

By: Representative Powell

To: Ways and Means

HOUSE BILL NO. 562

1 AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO
2 RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE IN FAVOR OF THE
3 LEGAL MANUFACTURE, SALE, DISTRIBUTION AND TRANSPORTATION OF
4 ALCOHOLIC BEVERAGES, EXCEPT IN COUNTIES THAT VOTE TO INSTITUTE
5 PROHIBITION AFTER HOLDING AN ELECTION ON THE MATTER; TO AMEND
6 SECTIONS 67-1-5, 67-1-7, 67-1-9, 67-1-15, 67-1-16, 67-1-17,
7 67-1-37, 67-1-51, 67-1-57, 67-1-85, 67-1-91, 67-1-101, 67-9-1,
8 27-71-15, 27-71-31 AND 97-31-47, MISSISSIPPI CODE OF 1972, IN
9 CONFORMITY THERETO; TO AMEND SECTIONS 67-1-11, 67-1-13 AND
10 67-1-14, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO AND TO
11 REVISE HOW OFTEN A COUNTY OR MUNICIPALITY MAY HOLD AN ELECTION ON
12 THE QUESTION OF INSTITUTION PROHIBITION; TO BRING FORWARD SECTIONS
13 67-1-41, 67-1-65 AND 67-1-72, MISSISSIPPI CODE OF 1972, WHICH ARE
14 CERTAIN SECTIONS OF THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL
15 LAW, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD
16 SECTIONS 67-3-5, 67-3-7, 67-3-9, 67-3-13 AND 67-3-67, MISSISSIPPI
17 CODE OF 1972, WHICH ARE CERTAIN SECTIONS REGULATING THE
18 MANUFACTURE, SALE, TRANSPORTATION AND DISTRIBUTION OF LIGHT WINE,
19 LIGHT SPIRIT PRODUCT AND BEER, FOR THE PURPOSES OF POSSIBLE
20 AMENDMENT; TO BRING FORWARD SECTION 57-26-1, MISSISSIPPI CODE OF
21 1972, WHICH DEFINES CERTAIN TERMS FOR PURPOSES OF THE TOURISM
22 PROJECT SALES TAX INCENTIVE PROGRAM, FOR THE PURPOSES OF POSSIBLE
23 AMENDMENT; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** Section 67-1-3, Mississippi Code of 1972, is
26 amended as follows:

27 67-1-3. From and after January 1, 2024, the policy of this
28 state is * * * declare to be a renunciation of prohibition in



29 favor of the legal manufacture, sale, distribution, and
30 transportation of alcoholic beverages; * * * in this state, except
31 in such counties that vote to institute prohibition after holding
32 an election on the matter. The purpose and intent of this article
33 is to * * * provide the laws under which alcoholic beverages may
34 be legally sold, manufactured and distributed in this state.

35 However, from and after January 1, 2021, prohibition is renounced
36 as to the possession of alcoholic beverages. It shall thereafter
37 be lawful to possess alcoholic beverages throughout the state,
38 unless otherwise prohibited in this article. Nothing herein shall
39 be construed to make lawful the possession of alcoholic beverages
40 with the intent to sell except as authorized under this article.

41 All laws and parts of laws in conflict with this article are
42 repealed only to the extent of such conflict; however, except as
43 is provided in this article, all laws prohibiting the manufacture,
44 sale, and distribution of alcoholic beverages, which are not in
45 conflict with this article shall remain in full force and
46 effect * * * in counties and municipalities wherein * * * a
47 prohibition on manufacture, sale, and distribution of alcoholic
48 beverages * * * shall hereafter be authorized as a result of an
49 election held * * * after January 1, 2024, as * * * provided in
50 this article.

51 **SECTION 2.** Section 67-1-5, Mississippi Code of 1972, is
52 amended as follows:



53 67-1-5. For the purposes of this article and unless
54 otherwise required by the context:

55 (a) "Alcoholic beverage" means any alcoholic liquid,
56 including wines of more than five percent (5%) of alcohol by
57 weight, capable of being consumed as a beverage by a human being,
58 but shall not include light wine, light spirit product and beer,
59 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
60 include native wines and native spirits. The words "alcoholic
61 beverage" shall not include ethyl alcohol manufactured or
62 distilled solely for fuel purposes or beer of an alcoholic content
63 of more than eight percent (8%) by weight if the beer is legally
64 manufactured in this state for sale in another state.

65 (b) "Alcohol" means the product of distillation of any
66 fermented liquid, whatever the origin thereof, and includes
67 synthetic ethyl alcohol, but does not include denatured alcohol or
68 wood alcohol.

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

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



77 (e) "Person" means and includes any individual,
78 partnership, corporation, association or other legal entity
79 whatsoever.

80 (f) "Manufacturer" means any person engaged in
81 manufacturing, distilling, rectifying, blending or bottling any
82 alcoholic beverage.

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

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

90 (i) "State Tax Commission," "commission" or
91 "department" means the Department of Revenue of the State of
92 Mississippi, which shall create a division in its organization to
93 be known as the Alcoholic Beverage Control Division. Any
94 reference to the commission or the department hereafter means the
95 powers and duties of the Department of Revenue with reference to
96 supervision of the Alcoholic Beverage Control Division.

97 (j) "Division" means the Alcoholic Beverage Control
98 Division of the Department of Revenue.

99 (k) "Municipality" means any incorporated city or town
100 of this state.



101 (1) "Hotel" means an establishment within a
102 municipality, or within a qualified resort area approved as such
103 by the department, where, in consideration of payment, food and
104 lodging are habitually furnished to travelers and wherein are
105 located at least twenty (20) adequately furnished and completely
106 separate sleeping rooms with adequate facilities that persons
107 usually apply for and receive as overnight accommodations. Hotels
108 in towns or cities of more than twenty-five thousand (25,000)
109 population are similarly defined except that they must have fifty
110 (50) or more sleeping rooms. Any such establishment described in
111 this paragraph with less than fifty (50) beds shall operate one or
112 more regular dining rooms designed to be constantly frequented by
113 customers each day. When used in this article, the word "hotel"
114 shall also be construed to include any establishment that meets
115 the definition of "bed and breakfast inn" as provided in this
116 section.

117 (m) "Restaurant" means:

118 (i) A place which is regularly and in a bona fide
119 manner used and kept open for the serving of meals to guests for
120 compensation, which has suitable seating facilities for guests,
121 and which has suitable kitchen facilities connected therewith for
122 cooking an assortment of foods and meals commonly ordered at
123 various hours of the day; the service of such food as sandwiches
124 and salads only shall not be deemed in compliance with this
125 requirement. Except as otherwise provided in this paragraph, no



126 place shall qualify as a restaurant under this article unless
127 twenty-five percent (25%) or more of the revenue derived from such
128 place shall be from the preparation, cooking and serving of meals
129 and not from the sale of beverages, or unless the value of food
130 given to and consumed by customers is equal to twenty-five percent
131 (25%) or more of total revenue; or

132 (ii) Any privately owned business located in a
133 building in a historic district where the district is listed in
134 the National Register of Historic Places, where the building has a
135 total occupancy rating of not less than one thousand (1,000) and
136 where the business regularly utilizes ten thousand (10,000) square
137 feet or more in the building for live entertainment, including not
138 only the stage, lobby or area where the audience sits and/or
139 stands, but also any other portion of the building necessary for
140 the operation of the business, including any kitchen area, bar
141 area, storage area and office space, but excluding any area for
142 parking. In addition to the other requirements of this
143 subparagraph, the business must also serve food to guests for
144 compensation within the building and derive the majority of its
145 revenue from event-related fees, including, but not limited to,
146 admission fees or ticket sales to live entertainment in the
147 building, and from the rental of all or part of the facilities of
148 the business in the building to another party for a specific event
149 or function.

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



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

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

156 (iii) Maintained by its members through the
157 payment of annual dues;

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

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

166 (vi) No member, officer, agent or employee of
167 which is paid, or directly or indirectly receives, in the form of
168 a salary or other compensation any profit from the distribution or
169 sale of alcoholic beverages to the club or to members or guests of
170 the club beyond such salary or compensation as may be fixed and
171 voted at a proper meeting by the board of directors or other
172 governing body out of the general revenues of the club.

173 The department may, in its discretion, waive the five-year
174 provision of this paragraph. In order to qualify under this
175 paragraph, a club must file with the department, at the time of



176 its application for a license under this article, two (2) copies
177 of a list of the names and residences of its members and similarly
178 file, within ten (10) days after the election of any additional
179 member, his name and address. Each club applying for a license
180 shall also file with the department at the time of the application
181 a copy of its articles of association, charter of incorporation,
182 bylaws or other instruments governing the business and affairs
183 thereof.

184 (o) "Qualified resort area" means any area or
185 locality * * * in this state commonly known and accepted as a
186 place which regularly and customarily attracts tourists,
187 vacationists and other transients because of its historical,
188 scenic or recreational facilities or attractions, or because of
189 other attributes which regularly and customarily appeal to and
190 attract tourists, vacationists and other transients in substantial
191 numbers; however, no area or locality shall so qualify as a resort
192 area until it has been duly and properly approved as such by the
193 department. The department may not approve an area as a qualified
194 resort area after July 1, 2018, if any portion of such proposed
195 area is located within two (2) miles of a convent or monastery
196 that is located in a county traversed by Interstate 55 and U.S.
197 Highway 98. A convent or monastery may waive such distance
198 restrictions in favor of allowing approval by the department of an
199 area as a qualified resort area. Such waiver shall be in written
200 form from the owner, the governing body, or the appropriate



201 officer of the convent or monastery having the authority to
202 execute such a waiver, and the waiver shall be filed with and
203 verified by the department before becoming effective.

204 (i) The department may approve an area or
205 locality * * * that is in the process of being developed as a
206 qualified resort area if such area or locality, when developed,
207 can reasonably be expected to meet the requisites of the
208 definition of the term "qualified resort area." In such a case,
209 the status of qualified resort area shall not take effect until
210 completion of the development.

211 (ii) The term includes any state park which is
212 declared a resort area by the department; however, such
213 declaration may only be initiated in a written request for resort
214 area status made to the department by the Executive Director of
215 the Department of Wildlife, Fisheries and Parks, and no permit for
216 the sale of any alcoholic beverage, as defined in this article,
217 except an on-premises retailer's permit, shall be issued for a
218 hotel, restaurant or bed and breakfast inn in such park.

219 (iii) The term includes:

220 1. The clubhouses associated with the state
221 park golf courses at the Lefleur's Bluff State Park, the John Kyle
222 State Park, the Percy Quin State Park and the Hugh White State
223 Park;

224 2. The clubhouse and associated golf course,
225 tennis courts and related facilities and swimming pool and related



226 facilities where the golf course, tennis courts and related
227 facilities and swimming pool and related facilities are adjacent
228 to one or more planned residential developments and the golf
229 course and all such developments collectively include at least
230 seven hundred fifty (750) acres and at least four hundred (400)
231 residential units;

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

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

241 5. Any facility that is located in a
242 municipality that is bordered by the Pearl River, traversed by
243 Mississippi Highway 25, adjacent to the boundaries of the Jackson
244 International Airport and is located in a county which has voted
245 before January 1, 2024, against coming out from under the dry law
246 as such law existed before January 1, 2024; however, any such
247 facility may only be located in areas designated by the governing
248 authorities of such municipality;

249 6. Any municipality with a population in
250 excess of ten thousand (10,000) according to the latest federal



251 decennial census that is located in a county that is bordered by
252 the Pearl River and is not traversed by Interstate Highway 20,
253 with a population in excess of forty-five thousand (45,000)
254 according to the latest federal decennial census;

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

257 8. a. Land that is located in any county in
258 which Mississippi Highway 43 and Mississippi Highway 25 intersect
259 and:

260 A. Owned by the Pearl River Valley
261 Water Supply District, and/or

262 B. Located within the Reservoir
263 Community District, zoned commercial, east of Old Fannin Road,
264 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
265 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
266 Drive and/or Lake Vista Place, and/or

267 C. Located within the Reservoir
268 Community District, zoned commercial, west of Old Fannin Road,
269 south of Spillway Road and extending to the boundary of the
270 corporate limits of the City of Flowood, Mississippi;

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

274 A. Specify the hours of operation
275 of facilities that offer alcoholic beverages for sale,



276 B. Specify the percentage of
277 revenue that facilities that offer alcoholic beverages for sale
278 must derive from the preparation, cooking and serving of meals and
279 not from the sale of beverages, and

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

282 9. Any facility located on property that is a
283 game reserve with restricted access that consists of at least
284 eight hundred (800) contiguous acres with no public roads, that
285 offers as a service hunts for a fee to overnight guests of the
286 facility, and has accommodations for at least fifty (50) overnight
287 guests;

288 10. Any facility that:

289 a. Consists of at least six thousand
290 (6,000) square feet being heated and cooled along with an
291 additional adjacent area that consists of at least two thousand
292 two hundred (2,200) square feet regardless of whether heated and
293 cooled,

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

296 c. Provides lodging accommodations
297 regardless of whether part of the facility and/or located adjacent
298 to or in close proximity to the facility, and

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



301 11. Any facility and related property:
302 a. Located on property that consists of
303 at least one hundred twenty-five (125) contiguous acres and
304 consisting of an eighteen-hole golf course, and/or located in a
305 facility that consists of at least eight thousand (8,000) square
306 feet being heated and cooled,
307 b. Used for the purpose of providing
308 meals and hosting events, and
309 c. Used for the purpose of teaching
310 culinary arts courses and/or turf management and grounds keeping
311 courses, and/or outdoor recreation and leadership courses;
312 12. Any facility and related property that:
313 a. Consist of at least eight thousand
314 (8,000) square feet being heated and cooled,
315 b. For a fee is used to host events,
316 c. Is used for the purpose of culinary
317 arts courses, and/or live entertainment courses and art
318 performances, and/or outdoor recreation and leadership courses;
319 13. The clubhouse and associated golf course
320 where the golf course is adjacent to one or more residential
321 developments and the golf course and all such developments
322 collectively include at least two hundred (200) acres and at least
323 one hundred fifty (150) residential units and are located a. in a
324 county that has voted before January 1, 2024, against coming out
325 from under the dry law as such law existed before January 1, 2024;



326 and b. outside of but in close proximity to a municipality in such
327 county which has voted under Section 67-1-14, after January 1,
328 2013, to come out from under the dry law as such law existed
329 before January 1, 2024;

330 14. The clubhouse and associated
331 eighteen-hole golf course located in a municipality traversed by
332 Interstate Highway 55 and U.S. Highway 51 that has voted to come
333 out from under the dry law as such law existed before January 1,
334 2024;

335 15. a. Land that is planned for mixed-use
336 development and consists of at least two hundred (200) contiguous
337 acres with one or more planned residential developments
338 collectively planned to include at least two hundred (200)
339 residential units when completed, and also including a facility
340 that consists of at least four thousand (4,000) square feet that
341 is not part of such land but is located adjacent to or in close
342 proximity thereto, and which land is located:

343 A. In a county that has voted to
344 come out from under the dry law as such law existed before January
345 1, 2024,

346 B. Outside the corporate limits of
347 any municipality in such county and adjacent to or in close
348 proximity to a golf course located in a municipality in such
349 county, and



350 C. Within one (1) mile of a state
351 institution of higher learning;

352 b. The board of supervisors of such
353 county may by resolution or other order:

354 A. Specify the hours of operation
355 of facilities that offer alcoholic beverages for sale,

356 B. Specify the percentage of
357 revenue that facilities that offer alcoholic beverages for sale
358 must derive from the preparation, cooking and serving of meals and
359 not from the sale of beverages, and

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

362 16. Any facility with a capacity of five
363 hundred (500) people or more, to be used as a venue for private
364 events, on a tract of land in the Southwest Quarter of Section 33,
365 Township 2 South, Range 7 East, of a county where U.S. Highway 45
366 and U.S. Highway 72 intersect and that has not voted before
367 January 1, 2024, to come out from under the dry law as such law
368 existed before January 1, 2024;

369 17. One hundred five (105) contiguous acres,
370 more or less, located in Hinds County, Mississippi, and in the
371 City of Jackson, Mississippi, whereon are constructed a variety of
372 buildings, improvements, grounds or objects for the purpose of
373 holding events thereon to promote agricultural and industrial
374 development in Mississippi;



375 18. Land that is owned by a state institution
376 of higher learning, and:

377 a. Located entirely within a county that
378 has elected by majority vote before January 1, 2024, not to permit
379 the transportation, storage, sale, distribution, receipt and/or
380 manufacture of light wine and beer pursuant to Section 67-3-7, and

381 b. Adjacent to but outside the
382 incorporated limits of a municipality that has elected by majority
383 vote before January 1, 2024, to permit the sale, receipt, storage
384 and transportation of light wine and beer pursuant to Section
385 67-3-9.

