organization that is exempt from taxation under Section
777 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
778 a theatre facility that features plays and other theatrical
779 performances and productions. Except as otherwise provided in
780 subsection (5) of this section, the permit shall authorize the
781 holder to sell alcoholic beverages, including native wines, to
782 patrons of the theatre during performances and productions at the
783 theatre facility for consumption during such performances and
784 productions on the premises of the facility described in the
785 permit. A temporary theatre permit holder shall obtain all
786 alcoholic beverages from package retailers located in the county
787 in which the permit is issued. Alcoholic beverages remaining in
788 stock upon expiration of the temporary theatre permit may be
789 returned by the permittee to the package retailer for a refund of
790 the purchase price upon consent of the package retailer or may be
791 kept by the permittee exclusively for personal use and
792 consumption, subject to all laws pertaining to the illegal sale
793 and possession of alcoholic beverages.

794 (p) **Charter ship operator's permit.** Subject to the
795 provisions of this paragraph (p), a charter ship operator's permit
796 shall authorize the holder thereof and its employees to serve,
797 monitor, store and otherwise control the serving and availability
798 of alcoholic beverages to customers of the permit holder during
799 private charters under contract provided by the permit holder. A
800 charter ship operator's permit shall authorize such action by the
801 permit holder and its employees only as to alcoholic beverages

802 brought onto the permit holder's ship by customers of the permit
803 holder as part of such a private charter. All such alcoholic
804 beverages must be removed from the charter ship at the conclusion
805 of each private charter. A charter ship operator's permit shall
806 not authorize the permit holder to sell, charge for or otherwise
807 supply alcoholic beverages to customers, except as authorized in
808 this paragraph (p). For the purposes of this paragraph (p),
809 "charter ship operator" means a common carrier that (i) is
810 certified to carry at least one hundred fifty (150) passengers
811 and/or provide overnight accommodations for at least fifty (50)
812 passengers, (ii) operates only in the waters within the State of
813 Mississippi, which lie adjacent to the State of Mississippi south
814 of the three (3) most southern counties in the State of
815 Mississippi, and (iii) provides charters under contract for tours
816 and trips in such waters.

817 (q) **Distillery retailer's permit.** The holder of a
818 Class 1 manufacturer's permit may obtain a distillery retailer's
819 permit. A distillery retailer's permit shall authorize the holder
820 thereof to sell at retail alcoholic beverages by the sealed and
821 unopened bottle from a retail location at the distillery for
822 off-premises consumption. The holder may only sell product
823 manufactured by the manufacturer at the distillery described in
824 the permit. The holder shall not sell at retail more than ten
825 percent (10%) of the alcoholic beverages produced annually at its
826 distillery. The holder shall not make retail sales of more than
827 two and twenty-five one-hundredths (2.25) liters, in the

828 aggregate, of the alcoholic beverages produced at its distillery
829 to any one (1) individual for consumption off the premises of the
830 distillery within a twenty-four-hour period. The hours of sale
831 shall be the same as those hours for package retailers under this
832 chapter. The holder of a distillery retailer's permit is not
833 required to purchase the alcoholic beverages authorized to be sold
834 by this paragraph from the department's liquor distribution
835 warehouse; however, if the holder does not purchase the alcoholic
836 beverages from the department's liquor distribution warehouse, the
837 holder shall pay to the department all taxes, fees and surcharges
838 on the alcoholic beverages that are imposed upon the sale of
839 alcoholic beverages shipped by the Alcoholic Beverage Control
840 Division of the Department of Revenue. In addition to alcoholic
841 beverages, the holder of a distillery retailer's permit may sell
842 at retail promotional products from the same retail location,
843 including shirts, hats, glasses, and other promotional products
844 customarily sold by alcoholic beverage manufacturers.

845 (r) **Festival Wine Permit.** Any wine manufacturer or
846 native wine producer permitted by Mississippi or any other state
847 is eligible to obtain a Festival Wine Permit. This permit
848 authorizes the entity to transport product manufactured by it to
849 festivals held within the State of Mississippi and sell sealed,
850 unopened bottles to festival participants. The holder of this
851 permit may provide samples at no charge to participants.

852 "Festival" means any event at which three (3) or more vendors are
853 present at a location for the sale or distribution of goods. The

854 holder of a Festival Wine Permit is not required to purchase the
855 alcoholic beverages authorized to be sold by this paragraph from
856 the department's liquor distribution warehouse. However, if the
857 holder does not purchase the alcoholic beverages from the
858 department's liquor distribution warehouse, the holder of this
859 permit shall pay to the department all taxes, fees and surcharges
860 on the alcoholic beverages sold at such festivals that are imposed
861 upon the sale of alcoholic beverages shipped by the Alcoholic
862 Beverage Control Division of the Department of Revenue.
863 Additionally, the entity shall file all applicable reports and
864 returns as prescribed by the department. This permit is issued
865 per festival and provides authority to sell for two (2)
866 consecutive days during the hours authorized for on-premises
867 permittees' sales in that county or city. The holder of the
868 permit shall be required to maintain all requirements set by Local
869 Option Law for the service and sale of alcoholic beverages. This
870 permit may be issued to entities participating in festivals at
871 which a Class 1 temporary permit is in effect.

