

Senate Amendments to House Bill No. 1091

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:

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

46 27-71-301. When used in this article the words and terms
47 hereafter mentioned shall have the following definitions:

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

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

57 (c) "Consumer" means a person who comes into the
58 possession of beer, light spirit product or light wine, the sale
59 of which is authorized by Chapter 3 of Title 67, Mississippi Code
60 of 1972, for the purpose of consuming it, giving it away or

61 otherwise disposing of it in any manner except by sale, barter or
62 exchange.

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

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

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

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

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

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

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

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

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

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

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

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

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

121 (a) Retailers--for each place of
122 business.....\$ 30.00

123 (b) Wholesalers or distributors--for each
124 county.....\$ 100.00

125 (c) Manufacturers--for each place of
126 business.....\$1,000.00

127 (d) Brewpubs--for each place of
128 business.....\$1,000.00

129 (e) Microbrewery--for each place of
130 business.....\$1,000.00

131 (f) Small craft brewery--for each
132 place of business.....\$1,000.00

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

137 each airplane, bus, boat or railroad car so operated in this
138 state.

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

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

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

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

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

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

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

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

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

212 (3) The wholesaler, distributor, microbrewery or small craft
213 brewery shall be allowed credit for tax paid on beer, light spirit
214 product or light wine which is no longer marketable and which is

215 destroyed by same when such destruction is witnessed by an agent
216 of the commissioner and when the amount of the excise tax exceeds
217 One Hundred Dollars (\$100.00). No other loss will be allowed.

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

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

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

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

239 (7) All administrative provisions of the Mississippi Sales
240 Tax Law, including those which fix damages, penalties and interest

241 for nonpayment of taxes and for noncompliance with the provisions
242 of such chapter, and all other requirements and duties imposed
243 upon taxpayers, shall apply to all persons liable for taxes under
244 the provisions of this chapter, and the commissioner shall
245 exercise all the power and authority and perform all the duties
246 with respect to taxpayers under this chapter as are provided in
247 the sales tax law except where there is conflict, then the
248 provisions of this chapter shall control.

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

251 27-71-509. It shall be unlawful for any brewer,
252 manufacturer, distributor or retailer of light wines, light spirit
253 products or beer to whom a permit has been issued under the
254 provisions of Sections 67-3-15 and 67-3-23, Mississippi Code of
255 1972, to write or print on any label or container of either of the
256 above-named commodities any matter relating to the alcoholic
257 content of such beverage or beverages, except a statement, to the
258 effect that the contents of the vessel or container in which light
259 wine shall be sold does not contain alcohol in excess of five
260 percent (5%) of the contents thereof, by weight, that the contents
261 of the vessel or container in which light spirit product shall be
262 sold does not contain alcohol in excess of * * * six and one-half
263 percent (6-1/2%) of the contents thereof, by weight, and that the
264 contents of the vessel or container in which beer shall be sold
265 does not contain alcohol in excess of eight percent (8%) of the
266 contents thereof, by weight. It shall be unlawful for any such

267 brewer, wholesaler, distributor or retailer to sell any such
268 commodity with any statement in conflict with the provisions of
269 this section, with reference to the alcoholic content of such
270 beverage or beverages, except that a statement of alcoholic
271 content may be expressed on any light wine, light spirit product
272 or beer label in terms of volume or weight, at the manufacturer's
273 option; and such statement, if by volume, shall be subject to the
274 same permitted tolerance allowed for wine containing fourteen
275 percent (14%) alcohol by volume or less by Section 4.36(b)(1) of
276 the Federal Labeling Requirements for Wine, 27 CFR Part 4, subpart
277 D, and Section 7.71(c) 27 CFR Part 7, subpart G, and, if by
278 weight, shall be subject to an equivalent permitted tolerance,
279 determined in terms of alcohol by weight.

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

282 67-3-3. When used in this chapter, unless the context
283 indicates otherwise:

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

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

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

291 (d) "Beer" means a malt beverage as defined in the
292 Federal Alcohol Administration Act and any rules and regulations

293 adopted pursuant to such act of an alcoholic content of not more
294 than eight percent (8%) by weight.

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

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

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

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

315 (i) "Contract-brewed beer" means beer brewed by a
316 manufacturer who:

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

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

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

326 (j) "Light spirit product" means a beverage of an
327 alcoholic content of not more than four percent (4%) by weight and
328 containing one or more distilled spirits, as defined in Section
329 67-1-5. It shall also mean a beverage of an alcoholic content in
330 excess of four percent (4%) by weight but shall not exceed six and
331 one-half percent (6-1/2%) alcohol by weight and is limited to
332 containers of five hundred (500) milliliters or less for those
333 products over four percent (4%) by weight but not exceeding six
334 and one-half percent (6-1/2%) by weight.

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

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

342 67-3-48. (1) A small craft brewery may sell at retail light
343 wine, light spirit product or beer produced at its brewery for
344 consumption on the premises of the brewery and consumption off the
345 premises of the brewery if the sales are made on the premises of
346 the brewery and the light wine, light spirit product or beer
347 products offered for sale are also made available for sale to
348 wholesalers.

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

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

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

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

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

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

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

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

385 67-3-49. (1) Except as otherwise provided in this section,
386 it shall be unlawful for any brewer or manufacturer or distributor
387 or wholesale dealer of or in light wines, light spirit products
388 and/or beer to manufacture or knowingly bring upon his premises or
389 keep thereon any wine of an alcoholic content of more than five
390 percent (5%) by weight, any light spirit product of an alcoholic
391 content of more than * * * six and one-half percent (6-1/2%) by
392 weight, any beer of an alcoholic content of more than eight

393 percent (8%) by weight, or any distilled spirits of any alcoholic
394 content whatsoever. Any person that shall add to or mix with any
395 beer, light spirit product or light wine any alcoholic or other
396 liquid, or any alcohol cube or cubes, or any other ingredient or
397 ingredients that will increase or tend to increase the alcoholic
398 content of such liquor, or any person that shall knowingly offer
399 for sale any liquor so treated, shall be guilty of a misdemeanor
400 and punished as hereinafter provided in this chapter. The
401 commissioner shall take any action he considers necessary to
402 ensure that light wine, light spirit product and/or beer
403 manufactured at a brewpub complies with the provisions of this
404 section.

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

409 **SECTION 8.** Section 67-3-55, Mississippi Code of 1972, is
410 amended as follows:

411 67-3-55. (1) Except as otherwise provided in Section
412 67-1-41, it shall be unlawful for any retailer to possess for
413 purpose of sale, to sell, or to offer to sell any light wine,
414 light spirit product or beer which was not purchased from a
415 wholesaler in this state who has a permit to sell such light wine,
416 light spirit product or beer, except for beer, light spirit
417 product or light wine that was brewed on the premises of the

418 retailer who holds a permit as a brewpub pursuant to Article 3,
419 Chapter 71, Title 27, Mississippi Code of 1972.

420 (2) It shall be unlawful for any wholesaler to possess for
421 purpose of sale, to sell, or to offer to sell any light wine,
422 light spirit product or beer which was not purchased from a
423 manufacturer or importer of a foreign manufacturer authorized to
424 sell such light wine, light spirit product or beer in this state.

425 (3) This section shall not apply to:

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

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

432 **SECTION 9.** Section 67-1-51, Mississippi Code of 1972, is
433 amended as follows:

434 67-1-51. (1) Permits which may be issued by the department
435 shall be as follows:

436 (a) **Manufacturer's permit.** A manufacturer's permit
437 shall permit the manufacture, importation in bulk, bottling and
438 storage of alcoholic liquor and its distribution and sale to
439 manufacturers holding permits under this chapter in this state and
440 to persons outside the state who are authorized by law to purchase
441 the same, and to sell as provided by this chapter.

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

443 Class 1. Distiller's and/or rectifier's permit, which shall
444 authorize the holder thereof to operate a distillery for the
445 production of distilled spirits by distillation or redistillation
446 and/or to operate a rectifying plant for the purifying, refining,
447 mixing, blending, flavoring or reducing in proof of distilled
448 spirits and alcohol.

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

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

455 (b) **Package retailer's permit.** Except as otherwise
456 provided in this paragraph and Section 67-1-52, a package
457 retailer's permit shall authorize the holder thereof to operate a
458 store exclusively for the sale at retail in original sealed and
459 unopened packages of alcoholic beverages, including native wines
460 and light spirit products, not to be consumed on the premises
461 where sold. Alcoholic beverages shall not be sold by any retailer
462 in any package or container containing less than fifty (50)
463 milliliters by liquid measure. A package retailer's permit, with
464 prior approval from the department, shall authorize the holder
465 thereof to sample new product furnished by a manufacturer's
466 representative or his employees at the permitted place of business
467 so long as the sampling otherwise complies with this chapter and
468 applicable department regulations. Such samples may not be

469 provided to customers at the permitted place of business. In
470 addition to the sale at retail of packages of alcoholic beverages,
471 the holder of a package retailer's permit is authorized to sell at
472 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers
473 and other beverages commonly used to mix with alcoholic beverages.
474 Nonalcoholic beverages sold by the holder of a package retailer's
475 permit shall not be consumed on the premises where sold.

