

By: Representative Powell

To: State Affairs

HOUSE BILL NO. 330

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, 2025, the policy of this  
 28 state is \* \* \* declared 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, 2025, 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, 2025, against coming out from under the dry law  
246 as such law existed before January 1, 2025; 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, 2025, against coming out  
325 from under the dry law as such law existed before January 1, 2025;



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, 2025;

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 before  
333 January 1, 2025, to come out from under the dry law as such law  
334 existed before January 1, 2025;

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  
344 before January 1, 2025, to come out from under the dry law as such  
345 law existed before January 1, 2025,

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, 2025, to come out from under the dry law as such law  
368 existed before January 1, 2025;

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, 2025, 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, 2025, 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, 2025, to come out from under the dry law  
398 as such law existed before January 1, 2025, and outside of but in  
399 close proximity to a municipality located in such county and which





400 municipality has voted before January 1, 2025, to come out from  
401 under the dry law as such law existed before January 1, 2025;

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, 2025, to come out from under the dry law  
410 as such law existed before January 1, 2025;

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, 2025, against coming out from under the  
504 dry law as such law existed before January 1, 2025;

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, 2025, to come out from under the dry law as such law

590 existed before January 1, 2025;

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

608                   51. Any municipality in which U.S. Highway 49  
609 and Mississippi Highway 469 intersect;

610                   52. Any facility that is:

611                   a. Owned by a Veterans of Foreign Wars  
612 (VFW) organization that is a nonprofit corporation and registered  
613 with the Mississippi Secretary of State;

614                   b. Used by such organization for its  
615 headquarters and other organization related purposes; and

616                   c. Located outside of a municipality in  
617 a county that has not voted before January 1, 2025, to come out  
618 from under the dry law as such law existed before January 1, 2025;



619                   53. The following within a municipality in  
620 which U.S. Highway 49 and U.S. 61 Highway intersect and through  
621 which flows the Sunflower River:

622                   a. An area bounded as follows: Starting  
623 at the southern point of the intersection of Sunflower Avenue and  
624 1st Street and going south along said avenue on its eastern side  
625 to 8th Street, then going east along said street on its northern  
626 side to West Tallahatchie Street, then going north along said  
627 street on its western side to 4th Street/Martin Luther King  
628 Boulevard, then going east along said street/boulevard on its  
629 northern side to Desoto Avenue, then going north along said avenue  
630 on its western side to 1st Street, then going west along said  
631 street on its southern side to the point of beginning along the  
632 southern side of Court Street;

633                   b. Lots located at or near the  
634 intersection of Madison Avenue, Walnut Street, and Riverside  
635 Avenue that are in a commercial zone; and

636                   c. Any facility located on the west side  
637 of Sunflower Avenue to the Sunflower River between the southern  
638 side of 6th Street and the northern side of 8th Street and which  
639 is operated as and/or was operated as a hotel or lodging facility,  
640 in consideration of payment, regardless of whether the facility  
641 meets the criteria for the definition of the term "hotel" in  
642 paragraph (1) of this section; and



643 d. Any facility located on the west side  
644 of Sunflower Avenue to the Sunflower River between the southern  
645 side of 3rd Street and the northern side of 4th Street/Martin  
646 Luther King Boulevard and which is operated as and/or was operated  
647 as a musical venue, in consideration of payment;

648 54. Any municipality in which Mississippi  
649 Highway 340 meets Mississippi Highway 15;

650 55. Any municipality in which Mississippi  
651 Highway 540 and Mississippi Highway 149 intersect;

652 56. Any municipality in which Mississippi  
653 Highway 15 and Mississippi Highway 345/Main Street intersect;

654 57. The property and structures thereon at  
655 the following locations within a municipality through which run  
656 U.S. Highway 45 and Mississippi Highway 145 and in which  
657 Mississippi Highway 370 and Mississippi Highway 145 intersect:  
658 104 West Main Street, 106 West Main Street, 108 West Main Street,  
659 110 West Main Street and 112 West Main Street;

660 58. Any municipality in which U.S. Highway 11  
661 and Main Street intersect and which is located in a county having  
662 two (2) judicial districts;

663 59. Any municipality in which Interstate 22  
664 passes over Mississippi Highway 9;

665 60. Any facility located on land more  
666 particularly described as follows:



667           A certain parcel of land being situated in the  
668 Southeast 1/4 of the Northeast 1/4 of Section 9,  
669 T3N-R3E, Rankin County, Mississippi, and being more  
670 particularly described as follows:

671           Commence at an existing 1/2" iron pin marking the  
672 Southwest corner of the aforesaid Southeast 1/4 of the  
673 Northeast 1/4 of Section 9, T3N-R3E and run thence North  
674 00 degrees 06 minutes 13 seconds East along the East  
675 line of the Southeast 1/4 of the Northeast 1/4 for a  
676 distance of 33.18 feet to an existing 1/2" iron pin;  
677 leaving said East line of the Southeast 1/4 of the  
678 Northeast 1/4, run thence South 89 degrees 53 minutes 47  
679 seconds East for a distance of 2.08 feet to an existing  
680 1/2" iron pin; run thence North 00 degrees 22 minutes 19  
681 seconds East for a distance of 561.90 feet to an  
682 existing 1/2" iron pin; run thence North 00 degrees 16  
683 minutes 18 seconds East for a distance of 76.42 feet to  
684 a set 1/2" iron pin marking the POINT OF BEGINNING of  
685 the parcel of land herein described; from said POINT OF  
686 BEGINNING, continue thence North 00 degrees 16 minutes  
687 18 seconds East along an existing fence for a distance  
688 of 493.27 feet to an existing 1/2" iron pin; run thence  
689 North 03 degrees 08 minutes 15 seconds East for a  
690 distance of 170.22 feet to an existing 1/2" iron pin on  
691 the North line of the aforesaid Southeast 1/4 of the



692 Northeast 1/4 of Section 9; run thence North 89 degrees  
693 46 minutes 45 seconds East along said North line of the  
694 Southeast 1/4 of the Northeast 1/4 of Section 9 for a  
695 distance of 1,305.51 feet to an existing 1/2" iron pin  
696 marking Northeast corner thereof; leaving said North  
697 line of the Southeast 1/4 of the Northeast 1/4 of  
698 Section 9, run thence South 00 degrees 08 minutes 35  
699 seconds West along the East line of said Southeast 1/4  
700 of the Northeast 1/4 of Section 9 for a distance of  
701 663.19 feet to a set 1/2" iron pin; leaving said East  
702 line of the Southeast 1/4 of the Northeast 1/4 of  
703 Section 9, run thence South 89 degrees 46 minutes 45  
704 seconds West for a distance of 1,315.51 feet to the  
705 POINT OF BEGINNING, containing 20.00 acres, more or  
706 less.

707 And Also: An easement for the purpose of ingress  
708 and egress being situated in the Southeast 1/4 of the  
709 Northeast 1/4 and in the Northeast 1/4 of the Southeast  
710 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi,  
711 and being more particularly described as follows:  
712 Begin at an existing 1/2" iron pin marking the Southwest  
713 corner of the aforesaid Southeast 1/4 of the Northeast  
714 1/4 of Section 9, T3N-R3E and run thence North 00  
715 degrees 06 minutes 13 seconds East along the East line  
716 of the Southeast 1/4 of the Northeast 1/4 for a distance



717 of 33.18 feet to an existing 1/2" iron pin; leaving said  
718 East line of the Southeast 1/4 of the Northeast 1/4, run  
719 thence South 89 degrees 53 minutes 47 seconds East for a  
720 distance of 2.08 feet to an existing 1/2" iron pin; run  
721 thence North 00 degrees 22 minutes 19 seconds East for a  
722 distance of 561.90 feet to an existing 1/2" iron pin;  
723 run thence North 00 degrees 16 minutes 18 seconds East  
724 for a distance of 76.42 feet to a set 1/2" iron pin; run  
725 thence North 89 degrees 46 minutes 45 seconds East for a  
726 distance of 25.00 feet to a set 1/2" iron pin; run  
727 thence South 00 degrees 16 minutes 18 seconds West for a  
728 distance of 76.66 feet to a set 1/2" iron pin; run  
729 thence South 00 degrees 22 minutes 19 seconds West for a  
730 distance of 619.81 feet to a set 1/2" iron pin; run  
731 thence South 89 degrees 43 minutes 01 seconds West for a  
732 distance of 26.81 feet to a set 1/2" iron pin; run  
733 thence North 00 degrees 06 minutes 13 seconds East along  
734 the West line of the aforesaid Northeast 1/4 of the  
735 Southeast 1/4 of Section 9 for a distance of 25.00 feet  
736 to the POINT OF BEGINNING, containing 17,525.4 square  
737 feet, more or less.

738 61. Any municipality bordered on the east by  
739 the Pascagoula River and on the south by the Mississippi Sound;

740 62. The property and structures thereon  
741 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201



742 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969  
743 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original  
744 town square in any municipality with a population in excess of one  
745 thousand five hundred (1,500) according to the latest federal  
746 decennial census and which is located in:

747 a. A county traversed by Interstate 55  
748 and Interstate 20, and

749 b. A judicial district that has not  
750 voted before January 1, 2025, to come out from under the dry law  
751 as such law existed before January 1, 2025;

752 63. Any municipality in which Mississippi  
753 Highway 12 meets Mississippi Highway 17;

754 64. Any municipality in which U.S. Highway 49  
755 and Mississippi Highway 469 intersect;

756 65. The clubhouse and associated nine-hole  
757 golf course and related facilities located on or near the eastern  
758 corner of the point at which Golf Course Road meets Athens Road,  
759 in a county in which Mississippi Highway 13 and Mississippi  
760 Highway 28 intersect, with GPS coordinates of approximately  
761 31.900370078041004, -89.7928067652611;

762 66. Any facility located at the  
763 south-to-southwest corner of the intersection of Madison Street  
764 and Bolton Brownsville Road, in a municipality in which Bolton  
765 Brownsville Road passes over Interstate 20, with GPS coordinates  
766 of approximately 32.349067271758955, -90.4596221146197;



767                   67. Any facility located at the northwest  
768 corner of the intersection of Depot Street and Madison Street, in  
769 a municipality in which Bolton Brownsville Road passes over  
770 Interstate 20, with GPS coordinates of approximately  
771 32.34903152971068, -90.46047660172901;

772                   68. Any facility located on Hinds Boulevard  
773 approximately three-tenths (0.3) of a mile south of the point at  
774 which Hinds Boulevard diverges from Clinton Road, in a  
775 municipality whose northern boundary partially consists of Snake  
776 Creek Road, and whose southern boundary partially consists of  
777 Mississippi Highway 18, with GPS coordinates of approximately  
778 32.26384517526713, -90.41586570183475;

779                   69. Any facility located on Pleasant Grove  
780 Drive approximately one and three-tenths (1.3) miles southeast of  
781 its intersection with Harmony Drive, in a county through which run  
782 Interstate 55 and U.S. Highway 84, with GPS coordinates of  
783 approximately 31.512043770371907, -90.2506094382595;

784                   70. Any facility located immediately north of  
785 the intersection of two roads, both named Mason Clark Drive,  
786 located between two-tenths (0.2) and three-tenths (0.3) of a mile  
787 southwest of Mississippi Highway 57/63, with GPS coordinates of  
788 approximately 31.135950529733048, -88.53068674585575;

789                   71. Any facility located on Raj Road  
790 approximately three-tenths (0.3) of a mile south of Mississippi





791 Highway 57/63, with GPS coordinates of approximately  
792 31.139553708288418, -88.53411203512971; and

793 72. Any facility located on Raj Road  
794 approximately one-tenth (0.1) of a mile south of Mississippi  
795 Highway 57/63, with GPS coordinates of approximately  
796 31.14184097577295, -88.53287700849411;

797 The status of these municipalities, districts, clubhouses,  
798 facilities, golf courses and areas described in this paragraph  
799 (o) (iii) as qualified resort areas does not require any  
800 declaration of same by the department. In addition, the status of  
801 these municipalities, districts, clubhouses, facilities, golf  
802 courses, restaurants and areas described in this paragraph  
803 (o) (iii) as qualified resort areas shall not be affected by the  
804 institution of prohibition by a county or municipality.

805 The governing authorities of a municipality described, in  
806 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,  
807 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 58, 59, 61, 63,  
808 64, 66, 67 or 68 of this paragraph (o) (iii) may by ordinance, with  
809 respect to the qualified resort area described in the same item:  
810 specify the hours of operation of facilities offering alcoholic  
811 beverages for sale; specify the percentage of revenue that  
812 facilities offering alcoholic beverages for sale must derive from  
813 the preparation, cooking and serving of meals and not from the  
814 sale of beverages; and designate the areas in which facilities  
815 offering alcoholic beverages for sale may be located.



816                   (p) "Native wine" means any product, produced in  
817 Mississippi for sale, having an alcohol content not to exceed  
818 twenty-one percent (21%) by weight and made in accordance with  
819 revenue laws of the United States, which shall be obtained  
820 primarily from the alcoholic fermentation of the juice of ripe  
821 grapes, fruits, berries, honey or vegetables grown and produced in  
822 Mississippi; provided that bulk, concentrated or fortified wines  
823 used for blending may be produced without this state and used in  
824 producing native wines. The department shall adopt and promulgate  
825 rules and regulations to permit a producer to import such bulk  
826 and/or fortified wines into this state for use in blending with  
827 native wines without payment of any excise tax that would  
828 otherwise accrue thereon.

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

832                   (r) "Bed and breakfast inn" means an establishment  
833 within a municipality where in consideration of payment, breakfast  
834 and lodging are habitually furnished to travelers and wherein are  
835 located not less than eight (8) and not more than nineteen (19)  
836 adequately furnished and completely separate sleeping rooms with  
837 adequate facilities, that persons usually apply for and receive as  
838 overnight accommodations; however, such restriction on the minimum  
839 number of sleeping rooms shall not apply to establishments on the  
840 National Register of Historic Places. No place shall qualify as a



841 bed and breakfast inn under this article unless on the date of the  
842 initial application for a license under this article more than  
843 fifty percent (50%) of the sleeping rooms are located in a  
844 structure formerly used as a residence.

845 (s) "Board" shall refer to the Board of Tax Appeals of  
846 the State of Mississippi.

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

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

856 (v) "Cooking school" means an establishment within a  
857 municipality or qualified resort area and owned by a nationally  
858 recognized company that offers an established culinary education  
859 curriculum and program where, in consideration of payment, patrons  
860 are given scheduled professional group instruction on culinary  
861 techniques. For purposes of this paragraph, the definition of  
862 cooking school shall not include schools or classes offered by  
863 grocery stores, convenience stores or drugstores.

864 (w) "Campus" means property owned by a public school  
865 district, community or junior college, college or university in



866 this state where educational courses are taught, school functions  
867 are held, tests and examinations are administered or academic  
868 course credits are awarded; however, the term shall not include  
869 any "restaurant" or "hotel" that is located on property owned by a  
870 community or junior college, college or university in this state,  
871 and is operated by a third party who receives all revenue  
872 generated from food and alcoholic beverage sales.

873 (x) "Native spirit" shall mean any beverage, produced  
874 in Mississippi for sale, manufactured primarily by the  
875 distillation of fermented grain, starch, molasses or sugar  
876 produced in Mississippi, including dilutions and mixtures of these  
877 beverages. In order to be classified as "native spirit" under the  
878 provisions of this article, at least fifty-one percent (51%) of  
879 the finished product by volume shall have been obtained from  
880 distillation of fermented grain, starch, molasses or sugar grown  
881 and produced in Mississippi.

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

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

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

889 67-1-7. (1) Except \* \* \* in those counties that hold an  
890 election pursuant to this article and vote to institute



891 prohibition, and subject to all of the provisions and restrictions  
892 contained in this article, the manufacture, sale, distribution,  
893 and transportation of alcoholic beverages shall be lawful \* \* \*.

894 \* \* \* The manufacture, sale, distribution and possession of  
895 native wines or native spirits shall be lawful in any location  
896 within any such county except those locations where the  
897 manufacture, sale or distribution is prohibited by law other than  
898 this section or by regulations of the department.

