

By: Representative Zuber

To: Business and Commerce

HOUSE BILL NO. 1376

1 AN ACT TO AMEND SECTIONS 67-3-1, 67-3-3, 67-3-5, 67-3-7,
2 67-3-9, 67-3-13, 67-3-15, 67-3-17, 67-3-19, 67-3-22, 67-3-25,
3 67-3-27, 67-3-28, 67-3-29, 67-3-41, 67-3-45, 67-3-46, 67-3-48,
4 67-3-48.1, 67-3-49, 67-3-51, 67-3-52, 67-3-53, 67-3-54, 67-3-55,
5 67-3-57, 67-3-59, 67-3-61, 67-3-63, 67-3-65, 67-3-67, 67-3-69,
6 67-3-70, 67-3-73, 67-3-74, 67-1-5, 67-1-18, 67-1-51, 67-1-51.1,
7 67-1-72, 67-7-3, 67-7-5, 67-7-7, 67-7-9, 67-7-11, 67-9-1,
8 27-65-241, 27-71-301, 27-71-303, 27-71-307, 27-71-311, 27-71-315,
9 27-71-317, 27-71-325, 27-71-327, 27-71-333, 27-71-335, 27-71-345,
10 27-71-349, 27-71-509, 45-9-101 AND 97-5-49, MISSISSIPPI CODE OF
11 1972, TO LEGALIZE THE MANUFACTURE AND SALE OF HEMP BEVERAGES, TO
12 BE REGULATED IN THE SAME MANNER AS BEER, LIGHT WINE AND LIGHT
13 SPIRIT PRODUCTS, COLLECTIVELY TO BE REFERRED TO AS "LIGHT
14 INTOXICATING BEVERAGES"; TO LEVY PRIVILEGE TAXES ON PERSONS
15 ENGAGED IN THE BUSINESS OF SELLING HEMP BEVERAGES AND INCREASE THE
16 AMOUNT OF THE CURRENT PRIVILEGE TAXES; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 67-3-1, Mississippi Code of 1972, is
19 amended as follows:

20 67-3-1. The purpose of this chapter is to legalize and
21 regulate the manufacture and sale within this state of light * * *
22 intoxicating beverages so as to prevent the illicit manufacture,
23 sale and consumption of alcoholic beverages as defined in Section
24 67-1-5, the manufacture and sale of which it is not the purpose of
25 this chapter to legalize.



26 **SECTION 2.** Section 67-3-3, Mississippi Code of 1972, is
27 amended as follows:

28 67-3-3. When used in this chapter, unless the context
29 indicates otherwise:

30 (a) "Commissioner" means the Commissioner of
31 Revenue * * * of the State of Mississippi, and his authorized
32 agents and employees.

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

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

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

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

43 (f) "Small craft brewery" means a person having a
44 permit under this chapter to manufacture or brew light * * *
45 intoxicating beverages in this state and who manufactures or brews
46 not more than sixty thousand (60,000) barrels of light * * *
47 intoxicating beverages at all breweries that such person or its
48 affiliates, subsidiary or parent company owns or controls or with
49 whom such person contracts with for the manufacture of light * * *
50 intoxicating beverages. For purposes of this paragraph,



contract-brewed beer manufactured by a person having a permit under this chapter to manufacture or brew light * * * intoxicating beverages shall be included in the sixty-thousand-barrel limitation.

(g) "Growler" means a sealed container that holds not more than one hundred twenty-eight (128) ounces of light * * * intoxicating beverages. A growler must have a label on it stating what it contains.

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

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

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

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

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

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



(k) "Microbrewery" means a person having a permit under this chapter to manufacture or brew light * * * intoxicating beverages in this state and who manufactures or brews not more than three thousand (3,000) barrels of light * * * intoxicating beverages at its permitted location.

(l) "Consumable hemp product" means a finished product that is intended for human consumption, contains any part of the hemp plant, including naturally occurring cannabinoids, compounds, concentrates, extracts, isolates, or resins, and has a delta-9-tetrahydrocannabinol (THC) concentration of not more than three-tenths percent (0.3%) when tested in its finished form. The term "consumable hemp product" does not include any product containing any quantity of artificially derived cannabinoids, as defined in Section 41-137-3, delta-8-tetrahydrocannabinol, delta-10-tetrahydrocannabinol, hexahydrocannabinol, tetrahydrocannabinol acetate, tetrahydrocannabiphorol or tetrahydrocannabivarin.

(m) "Hemp beverage" means a nonalcoholic beverage that meets the definition of "consumable hemp product" in this section, is sold in containers of no size other than twelve (12) fluid ounces, and contains no more than five (5) milligrams of THC per twelve-ounce container.

(n) "Intoxicating beverage" means any alcoholic beverage, as defined in Section 67-1-5, or any light intoxicating beverage.



101 (o) "Light intoxicating beverage" means any beer, light
102 wine, light spirit product or hemp beverage.

103 (p) "THC" means delta-9-tetrahydrocannabinol.

104 **SECTION 3.** Section 67-3-5, Mississippi Code of 1972, is
105 amended as follows:

106 67-3-5. (1) It shall be lawful, subject to the provisions
107 set forth in this chapter and in Section 67-1-51, in this state to
108 transport, store, sell, distribute, possess, receive, deliver
109 and/or manufacture light * * * intoxicating beverages, and it is
110 hereby declared that it is the legislative intent that this
111 chapter privileges the lawful sale and manufacture, within this
112 state, of such light * * * intoxicating beverages. In determining
113 if a wine product is "light wine," or contains an alcoholic
114 content of more than five percent (5%) by weight, or is not an
115 "alcoholic beverage" as defined in the Local Option Alcoholic
116 Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of
117 1972, the alcoholic content of such wine product shall be subject
118 to the same permitted tolerance as is allowed by the labeling
119 requirements for light wine provided for in Section 27-71-509.

120 (2) Subject to the provisions set forth in this chapter and
121 in Section 67-1-51, it shall be lawful in this state to transport,
122 store, sell, distribute, possess, receive, deliver and/or
123 manufacture beer of an alcoholic content of more than eight
124 percent (8%) by weight, if the beer is manufactured to be sold



125 legally in another state and is transported outside of this state
126 for retail sale.

127 **SECTION 4.** Section 67-3-7, Mississippi Code of 1972, is
128 amended as follows:

129 67-3-7. (1) If any county, at an election held for the
130 purpose under the election laws of the state, shall by a majority
131 vote of the duly qualified electors voting in the election
132 determine that the transportation, storage, sale, distribution,
133 receipt and/or manufacture of * * * light intoxicating beverages
134 shall not be permitted in such county, then the same shall not be
135 permitted therein except as authorized under Section 67-9-1 and as
136 may be otherwise authorized in this section. An election to
137 determine whether such transportation, storage, sale,
138 distribution, receipt and/or manufacture of such beverages shall
139 be excluded from any county in the state, shall, on a petition of
140 twenty percent (20%) or fifteen hundred (1,500), whichever number
141 is the lesser, of the duly qualified electors of such county, be
142 ordered by the board of supervisors of the county, for such county
143 only. No election on the question shall be held in any one (1)
144 county more often than once in five (5) years.

145 In counties which have elected, or may elect by a majority
146 vote of the duly qualified electors voting in the election, that
147 the transportation, storage, sale, distribution, receipt and/or
148 manufacture of * * * light intoxicating beverages shall not be
149 permitted in the county, an election may be held in the same



manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified electors of such county. No election on this question can be ordered more often than once in five (5) years.

(2) Nothing in this section shall make it unlawful to possess * * * light intoxicating beverages.

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

(a) Sell, distribute and transport light * * * intoxicating beverages to a qualified resort area as defined in Section 67-1-5;

(b) Sell light * * * intoxicating beverages at a qualified resort area as defined in Section 67-1-5 if such light * * * intoxicating beverages are sold by a person with a permit to engage in the business as a retailer of light * * * intoxicating beverages;

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

(d) Transport legally purchased light * * * intoxicating beverages in unopened containers; however, this paragraph shall not apply to a retailer unless the retailer has



175 purchased the light * * * intoxicating beverages from a wholesaler
176 or distributor for the designated sales territory in which the
177 retailer is located and the retailer has in his possession an
178 invoice from the wholesaler or distributor for the light * * *
179 intoxicating beverages; or

180 (e) Transport homemade beer as authorized in Section
181 67-3-11.

182 **SECTION 5.** Section 67-3-9, Mississippi Code of 1972, is
183 amended as follows:

184 67-3-9. Any city in this state, having a population of not
185 less than two thousand five hundred (2,500) according to the
186 latest federal decennial census; or any city in this state having
187 a population of not less than one thousand five hundred (1,500)
188 according to the latest federal decennial census and located
189 within three (3) miles of a city or county that permits the sale,
190 receipt, storage and transportation for the purpose of sale
191 of * * * light intoxicating beverages; or any city or town in this
192 state having a population of not less than one thousand (1,000)
193 according to the latest federal decennial census and located in a
194 county that has no city or town with a population of more than two
195 thousand five hundred (2,500); or any city, town or village that
196 is a county seat and has voted to come out from under the dry law
197 under Section 67-1-14; at an election held for the purpose, under
198 the election laws applicable to such city, may either prohibit or
199 permit, except as otherwise provided under Section 67-9-1, the



200 sale and the receipt, storage and transportation for the purpose
201 of sale of * * * light intoxicating beverages. An election to
202 determine whether such sale shall be permitted in cities wherein
203 its sale is prohibited by law shall be ordered by the city or town
204 council or mayor and board of aldermen or other governing body of
205 such city or town for such city or town only, upon the
206 presentation of a petition for such city or town to such governing
207 board containing the names of twenty percent (20%) or fifteen
208 hundred (1,500), whichever number is the lesser, of the duly
209 qualified voters of such city or town asking for such election.
210 In like manner, an election to determine whether such sale shall
211 be prohibited in cities wherein its sale is permitted by law shall
212 be ordered by the city council or mayor and board of aldermen or
213 other governing board of such city for such city only, upon the
214 presentation of a petition to such governing board containing the
215 names of twenty percent (20%) of the duly qualified voters of such
216 city asking for such election. No election on either question
217 shall be held by any one (1) city more often than once in five (5)
218 years.

219 Thirty (30) days' notice shall be given to the qualified
220 electors of such city or town in the manner prescribed by law upon
221 the question of either permitting or prohibiting such sale, and
222 the notice shall contain a statement of the question to be voted
223 on at the election. The tickets to be used in the election shall
224 have the following words printed thereon: "For the legal sale of



225 light wine of an alcoholic content of not more than five percent
226 (5%) by weight, light spirit product of an alcoholic content of
227 not more than six percent (6%) by weight, * * * beer of an
228 alcoholic content of not more than eight percent (8%) by weight,
229 and hemp beverages of a THC concentration of not more than
230 three-tenths percent (0.3%)"; and the words "Against the legal
231 sale of light wine of an alcoholic content of not more than five
232 percent (5%) by weight, light spirit product of an alcoholic
233 content of not more than six percent (6%) by weight, * * * beer of
234 an alcoholic content of not more than eight percent (8%) by
235 weight, and hemp beverages of a THC concentration of not more than
236 three-tenths percent (0.3%)," next below. In making up his or her
237 ticket the voter shall make a cross (X) opposite the words of his
238 choice.

239 If in the election a majority of the qualified electors
240 voting in the election shall vote "For the legal sale of light
241 wine of an alcoholic content of not more than five percent (5%) by
242 weight, light spirit product of an alcoholic content of not more
243 than six percent (6%) by weight, * * * beer of an alcoholic
244 content of not more than eight percent (8%) by weight, and hemp
245 beverages of a THC concentration of not more than three-tenths
246 percent (0.3%)," then the city or town council or mayor and board
247 of aldermen or other governing body shall pass the necessary order
248 permitting the legal sale of such light * * * intoxicating
249 beverages in such city or town. If in the election a majority of



the qualified electors voting in the election shall vote "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, * * * beer of an alcoholic content of not more than eight percent (8%) by weight, and hemp beverages of a THC concentration of not more than three-tenths percent (0.3%)," then the city or town council or mayor and board of aldermen or other governing body shall pass the necessary order prohibiting the sale of such light * * * intoxicating beverages in such city or town.

