

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2457

BY: Committee

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

6 **SECTION 1.** Section 67-1-5, Mississippi Code of 1972, is
7 amended as follows:

8 67-1-5. For the purposes of this article and unless
9 otherwise required by the context:

10 (a) "Alcoholic beverage" means any alcoholic liquid,
11 including wines of more than five percent (5%) of alcohol by
12 weight, capable of being consumed as a beverage by a human being,
13 but shall not include light wine, light spirit product and beer,
14 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
15 include native wines and native spirits. The words "alcoholic



16 beverage" shall not include ethyl alcohol manufactured or
17 distilled solely for fuel purposes or beer of an alcoholic content
18 of more than eight percent (8%) by weight if the beer is legally
19 manufactured in this state for sale in another state.

20 (b) "Alcohol" means the product of distillation of any
21 fermented liquid, whatever the origin thereof, and includes
22 synthetic ethyl alcohol, but does not include denatured alcohol or
23 wood alcohol.

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

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

32 (e) "Person" means and includes any individual,
33 partnership, corporation, association or other legal entity
34 whatsoever.

35 (f) "Manufacturer" means any person engaged in
36 manufacturing, distilling, rectifying, blending or bottling any
37 alcoholic beverage.

38 (g) "Wholesaler" means any person, other than a
39 manufacturer, engaged in distributing or selling any alcoholic



40 beverage at wholesale for delivery within or without this state
41 when such sale is for the purpose of resale by the purchaser.

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

45 (i) "State Tax Commission," "commission" or
46 "department" means the Department of Revenue of the State of
47 Mississippi, which shall create a division in its organization to
48 be known as the Alcoholic Beverage Control Division. Any
49 reference to the commission or the department hereafter means the
50 powers and duties of the Department of Revenue with reference to
51 supervision of the Alcoholic Beverage Control Division.

52 (j) "Division" means the Alcoholic Beverage Control
53 Division of the Department of Revenue.

54 (k) "Municipality" means any incorporated city or town
55 of this state.

56 (l) "Hotel" means an establishment within a
57 municipality, or within a qualified resort area approved as such
58 by the department, where, in consideration of payment, food and
59 lodging are habitually furnished to travelers and wherein are
60 located at least twenty (20) adequately furnished and completely
61 separate sleeping rooms with adequate facilities that persons
62 usually apply for and receive as overnight accommodations. Hotels
63 in towns or cities of more than twenty-five thousand (25,000)
64 population are similarly defined except that they must have fifty



65 (50) or more sleeping rooms. Any such establishment described in
66 this paragraph with less than fifty (50) beds shall operate one or
67 more regular dining rooms designed to be constantly frequented by
68 customers each day. When used in this article, the word "hotel"
69 shall also be construed to include any establishment that meets
70 the definition of "bed and breakfast inn" as provided in this
71 section.

72 (m) "Restaurant" means:

73 (i) A place which is regularly and in a bona fide
74 manner used and kept open for the serving of meals to guests for
75 compensation, which has suitable seating facilities for guests,
76 and which has suitable kitchen facilities connected therewith for
77 cooking an assortment of foods and meals commonly ordered at
78 various hours of the day; the service of such food as sandwiches
79 and salads only shall not be deemed in compliance with this
80 requirement. Except as otherwise provided in this paragraph, no
81 place shall qualify as a restaurant under this article unless
82 twenty-five percent (25%) or more of the revenue derived from such
83 place shall be from the preparation, cooking and serving of meals
84 and not from the sale of beverages, or unless the value of food
85 given to and consumed by customers is equal to twenty-five percent
86 (25%) or more of total revenue; or

87 (ii) Any privately owned business located in a
88 building in a historic district where the district is listed in
89 the National Register of Historic Places, where the building has a



90 total occupancy rating of not less than one thousand (1,000) and
91 where the business regularly utilizes ten thousand (10,000) square
92 feet or more in the building for live entertainment, including not
93 only the stage, lobby or area where the audience sits and/or
94 stands, but also any other portion of the building necessary for
95 the operation of the business, including any kitchen area, bar
96 area, storage area and office space, but excluding any area for
97 parking. In addition to the other requirements of this
98 subparagraph, the business must also serve food to guests for
99 compensation within the building and derive the majority of its
100 revenue from event-related fees, including, but not limited to,
101 admission fees or ticket sales to live entertainment in the
102 building, and from the rental of all or part of the facilities of
103 the business in the building to another party for a specific event
104 or function.