899 (2) Notwithstanding the foregoing, within any state park or  
900 any state park facility that has been declared a qualified resort  
901 area by the department, and within any qualified resort area as  
902 defined under Section 67-1-5(o)(iii), an on-premises retailer's  
903 permit may be issued for the qualified resort area, and the  
904 permittee may lawfully sell alcoholic beverages for consumption on  
905 his licensed premises regardless of whether or not the  
906 county \* \* \* in which the qualified resort area is located has  
907 voted in favor of \* \* \* instituting prohibition, and it shall be  
908 lawful to receive, store, sell, possess and consume alcoholic  
909 beverages on the licensed premises, and to sell, distribute and  
910 transport alcoholic beverages to the licensed premises. \* \* \*

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

913 67-1-9. (1) It shall be \* \* \* lawful for any person to  
914 manufacture, distill, brew, sell, import into this state, \* \* \*  
915 transport, distribute, warehouse, store, solicit, take order for,



916 bottle, rectify, blend, treat, mix or process any alcoholic  
917 beverage \* \* \* as authorized in this article. \* \* \* Nothing  
918 contained herein shall prevent importers, wineries and distillers  
919 of alcoholic beverages from storing such alcoholic beverages in  
920 private bonded warehouses located within the State of Mississippi  
921 for the ultimate use and benefit of the Department of Revenue as  
922 provided in Section 67-1-41. The department is hereby authorized  
923 to promulgate rules and regulations for the establishment of such  
924 private bonded warehouses and for the control of alcoholic  
925 beverages stored in such warehouses. Additionally, nothing herein  
926 contained shall prevent any duly licensed practicing physician or  
927 dentist from possessing or using alcoholic liquor in the strict  
928 practice of his profession, or prevent any hospital or other  
929 institution caring for sick and diseased persons, from possessing  
930 and using alcoholic liquor for the treatment of bona fide patients  
931 of such hospital or other institution. Any drugstore employing a  
932 licensed pharmacist may possess and use alcoholic liquors in the  
933 combination of prescriptions of duly licensed physicians. The  
934 possession and dispensation of wine by an authorized  
935 representative of any church for the purpose of conducting any  
936 bona fide rite or religious ceremony conducted by such church  
937 shall not be prohibited by this article.

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



940 (a) By a fine of not less than One Hundred Dollars  
941 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by  
942 imprisonment in the county jail not less than one (1) week nor  
943 more than three (3) months, or both, for the first conviction  
944 under this section.

945 (b) By a fine of not less than One Hundred Dollars  
946 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by  
947 imprisonment in the county jail not less than sixty (60) days, nor  
948 more than six (6) months, or both fine and imprisonment, for the  
949 second conviction for violating this section.

950 (c) By a fine of not less than One Hundred Dollars  
951 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by  
952 imprisonment in the State Penitentiary not less than one (1) year,  
953 nor more than five (5) years, or both fine and imprisonment, for  
954 conviction the third time under this section for the violation  
955 thereof after having been twice convicted of its violation.

956 (3) Nothing in this section shall make it unlawful to  
957 transport bottles or containers of alcoholic beverages that are  
958 legally purchased in this state if the bottles or containers are  
959 unopened and are being transported on state or federal highway.

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

962 67-1-11. (1) From and after January 1, 2025,  
963 notwithstanding any provision of this article, \* \* \* a county may  
964 hold an election to determine whether to institute prohibition and



965 make the sale, manufacture and distribution of alcoholic beverages  
966 illegal.

967 (2) Upon presentation and filing of a proper petition  
968 requesting same signed by at least twenty percent (20%) or fifteen  
969 hundred (1,500), whichever number is the lesser, of the qualified  
970 electors of the county, it shall be the duty of the board of  
971 supervisors to call an election at which there shall be submitted  
972 to the qualified electors of the county the question of whether or  
973 not the sale, \* \* \* distribution and manufacture of alcoholic  
974 beverages shall be \* \* \* prohibited in such county as provided in  
975 this article. Such election shall be held and conducted by the  
976 county election commissioners on a date fixed by the order of the  
977 board of supervisors, which date shall not be more than sixty (60)  
978 days from the date of the filing of said petition. Notice thereof  
979 shall be given by publishing such notice once each week for at  
980 least three (3) consecutive weeks in some newspaper published in  
981 said county or, if no newspaper be published therein, by such  
982 publication in a newspaper in an adjoining county and having a  
983 general circulation in the county involved. The election shall be  
984 held not earlier than fifteen (15) days from the first publication  
985 of such notice.

986 (3) Said election shall be held and conducted as far as may  
987 be possible in the same manner as is provided by law for the  
988 holding of general elections. The ballots used thereat shall  
989 contain a brief statement of the proposition submitted and, on





990 separate lines, the words "I vote FOR \* \* \* prohibiting alcoholic  
991 beverages and making \_\_\_\_\_ County a dry county ( )" "I vote  
992 AGAINST \* \* \* prohibiting alcoholic beverages and making \_\_\_\_\_  
993 County a dry county ( )" with appropriate boxes in which the  
994 voters may express their choice. All qualified electors may vote  
995 by marking the ballot with a cross (x) or check (✓) mark opposite  
996 the words of their choice.

997 (4) The election commissioners shall canvass and determine  
998 the results of said election, and shall certify same to the board  
999 of supervisors which shall adopt and spread upon its minutes an  
1000 order declaring such results. If, in such election, a majority of  
1001 the qualified electors participating therein shall vote in favor  
1002 of the proposition, \* \* \* the manufacture, sale and distribution  
1003 of alcoholic beverages \* \* \* in such county shall be \* \* \*  
1004 unlawful to the extent and in the manner \* \* \* prohibited hereby.  
1005 If, on the other hand, a majority of the qualified electors  
1006 participating in the election shall vote against the  
1007 proposition, \* \* \* the manufacture, sale and distribution of  
1008 alcoholic beverages shall remain lawful to the extent and in the  
1009 manner permitted hereby. In either case, no further election  
1010 shall be held in said county under the provisions of this article  
1011 for a period of \* \* \* four (4) years from the date of the prior  
1012 election and then only upon the filing of a petition requesting  
1013 same signed by at least twenty percent (20%) or fifteen hundred



1014 (1,500), whichever number is the lesser, of the qualified electors  
1015 of the county as is otherwise provided herein.

1016 (5) If a majority of the qualified electors participating in  
1017 the election vote for the proposition, all alcohol permits issued  
1018 to locations within the county shall expire thirty (30) days from  
1019 the date the official recapitulation on the election is executed  
1020 by the county. However, notwithstanding an election instituting  
1021 the prohibition laws in a county, the holder of a native wine  
1022 producer's permit or a native wine retailer's permit is allowed to  
1023 continue to operate under such permits and to renew such permits.  
1024 Possession of native wines and personal property related to the  
1025 activities of the native wine permit holder which would otherwise  
1026 be unlawful under prohibition shall be allowed subject to  
1027 regulations of the Alcoholic Beverage Control Division.

1028 **SECTION 6.** Section 67-1-13, Mississippi Code of 1972, is  
1029 amended as follows:

1030 67-1-13. (1) When \* \* \* a county has voted to institute  
1031 prohibition as a result of an election called and held as provided  
1032 in Section 67-1-11, the same may be made ineffective and  
1033 inapplicable therein by an election called and held upon a  
1034 petition filed with the board of supervisors requesting same  
1035 signed by at least twenty percent (20%) or fifteen hundred (1500),  
1036 whichever number is the lesser, of the qualified electors of the  
1037 county as is otherwise provided in Section 67-1-11, all of the  
1038 provisions of which shall be fully applicable thereto. However,



1039 nothing herein shall authorize or permit the calling and holding  
1040 of any election under this chapter in any county more often than  
1041 once every \* \* \* four (4) years. If in such election, a majority  
1042 of the qualified electors participating therein shall vote \* \* \*  
1043 for legalizing the sale, distribution and manufacturing of  
1044 alcoholic beverages, then the prohibition laws of the State of  
1045 Mississippi \* \* \* shall become \* \* \* inapplicable in said county.

1046 (2) Notwithstanding an election reinstating the prohibition  
1047 laws in a political subdivision, the holder of a native wine or  
1048 native spirit producer's permit or a native wine or native spirit  
1049 retailer's permit is allowed to continue to operate under such  
1050 permits and to renew such permits. Possession of native wines or  
1051 native spirits and personal property related to the activities of  
1052 the native wine permit or native spirit permit holder which would  
1053 otherwise be unlawful under prohibition shall be allowed subject  
1054 to regulations of the Alcoholic Beverage Control Division.

1055 **SECTION 7.** Section 67-1-14, Mississippi Code of 1972, is  
1056 amended as follows:

1057 67-1-14. (1) The legalizing provisions of this article may  
1058 be effective, applicable and operative in any municipality located  
1059 in a county which has voted \* \* \* for instituting prohibition if a  
1060 local option election shall be called and held in such  
1061 municipality in the manner and with the results hereinafter  
1062 provided.



1063           (2)   (a)   Any municipality in this state having a population  
1064 of not less than five thousand (5,000) according to the latest  
1065 federal census and which is located in a county which has  
1066 voted \* \* \* for instituting prohibition, or any municipality that  
1067 is a county seat and which is located in a county which has  
1068 voted \* \* \* for instituting prohibition, may, at an election held  
1069 for the purpose under the election laws applicable to such  
1070 municipality, either prohibit or permit, except as otherwise  
1071 provided under Section 67-9-1, the sale of alcoholic beverages.  
1072 An election to determine whether such sale shall be permitted in  
1073 municipalities wherein its sale is prohibited by law shall be  
1074 ordered by the municipal governing authorities upon the  
1075 presentation of a petition to such governing authorities  
1076 containing the names of at least twenty percent (20%) of the duly  
1077 qualified voters of such municipality asking for such election.  
1078 In like manner, an election to determine whether such sale shall  
1079 be prohibited in municipalities wherein its sale is permitted by  
1080 law shall be ordered by the municipal governing authorities upon  
1081 the presentation of a petition to such governing authorities  
1082 containing the names of at least twenty percent (20%) of the duly  
1083 qualified voters of such municipality asking for such election.  
1084 No election on either question shall be held by any one (1)  
1085 municipality more often than once in \* \* \* four (4) years.

1086           Thirty (30) days' notice shall be given to the qualified  
1087 electors of such municipality, in the manner prescribed by law,



1088 upon the question of either permitting or prohibiting such sale,  
1089 such notice to contain a statement of the question to be voted on  
1090 at the election. The ballots to be used in the election shall  
1091 have the following words printed thereon: "For the legal sale of  
1092 alcoholic beverages" and the words "Against the legal sale of  
1093 alcoholic beverages" next below. In marking his ballot the voter  
1094 shall make a cross (X) opposite the words of his choice.

1095 If in the election a majority of the qualified electors  
1096 voting in the election shall vote "for the legal sale of alcoholic  
1097 beverages," then the municipal governing authorities shall pass  
1098 the necessary order permitting the legal sale of such alcoholic  
1099 beverages in such municipality. If in the election a majority of  
1100 the qualified electors voting in the election shall vote "against  
1101 the legal sale of alcoholic beverages," then the municipal  
1102 governing authorities shall pass the necessary order prohibiting  
1103 the sale of alcoholic beverages in such municipality.

1104 (b) The provisions of this subsection shall also apply  
1105 to any municipality having a population of not less than six  
1106 thousand (6,000) according to the latest federal census, a portion  
1107 of which is located in a county which has voted before January 1,  
1108 2025, against coming out from under the dry law as such law  
1109 existed before January 1, 2025, and a portion of which is located  
1110 in a county which has voted before January 1, 2025, in favor of  
1111 coming out from under the dry law as such law existed before  
1112 January 1, 2025. For the purpose of determining whether or not



1113 such a municipality meets the threshold population of six thousand  
1114 (6,000) which will qualify the municipality to hold an election  
1115 under this subsection, the entire population of the municipality  
1116 shall be considered; however, the petition to hold the election  
1117 authorized in this subsection shall be ordered by the municipal  
1118 governing authorities upon the presentation of a petition to such  
1119 governing authorities containing the names of at least twenty  
1120 percent (20%) of the duly qualified voters of such municipality  
1121 who reside in that portion of the municipality located in a county  
1122 which has voted before January 1, 2025, against coming out from  
1123 under the dry law as such law existed before January 1, 2025, and  
1124 the election shall be held only in that portion of the  
1125 municipality. In all other respects, the authority for the holding  
1126 of elections and the manner in which such elections shall be  
1127 conducted shall be as prescribed in paragraph (a) of this  
1128 subsection; and, after proper certification of election results,  
1129 the municipal governing authorities shall pass the appropriate  
1130 order to permit or prohibit the legal sale of alcoholic beverages  
1131 in that portion of the municipality located in a county which has  
1132 voted against coming out from under the dry law.

1133 (3) The governing authorities of a municipality that has  
1134 voted to \* \* \* allow the legal sale, manufacture and distribution  
1135 of alcoholic beverages may, by ordinance, provide that alcoholic  
1136 beverages may be sold in the municipality only by the holder of an  
1137 on-premises retailer's permit.



1138           **SECTION 8.** Section 67-1-15, Mississippi Code of 1972, is  
1139 amended as follows:

1140           67-1-15. In any county having two (2) judicial districts,  
1141 each such judicial district shall be construed to be a political  
1142 subdivision or subdivision of government on the same basis as a  
1143 county, and as such, a judicial district will be entitled to all  
1144 of the rights, privileges, and immunities as a county for the  
1145 purposes of \* \* \* instituting prohibition therein under the  
1146 provisions of this article.

1147           **SECTION 9.** Section 67-1-16, Mississippi Code of 1972, is  
1148 amended as follows:

1149           67-1-16. (1) (a) Before an area may be designated by the  
1150 governing authorities of a municipality as an area in which  
1151 facilities which are defined as qualified resort areas in Section  
1152 67-1-5(o)(iii)5 may be located, an election shall be held, under  
1153 the election laws applicable to the municipality, on the question  
1154 of whether qualified resort areas shall be allowed in the  
1155 municipality. An election to determine whether qualified resort  
1156 areas shall be allowed in the municipality shall be ordered by the  
1157 municipal governing authorities, upon presentation to the  
1158 governing authorities of a petition containing the names of at  
1159 least twenty percent (20%) of the duly qualified voters of the  
1160 municipality asking for the election. An election on the question  
1161 may not be held by the municipality more often than once each  
1162 year.



1163           (b) Thirty (30) days' notice shall be given to the  
1164 qualified electors of the municipality, in the manner prescribed  
1165 by law, on the question of allowing qualified resort areas to be  
1166 established. The notice shall contain a statement of the question  
1167 to be voted on at the election. The ballots used in the election  
1168 shall have the following words printed thereon: "FOR THE  
1169 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST  
1170 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his  
1171 ballot, the voter shall make a cross (X) opposite the words of his  
1172 choice.

1173           (c) Qualified resort areas may be established if a  
1174 majority of the qualified electors voting in the election vote for  
1175 such establishment. A qualified resort area may not be  
1176 established if a majority of the qualified electors voting in the  
1177 election vote against such establishment.

1178           (2) (a) Before a municipality may be designated as a  
1179 qualified resort area as defined in Section 67-1-5(o)(iii)6, an  
1180 election shall be held, under the election laws applicable to the  
1181 municipality, on the question of whether the municipality shall be  
1182 a qualified resort area. An election to determine whether the  
1183 municipality shall be a qualified resort area shall be ordered by  
1184 the municipal governing authorities, upon presentation to the  
1185 governing authorities of a petition containing the names of at  
1186 least twenty percent (20%) of the duly qualified voters of the  
1187 municipality asking for the election. An election on the question





1188 may not be held by the municipality more often than once each  
1189 year.

1190 (b) Thirty (30) days' notice shall be given to the  
1191 qualified electors of the municipality, in the manner prescribed  
1192 by law, on the question of allowing qualified resort areas to be  
1193 established. The notice shall contain a statement of the question  
1194 to be voted on at the election. The ballots used in the election  
1195 shall have the following words printed thereon: "FOR THE  
1196 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
1197 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
1198 marking his ballot, the voter shall make a cross (X) opposite the  
1199 words of his choice.

1200 (c) The municipality may be established as a qualified  
1201 resort area if a majority of the qualified electors voting in the  
1202 election vote for such establishment. A qualified resort area may  
1203 not be established if a majority of the qualified electors voting  
1204 in the election vote against such establishment.

1205 (3) (a) Before an area may be designated a qualified resort  
1206 area as defined in Section 67-1-5(o)(iii)7, an election shall be  
1207 held in the municipality in which the area is located under the  
1208 election laws applicable to the municipality, on the question of  
1209 whether the area shall be a qualified resort area. An election to  
1210 determine whether the area shall be a qualified resort area shall  
1211 be ordered by the municipal governing authorities, upon  
1212 presentation to the governing authorities of a petition containing



1213 the names of at least twenty percent (20%) of the duly qualified  
1214 voters of the municipality asking for the election. An election  
1215 on the question may not be held by the municipality more often  
1216 than once each year.

1217 (b) Thirty (30) days' notice shall be given to the  
1218 qualified electors of the municipality, in the manner prescribed  
1219 by law, on the question of allowing qualified resort areas to be  
1220 established. The notice shall contain a statement of the question  
1221 to be voted on at the election. The ballots used in the election  
1222 shall have the following words printed thereon: "FOR THE  
1223 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
1224 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
1225 marking his ballot, the voter shall make a cross (X) opposite the  
1226 words of his choice.

1227 (c) The area may be established as a qualified resort  
1228 area if a majority of the qualified electors voting in the  
1229 election vote for such establishment. A qualified resort area may  
1230 not be established if a majority of the qualified electors voting  
1231 in the election vote against such establishment.

1232 (4) (a) Before a municipality may be designated as a  
1233 qualified resort area as defined in item 21, 35, 36 or 51 of  
1234 Section 67-1-5(o)(iii), an election shall be held, under the  
1235 election laws applicable to the municipality, on the question of  
1236 whether the municipality shall be a qualified resort area. An  
1237 election to determine whether the municipality shall be a



1238 qualified resort area shall be ordered by the municipal governing  
1239 authorities. An election on the question may not be held by the  
1240 municipality more often than once each year.