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

SECTION 6. Section 67-3-13, Mississippi Code of 1972, is amended as follows:

67-3-13. (1) It shall be lawful to possess * * * light intoxicating beverages throughout the state, unless otherwise prohibited by this chapter. However, nothing herein shall be construed to make lawful the possession of * * * light intoxicating beverages with the intent to sell except as authorized by this chapter.

(2) In any county or municipality in which the transportation, storage, sale, distribution, receipt and/or manufacture of light * * * intoxicating beverages is prohibited, it shall not be unlawful for a permitted wholesaler or distributor



to possess light * * * intoxicating beverages when such
light * * * intoxicating beverages are held therein solely for the
purpose of storage and for distribution to other counties and
municipalities in which transportation, storage, sale,
distribution, receipt and/or manufacture is lawful.

(3) Notwithstanding the provisions of subsections (1) and
(2) of this section, in any county in which transportation,
storage, sale, distribution, receipt and/or manufacture of
light * * * intoxicating beverages is prohibited, it shall not be
unlawful:

(a) To receive or store light * * * intoxicating
beverages at a resort area as defined in Section 67-1-5;

(b) To distribute and transport light * * *
intoxicating beverages to a resort area as defined in Section
67-1-5;

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

(d) To transport legally purchased light * * *
intoxicating beverages in unopened containers * * * on a state or
federal highway; however, this paragraph shall not apply to a
retailer unless the retailer has purchased the light * * *
intoxicating beverages from a wholesaler or distributor for the
designated sales territory in which the retailer is located and



the retailer has in his possession an invoice from the wholesaler
or distributor for the light * * * intoxicating beverages; or

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

(4) Any light * * * intoxicating beverages found in
possession of, or sold by, a person in violation of this section
shall be seized and disposed of in the manner provided for in
Section 67-1-18.

SECTION 7. Section 67-3-15, Mississippi Code of 1972, is
amended as follows:

67-3-15. (1) Any person who shall brew or manufacture or
sell any * * * light intoxicating beverages without first having
secured a permit and/or license from the commissioner authorizing
the brewing or manufacture or sale of such liquor, shall be guilty
of a misdemeanor and, upon conviction thereof, be punished by a
fine of not more than One Thousand Dollars (\$1,000.00) or
imprisonment in the county jail for not more than one (1) year, or
both, in the discretion of the court. Any person so convicted may
not apply for any permit or license issued by the commissioner
until five (5) years have elapsed from the date of such
conviction.

(2) This section shall not apply to beer authorized to be
made pursuant to Section 67-3-11.

(3) Any light * * * intoxicating beverages found in
possession of, or sold by, a person in violation of this section



shall be seized and disposed of in the manner provided for in
Section 67-1-18.

SECTION 8. Section 67-3-17, Mississippi Code of 1972, is
amended as follows:

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

(2) The application shall include a statement that the
applicant will not, except as otherwise authorized in this
chapter, allow any alcoholic beverages as defined in Section
67-1-5, any beer having an alcoholic content of more than eight
percent (8%) by weight, any spirit product having an alcoholic



content of more than six percent (6%) by weight, * * * any wine having an alcoholic content of more than five percent (5%) by weight, or any hemp beverage having a THC concentration of more than three-tenths percent (0.3%) to be kept, stored or secreted in or on the premises described in such permit or license, and that the applicant will not otherwise violate any law of this state, or knowingly allow any other person to violate any such law, while in or on such premises.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 9. Section 67-3-19, Mississippi Code of 1972, is amended as follows:

67-3-19. Where application is made for a permit to engage in the business of a retailer of light * * * intoxicating beverages, the applicant shall show in his application that he possesses the following qualifications:

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

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



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

379 (d) Applicant shall be the owner of the premises for
380 which the permit is sought or the holder of an existing lease
381 thereon.

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

386 (f) The applicant has not had any license or permit to
387 sell * * * light intoxicating beverages at retail revoked, within
388 five (5) years next preceding his application, due to a violation
389 of Section 67-3-52.

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

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



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

(j) If applicant is a corporation, all officers and directors thereof, and any stockholder owning more than five percent (5%) of the stock of such corporation, and the person or persons who shall conduct and manage the licensed premises for the corporation shall possess all the qualifications required herein for any individual permittee. However, the requirements as to residence shall not apply to officers, directors and stockholders of such corporation.

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

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

SECTION 10. Section 67-3-22, Mississippi Code of 1972, is amended as follows:

67-3-22. (1) The production limits for a brewpub shall be based upon production as determined by the Department of Revenue



pursuant to Section 27-71-307, * * * and a brewpub shall not manufacture more than seventy-five thousand (75,000) gallons of light * * * intoxicating beverages per calendar year.

(2) Light * * * intoxicating beverages produced at a brewpub shall not be sold at a price less than it cost to manufacture such light * * * intoxicating beverages.

(3) A brewpub shall be required to offer for sale light * * * intoxicating beverages normally carried on the inventory of wholesalers or distributors of light * * * intoxicating beverages.

SECTION 11. Section 67-3-25, Mississippi Code of 1972, is amended as follows:

67-3-25. (1) Any permit issued authorizing the sale or delivery of light * * * intoxicating beverages for consumption shall be construed to authorize the sale or delivery of light * * * intoxicating beverages by the bottle, by the glass or by draught, and in or from the original package.

(2) The commissioner is authorized to establish, in his discretion, dates for the expiration of permits issued under this chapter.

(3) Except as otherwise provided in this section, permits shall be issued for twelve (12) months and shall be renewed annually on the first day of the month in which the permit expires. The commissioner may issue temporary permits for less than a full year. All permits shall show the effective date and



expiration date of the permit, the business location, individual or business name and mailing address of the permittee.

SECTION 12. Section 67-3-27, Mississippi Code of 1972, is amended as follows:

67-3-27. Before any person shall engage in the business of manufacturer, wholesaler, distributor or retailer of light * * * intoxicating beverages, he or she shall apply to the commissioner for a license to engage in such business, and shall pay to the commissioner the specific tax imposed by Section 27-71-303, for the privilege of engaging in such business. The commissioner upon receipt of such tax shall issue to such person a privilege license to engage in or continue in such business for a period of time not to exceed one (1) year. No such license shall be issued to the applicant unless such applicant shall have obtained from the commissioner a permit as required in Section 67-3-17. A brewpub shall obtain all necessary federal licenses and permits prior to obtaining any license under this chapter.

All privilege licenses issued under the provisions of this section shall be renewed annually on or before the first day of the month in which the current license expires.

SECTION 13. Section 67-3-28, Mississippi Code of 1972, is amended as follows:

67-3-28. (1) Any person desiring to engage in business as a brewpub shall file with the commissioner, along with the application required by Section 67-3-17, * * * a certificate



issued by a licensed testing laboratory indicating that such laboratory has tested a sample of the applicant's * * * light intoxicating beverages, and that the alcohol content of such sample of beer does not exceed eight percent (8%) by weight, and the alcohol content of such sample of light spirit product does not exceed six percent (6%) by weight, and the alcoholic content of such sample of light wine does not exceed five percent (5%) by weight, and the THC concentration of such sample of hemp beverage does not exceed three-tenths percent (0.3%).

(2) Every brewpub shall be required to submit to random testing by the commissioner to determine whether any beer being manufactured, sold, kept, stored or secreted by the license holder contains an alcohol content greater than eight percent (8%) by weight, and any light spirit product being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than six percent (6%) by weight, and any light wine being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than five percent (5%) by weight, and any hemp beverage being manufactured, sold, kept, stored or secreted by the license holder contains a THC concentration greater than three-tenths percent (0.3%). The commissioner shall establish and administer testing standards and procedures to be used in such random testing. The brewpub licensee shall be responsible for all costs incurred by the commissioner in conducting random testing under this section.



497 **SECTION 14.** Section 67-3-29, Mississippi Code of 1972, is
498 amended as follows:

499 67-3-29. (1) The commissioner, or a hearing officer or the
500 board of review, as designated by the commissioner, after a show
501 cause hearing, shall revoke or suspend any permit granted by
502 authority of this chapter to any person who shall violate any of
503 the provisions of this chapter or the revenue laws of this state
504 relating to engaging in transporting, storing, selling,
505 distributing, possessing, receiving or manufacturing of wines or
506 beers, or any person who shall hereafter be convicted of the
507 unlawful sale of intoxicating liquor, or any person who shall
508 allow or permit any form of illegal gambling or immorality on the
509 premises described in such permit. The commissioner shall not
510 revoke or suspend a permit of a retailer for the sale of
511 light * * * intoxicating beverages to a person under the age of
512 twenty-one (21) years until there has been a conviction of the
513 permit holder or an employee of the permit holder for such
514 violation.

515 (2) If any person exercising any privilege taxable under the
516 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,
517 shall willfully neglect or refuse to comply with the provisions of
518 such chapter, or any rules or regulations promulgated by the
519 commissioner under authority of such chapter, or the provisions of
520 this chapter, including maintaining the qualifications of an
521 applicant under Section 67-3-19, during the permit period, the



522 commissioner shall be authorized to revoke or suspend the permit
523 theretofore issued to the person. Any person whose permit shall
524 have been revoked by the commissioner shall be thereafter
525 prohibited from exercising any privilege under the provisions of
526 Chapter 71 of Title 27, Mississippi Code of 1972, for a period of
527 two (2) years from the date of the revocation. The commissioner
528 may, however, for good cause shown, grant a new permit upon such
529 conditions as the commissioner may prescribe. Any person whose
530 permit shall have been suspended by the commissioner shall be
531 prohibited from exercising any privilege under the provisions of
532 Chapter 71 of Title 27, Mississippi Code of 1972, during the
533 period of the suspension. Failure of the person to comply with
534 the terms of the suspension shall be cause for revocation of his
535 permit, in addition to the other penalties provided by law.

536 (3) In addition to the reasons specified in this section and
537 other provisions of this chapter, the commissioner shall be
538 authorized to suspend the permit of any permit holder for being
539 out of compliance with an order for support, as defined in Section
540 93-11-153. The procedure for suspension of a permit for being out
541 of compliance with an order for support, and the procedure for the
542 reissuance or reinstatement of a permit suspended for that
543 purpose, and the payment of any fees for the reissuance or
544 reinstatement of a permit suspended for that purpose, shall be
545 governed by Section 93-11-157 or Section 93-11-163, as the case
546 may be. If there is any conflict between any provision of Section



93-11-157 or Section 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 15. Section 67-3-41, Mississippi Code of 1972, is amended as follows:

67-3-41. Sections 67-3-31 through 67-3-41 and Section 67-3-53 are declared to be cumulative, amendatory, and supplemental to any and all other acts and laws of this state pertaining to the governing of the sale and distribution of light * * * intoxicating beverages as contained in Sections 27-71-301 through 27-71-347, * * * 67-3-17, 67-3-23, 67-3-27, 67-3-29(2), 67-3-55, and 67-3-57.

SECTION 16. Section 67-3-45, Mississippi Code of 1972, is amended as follows:

67-3-45. No manufacturer, distributor or wholesale dealer to whom or to which this chapter applies shall:

(a) Make any loan, directly or indirectly, or furnish any fixtures of any kind, directly or indirectly, to any retail dealer in light * * * intoxicating beverages;

(b) Have any interest, direct or indirect, in the business of or in the furnishings or fixtures or in the premises used by any such retail dealer in connection with his or its business;

(c) Have any lien on any such property of any such retail dealer; or



(d) Sell light * * * intoxicating beverages to any such retail dealer on credit.