386 If any portion of the land described in this item 18 has been
387 declared a qualified resort area by the department before July 1,
388 2020, then that qualified resort area shall be incorporated into
389 the qualified resort area created by this item 18;

390 19. Any facility and related property:

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

396 b. Located in a county that has not
397 voted before January 1, 2024, to come out from under the dry law
398 and outside of but in close proximity to a municipality located in
399 such county and which municipality has voted before January 1,



400 2024, to come out from under the dry law as such law existed
401 before January 1, 2024;

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

406 a. A county traversed by Interstate 55
407 and Interstate 20, and

408 b. A judicial district that has not
409 voted before January 1, 2024, to come out from under the dry law
410 as such law existed before January 1, 2024;

411 21. Any municipality with a population in
412 excess of two thousand (2,000) according to the latest federal
413 decennial census and in which is located a part of White's Creek
414 Lake and in which U.S. Highway 82 intersects with Mississippi
415 Highway 9 and located in a county that is partially bordered on
416 one (1) side by the Big Black River;

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

420 23. Any tracts of land in Oktibbeha County,
421 situated north of Bailey Howell Drive, Lee Boulevard and Old
422 Mayhew Road, east of George Perry Street and south of Mississippi
423 Highway 182, and not located on the property of a state



424 institution of higher learning; however, the board of supervisors
425 of such county may by resolution or other order:

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 24. A municipality in which Mississippi
435 Highway 27 and Mississippi Highway 28 intersect;

436 25. A municipality through which run
437 Mississippi Highway 35 and Interstate 20;

438 26. A municipality in which Mississippi
439 Highway 16 and Mississippi Highway 35 intersect;

440 27. A municipality in which U.S. Highway 82
441 and Old Highway 61 intersect;

442 28. A municipality in which Mississippi
443 Highway 8 meets Mississippi Highway 1;

444 29. A municipality in which U.S. Highway 82
445 and Mississippi Highway 1 intersect;

446 30. A municipality in which Mississippi
447 Highway 50 meets Mississippi Highway 9;



448 31. An area bounded on the north by Pearl
449 Street, on the east by West Street, on the south by Court Street
450 and on the west by Farish Street, within a municipality bordered
451 on the east by the Pearl River and through which run Interstate 20
452 and Interstate 55;

453 32. Any facility and related property that:

454 a. Is contracted for mixed-use
455 development improvements consisting of office and residential
456 space and a restaurant and lounge, partially occupying the
457 renovated space of a four-story commercial building which
458 previously served as a financial institution; and adjacent
459 property to the west consisting of a single-story office building
460 that was originally occupied by the Brotherhood of Carpenters and
461 Joiners of American Local Number 569; and

462 b. Is situated on a tract of land
463 consisting of approximately one and one-tenth (1.10) acres, and
464 the adjacent property to the west consisting of approximately 0.5
465 acres, located in a municipality which is the seat of county
466 government, situated south of Interstate 10, traversed by U.S.
467 Highway 90, partially bordered on one (1) side by the Pascagoula
468 River and having its most southern boundary bordered by the Gulf
469 of Mexico, with a population greater than twenty-two thousand
470 (22,000) according to the 2010 federal decennial census; however,
471 the governing authorities of such a municipality may by ordinance:



472 A. Specify the hours of operation
473 of facilities that offer alcoholic beverages for sale;

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

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

480 33. Any facility with a maximum capacity of
481 one hundred twenty (120) people that consists of at least three
482 thousand (3,000) square feet being heated and cooled, has a
483 commercial kitchen, has a pavilion that consists of at least nine
484 thousand (9,000) square feet and is located on land more
485 particularly described as follows:

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

490 ALSO,

491 The Northeast 38 acres of the Southwest Quarter of Section
492 21, Township 7 South, Range 4 East, Union County, Mississippi.

493 ALSO,

494 The South 81 1/2 acres of the Southwest Quarter of Section
495 21, Township 7 South, Range 4 East, Union County, Mississippi;



496 34. A municipality in which U.S. Highway 51
497 and Mississippi Highway 16 intersect;

498 35. A municipality in which Interstate 20
499 passes over Mississippi Highway 15;

500 36. Any municipality that is bordered in its
501 northwestern boundary by the Pearl River, traversed by U.S.
502 Highway 49 and Interstate 20, and is located in a county which has
503 voted before January 1, 2024, against coming out from under the
504 dry law as such law existed before January 1, 2024;

505 37. A municipality in which Mississippi
506 Highway 28 and Mississippi Highway 29 North intersect;

507 38. An area bounded as follows within a
508 municipality through which run Interstate 22 and Mississippi
509 Highway 15: Beginning at a point at the intersection of Bankhead
510 Street and Tallahatchie Trails; then running to a point at the
511 intersection of Tallahatchie Trails and Interstate 22; then
512 running to a point at the intersection of Interstate 22 and Carter
513 Avenue; then running to a point at the intersection of Carter
514 Avenue and Camp Avenue; then running to a point at the
515 intersection of Camp Avenue and King Street; then running to a
516 point at the intersection of King Street and E. Main Street; then
517 running to a point at the intersection of E. Main Street and Camp
518 Avenue; then running to a point at the intersection of Camp Avenue
519 and Highland Street; then running to a point at the intersection
520 of Highland Street and Adams Street; then running to a point at



521 the intersection of Adams Street and Cleveland Street; then
522 running to a point at the intersection of Cleveland Street and N.
523 Railroad Avenue; then running to a point at the intersection of N.
524 Railroad Avenue and McGill Street; then running to a point at the
525 intersection of McGill Street and Snyder Street; then running to a
526 point at the intersection of Snyder Street and Bankhead Street;
527 then running to a point at the intersection of Bankhead Street and
528 Tallahatchie Trails and the point of the beginning;

529 39. A municipality through which run
530 Mississippi Highway 43 and U.S. Highway 80;

531 40. The coliseum in a municipality in which
532 U.S. Highway 72 passes over U.S. Highway 45;

533 41. A piece of property on the northeast
534 corner of the T-intersection where Builders Square Drive meets
535 Mississippi Highway 471;

536 42. The clubhouse and associated golf course,
537 tennis courts and related facilities and swimming pool and related
538 facilities located on Oaks Country Club Road less than one-half
539 (1/2) mile to the east of Mississippi Highway 15;

540 43. Any facility located on land more
541 particularly described as follows:

542 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
543 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
544 Southwest Corner of the Southwest Quarter (SW 1/4) of the
545 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2



546 East, running 210 feet east and west and 840 feet running north
547 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
548 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
549 Rankin County, Mississippi;

550 44. Any facility located on land more
551 particularly described as follows:

552 Beginning at a point 1915 feet west and 2171 feet north of
553 southeast corner, Section 11, Township 24 North, Range 2 West,
554 Second Judicial District, Tallahatchie County, Mississippi, which
555 point is the southwest corner of J.C. Section Lot mentioned in
556 deed recorded in Book 50, page 34, in the records of the Chancery
557 Clerk's Office at Sumner, in said District of said County; thence
558 South 80° West, 19 feet to the east boundary of United States
559 Highway 49-E, thence East along the east boundary of said Highway
560 270 feet to point of beginning of Lot to be conveyed; thence
561 southeast along the east boundary of said Highway 204 feet to a
562 concrete post at the intersection of the east boundary of said
563 Highway with the west boundary of gravel road from Sumner to Webb,
564 known as Oil Mill Road, thence Northwest along west boundary of
565 said Oil Mill Road 194 feet to center of driveway running
566 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
567 South 66° West along center of said driveway 128 feet to point of
568 beginning, being situated in Northwest Quarter of Southeast
569 Quarter of Section 11, together with all improvements situated
570 thereon;



571 45. Any facility that:

572 a. Consists of at least five thousand

573 six hundred (5,600) square feet being heated and cooled along with

574 a lakeside patio that consists of at least two thousand two

575 hundred (2,200) square feet, regardless of whether such patio is

576 part of the facility and/or located adjacent to or in close

577 proximity to the facility;

578 b. Includes a caterer's kitchen and

579 green room for entertainment preparation;

580 c. For a fee is used to host events; and

581 d. Is located adjacent to or in close

582 proximity to an approximately nine (9) acre lake on property that

583 consists of at least one hundred twenty (120) acres in a county

584 traversed by Mississippi Highway 15 and U.S. Highway 278;

585 46. Any municipality with a population in

586 excess of one thousand (1,000) according to the 2010 federal

587 decennial census and which is located in a county that is

588 traversed by U.S. Highways 84 and 98 and has not voted before

589 January 1, 2024, to come out from under the dry law as such law

590 existed before January 1, 2024;

591 47. The clubhouse and associated nine-hole

592 golf course, tennis courts and related facilities and swimming

593 pool and related facilities located on or near U.S. Highway 82

594 between Mississippi Highway 15 and Mississippi Highway 9;



595 48. The downtown square area bound by East
596 Service Drive, Commerce Street, Second Street and Court Street and
597 adjacent properties in a municipality through which run Interstate
598 55, U.S. Highway 51 and Mississippi Highway 306;

599 49. All parcels zoned for mixed-use
600 development located west of Mississippi Highway 589, more than
601 four hundred (400) feet north of Old Highway 24, east of
602 Parkers Creek and Black Creek, and south of J M Burge Road;
603 and

604 50. Any facility used by a soccer club and
605 located on Old Highway 11 between one-tenth (0.1) and two-tenths
606 (0.2) of a mile from its intersection with Oak Grove Road, in a
607 county in which U.S. Highway 98 and Mississippi Highway 589
608 intersect.

609 The status of these municipalities, districts, clubhouses,
610 facilities, golf courses and areas described in this paragraph
611 (o) (iii) as qualified resort areas does not require any
612 declaration of same by the department. In addition, the status of
613 these municipalities, districts, clubhouses, facilities, golf
614 courses, restaurants and areas described in this paragraph
615 (o) (iii) as qualified resort areas shall not be affected by the
616 institution of prohibition by a county or municipality.

617 The governing authorities of a municipality described, in
618 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
619 34, 35, 36, 37, 38, 39, 46 or 48 of this paragraph (o) (iii) may by



620 ordinance: specify the hours of operation of facilities offering
621 alcoholic beverages for sale; specify the percentage of revenue
622 that facilities offering alcoholic beverages for sale must derive
623 from the preparation, cooking and serving of meals and not from
624 the sale of beverages; and designate the areas in which facilities
625 offering alcoholic beverages for sale may be located.

626 (p) "Native wine" means any product, produced in
627 Mississippi for sale, having an alcohol content not to exceed
628 twenty-one percent (21%) by weight and made in accordance with
629 revenue laws of the United States, which shall be obtained
630 primarily from the alcoholic fermentation of the juice of ripe
631 grapes, fruits, berries, honey or vegetables grown and produced in
632 Mississippi; provided that bulk, concentrated or fortified wines
633 used for blending may be produced without this state and used in
634 producing native wines. The department shall adopt and promulgate
635 rules and regulations to permit a producer to import such bulk
636 and/or fortified wines into this state for use in blending with
637 native wines without payment of any excise tax that would
638 otherwise accrue thereon.

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

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



645 located not less than eight (8) and not more than nineteen (19)
646 adequately furnished and completely separate sleeping rooms with
647 adequate facilities, that persons usually apply for and receive as
648 overnight accommodations; however, such restriction on the minimum
649 number of sleeping rooms shall not apply to establishments on the
650 National Register of Historic Places. No place shall qualify as a
651 bed and breakfast inn under this article unless on the date of the
652 initial application for a license under this article more than
653 fifty percent (50%) of the sleeping rooms are located in a
654 structure formerly used as a residence.

655 (s) "Board" shall refer to the Board of Tax Appeals of
656 the State of Mississippi.

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

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

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



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

674 (w) "Campus" means property owned by a public school
675 district, community or junior college, college or university in
676 this state where educational courses are taught, school functions
677 are held, tests and examinations are administered or academic
678 course credits are awarded; however, the term shall not include
679 any "restaurant" or "hotel" that is located on property owned by a
680 community or junior college, college or university in this state,
681 and is operated by a third party who receives all revenue
682 generated from food and alcoholic beverage sales.

683 (x) "Native spirit" shall mean any beverage, produced
684 in Mississippi for sale, manufactured primarily by the
685 distillation of fermented grain, starch, molasses or sugar
686 produced in Mississippi, including dilutions and mixtures of these
687 beverages. In order to be classified as "native spirit" under the
688 provisions of this article, at least fifty-one percent (51%) of
689 the finished product by volume shall have been obtained from
690 distillation of fermented grain, starch, molasses or sugar grown
691 and produced in Mississippi.

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



695 (z) "Warehouse operator" shall have the meaning
696 ascribed in Section 67-1-201.

697 **SECTION 3.** Section 67-1-7, Mississippi Code of 1972, is
698 amended as follows:

699 67-1-7. (1) Except * * * in those counties that hold an
700 election pursuant to this article and vote to institute
701 prohibition, and subject to all of the provisions and restrictions
702 contained in this article, the manufacture, sale, distribution,
703 and transportation of alcoholic beverages shall be lawful * * *.

704 * * *

705 The manufacture, sale, distribution and possession of native
706 wines or native spirits shall be lawful in any location within any
707 such county except those locations where the manufacture, sale or
708 distribution is prohibited by law other than this section or by
709 regulations of the department.

710 (2) Notwithstanding the foregoing, within any state park or
711 any state park facility that has been declared a qualified resort
712 area by the department, and within any qualified resort area as
713 defined under Section 67-1-5(o)(iii), an on-premises retailer's
714 permit may be issued for the qualified resort area, and the
715 permittee may lawfully sell alcoholic beverages for consumption on
716 his licensed premises * * * if the county * * * in which the
717 qualified resort area is located has voted in favor of * * *
718 instituting prohibition, and it shall be lawful to receive, store,
719 sell, possess and consume alcoholic beverages on the licensed



720 premises, and to sell, distribute and transport alcoholic
721 beverages to the licensed premises. * * *

722 **SECTION 4.** Section 67-1-9, Mississippi Code of 1972, is
723 amended as follows:

724 67-1-9. (1) It shall be * * * lawful for any person to
725 manufacture, distill, brew, sell, import into this state, * * *
726 transport, distribute, warehouse, store, solicit, take order for,
727 bottle, rectify, blend, treat, mix or process any alcoholic
728 beverage * * * as authorized in this article. * * * Nothing
729 contained herein shall prevent importers, wineries and distillers
730 of alcoholic beverages from storing such alcoholic beverages in
731 private bonded warehouses located within the State of Mississippi
732 for the ultimate use and benefit of the Department of Revenue as
733 provided in Section 67-1-41. The department is hereby authorized
734 to promulgate rules and regulations for the establishment of such
735 private bonded warehouses and for the control of alcoholic
736 beverages stored in such warehouses. Additionally, nothing herein
737 contained shall prevent any duly licensed practicing physician or
738 dentist from possessing or using alcoholic liquor in the strict
739 practice of his profession, or prevent any hospital or other
740 institution caring for sick and diseased persons, from possessing
741 and using alcoholic liquor for the treatment of bona fide patients
742 of such hospital or other institution. Any drugstore employing a
743 licensed pharmacist may possess and use alcoholic liquors in the
744 combination of prescriptions of duly licensed physicians. The



745 possession and dispensation of wine by an authorized
746 representative of any church for the purpose of conducting any
747 bona fide rite or religious ceremony conducted by such church
748 shall not be prohibited by this article.

749 (2) Any person, upon conviction of any provision of this
750 section, shall be punished as follows:

751 (a) By a fine of not less than One Hundred Dollars
752 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by
753 imprisonment in the county jail not less than one (1) week nor
754 more than three (3) months, or both, for the first conviction
755 under this section.

756 (b) By a fine of not less than One Hundred Dollars
757 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
758 imprisonment in the county jail not less than sixty (60) days, nor
759 more than six (6) months, or both fine and imprisonment, for the
760 second conviction for violating this section.

761 (c) By a fine of not less than One Hundred Dollars
762 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
763 imprisonment in the State Penitentiary not less than one (1) year,
764 nor more than five (5) years, or both fine and imprisonment, for
765 conviction the third time under this section for the violation
766 thereof after having been twice convicted of its violation.

767 (3) Nothing in this section shall make it unlawful to
768 transport bottles or containers of alcoholic beverages that are



769 legally purchased in this state if the bottles or containers are
770 unopened and are being transported on state or federal highway.

771 **SECTION 5.** Section 67-1-11, Mississippi Code of 1972, is
772 amended as follows:

773 67-1-11. (1) From and after January 1, 2024,
774 notwithstanding any provision of this article, * * * a county may
775 hold an election to determine whether to institute prohibition and
776 make the sale, manufacture and distribution of alcoholic beverages
777 illegal.

778 (2) Upon presentation and filing of a proper petition
779 requesting same signed by at least twenty percent (20%) or fifteen
780 hundred (1,500), whichever number is the lesser, of the qualified
781 electors of the county, it shall be the duty of the board of
782 supervisors to call an election at which there shall be submitted
783 to the qualified electors of the county the question of whether or
784 not the sale, * * * distribution and manufacture of alcoholic
785 beverages shall be * * * prohibited in such county as provided in
786 this article. Such election shall be held and conducted by the
787 county election commissioners on a date fixed by the order of the
788 board of supervisors, which date shall not be more than sixty (60)
789 days from the date of the filing of said petition. Notice thereof
790 shall be given by publishing such notice once each week for at
791 least three (3) consecutive weeks in some newspaper published in
792 said county or, if no newspaper be published therein, by such
793 publication in a newspaper in an adjoining county and having a



794 general circulation in the county involved. The election shall be
795 held not earlier than fifteen (15) days from the first publication
796 of such notice.

797 (3) Said election shall be held and conducted as far as may
798 be possible in the same manner as is provided by law for the
799 holding of general elections. The ballots used thereat shall
800 contain a brief statement of the proposition submitted and, on
801 separate lines, the words "I vote FOR * * * prohibiting alcoholic
802 beverages and making _____ County a dry county ()" "I vote
803 AGAINST * * * prohibiting alcoholic beverages and making _____
804 County a dry county ()" with appropriate boxes in which the
805 voters may express their choice. All qualified electors may vote
806 by marking the ballot with a cross (x) or check (✓) mark opposite
807 the words of their choice.

808 (4) The election commissioners shall canvass and determine
809 the results of said election, and shall certify same to the board
810 of supervisors which shall adopt and spread upon its minutes an
811 order declaring such results. If, in such election, a majority of
812 the qualified electors participating therein shall vote in favor
813 of the proposition, * * * the manufacture, sale and distribution
814 of alcoholic beverages * * * in such county shall be * * *
815 unlawful to the extent and in the manner * * * prohibited hereby.
816 If, on the other hand, a majority of the qualified electors
817 participating in the election shall vote against the
818 proposition, * * * the manufacture, sale and distribution of



819 alcoholic beverages shall remain lawful to the extent and in the
820 manner permitted hereby. In either case, no further election
821 shall be held in said county under the provisions of this article
822 for a period of * * * four (4) years from the date of the prior
823 election and then only upon the filing of a petition requesting
824 same signed by at least twenty percent (20%) or fifteen hundred
825 (1,500), whichever number is the lesser, of the qualified electors
826 of the county as is otherwise provided herein.

