

House Amendments to Senate Bill No. 2853

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

49 SECTION 1. (1) Except as otherwise indicated or required by
50 the context, all words and phrases used in this article shall have
51 the same meanings as are ascribed to them in Section 67-1-5.

52 (2) There is hereby created the Alcoholic Beverage
53 Corporation. The powers and duties held by the department and its
54 division with respect to the warehousing and distribution of
55 alcoholic beverages shall be transferred to the corporation. All
56 rules, regulations, standards, decisions and acts of the
57 department regarding alcoholic beverage warehousing and
58 distribution remain effective unless specifically revoked or
59 superseded by an official action of the corporation or its board.

60 (3) The corporation shall be managed in a manner enabling
61 the people of the state to benefit from its profits and to ensure
62 the integrity of alcoholic beverage warehousing and distribution.

63 (4) The existence of the corporation, which shall be
64 domiciled in the State of Mississippi, shall begin upon the

65 appointment of all five (5) members of the board as provided in
66 Section 67-1-21.

67 (5) The exclusive venue for any action or matter against the
68 corporation is the county in which its corporate headquarters is
69 located, and the circuit court for that county has exclusive
70 jurisdiction thereof. For purposes of court costs, the
71 corporation shall be a private corporation.

72 **SECTION 2.** (1) The affairs of the corporation shall be
73 administered by the Alcoholic Beverage Corporation Board of
74 Directors. The board shall be composed of five (5) members, three
75 (3) appointed by the Governor and two (2) appointed by the
76 Lieutenant Governor, all with the advice and consent of the
77 Senate. The Commissioner of Revenue and the State Treasurer shall
78 serve as ex officio, nonvoting members. Members appointed when
79 the Senate is not in session shall serve only until the end of the
80 next regular session, unless confirmed by the Senate.

81 (2) (a) Members of the board shall be residents of the
82 State of Mississippi, and the Governor and the Lieutenant Governor
83 shall take into account the goals of geographic, racial, gender
84 and other categories of diversity when nominating board members.
85 One (1) of the Governor's appointees shall be an owner of a store
86 operated under a package retailer's permit pursuant to Section
87 67-1-51, and one (1) of the Lieutenant Governor's appointees shall
88 be an operator of a beverage distribution warehouse, preferably in
89 the beer or soft drink industry.

90 (b) Of the initial appointees, the members' terms shall
91 be staggered as follows: one (1) term each to expire on December
92 31, 2025, December 31, 2026, December 31, 2027, December 31, 2028,
93 and December 31, 2029. After the expiration of the initial terms,
94 members of the board shall serve terms of four (4) years.

95 (c) Members may serve beyond the end of their
96 respective terms until their successors have been appointed and
97 qualified. No member shall serve more than two (2) consecutive
98 four-year terms. Members may be removed by their respective
99 appointing authority, either the Governor or the Lieutenant
100 Governor, for neglect of duty, misfeasance or nonfeasance in
101 office. The board shall annually elect a chairman from among its
102 voting members.

103 (3) Appointed members of the board shall be entitled to per
104 diem compensation pursuant to Section 25-3-69 paid by the
105 corporation and shall be reimbursed by the corporation for
106 necessary travel and other reasonable expenses incurred in the
107 performance of their official duties. No appointed member of the
108 board shall be considered a public officer.

109 (4) The board, upon the initial call of the Governor and the
110 chairman thereafter, shall meet at least monthly for the first
111 eighteen (18) months and at such other times as the chairman may
112 determine. Three (3) voting members of the board shall constitute
113 a quorum. The board shall also meet upon the call of three (3) or
114 more of its voting members. The board shall keep accurate and
115 complete records of all its meetings.

116 (5) All meetings of the board shall be subject to the Open
117 Meetings Act in Title 25, Chapter 41, Mississippi Code of 1972.

118 **SECTION 3.** (1) The president of the corporation shall be
119 appointed by the board, subject to the approval of the Governor.
120 The Governor shall, within thirty (30) days after receiving the
121 nomination of the president in writing, either approve or reject
122 the nomination. Failure to take either action within the required
123 time shall constitute approval by the Governor. If the Governor
124 rejects the nomination, then the board shall submit a different
125 nominee to the Governor.

126 (2) The president shall manage the daily affairs of the
127 corporation and shall have such powers and duties as specified by
128 this chapter, by the board and any rules or regulations it adopts.
129 The president shall not be a member of the board. The president
130 shall serve at the will and pleasure of the board.

131 (3) The president shall employ such personnel as he or she
132 deems necessary to perform the duties and exercise the powers of
133 the corporation. All personnel shall serve at the will and
134 pleasure of the president, unless otherwise specified by the
135 president.

136 (4) The board shall set the salary of the president.

137 (5) No employee shall be a member of the board.

138 **SECTION 4.** All records of the corporation shall be deemed
139 public records and subject to public inspection as provided by
140 Section 25-61-1 et seq., unless:

141 (a) The record relates to or was provided by a
142 confidential source or informant and relates to the security of
143 alcoholic beverage warehousing and distribution;

144 (b) The record involves a trade secret of the
145 corporation or of an alcoholic beverage permittee;

146 (c) The disclosure of the record would endanger the
147 security of the corporation or of an alcoholic beverage permittee;
148 or

149 (d) The record is covered by another exemption under
150 federal or state law.

151 **SECTION 5.** (1) The board shall provide the president with
152 private-sector perspectives on the operation of a business, large
153 marketing enterprise and the like. The board shall:

154 (a) Approve, disapprove, amend or modify the budget
155 recommended by the president for the operation of the corporation;

156 (b) Approve, disapprove, amend or modify the terms of
157 major procurements recommended by the president;

158 (c) Serve as a board of appeals for any denial,
159 revocation or cancellation by the president of a contract with an
160 alcoholic beverage vendor or retailer; and

161 (d) Adopt such administrative rules and regulations as
162 may be necessary to carry out and implement its powers and duties,
163 the operations of the corporation, the conduct of alcoholic
164 beverage warehousing and distribution in general, and any other
165 matters necessary or desirable for efficient and effective
166 alcoholic beverage operations.

167 (2) Any policies adopted by authority of this section or any
168 other section must be published and posted on the corporation's
169 website thirty (30) days before becoming effective.

170 **SECTION 6.** (1) The corporation, its employees and board
171 members shall provide for efficient and effective alcoholic
172 beverage warehousing and distribution. In pursuing the objectives
173 and purposes of this chapter, the corporation may:

174 (a) Sue and be sued in its corporate name;

175 (b) Adopt a corporate seal and a symbol;

176 (c) Hold patents, copyrights, trademarks and service
177 marks, and enforce its rights with respect thereto;

178 (d) Register to do business in Mississippi and appoint
179 agents upon which process may be served;

180 (e) Acquire real property and make improvements
181 thereon;

182 (f) Make, solicit and request proposals and offers, and
183 execute and effectuate any and all agreements or contracts
184 necessary for alcoholic beverage warehousing and distribution, and
185 to carry out all other functions of the corporation under this
186 chapter; and

187 (g) Adopt and amend such bylaws, rules and regulations,
188 with the approval of the board, as it deems necessary to
189 administer this chapter.

190 (2) The corporation shall:

191 (a) Carry out alcoholic beverage warehousing and
192 distribution in accordance with the provisions of this chapter and
193 the board's administrative rules and regulations;

194 (b) Submit quarterly and annual reports to the
195 Governor, the Lieutenant Governor, the Speaker of the House of
196 Representatives, the State Treasurer, the State Auditor, the Joint
197 Legislative Committee on Performance Evaluation and Expenditure
198 Review, and the Commissioner of Revenue containing financial
199 information and projections which include, but are not limited to,
200 disclosure of gross revenues, expenses and net proceeds for the
201 period;

202 (c) Adopt by administrative rules and regulations a
203 system of continuous internal audits;

204 (d) Maintain records of all financial transactions of
205 the corporation;

206 (e) Adopt by administrative rules and regulations a
207 code of ethics for officers and employees of the corporation to
208 carry out the standards of conduct established by this chapter;
209 and

210 (f) Adopt by administrative rules and regulations
211 guidelines for the disposal of property if the corporation is
212 dissolved.

213 **SECTION 7.** (1) The president shall direct and supervise all
214 administrative and technical activities in accordance with the
215 provisions of this chapter and within the board's rules and
216 regulations. The president shall:

217 (a) Supervise and administer the operation of the
218 corporation;

219 (b) Employ and direct such personnel as may be
220 necessary to carry out the purposes of this chapter and utilize
221 such services, personnel or facilities of the corporation as he or
222 she may deem necessary;

223 (c) Contract in accordance with the corporation's rules
224 and regulations with alcoholic beverage vendors and retailers;

225 (d) Make available for inspection by the board or any
226 board member, upon request, all books, records, files and other
227 information and documents of his or her office, and advise the
228 board and recommend such rules and regulations and other matters
229 deemed necessary and advisable to improve the operation and
230 administration of the corporation;

231 (e) Enter into any contract pursuant to this chapter
232 with any person for the performance of any of the functions as
233 provided in this chapter or the board's rules and regulations;

234 (f) Attend board meetings or appoint a designee to
235 attend on his or her behalf; and

236 (g) Not later than thirty (30) days before the
237 beginning of the corporation's fiscal year, submit the proposed
238 annual budget of the corporation and projected net proceeds to the
239 board for review and approval. In addition, the proposed annual
240 budget of the corporation shall include a personnel table
241 reporting information for each full-time and part-time permanent
242 position, as follows:

243 (i) The position title and the salary for each
244 position in the existing operating budget for the current fiscal
245 year, indicating whether each position is filled or vacant as of
246 the reporting date; and

247 (ii) The position title and the salary recommended
248 for each position for the next fiscal year.

249 (2) The president, with the board's approval, may amend or
250 modify the budget at any time in any manner deemed necessary for
251 the proper operation of the corporation.

252 (3) Following his or her approval by the Governor and during
253 his or her entire employment by the board, the president shall
254 reside in Mississippi.

255 (4) The president and the board shall conduct an ongoing
256 examination of alcoholic beverage operations in other states and
257 countries, including reviewing available literature on the subject
258 of federal laws and regulations which may affect alcoholic
259 beverage operations, and of the reaction of citizens of this state
260 to existing or proposed features of alcoholic beverage operations,
261 with a view toward implementing improvements that will tend to
262 serve the purposes of this chapter.

263 (5) The president shall require bond from corporate
264 employees with access to corporate funds in such an amount as
265 provided in the board's rules and regulations.

266 (6) The president may:

267 (a) Require bond from other employees as he or she
268 deems necessary;

269 (b) For good cause, suspend, revoke or refuse to renew
270 any contract entered into in accordance with this chapter or the
271 board's rules and regulations;

272 (c) Upon specific or general approval of the board,
273 conduct hearings and administer oaths to persons for the purpose
274 of assuring the integrity of alcoholic beverage warehousing and
275 distribution, or to determine the qualifications or compliance by
276 vendors and retailers;

277 (d) Upon specific or general approval of the board,
278 enter into personal service contracts pursuant to the board's
279 rules and regulations, and compensate such consultants and
280 technical assistants as may be required to carry out its duties;
281 and

282 (e) By agreement, secure information and services as he
283 or she may deem necessary from any department, agency or unit of
284 the federal, state or local government, and to the extent allowed
285 by federal or state law, may compensate such department, agency or
286 unit of government for its information and services.

287 (7) Agencies, departments or units of state government shall
288 cooperate with the corporation to assure efficient and effective
289 alcoholic beverage operations.

290 **SECTION 8.** The board may employ an attorney and/or may
291 contract with outside counsel upon determination of the need for
292 such counsel.

293 **SECTION 9.** (1) The corporation shall establish and maintain
294 a personnel program, including administrative rules and

295 regulations for its employees. The corporation may procure
296 benefit programs or group insurance plans and shall provide or
297 arrange for a retirement plan. Unless otherwise specified by the
298 president, employees of the corporation shall serve at the will
299 and pleasure of the president, who shall determine their
300 compensation and benefits. The employees shall be subject to
301 suspension, dismissal, reduction in pay, demotion, transfer or
302 other personnel action at the discretion of the president and
303 shall not be subject to civil service provisions. The
304 compensation of officers at the division head level and above
305 shall be determined by the board. Corporation employees shall not
306 be considered state employees.

307 (2) No board member, officer or employee of the corporation
308 or any spouse, sibling, ascendant or descendant of a board member,
309 officer or employee shall have a financial interest in any vendor
310 or retailer doing business or proposing to do business with the
311 corporation.

312 (3) No board member, officer or employee of the corporation
313 with decision-making authority shall participate in any decision
314 involving a vendor or retailer in which the board member, officer
315 or employee or any spouse, sibling, ascendant or descendant of
316 such board member, officer or employee has a financial interest.

317 (4) No corporation officer or employee who leaves the employ
318 of the corporation, nor any board member, may represent any vendor
319 or retailer before the corporation for a period of one (1) year

320 following termination of employment with the corporation or
321 membership on the board.

322 **SECTION 10.** All division heads, officers and employees of
323 the corporation shall be considered public servants as defined in
324 Section 25-4-103. All division heads and officers of the
325 corporation are subject to Section 25-4-25 and shall be required
326 to file a Statement of Economic Interest with the Mississippi
327 Ethics Commission.

328 **SECTION 11.** To ensure the integrity of alcoholic beverage
329 operations, the corporation, through its board, shall:

330 (a) Compile and submit quarterly and annual reports and
331 financial statements, in compliance with Section 67-1-114(2)(b);

332 (b) Contract with an independent auditor who is a
333 certified public accountant or firm to conduct an annual financial
334 audit of the corporation's books and records. The cost of this
335 annual financial audit shall be an operating expense of the
336 corporation. Further:

337 (i) Such independent auditor shall have no
338 financial interest in any vendor or retailer with whom the
339 corporation is under contract;

340 (ii) All contracts for independent auditors shall
341 be reviewed by and subject to the approval of the Department of
342 Finance and Administration to ensure that the independent auditor
343 is qualified to perform the audit;

344 (iii) The audit shall be completed within ninety
345 (90) days after the close of the corporation's fiscal year; and

346 (iv) Contracts may be entered into for audit
347 services for a period not to exceed five (5) years, and the same
348 firm shall not receive two (2) consecutive audit contracts.

349 **SECTION 12.** For informational purposes only, the corporation
350 shall submit to the Joint Legislative Budget Committee a copy of
351 the corporation's annual operating budget for the upcoming fiscal
352 year. The budget shall include an estimate of net proceeds during
353 the succeeding fiscal year.

354 **SECTION 13.** Section 67-1-3, Mississippi Code of 1972, is
355 amended as follows:

356 67-1-3. (1) The policy of this state is reannounced in
357 favor of prohibition of the manufacture, sale, distribution, and
358 transportation of alcoholic beverages; and the provisions against
359 such manufacture, sale, distribution, and transportation of
360 alcoholic beverages, as contained in Chapter 31 of Title 97,
361 Mississippi Code of 1972, and elsewhere, are hereby redeclared the
362 law of this state. The purpose and intent of this article is to
363 vigorously enforce the prohibition laws throughout the state,
364 except in those counties and municipalities voting themselves out
365 from under the prohibition law in accordance with the provisions
366 of this article, and, in those counties and municipalities, to
367 require strict regulation and supervision of the manufacture,
368 sale, distribution, and transportation of intoxicating liquor
369 under a system of state licensing of manufacturers, wholesalers
370 and retailers, which licenses shall be subject to revocation for
371 violations of this article. However, from and after January 1,

372 2021, prohibition is renounced as to the possession of alcoholic
373 beverages. It shall thereafter be lawful to possess alcoholic
374 beverages throughout the state, unless otherwise prohibited in
375 this article. Nothing herein shall be construed to make lawful
376 the possession of alcoholic beverages with the intent to sell
377 except as authorized under this article.

378 (2) All laws and parts of laws in conflict with this article
379 are repealed only to the extent of such conflict; however, except
380 as is provided in this article, all laws prohibiting the
381 manufacture, sale, and distribution of alcoholic beverages, which
382 are not in conflict with this article shall remain in full force
383 and effect, and all such laws shall remain in full force and
384 effect in counties and municipalities wherein the manufacture,
385 sale, and distribution of alcoholic beverages has not been
386 authorized as a result of an election held under Section 67-1-11
387 or * * * 67-1-14, * * * or as otherwise provided in this article.

388 (3) The Legislature recognizes that alcoholic beverage
389 operations are unique activities for state government and that a
390 corporate structure will best enable them to be managed in an
391 entrepreneurial and business-like manner. It is the intent of the
392 Legislature that the Mississippi Alcoholic Beverage Corporation
393 shall be accountable to the Governor, the Legislature and the
394 people of the state through a system of audits, reports and
395 disclosures as required by this article.

396 **SECTION 14.** Section 67-1-5, Mississippi Code of 1972, is
397 amended as follows:

398 67-1-5. For the purposes of this article and unless
399 otherwise required by the context:

400 (a) "Alcoholic beverage" means any alcoholic liquid,
401 including wines of more than five percent (5%) of alcohol by
402 weight, capable of being consumed as a beverage by a human being,
403 but shall not include light wine, light spirit product and beer,
404 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
405 include native wines and native spirits. The words "alcoholic
406 beverage" shall not include ethyl alcohol manufactured or
407 distilled solely for fuel purposes or beer of an alcoholic content
408 of more than eight percent (8%) by weight if the beer is legally
409 manufactured in this state for sale in another state.

410 (b) "Alcohol" means the product of distillation of any
411 fermented liquid, whatever the origin thereof, and includes
412 synthetic ethyl alcohol, but does not include denatured alcohol or
413 wood alcohol.

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

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

422 (e) "Person" means and includes any individual,
423 partnership, corporation, association or other legal entity
424 whatsoever.

425 (f) "Manufacturer" means any person engaged in
426 manufacturing, distilling, rectifying, blending or bottling any
427 alcoholic beverage.

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

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

435 (i) "State Tax Commission," "commission" or
436 "department" means the Department of Revenue of the State of
437 Mississippi, which shall create a division in its organization to
438 be known as the Alcoholic Beverage Control Division. Any
439 reference to the commission or the department hereafter means the
440 powers and duties of the Department of Revenue with reference to
441 supervision of the Alcoholic Beverage Control Division.

442 (j) "Division" means the Alcoholic Beverage Control
443 Division of the Department of Revenue.

444 (k) "Municipality" means any incorporated city or town
445 of this state.

446 (l) "Hotel" means an establishment within a
447 municipality, or within a qualified resort area approved as such

448 by the department, where, in consideration of payment, food and
449 lodging are habitually furnished to travelers and wherein are
450 located at least twenty (20) adequately furnished and completely
451 separate sleeping rooms with adequate facilities that persons
452 usually apply for and receive as overnight accommodations. Hotels
453 in towns or cities of more than twenty-five thousand (25,000)
454 population are similarly defined except that they must have fifty
455 (50) or more sleeping rooms. Any such establishment described in
456 this paragraph with less than fifty (50) beds shall operate one or
457 more regular dining rooms designed to be constantly frequented by
458 customers each day. When used in this article, the word "hotel"
459 shall also be construed to include any establishment that meets
460 the definition of "bed and breakfast inn" as provided in this
461 section.

462 (m) "Restaurant" means:

463 (i) A place which is regularly and in a bona fide
464 manner used and kept open for the serving of meals to guests for
465 compensation, which has suitable seating facilities for guests,
466 and which has suitable kitchen facilities connected therewith for
467 cooking an assortment of foods and meals commonly ordered at
468 various hours of the day; the service of such food as sandwiches
469 and salads only shall not be deemed in compliance with this
470 requirement. Except as otherwise provided in this paragraph, no
471 place shall qualify as a restaurant under this article unless
472 twenty-five percent (25%) or more of the revenue derived from such
473 place shall be from the preparation, cooking and serving of meals

474 and not from the sale of beverages, or unless the value of food
475 given to and consumed by customers is equal to twenty-five percent
476 (25%) or more of total revenue; or

477 (ii) Any privately owned business located in a
478 building in a historic district where the district is listed in
479 the National Register of Historic Places, where the building has a
480 total occupancy rating of not less than one thousand (1,000) and
481 where the business regularly utilizes ten thousand (10,000) square
482 feet or more in the building for live entertainment, including not
483 only the stage, lobby or area where the audience sits and/or
484 stands, but also any other portion of the building necessary for
485 the operation of the business, including any kitchen area, bar
486 area, storage area and office space, but excluding any area for
487 parking. In addition to the other requirements of this
488 subparagraph, the business must also serve food to guests for
489 compensation within the building and derive the majority of its
490 revenue from event-related fees, including, but not limited to,
491 admission fees or ticket sales to live entertainment in the
492 building, and from the rental of all or part of the facilities of
493 the business in the building to another party for a specific event
494 or function.

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

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

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

501 (iii) Maintained by its members through the
502 payment of annual dues;

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

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

511 (vi) No member, officer, agent or employee of
512 which is paid, or directly or indirectly receives, in the form of
513 a salary or other compensation any profit from the distribution or
514 sale of alcoholic beverages to the club or to members or guests of
515 the club beyond such salary or compensation as may be fixed and
516 voted at a proper meeting by the board of directors or other
517 governing body out of the general revenues of the club.

518 The department may, in its discretion, waive the five-year
519 provision of this paragraph. In order to qualify under this
520 paragraph, a club must file with the department, at the time of
521 its application for a license under this article, two (2) copies
522 of a list of the names and residences of its members and similarly
523 file, within ten (10) days after the election of any additional

524 member, his name and address. Each club applying for a license
525 shall also file with the department at the time of the application
526 a copy of its articles of association, charter of incorporation,
527 bylaws or other instruments governing the business and affairs
528 thereof.

529 (o) "Qualified resort area" means any area or locality
530 outside of the limits of incorporated municipalities in this state
531 commonly known and accepted as a place which regularly and
532 customarily attracts tourists, vacationists and other transients
533 because of its historical, scenic or recreational facilities or
534 attractions, or because of other attributes which regularly and
535 customarily appeal to and attract tourists, vacationists and other
536 transients in substantial numbers; however, no area or locality
537 shall so qualify as a resort area until it has been duly and
538 properly approved as such by the department. The department may
539 not approve an area as a qualified resort area after July 1, 2018,
540 if any portion of such proposed area is located within two (2)
541 miles of a convent or monastery that is located in a county
542 traversed by Interstate 55 and U.S. Highway 98. A convent or
543 monastery may waive such distance restrictions in favor of
544 allowing approval by the department of an area as a qualified
545 resort area. Such waiver shall be in written form from the owner,
546 the governing body, or the appropriate officer of the convent or
547 monastery having the authority to execute such a waiver, and the
548 waiver shall be filed with and verified by the department before
549 becoming effective.

550 (i) The department may approve an area or locality
551 outside of the limits of an incorporated municipality that is in
552 the process of being developed as a qualified resort area if such
553 area or locality, when developed, can reasonably be expected to
554 meet the requisites of the definition of the term "qualified
555 resort area." In such a case, the status of qualified resort area
556 shall not take effect until completion of the development.

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

565 (iii) The term includes:

566 1. The clubhouses associated with the state
567 park golf courses at the Lefleur's Bluff State Park, the John Kyle
568 State Park, the Percy Quin State Park and the Hugh White State
569 Park;

570 2. The clubhouse and associated golf course,
571 tennis courts and related facilities and swimming pool and related
572 facilities where the golf course, tennis courts and related
573 facilities and swimming pool and related facilities are adjacent
574 to one or more planned residential developments and the golf
575 course and all such developments collectively include at least

576 seven hundred fifty (750) acres and at least four hundred (400)
577 residential units;

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

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

587 5. Any facility that is located in a
588 municipality that is bordered by the Pearl River, traversed by
589 Mississippi Highway 25, adjacent to the boundaries of the Jackson
590 International Airport and is located in a county which has voted
591 against coming out from under the dry law; however, any such
592 facility may only be located in areas designated by the governing
593 authorities of such municipality;

594 6. Any municipality with a population in
595 excess of ten thousand (10,000) according to the latest federal
596 decennial census that is located in a county that is bordered by
597 the Pearl River and is not traversed by Interstate Highway 20,
598 with a population in excess of forty-five thousand (45,000)
599 according to the latest federal decennial census;

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

602 8. a. Land that is located in any county in
603 which Mississippi Highway 43 and Mississippi Highway 25 intersect
604 and:

605 A. Owned by the Pearl River Valley
606 Water Supply District, and/or

607 B. Located within the Reservoir
608 Community District, zoned commercial, east of Old Fannin Road,
609 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
610 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
611 Drive and/or Lake Vista Place, and/or

612 C. Located within the Reservoir
613 Community District, zoned commercial, west of Old Fannin Road,
614 south of Spillway Road and extending to the boundary of the
615 corporate limits of the City of Flowood, Mississippi;

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

619 A. Specify the hours of operation
620 of facilities that offer alcoholic beverages for sale,

621 B. Specify the percentage of
622 revenue that facilities that offer alcoholic beverages for sale
623 must derive from the preparation, cooking and serving of meals and
624 not from the sale of beverages, and

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

627 9. Any facility located on property that is a
628 game reserve with restricted access that consists of at least
629 eight hundred (800) contiguous acres with no public roads, that
630 offers as a service hunts for a fee to overnight guests of the
631 facility, and has accommodations for at least fifty (50) overnight
632 guests;

633 10. Any facility that:

634 a. Consists of at least six thousand
635 (6,000) square feet being heated and cooled along with an
636 additional adjacent area that consists of at least two thousand
637 two hundred (2,200) square feet regardless of whether heated and
638 cooled,

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

641 c. Provides lodging accommodations
642 regardless of whether part of the facility and/or located adjacent
643 to or in close proximity to the facility, and

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

646 11. Any facility and related property:

647 a. Located on property that consists of
648 at least one hundred twenty-five (125) contiguous acres and
649 consisting of an eighteen-hole golf course, and/or located in a
650 facility that consists of at least eight thousand (8,000) square
651 feet being heated and cooled,

652 b. Used for the purpose of providing
653 meals and hosting events, and

654 c. Used for the purpose of teaching
655 culinary arts courses and/or turf management and grounds keeping
656 courses, and/or outdoor recreation and leadership courses;

657 12. Any facility and related property that:

658 a. Consist of at least eight thousand
659 (8,000) square feet being heated and cooled,

660 b. For a fee is used to host events,

661 c. Is used for the purpose of culinary
662 arts courses, and/or live entertainment courses and art
663 performances, and/or outdoor recreation and leadership courses;

664 13. The clubhouse and associated golf course
665 where the golf course is adjacent to one or more residential
666 developments and the golf course and all such developments
667 collectively include at least two hundred (200) acres and at least
668 one hundred fifty (150) residential units and are located a. in a
669 county that has voted against coming out from under the dry law;
670 and b. outside of but in close proximity to a municipality in such
671 county which has voted under Section 67-1-14, after January 1,
672 2013, to come out from under the dry law;

673 14. The clubhouse and associated
674 eighteen-hole golf course located in a municipality traversed by
675 Interstate Highway 55 and U.S. Highway 51 that has voted to come
676 out from under the dry law;

677 15. a. Land that is planned for mixed-use
678 development and consists of at least two hundred (200) contiguous
679 acres with one or more planned residential developments
680 collectively planned to include at least two hundred (200)
681 residential units when completed, and also including a facility
682 that consists of at least four thousand (4,000) square feet that
683 is not part of such land but is located adjacent to or in close
684 proximity thereto, and which land is located:

685 A. In a county that has voted to
686 come out from under the dry law,

687 B. Outside the corporate limits of
688 any municipality in such county and adjacent to or in close
689 proximity to a golf course located in a municipality in such
690 county, and

691 C. Within one (1) mile of a state
692 institution of higher learning;

693 b. The board of supervisors of such
694 county may by resolution or other order:

695 A. Specify the hours of operation
696 of facilities that offer alcoholic beverages for sale,

697 B. Specify the percentage of
698 revenue that facilities that offer alcoholic beverages for sale
699 must derive from the preparation, cooking and serving of meals and
700 not from the sale of beverages, and

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

703 16. Any facility with a capacity of five
704 hundred (500) people or more, to be used as a venue for private
705 events, on a tract of land in the Southwest Quarter of Section 33,
706 Township 2 South, Range 7 East, of a county where U.S. Highway 45
707 and U.S. Highway 72 intersect and that has not voted to come out
708 from under the dry law;

709 17. One hundred five (105) contiguous acres,
710 more or less, located in Hinds County, Mississippi, and in the
711 City of Jackson, Mississippi, whereon are constructed a variety of
712 buildings, improvements, grounds or objects for the purpose of
713 holding events thereon to promote agricultural and industrial
714 development in Mississippi;

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

717 a. Located entirely within a county that
718 has elected by majority vote not to permit the transportation,
719 storage, sale, distribution, receipt and/or manufacture of light
720 wine and beer pursuant to Section 67-3-7, and

721 b. Adjacent to but outside the
722 incorporated limits of a municipality that has elected by majority
723 vote to permit the sale, receipt, storage and transportation of
724 light wine and beer pursuant to Section 67-3-9.

725 If any portion of the land described in this item 18 has been
726 declared a qualified resort area by the department before July 1,
727 2020, then that qualified resort area shall be incorporated into
728 the qualified resort area created by this item 18;

729 19. Any facility and related property:
730 a. Used as a flea market or similar
731 venue during a weekend (Saturday and Sunday) immediately preceding
732 the first Monday of a month and having an annual average of at
733 least one thousand (1,000) visitors for each such weekend and five
734 hundred (500) vendors for Saturday of each such weekend, and
735 b. Located in a county that has not
736 voted to come out from under the dry law and outside of but in
737 close proximity to a municipality located in such county and which
738 municipality has voted to come out from under the dry law;
739 20. Blocks 1, 2 and 3 of the original town
740 square in any municipality with a population in excess of one
741 thousand five hundred (1,500) according to the latest federal
742 decennial census and which is located in:
743 a. A county traversed by Interstate 55
744 and Interstate 20, and
745 b. A judicial district that has not
746 voted to come out from under the dry law;
747 21. Any municipality with a population in
748 excess of two thousand (2,000) according to the latest federal
749 decennial census and in which is located a part of White's Creek
750 Lake and in which U.S. Highway 82 intersects with Mississippi
751 Highway 9 and located in a county that is partially bordered on
752 one (1) side by the Big Black River;

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

756 23. Any tracts of land in Oktibbeha County,
757 situated north of Bailey Howell Drive, Lee Boulevard and Old
758 Mayhew Road, east of George Perry Street and south of Mississippi
759 Highway 182, and not located on the property of a state
760 institution of higher learning; however, the board of supervisors
761 of such county may by resolution or other order:

762 a. Specify the hours of operation of
763 facilities that offer alcoholic beverages for sale;

764 b. Specify the percentage of revenue
765 that facilities that offer alcoholic beverages for sale must
766 derive from the preparation, cooking and serving of meals and not
767 from the sale of beverages; and

768 c. Designate the areas in which
769 facilities that offer alcoholic beverages for sale may be located;

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

772 25. A municipality through which run
773 Mississippi Highway 35 and Interstate 20;

774 26. A municipality in which Mississippi
775 Highway 16 and Mississippi Highway 35 intersect;

776 27. A municipality in which U.S. Highway 82
777 and Old Highway 61 intersect;

- 778 28. A municipality in which Mississippi
779 Highway 8 meets Mississippi Highway 1;
- 780 29. A municipality in which U.S. Highway 82
781 and Mississippi Highway 1 intersect;
- 782 30. A municipality in which Mississippi
783 Highway 50 meets Mississippi Highway 9;
- 784 31. An area bounded on the north by Pearl
785 Street, on the east by West Street, on the south by Court Street
786 and on the west by Farish Street, within a municipality bordered
787 on the east by the Pearl River and through which run Interstate 20
788 and Interstate 55;
- 789 32. Any facility and related property that:
- 790 a. Is contracted for mixed-use
791 development improvements consisting of office and residential
792 space and a restaurant and lounge, partially occupying the
793 renovated space of a four-story commercial building which
794 previously served as a financial institution; and adjacent
795 property to the west consisting of a single-story office building
796 that was originally occupied by the Brotherhood of Carpenters and
797 Joiners of American Local Number 569; and
- 798 b. Is situated on a tract of land
799 consisting of approximately one and one-tenth (1.10) acres, and
800 the adjacent property to the west consisting of approximately 0.5
801 acres, located in a municipality which is the seat of county
802 government, situated south of Interstate 10, traversed by U.S.
803 Highway 90, partially bordered on one (1) side by the Pascagoula

804 River and having its most southern boundary bordered by the Gulf
805 of Mexico, with a population greater than twenty-two thousand
806 (22,000) according to the 2010 federal decennial census; however,
807 the governing authorities of such a municipality may by ordinance:

808 A. Specify the hours of operation
809 of facilities that offer alcoholic beverages for sale;

810 B. Specify the percentage of
811 revenue that facilities that offer alcoholic beverages for sale
812 must derive from the preparation, cooking and serving of meals and
813 not from the sale of beverages; and

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

816 33. Any facility with a maximum capacity of
817 one hundred twenty (120) people that consists of at least three
818 thousand (3,000) square feet being heated and cooled, has a
819 commercial kitchen, has a pavilion that consists of at least nine
820 thousand (9,000) square feet and is located on land more
821 particularly described as follows:

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

826 ALSO,

827 The Northeast 38 acres of the Southwest Quarter of Section
828 21, Township 7 South, Range 4 East, Union County, Mississippi.