1241 (b) Thirty (30) days' notice shall be given to the  
1242 qualified electors of the municipality, in the manner prescribed  
1243 by law, on the question of allowing qualified resort areas to be  
1244 established. The notice shall contain a statement of the question  
1245 to be voted on at the election. The ballots used in the election  
1246 shall have the following words printed thereon: "FOR THE  
1247 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
1248 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
1249 marking his ballot, the voter shall make a cross (X) opposite the  
1250 words of his choice.

1251 (c) The municipality may be established as a qualified  
1252 resort area if a majority of the qualified electors voting in the  
1253 election vote for such establishment. A qualified resort area may  
1254 not be established if a majority of the qualified electors voting  
1255 in the election vote against such establishment.

1256 (5) No election shall be held under this section after  
1257 December 31, 2024, relating to the designation or establishment of  
1258 a qualified resort area.

1259 **SECTION 10.** Section 67-1-17, Mississippi Code of 1972, is  
1260 amended as follows:

1261 67-1-17. (1) It shall be unlawful for any person to have or  
1262 possess either alcoholic beverages or personal property intended



1263 for use in violating the provisions of this article, or  
1264 regulations prescribed under this article, or Chapter 31 of Title  
1265 97, Mississippi Code of 1972. No property rights shall exist in  
1266 any such personal property or alcoholic beverages. All such  
1267 personal property and alcoholic beverages shall be considered  
1268 contraband and shall be seized and forfeited to the State of  
1269 Mississippi.

1270 (2) The following are subject to forfeiture:

1271 (a) All alcoholic beverages which have been  
1272 manufactured, distilled, distributed, dispensed or acquired in  
1273 violation of this article or Chapter 31 of Title 97, Mississippi  
1274 Code of 1972;

1275 (b) All raw materials, products and equipment of any  
1276 kind which are used, or intended for use, in manufacturing,  
1277 compounding, processing, delivering, importing or exporting any  
1278 alcoholic beverage in violation of this article or Chapter 31 of  
1279 Title 97, Mississippi Code of 1972;

1280 (c) All property which is used, or intended for use, as  
1281 a container for property described in items (a) or (b) of this  
1282 subsection;

1283 (d) All conveyances, including aircraft, vehicles or  
1284 vessels, which are used, or intended for use, to transport, or in  
1285 any manner to facilitate the transportation, for the purpose of  
1286 sale or receipt, possession or concealment, of property described  
1287 in item (a) of this subsection which is in excess of six (6)



1288 gallons or of property described in item (b) of this subsection;  
1289 however,

1290           (i) No conveyance used by any person as a common  
1291 carrier in the transaction of business as a common carrier is  
1292 subject to forfeiture under this section unless it appears that  
1293 the owner or other person in charge of the conveyance is a  
1294 consenting party or privy to a violation of this article or  
1295 Chapter 31 of Title 97, Mississippi Code of 1972;

1296           (ii) No conveyance is subject to forfeiture under  
1297 this section by reason of any act or omission proved by the owner  
1298 thereof to have been committed or omitted without his knowledge or  
1299 consent; if the confiscating authority has reason to believe that  
1300 the conveyance is a leased or rented conveyance, then the  
1301 confiscating authority shall notify the owner of the conveyance  
1302 within five (5) days of the confiscation; and

1303           (iii) A forfeiture of a conveyance encumbered by a  
1304 bona fide security interest is subject to the interest of the  
1305 secured party if he neither had knowledge of nor consented to the  
1306 act or omission;

1307           (e) All money, deadly weapons, books, records and  
1308 research products and materials, including formulas, microfilm,  
1309 tapes and data which are used, or intended for use, in violation  
1310 of this article or Chapter 31 of Title 97, Mississippi Code of  
1311 1972.



1312 (3) Property subject to forfeiture may be seized by the  
1313 Alcoholic Beverage Control Division and its agents, local law  
1314 enforcement officers, Mississippi Highway Patrol officers and  
1315 other law enforcement personnel charged by Section 67-1-91, with  
1316 enforcing the provisions of this article upon process issued by  
1317 any appropriate court having jurisdiction over the property.  
1318 Seizure without process may be made if:

1319 (a) The seizure is incident to an arrest or a search  
1320 under a search warrant or an administrative inspection under  
1321 Section 67-1-37(k);

1322 (b) The property subject to seizure has been the  
1323 subject of a prior judgment in favor of the state in a criminal  
1324 injunction or forfeiture proceeding based upon this article or  
1325 Chapter 31 of Article 97, Mississippi Code of 1972; or

1326 (c) The Alcoholic Beverage Control Division of  
1327 the \* \* \* Department of Revenue and other law enforcement  
1328 personnel described in this subsection have probable cause to  
1329 believe that the property was used or is intended to be used in  
1330 violation of this article or Chapter 31 of Article 97, Mississippi  
1331 Code of 1972.

1332 (4) Alcoholic beverages and raw materials seized or detained  
1333 under the authority of this article or Chapter 31 of Title 97,  
1334 Mississippi Code of 1972, is deemed to be in the custody of the  
1335 agent or agency so seizing the property and subject only to the  
1336 orders and decrees of the court having jurisdiction over the



1337 property. When such property is seized it may be retained as  
1338 evidence until final disposition of the cause in which such  
1339 property is involved, and then the agent or agency so seizing the  
1340 property shall physically transfer such alcoholic beverage or raw  
1341 material to the Director of the Alcoholic Beverage Control  
1342 Division of the \* \* \* Department of Revenue together with an  
1343 appropriate inventory of the items seized. Alcoholic beverages  
1344 and raw materials seized or detained under the authority of this  
1345 section shall be disposed of in accordance with the provisions of  
1346 Section 67-1-18.

1347 (5) Any property other than alcoholic beverages and raw  
1348 materials seized or detained pursuant to this article or Chapter  
1349 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in  
1350 the custody of the agent or agency so seizing the property and  
1351 subject only to the orders and decrees of the court having  
1352 jurisdiction over the property. When such property is seized it  
1353 may be retained as evidence until the final disposition of the  
1354 cause in which such property is involved. Property seized or  
1355 detained other than alcoholic beverages or raw materials shall be  
1356 disposed of in accordance with the provisions of Sections 67-1-93,  
1357 67-1-95 and 67-1-97.

1358 **SECTION 11.** Section 67-1-37, Mississippi Code of 1972, is  
1359 amended as follows:



1360           67-1-37. The Department of Revenue, under its duties and  
1361 powers with respect to the Alcoholic Beverage Control Division  
1362 therein, shall have the following powers, functions and duties:

1363           (a) To issue or refuse to issue any permit provided for  
1364 by this article, or to extend the permit or remit in whole or any  
1365 part of the permit monies when the permit cannot be used due to a  
1366 natural disaster or act of God.

1367           (b) To revoke, suspend or cancel, for violation of or  
1368 noncompliance with the provisions of this article, or the law  
1369 governing the production and sale of native wines or native  
1370 spirits, or any lawful rules and regulations of the department  
1371 issued hereunder, or for other sufficient cause, any permit issued  
1372 by it under the provisions of this article. The department shall  
1373 also be authorized to suspend the permit of any permit holder for  
1374 being out of compliance with an order for support, as defined in  
1375 Section 93-11-153. The procedure for suspension of a permit for  
1376 being out of compliance with an order for support, and the  
1377 procedure for the reissuance or reinstatement of a permit  
1378 suspended for that purpose, and the payment of any fees for the  
1379 reissuance or reinstatement of a permit suspended for that  
1380 purpose, shall be governed by Section 93-11-157 or Section  
1381 93-11-163, as the case may be. If there is any conflict between  
1382 any provision of Section 93-11-157 or Section 93-11-163 and any  
1383 provision of this article, the provisions of Section 93-11-157 or  
1384 Section 93-11-163, as the case may be, shall control.





1385 (c) To prescribe forms of permits and applications for  
1386 permits and of all reports which it deems necessary in  
1387 administering this article.

1388 (d) To fix standards, not in conflict with those  
1389 prescribed by any law of this state or of the United States, to  
1390 secure the use of proper ingredients and methods of manufacture of  
1391 alcoholic beverages.

1392 (e) To issue rules regulating the advertising of  
1393 alcoholic beverages in the state in any class of media and  
1394 permitting advertising of the retail price of alcoholic beverages.

1395 (f) To issue reasonable rules and regulations, not  
1396 inconsistent with the federal laws or regulations, requiring  
1397 informative labeling of all alcoholic beverages offered for sale  
1398 within this state and providing for the standards of fill and  
1399 shapes of retail containers of alcoholic beverages; however, such  
1400 containers shall not contain less than fifty (50) milliliters by  
1401 liquid measure.

1402 (g) Subject to the provisions of subsection (3) of  
1403 Section 67-1-51, to issue rules and regulations governing the  
1404 issuance of retail permits for premises located near or around  
1405 schools, colleges, universities, churches and other public  
1406 institutions, and specifying the distances therefrom within which  
1407 no such permit shall be issued. The Alcoholic Beverage Control  
1408 Division shall not issue a package retailer's or on-premises  
1409 retailer's permit for the sale or consumption of alcoholic



1410 beverages in or on the campus of any public school, community or  
1411 junior college, college or university.

1412 (h) To adopt and promulgate, repeal and amend, such  
1413 rules, regulations, standards, requirements and orders, not  
1414 inconsistent with this article or any law of this state or of the  
1415 United States, as it deems necessary to control the manufacture,  
1416 importation, transportation, distribution, delivery and sale of  
1417 alcoholic liquor, whether intended for beverage or nonbeverage use  
1418 in a manner not inconsistent with the provisions of this article  
1419 or any other statute, including the native wine and native spirit  
1420 laws.

1421 (i) To call upon other administrative departments of  
1422 the state, county and municipal governments, county and city  
1423 police departments and upon prosecuting officers for such  
1424 information and assistance as it may deem necessary in the  
1425 performance of its duties.

1426 (j) To prepare and submit to the Governor during the  
1427 month of January of each year a detailed report of its official  
1428 acts during the preceding fiscal year ending June 30, including  
1429 such recommendations as it may see fit to make, and to transmit a  
1430 like report to each member of the Legislature of this state upon  
1431 the convening thereof at its next regular session.

1432 (k) To inspect, or cause to be inspected, any premises  
1433 where alcoholic \* \* \* beverages intended for sale are  
1434 manufactured, stored, distributed or sold, and to examine or cause



1435 to be examined all books and records pertaining to the business  
1436 conducted therein.

1437 (l) To investigate the administration of laws in  
1438 relation to alcoholic \* \* \* beverages in this and other states and  
1439 any foreign countries, and to recommend from time to time to the  
1440 Governor and through him to the Legislature of this state such  
1441 amendments to this article, if any, as it may think desirable.

1442 (m) To designate hours and days when alcoholic  
1443 beverages may be sold in different localities in the state which  
1444 permit such sale.

1445 (n) To assign employees to posts of duty at locations  
1446 where they will be most beneficial for the control of alcoholic  
1447 beverages and to take any other action concerning persons employed  
1448 under this article as authorized by law and taken in accordance  
1449 with the rules, regulations and procedures of the State Personnel  
1450 Board.

1451 (o) To enforce the provisions made unlawful by Chapter  
1452 3, Title 67 and Section 97-5-49.

1453 (p) To delegate its authority under this article to the  
1454 Alcoholic Beverage Control Division, its director or any other  
1455 officer or employee of the department that it deems appropriate.

1456 (q) To prescribe and charge a fee to defray the costs  
1457 of shipping alcoholic beverages, provided that such fee is  
1458 determined in a manner provided by the department by rules and/or



1459 regulations adopted in accordance with the Mississippi  
1460 Administrative Procedures Law.

1461 **SECTION 12.** Section 67-1-51, Mississippi Code of 1972, is  
1462 amended as follows:

1463 67-1-51. (1) Permits which may be issued by the department  
1464 shall be as follows:

1465 (a) **Manufacturer's permit.** It shall be illegal to  
1466 sell, manufacture, bottle or distribute alcoholic beverages  
1467 without first obtaining an applicable permit authorizing such  
1468 activity. A manufacturer's permit shall permit the manufacture,  
1469 importation in bulk, bottling and storage of alcoholic liquor and  
1470 its distribution and sale to manufacturers holding permits under  
1471 this article in this state and to persons outside the state who  
1472 are authorized by law to purchase the same, and to sell as  
1473 provided by this article.

1474 Manufacturer's permits shall be of the following classes:

1475 Class 1. Distiller's and/or rectifier's permit, which shall  
1476 authorize the holder thereof to operate a distillery for the  
1477 production of distilled spirits by distillation or redistillation  
1478 and/or to operate a rectifying plant for the purifying, refining,  
1479 mixing, blending, flavoring or reducing in proof of distilled  
1480 spirits and alcohol.

1481 Class 2. Wine manufacturer's permit, which shall authorize  
1482 the holder thereof to manufacture, import in bulk, bottle and  
1483 store wine or vinous liquor.



1484           Class 3. Native wine producer's permit, which shall  
1485 authorize the holder thereof to produce, bottle, store and sell  
1486 native wines.

1487           Class 4. Native spirit producer's permit, which shall  
1488 authorize the holder thereof to produce, bottle, store and sell  
1489 native spirits.

1490                   (b) **Package retailer's permit.** Except as otherwise  
1491 provided in this paragraph and Section 67-1-52, a package  
1492 retailer's permit shall authorize the holder thereof to operate a  
1493 store exclusively for the sale at retail in original sealed and  
1494 unopened packages of alcoholic beverages, including native wines,  
1495 native spirits and edibles, not to be consumed on the premises  
1496 where sold. Alcoholic beverages shall not be sold by any retailer  
1497 in any package or container containing less than fifty (50)  
1498 milliliters by liquid measure. A package retailer's permit, with  
1499 prior approval from the department, shall authorize the holder  
1500 thereof to sample new product furnished by a manufacturer's  
1501 representative or his employees at the permitted place of business  
1502 so long as the sampling otherwise complies with this article and  
1503 applicable department regulations. Such samples may not be  
1504 provided to customers at the permitted place of business. In  
1505 addition to the sale at retail of packages of alcoholic beverages,  
1506 the holder of a package retailer's permit is authorized to sell at  
1507 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,  
1508 other beverages commonly used to mix with alcoholic beverages, and



1509 fruits and foods that have been submerged in alcohol and are  
1510 commonly referred to as edibles. Nonalcoholic beverages sold by  
1511 the holder of a package retailer's permit shall not be consumed on  
1512 the premises where sold.

1513           (c) **On-premises retailer's permit.** Except as otherwise  
1514 provided in subsection (5) of this section, an on-premises  
1515 retailer's permit shall authorize the sale of alcoholic beverages,  
1516 including native wines and native spirits, for consumption on the  
1517 licensed premises only; however, a patron of the permit holder may  
1518 remove one (1) bottle of wine from the licensed premises if: (i)  
1519 the patron consumed a portion of the bottle of wine in the course  
1520 of consuming a meal purchased on the licensed premises; (ii) the  
1521 permit holder securely reseals the bottle; (iii) the bottle is  
1522 placed in a bag that is secured in a manner so that it will be  
1523 visibly apparent if the bag is opened; and (iv) a dated receipt  
1524 for the wine and the meal is available. Additionally, as part of  
1525 a carryout order, a permit holder may sell one (1) bottle of wine  
1526 to be removed from the licensed premises for every two (2) entrees  
1527 ordered. In addition, an on-premises retailer's permittee at a  
1528 permitted premises located on Jefferson Davis Avenue within  
1529 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic  
1530 beverages by the glass to a patron in a vehicle using a  
1531 drive-through method of delivery if the permitted premises is  
1532 located in a leisure and recreation district established under  
1533 Section 67-1-101. Such a sale will be considered to be made on



1534 the permitted premises. An on-premises retailer's permit shall be  
1535 issued only to qualified hotels, restaurants and clubs, small  
1536 craft breweries, microbreweries, and to common carriers with  
1537 adequate facilities for serving passengers. In resort areas,  
1538 whether inside or outside of a municipality, the department, in  
1539 its discretion, may issue on-premises retailer's permits to such  
1540 establishments as it deems proper. An on-premises retailer's  
1541 permit when issued to a common carrier shall authorize the sale  
1542 and serving of alcoholic beverages aboard any licensed vehicle  
1543 while moving through any county of the state; however, the sale of  
1544 such alcoholic beverages shall not be permitted while such vehicle  
1545 is stopped in a county that has \* \* \* voted to institute  
1546 prohibition, unless the vehicle is located in a municipality  
1547 wherein the sale of alcoholic beverages is legal. If an  
1548 on-premises retailer's permit is applied for by a common carrier  
1549 operating solely in the water, such common carrier must, along  
1550 with all other qualifications for a permit, (i) be certified to  
1551 carry at least one hundred fifty (150) passengers and/or provide  
1552 overnight accommodations for at least fifty (50) passengers and  
1553 (ii) operate primarily in the waters within the State of  
1554 Mississippi which lie adjacent to the State of Mississippi south  
1555 of the three (3) most southern counties in the State of  
1556 Mississippi and/or on the Mississippi River or navigable waters  
1557 within any county bordering on the Mississippi River.