476 (c) **On-premises retailer's permit.** Except as otherwise
477 provided in subsection (5) of this section, an on-premises
478 retailer's permit shall authorize the sale of alcoholic beverages,
479 including native wines, for consumption on the licensed premises
480 only; however, a patron of the permit holder may remove one (1)
481 bottle of wine from the licensed premises if: (i) the patron
482 consumed a portion of the bottle of wine in the course of
483 consuming a meal purchased on the licensed premises; (ii) the
484 permit holder securely reseals the bottle; (iii) the bottle is
485 placed in a bag that is secured in a manner so that it will be
486 visibly apparent if the bag is opened; and (iv) a dated receipt
487 for the wine and the meal is available. Additionally, as part of
488 a carryout order, a permit holder may sell one (1) bottle of wine
489 to be removed from the licensed premises for every two (2) entrees
490 ordered. Such a permit shall be issued only to qualified hotels,
491 restaurants and clubs, small craft breweries, microbreweries, and
492 to common carriers with adequate facilities for serving
493 passengers. In resort areas, whether inside or outside of a
494 municipality, the department, in its discretion, may issue

495 on-premises retailer's permits to such establishments as it deems
496 proper. An on-premises retailer's permit when issued to a common
497 carrier shall authorize the sale and serving of alcoholic
498 beverages aboard any licensed vehicle while moving through any
499 county of the state; however, the sale of such alcoholic beverages
500 shall not be permitted while such vehicle is stopped in a county
501 that has not legalized such sales. If an on-premises retailer's
502 permit is applied for by a common carrier operating solely in the
503 water, such common carrier must, along with all other
504 qualifications for a permit, (i) be certified to carry at least
505 one hundred fifty (150) passengers and/or provide overnight
506 accommodations for at least fifty (50) passengers and (ii) operate
507 primarily in the waters within the State of Mississippi which lie
508 adjacent to the State of Mississippi south of the three (3) most
509 southern counties in the State of Mississippi and/or on the
510 Mississippi River or navigable waters within any county bordering
511 on the Mississippi River.

512 (d) **Solicitor's permit.** A solicitor's permit shall
513 authorize the holder thereof to act as salesman for a manufacturer
514 or wholesaler holding a proper permit, to solicit on behalf of his
515 employer orders for alcoholic beverages, and to otherwise promote
516 his employer's products in a legitimate manner. Such a permit
517 shall authorize the representation of and employment by one (1)
518 principal only. However, the permittee may also, in the
519 discretion of the department, be issued additional permits to
520 represent other principals. No such permittee shall buy or sell

521 alcoholic beverages for his own account, and no such beverage
522 shall be brought into this state in pursuance of the exercise of
523 such permit otherwise than through a permit issued to a wholesaler
524 or manufacturer in the state.

525 (e) **Native wine retailer's permit.** Except as otherwise
526 provided in subsection (5) of this section, a native wine
527 retailer's permit shall be issued only to a holder of a Class 3
528 manufacturer's permit, and shall authorize the holder thereof to
529 make retail sales of native wines to consumers for on-premises
530 consumption or to consumers in originally sealed and unopened
531 containers at an establishment located on the premises of or in
532 the immediate vicinity of a native winery. When selling to
533 consumers for on-premises consumption, a holder of a native wine
534 retailer's permit may add to the native wine alcoholic beverages
535 not produced on the premises, so long as the total volume of
536 foreign beverage components does not exceed twenty percent (20%)
537 of the mixed beverage. Hours of sale shall be the same as those
538 authorized for on-premises permittees in the city or county in
539 which the native wine retailer is located.

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

545 Temporary retailer's permits shall be of the following
546 classes:

547 Class 1. A temporary one-day permit may be issued to bona
548 fide nonprofit civic or charitable organizations authorizing the
549 sale of alcoholic beverages, including native wine, for
550 consumption on the premises described in the temporary permit
551 only. Class 1 permits may be issued only to applicants
552 demonstrating to the department, by a statement signed under
553 penalty of perjury submitted ten (10) days prior to the proposed
554 date or such other time as the department may determine, that they
555 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
556 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
557 Class 1 permittees shall obtain all alcoholic beverages from
558 package retailers located in the county in which the temporary
559 permit is issued. Alcoholic beverages remaining in stock upon
560 expiration of the temporary permit may be returned by the
561 permittee to the package retailer for a refund of the purchase
562 price upon consent of the package retailer or may be kept by the
563 permittee exclusively for personal use and consumption, subject to
564 all laws pertaining to the illegal sale and possession of
565 alcoholic beverages. The department, following review of the
566 statement provided by the applicant and the requirements of the
567 applicable statutes and regulations, may issue the permit.

568 Class 2. A temporary permit, not to exceed seventy (70)
569 days, may be issued to prospective permittees seeking to transfer
570 a permit authorized in paragraph (c) of this subsection. A Class
571 2 permit may be issued only to applicants demonstrating to the
572 department, by a statement signed under the penalty of perjury,

573 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
574 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
575 67-1-59. The department, following a preliminary review of the
576 statement provided by the applicant and the requirements of the
577 applicable statutes and regulations, may issue the permit.

578 Class 2 temporary permittees must purchase their alcoholic
579 beverages directly from the department or, with approval of the
580 department, purchase the remaining stock of the previous
581 permittee. If the proposed applicant of a Class 1 or Class 2
582 temporary permit falsifies information contained in the
583 application or statement, the applicant shall never again be
584 eligible for a retail alcohol beverage permit and shall be subject
585 to prosecution for perjury.

586 Class 3. A temporary one-day permit may be issued to a
587 retail establishment authorizing the complimentary distribution of
588 wine, including native wine, to patrons of the retail
589 establishment at an open house or promotional event, for
590 consumption only on the premises described in the temporary
591 permit. A Class 3 permit may be issued only to an applicant
592 demonstrating to the department, by a statement signed under
593 penalty of perjury submitted ten (10) days before the proposed
594 date or such other time as the department may determine, that it
595 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
596 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
597 A Class 3 permit holder shall obtain all alcoholic beverages from
598 the holder(s) of a package retailer's permit located in the county

599 in which the temporary permit is issued. Wine remaining in stock
600 upon expiration of the temporary permit may be returned by the
601 Class 3 temporary permit holder to the package retailer for a
602 refund of the purchase price, with consent of the package
603 retailer, or may be kept by the Class 3 temporary permit holder
604 exclusively for personal use and consumption, subject to all laws
605 pertaining to the illegal sale and possession of alcoholic
606 beverages. The department, following review of the statement
607 provided by the applicant and the requirements of the applicable
608 statutes and regulations, may issue the permit. No retailer may
609 receive more than twelve (12) Class 3 temporary permits in a
610 calendar year. A Class 3 temporary permit shall not be issued to
611 a retail establishment that either holds a merchant permit issued
612 under paragraph (1) of this subsection, or holds a permit issued
613 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
614 the holder to engage in the business of a retailer of light wine
615 or beer.

616 (g) **Caterer's permit.** A caterer's permit shall permit
617 the purchase of alcoholic beverages by a person engaging in
618 business as a caterer and the resale of alcoholic beverages by
619 such person in conjunction with such catering business. No person
620 shall qualify as a caterer unless forty percent (40%) or more of
621 the revenue derived from such catering business shall be from the
622 serving of prepared food and not from the sale of alcoholic
623 beverages and unless such person has obtained a permit for such
624 business from the Department of Health. A caterer's permit shall

625 not authorize the sale of alcoholic beverages on the premises of
626 the person engaging in business as a caterer; however, the holder
627 of an on-premises retailer's permit may hold a caterer's permit.
628 When the holder of an on-premises retailer's permit or an
629 affiliated entity of the holder also holds a caterer's permit, the
630 caterer's permit shall not authorize the service of alcoholic
631 beverages on a consistent, recurring basis at a separate, fixed
632 location owned or operated by the caterer, on-premises retailer or
633 affiliated entity and an on-premises retailer's permit shall be
634 required for the separate location. All sales of alcoholic
635 beverages by holders of a caterer's permit shall be made at the
636 location being catered by the caterer, and, except as otherwise
637 provided in subsection (5) of this section, such sales may be made
638 only for consumption at the catered location. The location being
639 catered may be anywhere within a county or judicial district that
640 has voted to come out from under the dry laws or in which the sale
641 and distribution of alcoholic beverages is otherwise authorized by
642 law. Such sales shall be made pursuant to any other conditions
643 and restrictions which apply to sales made by on-premises retail
644 permittees. The holder of a caterer's permit or his employees
645 shall remain at the catered location as long as alcoholic
646 beverages are being sold pursuant to the permit issued under this
647 paragraph (g), and the permittee shall have at the location the
648 identification card issued by the Alcoholic Beverage Control
649 Division of the department. No unsold alcoholic beverages may be
650 left at the catered location by the permittee upon the conclusion

651 of his business at that location. Appropriate law enforcement
652 officers and Alcoholic Beverage Control Division personnel may
653 enter a catered location on private property in order to enforce
654 laws governing the sale or serving of alcoholic beverages.

