

## Senate Amendments to House Bill No. 572

TO THE CLERK OF THE HOUSE:

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

### AMENDMENT NO. 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

84 (m) "Restaurant" means:

85                   (i) A place which is regularly and in a bona fide  
86 manner used and kept open for the serving of meals to guests for  
87 compensation, which has suitable seating facilities for guests,  
88 and which has suitable kitchen facilities connected therewith for  
89 cooking an assortment of foods and meals commonly ordered at  
90 various hours of the day; the service of such food as sandwiches  
91 and salads only shall not be deemed in compliance with this  
92 requirement. Except as otherwise provided in this paragraph, no  
93 place shall qualify as a restaurant under this chapter unless  
94 twenty-five percent (25%) or more of the revenue derived from such  
95 place shall be from the preparation, cooking and serving of meals  
96 and not from the sale of beverages, or unless the value of food  
97 given to and consumed by customers is equal to twenty-five percent  
98 (25%) or more of total revenue; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

187 (iii) The term includes:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

264 10. Any facility that:

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

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

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

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

277 11. Any facility and related property:

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

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

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

288 12. Any facility and related property that:

289 a. Consist of at least eight thousand  
290 (8,000) square feet being heated and cooled,

291                                   b. For a fee is used to host events,  
292                                   c. Is used for the purpose of culinary  
293 arts courses, 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 located.

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

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

385 24. Any facility and related property that:

386 a. Is contracted for mixed-use  
387 development improvements consisting of office and residential  
388 space and a restaurant and lounge, partially occupying the  
389 renovated space of a four-story commercial building which  
390 previously served as a financial institution; and

391 b. Is situated on a tract of land  
392 consisting of approximately one and one-tenth (1.10) acres,  
393 located in a municipality, which is the seat of county government,

394 situated South of Interstate Highway 10, traversed by U.S. Highway  
395 90, is partially bordered on one (1) side by the Pascagoula River  
396 and having its most southern boundary bordered by the Gulf of  
397 Mexico, with a population greater than twenty-two thousand  
398 (22,000) according to the 2010 federal decennial census; however,  
399 the governing authorities of such a municipality may by ordinance:

400 A. Specify the hours of operation  
401 of facilities that offer alcoholic beverages for sale;

402 B. Specify the percentage of  
403 revenue that facilities that offer alcoholic beverages for sale  
404 must derive from the preparation, cooking and serving of meals and  
405 not from the sale of beverages; and

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

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

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



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

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

428 (r) "Bed and breakfast inn" means an establishment  
429 within a municipality where in consideration of payment, breakfast  
430 and lodging are habitually furnished to travelers and wherein are  
431 located not less than eight (8) and not more than nineteen (19)  
432 adequately furnished and completely separate sleeping rooms with  
433 adequate facilities, that persons usually apply for and receive as  
434 overnight accommodations; however, such restriction on the minimum  
435 number of sleeping rooms shall not apply to establishments on the  
436 National Register of Historic Places. No place shall qualify as a  
437 bed and breakfast inn under this chapter unless on the date of the  
438 initial application for a license under this chapter more than  
439 fifty percent (50%) of the sleeping rooms are located in a  
440 structure formerly used as a residence.

441 (s) "Board" shall refer to the Board of Tax Appeals of  
442 the State of Mississippi.

443 (t) "Spa facility" means an establishment within a  
444 municipality or qualified resort area and owned by a hotel where,  
445 in consideration of payment, patrons receive from licensed

446 professionals a variety of private personal care treatments such  
447 as massages, facials, waxes, exfoliation and hairstyling.

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

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

460 (w) "Campus" means property owned by a public school  
461 district, community or junior college, college or university in  
462 this state where educational courses are taught, school functions  
463 are held, tests and examinations are administered or academic  
464 course credits are awarded; however, the term shall not include  
465 any "restaurant" or "hotel" that is located on property owned by a  
466 community or junior college, college or university in this state,  
467 and is operated by a third party who receives all revenue  
468 generated from food and alcoholic beverage sales.