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

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

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

111 (iii) Maintained by its members through the
112 payment of annual dues;

113 (iv) Owning, hiring or leasing a building or space
114 in a building of such extent and character as may be suitable and



115 adequate for the reasonable and comfortable use and accommodation
116 of its members and their guests;

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

121 (vi) No member, officer, agent or employee of
122 which is paid, or directly or indirectly receives, in the form of
123 a salary or other compensation any profit from the distribution or
124 sale of alcoholic beverages to the club or to members or guests of
125 the club beyond such salary or compensation as may be fixed and
126 voted at a proper meeting by the board of directors or other
127 governing body out of the general revenues of the club.

128 The department may, in its discretion, waive the five-year
129 provision of this paragraph. In order to qualify under this
130 paragraph, a club must file with the department, at the time of
131 its application for a license under this article, two (2) copies
132 of a list of the names and residences of its members and similarly
133 file, within ten (10) days after the election of any additional
134 member, his name and address. Each club applying for a license
135 shall also file with the department at the time of the application
136 a copy of its articles of association, charter of incorporation,
137 bylaws or other instruments governing the business and affairs
138 thereof.



139 (o) "Qualified resort area" means any area or locality
140 outside of the limits of incorporated municipalities in this state
141 commonly known and accepted as a place which regularly and
142 customarily attracts tourists, vacationists and other transients
143 because of its historical, scenic or recreational facilities or
144 attractions, or because of other attributes which regularly and
145 customarily appeal to and attract tourists, vacationists and other
146 transients in substantial numbers; however, no area or locality
147 shall so qualify as a resort area until it has been duly and
148 properly approved as such by the department. The department may
149 not approve an area as a qualified resort area after July 1, 2018,
150 if any portion of such proposed area is located within two (2)
151 miles of a convent or monastery that is located in a county
152 traversed by Interstate 55 and U.S. Highway 98. A convent or
153 monastery may waive such distance restrictions in favor of
154 allowing approval by the department of an area as a qualified
155 resort area. Such waiver shall be in written form from the owner,
156 the governing body, or the appropriate officer of the convent or
157 monastery having the authority to execute such a waiver, and the
158 waiver shall be filed with and verified by the department before
159 becoming effective.

160 (i) The department may approve an area or locality
161 outside of the limits of an incorporated municipality that is in
162 the process of being developed as a qualified resort area if such
163 area or locality, when developed, can reasonably be expected to



164 meet the requisites of the definition of the term "qualified
165 resort area." In such a case, the status of qualified resort area
166 shall not take effect until completion of the development.

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

175 (iii) The term includes:

176 1. The clubhouses associated with the state
177 park golf courses at the Lefleur's Bluff State Park, the John Kyle
178 State Park, the Percy Quin State Park and the Hugh White State
179 Park;

180 2. The clubhouse and associated golf course,
181 tennis courts and related facilities and swimming pool and related
182 facilities where the golf course, tennis courts and related
183 facilities and swimming pool and related facilities are adjacent
184 to one or more planned residential developments and the golf
185 course and all such developments collectively include at least
186 seven hundred fifty (750) acres and at least four hundred (400)
187 residential units;



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

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

197 5. Any facility that is located in a
198 municipality that is bordered by the Pearl River, traversed by
199 Mississippi Highway 25, adjacent to the boundaries of the Jackson
200 International Airport and is located in a county which has voted
201 against coming out from under the dry law; however, any such
202 facility may only be located in areas designated by the governing
203 authorities of such municipality;

204 6. Any municipality with a population in
205 excess of ten thousand (10,000) according to the latest federal
206 decennial census that is located in a county that is bordered by
207 the Pearl River and is not traversed by Interstate Highway 20,
208 with a population in excess of forty-five thousand (45,000)
209 according to the latest federal decennial census;

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



212 8. a. Land that is located in any county in
213 which Mississippi Highway 43 and Mississippi Highway 25 intersect
214 and:

215 A. Owned by the Pearl River Valley
216 Water Supply District, and/or

217 B. Located within the Reservoir
218 Community District, zoned commercial, east of Old Fannin Road,
219 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
220 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
221 Drive and/or Lake Vista Place, and/or

222 C. Located within the Reservoir
223 Community District, zoned commercial, west of Old Fannin Road,
224 south of Spillway Road and extending to the boundary of the
225 corporate limits of the City of Flowood, Mississippi;