655 (h) **Research permit.** A research permit shall authorize
656 the holder thereof to operate a research facility for the
657 professional research of alcoholic beverages. Such permit shall
658 authorize the holder of the permit to import and purchase limited
659 amounts of alcoholic beverages from the department or from
660 importers, wineries and distillers of alcoholic beverages for
661 professional research.

662 (i) **Alcohol processing permit.** An alcohol processing
663 permit shall authorize the holder thereof to purchase, transport
664 and possess alcoholic beverages for the exclusive use in cooking,
665 processing or manufacturing products which contain alcoholic
666 beverages as an integral ingredient. An alcohol processing permit
667 shall not authorize the sale of alcoholic beverages on the
668 premises of the person engaging in the business of cooking,
669 processing or manufacturing products which contain alcoholic
670 beverages. The amounts of alcoholic beverages allowed under an
671 alcohol processing permit shall be set by the department.

672 (j) **Hospitality cart permit.** A hospitality cart permit
673 shall authorize the sale of alcoholic beverages from a mobile cart
674 on a golf course that is the holder of an on-premises retailer's
675 permit. The alcoholic beverages sold from the cart must be
676 consumed within the boundaries of the golf course.

677 (k) **Special service permit.** A special service permit
678 shall authorize the holder to sell commercially sealed alcoholic
679 beverages to the operator of a commercial or private aircraft for
680 en route consumption only by passengers. A special service permit
681 shall be issued only to a fixed-base operator who contracts with
682 an airport facility to provide fueling and other associated
683 services to commercial and private aircraft.

684 (1) **Merchant permit.** Except as otherwise provided in
685 subsection (5) of this section, a merchant permit shall be issued
686 only to the owner of a spa facility, an art studio or gallery, or
687 a cooking school, and shall authorize the holder to serve
688 complimentary by the glass wine only, including native wine, at
689 the holder's spa facility, art studio or gallery, or cooking
690 school. A merchant permit holder shall obtain all wine from the
691 holder of a package retailer's permit.

692 (m) **Temporary alcoholic beverages charitable auction**
693 **permit.** A temporary permit, not to exceed five (5) days, may be
694 issued to a qualifying charitable nonprofit organization that is
695 exempt from taxation under Section 501(c)(3) or (4) of the
696 Internal Revenue Code of 1986. The permit shall authorize the
697 holder to sell alcoholic beverages for the limited purpose of
698 raising funds for the organization during a live or silent auction
699 that is conducted by the organization and that meets the following
700 requirements: (i) the auction is conducted in an area of the
701 state where the sale of alcoholic beverages is authorized; (ii) if
702 the auction is conducted on the premises of an on-premises

703 retailer's permit holder, then the alcoholic beverages to be
704 auctioned must be stored separately from the alcoholic beverages
705 sold, stored or served on the premises, must be removed from the
706 premises immediately following the auction, and may not be
707 consumed on the premises; (iii) the permit holder may not conduct
708 more than two (2) auctions during a calendar year; (iv) the permit
709 holder may not pay a commission or promotional fee to any person
710 to arrange or conduct the auction.

711 (n) **Event venue retailer's permit.** An event venue
712 retailer's permit shall authorize the holder thereof to purchase
713 and resell alcoholic beverages, including native wines, for
714 consumption on the premises during legal hours during events held
715 on the licensed premises if food is being served at the event by a
716 caterer who is not affiliated with or related to the permittee.
717 The caterer must serve at least three (3) entrees. The permit may
718 only be issued for venues that can accommodate two hundred (200)
719 persons or more. The number of persons a venue may accommodate
720 shall be determined by the local fire department and such
721 determination shall be provided in writing and submitted along
722 with all other documents required to be provided for an
723 on-premises retailer's permit. The permittee must derive the
724 majority of its revenue from event-related fees, including, but
725 not limited to, admission fees or ticket sales for live
726 entertainment in the building. "Event-related fees" do not
727 include alcohol, beer or light wine sales or any fee which may be
728 construed to cover the cost of alcohol, beer or light wine. This

729 determination shall be made on a per event basis. An event may
730 not last longer than two (2) consecutive days per week.

731 (o) **Temporary theatre permit.** A temporary theatre
732 permit, not to exceed five (5) days, may be issued to a charitable
733 nonprofit organization that is exempt from taxation under Section
734 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
735 a theatre facility that features plays and other theatrical
736 performances and productions. Except as otherwise provided in
737 subsection (5) of this section, the permit shall authorize the
738 holder to sell alcoholic beverages, including native wines, to
739 patrons of the theatre during performances and productions at the
740 theatre facility for consumption during such performances and
741 productions on the premises of the facility described in the
742 permit. A temporary theatre permit holder shall obtain all
743 alcoholic beverages from package retailers located in the county
744 in which the permit is issued. Alcoholic beverages remaining in
745 stock upon expiration of the temporary theatre permit may be
746 returned by the permittee to the package retailer for a refund of
747 the purchase price upon consent of the package retailer or may be
748 kept by the permittee exclusively for personal use and
749 consumption, subject to all laws pertaining to the illegal sale
750 and possession of alcoholic beverages.

751 (p) **Charter ship operator's permit.** Subject to the
752 provisions of this paragraph (p), a charter ship operator's permit
753 shall authorize the holder thereof and its employees to serve,
754 monitor, store and otherwise control the serving and availability

755 of alcoholic beverages to customers of the permit holder during
756 private charters under contract provided by the permit holder. A
757 charter ship operator's permit shall authorize such action by the
758 permit holder and its employees only as to alcoholic beverages
759 brought onto the permit holder's ship by customers of the permit
760 holder as part of such a private charter. All such alcoholic
761 beverages must be removed from the charter ship at the conclusion
762 of each private charter. A charter ship operator's permit shall
763 not authorize the permit holder to sell, charge for or otherwise
764 supply alcoholic beverages to customers, except as authorized in
765 this paragraph (p). For the purposes of this paragraph (p),
766 "charter ship operator" means a common carrier that (i) is
767 certified to carry at least one hundred fifty (150) passengers
768 and/or provide overnight accommodations for at least fifty (50)
769 passengers, (ii) operates only in the waters within the State of
770 Mississippi, which lie adjacent to the State of Mississippi south
771 of the three (3) most southern counties in the State of
772 Mississippi, and (iii) provides charters under contract for tours
773 and trips in such waters.

774 (q) **Distillery retailer's permit.** The holder of a
775 Class 1 manufacturer's permit may obtain a distillery retailer's
776 permit. A distillery retailer's permit shall authorize the holder
777 thereof to sell at retail alcoholic beverages by the sealed and
778 unopened bottle from a retail location at the distillery for
779 off-premises consumption. The holder may only sell product
780 manufactured by the manufacturer at the distillery described in

781 the permit. The holder shall not sell at retail more than ten
782 percent (10%) of the alcoholic beverages produced annually at its
783 distillery. The holder shall not make retail sales of more than
784 two and twenty-five one-hundredths (2.25) liters, in the
785 aggregate, of the alcoholic beverages produced at its distillery
786 to any one (1) individual for consumption off the premises of the
787 distillery within a twenty-four-hour period. The hours of sale
788 shall be the same as those hours for package retailers under this
789 chapter. The holder of a distillery retailer's permit is not
790 required to purchase the alcoholic beverages authorized to be sold
791 by this paragraph from the department's liquor distribution
792 warehouse; however, if the holder does not purchase the alcoholic
793 beverages from the department's liquor distribution warehouse, the
794 holder shall pay to the department all taxes, fees and surcharges
795 on the alcoholic beverages that are imposed upon the sale of
796 alcoholic beverages shipped by the Alcoholic Beverage Control
797 Division of the Department of Revenue. In addition to alcoholic
798 beverages, the holder of a distillery retailer's permit may sell
799 at retail promotional products from the same retail location,
800 including shirts, hats, glasses, and other promotional products
801 customarily sold by alcoholic beverage manufacturers.