1558           (d) **Solicitor's permit.** A solicitor's permit shall  
1559 authorize the holder thereof to act as salesman for a manufacturer  
1560 or wholesaler holding a proper permit, to solicit on behalf of his  
1561 employer orders for alcoholic beverages, and to otherwise promote  
1562 his employer's products in a legitimate manner. Such a permit  
1563 shall authorize the representation of and employment by one (1)  
1564 principal only. However, the permittee may also, in the  
1565 discretion of the department, be issued additional permits to  
1566 represent other principals. No such permittee shall buy or sell  
1567 alcoholic beverages for his own account, and no such beverage  
1568 shall be brought into this state in pursuance of the exercise of  
1569 such permit otherwise than through a permit issued to a wholesaler  
1570 or manufacturer in the state.

1571           (e) **Native wine retailer's permit.** Except as otherwise  
1572 provided in subsection (5) of this section, a native wine  
1573 retailer's permit shall be issued only to a holder of a Class 3  
1574 manufacturer's permit, and shall authorize the holder thereof to  
1575 make retail sales of native wines to consumers for on-premises  
1576 consumption or to consumers in originally sealed and unopened  
1577 containers at an establishment located on the premises of or in  
1578 the immediate vicinity of a native winery. When selling to  
1579 consumers for on-premises consumption, a holder of a native wine  
1580 retailer's permit may add to the native wine alcoholic beverages  
1581 not produced on the premises, so long as the total volume of  
1582 foreign beverage components does not exceed twenty percent (20%)





1583 of the mixed beverage. Hours of sale shall be the same as those  
1584 authorized for on-premises permittees in the city or county in  
1585 which the native wine retailer is located.

1586 (f) **Temporary retailer's permit.** Except as otherwise  
1587 provided in subsection (5) of this section, a temporary retailer's  
1588 permit shall permit the purchase and resale of alcoholic  
1589 beverages, including native wines and native spirits, during legal  
1590 hours on the premises described in the temporary permit only.

1591 Temporary retailer's permits shall be of the following  
1592 classes:

1593 Class 1. A temporary one-day permit may be issued to bona  
1594 fide nonprofit civic or charitable organizations authorizing the  
1595 sale of alcoholic beverages, including native wine and native  
1596 spirit, for consumption on the premises described in the temporary  
1597 permit only. Class 1 permits may be issued only to applicants  
1598 demonstrating to the department, by a statement signed under  
1599 penalty of perjury submitted ten (10) days prior to the proposed  
1600 date or such other time as the department may determine, that they  
1601 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
1602 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
1603 Class 1 permittees shall obtain all alcoholic beverages from  
1604 package retailers located in the county in which the temporary  
1605 permit is issued. Alcoholic beverages remaining in stock upon  
1606 expiration of the temporary permit may be returned by the  
1607 permittee to the package retailer for a refund of the purchase



1608 price upon consent of the package retailer or may be kept by the  
1609 permittee exclusively for personal use and consumption, subject to  
1610 all laws pertaining to the illegal sale and possession of  
1611 alcoholic beverages. The department, following review of the  
1612 statement provided by the applicant and the requirements of the  
1613 applicable statutes and regulations, may issue the permit.

1614 Class 2. A temporary permit, not to exceed seventy (70)  
1615 days, may be issued to prospective permittees seeking to transfer  
1616 a permit authorized in paragraph (c) of this subsection. A Class  
1617 2 permit may be issued only to applicants demonstrating to the  
1618 department, by a statement signed under the penalty of perjury,  
1619 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
1620 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
1621 67-1-59. The department, following a preliminary review of the  
1622 statement provided by the applicant and the requirements of the  
1623 applicable statutes and regulations, may issue the permit.

1624 Class 2 temporary permittees must purchase their alcoholic  
1625 beverages directly from the department or, with approval of the  
1626 department, purchase the remaining stock of the previous  
1627 permittee. If the proposed applicant of a Class 1 or Class 2  
1628 temporary permit falsifies information contained in the  
1629 application or statement, the applicant shall never again be  
1630 eligible for a retail alcohol beverage permit and shall be subject  
1631 to prosecution for perjury.



1632           Class 3. A temporary one-day permit may be issued to a  
1633 retail establishment authorizing the complimentary distribution of  
1634 wine, including native wine, to patrons of the retail  
1635 establishment at an open house or promotional event, for  
1636 consumption only on the premises described in the temporary  
1637 permit. A Class 3 permit may be issued only to an applicant  
1638 demonstrating to the department, by a statement signed under  
1639 penalty of perjury submitted ten (10) days before the proposed  
1640 date or such other time as the department may determine, that it  
1641 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
1642 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
1643 A Class 3 permit holder shall obtain all alcoholic beverages from  
1644 the holder(s) of a package retailer's permit located in the county  
1645 in which the temporary permit is issued. Wine remaining in stock  
1646 upon expiration of the temporary permit may be returned by the  
1647 Class 3 temporary permit holder to the package retailer for a  
1648 refund of the purchase price, with consent of the package  
1649 retailer, or may be kept by the Class 3 temporary permit holder  
1650 exclusively for personal use and consumption, subject to all laws  
1651 pertaining to the illegal sale and possession of alcoholic  
1652 beverages. The department, following review of the statement  
1653 provided by the applicant and the requirements of the applicable  
1654 statutes and regulations, may issue the permit. No retailer may  
1655 receive more than twelve (12) Class 3 temporary permits in a  
1656 calendar year. A Class 3 temporary permit shall not be issued to



1657 a retail establishment that either holds a merchant permit issued  
1658 under paragraph (1) of this subsection, or holds a permit issued  
1659 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
1660 the holder to engage in the business of a retailer of light wine  
1661 or beer.

1662 (g) **Caterer's permit.** A caterer's permit shall permit  
1663 the purchase of alcoholic beverages by a person engaging in  
1664 business as a caterer and the resale of alcoholic beverages by  
1665 such person in conjunction with such catering business. No person  
1666 shall qualify as a caterer unless forty percent (40%) or more of  
1667 the revenue derived from such catering business shall be from the  
1668 serving of prepared food and not from the sale of alcoholic  
1669 beverages and unless such person has obtained a permit for such  
1670 business from the Department of Health. A caterer's permit shall  
1671 not authorize the sale of alcoholic beverages on the premises of  
1672 the person engaging in business as a caterer; however, the holder  
1673 of an on-premises retailer's permit may hold a caterer's permit.  
1674 When the holder of an on-premises retailer's permit or an  
1675 affiliated entity of the holder also holds a caterer's permit, the  
1676 caterer's permit shall not authorize the service of alcoholic  
1677 beverages on a consistent, recurring basis at a separate, fixed  
1678 location owned or operated by the caterer, on-premises retailer or  
1679 affiliated entity and an on-premises retailer's permit shall be  
1680 required for the separate location. All sales of alcoholic  
1681 beverages by holders of a caterer's permit shall be made at the



1682 location being catered by the caterer, and, except as otherwise  
1683 provided in subsection (5) of this section, such sales may be made  
1684 only for consumption at the catered location. The location being  
1685 catered may be anywhere within a county or judicial district \* \* \*  
1686 except in a county or judicial district where prohibition has been  
1687 instituted and the sale or distribution of alcoholic beverages is  
1688 illegal. Such sales shall be made pursuant to any other  
1689 conditions and restrictions which apply to sales made by  
1690 on-premises retail permittees. The holder of a caterer's permit  
1691 or his employees shall remain at the catered location as long as  
1692 alcoholic beverages are being sold pursuant to the permit issued  
1693 under this paragraph (g), and the permittee shall have at the  
1694 location the identification card issued by the Alcoholic Beverage  
1695 Control Division of the department. No unsold alcoholic beverages  
1696 may be left at the catered location by the permittee upon the  
1697 conclusion of his business at that location. Appropriate law  
1698 enforcement officers and Alcoholic Beverage Control Division  
1699 personnel may enter a catered location on private property in  
1700 order to enforce laws governing the sale or serving of alcoholic  
1701 beverages.

1702 (h) **Research permit.** A research permit shall authorize  
1703 the holder thereof to operate a research facility for the  
1704 professional research of alcoholic beverages. Such permit shall  
1705 authorize the holder of the permit to import and purchase limited  
1706 amounts of alcoholic beverages from the department or from



1707 importers, wineries and distillers of alcoholic beverages for  
1708 professional research.

1709           (i) **Alcohol processing permit.** An alcohol processing  
1710 permit shall authorize the holder thereof to purchase, transport  
1711 and possess alcoholic beverages for the exclusive use in cooking,  
1712 processing or manufacturing products which contain alcoholic  
1713 beverages as an integral ingredient. An alcohol processing permit  
1714 shall not authorize the sale of alcoholic beverages on the  
1715 premises of the person engaging in the business of cooking,  
1716 processing or manufacturing products which contain alcoholic  
1717 beverages. The amounts of alcoholic beverages allowed under an  
1718 alcohol processing permit shall be set by the department.

1719           (j) **Hospitality cart permit.** A hospitality cart permit  
1720 shall authorize the sale of alcoholic beverages from a mobile cart  
1721 on a golf course that is the holder of an on-premises retailer's  
1722 permit. The alcoholic beverages sold from the cart must be  
1723 consumed within the boundaries of the golf course.

1724           (k) **Special service permit.** A special service permit  
1725 shall authorize the holder to sell commercially sealed alcoholic  
1726 beverages to the operator of a commercial or private aircraft for  
1727 en route consumption only by passengers. A special service permit  
1728 shall be issued only to a fixed-base operator who contracts with  
1729 an airport facility to provide fueling and other associated  
1730 services to commercial and private aircraft.



1731           (1) **Merchant permit.** Except as otherwise provided in  
1732 subsection (5) of this section, a merchant permit shall be issued  
1733 only to the owner of a spa facility, an art studio or gallery, or  
1734 a cooking school, and shall authorize the holder to serve  
1735 complimentary by the glass wine only, including native wine, at  
1736 the holder's spa facility, art studio or gallery, or cooking  
1737 school. A merchant permit holder shall obtain all wine from the  
1738 holder of a package retailer's permit.

1739           (m) **Temporary alcoholic beverages charitable auction**  
1740 **permit.** A temporary permit, not to exceed five (5) days, may be  
1741 issued to a qualifying charitable nonprofit organization that is  
1742 exempt from taxation under Section 501(c)(3) or (4) of the  
1743 Internal Revenue Code of 1986. The permit shall authorize the  
1744 holder to sell alcoholic beverages for the limited purpose of  
1745 raising funds for the organization during a live or silent auction  
1746 that is conducted by the organization and that meets the following  
1747 requirements: (i) the auction is conducted in an area of the  
1748 state where the sale of alcoholic beverages is authorized; (ii) if  
1749 the auction is conducted on the premises of an on-premises  
1750 retailer's permit holder, then the alcoholic beverages to be  
1751 auctioned must be stored separately from the alcoholic beverages  
1752 sold, stored or served on the premises, must be removed from the  
1753 premises immediately following the auction, and may not be  
1754 consumed on the premises; (iii) the permit holder may not conduct  
1755 more than two (2) auctions during a calendar year; (iv) the permit



1756 holder may not pay a commission or promotional fee to any person  
1757 to arrange or conduct the auction.

1758           (n) **Event venue retailer's permit.** An event venue  
1759 retailer's permit shall authorize the holder thereof to purchase  
1760 and resell alcoholic beverages, including native wines and native  
1761 spirits, for consumption on the premises during legal hours during  
1762 events held on the licensed premises if food is being served at  
1763 the event by a caterer who is not affiliated with or related to  
1764 the permittee. The caterer must serve at least three (3) entrees.  
1765 The permit may only be issued for venues that can accommodate two  
1766 hundred (200) persons or more. The number of persons a venue may  
1767 accommodate shall be determined by the local fire department and  
1768 such determination shall be provided in writing and submitted  
1769 along with all other documents required to be provided for an  
1770 on-premises retailer's permit. The permittee must derive the  
1771 majority of its revenue from event-related fees, including, but  
1772 not limited to, admission fees or ticket sales for live  
1773 entertainment in the building. "Event-related fees" do not  
1774 include alcohol, beer or light wine sales or any fee which may be  
1775 construed to cover the cost of alcohol, beer or light wine. This  
1776 determination shall be made on a per event basis. An event may  
1777 not last longer than two (2) consecutive days per week.

1778           (o) **Temporary theatre permit.** A temporary theatre  
1779 permit, not to exceed five (5) days, may be issued to a charitable  
1780 nonprofit organization that is exempt from taxation under Section





1781 501(c) (3) or (4) of the Internal Revenue Code and owns or operates  
1782 a theatre facility that features plays and other theatrical  
1783 performances and productions. Except as otherwise provided in  
1784 subsection (5) of this section, the permit shall authorize the  
1785 holder to sell alcoholic beverages, including native wines and  
1786 native spirits, to patrons of the theatre during performances and  
1787 productions at the theatre facility for consumption during such  
1788 performances and productions on the premises of the facility  
1789 described in the permit. A temporary theatre permit holder shall  
1790 obtain all alcoholic beverages from package retailers located in  
1791 the county in which the permit is issued. Alcoholic beverages  
1792 remaining in stock upon expiration of the temporary theatre permit  
1793 may be returned by the permittee to the package retailer for a  
1794 refund of the purchase price upon consent of the package retailer  
1795 or may be kept by the permittee exclusively for personal use and  
1796 consumption, subject to all laws pertaining to the illegal sale  
1797 and possession of alcoholic beverages.

1798 (p) **Charter ship operator's permit.** Subject to the  
1799 provisions of this paragraph (p), a charter ship operator's permit  
1800 shall authorize the holder thereof and its employees to serve,  
1801 monitor, store and otherwise control the serving and availability  
1802 of alcoholic beverages to customers of the permit holder during  
1803 private charters under contract provided by the permit holder. A  
1804 charter ship operator's permit shall authorize such action by the  
1805 permit holder and its employees only as to alcoholic beverages



1806 brought onto the permit holder's ship by customers of the permit  
1807 holder as part of such a private charter. All such alcoholic  
1808 beverages must be removed from the charter ship at the conclusion  
1809 of each private charter. A charter ship operator's permit shall  
1810 not authorize the permit holder to sell, charge for or otherwise  
1811 supply alcoholic beverages to customers, except as authorized in  
1812 this paragraph (p). For the purposes of this paragraph (p),  
1813 "charter ship operator" means a common carrier that (i) is  
1814 certified to carry at least one hundred fifty (150) passengers  
1815 and/or provide overnight accommodations for at least fifty (50)  
1816 passengers, (ii) operates only in the waters within the State of  
1817 Mississippi, which lie adjacent to the State of Mississippi south  
1818 of the three (3) most southern counties in the State of  
1819 Mississippi, and (iii) provides charters under contract for tours  
1820 and trips in such waters.

1821           (q) **Distillery retailer's permit.** The holder of a  
1822 Class 1 manufacturer's permit may obtain a distillery retailer's  
1823 permit. A distillery retailer's permit shall authorize the holder  
1824 thereof to sell at retail alcoholic beverages to consumers for  
1825 on-premises consumption, or to consumers by the sealed and  
1826 unopened bottle from a retail location at the distillery for  
1827 off-premises consumption. The holder may only sell product  
1828 manufactured by the manufacturer at the distillery described in  
1829 the permit. However, when selling to consumers for on-premises  
1830 consumption, a holder of a distillery retailer's permit may add



1831 other beverages, alcoholic or not, so long as the total volume of  
1832 other beverage components containing alcohol does not exceed  
1833 twenty percent (20%). Hours of sale shall be the same as those  
1834 authorized for on-premises permittees in the city or county in  
1835 which the distillery retailer is located.

1836         The holder shall not sell at retail more than ten percent  
1837 (10%) of the alcoholic beverages produced annually at its  
1838 distillery. The holder shall not make retail sales of more than  
1839 two and twenty-five one-hundredths (2.25) liters, in the  
1840 aggregate, of the alcoholic beverages produced at its distillery  
1841 to any one (1) individual for consumption off the premises of the  
1842 distillery within a twenty-four-hour period. The hours of sale  
1843 shall be the same as those hours for package retailers under this  
1844 article. The holder of a distillery retailer's permit is not  
1845 required to purchase the alcoholic beverages authorized to be sold  
1846 by this paragraph from the department's liquor distribution  
1847 warehouse; however, if the holder does not purchase the alcoholic  
1848 beverages from the department's liquor distribution warehouse, the  
1849 holder shall pay to the department all taxes, fees and surcharges  
1850 on the alcoholic beverages that are imposed upon the sale of  
1851 alcoholic beverages shipped by the department or its warehouse  
1852 operator. In addition to alcoholic beverages, the holder of a  
1853 distillery retailer's permit may sell at retail promotional  
1854 products from the same retail location, including shirts, hats,



1855 glasses, and other promotional products customarily sold by  
1856 alcoholic beverage manufacturers.