829 ALSO,

830 The South 81 1/2 acres of the Southwest Quarter of Section
831 21, Township 7 South, Range 4 East, Union County, Mississippi;

832 34. A municipality in which U.S. Highway 51
833 and Mississippi Highway 16 intersect;

834 35. A municipality in which Interstate 20
835 passes over Mississippi Highway 15;

836 36. Any municipality that is bordered in its
837 northwestern boundary by the Pearl River, traversed by U.S.
838 Highway 49 and Interstate 20, and is located in a county which has
839 voted against coming out from under the dry law;

840 37. A municipality in which Mississippi
841 Highway 28 and Mississippi Highway 29 North intersect;

842 38. An area bounded as follows within a
843 municipality through which run Interstate 22 and Mississippi
844 Highway 15: Beginning at a point at the intersection of Bankhead
845 Street and Tallahatchie Trails; then running to a point at the
846 intersection of Tallahatchie Trails and Interstate 22; then
847 running to a point at the intersection of Interstate 22 and Carter
848 Avenue; then running to a point at the intersection of Carter
849 Avenue and Camp Avenue; then running to a point at the
850 intersection of Camp Avenue and King Street; then running to a
851 point at the intersection of King Street and E. Main Street; then
852 running to a point at the intersection of E. Main Street and Camp
853 Avenue; then running to a point at the intersection of Camp Avenue
854 and Highland Street; then running to a point at the intersection
855 of Highland Street and Adams Street; then running to a point at

856 the intersection of Adams Street and Cleveland Street; then
857 running to a point at the intersection of Cleveland Street and N.
858 Railroad Avenue; then running to a point at the intersection of N.
859 Railroad Avenue and McGill Street; then running to a point at the
860 intersection of McGill Street and Snyder Street; then running to a
861 point at the intersection of Snyder Street and Bankhead Street;
862 then running to a point at the intersection of Bankhead Street and
863 Tallahatchie Trails and the point of the beginning;

864 39. A municipality through which run
865 Mississippi Highway 43 and U.S. Highway 80;

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

868 41. A piece of property on the northeast
869 corner of the T-intersection where Builders Square Drive meets
870 Mississippi Highway 471;

871 42. The clubhouse and associated golf course,
872 tennis courts and related facilities and swimming pool and related
873 facilities located on Oaks Country Club Road less than one-half
874 (1/2) mile to the east of Mississippi Highway 15;

875 43. Any facility located on land more
876 particularly described as follows:

877 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
878 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
879 Southwest Corner of the Southwest Quarter (SW 1/4) of the
880 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
881 East, running 210 feet east and west and 840 feet running north

882 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
883 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
884 Rankin County, Mississippi;

885 44. Any facility located on land more
886 particularly described as follows:

887 Beginning at a point 1915 feet west and 2171 feet north of
888 southeast corner, Section 11, Township 24 North, Range 2 West,
889 Second Judicial District, Tallahatchie County, Mississippi, which
890 point is the southwest corner of J.C. Section Lot mentioned in
891 deed recorded in Book 50, page 34, in the records of the Chancery
892 Clerk's Office at Sumner, in said District of said County; thence
893 South 80° West, 19 feet to the east boundary of United States
894 Highway 49-E, thence East along the east boundary of said Highway
895 270 feet to point of beginning of Lot to be conveyed; thence
896 southeast along the east boundary of said Highway 204 feet to a
897 concrete post at the intersection of the east boundary of said
898 Highway with the west boundary of gravel road from Sumner to Webb,
899 known as Oil Mill Road, thence Northwest along west boundary of
900 said Oil Mill Road 194 feet to center of driveway running
901 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
902 South 66° West along center of said driveway 128 feet to point of
903 beginning, being situated in Northwest Quarter of Southeast
904 Quarter of Section 11, together with all improvements situated
905 thereon;

906 45. Any facility that:

907 a. Consists of at least five thousand
908 six hundred (5,600) square feet being heated and cooled along with
909 a lakeside patio that consists of at least two thousand two
910 hundred (2,200) square feet, regardless of whether such patio is
911 part of the facility and/or located adjacent to or in close
912 proximity to the facility;

913 b. Includes a caterer's kitchen and
914 green room for entertainment preparation;

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

916 d. Is located adjacent to or in close
917 proximity to an approximately nine (9) acre lake on property that
918 consists of at least one hundred twenty (120) acres in a county
919 traversed by Mississippi Highway 15 and U.S. Highway 278;

920 46. Any municipality with a population in
921 excess of one thousand (1,000) according to the 2010 federal
922 decennial census and which is located in a county that is
923 traversed by U.S. Highways 84 and 98 and has not voted to come out
924 from under the dry law;

925 47. The clubhouse and associated nine-hole
926 golf course, tennis courts and related facilities and swimming
927 pool and related facilities located on or near U.S. Highway 82
928 between Mississippi Highway 15 and Mississippi Highway 9;

929 48. The downtown square area bound by East
930 Service Drive, Commerce Street, Second Street and Court Street and
931 adjacent properties in a municipality through which run Interstate
932 55, U.S. Highway 51 and Mississippi Highway 306;

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

937 50. Any facility used by a soccer club and
938 located on Old Highway 11 between one-tenth (0.1) and two-tenths
939 (0.2) of a mile from its intersection with Oak Grove Road, in a
940 county in which U.S. Highway 98 and Mississippi Highway 589
941 intersect;

942 51. Any municipality in which U.S. Highway 49
943 and Mississippi Highway 469 intersect;

944 52. Any facility that is:

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

948 b. Used by such organization for its
949 headquarters and other organization related purposes; and

950 c. Located outside of a municipality in
951 a county that has not voted to come out from under the dry law;

952 53. The following within a municipality in
953 which U.S. Highway 49 and U.S. 61 Highway intersect and through
954 which flows the Sunflower River:

955 a. An area bounded as follows: Starting
956 at the southern point of the intersection of Sunflower Avenue and
957 1st Street and going south along said avenue on its eastern side
958 to 8th Street, then going east along said street on its northern

959 side to West Tallahatchie Street, then going north along said
960 street on its western side to 4th Street/Martin Luther King
961 Boulevard, then going east along said street/boulevard on its
962 northern side to Desoto Avenue, then going north along said avenue
963 on its western side to 1st Street, then going west along said
964 street on its southern side to the point of beginning along the
965 southern side of Court Street;

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

969 c. Any facility located on the west side
970 of Sunflower Avenue to the Sunflower River between the southern
971 side of 6th Street and the northern side of 8th Street and which
972 is operated as and/or was operated as a hotel or lodging facility,
973 in consideration of payment, regardless of whether the facility
974 meets the criteria for the definition of the term "hotel" in
975 paragraph (1) of this section; and

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

981 54. Any municipality in which Mississippi
982 Highway 340 meets Mississippi Highway 15;

983 55. Any municipality in which Mississippi
984 Highway 540 and Mississippi Highway 149 intersect;

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

987 57. The property and structures thereon at
988 the following locations within a municipality through which run
989 U.S. Highway 45 and Mississippi Highway 145 and in which
990 Mississippi Highway 370 and Mississippi Highway 145 intersect:
991 104 West Main Street, 106 West Main Street, 108 West Main Street,
992 110 West Main Street and 112 West Main Street;

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

996 59. Any municipality in which Interstate 22
997 passes over Mississippi Highway 9;

998 60. Any facility located on land more
999 particularly described as follows:

1000 A certain parcel of land being situated in the Southeast 1/4
1001 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County,
1002 Mississippi, and being more particularly described as follows:

1003 Commence at an existing 1/2" iron pin marking the
1004 Southwest corner of the aforesaid Southeast 1/4 of the
1005 Northeast 1/4 of Section 9, T3N-R3E and run thence North
1006 00 degrees 06 minutes 13 seconds East along the East
1007 line of the Southeast 1/4 of the Northeast 1/4 for a
1008 distance of 33.18 feet to an existing 1/2" iron pin;
1009 leaving said East line of the Southeast 1/4 of the
1010 Northeast 1/4, run thence South 89 degrees 53 minutes 47

1011 seconds East for a distance of 2.08 feet to an existing
1012 1/2" iron pin; run thence North 00 degrees 22 minutes 19
1013 seconds East for a distance of 561.90 feet to an
1014 existing 1/2" iron pin; run thence North 00 degrees 16
1015 minutes 18 seconds East for a distance of 76.42 feet to
1016 a set 1/2" iron pin marking the POINT OF BEGINNING of
1017 the parcel of land herein described; from said POINT OF
1018 BEGINNING, continue thence North 00 degrees 16 minutes
1019 18 seconds East along an existing fence for a distance
1020 of 493.27 feet to an existing 1/2" iron pin; run thence
1021 North 03 degrees 08 minutes 15 seconds East for a
1022 distance of 170.22 feet to an existing 1/2" iron pin on
1023 the North line of the aforesaid Southeast 1/4 of the
1024 Northeast 1/4 of Section 9; run thence North 89 degrees
1025 46 minutes 45 seconds East along said North line of the
1026 Southeast 1/4 of the Northeast 1/4 of Section 9 for a
1027 distance of 1,305.51 feet to an existing 1/2" iron pin
1028 marking Northeast corner thereof; leaving said North
1029 line of the Southeast 1/4 of the Northeast 1/4 of
1030 Section 9, run thence South 00 degrees 08 minutes 35
1031 seconds West along the East line of said Southeast 1/4
1032 of the Northeast 1/4 of Section 9 for a distance of
1033 663.19 feet to a set 1/2" iron pin; leaving said East
1034 line of the Southeast 1/4 of the Northeast 1/4 of
1035 Section 9, run thence South 89 degrees 46 minutes 45
1036 seconds West for a distance of 1,315.51 feet to the

1037 POINT OF BEGINNING, containing 20.00 acres, more or
1038 less.

1039 And Also: An easement for the purpose of ingress and egress
1040 being situated in the Southeast 1/4 of the Northeast 1/4 and in
1041 the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E,
1042 Rankin County, Mississippi, and being more particularly described
1043 as follows:

1044 Begin at an existing 1/2" iron pin marking the
1045 Southwest corner of the aforesaid Southeast 1/4 of the
1046 Northeast 1/4 of Section 9, T3N-R3E and run thence North
1047 00 degrees 06 minutes 13 seconds East along the East
1048 line of the Southeast 1/4 of the Northeast 1/4 for a
1049 distance of 33.18 feet to an existing 1/2" iron pin;
1050 leaving said East line of the Southeast 1/4 of the
1051 Northeast 1/4, run thence South 89 degrees 53 minutes 47
1052 seconds East for a distance of 2.08 feet to an existing
1053 1/2" iron pin; run thence North 00 degrees 22 minutes 19
1054 seconds East for a distance of 561.90 feet to an
1055 existing 1/2" iron pin; run thence North 00 degrees 16
1056 minutes 18 seconds East for a distance of 76.42 feet to
1057 a set 1/2" iron pin; run thence North 89 degrees 46
1058 minutes 45 seconds East for a distance of 25.00 feet to
1059 a set 1/2" iron pin; run thence South 00 degrees 16
1060 minutes 18 seconds West for a distance of 76.66 feet to
1061 a set 1/2" iron pin; run thence South 00 degrees 22
1062 minutes 19 seconds West for a distance of 619.81 feet to

1063 a set 1/2" iron pin; run thence South 89 degrees 43
1064 minutes 01 seconds West for a distance of 26.81 feet to
1065 a set 1/2" iron pin; run thence North 00 degrees 06
1066 minutes 13 seconds East along the West line of the
1067 aforesaid Northeast 1/4 of the Southeast 1/4 of Section
1068 9 for a distance of 25.00 feet to the POINT OF
1069 BEGINNING, containing 17,525.4 square feet, more or
1070 less.

1071 61. Any municipality bordered on the east by
1072 the Pascagoula River and on the south by the Mississippi Sound;

1073 62. The property and structures thereon
1074 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201
1075 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969
1076 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original
1077 town square in any municipality with a population in excess of one
1078 thousand five hundred (1,500) according to the latest federal
1079 decennial census and which is located in:

1080 a. A county traversed by Interstate 55
1081 and Interstate 20, and

1082 b. A judicial district that has not
1083 voted to come out from under the dry law;

1084 63. Any municipality in which Mississippi
1085 Highway 12 meets Mississippi Highway 17;

1086 64. Any municipality in which U.S. Highway 49
1087 and Mississippi Highway 469 intersect;

1088 65. The clubhouse and associated nine-hole
1089 golf course and related facilities located on or near the eastern
1090 corner of the point at which Golf Course Road meets Athens Road,
1091 in a county in which Mississippi Highway 13 and Mississippi
1092 Highway 28 intersect, with GPS coordinates of approximately
1093 31.900370078041004, -89.7928067652611;

1094 66. Any facility located at the
1095 south-to-southwest corner of the intersection of Madison Street
1096 and Bolton Brownsville Road, in a municipality in which Bolton
1097 Brownsville Road passes over Interstate 20, with GPS coordinates
1098 of approximately 32.349067271758955, -90.4596221146197;

1099 67. Any facility located at the northwest
1100 corner of the intersection of Depot Street and Madison Street, in
1101 a municipality in which Bolton Brownsville Road passes over
1102 Interstate 20, with GPS coordinates of approximately
1103 32.34903152971068, -90.46047660172901;

1104 68. Any facility located on Hinds Boulevard
1105 approximately three-tenths (0.3) of a mile south of the point at
1106 which Hinds Boulevard diverges from Clinton Road, in a
1107 municipality whose northern boundary partially consists of Snake
1108 Creek Road, and whose southern boundary partially consists of
1109 Mississippi Highway 18, with GPS coordinates of approximately
1110 32.26384517526713, -90.41586570183475;

1111 69. Any facility located on Pleasant Grove
1112 Drive approximately one and three-tenths (1.3) miles southeast of
1113 its intersection with Harmony Drive, in a county through which run

1114 Interstate 55 and U.S. Highway 84, with GPS coordinates of
1115 approximately 31.512043770371907, -90.2506094382595;

1116 70. Any facility located immediately north of
1117 the intersection of two roads, both named Mason Clark Drive,
1118 located between two-tenths (0.2) and three-tenths (0.3) of a mile
1119 southwest of Mississippi Highway 57/63, with GPS coordinates of
1120 approximately 31.135950529733048, -88.53068674585575;

1121 71. Any facility located on Raj Road
1122 approximately three-tenths (0.3) of a mile south of Mississippi
1123 Highway 57/63, with GPS coordinates of approximately
1124 31.139553708288418, -88.53411203512971; and

1125 72. Any facility located on Raj Road
1126 approximately one-tenth (0.1) of a mile south of Mississippi
1127 Highway 57/63, with GPS coordinates of approximately
1128 31.14184097577295, -88.53287700849411;

1129 The status of these municipalities, districts, clubhouses,
1130 facilities, golf courses and areas described in this paragraph
1131 (o)(iii) as qualified resort areas does not require any
1132 declaration of same by the department.

1133 The governing authorities of a municipality described, in
1134 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
1135 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 58, 59, 61, 63,
1136 64, 66, 67 or 68 of this paragraph (o)(iii) may by ordinance, with
1137 respect to the qualified resort area described in the same item:
1138 specify the hours of operation of facilities offering alcoholic
1139 beverages for sale; specify the percentage of revenue that

1140 facilities offering alcoholic beverages for sale must derive from
1141 the preparation, cooking and serving of meals and not from the
1142 sale of beverages; and designate the areas in which facilities
1143 offering alcoholic beverages for sale may be located.

1144 (p) "Native wine" means any product, produced in
1145 Mississippi for sale, having an alcohol content not to exceed
1146 twenty-one percent (21%) by weight and made in accordance with
1147 revenue laws of the United States, which shall be obtained
1148 primarily from the alcoholic fermentation of the juice of ripe
1149 grapes, fruits, berries, honey or vegetables grown and produced in
1150 Mississippi; provided that bulk, concentrated or fortified wines
1151 used for blending may be produced without this state and used in
1152 producing native wines. The department shall adopt and promulgate
1153 rules and regulations to permit a producer to import such bulk
1154 and/or fortified wines into this state for use in blending with
1155 native wines without payment of any excise tax that would
1156 otherwise accrue thereon.

1157 (q) "Native winery" means any place or establishment
1158 within the State of Mississippi where native wine is produced, in
1159 whole or in part, for sale.

1160 (r) "Bed and breakfast inn" means an establishment
1161 within a municipality where in consideration of payment, breakfast
1162 and lodging are habitually furnished to travelers and wherein are
1163 located not less than eight (8) and not more than nineteen (19)
1164 adequately furnished and completely separate sleeping rooms with
1165 adequate facilities, that persons usually apply for and receive as

1166 overnight accommodations; however, such restriction on the minimum
1167 number of sleeping rooms shall not apply to establishments on the
1168 National Register of Historic Places. No place shall qualify as a
1169 bed and breakfast inn under this article unless on the date of the
1170 initial application for a license under this article more than
1171 fifty percent (50%) of the sleeping rooms are located in a
1172 structure formerly used as a residence.

1173 (s) "Board" shall refer to the Board of Tax Appeals of
1174 the State of Mississippi.

1175 (t) "Spa facility" means an establishment within a
1176 municipality or qualified resort area and owned by a hotel where,
1177 in consideration of payment, patrons receive from licensed
1178 professionals a variety of private personal care treatments such
1179 as massages, facials, waxes, exfoliation and hairstyling.

1180 (u) "Art studio or gallery" means an establishment
1181 within a municipality or qualified resort area that is in the sole
1182 business of allowing patrons to view and/or purchase paintings and
1183 other creative artwork.

1184 (v) "Cooking school" means an establishment within a
1185 municipality or qualified resort area and owned by a nationally
1186 recognized company that offers an established culinary education
1187 curriculum and program where, in consideration of payment, patrons
1188 are given scheduled professional group instruction on culinary
1189 techniques. For purposes of this paragraph, the definition of
1190 cooking school shall not include schools or classes offered by
1191 grocery stores, convenience stores or drugstores.

1192 (w) "Campus" means property owned by a public school
1193 district, community or junior college, college or university in
1194 this state where educational courses are taught, school functions
1195 are held, tests and examinations are administered or academic
1196 course credits are awarded; however, the term shall not include
1197 any "restaurant" or "hotel" that is located on property owned by a
1198 community or junior college, college or university in this state,
1199 and is operated by a third party who receives all revenue
1200 generated from food and alcoholic beverage sales.

1201 (x) "Native spirit" shall mean any beverage, produced
1202 in Mississippi for sale, manufactured primarily by the
1203 distillation of fermented grain, starch, molasses or sugar
1204 produced in Mississippi, including dilutions and mixtures of these
1205 beverages. In order to be classified as "native spirit" under the
1206 provisions of this article, at least fifty-one percent (51%) of
1207 the finished product by volume shall have been obtained from
1208 distillation of fermented grain, starch, molasses or sugar grown
1209 and produced in Mississippi.

1210 (y) "Native distillery" shall mean any place or
1211 establishment within this state where native spirit is produced in
1212 whole or in part for sale.

1213 (z) "Warehouse operator" shall have the meaning
1214 ascribed in Section 67-1-201.

1215 (aa) "Alcoholic beverage operations" means the
1216 warehousing and distribution of alcoholic beverages.

1217 (ab) "Corporation" means the Mississippi Alcoholic
1218 Beverage Corporation.

1219 (ac) "President" means the President of the Alcoholic
1220 Beverage Corporation, who shall serve as the corporation's chief
1221 executive officer.

1222 **SECTION 15.** Section 67-1-9, Mississippi Code of 1972, is
1223 amended as follows:

1224 67-1-9. (1) It shall be unlawful for any person to
1225 manufacture, distill, brew, sell, import into this state, export
1226 from the state, transport, distribute, warehouse, store, solicit,
1227 take order for, bottle, rectify, blend, treat, mix or process any
1228 alcoholic beverage except as authorized in this article. However,
1229 nothing contained herein shall prevent importers, wineries and
1230 distillers of alcoholic beverages from storing such alcoholic
1231 beverages in private bonded warehouses located within the State of
1232 Mississippi for the ultimate use and benefit of the * * *

1233 corporation as provided in Section 67-1-41. The * * * corporation
1234 is hereby authorized to promulgate rules and regulations for the
1235 establishment of such private bonded warehouses and for the
1236 control of alcoholic beverages stored in such warehouses.

1237 Additionally, nothing herein contained shall prevent any duly
1238 licensed practicing physician or dentist from possessing or using
1239 alcoholic liquor in the strict practice of his profession, or
1240 prevent any hospital or other institution caring for sick and
1241 diseased persons, from possessing and using alcoholic liquor for
1242 the treatment of bona fide patients of such hospital or other

1243 institution. Any drugstore employing a licensed pharmacist may
1244 possess and use alcoholic liquors in the combination of
1245 prescriptions of duly licensed physicians. The possession and
1246 dispensation of wine by an authorized representative of any church
1247 for the purpose of conducting any bona fide rite or religious
1248 ceremony conducted by such church shall not be prohibited by this
1249 article.

1250 (2) Any person, upon conviction of any provision of this
1251 section, shall be punished as follows:

1252 (a) By a fine of not less than One Hundred Dollars
1253 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by
1254 imprisonment in the county jail not less than one (1) week nor
1255 more than three (3) months, or both, for the first conviction
1256 under this section.

1257 (b) By a fine of not less than One Hundred Dollars
1258 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
1259 imprisonment in the county jail not less than sixty (60) days, nor
1260 more than six (6) months, or both fine and imprisonment, for the
1261 second conviction for violating this section.

1262 (c) By a fine of not less than One Hundred Dollars
1263 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
1264 imprisonment in the State Penitentiary not less than one (1) year,
1265 nor more than five (5) years, or both fine and imprisonment, for
1266 conviction the third time under this section for the violation
1267 thereof after having been twice convicted of its violation.

1268 (3) Nothing in this section shall make it unlawful to
1269 transport bottles or containers of alcoholic beverages that are
1270 legally purchased in this state if the bottles or containers are
1271 unopened and are being transported on state or federal highway.

1272 **SECTION 16.** Section 67-1-13, Mississippi Code of 1972, is
1273 amended as follows:

1274 67-1-13. (1) When this article has been made effective and
1275 operative in any county as a result of an election called and held
1276 as provided in Section 67-1-11, the same may be made ineffective
1277 and inapplicable therein by an election called and held upon a
1278 petition filed with the board of supervisors requesting same
1279 signed by at least twenty percent (20%) or fifteen hundred (1500),
1280 whichever number is the lesser, of the qualified electors of the
1281 county as is otherwise provided in Section 67-1-11, all of the
1282 provisions of which shall be fully applicable thereto. However,
1283 nothing herein shall authorize or permit the calling and holding
1284 of any election under this chapter in any county more often than
1285 once every two (2) years. If in such election, a majority of the
1286 qualified electors participating therein shall vote against the
1287 legalized sale of intoxicating liquor, then the prohibition laws
1288 of the State of Mississippi, except as otherwise provided under
1289 Sections 67-9-1 and 67-1-7(2), shall become applicable in said
1290 county.

1291 (2) Notwithstanding an election reinstating the prohibition
1292 laws in a political subdivision, the holder of a native wine or
1293 native spirit producer's permit or a native wine or native spirit

1294 retailer's permit is allowed to continue to operate under such
1295 permits and to renew such permits. Possession of native wines or
1296 native spirits and personal property related to the activities of
1297 the native wine permit or native spirit permit holder which would
1298 otherwise be unlawful under prohibition shall be allowed subject
1299 to regulations of the * * * division.

1300 **SECTION 17.** Section 67-1-17, Mississippi Code of 1972, is
1301 amended as follows:

1302 67-1-17. (1) It shall be unlawful for any person to have or
1303 possess either alcoholic beverages or personal property intended
1304 for use in violating the provisions of this article, or
1305 regulations prescribed under this article, or Chapter 31 of Title
1306 97, Mississippi Code of 1972. No property rights shall exist in
1307 any such personal property or alcoholic beverages. All such
1308 personal property and alcoholic beverages shall be considered
1309 contraband and shall be seized and forfeited to the State of
1310 Mississippi.

1311 (2) The following are subject to forfeiture:

1312 (a) All alcoholic beverages which have been
1313 manufactured, distilled, distributed, dispensed or acquired in
1314 violation of this article or Chapter 31 of Title 97, Mississippi
1315 Code of 1972;

1316 (b) All raw materials, products and equipment of any
1317 kind which are used, or intended for use, in manufacturing,
1318 compounding, processing, delivering, importing or exporting any

1319 alcoholic beverage in violation of this article or Chapter 31 of
1320 Title 97, Mississippi Code of 1972;

1321 (c) All property which is used, or intended for use, as
1322 a container for property described in items (a) or (b) of this
1323 subsection;

1324 (d) All conveyances, including aircraft, vehicles or
1325 vessels, which are used, or intended for use, to transport, or in
1326 any manner to facilitate the transportation, for the purpose of
1327 sale or receipt, possession or concealment, of property described
1328 in item (a) of this subsection which is in excess of six (6)
1329 gallons or of property described in item (b) of this subsection;
1330 however,

1331 (i) No conveyance used by any person as a common
1332 carrier in the transaction of business as a common carrier is
1333 subject to forfeiture under this section unless it appears that
1334 the owner or other person in charge of the conveyance is a
1335 consenting party or privy to a violation of this article or
1336 Chapter 31 of Title 97, Mississippi Code of 1972;

1337 (ii) No conveyance is subject to forfeiture under
1338 this section by reason of any act or omission proved by the owner
1339 thereof to have been committed or omitted without his knowledge or
1340 consent; if the confiscating authority has reason to believe that
1341 the conveyance is a leased or rented conveyance, then the
1342 confiscating authority shall notify the owner of the conveyance
1343 within five (5) days of the confiscation; and

1344 (iii) A forfeiture of a conveyance encumbered by a
1345 bona fide security interest is subject to the interest of the
1346 secured party if he neither had knowledge of nor consented to the
1347 act or omission;

1348 (e) All money, deadly weapons, books, records and
1349 research products and materials, including formulas, microfilm,
1350 tapes and data which are used, or intended for use, in violation
1351 of this article or Chapter 31 of Title 97, Mississippi Code of
1352 1972.

1353 (3) Property subject to forfeiture may be seized by
1354 the * * * division and its agents, local law enforcement officers,
1355 Mississippi Highway Patrol officers and other law enforcement
1356 personnel charged by Section 67-1-91, with enforcing the
1357 provisions of this article upon process issued by any appropriate
1358 court having jurisdiction over the property. Seizure without
1359 process may be made if:

1360 (a) The seizure is incident to an arrest or a search
1361 under a search warrant or an administrative inspection under
1362 Section 67-1-37(k);

1363 (b) The property subject to seizure has been the
1364 subject of a prior judgment in favor of the state in a criminal
1365 injunction or forfeiture proceeding based upon this article or
1366 Chapter 31 of Article 97, Mississippi Code of 1972; or

1367 (c) The * * * division * * * and other law enforcement
1368 personnel described in this subsection have probable cause to
1369 believe that the property was used or is intended to be used in

1370 violation of this article or Chapter 31 of Article 97, Mississippi
1371 Code of 1972.

1372 (4) Alcoholic beverages and raw materials seized or detained
1373 under the authority of this article or Chapter 31 of Title 97,
1374 Mississippi Code of 1972, is deemed to be in the custody of the
1375 agent or agency so seizing the property and subject only to the
1376 orders and decrees of the court having jurisdiction over the
1377 property. When such property is seized it may be retained as
1378 evidence until final disposition of the cause in which such
1379 property is involved, and then the agent or agency so seizing the
1380 property shall physically transfer such alcoholic beverage or raw
1381 material to the Director of the * * * division * * * together with
1382 an appropriate inventory of the items seized. Alcoholic beverages
1383 and raw materials seized or detained under the authority of this
1384 section shall be disposed of in accordance with the provisions of
1385 Section 67-1-18.

1386 (5) Any property other than alcoholic beverages and raw
1387 materials seized or detained pursuant to this article or Chapter
1388 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in
1389 the custody of the agent or agency so seizing the property and
1390 subject only to the orders and decrees of the court having
1391 jurisdiction over the property. When such property is seized it
1392 may be retained as evidence until the final disposition of the
1393 cause in which such property is involved. Property seized or
1394 detained other than alcoholic beverages or raw materials shall be

1395 disposed of in accordance with the provisions of Sections 67-1-93,
1396 67-1-95 and 67-1-97.

1397 **SECTION 18.** Section 67-1-18, Mississippi Code of 1972, is
1398 amended as follows:

1399 67-1-18. (1) Any alcoholic beverage, light wine, beer,
1400 light spirit product or raw material seized under the authority of
1401 this article, Chapter 3 of Title 67, or Chapter 31 of Title 97,
1402 Mississippi Code of 1972, shall be submitted to the custody of
1403 the * * * department * * * for disposition.

1404 (2) (a) Except as otherwise provided in this paragraph, the
1405 department shall not dispose of any alcoholic beverage, light
1406 wine, beer, light spirit product or raw material without first
1407 providing reasonable notice to all individuals having an interest
1408 in the property and an opportunity for them to appear and
1409 establish their right or claim to the property. If no hearing is
1410 requested by the passage of the appropriate deadline, the
1411 department shall require the alcoholic beverages, light wine,
1412 beer, light spirit products or raw materials to be sold for the
1413 benefit of the state or destroyed.

1414 (b) The provisions of paragraph (a) of this subsection
1415 shall not apply in cases in which the owner or possessor of the
1416 alcoholic beverage, light wine, beer, light spirit product or raw
1417 material is convicted of selling or possessing alcoholic
1418 beverages, beer, light spirit products, light wine or raw
1419 materials in a manner or location prohibited by law, or convicted
1420 of a violation of Section 67-1-81(2) or 67-3-70. In such cases,

1421 the alcoholic beverage, light wine, beer, light spirit product or
1422 raw materials seized in connection with the violation may be
1423 disposed of in the manner prescribed by the department.

1424 (3) (a) If the department orders the property, other than
1425 alcoholic beverages, sold, then the property shall be sold to the
1426 highest bidder, the bidder being any person, firm or government
1427 agency. The offer for sale shall be made to not less than three
1428 (3) qualified prospective buyers, by mailing them an invitation to
1429 bid, which shall describe the property, terms of sale, method of
1430 delivery, manner of bidding and fixing a time of not more than
1431 fifteen (15) days from the date of invitation for opening of bids
1432 received by the department.

1433 (b) All bids and payment shall be made in the manner as
1434 prescribed by the department. Bids, after opening, shall be
1435 subject to public inspection.

1436 (4) If the department orders the sale of seized alcoholic
1437 beverages, it may place the alcoholic beverages in the state
1438 inventory to be sold to authorized retailers in the same manner as
1439 other alcoholic beverages in the state inventory are sold.

1440 (5) Any appeal from a seizure and disposal made under this
1441 section shall be made pursuant to Section 67-1-72.

1442 **SECTION 19.** Section 67-1-23, Mississippi Code of 1972, is
1443 amended as follows:

1444 67-1-23. The commissioner * * * shall appoint a director of
1445 the division, and may appoint or employ such agents, inspectors,
1446 clerks and other employees for such division as may be necessary

1447 to carry out the provisions of this article or to perform the
1448 duties and exercise the powers conferred by this article upon the
1449 department. The commissioner * * * shall have the authority to
1450 employ, compensate, terminate, suspend with or without pay,
1451 promote, demote, transfer or reprimand the director, agents,
1452 inspectors, clerks and other employees of the division. The
1453 director and all permanent employees of the division shall devote
1454 their full time to the duties of their respective offices.

1455 **SECTION 20.** Section 67-1-25, Mississippi Code of 1972, is
1456 amended as follows:

1457 67-1-25. No person shall be appointed director, agent or
1458 inspector for the * * * department under this article who is not a
1459 citizen of the United States. No director, agent, inspector or
1460 other employee shall be appointed under this article who has been
1461 convicted of any violation of any federal or state law concerning
1462 the manufacture, sale or possession of alcoholic liquor prior or
1463 subsequent to July 1, 1966, or who has paid a fine or penalty in
1464 settlement of any prosecution against him for any violation of
1465 such laws or shall have forfeited his bond to appear in court to
1466 answer charges for any such violation, nor shall any person be so
1467 appointed who has been convicted of a felony in any state or
1468 federal court. No person appointed or employed by the * * *
1469 department under this article may, directly or indirectly,
1470 individually or as a member of a partnership or limited liability
1471 company, or as a shareholder of a corporation, have any interest
1472 whatsoever in the manufacture, sale or distribution of alcoholic

1473 liquor, or receive any compensation or profit therefrom, or have
1474 any interest whatsoever in the purchases or sales made by the
1475 persons authorized by this article to purchase or to sell
1476 alcoholic liquor.

1477 This section shall not prevent any person appointed or
1478 employed by the * * * department from purchasing and keeping in
1479 his possession for the use of himself or members of his family or
1480 guests any alcoholic liquor which may be purchased or kept by any
1481 other person by virtue of this article.

1482 **SECTION 21.** Section 67-1-27, Mississippi Code of 1972, is
1483 amended as follows:

1484 67-1-27. Before entering into the duties of his office, the
1485 director, and such other agents, inspectors and employees
1486 appointed under the provisions of this article as the * * *
1487 department shall designate, shall give surety bond, with some
1488 company authorized to do business in the State of Mississippi and
1489 approved by the State Insurance Commissioner, appearing thereon as
1490 surety, in a sum of not less than Five Thousand Dollars
1491 (\$5,000.00), conditioned upon the faithful performance of their
1492 duties. The premiums for such bonds shall be paid out of funds
1493 appropriated for the support of the * * * department.

1494 **SECTION 22.** Section 67-1-29, Mississippi Code of 1972, is
1495 amended as follows:

1496 67-1-29. The director, secretary, agents, inspectors, clerks
1497 and employees of the * * * department appointed under this article
1498 shall receive such reasonable compensation as may be fixed by

1499 the * * * department. The director and all agents, inspectors,
1500 clerks, and other employees shall be reimbursed for all actual and
1501 necessary traveling and other expenses and disbursements incurred
1502 or made by them in the discharge of their official duties. Such
1503 compensation and expenses shall be paid from funds appropriated
1504 for the support of the * * * department.

1505 **SECTION 23.** Section 67-1-33, Mississippi Code of 1972, is
1506 amended as follows:

1507 67-1-33. (1) No member of the Board of Tax Appeals, the
1508 commissioner * * *, or person appointed or employed by the
1509 department under this article, and no board member or officer or
1510 employee of the corporation, including its warehouse operator,
1511 shall solicit, accept or receive any gift, gratuity, emolument or
1512 employment from any person subject to the provisions of this
1513 article, or from any officer, agent or employee thereof.

1514 (2) No member of the Board of Tax Appeals, the
1515 commissioner * * *, or person appointed or employed by the
1516 department under this article, and no board member or officer or
1517 employee of the corporation, including its warehouse operator,
1518 shall solicit, request from or recommend, directly or indirectly,
1519 to any person subject to the provisions of this article, or to any
1520 officer, agent or employee thereof, the appointment of any person
1521 to any place or position.

1522 (3) Every person subject to the provisions of this article,
1523 and every officer, agent or employee thereof, is hereby forbidden
1524 to offer to any member of the Board of Tax Appeals, to the

1525 commissioner * * * or to any person appointed or employed by the
1526 department under this article, or to any board member or officer
1527 or employee of the corporation, including its warehouse operator,
1528 any gift, gratuity, emolument or employment.

1529 (4) If any member of the Board of Tax Appeals, the
1530 commissioner * * * or any person appointed or employed by the
1531 department under this article, or any board member or officer or
1532 employee of the corporation, including its warehouse operator,
1533 shall violate any of the provisions of this section, he shall be
1534 removed from the office or employment held by him.

1535 (5) Every person violating the provisions of this section
1536 shall be guilty of a misdemeanor.

1537 (6) For purposes of this provision, the terms "gift,"
1538 "gratuity," "emolument" and "employment" do not include the
1539 payment of expenses associated with social occasions afforded
1540 public servants or any other benefit that does not come within the
1541 definition of "pecuniary benefit" as defined in Section 25-4-103.

1542 **SECTION 24.** Section 67-1-35, Mississippi Code of 1972, is
1543 amended as follows:

1544 67-1-35. The department may, for authentication of records,
1545 process and proceedings, adopt, keep and use a seal for the * * *
1546 division * * *, of which seal judicial notice shall be taken in
1547 all courts of this state. Any process, notice or other paper
1548 which the department may be authorized by law to issue under this
1549 article shall be deemed sufficient if signed by the director and
1550 authenticated by such seal. All acts, orders, proceedings, rules,

1551 regulations, entries, minutes, and other records of the department
1552 in connection with this article, and all reports and documents
1553 filed with it under this article, may be proved in any court of
1554 this state by a copy thereof certified to by the director with the
1555 seal of the division affixed.

1556 **SECTION 25.** Section 67-1-37, Mississippi Code of 1972, is
1557 amended as follows:

1558 67-1-37. The department * * *, under its duties and powers
1559 with respect to the * * * division * * *, shall have the following
1560 powers, functions and duties:

1561 (a) To issue or refuse to issue any permit provided for
1562 by this article, or to extend the permit or remit in whole or any
1563 part of the permit monies when the permit cannot be used due to a
1564 natural disaster or act of God.

1565 (b) To revoke, suspend or cancel, for violation of or
1566 noncompliance with the provisions of this article, or the law
1567 governing the production and sale of native wines or native
1568 spirits, or any lawful rules and regulations of the department
1569 issued hereunder, or for other sufficient cause, any permit issued
1570 by it under the provisions of this article. The department shall
1571 also be authorized to suspend the permit of any permit holder for
1572 being out of compliance with an order for support, as defined in
1573 Section 93-11-153. The procedure for suspension of a permit for
1574 being out of compliance with an order for support, and the
1575 procedure for the reissuance or reinstatement of a permit
1576 suspended for that purpose, and the payment of any fees for the

1577 reissuance or reinstatement of a permit suspended for that
1578 purpose, shall be governed by Section 93-11-157 or Section
1579 93-11-163, as the case may be. If there is any conflict between
1580 any provision of Section 93-11-157 or Section 93-11-163 and any
1581 provision of this article, the provisions of Section 93-11-157 or
1582 Section 93-11-163, as the case may be, shall control.

1583 (c) To prescribe forms of permits and applications for
1584 permits and of all reports which it deems necessary in
1585 administering this article.

1586 (d) To fix standards, not in conflict with those
1587 prescribed by any law of this state or of the United States, to
1588 secure the use of proper ingredients and methods of manufacture of
1589 alcoholic beverages.

1590 (e) To issue rules regulating the advertising of
1591 alcoholic beverages in the state in any class of media and
1592 permitting advertising of the retail price of alcoholic beverages.

1593 (f) To issue reasonable rules and regulations, not
1594 inconsistent with the federal laws or regulations, requiring
1595 informative labeling of all alcoholic beverages offered for sale
1596 within this state and providing for the standards of fill and
1597 shapes of retail containers of alcoholic beverages; however, such
1598 containers shall not contain less than fifty (50) milliliters by
1599 liquid measure.

