

By: Representatives Turner, Hulum

To: Ways and Means

HOUSE BILL NO. 776
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 67-1-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT MUNICIPALITIES THAT HAVE VOTED IN FAVOR OF COMING OUT
3 FROM UNDER THE DRY LAW MAY ENFORCE SUCH PROPER RULES AND
4 REGULATIONS FOR FIXING ZONES AND TERRITORIES TO PROMOTE PUBLIC
5 HEALTH, MORALS, AND SAFETY, AS THEY MAY BY ORDINANCE PROVIDE; TO
6 PROVIDE THAT THE BOARD OF SUPERVISORS OF ANY COUNTY THAT HAS VOTED
7 IN FAVOR OF COMING OUT FROM UNDER THE DRY LAW MAY MAKE SIMILAR
8 RULES AND REGULATIONS AS TO TERRITORY OUTSIDE OF MUNICIPALITIES;
9 TO PROVIDE THAT MUNICIPALITIES MAY ENFORCE SUCH PROPER LOCATION OF
10 PACKAGE RETAILER STORES WITHIN THE MUNICIPALITY BY APPLICATION OF
11 A PROPERLY ADOPTED ZONING ORDINANCE; TO AMEND SECTION 67-1-37,
12 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ALCOHOLIC BEVERAGE
13 CONTROL DIVISION OF THE DEPARTMENT OF REVENUE SHALL NOT ISSUE ANY
14 PERMIT WHICH WOULD CONFLICT WITH ANY ZONING ORDINANCE LEGALLY
15 ADOPTED BY THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY OR RULE
16 OR REGULATION OF ANY BOARD OF SUPERVISORS OF ANY COUNTY AS SET
17 FORTH IN SECTION 67-1-7; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 67-1-7, Mississippi Code of 1972, is
20 amended as follows:

21 67-1-7. (1) Except as otherwise provided in Section 67-9-1
22 for the transportation and possession of limited amounts of
23 alcoholic beverages for the use of an alcohol processing
24 permittee, and subject to all of the provisions and restrictions
25 contained in this article, the manufacture, sale, distribution,



26 and transportation of alcoholic beverages shall be lawful, subject
27 to the restrictions hereinafter imposed, in those counties and
28 municipalities of this state in which, at a local option election
29 called and held for that purpose under the provisions of this
30 article, a majority of the qualified electors voting in such
31 election shall vote in favor thereof.

32 Beginning on April 16, 2021, except as otherwise provided in
33 Section 67-1-51 for holders of a caterer's permit, the
34 manufacture, sale and distribution of alcoholic beverages shall
35 not be permissible or lawful in counties except in (a)
36 incorporated municipalities located within such counties, (b)
37 qualified resort areas within such counties approved as such by
38 the department, or (c) clubs within such counties, whether within
39 a municipality or not. However, any permits issued by the
40 department between July 1, 2020, and April 15, 2021, for the
41 manufacture, sale and distribution of alcoholic beverages, whether
42 or not issued to permittees in such municipalities, qualified
43 resort areas or clubs, shall be eligible for renewal on or after
44 April 16, 2021.

45 The manufacture, sale, distribution and possession of native
46 wines or native spirits shall be lawful in any location within any
47 such county except those locations where the manufacture, sale or
48 distribution is prohibited by law other than this section or by
49 regulations of the department. However, notwithstanding this
50 provision, municipalities that have voted in favor of coming out



51 from under the dry law may enforce such proper rules and
52 regulations for fixing zones and territories to promote public
53 health, morals, and safety, as they may by ordinance provide. The
54 board of supervisors of any county that has voted in favor of
55 coming out from under the dry law may make such rules and
56 regulations as to territory outside of municipalities as are
57 herein provided for municipalities.

58 Notwithstanding the provisions of any other law,
59 municipalities may enforce such proper location of package
60 retailer stores within the municipality by application of a
61 properly adopted zoning ordinance.

62 (2) Notwithstanding the foregoing, within any state park or
63 any state park facility that has been declared a qualified resort
64 area by the department, and within any qualified resort area as
65 defined under Section 67-1-5(o)(iii), an on-premises retailer's
66 permit may be issued for the qualified resort area, and the
67 permittee may lawfully sell alcoholic beverages for consumption on
68 his licensed premises regardless of whether or not the county or
69 municipality in which the qualified resort area is located has
70 voted in favor of coming out from under the dry law, and it shall
71 be lawful to receive, store, sell, possess and consume alcoholic
72 beverages on the licensed premises, and to sell, distribute and
73 transport alcoholic beverages to the licensed premises. Moreover,
74 the governing authorities of a municipality in which a qualified
75 resort area defined under Section 67-1-5(o)(iii)5, 7, 21 or 46 is



76 located, the Pearl River Valley Water Supply District Board which
77 governs the qualified resort area defined under Section
78 67-1-5(o)(iii)8.a.A, the board of supervisors of the county in
79 which the qualified resort area defined under Section
80 67-1-5(o)(iii)8.a.B and C is located, and the board of supervisors
81 of the county in which the qualified resort area defined under
82 Section 67-1-5(o)(iii)44 is located, may, by ordinance or
83 resolution, provide that package retailer's permits may be issued
84 in the applicable qualified resort area, and that it shall be
85 lawful to receive, store, sell, possess and distribute alcoholic
86 beverages in accordance with such package retailer's permits.