1857           (r) **Festival Wine Permit.** Any wine manufacturer or  
1858 native wine producer permitted by Mississippi or any other state  
1859 is eligible to obtain a Festival Wine Permit. This permit  
1860 authorizes the entity to transport product manufactured by it to  
1861 festivals held within the State of Mississippi and sell sealed,  
1862 unopened bottles to festival participants. The holder of this  
1863 permit may provide samples at no charge to participants.  
1864 "Festival" means any event at which three (3) or more vendors are  
1865 present at a location for the sale or distribution of goods. The  
1866 holder of a Festival Wine Permit is not required to purchase the  
1867 alcoholic beverages authorized to be sold by this paragraph from  
1868 the department's liquor distribution warehouse. However, if the  
1869 holder does not purchase the alcoholic beverages from the  
1870 department's liquor distribution warehouse, the holder of this  
1871 permit shall pay to the department all taxes, fees and surcharges  
1872 on the alcoholic beverages sold at such festivals that are imposed  
1873 upon the sale of alcoholic beverages shipped by the Alcoholic  
1874 Beverage Control Division of the Department of Revenue.  
1875 Additionally, the entity shall file all applicable reports and  
1876 returns as prescribed by the department. This permit is issued  
1877 per festival and provides authority to sell for two (2)  
1878 consecutive days during the hours authorized for on-premises  
1879 permittees' sales in that county or city. The holder of the



1880 permit shall be required to maintain all requirements set by Local  
1881 Option Law for the service and sale of alcoholic beverages. This  
1882 permit may be issued to entities participating in festivals at  
1883 which a Class 1 temporary permit is in effect.

1884 This paragraph (r) shall stand repealed from and after July  
1885 1, 2026.

1886 (s) **Charter vessel operator's permit.** Subject to the  
1887 provisions of this paragraph (s), a charter vessel operator's  
1888 permit shall authorize the holder thereof and its employees to  
1889 sell and serve alcoholic beverages to passengers of the permit  
1890 holder during public tours, historical tours, ecological tours and  
1891 sunset cruises provided by the permit holder. The permit shall  
1892 authorize the holder to only sell alcoholic beverages, including  
1893 native wines, to passengers of the charter vessel operator during  
1894 public tours, historical tours, ecological tours and sunset  
1895 cruises provided by the permit holder aboard the charter vessel  
1896 operator for consumption during such tours and cruises on the  
1897 premises of the charter vessel operator described in the permit.  
1898 For the purposes of this paragraph (s), "charter vessel operator"  
1899 means a common carrier that (i) is certified to carry at least  
1900 forty-nine (49) passengers, (ii) operates only in the waters  
1901 within the State of Mississippi, which lie south of Interstate 10  
1902 in the three (3) most southern counties in the State of  
1903 Mississippi, and lie adjacent to the State of Mississippi south of  
1904 the three (3) most southern counties in the State of Mississippi,



1905 extending not further than one (1) mile south of such counties,  
1906 and (iii) provides vessel services for tours and cruises in such  
1907 waters as provided in this paragraph(s).

1908           (t) **Native spirit retailer's permit.** Except as  
1909 otherwise provided in subsection (5) of this section, a native  
1910 spirit retailer's permit shall be issued only to a holder of a  
1911 Class 4 manufacturer's permit, and shall authorize the holder  
1912 thereof to make retail sales of native spirits to consumers for  
1913 on-premises consumption or to consumers in originally sealed and  
1914 unopened containers at an establishment located on the premises of  
1915 or in the immediate vicinity of a native distillery. When selling  
1916 to consumers for on-premises consumption, a holder of a native  
1917 spirit retailer's permit may add to the native spirit alcoholic  
1918 beverages not produced on the premises, so long as the total  
1919 volume of foreign beverage components does not exceed twenty  
1920 percent (20%) of the mixed beverage. Hours of sale shall be the  
1921 same as those authorized for on-premises permittees in the city or  
1922 county in which the native spirit retailer is located.

1923           (u) **Delivery service permit.** Any individual, limited  
1924 liability company, corporation or partnership registered to do  
1925 business in this state is eligible to obtain a delivery service  
1926 permit. Subject to the provisions of Section 67-1-51.1, this  
1927 permit authorizes the permittee, or its employee or an independent  
1928 contractor acting on its behalf, to deliver alcoholic beverages,  
1929 beer, light wine and light spirit product from a licensed retailer



1930 to a person in this state who is at least twenty-one (21) years of  
1931 age for the individual's use and not for resale. This permit does  
1932 not authorize the delivery of alcoholic beverages, beer, light  
1933 wine or light spirit product to the premises of a location with a  
1934 permit for the manufacture, distribution or retail sale of  
1935 alcoholic beverages, beer, light wine or light spirit product.  
1936 The holder of a package retailer's permit or an on-premises  
1937 retailer's permit under Section 67-1-51 or of a beer, light wine  
1938 and light spirit product permit under Section 67-3-19 is  
1939 authorized to apply for a delivery service permit as a privilege  
1940 separate from its existing retail permit.

1941 (v) **Food truck permit.** A food truck permit shall  
1942 authorize the holder of an on-premises retailer's permit to use a  
1943 food truck to sell alcoholic beverages off its premises to guests  
1944 who must consume the beverages in open containers. For the  
1945 purposes of this paragraph (v), "food truck" means a fully encased  
1946 food service establishment on a motor vehicle or on a trailer that  
1947 a motor vehicle pulls to transport, and from which a vendor,  
1948 standing within the frame of the establishment, prepares, cooks,  
1949 sells and serves food for immediate human consumption. The term  
1950 "food truck" does not include a food cart that is not motorized.  
1951 Food trucks shall maintain such distance requirements from  
1952 schools, churches, kindergartens and funeral homes as are required  
1953 for on-premises retailer's permittees under this article, and all  
1954 sales must be made within a valid leisure and recreation district



1955 established under Section 67-1-101. Food trucks cannot sell or  
1956 serve alcoholic beverages unless also offering food prepared and  
1957 cooked within the food truck, and permittees must maintain a  
1958 twenty-five percent (25%) food sale revenue requirement based on  
1959 the food sold from the food truck alone. The hours allowed for  
1960 sale shall be the same as those for on-premises retailer's  
1961 permittees in the location. This permit will not be required for  
1962 the holder of a caterer's permit issued under this article to  
1963 cater an event as allowed by law. Permittees must provide notice  
1964 of not less than forty-eight (48) hours to the department of each  
1965 location at which alcoholic beverages will be sold.

1966 (2) Except as otherwise provided in subsection (4) of this  
1967 section, retail permittees may hold more than one (1) retail  
1968 permit, at the discretion of the department.

1969 (3) (a) Except as otherwise provided in this subsection, no  
1970 authority shall be granted to any person to manufacture, sell or  
1971 store for sale any intoxicating liquor as specified in this  
1972 article within four hundred (400) feet of any church, school,  
1973 kindergarten or funeral home. However, within an area zoned  
1974 commercial or business, such minimum distance shall be not less  
1975 than one hundred (100) feet.

1976 (b) A church or funeral home may waive the distance  
1977 restrictions imposed in this subsection in favor of allowing  
1978 issuance by the department of a permit, pursuant to subsection (1)  
1979 of this section, to authorize activity relating to the





1980 manufacturing, sale or storage of alcoholic beverages which would  
1981 otherwise be prohibited under the minimum distance criterion.  
1982 Such waiver shall be in written form from the owner, the governing  
1983 body, or the appropriate officer of the church or funeral home  
1984 having the authority to execute such a waiver, and the waiver  
1985 shall be filed with and verified by the department before becoming  
1986 effective.

1987           (c) The distance restrictions imposed in this  
1988 subsection shall not apply to the sale or storage of alcoholic  
1989 beverages at a bed and breakfast inn listed in the National  
1990 Register of Historic Places or to the sale or storage of alcoholic  
1991 beverages in a historic district that is listed in the National  
1992 Register of Historic Places, is a qualified resort area and is  
1993 located in a municipality having a population greater than one  
1994 hundred thousand (100,000) according to the latest federal  
1995 decennial census.

1996           (d) The distance restrictions imposed in this  
1997 subsection shall not apply to the sale or storage of alcoholic  
1998 beverages at a qualified resort area as defined in Section  
1999 67-1-5(o)(iii)32.

2000           (e) The distance restrictions imposed in this  
2001 subsection shall not apply to the sale or storage of alcoholic  
2002 beverages at a licensed premises in a building formerly owned by a  
2003 municipality and formerly leased by the municipality to a



2004 municipal school district and used by the municipal school  
2005 district as a district bus shop facility.

2006 (f) The distance restrictions imposed in this  
2007 subsection shall not apply to the sale or storage of alcoholic  
2008 beverages at a licensed premises in a building consisting of at  
2009 least five thousand (5,000) square feet and located approximately  
2010 six hundred (600) feet from the intersection of Mississippi  
2011 Highway 15 and Mississippi Highway 4.

2012 (g) The distance restrictions imposed in this  
2013 subsection shall not apply to the sale or storage of alcoholic  
2014 beverages at a licensed premises in a building located at or near  
2015 the intersection of Ward and Tate Streets and adjacent properties  
2016 in the City of Senatobia, Mississippi.

2017 (h) The distance restrictions imposed in this  
2018 subsection shall not apply to the sale or storage of alcoholic  
2019 beverages at a theatre facility that features plays and other  
2020 theatrical performances and productions and (i) is capable of  
2021 seating more than seven hundred fifty (750) people, (ii) is owned  
2022 by a municipality which has a population greater than ten thousand  
2023 (10,000) according to the latest federal decennial census, (iii)  
2024 was constructed prior to 1930, (iv) is on the National Register of  
2025 Historic Places, and (v) is located in a historic district.

2026 (i) The distance restrictions imposed in this  
2027 subsection shall not apply to the sale or storage of alcoholic  
2028 beverages at a licensed premises in a building located



2029 approximately one and six-tenths (1.6) miles north of the  
2030 intersection of Mississippi Highway 15 and Mississippi Highway 4  
2031 on the west side of Mississippi Highway 15.

2032 (4) No person, either individually or as a member of a firm,  
2033 partnership, limited liability company or association, or as a  
2034 stockholder, officer or director in a corporation, shall own or  
2035 control any interest in more than one (1) package retailer's  
2036 permit, nor shall such person's spouse, if living in the same  
2037 household of such person, any relative of such person, if living  
2038 in the same household of such person, or any other person living  
2039 in the same household with such person own any interest in any  
2040 other package retailer's permit.

2041 (5) (a) In addition to any other authority granted under  
2042 this section, the holder of a permit issued under subsection  
2043 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
2044 sell or otherwise provide alcoholic beverages and/or wine to a  
2045 patron of the permit holder in the manner authorized in the permit  
2046 and the patron may remove an open glass, cup or other container of  
2047 the alcoholic beverage and/or wine from the licensed premises and  
2048 may possess and consume the alcoholic beverage or wine outside of  
2049 the licensed premises if: (i) the licensed premises is located  
2050 within a leisure and recreation district created under Section  
2051 67-1-101 and (ii) the patron remains within the boundaries of the  
2052 leisure and recreation district while in possession of the  
2053 alcoholic beverage or wine.



2054 (b) Nothing in this subsection shall be construed to  
2055 allow a person to bring any alcoholic beverages into a permitted  
2056 premises except to the extent otherwise authorized by this  
2057 article.

2058 **SECTION 13.** Section 67-1-57, Mississippi Code of 1972, is  
2059 amended as follows:

2060 67-1-57. Before a permit is issued the department shall  
2061 satisfy itself:

2062 (a) That the applicant, if an individual, or if a  
2063 partnership, each of the members of the partnership, or if a  
2064 corporation, each of its principal officers and directors, or if a  
2065 limited liability company, each member of the limited liability  
2066 company, is of good moral character and, in addition, enjoys a  
2067 reputation of being a peaceable, law-abiding citizen of the  
2068 community in which he resides, and is generally fit for the trust  
2069 to be reposed in him, is not less than twenty-one (21) years of  
2070 age, and has not been convicted of a felony in any state or  
2071 federal court.

2072 (b) That, except in the case of an application for a  
2073 solicitor's permit, the applicant is the true and actual owner of  
2074 the business for which the permit is desired, and that he intends  
2075 to carry on the business authorized for himself and not as the  
2076 agent of any other person, and that he intends to superintend in  
2077 person the management of the business or that he will designate a  
2078 manager to manage the business for him. All managers must be



2079 approved by the department prior to completing any managerial  
2080 tasks on behalf of the permittee and must possess all of the  
2081 qualifications required of a permittee; however, a felony  
2082 conviction, other than a crime of violence, does not automatically  
2083 disqualify a person from being approved as a manager if the person  
2084 was released from incarceration at least three (3) years prior to  
2085 application for approval as a manager. A felony conviction, other  
2086 than a crime of violence, may be considered by the department in  
2087 determining whether all other qualifications are met.

2088 (c) That the applicant for a package retailer's permit,  
2089 if an individual, is a resident of the State of Mississippi. If  
2090 the applicant is a partnership, each member of the partnership  
2091 must be a resident of the state. If the applicant is a limited  
2092 liability company, each member of the limited liability company  
2093 must be a resident of the state. If the applicant is a  
2094 corporation, the designated manager of the corporation must be a  
2095 resident of the state.

2096 (d) That the place for which the permit is to be issued  
2097 is an appropriate one considering the character of the premises  
2098 and the surrounding neighborhood.

2099 (e) That the place for which the permit is to be issued  
2100 is within the corporate limits of an incorporated municipality or  
2101 qualified resort area or club which comes within the provisions of  
2102 this article.



2103 (f) That the applicant is not indebted to the state for  
2104 any taxes, fees or payment of penalties imposed by any law of the  
2105 State of Mississippi or by any rule or regulation of the \* \* \*  
2106 department.

2107 (g) That the applicant is not in the habit of using  
2108 alcoholic beverages to excess and is not physically or mentally  
2109 incapacitated, and that the applicant has the ability to read and  
2110 write the English language.

2111 (h) That the \* \* \* department does not believe and has  
2112 no reason to believe that the applicant will sell or knowingly  
2113 permit any agent, servant or employee to unlawfully sell \* \* \*  
2114 alcoholic beverages in \* \* \* an area in which prohibition is  
2115 instituted or in any other manner contrary to law.

2116 (i) That the applicant is not residentially domiciled  
2117 with any person whose permit or license has been cancelled for  
2118 cause within the twelve (12) months next preceding the date of the  
2119 present application for a permit.

2120 (j) That the \* \* \* department has not, in the exercise  
2121 of its discretion which is reserved and preserved to it, refused  
2122 to grant permits under the restrictions of this section, as well  
2123 as under any other pertinent provision of this article.

2124 (k) That there are not sufficient legal reasons to deny  
2125 a permit on the ground that the premises for which the permit is  
2126 sought has previously been operated, used or frequented for any  
2127 purpose or in any manner that is lewd, immoral or offensive to



2128 public decency. In the granting or withholding of any permit to  
2129 sell alcoholic beverages at retail, the \* \* \* department in  
2130 forming its conclusions may give consideration to any  
2131 recommendations made in writing by the district or county attorney  
2132 or county, circuit or chancery judge of the county, or the sheriff  
2133 of the county, or the mayor or chief of police of an incorporated  
2134 city or town wherein the applicant proposes to conduct his  
2135 business and to any recommendations made by representatives of  
2136 the \* \* \* department.

2137 (1) That the applicant and the applicant's key  
2138 employees, as determined by the \* \* \* department, do not have a  
2139 disqualifying criminal record. In order to obtain a criminal  
2140 record history check, the applicant shall submit to the \* \* \*  
2141 department a set of fingerprints from any local law enforcement  
2142 agency for each person for whom the records check is required.  
2143 The \* \* \* department shall forward the fingerprints to the  
2144 Mississippi Department of Public Safety. If no disqualifying  
2145 record is identified at the state level, the Department of Public  
2146 Safety shall forward the fingerprints to the Federal Bureau of  
2147 Investigation for a national criminal history record check. Costs  
2148 for processing the set or sets of fingerprints shall be borne by  
2149 the applicant. The \* \* \* department shall not deny employment to  
2150 an employee of the applicant prior to the identification of a  
2151 disqualifying record or other disqualifying information.



2152           **SECTION 14.** Section 67-1-85, Mississippi Code of 1972, is  
2153 amended as follows:

2154           67-1-85. (1) The holder of a package retailer's permit may  
2155 have signs, lighted or otherwise, on the outside of the premises  
2156 covered by his permit which advertise, announce or advise of the  
2157 sale of alcoholic beverages in or on said premises. Wherever the  
2158 sign is located on the premises, the name of the business shall  
2159 also include the permit number thereof, preceded by the words  
2160 "A.B.C. Permit No."

2161           (2) It shall be lawful to advertise alcoholic beverages by  
2162 means of signs, billboards or displays on or along any road,  
2163 highway, street or building.

2164           (3) It shall be lawful for publishers, broadcasters and  
2165 other kinds, types or forms of public and private advertising  
2166 media to advertise alcoholic beverages; however, no alcoholic  
2167 beverages may be advertised during, or within five (5) minutes  
2168 preceding or following, any television broadcast which consists  
2169 primarily of animated material intended for viewing by young  
2170 children.

2171           (4) Notwithstanding the provisions of this section to the  
2172 contrary, it shall be unlawful to advertise alcoholic beverages by  
2173 means of signs, billboards or displays in any municipality, county  
2174 or judicial district \* \* \* that has voted to institute  
2175 prohibition.