1600 (g) Subject to the provisions of subsection (3) of
1601 Section 67-1-51, to issue rules and regulations governing the
1602 issuance of retail permits for premises located near or around

1603 schools, colleges, universities, churches and other public
1604 institutions, and specifying the distances therefrom within which
1605 no such permit shall be issued. The * * * division shall not
1606 issue a package retailer's or on-premises retailer's permit for
1607 the sale or consumption of alcoholic beverages in or on the campus
1608 of any public school, community or junior college, college or
1609 university.

1610 (h) To adopt and promulgate, repeal and amend, such
1611 rules, regulations, standards, requirements and orders, not
1612 inconsistent with this article or any law of this state or of the
1613 United States, as it deems necessary to control the manufacture,
1614 importation, transportation, distribution, delivery and sale of
1615 alcoholic liquor, whether intended for beverage or nonbeverage use
1616 in a manner not inconsistent with the provisions of this article
1617 or any other statute, including the native wine and native spirit
1618 laws.

1619 (i) To call upon other administrative departments of
1620 the state, county and municipal governments, county and city
1621 police departments and upon prosecuting officers for such
1622 information and assistance as it may deem necessary in the
1623 performance of its duties.

1624 (j) To prepare and submit to the Governor during the
1625 month of January of each year a detailed report of its official
1626 acts during the preceding fiscal year ending June 30, including
1627 such recommendations as it may see fit to make, and to transmit a

1628 like report to each member of the Legislature of this state upon
1629 the convening thereof at its next regular session.

1630 (k) To inspect, or cause to be inspected, any premises
1631 where alcoholic liquors intended for sale are manufactured,
1632 stored, distributed or sold, and to examine or cause to be
1633 examined all books and records pertaining to the business
1634 conducted therein.

1635 (l) To investigate the administration of laws in
1636 relation to alcoholic liquors in this and other states and any
1637 foreign countries, and to recommend from time to time to the
1638 Governor and through him to the Legislature of this state such
1639 amendments to this article, if any, as it may think desirable.

1640 (m) To designate hours and days when alcoholic
1641 beverages may be sold in different localities in the state which
1642 permit such sale.

1643 (n) To assign employees to posts of duty at locations
1644 where they will be most beneficial for the control of alcoholic
1645 beverages and to take any other action concerning persons employed
1646 under this article as authorized by law and taken in accordance
1647 with the rules, regulations and procedures of the State Personnel
1648 Board.

1649 (o) To enforce the provisions made unlawful by Chapter
1650 3, Title 67 and Section 97-5-49.

1651 (p) To delegate its authority under this article to
1652 the * * * division, its director or any other officer or employee
1653 of the department that it deems appropriate.

1654 (q) To prescribe and charge a fee to defray the costs
1655 of shipping alcoholic beverages, provided that such fee is
1656 determined in a manner provided by the department by rules and/or
1657 regulations adopted in accordance with the Mississippi
1658 Administrative Procedures Law.

1659 **SECTION 26.** Section 67-1-41, Mississippi Code of 1972, is
1660 amended as follows:

1661 67-1-41. (1) The * * * corporation is hereby created a
1662 wholesale distributor and seller of alcoholic beverages, not
1663 including malt liquors, within the State of Mississippi. It is
1664 granted the right to import and sell alcoholic beverages at
1665 wholesale within the state, and no person who is granted the right
1666 to sell, distribute or receive alcoholic beverages at retail shall
1667 purchase any alcoholic beverages from any source other than
1668 the * * * corporation, except as authorized in subsections (4),
1669 (9) and (12) of this section. The * * * corporation may establish
1670 warehouses, and the * * * corporation may purchase alcoholic
1671 beverages in such quantities and from such sources as it may deem
1672 desirable and sell the alcoholic beverages to authorized
1673 permittees within the state including, at the discretion of
1674 the * * * corporation, any retail distributors operating within
1675 any military post or qualified resort areas within the boundaries
1676 of the state, keeping a correct and accurate record of all such
1677 transactions and exercising such control over the distribution of
1678 alcoholic beverages as seem right and proper in keeping with the
1679 provisions or purposes of this article.

1680 (2) No person for the purpose of sale shall manufacture,
1681 distill, brew, sell, possess, export, transport, distribute,
1682 warehouse, store, solicit, take orders for, bottle, rectify,
1683 blend, treat, mix or process any alcoholic beverage except in
1684 accordance with authority granted under this article, or as
1685 otherwise provided by law for native wines or native spirits.

1686 (3) No alcoholic beverage intended for sale or resale shall
1687 be imported, shipped or brought into this state for delivery to
1688 any person other than as provided in this article, or as otherwise
1689 provided by law for native wines or native spirits.

1690 (4) The * * * corporation may promulgate rules and
1691 regulations which authorize on-premises retailers to purchase
1692 limited amounts of alcoholic beverages from package retailers and
1693 for package retailers to purchase limited amounts of alcoholic
1694 beverages from other package retailers. The * * * corporation
1695 shall develop and provide forms to be completed by the on-premises
1696 retailers and the package retailers verifying the transaction.
1697 The completed forms shall be forwarded to the * * * corporation
1698 within a period of time prescribed by the * * * corporation.

1699 (5) The * * * corporation may promulgate rules which
1700 authorize the holder of a package retailer's permit to permit
1701 individual retail purchasers of packages of alcoholic beverages to
1702 return, for exchange, credit or refund, limited amounts of
1703 original sealed and unopened packages of alcoholic beverages
1704 purchased by the individual from the package retailer.

1705 (6) The department shall maintain all forms to be completed
1706 by applicants necessary for licensure by the department at all
1707 district offices of the department.

1708 (7) The department may promulgate rules which authorize the
1709 manufacturer of an alcoholic beverage or wine to import, transport
1710 and furnish or give a sample of alcoholic beverages or wines to
1711 the holders of package retailer's permits, on-premises retailer's
1712 permits, native wine or native spirit retailer's permits and
1713 temporary retailer's permits who have not previously purchased the
1714 brand of that manufacturer from the * * * corporation. For each
1715 holder of the designated permits, the manufacturer may furnish not
1716 more than five hundred (500) milliliters of any brand of alcoholic
1717 beverage and not more than three (3) liters of any brand of wine.

1718 (8) The department may promulgate rules disallowing open
1719 product sampling of alcoholic beverages or wines by the holders of
1720 package retailer's permits and permitting open product sampling of
1721 alcoholic beverages by the holders of on-premises retailer's
1722 permits. Permitted sample products shall be plainly identified
1723 "sample" and the actual sampling must occur in the presence of the
1724 manufacturer's representatives during the legal operating hours of
1725 on-premises retailers.

1726 (9) The department may promulgate rules and regulations that
1727 authorize the holder of a research permit to import and purchase
1728 limited amounts of alcoholic beverages from importers, wineries
1729 and distillers of alcoholic beverages or from the * * *
1730 corporation. The department shall develop and provide forms to be

1731 completed by the research permittee verifying each transaction.
1732 The completed forms shall be forwarded to the department within a
1733 period of time prescribed by the department. The records and
1734 inventory of alcoholic beverages shall be open to inspection at
1735 any time by the director of the * * * division or any duly
1736 authorized agent.

1737 (10) The * * * corporation may promulgate rules facilitating
1738 a retailer's on-site pickup of alcoholic beverages sold by
1739 the * * * corporation or as authorized by the * * * corporation,
1740 including, but not limited to, native wines and native spirits, so
1741 that those alcoholic beverages may be delivered to the retailer at
1742 the manufacturer's location instead of via shipment from the * * *
1743 corporation's warehouse.

1744 (11) **[Through June 30, 2026]** This section shall not apply
1745 to alcoholic beverages authorized to be sold by the holder of a
1746 distillery retailer's permit or a festival wine permit.

1747 (11) **[From and after July 1, 2026]** This section shall not
1748 apply to alcoholic beverages authorized to be sold by the holder
1749 of a distillery retailer's permit.

1750 (12) (a) An individual resident of this state who is at
1751 least twenty-one (21) years of age may purchase wine from a winery
1752 and have the purchase shipped into this state so long as it is
1753 shipped to a package retailer permittee in Mississippi; however,
1754 the permittee shall pay to the * * * corporation all taxes, fees
1755 and surcharges on the wine that are imposed upon the sale of wine
1756 shipped by the * * * corporation or its warehouse operator. No

1757 credit shall be provided to the permittee for any taxes paid to
1758 another state as a result of the transaction. Package retailers
1759 may charge a service fee for receiving and handling shipments from
1760 wineries on behalf of the purchasers. The * * * corporation shall
1761 develop and provide forms to be completed by the package retailer
1762 permittees verifying the transaction. The completed forms shall
1763 be forwarded to the * * * corporation within a period of time
1764 prescribed by the * * * corporation.

1765 (b) The purchaser of wine that is to be shipped to a
1766 package retailer's store shall be required to get the prior
1767 approval of the package retailer before any wine is shipped to the
1768 package retailer. A purchaser is limited to no more than ten (10)
1769 cases of wine per year to be shipped to a package retailer. A
1770 package retailer shall notify a purchaser of wine within two (2)
1771 days after receiving the shipment of wine. If the purchaser of
1772 the wine does not pick up or take the wine from the package
1773 retailer within thirty (30) days after being notified by the
1774 package retailer, the package retailer may sell the wine as part
1775 of his inventory.

1776 (c) Shipments of wine into this state under this
1777 section shall be made by a duly licensed carrier. It shall be the
1778 duty of every common or contract carrier, and of every firm or
1779 corporation that shall bring, carry or transport wine from outside
1780 the state for delivery inside the state to package retailer
1781 permittees on behalf of consumers, to prepare and file with
1782 the * * * corporation, on a schedule as determined by the * * *

1783 corporation, of known wine shipments containing the name of the
1784 common or contract carrier, firm or * * * company making the
1785 report, the period of time covered by said report, the name and
1786 permit number of the winery, the name and permit number of the
1787 package retailer permittee receiving such wine, the weight of the
1788 package delivered to each package retailer permittee, a unique
1789 tracking number, and the date of delivery. Reports received by
1790 the * * * corporation shall be made available by the * * *
1791 corporation to the public via the Mississippi Public Records Act
1792 process in the same manner as other state alcohol filings.

1793 Upon the * * * corporation's request, any records supporting
1794 the report shall be made available to the * * * corporation within
1795 a reasonable time after the * * * corporation makes a written
1796 request for such records. Any records containing information
1797 relating to such reports shall be kept and preserved for a period
1798 of two (2) years, unless their destruction sooner is authorized,
1799 in writing, by the * * * corporation, and shall be open and
1800 available to inspection by the * * * corporation upon the * * *
1801 corporation's written request. Reports shall also be made
1802 available to any law enforcement or regulatory body in the state
1803 in which the railroad company, express company, common or contract
1804 carrier making the report resides or does business.

1805 Any common or contract carrier that willfully fails to make
1806 reports, as provided by this section or any of the rules and
1807 regulations of the * * * corporation for the administration and
1808 enforcement of this section, is subject to a notification of

1809 violation. In the case of a continuing failure to make reports,
1810 the common or contract carrier is subject to possible license
1811 suspension and revocation at the * * * corporation's discretion.

1812 (d) A winery that ships wine under this section shall
1813 be deemed to have consented to the jurisdiction of the courts of
1814 this state, of the * * * corporation, of any * * * state agency
1815 regarding the enforcement of this section, and of any related law,
1816 rules or regulations.

1817 (e) Any person who makes, participates in, transports,
1818 imports or receives a shipment in violation of this section is
1819 guilty of a misdemeanor and, upon conviction thereof, shall be
1820 punished by a fine of One Thousand Dollars (\$1,000.00) or
1821 imprisonment in the county jail for not more than six (6) months,
1822 or both. Each shipment shall constitute a separate offense.

1823 (13) If any provision of this article, or its application to
1824 any person or circumstance, is determined by a court to be invalid
1825 or unconstitutional, the remaining provisions shall be construed
1826 in accordance with the intent of the Legislature to further limit
1827 rather than expand commerce in alcoholic beverages to protect the
1828 health, safety, and welfare of the state's residents, and to
1829 enhance strict regulatory control over taxation, distribution and
1830 sale of alcoholic beverages through the three-tier regulatory
1831 system imposed by this article upon all alcoholic beverages to
1832 curb relationships and practices calculated to stimulate sales and
1833 impair the state's policy favoring trade stability and the
1834 promotion of temperance.

1835 **SECTION 27.** Section 67-1-43, Mississippi Code of 1972, is
1836 amended as follows:

1837 67-1-43. Any authorized retail distributor who shall
1838 purchase or receive alcoholic beverages from any source except
1839 from the * * * corporation or its warehouse operator, unless
1840 authorized by rules and regulations of the * * * corporation
1841 promulgated under Section 67-1-41, shall be guilty of a
1842 misdemeanor and upon conviction thereof shall be punished by a
1843 fine of not less than Five Hundred Dollars (\$500.00), nor more
1844 than Two Thousand Dollars (\$2,000.00), to which may be added
1845 imprisonment in the county jail for not more than six (6) months.
1846 Any authorization of such person to sell intoxicating beverages
1847 may be revoked as provided by law.

1848 **SECTION 28.** Section 67-1-45, Mississippi Code of 1972, is
1849 amended as follows:

1850 67-1-45. No manufacturer, rectifier or distiller of
1851 alcoholic beverages shall sell or attempt to sell any such
1852 alcoholic beverages, except malt liquor, within the State of
1853 Mississippi, except to the * * * corporation, or as provided in
1854 Section 67-1-41, or pursuant to Section 67-1-51. A producer of
1855 native wine or native spirit may sell native wines or native
1856 spirits, respectively, to the * * * corporation or to consumers at
1857 the location of the native winery or native distillery or its
1858 immediate vicinity.

1859 Any violation of this section by any manufacturer, rectifier
1860 or distiller shall be punished by a fine of not less than Five

1861 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
1862 (\$2,000.00), to which may be added imprisonment in the county jail
1863 not to exceed six (6) months.

1864 **SECTION 29.** Section 67-1-47, Mississippi Code of 1972, is
1865 amended as follows:

1866 67-1-47. All distillers or distributors having contracts
1867 with the * * * corporation for the sale of alcoholic beverages to
1868 the * * * corporation, before making delivery of any merchandise
1869 to the * * * corporation, shall register with the Secretary of
1870 State giving their name, address, name of all local agents and any
1871 other pertinent information which may be required by the Secretary
1872 of State and appointing an agent for the service of process within
1873 the State of Mississippi.

1874 **SECTION 30.** Section 67-1-49, Mississippi Code of 1972, is
1875 amended as follows:

1876 67-1-49. All distillers or distributors having contracts
1877 with the * * * corporation for the sale of alcoholic beverages to
1878 said * * * corporation, shall, on or before February 1st of each
1879 year, file a statement, under oath, with the * * * corporation and
1880 with the Secretary of State, listing the names and addresses of
1881 each person, firm or corporation in Mississippi to whom or which
1882 said distiller or distributor shall have paid or agreed to pay any
1883 fee, retainer, salary, or remuneration, during the preceding year,
1884 together with a statement of the purpose for such payment.

1885 Failure to file such statement shall constitute grounds for
1886 the * * * corporation to suspend the right of the distiller or

1887 distributor to sell to said * * * corporation until such time as
1888 said statement shall be filed.

1889 **SECTION 31.** Section 67-1-51, Mississippi Code of 1972, is
1890 amended as follows:

1891 67-1-51. (1) Permits which may be issued by the department
1892 shall be as follows:

1893 (a) **Manufacturer's permit.** A manufacturer's permit
1894 shall permit the manufacture, importation in bulk, bottling and
1895 storage of alcoholic liquor and its distribution and sale to
1896 manufacturers holding permits under this article in this state and
1897 to persons outside the state who are authorized by law to purchase
1898 the same, and to sell as provided by this article.

1899 Manufacturer's permits shall be of the following classes:

1900 Class 1. Distiller's and/or rectifier's permit, which shall
1901 authorize the holder thereof to operate a distillery for the
1902 production of distilled spirits by distillation or redistillation
1903 and/or to operate a rectifying plant for the purifying, refining,
1904 mixing, blending, flavoring or reducing in proof of distilled
1905 spirits and alcohol.

1906 Class 2. Wine manufacturer's permit, which shall authorize
1907 the holder thereof to manufacture, import in bulk, bottle and
1908 store wine or vinous liquor.

1909 Class 3. Native wine producer's permit, which shall
1910 authorize the holder thereof to produce, bottle, store and sell
1911 native wines.

1912 Class 4. Native spirit producer's permit, which shall
1913 authorize the holder thereof to produce, bottle, store and sell
1914 native spirits.

1915 (b) **Package retailer's permit.** Except as otherwise
1916 provided in this paragraph and Section 67-1-52, a package
1917 retailer's permit shall authorize the holder thereof to operate a
1918 store exclusively for the sale at retail in original sealed and
1919 unopened packages of alcoholic beverages, including native wines,
1920 native spirits and edibles, not to be consumed on the premises
1921 where sold. Alcoholic beverages shall not be sold by any retailer
1922 in any package or container containing less than fifty (50)
1923 milliliters by liquid measure. A package retailer's permit, with
1924 prior approval from the department, shall authorize the holder
1925 thereof to sample new product furnished by a manufacturer's
1926 representative or his employees at the permitted place of business
1927 so long as the sampling otherwise complies with this article and
1928 applicable department regulations. Such samples may not be
1929 provided to customers at the permitted place of business. In
1930 addition to the sale at retail of packages of alcoholic beverages,
1931 the holder of a package retailer's permit is authorized to sell at
1932 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
1933 other beverages commonly used to mix with alcoholic beverages, and
1934 fruits and foods that have been submerged in alcohol and are
1935 commonly referred to as edibles. Nonalcoholic beverages sold by
1936 the holder of a package retailer's permit shall not be consumed on
1937 the premises where sold.

1938 (c) **On-premises retailer's permit.** Except as otherwise
1939 provided in subsection (5) of this section, an on-premises
1940 retailer's permit shall authorize the sale of alcoholic beverages,
1941 including native wines and native spirits, for consumption on the
1942 licensed premises only; however, a patron of the permit holder may
1943 remove one (1) bottle of wine from the licensed premises if: (i)
1944 the patron consumed a portion of the bottle of wine in the course
1945 of consuming a meal purchased on the licensed premises; (ii) the
1946 permit holder securely reseals the bottle; (iii) the bottle is
1947 placed in a bag that is secured in a manner so that it will be
1948 visibly apparent if the bag is opened; and (iv) a dated receipt
1949 for the wine and the meal is available. Additionally, as part of
1950 a carryout order, a permit holder may sell one (1) bottle of wine
1951 to be removed from the licensed premises for every two (2) entrees
1952 ordered. In addition, an on-premises retailer's permittee at a
1953 permitted premises located on Jefferson Davis Avenue within
1954 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
1955 beverages by the glass to a patron in a vehicle using a
1956 drive-through method of delivery if the permitted premises is
1957 located in a leisure and recreation district established under
1958 Section 67-1-101. Such a sale will be considered to be made on
1959 the permitted premises. An on-premises retailer's permit shall be
1960 issued only to qualified hotels, restaurants and clubs, small
1961 craft breweries, microbreweries, and to common carriers with
1962 adequate facilities for serving passengers. In resort areas,
1963 whether inside or outside of a municipality, the department, in

1964 its discretion, may issue on-premises retailer's permits to such
1965 establishments as it deems proper. An on-premises retailer's
1966 permit when issued to a common carrier shall authorize the sale
1967 and serving of alcoholic beverages aboard any licensed vehicle
1968 while moving through any county of the state; however, the sale of
1969 such alcoholic beverages shall not be permitted while such vehicle
1970 is stopped in a county that has not legalized such sales. If an
1971 on-premises retailer's permit is applied for by a common carrier
1972 operating solely in the water, such common carrier must, along
1973 with all other qualifications for a permit, (i) be certified to
1974 carry at least one hundred fifty (150) passengers and/or provide
1975 overnight accommodations for at least fifty (50) passengers and
1976 (ii) operate primarily in the waters within the State of
1977 Mississippi which lie adjacent to the State of Mississippi south
1978 of the three (3) most southern counties in the State of
1979 Mississippi and/or on the Mississippi River or navigable waters
1980 within any county bordering on the Mississippi River.

1981 (d) **Solicitor's permit.** A solicitor's permit shall
1982 authorize the holder thereof to act as salesman for a manufacturer
1983 or wholesaler holding a proper permit, to solicit on behalf of his
1984 employer orders for alcoholic beverages, and to otherwise promote
1985 his employer's products in a legitimate manner. Such a permit
1986 shall authorize the representation of and employment by one (1)
1987 principal only. However, the permittee may also, in the
1988 discretion of the department, be issued additional permits to
1989 represent other principals. No such permittee shall buy or sell

1990 alcoholic beverages for his own account, and no such beverage
1991 shall be brought into this state in pursuance of the exercise of
1992 such permit otherwise than through a permit issued to a wholesaler
1993 or manufacturer in the state.

1994 (e) **Native wine retailer's permit.** Except as otherwise
1995 provided in subsection (5) of this section, a native wine
1996 retailer's permit shall be issued only to a holder of a Class 3
1997 manufacturer's permit, and shall authorize the holder thereof to
1998 make retail sales of native wines to consumers for on-premises
1999 consumption or to consumers in originally sealed and unopened
2000 containers at an establishment located on the premises of or in
2001 the immediate vicinity of a native winery. When selling to
2002 consumers for on-premises consumption, a holder of a native wine
2003 retailer's permit may add to the native wine alcoholic beverages
2004 not produced on the premises, so long as the total volume of
2005 foreign beverage components does not exceed twenty percent (20%)
2006 of the mixed beverage. Hours of sale shall be the same as those
2007 authorized for on-premises permittees in the city or county in
2008 which the native wine retailer is located.

2009 (f) **Temporary retailer's permit.** Except as otherwise
2010 provided in subsection (5) of this section, a temporary retailer's
2011 permit shall permit the purchase and resale of alcoholic
2012 beverages, including native wines and native spirits, during legal
2013 hours on the premises described in the temporary permit only.

2014 Temporary retailer's permits shall be of the following
2015 classes:

2016 Class 1. A temporary one-day permit may be issued to bona
2017 fide nonprofit civic or charitable organizations authorizing the
2018 sale of alcoholic beverages, including native wine and native
2019 spirit, for consumption on the premises described in the temporary
2020 permit only. Class 1 permits may be issued only to applicants
2021 demonstrating to the department, by a statement signed under
2022 penalty of perjury submitted ten (10) days prior to the proposed
2023 date or such other time as the department may determine, that they
2024 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
2025 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
2026 Class 1 permittees shall obtain all alcoholic beverages from
2027 package retailers located in the county in which the temporary
2028 permit is issued. Alcoholic beverages remaining in stock upon
2029 expiration of the temporary permit may be returned by the
2030 permittee to the package retailer for a refund of the purchase
2031 price upon consent of the package retailer or may be kept by the
2032 permittee exclusively for personal use and consumption, subject to
2033 all laws pertaining to the illegal sale and possession of
2034 alcoholic beverages. The department, following review of the
2035 statement provided by the applicant and the requirements of the
2036 applicable statutes and regulations, may issue the permit.

2037 Class 2. A temporary permit, not to exceed seventy (70)
2038 days, may be issued to prospective permittees seeking to transfer
2039 a permit authorized in paragraph (c) of this subsection. A Class
2040 2 permit may be issued only to applicants demonstrating to the
2041 department, by a statement signed under the penalty of perjury,

2042 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
2043 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
2044 67-1-59. The department, following a preliminary review of the
2045 statement provided by the applicant and the requirements of the
2046 applicable statutes and regulations, may issue the permit.

2047 Class 2 temporary permittees must purchase their alcoholic
2048 beverages directly from the * * * corporation or, with approval of
2049 the * * * corporation, purchase the remaining stock of the
2050 previous permittee. If the proposed applicant of a Class 1 or
2051 Class 2 temporary permit falsifies information contained in the
2052 application or statement, the applicant shall never again be
2053 eligible for a retail alcohol beverage permit and shall be subject
2054 to prosecution for perjury.

2055 Class 3. A temporary one-day permit may be issued to a
2056 retail establishment authorizing the complimentary distribution of
2057 wine, including native wine, to patrons of the retail
2058 establishment at an open house or promotional event, for
2059 consumption only on the premises described in the temporary
2060 permit. A Class 3 permit may be issued only to an applicant
2061 demonstrating to the department, by a statement signed under
2062 penalty of perjury submitted ten (10) days before the proposed
2063 date or such other time as the department may determine, that it
2064 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
2065 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
2066 A Class 3 permit holder shall obtain all alcoholic beverages from
2067 the holder(s) of a package retailer's permit located in the county

2068 in which the temporary permit is issued. Wine remaining in stock
2069 upon expiration of the temporary permit may be returned by the
2070 Class 3 temporary permit holder to the package retailer for a
2071 refund of the purchase price, with consent of the package
2072 retailer, or may be kept by the Class 3 temporary permit holder
2073 exclusively for personal use and consumption, subject to all laws
2074 pertaining to the illegal sale and possession of alcoholic
2075 beverages. The department, following review of the statement
2076 provided by the applicant and the requirements of the applicable
2077 statutes and regulations, may issue the permit. No retailer may
2078 receive more than twelve (12) Class 3 temporary permits in a
2079 calendar year. A Class 3 temporary permit shall not be issued to
2080 a retail establishment that either holds a merchant permit issued
2081 under paragraph (1) of this subsection, or holds a permit issued
2082 under Chapter 3 * * * of Title 67, Mississippi Code of 1972,
2083 authorizing the holder to engage in the business of a retailer of
2084 light wine or beer.

2085 (g) **Caterer's permit.** A caterer's permit shall permit
2086 the purchase of alcoholic beverages by a person engaging in
2087 business as a caterer and the resale of alcoholic beverages by
2088 such person in conjunction with such catering business. No person
2089 shall qualify as a caterer unless forty percent (40%) or more of
2090 the revenue derived from such catering business shall be from the
2091 serving of prepared food and not from the sale of alcoholic
2092 beverages and unless such person has obtained a permit for such
2093 business from the Department of Health. A caterer's permit shall

2094 not authorize the sale of alcoholic beverages on the premises of
2095 the person engaging in business as a caterer; however, the holder
2096 of an on-premises retailer's permit may hold a caterer's permit.
2097 When the holder of an on-premises retailer's permit or an
2098 affiliated entity of the holder also holds a caterer's permit, the
2099 caterer's permit shall not authorize the service of alcoholic
2100 beverages on a consistent, recurring basis at a separate, fixed
2101 location owned or operated by the caterer, on-premises retailer or
2102 affiliated entity and an on-premises retailer's permit shall be
2103 required for the separate location. All sales of alcoholic
2104 beverages by holders of a caterer's permit shall be made at the
2105 location being catered by the caterer, and, except as otherwise
2106 provided in subsection (5) of this section, such sales may be made
2107 only for consumption at the catered location. The location being
2108 catered may be anywhere within a county or judicial district that
2109 has voted to come out from under the dry laws or in which the sale
2110 and distribution of alcoholic beverages is otherwise authorized by
2111 law. Such sales shall be made pursuant to any other conditions
2112 and restrictions which apply to sales made by on-premises retail
2113 permittees. The holder of a caterer's permit or his employees
2114 shall remain at the catered location as long as alcoholic
2115 beverages are being sold pursuant to the permit issued under this
2116 paragraph (g), and the permittee shall have at the location the
2117 identification card issued by the * * * division * * *. No unsold
2118 alcoholic beverages may be left at the catered location by the
2119 permittee upon the conclusion of his business at that location.

2120 Appropriate law enforcement officers and * * * division personnel
2121 may enter a catered location on private property in order to
2122 enforce laws governing the sale or serving of alcoholic beverages.

2123 (h) **Research permit.** A research permit shall authorize
2124 the holder thereof to operate a research facility for the
2125 professional research of alcoholic beverages. Such permit shall
2126 authorize the holder of the permit to import and purchase limited
2127 amounts of alcoholic beverages from the * * * corporation or from
2128 importers, wineries and distillers of alcoholic beverages for
2129 professional research.

2130 (i) **Alcohol processing permit.** An alcohol processing
2131 permit shall authorize the holder thereof to purchase, transport
2132 and possess alcoholic beverages for the exclusive use in cooking,
2133 processing or manufacturing products which contain alcoholic
2134 beverages as an integral ingredient. An alcohol processing permit
2135 shall not authorize the sale of alcoholic beverages on the
2136 premises of the person engaging in the business of cooking,
2137 processing or manufacturing products which contain alcoholic
2138 beverages. The amounts of alcoholic beverages allowed under an
2139 alcohol processing permit shall be set by the department.

2140 (j) **Hospitality cart permit.** A hospitality cart permit
2141 shall authorize the sale of alcoholic beverages from a mobile cart
2142 on a golf course that is the holder of an on-premises retailer's
2143 permit. The alcoholic beverages sold from the cart must be
2144 consumed within the boundaries of the golf course.

2145 (k) **Special service permit.** A special service permit
2146 shall authorize the holder to sell commercially sealed alcoholic
2147 beverages to the operator of a commercial or private aircraft for
2148 en route consumption only by passengers. A special service permit
2149 shall be issued only to a fixed-base operator who contracts with
2150 an airport facility to provide fueling and other associated
2151 services to commercial and private aircraft.

2152 (1) **Merchant permit.** Except as otherwise provided in
2153 subsection (5) of this section, a merchant permit shall be issued
2154 only to the owner of a spa facility, an art studio or gallery, or
2155 a cooking school, and shall authorize the holder to serve
2156 complimentary by the glass wine only, including native wine, at
2157 the holder's spa facility, art studio or gallery, or cooking
2158 school. A merchant permit holder shall obtain all wine from the
2159 holder of a package retailer's permit.

2160 (m) **Temporary alcoholic beverages charitable auction**
2161 **permit.** A temporary permit, not to exceed five (5) days, may be
2162 issued to a qualifying charitable nonprofit organization that is
2163 exempt from taxation under Section 501(c)(3) or (4) of the
2164 Internal Revenue Code of 1986. The permit shall authorize the
2165 holder to sell alcoholic beverages for the limited purpose of
2166 raising funds for the organization during a live or silent auction
2167 that is conducted by the organization and that meets the following
2168 requirements: (i) the auction is conducted in an area of the
2169 state where the sale of alcoholic beverages is authorized; (ii) if
2170 the auction is conducted on the premises of an on-premises

2171 retailer's permit holder, then the alcoholic beverages to be
2172 auctioned must be stored separately from the alcoholic beverages
2173 sold, stored or served on the premises, must be removed from the
2174 premises immediately following the auction, and may not be
2175 consumed on the premises; (iii) the permit holder may not conduct
2176 more than two (2) auctions during a calendar year; (iv) the permit
2177 holder may not pay a commission or promotional fee to any person
2178 to arrange or conduct the auction.

2179 (n) **Event venue retailer's permit.** An event venue
2180 retailer's permit shall authorize the holder thereof to purchase
2181 and resell alcoholic beverages, including native wines and native
2182 spirits, for consumption on the premises during legal hours during
2183 events held on the licensed premises if food is being served at
2184 the event by a caterer who is not affiliated with or related to
2185 the permittee. The caterer must serve at least three (3) entrees.
2186 The permit may only be issued for venues that can accommodate two
2187 hundred (200) persons or more. The number of persons a venue may
2188 accommodate shall be determined by the local fire department and
2189 such determination shall be provided in writing and submitted
2190 along with all other documents required to be provided for an
2191 on-premises retailer's permit. The permittee must derive the
2192 majority of its revenue from event-related fees, including, but
2193 not limited to, admission fees or ticket sales for live
2194 entertainment in the building. "Event-related fees" do not
2195 include alcohol, beer or light wine sales or any fee which may be
2196 construed to cover the cost of alcohol, beer or light wine. This

2197 determination shall be made on a per event basis. An event may
2198 not last longer than two (2) consecutive days per week.

2199 (o) **Temporary theatre permit.** A temporary theatre
2200 permit, not to exceed five (5) days, may be issued to a charitable
2201 nonprofit organization that is exempt from taxation under Section
2202 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
2203 a theatre facility that features plays and other theatrical
2204 performances and productions. Except as otherwise provided in
2205 subsection (5) of this section, the permit shall authorize the
2206 holder to sell alcoholic beverages, including native wines and
2207 native spirits, to patrons of the theatre during performances and
2208 productions at the theatre facility for consumption during such
2209 performances and productions on the premises of the facility
2210 described in the permit. A temporary theatre permit holder shall
2211 obtain all alcoholic beverages from package retailers located in
2212 the county in which the permit is issued. Alcoholic beverages
2213 remaining in stock upon expiration of the temporary theatre permit
2214 may be returned by the permittee to the package retailer for a
2215 refund of the purchase price upon consent of the package retailer
2216 or may be kept by the permittee exclusively for personal use and
2217 consumption, subject to all laws pertaining to the illegal sale
2218 and possession of alcoholic beverages.

2219 (p) **Charter ship operator's permit.** Subject to the
2220 provisions of this paragraph (p), a charter ship operator's permit
2221 shall authorize the holder thereof and its employees to serve,
2222 monitor, store and otherwise control the serving and availability

2223 of alcoholic beverages to customers of the permit holder during
2224 private charters under contract provided by the permit holder. A
2225 charter ship operator's permit shall authorize such action by the
2226 permit holder and its employees only as to alcoholic beverages
2227 brought onto the permit holder's ship by customers of the permit
2228 holder as part of such a private charter. All such alcoholic
2229 beverages must be removed from the charter ship at the conclusion
2230 of each private charter. A charter ship operator's permit shall
2231 not authorize the permit holder to sell, charge for or otherwise
2232 supply alcoholic beverages to customers, except as authorized in
2233 this paragraph (p). For the purposes of this paragraph (p),
2234 "charter ship operator" means a common carrier that (i) is
2235 certified to carry at least one hundred fifty (150) passengers
2236 and/or provide overnight accommodations for at least fifty (50)
2237 passengers, (ii) operates only in the waters within the State of
2238 Mississippi, which lie adjacent to the State of Mississippi south
2239 of the three (3) most southern counties in the State of
2240 Mississippi, and (iii) provides charters under contract for tours
2241 and trips in such waters.

2242 (q) **Distillery retailer's permit.** The holder of a
2243 Class 1 manufacturer's permit may obtain a distillery retailer's
2244 permit. A distillery retailer's permit shall authorize the holder
2245 thereof to sell at retail alcoholic beverages to consumers for
2246 on-premises consumption, or to consumers by the sealed and
2247 unopened bottle from a retail location at the distillery for
2248 off-premises consumption. The holder may only sell product

2249 manufactured by the manufacturer at the distillery described in
2250 the permit. However, when selling to consumers for on-premises
2251 consumption, a holder of a distillery retailer's permit may add
2252 other beverages, alcoholic or not, so long as the total volume of
2253 other beverage components containing alcohol does not exceed
2254 twenty percent (20%). Hours of sale shall be the same as those
2255 authorized for on-premises permittees in the city or county in
2256 which the distillery retailer is located.

2257 The holder shall not sell at retail more than ten percent
2258 (10%) of the alcoholic beverages produced annually at its
2259 distillery. The holder shall not make retail sales of more than
2260 two and twenty-five one-hundredths (2.25) liters, in the
2261 aggregate, of the alcoholic beverages produced at its distillery
2262 to any one (1) individual for consumption off the premises of the
2263 distillery within a twenty-four-hour period. The hours of sale
2264 shall be the same as those hours for package retailers under this
2265 article. The holder of a distillery retailer's permit is not
2266 required to purchase the alcoholic beverages authorized to be sold
2267 by this paragraph from the * * * corporation's liquor distribution
2268 warehouse; however, if the holder does not purchase the alcoholic
2269 beverages from the * * * corporation's liquor distribution
2270 warehouse, the holder shall pay to the department all taxes, fees
2271 and surcharges on the alcoholic beverages that are imposed upon
2272 the sale of alcoholic beverages shipped by the * * * corporation
2273 or its warehouse operator. In addition to alcoholic beverages,
2274 the holder of a distillery retailer's permit may sell at retail

2275 promotional products from the same retail location, including
2276 shirts, hats, glasses, and other promotional products customarily
2277 sold by alcoholic beverage manufacturers.

