

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2063**

**BY: Committee**

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

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

11           67-1-5. For the purposes of this chapter and unless  
12 otherwise required by the context:

13           (a) "Alcoholic beverage" means any alcoholic liquid,  
14 including wines of more than five percent (5%) of alcohol by  
15 weight, capable of being consumed as a beverage by a human being,  
16 but shall not include light wine, light spirit product and beer,  
17 as defined in Section 67-3-3, Mississippi Code of 1972, but shall  
18 include native wines and native spirits. The words "alcoholic



19 beverage" shall not include ethyl alcohol manufactured or  
20 distilled solely for fuel purposes or beer of an alcoholic content  
21 of more than eight percent (8%) by weight if the beer is legally  
22 manufactured in this state for sale in another state.

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

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

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

35 (e) "Person" means and includes any individual,  
36 partnership, corporation, association or other legal entity  
37 whatsoever.

38 (f) "Manufacturer" means any person engaged in  
39 manufacturing, distilling, rectifying, blending or bottling any  
40 alcoholic beverage.

41 (g) "Wholesaler" means any person, other than a  
42 manufacturer, engaged in distributing or selling any alcoholic



43 beverage at wholesale for delivery within or without this state  
44 when such sale is for the purpose of resale by the purchaser.

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

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

55 (j) "Division" means the Alcoholic Beverage Control  
56 Division of the Department of Revenue.

57 (k) "Municipality" means any incorporated city or town  
58 of this state.

59 (l) "Hotel" means an establishment within a  
60 municipality, or within a qualified resort area approved as such  
61 by the department, where, in consideration of payment, food and  
62 lodging are habitually furnished to travelers and wherein are  
63 located at least twenty (20) adequately furnished and completely  
64 separate sleeping rooms with adequate facilities that persons  
65 usually apply for and receive as overnight accommodations. Hotels  
66 in towns or cities of more than twenty-five thousand (25,000)  
67 population are similarly defined except that they must have fifty



68 (50) or more sleeping rooms. Any such establishment described in  
69 this paragraph with less than fifty (50) beds shall operate one or  
70 more regular dining rooms designed to be constantly frequented by  
71 customers each day. When used in this chapter, the word "hotel"  
72 shall also be construed to include any establishment that meets  
73 the definition of "bed and breakfast inn" as provided in this  
74 section.

75 (m) "Restaurant" means:

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

90 (ii) Any privately owned business located in a  
91 building in a historic district where the district is listed in  
92 the National Register of Historic Places, where the building has a



93 total occupancy rating of not less than one thousand (1,000) and  
94 where the business regularly utilizes ten thousand (10,000) square  
95 feet or more in the building for live entertainment, including not  
96 only the stage, lobby or area where the audience sits and/or  
97 stands, but also any other portion of the building necessary for  
98 the operation of the business, including any kitchen area, bar  
99 area, storage area and office space, but excluding any area for  
100 parking. In addition to the other requirements of this  
101 subparagraph, the business must also serve food to guests for  
102 compensation within the building and derive the majority of its  
103 revenue from event-related fees, including, but not limited to,  
104 admission fees or ticket sales to live entertainment in the  
105 building, and from the rental of all or part of the facilities of  
106 the business in the building to another party for a specific event  
107 or function.

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

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

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

114 (iii) Maintained by its members through the  
115 payment of annual dues;

116 (iv) Owning, hiring or leasing a building or space  
117 in a building of such extent and character as may be suitable and



118 adequate for the reasonable and comfortable use and accommodation  
119 of its members and their guests;

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

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

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



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

163           (i) The department may approve an area or locality  
164 outside of the limits of an incorporated municipality that is in  
165 the process of being developed as a qualified resort area if such  
166 area or locality, when developed, can reasonably be expected to



167 meet the requisites of the definition of the term "qualified  
168 resort area." In such a case, the status of qualified resort area  
169 shall not take effect until completion of the development.

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

178 (iii) The term includes:

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

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





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

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

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

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

214                   a. Specify the hours of operation of  
215 facilities that offer alcoholic beverages for sale;



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

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

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

224                           8. a. Land that is located in any county in  
225 which Mississippi Highway 43 and Mississippi Highway 25 intersect  
226 and:

227                           A. Owned by the Pearl River Valley  
228 Water Supply District, and/or

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

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

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



241                   A. Specify the hours of operation  
242 of facilities that offer alcoholic beverages for sale,

243                   B. Specify the percentage of  
244 revenue that facilities that offer alcoholic beverages for sale  
245 must derive from the preparation, cooking and serving of meals and  
246 not from the sale of beverages, and

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

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

255                   10. Any facility that:

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

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

263                   c. Provides lodging accommodations  
264 regardless of whether part of the facility and/or located adjacent  
265 to or in close proximity to the facility, and



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

268 11. Any facility and related property:

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

274 b. Used for the purpose of providing  
275 meals and hosting events, and

276 c. Used for the purpose of teaching  
277 culinary arts courses and/or turf management and grounds keeping  
278 courses, and/or outdoor recreation and leadership courses;

279 12. Any facility and related property that:

280 a. Consist of at least eight thousand  
281 (8,000) square feet being heated and cooled,

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

283 c. Is used for the purpose of culinary  
284 arts courses, and/or live entertainment courses and art  
285 performances, and/or outdoor recreation and leadership courses;

286 13. The clubhouse and associated golf course  
287 where the golf course is adjacent to one or more residential  
288 developments and the golf course and all such developments  
289 collectively include at least two hundred (200) acres and at least  
290 one hundred fifty (150) residential units and are located a. in a



291 county that has voted against coming out from under the dry law;  
292 and b. outside of but in close proximity to a municipality in such  
293 county which has voted under Section 67-1-14, after January 1,  
294 2013, to come out from under the dry law;

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

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

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

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

313                               C. Within one (1) mile of a state  
314 institution of higher learning;



315                                   b. The board of supervisors of such  
316 county may by resolution or other order:  
317                                   A. Specify the hours of operation  
318 of facilities that offer alcoholic beverages for sale,  
319                                   B. Specify the percentage of  
320 revenue that facilities that offer alcoholic beverages for sale  
321 must derive from the preparation, cooking and serving of meals and  
322 not from the sale of beverages, and  
323                                   C. Designate the areas in which  
324 facilities that offer alcoholic beverages for sale may be located;  
325                                   16. Any facility with a capacity of five  
326 hundred (500) people or more, to be used as a venue for private  
327 events, on a tract of land in the Southwest Quarter of Section 33,  
328 Township 2 South, Range 7 East, of a county where U.S. Highway 45  
329 and U.S. Highway 72 intersect and that has not voted to come out  
330 from under the dry law;  
331                                   17. One hundred five (105) contiguous acres,  
332 more or less, located in Hinds County, Mississippi, and in the  
333 City of Jackson, Mississippi, whereon are constructed a variety of  
334 buildings, improvements, grounds or objects for the purpose of  
335 holding events thereon to promote agricultural and industrial  
336 development in Mississippi;  
337                                   18. Land that is owned by a state institution  
338 of higher learning and:



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

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

347           If any portion of the land described in this item 18 has been  
348 declared a qualified resort area by the department before July 1,  
349 2020, then that qualified resort area shall be incorporated into  
350 the qualified resort area created by this item 18;

351                   19. Any facility and related property:

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

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

361                   20. Blocks 1, 2 and 3 of the original town  
362 square in any municipality with a population in excess of one



363 thousand five hundred (1,500) according to the latest federal  
364 decennial census and which is located in:

365 a. A county traversed by Interstate 55  
366 and Interstate 20, and

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

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

376 a. Specify the hours of operation of  
377 facilities that offer alcoholic beverages for sale;

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

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

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





387                   23. Any tracts of land in Oktibbeha County,  
388 situated north of Bailey Howell Drive, Lee Boulevard and Old  
389 Mayhew Road, east of George Perry Street and south of Mississippi  
390 Highway 182, and not located on the property of a state  
391 institution of higher learning; however, the board of supervisors  
392 of such county may by resolution or other order:

393                   a. Specify the hours of operation of  
394 facilities that offer alcoholic beverages for sale;

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

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

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

404                   a. Specify the hours of operation of  
405 facilities offering alcoholic beverages for sale;

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

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



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

415                   a. Specify the hours of operation of  
416 facilities that offer alcoholic beverages for sale;

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

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

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

426                   a. Specify the hours of operation of  
427 facilities that offer alcoholic beverages for sale;

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

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

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



437 a. Specify the hours of operation of  
438 facilities that offer alcoholic beverages for sale;

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

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

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

448 a. Specify the hours of operation of  
449 facilities that offer alcoholic beverages for sale;

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

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

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

459 a. Specify the hours of operation of  
460 facilities that offer alcoholic beverages for sale;



461                   b. Specify the percentage of revenue  
462 that facilities that offer alcoholic beverages for sale must  
463 derive from the preparation, cooking and serving of meals and not  
464 from the sale of beverages; and

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

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

470                   a. Specify the hours of operation of  
471 facilities that offer alcoholic beverages for sale;

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

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

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

484                   a. Specify the hours of operation of  
485 facilities that offer alcoholic beverages for sale;



486                                   b. Specify the percentage of revenue  
487 that facilities that offer alcoholic beverages for sale must  
488 derive from the preparation, cooking and serving of meals and not  
489 from the sale of beverages; and

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

492                                   32. Any facility and related property that:

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

501                                   b. Is situated on a tract of land  
502 consisting of approximately one and one-tenth (1.10) acres, and  
503 the adjacent property to the west consisting of approximately 0.5  
504 acres, located in a municipality which is the seat of county  
505 government, situated south of Interstate 10, traversed by U.S.  
506 Highway 90, partially bordered on one (1) side by the Pascagoula  
507 River and having its most southern boundary bordered by the Gulf  
508 of Mexico, with a population greater than twenty-two thousand  
509 (22,000) according to the 2010 federal decennial census; however,  
510 the governing authorities of such a municipality may by ordinance:



511 A. Specify the hours of operation  
512 of facilities that offer alcoholic beverages for sale;

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

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

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

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

530 ALSO,

531 The Northeast 38 acres of the Southwest Quarter of  
532 Section 21, Township 7 South, Range 4 East, Union  
533 County, Mississippi.

534 ALSO,



535 The South 81 1/2 acres of the Southwest Quarter of  
536 Section 21, Township 7 South, Range 4 East, Union  
537 County, Mississippi; \* \* \*

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

541 a. Specify the hours of operation of  
542 facilities that offer alcoholic beverages for sale;

543 b. Specify the percentage of revenue  
544 that facilities that offer alcoholic beverages for sale must  
545 derive from the preparation, cooking and serving of meals and not  
546 from the sale of beverages; and

547 c. Designate the areas in which  
548 facilities that offer alcoholic beverages for sale may be located;  
549 and

550 35. Any municipality that is bordered in its  
551 northwestern boundary by the Pearl River, traversed by U.S.  
552 Highway 49 and Interstate 20, and is located in a county which has  
553 voted against coming out from under the dry law; however, the  
554 governing authorities of such a municipality may by ordinance:

555 a. Specify the hours of operation of  
556 facilities that offer alcoholic beverages for sale;

557 b. Specify the percentage of revenue  
558 that facilities that offer alcoholic beverages for sale must



559 derive from the preparation, cooking and serving of meals and not  
560 from the sale of beverages; and

561 c. Designate the areas in which  
562 facilities that offer alcoholic beverages for sale may be  
563 located.

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

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

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





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

597           (s) "Board" shall refer to the Board of Tax Appeals of  
598 the State of Mississippi.

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

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



608           (v) "Cooking school" means an establishment within a  
609 municipality or qualified resort area and owned by a nationally  
610 recognized company that offers an established culinary education  
611 curriculum and program where, in consideration of payment, patrons  
612 are given scheduled professional group instruction on culinary  
613 techniques. For purposes of this paragraph, the definition of  
614 cooking school shall not include schools or classes offered by  
615 grocery stores, convenience stores or drugstores.

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

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



632 distillation of fermented grain, starch, molasses or sugar grown  
633 and produced in Mississippi.

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

637 **SECTION 2.** Section 67-1-16, Mississippi Code of 1972, is  
638 amended as follows:

639 67-1-16. (1) (a) Before an area may be designated by the  
640 governing authorities of a municipality as an area in which  
641 facilities which are defined as qualified resort areas in Section  
642 67-1-5(o)(iii)5 may be located, an election shall be held, under  
643 the election laws applicable to the municipality, on the question  
644 of whether qualified resort areas shall be allowed in the  
645 municipality. An election to determine whether qualified resort  
646 areas shall be allowed in the municipality shall be ordered by the  
647 municipal governing authorities, upon presentation to the  
648 governing authorities of a petition containing the names of at  
649 least twenty percent (20%) of the duly qualified voters of the  
650 municipality asking for the election. An election on the question  
651 may not be held by the municipality more often than once each  
652 year.

653 (b) Thirty (30) days' notice shall be given to the  
654 qualified electors of the municipality, in the manner prescribed  
655 by law, on the question of allowing qualified resort areas to be  
656 established. The notice shall contain a statement of the question



657 to be voted on at the election. The ballots used in the election  
658 shall have the following words printed thereon: "FOR THE  
659 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST  
660 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his  
661 ballot, the voter shall make a cross (X) opposite the words of his  
662 choice.

663 (c) Qualified resort areas may be established if a  
664 majority of the qualified electors voting in the election vote for  
665 such establishment. A qualified resort area may not be  
666 established if a majority of the qualified electors voting in the  
667 election vote against such establishment.

668 (2) (a) Before a municipality may be designated as a  
669 qualified resort area as defined in Section 67-1-5(o)(iii)6, an  
670 election shall be held, under the election laws applicable to the  
671 municipality, on the question of whether the municipality shall be  
672 a qualified resort area. An election to determine whether the  
673 municipality shall be a qualified resort area shall be ordered by  
674 the municipal governing authorities, upon presentation to the  
675 governing authorities of a petition containing the names of at  
676 least twenty percent (20%) of the duly qualified voters of the  
677 municipality asking for the election. An election on the question  
678 may not be held by the municipality more often than once each  
679 year.