802 (r) **Festival Wine Permit.** Any wine manufacturer or
803 native wine producer permitted by Mississippi or any other state
804 is eligible to obtain a Festival Wine Permit. This permit
805 authorizes the entity to transport product manufactured by it to
806 festivals held within the State of Mississippi and sell sealed,

807 unopened bottles to festival participants. The holder of this
808 permit may provide samples at no charge to participants.
809 "Festival" means any event at which three (3) or more vendors are
810 present at a location for the sale or distribution of goods. The
811 holder of a Festival Wine Permit is not required to purchase the
812 alcoholic beverages authorized to be sold by this paragraph from
813 the department's liquor distribution warehouse. However, if the
814 holder does not purchase the alcoholic beverages from the
815 department's liquor distribution warehouse, the holder of this
816 permit shall pay to the department all taxes, fees and surcharges
817 on the alcoholic beverages sold at such festivals that are imposed
818 upon the sale of alcoholic beverages shipped by the Alcoholic
819 Beverage Control Division of the Department of Revenue.
820 Additionally, the entity shall file all applicable reports and
821 returns as prescribed by the department. This permit is issued
822 per festival and provides authority to sell for two (2)
823 consecutive days during the hours authorized for on-premises
824 permittees' sales in that county or city. The holder of the
825 permit shall be required to maintain all requirements set by Local
826 Option Law for the service and sale of alcoholic beverages. This
827 permit may be issued to entities participating in festivals at
828 which a Class 1 temporary permit is in effect.

829 This paragraph (r) shall stand repealed from and after July
830 1, 2023.

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

834 (3) Except as otherwise provided in this subsection, no
835 authority shall be granted to any person to manufacture, sell or
836 store for sale any intoxicating liquor as specified in this
837 chapter within four hundred (400) feet of any church, school,
838 kindergarten or funeral home. However, within an area zoned
839 commercial or business, such minimum distance shall be not less
840 than one hundred (100) feet.

841 A church or funeral home may waive the distance restrictions
842 imposed in this subsection in favor of allowing issuance by the
843 department of a permit, pursuant to subsection (1) of this
844 section, to authorize activity relating to the manufacturing, sale
845 or storage of alcoholic beverages which would otherwise be
846 prohibited under the minimum distance criterion. Such waiver
847 shall be in written form from the owner, the governing body, or
848 the appropriate officer of the church or funeral home having the
849 authority to execute such a waiver, and the waiver shall be filed
850 with and verified by the department before becoming effective.

851 The distance restrictions imposed in this subsection shall
852 not apply to the sale or storage of alcoholic beverages at a bed
853 and breakfast inn listed in the National Register of Historic
854 Places or to the sale or storage of alcoholic beverages in a
855 historic district that is listed in the National Register of
856 Historic Places, is a qualified resort area and is located in a

857 municipality having a population greater than one hundred thousand
858 (100,000) according to the latest federal decennial census.

859 (4) No person, either individually or as a member of a firm,
860 partnership, limited liability company or association, or as a
861 stockholder, officer or director in a corporation, shall own or
862 control any interest in more than one (1) package retailer's
863 permit, nor shall such person's spouse, if living in the same
864 household of such person, any relative of such person, if living
865 in the same household of such person, or any other person living
866 in the same household with such person own any interest in any
867 other package retailer's permit.

868 (5) (a) In addition to any other authority granted under
869 this section, the holder of a permit issued under subsection
870 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
871 sell or otherwise provide alcoholic beverages and/or wine to a
872 patron of the permit holder in the manner authorized in the permit
873 and the patron may remove an open glass, cup or other container of
874 the alcoholic beverage and/or wine from the licensed premises and
875 may possess and consume the alcoholic beverage or wine outside of
876 the licensed premises if: (i) the licensed premises is located
877 within a leisure and recreation district created under Section
878 67-1-101 and (ii) the patron remains within the boundaries of the
879 leisure and recreation district while in possession of the
880 alcoholic beverage or wine.

881 (b) Nothing in this subsection shall be construed to
882 allow a person to bring any alcoholic beverages into a permitted

883 premises except to the extent otherwise authorized by this
884 chapter.

885 **SECTION 10.** Section 67-3-9, Mississippi Code of 1972, is
886 amended as follows:

887 67-3-9. Any city in this state, having a population of not
888 less than two thousand five hundred (2,500) according to the
889 latest federal decennial census; or any city in this state having
890 a population of not less than one thousand five hundred (1,500)
891 according to the latest federal decennial census and located
892 within three (3) miles of a city or county that permits the sale,
893 receipt, storage and transportation for the purpose of sale of
894 beer, light spirit product or light wine; or any city or town in
895 this state having a population of not less than one thousand
896 (1,000) according to the latest federal decennial census and
897 located in a county that has no city or town with a population of
898 more than two thousand five hundred (2,500); or any city, town or
899 village that is a county seat and has voted to come out from under
900 the dry law under Section 67-1-14; at an election held for the
901 purpose, under the election laws applicable to such city, may
902 either prohibit or permit, except as otherwise provided under
903 Section 67-9-1, the sale and the receipt, storage and
904 transportation for the purpose of sale of beer, light spirit
905 product and light wine. An election to determine whether such
906 sale shall be permitted in cities wherein its sale is prohibited
907 by law shall be ordered by the city or town council or mayor and
908 board of aldermen or other governing body of such city or town for

909 such city or town only, upon the presentation of a petition for
910 such city or town to such governing board containing the names of
911 twenty percent (20%) of the duly qualified voters of such city or
912 town asking for such election. In like manner, an election to
913 determine whether such sale shall be prohibited in cities wherein
914 its sale is permitted by law shall be ordered by the city council
915 or mayor and board of aldermen or other governing board of such
916 city for such city only, upon the presentation of a petition to
917 such governing board containing the names of twenty percent (20%)
918 of the duly qualified voters of such city asking for such
919 election. No election on either question shall be held by any one
920 (1) city more often than once in five (5) years.

921 Thirty (30) days' notice shall be given to the qualified
922 electors of such city or town in the manner prescribed by law upon
923 the question of either permitting or prohibiting such sale, and
924 the notice shall contain a statement of the question to be voted
925 on at the election. The tickets to be used in the election shall
926 have the following words printed thereon: "For the legal sale of
927 light wine of an alcoholic content of not more than five percent
928 (5%) by weight, light spirit product of an alcoholic content of
929 not more than * * * six and one-half percent (6-1/2%) by weight,
930 and beer of an alcoholic content of not more than eight percent
931 (8%) by weight"; and the words "Against the legal sale of light
932 wine of an alcoholic content of not more than five percent (5%) by
933 weight, light spirit product of an alcoholic content of not more
934 than * * * six and one-half percent (6-1/2%) by weight, and beer

935 of an alcoholic content of not more than eight percent (8%) by
936 weight," next below. In making up his or her ticket the voter
937 shall make a cross (X) opposite the words of his choice.

938 If in the election a majority of the qualified electors
939 voting in the election shall vote "For the legal sale of light
940 wine of an alcoholic content of not more than five percent (5%) by
941 weight, light spirit product of an alcoholic content of not more
942 than * * * six and one-half percent (6-1/2%) by weight, and beer
943 of an alcoholic content of not more than eight percent (8%) by
944 weight," then the city or town council or mayor and board of
945 aldermen or other governing body shall pass the necessary order
946 permitting the legal sale of such light wine, light spirit product
947 and beer in such city or town. If in the election a majority of
948 the qualified electors voting in the election shall vote "Against
949 the legal sale of light wine of an alcoholic content of not more
950 than five percent (5%) by weight, light spirit product of an
951 alcoholic content of not more than * * * six and one-half percent
952 (6-1/2%) by weight, and beer of an alcoholic content of not more
953 than eight percent (8%) by weight," then the city council or mayor
954 and board of aldermen or other governing body shall pass the
955 necessary order prohibiting the sale of such light wine, light
956 spirit product and beer in such city.

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

960 **SECTION 11.** Section 67-3-17, Mississippi Code of 1972, is
961 amended as follows:

962 67-3-17. (1) Any person desiring to engage in any business
963 taxable under Sections 27-71-303 through 27-71-317, Mississippi
964 Code of 1972, either as a retailer, or as a wholesaler or
965 distributor, or as a manufacturer, of light wines, light spirit
966 products or beer, shall file with the commissioner an application
967 for a permit allowing him to engage in such business. The
968 application for a permit shall contain a statement showing the
969 name of the business, and if a partnership, firm, association or
970 limited liability company, the name of each partner or member, and
971 if a corporation the names of two (2) principal officers, the post
972 office address, and the nature of business in which engaged. In
973 case any business is conducted at two (2) or more separate places,
974 a separate permit for each place of business shall be required.
975 The commissioner shall prescribe the form of the application and
976 designate who is required to sign the application. The
977 application shall be signed under penalty of perjury.

