

By: Representative Harness

To: Ways and Means

HOUSE BILL NO. 562

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER
3 THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; AND FOR RELATED
4 PURPOSES.

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

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

8 67-1-5. For the purposes of this chapter and unless
9 otherwise required by the context:

10 (a) "Alcoholic beverage" means any alcoholic liquid,
11 including wines of more than five percent (5%) of alcohol by
12 weight, capable of being consumed as a beverage by a human being,
13 but shall not include light wine, light spirit product and beer,
14 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
15 include native wines and native spirits. The words "alcoholic
16 beverage" shall not include ethyl alcohol manufactured or
17 distilled solely for fuel purposes or beer of an alcoholic content
18 of more than eight percent (8%) by weight if the beer is legally
19 manufactured in this state for sale in another state.



20 (b) "Alcohol" means the product of distillation of any
21 fermented liquid, whatever the origin thereof, and includes
22 synthetic ethyl alcohol, but does not include denatured alcohol or
23 wood alcohol.

24 (c) "Distilled spirits" means any beverage containing
25 more than six percent (6%) of alcohol by weight produced by
26 distillation of fermented grain, starch, molasses or sugar,
27 including dilutions and mixtures of these beverages.

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

32 (e) "Person" means and includes any individual,
33 partnership, corporation, association or other legal entity
34 whatsoever.

35 (f) "Manufacturer" means any person engaged in
36 manufacturing, distilling, rectifying, blending or bottling any
37 alcoholic beverage.

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

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



45 (i) "State Tax Commission," "commission" or
46 "department" means the Department of Revenue of the State of
47 Mississippi, which shall create a division in its organization to
48 be known as the Alcoholic Beverage Control Division. Any
49 reference to the commission or the department hereafter means the
50 powers and duties of the Department of Revenue with reference to
51 supervision of the Alcoholic Beverage Control Division.

52 (j) "Division" means the Alcoholic Beverage Control
53 Division of the Department of Revenue.

54 (k) "Municipality" means any incorporated city or town
55 of this state.

56 (l) "Hotel" means an establishment within a
57 municipality, or within a qualified resort area approved as such
58 by the department, where, in consideration of payment, food and
59 lodging are habitually furnished to travelers and wherein are
60 located at least twenty (20) adequately furnished and completely
61 separate sleeping rooms with adequate facilities that persons
62 usually apply for and receive as overnight accommodations. Hotels
63 in towns or cities of more than twenty-five thousand (25,000)
64 population are similarly defined except that they must have fifty
65 (50) or more sleeping rooms. Any such establishment described in
66 this paragraph with less than fifty (50) beds shall operate one or
67 more regular dining rooms designed to be constantly frequented by
68 customers each day. When used in this chapter, the word "hotel"
69 shall also be construed to include any establishment that meets



70 the definition of "bed and breakfast inn" as provided in this
71 section.

72 (m) "Restaurant" means:

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

87 (ii) Any privately owned business located in a
88 building in a historic district where the district is listed in
89 the National Register of Historic Places, where the building has a
90 total occupancy rating of not less than one thousand (1,000) and
91 where the business regularly utilizes ten thousand (10,000) square
92 feet or more in the building for live entertainment, including not
93 only the stage, lobby or area where the audience sits and/or
94 stands, but also any other portion of the building necessary for



95 the operation of the business, including any kitchen area, bar
96 area, storage area and office space, but excluding any area for
97 parking. In addition to the other requirements of this
98 subparagraph, the business must also serve food to guests for
99 compensation within the building and derive the majority of its
100 revenue from event-related fees, including, but not limited to,
101 admission fees or ticket sales to live entertainment in the
102 building, and from the rental of all or part of the facilities of
103 the business in the building to another party for a specific event
104 or function.

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

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

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

111 (iii) Maintained by its members through the
112 payment of annual dues;

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

117 (v) The affairs and management of which are
118 conducted by a board of directors, board of governors, executive



119 committee, or similar governing body chosen by the members at a
120 regular meeting held at some periodic interval; and

121 (vi) No member, officer, agent or employee of
122 which is paid, or directly or indirectly receives, in the form of
123 a salary or other compensation any profit from the distribution or
124 sale of alcoholic beverages to the club or to members or guests of
125 the club beyond such salary or compensation as may be fixed and
126 voted at a proper meeting by the board of directors or other
127 governing body out of the general revenues of the club.