680 (b) Thirty (30) days' notice shall be given to the  
681 qualified electors of the municipality, in the manner prescribed



682 by law, on the question of allowing qualified resort areas to be  
683 established. The notice shall contain a statement of the question  
684 to be voted on at the election. The ballots used in the election  
685 shall have the following words printed thereon: "FOR THE  
686 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
687 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
688 marking his ballot, the voter shall make a cross (X) opposite the  
689 words of his choice.

690 (c) The municipality may be established as a qualified  
691 resort area if a majority of the qualified electors voting in the  
692 election vote for such establishment. A qualified resort area may  
693 not be established if a majority of the qualified electors voting  
694 in the election vote against such establishment.

695 (3) (a) Before an area may be designated a qualified resort  
696 area as defined in Section 67-1-5(o)(iii)7, an election shall be  
697 held in the municipality in which the area is located under the  
698 election laws applicable to the municipality, on the question of  
699 whether the area shall be a qualified resort area. An election to  
700 determine whether the area shall be a qualified resort area shall  
701 be ordered by the municipal governing authorities, upon  
702 presentation to the governing authorities of a petition containing  
703 the names of at least twenty percent (20%) of the duly qualified  
704 voters of the municipality asking for the election. An election  
705 on the question may not be held by the municipality more often  
706 than once each year.



707           (b) Thirty (30) days' notice shall be given to the  
708 qualified electors of the municipality, in the manner prescribed  
709 by law, on the question of allowing qualified resort areas to be  
710 established. The notice shall contain a statement of the question  
711 to be voted on at the election. The ballots used in the election  
712 shall have the following words printed thereon: "FOR THE  
713 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
714 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
715 marking his ballot, the voter shall make a cross (X) opposite the  
716 words of his choice.

717           (c) The area may be established as a qualified resort  
718 area if a majority of the qualified electors voting in the  
719 election vote for such establishment. A qualified resort area may  
720 not be established if a majority of the qualified electors voting  
721 in the election vote against such establishment.

722           (4) (a) Before a municipality may be designated as a  
723 qualified resort area as defined in Section 67-1-5(o)(iii)21, an  
724 election shall be held, under the election laws applicable to the  
725 municipality, on the question of whether the municipality shall be  
726 a qualified resort area. An election to determine whether the  
727 municipality shall be a qualified resort area shall be ordered by  
728 the municipal governing authorities. An election on the question  
729 may not be held by the municipality more often than once each  
730 year.



731           (b) Thirty (30) days' notice shall be given to the  
732 qualified electors of the municipality, in the manner prescribed  
733 by law, on the question of allowing qualified resort areas to be  
734 established. The notice shall contain a statement of the question  
735 to be voted on at the election. The ballots used in the election  
736 shall have the following words printed thereon: "FOR THE  
737 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
738 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
739 marking his ballot, the voter shall make a cross (X) opposite the  
740 words of his choice.

741           (c) The municipality may be established as a qualified  
742 resort area if a majority of the qualified electors voting in the  
743 election vote for such establishment. A qualified resort area may  
744 not be established if a majority of the qualified electors voting  
745 in the election vote against such establishment.

746           (4) (a) Before a municipality may be designated as a  
747 qualified resort area as defined in Section 67-1-5(o)(iii)35, an  
748 election shall be held, under the election laws applicable to the  
749 municipality, on the question of whether the municipality shall be  
750 a qualified resort area. An election to determine whether the  
751 municipality shall be a qualified resort area shall be ordered by  
752 the municipal governing authorities. An election on the question  
753 may not be held by the municipality more often than once each  
754 year.



755           (b) Thirty (30) days' notice shall be given to the  
756 qualified electors of the municipality, in the manner prescribed  
757 by law, on the question of allowing qualified resort areas to be  
758 established. The notice shall contain a statement of the question  
759 to be voted on at the election. The ballots used in the election  
760 shall have the following words printed thereon: "FOR THE  
761 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
762 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
763 marking his ballot, the voter shall make a cross (X) opposite the  
764 words of his choice.

765           (c) The municipality may be established as a qualified  
766 resort area if a majority of the qualified electors voting in the  
767 election vote for such establishment. A qualified resort area may  
768 not be established if a majority of the qualified electors voting  
769 in the election vote against such establishment.

770           **SECTION 3.** This act shall take effect and be in force from  
771 and after July 1, 2022.

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

1           AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO  
2 REVERSE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER  
3 THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION  
4 67-1-16, MISSISSIPPI CODE OF 1972, TO REQUIRE AN ELECTION TO BE  
5 HELD BEFORE CERTAIN MUNICIPALITIES MAY BE DESIGNATED A QUALIFIED  
6 RESORT AREA UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW;  
7 AND FOR RELATED PURPOSES.