827 (5) If a majority of the qualified electors participating in
828 the election vote for the proposition, all alcohol permits issued
829 to locations within the county shall expire thirty (30) days from
830 the date the official recapitulation on the election is executed
831 by the county. However, notwithstanding an election instituting
832 the prohibition laws in a county, the holder of a native wine
833 producer's permit or a native wine retailer's permit is allowed to
834 continue to operate under such permits and to renew such permits.
835 Possession of native wines and personal property related to the
836 activities of the native wine permit holder which would otherwise
837 be unlawful under prohibition shall be allowed subject to
838 regulations of the Alcoholic Beverage Control Division.

839 **SECTION 6.** Section 67-1-13, Mississippi Code of 1972, is
840 amended as follows:

841 67-1-13. (1) When * * * a county has voted to institute
842 prohibition as a result of an election called and held as provided
843 in Section 67-1-11, the same may be made ineffective and



844 inapplicable therein by an election called and held upon a
845 petition filed with the board of supervisors requesting same
846 signed by at least twenty percent (20%) or fifteen hundred (1500),
847 whichever number is the lesser, of the qualified electors of the
848 county as is otherwise provided in Section 67-1-11, all of the
849 provisions of which shall be fully applicable thereto. However,
850 nothing herein shall authorize or permit the calling and holding
851 of any election under this chapter in any county more often than
852 once every * * * four (4) years. If in such election, a majority
853 of the qualified electors participating therein shall vote * * *
854 for legalizing the sale, distribution and manufacturing of
855 alcoholic beverages, then the prohibition laws of the State of
856 Mississippi * * * shall become * * * inapplicable in said county.

857 (2) Notwithstanding an election reinstating the prohibition
858 laws in a political subdivision, the holder of a native wine or
859 native spirit producer's permit or a native wine or native spirit
860 retailer's permit is allowed to continue to operate under such
861 permits and to renew such permits. Possession of native wines or
862 native spirits and personal property related to the activities of
863 the native wine permit or native spirit permit holder which would
864 otherwise be unlawful under prohibition shall be allowed subject
865 to regulations of the Alcoholic Beverage Control Division.

866 **SECTION 7.** Section 67-1-14, Mississippi Code of 1972, is
867 amended as follows:



868 67-1-14. (1) The legalizing provisions of this article may
869 be effective, applicable and operative in any municipality located
870 in a county which has voted * * * for instituting prohibition if a
871 local option election shall be called and held in such
872 municipality in the manner and with the results hereinafter
873 provided.

874 (2) (a) Any municipality in this state having a population
875 of not less than five thousand (5,000) according to the latest
876 federal census and which is located in a county which has voted
877 against coming out from under the dry law, or any municipality
878 that is a county seat and which is located in a county which has
879 voted * * * for instituting prohibition, may, at an election held
880 for the purpose under the election laws applicable to such
881 municipality, either prohibit or permit, except as otherwise
882 provided under Section 67-9-1, the sale of alcoholic beverages.
883 An election to determine whether such sale shall be permitted in
884 municipalities wherein its sale is prohibited by law shall be
885 ordered by the municipal governing authorities upon the
886 presentation of a petition to such governing authorities
887 containing the names of at least twenty percent (20%) of the duly
888 qualified voters of such municipality asking for such election.
889 In like manner, an election to determine whether such sale shall
890 be prohibited in municipalities wherein its sale is permitted by
891 law shall be ordered by the municipal governing authorities upon
892 the presentation of a petition to such governing authorities



893 containing the names of at least twenty percent (20%) of the duly
894 qualified voters of such municipality asking for such election.
895 No election on either question shall be held by any one (1)
896 municipality more often than once in * * * four (4) years.

897 Thirty (30) days' notice shall be given to the qualified
898 electors of such municipality, in the manner prescribed by law,
899 upon the question of either permitting or prohibiting such sale,
900 such notice to contain a statement of the question to be voted on
901 at the election. The ballots to be used in the election shall
902 have the following words printed thereon: "For the legal sale of
903 alcoholic beverages" and the words "Against the legal sale of
904 alcoholic beverages" next below. In marking his ballot the voter
905 shall make a cross (X) opposite the words of his choice.

906 If in the election a majority of the qualified electors
907 voting in the election shall vote "for the legal sale of alcoholic
908 beverages," then the municipal governing authorities shall pass
909 the necessary order permitting the legal sale of such alcoholic
910 beverages in such municipality. If in the election a majority of
911 the qualified electors voting in the election shall vote "against
912 the legal sale of alcoholic beverages," then the municipal
913 governing authorities shall pass the necessary order prohibiting
914 the sale of alcoholic beverages in such municipality.

915 (b) The provisions of this subsection shall also apply
916 to any municipality having a population of not less than six
917 thousand (6,000) according to the latest federal census, a portion



918 of which is located in a county which has voted before January 1,
919 2024, against coming out from under the dry law as such law
920 existed before January 1, 2024, and a portion of which is located
921 in a county which has voted before January 1, 2024 in favor of
922 coming out from under the dry law as such law existed before
923 January 1, 2024. For the purpose of determining whether or not
924 such a municipality meets the threshold population of six thousand
925 (6,000) which will qualify the municipality to hold an election
926 under this subsection, the entire population of the municipality
927 shall be considered; however, the petition to hold the election
928 authorized in this subsection shall be ordered by the municipal
929 governing authorities upon the presentation of a petition to such
930 governing authorities containing the names of at least twenty
931 percent (20%) of the duly qualified voters of such municipality
932 who reside in that portion of the municipality located in a county
933 which has voted before January 1, 2024, against coming out from
934 under the dry law as such law existed before January 1, 2024, and
935 the election shall be held only in that portion of the
936 municipality. In all other respects, the authority for the holding
937 of elections and the manner in which such elections shall be
938 conducted shall be as prescribed in paragraph (a) of this
939 subsection; and, after proper certification of election results,
940 the municipal governing authorities shall pass the appropriate
941 order to permit or prohibit the legal sale of alcoholic beverages



942 in that portion of the municipality located in a county which has
943 voted against coming out from under the dry law.

944 (3) The governing authorities of a municipality that has
945 voted to * * * allow the legal sale, manufacture and distribution
946 of alcoholic beverages may, by ordinance, provide that alcoholic
947 beverages may be sold in the municipality only by the holder of an
948 on-premises retailer's permit.

949 **SECTION 8.** Section 67-1-15, Mississippi Code of 1972, is
950 amended as follows:

951 67-1-15. In any county having two (2) judicial districts,
952 each such judicial district shall be construed to be a political
953 subdivision or subdivision of government on the same basis as a
954 county, and as such, a judicial district will be entitled to all
955 of the rights, privileges, and immunities as a county for the
956 purposes of * * * instituting prohibition therein under the
957 provisions of this article.

958 **SECTION 9.** Section 67-1-16, Mississippi Code of 1972, is
959 amended as follows:

960 67-1-16. (1) (a) Before an area may be designated by the
961 governing authorities of a municipality as an area in which
962 facilities which are defined as qualified resort areas in Section
963 67-1-5(o)(iii)5 may be located, an election shall be held, under
964 the election laws applicable to the municipality, on the question
965 of whether qualified resort areas shall be allowed in the
966 municipality. An election to determine whether qualified resort



967 areas shall be allowed in the municipality shall be ordered by the
968 municipal governing authorities, upon presentation to the
969 governing authorities of a petition containing the names of at
970 least twenty percent (20%) of the duly qualified voters of the
971 municipality asking for the election. An election on the question
972 may not be held by the municipality more often than once each
973 year.

974 (b) Thirty (30) days' notice shall be given to the
975 qualified electors of the municipality, in the manner prescribed
976 by law, on the question of allowing qualified resort areas to be
977 established. The notice shall contain a statement of the question
978 to be voted on at the election. The ballots used in the election
979 shall have the following words printed thereon: "FOR THE
980 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST
981 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his
982 ballot, the voter shall make a cross (X) opposite the words of his
983 choice.

984 (c) Qualified resort areas may be established if a
985 majority of the qualified electors voting in the election vote for
986 such establishment. A qualified resort area may not be
987 established if a majority of the qualified electors voting in the
988 election vote against such establishment.

989 (2) (a) Before a municipality may be designated as a
990 qualified resort area as defined in Section 67-1-5(o)(iii)6, an
991 election shall be held, under the election laws applicable to the



992 municipality, on the question of whether the municipality shall be
993 a qualified resort area. An election to determine whether the
994 municipality shall be a qualified resort area shall be ordered by
995 the municipal governing authorities, upon presentation to the
996 governing authorities of a petition containing the names of at
997 least twenty percent (20%) of the duly qualified voters of the
998 municipality asking for the election. An election on the question
999 may not be held by the municipality more often than once each
1000 year.

1001 (b) Thirty (30) days' notice shall be given to the
1002 qualified electors of the municipality, in the manner prescribed
1003 by law, on the question of allowing qualified resort areas to be
1004 established. The notice shall contain a statement of the question
1005 to be voted on at the election. The ballots used in the election
1006 shall have the following words printed thereon: "FOR THE
1007 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1008 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
1009 marking his ballot, the voter shall make a cross (X) opposite the
1010 words of his choice.

1011 (c) The municipality may be established as a qualified
1012 resort area if a majority of the qualified electors voting in the
1013 election vote for such establishment. A qualified resort area may
1014 not be established if a majority of the qualified electors voting
1015 in the election vote against such establishment.



1016 (3) (a) Before an area may be designated a qualified resort
1017 area as defined in Section 67-1-5(o)(iii)7, an election shall be
1018 held in the municipality in which the area is located under the
1019 election laws applicable to the municipality, on the question of
1020 whether the area shall be a qualified resort area. An election to
1021 determine whether the area shall be a qualified resort area shall
1022 be ordered by the municipal governing authorities, upon
1023 presentation to the governing authorities of a petition containing
1024 the names of at least twenty percent (20%) of the duly qualified
1025 voters of the municipality asking for the election. An election
1026 on the question may not be held by the municipality more often
1027 than once each year.

1028 (b) Thirty (30) days' notice shall be given to the
1029 qualified electors of the municipality, in the manner prescribed
1030 by law, on the question of allowing qualified resort areas to be
1031 established. The notice shall contain a statement of the question
1032 to be voted on at the election. The ballots used in the election
1033 shall have the following words printed thereon: "FOR THE
1034 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1035 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
1036 marking his ballot, the voter shall make a cross (X) opposite the
1037 words of his choice.

1038 (c) The area may be established as a qualified resort
1039 area if a majority of the qualified electors voting in the
1040 election vote for such establishment. A qualified resort area may



1041 not be established if a majority of the qualified electors voting
1042 in the election vote against such establishment.

1043 (4) (a) Before a municipality may be designated as a
1044 qualified resort area as defined in item 21, 35 or 36 of Section
1045 67-1-5(o) (iii), an election shall be held, under the election laws
1046 applicable to the municipality, on the question of whether the
1047 municipality shall be a qualified resort area. An election to
1048 determine whether the municipality shall be a qualified resort
1049 area shall be ordered by the municipal governing authorities. An
1050 election on the question may not be held by the municipality more
1051 often than once each year.

1052 (b) Thirty (30) days' notice shall be given to the
1053 qualified electors of the municipality, in the manner prescribed
1054 by law, on the question of allowing qualified resort areas to be
1055 established. The notice shall contain a statement of the question
1056 to be voted on at the election. The ballots used in the election
1057 shall have the following words printed thereon: "FOR THE
1058 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1059 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
1060 marking his ballot, the voter shall make a cross (X) opposite the
1061 words of his choice.

1062 (c) The municipality may be established as a qualified
1063 resort area if a majority of the qualified electors voting in the
1064 election vote for such establishment. A qualified resort area may



1065 not be established if a majority of the qualified electors voting
1066 in the election vote against such establishment.

1067 (5) No election shall be held under this section after
1068 December 31, 2023, relating to the designation or establishment of
1069 a qualified resort area.

1070 **SECTION 10.** Section 67-1-17, Mississippi Code of 1972, is
1071 amended as follows:

1072 67-1-17. (1) It shall be unlawful for any person to have or
1073 possess either alcoholic beverages or personal property intended
1074 for use in violating the provisions of this article, or
1075 regulations prescribed under this article, or Chapter 31 of Title
1076 97, Mississippi Code of 1972. No property rights shall exist in
1077 any such personal property or alcoholic beverages. All such
1078 personal property and alcoholic beverages shall be considered
1079 contraband and shall be seized and forfeited to the State of
1080 Mississippi.

1081 (2) The following are subject to forfeiture:

1082 (a) All alcoholic beverages which have been
1083 manufactured, distilled, distributed, dispensed or acquired in
1084 violation of this article or Chapter 31 of Title 97, Mississippi
1085 Code of 1972;

1086 (b) All raw materials, products and equipment of any
1087 kind which are used, or intended for use, in manufacturing,
1088 compounding, processing, delivering, importing or exporting any



1089 alcoholic beverage in violation of this article or Chapter 31 of
1090 Title 97, Mississippi Code of 1972;

1091 (c) All property which is used, or intended for use, as
1092 a container for property described in items (a) or (b) of this
1093 subsection;

1094 (d) All conveyances, including aircraft, vehicles or
1095 vessels, which are used, or intended for use, to transport, or in
1096 any manner to facilitate the transportation, for the purpose of
1097 sale or receipt, possession or concealment, of property described
1098 in item (a) of this subsection which is in excess of six (6)
1099 gallons or of property described in item (b) of this subsection;
1100 however,

1101 (i) No conveyance used by any person as a common
1102 carrier in the transaction of business as a common carrier is
1103 subject to forfeiture under this section unless it appears that
1104 the owner or other person in charge of the conveyance is a
1105 consenting party or privy to a violation of this article or
1106 Chapter 31 of Title 97, Mississippi Code of 1972;

1107 (ii) No conveyance is subject to forfeiture under
1108 this section by reason of any act or omission proved by the owner
1109 thereof to have been committed or omitted without his knowledge or
1110 consent; if the confiscating authority has reason to believe that
1111 the conveyance is a leased or rented conveyance, then the
1112 confiscating authority shall notify the owner of the conveyance
1113 within five (5) days of the confiscation; and



1114 (iii) A forfeiture of a conveyance encumbered by a
1115 bona fide security interest is subject to the interest of the
1116 secured party if he neither had knowledge of nor consented to the
1117 act or omission;

1118 (e) All money, deadly weapons, books, records and
1119 research products and materials, including formulas, microfilm,
1120 tapes and data which are used, or intended for use, in violation
1121 of this article or Chapter 31 of Title 97, Mississippi Code of
1122 1972.

1123 (3) Property subject to forfeiture may be seized by the
1124 Alcoholic Beverage Control Division and its agents, local law
1125 enforcement officers, Mississippi Highway Patrol officers and
1126 other law enforcement personnel charged by Section 67-1-91, with
1127 enforcing the provisions of this article upon process issued by
1128 any appropriate court having jurisdiction over the property.
1129 Seizure without process may be made if:

1130 (a) The seizure is incident to an arrest or a search
1131 under a search warrant or an administrative inspection under
1132 Section 67-1-37(k);

1133 (b) The property subject to seizure has been the
1134 subject of a prior judgment in favor of the state in a criminal
1135 injunction or forfeiture proceeding based upon this article or
1136 Chapter 31 of Article 97, Mississippi Code of 1972; or

1137 (c) The Alcoholic Beverage Control Division of
1138 the * * * Department of Revenue and other law enforcement



1139 personnel described in this subsection have probable cause to
1140 believe that the property was used or is intended to be used in
1141 violation of this article or Chapter 31 of Article 97, Mississippi
1142 Code of 1972.

1143 (4) Alcoholic beverages and raw materials seized or detained
1144 under the authority of this article or Chapter 31 of Title 97,
1145 Mississippi Code of 1972, is deemed to be in the custody of the
1146 agent or agency so seizing the property and subject only to the
1147 orders and decrees of the court having jurisdiction over the
1148 property. When such property is seized it may be retained as
1149 evidence until final disposition of the cause in which such
1150 property is involved, and then the agent or agency so seizing the
1151 property shall physically transfer such alcoholic beverage or raw
1152 material to the Director of the Alcoholic Beverage Control
1153 Division of the * * * Department of Revenue together with an
1154 appropriate inventory of the items seized. Alcoholic beverages
1155 and raw materials seized or detained under the authority of this
1156 section shall be disposed of in accordance with the provisions of
1157 Section 67-1-18.

1158 (5) Any property other than alcoholic beverages and raw
1159 materials seized or detained pursuant to this article or Chapter
1160 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in
1161 the custody of the agent or agency so seizing the property and
1162 subject only to the orders and decrees of the court having
1163 jurisdiction over the property. When such property is seized it



1164 may be retained as evidence until the final disposition of the
1165 cause in which such property is involved. Property seized or
1166 detained other than alcoholic beverages or raw materials shall be
1167 disposed of in accordance with the provisions of Sections 67-1-93,
1168 67-1-95 and 67-1-97.

1169 **SECTION 11.** Section 67-1-37, Mississippi Code of 1972, is
1170 amended as follows:

1171 67-1-37. The Department of Revenue, under its duties and
1172 powers with respect to the Alcoholic Beverage Control Division
1173 therein, shall have the following powers, functions and duties:

1174 (a) To issue or refuse to issue any permit provided for
1175 by this article, or to extend the permit or remit in whole or any
1176 part of the permit monies when the permit cannot be used due to a
1177 natural disaster or act of God.

1178 (b) To revoke, suspend or cancel, for violation of or
1179 noncompliance with the provisions of this article, or the law
1180 governing the production and sale of native wines or native
1181 spirits, or any lawful rules and regulations of the department
1182 issued hereunder, or for other sufficient cause, any permit issued
1183 by it under the provisions of this article. The department shall
1184 also be authorized to suspend the permit of any permit holder for
1185 being out of compliance with an order for support, as defined in
1186 Section 93-11-153. The procedure for suspension of a permit for
1187 being out of compliance with an order for support, and the
1188 procedure for the reissuance or reinstatement of a permit



1189 suspended for that purpose, and the payment of any fees for the
1190 reissuance or reinstatement of a permit suspended for that
1191 purpose, shall be governed by Section 93-11-157 or Section
1192 93-11-163, as the case may be. If there is any conflict between
1193 any provision of Section 93-11-157 or Section 93-11-163 and any
1194 provision of this article, the provisions of Section 93-11-157 or
1195 Section 93-11-163, as the case may be, shall control.