128 The department may, in its discretion, waive the five-year
129 provision of this paragraph. In order to qualify under this
130 paragraph, a club must file with the department, at the time of
131 its application for a license under this chapter, two (2) copies
132 of a list of the names and residences of its members and similarly
133 file, within ten (10) days after the election of any additional
134 member, his name and address. Each club applying for a license
135 shall also file with the department at the time of the application
136 a copy of its articles of association, charter of incorporation,
137 bylaws or other instruments governing the business and affairs
138 thereof.

139 (o) "Qualified resort area" means any area or locality
140 outside of the limits of incorporated municipalities in this state
141 commonly known and accepted as a place which regularly and
142 customarily attracts tourists, vacationists and other transients
143 because of its historical, scenic or recreational facilities or



144 attractions, or because of other attributes which regularly and
145 customarily appeal to and attract tourists, vacationists and other
146 transients in substantial numbers; however, no area or locality
147 shall so qualify as a resort area until it has been duly and
148 properly approved as such by the department. The department may
149 not approve an area as a qualified resort area after July 1, 2018,
150 if any portion of such proposed area is located within two (2)
151 miles of a convent or monastery that is located in a county
152 traversed by Interstate 55 and U.S. Highway 98. A convent or
153 monastery may waive such distance restrictions in favor of
154 allowing approval by the department of an area as a qualified
155 resort area. Such waiver shall be in written form from the owner,
156 the governing body, or the appropriate officer of the convent or
157 monastery having the authority to execute such a waiver, and the
158 waiver shall be filed with and verified by the department before
159 becoming effective.

160 (i) The department may approve an area or locality
161 outside of the limits of an incorporated municipality that is in
162 the process of being developed as a qualified resort area if such
163 area or locality, when developed, can reasonably be expected to
164 meet the requisites of the definition of the term "qualified
165 resort area." In such a case, the status of qualified resort area
166 shall not take effect until completion of the development.

167 (ii) The term includes any state park which is
168 declared a resort area by the department; however, such



169 declaration may only be initiated in a written request for resort
170 area status made to the department by the Executive Director of
171 the Department of Wildlife, Fisheries and Parks, and no permit for
172 the sale of any alcoholic beverage, as defined in this chapter,
173 except an on-premises retailer's permit, shall be issued for a
174 hotel, restaurant or bed and breakfast inn in such park.

175 (iii) The term includes:

176 1. The clubhouses associated with the state
177 park golf courses at the Lefleur's Bluff State Park, the John Kyle
178 State Park, the Percy Quin State Park and the Hugh White State
179 Park;

180 2. The clubhouse and associated golf course,
181 tennis courts and related facilities and swimming pool and related
182 facilities where the golf course, tennis courts and related
183 facilities and swimming pool and related facilities are adjacent
184 to one or more planned residential developments and the golf
185 course and all such developments collectively include at least
186 seven hundred fifty (750) acres and at least four hundred (400)
187 residential units;

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



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

197 5. Any facility that is located in a
198 municipality that is bordered by the Pearl River, traversed by
199 Mississippi Highway 25, adjacent to the boundaries of the Jackson
200 International Airport and is located in a county which has voted
201 against coming out from under the dry law; however, any such
202 facility may only be located in areas designated by the governing
203 authorities of such municipality;

204 6. Any municipality with a population in
205 excess of ten thousand (10,000) according to the latest federal
206 decennial census that is located in a county that is bordered by
207 the Pearl River and is not traversed by Interstate Highway 20,
208 with a population in excess of forty-five thousand (45,000)
209 according to the latest federal decennial census; however, the
210 governing authorities of such a municipality may by ordinance:

211 a. Specify the hours of operation of
212 facilities that offer alcoholic beverages for sale;

213 b. Specify the percentage of revenue
214 that facilities that offer alcoholic beverages for sale must
215 derive from the preparation, cooking and serving of meals and not
216 from the sale of beverages;



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

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

221 8. a. Land that is located in any county in
222 which Mississippi Highway 43 and Mississippi Highway 25 intersect
223 and:

224 A. Owned by the Pearl River Valley
225 Water Supply District, and/or

226 B. Located within the Reservoir
227 Community District, zoned commercial, east of Old Fannin Road,
228 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
229 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
230 Drive and/or Lake Vista Place, and/or

231 C. Located within the Reservoir
232 Community District, zoned commercial, west of Old Fannin Road,
233 south of Spillway Road and extending to the boundary of the
234 corporate limits of the City of Flowood, Mississippi;

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

238 A. Specify the hours of operation
239 of facilities that offer alcoholic beverages for sale,

240 B. Specify the percentage of
241 revenue that facilities that offer alcoholic beverages for sale



242 must derive from the preparation, cooking and serving of meals and
243 not from the sale of beverages, and