This section shall not apply to a brewpub licensed pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972, and shall not prohibit a microbrewery or small craft brewery licensed under Article 3, Chapter 71, Title 27, Mississippi Code of 1972, from being eligible to obtain a retail permit for the sale of * * * light intoxicating beverages on its premises.

SECTION 17. Section 67-3-46, Mississippi Code of 1972, is amended as follows:

67-3-46. (1) The provisions of subsection (2) of this section apply to the following entities:

(a) Any person engaged in the business of brewing or manufacturing beer or in the business of manufacturing or producing light wines * * *, light spirit products or hemp beverages;

(b) An officer, director, agent or employee of an entity described in paragraph (a) or (d) of this subsection;

(c) An affiliate of an entity described in paragraph (a) or (d) of this subsection, regardless of whether the affiliation is corporate or by management, direction or control.

(d) An entity that is the manufacturer of a product or substance that is infused into or becomes part of any * * * light intoxicating beverage regardless of whether the entity manufactures the final product. This provision also shall apply



to all affiliated companies, wholly-owned subsidiaries or joint ventures.

(2) No entity named in subsection (1) of this section may have any interest in the license, business, assets or corporate stock of a wholesaler or distributor to whom this chapter applies, except a security interest granted to the entity of the type provided for the Uniform Commercial Code in products sold to a wholesaler or distributor until the full purchase price has been paid therefor.

SECTION 18. Section 67-3-48, Mississippi Code of 1972, is amended as follows:

67-3-48. (1) A small craft brewery may sell at retail light * * * intoxicating beverages produced at its brewery for consumption on the premises of the brewery and consumption off the premises of the brewery if the sales are made on the premises of the brewery and the light * * * intoxicating beverage products offered for sale are also made available for sale to wholesalers.

(2) (a) A small craft brewery shall not sell at retail more than twenty-five percent (25%) of the light * * * intoxicating beverages produced annually at its brewery or more than two thousand five hundred (2,500) barrels of light * * * intoxicating beverages produced at the brewery annually, whichever is the lesser amount. For purposes of this subsection, contract-brewed beer shall not be included in the amount of beer produced annually at the brewery. The light * * * intoxicating beverages must be



622 sold at a price approximating retail prices generally charged for
623 identical beverages in the county where the brewery is located.

624 (b) A small craft brewery shall not make retail sales
625 of more than six hundred seventy (670) ounces, in the aggregate,
626 of light * * * intoxicating beverages to any one (1) individual
627 for consumption off the premises of the brewery within a
628 twenty-four-hour period.

629 (c) The limits on sales provided for in this subsection
630 shall not apply to beer provided pursuant to Section 67-3-47.

631 (d) A microbrewery shall not sell at retail more than
632 eighty percent (80%) of light * * * intoxicating beverage produced
633 annually at its brewery. The light * * * intoxicating beverages
634 must be sold at a price approximating prices generally charged for
635 identical beverages in the county where the microbrewery is
636 located.

637 (3) A small craft brewery or microbrewery shall take
638 commercially reasonable steps to ensure that light * * *
639 intoxicating beverages sold for consumption off the premises of
640 the brewery are being sold for personal use and not for resale and
641 are not being sold to anyone holding a retail permit for the
642 purpose of resale in their establishment.

643 (4) A small craft brewery or microbrewery shall not make
644 retail sales of contract-brewed beer.

645 (5) A small craft brewery or microbrewery shall not mail or
646 ship any light * * * intoxicating beverage to a consumer.



647 **SECTION 19.** Section 67-3-48.1, Mississippi Code of 1972, is
648 amended as follows:

649 67-3-48.1. (1) * * * If a small craft brewery is acquired
650 by an entity that manufactures light * * * intoxicating beverages
651 that does not fall within the definition of the term "small craft
652 brewery," the entity that acquired the small craft brewery may
653 continue to operate the brewery as a small craft brewery for as
654 long as the acquired facility meets the definition of the term
655 "small craft brewery"; however, the limit in Section 67-3-3 on the
656 amount of barrels of light * * * intoxicating beverages that a
657 small craft brewery may produce shall not apply to light * * *
658 intoxicating beverages not produced by the acquired small craft
659 brewery.

660 (2) In the event a small craft brewery acquires an entity
661 that manufactures light * * * intoxicating beverages that does not
662 fall within the definition of the term "small craft brewery," the
663 small craft brewery that acquired the entity may continue to
664 operate as a small craft brewery for as long as the brewery meets
665 the definition of the term "small craft brewery." The light * * *
666 intoxicating beverages produced by the entity that is acquired by
667 a small craft brewery shall not apply to the limit in Section
668 67-3-3 on the amount of light * * * intoxicating beverages that
669 the small craft brewery may produce.

670 (3) A small craft brewery described in subsections (1) and
671 (2) of this section may continue to sell at retail brands the



672 small craft brewery produces on its premises at all locations at
673 which it was selling the brands at retail at the time of the
674 acquisition; however, the small craft brewery may not sell at
675 retail brands produced by the entity that acquired it or by the
676 entity it acquires, as the case may be.

677 **SECTION 20.** Section 67-3-49, Mississippi Code of 1972, is
678 amended as follows:

679 67-3-49. (1) Except as otherwise provided in this section,
680 it shall be unlawful for any brewer or manufacturer or distributor
681 or wholesale dealer of or in light * * * intoxicating beverages to
682 manufacture or knowingly bring upon his premises or keep
683 thereon * * * any beer of an alcoholic content of more than eight
684 percent (8%) by weight. Any person that shall add to or mix with
685 any * * * light intoxicating beverages any alcoholic or other
686 liquid, or any alcohol cube or cubes, or any other ingredient or
687 ingredients that will increase or tend to increase the alcoholic
688 or THC content of such * * * beverage, or any person that shall
689 knowingly offer for sale any * * * beverage so treated, shall be
690 guilty of a misdemeanor and punished as hereinafter provided in
691 this chapter. The commissioner shall take any action he or she
692 considers necessary to ensure that light * * * intoxicating
693 beverages manufactured at a brewpub complies with the provisions
694 of this section.

695 (2) A brewer or manufacturer of light * * * intoxicating
696 beverages may manufacture and keep upon his premises beer of an



alcoholic content of more than eight percent (8%) by weight if the beer is manufactured for legal sale in another state.

SECTION 21. Section 67-3-51, Mississippi Code of 1972, is amended as follows:

67-3-51. (1) It shall be unlawful for any person to sell, or offer to sell, or keep for sale any bottled * * * light intoxicating beverage except the same be in the original bottle or in the original package containing bottles, each of which bottles shall bear the original label and the full name of the brewer or manufacturer of the contents of such bottle, both on the label and on the cap or cork of such bottle in the case of beer, and on the label only in the case of light wine * * *, light spirit products and hemp beverages.

(2) It shall be unlawful for any person to sell, or offer for sale, or keep for sale any * * * light intoxicating beverage in the original package or packages unless each such original package (whether barrel or other container, and whether containing liquor in bottles or otherwise) shall have plainly stamped on the container or label for each such container the full name of the manufacturer of the liquor therein contained.

(3) It shall be unlawful for any person to sell on draught any * * * light intoxicating beverage except the same be drawn from the original barrel or other container, which such container shall have plainly stamped on each end thereof the full name of the manufacturer of such liquor.



(4) This section shall not apply to beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47.

SECTION 22. Section 67-3-52, Mississippi Code of 1972, is amended as follows:

67-3-52. It shall be unlawful for any person holding a permit authorizing the sale of * * * light intoxicating beverages at retail to obtain such * * * light intoxicating beverages from any source outside of the State of Mississippi. Any person who violates the provisions of this section, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. Any person convicted of violating this section, or any rules or regulations promulgated by the commissioner with regard to the unlawful acts described in this section, shall forfeit his permit. Any person whose permit has been forfeited pursuant to this section shall not be eligible for a permit issued by the commissioner for a period of five (5) years after the date of such forfeiture. In addition, no permit shall be issued for the same location, for which an offender has forfeited a permit pursuant to this section, to a spouse, offspring or sibling of the offender when to do so would circumvent the purposes of this section. The commissioner may assess a retailer who violates this section the amount of excise



taxes due on the unlawfully imported * * * light intoxicating beverages, together with a penalty in the amount of four (4) times the state excise taxes due or One Hundred Dollars (\$100.00) per case, whichever is greater.

SECTION 23. Section 67-3-53, Mississippi Code of 1972, is amended as follows:

67-3-53. In addition to any act declared to be unlawful by this chapter, or by Sections 27-71-301 through 27-71-347, and Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be unlawful for the holder of a permit authorizing the sale of * * * light * * * intoxicating beverages at retail or a small craft brewery selling light * * * intoxicating beverages at retail pursuant to Section 67-3-48 or for the employee of the holder of such a permit or the employee of such a brewery:

(a) To sell or give to be consumed in or upon any licensed premises or in or upon the premises of a small craft brewery any * * * light intoxicating beverage between the hours of midnight and seven o'clock the following morning or during any time the licensed premises may be required to be closed by municipal ordinance or order of the board of supervisors; however, in areas where the sale of alcoholic beverages is legal under the provisions of the Local Option Alcoholic Beverage Control Law and the hours for selling those alcoholic beverages have been extended beyond midnight for on-premises permittees under Section 67-1-37, the hours for selling * * * light intoxicating beverages are



likewise extended in areas where the sale of * * * light
intoxicating beverages is legal in accordance with the provisions
of this chapter.

(b) To sell, give or furnish any * * * light
intoxicating beverage to any person visibly or noticeably
intoxicated, or to any habitual drunkard, or to any person under
the age of twenty-one (21) years.

(c) To permit in the premises any lewd, immoral or
improper entertainment, conduct or practices.

(d) To permit loud, boisterous or disorderly conduct of
any kind upon the premises or to permit the use of loud musical
instruments if either or any of the same may disturb the peace and
quietude of the community in which the business is located.

(e) To permit persons of ill repute, known criminals,
prostitutes or minors to frequent the licensed premises or the
premises of the small craft brewery, except minors accompanied by
parents or guardians, or under proper supervision.

(f) To permit or suffer illegal gambling or the
operation of illegal games of chance upon the licensed premises or
the premises of the small craft brewery.

(g) To receive, possess or sell on the licensed
premises or, except as otherwise authorized by this chapter, on
the premises of the small craft brewery any beverage of any kind
or character containing more than five percent (5%) of alcohol by
weight except any beer containing not more than eight percent (8%)



of alcohol by weight, unless the licensee also possesses an on-premises or manufacturer's permit under the Local Option Alcoholic Beverage Control Law.

(h) To accept as full or partial payment for any product any coupons that are redeemed directly or indirectly from a manufacturer, wholesaler or distributor of light * * * intoxicating beverages.

SECTION 24. Section 67-3-54, Mississippi Code of 1972, is amended as follows:

67-3-54. (1) A person who is at least eighteen (18) years of age but under the age of twenty-one (21) years may possess and consume light * * * intoxicating beverages with the consent of his parent or legal guardian in the presence of his parent or legal guardian, and it shall not be unlawful for the parent, legal guardian or spouse of such person to furnish light * * * intoxicating beverages to such person who is at least eighteen (18) years of age.

(2) A person who is at least eighteen (18) years of age and who is serving in the armed services of the United States may lawfully possess and consume light * * * intoxicating beverages on military property where the consumption of light * * * intoxicating beverages is allowed.

(3) A person who is under twenty-one (21) years of age shall not be deemed to unlawfully possess or furnish light * * *



821 intoxicating beverages, if in the scope of his employment such
822 person:

823 (a) Clears or buses tables that have glasses or other
824 containers that contain or did contain light * * * intoxicating
825 beverages;

826 (b) Waits on tables by taking orders for light * * *
827 intoxicating beverages; or

828 (c) Stocks, bags or otherwise handles purchases of
829 light * * * intoxicating beverages at a store.