1196 (c) To prescribe forms of permits and applications for
1197 permits and of all reports which it deems necessary in
1198 administering this article.

1199 (d) To fix standards, not in conflict with those
1200 prescribed by any law of this state or of the United States, to
1201 secure the use of proper ingredients and methods of manufacture of
1202 alcoholic beverages.

1203 (e) To issue rules regulating the advertising of
1204 alcoholic beverages in the state in any class of media and
1205 permitting advertising of the retail price of alcoholic beverages.

1206 (f) To issue reasonable rules and regulations, not
1207 inconsistent with the federal laws or regulations, requiring
1208 informative labeling of all alcoholic beverages offered for sale
1209 within this state and providing for the standards of fill and
1210 shapes of retail containers of alcoholic beverages; however, such
1211 containers shall not contain less than fifty (50) milliliters by
1212 liquid measure.



1213 (g) Subject to the provisions of subsection (3) of
1214 Section 67-1-51, to issue rules and regulations governing the
1215 issuance of retail permits for premises located near or around
1216 schools, colleges, universities, churches and other public
1217 institutions, and specifying the distances therefrom within which
1218 no such permit shall be issued. The Alcoholic Beverage Control
1219 Division shall not issue a package retailer's or on-premises
1220 retailer's permit for the sale or consumption of alcoholic
1221 beverages in or on the campus of any public school, community or
1222 junior college, college or university.

1223 (h) To adopt and promulgate, repeal and amend, such
1224 rules, regulations, standards, requirements and orders, not
1225 inconsistent with this article or any law of this state or of the
1226 United States, as it deems necessary to control the manufacture,
1227 importation, transportation, distribution, delivery and sale of
1228 alcoholic liquor, whether intended for beverage or nonbeverage use
1229 in a manner not inconsistent with the provisions of this article
1230 or any other statute, including the native wine and native spirit
1231 laws.

1232 (i) To call upon other administrative departments of
1233 the state, county and municipal governments, county and city
1234 police departments and upon prosecuting officers for such
1235 information and assistance as it may deem necessary in the
1236 performance of its duties.



1237 (j) To prepare and submit to the Governor during the
1238 month of January of each year a detailed report of its official
1239 acts during the preceding fiscal year ending June 30, including
1240 such recommendations as it may see fit to make, and to transmit a
1241 like report to each member of the Legislature of this state upon
1242 the convening thereof at its next regular session.

1243 (k) To inspect, or cause to be inspected, any premises
1244 where alcoholic * * * beverages intended for sale are
1245 manufactured, stored, distributed or sold, and to examine or cause
1246 to be examined all books and records pertaining to the business
1247 conducted therein.

1248 (l) To investigate the administration of laws in
1249 relation to alcoholic * * * beverages in this and other states and
1250 any foreign countries, and to recommend from time to time to the
1251 Governor and through him to the Legislature of this state such
1252 amendments to this article, if any, as it may think desirable.

1253 (m) To designate hours and days when alcoholic
1254 beverages may be sold in different localities in the state which
1255 permit such sale.

1256 (n) To assign employees to posts of duty at locations
1257 where they will be most beneficial for the control of alcoholic
1258 beverages and to take any other action concerning persons employed
1259 under this article as authorized by law and taken in accordance
1260 with the rules, regulations and procedures of the State Personnel
1261 Board.



1262 (o) To enforce the provisions made unlawful by Chapter
1263 3, Title 67 and Section 97-5-49.

1264 (p) To delegate its authority under this article to the
1265 Alcoholic Beverage Control Division, its director or any other
1266 officer or employee of the department that it deems appropriate.

1267 (q) To prescribe and charge a fee to defray the costs
1268 of shipping alcoholic beverages, provided that such fee is
1269 determined in a manner provided by the department by rules and/or
1270 regulations adopted in accordance with the Mississippi
1271 Administrative Procedures Law.

1272 **SECTION 12.** Section 67-1-51, Mississippi Code of 1972, is
1273 amended as follows:

1274 67-1-51. (1) Permits which may be issued by the department
1275 shall be as follows:

1276 (a) **Manufacturer's permit.** It shall be illegal to
1277 sell, manufacture, bottle or distribute alcoholic beverages
1278 without first obtaining an applicable permit authorizing such
1279 activity. A manufacturer's permit shall permit the manufacture,
1280 importation in bulk, bottling and storage of alcoholic liquor and
1281 its distribution and sale to manufacturers holding permits under
1282 this article in this state and to persons outside the state who
1283 are authorized by law to purchase the same, and to sell as
1284 provided by this article.

1285 Manufacturer's permits shall be of the following classes:



1286 Class 1. Distiller's and/or rectifier's permit, which shall
1287 authorize the holder thereof to operate a distillery for the
1288 production of distilled spirits by distillation or redistillation
1289 and/or to operate a rectifying plant for the purifying, refining,
1290 mixing, blending, flavoring or reducing in proof of distilled
1291 spirits and alcohol.

1292 Class 2. Wine manufacturer's permit, which shall authorize
1293 the holder thereof to manufacture, import in bulk, bottle and
1294 store wine or vinous liquor.

1295 Class 3. Native wine producer's permit, which shall
1296 authorize the holder thereof to produce, bottle, store and sell
1297 native wines.

1298 Class 4. Native spirit producer's permit, which shall
1299 authorize the holder thereof to produce, bottle, store and sell
1300 native spirits.

1301 (b) **Package retailer's permit.** Except as otherwise
1302 provided in this paragraph and Section 67-1-52, a package
1303 retailer's permit shall authorize the holder thereof to operate a
1304 store exclusively for the sale at retail in original sealed and
1305 unopened packages of alcoholic beverages, including native wines
1306 and native spirits, not to be consumed on the premises where sold.
1307 Alcoholic beverages shall not be sold by any retailer in any
1308 package or container containing less than fifty (50) milliliters
1309 by liquid measure. A package retailer's permit, with prior
1310 approval from the department, shall authorize the holder thereof



1311 to sample new product furnished by a manufacturer's representative
1312 or his employees at the permitted place of business so long as the
1313 sampling otherwise complies with this article and applicable
1314 department regulations. Such samples may not be provided to
1315 customers at the permitted place of business. In addition to the
1316 sale at retail of packages of alcoholic beverages, the holder of a
1317 package retailer's permit is authorized to sell at retail
1318 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
1319 other beverages commonly used to mix with alcoholic beverages.
1320 Nonalcoholic beverages sold by the holder of a package retailer's
1321 permit shall not be consumed on the premises where sold.

1322 (c) **On-premises retailer's permit.** Except as otherwise
1323 provided in subsection (5) of this section, an on-premises
1324 retailer's permit shall authorize the sale of alcoholic beverages,
1325 including native wines and native spirits, for consumption on the
1326 licensed premises only; however, a patron of the permit holder may
1327 remove one (1) bottle of wine from the licensed premises if: (i)
1328 the patron consumed a portion of the bottle of wine in the course
1329 of consuming a meal purchased on the licensed premises; (ii) the
1330 permit holder securely reseals the bottle; (iii) the bottle is
1331 placed in a bag that is secured in a manner so that it will be
1332 visibly apparent if the bag is opened; and (iv) a dated receipt
1333 for the wine and the meal is available. Additionally, as part of
1334 a carryout order, a permit holder may sell one (1) bottle of wine
1335 to be removed from the licensed premises for every two (2) entrees



1336 ordered. Such a permit shall be issued only to qualified hotels,
1337 restaurants and clubs, small craft breweries, microbreweries, and
1338 to common carriers with adequate facilities for serving
1339 passengers. In resort areas, whether inside or outside of a
1340 municipality, the department, in its discretion, may issue
1341 on-premises retailer's permits to such establishments as it deems
1342 proper. An on-premises retailer's permit when issued to a common
1343 carrier shall authorize the sale and serving of alcoholic
1344 beverages aboard any licensed vehicle while moving through any
1345 county of the state; however, the sale of such alcoholic beverages
1346 shall not be permitted while such vehicle is stopped in a county
1347 that has * * * voted to institute prohibition, unless the vehicle
1348 is located in a municipality wherein the sale of alcoholic
1349 beverages is legal. If an on-premises retailer's permit is
1350 applied for by a common carrier operating solely in the water,
1351 such common carrier must, along with all other qualifications for
1352 a permit, (i) be certified to carry at least one hundred fifty
1353 (150) passengers and/or provide overnight accommodations for at
1354 least fifty (50) passengers and (ii) operate primarily in the
1355 waters within the State of Mississippi which lie adjacent to the
1356 State of Mississippi south of the three (3) most southern counties
1357 in the State of Mississippi and/or on the Mississippi River or
1358 navigable waters within any county bordering on the Mississippi
1359 River.



1360 (d) **Solicitor's permit.** A solicitor's permit shall
1361 authorize the holder thereof to act as salesman for a manufacturer
1362 or wholesaler holding a proper permit, to solicit on behalf of his
1363 employer orders for alcoholic beverages, and to otherwise promote
1364 his employer's products in a legitimate manner. Such a permit
1365 shall authorize the representation of and employment by one (1)
1366 principal only. However, the permittee may also, in the
1367 discretion of the department, be issued additional permits to
1368 represent other principals. No such permittee shall buy or sell
1369 alcoholic beverages for his own account, and no such beverage
1370 shall be brought into this state in pursuance of the exercise of
1371 such permit otherwise than through a permit issued to a wholesaler
1372 or manufacturer in the state.

1373 (e) **Native wine retailer's permit.** Except as otherwise
1374 provided in subsection (5) of this section, a native wine
1375 retailer's permit shall be issued only to a holder of a Class 3
1376 manufacturer's permit, and shall authorize the holder thereof to
1377 make retail sales of native wines to consumers for on-premises
1378 consumption or to consumers in originally sealed and unopened
1379 containers at an establishment located on the premises of or in
1380 the immediate vicinity of a native winery. When selling to
1381 consumers for on-premises consumption, a holder of a native wine
1382 retailer's permit may add to the native wine alcoholic beverages
1383 not produced on the premises, so long as the total volume of
1384 foreign beverage components does not exceed twenty percent (20%)



1385 of the mixed beverage. Hours of sale shall be the same as those
1386 authorized for on-premises permittees in the city or county in
1387 which the native wine retailer is located.

1388 (f) **Temporary retailer's permit.** Except as otherwise
1389 provided in subsection (5) of this section, a temporary retailer's
1390 permit shall permit the purchase and resale of alcoholic
1391 beverages, including native wines and native spirits, during legal
1392 hours on the premises described in the temporary permit only.

1393 Temporary retailer's permits shall be of the following
1394 classes:

1395 Class 1. A temporary one-day permit may be issued to bona
1396 fide nonprofit civic or charitable organizations authorizing the
1397 sale of alcoholic beverages, including native wine and native
1398 spirit, for consumption on the premises described in the temporary
1399 permit only. Class 1 permits may be issued only to applicants
1400 demonstrating to the department, by a statement signed under
1401 penalty of perjury submitted ten (10) days prior to the proposed
1402 date or such other time as the department may determine, that they
1403 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1404 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1405 Class 1 permittees shall obtain all alcoholic beverages from
1406 package retailers located in the county in which the temporary
1407 permit is issued. Alcoholic beverages remaining in stock upon
1408 expiration of the temporary permit may be returned by the
1409 permittee to the package retailer for a refund of the purchase



1410 price upon consent of the package retailer or may be kept by the
1411 permittee exclusively for personal use and consumption, subject to
1412 all laws pertaining to the illegal sale and possession of
1413 alcoholic beverages. The department, following review of the
1414 statement provided by the applicant and the requirements of the
1415 applicable statutes and regulations, may issue the permit.

1416 Class 2. A temporary permit, not to exceed seventy (70)
1417 days, may be issued to prospective permittees seeking to transfer
1418 a permit authorized in paragraph (c) of this subsection. A Class
1419 2 permit may be issued only to applicants demonstrating to the
1420 department, by a statement signed under the penalty of perjury,
1421 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1422 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1423 67-1-59. The department, following a preliminary review of the
1424 statement provided by the applicant and the requirements of the
1425 applicable statutes and regulations, may issue the permit.

1426 Class 2 temporary permittees must purchase their alcoholic
1427 beverages directly from the department or, with approval of the
1428 department, purchase the remaining stock of the previous
1429 permittee. If the proposed applicant of a Class 1 or Class 2
1430 temporary permit falsifies information contained in the
1431 application or statement, the applicant shall never again be
1432 eligible for a retail alcohol beverage permit and shall be subject
1433 to prosecution for perjury.



1434 Class 3. A temporary one-day permit may be issued to a
1435 retail establishment authorizing the complimentary distribution of
1436 wine, including native wine, to patrons of the retail
1437 establishment at an open house or promotional event, for
1438 consumption only on the premises described in the temporary
1439 permit. A Class 3 permit may be issued only to an applicant
1440 demonstrating to the department, by a statement signed under
1441 penalty of perjury submitted ten (10) days before the proposed
1442 date or such other time as the department may determine, that it
1443 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1444 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1445 A Class 3 permit holder shall obtain all alcoholic beverages from
1446 the holder(s) of a package retailer's permit located in the county
1447 in which the temporary permit is issued. Wine remaining in stock
1448 upon expiration of the temporary permit may be returned by the
1449 Class 3 temporary permit holder to the package retailer for a
1450 refund of the purchase price, with consent of the package
1451 retailer, or may be kept by the Class 3 temporary permit holder
1452 exclusively for personal use and consumption, subject to all laws
1453 pertaining to the illegal sale and possession of alcoholic
1454 beverages. The department, following review of the statement
1455 provided by the applicant and the requirements of the applicable
1456 statutes and regulations, may issue the permit. No retailer may
1457 receive more than twelve (12) Class 3 temporary permits in a
1458 calendar year. A Class 3 temporary permit shall not be issued to



1459 a retail establishment that either holds a merchant permit issued
1460 under paragraph (1) of this subsection, or holds a permit issued
1461 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1462 the holder to engage in the business of a retailer of light wine
1463 or beer.

1464 (g) **Caterer's permit.** A caterer's permit shall permit
1465 the purchase of alcoholic beverages by a person engaging in
1466 business as a caterer and the resale of alcoholic beverages by
1467 such person in conjunction with such catering business. No person
1468 shall qualify as a caterer unless forty percent (40%) or more of
1469 the revenue derived from such catering business shall be from the
1470 serving of prepared food and not from the sale of alcoholic
1471 beverages and unless such person has obtained a permit for such
1472 business from the Department of Health. A caterer's permit shall
1473 not authorize the sale of alcoholic beverages on the premises of
1474 the person engaging in business as a caterer; however, the holder
1475 of an on-premises retailer's permit may hold a caterer's permit.
1476 When the holder of an on-premises retailer's permit or an
1477 affiliated entity of the holder also holds a caterer's permit, the
1478 caterer's permit shall not authorize the service of alcoholic
1479 beverages on a consistent, recurring basis at a separate, fixed
1480 location owned or operated by the caterer, on-premises retailer or
1481 affiliated entity and an on-premises retailer's permit shall be
1482 required for the separate location. All sales of alcoholic
1483 beverages by holders of a caterer's permit shall be made at the



1484 location being catered by the caterer, and, except as otherwise
1485 provided in subsection (5) of this section, such sales may be made
1486 only for consumption at the catered location. The location being
1487 catered may be anywhere within a county or judicial district * * *
1488 except in a county or judicial district where prohibition has been
1489 instituted and the sale or distribution of alcoholic beverages is
1490 illegal. Such sales shall be made pursuant to any other
1491 conditions and restrictions which apply to sales made by
1492 on-premises retail permittees. The holder of a caterer's permit
1493 or his employees shall remain at the catered location as long as
1494 alcoholic beverages are being sold pursuant to the permit issued
1495 under this paragraph (g), and the permittee shall have at the
1496 location the identification card issued by the Alcoholic Beverage
1497 Control Division of the department. No unsold alcoholic beverages
1498 may be left at the catered location by the permittee upon the
1499 conclusion of his business at that location. Appropriate law
1500 enforcement officers and Alcoholic Beverage Control Division
1501 personnel may enter a catered location on private property in
1502 order to enforce laws governing the sale or serving of alcoholic
1503 beverages.

1504 (h) **Research permit.** A research permit shall authorize
1505 the holder thereof to operate a research facility for the
1506 professional research of alcoholic beverages. Such permit shall
1507 authorize the holder of the permit to import and purchase limited
1508 amounts of alcoholic beverages from the department or from



1509 importers, wineries and distillers of alcoholic beverages for
1510 professional research.

1511 (i) **Alcohol processing permit.** An alcohol processing
1512 permit shall authorize the holder thereof to purchase, transport
1513 and possess alcoholic beverages for the exclusive use in cooking,
1514 processing or manufacturing products which contain alcoholic
1515 beverages as an integral ingredient. An alcohol processing permit
1516 shall not authorize the sale of alcoholic beverages on the
1517 premises of the person engaging in the business of cooking,
1518 processing or manufacturing products which contain alcoholic
1519 beverages. The amounts of alcoholic beverages allowed under an
1520 alcohol processing permit shall be set by the department.

1521 (j) **Hospitality cart permit.** A hospitality cart permit
1522 shall authorize the sale of alcoholic beverages from a mobile cart
1523 on a golf course that is the holder of an on-premises retailer's
1524 permit. The alcoholic beverages sold from the cart must be
1525 consumed within the boundaries of the golf course.

1526 (k) **Special service permit.** A special service permit
1527 shall authorize the holder to sell commercially sealed alcoholic
1528 beverages to the operator of a commercial or private aircraft for
1529 en route consumption only by passengers. A special service permit
1530 shall be issued only to a fixed-base operator who contracts with
1531 an airport facility to provide fueling and other associated
1532 services to commercial and private aircraft.



1533 (1) **Merchant permit.** Except as otherwise provided in
1534 subsection (5) of this section, a merchant permit shall be issued
1535 only to the owner of a spa facility, an art studio or gallery, or
1536 a cooking school, and shall authorize the holder to serve
1537 complimentary by the glass wine only, including native wine, at
1538 the holder's spa facility, art studio or gallery, or cooking
1539 school. A merchant permit holder shall obtain all wine from the
1540 holder of a package retailer's permit.