2176           **SECTION 15.** Section 67-1-91, Mississippi Code of 1972, is  
2177 amended as follows:

2178           67-1-91. (1) It is hereby made the duty of every police and  
2179 peace officer and every district and county attorney and the  
2180 Alcoholic Beverage Control Division of the \* \* \* Department of  
2181 Revenue to enforce the provisions of this article and to inform  
2182 against and diligently prosecute persons whom they have reasonable  
2183 cause to believe to be offenders against the provisions thereof.  
2184 Every such officer refusing or neglecting to do so shall be guilty  
2185 of a misdemeanor, and the court, in addition to imposing the  
2186 penalty therefor, shall adjudge forfeiture of his office.

2187           (2) In any county or municipality where it is readily  
2188 apparent that local law enforcement authorities in cooperation  
2189 with the agents and inspectors provided by the \* \* \* department  
2190 cannot control the illegal sale of alcoholic beverages, the \* \* \*  
2191 department shall request such assistance as it may deem necessary  
2192 from the Mississippi Highway Safety Patrol; and it shall be the  
2193 duty of the Governor of the State of Mississippi to see that the  
2194 laws of the state are properly enforced by use of the additional  
2195 authority as herein provided.

2196           (3) The officers, agents and representatives of the \* \* \*  
2197 Department of Revenue and the Alcoholic Beverage Control Division  
2198 thereof are authorized and directed to strictly enforce the \* \* \*  
2199 provisions of this article and any other provisions of law  
2200 regulating the proper sale, distribution and transportation of



2201 alcoholic beverages, and, in such counties that vote to institute  
2202 prohibition, enforce such prohibition on the sale, distribution  
2203 and transportation, except as provided herein, of alcoholic  
2204 beverages within the boundaries of such counties. The State  
2205 Highway Patrol, sheriffs, police departments, constables, and all  
2206 peace officers, and prosecuting attorneys, the Attorney General's  
2207 office, district attorneys, county attorneys, city attorneys, and  
2208 all others charged with upholding the law, as well as the  
2209 citizenry of this state, are hereby urged and directed to uphold  
2210 the dignity of the law, to foster public respect therefor and to  
2211 strictly enforce the laws against \* \* \* alcoholic beverages in all  
2212 cases while operating a motor vehicle on the streets and highways  
2213 of this state, and to enforce the law and prosecute against the  
2214 wrongful use of \* \* \* alcoholic beverages in any county or  
2215 municipality by a permit holder or licensee or anyone else under  
2216 such circumstances and conditions as would lead to a breakdown in  
2217 public law or is violative of the public sense of common decency,  
2218 as well as to enforce the law against gambling, organized crime,  
2219 or social vice and corruption.

2220 **SECTION 16.** Section 67-1-101, Mississippi Code of 1972, is  
2221 amended as follows:

2222 67-1-101. (1) For the purposes of this section, the  
2223 following words shall have the following meanings ascribed in this  
2224 section, unless the context clearly otherwise requires:



2225 (a) "Municipality" means any incorporated city, town or  
2226 village that has not voted in favor of \* \* \* instituting  
2227 prohibition or is in a county that has not voted in favor of \* \* \*  
2228 instituting prohibition.

2229 (b) "Leisure and recreation district" means an area  
2230 officially designated by ordinance or resolution of the governing  
2231 authorities of a municipality or county as a leisure and  
2232 recreation district.

2233 (c) "County" means any county that has voted in favor  
2234 of \* \* \* instituting prohibition.

2235 (2) (a) Subject to the provisions of this section, the  
2236 governing authorities of a municipality, by ordinance, may  
2237 establish one or more leisure and recreation districts within the  
2238 corporate boundaries of the municipality and designate the  
2239 geographic area or areas to be included within a district. The  
2240 governing authorities of a municipality, by ordinance, may modify  
2241 the boundaries of a leisure and recreation district. In addition,  
2242 the boundaries of a leisure and recreation district may extend  
2243 from within the municipality into the unincorporated area of the  
2244 county in which the municipality is located if the county consents  
2245 to the extension and has not voted in favor of \* \* \* instituting  
2246 prohibition.

2247 (b) Subject to the provisions of this section, the  
2248 board of Supervisors of a county, by resolution, may establish one  
2249 or more leisure and recreation districts within the county that



2250 are outside the corporate limits of any municipality in the county  
2251 and designate the geographic area or areas to be included within  
2252 the districts.

2253 (c) The designation or modification of the geographic  
2254 area or areas as a leisure and recreation district shall include a  
2255 detailed description of the area or areas within the district,  
2256 boundaries of the district and a georeferenced map of the  
2257 district. In addition to any other matters addressed in an  
2258 ordinance or resolution establishing or modifying a leisure and  
2259 recreation district, a municipality or county, as the case may be,  
2260 must describe the manner in which the municipality or county, as  
2261 the case may be, will provide for adequate law enforcement and  
2262 other public safety measures and services within the district.  
2263 Following the establishment and/or modification of a leisure and  
2264 recreation district, the municipality or county, as the case may  
2265 be, shall provide the Department of Revenue with (i) a copy of any  
2266 ordinance or resolution relating to the establishment or  
2267 modification of the district, (ii) verification from the municipal  
2268 police department and/or applicable sheriff's department  
2269 indicating how such department will provide adequate law  
2270 enforcement and other public safety measures and services within  
2271 the district, and (iii) a list of persons or other entities that  
2272 hold permits issued under Section 67-1-51(c), (e), (f), (g), (l),  
2273 (n) or (o) and are located and/or doing business under such  
2274 permits in the district at the time the district is established.



2275           **SECTION 17.** Section 67-9-1, Mississippi Code of 1972, is  
2276 amended as follows:

2277           67-9-1. Notwithstanding the provisions of any section of  
2278 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for  
2279 any person holding an alcohol processing permit to transport and  
2280 possess alcoholic beverages, light wine, light spirit product and  
2281 beer, in any part of the state, for his or her use in cooking,  
2282 processing or manufacturing products which contain alcoholic  
2283 beverages as an integral ingredient, in amounts as limited by the  
2284 Alcoholic Beverage Control Division of the \* \* \* Department of  
2285 Revenue. The authority to transport and possess alcoholic  
2286 beverages, light wine, light spirit product and beer under this  
2287 section exists regardless of whether (a) the county or  
2288 municipality in which the transportation or possession takes place  
2289 has voted for \* \* \* instituting prohibition, or (b) the  
2290 transportation, storage, sale, distribution, receipt or  
2291 manufacture of light wine, light spirit product and beer otherwise  
2292 is prohibited.

2293           The provisions of this section shall not be construed as  
2294 amending, repealing or otherwise affecting any statute or any  
2295 lawfully adopted ordinance, rule or regulation that prohibits or  
2296 restricts the location at which, or the premises upon which,  
2297 alcoholic beverages, light wine, light spirit product or beer may  
2298 be sold or consumed.



2299           **SECTION 18.** Section 97-31-47, Mississippi Code of 1972, is  
2300 amended as follows:

2301           97-31-47. It shall be unlawful for any transportation  
2302 company, or any agent, employee, or officer of such company, or  
2303 any other person, or corporation to transport into or deliver in  
2304 this state in any manner or by any means any spirituous, vinous,  
2305 malt, or other intoxicating liquors or drinks, or for any such  
2306 person, company, or corporation to transport any spirituous, malt,  
2307 vinous, or intoxicating liquors or drinks from one place within  
2308 this state to another place within the state, or from one (1)  
2309 point within this state to any point without the state, except in  
2310 cases where this chapter \* \* \*, Title 27, Mississippi Code of  
2311 1972, or Title 67, Mississippi Code of 1972, authorizes the  
2312 transportation.

2313           **SECTION 19.** Section 27-71-15, Mississippi Code of 1972, is  
2314 amended as follows:

2315           27-71-15. Except as otherwise provided in Section 67-9-1 for  
2316 the transportation of limited amounts of alcoholic beverages for  
2317 the use of an alcohol processing permittee, if transportation  
2318 requires passage through a county which has \* \* \* voted to  
2319 institute prohibition, such transportation shall be by a sealed  
2320 vehicle. Such seal shall remain unbroken until the vehicle shall  
2321 reach the place of business operated by the permittee. The  
2322 operator of any vehicle transporting alcoholic beverages shall  
2323 have in his possession an invoice issued by the \* \* \* department



2324 at the time of the wholesale sale covering the merchandise  
2325 transported by the vehicle. The \* \* \* department is authorized to  
2326 issue regulations controlling the transportation of alcoholic  
2327 beverages.

2328 When the restrictions imposed by this section and by the  
2329 regulation of the \* \* \* department have not been violated, the  
2330 person transporting alcoholic beverages through a county wherein  
2331 the sale of alcoholic beverages is prohibited shall not be guilty  
2332 of unlawful possession and such merchandise shall be immune from  
2333 seizure.

2334 **SECTION 20.** Section 27-71-31, Mississippi Code of 1972, is  
2335 amended as follows:

2336 27-71-31. Nothing herein shall be construed to make \* \* \*  
2337 unlawful the sale, \* \* \* distribution or transportation of  
2338 alcoholic beverages in this state, except to the extent, in the  
2339 manner and in the localities that same shall be made \* \* \*  
2340 unlawful by the institution of prohibition.

2341 **SECTION 21.** Section 67-1-41, Mississippi Code of 1972, is  
2342 brought forward as follows:

2343 67-1-41. (1) The department is hereby created a wholesale  
2344 distributor and seller of alcoholic beverages, not including malt  
2345 liquors, within the State of Mississippi. It is granted the right  
2346 to import and sell alcoholic beverages at wholesale within the  
2347 state, and no person who is granted the right to sell, distribute  
2348 or receive alcoholic beverages at retail shall purchase any



2349 alcoholic beverages from any source other than the department,  
2350 except as authorized in subsections (4), (9) and (12) of this  
2351 section. The department may establish warehouses, and the  
2352 department may purchase alcoholic beverages in such quantities and  
2353 from such sources as it may deem desirable and sell the alcoholic  
2354 beverages to authorized permittees within the state including, at  
2355 the discretion of the department, any retail distributors  
2356 operating within any military post or qualified resort areas  
2357 within the boundaries of the state, keeping a correct and accurate  
2358 record of all such transactions and exercising such control over  
2359 the distribution of alcoholic beverages as seem right and proper  
2360 in keeping with the provisions or purposes of this article.

2361 (2) No person for the purpose of sale shall manufacture,  
2362 distill, brew, sell, possess, export, transport, distribute,  
2363 warehouse, store, solicit, take orders for, bottle, rectify,  
2364 blend, treat, mix or process any alcoholic beverage except in  
2365 accordance with authority granted under this article, or as  
2366 otherwise provided by law for native wines or native spirits.

2367 (3) No alcoholic beverage intended for sale or resale shall  
2368 be imported, shipped or brought into this state for delivery to  
2369 any person other than as provided in this article, or as otherwise  
2370 provided by law for native wines or native spirits.

2371 (4) The department may promulgate rules and regulations  
2372 which authorize on-premises retailers to purchase limited amounts  
2373 of alcoholic beverages from package retailers and for package





2374 retailers to purchase limited amounts of alcoholic beverages from  
2375 other package retailers. The department shall develop and provide  
2376 forms to be completed by the on-premises retailers and the package  
2377 retailers verifying the transaction. The completed forms shall be  
2378 forwarded to the department within a period of time prescribed by  
2379 the department.

2380 (5) The department may promulgate rules which authorize the  
2381 holder of a package retailer's permit to permit individual retail  
2382 purchasers of packages of alcoholic beverages to return, for  
2383 exchange, credit or refund, limited amounts of original sealed and  
2384 unopened packages of alcoholic beverages purchased by the  
2385 individual from the package retailer.

2386 (6) The department shall maintain all forms to be completed  
2387 by applicants necessary for licensure by the department at all  
2388 district offices of the department.

2389 (7) The department may promulgate rules which authorize the  
2390 manufacturer of an alcoholic beverage or wine to import, transport  
2391 and furnish or give a sample of alcoholic beverages or wines to  
2392 the holders of package retailer's permits, on-premises retailer's  
2393 permits, native wine or native spirit retailer's permits and  
2394 temporary retailer's permits who have not previously purchased the  
2395 brand of that manufacturer from the department. For each holder  
2396 of the designated permits, the manufacturer may furnish not more  
2397 than five hundred (500) milliliters of any brand of alcoholic  
2398 beverage and not more than three (3) liters of any brand of wine.



2399 (8) The department may promulgate rules disallowing open  
2400 product sampling of alcoholic beverages or wines by the holders of  
2401 package retailer's permits and permitting open product sampling of  
2402 alcoholic beverages by the holders of on-premises retailer's  
2403 permits. Permitted sample products shall be plainly identified  
2404 "sample" and the actual sampling must occur in the presence of the  
2405 manufacturer's representatives during the legal operating hours of  
2406 on-premises retailers.

2407 (9) The department may promulgate rules and regulations that  
2408 authorize the holder of a research permit to import and purchase  
2409 limited amounts of alcoholic beverages from importers, wineries  
2410 and distillers of alcoholic beverages or from the department. The  
2411 department shall develop and provide forms to be completed by the  
2412 research permittee verifying each transaction. The completed  
2413 forms shall be forwarded to the department within a period of time  
2414 prescribed by the department. The records and inventory of  
2415 alcoholic beverages shall be open to inspection at any time by the  
2416 Director of the Alcoholic Beverage Control Division or any duly  
2417 authorized agent.

2418 (10) The department may promulgate rules facilitating a  
2419 retailer's on-site pickup of alcoholic beverages sold by the  
2420 department or as authorized by the department, including, but not  
2421 limited to, native wines and native spirits, so that those  
2422 alcoholic beverages may be delivered to the retailer at the



2423 manufacturer's location instead of via shipment from the  
2424 department's warehouse.

2425           (11)   **[Through June 30, 2026]** This section shall not apply  
2426 to alcoholic beverages authorized to be sold by the holder of a  
2427 distillery retailer's permit or a festival wine permit.

2428           (11)   **[From and after July 1, 2026]** This section shall not  
2429 apply to alcoholic beverages authorized to be sold by the holder  
2430 of a distillery retailer's permit.

2431           (12) (a) An individual resident of this state who is at  
2432 least twenty-one (21) years of age may purchase wine from a winery  
2433 and have the purchase shipped into this state so long as it is  
2434 shipped to a package retailer permittee in Mississippi; however,  
2435 the permittee shall pay to the department all taxes, fees and  
2436 surcharges on the wine that are imposed upon the sale of wine  
2437 shipped by the department or its warehouse operator. No credit  
2438 shall be provided to the permittee for any taxes paid to another  
2439 state as a result of the transaction. Package retailers may  
2440 charge a service fee for receiving and handling shipments from  
2441 wineries on behalf of the purchasers. The department shall  
2442 develop and provide forms to be completed by the package retailer  
2443 permittees verifying the transaction. The completed forms shall  
2444 be forwarded to the department within a period of time prescribed  
2445 by the department.

2446           (b) The purchaser of wine that is to be shipped to a  
2447 package retailer's store shall be required to get the prior



2448 approval of the package retailer before any wine is shipped to the  
2449 package retailer. A purchaser is limited to no more than ten (10)  
2450 cases of wine per year to be shipped to a package retailer. A  
2451 package retailer shall notify a purchaser of wine within two (2)  
2452 days after receiving the shipment of wine. If the purchaser of  
2453 the wine does not pick up or take the wine from the package  
2454 retailer within thirty (30) days after being notified by the  
2455 package retailer, the package retailer may sell the wine as part  
2456 of his inventory.

2457 (c) Shipments of wine into this state under this  
2458 section shall be made by a duly licensed carrier. It shall be the  
2459 duty of every common or contract carrier, and of every firm or  
2460 corporation that shall bring, carry or transport wine from outside  
2461 the state for delivery inside the state to package retailer  
2462 permittees on behalf of consumers, to prepare and file with the  
2463 department, on a schedule as determined by the department, of  
2464 known wine shipments containing the name of the common or contract  
2465 carrier, firm or corporation making the report, the period of time  
2466 covered by said report, the name and permit number of the winery,  
2467 the name and permit number of the package retailer permittee  
2468 receiving such wine, the weight of the package delivered to each  
2469 package retailer permittee, a unique tracking number, and the date  
2470 of delivery. Reports received by the department shall be made  
2471 available by the department to the public via the Mississippi



2472 Public Records Act process in the same manner as other state  
2473 alcohol filings.

2474       Upon the department's request, any records supporting the  
2475 report shall be made available to the department within a  
2476 reasonable time after the department makes a written request for  
2477 such records. Any records containing information relating to such  
2478 reports shall be kept and preserved for a period of two (2) years,  
2479 unless their destruction sooner is authorized, in writing, by the  
2480 department, and shall be open and available to inspection by the  
2481 department upon the department's written request. Reports shall  
2482 also be made available to any law enforcement or regulatory body  
2483 in the state in which the railroad company, express company,  
2484 common or contract carrier making the report resides or does  
2485 business.