87 **SECTION 2.** Section 67-1-37, Mississippi Code of 1972, as
88 amended by House Bill No. 1525, 2024 Regular Session, is amended
89 as follows:

90 67-1-37. The Department of Revenue, under its duties and
91 powers with respect to the Alcoholic Beverage Control Division
92 therein, shall have the following powers, functions and duties:

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

97 (b) To revoke, suspend or cancel, for violation of or
98 noncompliance with the provisions of this article, or the law
99 governing the production and sale of native wines or native
100 spirits, or any lawful rules and regulations of the department



101 issued hereunder, or for other sufficient cause, any permit issued
102 by it under the provisions of this article. The department shall
103 also be authorized to suspend the permit of any permit holder for
104 being out of compliance with an order for support, as defined in
105 Section 93-11-153. The procedure for suspension of a permit for
106 being out of compliance with an order for support, and the
107 procedure for the reissuance or reinstatement of a permit
108 suspended for that purpose, and the payment of any fees for the
109 reissuance or reinstatement of a permit suspended for that
110 purpose, shall be governed by Section 93-11-157 or Section
111 93-11-163, as the case may be. If there is any conflict between
112 any provision of Section 93-11-157 or Section 93-11-163 and any
113 provision of this article, the provisions of Section 93-11-157 or
114 Section 93-11-163, as the case may be, shall control.

115 (c) To prescribe forms of permits and applications for
116 permits and of all reports which it deems necessary in
117 administering this article.

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

122 (e) To issue rules regulating the advertising of
123 alcoholic beverages in the state in any class of media and
124 permitting advertising of the retail price of alcoholic beverages.



125 (f) To issue reasonable rules and regulations, not
126 inconsistent with the federal laws or regulations, requiring
127 informative labeling of all alcoholic beverages offered for sale
128 within this state and providing for the standards of fill and
129 shapes of retail containers of alcoholic beverages; however, such
130 containers shall not contain less than fifty (50) milliliters by
131 liquid measure.

132 (g) Subject to the provisions of subsection (3) of
133 Section 67-1-51, to issue rules and regulations governing the
134 issuance of retail permits for premises located near or around
135 schools, colleges, universities, churches and other public
136 institutions, and specifying the distances therefrom within which
137 no such permit shall be issued. The Alcoholic Beverage Control
138 Division shall not issue a package retailer's or on-premises
139 retailer's permit for the sale or consumption of alcoholic
140 beverages in or on the campus of any public school. The Alcoholic
141 Beverage Control Division shall not issue a package retailer's
142 permit for the sale of alcoholic beverages in or on the campus of
143 any community or junior college, college or university.

144 (h) To adopt and promulgate, repeal and amend, such
145 rules, regulations, standards, requirements and orders, not
146 inconsistent with this article or any law of this state or of the
147 United States, as it deems necessary to control the manufacture,
148 importation, transportation, distribution, delivery and sale of
149 alcoholic liquor, whether intended for beverage or nonbeverage use



150 in a manner not inconsistent with the provisions of this article
151 or any other statute, including the native wine and native spirit
152 laws.

153 (i) To call upon other administrative departments of
154 the state, county and municipal governments, county and city
155 police departments and upon prosecuting officers for such
156 information and assistance as it may deem necessary in the
157 performance of its duties.

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

164 (k) To inspect, or cause to be inspected, any premises
165 where alcoholic liquors intended for sale are manufactured,
166 stored, distributed or sold, and to examine or cause to be
167 examined all books and records pertaining to the business
168 conducted therein.

169 (l) To investigate the administration of laws in
170 relation to alcoholic liquors in this and other states and any
171 foreign countries, and to recommend from time to time to the
172 Governor and through him to the Legislature of this state such
173 amendments to this article, if any, as it may think desirable.



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

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

183 (o) To enforce the provisions made unlawful by Chapter
184 3, Title 67 and Section 97-5-49.

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

188 (q) To prescribe and charge a fee to defray the costs
189 of shipping alcoholic beverages, provided that such fee is
190 determined in a manner provided by the department by rules and/or
191 regulations adopted in accordance with the Mississippi
192 Administrative Procedures Law.

193 The Alcoholic Beverage Control Division shall not issue any
194 permit which would conflict with any zoning ordinance legally
195 adopted by the governing authorities of any municipality or rule
196 or regulation of any board of supervisors of any county as set
197 forth in Section 67-1-7(1).



198 **SECTION 3.** This act shall take effect and be in force from
199 and after July 1, 2024.

