

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.