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

471           67-1-51. (1) Permits which may be issued by the department  
472 shall be as follows:

473           (a) **Manufacturer's permit.** A manufacturer's permit  
474 shall permit the manufacture, importation in bulk, bottling and  
475 storage of alcoholic liquor and its distribution and sale to  
476 manufacturers holding permits under this chapter in this state and  
477 to persons outside the state who are authorized by law to purchase  
478 the same, and to sell as provided by this chapter.

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

480           Class 1. Distiller's and/or rectifier's permit, which shall  
481 authorize the holder thereof to operate a distillery for the  
482 production of distilled spirits by distillation or redistillation  
483 and/or to operate a rectifying plant for the purifying, refining,  
484 mixing, blending, flavoring or reducing in proof of distilled  
485 spirits and alcohol.

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

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

492           (b) **Package retailer's permit.** Except as otherwise  
493 provided in this paragraph and Section 67-1-52, a package  
494 retailer's permit shall authorize the holder thereof to operate a  
495 store exclusively for the sale at retail in original sealed and  
496 unopened packages of alcoholic beverages, including native wines,

497 not to be consumed on the premises where sold. Alcoholic  
498 beverages shall not be sold by any retailer in any package or  
499 container containing less than fifty (50) milliliters by liquid  
500 measure. A package retailer's permit, with prior approval from  
501 the department, shall authorize the holder thereof to sample new  
502 product furnished by a manufacturer's representative or his  
503 employees at the permitted place of business so long as the  
504 sampling otherwise complies with this chapter and applicable  
505 department regulations. Such samples may not be provided to  
506 customers at the permitted place of business. In addition to the  
507 sale at retail of packages of alcoholic beverages, the holder of a  
508 package retailer's permit is authorized to sell at retail  
509 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
510 other beverages commonly used to mix with alcoholic beverages.  
511 Nonalcoholic beverages sold by the holder of a package retailer's  
512 permit shall not be consumed on the premises where sold.

513           (c) **On-premises retailer's permit.** Except as otherwise  
514 provided in subsection (5) of this section, an on-premises  
515 retailer's permit shall authorize the sale of alcoholic beverages,  
516 including native wines, for consumption on the licensed premises  
517 only; however, a patron of the permit holder may remove one (1)  
518 bottle of wine from the licensed premises if: (i) the patron  
519 consumed a portion of the bottle of wine in the course of  
520 consuming a meal purchased on the licensed premises; (ii) the  
521 permit holder securely reseals the bottle; (iii) the bottle is  
522 placed in a bag that is secured in a manner so that it will be

523 visibly apparent if the bag is opened; and (iv) a dated receipt  
524 for the wine and the meal is available. Additionally, as part of  
525 a carryout order, a permit holder may sell one (1) bottle of wine  
526 to be removed from the licensed premises for every two (2) entrees  
527 ordered. Such a permit shall be issued only to qualified hotels,  
528 restaurants and clubs, and to common carriers with adequate  
529 facilities for serving passengers. In resort areas, whether  
530 inside or outside of a municipality, the department, in its  
531 discretion, may issue on-premises retailer's permits to such  
532 establishments as it deems proper. An on-premises retailer's  
533 permit when issued to a common carrier shall authorize the sale  
534 and serving of alcoholic beverages aboard any licensed vehicle  
535 while moving through any county of the state; however, the sale of  
536 such alcoholic beverages shall not be permitted while such vehicle  
537 is stopped in a county that has not legalized such sales. If an  
538 on-premises retailer's permit is applied for by a common carrier  
539 operating solely in the water, such common carrier must, along  
540 with all other qualifications for a permit, (i) be certified to  
541 carry at least one hundred fifty (150) passengers and/or provide  
542 overnight accommodations for at least fifty (50) passengers and  
543 (ii) operate primarily in the waters within the State of  
544 Mississippi which lie adjacent to the State of Mississippi south  
545 of the three (3) most southern counties in the State of  
546 Mississippi and/or on the Mississippi River or navigable waters  
547 within any county bordering on the Mississippi River.