830 **SECTION 25.** Section 67-3-55, Mississippi Code of 1972, is
831 amended as follows:

832 67-3-55. (1) Except as otherwise provided in Section
833 67-1-41, it shall be unlawful for any retailer to possess for
834 purpose of sale, to sell, or to offer to sell any light * * *
835 intoxicating beverage which was not purchased from a wholesaler in
836 this state who has a permit to sell such light * * * intoxicating
837 beverages, except for * * * a light intoxicating beverage that was
838 brewed on the premises of the retailer who holds a permit as a
839 brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi
840 Code of 1972.

841 (2) It shall be unlawful for any wholesaler to possess for
842 purpose of sale, to sell, or to offer to sell any light * * *
843 intoxicating beverage which was not purchased from a manufacturer
844 or importer of a foreign manufacturer authorized to sell such
845 light * * * intoxicating beverage in this state.



846 (3) This section shall not apply to:

847 (a) Beer offered and provided on the premises of a
848 brewery for the purpose of tasting or sampling as authorized in
849 Section 67-3-47; or

850 (b) Light * * * intoxicating beverages sold on the
851 premises of a small craft brewery or microbrewery as authorized in
852 Section 67-3-48.

853 **SECTION 26.** Section 67-3-57, Mississippi Code of 1972, is
854 amended as follows:

855 67-3-57. (1) It shall be unlawful for any retailer to
856 possess, sell or offer to sell, or to possess for purpose of sale,
857 any light * * * intoxicating beverage at his place of business
858 before securing a permit required by this chapter.

859 (2) It shall be unlawful for any person to possess, sell or
860 offer to sell any light * * * intoxicating beverage at his place
861 of business after revocation of his permit or to purchase, to sell
862 or offer to sell any light * * * intoxicating beverage during the
863 period of suspension of his permit.

864 (3) Any light * * * intoxicating beverage found in
865 possession of, or sold by, a person in violation of this section
866 shall be seized and disposed of in the manner provided for in
867 Section 67-1-18.

868 **SECTION 27.** Section 67-3-59, Mississippi Code of 1972, is
869 amended as follows:



870 67-3-59. (1) Except as provided in this subsection, sales
871 by wholesalers, distributors or manufacturers to persons who do
872 not hold valid permits are unlawful; and any wholesaler,
873 distributor or manufacturer making such sales, or who sells
874 any * * * light intoxicating beverage on which the tax provided by
875 law has not been paid, shall, in addition to any other fines,
876 penalties and forfeitures, be subject to a penalty of Twenty-five
877 Dollars (\$25.00) for each sale. If all other applicable taxes are
878 paid, this penalty will not apply to the following: sales to
879 employees of the wholesaler; sales to nonprofit charitable and
880 civic organizations for special fund-raising events, provided that
881 the * * * light intoxicating beverage is not resold; sales to
882 affiliated member associations.

883 (2) The commissioner may assess the penalty by giving notice
884 by mail, demanding payment within thirty (30) days from date of
885 delivery of the notice.

886 The proceeds of all penalties shall be deposited by the
887 commissioner with the other monies collected by him and shall be
888 disposed of as provided by law.

889 **SECTION 28.** Section 67-3-61, Mississippi Code of 1972, is
890 amended as follows:

891 67-3-61. Every railroad company, express company, aeroplane
892 company, motor transportation company, steamboat company, or other
893 transportation company, or any person that shall transport into,
894 from place to place within, or out of this state any light * * *



895 intoxicating beverage, whether brewed or manufactured within this
896 state or outside of this state, when requested by the
897 commissioner, shall furnish him with a duplicate of the bill of
898 lading covering the receipt for such liquor, showing the name of
899 the brewer or manufacturer or distributor, and the name and
900 address of the consignor and of the consignee, and the date when
901 and place where received, and the destination and the quantity of
902 such liquor received from the manufacturer or brewer or other
903 consignor for shipment from any point within or without this state
904 to any point within this state.

905 Any such company or person so transporting any such liquor
906 that shall fail to comply with the requirements of this section,
907 shall forfeit and pay to the State of Mississippi the sum of One
908 Hundred Dollars (\$100.00) for each such failure, to be recovered
909 in any court of competent jurisdiction. The commissioner is
910 hereby authorized and empowered to sue in his own name, on the
911 relation and for the use of the State of Mississippi, for such
912 recovery.

913 **SECTION 29.** Section 67-3-63, Mississippi Code of 1972, is
914 amended as follows:

915 67-3-63. The commissioner shall cause a record to be kept of
916 the names and places of business of all persons engaged in the
917 brewing of beer, of all persons engaged in the manufacture of
918 light * * * intoxicating beverages, and of all persons engaged in
919 the sale of light * * * intoxicating beverages, whether at retail



or otherwise. He shall also cause a record to be kept of all * * * light intoxicating beverages (and of the amount thereof) brewed or manufactured by each brewery * * *, winery or other production facility, and of all such * * * beverages (and of the amount thereof) sold by each brewery * * *, winery or other production facility, with the names and business addresses of the purchasers, and of all such * * * beverages (and of the amount thereof) sold by every dealer other than a brewer or manufacturer, and in the case of sales by dealers other than retail dealers, of the names and business addresses of the purchasers.

The commissioner shall cause a record to be kept of all expenses incurred in the collection of such data.

SECTION 30. Section 67-3-65, Mississippi Code of 1972, is amended as follows:

67-3-65. Municipalities may enforce such proper rules and regulations for fixing zones and territories, prescribing hours of opening and of closing, and for such other measures as will promote public health, morals, and safety, as they may by ordinance provide. The board of supervisors of any county may make such rules and regulations as to territory outside of municipalities as are herein provided for municipalities.

Nothing in this chapter shall prohibit the governing body of any municipality from designating what territory surrounding churches and schools in said municipalities, and the board of supervisors of any county from designating what territory



surrounding churches and schools outside of any municipality, in which light * * * intoxicating beverages shall not be sold or consumed.

SECTION 31. Section 67-3-67, Mississippi Code of 1972, is amended as follows:

67-3-67. No county or any officer or agent thereof, nor any other officer, agent, or person, shall interfere with or impede the passage through such county of any light * * * intoxicating beverage moving in accordance with the provisions of this chapter and the provisions of Section 67-9-1 and which in transit to or from any county of this state wherein the traffic in light * * * intoxicating beverages is not prohibited, any county prohibition of such traffic to the contrary notwithstanding.

SECTION 32. Section 67-3-69, Mississippi Code of 1972, is amended as follows:

67-3-69. (1) Except as to Sections 67-3-17, 67-3-23, 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of this chapter or of any rule or regulation of the commissioner, shall be a misdemeanor and, where the punishment therefor is not elsewhere prescribed in this section, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than six (6) months, or both, in the discretion of the court. If any person so convicted shall be the holder of any permit or license issued by the commissioner under authority of this chapter, the permit or license shall from and after the date



of such conviction be void and the holder thereof shall not thereafter, for a period of one (1) year from the date of such conviction, be entitled to any permit or license for any purpose authorized by this chapter. Upon conviction of the holder of any permit or license, the appropriate law enforcement officer shall seize the permit or license and transmit it to the commissioner.

(2) (a) Any person who shall violate any provision of Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

(b) Any person who shall violate any provision of Section 67-3-57 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than one (1) year, or by both, in the discretion of the court. Any person convicted of violating any provision of the sections referred to in this subsection shall forfeit his permit, and shall not thereafter be permitted to engage in any business taxable under the provisions of Sections 27-71-301 through 27-71-347.

(3) If the holder of a permit, or the employee of the holder of a permit, shall be convicted of selling any * * * light



995 intoxicating beverage to anyone who is visibly intoxicated from
996 the licensed premises or to any person under the age of twenty-one
997 (21) years from the licensed premises in violation of Section
998 67-3-53(b), then, in addition to any other penalty provided for by
999 law, the commissioner may impose the following penalties against
1000 the holder of a permit:

1001 (a) For the first offense on the licensed premises, by
1002 a fine of not less than Five Hundred Dollars (\$500.00) nor more
1003 than One Thousand Dollars (\$1,000.00) and/or suspension of the
1004 permit for not more than three (3) months.

1005 (b) For a second offense occurring on the licensed
1006 premises within twelve (12) months of the first offense, by a fine
1007 of not less than Five Hundred Dollars (\$500.00) nor more than Two
1008 Thousand Dollars (\$2,000.00) and/or suspension of the permit for
1009 not more than six (6) months.

1010 (c) For a third offense occurring on the licensed
1011 premises within twelve (12) months of the first, by a fine of not
1012 less than Two Thousand Dollars (\$2,000.00) nor more than Five
1013 Thousand Dollars (\$5,000.00) and/or suspension or revocation of
1014 the permit to sell * * * light intoxicating beverages.

1015 (d) For a fourth or subsequent offense occurring on the
1016 licensed premises within twelve (12) months of the first, by a
1017 fine of not less than Two Thousand Dollars (\$2,000.00) nor more
1018 than Five Thousand Dollars (\$5,000.00) and/or suspension or



1019 revocation of the permit to sell * * * light intoxicating
1020 beverages.

1021 (4) A person who sells any * * * light intoxicating beverage
1022 to a person under the age of twenty-one (21) years shall not be
1023 guilty of a violation of Section 67-3-53(b) if the person under
1024 the age of twenty-one (21) years represents himself to be
1025 twenty-one (21) years of age or older by displaying an apparently
1026 valid Mississippi driver's license containing a physical
1027 description consistent with his appearance or by displaying some
1028 other apparently valid identification card or document containing
1029 a picture and physical description consistent with his appearance
1030 for the purpose of inducing the person to sell * * * light
1031 intoxicating beverages to him.

1032 (5) If a small craft brewery is convicted of violating the
1033 provisions of Section 67-3-48, then, in addition to any other
1034 provision provided for by law, the small craft brewery shall be
1035 punished as follows:

1036 (a) For the first offense, the small craft brewery may
1037 be fined in an amount not to exceed Five Hundred Dollars
1038 (\$500.00).

1039 (b) For a second offense occurring within twelve (12)
1040 months of the first offense, the small craft brewery may be fined
1041 an amount not to exceed One Thousand Dollars (\$1,000.00).

1042 (c) For a third or subsequent offense occurring within
1043 twelve (12) months of the first offense, the small craft brewery



1044 may be fined an amount not to exceed Five Thousand Dollars
1045 (\$5,000.00) and the permit to operate as a manufacturer shall be
1046 suspended for thirty (30) days.

1047 **SECTION 33.** Section 67-3-70, Mississippi Code of 1972, is
1048 amended as follows:

1049 67-3-70. (1) Except as otherwise provided by Section
1050 67-3-54, any person under the age of twenty-one (21) years who
1051 purchases or possesses any light * * * intoxicating beverage shall
1052 be guilty of a misdemeanor, and upon conviction, shall be punished
1053 by a fine of not less than Two Hundred Dollars (\$200.00) nor more
1054 than Five Hundred Dollars (\$500.00) and a sentence to not more
1055 than thirty (30) days community service.

1056 (2) Any person under the age of twenty-one (21) years who
1057 falsely states he is twenty-one (21) years of age or older or
1058 presents any document that indicates he is twenty-one (21) years
1059 of age or older for the purpose of purchasing or possessing any
1060 light * * * intoxicating beverage shall be guilty of a
1061 misdemeanor, and upon conviction, shall be punished by a fine of
1062 not less than Two Hundred Dollars (\$200.00) nor more than Five
1063 Hundred Dollars (\$500.00) and a sentence to not more than thirty
1064 (30) days community service.