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

229 A. Specify the hours of operation
230 of facilities that offer alcoholic beverages for sale,

231 B. Specify the percentage of
232 revenue that facilities that offer alcoholic beverages for sale
233 must derive from the preparation, cooking and serving of meals and
234 not from the sale of beverages, and

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



237 9. Any facility located on property that is a
238 game reserve with restricted access that consists of at least
239 eight hundred (800) contiguous acres with no public roads, that
240 offers as a service hunts for a fee to overnight guests of the
241 facility, and has accommodations for at least fifty (50) overnight
242 guests;

243 10. Any facility that:

244 a. Consists of at least six thousand
245 (6,000) square feet being heated and cooled along with an
246 additional adjacent area that consists of at least two thousand
247 two hundred (2,200) square feet regardless of whether heated and
248 cooled,

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

251 c. Provides lodging accommodations
252 regardless of whether part of the facility and/or located adjacent
253 to or in close proximity to the facility, and

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

256 11. Any facility and related property:

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



262 b. Used for the purpose of providing
263 meals and hosting events, and

264 c. Used for the purpose of teaching
265 culinary arts courses and/or turf management and grounds keeping
266 courses, and/or outdoor recreation and leadership courses;

267 12. Any facility and related property that:

268 a. Consist of at least eight thousand
269 (8,000) square feet being heated and cooled,

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

271 c. Is used for the purpose of culinary
272 arts courses, and/or live entertainment courses and art
273 performances, and/or outdoor recreation and leadership courses;

274 13. The clubhouse and associated golf course
275 where the golf course is adjacent to one or more residential
276 developments and the golf course and all such developments
277 collectively include at least two hundred (200) acres and at least
278 one hundred fifty (150) residential units and are located a. in a
279 county that has voted against coming out from under the dry law;
280 and b. outside of but in close proximity to a municipality in such
281 county which has voted under Section 67-1-14, after January 1,
282 2013, to come out from under the dry law;

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



287 15. a. Land that is planned for mixed-use
288 development and consists of at least two hundred (200) contiguous
289 acres with one or more planned residential developments
290 collectively planned to include at least two hundred (200)
291 residential units when completed, and also including a facility
292 that consists of at least four thousand (4,000) square feet that
293 is not part of such land but is located adjacent to or in close
294 proximity thereto, and which land is located:

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

297 B. Outside the corporate limits of
298 any municipality in such county and adjacent to or in close
299 proximity to a golf course located in a municipality in such
300 county, and

301 C. Within one (1) mile of a state
302 institution of higher learning;

303 b. The board of supervisors of such
304 county may by resolution or other order:

305 A. Specify the hours of operation
306 of facilities that offer alcoholic beverages for sale,

307 B. Specify the percentage of
308 revenue that facilities that offer alcoholic beverages for sale
309 must derive from the preparation, cooking and serving of meals and
310 not from the sale of beverages, and



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

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

319 17. One hundred five (105) contiguous acres,
320 more or less, located in Hinds County, Mississippi, and in the
321 City of Jackson, Mississippi, whereon are constructed a variety of
322 buildings, improvements, grounds or objects for the purpose of
323 holding events thereon to promote agricultural and industrial
324 development in Mississippi;

325 18. Land that is owned by a state institution
326 of higher learning, land that is owned by an entity that is bound
327 by an affiliation agreement with a state institution of higher
328 learning, or land that is owned by one or more other entities so
329 long as such other entities are solely owned, either directly or
330 through additional entities, by an institution of higher learning
331 and/or one or more entities bound by affiliation agreements with
332 such institution, and:

333 a. Located entirely within a county that
334 has elected by majority vote not to permit the transportation,



335 storage, sale, distribution, receipt and/or manufacture of light
336 wine and beer pursuant to Section 67-3-7 * * *; and

337 b. A. Located adjacent to but outside
338 the incorporated limits of a municipality that has elected by
339 majority vote to permit the sale, receipt, storage and
340 transportation of light wine and beer pursuant to Section
341 67-3-9 * * *; or

342 B. Located in an area bounded on
343 the north by College View Drive, on the east by Highway 12 East,
344 on the south by Highway 12 East, on the west by Mill Street, on
345 the north by Russell Street, then on the west by Colonel Muldrow
346 Avenue, on the north by University Drive, on the west by Adkerson
347 Way within a municipality through which run Highway 25, Highway 12
348 and Highway 82.