2278 (r) **Festival Wine Permit.** Any wine manufacturer or
2279 native wine producer permitted by Mississippi or any other state
2280 is eligible to obtain a Festival Wine Permit. This permit
2281 authorizes the entity to transport product manufactured by it to
2282 festivals held within the State of Mississippi and sell sealed,
2283 unopened bottles to festival participants. The holder of this
2284 permit may provide samples at no charge to participants.

2285 "Festival" means any event at which three (3) or more vendors are
2286 present at a location for the sale or distribution of goods. The
2287 holder of a Festival Wine Permit is not required to purchase the
2288 alcoholic beverages authorized to be sold by this paragraph from
2289 the * * * corporation's liquor distribution warehouse. However,
2290 if the holder does not purchase the alcoholic beverages from
2291 the * * * corporation's liquor distribution warehouse, the holder
2292 of this permit shall pay to the department all taxes, fees and
2293 surcharges on the alcoholic beverages sold at such festivals that
2294 are imposed upon the sale of alcoholic beverages shipped by
2295 the * * * corporation. Additionally, the entity shall file all
2296 applicable reports and returns as prescribed by the department.
2297 This permit is issued per festival and provides authority to sell
2298 for two (2) consecutive days during the hours authorized for
2299 on-premises permittees' sales in that county or city. The holder
2300 of the permit shall be required to maintain all requirements set

2301 by Local Option Law for the service and sale of alcoholic
2302 beverages. This permit may be issued to entities participating in
2303 festivals at which a Class 1 temporary permit is in effect.

2304 This paragraph (r) shall stand repealed from and after July
2305 1, 2026.

2306 (s) **Charter vessel operator's permit.** Subject to the
2307 provisions of this paragraph (s), a charter vessel operator's
2308 permit shall authorize the holder thereof and its employees to
2309 sell and serve alcoholic beverages to passengers of the permit
2310 holder during public tours, historical tours, ecological tours and
2311 sunset cruises provided by the permit holder. The permit shall
2312 authorize the holder to only sell alcoholic beverages, including
2313 native wines, to passengers of the charter vessel operator during
2314 public tours, historical tours, ecological tours and sunset
2315 cruises provided by the permit holder aboard the charter vessel
2316 operator for consumption during such tours and cruises on the
2317 premises of the charter vessel operator described in the permit.
2318 For the purposes of this paragraph (s), "charter vessel operator"
2319 means a common carrier that (i) is certified to carry at least
2320 forty-nine (49) passengers, (ii) operates only in the waters
2321 within the State of Mississippi, which lie south of Interstate 10
2322 in the three (3) most southern counties in the State of
2323 Mississippi, and lie adjacent to the State of Mississippi south of
2324 the three (3) most southern counties in the State of Mississippi,
2325 extending not further than one (1) mile south of such counties,

2326 and (iii) provides vessel services for tours and cruises in such
2327 waters as provided in this paragraph(s).

2328 (t) **Native spirit retailer's permit.** Except as
2329 otherwise provided in subsection (5) of this section, a native
2330 spirit retailer's permit shall be issued only to a holder of a
2331 Class 4 manufacturer's permit, and shall authorize the holder
2332 thereof to make retail sales of native spirits to consumers for
2333 on-premises consumption or to consumers in originally sealed and
2334 unopened containers at an establishment located on the premises of
2335 or in the immediate vicinity of a native distillery. When selling
2336 to consumers for on-premises consumption, a holder of a native
2337 spirit retailer's permit may add to the native spirit alcoholic
2338 beverages not produced on the premises, so long as the total
2339 volume of foreign beverage components does not exceed twenty
2340 percent (20%) of the mixed beverage. Hours of sale shall be the
2341 same as those authorized for on-premises permittees in the city or
2342 county in which the native spirit retailer is located.

2343 (u) **Delivery service permit.** Any individual, limited
2344 liability company, corporation or partnership registered to do
2345 business in this state is eligible to obtain a delivery service
2346 permit. Subject to the provisions of Section 67-1-51.1, this
2347 permit authorizes the permittee, or its employee or an independent
2348 contractor acting on its behalf, to deliver alcoholic beverages,
2349 beer, light wine and light spirit product from a licensed retailer
2350 to a person in this state who is at least twenty-one (21) years of
2351 age for the individual's use and not for resale. This permit does

2352 not authorize the delivery of alcoholic beverages, beer, light
2353 wine or light spirit product to the premises of a location with a
2354 permit for the manufacture, distribution or retail sale of
2355 alcoholic beverages, beer, light wine or light spirit product.
2356 The holder of a package retailer's permit or an on-premises
2357 retailer's permit under Section 67-1-51 or of a beer, light wine
2358 and light spirit product permit under Section 67-3-19 is
2359 authorized to apply for a delivery service permit as a privilege
2360 separate from its existing retail permit.

2361 (v) **Food truck permit.** A food truck permit shall
2362 authorize the holder of an on-premises retailer's permit to use a
2363 food truck to sell alcoholic beverages off its premises to guests
2364 who must consume the beverages in open containers. For the
2365 purposes of this paragraph (v), "food truck" means a fully encased
2366 food service establishment on a motor vehicle or on a trailer that
2367 a motor vehicle pulls to transport, and from which a vendor,
2368 standing within the frame of the establishment, prepares, cooks,
2369 sells and serves food for immediate human consumption. The term
2370 "food truck" does not include a food cart that is not motorized.
2371 Food trucks shall maintain such distance requirements from
2372 schools, churches, kindergartens and funeral homes as are required
2373 for on-premises retailer's permittees under this article, and all
2374 sales must be made within a valid leisure and recreation district
2375 established under Section 67-1-101. Food trucks cannot sell or
2376 serve alcoholic beverages unless also offering food prepared and
2377 cooked within the food truck, and permittees must maintain a

2378 twenty-five percent (25%) food sale revenue requirement based on
2379 the food sold from the food truck alone. The hours allowed for
2380 sale shall be the same as those for on-premises retailer's
2381 permittees in the location. This permit will not be required for
2382 the holder of a caterer's permit issued under this article to
2383 cater an event as allowed by law. Permittees must provide notice
2384 of not less than forty-eight (48) hours to the department of each
2385 location at which alcoholic beverages will be sold.

2386 (2) Except as otherwise provided in subsection (4) of this
2387 section, retail permittees may hold more than one (1) retail
2388 permit, at the discretion of the department.

2389 (3) (a) Except as otherwise provided in this subsection, no
2390 authority shall be granted to any person to manufacture, sell or
2391 store for sale any intoxicating liquor as specified in this
2392 article within four hundred (400) feet of any church, school,
2393 kindergarten or funeral home. However, within an area zoned
2394 commercial or business, such minimum distance shall be not less
2395 than one hundred (100) feet.

2396 (b) A church or funeral home may waive the distance
2397 restrictions imposed in this subsection in favor of allowing
2398 issuance by the department of a permit, pursuant to subsection (1)
2399 of this section, to authorize activity relating to the
2400 manufacturing, sale or storage of alcoholic beverages which would
2401 otherwise be prohibited under the minimum distance criterion.
2402 Such waiver shall be in written form from the owner, the governing
2403 body, or the appropriate officer of the church or funeral home

2404 having the authority to execute such a waiver, and the waiver
2405 shall be filed with and verified by the department before becoming
2406 effective.

2407 (c) The distance restrictions imposed in this
2408 subsection shall not apply to the sale or storage of alcoholic
2409 beverages at a bed and breakfast inn listed in the National
2410 Register of Historic Places or to the sale or storage of alcoholic
2411 beverages in a historic district that is listed in the National
2412 Register of Historic Places, is a qualified resort area and is
2413 located in a municipality having a population greater than one
2414 hundred thousand (100,000) according to the latest federal
2415 decennial census.

2416 (d) The distance restrictions imposed in this
2417 subsection shall not apply to the sale or storage of alcoholic
2418 beverages at a qualified resort area as defined in Section
2419 67-1-5(o)(iii)32.

2420 (e) The distance restrictions imposed in this
2421 subsection shall not apply to the sale or storage of alcoholic
2422 beverages at a licensed premises in a building formerly owned by a
2423 municipality and formerly leased by the municipality to a
2424 municipal school district and used by the municipal school
2425 district as a district bus shop facility.

2426 (f) The distance restrictions imposed in this
2427 subsection shall not apply to the sale or storage of alcoholic
2428 beverages at a licensed premises in a building consisting of at
2429 least five thousand (5,000) square feet and located approximately

2430 six hundred (600) feet from the intersection of Mississippi
2431 Highway 15 and Mississippi Highway 4.

2432 (g) The distance restrictions imposed in this
2433 subsection shall not apply to the sale or storage of alcoholic
2434 beverages at a licensed premises in a building located at or near
2435 the intersection of Ward and Tate Streets and adjacent properties
2436 in the City of Senatobia, Mississippi.

2437 (h) The distance restrictions imposed in this
2438 subsection shall not apply to the sale or storage of alcoholic
2439 beverages at a theatre facility that features plays and other
2440 theatrical performances and productions and (i) is capable of
2441 seating more than seven hundred fifty (750) people, (ii) is owned
2442 by a municipality which has a population greater than ten thousand
2443 (10,000) according to the latest federal decennial census, (iii)
2444 was constructed prior to 1930, (iv) is on the National Register of
2445 Historic Places, and (v) is located in a historic district.

2446 (i) The distance restrictions imposed in this
2447 subsection shall not apply to the sale or storage of alcoholic
2448 beverages at a licensed premises in a building located
2449 approximately one and six-tenths (1.6) miles north of the
2450 intersection of Mississippi Highway 15 and Mississippi Highway 4
2451 on the west side of Mississippi Highway 15.

2452 (4) No person, either individually or as a member of a firm,
2453 partnership, limited liability company or association, or as a
2454 stockholder, officer or director in a corporation, shall own or
2455 control any interest in more than one (1) package retailer's

2456 permit, nor shall such person's spouse, if living in the same
2457 household of such person, any relative of such person, if living
2458 in the same household of such person, or any other person living
2459 in the same household with such person own any interest in any
2460 other package retailer's permit.

2461 (5) (a) In addition to any other authority granted under
2462 this section, the holder of a permit issued under subsection
2463 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
2464 sell or otherwise provide alcoholic beverages and/or wine to a
2465 patron of the permit holder in the manner authorized in the permit
2466 and the patron may remove an open glass, cup or other container of
2467 the alcoholic beverage and/or wine from the licensed premises and
2468 may possess and consume the alcoholic beverage or wine outside of
2469 the licensed premises if: (i) the licensed premises is located
2470 within a leisure and recreation district created under Section
2471 67-1-101 and (ii) the patron remains within the boundaries of the
2472 leisure and recreation district while in possession of the
2473 alcoholic beverage or wine.

2474 (b) Nothing in this subsection shall be construed to
2475 allow a person to bring any alcoholic beverages into a permitted
2476 premises except to the extent otherwise authorized by this
2477 article.

2478 **SECTION 32.** Section 67-1-52, Mississippi Code of 1972, is
2479 amended as follows:

2480 67-1-52. A package retailer's permit issued under Section
2481 67-1-51(b) shall be authorized to offer tastings or samplings to

2482 be conducted at the package retailer's permitted place of business
2483 during which tastes or samples of alcoholic beverages or wine may
2484 be offered or served to consumers at no cost to the consumer.
2485 During a tasting or sampling authorized by this section, limited
2486 amounts of alcoholic beverages or wine may be consumed on the
2487 permitted place of business. A tasting or sampling shall not
2488 authorize the sale of alcoholic beverages or wine for consumption
2489 on the permitted place of business, but shall only authorize the
2490 limited consumption of alcoholic beverages or wine at the
2491 permitted place of business for the sole purpose of tasting or
2492 sampling various alcoholic beverages or wine. No one under
2493 twenty-one (21) years of age may participate in a tasting or
2494 sampling. No sample may be provided to a visibly intoxicated
2495 person. No food may be served or sold at a tasting or sampling.
2496 Each sample of wine served shall not exceed one and one-fourth
2497 (1-1/4) ounces and no more than a cumulative total of five (5)
2498 ounces of wine may be dispensed to any one (1) person during a
2499 tasting or sampling. Each sample of a distilled spirit served
2500 shall not exceed one-fourth (1/4) of an ounce and no more than a
2501 cumulative total of one (1) ounce of distilled spirits may be
2502 dispensed to any one (1) person during a tasting or sampling. All
2503 product tasted or sampled must be provided by the package retailer
2504 from its inventory. Such product cannot be sample product
2505 provided by a manufacturer and must have been purchased from
2506 the * * * corporation warehouse or from a licensed wholesaler.
2507 Employees of the package retailer may serve any product for

2508 tasting or sampling. In addition, a third party may serve any
2509 product for tasting or sampling and may open, touch and pour
2510 product as well as make a presentation and answer questions. The
2511 package retailer shall be responsible for all such actions by the
2512 third party. Tickets for a tasting or sampling shall not be sold
2513 in the permitted place of business or any other location.

2514 **SECTION 33.** Section 67-1-53, Mississippi Code of 1972, is
2515 amended as follows:

2516 67-1-53. (1) Application for permits shall be in such form
2517 and shall contain such information as shall be required by the
2518 regulations of the * * * department; however, no regulation of
2519 the * * * department shall require personal financial information
2520 from any officer of a corporation applying for an on-premises
2521 retailer's permit to sell alcoholic beverages unless such officer
2522 owns ten percent (10%) or more of the stock of such corporation.

2523 (2) Every applicant for each type of permit authorized by
2524 Section 67-1-51 shall give notice of such application by
2525 publication for two (2) consecutive issues in a newspaper of
2526 general circulation published in the city or town in which
2527 applicant's place of business is located. However, in instances
2528 where no newspaper is published in the city or town, then the
2529 notice shall be published in a newspaper of general circulation
2530 published in the county where the applicant's business is located.
2531 If no newspaper is published in the county, the notice shall be
2532 published in a qualified newspaper which is published in the
2533 closest neighboring county and circulated in the county of

2534 applicant's residence. The notice shall be printed in ten-point
2535 black face type and shall set forth the type of permit to be
2536 applied for, the exact location of the place of business, the name
2537 of the owner or owners thereof, and if operating under an assumed
2538 name, the trade name together with the names of all owners, and if
2539 a corporation, the names and titles of all officers. The cost of
2540 such notice shall be borne by the applicant.

2541 (3) Each application or filing made under this section shall
2542 include the social security number(s) of the applicant in
2543 accordance with Section 93-11-64 * * *.

2544 **SECTION 34.** Section 67-1-55, Mississippi Code of 1972, is
2545 amended as follows:

2546 67-1-55. No permit of any type shall be issued by the * * *
2547 department until the applicant has first filed with the * * *
2548 department a sworn statement disclosing all persons who are
2549 financially involved in the operation of the business for which
2550 the permit is sought. If an applicant is an individual, he will
2551 swear that he owns one hundred percent (100%) of the business for
2552 which he is seeking a permit. If the applicant is a partnership,
2553 all partners and their addresses shall be disclosed and the extent
2554 of their interest in the partnership shall be disclosed. If the
2555 applicant is a corporation, the total stock in the corporation
2556 shall be disclosed and each shareholder and his address and the
2557 amount of stock in the corporation owned by him shall be
2558 disclosed. If the applicant is a limited liability company, each
2559 member and their addresses shall be disclosed and the extent of

2560 their interest in the limited liability company shall be
2561 disclosed. If the applicant is a trust, the trustee and all
2562 beneficiaries and their addresses shall be disclosed. If the
2563 applicant is a combination of any of the above, all information
2564 required to be disclosed above shall be required.

2565 All the disclosures shall be in writing and kept on file at
2566 the * * * department's office and shall be available to the
2567 public.

2568 Every applicant must, when applying for a renewal of his
2569 permit, disclose any change in the ownership of the business or
2570 any change in the beneficiaries of the income from the business.

2571 Any person who willfully fails to fully disclose the
2572 information required by this section, or who gives false
2573 information, shall be guilty of a misdemeanor and, upon conviction
2574 thereof, shall be fined a sum not to exceed Five Hundred Dollars
2575 (\$500.00) or imprisoned for not more than one (1) year, or both,
2576 and the person or applicant shall never again be eligible for any
2577 permit pertaining to alcoholic beverages.

2578 **SECTION 35.** Section 67-1-57, Mississippi Code of 1972, is
2579 amended as follows:

2580 67-1-57. Before a permit is issued the department shall
2581 satisfy itself:

2582 (a) That the applicant, if an individual, or if a
2583 partnership, each of the members of the partnership, or if a
2584 corporation, each of its principal officers and directors, or if a
2585 limited liability company, each member of the limited liability

2586 company, is of good moral character and, in addition, enjoys a
2587 reputation of being a peaceable, law-abiding citizen of the
2588 community in which he resides, and is generally fit for the trust
2589 to be reposed in him, is not less than twenty-one (21) years of
2590 age, and has not been convicted of a felony in any state or
2591 federal court.

2592 (b) That, except in the case of an application for a
2593 solicitor's permit, the applicant is the true and actual owner of
2594 the business for which the permit is desired, and that he intends
2595 to carry on the business authorized for himself and not as the
2596 agent of any other person, and that he intends to superintend in
2597 person the management of the business or that he will designate a
2598 manager to manage the business for him. All managers must be
2599 approved by the department prior to completing any managerial
2600 tasks on behalf of the permittee and must possess all of the
2601 qualifications required of a permittee; however, a felony
2602 conviction, other than a crime of violence, does not automatically
2603 disqualify a person from being approved as a manager if the person
2604 was released from incarceration at least three (3) years prior to
2605 application for approval as a manager. A felony conviction, other
2606 than a crime of violence, may be considered by the department in
2607 determining whether all other qualifications are met.

2608 (c) That the applicant for a package retailer's permit,
2609 if an individual, is a resident of the State of Mississippi. If
2610 the applicant is a partnership, each member of the partnership
2611 must be a resident of the state. If the applicant is a limited

2612 liability company, each member of the limited liability company
2613 must be a resident of the state. If the applicant is a
2614 corporation, the designated manager of the corporation must be a
2615 resident of the state.

2616 (d) That the place for which the permit is to be issued
2617 is an appropriate one considering the character of the premises
2618 and the surrounding neighborhood.

2619 (e) That the place for which the permit is to be issued
2620 is within the corporate limits of an incorporated municipality or
2621 qualified resort area or club which comes within the provisions of
2622 this article.

2623 (f) That the applicant is not indebted to the state for
2624 any taxes, fees or payment of penalties imposed by any law of the
2625 State of Mississippi or by any rule or regulation of the * * *
2626 department.

2627 (g) That the applicant is not in the habit of using
2628 alcoholic beverages to excess and is not physically or mentally
2629 incapacitated, and that the applicant has the ability to read and
2630 write the English language.

2631 (h) That the * * * department does not believe and has
2632 no reason to believe that the applicant will sell or knowingly
2633 permit any agent, servant or employee to unlawfully sell liquor in
2634 a dry area or in any other manner contrary to law.

2635 (i) That the applicant is not residentially domiciled
2636 with any person whose permit or license has been cancelled for

2637 cause within the twelve (12) months next preceding the date of the
2638 present application for a permit.

2639 (j) That the * * * department has not, in the exercise
2640 of its discretion which is reserved and preserved to it, refused
2641 to grant permits under the restrictions of this section, as well
2642 as under any other pertinent provision of this article.

2643 (k) That there are not sufficient legal reasons to deny
2644 a permit on the ground that the premises for which the permit is
2645 sought has previously been operated, used or frequented for any
2646 purpose or in any manner that is lewd, immoral or offensive to
2647 public decency. In the granting or withholding of any permit to
2648 sell alcoholic beverages at retail, the * * * department in
2649 forming its conclusions may give consideration to any
2650 recommendations made in writing by the district or county attorney
2651 or county, circuit or chancery judge of the county, or the sheriff
2652 of the county, or the mayor or chief of police of an incorporated
2653 city or town wherein the applicant proposes to conduct his
2654 business and to any recommendations made by representatives of
2655 the * * * department.

2656 (l) That the applicant and the applicant's key
2657 employees, as determined by the * * * department, do not have a
2658 disqualifying criminal record. In order to obtain a criminal
2659 record history check, the applicant shall submit to the * * *
2660 department a set of fingerprints from any local law enforcement
2661 agency for each person for whom the records check is required.
2662 The * * * department shall forward the fingerprints to the * * *

2663 Department of Public Safety. If no disqualifying record is
2664 identified at the state level, the Department of Public Safety
2665 shall forward the fingerprints to the Federal Bureau of
2666 Investigation for a national criminal history record check. Costs
2667 for processing the set or sets of fingerprints shall be borne by
2668 the applicant. The * * * department shall not deny employment to
2669 an employee of the applicant prior to the identification of a
2670 disqualifying record or other disqualifying information.

2671 **SECTION 36.** Section 67-1-61, Mississippi Code of 1972, is
2672 amended as follows:

2673 67-1-61. All permits issued by the * * * department shall
2674 expire twelve months from date of issuance, and no permit shall be
2675 issued for a period longer than one year. Each permit shall state
2676 a class to which it belongs, the name of the permittee, the
2677 address of the premises for which granted, and the date of its
2678 expiration. All permits issued shall at all times be prominently
2679 displayed on the premises for which issued.

2680 **SECTION 37.** Section 67-1-63, Mississippi Code of 1972, is
2681 amended as follows:

2682 67-1-63. (1) Any permittee may renew his permit at the
2683 expiration thereof for an additional term of one (1) year,
2684 provided he is then qualified to receive a permit and the premises
2685 for which the renewal is sought are suitable for such purposes.
2686 The renewal privilege herein provided for shall not be construed
2687 as a vested right. No "on-premises" retailer's permit shall be
2688 renewed at the expiration thereof for any "hotel" or "restaurant"

2689 under this article unless the * * * department is satisfied that
2690 the holder thereof is continuing to meet the requirements of a
2691 hotel or restaurant, as defined in Section 67-1-5.

2692 (2) When an application for the renewal of a permit has been
2693 denied by the department for a reason other than for being
2694 incomplete, for failure to pay any applicable license privilege
2695 taxes or fees required for renewal or for failure to post a bond,
2696 cash or securities as required by Section 27-71-21, the permittee
2697 shall be allowed to continue to operate under the permit for which
2698 renewal was denied until the last of the following dates:

2699 (a) The date on which the permit expires;

2700 (b) The date on which the time period for filing an
2701 appeal of the denial of the renewal to the Board of Tax Appeals
2702 expires;

2703 (c) If the denial is timely appealed to the Board of Tax
2704 Appeals and this appeal is later withdrawn, the date on which the
2705 withdrawal of appeal occurs; or

2706 (d) If the denial is timely appealed to the Board of Tax
2707 Appeals and an order is entered by the Board of Tax Appeals
2708 affirming the denial of the renewal, the date on which the
2709 permittee receives notice of the decision of the Board of Tax
2710 Appeals affirming the denial. Refusal to accept delivery of such
2711 notice or the posting of the final decision of the Board of Tax
2712 Appeals at the permitted place of business shall constitute
2713 receipt of notice by the permittee of this decision.

2714 (3) If the denial of an application for renewal of a permit
2715 is appealed to the Board of Tax Appeals and the board reverses the
2716 denial of the application for renewal, the department shall renew
2717 and issue the permit from its last expiration date.

2718 (4) The issuance and/or renewal of a permit based on the
2719 decision of the Board of Tax Appeals shall not bar or estop the
2720 department from appealing this decision of the Board of Tax
2721 Appeals to chancery court under Section 67-1-39. Any subsequent
2722 renewal of this permit while an appeal by the department from the
2723 decision of the Board of Tax Appeals is pending shall be subject
2724 to the final decision of the court on this appeal. If in such an
2725 appeal by the department, a court enters a final decision and/or
2726 order reversing the decision of the board and affirming the denial
2727 of the application for a permit or the application for renewal of
2728 a permit, the permit, even if subsequently renewed, shall be
2729 deemed denied and not authorize the permittee to sell alcoholic
2730 beverages under that permit after the date on which the decision
2731 and/or order of the court affirming the denial of the permit
2732 becomes final and not subject to any further appeal.

2733 **SECTION 38.** Section 67-1-65, Mississippi Code of 1972, is
2734 amended as follows:

2735 67-1-65. In any county having heretofore voted, or which
2736 hereafter votes, to come out from under the prohibition law, in
2737 which there is not located an incorporated municipality within
2738 such county, the * * * department may issue package retailer's
2739 permits in such county.

2740 **SECTION 39.** Section 67-1-67, Mississippi Code of 1972, is
2741 amended as follows:

2742 67-1-67. No permit shall be transferred by the permittee to
2743 any other person or any other place except with the written
2744 consent of the * * * department upon a regular application
2745 therefor in writing and upon consideration thereof as provided in
2746 this article for an original application for a permit. The * * *
2747 department shall not approve the transfer of the permit of any
2748 person against whom there is pending in the courts or before
2749 the * * * department any charge of keeping a disorderly house, or
2750 of violating this article or the laws against gambling in this
2751 state or against whom there is pending any proceedings for the
2752 revocation, suspension or cancellation of the permit.

2753 **SECTION 40.** Section 67-1-69, Mississippi Code of 1972, is
2754 amended as follows:

2755 67-1-69. No person holding any permit issued under the
2756 provisions of this article shall engage in any business or
2757 activity authorized by such permit unless such person shall
2758 qualify so to do by complying with all statutes of the United
2759 States of America, and all regulations issued pursuant thereto,
2760 which are applicable or shall pertain to such business or
2761 activity, and shall continue to be so qualified at all times while
2762 engaging in such business or activity. As a prerequisite to the
2763 issuance of any permit under this article, the applicant shall
2764 first obtain the required federal occupational stamp for the type

2765 of business for which the permit has been approved by the * * *
2766 department.

2767 **SECTION 41.** Section 67-1-72, Mississippi Code of 1972, is
2768 amended as follows:

2769 67-1-72. (1) Except as otherwise provided in this article,
2770 any applicant or holder of a permit issued under this article
2771 which is aggrieved by an action of the department * * * to deny
2772 his application for a permit, to deny the renewal of his permit or
2773 to revoke or suspend his permit shall be allowed to appeal to the
2774 Board of Tax Appeals from this action. This appeal is to be filed
2775 by the aggrieved person with the Executive Director of the Board
2776 of Tax Appeals, with a copy being sent to the department * * *,
2777 within fifteen (15) days from the date that person received notice
2778 of the action of the department being aggrieved. If the person
2779 aggrieved fails to appeal within this fifteen-day period, the
2780 action of the department * * * shall take effect as set out in the
2781 notice. The department * * * retains the authority to change at
2782 any time the action aggrieved to in an appeal under this
2783 subsection. The applicant or holder of any permit issued under
2784 this article may waive his right to notice and opportunity to a
2785 hearing as provided by this subsection and agree to the action
2786 being taken by the department. The inability of the
2787 department * * * to issue or renew a permit due to an incomplete
2788 application or due to the failure of the applicant to pay the
2789 annual privilege taxes and fees provided by Section 27-71-5 and/or
2790 the failure of the applicant to post or deposit the bond, cash or

2791 securities as required by Section 27-71-21 shall not constitute a
2792 denial for purposes of this subsection.

2793 (2) Any applicant for approval as a manager of an
2794 establishment operating under a permit issued under this article
2795 or who holds the designation of an approved manager of an
2796 establishment operating under a permit issued under this article
2797 and who is aggrieved by an action of the department * * * to deny
2798 his application for approval as a manager or to revoke or suspend
2799 his designation as an approved manager shall be allowed to appeal
2800 to the Board of Tax Appeals from this action. This appeal is to
2801 be filed by the aggrieved person with the Executive Director of
2802 the Board of Tax Appeals, with a copy being sent to the
2803 department * * *, within fifteen (15) days from the date that
2804 person received notice of the action of the department being
2805 aggrieved. If the person aggrieved fails to appeal within this
2806 fifteen-day period, the action of the department * * * shall take
2807 effect as set out in the notice. The department * * * retains the
2808 authority to change at any time the action aggrieved to in an
2809 appeal under this subsection. The applicant or holder of an
2810 approved manager designation may waive his right to notice and
2811 opportunity to a hearing as provided by this subsection and agree
2812 to the action being taken by the department. The inability of the
2813 department * * * to consider an application for approval of an
2814 applicant as a manager due to an incomplete application shall not
2815 constitute a denial of the application for purposes of this
2816 subsection.

2817 (3) Any applicant for approval of an area or locality as a
2818 qualified resort area under this article who is aggrieved by the
2819 decision of the department * * * to deny the qualified resort area
2820 as requested and any county or municipality wherein the proposed
2821 qualified resort area is located may appeal to the Board of Tax
2822 Appeals from such decision. This appeal is to be filed by the
2823 aggrieved applicant or by the affected county or municipality with
2824 the Executive Director of the Board of Tax Appeals, with a copy
2825 being sent to the department * * *, within fifteen (15) days from
2826 the date that the person or entity filing the appeal received
2827 notice of the decision of the department * * * to deny the
2828 qualified resort area. If an appeal is not filed within this
2829 fifteen-day period, the decision of the department * * * shall
2830 become final. The department * * * retains the authority to
2831 change at any time the decision aggrieved to in an appeal under
2832 this subsection. The inability of the department * * * to
2833 consider an application for the approval of an area or locality as
2834 a qualified resort area due to an incomplete application shall not
2835 constitute a denial of that application for purposes of this
2836 subsection.

2837 (4) Any person, including any county or municipality in
2838 which the qualified resort area is located, who is aggrieved by
2839 the decision of the department * * * to revoke the approval of an
2840 area or locality as a qualified resort area may appeal to the
2841 Board of Tax Appeals from such decision. This appeal is to be
2842 filed by the aggrieved person with the Executive Director of the

2843 Board of Tax Appeals, with a copy being sent to the
2844 department * * *, within fifteen (15) days from the date that the
2845 person or entity filing the appeal received notice of the decision
2846 of the department to revoke approval of the qualified resort area.
2847 At the discretion of the department * * *, in addition to any
2848 other notice to be provided under this subsection, the department
2849 may provide notice of its decision to revoke approval of the
2850 qualified resort area by publication in the same manner as
2851 provided by regulation when approval of a qualified resort area is
2852 sought. In regard to such publication, the fifteen-day period
2853 provided herein will begin on the date that notice is first
2854 published. If an appeal is not filed within this fifteen-day
2855 period, the decision of the department * * * shall become final.
2856 The department * * * retains the authority to change at any time
2857 the decision aggrieved to in an appeal under this subsection.

2858 (5) Any person objecting to an application for the issuance
2859 or transfer of a permit, other than a temporary retailer's permit,
2860 issued under this article and who timely requests in writing a
2861 hearing on his objection shall be given a hearing before the Board
2862 of Tax Appeals unless the permit is denied by the department * * *
2863 and an appeal is not taken by the applicant to the Board of Tax
2864 Appeals from that denial or the applicant withdraws his
2865 application. Any written request for a hearing on an objection
2866 must be filed with the department * * * within fifteen (15) days
2867 from the first date of publication of the notice of such
2868 application under Section 67-1-53. If the department determines

2869 that the permit should be denied, notice will be provided to the
2870 applicant as set out in subsection (1) of this section, and if the
2871 applicant timely requests a hearing on the denial as provided by
2872 this subsection (5), the department will advise the Executive
2873 Director of the Board of Tax Appeals and the applicant of the
2874 written request for a hearing on an objection to the permit. The
2875 hearing on the objection to the permit and the hearing on the
2876 appeal by the applicant from the denial of the department of the
2877 application shall be consolidated and heard by the Board of Tax
2878 Appeals at the same time. If the department determines that the
2879 permit should be issued, the department will advise the applicant
2880 and the Executive Director of the Board of Tax Appeals of the
2881 timely written request for a hearing on an objection to the
2882 application and a hearing will be set before the Board of Tax
2883 Appeals on this objection. If prior to the hearing, either the
2884 person requesting the hearing withdraws his request or the
2885 applicant withdraws his application, the hearing will be cancelled
2886 and the objection proceedings before the Board of Tax Appeals on
2887 the application will be dismissed as moot. In the case of such
2888 withdrawals, the Board of Tax Appeals is authorized to assess to
2889 either or both parties any costs incurred by it prior to such
2890 withdrawal. The department * * * retains authority to issue the
2891 permit to the applicant where the person objecting to the
2892 application withdraws his request for a hearing.

2893 (6) Any person objecting to an application for approval by
2894 the department * * * of * * * an area or locality as a qualified

2895 resort area under this article and who timely requests in writing
2896 a hearing on his objection shall be given a hearing before the
2897 Board of Tax Appeals unless approval of the application is denied
2898 by the department * * * and an appeal is not taken by the
2899 applicant or the county or municipality in which the proposed
2900 qualified resort area is located to the Board of Tax Appeals from
2901 that denial or the applicant withdraws his application. Any
2902 written request for a hearing on an objection must be filed with
2903 the department * * * within fifteen (15) days from the first date
2904 of publication of the notice of such application as provided by
2905 regulation. If the department determines that the application for
2906 approval of the proposed area or locality as a qualified resort
2907 area should be denied, the department will proceed with denial of
2908 such application as set out in subsection (3) of this section, and
2909 if the applicant or the county or municipality in which the
2910 proposed qualified resort area is located timely requests a
2911 hearing on the denial as provided by subsection (3) of this
2912 section, the department will advise the Executive Director of the
2913 Board of Tax Appeals and the applicant of the written request for
2914 a hearing on an objection to the application. The hearing on the
2915 objection to approval of the proposed qualified resort area and
2916 the hearing on the appeal from the denial of the department of the
2917 application for such approval shall be consolidated and heard by
2918 the Board of Tax Appeals at the same time. If the department
2919 determines that the proposed qualified resort area should be
2920 approved, the department will advise the applicant and the

2921 Executive Director of the Board of Tax Appeals of the timely
2922 written request for a hearing on an objection to the application
2923 and a hearing will be set before the Board of Tax Appeals on this
2924 objection. If prior to the hearing, either the person requesting
2925 the hearing withdraws his request or the applicant withdraws his
2926 application, the hearing will be cancelled and the objection
2927 proceedings before the Board of Tax Appeals on the application
2928 will be dismissed as moot. In the case of such withdrawals, the
2929 Board of Tax Appeals is authorized to assess to either or both
2930 parties any costs incurred by it prior to such withdrawal. The
2931 department * * * retains authority to approve the proposed area or
2932 locality as a qualified resort area where the person objecting to
2933 the application withdraws his request for a hearing.

2934 (7) Any person having an interest in any alcoholic
2935 beverages, light wine, beer, light spirit products or raw
2936 materials which the department * * * intends to dispose of under
2937 Section 67-1-18 shall be given reasonable notice of this proposed
2938 disposal, and upon such notice, this person may request a hearing
2939 before the Board of Tax Appeals to establish his right or claim to
2940 this property. This request for a hearing shall be filed with the
2941 Board of Tax Appeals, with a copy sent to the department * * *,
2942 within fifteen (15) days from the date of receipt of the notice
2943 provided above by the person filing the request. If a request is
2944 not received by the Board of Tax Appeals within this fifteen-day
2945 period, the department may order the property disposed of in
2946 accordance with Section 67-1-18.

2947 (8) Upon receipt of a written request for hearing or appeal
2948 as set out above, the executive director shall schedule a hearing
2949 before the Board of Tax Appeals on this request or appeal. A
2950 notice of the hearing shall be mailed to all persons or entities
2951 having an interest in the matter being heard which shall always
2952 include the person or entity filing the request or appeal for
2953 which the hearing is being set, the applicant or holder of any
2954 permit, approved manager status or qualified resort area status in
2955 issue, any person who filed a written request for a hearing on an
2956 objection to any application in issue and the department * * *.
2957 This notice shall provide the date, time and location of the
2958 hearing. Mailing to the attorney representing a person or entity
2959 in the matter being heard shall be the same as mailing to the
2960 person or entity the attorney represents. Failure of the person
2961 or entity on whose request or appeal the matter was set for
2962 hearing to appear personally or through his designated
2963 representative at the hearing shall constitute an involuntary
2964 withdrawal of his request or appeal. Upon such withdrawal, the
2965 Board of Tax Appeals shall note on the record the failure of the
2966 person or entity to appear at the hearing and shall dismiss the
2967 request or appeal and remand the matter back to the
2968 department * * * for appropriate action.