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

561           (e) **Native wine retailer's permit.** Except as otherwise  
562 provided in subsection (5) of this section, a native wine  
563 retailer's permit shall be issued only to a holder of a Class 3  
564 manufacturer's permit, and shall authorize the holder thereof to  
565 make retail sales of native wines to consumers for on-premises  
566 consumption or to consumers in originally sealed and unopened  
567 containers at an establishment located on the premises of or in  
568 the immediate vicinity of a native winery. When selling to  
569 consumers for on-premises consumption, a holder of a native wine  
570 retailer's permit may add to the native wine alcoholic beverages  
571 not produced on the premises, so long as the total volume of  
572 foreign beverage components does not exceed twenty percent (20%)  
573 of the mixed beverage. Hours of sale shall be the same as those

574 authorized for on-premises permittees in the city or county in  
575 which the native wine retailer is located.

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

581 Temporary retailer's permits shall be of the following  
582 classes:

583 Class 1. A temporary one-day permit may be issued to bona  
584 fide nonprofit civic or charitable organizations authorizing the  
585 sale of alcoholic beverages, including native wine, for  
586 consumption on the premises described in the temporary permit  
587 only. Class 1 permits may be issued only to applicants  
588 demonstrating to the department, by a statement signed under  
589 penalty of perjury submitted ten (10) days prior to the proposed  
590 date or such other time as the department may determine, that they  
591 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
592 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
593 Class 1 permittees shall obtain all alcoholic beverages from  
594 package retailers located in the county in which the temporary  
595 permit is issued. Alcoholic beverages remaining in stock upon  
596 expiration of the temporary permit may be returned by the  
597 permittee to the package retailer for a refund of the purchase  
598 price upon consent of the package retailer or may be kept by the  
599 permittee exclusively for personal use and consumption, subject to

600 all laws pertaining to the illegal sale and possession of  
601 alcoholic beverages. The department, following review of the  
602 statement provided by the applicant and the requirements of the  
603 applicable statutes and regulations, may issue the permit.

604 Class 2. A temporary permit, not to exceed seventy (70)  
605 days, may be issued to prospective permittees seeking to transfer  
606 a permit authorized in paragraph (c) of this subsection. A Class  
607 2 permit may be issued only to applicants demonstrating to the  
608 department, by a statement signed under the penalty of perjury,  
609 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
610 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
611 67-1-59. The department, following a preliminary review of the  
612 statement provided by the applicant and the requirements of the  
613 applicable statutes and regulations, may issue the permit.

614 Class 2 temporary permittees must purchase their alcoholic  
615 beverages directly from the department or, with approval of the  
616 department, purchase the remaining stock of the previous  
617 permittee. If the proposed applicant of a Class 1 or Class 2  
618 temporary permit falsifies information contained in the  
619 application or statement, the applicant shall never again be  
620 eligible for a retail alcohol beverage permit and shall be subject  
621 to prosecution for perjury.

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



626 consumption only on the premises described in the temporary  
627 permit. A Class 3 permit may be issued only to an applicant  
628 demonstrating to the department, by a statement signed under  
629 penalty of perjury submitted ten (10) days before the proposed  
630 date or such other time as the department may determine, that it  
631 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
632 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
633 A Class 3 permit holder shall obtain all alcoholic beverages from  
634 the holder(s) of a package retailer's permit located in the county  
635 in which the temporary permit is issued. Wine remaining in stock  
636 upon expiration of the temporary permit may be returned by the  
637 Class 3 temporary permit holder to the package retailer for a  
638 refund of the purchase price, with consent of the package  
639 retailer, or may be kept by the Class 3 temporary permit holder  
640 exclusively for personal use and consumption, subject to all laws  
641 pertaining to the illegal sale and possession of alcoholic  
642 beverages. The department, following review of the statement  
643 provided by the applicant and the requirements of the applicable  
644 statutes and regulations, may issue the permit. No retailer may  
645 receive more than twelve (12) Class 3 temporary permits in a  
646 calendar year. A Class 3 temporary permit shall not be issued to  
647 a retail establishment that either holds a merchant permit issued  
648 under paragraph (1) of this subsection, or holds a permit issued  
649 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
650 the holder to engage in the business of a retailer of light wine  
651 or beer.