349 If any portion of the land described in this item 18 has been
350 declared a qualified resort area by the department before July 1,
351 2020, then that qualified resort area shall be incorporated into
352 the qualified resort area created by this item 18;

353 19. Any facility and related property:

354 a. Used as a flea market or similar
355 venue during a weekend (Saturday and Sunday) immediately preceding
356 the first Monday of a month and having an annual average of at
357 least one thousand (1,000) visitors for each such weekend and five
358 hundred (500) vendors for Saturday of each such weekend, and



359 b. Located in a county that has not
360 voted to come out from under the dry law and outside of but in
361 close proximity to a municipality located in such county and which
362 municipality has voted to come out from under the dry law;

363 20. Blocks 1, 2 and 3 of the original town
364 square in any municipality with a population in excess of one
365 thousand five hundred (1,500) according to the latest federal
366 decennial census and which is located in:

367 a. A county traversed by Interstate 55
368 and Interstate 20, and

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

371 21. Any municipality with a population in
372 excess of two thousand (2,000) according to the latest federal
373 decennial census and in which is located a part of White's Creek
374 Lake and in which U.S. Highway 82 intersects with Mississippi
375 Highway 9 and located in a county that is partially bordered on
376 one (1) side by the Big Black River;

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

380 23. Any tracts of land in Oktibbeha County,
381 situated north of Bailey Howell Drive, Lee Boulevard and Old
382 Mayhew Road, east of George Perry Street and south of Mississippi
383 Highway 182, and not located on the property of a state



384 institution of higher learning; however, the board of supervisors
385 of such county may by resolution or other order:

386 a. Specify the hours of operation of
387 facilities that offer alcoholic beverages for sale;

388 b. Specify the percentage of revenue
389 that facilities that offer alcoholic beverages for sale must
390 derive from the preparation, cooking and serving of meals and not
391 from the sale of beverages; and

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

394 24. A municipality in which Mississippi
395 Highway 27 and Mississippi Highway 28 intersect;

396 25. A municipality through which run
397 Mississippi Highway 35 and Interstate 20;

398 26. A municipality in which Mississippi
399 Highway 16 and Mississippi Highway 35 intersect;

400 27. A municipality in which U.S. Highway 82
401 and Old Highway 61 intersect;

402 28. A municipality in which Mississippi
403 Highway 8 meets Mississippi Highway 1;

404 29. A municipality in which U.S. Highway 82
405 and Mississippi Highway 1 intersect;

406 30. A municipality in which Mississippi
407 Highway 50 meets Mississippi Highway 9;



408 31. An area bounded on the north by Pearl
409 Street, on the east by West Street, on the south by Court Street
410 and on the west by Farish Street, within a municipality bordered
411 on the east by the Pearl River and through which run Interstate 20
412 and Interstate 55;

413 32. Any facility and related property that:

414 a. Is contracted for mixed-use
415 development improvements consisting of office and residential
416 space and a restaurant and lounge, partially occupying the
417 renovated space of a four-story commercial building which
418 previously served as a financial institution; and adjacent
419 property to the west consisting of a single-story office building
420 that was originally occupied by the Brotherhood of Carpenters and
421 Joiners of American Local Number 569; and

422 b. Is situated on a tract of land
423 consisting of approximately one and one-tenth (1.10) acres, and
424 the adjacent property to the west consisting of approximately 0.5
425 acres, located in a municipality which is the seat of county
426 government, situated south of Interstate 10, traversed by U.S.
427 Highway 90, partially bordered on one (1) side by the Pascagoula
428 River and having its most southern boundary bordered by the Gulf
429 of Mexico, with a population greater than twenty-two thousand
430 (22,000) according to the 2010 federal decennial census; however,
431 the governing authorities of such a municipality may by ordinance:



432 A. Specify the hours of operation
433 of facilities that offer alcoholic beverages for sale;

434 B. Specify the percentage of
435 revenue that facilities that offer alcoholic beverages for sale
436 must derive from the preparation, cooking and serving of meals and
437 not from the sale of beverages; and

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

440 33. Any facility with a maximum capacity of
441 one hundred twenty (120) people that consists of at least three
442 thousand (3,000) square feet being heated and cooled, has a
443 commercial kitchen, has a pavilion that consists of at least nine
444 thousand (9,000) square feet and is located on land more
445 particularly described as follows:

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

450 ALSO,

451 The Northeast 38 acres of the Southwest Quarter of Section
452 21, Township 7 South, Range 4 East, Union County, Mississippi.