1541 (m) **Temporary alcoholic beverages charitable auction**
1542 **permit.** A temporary permit, not to exceed five (5) days, may be
1543 issued to a qualifying charitable nonprofit organization that is
1544 exempt from taxation under Section 501(c)(3) or (4) of the
1545 Internal Revenue Code of 1986. The permit shall authorize the
1546 holder to sell alcoholic beverages for the limited purpose of
1547 raising funds for the organization during a live or silent auction
1548 that is conducted by the organization and that meets the following
1549 requirements: (i) the auction is conducted in an area of the
1550 state where the sale of alcoholic beverages is authorized; (ii) if
1551 the auction is conducted on the premises of an on-premises
1552 retailer's permit holder, then the alcoholic beverages to be
1553 auctioned must be stored separately from the alcoholic beverages
1554 sold, stored or served on the premises, must be removed from the
1555 premises immediately following the auction, and may not be
1556 consumed on the premises; (iii) the permit holder may not conduct
1557 more than two (2) auctions during a calendar year; (iv) the permit



1558 holder may not pay a commission or promotional fee to any person
1559 to arrange or conduct the auction.

1560 (n) **Event venue retailer's permit.** An event venue
1561 retailer's permit shall authorize the holder thereof to purchase
1562 and resell alcoholic beverages, including native wines and native
1563 spirits, for consumption on the premises during legal hours during
1564 events held on the licensed premises if food is being served at
1565 the event by a caterer who is not affiliated with or related to
1566 the permittee. The caterer must serve at least three (3) entrees.
1567 The permit may only be issued for venues that can accommodate two
1568 hundred (200) persons or more. The number of persons a venue may
1569 accommodate shall be determined by the local fire department and
1570 such determination shall be provided in writing and submitted
1571 along with all other documents required to be provided for an
1572 on-premises retailer's permit. The permittee must derive the
1573 majority of its revenue from event-related fees, including, but
1574 not limited to, admission fees or ticket sales for live
1575 entertainment in the building. "Event-related fees" do not
1576 include alcohol, beer or light wine sales or any fee which may be
1577 construed to cover the cost of alcohol, beer or light wine. This
1578 determination shall be made on a per event basis. An event may
1579 not last longer than two (2) consecutive days per week.

1580 (o) **Temporary theatre permit.** A temporary theatre
1581 permit, not to exceed five (5) days, may be issued to a charitable
1582 nonprofit organization that is exempt from taxation under Section



1583 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
1584 a theatre facility that features plays and other theatrical
1585 performances and productions. Except as otherwise provided in
1586 subsection (5) of this section, the permit shall authorize the
1587 holder to sell alcoholic beverages, including native wines and
1588 native spirits, to patrons of the theatre during performances and
1589 productions at the theatre facility for consumption during such
1590 performances and productions on the premises of the facility
1591 described in the permit. A temporary theatre permit holder shall
1592 obtain all alcoholic beverages from package retailers located in
1593 the county in which the permit is issued. Alcoholic beverages
1594 remaining in stock upon expiration of the temporary theatre permit
1595 may be returned by the permittee to the package retailer for a
1596 refund of the purchase price upon consent of the package retailer
1597 or may be kept by the permittee exclusively for personal use and
1598 consumption, subject to all laws pertaining to the illegal sale
1599 and possession of alcoholic beverages.

1600 (p) **Charter ship operator's permit.** Subject to the
1601 provisions of this paragraph (p), a charter ship operator's permit
1602 shall authorize the holder thereof and its employees to serve,
1603 monitor, store and otherwise control the serving and availability
1604 of alcoholic beverages to customers of the permit holder during
1605 private charters under contract provided by the permit holder. A
1606 charter ship operator's permit shall authorize such action by the
1607 permit holder and its employees only as to alcoholic beverages



1608 brought onto the permit holder's ship by customers of the permit
1609 holder as part of such a private charter. All such alcoholic
1610 beverages must be removed from the charter ship at the conclusion
1611 of each private charter. A charter ship operator's permit shall
1612 not authorize the permit holder to sell, charge for or otherwise
1613 supply alcoholic beverages to customers, except as authorized in
1614 this paragraph (p). For the purposes of this paragraph (p),
1615 "charter ship operator" means a common carrier that (i) is
1616 certified to carry at least one hundred fifty (150) passengers
1617 and/or provide overnight accommodations for at least fifty (50)
1618 passengers, (ii) operates only in the waters within the State of
1619 Mississippi, which lie adjacent to the State of Mississippi south
1620 of the three (3) most southern counties in the State of
1621 Mississippi, and (iii) provides charters under contract for tours
1622 and trips in such waters.

1623 (q) **Distillery retailer's permit.** The holder of a
1624 Class 1 manufacturer's permit may obtain a distillery retailer's
1625 permit. A distillery retailer's permit shall authorize the holder
1626 thereof to sell at retail alcoholic beverages to consumers for
1627 on-premises consumption, or to consumers by the sealed and
1628 unopened bottle from a retail location at the distillery for
1629 off-premises consumption. The holder may only sell product
1630 manufactured by the manufacturer at the distillery described in
1631 the permit. However, when selling to consumers for on-premises
1632 consumption, a holder of a distillery retailer's permit may add



1633 other beverages, alcoholic or not, so long as the total volume of
1634 other beverage components containing alcohol does not exceed
1635 twenty percent (20%). Hours of sale shall be the same as those
1636 authorized for on-premises permittees in the city or county in
1637 which the distillery retailer is located.

1638 The holder shall not sell at retail more than ten percent
1639 (10%) of the alcoholic beverages produced annually at its
1640 distillery. The holder shall not make retail sales of more than
1641 two and twenty-five one-hundredths (2.25) liters, in the
1642 aggregate, of the alcoholic beverages produced at its distillery
1643 to any one (1) individual for consumption off the premises of the
1644 distillery within a twenty-four-hour period. The hours of sale
1645 shall be the same as those hours for package retailers under this
1646 article. The holder of a distillery retailer's permit is not
1647 required to purchase the alcoholic beverages authorized to be sold
1648 by this paragraph from the department's liquor distribution
1649 warehouse; however, if the holder does not purchase the alcoholic
1650 beverages from the department's liquor distribution warehouse, the
1651 holder shall pay to the department all taxes, fees and surcharges
1652 on the alcoholic beverages that are imposed upon the sale of
1653 alcoholic beverages shipped by the department or its warehouse
1654 operator. In addition to alcoholic beverages, the holder of a
1655 distillery retailer's permit may sell at retail promotional
1656 products from the same retail location, including shirts, hats,



1657 glasses, and other promotional products customarily sold by
1658 alcoholic beverage manufacturers.

1659 (r) **Festival Wine Permit.** Any wine manufacturer or
1660 native wine producer permitted by Mississippi or any other state
1661 is eligible to obtain a Festival Wine Permit. This permit
1662 authorizes the entity to transport product manufactured by it to
1663 festivals held within the State of Mississippi and sell sealed,
1664 unopened bottles to festival participants. The holder of this
1665 permit may provide samples at no charge to participants.
1666 "Festival" means any event at which three (3) or more vendors are
1667 present at a location for the sale or distribution of goods. The
1668 holder of a Festival Wine Permit is not required to purchase the
1669 alcoholic beverages authorized to be sold by this paragraph from
1670 the department's liquor distribution warehouse. However, if the
1671 holder does not purchase the alcoholic beverages from the
1672 department's liquor distribution warehouse, the holder of this
1673 permit shall pay to the department all taxes, fees and surcharges
1674 on the alcoholic beverages sold at such festivals that are imposed
1675 upon the sale of alcoholic beverages shipped by the Alcoholic
1676 Beverage Control Division of the Department of Revenue.
1677 Additionally, the entity shall file all applicable reports and
1678 returns as prescribed by the department. This permit is issued
1679 per festival and provides authority to sell for two (2)
1680 consecutive days during the hours authorized for on-premises
1681 permittees' sales in that county or city. The holder of the



1682 permit shall be required to maintain all requirements set by Local
1683 Option Law for the service and sale of alcoholic beverages. This
1684 permit may be issued to entities participating in festivals at
1685 which a Class 1 temporary permit is in effect.

1686 This paragraph (r) shall stand repealed from and after July
1687 1, 2023.

1688 (s) **Charter vessel operator's permit.** Subject to the
1689 provisions of this paragraph (s), a charter vessel operator's
1690 permit shall authorize the holder thereof and its employees to
1691 sell and serve alcoholic beverages to passengers of the permit
1692 holder during public tours, historical tours, ecological tours and
1693 sunset cruises provided by the permit holder. The permit shall
1694 authorize the holder to only sell alcoholic beverages, including
1695 native wines, to passengers of the charter vessel operator during
1696 public tours, historical tours, ecological tours and sunset
1697 cruises provided by the permit holder aboard the charter vessel
1698 operator for consumption during such tours and cruises on the
1699 premises of the charter vessel operator described in the permit.
1700 For the purposes of this paragraph (s), "charter vessel operator"
1701 means a common carrier that (i) is certified to carry at least
1702 forty-nine (49) passengers, (ii) operates only in the waters
1703 within the State of Mississippi, which lie south of Interstate 10
1704 in the three (3) most southern counties in the State of
1705 Mississippi, and lie adjacent to the State of Mississippi south of
1706 the three (3) most southern counties in the State of Mississippi,



1707 extending not further than one (1) mile south of such counties,
1708 and (iii) provides vessel services for tours and cruises in such
1709 waters as provided in this paragraph (s).

1710 (t) **Native spirit retailer's permit.** Except as
1711 otherwise provided in subsection (5) of this section, a native
1712 spirit retailer's permit shall be issued only to a holder of a
1713 Class 4 manufacturer's permit, and shall authorize the holder
1714 thereof to make retail sales of native spirits to consumers for
1715 on-premises consumption or to consumers in originally sealed and
1716 unopened containers at an establishment located on the premises of
1717 or in the immediate vicinity of a native distillery. When selling
1718 to consumers for on-premises consumption, a holder of a native
1719 spirit retailer's permit may add to the native spirit alcoholic
1720 beverages not produced on the premises, so long as the total
1721 volume of foreign beverage components does not exceed twenty
1722 percent (20%) of the mixed beverage. Hours of sale shall be the
1723 same as those authorized for on-premises permittees in the city or
1724 county in which the native spirit retailer is located.

1725 (u) **Delivery service permit.** Any individual, limited
1726 liability company, corporation or partnership registered to do
1727 business in this state is eligible to obtain a delivery service
1728 permit. Subject to the provisions of Section 67-1-51.1, this
1729 permit authorizes the permittee, or its employee or an independent
1730 contractor acting on its behalf, to deliver alcoholic beverages,
1731 beer, light wine and light spirit product from a licensed retailer



1732 to a person in this state who is at least twenty-one (21) years of
1733 age for the individual's use and not for resale. This permit does
1734 not authorize the delivery of alcoholic beverages, beer, light
1735 wine or light spirit product to the premises of a location with a
1736 permit for the manufacture, distribution or retail sale of
1737 alcoholic beverages, beer, light wine or light spirit product.
1738 The holder of a package retailer's permit or an on-premises
1739 retailer's permit under Section 67-1-51 or of a beer, light wine
1740 and light spirit product permit under Section 67-3-19 is
1741 authorized to apply for a delivery service permit as a privilege
1742 separate from its existing retail permit.

1743 (v) **Food truck permit.** A food truck permit shall
1744 authorize the holder of an on-premises retailer's permit to use a
1745 food truck to sell alcoholic beverages off its premises to guests
1746 who must consume the beverages in open containers. For the
1747 purposes of this paragraph (v), "food truck" means a fully encased
1748 food service establishment on a motor vehicle or on a trailer that
1749 a motor vehicle pulls to transport, and from which a vendor,
1750 standing within the frame of the establishment, prepares, cooks,
1751 sells and serves food for immediate human consumption. The term
1752 "food truck" does not include a food cart that is not motorized.
1753 Food trucks shall maintain such distance requirements from
1754 schools, churches, kindergartens and funeral homes as are required
1755 for on-premises retailer's permittees under this article, and all
1756 sales must be made within a valid leisure and recreation district



1757 established under Section 67-1-101. Food trucks cannot sell or
1758 serve alcoholic beverages unless also offering food prepared and
1759 cooked within the food truck, and permittees must maintain a
1760 twenty-five percent (25%) food sale revenue requirement based on
1761 the food sold from the food truck alone. The hours allowed for
1762 sale shall be the same as those for on-premises retailer's
1763 permittees in the location. This permit will not be required for
1764 the holder of a caterer's permit issued under this article to
1765 cater an event as allowed by law. Permittees must provide notice
1766 of not less than forty-eight (48) hours to the department of each
1767 location at which alcoholic beverages will be sold.

1768 (2) Except as otherwise provided in subsection (4) of this
1769 section, retail permittees may hold more than one (1) retail
1770 permit, at the discretion of the department.

1771 (3) (a) Except as otherwise provided in this subsection, no
1772 authority shall be granted to any person to manufacture, sell or
1773 store for sale any intoxicating liquor as specified in this
1774 article within four hundred (400) feet of any church, school,
1775 kindergarten or funeral home. However, within an area zoned
1776 commercial or business, such minimum distance shall be not less
1777 than one hundred (100) feet.

1778 (b) A church or funeral home may waive the distance
1779 restrictions imposed in this subsection in favor of allowing
1780 issuance by the department of a permit, pursuant to subsection (1)
1781 of this section, to authorize activity relating to the



1782 manufacturing, sale or storage of alcoholic beverages which would
1783 otherwise be prohibited under the minimum distance criterion.
1784 Such waiver shall be in written form from the owner, the governing
1785 body, or the appropriate officer of the church or funeral home
1786 having the authority to execute such a waiver, and the waiver
1787 shall be filed with and verified by the department before becoming
1788 effective.

1789 (c) The distance restrictions imposed in this
1790 subsection shall not apply to the sale or storage of alcoholic
1791 beverages at a bed and breakfast inn listed in the National
1792 Register of Historic Places or to the sale or storage of alcoholic
1793 beverages in a historic district that is listed in the National
1794 Register of Historic Places, is a qualified resort area and is
1795 located in a municipality having a population greater than one
1796 hundred thousand (100,000) according to the latest federal
1797 decennial census.

1798 (d) The distance restrictions imposed in this
1799 subsection shall not apply to the sale or storage of alcoholic
1800 beverages at a qualified resort area as defined in Section
1801 67-1-5(o)(iii)32.

1802 (e) The distance restrictions imposed in this
1803 subsection shall not apply to the sale or storage of alcoholic
1804 beverages at a licensed premises in a building formerly owned by a
1805 municipality and formerly leased by the municipality to a



1806 municipal school district and used by the municipal school
1807 district as a district bus shop facility.

1808 (f) The distance restrictions imposed in this
1809 subsection shall not apply to the sale or storage of alcoholic
1810 beverages at a licensed premises in a building consisting of at
1811 least five thousand (5,000) square feet and located approximately
1812 six hundred (600) feet from the intersection of Mississippi
1813 Highway 15 and Mississippi Highway 4.

1814 (g) The distance restrictions imposed in this
1815 subsection shall not apply to the sale or storage of alcoholic
1816 beverages at a licensed premises in a building located at or near
1817 the intersection of Ward and Tate Streets and adjacent properties
1818 in the City of Senatobia, Mississippi.

1819 (h) The distance restrictions imposed in this
1820 subsection shall not apply to the sale or storage of alcoholic
1821 beverages at a theatre facility that features plays and other
1822 theatrical performances and productions and (i) is capable of
1823 seating more than seven hundred fifty (750) people, (ii) is owned
1824 by a municipality which has a population greater than ten thousand
1825 (10,000) according to the latest federal decennial census, (iii)
1826 was constructed prior to 1930, (iv) is on the National Register of
1827 Historic Places, and (v) is located in a historic district.

1828 (4) No person, either individually or as a member of a firm,
1829 partnership, limited liability company or association, or as a
1830 stockholder, officer or director in a corporation, shall own or



1831 control any interest in more than one (1) package retailer's
1832 permit, nor shall such person's spouse, if living in the same
1833 household of such person, any relative of such person, if living
1834 in the same household of such person, or any other person living
1835 in the same household with such person own any interest in any
1836 other package retailer's permit.

1837 (5) (a) In addition to any other authority granted under
1838 this section, the holder of a permit issued under subsection
1839 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1840 sell or otherwise provide alcoholic beverages and/or wine to a
1841 patron of the permit holder in the manner authorized in the permit
1842 and the patron may remove an open glass, cup or other container of
1843 the alcoholic beverage and/or wine from the licensed premises and
1844 may possess and consume the alcoholic beverage or wine outside of
1845 the licensed premises if: (i) the licensed premises is located
1846 within a leisure and recreation district created under Section
1847 67-1-101 and (ii) the patron remains within the boundaries of the
1848 leisure and recreation district while in possession of the
1849 alcoholic beverage or wine.

1850 (b) Nothing in this subsection shall be construed to
1851 allow a person to bring any alcoholic beverages into a permitted
1852 premises except to the extent otherwise authorized by this
1853 article.

1854 **SECTION 13.** Section 67-1-57, Mississippi Code of 1972, is
1855 amended as follows:



1856 67-1-57. Before a permit is issued the department shall
1857 satisfy itself:

1858 (a) That the applicant, if an individual, or if a
1859 partnership, each of the members of the partnership, or if a
1860 corporation, each of its principal officers and directors, or if a
1861 limited liability company, each member of the limited liability
1862 company, is of good moral character and, in addition, enjoys a
1863 reputation of being a peaceable, law-abiding citizen of the
1864 community in which he resides, and is generally fit for the trust
1865 to be reposed in him, is not less than twenty-one (21) years of
1866 age, and has not been convicted of a felony in any state or
1867 federal court.