652           (g) **Caterer's permit.** A caterer's permit shall permit  
653 the purchase of alcoholic beverages by a person engaging in  
654 business as a caterer and the resale of alcoholic beverages by  
655 such person in conjunction with such catering business. No person  
656 shall qualify as a caterer unless forty percent (40%) or more of  
657 the revenue derived from such catering business shall be from the  
658 serving of prepared food and not from the sale of alcoholic  
659 beverages and unless such person has obtained a permit for such  
660 business from the Department of Health. A caterer's permit shall  
661 not authorize the sale of alcoholic beverages on the premises of  
662 the person engaging in business as a caterer; however, the holder  
663 of an on-premises retailer's permit may hold a caterer's permit.  
664 When the holder of an on-premises retailer's permit or an  
665 affiliated entity of the holder also holds a caterer's permit, the  
666 caterer's permit shall not authorize the service of alcoholic  
667 beverages on a consistent, recurring basis at a separate, fixed  
668 location owned or operated by the caterer, on-premises retailer or  
669 affiliated entity and an on-premises retailer's permit shall be  
670 required for the separate location. All sales of alcoholic  
671 beverages by holders of a caterer's permit shall be made at the  
672 location being catered by the caterer, and, except as otherwise  
673 provided in subsection (5) of this section, such sales may be made  
674 only for consumption at the catered location. The location being  
675 catered may be anywhere within a county or judicial district that  
676 has voted to come out from under the dry laws or in which the sale  
677 and distribution of alcoholic beverages is otherwise authorized by

678 law. Such sales shall be made pursuant to any other conditions  
679 and restrictions which apply to sales made by on-premises retail  
680 permittees. The holder of a caterer's permit or his employees  
681 shall remain at the catered location as long as alcoholic  
682 beverages are being sold pursuant to the permit issued under this  
683 paragraph (g), and the permittee shall have at the location the  
684 identification card issued by the Alcoholic Beverage Control  
685 Division of the department. No unsold alcoholic beverages may be  
686 left at the catered location by the permittee upon the conclusion  
687 of his business at that location. Appropriate law enforcement  
688 officers and Alcoholic Beverage Control Division personnel may  
689 enter a catered location on private property in order to enforce  
690 laws governing the sale or serving of alcoholic beverages.

691 (h) **Research permit.** A research permit shall authorize  
692 the holder thereof to operate a research facility for the  
693 professional research of alcoholic beverages. Such permit shall  
694 authorize the holder of the permit to import and purchase limited  
695 amounts of alcoholic beverages from the department or from  
696 importers, wineries and distillers of alcoholic beverages for  
697 professional research.

698 (i) **Alcohol processing permit.** An alcohol processing  
699 permit shall authorize the holder thereof to purchase, transport  
700 and possess alcoholic beverages for the exclusive use in cooking,  
701 processing or manufacturing products which contain alcoholic  
702 beverages as an integral ingredient. An alcohol processing permit  
703 shall not authorize the sale of alcoholic beverages on the

704 premises of the person engaging in the business of cooking,  
705 processing or manufacturing products which contain alcoholic  
706 beverages. The amounts of alcoholic beverages allowed under an  
707 alcohol processing permit shall be set by the department.

708           (j) **Hospitality cart permit.** A hospitality cart permit  
709 shall authorize the sale of alcoholic beverages from a mobile cart  
710 on a golf course that is the holder of an on-premises retailer's  
711 permit. The alcoholic beverages sold from the cart must be  
712 consumed within the boundaries of the golf course.

713           (k) **Special service permit.** A special service permit  
714 shall authorize the holder to sell commercially sealed alcoholic  
715 beverages to the operator of a commercial or private aircraft for  
716 en route consumption only by passengers. A special service permit  
717 shall be issued only to a fixed-base operator who contracts with  
718 an airport facility to provide fueling and other associated  
719 services to commercial and private aircraft.