978 (2) The application shall include a statement that the
979 applicant will not, except as otherwise authorized in this
980 chapter, allow any alcoholic beverages as defined in Section
981 67-1-5, any beer having an alcoholic content of more than eight
982 percent (8%) by weight, any spirit product having an alcoholic
983 content of more than * * * six and one-half percent (6-1/2%) by
984 weight, or any wine having an alcoholic content of more than five
985 percent (5%) by weight, to be kept, stored or secreted in or on

986 the premises described in such permit or license, and that the
987 applicant will not otherwise violate any law of this state, or
988 knowingly allow any other person to violate any such law, while in
989 or on such premises.

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

993 **SECTION 12.** Section 67-3-28, Mississippi Code of 1972, is
994 amended as follows:

995 67-3-28. (1) Any person desiring to engage in business as a
996 brewpub shall file with the commissioner, along with the
997 application required by Section 67-3-17, Mississippi Code of 1972,
998 a certificate issued by a licensed testing laboratory indicating
999 that such laboratory has tested a sample of the applicant's beer,
1000 light spirit product or light wine, or a combination thereof, and
1001 that the alcohol content of such sample of beer does not exceed
1002 eight percent (8%) by weight, and the alcohol content of such
1003 sample of light spirit product does not exceed * * * six and
1004 one-half percent (6-1/2%) by weight, and the alcoholic content of
1005 such sample of light wine does not exceed five percent (5%) by
1006 weight.

1007 (2) Every brewpub shall be required to submit to random
1008 testing by the commissioner to determine whether any beer being
1009 manufactured, sold, kept, stored or secreted by the license holder
1010 contains an alcohol content greater than eight percent (8%) by
1011 weight, and light spirit product being manufactured, sold, kept,

1012 stored or secreted by the license holder contains an alcoholic
1013 content greater than * * * six and one-half percent (6-1/2%) by
1014 weight, and any light wine being manufactured, sold, kept, stored
1015 or secreted by the license holder contains an alcoholic content
1016 greater than five percent (5%) by weight. The commissioner shall
1017 establish and administer testing standards and procedures to be
1018 used in such random testing. The brewpub licensee shall be
1019 responsible for all costs incurred by the commissioner in
1020 conducting random testing under this section.

1021 **SECTION 13.** Section 67-1-5, Mississippi Code of 1972, is
1022 amended as follows:

1023 67-1-5. For the purposes of this chapter and unless
1024 otherwise required by the context:

1025 (a) "Alcoholic beverage" means any alcoholic liquid,
1026 including wines of more than five percent (5%) of alcohol by
1027 weight, capable of being consumed as a beverage by a human being,
1028 but shall not include light wine * * * and beer, as defined in
1029 Section 67-3-3, Mississippi Code of 1972, but shall include native
1030 wines and light spirit products. The words "alcoholic beverage"
1031 shall not include ethyl alcohol manufactured or distilled solely
1032 for fuel purposes or beer of an alcoholic content of more than
1033 eight percent (8%) by weight if the beer is legally manufactured
1034 in this state for sale in another state.

1035 (b) "Alcohol" means the product of distillation of any
1036 fermented liquid, whatever the origin thereof, and includes

1037 synthetic ethyl alcohol, but does not include denatured alcohol or
1038 wood alcohol.

1039 (c) "Distilled spirits" means any beverage containing
1040 more than four percent (4%) of alcohol by weight produced by
1041 distillation of fermented grain, starch, molasses or sugar,
1042 including dilutions and mixtures of these beverages. "Distilled
1043 spirits" does not include certain light spirit products in excess
1044 of four percent (4%) alcohol by weight as defined in Section
1045 67-3-3.

1046 (d) "Wine" or "vinous liquor" means any product
1047 obtained from the alcoholic fermentation of the juice of sound,
1048 ripe grapes, fruits, honey or berries and made in accordance with
1049 the revenue laws of the United States.

1050 (e) "Person" means and includes any individual,
1051 partnership, corporation, association or other legal entity
1052 whatsoever.

1053 (f) "Manufacturer" means any person engaged in
1054 manufacturing, distilling, rectifying, blending or bottling any
1055 alcoholic beverage.

1056 (g) "Wholesaler" means any person, other than a
1057 manufacturer, engaged in distributing or selling any alcoholic
1058 beverage at wholesale for delivery within or without this state
1059 when such sale is for the purpose of resale by the purchaser.

1060 (h) "Retailer" means any person who sells, distributes,
1061 or offers for sale or distribution, any alcoholic beverage for use
1062 or consumption by the purchaser and not for resale.

1063 (i) "State Tax Commission," "commission" or
1064 "department" means the Department of Revenue of the State of
1065 Mississippi, which shall create a division in its organization to
1066 be known as the Alcoholic Beverage Control Division. Any
1067 reference to the commission or the department hereafter means the
1068 powers and duties of the Department of Revenue with reference to
1069 supervision of the Alcoholic Beverage Control Division.

1070 (j) "Division" means the Alcoholic Beverage Control
1071 Division of the Department of Revenue.

1072 (k) "Municipality" means any incorporated city or town
1073 of this state.

1074 (l) "Hotel" means an establishment within a
1075 municipality, or within a qualified resort area approved as such
1076 by the department, where, in consideration of payment, food and
1077 lodging are habitually furnished to travelers and wherein are
1078 located at least twenty (20) adequately furnished and completely
1079 separate sleeping rooms with adequate facilities that persons
1080 usually apply for and receive as overnight accommodations. Hotels
1081 in towns or cities of more than twenty-five thousand (25,000)
1082 population are similarly defined except that they must have fifty
1083 (50) or more sleeping rooms. Any such establishment described in
1084 this paragraph with less than fifty (50) beds shall operate one or
1085 more regular dining rooms designed to be constantly frequented by
1086 customers each day. When used in this chapter, the word "hotel"
1087 shall also be construed to include any establishment that meets

1088 the definition of "bed and breakfast inn" as provided in this
1089 section.

1090 (m) "Restaurant" means:

1091 (i) A place which is regularly and in a bona fide
1092 manner used and kept open for the serving of meals to guests for
1093 compensation, which has suitable seating facilities for guests,
1094 and which has suitable kitchen facilities connected therewith for
1095 cooking an assortment of foods and meals commonly ordered at
1096 various hours of the day; the service of such food as sandwiches
1097 and salads only shall not be deemed in compliance with this
1098 requirement. Except as otherwise provided in this paragraph, no
1099 place shall qualify as a restaurant under this chapter unless
1100 twenty-five percent (25%) or more of the revenue derived from such
1101 place shall be from the preparation, cooking and serving of meals
1102 and not from the sale of beverages, or unless the value of food
1103 given to and consumed by customers is equal to twenty-five percent
1104 (25%) or more of total revenue; or

1105 (ii) Any privately owned business located in a
1106 building in a historic district where the district is listed in
1107 the National Register of Historic Places, where the building has a
1108 total occupancy rating of not less than one thousand (1,000) and
1109 where the business regularly utilizes ten thousand (10,000) square
1110 feet or more in the building for live entertainment, including not
1111 only the stage, lobby or area where the audience sits and/or
1112 stands, but also any other portion of the building necessary for
1113 the operation of the business, including any kitchen area, bar

1114 area, storage area and office space, but excluding any area for
1115 parking. In addition to the other requirements of this
1116 subparagraph, the business must also serve food to guests for
1117 compensation within the building and derive the majority of its
1118 revenue from event-related fees, including, but not limited to,
1119 admission fees or ticket sales to live entertainment in the
1120 building, and from the rental of all or part of the facilities of
1121 the business in the building to another party for a specific event
1122 or function.

1123 (n) "Club" means an association or a corporation:

1124 (i) Organized or created under the laws of this
1125 state for a period of five (5) years prior to July 1, 1966;

1126 (ii) Organized not primarily for pecuniary profit
1127 but for the promotion of some common object other than the sale or
1128 consumption of alcoholic beverages;

1129 (iii) Maintained by its members through the
1130 payment of annual dues;

1131 (iv) Owning, hiring or leasing a building or space
1132 in a building of such extent and character as may be suitable and
1133 adequate for the reasonable and comfortable use and accommodation
1134 of its members and their guests;

1135 (v) The affairs and management of which are
1136 conducted by a board of directors, board of governors, executive
1137 committee, or similar governing body chosen by the members at a
1138 regular meeting held at some periodic interval; and

1139 (vi) No member, officer, agent or employee of
1140 which is paid, or directly or indirectly receives, in the form of
1141 a salary or other compensation any profit from the distribution or
1142 sale of alcoholic beverages to the club or to members or guests of
1143 the club beyond such salary or compensation as may be fixed and
1144 voted at a proper meeting by the board of directors or other
1145 governing body out of the general revenues of the club.

