

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2853**

**BY: Committee**

**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59 superseded by an official action of the corporation or its board.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 (1) 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.