720           (l) **Merchant permit.** Except as otherwise provided in  
721 subsection (5) of this section, a merchant permit shall be issued  
722 only to the owner of a spa facility, an art studio or gallery, or  
723 a cooking school, and shall authorize the holder to serve  
724 complimentary by the glass wine only, including native wine, at  
725 the holder's spa facility, art studio or gallery, or cooking  
726 school. A merchant permit holder shall obtain all wine from the  
727 holder of a package retailer's permit.

728           (m) **Temporary alcoholic beverages charitable auction**  
729 **permit.** A temporary permit, not to exceed five (5) days, may be

730 issued to a qualifying charitable nonprofit organization that is  
731 exempt from taxation under Section 501(c)(3) or (4) of the  
732 Internal Revenue Code of 1986. The permit shall authorize the  
733 holder to sell alcoholic beverages for the limited purpose of  
734 raising funds for the organization during a live or silent auction  
735 that is conducted by the organization and that meets the following  
736 requirements: (i) the auction is conducted in an area of the  
737 state where the sale of alcoholic beverages is authorized; (ii) if  
738 the auction is conducted on the premises of an on-premises  
739 retailer's permit holder, then the alcoholic beverages to be  
740 auctioned must be stored separately from the alcoholic beverages  
741 sold, stored or served on the premises, must be removed from the  
742 premises immediately following the auction, and may not be  
743 consumed on the premises; (iii) the permit holder may not conduct  
744 more than two (2) auctions during a calendar year; (iv) the permit  
745 holder may not pay a commission or promotional fee to any person  
746 to arrange or conduct the auction.

747 (n) **Event venue retailer's permit.** An event venue  
748 retailer's permit shall authorize the holder thereof to purchase  
749 and resell alcoholic beverages, including native wines, for  
750 consumption on the premises during legal hours during events held  
751 on the licensed premises if food is being served at the event by a  
752 caterer who is not affiliated with or related to the permittee.  
753 The caterer must serve at least three (3) entrees. The permit may  
754 only be issued for venues that can accommodate two hundred (200)  
755 persons or more. The number of persons a venue may accommodate

756 shall be determined by the local fire department and such  
757 determination shall be provided in writing and submitted along  
758 with all other documents required to be provided for an  
759 on-premises retailer's permit. The permittee must derive the  
760 majority of its revenue from event-related fees, including, but  
761 not limited to, admission fees or ticket sales for live  
762 entertainment in the building. "Event-related fees" do not  
763 include alcohol, beer or light wine sales or any fee which may be  
764 construed to cover the cost of alcohol, beer or light wine. This  
765 determination shall be made on a per event basis. An event may  
766 not last longer than two (2) consecutive days per week.

767           (o) **Temporary theatre permit.** A temporary theatre  
768 permit, not to exceed five (5) days, may be issued to a charitable  
769 nonprofit organization that is exempt from taxation under Section  
770 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
771 a theatre facility that features plays and other theatrical  
772 performances and productions. Except as otherwise provided in  
773 subsection (5) of this section, the permit shall authorize the  
774 holder to sell alcoholic beverages, including native wines, to  
775 patrons of the theatre during performances and productions at the  
776 theatre facility for consumption during such performances and  
777 productions on the premises of the facility described in the  
778 permit. A temporary theatre permit holder shall obtain all  
779 alcoholic beverages from package retailers located in the county  
780 in which the permit is issued. Alcoholic beverages remaining in  
781 stock upon expiration of the temporary theatre permit may be

782 returned by the permittee to the package retailer for a refund of  
783 the purchase price upon consent of the package retailer or may be  
784 kept by the permittee exclusively for personal use and  
785 consumption, subject to all laws pertaining to the illegal sale  
786 and possession of alcoholic beverages.