1868 (b) That, except in the case of an application for a
1869 solicitor's permit, the applicant is the true and actual owner of
1870 the business for which the permit is desired, and that he intends
1871 to carry on the business authorized for himself and not as the
1872 agent of any other person, and that he intends to superintend in
1873 person the management of the business or that he will designate a
1874 manager to manage the business for him. All managers must be
1875 approved by the department prior to completing any managerial
1876 tasks on behalf of the permittee and must possess all of the
1877 qualifications required of a permittee; however, a felony
1878 conviction, other than a crime of violence, does not automatically
1879 disqualify a person from being approved as a manager if the person
1880 was released from incarceration at least three (3) years prior to



1881 application for approval as a manager. A felony conviction, other
1882 than a crime of violence, may be considered by the department in
1883 determining whether all other qualifications are met.

1884 (c) That the applicant for a package retailer's permit,
1885 if an individual, is a resident of the State of Mississippi. If
1886 the applicant is a partnership, each member of the partnership
1887 must be a resident of the state. If the applicant is a limited
1888 liability company, each member of the limited liability company
1889 must be a resident of the state. If the applicant is a
1890 corporation, the designated manager of the corporation must be a
1891 resident of the state.

1892 (d) That the place for which the permit is to be issued
1893 is an appropriate one considering the character of the premises
1894 and the surrounding neighborhood.

1895 (e) That the place for which the permit is to be issued
1896 is within the corporate limits of an incorporated municipality or
1897 qualified resort area or club which comes within the provisions of
1898 this article.

1899 (f) That the applicant is not indebted to the state for
1900 any taxes, fees or payment of penalties imposed by any law of the
1901 State of Mississippi or by any rule or regulation of the * * *
1902 department.

1903 (g) That the applicant is not in the habit of using
1904 alcoholic beverages to excess and is not physically or mentally



1905 incapacitated, and that the applicant has the ability to read and
1906 write the English language.

1907 (h) That the * * * department does not believe and has
1908 no reason to believe that the applicant will sell or knowingly
1909 permit any agent, servant or employee to unlawfully sell * * *
1910 alcoholic beverages in * * * and area in which prohibition is
1911 instituted or in any other manner contrary to law.

1912 (i) That the applicant is not residentially domiciled
1913 with any person whose permit or license has been cancelled for
1914 cause within the twelve (12) months next preceding the date of the
1915 present application for a permit.

1916 (j) That the * * * department has not, in the exercise
1917 of its discretion which is reserved and preserved to it, refused
1918 to grant permits under the restrictions of this section, as well
1919 as under any other pertinent provision of this article.

1920 (k) That there are not sufficient legal reasons to deny
1921 a permit on the ground that the premises for which the permit is
1922 sought has previously been operated, used or frequented for any
1923 purpose or in any manner that is lewd, immoral or offensive to
1924 public decency. In the granting or withholding of any permit to
1925 sell alcoholic beverages at retail, the * * * department in
1926 forming its conclusions may give consideration to any
1927 recommendations made in writing by the district or county attorney
1928 or county, circuit or chancery judge of the county, or the sheriff
1929 of the county, or the mayor or chief of police of an incorporated



1930 city or town wherein the applicant proposes to conduct his
1931 business and to any recommendations made by representatives of
1932 the * * * department.

1933 (1) That the applicant and the applicant's key
1934 employees, as determined by the * * * department, do not have a
1935 disqualifying criminal record. In order to obtain a criminal
1936 record history check, the applicant shall submit to the * * *
1937 department a set of fingerprints from any local law enforcement
1938 agency for each person for whom the records check is required.
1939 The * * * department shall forward the fingerprints to the
1940 Mississippi Department of Public Safety. If no disqualifying
1941 record is identified at the state level, the Department of Public
1942 Safety shall forward the fingerprints to the Federal Bureau of
1943 Investigation for a national criminal history record check. Costs
1944 for processing the set or sets of fingerprints shall be borne by
1945 the applicant. The * * * department shall not deny employment to
1946 an employee of the applicant prior to the identification of a
1947 disqualifying record or other disqualifying information.

1948 **SECTION 14.** Section 67-1-85, Mississippi Code of 1972, is
1949 amended as follows:

1950 67-1-85. (1) The holder of a package retailer's permit may
1951 have signs, lighted or otherwise, on the outside of the premises
1952 covered by his permit which advertise, announce or advise of the
1953 sale of alcoholic beverages in or on said premises. Wherever the
1954 sign is located on the premises, the name of the business shall



1955 also include the permit number thereof, preceded by the words
1956 "A.B.C. Permit No."

1957 (2) It shall be lawful to advertise alcoholic beverages by
1958 means of signs, billboards or displays on or along any road,
1959 highway, street or building.

1960 (3) It shall be lawful for publishers, broadcasters and
1961 other kinds, types or forms of public and private advertising
1962 media to advertise alcoholic beverages; however, no alcoholic
1963 beverages may be advertised during, or within five (5) minutes
1964 preceding or following, any television broadcast which consists
1965 primarily of animated material intended for viewing by young
1966 children.

1967 (4) Notwithstanding the provisions of this section to the
1968 contrary, it shall be unlawful to advertise alcoholic beverages by
1969 means of signs, billboards or displays in any municipality, county
1970 or judicial district * * * that has voted to institute
1971 prohibition.

1972 **SECTION 15.** Section 67-1-91, Mississippi Code of 1972, is
1973 amended as follows:

1974 67-1-91. (1) It is hereby made the duty of every police and
1975 peace officer and every district and county attorney and the
1976 Alcoholic Beverage Control Division of the * * * Department of
1977 Revenue to enforce the provisions of this article and to inform
1978 against and diligently prosecute persons whom they have reasonable
1979 cause to believe to be offenders against the provisions thereof.



1980 Every such officer refusing or neglecting to do so shall be guilty
1981 of a misdemeanor, and the court, in addition to imposing the
1982 penalty therefor, shall adjudge forfeiture of his office.

1983 (2) In any county or municipality where it is readily
1984 apparent that local law enforcement authorities in cooperation
1985 with the agents and inspectors provided by the * * * department
1986 cannot control the illegal sale of alcoholic beverages, the * * *
1987 department shall request such assistance as it may deem necessary
1988 from the Mississippi Highway Safety Patrol; and it shall be the
1989 duty of the Governor of the State of Mississippi to see that the
1990 laws of the state are properly enforced by use of the additional
1991 authority as herein provided.

1992 (3) The officers, agents and representatives of the * * *
1993 Department of Revenue and the Alcoholic Beverage Control Division
1994 thereof are authorized and directed to strictly enforce the * * *
1995 provisions of this article and any other provisions of law
1996 regulating the proper sale, distribution and transportation of
1997 alcoholic beverages, and, in such counties that vote to institute
1998 prohibition, enforce such prohibition on the sale, distribution
1999 and transportation, except as provided herein, of alcoholic
2000 beverages within the boundaries of such counties. The State
2001 Highway Patrol, sheriffs, police departments, constables, and all
2002 peace officers, and prosecuting attorneys, the Attorney General's
2003 office, district attorneys, county attorneys, city attorneys, and
2004 all others charged with upholding the law, as well as the



2005 citizenry of this state, are hereby urged and directed to uphold
2006 the dignity of the law, to foster public respect therefor and to
2007 strictly enforce the laws against * * * alcoholic beverages in all
2008 cases while operating a motor vehicle on the streets and highways
2009 of this state, and to enforce the law and prosecute against the
2010 wrongful use of * * * alcoholic beverages in any county or
2011 municipality by a permit holder or licensee or anyone else under
2012 such circumstances and conditions as would lead to a breakdown in
2013 public law or is violative of the public sense of common decency,
2014 as well as to enforce the law against gambling, organized crime,
2015 or social vice and corruption.

2016 **SECTION 16.** Section 67-1-101, Mississippi Code of 1972, is
2017 amended as follows:

2018 67-1-101. (1) For the purposes of this section, the
2019 following words shall have the following meanings ascribed in this
2020 section, unless the context clearly otherwise requires:

2021 (a) "Municipality" means any incorporated city, town or
2022 village that has not voted in favor of * * * instituting
2023 prohibition or is in a county that has not voted in favor of * * *
2024 instituting prohibition.

2025 (b) "Leisure and recreation district" means an area
2026 officially designated by ordinance or resolution of the governing
2027 authorities of a municipality or county as a leisure and
2028 recreation district.



2029 (c) "County" means any county that has voted in favor
2030 of * * * instituting prohibition.

2031 (2) (a) Subject to the provisions of this section, the
2032 governing authorities of a municipality, by ordinance, may
2033 establish one or more leisure and recreation districts within the
2034 corporate boundaries of the municipality and designate the
2035 geographic area or areas to be included within a district. The
2036 governing authorities of a municipality, by ordinance, may modify
2037 the boundaries of a leisure and recreation district. In addition,
2038 the boundaries of a leisure and recreation district may extend
2039 from within the municipality into the unincorporated area of the
2040 county in which the municipality is located if the county consents
2041 to the extension and has not voted in favor of * * * instituting
2042 prohibition.

2043 (b) Subject to the provisions of this section, the
2044 board of Supervisors of a county, by resolution, may establish one
2045 or more leisure and recreation districts within the county that
2046 are outside the corporate limits of any municipality in the county
2047 and designate the geographic area or areas to be included within
2048 the districts.

2049 (c) The designation or modification of the geographic
2050 area or areas as a leisure and recreation district shall include a
2051 detailed description of the area or areas within the district,
2052 boundaries of the district and a georeferenced map of the
2053 district. In addition to any other matters addressed in an



2054 ordinance or resolution establishing or modifying a leisure and
2055 recreation district, a municipality or county, as the case may be,
2056 must describe the manner in which the municipality or county, as
2057 the case may be, will provide for adequate law enforcement and
2058 other public safety measures and services within the district.
2059 Following the establishment and/or modification of a leisure and
2060 recreation district, the municipality or county, as the case may
2061 be, shall provide the Department of Revenue with (i) a copy of any
2062 ordinance or resolution relating to the establishment or
2063 modification of the district, (ii) verification from the municipal
2064 police department and/or applicable sheriff's department
2065 indicating how such department will provide adequate law
2066 enforcement and other public safety measures and services within
2067 the district, and (iii) a list of persons or other entities that
2068 hold permits issued under Section 67-1-51(c), (e), (f), (g), (l),
2069 (n) or (o) and are located and/or doing business under such
2070 permits in the district at the time the district is established.

2071 **SECTION 17.** Section 67-9-1, Mississippi Code of 1972, is
2072 amended as follows:

2073 67-9-1. Notwithstanding the provisions of any section of
2074 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
2075 any person holding an alcohol processing permit to transport and
2076 possess alcoholic beverages, light wine, light spirit product and
2077 beer, in any part of the state, for his or her use in cooking,
2078 processing or manufacturing products which contain alcoholic



2079 beverages as an integral ingredient, in amounts as limited by the
2080 Alcoholic Beverage Control Division of the * * * Department of
2081 Revenue. The authority to transport and possess alcoholic
2082 beverages, light wine, light spirit product and beer under this
2083 section exists regardless of whether (a) the county or
2084 municipality in which the transportation or possession takes place
2085 has voted for * * * instituting prohibition, or (b) the
2086 transportation, storage, sale, distribution, receipt or
2087 manufacture of light wine, light spirit product and beer otherwise
2088 is prohibited.

2089 The provisions of this section shall not be construed as
2090 amending, repealing or otherwise affecting any statute or any
2091 lawfully adopted ordinance, rule or regulation that prohibits or
2092 restricts the location at which, or the premises upon which,
2093 alcoholic beverages, light wine, light spirit product or beer may
2094 be sold or consumed.

2095 **SECTION 18.** Section 97-31-47, Mississippi Code of 1972, is
2096 amended as follows:

2097 97-31-47. It shall be unlawful for any transportation
2098 company, or any agent, employee, or officer of such company, or
2099 any other person, or corporation to transport into or deliver in
2100 this state in any manner or by any means any spirituous, vinous,
2101 malt, or other intoxicating liquors or drinks, or for any such
2102 person, company, or corporation to transport any spirituous, malt,
2103 vinous, or intoxicating liquors or drinks from one place within



2104 this state to another place within the state, or from one (1)
2105 point within this state to any point without the state, except in
2106 cases where this chapter * * *, Title 27, Mississippi Code of
2107 1972, or Title 67, Mississippi Code of 1972, authorizes the
2108 transportation.

2109 **SECTION 19.** Section 27-71-15, Mississippi Code of 1972, is
2110 amended as follows:

2111 27-71-15. Except as otherwise provided in Section 67-9-1 for
2112 the transportation of limited amounts of alcoholic beverages for
2113 the use of an alcohol processing permittee, if transportation
2114 requires passage through a county which has * * * voted to
2115 institute prohibition, such transportation shall be by a sealed
2116 vehicle. Such seal shall remain unbroken until the vehicle shall
2117 reach the place of business operated by the permittee. The
2118 operator of any vehicle transporting alcoholic beverages shall
2119 have in his possession an invoice issued by the * * * department
2120 at the time of the wholesale sale covering the merchandise
2121 transported by the vehicle. The * * * department is authorized to
2122 issue regulations controlling the transportation of alcoholic
2123 beverages.

2124 When the restrictions imposed by this section and by the
2125 regulation of the * * * department have not been violated, the
2126 person transporting alcoholic beverages through a county wherein
2127 the sale of alcoholic beverages is prohibited shall not be guilty



2128 of unlawful possession and such merchandise shall be immune from
2129 seizure.

2130 **SECTION 20.** Section 27-71-31, Mississippi Code of 1972, is
2131 amended as follows:

2132 27-71-31. Nothing herein shall be construed to make * * *
2133 unlawful the sale, * * * distribution or transportation of
2134 alcoholic beverages in this state, except to the extent, in the
2135 manner and in the localities that same shall be made * * *
2136 unlawful by the institution of prohibition.

2137 **SECTION 21.** Section 67-1-41, Mississippi Code of 1972, is
2138 brought forward as follows:

2139 67-1-41. (1) The department is hereby created a wholesale
2140 distributor and seller of alcoholic beverages, not including malt
2141 liquors, within the State of Mississippi. It is granted the right
2142 to import and sell alcoholic beverages at wholesale within the
2143 state, and no person who is granted the right to sell, distribute
2144 or receive alcoholic beverages at retail shall purchase any
2145 alcoholic beverages from any source other than the department,
2146 except as authorized in subsections (4), (9) and (12) of this
2147 section. The department may establish warehouses, and the
2148 department may purchase alcoholic beverages in such quantities and
2149 from such sources as it may deem desirable and sell the alcoholic
2150 beverages to authorized permittees within the state including, at
2151 the discretion of the department, any retail distributors
2152 operating within any military post or qualified resort areas



2153 within the boundaries of the state, keeping a correct and accurate
2154 record of all such transactions and exercising such control over
2155 the distribution of alcoholic beverages as seem right and proper
2156 in keeping with the provisions or purposes of this article.

2157 (2) No person for the purpose of sale shall manufacture,
2158 distill, brew, sell, possess, export, transport, distribute,
2159 warehouse, store, solicit, take orders for, bottle, rectify,
2160 blend, treat, mix or process any alcoholic beverage except in
2161 accordance with authority granted under this article, or as
2162 otherwise provided by law for native wines or native spirits.

2163 (3) No alcoholic beverage intended for sale or resale shall
2164 be imported, shipped or brought into this state for delivery to
2165 any person other than as provided in this article, or as otherwise
2166 provided by law for native wines or native spirits.

2167 (4) The department may promulgate rules and regulations
2168 which authorize on-premises retailers to purchase limited amounts
2169 of alcoholic beverages from package retailers and for package
2170 retailers to purchase limited amounts of alcoholic beverages from
2171 other package retailers. The department shall develop and provide
2172 forms to be completed by the on-premises retailers and the package
2173 retailers verifying the transaction. The completed forms shall be
2174 forwarded to the department within a period of time prescribed by
2175 the department.

2176 (5) The department may promulgate rules which authorize the
2177 holder of a package retailer's permit to permit individual retail



2178 purchasers of packages of alcoholic beverages to return, for
2179 exchange, credit or refund, limited amounts of original sealed and
2180 unopened packages of alcoholic beverages purchased by the
2181 individual from the package retailer.

2182 (6) The department shall maintain all forms to be completed
2183 by applicants necessary for licensure by the department at all
2184 district offices of the department.

2185 (7) The department may promulgate rules which authorize the
2186 manufacturer of an alcoholic beverage or wine to import, transport
2187 and furnish or give a sample of alcoholic beverages or wines to
2188 the holders of package retailer's permits, on-premises retailer's
2189 permits, native wine or native spirit retailer's permits and
2190 temporary retailer's permits who have not previously purchased the
2191 brand of that manufacturer from the department. For each holder
2192 of the designated permits, the manufacturer may furnish not more
2193 than five hundred (500) milliliters of any brand of alcoholic
2194 beverage and not more than three (3) liters of any brand of wine.

2195 (8) The department may promulgate rules disallowing open
2196 product sampling of alcoholic beverages or wines by the holders of
2197 package retailer's permits and permitting open product sampling of
2198 alcoholic beverages by the holders of on-premises retailer's
2199 permits. Permitted sample products shall be plainly identified
2200 "sample" and the actual sampling must occur in the presence of the
2201 manufacturer's representatives during the legal operating hours of
2202 on-premises retailers.



2203 (9) The department may promulgate rules and regulations that
2204 authorize the holder of a research permit to import and purchase
2205 limited amounts of alcoholic beverages from importers, wineries
2206 and distillers of alcoholic beverages or from the department. The
2207 department shall develop and provide forms to be completed by the
2208 research permittee verifying each transaction. The completed
2209 forms shall be forwarded to the department within a period of time
2210 prescribed by the department. The records and inventory of
2211 alcoholic beverages shall be open to inspection at any time by the
2212 Director of the Alcoholic Beverage Control Division or any duly
2213 authorized agent.

2214 (10) The department may promulgate rules facilitating a
2215 retailer's on-site pickup of alcoholic beverages sold by the
2216 department or as authorized by the department, including, but not
2217 limited to, native wines and native spirits, so that those
2218 alcoholic beverages may be delivered to the retailer at the
2219 manufacturer's location instead of via shipment from the
2220 department's warehouse.