1146 The department may, in its discretion, waive the five-year
1147 provision of this paragraph. In order to qualify under this
1148 paragraph, a club must file with the department, at the time of
1149 its application for a license under this chapter, two (2) copies
1150 of a list of the names and residences of its members and similarly
1151 file, within ten (10) days after the election of any additional
1152 member, his name and address. Each club applying for a license
1153 shall also file with the department at the time of the application
1154 a copy of its articles of association, charter of incorporation,
1155 bylaws or other instruments governing the business and affairs
1156 thereof.

1157 (o) "Qualified resort area" means any area or locality
1158 outside of the limits of incorporated municipalities in this state
1159 commonly known and accepted as a place which regularly and
1160 customarily attracts tourists, vacationists and other transients
1161 because of its historical, scenic or recreational facilities or
1162 attractions, or because of other attributes which regularly and
1163 customarily appeal to and attract tourists, vacationists and other
1164 transients in substantial numbers; however, no area or locality

1165 shall so qualify as a resort area until it has been duly and
1166 properly approved as such by the department. The department may
1167 not approve an area as a qualified resort area after July 1, 2018,
1168 if any portion of such proposed area is located within two (2)
1169 miles of a convent or monastery that is located in a county
1170 traversed by Interstate 55 and U.S. Highway 98. A convent or
1171 monastery may waive such distance restrictions in favor of
1172 allowing approval by the department of an area as a qualified
1173 resort area. Such waiver shall be in written form from the owner,
1174 the governing body, or the appropriate officer of the convent or
1175 monastery having the authority to execute such a waiver, and the
1176 waiver shall be filed with and verified by the department before
1177 becoming effective.

1178 (i) The department may approve an area or locality
1179 outside of the limits of an incorporated municipality that is in
1180 the process of being developed as a qualified resort area if such
1181 area or locality, when developed, can reasonably be expected to
1182 meet the requisites of the definition of the term "qualified
1183 resort area." In such a case, the status of qualified resort area
1184 shall not take effect until completion of the development.

1185 (ii) The term includes any state park which is
1186 declared a resort area by the department; however, such
1187 declaration may only be initiated in a written request for resort
1188 area status made to the department by the Executive Director of
1189 the Department of Wildlife, Fisheries and Parks, and no permit for
1190 the sale of any alcoholic beverage, as defined in this chapter,

1191 except an on-premises retailer's permit, shall be issued for a
1192 hotel, restaurant or bed and breakfast inn in such park.

1193 (iii) The term includes:

1194 1. The clubhouses associated with the state
1195 park golf courses at the Lefleur's Bluff State Park, the John Kyle
1196 State Park, the Percy Quin State Park and the Hugh White State
1197 Park;

1198 2. The clubhouse and associated golf course,
1199 tennis courts and related facilities and swimming pool and related
1200 facilities where the golf course, tennis courts and related
1201 facilities and swimming pool and related facilities are adjacent
1202 to one or more planned residential developments and the golf
1203 course and all such developments collectively include at least
1204 seven hundred fifty (750) acres and at least four hundred (400)
1205 residential units;

1206 3. Any facility located on property that is a
1207 game reserve with restricted access that consists of at least
1208 three thousand (3,000) contiguous acres with no public roads and
1209 that offers as a service hunts for a fee to overnight guests of
1210 the facility;

1211 4. Any facility located on federal property
1212 surrounding a lake and designated as a recreational area by the
1213 United States Army Corps of Engineers that consists of at least
1214 one thousand five hundred (1,500) acres;

1215 5. Any facility that is located in a
1216 municipality that is bordered by the Pearl River, traversed by

1217 Mississippi Highway 25, adjacent to the boundaries of the Jackson
1218 International Airport and is located in a county which has voted
1219 against coming out from under the dry law; however, any such
1220 facility may only be located in areas designated by the governing
1221 authorities of such municipality;

1222 6. Any municipality with a population in
1223 excess of ten thousand (10,000) according to the latest federal
1224 decennial census that is located in a county that is bordered by
1225 the Pearl River and is not traversed by Interstate Highway 20,
1226 with a population in excess of forty-five thousand (45,000)
1227 according to the latest federal decennial census; however, the
1228 governing authorities of such a municipality may by ordinance:

1229 a. Specify the hours of operation of
1230 facilities that offer alcoholic beverages for sale;

1231 b. Specify the percentage of revenue
1232 that facilities that offer alcoholic beverages for sale must
1233 derive from the preparation, cooking and serving of meals and not
1234 from the sale of beverages;

1235 c. Designate the areas in which
1236 facilities that offer alcoholic beverages for sale may be located;

1237 7. The West Pearl Restaurant Tax District as
1238 defined in Chapter 912, Local and Private Laws of 2007;

1239 8. a. Land that is located in any county in
1240 which Mississippi Highway 43 and Mississippi Highway 25 intersect
1241 and:

1242 A. Owned by the Pearl River Valley
1243 Water Supply District, and/or

1244 B. Located within the Reservoir
1245 Community District, zoned commercial, east of Old Fannin Road,
1246 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
1247 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
1248 Drive and/or Lake Vista Place, and/or

1249 C. Located within the Reservoir
1250 Community District, zoned commercial, west of Old Fannin Road,
1251 south of Spillway Road and extending to the boundary of the
1252 corporate limits of the City of Flowood, Mississippi;

1253 b. The board of supervisors of such
1254 county, with respect to B and C of item 8.a., may by resolution or
1255 other order:

1256 A. Specify the hours of operation
1257 of facilities that offer alcoholic beverages for sale,

1258 B. Specify the percentage of
1259 revenue that facilities that offer alcoholic beverages for sale
1260 must derive from the preparation, cooking and serving of meals and
1261 not from the sale of beverages, and

1262 C. Designate the areas in which
1263 facilities that offer alcoholic beverages for sale may be located;

1264 9. Any facility located on property that is a
1265 game reserve with restricted access that consists of at least
1266 eight hundred (800) contiguous acres with no public roads, that
1267 offers as a service hunts for a fee to overnight guests of the

1268 facility, and has accommodations for at least fifty (50) overnight
1269 guests;

1270 10. Any facility that:

1271 a. Consists of at least six thousand
1272 (6,000) square feet being heated and cooled along with an
1273 additional adjacent area that consists of at least two thousand
1274 two hundred (2,200) square feet regardless of whether heated and
1275 cooled,

1276 b. For a fee is used to host events such
1277 as weddings, reunions and conventions,

1278 c. Provides lodging accommodations
1279 regardless of whether part of the facility and/or located adjacent
1280 to or in close proximity to the facility, and

1281 d. Is located on property that consists
1282 of at least thirty (30) contiguous acres;

1283 11. Any facility and related property:

1284 a. Located on property that consists of
1285 at least one hundred twenty-five (125) contiguous acres and
1286 consisting of an eighteen (18) hole golf course, and/or located in
1287 a facility that consists of at least eight thousand (8,000) square
1288 feet being heated and cooled,

1289 b. Used for the purpose of providing
1290 meals and hosting events, and

1291 c. Used for the purpose of teaching
1292 culinary arts courses and/or turf management and grounds keeping
1293 courses, and/or outdoor recreation and leadership courses;

1294 12. Any facility and related property that:

1295 a. Consist of at least eight thousand
1296 (8,000) square feet being heated and cooled,

1297 b. For a fee is used to host events,

1298 c. Is used for the purpose of culinary
1299 arts courses, and/or outdoor recreation and leadership courses;

1300 13. The clubhouse and associated golf course

1301 where the golf course is adjacent to one or more residential

1302 developments and the golf course and all such developments

1303 collectively include at least two hundred (200) acres and at least

1304 one hundred fifty (150) residential units and are located a. in a

1305 county that has voted against coming out from under the dry law;

1306 and b. outside of but in close proximity to a municipality in such

1307 county which has voted under Section 67-1-14, after January 1,

1308 2013, to come out from under the dry law;

1309 14. The clubhouse and associated eighteen

1310 (18) hole golf course located in a municipality traversed by

1311 Interstate Highway 55 and U.S. Highway 51 that has voted to come

1312 out from under the dry law;

1313 15. Land that is planned for mixed use

1314 development and consists of at least two hundred (200) contiguous

1315 acres with one or more planned residential developments

1316 collectively planned to include at least two hundred (200)