1065 (3) Except as otherwise provided by Section 67-3-54, any
1066 person who knowingly purchases any light * * * intoxicating
1067 beverage for, or gives any light * * * intoxicating beverage to, a
1068 person under the age of twenty-one (21) years, shall be guilty of



1069 a misdemeanor, and upon conviction, shall be punished by a fine of
1070 not less than Two Hundred Dollars (\$200.00) nor more than Five
1071 Hundred Dollars (\$500.00) and a sentence to not more than thirty
1072 (30) days community service. The punishment provided under this
1073 subsection shall not be applicable to violations of Section
1074 97-5-49.

1075 (4) The term "community service" as used in this section
1076 shall mean work, projects or services for the benefit of the
1077 community assigned, supervised and recorded by appropriate public
1078 officials.

1079 (5) If a person under the age of twenty-one (21) years is
1080 convicted or enters a plea of guilty of violating subsection (1)
1081 or subsection (2) of this section, the trial judge, in lieu of the
1082 penalties otherwise provided under this section, shall suspend the
1083 minor's driver's license by taking and keeping it in the custody
1084 of the court for a period of time not to exceed ninety (90) days.
1085 The judge so ordering the suspension shall enter upon his docket
1086 "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF
1087 CONVICTION" and such action by the trial judge shall not
1088 constitute a conviction. During the period that the minor's
1089 driver's license is suspended, the trial judge shall suspend the
1090 imposition of any fines or penalties that may be imposed under
1091 this section and may place the minor on probation subject to such
1092 conditions as the judge deems appropriate. If the minor violates
1093 any of the conditions of probation, then the trial judge shall



1094 return the driver's license to the minor and impose the fines,
1095 penalties, or both, that he would have otherwise imposed, and such
1096 action shall constitute a conviction.

1097 (6) Any person who has been charged with a violation
1098 of * * * subsection (1) or (2) of this section may, not sooner
1099 than one (1) year after the dismissal and discharge or completion
1100 of any sentence and/or payment of any fine, apply to the court for
1101 an order to expunge from all official records all recordation
1102 relating to his arrest, trial, finding or plea of guilty, and
1103 dismissal and discharge. If the court determines that such person
1104 was dismissed and the proceedings against him discharged or that
1105 such person had satisfactorily served his sentence and/or paid his
1106 fine, it shall enter such order.

1107 **SECTION 34.** Section 67-3-73, Mississippi Code of 1972, is
1108 amended as follows:

1109 67-3-73. (1) The Mississippi Legislature finds and declares
1110 that the consumption of intoxicating beverages, rather than the
1111 sale or serving or furnishing of such beverages, is the proximate
1112 cause of any injury, including death and property damage,
1113 inflicted by an intoxicated person upon himself or upon another
1114 person.

1115 (2) Notwithstanding any other law to the contrary, no holder
1116 of an alcoholic beverage * * * or light intoxicating beverage
1117 permit, or any agent or employee of such holder, who lawfully
1118 sells or serves intoxicating beverages to a person who may



1119 lawfully purchase such intoxicating beverages, shall be liable to
1120 such person or to any other person or to the estate, or survivors
1121 of either, for any injury suffered off the licensed premises,
1122 including wrongful death and property damage, because of the
1123 intoxication of the person to whom the intoxicating beverages were
1124 sold or served.

1125 (3) Notwithstanding any other law to the contrary, no social
1126 host who serves or furnishes any intoxicating beverage to a person
1127 who may lawfully consume such intoxicating beverage shall be
1128 liable to such person or to any other person or to the estate, or
1129 survivors of either, for any injury suffered off such social
1130 host's premises, including wrongful death and property damage,
1131 because of the intoxication of the person to whom the intoxicating
1132 beverages were served or furnished. No social host who owns,
1133 leases or otherwise lawfully occupies a premises on which, in his
1134 absence and without his consent, intoxicating beverages are
1135 consumed by a person who may lawfully consume such intoxicating
1136 beverage shall be liable to such person or to any other person or
1137 to the estate, or survivors of either, for any injury suffered off
1138 the premises, including wrongful death and property damage,
1139 because of the intoxication of the person who consumed the
1140 intoxicating beverages.

1141 (4) The limitation of liability provided by this section
1142 shall not apply to any person who causes or contributes to the
1143 consumption of * * * intoxicating beverages by force or by falsely



1144 representing that a beverage contains no alcohol or THC, or to any
1145 holder of an alcoholic beverage * * * or light intoxicating
1146 beverage permit, or any agent or employee of such holder when it
1147 is shown that the person making a purchase of an * * *
1148 intoxicating beverage was at the time of such purchase visibly
1149 intoxicated.

1150 **SECTION 35.** Section 67-3-74, Mississippi Code of 1972, is
1151 amended as follows:

1152 67-3-74. (1) In addition to peace officers within their
1153 jurisdiction, all enforcement officers of the Alcoholic Beverage
1154 Control Division of the Department of Revenue are authorized to
1155 enforce the provisions made unlawful by this chapter and Section
1156 97-5-49; however, the provisions prohibiting the sale of
1157 light * * * intoxicating beverages to persons under the age of
1158 twenty-one (21) years shall be enforced by the division as
1159 provided for in this section.

1160 (2) (a) The Alcoholic Beverage Control Division shall
1161 investigate violations of the laws prohibiting the sale of
1162 light * * * intoxicating beverages to persons under the age of
1163 twenty-one (21) years upon receipt of a complaint or information
1164 from a person stating that they have knowledge of such violation.

1165 (b) Upon receipt of such complaint or information, the
1166 Alcoholic Beverage Control Division shall notify the permit holder
1167 of the complaint by certified mail to the primary business office
1168 of such permit holder or by hand delivery of the complaint or



1169 information to the primary business office of such holder, except
1170 in cases where the complaint or information is received from any
1171 law enforcement officer.

1172 (c) If an enforcement officer of the Alcoholic Beverage
1173 Control Division enters the business of the holder of the permit
1174 to investigate a complaint and discovers a violation, the agent
1175 shall notify the person that committed the violation and the
1176 holder of the permit:

1177 (i) Within ten (10) days after such violation,
1178 Sundays and holidays excluded, if the business sells light * * *
1179 intoxicating beverages for on-premises consumption; and

1180 (ii) Within seventy-two (72) hours after such
1181 violation, Sundays and holidays excluded, if the business does not
1182 sell light * * * intoxicating beverages for on-premises
1183 consumption.

1184 **SECTION 36.** Section 67-1-5, Mississippi Code of 1972, is
1185 amended as follows:

1186 67-1-5. For the purposes of this article and unless
1187 otherwise required by the context:

1188 (a) "Alcoholic beverage" means any alcoholic liquid,
1189 including wines of more than five percent (5%) of alcohol by
1190 weight, capable of being consumed as a beverage by a human being,
1191 but shall not include light * * * intoxicating beverages, as
1192 defined in Section 67-3-3, * * * but shall include native wines
1193 and native spirits. The words "alcoholic beverage" shall not



1194 include ethyl alcohol manufactured or distilled solely for fuel
1195 purposes or beer of an alcoholic content of more than eight
1196 percent (8%) by weight if the beer is legally manufactured in this
1197 state for sale in another state.

1198 (b) "Alcohol" means the product of distillation of any
1199 fermented liquid, whatever the origin thereof, and includes
1200 synthetic ethyl alcohol, but does not include denatured alcohol or
1201 wood alcohol.

1202 (c) "Distilled spirits" means any beverage containing
1203 more than six percent (6%) of alcohol by weight produced by
1204 distillation of fermented grain, starch, molasses or sugar,
1205 including dilutions and mixtures of these beverages.

1206 (d) "Wine" or "vinous liquor" means any product
1207 obtained from the alcoholic fermentation of the juice of sound,
1208 ripe grapes, fruits, honey or berries and made in accordance with
1209 the revenue laws of the United States.

1210 (e) "Person" means and includes any individual,
1211 partnership, corporation, association or other legal entity
1212 whatsoever.

1213 (f) "Manufacturer" means any person engaged in
1214 manufacturing, distilling, rectifying, blending or bottling any
1215 alcoholic beverage.

1216 (g) "Wholesaler" means any person, other than a
1217 manufacturer, engaged in distributing or selling any alcoholic



1218 beverage at wholesale for delivery within or without this state
1219 when such sale is for the purpose of resale by the purchaser.

1220 (h) "Retailer" means any person who sells, distributes,
1221 or offers for sale or distribution, any alcoholic beverage for use
1222 or consumption by the purchaser and not for resale.

1223 (i) "State Tax Commission," "commission" or
1224 "department" means the Department of Revenue of the State of
1225 Mississippi, which shall create a division in its organization to
1226 be known as the Alcoholic Beverage Control Division. Any
1227 reference to the commission or the department hereafter means the
1228 powers and duties of the Department of Revenue with reference to
1229 supervision of the Alcoholic Beverage Control Division.

1230 (j) "Division" means the Alcoholic Beverage Control
1231 Division of the Department of Revenue.

1232 (k) "Municipality" means any incorporated city or town
1233 of this state.

1234 (l) "Hotel" means an establishment within a
1235 municipality, or within a qualified resort area approved as such
1236 by the department, where, in consideration of payment, food and
1237 lodging are habitually furnished to travelers and wherein are
1238 located at least twenty (20) adequately furnished and completely
1239 separate sleeping rooms with adequate facilities that persons
1240 usually apply for and receive as overnight accommodations. Hotels
1241 in towns or cities of more than twenty-five thousand (25,000)
1242 population are similarly defined except that they must have fifty



1243 (50) or more sleeping rooms. Any such establishment described in
1244 this paragraph with less than fifty (50) beds shall operate one or
1245 more regular dining rooms designed to be constantly frequented by
1246 customers each day. When used in this article, the word "hotel"
1247 shall also be construed to include any establishment that meets
1248 the definition of "bed and breakfast inn" as provided in this
1249 section.

1250 (m) "Restaurant" means:

1251 (i) A place which is regularly and in a bona fide
1252 manner used and kept open for the serving of meals to guests for
1253 compensation, which has suitable seating facilities for guests,
1254 and which has suitable kitchen facilities connected therewith for
1255 cooking an assortment of foods and meals commonly ordered at
1256 various hours of the day; the service of such food as sandwiches
1257 and salads only shall not be deemed in compliance with this
1258 requirement. Except as otherwise provided in this paragraph, no
1259 place shall qualify as a restaurant under this article unless
1260 twenty-five percent (25%) or more of the revenue derived from such
1261 place shall be from the preparation, cooking and serving of meals
1262 and not from the sale of beverages, or unless the value of food
1263 given to and consumed by customers is equal to twenty-five percent
1264 (25%) or more of total revenue; or

1265 (ii) Any privately owned business located in a
1266 building in a historic district where the district is listed in
1267 the National Register of Historic Places, where the building has a



1268 total occupancy rating of not less than one thousand (1,000) and
1269 where the business regularly utilizes ten thousand (10,000) square
1270 feet or more in the building for live entertainment, including not
1271 only the stage, lobby or area where the audience sits and/or
1272 stands, but also any other portion of the building necessary for
1273 the operation of the business, including any kitchen area, bar
1274 area, storage area and office space, but excluding any area for
1275 parking. In addition to the other requirements of this
1276 subparagraph, the business must also serve food to guests for
1277 compensation within the building and derive the majority of its
1278 revenue from event-related fees, including, but not limited to,
1279 admission fees or ticket sales to live entertainment in the
1280 building, and from the rental of all or part of the facilities of
1281 the business in the building to another party for a specific event
1282 or function.