2969 (9) At any hearing before the Board of Tax Appeals on an
2970 appeal or hearing request as set out above, two (2) members of the
2971 Board of Tax Appeals shall constitute a quorum. At the hearing,
2972 the Board of Tax Appeals shall try the issues presented according

2973 to law and the facts and pursuant to any guidelines established by
2974 regulation. The rules of evidence shall be relaxed at the hearing
2975 and the hearing shall be recorded by a court reporter. After
2976 reaching a decision on the issues presented, the Board of Tax
2977 Appeals shall enter an order setting forth its findings and
2978 decision in the matter. A copy of the order of the Board of Tax
2979 Appeals shall be mailed to the person or entity filing the request
2980 or appeal which was heard, the applicant or holder of any permit,
2981 approved manager status or qualified resort area status in issue,
2982 any person who filed a written request for a hearing on an
2983 objection to any application in issue and the department * * * to
2984 notify them of the findings and decision of the Board of Tax
2985 Appeals.

2986 **SECTION 42.** Section 67-1-75, Mississippi Code of 1972, is
2987 amended as follows:

2988 67-1-75. If the holder of a package retailer's permit, or
2989 any employee thereof:

2990 (a) Shall sell, offer for sale or permit to be sold in,
2991 on or about the premises covered by such permit any alcoholic
2992 beverages except in the original sealed and unopened packages; or

2993 (b) Shall permit the drinking or consumption of any
2994 alcoholic beverages in, on or about the premises covered by such
2995 permit except as may be otherwise authorized by this article; or

2996 (c) Shall sell, offer for sale or permit the sale in,
2997 on or about the premises of alcoholic beverages in any package or
2998 container containing less than fifty (50) milliliters by liquid

2999 measure; then such person or employee shall be guilty of a
3000 misdemeanor and, upon conviction, shall be punished by a fine of
3001 not more than One Thousand Dollars (\$1,000.00) or by imprisonment
3002 in the county jail for a term of not more than one (1) year, or by
3003 both such fine and imprisonment, in the discretion of the court.
3004 In addition, in the case of the commission of any of such offenses
3005 by the holder of a permit, it shall be the duty of the * * *
3006 department forthwith to revoke the permit held by such person and
3007 conviction of the criminal offense shall not be a condition
3008 precedent to such revocation.

3009 **SECTION 43.** Section 67-1-77, Mississippi Code of 1972, is
3010 amended as follows:

3011 67-1-77. (1) It shall be unlawful for the holder of a
3012 manufacturer's or wholesaler's permit, or anyone connected with
3013 the business of such holder, or for any other distiller, wine
3014 manufacturer, rectifier, blender or bottler, to have any financial
3015 interest in any premises upon which any alcoholic beverage is sold
3016 at retail by any permittee, or in the business conducted by such
3017 permittee, except that:

3018 (a) The holder of a manufacturer's or wholesaler's
3019 permit may contract for the service of a representative in the
3020 area of governmental affairs on a part-time basis with a holder of
3021 an on-premises permit.

3022 (b) A distiller, wine manufacturer, rectifier, blender
3023 or bottler may have a financial interest in a premises upon which
3024 alcoholic beverages are sold at retail by a permittee, or in the

3025 business conducted by a permittee, if the permittee does not sell
3026 or serve any alcoholic beverages that are distilled, manufactured,
3027 rectified, blended or bottled by the distiller, wine manufacturer,
3028 rectifier, blender or bottler having the financial interest in the
3029 premises or in the business conducted by a permittee.

3030 (c) **[Through June 30, 2026]** A distiller, wine
3031 manufacturer, rectifier, blender or bottler may have a financial
3032 interest in and possess a distillery retailer's permit and a wine
3033 festival permit.

3034 (c) **[From and after July 1, 2026]** A distiller, wine
3035 manufacturer, rectifier, blender or bottler may have a financial
3036 interest in and possess a distillery retailer's permit.

3037 (d) The holder of a manufacturer's permit which is
3038 located adjacent to the Mississippi Museum of Art and is bordered
3039 by Court Street, Farish Street, South Street and Town Creek may
3040 have a financial interest in a premises upon which alcoholic
3041 beverages are sold at retail.

3042 (2) It shall also be unlawful for any such person, or anyone
3043 connected with his, its, or their business to lend any money or
3044 make any gift or offer any gratuity, to any retail permittee,
3045 except as authorized by regulations of the * * * department, to
3046 the holder of any retail permit issued under the provisions of
3047 this article. Except as above provided, no retail permittee shall
3048 accept, receive, or make use of any money or gift furnished by any
3049 such person, or become indebted to such person except for the
3050 purchase of alcoholic beverages.

3051 (3) The * * * department shall not prohibit the furnishing
3052 of advertising specialties, printed materials, or other things
3053 having nominal value to a retail permittee. This section shall
3054 not be construed to prohibit the possession by any person of
3055 advertising specialties, printed materials, or other things having
3056 nominal value furnished by a retail permittee.

3057 (4) Any person violating the provisions of this section
3058 shall, upon conviction, be punished by a fine of not more than
3059 Five Thousand Dollars (\$5,000.00) or by imprisonment for not more
3060 than two (2) years, or by both such fine and imprisonment, in the
3061 discretion of the court.

3062 **SECTION 44.** Section 67-1-83, Mississippi Code of 1972, is
3063 amended as follows:

3064 67-1-83. (1) It shall be unlawful for any permittee or any
3065 employee or agent thereof to sell or furnish any alcoholic
3066 beverage to any person who is visibly intoxicated, or to any
3067 person who is known to habitually drink alcoholic beverages to
3068 excess, or to any person who is known to be an habitual user of
3069 narcotics or other habit-forming drugs. It shall also be unlawful
3070 for the holder of any package retailer's permit to sell any
3071 alcoholic beverages except by delivery in person to the purchaser
3072 at the place of business of the permittee, unless the holder of a
3073 package retailer's permit also holds a delivery service permit or
3074 uses a delivery service permittee to effect delivery.

3075 (2) It shall be unlawful for any permittee or any employee
3076 or agent thereof to sell or furnish any alcoholic beverage to any

3077 person to whom the department has, after investigation, decided to
3078 prohibit the sale of those beverages because of an appeal to the
3079 department so to do by the husband, wife, father, mother, brother,
3080 sister, child, or employer of the person. The interdiction in
3081 those cases shall last until removed by the department, but no
3082 person shall be held to have violated this subsection unless he
3083 has been informed by the department, by registered letter, that it
3084 is forbidden to sell to that individual or unless that fact is
3085 otherwise known to the permittee or its employee or agent.

3086 (3) It shall be unlawful for any holder of a package
3087 retailer's permit, or any employee or agent thereof, engaged
3088 solely in the business of package retail sales under this article
3089 to sell or furnish any alcoholic beverage before 10:00 a.m. and
3090 after 10:00 p.m. or to sell alcoholic beverages on Sunday and
3091 Christmas Day.

3092 (4) Any person who violates any of the provisions of this
3093 section shall be guilty of a misdemeanor and, upon conviction,
3094 shall be punished by a fine of not more than Five Hundred Dollars
3095 (\$500.00) or by imprisonment in the county jail for a term of not
3096 more than six (6) months, or by both that fine and imprisonment,
3097 in the discretion of the court. In addition to any other
3098 penalties prescribed by law, the * * * department may immediately
3099 revoke the permit of any permittee who violates the provisions of
3100 this section.

3101 **SECTION 45.** Section 67-1-87, Mississippi Code of 1972, is
3102 amended as follows:

3103 67-1-87. (1) Any person convicted of a violation of any of
3104 the provisions of this article for which no other penalty is
3105 specifically provided herein shall be guilty of a misdemeanor and
3106 shall be punished by a fine of not more than One Thousand Dollars
3107 (\$1,000.00), or by imprisonment for not more than six (6) months,
3108 or by both such fine and imprisonment.

3109 (2) Any person convicted of a violation of any rules or
3110 regulations promulgated by the * * * department or corporation
3111 under the authority of this article shall be subject to a civil
3112 penalty to be assessed by the * * * department or corporation,
3113 respectively, in an amount not to exceed One Thousand Dollars
3114 (\$1,000.00) to be deposited into the State General Fund.

3115 **SECTION 46.** Section 67-1-89, Mississippi Code of 1972, is
3116 amended as follows:

3117 67-1-89. In addition to any other rights and remedies which
3118 it may have, the * * * department, in the name of the * * *
3119 commissioner, shall have the right to resort to and apply for
3120 injunctive relief, both temporary and permanent, in any court of
3121 competent jurisdiction to enforce compliance with the provisions
3122 of this article and to restrain and prevent violations and
3123 threatened violations thereof. The Attorney General, district
3124 attorneys and county attorneys of this state, shall aid and assist
3125 the * * * department in all such actions when requested by
3126 the * * * commissioner so to do.

3127 **SECTION 47.** Section 67-1-91, Mississippi Code of 1972, is
3128 amended as follows:

3129 67-1-91. (1) It is hereby made the duty of every police and
3130 peace officer and every district and county attorney and the * * *
3131 division of the * * * department to enforce the provisions of this
3132 article and to inform against and diligently prosecute persons
3133 whom they have reasonable cause to believe to be offenders against
3134 the provisions thereof. Every such officer refusing or neglecting
3135 to do so shall be guilty of a misdemeanor, and the court, in
3136 addition to imposing the penalty therefor, shall adjudge
3137 forfeiture of his office.

3138 (2) In any county or municipality where it is readily
3139 apparent that local law enforcement authorities in cooperation
3140 with the agents and inspectors provided by the * * * department
3141 cannot control the illegal sale of alcoholic beverages, the * * *
3142 department shall request such assistance as it may deem necessary
3143 from the Mississippi Highway Safety Patrol; and it shall be the
3144 duty of the Governor of the State of Mississippi to see that the
3145 laws of the state are properly enforced by use of the additional
3146 authority as herein provided.

3147 (3) The officers, agents and representatives of the * * *
3148 department and the * * * division thereof are authorized and
3149 directed to strictly enforce the prohibition laws throughout the
3150 state, except in those counties and municipalities which have
3151 voted for the legalized sale of intoxicating liquor. The State
3152 Highway Patrol, sheriffs, police departments, constables, and all
3153 peace officers, and prosecuting attorneys, the Attorney General's
3154 office, district attorneys, county attorneys, city attorneys, and

3155 all others charged with upholding the law, as well as the
3156 citizenry of this state, are hereby urged and directed to uphold
3157 the dignity of the law, to foster public respect therefor and to
3158 strictly enforce the laws against intoxicating liquor in all cases
3159 while operating a motor vehicle on the streets and highways of
3160 this state, and to enforce the law and prosecute against the
3161 wrongful use of intoxicating liquor in any county or municipality
3162 by a permit holder or licensee or anyone else under such
3163 circumstances and conditions as would lead to a breakdown in
3164 public law or is violative of the public sense of common decency,
3165 as well as to enforce the law against gambling, organized crime,
3166 or social vice and corruption.

3167 **SECTION 48.** Section 67-1-101, Mississippi Code of 1972, is
3168 amended as follows:

3169 67-1-101. (1) For the purposes of this section, the
3170 following words shall have the following meanings ascribed in this
3171 section, unless the context clearly otherwise requires:

3172 (a) "Municipality" means any incorporated city, town or
3173 village that has voted in favor of coming out from under the dry
3174 law or is in a county that has voted in favor of coming out from
3175 under the dry law.

3176 (b) "Leisure and recreation district" means an area
3177 officially designated by ordinance or resolution of the governing
3178 authorities of a municipality or county as a leisure and
3179 recreation district.

3180 (c) "County" means any county that has voted in favor
3181 of coming out from under the dry law.

3182 (2) (a) Subject to the provisions of this section, the
3183 governing authorities of a municipality, by ordinance, may
3184 establish one or more leisure and recreation districts within the
3185 corporate boundaries of the municipality and designate the
3186 geographic area or areas to be included within a district. The
3187 governing authorities of a municipality, by ordinance, may modify
3188 the boundaries of a leisure and recreation district. In addition,
3189 the boundaries of a leisure and recreation district may extend
3190 from within the municipality into the unincorporated area of the
3191 county in which the municipality is located if the county consents
3192 to the extension and has voted in favor of coming out from under
3193 the dry law.

3194 (b) Subject to the provisions of this section, the
3195 board of Supervisors of a county, by resolution, may establish one
3196 or more leisure and recreation districts within the county that
3197 are outside the corporate limits of any municipality in the county
3198 and designate the geographic area or areas to be included within
3199 the districts.

3200 (c) The designation or modification of the geographic
3201 area or areas as a leisure and recreation district shall include a
3202 detailed description of the area or areas within the district,
3203 boundaries of the district and a georeferenced map of the
3204 district. In addition to any other matters addressed in an
3205 ordinance or resolution establishing or modifying a leisure and

3206 recreation district, a municipality or county, as the case may be,
3207 must describe the manner in which the municipality or county, as
3208 the case may be, will provide for adequate law enforcement and
3209 other public safety measures and services within the district.
3210 Following the establishment and/or modification of a leisure and
3211 recreation district, the municipality or county, as the case may
3212 be, shall provide the department * * * with (i) a copy of any
3213 ordinance or resolution relating to the establishment or
3214 modification of the district, (ii) verification from the municipal
3215 police department and/or applicable sheriff's department
3216 indicating how such department will provide adequate law
3217 enforcement and other public safety measures and services within
3218 the district, and (iii) a list of persons or other entities that
3219 hold permits issued under Section 67-1-51(c), (e), (f), (g), (l),
3220 (n) or (o) and are located and/or doing business under such
3221 permits in the district at the time the district is established.

3222 **SECTION 49.** Section 67-1-201, Mississippi Code of 1972, is
3223 amended as follows:

3224 67-1-201. In addition to the definitions provided in Section
3225 67-1-5, which apply to this article, the following terms as used
3226 in this article shall have the following meanings unless otherwise
3227 required by the context:

3228 (a) "Commissioner" means the Commissioner of Revenue.

3229 (b) "Construction contractor" means an entity
3230 contracting with the Department of Finance and Administration to
3231 design and construct a warehouse under this article.

3232 (c) "Occasional improvements" means items of
3233 maintenance, repairs, upgrades or other improvements for the
3234 warehouse or its equipment that are not performed on a monthly
3235 basis.

3236 (d) "Regular maintenance" means monthly overhead
3237 expenses, including, but not limited to, utilities, cleaning
3238 services and lawn care.

3239 (e) "Shipping costs" means the cost to the * * *
3240 corporation per case of alcoholic beverages delivered from the
3241 warehouse to the permittee's premises.

3242 (f) "State" means the State of Mississippi.

3243 (g) "Warehouse" or "new warehouse" means a liquor
3244 distribution warehouse constructed under this article.

3245 (h) "Warehouse operator" or "operator" means an entity
3246 contracting with the * * * corporation to perform warehouse and
3247 distribution operations.

3248 (i) "Warehouse and distribution operations" or
3249 "operations" means services provided to or on behalf of the state
3250 for the management of the warehouse and the distribution of
3251 alcoholic beverages. "Warehouse and distribution operations" or
3252 "operations" may include shipping; however, nothing herein shall
3253 preclude the * * * corporation from entering into separate
3254 contracts for operations and for shipping.

3255 **SECTION 50.** Section 67-1-203, Mississippi Code of 1972, is
3256 amended as follows:

3257 67-1-203. (1) The Department of Finance and Administration,
3258 using the monies available in the ABC Warehouse Construction Fund
3259 created in Section 67-1-211(1) and such other monies as the
3260 Legislature may make available, shall purchase land for and shall
3261 provide for the design and construction of a warehouse for
3262 the * * * corporation in the most expedient and cost-effective
3263 manner practicable as determined by the Executive Director of the
3264 Department of Finance and Administration.

3265 (2) The Department of Finance and Administration shall
3266 select a suitable site for the warehouse within fifty (50) miles
3267 of the new state capitol building. In selecting a site, the
3268 Department of Finance and Administration shall consider the
3269 feasibility of selecting state-owned land by comparing the cost of
3270 preparing the state-owned land for construction to the cost of
3271 acquiring other land and preparing such other land for
3272 construction.

3273 (3) The contract for design and construction shall provide
3274 that the operator shall be consulted so that the warehouse may, so
3275 far as possible, suit the preferences of the operator in
3276 furtherance of effective operations. The contract shall also
3277 provide that the design shall aim to fill demand for the next
3278 twenty-five (25) years.

3279 (4) A contract for warehouse construction shall not be
3280 entered into unless the construction contractor has demonstrated:

3281 (a) The qualifications, experience and management
3282 personnel necessary to carry out the terms of the contract;

3283 (b) The ability to comply with applicable federal and
3284 state laws; and

3285 (c) The ability to expedite the design and construction
3286 of facilities comparable to the warehouse.

3287 **SECTION 51.** Section 67-1-205, Mississippi Code of 1972, is
3288 amended as follows:

3289 67-1-205. (1) The * * * corporation shall assume the
3290 department's contract for warehouse and distribution operations as
3291 of July 1, 2024, and shall negotiate all such subsequent
3292 contracts. The shipping contract in effect on July 1, 2022, shall
3293 remain in effect until the expiration of its term.

3294 (2) The * * * corporation shall pay regular maintenance
3295 expenses and shall reimburse the operator for services performed
3296 under the contract out of monies appropriated by the Legislature.

3297 (3) The contract shall include the following terms:

3298 (a) The * * * corporation shall pay the operator
3299 cost-plus on these operations at a set dollar amount per case of
3300 alcoholic beverages sold. Otherwise, the contract shall not alter
3301 the current cash flow of operations;

3302 (b) The operator shall be allotted a monthly spending
3303 limit for occasional improvements. The state may, at any time,
3304 review the operator's spending. The operator shall obtain prior
3305 state approval for any spending over the monthly limit set in the
3306 contract. The contract shall allow the operator to pay out of
3307 pocket, in which case the state will reimburse the operator on a

3308 monthly basis out of monies in the ABC Warehouse Improvements Fund
3309 created in Section 67-1-211(2);

3310 (c) Shipping costs, where the contract encompasses
3311 shipping, shall be based on a set dollar amount per case of
3312 alcoholic beverages shipped from the warehouse to the permittee's
3313 premises;

3314 (d) The * * * corporation and the operator may provide
3315 for the operator's software to interface with the * * *
3316 corporation's system in a manner allowing for information sharing
3317 in furtherance of efficient operations while also protecting the
3318 security of the * * * corporation's system;

3319 (e) The * * * corporation shall develop quality and
3320 efficiency criteria for determining whether to renew a contract
3321 for warehouse and distribution operations;

3322 (f) The obligation of the * * * corporation to proceed
3323 under the contract is conditioned upon the appropriation of funds
3324 by the Legislature and the receipt of state or federal funds. If
3325 the funds anticipated for the continuing time fulfillment of the
3326 agreement are, at any time, not forthcoming or insufficient,
3327 either through the failure of the federal government to provide
3328 funds or of the State of Mississippi to appropriate funds, or the
3329 discontinuance or material alteration of the program under which
3330 funds were provided, or if funds are not otherwise available to
3331 the * * * corporation, the * * * corporation shall have the right,
3332 upon ten (10) working days' written notice to the operator, to
3333 terminate this agreement without damage, penalty, cost or other

3334 expenses to the * * * corporation of any kind whatsoever. The
3335 effective date of termination shall be as specified in the notice
3336 of termination;

3337 (g) The state and the operator as parties to the
3338 contract and all terms of the contract shall be subject to and
3339 governed by the laws of the state at the time the contract is
3340 entered into, and any later amendments to such laws, through the
3341 duration of the contract; and

3342 (h) The operator shall be required to comply with any
3343 duties, responsibilities, conditions or other provisions required
3344 by state law during the duration of the contract, regardless of
3345 whether such duties, responsibilities, conditions or other
3346 provisions were required by state law at the time the contract was
3347 entered into.

3348 (4) The initial contract for operations shall terminate on
3349 the earlier of: (a) four (4) years from the date it commences; or
3350 (b) the last day of the use of the warehouse that is in service on
3351 July 1, 2022. The contract may be renewed for four (4) years,
3352 with another option to renew at the end of that four-year term.
3353 The * * * corporation shall issue requests for proposals before
3354 entering any subsequent contract. Requests for proposals shall be
3355 required whenever a contract is not renewed, but no less
3356 frequently than every twelve (12) years.

3357 (5) The contract shall provide that all employees needed for
3358 operations shall be employees of the operator.

3359 (6) A contract for warehouse and distribution operations
3360 shall not be entered into unless the operator has demonstrated:

3361 (a) The qualifications, experience and management
3362 personnel necessary to carry out the terms of the contract; and

3363 (b) The ability to comply with applicable federal and
3364 state laws.

3365 (7) A contract for operations shall not be entered into
3366 unless the following requirements are met:

3367 (a) In addition to fire and casualty insurance, the
3368 operator provides at least Ten Million Dollars (\$10,000,000.00) of
3369 liability insurance. The liability insurance shall be issued by
3370 an insurance company with a rating of at least an A- according to
3371 AM Best standards. In determining the adequacy of such insurance,
3372 the Department of Finance and Administration shall determine
3373 whether:

3374 (i) The insurance is adequate to protect the state
3375 from any and all actions by a third party against the operator or
3376 the state as a result of the contract;

3377 (ii) The insurance is adequate to protect the
3378 state against any and all claims arising as a result of any
3379 occurrence during the term of the contract;

3380 (iii) The insurance is adequate to assure the
3381 operator's ability to fulfill its contract with the state in all
3382 respects, and to assure that the operator is not limited in this
3383 ability because of financial liability which results from
3384 judgments; and

3385 (iv) The insurance is adequate to satisfy such
3386 other requirements specified by the independent risk
3387 management/actuarial firm.

3388 (b) The sovereign immunity of the state shall not apply
3389 to the operator. Neither the operator nor the operator's insurer
3390 may plead the defense of sovereign immunity in any action arising
3391 out of the performance of the contract.

3392 (c) The operator shall post a performance bond to
3393 assure the operator's faithful performance of the specifications
3394 and conditions of the contract. The bond is required throughout
3395 the term of the contract. The terms and conditions must be
3396 approved by the * * * corporation and the Department of Finance
3397 and Administration, and such approval is a condition precedent to
3398 the contract taking effect.

3399 (d) The operator shall defend any suit or claim brought
3400 against the state arising out of any act or omission in
3401 operations, and shall hold the state harmless from such claim or
3402 suit. The operator shall be solely responsible for the payment of
3403 any legal or other costs relative to any such claim or suit. The
3404 operator shall reimburse the state for any costs that it may incur
3405 as a result of such claim or suit immediately upon being submitted
3406 a statement therefor by the Attorney General.

3407 Any suit brought or claim made arising out of any act or
3408 omission in operations shall be made or brought against the
3409 operator and not the state.

3410 The Attorney General retains all rights and emoluments of his
3411 or her office which include direction and control over any
3412 litigation or claim involving the state.

3413 **SECTION 52.** Section 67-1-207, Mississippi Code of 1972, is
3414 amended as follows:

3415 67-1-207. A plan shall be developed and certified by
3416 the * * * president which demonstrates the method by which the
3417 state would resume control of the warehouse upon termination of
3418 the contract for operations. The plan shall be submitted for
3419 review and comment to the Governor, the Lieutenant Governor, the
3420 Speaker of the House, the Chairmen of the Senate Finance Committee
3421 and the House Ways and Means Committee, and the Joint Legislative
3422 Committee on Performance Evaluation and Expenditure Review.

3423 **SECTION 53.** Section 67-1-211, Mississippi Code of 1972, is
3424 amended as follows:

3425 67-1-211. (1) A special fund, to be designated the "ABC
3426 Warehouse Construction Fund," is created within the State
3427 Treasury. The fund shall be maintained by the State Treasurer as
3428 a separate and special fund, separate and apart from the State
3429 General Fund * * *. Monies in this special fund shall be used to
3430 assist the Department of Finance and Administration in paying the
3431 costs associated with land acquisition for, and the design,
3432 construction, furnishing and equipping of, a new warehouse for
3433 the * * * corporation. In addition, monies in this special fund
3434 shall be used to pay the costs of relocating inventory to the new
3435 warehouse from the warehouse that is in service on July 1, 2022.

3436 Unexpended amounts remaining in the fund at the end of a fiscal
3437 year shall not lapse into the State General Fund, and any interest
3438 earned or investment earnings or interest earned on amounts in the
3439 fund shall be deposited to the credit of the fund.

3440 (2) A special fund, to be designated the "ABC Warehouse
3441 Improvements Fund," is created within the State Treasury. The
3442 fund shall be maintained by the State Treasurer as a separate and
3443 special fund, separate and apart from the State General
3444 Fund * * *. Monies in this special fund shall be used to assist
3445 the * * * corporation in paying the costs associated with
3446 occasional improvements. Unexpended amounts remaining in the fund
3447 at the end of a fiscal year shall not lapse into the State General
3448 Fund, and any interest earned or investment earnings or interest
3449 earned on amounts in the fund shall be deposited to the credit of
3450 the fund.

3451 **SECTION 54.** Section 67-3-3, Mississippi Code of 1972, is
3452 amended as follows:

3453 67-3-3. When used in this chapter, unless the context
3454 indicates otherwise:

3455 (a) "Commissioner" means the Commissioner of
3456 Revenue * * *, and his authorized agents and employees.

3457 (b) "Person" means one or more persons, a company, a
3458 corporation, a partnership, a syndicate or an association.

3459 (c) "Brewpub" shall have the meaning ascribed to such
3460 term in Section 27-71-301.

3461 (d) "Beer" means a malt beverage as defined in the
3462 Federal Alcohol Administration Act and any rules and regulations
3463 adopted pursuant to such act of an alcoholic content of not more
3464 than eight percent (8%) by weight.

3465 (e) "Light wine" means wine of an alcoholic content of
3466 not more than five percent (5%) by weight.

3467 (f) "Small craft brewery" means a person having a
3468 permit under this chapter to manufacture or brew light wine, light
3469 spirit product or beer in this state and who manufactures or brews
3470 not more than sixty thousand (60,000) barrels of light wine, light
3471 spirit product or beer at all breweries that such person or its
3472 affiliates, subsidiary or parent company owns or controls or with
3473 whom such person contracts with for the manufacture of light wine,
3474 light spirit product or beer. For purposes of this paragraph,
3475 contract-brewed beer manufactured by a person having a permit
3476 under this chapter to manufacture or brew light wine, light spirit
3477 product or beer shall be included in the sixty-thousand-barrel
3478 limitation.

3479 (g) "Growler" means a sealed container that holds not
3480 more than one hundred twenty-eight (128) ounces of light wine,
3481 light spirit product or beer. A growler must have a label on it
3482 stating what it contains.

3483 (h) "Manufacturer" shall have the meaning ascribed to
3484 such term in Section 27-71-301.

3485 (i) "Contract-brewed beer" means beer brewed by a
3486 manufacturer who:

3487 (i) Makes the beer pursuant to a written contract
3488 with another beer manufacturer, and neither entity has a
3489 controlling interest in the other entity;

3490 (ii) Makes the beer in accordance with a recipe
3491 that is a trade secret of the beer manufacturer having its beer
3492 made under contract; and

3493 (iii) Has no right to sell the beer to any other
3494 beer manufacturer, importer or wholesaler other than the beer
3495 manufacturer who contracted for the beer.

3496 (j) "Light spirit product" means a beverage of an
3497 alcoholic content of not more than six percent (6%) by weight and
3498 containing one or more distilled spirits, as defined in Section
3499 67-1-5.

3500 (k) "Microbrewery" means a person having a permit under
3501 this chapter to manufacture or brew light wine, light spirit
3502 product or beer in this state and who manufactures or brews not
3503 more than three thousand (3,000) barrels of light wine, light
3504 spirit product or beer at its permitted location.

3505 (l) "Corporation" means the Mississippi Alcoholic
3506 Beverage Corporation.

3507 (m) "President" means the President of the Alcoholic
3508 Beverage Corporation, who shall serve as the corporation's chief
3509 executive officer.

3510 **SECTION 55.** Section 67-3-17, Mississippi Code of 1972, is
3511 amended as follows:

3512 67-3-17. (1) Any person desiring to engage in any business
3513 taxable under Sections 27-71-303 through 27-71-317, * * * either
3514 as a retailer, or as a wholesaler or distributor, or as a
3515 manufacturer, of light wines, light spirit products or beer, shall
3516 file with the commissioner an application for a permit allowing
3517 him to engage in such business. The application for a permit
3518 shall contain a statement showing the name of the business, and if
3519 a partnership, firm, association or limited liability company, the
3520 name of each partner or member, and if a corporation the names of
3521 two (2) principal officers, the post office address, and the
3522 nature of business in which engaged. In case any business is
3523 conducted at two (2) or more separate places, a separate permit
3524 for each place of business shall be required. The commissioner
3525 shall prescribe the form of the application and designate who is
3526 required to sign the application. The application shall be signed
3527 under penalty of perjury.

3528 (2) The application shall include a statement that the
3529 applicant will not, except as otherwise authorized in this
3530 chapter, allow any alcoholic beverages as defined in Section
3531 67-1-5, any beer having an alcoholic content of more than eight
3532 percent (8%) by weight, any spirit product having an alcoholic
3533 content of more than six percent (6%) by weight, or any wine
3534 having an alcoholic content of more than five percent (5%) by
3535 weight, to be kept, stored or secreted in or on the premises
3536 described in such permit or license, and that the applicant will
3537 not otherwise violate any law of this state, or knowingly allow

3538 any other person to violate any such law, while in or on such
3539 premises.

3540 (3) Each application or filing made under this section shall
3541 include the social security number(s) of the applicant in
3542 accordance with Section 93-11-64 * * *.

3543 **SECTION 56.** Section 67-3-19, Mississippi Code of 1972, is
3544 amended as follows:

3545 67-3-19. Where application is made for a permit to engage in
3546 the business of a retailer of light wine, light spirit product or
3547 beer, the applicant shall show in his application that he
3548 possesses the following qualifications:

3549 (a) Applicant must be a person at least twenty-one (21)
3550 years of age, of good moral character and a resident of the State
3551 of Mississippi.

3552 (b) Applicant shall not have been convicted of a
3553 felony, or of pandering or of keeping or maintaining a house of
3554 prostitution, or have been convicted within two (2) years of the
3555 date of his application of any violation of the laws of this state
3556 or the laws of the United States relating to alcoholic liquor.

3557 (c) Applicant shall not have had revoked, except for a
3558 violation of Section 67-3-52, within two (2) years next preceding
3559 his application, any license or permit issued to him pursuant to
3560 the laws of this state, or any other state, to sell alcoholic
3561 liquor of any kind.

3562 (d) Applicant shall be the owner of the premises for
3563 which the permit is sought or the holder of an existing lease
3564 thereon.

3565 (e) Applicant shall not be residentially domiciled with
3566 any person whose permit has been revoked for cause, except for a
3567 violation of Section 67-3-52, within two (2) years next preceding
3568 the date of the present application for a permit.

3569 (f) The applicant has not had any license or permit to
3570 sell beer, light spirit product or light wine at retail revoked,
3571 within five (5) years next preceding his application, due to a
3572 violation of Section 67-3-52.

3573 (g) Applicant shall not employ any person whose permit
3574 has been revoked when such person owned or operated the business
3575 on the premises for which a permit is sought or allow such person
3576 to have any financial interest in the business of the applicant,
3577 until such person is qualified to obtain a permit in his own name.

3578 (h) The applicant is not indebted to the State of
3579 Mississippi for any taxes.

3580 (i) If applicant is a partnership, all members of the
3581 partnership must be qualified to obtain a permit. Each member of
3582 the partnership must be a resident of the State of Mississippi.

3583 (j) If applicant is a corporation, all officers and
3584 directors thereof, and any stockholder owning more than five
3585 percent (5%) of the stock of such corporation, and the person or
3586 persons who shall conduct and manage the licensed premises for the
3587 corporation shall possess all the qualifications required herein

3588 for any individual permittee. However, the requirements as to
3589 residence shall not apply to officers, directors and stockholders
3590 of such corporation.

3591 Any misstatement or concealment of fact in an application
3592 shall be grounds for denial of the application or for revocation
3593 of the permit issued thereon.

3594 The commissioner may refuse to issue a permit to an applicant
3595 for a place that is frequented by known criminals, prostitutes, or
3596 other law violators or troublemakers who disturb the peace and
3597 quietude of the community and frequently require the assistance of
3598 peace officers to apprehend such law violators or to restore
3599 order. The burden of proof of establishing the foregoing shall
3600 rest upon the commissioner.

3601 **SECTION 57.** Section 67-3-22, Mississippi Code of 1972, is
3602 amended as follows:

3603 67-3-22. (1) The production limits for a brewpub shall be
3604 based upon production as determined by the department * * *
3605 pursuant to Section 27-71-307 * * * and a brewpub shall not
3606 manufacture more than seventy-five thousand (75,000) gallons of
3607 light wine or beer per calendar year.

3608 (2) Light wine or beer produced at a brewpub shall not be
3609 sold at a price less than it cost to manufacture such light wine
3610 or beer.

3611 (3) A brewpub shall be required to offer for sale light wine
3612 or beer that is normally carried on the inventory of wholesalers
3613 or distributors of light wine or beer.

3614 **SECTION 58.** Section 67-3-23, Mississippi Code of 1972, is
3615 amended as follows:

3616 67-3-23. Upon receipt of an application for a permit to
3617 engage in any business taxable under * * * Sections 27-71-303
3618 through 27-71-317 * * * and the oath required by Section 67-3-17,
3619 the commissioner shall issue to such applicant, without cost, a
3620 permit to engage in such business upon condition that the
3621 applicant shall obtain a license and pay the tax imposed under the
3622 provisions of law for the privilege of engaging, or continuing, in
3623 such business. Such permit shall be displayed at all times in
3624 some conspicuous place at the applicant's place of business. No
3625 permit shall be transferable.

3626 **SECTION 59.** Section 67-3-28, Mississippi Code of 1972, is
3627 amended as follows:

3628 67-3-28. (1) Any person desiring to engage in business as a
3629 brewpub shall file with the commissioner, along with the
3630 application required by Section 67-3-17, * * * a certificate
3631 issued by a licensed testing laboratory indicating that such
3632 laboratory has tested a sample of the applicant's beer, light
3633 spirit product or light wine, or a combination thereof, and that
3634 the alcohol content of such sample of beer does not exceed eight
3635 percent (8%) by weight, and the alcohol content of such sample of
3636 light spirit product does not exceed six percent (6%) by weight,
3637 and the alcoholic content of such sample of light wine does not
3638 exceed five percent (5%) by weight.

3639 (2) Every brewpub shall be required to submit to random
3640 testing by the commissioner to determine whether any beer being
3641 manufactured, sold, kept, stored or secreted by the license holder
3642 contains an alcohol content greater than eight percent (8%) by
3643 weight, and light spirit product being manufactured, sold, kept,
3644 stored or secreted by the license holder contains an alcoholic
3645 content greater than six percent (6%) by weight, and any light
3646 wine being manufactured, sold, kept, stored or secreted by the
3647 license holder contains an alcoholic content greater than five
3648 percent (5%) by weight. The commissioner shall establish and
3649 administer testing standards and procedures to be used in such
3650 random testing. The brewpub licensee shall be responsible for all
3651 costs incurred by the commissioner in conducting random testing
3652 under this section.

3653 **SECTION 60.** Section 67-5-5, Mississippi Code of 1972, is
3654 amended as follows:

3655 67-5-5. For purposes of this chapter, the following words
3656 and phrases shall have the definitions ascribed herein, unless the
3657 context otherwise requires:

3658 (a) "Native wine" shall mean any product, produced in
3659 Mississippi for sale, having an alcohol content not to exceed
3660 twenty-one percent (21%) by weight and made in accordance with
3661 revenue laws of the United States, which shall be obtained
3662 primarily from the alcoholic fermentation of the juice of ripe
3663 grapes, fruits, berries, honey or vegetables grown and produced in
3664 Mississippi; provided that bulk, concentrated or fortified wines

3665 used for blending may be produced without this state and used in
3666 producing native wines. The * * * department shall adopt and
3667 promulgate rules and regulations to permit a producer to import
3668 such bulk and/or fortified wines into this state for use in
3669 blending with native wines without payment of any excise tax that
3670 would otherwise accrue thereon. In order to be classified as
3671 "native wine" under the provisions of this chapter, at least
3672 fifty-one percent (51%) of the finished product by volume shall
3673 have been obtained from fermentation of grapes, fruits, berries,
3674 honey or vegetables grown and produced in Mississippi.