2486       Any common or contract carrier that willfully fails to make  
2487 reports, as provided by this section or any of the rules and  
2488 regulations of the department for the administration and  
2489 enforcement of this section, is subject to a notification of  
2490 violation. In the case of a continuing failure to make reports,  
2491 the common or contract carrier is subject to possible license  
2492 suspension and revocation at the department's discretion.

2493       (d) A winery that ships wine under this section shall  
2494 be deemed to have consented to the jurisdiction of the courts of  
2495 this state, of the department, of any other state agency regarding



2496 the enforcement of this section, and of any related law, rules or  
2497 regulations.

2498 (e) Any person who makes, participates in, transports,  
2499 imports or receives a shipment in violation of this section is  
2500 guilty of a misdemeanor and, upon conviction thereof, shall be  
2501 punished by a fine of One Thousand Dollars (\$1,000.00) or  
2502 imprisonment in the county jail for not more than six (6) months,  
2503 or both. Each shipment shall constitute a separate offense.

2504 (13) If any provision of this article, or its application to  
2505 any person or circumstance, is determined by a court to be invalid  
2506 or unconstitutional, the remaining provisions shall be construed  
2507 in accordance with the intent of the Legislature to further limit  
2508 rather than expand commerce in alcoholic beverages to protect the  
2509 health, safety, and welfare of the state's residents, and to  
2510 enhance strict regulatory control over taxation, distribution and  
2511 sale of alcoholic beverages through the three-tier regulatory  
2512 system imposed by this article upon all alcoholic beverages to  
2513 curb relationships and practices calculated to stimulate sales and  
2514 impair the state's policy favoring trade stability and the  
2515 promotion of temperance.

2516 **SECTION 22.** Section 67-1-65, Mississippi Code of 1972, is  
2517 brought forward as follows:

2518 67-1-65. In any county having heretofore voted, or which  
2519 hereafter votes, to come out from under the prohibition law, in  
2520 which there is not located an incorporated municipality within



2521 such county, the state tax commission may issue package retailer's  
2522 permits in such county.

2523         **SECTION 23.** Section 67-1-72, Mississippi Code of 1972, is  
2524 brought forward as follows:

2525         67-1-72. (1) Except as otherwise provided in this article,  
2526 any applicant or holder of a permit issued under this article  
2527 which is aggrieved by an action of the Department of Revenue to  
2528 deny his application for a permit, to deny the renewal of his  
2529 permit or to revoke or suspend his permit shall be allowed to  
2530 appeal to the Board of Tax Appeals from this action. This appeal  
2531 is to be filed by the aggrieved person with the Executive Director  
2532 of the Board of Tax Appeals, with a copy being sent to the  
2533 Department of Revenue, within fifteen (15) days from the date that  
2534 person received notice of the action of the department being  
2535 aggrieved. If the person aggrieved fails to appeal within this  
2536 fifteen-day period, the action of the Department of Revenue shall  
2537 take effect as set out in the notice. The Department of Revenue  
2538 retains the authority to change at any time the action aggrieved  
2539 to in an appeal under this subsection. The applicant or holder of  
2540 any permit issued under this article may waive his right to notice  
2541 and opportunity to a hearing as provided by this subsection and  
2542 agree to the action being taken by the department. The inability  
2543 of the Department of Revenue to issue or renew a permit due to an  
2544 incomplete application or due to the failure of the applicant to  
2545 pay the annual privilege taxes and fees provided by Section



2546 27-71-5 and/or the failure of the applicant to post or deposit the  
2547 bond, cash or securities as required by Section 27-71-21 shall not  
2548 constitute a denial for purposes of this subsection.

2549 (2) Any applicant for approval as a manager of an  
2550 establishment operating under a permit issued under this article  
2551 or who holds the designation of an approved manager of an  
2552 establishment operating under a permit issued under this article  
2553 and who is aggrieved by an action of the Department of Revenue to  
2554 deny his application for approval as a manager or to revoke or  
2555 suspend his designation as an approved manager shall be allowed to  
2556 appeal to the Board of Tax Appeals from this action. This appeal  
2557 is to be filed by the aggrieved person with the Executive Director  
2558 of the Board of Tax Appeals, with a copy being sent to the  
2559 Department of Revenue, within fifteen (15) days from the date that  
2560 person received notice of the action of the department being  
2561 aggrieved. If the person aggrieved fails to appeal within this  
2562 fifteen-day period, the action of the Department of Revenue shall  
2563 take effect as set out in the notice. The Department of Revenue  
2564 retains the authority to change at any time the action aggrieved  
2565 to in an appeal under this subsection. The applicant or holder of  
2566 an approved manager designation may waive his right to notice and  
2567 opportunity to a hearing as provided by this subsection and agree  
2568 to the action being taken by the department. The inability of the  
2569 Department of Revenue to consider an application for approval of  
2570 an applicant as a manager due to an incomplete application shall





2571 not constitute a denial of the application for purposes of this  
2572 subsection.

2573         (3) Any applicant for approval of an area or locality as a  
2574 qualified resort area under this article who is aggrieved by the  
2575 decision of the Department of Revenue to deny the qualified resort  
2576 area as requested and any county or municipality wherein the  
2577 proposed qualified resort area is located may appeal to the Board  
2578 of Tax Appeals from such decision. This appeal is to be filed by  
2579 the aggrieved applicant or by the affected county or municipality  
2580 with the Executive Director of the Board of Tax Appeals, with a  
2581 copy being sent to the Department of Revenue, within fifteen (15)  
2582 days from the date that the person or entity filing the appeal  
2583 received notice of the decision of the Department of Revenue to  
2584 deny the qualified resort area. If an appeal is not filed within  
2585 this fifteen-day period, the decision of the Department of Revenue  
2586 shall become final. The Department of Revenue retains the  
2587 authority to change at any time the decision aggrieved to in an  
2588 appeal under this subsection. The inability of the Department of  
2589 Revenue to consider an application for the approval of an area or  
2590 locality as a qualified resort area due to an incomplete  
2591 application shall not constitute a denial of that application for  
2592 purposes of this subsection.

2593         (4) Any person, including any county or municipality in  
2594 which the qualified resort area is located, who is aggrieved by  
2595 the decision of the Department of Revenue to revoke the approval



2596 of an area or locality as a qualified resort area may appeal to  
2597 the Board of Tax Appeals from such decision. This appeal is to be  
2598 filed by the aggrieved person with the Executive Director of the  
2599 Board of Tax Appeals, with a copy being sent to the Department of  
2600 Revenue, within fifteen (15) days from the date that the person or  
2601 entity filing the appeal received notice of the decision of the  
2602 department to revoke approval of the qualified resort area. At  
2603 the discretion of the Department of Revenue, in addition to any  
2604 other notice to be provided under this subsection, the department  
2605 may provide notice of its decision to revoke approval of the  
2606 qualified resort area by publication in the same manner as  
2607 provided by regulation when approval of a qualified resort area is  
2608 sought. In regard to such publication, the fifteen-day period  
2609 provided herein will begin on the date that notice is first  
2610 published. If an appeal is not filed within this fifteen-day  
2611 period, the decision of the Department of Revenue shall become  
2612 final. The Department of Revenue retains the authority to change  
2613 at any time the decision aggrieved to in an appeal under this  
2614 subsection.

2615 (5) Any person objecting to an application for the issuance  
2616 or transfer of a permit, other than a temporary retailer's permit,  
2617 issued under this article and who timely requests in writing a  
2618 hearing on his objection shall be given a hearing before the Board  
2619 of Tax Appeals unless the permit is denied by the Department of  
2620 Revenue and an appeal is not taken by the applicant to the Board



2621 of Tax Appeals from that denial or the applicant withdraws his  
2622 application. Any written request for a hearing on an objection  
2623 must be filed with the Department of Revenue within fifteen (15)  
2624 days from the first date of publication of the notice of such  
2625 application under Section 67-1-53. If the department determines  
2626 that the permit should be denied, notice will be provided to the  
2627 applicant as set out in subsection (1) of this section, and if the  
2628 applicant timely requests a hearing on the denial as provided by  
2629 this subsection (5), the department will advise the Executive  
2630 Director of the Board of Tax Appeals and the applicant of the  
2631 written request for a hearing on an objection to the permit. The  
2632 hearing on the objection to the permit and the hearing on the  
2633 appeal by the applicant from the denial of the department of the  
2634 application shall be consolidated and heard by the Board of Tax  
2635 Appeals at the same time. If the department determines that the  
2636 permit should be issued, the department will advise the applicant  
2637 and the Executive Director of the Board of Tax Appeals of the  
2638 timely written request for a hearing on an objection to the  
2639 application and a hearing will be set before the Board of Tax  
2640 Appeals on this objection. If prior to the hearing, either the  
2641 person requesting the hearing withdraws his request or the  
2642 applicant withdraws his application, the hearing will be cancelled  
2643 and the objection proceedings before the Board of Tax Appeals on  
2644 the application will be dismissed as moot. In the case of such  
2645 withdrawals, the Board of Tax Appeals is authorized to assess to



2646 either or both parties any costs incurred by it prior to such  
2647 withdrawal. The Department of Revenue retains authority to issue  
2648 the permit to the applicant where the person objecting to the  
2649 application withdraws his request for a hearing.

2650 (6) Any person objecting to an application for approval by  
2651 the Department of Revenue of a area or locality as a qualified  
2652 resort area under this article and who timely requests in writing  
2653 a hearing on his objection shall be given a hearing before the  
2654 Board of Tax Appeals unless approval of the application is denied  
2655 by the Department of Revenue and an appeal is not taken by the  
2656 applicant or the county or municipality in which the proposed  
2657 qualified resort area is located to the Board of Tax Appeals from  
2658 that denial or the applicant withdraws his application. Any  
2659 written request for a hearing on an objection must be filed with  
2660 the Department of Revenue within fifteen (15) days from the first  
2661 date of publication of the notice of such application as provided  
2662 by regulation. If the department determines that the application  
2663 for approval of the proposed area or locality as a qualified  
2664 resort area should be denied, the department will proceed with  
2665 denial of such application as set out in subsection (3) of this  
2666 section, and if the applicant or the county or municipality in  
2667 which the proposed qualified resort area is located timely  
2668 requests a hearing on the denial as provided by subsection (3) of  
2669 this section, the department will advise the Executive Director of  
2670 the Board of Tax Appeals and the applicant of the written request



2671 for a hearing on an objection to the application. The hearing on  
2672 the objection to approval of the proposed qualified resort area  
2673 and the hearing on the appeal from the denial of the department of  
2674 the application for such approval shall be consolidated and heard  
2675 by the Board of Tax Appeals at the same time. If the department  
2676 determines that the proposed qualified resort area should be  
2677 approved, the department will advise the applicant and the  
2678 Executive Director of the Board of Tax Appeals of the timely  
2679 written request for a hearing on an objection to the application  
2680 and a hearing will be set before the Board of Tax Appeals on this  
2681 objection. If prior to the hearing, either the person requesting  
2682 the hearing withdraws his request or the applicant withdraws his  
2683 application, the hearing will be cancelled and the objection  
2684 proceedings before the Board of Tax Appeals on the application  
2685 will be dismissed as moot. In the case of such withdrawals, the  
2686 Board of Tax Appeals is authorized to assess to either or both  
2687 parties any costs incurred by it prior to such withdrawal. The  
2688 Department of Revenue retains authority to approve the proposed  
2689 area or locality as a qualified resort area where the person  
2690 objecting to the application withdraws his request for a hearing.

2691 (7) Any person having an interest in any alcoholic  
2692 beverages, light wine, beer, light spirit products or raw  
2693 materials which the Department of Revenue intends to dispose of  
2694 under Section 67-1-18 shall be given reasonable notice of this  
2695 proposed disposal, and upon such notice, this person may request a



2696 hearing before the Board of Tax Appeals to establish his right or  
2697 claim to this property. This request for a hearing shall be filed  
2698 with the Board of Tax Appeals, with a copy sent to the Department  
2699 of Revenue, within fifteen (15) days from the date of receipt of  
2700 the notice provided above by the person filing the request. If a  
2701 request is not received by the Board of Tax Appeals within this  
2702 fifteen-day period, the department may order the property disposed  
2703 of in accordance with Section 67-1-18.

2704 (8) Upon receipt of a written request for hearing or appeal  
2705 as set out above, the executive director shall schedule a hearing  
2706 before the Board of Tax Appeals on this request or appeal. A  
2707 notice of the hearing shall be mailed to all persons or entities  
2708 having an interest in the matter being heard which shall always  
2709 include the person or entity filing the request or appeal for  
2710 which the hearing is being set, the applicant or holder of any  
2711 permit, approved manager status or qualified resort area status in  
2712 issue, any person who filed a written request for a hearing on an  
2713 objection to any application in issue and the Department of  
2714 Revenue. This notice shall provide the date, time and location of  
2715 the hearing. Mailing to the attorney representing a person or  
2716 entity in the matter being heard shall be the same as mailing to  
2717 the person or entity the attorney represents. Failure of the  
2718 person or entity on whose request or appeal the matter was set for  
2719 hearing to appear personally or through his designated  
2720 representative at the hearing shall constitute an involuntary



2721 withdrawal of his request or appeal. Upon such withdrawal, the  
2722 Board of Tax Appeals shall note on the record the failure of the  
2723 person or entity to appear at the hearing and shall dismiss the  
2724 request or appeal and remand the matter back to the Department of  
2725 Revenue for appropriate action.

2726 (9) At any hearing before the Board of Tax Appeals on an  
2727 appeal or hearing request as set out above, two (2) members of the  
2728 Board of Tax Appeals shall constitute a quorum. At the hearing,  
2729 the Board of Tax Appeals shall try the issues presented according  
2730 to law and the facts and pursuant to any guidelines established by  
2731 regulation. The rules of evidence shall be relaxed at the hearing  
2732 and the hearing shall be recorded by a court reporter. After  
2733 reaching a decision on the issues presented, the Board of Tax  
2734 Appeals shall enter an order setting forth its findings and  
2735 decision in the matter. A copy of the order of the Board of Tax  
2736 Appeals shall be mailed to the person or entity filing the request  
2737 or appeal which was heard, the applicant or holder of any permit,  
2738 approved manager status or qualified resort area status in issue,  
2739 any person who filed a written request for a hearing on an  
2740 objection to any application in issue and the Department of  
2741 Revenue to notify them of the findings and decision of the Board  
2742 of Tax Appeals.

2743 **SECTION 24.** Section 67-3-5, Mississippi Code of 1972, is  
2744 brought forward as follows:



2745           67-3-5. (1) It shall be lawful, subject to the provisions  
2746 set forth in this chapter and in Section 67-1-51, in this state to  
2747 transport, store, sell, distribute, possess, receive, deliver  
2748 and/or manufacture light wine, light spirit product and beer, and  
2749 it is hereby declared that it is the legislative intent that this  
2750 chapter privileges the lawful sale and manufacture, within this  
2751 state, of such light wines, light spirit products and beer. In  
2752 determining if a wine product is "light wine," or contains an  
2753 alcoholic content of more than five percent (5%) by weight, or is  
2754 not an "alcoholic beverage" as defined in the Local Option  
2755 Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi  
2756 Code of 1972, the alcoholic content of such wine product shall be  
2757 subject to the same permitted tolerance as is allowed by the  
2758 labeling requirements for light wine provided for in Section  
2759 27-71-509.

2760           (2) Subject to the provisions set forth in this chapter and  
2761 in Section 67-1-51, it shall be lawful in this state to transport,  
2762 store, sell, distribute, possess, receive, deliver and/or  
2763 manufacture beer of an alcoholic content of more than eight  
2764 percent (8%) by weight, if the beer is manufactured to be sold  
2765 legally in another state and is transported outside of this state  
2766 for retail sale.

2767           **SECTION 25.** Section 67-3-7, Mississippi Code of 1972, is  
2768 brought forward as follows:





2769           67-3-7. (1) If any county, at an election held for the  
2770 purpose under the election laws of the state, shall by a majority  
2771 vote of the duly qualified electors voting in the election  
2772 determine that the transportation, storage, sale, distribution,  
2773 receipt and/or manufacture of wine, light spirit product and beer  
2774 shall not be permitted in such county, then the same shall not be  
2775 permitted therein except as authorized under Section 67-9-1 and as  
2776 may be otherwise authorized in this section. An election to  
2777 determine whether such transportation, storage, sale,  
2778 distribution, receipt and/or manufacture of such beverages shall  
2779 be excluded from any county in the state, shall, on a petition of  
2780 twenty percent (20%) or fifteen hundred (1,500), whichever number  
2781 is the lesser, of the duly qualified electors of such county, be  
2782 ordered by the board of supervisors of the county, for such county  
2783 only. No election on the question shall be held in any one (1)  
2784 county more often than once in five (5) years.

2785           In counties which have elected, or may elect by a majority  
2786 vote of the duly qualified electors voting in the election, that  
2787 the transportation, storage, sale, distribution, receipt and/or  
2788 manufacture of wine, light spirit product or beer shall not be  
2789 permitted in the county, an election may be held in the same  
2790 manner as the election hereinabove provided on the question of  
2791 whether or not the transportation, storage, sale, distribution,  
2792 receipt and/or manufacture of said beverages shall be permitted in  
2793 such county. Such election shall be ordered by the board of



2794 supervisors of such county on a petition of twenty percent (20%)  
2795 or fifteen hundred (1,500), whichever number is the lesser, of the  
2796 duly qualified electors of such county. No election on this  
2797 question can be ordered more often than once in five (5) years.