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

246 9. Any facility located on property that is a
247 game reserve with restricted access that consists of at least
248 eight hundred (800) contiguous acres with no public roads, that
249 offers as a service hunts for a fee to overnight guests of the
250 facility, and has accommodations for at least fifty (50) overnight
251 guests;

252 10. Any facility that:

253 a. Consists of at least six thousand
254 (6,000) square feet being heated and cooled along with an
255 additional adjacent area that consists of at least two thousand
256 two hundred (2,200) square feet regardless of whether heated and
257 cooled,

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

260 c. Provides lodging accommodations
261 regardless of whether part of the facility and/or located adjacent
262 to or in close proximity to the facility, and

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

265 11. Any facility and related property:



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

271 b. Used for the purpose of providing
272 meals and hosting events, and

273 c. Used for the purpose of teaching
274 culinary arts courses and/or turf management and grounds keeping
275 courses, and/or outdoor recreation and leadership courses;

276 12. Any facility and related property that:

277 a. Consist of at least eight thousand
278 (8,000) square feet being heated and cooled,

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

280 c. Is used for the purpose of culinary
281 arts courses, and/or live entertainment courses and art
282 performances, and/or outdoor recreation and leadership courses;

283 13. The clubhouse and associated golf course
284 where the golf course is adjacent to one or more residential
285 developments and the golf course and all such developments
286 collectively include at least two hundred (200) acres and at least
287 one hundred fifty (150) residential units and are located a. in a
288 county that has voted against coming out from under the dry law;
289 and b. outside of but in close proximity to a municipality in such



290 county which has voted under Section 67-1-14, after January 1,
291 2013, to come out from under the dry law;

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

296 15. a. Land that is planned for mixed use
297 development and consists of at least two hundred (200) contiguous
298 acres with one or more planned residential developments
299 collectively planned to include at least two hundred (200)
300 residential units when completed, and also including a facility
301 that consists of at least four thousand (4,000) square feet that
302 is not part of such land but is located adjacent to or in close
303 proximity thereto, and which land is located:

304 A. In a county that has voted to
305 come out from under the dry law,

306 B. Outside the corporate limits of
307 any municipality in such county and adjacent to or in close
308 proximity to a golf course located in a municipality in such
309 county, and

310 C. Within one (1) mile of a state
311 institution of higher learning;

312 b. The board of supervisors of such
313 county may by resolution or other order:



314 A. Specify the hours of operation
315 of facilities that offer alcoholic beverages for sale,

316 B. Specify the percentage of
317 revenue that facilities that offer alcoholic beverages for sale
318 must derive from the preparation, cooking and serving of meals and
319 not from the sale of beverages, and

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

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

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

334 18. Land that is owned by a state institution
335 of higher learning and:

336 a. Located entirely within a county that
337 has elected by majority vote not to permit the transportation,



338 storage, sale, distribution, receipt and/or manufacture of light
339 wine and beer pursuant to Section 67-3-7, and

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

344 If any portion of the land described in this item 18 has been
345 declared a qualified resort area by the department before July 1,
346 2020, then that qualified resort area shall be incorporated into
347 the qualified resort area created by this item 18;

348 19. Any facility and related property:

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

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

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



362 a. A county traversed by Interstate 55
363 and Interstate 20, and

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

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

373 a. Specify the hours of operation of
374 facilities that offer alcoholic beverages for sale;

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

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

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

384 23. Any tracts of land in Oktibbeha County,
385 situated north of Bailey Howell Drive, Lee Boulevard and Old
386 Mayhew Road, east of George Perry Street and south of Mississippi



387 Highway 182, and not located on the property of a state
388 institution of higher learning; however, the board of supervisors
389 of such county may by resolution or other order:

390 a. Specify the hours of operation of
391 facilities that offer alcoholic beverages for sale;

392 b. Specify the percentage of revenue
393 that facilities that offer alcoholic beverages for sale must
394 derive from the preparation, cooking and serving of meals and not
395 from the sale of beverages; and

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

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

401 a. Specify the hours of operation of
402 facilities offering alcoholic beverages for sale;

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

407 c. Designate the areas in which
408 facilities offering alcoholic beverages for sale may be located;

409 25. A municipality through which run
410 Mississippi Highway 35 and Interstate 20; however, the governing
411 authorities of such a municipality may by ordinance:



412 a. Specify the hours of operation of
413 facilities that offer alcoholic beverages for sale;