3675 (b) "Native winery" shall mean any place or
3676 establishment within this state where native wine is produced in
3677 whole or in part for sale.

3678 (c) "Produce" shall mean to do or to perform any act or
3679 thing in the process of making native wine.

3680 (d) "Person" shall mean one or more natural persons, or
3681 a corporation, partnership or association.

3682 (e) "Producer" shall mean any person who owns, operates
3683 or conducts a native winery, but it does not mean the employees of
3684 such persons.

3685 (f) "Consumer" shall mean any person who purchases
3686 native wine for the purpose of consuming it, giving it away, or
3687 distributing it in any way other than by sale, barter or exchange.

3688 (g) "Commission" or "department" shall mean the
3689 Mississippi * * * Department of Revenue.

3690 (h) * * * "Corporation" shall mean the Mississippi
3691 Alcoholic Beverage Corporation.

3692 (i) "President" shall mean the President of the
3693 Alcoholic Beverage Corporation, who shall serve as the
3694 corporation's chief executive officer.

3695 **SECTION 61.** Section 67-5-9, Mississippi Code of 1972, is
3696 amended as follows:

3697 67-5-9. (1) Every native winery in the State of Mississippi
3698 shall apply for a permit as provided for in Section 67-1-51, * * *
3699 and shall be issued said initial and renewal permit by the * * *
3700 department upon meeting the qualifications and requirements
3701 presently set forth by law or regulation for permits authorized by
3702 said Section 67-1-51.

3703 (2) Every native winery shall register with the Secretary of
3704 State, shall show the location and permit number of said winery,
3705 shall show the name and address of the producer owning, conducting
3706 or operating the winery, shall show the name and address of all
3707 local agents and such other pertinent information which may be
3708 required by the Secretary of State, and shall appoint an agent for
3709 service of process within the State of Mississippi.

3710 **SECTION 62.** Section 67-5-11, Mississippi Code of 1972, is
3711 amended as follows:

3712 67-5-11. (1) Within the State of Mississippi, every native
3713 winery is authorized to make sales to the * * * corporation or to
3714 consumers at the location of the native winery or its immediate
3715 vicinity. Every native winery is authorized to make sales to any

3716 producer, manufacturer, wholesaler, retailer or consumer located
3717 outside of the State of Mississippi who are authorized by law to
3718 purchase the same.

3719 (2) With respect to native wines or distilled spirits sold
3720 by the * * * corporation to retailers under Section 67-1-41, the
3721 native winery or distillery retailer may hold those wines or
3722 spirits for onsite pickup instead of shipping them to the * * *
3723 corporation warehouse, at the option of the retailer and pursuant
3724 to any rules promulgated by the * * * corporation.

3725 **SECTION 63.** Section 67-5-13, Mississippi Code of 1972, is
3726 amended as follows:

3727 67-5-13. (1) Upon every producer holding a permit for the
3728 production of native wine, there is levied and imposed for each
3729 location for the privilege of engaging and continuing in this
3730 state in the production of native wine an annual privilege license
3731 tax in an amount equal to Ten Dollars (\$10.00) for each ten
3732 thousand (10,000) gallons, or any part thereof, of native wine
3733 produced by the winery.

3734 (2) There is levied and assessed an excise tax upon each
3735 case of native wine sold by a producer to any source to be
3736 collected from the producer in the amount provided for in Section
3737 27-71-7. However, native wine produced in Mississippi for export
3738 and sale without this state and native wine produced in
3739 Mississippi and sold to the * * * corporation shall not be subject
3740 to the excise tax, nor shall the tax accrue or be collected on

3741 native wines dispensed, as free samples in quantities of not more
3742 than six (6) ounces, in the tasting room of a native winery.

3743 (3) The privilege tax imposed by subsection (1) of this
3744 section shall be collected in the same manner as presently
3745 provided by law for the collection of other alcoholic beverages.
3746 The excise tax imposed by subsection (2) of this section shall be
3747 reported monthly by the producer to the * * * department and the
3748 corporation on all sales made in Mississippi to consumers at the
3749 location of the native winery or its immediate vicinity, along
3750 with a statement of gallonage produced during that month, and the
3751 producer shall remit the tax due and owing with each report. The
3752 producer shall also include in the report a statement of gallonage
3753 sold and exported for sale outside this state.

3754 (4) The corporation shall remit all taxes levied by and
3755 collected under this section to the department in accordance with
3756 regulations promulgated by the department, and all such taxes
3757 shall be deposited in the State General Fund.

3758 **SECTION 64.** Section 67-7-5, Mississippi Code of 1972, is
3759 amended as follows:

3760 67-7-5. As used in this chapter, the following words or
3761 phrases, or the plural thereof, whenever they appear in this
3762 chapter, unless the context clearly requires otherwise, shall have
3763 the meaning ascribed to them in this section.

3764 (a) "Agreement" means any agreement between a
3765 wholesaler and a supplier, whether oral or written, whereby a
3766 wholesaler is granted the right to purchase and sell a brand or

3767 brands of light wine, light spirit product or beer sold by a
3768 supplier.

3769 (b) "Ancillary business" means a business owned by the
3770 wholesaler, by a substantial stockholder of a wholesaler, or by a
3771 substantial partner of a wholesaler, the primary business of which
3772 is directly related to the transporting, storing or marketing of
3773 the brand or brands of light wine, light spirit product or beer of
3774 a supplier with whom the wholesaler has an agreement; or a
3775 business owned by a wholesaler, a substantial stockholder of a
3776 wholesaler.

3777 (c) "Commission" or "department" means the Mississippi
3778 Department of Revenue * * *.

3779 (d) "Commissioner" means the Commissioner of
3780 Revenue * * *.

3781 (e) "Designated member" means the spouse, child,
3782 grandchild, parent, brother or sister of a deceased individual who
3783 owned an interest, including a controlling interest, in a
3784 wholesaler, or any person who inherits under the deceased
3785 individual's will, or under the laws of intestate succession of
3786 this state; or any person who or entity which has otherwise,
3787 through a valid testamentary device by the deceased individual,
3788 succeeded the deceased individual in the wholesaler's business, or
3789 has succeeded to the deceased individual's ownership interest in
3790 the wholesaler pursuant to a written contract or instrument which
3791 has been previously approved by the supplier; "designated member"
3792 includes the appointed and qualified personal representative and

3793 the testamentary trustee of a deceased individual owning an
3794 ownership interest in a wholesaler, and it includes the person
3795 appointed by a court as the guardian or conservator of the
3796 property of an incapacitated individual owning an ownership
3797 interest in a wholesaler.

3798 (f) "Establish" means to adjust or regulate, to provide
3799 for and uphold.

3800 (g) "Good faith" means honesty in fact and observance
3801 of reasonable commercial standards of fair dealing in the trade,
3802 as defined in and interpreted under the Uniform Commercial Code.

3803 (h) "Reasonable qualifications" means the standard of
3804 the reasonable criteria established and consistently used by the
3805 respective supplier for similarly situated wholesalers that
3806 entered into, continued or renewed an agreement with the supplier
3807 during a period of twenty-four (24) months before the proposed
3808 transfer of the wholesaler's business, or for similarly situated
3809 wholesalers who have changed managers or designated managers,
3810 under the agreement, during a period of twenty-four (24) months
3811 before the proposed change in the manager or successor manager of
3812 the wholesaler's business.

3813 (i) "Retaliatory action" means the refusal to continue
3814 an agreement, or a material reduction in the quality of service or
3815 quantity of products available to a wholesaler under an agreement,
3816 which refusal or reduction is not made in good faith.

3817 (j) "Sales territory" means a primary area of sales
3818 responsibility for the brand or brands of light wine, light spirit
3819 product or beer sold by a supplier as designated by an agreement.

3820 (k) "Substantial stockholder or substantial partner"
3821 means a stockholder or partner in the wholesaler who owns an
3822 interest of ten percent (10%) or more of the partnership or of the
3823 capital stock of a corporate wholesaler.

3824 (l) "Successor" means a person who replaces a supplier
3825 with regard to the right to manufacture, sell, distribute or
3826 import a brand or brands of light wine, light spirit product or
3827 beer.

3828 (m) "Supplier" means a manufacturer or importer of
3829 light wine, light spirit product or beer as regulated by the
3830 department under Sections 67-3-1 through 67-3-73.

3831 (n) "Transfer of wholesaler's business" means the
3832 voluntary sale, assignment or other transfer of ten percent (10%)
3833 or more of control of the business or all or substantially all of
3834 the assets of the wholesaler, or ten percent (10%) or more of
3835 control of the capital stocks of the wholesaler, including without
3836 limitation the sale or other transfer of capital stock or assets
3837 by merger, consolidation or dissolution, or of the capital stock
3838 of the parent corporation, or of the capital stock or beneficial
3839 ownership of any other entity owning or controlling the
3840 wholesaler.

3841 (o) "Wholesaler" means a wholesaler of light wine,
3842 light spirit product or beer as regulated by the department under
3843 Sections 67-3-1 through 67-3-73.

3844 (p) "Similarly situated wholesalers" means wholesalers
3845 of a supplier that are of a generally comparable size and operate
3846 in markets in Mississippi and adjoining states with similar
3847 demographic characteristics, including population size, density,
3848 distribution and vital statistics, as well as reasonably similar
3849 economic and geographic conditions.

3850 (q) "Light wine, light spirit product and/or beer" has
3851 the meaning ascribed to such terms in Section 67-3-3.

3852 (r) "Corporation" means the Mississippi Alcoholic
3853 Beverage Corporation.

3854 (s) "President" means the President of the Alcoholic
3855 Beverage Corporation, who shall serve as the corporation's chief
3856 executive officer.

3857 **SECTION 65.** Section 67-7-11, Mississippi Code of 1972, is
3858 amended as follows:

3859 67-7-11. (1) Except as otherwise provided for in this
3860 chapter, a supplier shall not amend or modify an agreement; cause
3861 a wholesaler to resign from an agreement; or cancel, terminate,
3862 fail to renew or refuse to continue under an agreement, unless the
3863 supplier has complied with all of the following:

3864 (a) Has satisfied the applicable notice requirements of
3865 this section.

3866 (b) Has acted in good faith.

3867 (c) Has good cause for the amendment, modification,
3868 cancellation, termination, nonrenewal, discontinuance or forced
3869 resignation.

3870 (2) In any action challenging such amendment, modification,
3871 termination, cancellation, nonrenewal or discontinuance, the
3872 supplier shall have the burden of proving that it has acted in
3873 good faith, that the notice requirements under this section have
3874 been complied with, and that there was good cause for the
3875 amendment, modification, termination, cancellation, nonrenewal or
3876 discontinuance.

3877 (3) Except as otherwise provided in this section, and in
3878 addition to the time limits set forth in subsection (4)(d) of this
3879 section, the supplier shall furnish written notice of the
3880 amendment, modification, termination, cancellation, nonrenewal or
3881 discontinuance of an agreement to the wholesaler not less than
3882 thirty (30) days before the effective date of the amendment,
3883 modification, termination, cancellation, nonrenewal or
3884 discontinuance. The notice shall be by certified mail and shall
3885 contain all of the following:

3886 (a) A statement of intention to amend, modify,
3887 terminate, cancel, nonrenew or discontinue the agreement.

3888 (b) A statement of the reason for the amendment,
3889 modification, termination, cancellation, nonrenewal or
3890 discontinuance.

3891 (c) The date on which the amendment, modification,
3892 termination, cancellation, nonrenewal or discontinuance takes
3893 effect.

3894 (4) Good cause shall exist for the purposes of a
3895 termination, cancellation, nonrenewal or discontinuance under
3896 subsection (1)(c) of this section when all of the following occur:

3897 (a) There is a failure by the wholesaler to comply with
3898 a provision of the agreement which is both reasonable and of
3899 material significance to the business relationship between the
3900 wholesaler and the supplier.

3901 (b) The supplier first acquired knowledge of the
3902 failure described in * * * paragraph (a) not more than twenty-four
3903 (24) months before the date notification was given pursuant to
3904 subsection (3) of this section.

3905 (c) The wholesaler was given notice by the supplier of
3906 failure to comply with this agreement.

3907 (d) The wholesaler has been afforded thirty (30) days
3908 in which to submit a plan of corrective action to comply with the
3909 agreement and an additional ninety (90) days to cure such
3910 noncompliance in accordance with the plan.

3911 (5) Notwithstanding subsections (1) and (3) of this section,
3912 a supplier may terminate, cancel, fail to renew or discontinue an
3913 agreement immediately upon written notice given in the manner and
3914 containing the information required by subsection (3)(a), (b) and
3915 (c) of this section if any of the following occur:

3916 (a) Insolvency of the wholesaler, the filing of any
3917 petition by or against the wholesaler under any bankruptcy or
3918 receivership law or the assignment for the benefit of creditors or
3919 dissolution or liquidation of the wholesaler which materially
3920 affects the wholesaler's ability to remain in business.

3921 (b) Revocation or suspension of the wholesaler's state
3922 or federal license by the appropriate regulatory agency whereby
3923 the wholesaler cannot service the wholesaler's sales territory for
3924 more than thirty-one (31) days.

3925 (c) The wholesaler, or a partner or an individual who
3926 owns ten percent (10%) or more of the partnership or stock of a
3927 corporate wholesaler, has been convicted of a felony under the
3928 United States Code or the laws of any state which reasonably may
3929 adversely affect the good will or interest of the wholesaler or
3930 supplier. However, an existing stockholder or stockholders, or
3931 partner or partners, or a designated member or members, shall
3932 have, subject to the provisions of this chapter, the right to
3933 purchase the partnership interest or the stock of the offending
3934 partner or stockholder prior to the conviction of the offending
3935 partner or stockholder, and if the sale is completed prior to
3936 conviction the provisions of this * * * paragraph shall not apply.

3937 (d) There was fraudulent conduct relating to a material
3938 matter on the part of the wholesaler in dealings with the supplier
3939 or its product, except that the supplier shall have the burden of
3940 proving fraudulent conduct relating to a material matter on the

3941 part of the wholesaler in any legal action challenging such
3942 termination.

3943 (e) The wholesaler failed to confine to the designated
3944 sales territory its sales of a brand or brands to retailers except
3945 that this subsection does not apply if there is a dispute between
3946 two (2) or more wholesalers as to the boundaries of the assigned
3947 territory, and the boundaries cannot be determined by a reading of
3948 the description contained in the agreements between the supplier
3949 and the wholesalers.

3950 (f) A wholesaler has failed to pay for light wine,
3951 light spirit product or beer ordered and delivered in accordance
3952 with established terms and the wholesaler fails to make full
3953 payment within five (5) business days after receipt of written
3954 notice of the delinquency and demand for immediate payment from
3955 the supplier.

3956 (g) A wholesaler intentionally has made a transfer of
3957 wholesaler's business, other than a transfer to a designated
3958 member without prior written notice to the supplier.

3959 (h) A wholesaler intentionally has made a transfer of
3960 wholesaler's business, other than a transfer to a designated
3961 member, although the wholesaler has prior to said transfer
3962 received from supplier a timely notice of disapproval of said
3963 transfer in accordance with this chapter.

3964 (i) The wholesaler intentionally ceases to carry on
3965 business with respect to any of supplier's brand or brands
3966 previously serviced by wholesaler in its territory designated by

3967 the supplier, unless such cessation is due to force majeure or to
3968 labor dispute and the wholesaler has made good faith efforts to
3969 overcome such events. Provided, however, this shall affect only
3970 that brand or brands with respect to which the wholesaler ceased
3971 to carry on business.

3972 (6) Notwithstanding subsections (1), (3) and (5) of this
3973 section, a supplier may terminate, cancel, not renew or
3974 discontinue an agreement upon not less than thirty (30) days prior
3975 written notice if the supplier discontinues production or
3976 discontinues distribution in this state of all the brands sold by
3977 the supplier to the wholesaler, except that nothing in this
3978 section shall prohibit a supplier from: (a) upon not less than
3979 thirty (30) days notice, discontinuing the distribution of any
3980 particular brand or package of light wine, light spirit product or
3981 beer; or (b) conducting test marketing of a new brand of light
3982 wine, light spirit product or beer which is not currently being
3983 sold in this state, except that the supplier has notified the
3984 department and the corporation in writing of its plans to test
3985 market, which notice shall describe the market area in which the
3986 test shall be conducted; the name or names of the wholesaler or
3987 wholesalers who will be selling the light wine, light spirit
3988 product or beer; the name or names of the brand of light wine,
3989 light spirit product or beer being tested; and the period of time,
3990 not to exceed eighteen (18) months, during which the testing will
3991 take place.

3992 **SECTION 66.** Section 67-11-3, Mississippi Code of 1972, is
3993 amended as follows:

3994 67-11-3. For purposes of this chapter, the following words
3995 and phrases shall have the definitions ascribed herein, unless the
3996 context otherwise requires:

3997 (a) "Native spirit" shall mean any beverage, produced
3998 in Mississippi for sale, manufactured primarily by the
3999 distillation of fermented grain, starch, molasses or sugar
4000 produced in Mississippi, including dilutions and mixtures of these
4001 beverages. In order to be classified as "native spirit" under the
4002 provisions of this chapter, at least fifty-one percent (51%) of
4003 the finished product by volume shall have been obtained from
4004 distillation of fermented grain, starch, molasses or sugar grown
4005 and produced in Mississippi.

4006 (b) "Native distillery" shall mean any place or
4007 establishment within this state where native spirit is produced in
4008 whole or in part for sale.

4009 (c) "Produce" shall mean to do or to perform any act or
4010 thing in the process of making native spirit.

4011 (d) "Person" shall mean one or more natural persons, or
4012 a corporation, partnership or association.

4013 (e) "Producer" shall mean any person who owns, operates
4014 or conducts a native distillery, but it does not mean the
4015 employees of such persons.

4016 (f) "Consumer" shall mean any person who purchases
4017 native spirit for the purpose of consuming it, giving it away, or
4018 distributing it in any way other than by sale, barter or exchange.

4019 (g) "Department" shall mean the Mississippi Department
4020 of Revenue.

4021 (h) "Division" shall mean the Alcoholic Beverage
4022 Control Division of the department.

4023 (i) "Corporation" means the Mississippi Alcoholic
4024 Beverage Corporation.

4025 (j) "President" means the President of the Alcoholic
4026 Beverage Corporation, who shall serve as the corporation's chief
4027 executive officer.

4028 **SECTION 67.** Section 67-11-9, Mississippi Code of 1972, is
4029 amended as follows:

4030 67-11-9. (1) Within the State of Mississippi, every native
4031 distillery is authorized to make sales to the * * * corporation or
4032 to consumers at the location of the native distillery or its
4033 immediate vicinity. Every native distillery is authorized to make
4034 sales to any producer, manufacturer, wholesaler, retailer or
4035 consumer located outside of the State of Mississippi who is
4036 authorized by law to purchase the same.

4037 (2) With respect to native spirits sold by the * * *
4038 corporation to retailers under Section 67-1-41, the native
4039 distillery may hold those spirits for onsite pickup instead of
4040 shipping them to the * * * corporation warehouse, at the option of

4041 the retailer and pursuant to any rules promulgated by the * * *
4042 corporation.

4043 **SECTION 68.** Section 67-11-11, Mississippi Code of 1972, is
4044 amended as follows:

4045 67-11-11. (1) Upon every producer holding a permit for the
4046 production of native spirits, there is levied and imposed for each
4047 location for the privilege of engaging and continuing in this
4048 state in the production of native spirits an annual privilege
4049 license tax in an amount equal to Three Hundred Dollars (\$300.00)
4050 for each one thousand (1,000) gallons, or any part thereof, of
4051 native spirits produced by the distillery.

4052 (2) There is levied and assessed an excise tax upon each
4053 case of native spirit sold by a producer to any source to be
4054 collected from the producer in the amount provided for in Section
4055 27-71-7. However, native spirit produced in Mississippi for
4056 export and sale without this state and native spirit produced in
4057 Mississippi and sold to the * * * corporation shall not be subject
4058 to the excise tax, nor shall the tax accrue or be collected on
4059 native spirits dispensed, as free samples in quantities of not
4060 more than two (2) ounces, in the tasting room of a native
4061 distillery.

4062 (3) The privilege tax imposed by subsection (1) of this
4063 section shall be collected in the same manner as presently
4064 provided by law for the collection of other alcoholic beverages.
4065 The excise tax imposed by subsection (2) of this section shall be
4066 reported monthly by the producer to the department and the

4067 corporation on all sales made in Mississippi to consumers at the
4068 location of the native distillery in its immediate vicinity, along
4069 with a statement of gallonage produced during that month, and the
4070 producer shall remit the tax due and owing with each report. The
4071 producer shall also include in the report a statement of gallonage
4072 sold and exported for sale outside this state.

4073 (4) The corporation shall remit all taxes levied by and
4074 collected under this section to the department in accordance with
4075 regulations promulgated by the department, and all such taxes
4076 shall be deposited in the State General Fund.

4077 **SECTION 69.** Section 27-71-5, Mississippi Code of 1972, is
4078 amended as follows:

4079 27-71-5. (1) Upon each person approved for a permit under
4080 the provisions of the Alcoholic Beverage Control Law and
4081 amendments thereto, there is levied and imposed for each location
4082 for the privilege of engaging and continuing in this state in the
4083 business authorized by such permit, an annual privilege license
4084 tax in the amount provided in the following schedule:

4085 (a) Except as otherwise provided in this subsection
4086 (1), manufacturer's permit, Class 1, distiller's and/or
4087 rectifier's:

4088 (i) For a permittee with annual production of
4089 five thousand (5,000) gallons or more.....\$4,500.00

4090 (ii) For a permittee with annual production under five thousand
4091 (5,000) gallons.....\$2,800.00

4092 (b) Manufacturer's permit, Class 2, wine

4093	manufacturer.....	\$1,800.00
4094	(c) Manufacturer's permit, Class 3, native wine	
4095	manufacturer per ten thousand (10,000) gallons or part thereof	
4096	produced.....	\$ 10.00
4097	(d) Manufacturer's permit, Class 4, native spirit	
4098	manufacturer per one thousand (1,000) gallons or part thereof	
4099	produced.....	\$ 300.00
4100	(e) Native wine retailer's permit.....	\$ 50.00
4101	(f) Package retailer's permit, each.....	\$ 900.00
4102	(g) On-premises retailer's permit, except for clubs and	
4103	common carriers, each.....	\$ 450.00
4104	(h) On-premises retailer's permit for wine of more than	
4105	five percent (5%) alcohol by weight, but not more than twenty-one	
4106	percent (21%) alcohol by weight, each.....	\$ 225.00
4107	(i) On-premises retailer's permit for clubs...\$	225.00
4108	(j) On-premises retailer's permit for common carriers,	
4109	per car, plane, or other vehicle.....	\$ 120.00
4110	(k) Solicitor's permit, regardless of any other	
4111	provision of law, solicitor's permits shall be issued only in the	
4112	discretion of the department.....	\$ 100.00
4113	(l) Filing fee for each application except for an	
4114	employee identification card.....	\$ 25.00
4115	(m) Temporary permit, Class 1, each.....	\$ 10.00
4116	(n) Temporary permit, Class 2, each.....	\$ 50.00
4117	(o) (i) Caterer's permit.....	\$ 600.00

4118	(ii) Caterer's permit for holders of on-premises	
4119	retailer's permit.....	\$ 150.00
4120	(p) Research permit.....	\$ 100.00
4121	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
4122	(r) Special service permit.....	\$ 225.00
4123	(s) Merchant permit.....	\$ 225.00
4124	(t) Temporary alcoholic beverages charitable auction	
4125	permit.....	\$ 10.00
4126	(u) Event venue retailer's permit.....	\$ 225.00
4127	(v) Temporary theatre permit, each.....	\$ 10.00
4128	(w) Charter ship operator's permit.....	\$ 100.00
4129	(x) Distillery retailer's permit.....	\$ 450.00
4130	(y) Festival wine permit.....	\$ 10.00
4131	(z) Charter vessel operator's permit.....	\$ 100.00
4132	(aa) Native spirit retailer's permit.....	\$ 50.00
4133	(bb) Delivery service permit.....	\$ 500.00
4134	(cc) Food truck permit.....	\$ 100.00

4135 In addition to the filing fee imposed by paragraph (l) of
4136 this subsection, a fee to be determined by the department * * *
4137 may be charged to defray costs incurred to process applications.
4138 The additional fees shall be paid into the State Treasury to the
4139 credit of a special fund account, which is hereby created, and
4140 expenditures therefrom shall be made only to defray the costs
4141 incurred by the department * * * in processing alcoholic beverage
4142 applications. Any unencumbered balance remaining in the special

4143 fund account on June 30 of any fiscal year shall lapse into the
4144 State General Fund.

4145 All privilege taxes imposed by this section shall be paid in
4146 advance of doing business. A new permittee whose privilege tax is
4147 determined by production volume will pay the tax for the first
4148 year in accordance with department regulations. The additional
4149 privilege tax imposed for an on-premises retailer's permit based
4150 upon purchases shall be due and payable on demand.

4151 Paragraph (y) of this subsection shall stand repealed from
4152 and after July 1, 2026.

4153 (2) (a) There is imposed and shall be collected from each
4154 permittee, except a common carrier, solicitor, a temporary
4155 permittee or a delivery service permittee, by the department, an
4156 additional license tax equal to the amounts imposed under
4157 subsection (1) of this section for the privilege of doing business
4158 within any municipality or county in which the licensee is
4159 located.

4160 (b) (i) In addition to the tax imposed in paragraph
4161 (a) of this subsection, there is imposed and shall be collected by
4162 the department from each permittee described in subsection (1)(g),
4163 (h), (i), (n) and (u) of this section, an additional license tax
4164 for the privilege of doing business within any municipality or
4165 county in which the licensee is located in the amount of Two
4166 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
4167 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars

4168 (\$225.00) for each additional purchase of Five Thousand Dollars
4169 (\$5,000.00), or fraction thereof.

4170 (ii) In addition to the tax imposed in paragraph
4171 (a) of this subsection, there is imposed and shall be collected by
4172 the department from each permittee described in subsection (1)(o)
4173 and (s) of this section, an additional license tax for the
4174 privilege of doing business within any municipality or county in
4175 which the licensee is located in the amount of Two Hundred Fifty
4176 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
4177 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
4178 additional purchase of Five Thousand Dollars (\$5,000.00), or
4179 fraction thereof.

4180 (iii) Any person who has paid the additional
4181 privilege license tax imposed by this paragraph, and whose permit
4182 is renewed, may add any unused fraction of Five Thousand Dollars
4183 (\$5,000.00) purchases to the first Five Thousand Dollars
4184 (\$5,000.00) purchases authorized by the renewal permit, and no
4185 additional license tax will be required until purchases exceed the
4186 sum of the two (2) figures.

4187 (c) If the licensee is located within a municipality,
4188 the department shall pay the amount of additional license tax
4189 collected under this section to the municipality, and if outside a
4190 municipality the department shall pay the additional license tax
4191 to the county in which the licensee is located. Payments by the
4192 department to the respective local government subdivisions shall

4193 be made once each month for any collections during the preceding
4194 month.

4195 (3) When an application for any permit, other than for
4196 renewal of a permit, has been rejected by the department, such
4197 decision shall be final. Appeal may be made in the manner
4198 provided by Section 67-1-39. Another application from an
4199 applicant who has been denied a permit shall not be reconsidered
4200 within a twelve-month period.

4201 (4) The number of permits issued by the department shall not
4202 be restricted or limited on a population basis; however, the
4203 foregoing limitation shall not be construed to preclude the right
4204 of the department to refuse to issue a permit because of the
4205 undesirability of the proposed location.

4206 (5) If any person shall engage or continue in any business
4207 which is taxable under this section without having paid the tax as
4208 provided in this section, the person shall be liable for the full
4209 amount of the tax plus a penalty thereon equal to the amount
4210 thereof, and, in addition, shall be punished by a fine of not more
4211 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
4212 county jail for a term of not more than six (6) months, or by both
4213 such fine and imprisonment, in the discretion of the court.

4214 (6) It shall be unlawful for any person to consume alcoholic
4215 beverages on the premises of any hotel restaurant, restaurant,
4216 club or the interior of any public place defined in Chapter 1,
4217 Title 67, Mississippi Code of 1972, when the owner or manager
4218 thereof displays in several conspicuous places inside the

4219 establishment and at the entrances of establishment a sign
4220 containing the following language: NO ALCOHOLIC BEVERAGES
4221 ALLOWED.

4222 **SECTION 70.** Section 27-71-7, Mississippi Code of 1972, is
4223 amended as follows:

4224 27-71-7. (1) There is hereby levied and assessed an excise
4225 tax upon each case of alcoholic beverages sold by the * * *
4226 corporation to be collected from each retail licensee at the time
4227 of sale in accordance with the following schedule:

- 4228 (a) Distilled spirits.....\$2.50 per gallon
- 4229 (b) Sparkling wine and champagne.....\$1.00 per gallon
- 4230 (c) Other wines, including
4231 native wines.....\$.35 per gallon

4232 (2) (a) In addition to the tax levied by subsection (1) of
4233 this section, and in addition to any other markup collected,
4234 the * * * corporation shall collect a markup of three percent (3%)
4235 on all alcoholic beverages, as defined in Section 67-1-5, * * *
4236 which are sold by the * * * corporation. The proceeds of the
4237 markup shall be collected by the * * * corporation from each
4238 purchaser at the time of purchase.

4239 (b) Until June 30, 1987, the revenue derived from this
4240 three percent (3%) markup shall be deposited by the * * *
4241 corporation in the State Treasury to the credit of the "Alcoholism
4242 Treatment and Rehabilitation Fund," a special fund which is hereby
4243 created in the State Treasury, and shall be used by the Division
4244 of Alcohol and Drug Abuse of the State Department of Mental Health

4245 and public or private centers or organizations solely for funding
4246 of treatment and rehabilitation programs for alcoholics and
4247 alcohol abusers which are sponsored by the division or public or
4248 private centers or organizations in such amounts as the
4249 Legislature may appropriate to the division for use by the
4250 division or public or private centers or organizations for such
4251 programs. Any tax revenue in the fund which is not encumbered at
4252 the end of the fiscal year shall lapse to the State General Fund.
4253 It is the intent of the Legislature that the State Department of
4254 Mental Health shall continue to seek funds from other sources and
4255 shall use the funds appropriated for the purposes of this section
4256 and Section 27-71-29 to match all federal funds which may be
4257 available for alcoholism treatment and rehabilitation.

4258 From and after July 1, 1987, the revenue derived from this
4259 three percent (3%) markup shall be deposited by the * * *
4260 corporation in the State Treasury to the credit of the "Mental
4261 Health Programs Fund," a special fund which is hereby created in
4262 the State Treasury and shall be used by the State Department of
4263 Mental Health for the service programs of * * * that department.
4264 Any revenue in the "Alcoholism Treatment and Rehabilitation Fund"
4265 which is not encumbered at the end of Fiscal Year 1987 shall be
4266 deposited to the credit of the "Mental Health Programs Fund."

4267 **SECTION 71.** Section 27-71-9, Mississippi Code of 1972, is
4268 amended as follows:

4269 27-71-9. The * * * department may promulgate regulations
4270 authorizing persons holding on-premises retailer's permits for

4271 common carriers, as provided herein, to file periodic reports and
4272 pay a tax based upon the value of alcoholic beverages sold while
4273 in this state, in lieu of purchasing all such alcoholic beverages
4274 from the * * * corporation. Such tax shall not be less than an
4275 amount equivalent to the gross profit plus all taxes that would
4276 have been derived from the sale of a like quantity of alcoholic
4277 beverages by the * * * corporation.

4278 **SECTION 72.** Section 27-71-11, Mississippi Code of 1972, is
4279 amended as follows:

4280 27-71-11. (1) The * * * corporation shall from time to time
4281 by resolution request the State Bond Commission to provide
4282 sufficient funds required to maintain an adequate alcoholic
4283 beverage inventory. Said funds shall be provided under the
4284 provisions of Chapter 557, Laws of 1966.

4285 (2) The * * * corporation shall add to the cost of all
4286 alcoholic beverages a markup of twenty-seven and one-half percent
4287 (27-1/2%), inclusive of the three percent (3%) markup imposed by
4288 Section 27-71-7(2).

4289 (3) In addition to other excise taxes and markups imposed in
4290 this section and in Section 27-71-7, the * * * corporation shall
4291 add to the cost of all alcoholic beverages shipped a charge of
4292 Twenty-five Cents (25¢) per case, to be deposited into the ABC
4293 Warehouse Improvements Fund created in Section 67-1-211(2).
4294 However, any unobligated amounts above Ten Million Dollars
4295 (\$10,000,000.00) remaining in the ABC Warehouse Improvements Fund

4296 at the end of a fiscal year shall be transferred to the State
4297 General Fund.

4298 (4) Notwithstanding the contract for warehouse and
4299 distribution operations under Section 67-1-205, the * * *
4300 corporation shall remain responsible for purchasing and selling
4301 alcoholic beverages. The * * * corporation shall sell alcoholic
4302 beverages at uniform prices throughout the state. Pricing for all
4303 alcoholic beverages shall be set by the addition of the markup and
4304 taxes to the price at which the beverages were purchased by
4305 the * * * corporation.

4306 (5) A permittee's order shall qualify for shipping when it
4307 includes the minimum number of cases of alcoholic beverages as set
4308 by the * * * corporation. The * * * corporation shall place
4309 qualifying orders in a queue for shipment in the order in which
4310 the orders are made. An order of fewer than the minimum number of
4311 cases, and special orders, shall be added to the permittee's next
4312 qualified shipment. The * * * corporation shall give sufficient
4313 notice of any change in the minimum number of cases for shipping
4314 and shall allow the opportunity for comment.

4315 (6) The * * * corporation shall set a per-case shipping fee
4316 to be charged to permittees. The * * * corporation shall adjust
4317 the fee to match, as closely as possible, the shipping costs as
4318 defined in Section 67-1-201. The shipping fee charged under this
4319 subsection shall be deposited to the credit of the ABC Shipping
4320 Fund created in Section 27-71-29.

4321 (7) The * * * corporation shall charge manufacturers a
4322 bailment fee of One Dollar (\$1.00) per case of alcoholic beverages
4323 stored in the warehouse, to be deposited to the credit of the bond
4324 sinking fund created in Section 7(3) of Chapter 483, Laws of 2022.

4325 **SECTION 73.** Section 27-71-13, Mississippi Code of 1972, is
4326 amended as follows:

4327 27-71-13. The * * * corporation shall purchase directly from
4328 the manufacturer, except under the following conditions:

4329 (a) Foreign brands which are not readily obtainable
4330 directly from the manufacturer.

4331 (b) When the * * * corporation can conclusively prove
4332 that unusual or extraordinary circumstances exist and the required
4333 or desired brands can be purchased at substantially lower prices
4334 from wholesalers or brokerage firms.

4335 In all instances involving purchases, other than directly
4336 from the manufacturer, the * * * corporation shall maintain full
4337 and complete records clearly reflecting the justification for such
4338 purchases. Said records shall include invoices, price lists,
4339 comparative prices, bills of lading and a certificate of
4340 justification signed by the * * * president, as to the conditions
4341 requiring the purchase or purchases. All such records shall be
4342 retained for a period of three (3) years.

4343 **SECTION 74.** Section 27-71-15, Mississippi Code of 1972, is
4344 amended as follows:

4345 27-71-15. Except as otherwise provided in Section 67-9-1 for
4346 the transportation of limited amounts of alcoholic beverages for

4347 the use of an alcohol processing permittee, if transportation
4348 requires passage through a county which has not authorized the
4349 sale of alcoholic beverages, such transportation shall be by a
4350 sealed vehicle. Such seal shall remain unbroken until the vehicle
4351 shall reach the place of business operated by the permittee. The
4352 operator of any vehicle transporting alcoholic beverages shall
4353 have in his possession an invoice issued by the * * * corporation
4354 at the time of the wholesale sale covering the merchandise
4355 transported by the vehicle. The * * * department is authorized to
4356 issue regulations controlling the transportation of alcoholic
4357 beverages.