1317 residential units when completed and which land is located:

1318 a. In a county that has voted to come

1319 out from under the dry law,

1320 b. Outside the corporate limits of any
1321 municipality in such county and adjacent to or in close proximity
1322 to a golf course located in a municipality in such county, and

1323 c. Within one (1) mile of a state
1324 institution of higher learning;

1325 16. Any facility with a capacity of five
1326 hundred (500) people or more, to be used as a venue for private
1327 events, on a tract of land in the Southwest Quarter of Section 33,
1328 Township 2 South, Range 7 East, of a county where U.S. Highway 45
1329 and U.S. Highway 72 intersect and that has not voted to come out
1330 from under the dry law;

1331 17. One hundred five (105) contiguous acres,
1332 more or less, located in Hinds County, Mississippi, and in the
1333 City of Jackson, Mississippi, whereon are constructed a variety of
1334 buildings, improvements, grounds or objects for the purpose of
1335 holding events thereon to promote agricultural and industrial
1336 development in Mississippi;

1337 18. Land that is owned by a state institution
1338 of higher learning and:

1339 a. Located entirely within a county that
1340 has elected by majority vote not to permit the transportation,
1341 storage, sale, distribution, receipt and/or manufacture of light
1342 wine and beer pursuant to Section 67-3-7, and

1343 b. Adjacent to but outside the
1344 incorporated limits of a municipality that has elected by majority

1345 vote to permit the sale, receipt, storage and transportation of
1346 light wine and beer pursuant to Section 67-3-9.

1347 If any portion of the land described in this item 18 has been
1348 declared a qualified resort area by the department before July 1,
1349 2020, then that qualified resort area shall be incorporated into
1350 the qualified resort area created by this item 18;

1351 19. Any facility and related property:

1352 a. Used as a flea market or similar
1353 venue during a weekend (Saturday and Sunday) immediately preceding
1354 the first Monday of a month and having an annual average of at
1355 least one thousand (1,000) visitors for each such weekend and five
1356 hundred (500) vendors for Saturday of each such weekend, and

1357 b. Located in a county that has not
1358 voted to come out from under the dry law and outside of but in
1359 close proximity to a municipality located in such county and which
1360 municipality has voted to come out from under the dry law;

1361 20. Blocks 1, 2 and 3 of the original town
1362 square in any municipality with a population in excess of one
1363 thousand five hundred (1,500) according to the latest federal
1364 decennial census and which is located in:

1365 a. A county traversed by Interstate 55
1366 and Interstate 20, and

1367 b. A judicial district that has not
1368 voted to come out from under the dry law;

1369 21. Any municipality with a population in
1370 excess of two thousand (2,000) according to the latest federal

1371 decennial census and in which is located a part of White's Creek
1372 Lake and in which U.S. Highway 82 intersects with Mississippi
1373 Highway 9 and located in a county that is partially bordered on
1374 one (1) side by the Big Black River; however, the governing
1375 authorities of such a municipality may by ordinance:

1376 a. Specify the hours of operation of
1377 facilities that offer alcoholic beverages for sale;

1378 b. Specify the percentage of revenue
1379 that facilities that offer alcoholic beverages for sale must
1380 derive from the preparation, cooking and serving of meals and not
1381 from the sale of beverages; and

1382 c. Designate the areas in which
1383 facilities that offer alcoholic beverages for sale may be located.

1384 22. A restaurant located on a two-acre tract
1385 adjacent to a five-hundred-fifty-acre lake in the northeast corner
1386 of a county traversed by U.S. Interstate 55 and U.S. Highway 84.

1387 23. Any tracts of land in Oktibbeha County,
1388 situated east of Mississippi Boulevard, north of Coliseum
1389 Boulevard and east of Montgomery Hill Road, and not located on the
1390 property of a state institution of higher learning.

1391 The status of these municipalities, districts, clubhouses,
1392 facilities, golf courses and areas described in subparagraph (iii)
1393 of this paragraph (o) as qualified resort areas does not require
1394 any declaration of same by the department.

1395 (p) "Native wine" means any product, produced in
1396 Mississippi for sale, having an alcohol content not to exceed

1397 twenty-one percent (21%) by weight and made in accordance with
1398 revenue laws of the United States, which shall be obtained
1399 primarily from the alcoholic fermentation of the juice of ripe
1400 grapes, fruits, berries, honey or vegetables grown and produced in
1401 Mississippi; provided that bulk, concentrated or fortified wines
1402 used for blending may be produced without this state and used in
1403 producing native wines. The department shall adopt and promulgate
1404 rules and regulations to permit a producer to import such bulk
1405 and/or fortified wines into this state for use in blending with
1406 native wines without payment of any excise tax that would
1407 otherwise accrue thereon.

1408 (q) "Native winery" means any place or establishment
1409 within the State of Mississippi where native wine is produced, in
1410 whole or in part, for sale.

1411 (r) "Bed and breakfast inn" means an establishment
1412 within a municipality where in consideration of payment, breakfast
1413 and lodging are habitually furnished to travelers and wherein are
1414 located not less than eight (8) and not more than nineteen (19)
1415 adequately furnished and completely separate sleeping rooms with
1416 adequate facilities, that persons usually apply for and receive as
1417 overnight accommodations; however, such restriction on the minimum
1418 number of sleeping rooms shall not apply to establishments on the
1419 National Register of Historic Places. No place shall qualify as a
1420 bed and breakfast inn under this chapter unless on the date of the
1421 initial application for a license under this chapter more than

1422 fifty percent (50%) of the sleeping rooms are located in a
1423 structure formerly used as a residence.

1424 (s) "Board" shall refer to the Board of Tax Appeals of
1425 the State of Mississippi.

1426 (t) "Spa facility" means an establishment within a
1427 municipality or qualified resort area and owned by a hotel where,
1428 in consideration of payment, patrons receive from licensed
1429 professionals a variety of private personal care treatments such
1430 as massages, facials, waxes, exfoliation and hairstyling.

1431 (u) "Art studio or gallery" means an establishment
1432 within a municipality or qualified resort area that is in the sole
1433 business of allowing patrons to view and/or purchase paintings and
1434 other creative artwork.

1435 (v) "Cooking school" means an establishment within a
1436 municipality or qualified resort area and owned by a nationally
1437 recognized company that offers an established culinary education
1438 curriculum and program where, in consideration of payment, patrons
1439 are given scheduled professional group instruction on culinary
1440 techniques. For purposes of this paragraph, the definition of
1441 cooking school shall not include schools or classes offered by
1442 grocery stores, convenience stores or drugstores.

1443 (w) "Campus" means property owned by a public school
1444 district, community or junior college, college or university in
1445 this state where educational courses are taught, school functions
1446 are held, tests and examinations are administered or academic
1447 course credits are awarded; however, the term shall not include

1448 any "restaurant" or "hotel" that is located on property owned by a
1449 community or junior college, college or university in this state,
1450 and is operated by a third party who receives all revenue
1451 generated from food and alcoholic beverage sales.

1452 **SECTION 14.** Section 67-3-47, Mississippi Code of 1972, is
1453 brought forward as follows:

1454 67-3-47. (1) A person having a permit to manufacture or
1455 brew beer under this chapter and who operates a brewery may offer
1456 and provide limited amounts of beer on the premises of the brewery
1457 for the purpose of tasting or sampling, subject to the following
1458 conditions:

1459 (a) The beer provided for tasting or sampling must be
1460 manufactured in the State of Mississippi by the holder of the
1461 permit;

1462 (b) The beer may be provided only to persons on the
1463 premises of the brewery at no cost and for consumption on the
1464 premises of the brewery;

1465 (c) The beer may be provided for tasting or sampling
1466 between the hours of 8:00 a.m. and 10:00 p.m. on the same day and
1467 only in conjunction with a structured tour of the brewery and
1468 related facilities which must include the entire manufacturing and
1469 brewing processes and methods used at the brewery;

1470 (d) No one under twenty-one (21) years of age may
1471 participate in the tasting or sampling, and a sign indicating that
1472 prohibition shall be placed in a visible location at the entrance
1473 to the area where the tasting or sampling will be conducted;

1474 (e) An individual size sample of beer shall not exceed
1475 six (6) ounces, and no more than six (6) samples of beer may be
1476 provided to an individual within a twenty-four-hour period; and

1477 (f) The holder of the license operating the brewery
1478 shall keep an accurate accounting of the various beers provided
1479 and consumed as samples.

1480 (2) For the purposes of this section, the term 'brewery'
1481 means and has the same definition as that term has in 26 USCS
1482 5402.