1283 (n) "Club" means an association or a corporation:

1284 (i) Organized or created under the laws of this
1285 state for a period of five (5) years prior to July 1, 1966;

1286 (ii) Organized not primarily for pecuniary profit
1287 but for the promotion of some common object other than the sale or
1288 consumption of alcoholic beverages;

1289 (iii) Maintained by its members through the
1290 payment of annual dues;

1291 (iv) Owning, hiring or leasing a building or space
1292 in a building of such extent and character as may be suitable and



1293 adequate for the reasonable and comfortable use and accommodation
1294 of its members and their guests;

1295 (v) The affairs and management of which are
1296 conducted by a board of directors, board of governors, executive
1297 committee, or similar governing body chosen by the members at a
1298 regular meeting held at some periodic interval; and

1299 (vi) No member, officer, agent or employee of
1300 which is paid, or directly or indirectly receives, in the form of
1301 a salary or other compensation any profit from the distribution or
1302 sale of alcoholic beverages to the club or to members or guests of
1303 the club beyond such salary or compensation as may be fixed and
1304 voted at a proper meeting by the board of directors or other
1305 governing body out of the general revenues of the club.

1306 The department may, in its discretion, waive the five-year
1307 provision of this paragraph. In order to qualify under this
1308 paragraph, a club must file with the department, at the time of
1309 its application for a license under this article, two (2) copies
1310 of a list of the names and residences of its members and similarly
1311 file, within ten (10) days after the election of any additional
1312 member, his name and address. Each club applying for a license
1313 shall also file with the department at the time of the application
1314 a copy of its articles of association, charter of incorporation,
1315 bylaws or other instruments governing the business and affairs
1316 thereof.



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

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



1342 meet the requisites of the definition of the term "qualified
1343 resort area." In such a case, the status of qualified resort area
1344 shall not take effect until completion of the development.

1345 (ii) The term includes any state park which is
1346 declared a resort area by the department; however, such
1347 declaration may only be initiated in a written request for resort
1348 area status made to the department by the Executive Director of
1349 the Department of Wildlife, Fisheries and Parks, and no permit for
1350 the sale of any alcoholic beverage, as defined in this article,
1351 except an on-premises retailer's permit, shall be issued for a
1352 hotel, restaurant or bed and breakfast inn in such park.

1353 (iii) The term includes:

1354 1. The clubhouses associated with the state
1355 park golf courses at the Lefleur's Bluff State Park, the John Kyle
1356 State Park, the Percy Quin State Park and the Hugh White State
1357 Park;

1358 2. The clubhouse and associated golf course,
1359 tennis courts and related facilities and swimming pool and related
1360 facilities where the golf course, tennis courts and related
1361 facilities and swimming pool and related facilities are adjacent
1362 to one or more planned residential developments and the golf
1363 course and all such developments collectively include at least
1364 seven hundred fifty (750) acres and at least four hundred (400)
1365 residential units;



1366 3. Any facility located on property that is a
1367 game reserve with restricted access that consists of at least
1368 three thousand (3,000) contiguous acres with no public roads and
1369 that offers as a service hunts for a fee to overnight guests of
1370 the facility;

1371 4. Any facility located on federal property
1372 surrounding a lake and designated as a recreational area by the
1373 United States Army Corps of Engineers that consists of at least
1374 one thousand five hundred (1,500) acres;

1375 5. Any facility that is located in a
1376 municipality that is bordered by the Pearl River, traversed by
1377 Mississippi Highway 25, adjacent to the boundaries of the Jackson
1378 International Airport and is located in a county which has voted
1379 against coming out from under the dry law; however, any such
1380 facility may only be located in areas designated by the governing
1381 authorities of such municipality;

1382 6. Any municipality with a population in
1383 excess of ten thousand (10,000) according to the latest federal
1384 decennial census that is located in a county that is bordered by
1385 the Pearl River and is not traversed by Interstate Highway 20,
1386 with a population in excess of forty-five thousand (45,000)
1387 according to the latest federal decennial census;

1388 7. The West Pearl Restaurant Tax District as
1389 defined in Chapter 912, Local and Private Laws of 2007;



1390 8. a. Land that is located in any county in
1391 which Mississippi Highway 43 and Mississippi Highway 25 intersect
1392 and:

1393 A. Owned by the Pearl River Valley
1394 Water Supply District, and/or

1395 B. Located within the Reservoir
1396 Community District, zoned commercial, east of Old Fannin Road,
1397 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
1398 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
1399 Drive and/or Lake Vista Place, and/or

1400 C. Located within the Reservoir
1401 Community District, zoned commercial, west of Old Fannin Road,
1402 south of Spillway Road and extending to the boundary of the
1403 corporate limits of the City of Flowood, Mississippi;

1404 b. The board of supervisors of such
1405 county, with respect to B and C of item 8.a., may by resolution or
1406 other order:

1407 A. Specify the hours of operation
1408 of facilities that offer alcoholic beverages for sale,

1409 B. Specify the percentage of
1410 revenue that facilities that offer alcoholic beverages for sale
1411 must derive from the preparation, cooking and serving of meals and
1412 not from the sale of beverages, and

1413 C. Designate the areas in which
1414 facilities that offer alcoholic beverages for sale may be located;



1415 9. Any facility located on property that is a
1416 game reserve with restricted access that consists of at least
1417 eight hundred (800) contiguous acres with no public roads, that
1418 offers as a service hunts for a fee to overnight guests of the
1419 facility, and has accommodations for at least fifty (50) overnight
1420 guests;

1421 10. Any facility that:

1422 a. Consists of at least six thousand
1423 (6,000) square feet being heated and cooled along with an
1424 additional adjacent area that consists of at least two thousand
1425 two hundred (2,200) square feet regardless of whether heated and
1426 cooled,

1427 b. For a fee is used to host events such
1428 as weddings, reunions and conventions,

1429 c. Provides lodging accommodations
1430 regardless of whether part of the facility and/or located adjacent
1431 to or in close proximity to the facility, and

1432 d. Is located on property that consists
1433 of at least thirty (30) contiguous acres;

1434 11. Any facility and related property:

1435 a. Located on property that consists of
1436 at least one hundred twenty-five (125) contiguous acres and
1437 consisting of an eighteen-hole golf course, and/or located in a
1438 facility that consists of at least eight thousand (8,000) square
1439 feet being heated and cooled,



1440 b. Used for the purpose of providing
1441 meals and hosting events, and

1442 c. Used for the purpose of teaching
1443 culinary arts courses and/or turf management and grounds keeping
1444 courses, and/or outdoor recreation and leadership courses;

1445 12. Any facility and related property that:

1446 a. Consist of at least eight thousand
1447 (8,000) square feet being heated and cooled,

1448 b. For a fee is used to host events,

1449 c. Is used for the purpose of culinary
1450 arts courses, and/or live entertainment courses and art
1451 performances, and/or outdoor recreation and leadership courses;

1452 13. The clubhouse and associated golf course
1453 where the golf course is adjacent to one or more residential
1454 developments and the golf course and all such developments
1455 collectively include at least two hundred (200) acres and at least
1456 one hundred fifty (150) residential units and are located a. in a
1457 county that has voted against coming out from under the dry law;
1458 and b. outside of but in close proximity to a municipality in such
1459 county which has voted under Section 67-1-14, after January 1,
1460 2013, to come out from under the dry law;

1461 14. The clubhouse and associated
1462 eighteen-hole golf course located in a municipality traversed by
1463 Interstate Highway 55 and U.S. Highway 51 that has voted to come
1464 out from under the dry law;



1465 15. a. Land that is planned for mixed-use
1466 development and consists of at least two hundred (200) contiguous
1467 acres with one or more planned residential developments
1468 collectively planned to include at least two hundred (200)
1469 residential units when completed, and also including a facility
1470 that consists of at least four thousand (4,000) square feet that
1471 is not part of such land but is located adjacent to or in close
1472 proximity thereto, and which land is located:

1473 A. In a county that has voted to
1474 come out from under the dry law,

1475 B. Outside the corporate limits of
1476 any municipality in such county and adjacent to or in close
1477 proximity to a golf course located in a municipality in such
1478 county, and

1479 C. Within one (1) mile of a state
1480 institution of higher learning;

1481 b. The board of supervisors of such
1482 county may by resolution or other order:

1483 A. Specify the hours of operation
1484 of facilities that offer alcoholic beverages for sale,

1485 B. Specify the percentage of
1486 revenue that facilities that offer alcoholic beverages for sale
1487 must derive from the preparation, cooking and serving of meals and
1488 not from the sale of beverages, and



1489 C. Designate the areas in which
1490 facilities that offer alcoholic beverages for sale may be located;

1491 16. Any facility with a capacity of five
1492 hundred (500) people or more, to be used as a venue for private
1493 events, on a tract of land in the Southwest Quarter of Section 33,
1494 Township 2 South, Range 7 East, of a county where U.S. Highway 45
1495 and U.S. Highway 72 intersect and that has not voted to come out
1496 from under the dry law;

1497 17. One hundred five (105) contiguous acres,
1498 more or less, located in Hinds County, Mississippi, and in the
1499 City of Jackson, Mississippi, whereon are constructed a variety of
1500 buildings, improvements, grounds or objects for the purpose of
1501 holding events thereon to promote agricultural and industrial
1502 development in Mississippi;

1503 18. Land that is owned by a state institution
1504 of higher learning, land that is owned by an entity that is bound
1505 by an affiliation agreement with a state institution of higher
1506 learning, or land that is owned by one or more other entities so
1507 long as such other entities are solely owned, either directly or
1508 through additional entities, by an institution of higher learning
1509 and/or one or more entities bound by affiliation agreements with
1510 such institution, and:

1511 a. Located entirely within a county that
1512 has elected by majority vote not to permit the transportation,



1513 storage, sale, distribution, receipt and/or manufacture of
1514 light * * * intoxicating beverages pursuant to Section 67-3-7; and

1515 b. A. Located adjacent to but outside
1516 the incorporated limits of a municipality that has elected by
1517 majority vote to permit the sale, receipt, storage and
1518 transportation of light * * * intoxicating beverages pursuant to
1519 Section 67-3-9; or

1520 B. Located in an area bounded on
1521 the north by College View Drive, on the east by Mississippi
1522 Highway 12 East, on the south by Mississippi Highway 12 East, on
1523 the west by Mill Street, on the north by Russell Street, then on
1524 the west by Colonel Muldrow Avenue, on the north by University
1525 Drive, on the west by Adkerson Way within a municipality through
1526 which run Mississippi Highway 25, Mississippi Highway 12 and U.S.
1527 Highway 82.