414 b. Specify the percentage of revenue
415 that facilities that offer alcoholic beverages for sale must
416 derive from the preparation, cooking and serving of meals and not
417 from the sale of beverages; and

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

420 26. A municipality in which Mississippi
421 Highway 16 and Mississippi Highway 35 intersect; however, the
422 governing authorities of such a municipality may by ordinance:

423 a. Specify the hours of operation of
424 facilities that offer alcoholic beverages for sale;

425 b. Specify the percentage of revenue
426 that facilities that offer alcoholic beverages for sale must
427 derive from the preparation, cooking and serving of meals and not
428 from the sale of beverages; and

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

431 27. A municipality in which U.S. Highway 82
432 and Old Highway 61 intersect; however, the governing authorities
433 of such a municipality may by ordinance:

434 a. Specify the hours of operation of
435 facilities that offer alcoholic beverages for sale;



436 b. Specify the percentage of revenue
437 that facilities that offer alcoholic beverages for sale must
438 derive from the preparation, cooking and serving of meals and not
439 from the sale of beverages; and

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

442 28. A municipality in which Mississippi
443 Highway 8 meets Mississippi Highway 1; however, the governing
444 authorities of such a municipality may by ordinance:

445 a. Specify the hours of operation of
446 facilities that offer alcoholic beverages for sale;

447 b. Specify the percentage of revenue
448 that facilities that offer alcoholic beverages for sale must
449 derive from the preparation, cooking and serving of meals and not
450 from the sale of beverages; and

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

453 29. A municipality in which U.S. Highway 82
454 and Mississippi Highway 1 intersect; however, the governing
455 authorities of such a municipality may by ordinance:

456 a. Specify the hours of operation of
457 facilities that offer alcoholic beverages for sale;

458 b. Specify the percentage of revenue
459 that facilities that offer alcoholic beverages for sale must



460 derive from the preparation, cooking and serving of meals and not
461 from the sale of beverages; and

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

464 30. A municipality in which Mississippi
465 Highway 50 meets Mississippi Highway 9; however, the governing
466 authorities of such a municipality may by ordinance:

467 a. Specify the hours of operation of
468 facilities that offer alcoholic beverages for sale;

469 b. Specify the percentage of revenue
470 that facilities that offer alcoholic beverages for sale must
471 derive from the preparation, cooking and serving of meals and not
472 from the sale of beverages; and

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

475 31. An area bounded on the north by Pearl
476 Street, on the east by West Street, on the south by Court Street
477 and on the west by Farish Street, within a municipality bordered
478 on the east by the Pearl River and through which run Interstate 20
479 and Interstate 55; however, the governing authorities of the
480 municipality in which such area is located may by ordinance:

481 a. Specify the hours of operation of
482 facilities that offer alcoholic beverages for sale;

483 b. Specify the percentage of revenue
484 that facilities that offer alcoholic beverages for sale must



485 derive from the preparation, cooking and serving of meals and not
486 from the sale of beverages; and

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

489 32. Any facility and related property that:

490 a. Is contracted for mixed-use
491 development improvements consisting of office and residential
492 space and a restaurant and lounge, partially occupying the
493 renovated space of a four-story commercial building which
494 previously served as a financial institution; and adjacent
495 property to the west consisting of a single-story office building
496 that was originally occupied by the Brotherhood of Carpenters and
497 Joiners of American Local Number 569; and

498 b. Is situated on a tract of land
499 consisting of approximately one and one-tenth (1.10) acres, and
500 the adjacent property to the west consisting of approximately 0.5
501 acres, located in a municipality which is the seat of county
502 government, situated south of Interstate 10, traversed by U.S.
503 Highway 90, partially bordered on one (1) side by the Pascagoula
504 River and having its most southern boundary bordered by the Gulf
505 of Mexico, with a population greater than twenty-two thousand
506 (22,000) according to the 2010 federal decennial census; however,
507 the governing authorities of such a municipality may by ordinance:

508 A. Specify the hours of operation
509 of facilities that offer alcoholic beverages for sale;



510 B. Specify the percentage of
511 revenue that facilities that offer alcoholic beverages for sale
512 must derive from the preparation, cooking and serving of meals and
513 not from the sale of beverages; and

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

516 33. Any facility with a maximum capacity of
517 one hundred twenty (120) people that consists of at least three
518 thousand (3,000) square feet being heated and cooled, has a
519 commercial kitchen, has a pavilion that consists of at least nine
520 thousand (9,000) square feet and is located on land more
521 particularly described as follows:

522 All that part of the East Half of the Northwest Quarter of
523 Section 21, Township 7 South, Range 4 East, Union County,
524 Mississippi, that lies South of Mississippi State Highway 348
525 right-of-way and containing 19.48 acres, more or less.