787           (p) **Charter ship operator's permit.** Subject to the  
788 provisions of this paragraph (p), a charter ship operator's permit  
789 shall authorize the holder thereof and its employees to serve,  
790 monitor, store and otherwise control the serving and availability  
791 of alcoholic beverages to customers of the permit holder during  
792 private charters under contract provided by the permit holder. A  
793 charter ship operator's permit shall authorize such action by the  
794 permit holder and its employees only as to alcoholic beverages  
795 brought onto the permit holder's ship by customers of the permit  
796 holder as part of such a private charter. All such alcoholic  
797 beverages must be removed from the charter ship at the conclusion  
798 of each private charter. A charter ship operator's permit shall  
799 not authorize the permit holder to sell, charge for or otherwise  
800 supply alcoholic beverages to customers, except as authorized in  
801 this paragraph (p). For the purposes of this paragraph (p),  
802 "charter ship operator" means a common carrier that (i) is  
803 certified to carry at least one hundred fifty (150) passengers  
804 and/or provide overnight accommodations for at least fifty (50)  
805 passengers, (ii) operates only in the waters within the State of  
806 Mississippi, which lie adjacent to the State of Mississippi south  
807 of the three (3) most southern counties in the State of

808 Mississippi, and (iii) provides charters under contract for tours  
809 and trips in such waters.

810           (q) **Distillery retailer's permit.** The holder of a  
811 Class 1 manufacturer's permit may obtain a distillery retailer's  
812 permit. A distillery retailer's permit shall authorize the holder  
813 thereof to sell at retail alcoholic beverages by the sealed and  
814 unopened bottle from a retail location at the distillery for  
815 off-premises consumption. The holder may only sell product  
816 manufactured by the manufacturer at the distillery described in  
817 the permit. The holder shall not sell at retail more than ten  
818 percent (10%) of the alcoholic beverages produced annually at its  
819 distillery. The holder shall not make retail sales of more than  
820 two and twenty-five one-hundredths (2.25) liters, in the  
821 aggregate, of the alcoholic beverages produced at its distillery  
822 to any one (1) individual for consumption off the premises of the  
823 distillery within a twenty-four-hour period. The hours of sale  
824 shall be the same as those hours for package retailers under this  
825 chapter. The holder of a distillery retailer's permit is not  
826 required to purchase the alcoholic beverages authorized to be sold  
827 by this paragraph from the department's liquor distribution  
828 warehouse; however, if the holder does not purchase the alcoholic  
829 beverages from the department's liquor distribution warehouse, the  
830 holder shall pay to the department all taxes, fees and surcharges  
831 on the alcoholic beverages that are imposed upon the sale of  
832 alcoholic beverages shipped by the Alcoholic Beverage Control  
833 Division of the Department of Revenue. In addition to alcoholic



834 beverages, the holder of a distillery retailer's permit may sell  
835 at retail promotional products from the same retail location,  
836 including shirts, hats, glasses, and other promotional products  
837 customarily sold by alcoholic beverage manufacturers.

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

845 "Festival" means any event at which three (3) or more vendors are  
846 present at a location for the sale or distribution of goods. The  
847 holder of a Festival Wine Permit is not required to purchase the  
848 alcoholic beverages authorized to be sold by this paragraph from  
849 the department's liquor distribution warehouse. However, if the  
850 holder does not purchase the alcoholic beverages from the  
851 department's liquor distribution warehouse, the holder of this  
852 permit shall pay to the department all taxes, fees and surcharges  
853 on the alcoholic beverages sold at such festivals that are imposed  
854 upon the sale of alcoholic beverages shipped by the Alcoholic  
855 Beverage Control Division of the Department of Revenue.

856 Additionally, the entity shall file all applicable reports and  
857 returns as prescribed by the department. This permit is issued  
858 per festival and provides authority to sell for two (2)  
859 consecutive days during the hours authorized for on-premises

860 permittees' sales in that county or city. The holder of the  
861 permit shall be required to maintain all requirements set by Local  
862 Option Law for the service and sale of alcoholic beverages. This  
863 permit may be issued to entities participating in festivals at  
864 which a Class 1 temporary permit is in effect.