872 This paragraph (r) shall stand repealed from and after July
873 1, 2023.

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

877 (3) (a) Except as otherwise provided in this subsection, no
878 authority shall be granted to any person to manufacture, sell or
879 store for sale any intoxicating liquor as specified in this

880 chapter within four hundred (400) feet of any church, school,
881 kindergarten or funeral home. However, within an area zoned
882 commercial or business, such minimum distance shall be not less
883 than one hundred (100) feet.

884 (b) A church or funeral home may waive the distance
885 restrictions imposed in this subsection in favor of allowing
886 issuance by the department of a permit, pursuant to subsection (1)
887 of this section, to authorize activity relating to the
888 manufacturing, sale or storage of alcoholic beverages which would
889 otherwise be prohibited under the minimum distance criterion.
890 Such waiver shall be in written form from the owner, the governing
891 body, or the appropriate officer of the church or funeral home
892 having the authority to execute such a waiver, and the waiver
893 shall be filed with and verified by the department before becoming
894 effective.

895 (c) The distance restrictions imposed in this
896 subsection shall not apply to the sale or storage of alcoholic
897 beverages at a bed and breakfast inn listed in the National
898 Register of Historic Places or to the sale or storage of alcoholic
899 beverages in a historic district that is listed in the National
900 Register of Historic Places, is a qualified resort area and is
901 located in a municipality having a population greater than one
902 hundred thousand (100,000) according to the latest federal
903 decennial census.

904 (d) The distance restrictions imposed in this
905 subsection shall not apply to the sale or storage of alcoholic
906 beverages at a qualified resort area as defined in Section
907 65-1-5(o)(iii)24.

908 (e) The distance restrictions imposed in this
909 subsection shall not apply to the sale or storage of alcoholic
910 beverages at a licensed premises in a building formerly owned by a
911 municipality and formerly leased by the municipality to a
912 municipal school district and used by the municipal school
913 district as a district bus shop facility.

914 (4) No person, either individually or as a member of a firm,
915 partnership, limited liability company or association, or as a
916 stockholder, officer or director in a corporation, shall own or
917 control any interest in more than one (1) package retailer's
918 permit, nor shall such person's spouse, if living in the same
919 household of such person, any relative of such person, if living
920 in the same household of such person, or any other person living
921 in the same household with such person own any interest in any
922 other package retailer's permit.

923 (5) (a) In addition to any other authority granted under
924 this section, the holder of a permit issued under subsection
925 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
926 sell or otherwise provide alcoholic beverages and/or wine to a
927 patron of the permit holder in the manner authorized in the permit
928 and the patron may remove an open glass, cup or other container of
929 the alcoholic beverage and/or wine from the licensed premises and

930 may possess and consume the alcoholic beverage or wine outside of
931 the licensed premises if: (i) the licensed premises is located
932 within a leisure and recreation district created under Section
933 67-1-101 and (ii) the patron remains within the boundaries of the
934 leisure and recreation district while in possession of the
935 alcoholic beverage or wine.

936 (b) Nothing in this subsection shall be construed to
937 allow a person to bring any alcoholic beverages into a permitted
938 premises except to the extent otherwise authorized by this
939 chapter.

940 **SECTION 3.** Section 67-1-37, Mississippi Code of 1972, is
941 brought forward as follows:

942 67-1-37. The Department of Revenue, under its duties and
943 powers with respect to the Alcoholic Beverage Control Division
944 therein, shall have the following powers, functions and duties:

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

949 (b) To revoke, suspend or cancel, for violation of or
950 noncompliance with the provisions of this chapter, or the law
951 governing the production and sale of native wines, or any lawful
952 rules and regulations of the department issued hereunder, or for
953 other sufficient cause, any permit issued by it under the
954 provisions of this chapter. The department shall also be
955 authorized to suspend the permit of any permit holder for being

956 out of compliance with an order for support, as defined in Section
957 93-11-153. The procedure for suspension of a permit for being out
958 of compliance with an order for support, and the procedure for the
959 reissuance or reinstatement of a permit suspended for that
960 purpose, and the payment of any fees for the reissuance or
961 reinstatement of a permit suspended for that purpose, shall be
962 governed by Section 93-11-157 or Section 93-11-163, as the case
963 may be. If there is any conflict between any provision of Section
964 93-11-157 or Section 93-11-163 and any provision of this chapter,
965 the provisions of Section 93-11-157 or Section 93-11-163, as the
966 case may be, shall control.

967 (c) To prescribe forms of permits and applications for
968 permits and of all reports which it deems necessary in
969 administering this chapter.