2798 (2) Nothing in this section shall make it unlawful to  
2799 possess beer, light spirit product or light wine, as defined  
2800 herein.

2801 (3) Nothing in this section shall make it unlawful to:

2802 (a) Sell, distribute and transport light wine, light  
2803 spirit product or beer to a qualified resort area as defined in  
2804 Section 67-1-5;

2805 (b) Sell light wine, light spirit product or beer at a  
2806 qualified resort area as defined in Section 67-1-5 if such light  
2807 wine, light spirit product or beer is sold by a person with a  
2808 permit to engage in the business as a retailer of light wine,  
2809 light spirit product or beer;

2810 (c) Transport beer of an alcoholic content of more than  
2811 eight percent (8%) by weight if it is being transported to another  
2812 state for legal sale in that state;

2813 (d) Transport legally purchased light wine, light  
2814 spirit product or beer in unopened containers; however, this  
2815 paragraph shall not apply to a retailer unless the retailer has  
2816 purchased the light wine, light spirit product or beer from a  
2817 wholesaler or distributor for the designated sales territory in  
2818 which the retailer is located and the retailer has in his



2819 possession an invoice from the wholesaler or distributor for the  
2820 light wine, light spirit product or beer; or

2821 (e) Transport homemade beer as authorized in Section  
2822 67-3-11.

2823 **SECTION 26.** Section 67-3-9, Mississippi Code of 1972, is  
2824 brought forward as follows:

2825 67-3-9. Any city in this state, having a population of not  
2826 less than two thousand five hundred (2,500) according to the  
2827 latest federal decennial census; or any city in this state having  
2828 a population of not less than one thousand five hundred (1,500)  
2829 according to the latest federal decennial census and located  
2830 within three (3) miles of a city or county that permits the sale,  
2831 receipt, storage and transportation for the purpose of sale of  
2832 beer, light spirit product or light wine; or any city or town in  
2833 this state having a population of not less than one thousand  
2834 (1,000) according to the latest federal decennial census and  
2835 located in a county that has no city or town with a population of  
2836 more than two thousand five hundred (2,500); or any city, town or  
2837 village that is a county seat and has voted to come out from under  
2838 the dry law under Section 67-1-14; at an election held for the  
2839 purpose, under the election laws applicable to such city, may  
2840 either prohibit or permit, except as otherwise provided under  
2841 Section 67-9-1, the sale and the receipt, storage and  
2842 transportation for the purpose of sale of beer, light spirit  
2843 product and light wine. An election to determine whether such



2844 sale shall be permitted in cities wherein its sale is prohibited  
2845 by law shall be ordered by the city or town council or mayor and  
2846 board of aldermen or other governing body of such city or town for  
2847 such city or town only, upon the presentation of a petition for  
2848 such city or town to such governing board containing the names of  
2849 twenty percent (20%) or fifteen hundred (1,500), whichever number  
2850 is the lesser, of the duly qualified voters of such city or town  
2851 asking for such election. In like manner, an election to  
2852 determine whether such sale shall be prohibited in cities wherein  
2853 its sale is permitted by law shall be ordered by the city council  
2854 or mayor and board of aldermen or other governing board of such  
2855 city for such city only, upon the presentation of a petition to  
2856 such governing board containing the names of twenty percent (20%)  
2857 of the duly qualified voters of such city asking for such  
2858 election. No election on either question shall be held by any one  
2859 (1) city more often than once in five (5) years.

2860 Thirty (30) days' notice shall be given to the qualified  
2861 electors of such city or town in the manner prescribed by law upon  
2862 the question of either permitting or prohibiting such sale, and  
2863 the notice shall contain a statement of the question to be voted  
2864 on at the election. The tickets to be used in the election shall  
2865 have the following words printed thereon: "For the legal sale of  
2866 light wine of an alcoholic content of not more than five percent  
2867 (5%) by weight, light spirit product of an alcoholic content of  
2868 not more than six percent (6%) by weight, and beer of an alcoholic



2869 content of not more than eight percent (8%) by weight"; and the  
2870 words "Against the legal sale of light wine of an alcoholic  
2871 content of not more than five percent (5%) by weight, light spirit  
2872 product of an alcoholic content of not more than six percent (6%)  
2873 by weight, and beer of an alcoholic content of not more than eight  
2874 percent (8%) by weight," next below. In making up his or her  
2875 ticket the voter shall make a cross (X) opposite the words of his  
2876 choice.

2877         If in the election a majority of the qualified electors  
2878 voting in the election shall vote "For the legal sale of light  
2879 wine of an alcoholic content of not more than five percent (5%) by  
2880 weight, light spirit product of an alcoholic content of not more  
2881 than six percent (6%) by weight, and beer of an alcoholic content  
2882 of not more than eight percent (8%) by weight," then the city or  
2883 town council or mayor and board of aldermen or other governing  
2884 body shall pass the necessary order permitting the legal sale of  
2885 such light wine, light spirit product and beer in such city or  
2886 town. If in the election a majority of the qualified electors  
2887 voting in the election shall vote "Against the legal sale of light  
2888 wine of an alcoholic content of not more than five percent (5%) by  
2889 weight, light spirit product of an alcoholic content of not more  
2890 than six percent (6%) by weight, and beer of an alcoholic content  
2891 of not more than eight percent (8%) by weight," then the city  
2892 council or mayor and board of aldermen or other governing body



2893 shall pass the necessary order prohibiting the sale of such light  
2894 wine, light spirit product and beer in such city.

2895 All laws or parts of laws in conflict with this section are  
2896 hereby repealed to the extent of such conflict only, this section  
2897 being cumulative and supplementary.

2898 **SECTION 27.** Section 67-3-13, Mississippi Code of 1972, is  
2899 brought forward as follows:

2900 67-3-13. (1) It shall be lawful to possess beer, light  
2901 spirit product and light wine throughout the state, unless  
2902 otherwise prohibited by this chapter. However, nothing herein  
2903 shall be construed to make lawful the possession of beer, light  
2904 spirit product or light wine with the intent to sell except as  
2905 authorized by this chapter.

2906 (2) In any county or municipality in which the  
2907 transportation, storage, sale, distribution, receipt and/or  
2908 manufacture of light wine, light spirit product and beer is  
2909 prohibited, it shall not be unlawful for a permitted wholesaler or  
2910 distributor to possess light wine, light spirit product and beer  
2911 when such light wine, light spirit product and beer is held  
2912 therein solely for the purpose of storage and for distribution to  
2913 other counties and municipalities in which transportation,  
2914 storage, sale, distribution, receipt and/or manufacture is lawful.

2915 (3) Notwithstanding the provisions of subsections (1) and  
2916 (2) of this section, in any county in which transportation,  
2917 storage, sale, distribution, receipt and/or manufacture of light



2918 wine, light spirit product and beer is prohibited, it shall not be  
2919 unlawful:

2920 (a) To receive or store light wine, light spirit  
2921 product or beer at a resort area as defined in Section 67-1-5;

2922 (b) To distribute and transport light wine, light  
2923 spirit product or beer to a resort area as defined in Section  
2924 67-1-5;

2925 (c) To transport beer of an alcoholic content of more  
2926 than eight percent (8%) by weight if it is being transported to  
2927 another state for legal sale in that state;

2928 (d) To transport legally purchased light wine, light  
2929 spirit product or beer in unopened containers if it is being  
2930 transported on a state or federal highway; however, this paragraph  
2931 shall not apply to a retailer unless the retailer has purchased  
2932 the light wine, light spirit product or beer from a wholesaler or  
2933 distributor for the designated sales territory in which the  
2934 retailer is located and the retailer has in his possession an  
2935 invoice from the wholesaler or distributor for the light wine,  
2936 light spirit product or beer; or

2937 (e) To transport homemade beer as authorized in Section  
2938 67-3-11.

2939 (4) Any light wine, light spirit product or beer found in  
2940 possession of, or sold by, a person in violation of this section  
2941 shall be seized and disposed of in the manner provided for in  
2942 Section 67-1-18.



2943           **SECTION 28.** Section 67-3-67, Mississippi Code of 1972, is  
2944 brought forward as follows:

2945           67-3-67. No county or any officer or agent thereof, nor any  
2946 other officer, agent, or person, shall interfere with or impede  
2947 the passage through such county of any light wine, light spirit  
2948 product or beer moving in accordance with the provisions of this  
2949 chapter and the provisions of Section 67-9-1 and which in transit  
2950 to or from any county of this state wherein the traffic in light  
2951 wines, light spirit products and beer is not prohibited, any  
2952 county prohibition of such traffic to the contrary  
2953 notwithstanding.

2954           **SECTION 29.** Section 57-26-1, Mississippi Code of 1972, is  
2955 brought forward as follows:

2956           57-26-1. As used in Sections 57-26-1 through 57-26-5, the  
2957 following terms and phrases shall have the meanings ascribed in  
2958 this section unless the context clearly indicates otherwise:

2959           (a) "Approved project costs" means actual costs  
2960 incurred by an approved participant for land acquisition,  
2961 construction, engineering, design and other costs approved by the  
2962 Mississippi Development Authority relating to a tourism project;  
2963 however, for the purposes of a tourism project described in  
2964 paragraph (d)(iv) of this section, such costs include only those  
2965 incurred after January 1, 2011, relating to the hotel portion of  
2966 the project consisting of facilities used for lodging and common  
2967 areas in that portion of the project. All costs must be verified





2968 by an independent third party approved by the MDA. An approved  
2969 participant shall pay the costs for the third-party verification  
2970 of costs. Approved project costs may not increase regardless of  
2971 the actual costs incurred by the project.

2972 (b) "Approved participant" means a person, corporation  
2973 or other entity issued a certificate by the Mississippi  
2974 Development Authority under Section 57-26-5.

2975 (c) "MDA" means the Mississippi Development Authority.

2976 (d) "Tourism project" shall include any of the  
2977 following as may be approved by the MDA:

2978 (i) Theme parks, water parks, entertainment parks  
2979 or outdoor adventure parks, cultural or historical interpretive  
2980 educational centers or museums, motor speedways, indoor or outdoor  
2981 entertainment centers or complexes, convention centers,  
2982 professional sports facilities, spas, attractions created around a  
2983 natural phenomenon or scenic landscape and marinas open to the  
2984 public with a minimum private investment of not less than Ten  
2985 Million Dollars (\$10,000,000.00);

2986 (ii) A hotel with a minimum private investment of  
2987 Forty Million Dollars (\$40,000,000.00) in land, buildings,  
2988 architecture, engineering, fixtures, equipment, furnishings,  
2989 amenities and other related soft costs approved by the Mississippi  
2990 Development Authority, and having a minimum private investment of  
2991 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room



2992 which amount shall be included within the minimum private  
2993 investment of Forty Million Dollars (\$40,000,000.00);  
2994 (iii) A public golf course with a minimum private  
2995 investment of Ten Million Dollars (\$10,000,000.00);  
2996 (iv) A full service hotel with a minimum private  
2997 investment of Fifteen Million Dollars (\$15,000,000.00) in land,  
2998 buildings, architecture, engineering, fixtures, equipment,  
2999 furnishings, amenities and other related soft costs approved by  
3000 the Mississippi Development Authority, and having a minimum  
3001 private investment of Two Hundred Thousand Dollars (\$200,000.00)  
3002 per guest room or suite which amount shall be included within the  
3003 minimum private investment of Fifteen Million Dollars  
3004 (\$15,000,000.00), a minimum of twenty-five (25) guest rooms or  
3005 suites, and guest amenities such as restaurants, spas and other  
3006 amenities as determined by the Mississippi Development Authority;  
3007 however, in a county in which the Grammy Museum Mississippi or the  
3008 Mississippi Arts and Entertainment Center is located, in a county  
3009 in which the Saenger Theater and the main campus of a state  
3010 institution of higher learning are located, and in the downtown  
3011 historic district of the city in which the NWCC Performing Arts  
3012 Center is located, the minimum private investment per guest room  
3013 or suite shall be One Hundred Fifty Thousand Dollars (\$150,000.00)  
3014 which amount shall be included within the minimum private  
3015 investment of Fifteen Million Dollars (\$15,000,000.00);



3016 (v) A tourism attraction located within an  
3017 "entertainment district" as defined in Section 17-29-3 that is  
3018 open to the public, has seating to accommodate at least forty (40)  
3019 persons, is open at least five (5) days per week from at least  
3020 6:00 p.m. until midnight, serves food and beverages, and provides  
3021 live entertainment at least three (3) nights per week;

3022 (vi) A cultural retail attraction;

3023 (vii) A tourism attraction located within a  
3024 historic district where the district is listed in the National  
3025 Register of Historic Places, where the tourism attraction is open  
3026 to the public, has seating to accommodate at least forty (40)  
3027 persons, is open at least five (5) days per week from at least  
3028 6:00 p.m. until midnight, serves food and beverages, and provides  
3029 live entertainment at least three (3) nights per week;

3030 (viii) A tourism attraction, located in a county  
3031 bordered by the Mississippi River and including Interstate 69 and  
3032 U.S. Highways 3, 4 and 61, with a minimum investment of One  
3033 Hundred Million Dollars (\$100,000,000.00) and subject to an urban  
3034 renewal plan that redevelops two (2) hotels, a golf course and  
3035 clubhouse, a shooting range and a convention center and develops  
3036 an entertainment center and waterpark, together with other  
3037 attraction-related amenities, on an area not less than two  
3038 thousand (2,000) acres.

3039 The term "tourism project" does not include any licensed  
3040 gaming establishment owned, leased or controlled by a business,



3041 corporation or entity having a gaming license issued under Section  
3042 75-76-1 et seq.; however, the term "tourism project" may include a  
3043 project described in this paragraph (d) that is owned, leased or  
3044 controlled by such a business, corporation or entity or in which  
3045 the business, corporation or entity has a direct or indirect  
3046 financial interest if the project is in excess of development that  
3047 the State Gaming Commission requires for the issuance or renewal  
3048 of a gaming license and is not part of a licensed gaming  
3049 establishment in which gaming activities are conducted.

3050       The term "tourism project" does not include any facility  
3051 within the project whose primary business is retail sales or any  
3052 expansions of existing projects; however, pro shops, souvenir  
3053 shops, gift shops, concessions and similar retail activities, and  
3054 cultural retail attractions may be included within the definition  
3055 of the term "tourism project." In addition, retail activities,  
3056 regardless of whether the primary business is retail sales, that  
3057 are part of a resort development may be included within the  
3058 definition of "tourism project."

3059       (e) "Resort development" means a travel destination  
3060 development with a minimum private investment of One Hundred  
3061 Million Dollars (\$100,000,000.00) and which consists of (i) a  
3062 hotel with a minimum of two hundred (200) guest rooms or suites  
3063 and having a minimum private investment of Two Hundred Thousand  
3064 Dollars (\$200,000.00) per guest room or suite, and (ii) guest  
3065 amenities such as restaurants, golf courses, spas, fitness



3066 facilities, entertainment activities and other amenities as  
3067 determined by the MDA. Not more than an amount equal to forty  
3068 percent (40%) of the private investment required by this paragraph  
3069 may be expended on facilities to house retail activity.

3070 (f) "Cultural retail attraction" means a project which  
3071 combines destination shopping with cultural or historical  
3072 interpretive elements specific to Mississippi with a minimum  
3073 private investment of Fifty Million Dollars (\$50,000,000.00) in  
3074 land, buildings, architecture, engineering, fixtures, equipment,  
3075 furnishings, amenities and other related soft costs approved by  
3076 the Mississippi Development Authority and which:

3077 (i) Is located in a qualified resort area as  
3078 defined in Section 67-1-5;

3079 (ii) Is a part of a master-planned development  
3080 with a total investment of not less than One Hundred Million  
3081 Dollars (\$100,000,000.00) in land, buildings, architecture,  
3082 engineering, fixtures, equipment, furnishings, amenities and other  
3083 related soft costs approved by the Mississippi Development  
3084 Authority;

3085 (iii) Has a minimum of fifty (50) retail tenants  
3086 with a minimum of three hundred thousand (300,000) square feet of  
3087 heated and cooled space; and

3088 (iv) Has a minimum investment of One Million  
3089 Dollars (\$1,000,000.00) in one or more of the following:



- 3090                           1. Art created by Mississippi artists or  
3091   portraying themes specific to Mississippi;  
3092                           2. Memorabilia, signage or historical markers  
3093   which serve to promote the State of Mississippi;  
3094                           3. Audio/visual equipment used to showcase  
3095   Mississippi artists;  
3096                           4. A minimum of one thousand two hundred  
3097   fifty (1,250) square feet of heated and cooled space available to  
3098   the Mississippi Development Authority or its assignee for a period  
3099   of not less than ten (10) years.

3100                   (g) "Retail activity" means businesses whose inventory  
3101   consists primarily of upscale name brands or their equivalent as  
3102   determined by the MDA.

3103                   (h) "State" means the State of Mississippi.

3104                   **SECTION 30.** This act shall take effect and be in force from  
3105   and after January 1, 2025.