865 This paragraph (r) shall stand repealed from and after July  
866 1, 2023.

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

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

877 (b) A church or funeral home may waive the distance  
878 restrictions imposed in this subsection in favor of allowing  
879 issuance by the department of a permit, pursuant to subsection (1)  
880 of this section, to authorize activity relating to the  
881 manufacturing, sale or storage of alcoholic beverages which would  
882 otherwise be prohibited under the minimum distance criterion.  
883 Such waiver shall be in written form from the owner, the governing  
884 body, or the appropriate officer of the church or funeral home  
885 having the authority to execute such a waiver, and the waiver

886 shall be filed with and verified by the department before becoming  
887 effective.

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

897           (d) The distance restrictions imposed in this  
898 subsection shall not apply to the sale or storage of alcoholic  
899 beverages at a qualified resort area as defined in Section  
900 65-1-5(o)(iii)24.

901           (4) No person, either individually or as a member of a firm,  
902 partnership, limited liability company or association, or as a  
903 stockholder, officer or director in a corporation, shall own or  
904 control any interest in more than one (1) package retailer's  
905 permit, nor shall such person's spouse, if living in the same  
906 household of such person, any relative of such person, if living  
907 in the same household of such person, or any other person living  
908 in the same household with such person own any interest in any  
909 other package retailer's permit.

910           (5) (a) In addition to any other authority granted under  
911 this section, the holder of a permit issued under subsection

912 (1) (c), (e), (f), (g), (l), (n) and/or (o) of this section may  
913 sell or otherwise provide alcoholic beverages and/or wine to a  
914 patron of the permit holder in the manner authorized in the permit  
915 and the patron may remove an open glass, cup or other container of  
916 the alcoholic beverage and/or wine from the licensed premises and  
917 may possess and consume the alcoholic beverage or wine outside of  
918 the licensed premises if: (i) the licensed premises is located  
919 within a leisure and recreation district created under Section  
920 67-1-101 and (ii) the patron remains within the boundaries of the  
921 leisure and recreation district while in possession of the  
922 alcoholic beverage or wine.

923 (b) Nothing in this subsection shall be construed to  
924 allow a person to bring any alcoholic beverages into a permitted  
925 premises except to the extent otherwise authorized by this  
926 chapter.

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

929 67-1-37. The Department of Revenue, under its duties and  
930 powers with respect to the Alcoholic Beverage Control Division  
931 therein, shall have the following powers, functions and duties:

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

936 (b) To revoke, suspend or cancel, for violation of or  
937 noncompliance with the provisions of this chapter, or the law

938 governing the production and sale of native wines, or any lawful  
939 rules and regulations of the department issued hereunder, or for  
940 other sufficient cause, any permit issued by it under the  
941 provisions of this chapter. The department shall also be  
942 authorized to suspend the permit of any permit holder for being  
943 out of compliance with an order for support, as defined in Section  
944 93-11-153. The procedure for suspension of a permit for being out  
945 of compliance with an order for support, and the procedure for the  
946 reissuance or reinstatement of a permit suspended for that  
947 purpose, and the payment of any fees for the reissuance or  
948 reinstatement of a permit suspended for that purpose, shall be  
949 governed by Section 93-11-157 or Section 93-11-163, as the case  
950 may be. If there is any conflict between any provision of Section  
951 93-11-157 or Section 93-11-163 and any provision of this chapter,  
952 the provisions of Section 93-11-157 or Section 93-11-163, as the  
953 case may be, shall control.

954 (c) To prescribe forms of permits and applications for  
955 permits and of all reports which it deems necessary in  
956 administering this chapter.

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

961 (e) To issue rules regulating the advertising of  
962 alcoholic beverages in the state in any class of media and  
963 permitting advertising of the retail price of alcoholic beverages.

964           (f) To issue reasonable rules and regulations, not  
965 inconsistent with the federal laws or regulations, requiring  
966 informative labeling of all alcoholic beverages offered for sale  
967 within this state and providing for the standards of fill and  
968 shapes of retail containers of alcoholic beverages; however, such  
969 containers shall not contain less than fifty (50) milliliters by  
970 liquid measure.