453 ALSO,

454 The South 81 1/2 acres of the Southwest Quarter of Section
455 21, Township 7 South, Range 4 East, Union County, Mississippi;



456 34. A municipality in which U.S. Highway 51
457 and Mississippi Highway 16 intersect;

458 35. A municipality in which Interstate 20
459 passes over Mississippi Highway 15;

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

464 37. A municipality in which Mississippi
465 Highway 28 and Mississippi Highway 29 North intersect;

466 38. An area bounded as follows within a
467 municipality through which run Interstate 22 and Mississippi
468 Highway 15: Beginning at a point at the intersection of Bankhead
469 Street and Tallahatchie Trails; then running to a point at the
470 intersection of Tallahatchie Trails and Interstate 22; then
471 running to a point at the intersection of Interstate 22 and Carter
472 Avenue; then running to a point at the intersection of Carter
473 Avenue and Camp Avenue; then running to a point at the
474 intersection of Camp Avenue and King Street; then running to a
475 point at the intersection of King Street and E. Main Street; then
476 running to a point at the intersection of E. Main Street and Camp
477 Avenue; then running to a point at the intersection of Camp Avenue
478 and Highland Street; then running to a point at the intersection
479 of Highland Street and Adams Street; then running to a point at
480 the intersection of Adams Street and Cleveland Street; then



481 running to a point at the intersection of Cleveland Street and N.
482 Railroad Avenue; then running to a point at the intersection of N.
483 Railroad Avenue and McGill Street; then running to a point at the
484 intersection of McGill Street and Snyder Street; then running to a
485 point at the intersection of Snyder Street and Bankhead Street;
486 then running to a point at the intersection of Bankhead Street and
487 Tallahatchie Trails and the point of the beginning;

488 39. A municipality through which run
489 Mississippi Highway 43 and U.S. Highway 80;

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

492 41. A piece of property on the northeast
493 corner of the T-intersection where Builders Square Drive meets
494 Mississippi Highway 471;

495 42. The clubhouse and associated golf course,
496 tennis courts and related facilities and swimming pool and related
497 facilities located on Oaks Country Club Road less than one-half
498 (1/2) mile to the east of Mississippi Highway 15;

499 43. Any facility located on land more
500 particularly described as follows:

501 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
502 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
503 Southwest Corner of the Southwest Quarter (SW 1/4) of the
504 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
505 East, running 210 feet east and west and 840 feet running north



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

509 44. Any facility located on land more
510 particularly described as follows:

511 Beginning at a point 1915 feet west and 2171 feet north of
512 southeast corner, Section 11, Township 24 North, Range 2 West,
513 Second Judicial District, Tallahatchie County, Mississippi, which
514 point is the southwest corner of J.C. Section Lot mentioned in
515 deed recorded in Book 50, page 34, in the records of the Chancery
516 Clerk's Office at Sumner, in said District of said County; thence
517 South 80° West, 19 feet to the east boundary of United States
518 Highway 49-E, thence East along the east boundary of said Highway
519 270 feet to point of beginning of Lot to be conveyed; thence
520 southeast along the east boundary of said Highway 204 feet to a
521 concrete post at the intersection of the east boundary of said
522 Highway with the west boundary of gravel road from Sumner to Webb,
523 known as Oil Mill Road, thence Northwest along west boundary of
524 said Oil Mill Road 194 feet to center of driveway running
525 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
526 South 66° West along center of said driveway 128 feet to point of
527 beginning, being situated in Northwest Quarter of Southeast
528 Quarter of Section 11, together with all improvements situated
529 thereon;

530 45. Any facility that:



531 a. Consists of at least five thousand
532 six hundred (5,600) square feet being heated and cooled along with
533 a lakeside patio that consists of at least two thousand two
534 hundred (2,200) square feet, regardless of whether such patio is
535 part of the facility and/or located adjacent to or in close
536 proximity to the facility;

537 b. Includes a caterer's kitchen and
538 green room for entertainment preparation;

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

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

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

549 47. The clubhouse and associated nine-hole
550 golf course, tennis courts and related facilities and swimming
551 pool and related facilities located on or near U.S. Highway 82
552 between Mississippi Highway 15 and Mississippi Highway 9;

