

By: Representatives Powell, Yates

To: State Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 329

1 AN ACT TO AMEND SECTION 67-1-83, MISSISSIPPI CODE OF 1972, TO
2 ALLOW ANY COUNTY, MUNICIPALITY, TRIBE OR OTHER POLITICAL
3 SUBDIVISION OF THE STATE THAT IS WET UNDER THE LOCAL OPTION
4 ALCOHOLIC BEVERAGE CONTROL LAW TO AUTHORIZE PERMITTED PACKAGE
5 RETAILERS TO ENGAGE IN PACKAGE RETAIL SALES DURING CERTAIN HOURS
6 ON SUNDAY; TO PROVIDE THAT ANY COUNTY, MUNICIPALITY OR OTHER
7 POLITICAL SUBDIVISION OF THE STATE THAT HAS AUTHORIZED PERMITTED
8 PACKAGE RETAILERS TO ENGAGE IN PACKAGE RETAIL SALES DURING CERTAIN
9 HOURS ON SUNDAY MAY PROHIBIT SUCH SALES BY AN ELECTION AS PROVIDED
10 FOR IN THIS ACT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 67-1-83, Mississippi Code of 1972, is
13 amended as follows:

14 67-1-83. (1) It shall be unlawful for any permittee or any
15 employee or agent thereof to sell or furnish any alcoholic
16 beverage to any person who is visibly intoxicated, or to any
17 person who is known to habitually drink alcoholic beverages to
18 excess, or to any person who is known to be an habitual user of
19 narcotics or other habit-forming drugs. It shall also be unlawful
20 for the holder of any package retailer's permit to sell any
21 alcoholic beverages except by delivery in person to the purchaser
22 at the place of business of the permittee, unless the holder of a



23 package retailer's permit also holds a delivery service permit or
24 uses a delivery service permittee to effect delivery.

25 (2) It shall be unlawful for any permittee or any employee
26 or agent thereof to sell or furnish any alcoholic beverage to any
27 person to whom the department has, after investigation, decided to
28 prohibit the sale of those beverages because of an appeal to the
29 department so to do by the husband, wife, father, mother, brother,
30 sister, child, or employer of the person. The interdiction in
31 those cases shall last until removed by the department, but no
32 person shall be held to have violated this subsection unless he
33 has been informed by the department, by registered letter, that it
34 is forbidden to sell to that individual or unless that fact is
35 otherwise known to the permittee or its employee or agent.

36 (3) It shall be unlawful for any holder of a package
37 retailer's permit, or any employee or agent thereof, engaged
38 solely in the business of package retail sales under this article
39 to sell or furnish any alcoholic beverage before 10:00 a.m. and
40 after 10:00 p.m. or to sell alcoholic beverages on Sunday, except
41 as provided under subsection (5) of this section, and Christmas
42 Day.

43 (4) Any person who violates any of the provisions of this
44 section shall be guilty of a misdemeanor and, upon conviction,
45 shall be punished by a fine of not more than Five Hundred Dollars
46 (\$500.00) or by imprisonment in the county jail for a term of not
47 more than six (6) months, or by both that fine and imprisonment,



48 in the discretion of the court. In addition to any other
49 penalties prescribed by law, the commission may immediately revoke
50 the permit of any permittee who violates the provisions of this
51 section.

52 (5) (a) Any county, municipality, tribe or other political
53 subdivision of the state that is wet under this article may, by
54 resolution, ordinance or other order adopted by the county board
55 of supervisors, municipal governing authority or other governing
56 authority or body, as the case may be, authorize permitted package
57 retailers to engage in the business of package retail sales on
58 Sunday during the hours beginning at 1:00 p.m. and ending at 6:00
59 p.m. No permitted package retailer impacted under this subsection
60 shall be required to engage in sales on Sunday and shall maintain
61 the right to limit operations to Monday through Saturday.

62 (b) (i) Any county, municipality or other political
63 subdivision of the state that has authorized permitted package
64 retailers to engage in the business of package retail sales on
65 Sunday during the hours beginning at 1:00 p.m. and ending at 6:00
66 p.m. under paragraph (a) of this subsection may prohibit such
67 sales by an election as provided in this paragraph (b). An
68 election to determine whether permitted package retailers engaging
69 in the business of package retail sales on Sunday during the hours
70 beginning at 1:00 p.m. and ending at 6:00 p.m. shall be prohibited
71 in a county, municipality or other political subdivision of the
72 state shall be ordered by the county board of supervisors,



73 municipal governing authority or other governing authority or body
74 upon the presentation of a petition to such county body of
75 supervisors, municipal governing authority or other governing
76 authority or body containing the names of at least twenty percent
77 (20%) or fifteen hundred (1,500), whichever number is the lesser,
78 of the duly qualified electors of such county, municipality or
79 other political subdivision.

80 (ii) Thirty (30) days' notice shall be given to
81 the qualified electors of such county, municipality or other
82 political subdivision of the state, in the manner prescribed by
83 law, upon the question of prohibiting permitted package retailers
84 from engaging in the business of package retail sales on Sunday
85 during the hours beginning at 1:00 p.m. and ending at 6:00 p.m.,
86 such notice to contain a statement of the question to be voted on
87 at the election. The ballots to be used in the election shall
88 have the following words printed thereon: "Against allowing
89 permitted package retailers to engage in the business of package
90 retail sales on Sunday during the hours beginning at 1:00 p.m. and
91 ending at 6:00 p.m." and the words "For allowing permitted package
92 retailers to continue to engage in the business of package retail
93 sales on Sunday during the hours beginning at 1:00 p.m. and ending
94 at 6:00 p.m." next below. In marking his or her ballot the voter
95 shall make a cross (X) opposite the words of his choice.

96 (iii) If in the election at least sixty percent
97 (60%) of the qualified electors voting in the election shall vote



98 "Against allowing permitted package retailers to engage in the
99 business of package retail sales on Sunday during the hours
100 beginning at 1:00 p.m. and ending at 6:00 p.m.", then the county
101 board of supervisors, municipal governing authority or other
102 governing authority or body shall pass the necessary resolution,
103 ordinance or other order prohibiting permitted package retailers
104 from engaging in the business of package retail sales on Sunday
105 during the hours beginning at 1:00 p.m. and ending at 6:00 p.m.
106 If in the election less than sixty percent (60%) of the qualified
107 electors voting in the election shall vote "Against allowing
108 permitted package retailers to engage in the business of package
109 retail sales on Sunday during the hours beginning at 1:00 p.m. and
110 ending at 6:00 p.m.", then such sales shall remain legal as
111 authorized under paragraph (a) of this subsection.

112 **SECTION 2.** This act shall take effect and be in force from
113 and after July 1, 2024.