4358 When the restrictions imposed by this section and by the
4359 regulation of the * * * department have not been violated, the
4360 person transporting alcoholic beverages through a county wherein
4361 the sale of alcoholic beverages is prohibited shall not be guilty
4362 of unlawful possession and such merchandise shall be immune from
4363 seizure.

4364 **SECTION 75.** Section 27-71-17, Mississippi Code of 1972, is
4365 amended as follows:

4366 27-71-17. It shall be unlawful for any person to counterfeit
4367 or reuse any label prescribed by the * * * department and used to
4368 identify alcoholic beverages sold at wholesale by the * * *
4369 corporation and, upon conviction, the person shall be punished by
4370 a fine of not more than Five Thousand Dollars (\$5,000.00), or by
4371 imprisonment in the State Penitentiary for not less than one (1)
4372 year, nor more than ten (10) years, or both.

4373 **SECTION 76.** Section 27-71-29, Mississippi Code of 1972, is
4374 amended as follows:

4375 27-71-29. (1) All taxes levied by this article shall be
4376 paid by the corporation to the department * * * in cash or by
4377 personal check, cashier's check, bank exchange, post office money
4378 order or express money order and shall be deposited by the
4379 department in the State Treasury on the same day collected, but no
4380 remittances other than cash shall be a final discharge of
4381 liability for the tax herein imposed and levied unless and until
4382 it has been paid in cash to the department.

4383 All taxes levied under Section 27-71-7(1) and received by the
4384 department under this article shall be paid into the State General
4385 Fund, and the three percent (3%) levied under Section 27-71-7(2)
4386 and received by the department under this article shall be paid
4387 into the special fund in the State Treasury designated as the
4388 "Alcoholism Treatment and Rehabilitation Fund" as required by law.
4389 Any funds derived from the sale of alcoholic beverages in excess
4390 of inventory requirements shall be paid not less often than
4391 annually into the State General Fund, except for a portion of the
4392 twenty-seven and one-half percent (27-1/2%) markup provided for in
4393 Section 27-71-11, as specified in subsection (2) of this section,
4394 and except for fees charged by the * * * corporation for the
4395 defraying of costs associated with shipping alcoholic beverages.
4396 The revenue derived from these fees shall be deposited by the
4397 department into a special fund, hereby created in the State
4398 Treasury, which is designated the "ABC Shipping Fund." The monies

4399 in this special fund shall be earmarked for use by the * * *
4400 corporation for any expenditure made to ship alcoholic beverages.
4401 Any net proceeds remaining in the special fund on August 1 of any
4402 fiscal year shall lapse into the State General Fund. "Net
4403 proceeds" in this section means the total of all fees collected by
4404 the * * * corporation to defray the costs of shipping less the
4405 actual costs of shipping.

4406 (2) If the special bond sinking fund created in Section 7(3)
4407 of Chapter 483, Laws of 2022 has a balance below the minimum
4408 amount specified in the resolution providing for the issuance of
4409 the bonds, or below one and one-half (1-1/2) times the amount
4410 needed to pay the annual debt obligations related to the bonds
4411 issued under Section 7 of Chapter 483, Laws of 2022, whichever is
4412 the lesser amount, the Commissioner of Revenue shall transfer the
4413 deficit amount to the bond sinking fund from revenue derived from
4414 the twenty-seven and one-half percent (27-1/2%) markup provided
4415 for in Section 27-71-11.

4416 **SECTION 77.** Section 27-71-301, Mississippi Code of 1972, is
4417 amended as follows:

4418 27-71-301. When used in this article the words and terms
4419 hereafter mentioned shall have the following definitions:

4420 (a) "State Auditor" means the State Auditor of Public
4421 Accounts of the State of Mississippi or any legally appointed
4422 deputy, clerk or agent.

4423 (b) "Person" includes all natural persons or
4424 corporations, a partnership, an association, a joint venture, an

4425 estate, a trust, or any other group or combination acting as a
4426 unit and shall include the plural as well as the singular unless
4427 an intention to give another meaning thereto is disclosed in the
4428 context.

4429 (c) "Consumer" means a person who comes into the
4430 possession of beer, light spirit product or light wine, the sale
4431 of which is authorized by Chapter 3 of Title 67, Mississippi Code
4432 of 1972, for the purpose of consuming it, giving it away or
4433 otherwise disposing of it in any manner except by sale, barter or
4434 exchange.

4435 (d) "Retailer" means any person who comes into the
4436 possession of such light wines, light spirit products or beer for
4437 the purpose of selling it to the consumer, or giving it away, or
4438 exposing it where it may be taken or purchased or acquired in any
4439 other manner by the consumer. The term "retailer" shall include
4440 small craft breweries and microbreweries; however, the term
4441 "retailer" shall not include a person who offers and provides beer
4442 on the premises of a brewery for the purpose of tasting or
4443 sampling as authorized in Section 67-3-47.

4444 (e) "Wholesaler" means any person who comes into
4445 possession of such light wine, light spirit product or beer for
4446 the purpose of selling, distributing, or giving it away to
4447 retailers or other wholesalers or dealers inside or outside of
4448 this state.

4449 (f) "Commissioner" means the Commissioner of
4450 Revenue * * * or his duly appointed agents or employees.

4451 (g) "Sale" includes the exchange of such light wines,
4452 light spirit products or beer for money, or giving away or
4453 distributing any such light wines, light spirit products or beer
4454 for anything of value; however, the term "sale" shall not include
4455 beer offered and provided on the premises of a brewery for the
4456 purpose of tasting or sampling as authorized in Section 67-3-47.

4457 (h) "Light wines, light spirit products or beer" means
4458 beer, light spirit products and light wines legalized for sale by
4459 the provisions of Chapter 3 of Title 67, Mississippi Code of 1972.

4460 (i) "Distributor" includes every person who receives
4461 either from within or from without this state, from a brewery, a
4462 winery or any other source, light wines, light spirit products or
4463 beer as defined in Chapter 3 of Title 67, Mississippi Code of
4464 1972, for the purpose of distributing or otherwise disposing of
4465 such light wines, light spirit products or beer to a wholesaler or
4466 retailer of such light wines, light spirit products or beer.

4467 (j) "Brewpub" means the premises of any location in
4468 which light wine, light spirit product or beer is manufactured or
4469 brewed, for retail sale if the total amount of light wine, light
4470 spirit product or beer produced on the premises does not exceed
4471 the production limitation imposed in Section 67-3-22, and the
4472 light wine, light spirit product or beer is produced for
4473 consumption on the premises, although without prohibition on sales
4474 for off-premises consumption.

4475 (k) "Hospitality cart" means a mobile cart from which
4476 alcoholic beverages and light wine, light spirit product and beer

4477 are sold on a golf course and for which a hospitality cart permit
4478 has been issued under Section 67-1-51.

4479 (l) "Small craft brewery" shall have the meaning
4480 ascribed to such term in Section 67-3-3.

4481 (m) "Manufacturer" means a person who brews beer at a
4482 brewery; however, the term does not include "brewpubs."

4483 (n) "Microbrewery" shall have the meaning ascribed to
4484 such term in Section 67-3-3.

4485 (o) "Corporation" means the Mississippi Alcoholic
4486 Beverage Corporation.

4487 (p) "President" means the President of the Alcoholic
4488 Beverage Corporation, who shall serve as the corporation's chief
4489 executive officer.

4490 **SECTION 78.** Section 67-1-7, Mississippi Code of 1972, is
4491 brought forward as follows:

4492 67-1-7. (1) Except as otherwise provided in Section 67-9-1
4493 for the transportation and possession of limited amounts of
4494 alcoholic beverages for the use of an alcohol processing
4495 permittee, and subject to all of the provisions and restrictions
4496 contained in this article, the manufacture, sale, distribution,
4497 and transportation of alcoholic beverages shall be lawful, subject
4498 to the restrictions hereinafter imposed, in those counties and
4499 municipalities of this state in which, at a local option election
4500 called and held for that purpose under the provisions of this
4501 article, a majority of the qualified electors voting in such
4502 election shall vote in favor thereof.

4503 Beginning on April 16, 2021, except as otherwise provided in
4504 Section 67-1-51 for holders of a caterer's permit, the
4505 manufacture, sale and distribution of alcoholic beverages shall
4506 not be permissible or lawful in counties except in (a)
4507 incorporated municipalities located within such counties, (b)
4508 qualified resort areas within such counties approved as such by
4509 the department, or (c) clubs within such counties, whether within
4510 a municipality or not. However, any permits issued by the
4511 department between July 1, 2020, and April 15, 2021, for the
4512 manufacture, sale and distribution of alcoholic beverages, whether
4513 or not issued to permittees in such municipalities, qualified
4514 resort areas or clubs, shall be eligible for renewal on or after
4515 April 16, 2021.

4516 The manufacture, sale, distribution and possession of native
4517 wines or native spirits shall be lawful in any location within any
4518 such county except those locations where the manufacture, sale or
4519 distribution is prohibited by law other than this section or by
4520 regulations of the department.

4521 (2) Notwithstanding the foregoing, within any state park or
4522 any state park facility that has been declared a qualified resort
4523 area by the department, and within any qualified resort area as
4524 defined under Section 67-1-5(o)(iii), an on-premises retailer's
4525 permit may be issued for the qualified resort area, and the
4526 permittee may lawfully sell alcoholic beverages for consumption on
4527 his licensed premises regardless of whether or not the county or
4528 municipality in which the qualified resort area is located has

4529 voted in favor of coming out from under the dry law, and it shall
4530 be lawful to receive, store, sell, possess and consume alcoholic
4531 beverages on the licensed premises, and to sell, distribute and
4532 transport alcoholic beverages to the licensed premises. Moreover,
4533 the governing authorities of a municipality in which a qualified
4534 resort area defined under Section 67-1-5(o)(iii)5, 7, 21 or 46 is
4535 located, the Pearl River Valley Water Supply District Board which
4536 governs the qualified resort area defined under Section
4537 67-1-5(o)(iii)8.a.A, the board of supervisors of the county in
4538 which the qualified resort area defined under Section
4539 67-1-5(o)(iii)8.a.B and C is located, and the board of supervisors
4540 of the county in which the qualified resort area defined under
4541 Section 67-1-5(o)(iii)44 is located, may, by ordinance or
4542 resolution, provide that package retailer's permits may be issued
4543 in the applicable qualified resort area, and that it shall be
4544 lawful to receive, store, sell, possess and distribute alcoholic
4545 beverages in accordance with such package retailer's permits.

4546 **SECTION 79.** Section 67-1-39, Mississippi Code of 1972, is
4547 brought forward as follows:

4548 67-1-39. Any appeal from an order of the Board of Tax
4549 Appeals regarding an action taken under this article shall be
4550 filed without supersedeas to the Chancery Court of the First
4551 Judicial District of Hinds County, Mississippi, if the appellant
4552 is the department, or to the county of the domicile of any other
4553 appellant. Any such appeal shall be based on the record made
4554 before the Board of Tax Appeals and shall be filed within thirty

4555 (30) days from the date of the order being appealed. There may be
4556 an appeal therefrom to the Supreme Court as in other cases
4557 provided, but it shall be without supersedeas on the order of the
4558 Board of Tax Appeals to them made and finally determined either by
4559 the chancery court or the Supreme Court. Actions taken by the
4560 department in suspending a permit when required by Section
4561 93-11-157 or 93-11-163 are not actions resulting in an order from
4562 which an appeal may be taken under this section. Any appeal of a
4563 permit suspension that is required by Section 93-11-157 shall be
4564 taken in accordance with the appeal procedure specified in Section
4565 93-11-157 or 93-11-163, as the case may be, rather than the
4566 procedure specified in this section.

4567 **SECTION 80.** Section 67-1-51.1, Mississippi Code of 1972, is
4568 brought forward as follows:

4569 67-1-51.1. (1) The holder of a delivery service permit
4570 under Section 67-1-51:

4571 (a) May contract with the holder of a package
4572 retailer's permit or an on-premises retailer's permit under
4573 Section 67-1-51 or the holder of a beer, light wine and light
4574 spirit product retail permit under Section 67-3-19 for the purpose
4575 of intrastate delivery of alcoholic beverages or beer, light wine
4576 and light spirit product, as authorized to be sold under the
4577 respective permits;

4578 (b) May deliver alcoholic beverages or beer, light wine
4579 and light spirit product without a delivery contract, if the
4580 permittee holds a package retailer's permit or an on-premises

4581 retailer's permit under Section 67-1-51 or a beer, light wine and
4582 light spirit product retail permit under Section 67-3-19,
4583 respectively;

4584 (c) May use its own employees or independent
4585 contractors who are at least twenty-one (21) years of age to
4586 deliver such alcoholic beverages, beer, light wine or light spirit
4587 product under this section, provided all delivery agents are
4588 trained and certified consistent with the training program
4589 submitted to the division as required by subsection (2)(d) of this
4590 section. If independent contractors are used, the delivery
4591 service permittee must enter into a contract with the retailer as
4592 required by subsection (2)(c) of this section;

4593 (d) May facilitate orders by telephone, Internet or
4594 other electronic means for the sale and delivery of alcoholic
4595 beverages, beer, light wine or light spirit product under this
4596 section. The full amount of each order must be handled in a
4597 manner that gives the retail permittee control over the ultimate
4598 receipt of payment from the consumer. The retail permittee shall
4599 remain responsible for the proper remittance of all applicable
4600 taxes on the sale of the product;

4601 (e) May deliver only sealed containers of alcoholic
4602 beverages, beer, light wine or light spirit product to an
4603 individual in Mississippi;

4604 (f) Shall obtain from the customer a confirmation that
4605 he or she is at least twenty-one (21) years of age at the time the
4606 order is placed;

4607 (g) Shall place a stamp, print or label on the outside
4608 of the sealed package to indicate that the sealed package contains
4609 alcoholic beverages, beer, light wine or light spirit product;

4610 (h) Shall require the recipient, at the time of
4611 delivery, to provide valid photo identification verifying he or
4612 she is at least twenty-one (21) years of age and to sign for the
4613 delivery;

4614 (i) Shall possess identification scanning software
4615 technology or a state-of-the-art alternative at the point of
4616 delivery to verify the recipient is at least twenty-one (21) years
4617 of age and to collect the recipient's name and date of birth.
4618 Records relating to this verification shall be maintained for at
4619 least ninety (90) days and shall be subject to review by the
4620 division;

4621 (j) Shall return all alcoholic beverages, beer, light
4622 wine or light spirit product to the retailer if the recipient is
4623 under the age of twenty-one (21) years, appears intoxicated, fails
4624 to provide proof of identification, fails or refuses to sign for
4625 delivery, fails to complete the identification verification
4626 process or declines to accept delivery, or if any circumstances in
4627 the delivery environment indicate illegal conduct, overconsumption
4628 of alcohol, or an otherwise unsafe environment for the consumption
4629 of alcohol;

4630 (k) May not deliver any alcoholic beverage, beer, light
4631 wine or light spirit product to any person located within a

4632 jurisdiction that is dry for that product, as provided by the
4633 division's wet-dry map;

4634 (l) May not deliver any alcoholic beverage, beer, light
4635 wine or light spirit product in a jurisdiction during times
4636 prohibited for lawful sale in that jurisdiction;

4637 (m) May not deliver any alcoholic beverage, beer, light
4638 wine or light spirit product more than thirty (30) miles from the
4639 retailer's licensed premises;

4640 (n) Shall permit the division to perform an audit of
4641 the licensee's records upon request and with sufficient
4642 notification; and

4643 (o) Shall be deemed to have consented to the
4644 jurisdiction of the division or any law enforcement agency and the
4645 Mississippi courts concerning enforcement of this section and any
4646 related laws or rules.

4647 (2) In order to receive a delivery service permit, an
4648 applicant shall:

4649 (a) File an application with the division;

4650 (b) Pay the privilege license tax of Five Hundred
4651 Dollars (\$500.00) as provided in Section 27-71-5;

4652 (c) Provide to the division a sample contract that the
4653 applicant intends to enter into with a retailer for the delivery
4654 of alcoholic beverages, beer, light wine or light spirit product,
4655 unless the applicant is the retailer;

4656 (d) Submit to the division an outline of an internal or
4657 external training and certification program for delivery service

4658 personnel that addresses topics such as identifying underage
4659 persons, intoxicated persons, and fake or altered identification;

4660 (e) Provide an attestation that the applicant is at
4661 least twenty-one (21) years of age and has not been convicted of a
4662 felony in any state or federal courts;

4663 (f) Shall provide proof of a general liability
4664 insurance policy in an amount not less than One Million Dollars
4665 (\$1,000,000.00) per occurrence; and

4666 (g) Shall be properly registered to conduct business in
4667 Mississippi.

4668 (3) Nothing in this section shall be construed to require a
4669 technology services company to obtain a delivery service permit if
4670 the company does not employ or contract with delivery agents but
4671 merely provides software or a digital network application that
4672 connects consumers and licensed retailers for the delivery of
4673 alcoholic beverages from the licensed retailer. However, the act
4674 of connecting consumers to licensed retailers shall serve to grant
4675 jurisdiction to the State of Mississippi.

4676 (4) The division may enforce the requirements of this
4677 section by the same administrative proceedings that apply to other
4678 alcoholic beverage licenses or permits, including, without
4679 limitation, any disciplinary action applicable to the package
4680 retailer's permittee, on-premises retailer's permittee, retail
4681 permittee for beer, light wine or light spirit product, or
4682 delivery service permittee resulting from any unlawful sale to a
4683 minor.

4684 (5) The division may enforce the requirements of this
4685 section against the package retailer's permittee, on-premises
4686 retailer's permittee, retail permittee for beer, light wine or
4687 light spirit product, or delivery service permittee, and any
4688 employee or independent contractor of such permittee. If a
4689 package retailer permittee, an on-premises retailer's permittee,
4690 or a retail permittee for beer, light wine or light spirit product
4691 is also a delivery permittee, a violation of alcohol law by its
4692 employee or independent contractor during delivery will subject
4693 both the retailer permit and the delivery service permit to
4694 disciplinary action for the violation. Delivery to a minor shall
4695 be treated as furnishing to a minor and shall result in any
4696 applicable disciplinary action.

4697 (6) Nothing in this section shall be construed to limit or
4698 otherwise diminish the ability of the division to enforce the
4699 provisions of Chapters 1 and 3, Title 67, Mississippi Code of
4700 1972, with respect to the liability of any package retailer's
4701 permittee, on-premises retailer's permittee, retail permittee for
4702 beer, light wine or light spirit product, or delivery service
4703 permittee engaging in delivery activity authorized by this
4704 section.

4705 (7) Nothing in this section shall be construed to authorize
4706 the direct shipment of alcoholic beverages, light wine, beer or
4707 light spirit product from any manufacturer or distributor holding
4708 a permit under this article, or under Title 67, Chapter 3,
4709 Mississippi Code of 1972, to consumers in this state.

4710 **SECTION 81.** Section 67-1-71, Mississippi Code of 1972, is
4711 brought forward as follows:

4712 67-1-71. The department may revoke or suspend any permit
4713 issued by it for a violation by the permittee of any of the
4714 provisions of this article or of the regulations promulgated under
4715 it by the department.

4716 Permits must be revoked or suspended for the following
4717 causes:

4718 (a) Conviction of the permittee for the violation of
4719 any of the provisions of this article;

4720 (b) Willful failure or refusal by any permittee to
4721 comply with any of the provisions of this article or of any rule
4722 or regulation adopted pursuant thereto;

4723 (c) The making of any materially false statement in any
4724 application for a permit;

4725 (d) Conviction of one or more of the clerks, agents or
4726 employees of the permittee, of any violation of this article upon
4727 the premises covered by such permit within a period of time as
4728 designated by the rules or regulations of the department;

4729 (e) The possession on the premises of any retail
4730 permittee of any alcoholic beverages upon which the tax has not
4731 been paid;

4732 (f) The willful failure of any permittee to keep the
4733 records or make the reports required by this article, or to allow
4734 an inspection of such records by any duly authorized person;

4735 (g) The suspension or revocation of a permit issued to
4736 the permittee by the federal government, or conviction of
4737 violating any federal law relating to alcoholic beverages;

4738 (h) The failure to furnish any bond required by Section
4739 27-71-21 within fifteen (15) days after notice from the
4740 department; and

4741 (i) The conducting of any form of illegal gambling on
4742 the premises of any permittee or on any premises connected
4743 therewith or the presence on any such premises of any gambling
4744 device with the knowledge of the permittee.

4745 The provisions of paragraph (i) of this section shall not
4746 apply to gambling or the presence of any gambling devices, with
4747 knowledge of the permittee, on board a cruise vessel in the waters
4748 within the State of Mississippi, which lie adjacent to the State
4749 of Mississippi south of the three (3) most southern counties in
4750 the State of Mississippi, or on any vessel as defined in Section
4751 27-109-1 whenever such vessel is on the Mississippi River or
4752 navigable waters within any county bordering on the Mississippi
4753 River. The department may, in its discretion, issue on-premises
4754 retailer's permits to a common carrier of the nature described in
4755 this paragraph.

4756 The provisions of paragraph (i) of this section shall not
4757 apply to the operation of any game or lottery authorized by
4758 Chapter 115, Title 27.

4759 No permit shall be suspended or revoked until after the
4760 permittee has been provided reasonable notice of the charges

4761 against him for which suspension or revocation is sought and the
4762 opportunity to a hearing before the Board of Tax Appeals to
4763 contest such charges and the suspension or revocation proposed.
4764 Opportunity to a hearing is provided without an actual hearing if
4765 the permittee, after receiving reasonable notice, including notice
4766 of his right to a hearing, fails to timely request a hearing. The
4767 permittee may also at any time waive his rights to reasonable
4768 notice and/or to the opportunity to a hearing by agreeing to a
4769 suspension or revocation offered by the department.

4770 Notwithstanding the requirement above that a permit may not be
4771 suspended without notice and opportunity to a hearing, sales of
4772 alcoholic beverages by a permittee under a permit for which the
4773 bond under Section 27-71-21 has been cancelled shall be suspended
4774 from and after issuance of the notice provided in paragraph (h)
4775 above and shall continue to be suspended until the bond is
4776 reinstated, a new bond is posted or sufficient cash or securities
4777 as provided under Section 27-71-21 are deposited with the State
4778 Treasurer for this permit.

4779 In addition to the causes specified in this section and other
4780 provisions of this article, the department shall be authorized to
4781 suspend the permit of any permit holder for being out of
4782 compliance with an order for support, as defined in Section
4783 93-11-153. The procedure for suspension of a permit for being out
4784 of compliance with an order for support, and the procedure for the
4785 reissuance or reinstatement of a permit suspended for that
4786 purpose, and the payment of any fees for the reissuance or

4787 reinstatement of a permit suspended for that purpose, shall be
4788 governed by Section 93-11-157 or 93-11-163, as the case may be.
4789 If there is any conflict between any provision of Section
4790 93-11-157 or 93-11-163 and any provision of this article, the
4791 provisions of Section 93-11-157 or 93-11-163, as the case may be,
4792 shall control.

4793 **SECTION 82.** Section 67-1-73, Mississippi Code of 1972, is
4794 brought forward as follows:

4795 67-1-73. Every manufacturer, including native wine or native
4796 spirit producers, within or without the state, and every other
4797 shipper of alcoholic beverages who sells any alcoholic beverage,
4798 including native wine or native spirit, within the state, shall,
4799 at the time of making such sale, file with the department a copy
4800 of the invoice of such sale showing in detail the kind of
4801 alcoholic beverage sold, the quantities of each, the size of the
4802 container and the weight of the contents, the alcoholic content,
4803 and the name and address of the person to whom sold.

4804 Every person transporting alcoholic beverages, including
4805 native wine or native spirit, within this state to a point within
4806 this state, whether such transportation originates within or
4807 without this state, shall, within five (5) days after delivery of
4808 such shipment, furnish the department a copy of the bill of lading
4809 or receipt, showing the name or consignor or consignee, date,
4810 place received, destination, and quantity of alcoholic beverages
4811 delivered. Upon failure to comply with the provisions of this
4812 section, such person shall be deemed guilty of a misdemeanor and,

4813 upon conviction thereof, shall be fined in the sum of Fifty
4814 Dollars (\$50.00) for each offense.

4815 **SECTION 83.** Section 67-1-81, Mississippi Code of 1972, is
4816 brought forward as follows:

4817 67-1-81. (1) (a) Any permittee or other person who shall
4818 sell, furnish, dispose of, give, or cause to be sold, furnished,
4819 disposed of, or given, any alcoholic beverage to any person under
4820 the age of twenty-one (21) years shall be guilty of a misdemeanor
4821 and shall be punished by a fine of not less than Five Hundred
4822 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)
4823 for a first offense. For a second or subsequent offense, such
4824 permittee or other person shall be punished by a fine of not less
4825 than One Thousand Dollars (\$1,000.00) nor more than Two Thousand
4826 Dollars (\$2,000.00), or by imprisonment for not more than one (1)
4827 year, or by both such fine and imprisonment in the discretion of
4828 the court.

4829 (b) (i) If a permittee, or any employee of a
4830 permittee, violates paragraph (a) of this subsection (1), then, in
4831 addition to any other penalty provided for by law, the
4832 commissioner may impose the following penalties against the
4833 permittee on whose premises the alcoholic beverages were sold,
4834 given or furnished:

4835 1. For the first offense on the licensed
4836 premises, suspension of the permit for not more than one (1) week.

4837 2. For a second offense occurring on the
4838 licensed premises within a twelve-month period, suspension of the
4839 permit for not more than two (2) weeks.

4840 3. For a third offense occurring on the
4841 licensed premises within a twelve-month period, suspension of the
4842 permit for not more than three (3) weeks or revocation of the
4843 permit.

4844 4. For a fourth or subsequent offense
4845 occurring on the licensed premises within a twelve-month period,
4846 revocation of the permit.

4847 A violation of paragraph (a) of this subsection (1) shall be
4848 sufficient to impose the administrative penalties authorized under
4849 this paragraph (b), and any expunction of conviction shall have no
4850 effect on any administrative penalty imposed against a permittee
4851 under this paragraph (b).

4852 (2) Any person under the age of twenty-one (21) years who
4853 purchases, receives, or has in his or her possession in any public
4854 place, any alcoholic beverages, shall be guilty of a misdemeanor
4855 and shall be punished by a fine of not less than Two Hundred
4856 Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00).
4857 Provided, that clearing or busing tables that have glasses or
4858 other containers that contain or did contain alcoholic beverages,
4859 or stocking, bagging or otherwise handling purchases of alcoholic
4860 beverages shall not be deemed possession of alcoholic beverages
4861 for the purposes of this section. Provided further, that a person
4862 who is at least eighteen (18) years of age but under the age of

4863 twenty-one (21) years who waits on tables by taking orders for or
4864 delivering orders of alcoholic beverages shall not be deemed to
4865 unlawfully possess or furnish alcoholic beverages if in the scope
4866 of his employment by the holder of an on-premises retailer's
4867 permit. This exception shall not authorize a person under the age
4868 of twenty-one (21) to tend bar or act in the capacity of
4869 bartender. Any person under the age of twenty-one (21) who
4870 knowingly makes a false statement to the effect that he or she is
4871 twenty-one (21) years old or older or presents any document that
4872 indicates he or she is twenty-one (21) years of age or older for
4873 the purpose of purchasing alcoholic beverages from any person
4874 engaged in the sale of alcoholic beverages shall be guilty of a
4875 misdemeanor and shall be punished by a fine of not less than Two
4876 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars
4877 (\$500.00), and a sentence to not more than thirty (30) days'
4878 community service.

4879 (3) The term "community service" as used in this section
4880 shall mean work, projects or services for the benefit of the
4881 community assigned, supervised and recorded by appropriate public
4882 officials.

4883 (4) If a person under the age of twenty-one (21) years is
4884 convicted or enters a plea of guilty of purchasing, receiving or
4885 having in his or her possession in any public place any alcoholic
4886 beverages in violation of subsection (2) of this section, the
4887 trial judge, in lieu of the penalties otherwise provided under
4888 subsection (2) of this section, shall suspend the minor's driver's

4889 license by taking and keeping it in the custody of the court for a
4890 period of time not to exceed ninety (90) days. The judge so
4891 ordering the suspension shall enter upon his docket "DEFENDANT'S
4892 DRIVER'S LICENSE SUSPENDED FOR _____ DAYS IN LIEU OF CONVICTION"
4893 and such action by the trial judge shall not constitute a
4894 conviction. During the period that the minor's driver's license
4895 is suspended, the trial judge shall suspend the imposition of any
4896 fines or penalties that may be imposed under subsection (2) of
4897 this section and may place the minor on probation subject to such
4898 conditions as the judge deems appropriate. If the minor violates
4899 any of the conditions of probation, then the trial judge shall
4900 return the driver's license to the minor and impose the fines,
4901 penalties or both, that he would have otherwise imposed, and such
4902 action shall constitute a conviction.

4903 **SECTION 84.** Section 67-3-15, Mississippi Code of 1972, is
4904 brought forward as follows:

4905 67-3-15. (1) Any person who shall brew or manufacture or
4906 sell any beer, light spirit product or light wine without first
4907 having secured a permit and/or license from the commissioner
4908 authorizing the brewing or manufacture or sale of such liquor,
4909 shall be guilty of a misdemeanor and, upon conviction thereof, be
4910 punished by a fine of not more than One Thousand Dollars
4911 (\$1,000.00) or imprisonment in the county jail for not more than
4912 one (1) year, or both, in the discretion of the court. Any person
4913 so convicted may not apply for any permit or license issued by the

4914 commissioner until five (5) years have elapsed from the date of
4915 such conviction.

4916 (2) This section shall not apply to beer authorized to be
4917 made pursuant to Section 67-3-11.

4918 (3) Any light wine, light spirit product or beer found in
4919 possession of, or sold by, a person in violation of this section
4920 shall be seized and disposed of in the manner provided for in
4921 Section 67-1-18.

4922 **SECTION 85.** Section 67-3-25, Mississippi Code of 1972, is
4923 brought forward as follows:

4924 67-3-25. (1) Any permit issued authorizing the sale or
4925 delivery of light wines, light spirit products and/or beer for
4926 consumption shall be construed to authorize the sale or delivery
4927 of light wines, light spirit products and/or beer by the bottle,
4928 by the glass or by draught, and in or from the original package.

4929 (2) The commissioner is authorized to establish, in his
4930 discretion, dates for the expiration of permits issued under this
4931 chapter.

4932 (3) Except as otherwise provided in this section, permits
4933 shall be issued for twelve (12) months and shall be renewed
4934 annually on the first day of the month in which the permit
4935 expires. The commissioner may issue temporary permits for less
4936 than a full year. All permits shall show the effective date and
4937 expiration date of the permit, the business location, individual
4938 or business name and mailing address of the permittee.

4939 **SECTION 86.** Section 67-3-27, Mississippi Code of 1972, is
4940 brought forward as follows:

4941 67-3-27. Before any person shall engage in the business of
4942 manufacturer, wholesaler, distributor or retailer of light wines,
4943 light spirit products or beer, he shall apply to the commissioner
4944 for a license to engage in such business, and shall pay to the
4945 commissioner the specific tax imposed by Section 27-71-303, for
4946 the privilege of engaging in such business. The commissioner upon
4947 receipt of such tax shall issue to such person a privilege license
4948 to engage in or continue in such business for a period of time not
4949 to exceed one (1) year. No such license shall be issued to the
4950 applicant unless such applicant shall have obtained from the
4951 commissioner a permit as required in Section 67-3-17. A brewpub
4952 shall obtain all necessary federal licenses and permits prior to
4953 obtaining any license under this chapter.

4954 All privilege licenses issued under the provisions of this
4955 section shall be renewed annually on or before the first day of
4956 the month in which the current license expires.

4957 **SECTION 87.** Section 67-3-29, Mississippi Code of 1972, is
4958 brought forward as follows:

4959 67-3-29. (1) The commissioner, or a hearing officer or the
4960 board of review, as designated by the commissioner, after a show
4961 cause hearing, shall revoke or suspend any permit granted by
4962 authority of this chapter to any person who shall violate any of
4963 the provisions of this chapter or the revenue laws of this state
4964 relating to engaging in transporting, storing, selling,

4965 distributing, possessing, receiving or manufacturing of wines or
4966 beers, or any person who shall hereafter be convicted of the
4967 unlawful sale of intoxicating liquor, or any person who shall
4968 allow or permit any form of illegal gambling or immorality on the
4969 premises described in such permit. The commissioner shall not
4970 revoke or suspend a permit of a retailer for the sale of light
4971 wine, light spirit product or beer to a person under the age of
4972 twenty-one (21) years until there has been a conviction of the
4973 permit holder or an employee of the permit holder for such
4974 violation.

4975 (2) If any person exercising any privilege taxable under the
4976 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,
4977 shall willfully neglect or refuse to comply with the provisions of
4978 such chapter, or any rules or regulations promulgated by the
4979 commissioner under authority of such chapter, or the provisions of
4980 this chapter, including maintaining the qualifications of an
4981 applicant under Section 67-3-19, during the permit period, the
4982 commissioner shall be authorized to revoke or suspend the permit
4983 theretofore issued to the person. Any person whose permit shall
4984 have been revoked by the commissioner shall be thereafter
4985 prohibited from exercising any privilege under the provisions of
4986 Chapter 71 of Title 27, Mississippi Code of 1972, for a period of
4987 two (2) years from the date of the revocation. The commissioner
4988 may, however, for good cause shown, grant a new permit upon such
4989 conditions as the commissioner may prescribe. Any person whose
4990 permit shall have been suspended by the commissioner shall be

4991 prohibited from exercising any privilege under the provisions of
4992 Chapter 71 of Title 27, Mississippi Code of 1972, during the
4993 period of the suspension. Failure of the person to comply with
4994 the terms of the suspension shall be cause for revocation of his
4995 permit, in addition to the other penalties provided by law.

4996 (3) In addition to the reasons specified in this section and
4997 other provisions of this chapter, the commissioner shall be
4998 authorized to suspend the permit of any permit holder for being
4999 out of compliance with an order for support, as defined in Section
5000 93-11-153. The procedure for suspension of a permit for being out
5001 of compliance with an order for support, and the procedure for the
5002 reissuance or reinstatement of a permit suspended for that
5003 purpose, and the payment of any fees for the reissuance or
5004 reinstatement of a permit suspended for that purpose, shall be
5005 governed by Section 93-11-157 or Section 93-11-163, as the case
5006 may be. If there is any conflict between any provision of Section
5007 93-11-157 or Section 93-11-163 and any provision of this chapter,
5008 the provisions of Section 93-11-157 or 93-11-163, as the case may
5009 be, shall control.

5010 **SECTION 88.** Section 67-3-31, Mississippi Code of 1972, is
5011 brought forward as follows:

5012 67-3-31. Proceedings for the revocation or suspension of any
5013 permit authorizing the sale of beer or wine at retail for a
5014 violation of any of the provisions of Section 67-3-53 may be
5015 brought in the circuit or county court of the county in which the
5016 licensed premises are located. Such proceedings shall be entitled

5017 in the name of the state and against the permittee and shall be
5018 instituted by filing a complaint with the clerk of the court. The
5019 complaint may be filed by the county prosecuting attorney of the
5020 county upon his own initiative or, then by the district attorney
5021 of the district in which the county is located, and it shall be
5022 mandatory upon the county prosecuting attorney, or district
5023 attorney, as the case may be, to file a complaint when requested
5024 to do so by a peace officer or any person as provided in this
5025 section. Any peace officer within his jurisdiction or any
5026 enforcement officer of the Alcoholic Beverage Control Division
5027 within the Department of Revenue who learns that a retail
5028 permittee within his jurisdiction has violated any of the
5029 provisions of such section shall file with the county prosecuting
5030 attorney of the county in which the licensed premises are located,
5031 or, then with the district attorney of the district in which such
5032 county is located, an affidavit specifying in detail the facts
5033 alleged to constitute such violation, and requesting that a
5034 complaint be filed against the permittee for the revocation or
5035 suspension of his permit. A like affidavit may be filed with the
5036 county prosecuting attorney, or district attorney, as the case may
5037 be, by any person who resides, and has for at least one (1) year
5038 prior thereto resided within the county in which the licensed
5039 premises are located requesting that a complaint be filed for the
5040 revocation or suspension of the permittee's permit. Promptly upon
5041 receiving any such affidavit the county prosecuting attorney, or
5042 district attorney, shall prepare a proper complaint, which shall

5043 be signed and sworn to by the person or persons filing the
5044 affidavit with him, and the county prosecuting attorney or
5045 district attorney shall file the complaint with the clerk of the
5046 circuit or county court.