553 48. The downtown square area bound by East
554 Service Drive, Commerce Street, Second Street and Court Street and



555 adjacent properties in a municipality through which run Interstate
556 55, U.S. Highway 51 and Mississippi Highway 306;

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

561 50. Any facility used by a soccer club and
562 located on Old Highway 11 between one-tenth (0.1) and two-tenths
563 (0.2) of a mile from its intersection with Oak Grove Road, in a
564 county in which U.S. Highway 98 and Mississippi Highway 589
565 intersect;

566 51. Any municipality in which U.S. Highway 49
567 and Mississippi Highway 469 intersect;

568 52. Any facility that is:

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

572 b. Used by such organization for its
573 headquarters and other organization related purposes; and

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

576 53. The following within a municipality in
577 which U.S. Highway 49 and U.S. 61 Highway intersect and through
578 which flows the Sunflower River:



579 a. An area bounded as follows: Starting
580 at the southern point of the intersection of Sunflower Avenue and
581 1st Street and going south along said avenue on its eastern side
582 to 8th Street, then going east along said street on its northern
583 side to West Tallahatchie Street, then going north along said
584 street on its western side to 4th Street/Martin Luther King
585 Boulevard, then going east along said street/boulevard on its
586 northern side to Desoto Avenue, then going north along said avenue
587 on its western side to 1st Street, then going west along said
588 street on its southern side to the point of beginning along the
589 southern side of Court Street;

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

593 c. Any facility located on the west side
594 of Sunflower Avenue to the Sunflower River between the southern
595 side of 6th Street and the northern side of 8th Street and which
596 is operated as and/or was operated as a hotel or lodging facility,
597 in consideration of payment, regardless of whether the facility
598 meets the criteria for the definition of the term "hotel" in
599 paragraph (1) of this section; and

600 d. Any facility located on the west side
601 of Sunflower Avenue to the Sunflower River between the southern
602 side of 3rd Street and the northern side of 4th Street/Martin



603 Luther King Boulevard and which is operated as and/or was operated
604 as a musical venue, in consideration of payment;

605 54. Any municipality in which Mississippi
606 Highway 340 meets Mississippi Highway 15;

607 55. Any municipality in which Mississippi
608 Highway 540 and Mississippi Highway 149 intersect;

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

611 57. The property and structures thereon at
612 the following locations within a municipality through which run
613 U.S. Highway 45 and Mississippi Highway 145 and in which
614 Mississippi Highway 370 and Mississippi Highway 145 intersect:

615 104 West Main Street, 106 West Main Street, 108 West Main Street,
616 110 West Main Street and 112 West Main Street;

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

620 59. Any municipality in which Interstate 22
621 passes over Mississippi Highway 9;

622 60. Any facility located on land more
623 particularly described as follows:

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



627 Commence at an existing 1/2" iron pin marking the
628 Southwest corner of the aforesaid Southeast 1/4 of the
629 Northeast 1/4 of Section 9, T3N-R3E and run thence North
630 00 degrees 06 minutes 13 seconds East along the East
631 line of the Southeast 1/4 of the Northeast 1/4 for a
632 distance of 33.18 feet to an existing 1/2" iron pin;
633 leaving said East line of the Southeast 1/4 of the
634 Northeast 1/4, run thence South 89 degrees 53 minutes 47
635 seconds East for a distance of 2.08 feet to an existing
636 1/2" iron pin; run thence North 00 degrees 22 minutes 19
637 seconds East for a distance of 561.90 feet to an
638 existing 1/2" iron pin; run thence North 00 degrees 16
639 minutes 18 seconds East for a distance of 76.42 feet to
640 a set 1/2" iron pin marking the POINT OF BEGINNING of
641 the parcel of land herein described; from said POINT OF
642 BEGINNING, continue thence North 00 degrees 16 minutes
643 18 seconds East along an existing fence for a distance
644 of 493.27 feet to an existing 1/2" iron pin; run thence
645 North 03 degrees 08 minutes 15 seconds East for a
646 distance of 170.22 feet to an existing 1/2" iron pin on
647 the North line of the aforesaid Southeast 1/4 of the
648 Northeast 1/4 of Section 9; run thence North 89 degrees
649 46 minutes 45 seconds East along said North line of the
650 Southeast 1/4 of the Northeast 1/4 of Section 9 for a
651 distance of 1,305.51 feet to an existing 1/2" iron pin