1528 If any portion of the land described in this item 18 has been
1529 declared a qualified resort area by the department before July 1,
1530 2020, then that qualified resort area shall be incorporated into
1531 the qualified resort area created by this item 18;

1532 19. Any facility and related property:

1533 a. Used as a flea market or similar
1534 venue during a weekend (Saturday and Sunday) immediately preceding
1535 the first Monday of a month and having an annual average of at
1536 least one thousand (1,000) visitors for each such weekend and five
1537 hundred (500) vendors for Saturday of each such weekend, and



1538 b. Located in a county that has not
1539 voted to come out from under the dry law and outside of but in
1540 close proximity to a municipality located in such county and which
1541 municipality has voted to come out from under the dry law;

1542 20. Blocks 1, 2 and 3 of the original town
1543 square in any municipality with a population in excess of one
1544 thousand five hundred (1,500) according to the latest federal
1545 decennial census and which is located in:

1546 a. A county traversed by Interstate 55
1547 and Interstate 20, and

1548 b. A judicial district that has not
1549 voted to come out from under the dry law;

1550 21. Any municipality with a population in
1551 excess of two thousand (2,000) according to the latest federal
1552 decennial census and in which is located a part of White's Creek
1553 Lake and in which U.S. Highway 82 intersects with Mississippi
1554 Highway 9 and located in a county that is partially bordered on
1555 one (1) side by the Big Black River;

1556 22. A restaurant located on a two-acre tract
1557 adjacent to a five-hundred-fifty-acre lake in the northeast corner
1558 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

1559 23. Any tracts of land in Oktibbeha County,
1560 situated north of Bailey Howell Drive, Lee Boulevard and Old
1561 Mayhew Road, east of George Perry Street and south of Mississippi
1562 Highway 182, and not located on the property of a state



1563 institution of higher learning; however, the board of supervisors
1564 of such county may by resolution or other order:

1565 a. Specify the hours of operation of
1566 facilities that offer alcoholic beverages for sale;

1567 b. Specify the percentage of revenue
1568 that facilities that offer alcoholic beverages for sale must
1569 derive from the preparation, cooking and serving of meals and not
1570 from the sale of beverages; and

1571 c. Designate the areas in which
1572 facilities that offer alcoholic beverages for sale may be located;

1573 24. A municipality in which Mississippi
1574 Highway 27 and Mississippi Highway 28 intersect;

1575 25. A municipality through which run
1576 Mississippi Highway 35 and Interstate 20;

1577 26. A municipality in which Mississippi
1578 Highway 16 and Mississippi Highway 35 intersect;

1579 27. A municipality in which U.S. Highway 82
1580 and Old Highway 61 intersect;

1581 28. A municipality in which Mississippi
1582 Highway 8 meets Mississippi Highway 1;

1583 29. A municipality in which U.S. Highway 82
1584 and Mississippi Highway 1 intersect;

1585 30. A municipality in which Mississippi
1586 Highway 50 meets Mississippi Highway 9;



1587 31. An area bounded on the north by Pearl
1588 Street, on the east by West Street, on the south by Court Street
1589 and on the west by Farish Street, within a municipality bordered
1590 on the east by the Pearl River and through which run Interstate 20
1591 and Interstate 55;

1592 32. Any facility and related property that:

1593 a. Is contracted for mixed-use
1594 development improvements consisting of office and residential
1595 space and a restaurant and lounge, partially occupying the
1596 renovated space of a four-story commercial building which
1597 previously served as a financial institution; and adjacent
1598 property to the west consisting of a single-story office building
1599 that was originally occupied by the Brotherhood of Carpenters and
1600 Joiners of American Local Number 569; and

1601 b. Is situated on a tract of land
1602 consisting of approximately one and one-tenth (1.10) acres, and
1603 the adjacent property to the west consisting of approximately 0.5
1604 acres, located in a municipality which is the seat of county
1605 government, situated south of Interstate 10, traversed by U.S.
1606 Highway 90, partially bordered on one (1) side by the Pascagoula
1607 River and having its most southern boundary bordered by the Gulf
1608 of Mexico, with a population greater than twenty-two thousand
1609 (22,000) according to the 2010 federal decennial census; however,
1610 the governing authorities of such a municipality may by ordinance:



1611 A. Specify the hours of operation
1612 of facilities that offer alcoholic beverages for sale;

1613 B. Specify the percentage of
1614 revenue that facilities that offer alcoholic beverages for sale
1615 must derive from the preparation, cooking and serving of meals and
1616 not from the sale of beverages; and

1617 C. Designate the areas within the
1618 facilities in which alcoholic beverages may be offered for sale;

1619 33. Any facility with a maximum capacity of
1620 one hundred twenty (120) people that consists of at least three
1621 thousand (3,000) square feet being heated and cooled, has a
1622 commercial kitchen, has a pavilion that consists of at least nine
1623 thousand (9,000) square feet and is located on land more
1624 particularly described as follows:

1625 All that part of the East Half of the Northwest Quarter of
1626 Section 21, Township 7 South, Range 4 East, Union County,
1627 Mississippi, that lies South of Mississippi State Highway 348
1628 right-of-way and containing 19.48 acres, more or less.

1629 ALSO,

1630 The Northeast 38 acres of the Southwest Quarter of Section
1631 21, Township 7 South, Range 4 East, Union County, Mississippi.

1632 ALSO,

1633 The South 81 1/2 acres of the Southwest Quarter of Section
1634 21, Township 7 South, Range 4 East, Union County, Mississippi;



1635 34. A municipality in which U.S. Highway 51
1636 and Mississippi Highway 16 intersect;

1637 35. A municipality in which Interstate 20
1638 passes over Mississippi Highway 15;

1639 36. Any municipality that is bordered in its
1640 northwestern boundary by the Pearl River, traversed by U.S.
1641 Highway 49 and Interstate 20, and is located in a county which has
1642 voted against coming out from under the dry law;

1643 37. A municipality in which Mississippi
1644 Highway 28 and Mississippi Highway 29 North intersect;

1645 38. An area bounded as follows within a
1646 municipality through which run Interstate 22 and Mississippi
1647 Highway 15: Beginning at a point at the intersection of Bankhead
1648 Street and Tallahatchie Trails; then running to a point at the
1649 intersection of Tallahatchie Trails and Interstate 22; then
1650 running to a point at the intersection of Interstate 22 and Carter
1651 Avenue; then running to a point at the intersection of Carter
1652 Avenue and Camp Avenue; then running to a point at the
1653 intersection of Camp Avenue and King Street; then running to a
1654 point at the intersection of King Street and E. Main Street; then
1655 running to a point at the intersection of E. Main Street and Camp
1656 Avenue; then running to a point at the intersection of Camp Avenue
1657 and Highland Street; then running to a point at the intersection
1658 of Highland Street and Adams Street; then running to a point at
1659 the intersection of Adams Street and Cleveland Street; then



1660 running to a point at the intersection of Cleveland Street and N.
1661 Railroad Avenue; then running to a point at the intersection of N.
1662 Railroad Avenue and McGill Street; then running to a point at the
1663 intersection of McGill Street and Snyder Street; then running to a
1664 point at the intersection of Snyder Street and Bankhead Street;
1665 then running to a point at the intersection of Bankhead Street and
1666 Tallahatchie Trails and the point of the beginning;

1667 39. A municipality through which run
1668 Mississippi Highway 43 and U.S. Highway 80;

1669 40. The coliseum in a municipality in which
1670 U.S. Highway 72 passes over U.S. Highway 45;

1671 41. A piece of property on the northeast
1672 corner of the T-intersection where Builders Square Drive meets
1673 Mississippi Highway 471;

1674 42. The clubhouse and associated golf course,
1675 tennis courts and related facilities and swimming pool and related
1676 facilities located on Oaks Country Club Road less than one-half
1677 (1/2) mile to the east of Mississippi Highway 15;

1678 43. Any facility located on land more
1679 particularly described as follows:

1680 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
1681 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
1682 Southwest Corner of the Southwest Quarter (SW 1/4) of the
1683 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
1684 East, running 210 feet east and west and 840 feet running north



1685 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
1686 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
1687 Rankin County, Mississippi;

1688 44. Any facility located on land more
1689 particularly described as follows:

1690 Beginning at a point 1915 feet west and 2171 feet north of
1691 southeast corner, Section 11, Township 24 North, Range 2 West,
1692 Second Judicial District, Tallahatchie County, Mississippi, which
1693 point is the southwest corner of J.C. Section Lot mentioned in
1694 deed recorded in Book 50, page 34, in the records of the Chancery
1695 Clerk's Office at Sumner, in said District of said County; thence
1696 South 80° West, 19 feet to the east boundary of United States
1697 Highway 49-E, thence East along the east boundary of said Highway
1698 270 feet to point of beginning of Lot to be conveyed; thence
1699 southeast along the east boundary of said Highway 204 feet to a
1700 concrete post at the intersection of the east boundary of said
1701 Highway with the west boundary of gravel road from Sumner to Webb,
1702 known as Oil Mill Road, thence Northwest along west boundary of
1703 said Oil Mill Road 194 feet to center of driveway running
1704 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
1705 South 66° West along center of said driveway 128 feet to point of
1706 beginning, being situated in Northwest Quarter of Southeast
1707 Quarter of Section 11, together with all improvements situated
1708 thereon;

1709 45. Any facility that:



1710 a. Consists of at least five thousand
1711 six hundred (5,600) square feet being heated and cooled along with
1712 a lakeside patio that consists of at least two thousand two
1713 hundred (2,200) square feet, regardless of whether such patio is
1714 part of the facility and/or located adjacent to or in close
1715 proximity to the facility;

1716 b. Includes a caterer's kitchen and
1717 green room for entertainment preparation;

1718 c. For a fee is used to host events; and

1719 d. Is located adjacent to or in close
1720 proximity to an approximately nine * * *-acre lake on property
1721 that consists of at least one hundred twenty (120) acres in a
1722 county traversed by Mississippi Highway 15 and U.S. Highway 278;

1723 46. Any municipality with a population in
1724 excess of one thousand (1,000) according to the 2010 federal
1725 decennial census and which is located in a county that is
1726 traversed by U.S. Highways 84 and 98 and has not voted to come out
1727 from under the dry law;

1728 47. The clubhouse and associated nine-hole
1729 golf course, tennis courts and related facilities and swimming
1730 pool and related facilities located on or near U.S. Highway 82
1731 between Mississippi Highway 15 and Mississippi Highway 9;

1732 48. The downtown square area bound by East
1733 Service Drive, Commerce Street, Second Street and Court Street and



1734 adjacent properties in a municipality through which run Interstate
1735 55, U.S. Highway 51 and Mississippi Highway 306;

1736 49. All parcels zoned for mixed-use
1737 development located west of Mississippi Highway 589, more than
1738 four hundred (400) feet north of Old Highway 24, east of
1739 Parkers Creek and Black Creek, and south of J M Burge Road;

1740 50. Any facility used by a soccer club and
1741 located on Old Highway 11 between one-tenth (0.1) and two-tenths
1742 (0.2) of a mile from its intersection with Oak Grove Road, in a
1743 county in which U.S. Highway 98 and Mississippi Highway 589
1744 intersect;

1745 51. Any municipality in which U.S. Highway 49
1746 and Mississippi Highway 469 intersect;

1747 52. Any facility that is:

1748 a. Owned by a Veterans of Foreign Wars
1749 (VFW) organization that is a nonprofit corporation and registered
1750 with the Mississippi Secretary of State;

1751 b. Used by such organization for its
1752 headquarters and other organization related purposes; and

1753 c. Located outside of a municipality in
1754 a county that has not voted to come out from under the dry law;

1755 53. The following within a municipality in
1756 which U.S. Highway 49 and U.S. 61 Highway intersect and through
1757 which flows the Sunflower River:



1758 a. An area bounded as follows: Starting
1759 at the southern point of the intersection of Sunflower Avenue and
1760 1st Street and going south along said avenue on its eastern side
1761 to 8th Street, then going east along said street on its northern
1762 side to West Tallahatchie Street, then going north along said
1763 street on its western side to 4th Street/Martin Luther King
1764 Boulevard, then going east along said street/boulevard on its
1765 northern side to Desoto Avenue, then going north along said avenue
1766 on its western side to 1st Street, then going west along said
1767 street on its southern side to the point of beginning along the
1768 southern side of Court Street;

1769 b. Lots located at or near the
1770 intersection of Madison Avenue, Walnut Street, and Riverside
1771 Avenue that are in a commercial zone; and

1772 c. Any facility located on the west side
1773 of Sunflower Avenue to the Sunflower River between the southern
1774 side of 6th Street and the northern side of 8th Street and which
1775 is operated as and/or was operated as a hotel or lodging facility,
1776 in consideration of payment, regardless of whether the facility
1777 meets the criteria for the definition of the term "hotel" in
1778 paragraph (1) of this section; and

1779 d. Any facility located on the west side
1780 of Sunflower Avenue to the Sunflower River between the southern
1781 side of 3rd Street and the northern side of 4th Street/Martin



1782 Luther King Boulevard and which is operated as and/or was operated
1783 as a musical venue, in consideration of payment;

1784 54. Any municipality in which Mississippi
1785 Highway 340 meets Mississippi Highway 15;