5047 **SECTION 89.** Section 67-3-33, Mississippi Code of 1972, is
5048 brought forward as follows:

5049 67-3-33. Upon filing a complaint with the clerk of the
5050 court, the county prosecuting attorney or district attorney filing
5051 the same shall promptly move the court to set the complaint for
5052 hearing. The court shall set the complaint for hearing at an
5053 early date in term time or in vacation and such proceedings shall
5054 have precedence for trial over all civil actions. Upon a date for
5055 trial being set by the court, the county prosecuting attorney or
5056 district attorney shall serve or cause to be served upon the
5057 permittee in accordance with the Mississippi Rules of Civil
5058 Procedure a notice of the filing of said complaint, together with
5059 a copy of said complaint, and shall set forth in said notice the
5060 time and place of the hearing thereon. Said notice shall be
5061 served upon the permittee at least ten (10) days prior to the date
5062 set for hearing if personal service be made. If service be made
5063 by mail, such notice shall be deposited in the United States mail
5064 not less than twelve (12) days prior to the date set for hearing.
5065 A copy of said complaint and notice of hearing thereon shall also
5066 be mailed to the commissioner by the county prosecuting attorney
5067 or district attorney.

5068 **SECTION 90.** Section 67-3-35, Mississippi Code of 1972, is
5069 brought forward as follows:

5070 67-3-35. The complaint shall be heard by the court without a
5071 jury. If the court shall find upon the hearing that the offense or
5072 offenses charged in the complaint have been established by the
5073 evidence, the court shall order the revocation or suspension of
5074 the permit. If the court finds that the permittee has not
5075 previously violated the law in the operation of his licensed
5076 business, and that no permit or license held by him has previously
5077 been suspended or revoked, and if it appears to the satisfaction
5078 of the court that there is reasonable ground to expect that the
5079 permittee will not again commit the offense or offenses charged in
5080 the complaint and that to revoke the permit would be unduly
5081 severe, then the court may suspend the permit for such period of
5082 time as the court deems proper. However, if the permittee has
5083 previously had his permit suspended or revoked, it shall be
5084 mandatory upon the court upon a finding of guilty to revoke the
5085 said permit. The judgment of the court revoking or suspending such
5086 permit shall not be superseded or stayed during the pendency of an
5087 appeal therefrom. A certified copy of the final order or decree of
5088 the court shall be forwarded by the clerk of the court to the
5089 commissioner.

5090 After the filing of a complaint with the clerk of the court
5091 for the revocation or suspension of a permit, the court in which
5092 the complaint is filed shall retain jurisdiction to hear and
5093 determine such complaint and to enter judgment revoking or

5094 suspending such permit. For the purpose of such hearing and as to
5095 the effect of the judgment of the court entered pursuant thereto,
5096 the permit shall be in full force and effect even though the
5097 permittee, after filing of such complaint, may have surrendered
5098 his permit, or such permit may have expired, or the rights of the
5099 permittee thereunder may have otherwise terminated. It is the
5100 purpose of this section to preclude the permittee from avoiding
5101 the effect of a judgment of revocation by a court by reason of
5102 conditions arising subsequent to the filing of a complaint.

5103 **SECTION 91.** Section 67-3-37, Mississippi Code of 1972, is
5104 brought forward as follows:

5105 67-3-37. It shall be the duty of the county prosecuting
5106 attorney or the district attorney, as the case may be, to file
5107 complaints as provided in Section 67-3-31 and to prosecute
5108 diligently and without delay all complaints filed by him.

5109 It shall be the duty of all peace officers, within their
5110 jurisdiction, and all enforcement officers of the Alcoholic
5111 Beverage Control Division of the Department of Revenue to enforce
5112 the provisions of Section 67-3-53 and they shall frequently visit
5113 all licensed premises within their jurisdiction to determine
5114 whether such permittees are complying with the laws. They shall
5115 promptly investigate all complaints made to them by any citizen
5116 relative to any alleged violations of such section within their
5117 jurisdiction. When any peace officer or enforcement officer of
5118 the Alcoholic Beverage Control Division has knowledge of a
5119 violation of such section committed by a permittee within his

5120 jurisdiction, it shall be his duty forthwith to file an affidavit
5121 with the county prosecuting attorney or district attorney
5122 requesting that a complaint be filed for the revocation or
5123 suspension of the permit of the permittee.

5124 **SECTION 92.** Section 67-3-39, Mississippi Code of 1972, is
5125 brought forward as follows:

5126 67-3-39. The jurisdiction conferred upon the circuit and
5127 county courts to hear and determine complaints for the revocation
5128 or suspension of permits shall not be exclusive and any authority
5129 conferred on the commissioner to revoke or suspend licenses shall
5130 remain in full force and effect, and the commissioner shall have
5131 authority to revoke or suspend permits for a violation of Section
5132 67-3-53 in the manner provided in subsection (2) of Section
5133 67-3-29 for the revocation of permits. However, when a complaint
5134 is filed with the court any proceedings which may then be pending
5135 before the commissioner against the same permittee on the same
5136 charges shall abate and no proceedings for the revocation or
5137 suspension of a permit for a violation of the provisions of
5138 Section 67-3-53 shall be filed with the commissioner when
5139 proceedings are pending before the court against the permittee on
5140 the same charges. The revocation or suspension of a permittee's
5141 state permit by the court or by the commissioner shall
5142 automatically revoke or suspend any municipal license or permit
5143 held by such person. The revocation or suspension of a permittee's
5144 permit shall be in addition to and not in lieu of or limitation of
5145 any other penalty imposed by law.

5146 **SECTION 93.** Section 67-3-49, Mississippi Code of 1972, is
5147 brought forward as follows:

5148 67-3-49. (1) Except as otherwise provided in this section,
5149 it shall be unlawful for any brewer or manufacturer or distributor
5150 or wholesale dealer of or in light wines, light spirit products
5151 and/or beer to manufacture or knowingly bring upon his premises or
5152 keep thereon any light spirit product of an alcoholic content of
5153 more than six percent (6%) by weight, any beer of an alcoholic
5154 content of more than eight percent (8%) by weight. Any person
5155 that shall add to or mix with any beer, light spirit product or
5156 light wine any alcoholic or other liquid, or any alcohol cube or
5157 cubes, or any other ingredient or ingredients that will increase
5158 or tend to increase the alcoholic content of such liquor, or any
5159 person that shall knowingly offer for sale any liquor so treated,
5160 shall be guilty of a misdemeanor and punished as hereinafter
5161 provided in this chapter. The commissioner shall take any action
5162 he considers necessary to ensure that light wine, light spirit
5163 product and/or beer manufactured at a brewpub complies with the
5164 provisions of this section.

5165 (2) A brewer or manufacturer of light wine, light spirit
5166 product or beer may manufacture and keep upon his premises beer of
5167 an alcoholic content of more than eight percent (8%) by weight if
5168 the beer is manufactured for legal sale in another state.

5169 **SECTION 94.** Section 67-3-52, Mississippi Code of 1972, is
5170 brought forward as follows:

5171 67-3-52. It shall be unlawful for any person holding a
5172 permit authorizing the sale of beer, light spirit product or light
5173 wine at retail to obtain such beer, light spirit product or light
5174 wine from any source outside of the State of Mississippi. Any
5175 person who violates the provisions of this section, upon
5176 conviction thereof, shall be punished by a fine of not more than
5177 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
5178 jail for not more than six (6) months, or by both such fine and
5179 imprisonment, in the discretion of the court. Any person
5180 convicted of violating this section, or any rules or regulations
5181 promulgated by the commissioner with regard to the unlawful acts
5182 described in this section, shall forfeit his permit. Any person
5183 whose permit has been forfeited pursuant to this section shall not
5184 be eligible for a permit issued by the commissioner for a period
5185 of five (5) years after the date of such forfeiture. In addition,
5186 no permit shall be issued for the same location, for which an
5187 offender has forfeited a permit pursuant to this section, to a
5188 spouse, offspring or sibling of the offender when to do so would
5189 circumvent the purposes of this section. The commissioner may
5190 assess a retailer who violates this section the amount of excise
5191 taxes due on the unlawfully imported beer, light spirit product or
5192 light wine, together with a penalty in the amount of four (4)
5193 times the state excise taxes due or One Hundred Dollars (\$100.00)
5194 per case, whichever is greater.

5195 **SECTION 95.** Section 67-3-59, Mississippi Code of 1972, is
5196 brought forward as follows:

5197 67-3-59. (1) Except as provided in this subsection, sales
5198 by wholesalers, distributors or manufacturers to persons who do
5199 not hold valid permits are unlawful; and any wholesaler,
5200 distributor or manufacturer making such sales, or who sells any
5201 beer, light spirit product or light wine on which the tax provided
5202 by law has not been paid, shall, in addition to any other fines,
5203 penalties and forfeitures, be subject to a penalty of Twenty-five
5204 Dollars (\$25.00) for each sale. If all other applicable taxes are
5205 paid, this penalty will not apply to the following: sales to
5206 employees of the wholesaler; sales to nonprofit charitable and
5207 civic organizations for special fund-raising events provided that
5208 the beer, light spirit product or light wine is not resold; sales
5209 to affiliated member associations.

5210 (2) The commissioner may assess the penalty by giving notice
5211 by mail, demanding payment within thirty (30) days from date of
5212 delivery of the notice.

5213 The proceeds of all penalties shall be deposited by the
5214 commissioner with the other monies collected by him and shall be
5215 disposed of as provided by law.

5216 **SECTION 96.** Section 67-3-61, Mississippi Code of 1972, is
5217 brought forward as follows:

5218 67-3-61. Every railroad company, express company, aeroplane
5219 company, motor transportation company, steamboat company, or other
5220 transportation company, or any person that shall transport into,
5221 from place to place within, or out of this state any light wines,
5222 light spirit products or beer, whether brewed or manufactured

5223 within this state or outside of this state, when requested by the
5224 commissioner, shall furnish him with a duplicate of the bill of
5225 lading covering the receipt for such liquor, showing the name of
5226 the brewer or manufacturer or distributor, and the name and
5227 address of the consignor and of the consignee, and the date when
5228 and place where received, and the destination and the quantity of
5229 such liquor received from the manufacturer or brewer or other
5230 consignor for shipment from any point within or without this state
5231 to any point within this state.

5232 Any such company or person so transporting any such liquor
5233 that shall fail to comply with the requirements of this section,
5234 shall forfeit and pay to the State of Mississippi the sum of One
5235 Hundred Dollars (\$100.00) for each such failure, to be recovered
5236 in any court of competent jurisdiction. The commissioner is
5237 hereby authorized and empowered to sue in his own name, on the
5238 relation and for the use of the State of Mississippi, for such
5239 recovery.

5240 **SECTION 97.** Section 67-3-63, Mississippi Code of 1972, is
5241 brought forward as follows:

5242 67-3-63. The commissioner shall cause a record to be kept of
5243 the names and places of business of all persons engaged in the
5244 brewing of beer, of all persons engaged in the manufacture of
5245 light wines or light spirit products, and of all persons engaged
5246 in the sale of light wines, light spirit products and/or beer,
5247 whether at retail or otherwise. He shall also cause a record to
5248 be kept of all beer, light spirit products and light wines (and of

5249 the amount thereof) brewed or manufactured by each brewery or
5250 winery, and of all such liquors (and of the amount thereof) sold
5251 by each brewery or winery, with the names and business addresses
5252 of the purchasers, and of all such liquors (and of the amount
5253 thereof) sold by every dealer other than a brewer or manufacturer,
5254 and in the case of sales by dealers other than retail dealers, of
5255 the names and business addresses of the purchasers.

5256 The commissioner shall cause a record to be kept of all
5257 expenses incurred in the collection of such data.

5258 **SECTION 98.** Section 67-3-69, Mississippi Code of 1972, is
5259 brought forward as follows:

5260 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,
5261 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of
5262 this chapter or of any rule or regulation of the commissioner,
5263 shall be a misdemeanor and, where the punishment therefor is not
5264 elsewhere prescribed in this section, shall be punished by a fine
5265 of not more than Five Hundred Dollars (\$500.00) or imprisonment
5266 for not more than six (6) months, or both, in the discretion of
5267 the court. If any person so convicted shall be the holder of any
5268 permit or license issued by the commissioner under authority of
5269 this chapter, the permit or license shall from and after the date
5270 of such conviction be void and the holder thereof shall not
5271 thereafter, for a period of one (1) year from the date of such
5272 conviction, be entitled to any permit or license for any purpose
5273 authorized by this chapter. Upon conviction of the holder of any

5274 permit or license, the appropriate law enforcement officer shall
5275 seize the permit or license and transmit it to the commissioner.

5276 (2) (a) Any person who shall violate any provision of
5277 Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a
5278 misdemeanor, and upon conviction thereof shall be punished by a
5279 fine of not more than Five Hundred Dollars (\$500.00) or by
5280 imprisonment in the county jail for not more than six (6) months,
5281 or by both such fine and imprisonment, in the discretion of the
5282 court.

5283 (b) Any person who shall violate any provision of
5284 Section 67-3-57 shall be guilty of a misdemeanor, and upon
5285 conviction thereof, shall be punished by a fine of not more than
5286 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
5287 jail for not more than one (1) year, or by both, in the discretion
5288 of the court. Any person convicted of violating any provision of
5289 the sections referred to in this subsection shall forfeit his
5290 permit, and shall not thereafter be permitted to engage in any
5291 business taxable under the provisions of Sections 27-71-301
5292 through 27-71-347.

5293 (3) If the holder of a permit, or the employee of the holder
5294 of a permit, shall be convicted of selling any beer, light spirit
5295 product or wine to anyone who is visibly intoxicated from the
5296 licensed premises or to any person under the age of twenty-one
5297 (21) years from the licensed premises in violation of Section
5298 67-3-53(b), then, in addition to any other penalty provided for by

5299 law, the commissioner may impose the following penalties against
5300 the holder of a permit:

5301 (a) For the first offense on the licensed premises, by
5302 a fine of not less than Five Hundred Dollars (\$500.00) nor more
5303 than One Thousand Dollars (\$1,000.00) and/or suspension of the
5304 permit for not more than three (3) months.

5305 (b) For a second offense occurring on the licensed
5306 premises within twelve (12) months of the first offense, by a fine
5307 of not less than Five Hundred Dollars (\$500.00) nor more than Two
5308 Thousand Dollars (\$2,000.00) and/or suspension of the permit for
5309 not more than six (6) months.

5310 (c) For a third offense occurring on the licensed
5311 premises within twelve (12) months of the first, by a fine of not
5312 less than Two Thousand Dollars (\$2,000.00) nor more than Five
5313 Thousand Dollars (\$5,000.00) and/or suspension or revocation of
5314 the permit to sell beer, light spirit product or light wine.

5315 (d) For a fourth or subsequent offense occurring on the
5316 licensed premises within twelve (12) months of the first, by a
5317 fine of not less than Two Thousand Dollars (\$2,000.00) nor more
5318 than Five Thousand Dollars (\$5,000.00) and/or suspension or
5319 revocation of the permit to sell beer, light spirit product or
5320 light wine.

5321 (4) A person who sells any beer, light spirit product or
5322 wine to a person under the age of twenty-one (21) years shall not
5323 be guilty of a violation of Section 67-3-53(b) if the person under
5324 the age of twenty-one (21) years represents himself to be

5325 twenty-one (21) years of age or older by displaying an apparently
5326 valid Mississippi driver's license containing a physical
5327 description consistent with his appearance or by displaying some
5328 other apparently valid identification card or document containing
5329 a picture and physical description consistent with his appearance
5330 for the purpose of inducing the person to sell beer, light spirit
5331 product or wine to him.

5332 (5) If a small craft brewery is convicted of violating the
5333 provisions of Section 67-3-48, then, in addition to any other
5334 provision provided for by law, the small craft brewery shall be
5335 punished as follows:

5336 (a) For the first offense, the small craft brewery may
5337 be fined in an amount not to exceed Five Hundred Dollars
5338 (\$500.00).

5339 (b) For a second offense occurring within twelve (12)
5340 months of the first offense, the small craft brewery may be fined
5341 an amount not to exceed One Thousand Dollars (\$1,000.00).

5342 (c) For a third or subsequent offense occurring within
5343 twelve (12) months of the first offense, the small craft brewery
5344 may be fined an amount not to exceed Five Thousand Dollars
5345 (\$5,000.00) and the permit to operate as a manufacturer shall be
5346 suspended for thirty (30) days.

5347 **SECTION 99.** Section 67-3-74, Mississippi Code of 1972, is
5348 brought forward as follows:

5349 67-3-74. (1) In addition to peace officers within their
5350 jurisdiction, all enforcement officers of the Alcoholic Beverage

5351 Control Division of the Department of Revenue are authorized to
5352 enforce the provisions made unlawful by this chapter and Section
5353 97-5-49; however, the provisions prohibiting the sale of light
5354 wine, light spirit product or beer to persons under the age of
5355 twenty-one (21) years shall be enforced by the division as
5356 provided for in this section.

5357 (2) (a) The Alcoholic Beverage Control Division shall
5358 investigate violations of the laws prohibiting the sale of light
5359 wine, light spirit product or beer to persons under the age of
5360 twenty-one (21) years upon receipt of a complaint or information
5361 from a person stating that they have knowledge of such violation.

5362 (b) Upon receipt of such complaint or information, the
5363 Alcoholic Beverage Control Division shall notify the permit holder
5364 of the complaint by certified mail to the primary business office
5365 of such permit holder or by hand delivery of the complaint or
5366 information to the primary business office of such holder, except
5367 in cases where the complaint or information is received from any
5368 law enforcement officer.

5369 (c) If an enforcement officer of the Alcoholic Beverage
5370 Control Division enters the business of the holder of the permit
5371 to investigate a complaint and discovers a violation, the agent
5372 shall notify the person that committed the violation and the
5373 holder of the permit:

5374 (i) Within ten (10) days after such violation,
5375 Sundays and holidays excluded, if the business sells light wine,
5376 light spirit product or beer for on-premises consumption; and

5377 (ii) Within seventy-two (72) hours after such
5378 violation, Sundays and holidays excluded, if the business does not
5379 sell light wine, light spirit product or beer for on-premises
5380 consumption.

5381 **SECTION 100.** Section 67-9-1, Mississippi Code of 1972, is
5382 brought forward as follows:

5383 67-9-1. Notwithstanding the provisions of any section of
5384 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
5385 any person holding an alcohol processing permit to transport and
5386 possess alcoholic beverages, light wine, light spirit product and
5387 beer, in any part of the state, for his or her use in cooking,
5388 processing or manufacturing products which contain alcoholic
5389 beverages as an integral ingredient, in amounts as limited by the
5390 Alcoholic Beverage Control Division of the Department of Revenue.
5391 The authority to transport and possess alcoholic beverages, light
5392 wine, light spirit product and beer under this section exists
5393 regardless of whether (a) the county or municipality in which the
5394 transportation or possession takes place has voted for or against
5395 coming out from under the dry law, or (b) the transportation,
5396 storage, sale, distribution, receipt or manufacture of light wine,
5397 light spirit product and beer otherwise is prohibited.

5398 The provisions of this section shall not be construed as
5399 amending, repealing or otherwise affecting any statute or any
5400 lawfully adopted ordinance, rule or regulation that prohibits or
5401 restricts the location at which, or the premises upon which,

5402 alcoholic beverages, light wine, light spirit product or beer may
5403 be sold or consumed.

5404 **SECTION 101.** Section 67-11-7, Mississippi Code of 1972, is
5405 brought forward as follows:

5406 67-11-7. (1) Every native distillery in the State of
5407 Mississippi shall apply for a permit as provided for in Section
5408 67-1-51 and shall be issued said initial and renewal permit by the
5409 department upon meeting the qualifications and requirements set
5410 forth by law or regulation for permits authorized by Section
5411 67-1-51.

5412 (2) Every native distillery shall register with the
5413 Secretary of State, shall show the location and permit number of
5414 the distillery, shall show the name and address of the producer
5415 owning, conducting or operating the distillery, shall show the
5416 name and address of all local agents and such other pertinent
5417 information which may be required by the Secretary of State, and
5418 shall appoint an agent for service of process within the State of
5419 Mississippi.

5420 **SECTION 102.** Section 27-71-307, Mississippi Code of 1972, is
5421 brought forward as follows:

5422 27-71-307. (1) (a) In addition to the specific tax imposed
5423 in Section 27-71-303, there is hereby imposed, levied, assessed
5424 and shall be collected, as hereinafter provided, an excise or
5425 privilege tax upon each person engaged or continuing in the
5426 business of wholesaler or distributor of light wines, light spirit
5427 products or beer equivalent to Forty-two and Sixty-eight

5428 One-hundredths Cents (42.68¢) per gallon upon all light wines,
5429 light spirit products and beer acquired for sale or distribution
5430 in this state. The excise or privilege tax is also imposed at the
5431 same rate upon each gallon of light wine, light spirit product or
5432 beer manufactured by brewpubs, each of which shall accurately and
5433 reliably measure the quantity of light wine, light spirit product
5434 and beer produced by using a measuring device such as a meter or
5435 gauge glass or any other suitable method approved by the
5436 commissioner. The excise or privilege tax is also imposed at the
5437 same rate upon each gallon of light wine, light spirit product or
5438 beer provided by a small craft brewery or microbrewery for sale as
5439 authorized under Section 67-3-48 and upon each gallon of light
5440 wine, light spirit product or beer provided for tasting or
5441 sampling under Section 67-3-47. The tax is hereby imposed as an
5442 additional tax for the privilege of engaging or continuing in
5443 business.

5444 (b) The excise tax imposed in this section shall be
5445 paid to the Department of Revenue monthly on or before the
5446 fifteenth day of the month following the month in which the beer,
5447 light spirit product or light wine was manufactured or received in
5448 this state. Monthly report forms shall be furnished by the
5449 commissioner to the wholesalers, distributors, brewpubs,
5450 microbreweries and small craft breweries.

5451 (c) Provided that persons operating a railroad dining
5452 car, club car or other car in interstate commerce upon which light
5453 wines, light spirit products or beer may be sold and who are

5454 licensed under the provisions of Section 67-3-27 and any other law
5455 relating to the sale of such beverages shall keep such records of
5456 the sales of such light wines, light spirit products and beer in
5457 this state as the commissioner shall prescribe and shall submit
5458 monthly reports of such sales to the commissioner within fifteen
5459 (15) days after the end of each month on a form prescribed
5460 therefor by the commissioner, and shall pay the tax due under the
5461 provisions of this section at the time such reports are filed.

5462 No official crowns, lids, labels or stamps with the word
5463 "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of
5464 tax payment is required by this section, or may be required under
5465 rule or regulation promulgated by the commissioner, to be affixed
5466 on or to any part of a beer, light wine, light spirit product or
5467 malt cooler bottle, can or other light wine, light spirit product
5468 or malt cooler container. For purposes of this section, malt
5469 cooler products shall be defined as a flavored malt beverage made
5470 from a base of malt beverage and flavored with fruit juices,
5471 aromatics and essences of other flavoring in quantities and
5472 proportions such that the resulting product possesses a character
5473 and flavor distinctive from the base malt beverage and
5474 distinguishable from other malt beverages.

5475 (2) A licensed wholesaler or distributor of beer, light
5476 spirit product or light wine may not import beer, light spirit
5477 product or light wine from any source other than a brewer or
5478 importer authorized by the commissioner to sell such beer, light
5479 spirit product or light wine in Mississippi. Any person who

5480 violates the provisions of this subsection, upon conviction
5481 thereof, shall be punished by a fine of not more than One Thousand
5482 Dollars (\$1,000.00) or by imprisonment in the county jail for not
5483 more than six (6) months, or by both such fine and imprisonment,
5484 in the discretion of the court and shall be subject to license
5485 forfeiture following an appropriate hearing before the Department
5486 of Revenue.

5487 (3) The wholesaler, distributor, microbrewery or small craft
5488 brewery shall be allowed credit for tax paid on beer, light spirit
5489 product or light wine which is no longer marketable and which is
5490 destroyed by same when such destruction is witnessed by an agent
5491 of the commissioner and when the amount of the excise tax exceeds
5492 One Hundred Dollars (\$100.00). No other loss will be allowed.

5493 A brewpub shall be allowed credit for light wine, light
5494 spirit product or beer which has passed through the meter, gauge
5495 glass or other approved measuring device and which has been soured
5496 or damaged. The brewpub shall record the removal of sour or
5497 damaged light wine, light spirit product or beer and may take
5498 credit after the destruction is witnessed by an agent of the
5499 commissioner and when the amount of excise tax exceeds Twenty-five
5500 Dollars (\$25.00). No other loss shall be allowed.

5501 (4) All manufacturers, brewers and importers of beer, light
5502 spirit product or light wine shall file monthly reports as
5503 prescribed by the commissioner listing sales to each wholesaler or
5504 distributor by date, invoice number, quantity and container size,
5505 and any other information deemed necessary.

5506 (5) All small craft breweries and microbreweries shall file
5507 monthly reports as prescribed by the commissioner regarding the
5508 sale of light wine, light spirit product or beer authorized under
5509 Section 67-3-48.

5510 (6) Manufacturers who offer and provide limited amounts of
5511 beer for tasting or sampling under Section 67-3-47 shall file
5512 monthly reports as prescribed by the commissioner regarding the
5513 beer provided for such tasting or sampling.

5514 (7) All administrative provisions of the Mississippi Sales
5515 Tax Law, including those which fix damages, penalties and interest
5516 for nonpayment of taxes and for noncompliance with the provisions
5517 of such chapter, and all other requirements and duties imposed
5518 upon taxpayers, shall apply to all persons liable for taxes under
5519 the provisions of this chapter, and the commissioner shall
5520 exercise all the power and authority and perform all the duties
5521 with respect to taxpayers under this chapter as are provided in
5522 the sales tax law except where there is conflict, then the
5523 provisions of this chapter shall control.

5524 **SECTION 103.** Section 27-71-315, Mississippi Code of 1972, is
5525 brought forward as follows:

5526 27-71-315. Except as otherwise provided in Section 67-9-1
5527 for the transportation of limited amounts of alcoholic beverages
5528 for the use of an alcohol processing permittee, it shall be
5529 unlawful for any person to transport from any point outside of
5530 this state to any point within this state, any light wines, light
5531 spirit products or beer except for delivery to a licensed

5532 wholesaler or distributor in this state; and except by common
5533 carrier. The commissioner may, however, upon application of a
5534 licensed wholesaler or distributor in this state, and under rules
5535 and regulations duly promulgated by him, issue a permit for the
5536 transportation by a licensed wholesaler or distributor of light
5537 wines, light spirit products and beer in trucks owned by such
5538 licensee, from without the state to the place of business of such
5539 licensee within the state, for distribution by said licensee.
5540 Such permit shall be granted for a specified period, not to exceed
5541 one (1) year.

5542 Any person engaged in transporting any light wines, light
5543 spirit products or beer from any point outside of this state to
5544 any point within this state, shall have in his possession during
5545 the entire time he is engaged in transporting such light wines,
5546 light spirit products or beer, an invoice, bill of sale, or bill
5547 of lading, showing the true name and address of the consignor, and
5548 also the true name and address of the licensed wholesaler or
5549 distributor to whom such light wines, light spirit products or
5550 beer is to be delivered, and the quantity of such light wines,
5551 light spirit products or beer, unless such common carrier
5552 maintains a permanent office within this state where complete
5553 records of all light wines, light spirit products or beer
5554 transported from without this state to points within this state
5555 are kept, and open to inspection by the commissioner or his duly
5556 authorized agent, at all reasonable times.

5557 It is hereby made the duty of all common carriers, and
5558 licensed wholesalers and distributors, transporting light wines,
5559 light spirit products or beer from without the State of
5560 Mississippi into the State of Mississippi, to furnish the
5561 commissioner on or before the fifteenth day of each month, a
5562 report showing the amount of beer transported within the state
5563 during the preceding month, the consignor, the consignee, and the
5564 quantity of light wines, light spirit products or beer so
5565 transported.

5566 **SECTION 104.** Section 27-71-335, Mississippi Code of 1972, is
5567 brought forward as follows:

5568 27-71-335. Any light wines, light spirit products or beer
5569 found at any point within this state which has been in the
5570 possession of any wholesaler or distributor for a period of more
5571 than forty-eight (48) hours and any light wines, light spirit
5572 products or beer transported into this state from a point outside
5573 this state, or from point-to-point within this state in violation
5574 of the provisions of this article, or any light wines, light
5575 spirit products or beer held or possessed by any person within
5576 this state on which the legal and proper tax has not been paid
5577 when due, whether such person be a wholesaler, retailer or
5578 distributor, or individual, and whether the light wines, light
5579 spirit products or beer be for sale or storage or individual use,
5580 except light wines, light spirit products or beer in possession of
5581 a licensed wholesaler or distributor for a period of time less
5582 than forty-eight (48) hours after receipt of the light wines,

5583 light spirit products or beer within this state, and light wines,
5584 light spirit products or beer held in storage by licensed
5585 manufacturers or producers, are hereby declared to be contraband
5586 goods, and there is hereby imposed and assessed, as tax and
5587 penalty, to be collected by the commissioner, an amount equal to
5588 the amount of the excise tax otherwise imposed under the
5589 Mississippi Wine and Beer Tax Law, plus a penalty of one hundred
5590 percent (100%) of the amount of the tax; or, at the option of the
5591 commissioner, the light wines, light spirit products or beer may
5592 be seized by the commissioner or his agents or any sheriff, or
5593 other lawful officer, and shall be dealt with in the same manner
5594 as provided for in Section 67-1-18 for alcoholic beverages.

5595 **SECTION 105.** Section 27-71-505, Mississippi Code of 1972, is
5596 brought forward as follows:

5597 27-71-505. The commissioner may revoke any or all permits
5598 issued by him to sell beer or wine manufactured by any person who
5599 shall fail or refuse to furnish the information required by
5600 Section 27-71-501 of this article, and he may revoke the permit of
5601 any person who shall fail or refuse to furnish the information
5602 required by Section 27-71-503 of this article, and said revocation
5603 may apply to any or all brands of such beverages, if the
5604 manufacturer or holder of the permit shall fail or refuse to
5605 comply with the rules and regulations promulgated by him.

5606 **SECTION 106.** Section 67-1-209, Mississippi Code of 1972,
5607 which requires the Department of Revenue to have a contract
5608 compliance officer to monitor the contract for warehouse and

5609 distribution operations and assure operator compliance with its
5610 performance work statement, is repealed.

5611 **SECTION 107.** Sections 1 through 12 of this act shall be
5612 codified as a new article in Title 67, Chapter 1, Mississippi Code
5613 of 1972.

5614 **SECTION 108.** This act shall take effect and be in force from
5615 and after July 1, 2025, and shall stand repealed on June 30, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE ALCOHOLIC BEVERAGE CORPORATION AND
2 TRANSFER TO IT THE POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE
3 WITH RESPECT TO ALCOHOLIC BEVERAGE WAREHOUSING AND DISTRIBUTION;
4 TO PROVIDE FOR THE ESTABLISHMENT OF THE CORPORATION'S BOARD OF
5 DIRECTORS; TO PROVIDE THAT BOARD MEETINGS SHALL BE SUBJECT TO THE
6 OPEN MEETINGS ACT; TO PROVIDE FOR THE APPOINTMENT OF THE
7 CORPORATION'S PRESIDENT BY THE BOARD, SUBJECT TO THE APPROVAL OF
8 THE GOVERNOR; TO PROVIDE THAT THE CORPORATION'S RECORDS SHALL BE
9 SUBJECT TO THE PUBLIC RECORDS ACT, WITH CERTAIN EXCEPTIONS; TO
10 DESCRIBE THE BOARD'S POWERS AND DUTIES; TO DESCRIBE THE
11 PRESIDENT'S POWERS AND DUTIES; TO DESCRIBE THE CORPORATION'S
12 POWERS AND DUTIES; TO AUTHORIZE THE BOARD TO HIRE AN ATTORNEY OR
13 CONTRACT WITH OUTSIDE COUNSEL; TO PROVIDE THAT THE CORPORATION
14 SHALL ESTABLISH AND MAINTAIN A PERSONNEL PROGRAM, INCLUDING
15 ADMINISTRATIVE RULES AND REGULATIONS FOR ITS EMPLOYEES, MAY
16 PROCURE BENEFIT PROGRAMS OR GROUP INSURANCE PLANS, AND SHALL
17 PROVIDE OR ARRANGE FOR A RETIREMENT PLAN; TO PROVIDE CERTAIN
18 CONDITIONS AND STANDARDS OF EMPLOYMENT FOR CORPORATION OFFICERS
19 AND EMPLOYEES AND OF SERVICE FOR BOARD MEMBERS; TO PROVIDE THAT
20 ALL DIVISION HEADS, OFFICERS AND EMPLOYEES OF THE CORPORATION
21 SHALL BE CONSIDERED PUBLIC SERVANTS, AND ALL DIVISION HEADS AND
22 OFFICERS SHALL BE REQUIRED TO FILE A STATEMENT OF ECONOMIC
23 INTEREST WITH THE MISSISSIPPI ETHICS COMMISSION; TO PROVIDE
24 REPORTING AND AUDITING REQUIREMENTS FOR THE CORPORATION; TO
25 PROVIDE THAT THE CORPORATION SHALL SUBMIT TO THE JOINT LEGISLATIVE
26 BUDGET COMMITTEE A COPY OF THE CORPORATION'S ANNUAL OPERATING
27 BUDGET FOR THE UPCOMING FISCAL YEAR; TO AMEND SECTIONS 67-1-3,
28 67-1-5, 67-1-9, 67-1-13, 67-1-17, 67-1-18, 67-1-23, 67-1-25,
29 67-1-27, 67-1-29, 67-1-33, 67-1-35, 67-1-37, 67-1-41, 67-1-43,
30 67-1-45, 67-1-47, 67-1-49, 67-1-51, 67-1-52, 67-1-53, 67-1-55,
31 67-1-57, 67-1-61, 67-1-63, 67-1-65, 67-1-67, 67-1-69, 67-1-72,
32 67-1-75, 67-1-77, 67-1-83, 67-1-87, 67-1-89, 67-1-91, 67-1-101,

33 67-1-201, 67-1-203, 67-1-205, 67-1-207, 67-1-211, 67-3-3, 67-3-17,
34 67-3-19, 67-3-22, 67-3-23, 67-3-28, 67-5-5, 67-5-9, 67-5-11,
35 67-5-13, 67-7-5, 67-7-11, 67-11-3, 67-11-9, 67-11-11, 27-71-5,
36 27-71-7, 27-71-9, 27-71-11, 27-71-13, 27-71-15, 27-71-17, 27-71-29
37 AND 27-71-301, MISSISSIPPI CODE OF 1972, TO CONFORM; TO BRING
38 FORWARD SECTIONS 67-1-7, 67-1-39, 67-1-51.1, 67-1-71, 67-1-73,
39 67-1-81, 67-3-15, 67-3-25, 67-3-27, 67-3-29, 67-3-31, 67-3-33,
40 67-3-35, 67-3-37, 67-3-39, 67-3-49, 67-3-52, 67-3-59, 67-3-61,
41 67-3-63, 67-3-69, 67-3-74, 67-9-1, 67-11-7, 27-71-307, 27-71-315,
42 27-71-335 AND 27-71-505, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
43 OF POSSIBLE AMENDMENT; TO REPEAL SECTION 67-1-209, MISSISSIPPI
44 CODE OF 1972, WHICH REQUIRES THE DEPARTMENT OF REVENUE TO HAVE A
45 CONTRACT COMPLIANCE OFFICER TO MONITOR THE CONTRACT FOR WAREHOUSE
46 AND DISTRIBUTION OPERATIONS AND ASSURE OPERATOR COMPLIANCE WITH
47 ITS PERFORMANCE WORK STATEMENT; AND FOR RELATED PURPOSES.

HR43\SB2853A.J

Andrew Ketchings
Clerk of the House of Representatives