2221 (11) **[Through June 30, 2023]** This section shall not apply
2222 to alcoholic beverages authorized to be sold by the holder of a
2223 distillery retailer's permit or a festival wine permit.

2224 (11) **[From and after July 1, 2023]** This section shall not
2225 apply to alcoholic beverages authorized to be sold by the holder
2226 of a distillery retailer's permit.



2227 (12) (a) An individual resident of this state who is at
2228 least twenty-one (21) years of age may purchase wine from a winery
2229 and have the purchase shipped into this state so long as it is
2230 shipped to a package retailer permittee in Mississippi; however,
2231 the permittee shall pay to the department all taxes, fees and
2232 surcharges on the wine that are imposed upon the sale of wine
2233 shipped by the department or its warehouse operator. No credit
2234 shall be provided to the permittee for any taxes paid to another
2235 state as a result of the transaction. Package retailers may
2236 charge a service fee for receiving and handling shipments from
2237 wineries on behalf of the purchasers. The department shall
2238 develop and provide forms to be completed by the package retailer
2239 permittees verifying the transaction. The completed forms shall
2240 be forwarded to the department within a period of time prescribed
2241 by the department.

2242 (b) The purchaser of wine that is to be shipped to a
2243 package retailer's store shall be required to get the prior
2244 approval of the package retailer before any wine is shipped to the
2245 package retailer. A purchaser is limited to no more than ten (10)
2246 cases of wine per year to be shipped to a package retailer. A
2247 package retailer shall notify a purchaser of wine within two (2)
2248 days after receiving the shipment of wine. If the purchaser of
2249 the wine does not pick up or take the wine from the package
2250 retailer within thirty (30) days after being notified by the



2251 package retailer, the package retailer may sell the wine as part
2252 of his inventory.

2253 (c) Shipments of wine into this state under this
2254 section shall be made by a duly licensed carrier. It shall be the
2255 duty of every common or contract carrier, and of every firm or
2256 corporation that shall bring, carry or transport wine from outside
2257 the state for delivery inside the state to package retailer
2258 permittees on behalf of consumers, to prepare and file with the
2259 department, on a schedule as determined by the department, of
2260 known wine shipments containing the name of the common or contract
2261 carrier, firm or corporation making the report, the period of time
2262 covered by said report, the name and permit number of the winery,
2263 the name and permit number of the package retailer permittee
2264 receiving such wine, the weight of the package delivered to each
2265 package retailer permittee, a unique tracking number, and the date
2266 of delivery. Reports received by the department shall be made
2267 available by the department to the public via the Mississippi
2268 Public Records Act process in the same manner as other state
2269 alcohol filings.

2270 Upon the department's request, any records supporting the
2271 report shall be made available to the department within a
2272 reasonable time after the department makes a written request for
2273 such records. Any records containing information relating to such
2274 reports shall be kept and preserved for a period of two (2) years,
2275 unless their destruction sooner is authorized, in writing, by the



2276 department, and shall be open and available to inspection by the
2277 department upon the department's written request. Reports shall
2278 also be made available to any law enforcement or regulatory body
2279 in the state in which the railroad company, express company,
2280 common or contract carrier making the report resides or does
2281 business.

2282 Any common or contract carrier that willfully fails to make
2283 reports, as provided by this section or any of the rules and
2284 regulations of the department for the administration and
2285 enforcement of this section, is subject to a notification of
2286 violation. In the case of a continuing failure to make reports,
2287 the common or contract carrier is subject to possible license
2288 suspension and revocation at the department's discretion.

2289 (d) A winery that ships wine under this section shall
2290 be deemed to have consented to the jurisdiction of the courts of
2291 this state, of the department, of any other state agency regarding
2292 the enforcement of this section, and of any related law, rules or
2293 regulations.

2294 (e) Any person who makes, participates in, transports,
2295 imports or receives a shipment in violation of this section is
2296 guilty of a misdemeanor and, upon conviction thereof, shall be
2297 punished by a fine of One Thousand Dollars (\$1,000.00) or
2298 imprisonment in the county jail for not more than six (6) months,
2299 or both. Each shipment shall constitute a separate offense.



2300 (13) If any provision of this article, or its application to
2301 any person or circumstance, is determined by a court to be invalid
2302 or unconstitutional, the remaining provisions shall be construed
2303 in accordance with the intent of the Legislature to further limit
2304 rather than expand commerce in alcoholic beverages to protect the
2305 health, safety, and welfare of the state's residents, and to
2306 enhance strict regulatory control over taxation, distribution and
2307 sale of alcoholic beverages through the three-tier regulatory
2308 system imposed by this article upon all alcoholic beverages to
2309 curb relationships and practices calculated to stimulate sales and
2310 impair the state's policy favoring trade stability and the
2311 promotion of temperance.

2312 **SECTION 22.** Section 67-1-65, Mississippi Code of 1972, is
2313 brought forward as follows:

2314 67-1-65. In any county having heretofore voted, or which
2315 hereafter votes, to come out from under the prohibition law, in
2316 which there is not located an incorporated municipality within
2317 such county, the state tax commission may issue package retailer's
2318 permits in such county.

2319 **SECTION 23.** Section 67-1-72, Mississippi Code of 1972, is
2320 brought forward as follows:

2321 67-1-72. (1) Except as otherwise provided in this article,
2322 any applicant or holder of a permit issued under this article
2323 which is aggrieved by an action of the Department of Revenue to
2324 deny his application for a permit, to deny the renewal of his



2325 permit or to revoke or suspend his permit shall be allowed to
2326 appeal to the Board of Tax Appeals from this action. This appeal
2327 is to be filed by the aggrieved person with the Executive Director
2328 of the Board of Tax Appeals, with a copy being sent to the
2329 Department of Revenue, within fifteen (15) days from the date that
2330 person received notice of the action of the department being
2331 aggrieved. If the person aggrieved fails to appeal within this
2332 fifteen-day period, the action of the Department of Revenue shall
2333 take effect as set out in the notice. The Department of Revenue
2334 retains the authority to change at any time the action aggrieved
2335 to in an appeal under this subsection. The applicant or holder of
2336 any permit issued under this article may waive his right to notice
2337 and opportunity to a hearing as provided by this subsection and
2338 agree to the action being taken by the department. The inability
2339 of the Department of Revenue to issue or renew a permit due to an
2340 incomplete application or due to the failure of the applicant to
2341 pay the annual privilege taxes and fees provided by Section
2342 27-71-5 and/or the failure of the applicant to post or deposit the
2343 bond, cash or securities as required by Section 27-71-21 shall not
2344 constitute a denial for purposes of this subsection.

2345 (2) Any applicant for approval as a manager of an
2346 establishment operating under a permit issued under this article
2347 or who holds the designation of an approved manager of an
2348 establishment operating under a permit issued under this article
2349 and who is aggrieved by an action of the Department of Revenue to



2350 deny his application for approval as a manager or to revoke or
2351 suspend his designation as an approved manager shall be allowed to
2352 appeal to the Board of Tax Appeals from this action. This appeal
2353 is to be filed by the aggrieved person with the Executive Director
2354 of the Board of Tax Appeals, with a copy being sent to the
2355 Department of Revenue, within fifteen (15) days from the date that
2356 person received notice of the action of the department being
2357 aggrieved. If the person aggrieved fails to appeal within this
2358 fifteen-day period, the action of the Department of Revenue shall
2359 take effect as set out in the notice. The Department of Revenue
2360 retains the authority to change at any time the action aggrieved
2361 to in an appeal under this subsection. The applicant or holder of
2362 an approved manager designation may waive his right to notice and
2363 opportunity to a hearing as provided by this subsection and agree
2364 to the action being taken by the department. The inability of the
2365 Department of Revenue to consider an application for approval of
2366 an applicant as a manager due to an incomplete application shall
2367 not constitute a denial of the application for purposes of this
2368 subsection.

2369 (3) Any applicant for approval of an area or locality as a
2370 qualified resort area under this article who is aggrieved by the
2371 decision of the Department of Revenue to deny the qualified resort
2372 area as requested and any county or municipality wherein the
2373 proposed qualified resort area is located may appeal to the Board
2374 of Tax Appeals from such decision. This appeal is to be filed by



2375 the aggrieved applicant or by the affected county or municipality
2376 with the Executive Director of the Board of Tax Appeals, with a
2377 copy being sent to the Department of Revenue, within fifteen (15)
2378 days from the date that the person or entity filing the appeal
2379 received notice of the decision of the Department of Revenue to
2380 deny the qualified resort area. If an appeal is not filed within
2381 this fifteen-day period, the decision of the Department of Revenue
2382 shall become final. The Department of Revenue retains the
2383 authority to change at any time the decision aggrieved to in an
2384 appeal under this subsection. The inability of the Department of
2385 Revenue to consider an application for the approval of an area or
2386 locality as a qualified resort area due to an incomplete
2387 application shall not constitute a denial of that application for
2388 purposes of this subsection.

2389 (4) Any person, including any county or municipality in
2390 which the qualified resort area is located, who is aggrieved by
2391 the decision of the Department of Revenue to revoke the approval
2392 of an area or locality as a qualified resort area may appeal to
2393 the Board of Tax Appeals from such decision. This appeal is to be
2394 filed by the aggrieved person with the Executive Director of the
2395 Board of Tax Appeals, with a copy being sent to the Department of
2396 Revenue, within fifteen (15) days from the date that the person or
2397 entity filing the appeal received notice of the decision of the
2398 department to revoke approval of the qualified resort area. At
2399 the discretion of the Department of Revenue, in addition to any



2400 other notice to be provided under this subsection, the department
2401 may provide notice of its decision to revoke approval of the
2402 qualified resort area by publication in the same manner as
2403 provided by regulation when approval of a qualified resort area is
2404 sought. In regard to such publication, the fifteen-day period
2405 provided herein will begin on the date that notice is first
2406 published. If an appeal is not filed within this fifteen-day
2407 period, the decision of the Department of Revenue shall become
2408 final. The Department of Revenue retains the authority to change
2409 at any time the decision aggrieved to in an appeal under this
2410 subsection.

2411 (5) Any person objecting to an application for the issuance
2412 or transfer of a permit, other than a temporary retailer's permit,
2413 issued under this article and who timely requests in writing a
2414 hearing on his objection shall be given a hearing before the Board
2415 of Tax Appeals unless the permit is denied by the Department of
2416 Revenue and an appeal is not taken by the applicant to the Board
2417 of Tax Appeals from that denial or the applicant withdraws his
2418 application. Any written request for a hearing on an objection
2419 must be filed with the Department of Revenue within fifteen (15)
2420 days from the first date of publication of the notice of such
2421 application under Section 67-1-53. If the department determines
2422 that the permit should be denied, notice will be provided to the
2423 applicant as set out in subsection (1) of this section, and if the
2424 applicant timely requests a hearing on the denial as provided by



2425 this subsection (5), the department will advise the Executive
2426 Director of the Board of Tax Appeals and the applicant of the
2427 written request for a hearing on an objection to the permit. The
2428 hearing on the objection to the permit and the hearing on the
2429 appeal by the applicant from the denial of the department of the
2430 application shall be consolidated and heard by the Board of Tax
2431 Appeals at the same time. If the department determines that the
2432 permit should be issued, the department will advise the applicant
2433 and the Executive Director of the Board of Tax Appeals of the
2434 timely written request for a hearing on an objection to the
2435 application and a hearing will be set before the Board of Tax
2436 Appeals on this objection. If prior to the hearing, either the
2437 person requesting the hearing withdraws his request or the
2438 applicant withdraws his application, the hearing will be cancelled
2439 and the objection proceedings before the Board of Tax Appeals on
2440 the application will be dismissed as moot. In the case of such
2441 withdrawals, the Board of Tax Appeals is authorized to assess to
2442 either or both parties any costs incurred by it prior to such
2443 withdrawal. The Department of Revenue retains authority to issue
2444 the permit to the applicant where the person objecting to the
2445 application withdraws his request for a hearing.

2446 (6) Any person objecting to an application for approval by
2447 the Department of Revenue of a area or locality as a qualified
2448 resort area under this article and who timely requests in writing
2449 a hearing on his objection shall be given a hearing before the



2450 Board of Tax Appeals unless approval of the application is denied
2451 by the Department of Revenue and an appeal is not taken by the
2452 applicant or the county or municipality in which the proposed
2453 qualified resort area is located to the Board of Tax Appeals from
2454 that denial or the applicant withdraws his application. Any
2455 written request for a hearing on an objection must be filed with
2456 the Department of Revenue within fifteen (15) days from the first
2457 date of publication of the notice of such application as provided
2458 by regulation. If the department determines that the application
2459 for approval of the proposed area or locality as a qualified
2460 resort area should be denied, the department will proceed with
2461 denial of such application as set out in subsection (3) of this
2462 section, and if the applicant or the county or municipality in
2463 which the proposed qualified resort area is located timely
2464 requests a hearing on the denial as provided by subsection (3) of
2465 this section, the department will advise the Executive Director of
2466 the Board of Tax Appeals and the applicant of the written request
2467 for a hearing on an objection to the application. The hearing on
2468 the objection to approval of the proposed qualified resort area
2469 and the hearing on the appeal from the denial of the department of
2470 the application for such approval shall be consolidated and heard
2471 by the Board of Tax Appeals at the same time. If the department
2472 determines that the proposed qualified resort area should be
2473 approved, the department will advise the applicant and the
2474 Executive Director of the Board of Tax Appeals of the timely



2475 written request for a hearing on an objection to the application
2476 and a hearing will be set before the Board of Tax Appeals on this
2477 objection. If prior to the hearing, either the person requesting
2478 the hearing withdraws his request or the applicant withdraws his
2479 application, the hearing will be cancelled and the objection
2480 proceedings before the Board of Tax Appeals on the application
2481 will be dismissed as moot. In the case of such withdrawals, the
2482 Board of Tax Appeals is authorized to assess to either or both
2483 parties any costs incurred by it prior to such withdrawal. The
2484 Department of Revenue retains authority to approve the proposed
2485 area or locality as a qualified resort area where the person
2486 objecting to the application withdraws his request for a hearing.

2487 (7) Any person having an interest in any alcoholic
2488 beverages, light wine, beer, light spirit products or raw
2489 materials which the Department of Revenue intends to dispose of
2490 under Section 67-1-18 shall be given reasonable notice of this
2491 proposed disposal, and upon such notice, this person may request a
2492 hearing before the Board of Tax Appeals to establish his right or
2493 claim to this property. This request for a hearing shall be filed
2494 with the Board of Tax Appeals, with a copy sent to the Department
2495 of Revenue, within fifteen (15) days from the date of receipt of
2496 the notice provided above by the person filing the request. If a
2497 request is not received by the Board of Tax Appeals within this
2498 fifteen-day period, the department may order the property disposed
2499 of in accordance with Section 67-1-18.



2500 (8) Upon receipt of a written request for hearing or appeal
2501 as set out above, the executive director shall schedule a hearing
2502 before the Board of Tax Appeals on this request or appeal. A
2503 notice of the hearing shall be mailed to all persons or entities
2504 having an interest in the matter being heard which shall always
2505 include the person or entity filing the request or appeal for
2506 which the hearing is being set, the applicant or holder of any
2507 permit, approved manager status or qualified resort area status in
2508 issue, any person who filed a written request for a hearing on an
2509 objection to any application in issue and the Department of
2510 Revenue. This notice shall provide the date, time and location of
2511 the hearing. Mailing to the attorney representing a person or
2512 entity in the matter being heard shall be the same as mailing to
2513 the person or entity the attorney represents. Failure of the
2514 person or entity on whose request or appeal the matter was set for
2515 hearing to appear personally or through his designated
2516 representative at the hearing shall constitute an involuntary
2517 withdrawal of his request or appeal. Upon such withdrawal, the
2518 Board of Tax Appeals shall note on the record the failure of the
2519 person or entity to appear at the hearing and shall dismiss the
2520 request or appeal and remand the matter back to the Department of
2521 Revenue for appropriate action.

2522 (9) At any hearing before the Board of Tax Appeals on an
2523 appeal or hearing request as set out above, two (2) members of the
2524 Board of Tax Appeals shall constitute a quorum. At the hearing,



2525 the Board of Tax Appeals shall try the issues presented according
2526 to law and the facts and pursuant to any guidelines established by
2527 regulation. The rules of evidence shall be relaxed at the hearing
2528 and the hearing shall be recorded by a court reporter. After
2529 reaching a decision on the issues presented, the Board of Tax
2530 Appeals shall enter an order setting forth its findings and
2531 decision in the matter. A copy of the order of the Board of Tax
2532 Appeals shall be mailed to the person or entity filing the request
2533 or appeal which was heard, the applicant or holder of any permit,
2534 approved manager status or qualified resort area status in issue,
2535 any person who filed a written request for a hearing on an
2536 objection to any application in issue and the Department of
2537 Revenue to notify them of the findings and decision of the Board
2538 of Tax Appeals.

2539 **SECTION 24.** Section 67-3-5, Mississippi Code of 1972, is
2540 brought forward as follows:

2541 67-3-5. (1) It shall be lawful, subject to the provisions
2542 set forth in this chapter and in Section 67-1-51, in this state to
2543 transport, store, sell, distribute, possess, receive, deliver
2544 and/or manufacture light wine, light spirit product and beer, and
2545 it is hereby declared that it is the legislative intent that this
2546 chapter privileges the lawful sale and manufacture, within this
2547 state, of such light wines, light spirit products and beer. In
2548 determining if a wine product is "light wine," or contains an
2549 alcoholic content of more than five percent (5%) by weight, or is



2550 not an "alcoholic beverage" as defined in the Local Option
2551 Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi
2552 Code of 1972, the alcoholic content of such wine product shall be
2553 subject to the same permitted tolerance as is allowed by the
2554 labeling requirements for light wine provided for in Section
2555 27-71-509.

2556 (2) Subject to the provisions set forth in this chapter and
2557 in Section 67-1-51, it shall be lawful in this state to transport,
2558 store, sell, distribute, possess, receive, deliver and/or
2559 manufacture beer of an alcoholic content of more than eight
2560 percent (8%) by weight, if the beer is manufactured to be sold
2561 legally in another state and is transported outside of this state
2562 for retail sale.