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

974 (e) To issue rules regulating the advertising of
975 alcoholic beverages in the state in any class of media and
976 permitting advertising of the retail price of alcoholic beverages.

977 (f) To issue reasonable rules and regulations, not
978 inconsistent with the federal laws or regulations, requiring
979 informative labeling of all alcoholic beverages offered for sale
980 within this state and providing for the standards of fill and
981 shapes of retail containers of alcoholic beverages; however, such

982 containers shall not contain less than fifty (50) milliliters by
983 liquid measure.

984 (g) Subject to the provisions of subsection (3) of
985 Section 67-1-51, to issue rules and regulations governing the
986 issuance of retail permits for premises located near or around
987 schools, colleges, universities, churches and other public
988 institutions, and specifying the distances therefrom within which
989 no such permit shall be issued. The Alcoholic Beverage Control
990 Division shall not issue a package retailer's or on-premises
991 retailer's permit for the sale or consumption of alcoholic
992 beverages in or on the campus of any public school, community or
993 junior college, college or university.

994 (h) To adopt and promulgate, repeal and amend, such
995 rules, regulations, standards, requirements and orders, not
996 inconsistent with this chapter or any law of this state or of the
997 United States, as it deems necessary to control the manufacture,
998 importation, transportation, distribution and sale of alcoholic
999 liquor, whether intended for beverage or nonbeverage use in a
1000 manner not inconsistent with the provisions of this chapter or any
1001 other statute, including the native wine laws.

1002 (i) To call upon other administrative departments of
1003 the state, county and municipal governments, county and city
1004 police departments and upon prosecuting officers for such
1005 information and assistance as it may deem necessary in the
1006 performance of its duties.

1007 (j) To prepare and submit to the Governor during the
1008 month of January of each year a detailed report of its official
1009 acts during the preceding fiscal year ending June 30, including
1010 such recommendations as it may see fit to make, and to transmit a
1011 like report to each member of the Legislature of this state upon
1012 the convening thereof at its next regular session.

1013 (k) To inspect, or cause to be inspected, any premises
1014 where alcoholic liquors intended for sale are manufactured,
1015 stored, distributed or sold, and to examine or cause to be
1016 examined all books and records pertaining to the business
1017 conducted therein.

1018 (l) To investigate the administration of laws in
1019 relation to alcoholic liquors in this and other states and any
1020 foreign countries, and to recommend from time to time to the
1021 Governor and through him to the Legislature of this state such
1022 amendments to this chapter, if any, as it may think desirable.

1023 (m) To designate hours and days when alcoholic
1024 beverages may be sold in different localities in the state which
1025 permit such sale.

1026 (n) To assign employees to posts of duty at locations
1027 where they will be most beneficial for the control of alcoholic
1028 beverages and to take any other action concerning persons employed
1029 under this chapter as authorized by law and taken in accordance
1030 with the rules, regulations and procedures of the State Personnel
1031 Board.

1032 (o) To enforce the provisions made unlawful by Chapter
1033 3, Title 67 and Section 97-5-49.

1034 (p) To delegate its authority under this chapter to the
1035 Alcoholic Beverage Control Division, its director or any other
1036 officer or employee of the department that it deems appropriate.

1037 (q) To prescribe and charge a fee to defray the costs
1038 of shipping alcoholic beverages, provided that such fee is
1039 determined in a manner provided by the department by rules and/or
1040 regulations adopted in accordance with the Mississippi
1041 Administrative Procedures Law.

1042 **SECTION 4.** This act shall take effect and be in force from
1043 and after July 1, 2021, and shall stand repealed on June 30, 2021.

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

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER
3 THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION
4 67-1-51, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
5 RESTRICTIONS ON THE MANUFACTURING, SALE OR STORAGE OF INTOXICATING
6 LIQUORS WITHIN CERTAIN DISTANCES OF CHURCHES, SCHOOLS AND FUNERAL
7 HOMES SHALL NOT APPLY TO THE SALE OR STORAGE OF ALCOHOLIC
8 BEVERAGES IN CERTAIN MIXED-USED PROPERTY DEVELOPMENT IMPROVEMENTS
9 IN A CERTAIN MUNICIPALITY OR TO THE SALE OR STORAGE OF ALCOHOLIC
10 BEVERAGES AT A LICENSED PREMISES IN A BUILDING FORMERLY OWNED BY A
11 MUNICIPALITY AND FORMERLY LEASED BY THE MUNICIPALITY TO A
12 MUNICIPAL SCHOOL DISTRICT AND USED BY THE MUNICIPAL SCHOOL
13 DISTRICT AS A DISTRICT BUS SHOP FACILITY; TO BRING FORWARD SECTION
14 67-1-37, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
15 AMENDMENT; AND FOR RELATED PURPOSES.

HR31\SB2868PH.J

Andrew Ketchings
Clerk of the House of Representatives