526 ALSO,

527 The Northeast 38 acres of the Southwest Quarter of Section
528 21, Township 7 South, Range 4 East, Union County,
529 Mississippi.

530 ALSO,

531 The South 81 1/2 acres of the Southwest Quarter of Section
532 21, Township 7 South, Range 4 East, Union County,
533 Mississippi; * * *



534 34. A municipality in which U.S. Highway 51
535 and Mississippi Highway 16 intersect; however, the governing
536 authorities of such a municipality may by ordinance:

537 a. Specify the hours of operation of
538 facilities that offer alcoholic beverages for sale;

539 b. Specify the percentage of revenue
540 that facilities that offer alcoholic beverages for sale must
541 derive from the preparation, cooking and serving of meals and not
542 from the sale of beverages; and

543 c. Designate the areas in which
544 facilities that offer alcoholic beverages for sale may be
545 located * * *; and

546 35. Any municipality with a population in
547 excess of one thousand (1,000) according to the 2010 federal
548 decennial census and which is located in a county that is
549 traversed by U.S. Highways 84 and 98 and has not voted to come out
550 from under the dry law; however, the governing authorities of such
551 a municipality may by ordinance:

552 a. Specify the hours of operation of
553 facilities that offer alcoholic beverages for sale;

554 b. Specify the percentage of revenue
555 that facilities that offer alcoholic beverages for sale must
556 derive from the preparation, cooking and serving of meals and not
557 from the sale of beverages; and



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

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

564 (p) "Native wine" means any product, produced in
565 Mississippi for sale, having an alcohol content not to exceed
566 twenty-one percent (21%) by weight and made in accordance with
567 revenue laws of the United States, which shall be obtained
568 primarily from the alcoholic fermentation of the juice of ripe
569 grapes, fruits, berries, honey or vegetables grown and produced in
570 Mississippi; provided that bulk, concentrated or fortified wines
571 used for blending may be produced without this state and used in
572 producing native wines. The department shall adopt and promulgate
573 rules and regulations to permit a producer to import such bulk
574 and/or fortified wines into this state for use in blending with
575 native wines without payment of any excise tax that would
576 otherwise accrue thereon.

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

580 (r) "Bed and breakfast inn" means an establishment
581 within a municipality where in consideration of payment, breakfast
582 and lodging are habitually furnished to travelers and wherein are



583 located not less than eight (8) and not more than nineteen (19)
584 adequately furnished and completely separate sleeping rooms with
585 adequate facilities, that persons usually apply for and receive as
586 overnight accommodations; however, such restriction on the minimum
587 number of sleeping rooms shall not apply to establishments on the
588 National Register of Historic Places. No place shall qualify as a
589 bed and breakfast inn under this chapter unless on the date of the
590 initial application for a license under this chapter more than
591 fifty percent (50%) of the sleeping rooms are located in a
592 structure formerly used as a residence.

593 (s) "Board" shall refer to the Board of Tax Appeals of
594 the State of Mississippi.

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

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

604 (v) "Cooking school" means an establishment within a
605 municipality or qualified resort area and owned by a nationally
606 recognized company that offers an established culinary education
607 curriculum and program where, in consideration of payment, patrons



608 are given scheduled professional group instruction on culinary
609 techniques. For purposes of this paragraph, the definition of
610 cooking school shall not include schools or classes offered by
611 grocery stores, convenience stores or drugstores.

612 (w) "Campus" means property owned by a public school
613 district, community or junior college, college or university in
614 this state where educational courses are taught, school functions
615 are held, tests and examinations are administered or academic
616 course credits are awarded; however, the term shall not include
617 any "restaurant" or "hotel" that is located on property owned by a
618 community or junior college, college or university in this state,
619 and is operated by a third party who receives all revenue
620 generated from food and alcoholic beverage sales.

621 (x) "Native spirit" shall mean any beverage, produced
622 in Mississippi for sale, manufactured primarily by the
623 distillation of fermented grain, starch, molasses or sugar
624 produced in Mississippi, including dilutions and mixtures of these
625 beverages. In order to be classified as "native spirit" under the
626 provisions of this chapter, at least fifty-one percent (51%) of
627 the finished product by volume shall have been obtained from
628 distillation of fermented grain, starch, molasses or sugar grown
629 and produced in Mississippi.

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



633 **SECTION 2.** This act shall take effect and be in force from
634 and after July 1, 2022.