971           (g) Subject to the provisions of subsection (3) of  
972 Section 67-1-51, to issue rules and regulations governing the  
973 issuance of retail permits for premises located near or around  
974 schools, colleges, universities, churches and other public  
975 institutions, and specifying the distances therefrom within which  
976 no such permit shall be issued. The Alcoholic Beverage Control  
977 Division shall not issue a package retailer's or on-premises  
978 retailer's permit for the sale or consumption of alcoholic  
979 beverages in or on the campus of any public school, community or  
980 junior college, college or university.

981           (h) To adopt and promulgate, repeal and amend, such  
982 rules, regulations, standards, requirements and orders, not  
983 inconsistent with this chapter or any law of this state or of the  
984 United States, as it deems necessary to control the manufacture,  
985 importation, transportation, distribution and sale of alcoholic  
986 liquor, whether intended for beverage or nonbeverage use in a  
987 manner not inconsistent with the provisions of this chapter or any  
988 other statute, including the native wine laws.

989           (i) To call upon other administrative departments of  
990 the state, county and municipal governments, county and city  
991 police departments and upon prosecuting officers for such  
992 information and assistance as it may deem necessary in the  
993 performance of its duties.

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

1000           (k) To inspect, or cause to be inspected, any premises  
1001 where alcoholic liquors intended for sale are manufactured,  
1002 stored, distributed or sold, and to examine or cause to be  
1003 examined all books and records pertaining to the business  
1004 conducted therein.

1005           (l) To investigate the administration of laws in  
1006 relation to alcoholic liquors in this and other states and any  
1007 foreign countries, and to recommend from time to time to the  
1008 Governor and through him to the Legislature of this state such  
1009 amendments to this chapter, if any, as it may think desirable.

1010           (m) To designate hours and days when alcoholic  
1011 beverages may be sold in different localities in the state which  
1012 permit such sale.

1013           (n) To assign employees to posts of duty at locations  
1014 where they will be most beneficial for the control of alcoholic

1015 beverages and to take any other action concerning persons employed  
1016 under this chapter as authorized by law and taken in accordance  
1017 with the rules, regulations and procedures of the State Personnel  
1018 Board.

1019 (o) To enforce the provisions made unlawful by Chapter  
1020 3, Title 67 and Section 97-5-49.

1021 (p) To delegate its authority under this chapter to the  
1022 Alcoholic Beverage Control Division, its director or any other  
1023 officer or employee of the department that it deems appropriate.

1024 (q) To prescribe and charge a fee to defray the costs  
1025 of shipping alcoholic beverages, provided that such fee is  
1026 determined in a manner provided by the department by rules and/or  
1027 regulations adopted in accordance with the Mississippi  
1028 Administrative Procedures Law.

1029 **SECTION 4.** This act shall take effect and be in force from  
1030 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 INCLUDE A  
4 CERTAIN AREA WITHIN A MUNICIPALITY, SITUATED SOUTH OF INTERSTATE  
5 HIGHWAY 10, TRAVERSED BY U.S. HIGHWAY 90, IS PARTIALLY BORDERED ON  
6 ONE SIDE BY THE PASCAGOULA RIVER AND HAVING ITS MOST SOUTHERN  
7 BOUNDARY BORDERED BY THE GULF OF MEXICO, WITH A POPULATION GREATER  
8 THAN 22,000 ACCORDING TO THE 2010 FEDERAL DECENNIAL CENSUS; TO  
9 AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
10 THE RESTRICTIONS ON THE MANUFACTURING, SALE OR STORAGE OF  
11 INTOXICATING LIQUORS WITHIN CERTAIN DISTANCES OF CHURCHES, SCHOOLS  
12 AND FUNERAL HOMES SHALL NOT APPLY TO THE SALE OR STORAGE OF  
13 ALCOHOLIC BEVERAGES IN CERTAIN MIXED-USED PROPERTY DEVELOPMENT  
14 IMPROVEMENTS IN A CERTAIN MUNICIPALITY; TO BRING FORWARD SECTION



15 67-1-37, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE  
16 AMENDMENT; AND FOR RELATED PURPOSES.

SS26\HB572A.J

Eugene S. Clarke  
Secretary of the Senate