2563 **SECTION 25.** Section 67-3-7, Mississippi Code of 1972, is
2564 brought forward as follows:

2565 67-3-7. (1) If any county, at an election held for the
2566 purpose under the election laws of the state, shall by a majority
2567 vote of the duly qualified electors voting in the election
2568 determine that the transportation, storage, sale, distribution,
2569 receipt and/or manufacture of wine, light spirit product and beer
2570 shall not be permitted in such county, then the same shall not be
2571 permitted therein except as authorized under Section 67-9-1 and as
2572 may be otherwise authorized in this section. An election to
2573 determine whether such transportation, storage, sale,
2574 distribution, receipt and/or manufacture of such beverages shall



2575 be excluded from any county in the state, shall, on a petition of
2576 twenty percent (20%) or fifteen hundred (1,500), whichever number
2577 is the lesser, of the duly qualified electors of such county, be
2578 ordered by the board of supervisors of the county, for such county
2579 only. No election on the question shall be held in any one (1)
2580 county more often than once in five (5) years.

2581 In counties which have elected, or may elect by a majority
2582 vote of the duly qualified electors voting in the election, that
2583 the transportation, storage, sale, distribution, receipt and/or
2584 manufacture of wine, light spirit product or beer shall not be
2585 permitted in the county, an election may be held in the same
2586 manner as the election hereinabove provided on the question of
2587 whether or not the transportation, storage, sale, distribution,
2588 receipt and/or manufacture of said beverages shall be permitted in
2589 such county. Such election shall be ordered by the board of
2590 supervisors of such county on a petition of twenty percent (20%)
2591 or fifteen hundred (1,500), whichever number is the lesser, of the
2592 duly qualified electors of such county. No election on this
2593 question can be ordered more often than once in five (5) years.

2594 (2) Nothing in this section shall make it unlawful to
2595 possess beer, light spirit product or light wine, as defined
2596 herein.

2597 (3) Nothing in this section shall make it unlawful to:



2598 (a) Sell, distribute and transport light wine, light
2599 spirit product or beer to a qualified resort area as defined in
2600 Section 67-1-5;

2601 (b) Sell light wine, light spirit product or beer at a
2602 qualified resort area as defined in Section 67-1-5 if such light
2603 wine, light spirit product or beer is sold by a person with a
2604 permit to engage in the business as a retailer of light wine,
2605 light spirit product or beer;

2606 (c) Transport beer of an alcoholic content of more than
2607 eight percent (8%) by weight if it is being transported to another
2608 state for legal sale in that state;

2609 (d) Transport legally purchased light wine, light
2610 spirit product or beer in unopened containers; however, this
2611 paragraph shall not apply to a retailer unless the retailer has
2612 purchased the light wine, light spirit product or beer from a
2613 wholesaler or distributor for the designated sales territory in
2614 which the retailer is located and the retailer has in his
2615 possession an invoice from the wholesaler or distributor for the
2616 light wine, light spirit product or beer; or

2617 (e) Transport homemade beer as authorized in Section
2618 67-3-11.

2619 **SECTION 26.** Section 67-3-9, Mississippi Code of 1972, is
2620 brought forward as follows:

2621 67-3-9. Any city in this state, having a population of not
2622 less than two thousand five hundred (2,500) according to the



2623 latest federal decennial census; or any city in this state having
2624 a population of not less than one thousand five hundred (1,500)
2625 according to the latest federal decennial census and located
2626 within three (3) miles of a city or county that permits the sale,
2627 receipt, storage and transportation for the purpose of sale of
2628 beer, light spirit product or light wine; or any city or town in
2629 this state having a population of not less than one thousand
2630 (1,000) according to the latest federal decennial census and
2631 located in a county that has no city or town with a population of
2632 more than two thousand five hundred (2,500); or any city, town or
2633 village that is a county seat and has voted to come out from under
2634 the dry law under Section 67-1-14; at an election held for the
2635 purpose, under the election laws applicable to such city, may
2636 either prohibit or permit, except as otherwise provided under
2637 Section 67-9-1, the sale and the receipt, storage and
2638 transportation for the purpose of sale of beer, light spirit
2639 product and light wine. An election to determine whether such
2640 sale shall be permitted in cities wherein its sale is prohibited
2641 by law shall be ordered by the city or town council or mayor and
2642 board of aldermen or other governing body of such city or town for
2643 such city or town only, upon the presentation of a petition for
2644 such city or town to such governing board containing the names of
2645 twenty percent (20%) or fifteen hundred (1,500), whichever number
2646 is the lesser, of the duly qualified voters of such city or town
2647 asking for such election. In like manner, an election to



2648 determine whether such sale shall be prohibited in cities wherein
2649 its sale is permitted by law shall be ordered by the city council
2650 or mayor and board of aldermen or other governing board of such
2651 city for such city only, upon the presentation of a petition to
2652 such governing board containing the names of twenty percent (20%)
2653 of the duly qualified voters of such city asking for such
2654 election. No election on either question shall be held by any one
2655 (1) city more often than once in five (5) years.

2656 Thirty (30) days' notice shall be given to the qualified
2657 electors of such city or town in the manner prescribed by law upon
2658 the question of either permitting or prohibiting such sale, and
2659 the notice shall contain a statement of the question to be voted
2660 on at the election. The tickets to be used in the election shall
2661 have the following words printed thereon: "For the legal sale of
2662 light wine of an alcoholic content of not more than five percent
2663 (5%) by weight, light spirit product of an alcoholic content of
2664 not more than six percent (6%) by weight, and beer of an alcoholic
2665 content of not more than eight percent (8%) by weight"; and the
2666 words "Against the legal sale of light wine of an alcoholic
2667 content of not more than five percent (5%) by weight, light spirit
2668 product of an alcoholic content of not more than six percent (6%)
2669 by weight, and beer of an alcoholic content of not more than eight
2670 percent (8%) by weight," next below. In making up his or her
2671 ticket the voter shall make a cross (X) opposite the words of his
2672 choice.



2673 If in the election a majority of the qualified electors
2674 voting in the election shall vote "For the legal sale of light
2675 wine of an alcoholic content of not more than five percent (5%) by
2676 weight, light spirit product of an alcoholic content of not more
2677 than six percent (6%) by weight, and beer of an alcoholic content
2678 of not more than eight percent (8%) by weight," then the city or
2679 town council or mayor and board of aldermen or other governing
2680 body shall pass the necessary order permitting the legal sale of
2681 such light wine, light spirit product and beer in such city or
2682 town. If in the election a majority of the qualified electors
2683 voting in the election shall vote "Against the legal sale of light
2684 wine of an alcoholic content of not more than five percent (5%) by
2685 weight, light spirit product of an alcoholic content of not more
2686 than six percent (6%) by weight, and beer of an alcoholic content
2687 of not more than eight percent (8%) by weight," then the city
2688 council or mayor and board of aldermen or other governing body
2689 shall pass the necessary order prohibiting the sale of such light
2690 wine, light spirit product and beer in such city.

2691 All laws or parts of laws in conflict with this section are
2692 hereby repealed to the extent of such conflict only, this section
2693 being cumulative and supplementary.

2694 **SECTION 27.** Section 67-3-13, Mississippi Code of 1972, is
2695 brought forward as follows:

2696 67-3-13. (1) It shall be lawful to possess beer, light
2697 spirit product and light wine throughout the state, unless



2698 otherwise prohibited by this chapter. However, nothing herein
2699 shall be construed to make lawful the possession of beer, light
2700 spirit product or light wine with the intent to sell except as
2701 authorized by this chapter.

2702 (2) In any county or municipality in which the
2703 transportation, storage, sale, distribution, receipt and/or
2704 manufacture of light wine, light spirit product and beer is
2705 prohibited, it shall not be unlawful for a permitted wholesaler or
2706 distributor to possess light wine, light spirit product and beer
2707 when such light wine, light spirit product and beer is held
2708 therein solely for the purpose of storage and for distribution to
2709 other counties and municipalities in which transportation,
2710 storage, sale, distribution, receipt and/or manufacture is lawful.

2711 (3) Notwithstanding the provisions of subsections (1) and
2712 (2) of this section, in any county in which transportation,
2713 storage, sale, distribution, receipt and/or manufacture of light
2714 wine, light spirit product and beer is prohibited, it shall not be
2715 unlawful:

2716 (a) To receive or store light wine, light spirit
2717 product or beer at a resort area as defined in Section 67-1-5;

2718 (b) To distribute and transport light wine, light
2719 spirit product or beer to a resort area as defined in Section
2720 67-1-5;



2721 (c) To transport beer of an alcoholic content of more
2722 than eight percent (8%) by weight if it is being transported to
2723 another state for legal sale in that state;

2724 (d) To transport legally purchased light wine, light
2725 spirit product or beer in unopened containers if it is being
2726 transported on a state or federal highway; however, this paragraph
2727 shall not apply to a retailer unless the retailer has purchased
2728 the light wine, light spirit product or beer from a wholesaler or
2729 distributor for the designated sales territory in which the
2730 retailer is located and the retailer has in his possession an
2731 invoice from the wholesaler or distributor for the light wine,
2732 light spirit product or beer; or

2733 (e) To transport homemade beer as authorized in Section
2734 67-3-11.

2735 (4) Any light wine, light spirit product or beer found in
2736 possession of, or sold by, a person in violation of this section
2737 shall be seized and disposed of in the manner provided for in
2738 Section 67-1-18.

2739 **SECTION 28.** Section 67-3-67, Mississippi Code of 1972, is
2740 brought forward as follows:

2741 67-3-67. No county or any officer or agent thereof, nor any
2742 other officer, agent, or person, shall interfere with or impede
2743 the passage through such county of any light wine, light spirit
2744 product or beer moving in accordance with the provisions of this
2745 chapter and the provisions of Section 67-9-1 and which in transit



2746 to or from any county of this state wherein the traffic in light
2747 wines, light spirit products and beer is not prohibited, any
2748 county prohibition of such traffic to the contrary
2749 notwithstanding.

2750 **SECTION 29.** Section 57-26-1, Mississippi Code of 1972, is
2751 brought forward as follows:

2752 57-26-1. As used in Sections 57-26-1 through 57-26-5, the
2753 following terms and phrases shall have the meanings ascribed in
2754 this section unless the context clearly indicates otherwise:

2755 (a) "Approved project costs" means actual costs
2756 incurred by an approved participant for land acquisition,
2757 construction, engineering, design and other costs approved by the
2758 Mississippi Development Authority relating to a tourism project;
2759 however, for the purposes of a tourism project described in
2760 paragraph (d)(iv) of this section, such costs include only those
2761 incurred after January 1, 2011, relating to the hotel portion of
2762 the project consisting of facilities used for lodging and common
2763 areas in that portion of the project. All costs must be verified
2764 by an independent third party approved by the MDA. An approved
2765 participant shall pay the costs for the third-party verification
2766 of costs. Approved project costs may not increase regardless of
2767 the actual costs incurred by the project.

2768 (b) "Approved participant" means a person, corporation
2769 or other entity issued a certificate by the Mississippi
2770 Development Authority under Section 57-26-5.



2771 (c) "MDA" means the Mississippi Development Authority.

2772 (d) "Tourism project" shall include any of the
2773 following as may be approved by the MDA:

2774 (i) Theme parks, water parks, entertainment parks
2775 or outdoor adventure parks, cultural or historical interpretive
2776 educational centers or museums, motor speedways, indoor or outdoor
2777 entertainment centers or complexes, convention centers,
2778 professional sports facilities, spas, attractions created around a
2779 natural phenomenon or scenic landscape and marinas open to the
2780 public with a minimum private investment of not less than Ten
2781 Million Dollars (\$10,000,000.00);

2782 (ii) A hotel with a minimum private investment of
2783 Forty Million Dollars (\$40,000,000.00) in land, buildings,
2784 architecture, engineering, fixtures, equipment, furnishings,
2785 amenities and other related soft costs approved by the Mississippi
2786 Development Authority, and having a minimum private investment of
2787 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room
2788 which amount shall be included within the minimum private
2789 investment of Forty Million Dollars (\$40,000,000.00);

2790 (iii) A public golf course with a minimum private
2791 investment of Ten Million Dollars (\$10,000,000.00);

2792 (iv) A full service hotel with a minimum private
2793 investment of Fifteen Million Dollars (\$15,000,000.00) in land,
2794 buildings, architecture, engineering, fixtures, equipment,
2795 furnishings, amenities and other related soft costs approved by



2796 the Mississippi Development Authority, and having a minimum
2797 private investment of Two Hundred Thousand Dollars (\$200,000.00)
2798 per guest room or suite which amount shall be included within the
2799 minimum private investment of Fifteen Million Dollars
2800 (\$15,000,000.00), a minimum of twenty-five (25) guest rooms or
2801 suites, and guest amenities such as restaurants, spas and other
2802 amenities as determined by the Mississippi Development Authority;
2803 however, in a county in which the Grammy Museum Mississippi or the
2804 Mississippi Arts and Entertainment Center is located, in a county
2805 in which the Saenger Theater and the main campus of a state
2806 institution of higher learning are located, and in the downtown
2807 historic district of the city in which the NWCC Performing Arts
2808 Center is located, the minimum private investment per guest room
2809 or suite shall be One Hundred Fifty Thousand Dollars (\$150,000.00)
2810 which amount shall be included within the minimum private
2811 investment of Fifteen Million Dollars (\$15,000,000.00);

2812 (v) A tourism attraction located within an
2813 "entertainment district" as defined in Section 17-29-3 that is
2814 open to the public, has seating to accommodate at least forty (40)
2815 persons, is open at least five (5) days per week from at least
2816 6:00 p.m. until midnight, serves food and beverages, and provides
2817 live entertainment at least three (3) nights per week;

2818 (vi) A cultural retail attraction;

2819 (vii) A tourism attraction located within a
2820 historic district where the district is listed in the National



2821 Register of Historic Places, where the tourism attraction is open
2822 to the public, has seating to accommodate at least forty (40)
2823 persons, is open at least five (5) days per week from at least
2824 6:00 p.m. until midnight, serves food and beverages, and provides
2825 live entertainment at least three (3) nights per week;

2826 (viii) A tourism attraction, located in a county
2827 bordered by the Mississippi River and including Interstate 69 and
2828 U.S. Highways 3, 4 and 61, with a minimum investment of One
2829 Hundred Million Dollars (\$100,000,000.00) and subject to an urban
2830 renewal plan that redevelops two (2) hotels, a golf course and
2831 clubhouse, a shooting range and a convention center and develops
2832 an entertainment center and waterpark, together with other
2833 attraction-related amenities, on an area not less than two
2834 thousand (2,000) acres.

2835 The term "tourism project" does not include any licensed
2836 gaming establishment owned, leased or controlled by a business,
2837 corporation or entity having a gaming license issued under Section
2838 75-76-1 et seq.; however, the term "tourism project" may include a
2839 project described in this paragraph (d) that is owned, leased or
2840 controlled by such a business, corporation or entity or in which
2841 the business, corporation or entity has a direct or indirect
2842 financial interest if the project is in excess of development that
2843 the State Gaming Commission requires for the issuance or renewal
2844 of a gaming license and is not part of a licensed gaming
2845 establishment in which gaming activities are conducted.



2846 The term "tourism project" does not include any facility
2847 within the project whose primary business is retail sales or any
2848 expansions of existing projects; however, pro shops, souvenir
2849 shops, gift shops, concessions and similar retail activities, and
2850 cultural retail attractions may be included within the definition
2851 of the term "tourism project." In addition, retail activities,
2852 regardless of whether the primary business is retail sales, that
2853 are part of a resort development may be included within the
2854 definition of "tourism project."

2855 (e) "Resort development" means a travel destination
2856 development with a minimum private investment of One Hundred
2857 Million Dollars (\$100,000,000.00) and which consists of (i) a
2858 hotel with a minimum of two hundred (200) guest rooms or suites
2859 and having a minimum private investment of Two Hundred Thousand
2860 Dollars (\$200,000.00) per guest room or suite, and (ii) guest
2861 amenities such as restaurants, golf courses, spas, fitness
2862 facilities, entertainment activities and other amenities as
2863 determined by the MDA. Not more than an amount equal to forty
2864 percent (40%) of the private investment required by this paragraph
2865 may be expended on facilities to house retail activity.

2866 (f) "Cultural retail attraction" means a project which
2867 combines destination shopping with cultural or historical
2868 interpretive elements specific to Mississippi with a minimum
2869 private investment of Fifty Million Dollars (\$50,000,000.00) in
2870 land, buildings, architecture, engineering, fixtures, equipment,



2871 furnishings, amenities and other related soft costs approved by
2872 the Mississippi Development Authority and which:

2873 (i) Is located in a qualified resort area as
2874 defined in Section 67-1-5;

2875 (ii) Is a part of a master-planned development
2876 with a total investment of not less than One Hundred Million
2877 Dollars (\$100,000,000.00) in land, buildings, architecture,
2878 engineering, fixtures, equipment, furnishings, amenities and other
2879 related soft costs approved by the Mississippi Development
2880 Authority;

2881 (iii) Has a minimum of fifty (50) retail tenants
2882 with a minimum of three hundred thousand (300,000) square feet of
2883 heated and cooled space; and

2884 (iv) Has a minimum investment of One Million
2885 Dollars (\$1,000,000.00) in one or more of the following:

2886 1. Art created by Mississippi artists or
2887 portraying themes specific to Mississippi;

2888 2. Memorabilia, signage or historical markers
2889 which serve to promote the State of Mississippi;

2890 3. Audio/visual equipment used to showcase
2891 Mississippi artists;

2892 4. A minimum of one thousand two hundred
2893 fifty (1,250) square feet of heated and cooled space available to
2894 the Mississippi Development Authority or its assignee for a period
2895 of not less than ten (10) years.



2896 (g) "Retail activity" means businesses whose inventory
2897 consists primarily of upscale name brands or their equivalent as
2898 determined by the MDA.

2899 (h) "State" means the State of Mississippi.

2900 **SECTION 30.** This act shall take effect and be in force from
2901 and after January 1, 2024.