652 marking Northeast corner thereof; leaving said North
653 line of the Southeast 1/4 of the Northeast 1/4 of
654 Section 9, run thence South 00 degrees 08 minutes 35
655 seconds West along the East line of said Southeast 1/4
656 of the Northeast 1/4 of Section 9 for a distance of
657 663.19 feet to a set 1/2" iron pin; leaving said East
658 line of the Southeast 1/4 of the Northeast 1/4 of
659 Section 9, run thence South 89 degrees 46 minutes 45
660 seconds West for a distance of 1,315.51 feet to the
661 POINT OF BEGINNING, containing 20.00 acres, more or
662 less.

663 And Also: An easement for the purpose of ingress and egress
664 being situated in the Southeast 1/4 of the Northeast 1/4 and in
665 the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E,
666 Rankin County, Mississippi, and being more particularly described
667 as follows:

668 Begin at an existing 1/2" iron pin marking the
669 Southwest corner of the aforesaid Southeast 1/4 of the
670 Northeast 1/4 of Section 9, T3N-R3E and run thence North
671 00 degrees 06 minutes 13 seconds East along the East
672 line of the Southeast 1/4 of the Northeast 1/4 for a
673 distance of 33.18 feet to an existing 1/2" iron pin;
674 leaving said East line of the Southeast 1/4 of the
675 Northeast 1/4, run thence South 89 degrees 53 minutes 47
676 seconds East for a distance of 2.08 feet to an existing



677 1/2" iron pin; run thence North 00 degrees 22 minutes 19
678 seconds East for a distance of 561.90 feet to an
679 existing 1/2" iron pin; run thence North 00 degrees 16
680 minutes 18 seconds East for a distance of 76.42 feet to
681 a set 1/2" iron pin; run thence North 89 degrees 46
682 minutes 45 seconds East for a distance of 25.00 feet to
683 a set 1/2" iron pin; run thence South 00 degrees 16
684 minutes 18 seconds West for a distance of 76.66 feet to
685 a set 1/2" iron pin; run thence South 00 degrees 22
686 minutes 19 seconds West for a distance of 619.81 feet to
687 a set 1/2" iron pin; run thence South 89 degrees 43
688 minutes 01 seconds West for a distance of 26.81 feet to
689 a set 1/2" iron pin; run thence North 00 degrees 06
690 minutes 13 seconds East along the West line of the
691 aforesaid Northeast 1/4 of the Southeast 1/4 of Section
692 9 for a distance of 25.00 feet to the POINT OF
693 BEGINNING, containing 17,525.4 square feet, more or
694 less.

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

697 62. The property and structures thereon
698 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201
699 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969
700 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original
701 town square in any municipality with a population in excess of one



702 thousand five hundred (1,500) according to the latest federal
703 decennial census and which is located in:

704 a. A county traversed by Interstate 55
705 and Interstate 20, and

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

708 63. Any municipality in which Mississippi
709 Highway 12 meets Mississippi Highway 17;

710 64. Any municipality in which U.S. Highway 49
711 and Mississippi Highway 469 intersect;

712 65. The clubhouse and associated nine-hole
713 golf course and related facilities located on or near the eastern
714 corner of the point at which Golf Course Road meets Athens Road,
715 in a county in which Mississippi Highway 13 and Mississippi
716 Highway 28 intersect, with GPS coordinates of approximately
717 31.900370078041004, -89.7928067652611;

718 66. Any facility located at the
719 south-to-southwest corner of the intersection of Madison Street
720 and Bolton Brownsville Road, in a municipality in which Bolton
721 Brownsville Road passes over Interstate 20, with GPS coordinates
722 of approximately 32.349067271758955, -90.4596221146197;

723 67. Any facility located at the northwest
724 corner of the intersection of Depot Street and Madison Street, in
725 a municipality in which Bolton Brownsville Road passes over



726 Interstate 20, with GPS coordinates of approximately
727 32.34903152971068, -90.46047660172901;

728 68. Any facility located on Hinds Boulevard
729 approximately three-tenths (0.3) of a mile south of the point at
730 which Hinds Boulevard diverges from Clinton Road, in a
731 municipality whose northern boundary partially consists of Snake
732 Creek Road, and whose southern boundary partially consists of
733 Mississippi Highway 18, with GPS coordinates of approximately
734 32.26384517526713, -90.41586570183475;