1483 **SECTION 15.** Section 67-3-48.1, Mississippi Code of 1972, is
1484 brought forward as follows:

1485 67-3-48.1. (1) In the event a small craft brewery is
1486 acquired by an entity that manufactures light wine, light spirit
1487 product or beer that does not fall within the definition of the
1488 term "small craft brewery," the entity that acquired the small
1489 craft brewery may continue to operate the brewery as a small craft
1490 brewery for as long as the acquired facility meets the definition
1491 of the term "small craft brewery"; however, the limit in Section
1492 67-3-3 on the amount of barrels of light wine, light spirit
1493 product or beer that a small craft brewery may produce shall not
1494 apply to light wine, light spirit product or beer that is not
1495 produced by the acquired small craft brewery.

1496 (2) In the event a small craft brewery acquires an entity
1497 that manufactures light wine, light spirit product or beer that
1498 does not fall within the definition of the term "small craft
1499 brewery," the small craft brewery that acquired the entity may

1500 continue to operate as a small craft brewery for as long as the
1501 brewery meets the definition of the term "small craft brewery."
1502 The light wine, light spirit product or beer produced by the
1503 entity that is acquired by a small craft brewery shall not apply
1504 to the limit in Section 67-3-3 on the amount of light wine, light
1505 spirit product or beer that the small craft brewery may produce.

1506 (3) A small craft brewery described in subsections (1) and
1507 (2) of this section may continue to sell at retail brands the
1508 small craft brewery produces on its premises at all locations at
1509 which it was selling the brands at retail at the time of the
1510 acquisition; however, the small craft brewery may not sell at
1511 retail brands produced by the entity that acquired it or by the
1512 entity it acquires, as the case may be.

1513 **SECTION 16.** Section 67-3-53, Mississippi Code of 1972, is
1514 brought forward as follows:

1515 67-3-53. In addition to any act declared to be unlawful by
1516 this chapter, or by Sections 27-71-301 through 27-71-347, and
1517 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be
1518 unlawful for the holder of a permit authorizing the sale of beer,
1519 light spirit product or light wine at retail or a small craft
1520 brewery selling light wine, light spirit product or beer at retail
1521 pursuant to Section 67-3-48 or for the employee of the holder of
1522 such a permit or the employee of such a brewery:

1523 (a) To sell or give to be consumed in or upon any
1524 licensed premises or in or upon the premises of a small craft
1525 brewery any beer, light spirit product or light wine between the

1526 hours of midnight and seven o'clock the following morning or
1527 during any time the licensed premises may be required to be closed
1528 by municipal ordinance or order of the board of supervisors;
1529 however, in areas where the sale of alcoholic beverages is legal
1530 under the provisions of the Local Option Alcoholic Beverage
1531 Control Law and the hours for selling those alcoholic beverages
1532 have been extended beyond midnight for on-premises permittees
1533 under Section 67-1-37, the hours for selling beer, light spirit
1534 products or light wines are likewise extended in areas where the
1535 sale of beer, light spirit products and light wines is legal in
1536 accordance with the provisions of this chapter.

1537 (b) To sell, give or furnish any beer, light spirit
1538 product or light wine to any person visibly or noticeably
1539 intoxicated, or to any habitual drunkard, or to any person under
1540 the age of twenty-one (21) years.

1541 (c) To permit in the premises any lewd, immoral or
1542 improper entertainment, conduct or practices.

1543 (d) To permit loud, boisterous or disorderly conduct of
1544 any kind upon the premises or to permit the use of loud musical
1545 instruments if either or any of the same may disturb the peace and
1546 quietude of the community in which the business is located.

1547 (e) To permit persons of ill repute, known criminals,
1548 prostitutes or minors to frequent the licensed premises or the
1549 premises of the small craft brewery, except minors accompanied by
1550 parents or guardians, or under proper supervision.

1551 (f) To permit or suffer illegal gambling or the
1552 operation of illegal games of chance upon the licensed premises or
1553 the premises of the small craft brewery.

1554 (g) To receive, possess or sell on the licensed
1555 premises or, except as otherwise authorized by this chapter, on
1556 the premises of the small craft brewery any beverage of any kind
1557 or character containing more than five percent (5%) of alcohol by
1558 weight except any beer containing not more than eight percent (8%)
1559 of alcohol by weight, unless the licensee also possesses an
1560 on-premises or manufacturer's permit under the Local Option
1561 Alcoholic Beverage Control Law.

1562 (h) To accept as full or partial payment for any
1563 product any coupons that are redeemed directly or indirectly from
1564 a manufacturer, wholesaler or distributor of light wine, light
1565 spirit product or beer.

1566 **SECTION 17.** This act shall take effect and be in force from
1567 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 27-71-301, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF THE TERM "RETAILER" AND TO DEFINE THE
3 TERM "MICROBREWERY" FOR PURPOSES OF THE LAWS THAT RELATE TO
4 LICENSE AND EXCISE TAXES ON LIGHT WINE, LIGHT SPIRIT PRODUCT AND
5 BEER; TO AMEND SECTION 27-71-303, MISSISSIPPI CODE OF 1972, TO
6 IMPOSE A PRIVILEGE TAX ON HOLDERS OF MICROBREWERY AND SMALL CRAFT
7 BREWERY PERMITS; TO AMEND SECTION 27-71-307, MISSISSIPPI CODE OF
8 1972, TO IMPOSE AN EXCISE TAX ON LIGHT WINE, LIGHT SPIRIT PRODUCT
9 AND BEER PROVIDED BY MICROBREWERIES; TO AMEND SECTION 27-71-509,
10 MISSISSIPPI CODE OF 1972, TO INCREASE THE ALCOHOL CONTENT FOR
11 LIGHT SPIRIT PRODUCTS THAT MAY BE MANUFACTURED, DISTRIBUTED AND
12 SOLD; TO AMEND SECTION 67-3-3, MISSISSIPPI CODE OF 1972, TO

13 INCREASE THE ALCOHOL CONTENT PERTAINING TO THE DEFINITION OF THE
14 TERM "LIGHT SPIRIT PRODUCT," AND TO DEFINE THE TERM "MICROBREWERY"
15 FOR PURPOSES OF THE LAWS REGULATING THE SALE OF LIGHT WINE, LIGHT
16 SPIRIT PRODUCT AND BEER; TO AMEND SECTION 67-3-48, MISSISSIPPI
17 CODE OF 1972, TO REVISE THE AMOUNT OF LIGHT WINE, LIGHT SPIRIT
18 PRODUCT AND BEER PRODUCED AT A SMALL CRAFT BREWERY THAT THE
19 BREWERY MAY SELL AT RETAIL; TO LIMIT THE AMOUNT OF LIGHT WINE,
20 LIGHT SPIRIT PRODUCT AND BEER PRODUCED AT A MICROBREWERY THAT THE
21 MICROBREWERY MAY SELL AT RETAIL; TO AMEND SECTION 67-3-49,
22 MISSISSIPPI CODE OF 1972, TO INCREASE THE ALCOHOL CONTENT FOR
23 LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER THAT MAY BE LAWFULLY
24 MANUFACTURED AND DISTRIBUTED; TO AMEND SECTION 67-3-55,
25 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PROHIBITIONS
26 RELATING TO THE SALE OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER
27 SHALL NOT APPLY TO LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER SOLD
28 ON THE PREMISES OF A MICROBREWERY; TO AMEND SECTION 67-1-51,
29 MISSISSIPPI CODE OF 1972, TO AUTHORIZE SMALL CRAFT BREWERIES AND
30 MICROBREWERIES TO OBTAIN ON-PREMISES RETAILER'S PERMITS UNDER THE
31 LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW, AND TO ALLOW HOLDERS
32 OF PACKAGE RETAILER'S PERMITS TO SELL LIGHT SPIRIT PRODUCTS; TO
33 AMEND SECTIONS 67-3-9, 67-3-17 AND 67-3-28, MISSISSIPPI CODE OF
34 1972, TO CONFORM TO THE INCREASED ALCOHOL CONTENT FOR LIGHT SPIRIT
35 PRODUCTS; TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
36 AMEND THE DEFINITION OF "ALCOHOLIC BEVERAGE" TO INCLUDE LIGHT
37 SPIRIT PRODUCTS, AND TO AMEND THE DEFINITION OF "DISTILLED
38 SPIRITS" TO EXCLUDE CERTAIN LIGHT SPIRIT PRODUCTS IN EXCESS OF 4%
39 ALCOHOL BY WEIGHT; TO BRING FORWARD SECTIONS 67-3-47, 67-3-48.1
40 AND 67-3-53, MISSISSIPPI CODE OF 1972, WHICH ARE SECTIONS OF LAW
41 REGULATING THE SALE OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER,
42 FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

SS26\HB1091A.J

Eugene S. Clarke
Secretary of the Senate