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

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

745 71. Any facility located on Raj Road
746 approximately three-tenths (0.3) of a mile south of Mississippi
747 Highway 57/63, with GPS coordinates of approximately
748 31.139553708288418, -88.53411203512971; and

749 72. Any facility located on Raj Road
750 approximately one-tenth (0.1) of a mile south of Mississippi



751 Highway 57/63, with GPS coordinates of approximately
752 31.14184097577295, -88.53287700849411;

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

757 The governing authorities of a municipality described, in
758 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
759 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 58, 59, 61, 63,
760 64, 66, 67 or 68 of this paragraph (o)(iii) may by ordinance, with
761 respect to the qualified resort area described in the same item:
762 specify the hours of operation of facilities offering alcoholic
763 beverages for sale; specify the percentage of revenue that
764 facilities offering alcoholic beverages for sale must derive from
765 the preparation, cooking and serving of meals and not from the
766 sale of beverages; and designate the areas in which facilities
767 offering alcoholic beverages for sale may be located.

768 (p) "Native wine" means any product, produced in
769 Mississippi for sale, having an alcohol content not to exceed
770 twenty-one percent (21%) by weight and made in accordance with
771 revenue laws of the United States, which shall be obtained
772 primarily from the alcoholic fermentation of the juice of ripe
773 grapes, fruits, berries, honey or vegetables grown and produced in
774 Mississippi; provided that bulk, concentrated or fortified wines
775 used for blending may be produced without this state and used in



776 producing native wines. The department shall adopt and promulgate
777 rules and regulations to permit a producer to import such bulk
778 and/or fortified wines into this state for use in blending with
779 native wines without payment of any excise tax that would
780 otherwise accrue thereon.

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

784 (r) "Bed and breakfast inn" means an establishment
785 within a municipality where in consideration of payment, breakfast
786 and lodging are habitually furnished to travelers and wherein are
787 located not less than eight (8) and not more than nineteen (19)
788 adequately furnished and completely separate sleeping rooms with
789 adequate facilities, that persons usually apply for and receive as
790 overnight accommodations; however, such restriction on the minimum
791 number of sleeping rooms shall not apply to establishments on the
792 National Register of Historic Places. No place shall qualify as a
793 bed and breakfast inn under this article unless on the date of the
794 initial application for a license under this article more than
795 fifty percent (50%) of the sleeping rooms are located in a
796 structure formerly used as a residence.

797 (s) "Board" shall refer to the Board of Tax Appeals of
798 the State of Mississippi.

799 (t) "Spa facility" means an establishment within a
800 municipality or qualified resort area and owned by a hotel where,



801 in consideration of payment, patrons receive from licensed
802 professionals a variety of private personal care treatments such
803 as massages, facials, waxes, exfoliation and hairstyling.

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

808 (v) "Cooking school" means an establishment within a
809 municipality or qualified resort area and owned by a nationally
810 recognized company that offers an established culinary education
811 curriculum and program where, in consideration of payment, patrons
812 are given scheduled professional group instruction on culinary
813 techniques. For purposes of this paragraph, the definition of
814 cooking school shall not include schools or classes offered by
815 grocery stores, convenience stores or drugstores.

816 (w) "Campus" means property owned by a public school
817 district, community or junior college, college or university in
818 this state where educational courses are taught, school functions
819 are held, tests and examinations are administered or academic
820 course credits are awarded; however, the term shall not include
821 any "restaurant" or "hotel" that is located on property owned by a
822 community or junior college, college or university in this state,
823 and is operated by a third party who receives all revenue
824 generated from food and alcoholic beverage sales.



825 (x) "Native spirit" shall mean any beverage, produced
826 in Mississippi for sale, manufactured primarily by the
827 distillation of fermented grain, starch, molasses or sugar
828 produced in Mississippi, including dilutions and mixtures of these
829 beverages. In order to be classified as "native spirit" under the
830 provisions of this article, at least fifty-one percent (51%) of
831 the finished product by volume shall have been obtained from
832 distillation of fermented grain, starch, molasses or sugar grown
833 and produced in Mississippi.

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

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

839 **SECTION 2.** This act shall take effect and be in force from
840 and after July 1, 2024, and shall stand repealed on June 30, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER
3 THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; AND FOR RELATED
4 PURPOSES.