1786 55. Any municipality in which Mississippi
1787 Highway 540 and Mississippi Highway 149 intersect;

1788 56. Any municipality in which Mississippi
1789 Highway 15 and Mississippi Highway 345/Main Street intersect;

1790 57. The property and structures thereon at
1791 the following locations within a municipality through which run
1792 U.S. Highway 45 and Mississippi Highway 145 and in which
1793 Mississippi Highway 370 and Mississippi Highway 145 intersect:

1794 104 West Main Street, 106 West Main Street, 108 West Main Street,
1795 110 West Main Street and 112 West Main Street;

1796 58. Any municipality in which U.S. Highway 11
1797 and Main Street intersect and which is located in a county having
1798 two (2) judicial districts;

1799 59. Any municipality in which Interstate 22
1800 passes over Mississippi Highway 9;

1801 60. Any facility located on land more
1802 particularly described as follows:

1803 A certain parcel of land being situated in the Southeast 1/4
1804 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County,
1805 Mississippi, and being more particularly described as follows:



1806 Commence at an existing 1/2" iron pin marking the Southwest
1807 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of
1808 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13
1809 seconds East along the East line of the Southeast 1/4 of the
1810 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"
1811 iron pin; leaving said East line of the Southeast 1/4 of the
1812 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds
1813 East for a distance of 2.08 feet to an existing 1/2" iron pin; run
1814 thence North 00 degrees 22 minutes 19 seconds East for a distance
1815 of 561.90 feet to an existing 1/2" iron pin; run thence North 00
1816 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to
1817 a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel
1818 of land herein described; from said POINT OF BEGINNING, continue
1819 thence North 00 degrees 16 minutes 18 seconds East along an
1820 existing fence for a distance of 493.27 feet to an existing 1/2"
1821 iron pin; run thence North 03 degrees 08 minutes 15 seconds East
1822 for a distance of 170.22 feet to an existing 1/2" iron pin on the
1823 North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of
1824 Section 9; run thence North 89 degrees 46 minutes 45 seconds East
1825 along said North line of the Southeast 1/4 of the Northeast 1/4 of
1826 Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron
1827 pin marking Northeast corner thereof; leaving said North line of
1828 the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence
1829 South 00 degrees 08 minutes 35 seconds West along the East line of
1830 said Southeast 1/4 of the Northeast 1/4 of Section 9 for a



1831 distance of 663.19 feet to a set 1/2" iron pin; leaving said East
1832 line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run
1833 thence South 89 degrees 46 minutes 45 seconds West for a distance
1834 of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00
1835 acres, more or less.

1836 And Also: An easement for the purpose of ingress and egress
1837 being situated in the Southeast 1/4 of the Northeast 1/4 and in
1838 the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E,
1839 Rankin County, Mississippi, and being more particularly described
1840 as follows:

1841 Begin at an existing 1/2" iron pin marking the Southwest
1842 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of
1843 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13
1844 seconds East along the East line of the Southeast 1/4 of the
1845 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"
1846 iron pin; leaving said East line of the Southeast 1/4 of the
1847 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds
1848 East for a distance of 2.08 feet to an existing 1/2" iron pin; run
1849 thence North 00 degrees 22 minutes 19 seconds East for a distance
1850 of 561.90 feet to an existing 1/2" iron pin; run thence North 00
1851 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to
1852 a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45
1853 seconds East for a distance of 25.00 feet to a set 1/2" iron pin;
1854 run thence South 00 degrees 16 minutes 18 seconds West for a
1855 distance of 76.66 feet to a set 1/2" iron pin; run thence South 00



1856 degrees 22 minutes 19 seconds West for a distance of 619.81 feet
1857 to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01
1858 seconds West for a distance of 26.81 feet to a set 1/2" iron pin;
1859 run thence North 00 degrees 06 minutes 13 seconds East along the
1860 West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of
1861 Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING,
1862 containing 17,525.4 square feet, more or less.

1863 61. Any municipality bordered on the east by
1864 the Pascagoula River and on the south by the Mississippi Sound;

1865 62. The property and structures thereon
1866 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201
1867 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969
1868 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original
1869 town square in any municipality with a population in excess of one
1870 thousand five hundred (1,500) according to the latest federal
1871 decennial census and which is located in:

1872 a. A county traversed by Interstate 55
1873 and Interstate 20, and

1874 b. A judicial district that has not
1875 voted to come out from under the dry law;

1876 63. Any municipality in which Mississippi
1877 Highway 12 meets Mississippi Highway 17;

1878 64. Any municipality in which U.S. Highway 49
1879 and Mississippi Highway 469 intersect;



1880 65. The clubhouse and associated nine-hole
1881 golf course and related facilities located on or near the eastern
1882 corner of the point at which Golf Course Road meets Athens Road,
1883 in a county in which Mississippi Highway 13 and Mississippi
1884 Highway 28 intersect, with GPS coordinates of approximately
1885 31.900370078041004, -89.7928067652611;

1886 66. Any facility located at the
1887 south-to-southwest corner of the intersection of Madison Street
1888 and Bolton Brownsville Road, in a municipality in which Bolton
1889 Brownsville Road passes over Interstate 20, with GPS coordinates
1890 of approximately 32.349067271758955, -90.4596221146197;

1891 67. Any facility located at the northwest
1892 corner of the intersection of Depot Street and Madison Street, in
1893 a municipality in which Bolton Brownsville Road passes over
1894 Interstate 20, with GPS coordinates of approximately
1895 32.34903152971068, -90.46047660172901;

1896 68. Any facility located on Hinds Boulevard
1897 approximately three-tenths (0.3) of a mile south of the point at
1898 which Hinds Boulevard diverges from Clinton Road, in a
1899 municipality whose northern boundary partially consists of Snake
1900 Creek Road, and whose southern boundary partially consists of
1901 Mississippi Highway 18, with GPS coordinates of approximately
1902 32.26384517526713, -90.41586570183475;

1903 69. Any facility located on Pleasant Grove
1904 Drive approximately one and three-tenths (1.3) miles southeast of



1905 its intersection with Harmony Drive, in a county through which run
1906 Interstate 55 and U.S. Highway 84, with GPS coordinates of
1907 approximately 31.512043770371907, -90.2506094382595;

1908 70. Any facility located immediately north of
1909 the intersection of two roads, both named Mason Clark Drive,
1910 located between two-tenths (0.2) and three-tenths (0.3) of a mile
1911 southwest of Mississippi Highway 57/63, with GPS coordinates of
1912 approximately 31.135950529733048, -88.53068674585575;

1913 71. Any facility located on Raj Road
1914 approximately three-tenths (0.3) of a mile south of Mississippi
1915 Highway 57/63, with GPS coordinates of approximately
1916 31.139553708288418, -88.53411203512971;

1917 72. Any facility located on Raj Road
1918 approximately one-tenth (0.1) of a mile south of Mississippi
1919 Highway 57/63, with GPS coordinates of approximately
1920 31.14184097577295, -88.53287700849411;

1921 73. Any municipality through which run U.S.
1922 Highway 45 and Mississippi Highway 145 and in which Mississippi
1923 Highway 370 and Mississippi Highway 145 intersect; however, this
1924 designation as a qualified resort area shall only apply to the
1925 portion of such municipality which is located in a county that has
1926 not voted to come out from under the dry law;

1927 74. A municipality through which runs a
1928 portion of the Tanglefoot Trail and in which Mississippi Highway
1929 32 and East Front Street intersect;



1930 75. Lot Three (3) in Block One Hundred
1931 Seventy-eight (178) of the D.H. McInnis First Survey, sometimes
1932 referred to as D.H. McInnis Railroad Addition, to the City of
1933 Hattiesburg, the said lot having a frontage of thirty (30) feet on
1934 the Eastern side of Front Street and extending back between
1935 parallel lines ninety (90) feet to an alley, and being located in
1936 the Northwest Quarter of Section 10, Township 4 North, Range 13
1937 West, Forrest County, Mississippi;

1938 76. An area of land in George County of
1939 approximately eight and five hundredths (8.05) acres, bordered on
1940 the east and northeast by Brushy Creek, on the northwest by Brushy
1941 Creek Road, on the west by Beaver Creek Road, and on the south by
1942 a property boundary running east and west;

1943 77. A municipality in which Mississippi
1944 Highway 15 intersects with Webster Street, and in which Webster
1945 Street splits into Mill Street and Maben Starkville Road;

1946 78. A municipality in which Mississippi
1947 Highway 492 meets Mississippi Highway 35;

1948 79. A facility operating as an event venue
1949 and located on Mississippi Highway 589, with GPS coordinates of
1950 approximately 31.36730, -89.50548;

1951 80. An area situated in the SW 1/4 of Section
1952 12, T7N-R2E, Madison County, Mississippi, and commencing at the
1953 point on the Ross Barnett Reservoir directly east of the
1954 intersection of North Natchez Street and Louisiana Street, then go



1955 west on Louisiana Street to the intersection of Louisiana Street
1956 and Andrew Jackson Street, then west on Andrew Jackson Street to
1957 the intersection of Andrew Jackson Street and Choctaw Street, then
1958 north on Choctaw Street to the intersection of Choctaw Street and
1959 Republic Street, then west on Republic Street to the intersection
1960 of Republic Street and Port Street, then north on Port Street to
1961 the Natchez Trace right-of-way, then east on the Natchez Trace
1962 right-of-way to the Ross Barnett Reservoir, then following the
1963 Ross Barnett Reservoir south back to the point of beginning;

1964 81. Any facility located on land more
1965 particularly described as follows:
1966 Commencing at a fence corner at the Northeast corner of Section
1967 34, Township 6 South, Range 3 East, Union County, Mississippi, for
1968 the point of beginning; thence run South 00 degrees 31 minutes 39
1969 seconds East, along the Section line, a distance of 161.83 feet to
1970 a one-half inch iron pin, thence North 88 degrees 20 minutes 48
1971 seconds West, along a fence, a distance of 1221.09 feet to a
1972 one-half iron pin, thence South 09 degrees 45 minutes 37 seconds
1973 West, along a fence, a distance of 61.49 feet to a one-half inch
1974 iron pin, thence North 84 degrees 18 minutes 01 seconds West,
1975 along a fence, (passing through a one-half inch iron pin at 196.83
1976 feet) a distance of 234.62 feet to a mag-nail on the centerline of
1977 Union County Road No. 137, thence North 11 degrees 00 minutes 29
1978 seconds East a distance of 187.87 feet to a one-half inch iron pin
1979 on the West edge of said road, thence North 29 degrees 41 minutes



1980 28 seconds East a distance of 59.28 feet to a point on the
1981 centerline of said road, thence South 89 degrees 13 minutes 02
1982 seconds East (passing through a one-half inch iron pin at 30.0
1983 feet) along the South line of the Bernard Whiteside property as
1984 recorded in Deed Book 117, Pages 517-518 and Deed Book 214, page
1985 109, a distance of 646.07 feet to a concrete monument, thence
1986 South 89 degrees 13 minutes 02 seconds East a distance of 751.31
1987 feet to a one-half inch iron pin, thence South 00 degrees 31
1988 minutes 39 seconds East, along the aforesaid Section line, a
1989 distance of 52.93 feet to the point of beginning, said tract lying
1990 in the Southeast Quarter of Section 27, and the Northeast Quarter
1991 of Section 34, Township 6 South, Range 3 East and containing 6.99
1992 acres.

1993 Subject to a perpetual all purpose non-exclusive easement for
1994 ingress, egress and public utilities together the right to enter
1995 upon the above described property and do any and all work
1996 necessary to build, repair and maintain a roadway or well or
1997 install public utilities all over upon and across the following
1998 described property:

1999 A 25.0 foot easement for ingress and egress, being 12.5 feet to
2000 the right and 12.5 feet to the left of the following described
2001 centerline: Commencing at a fence corner at the Northeast corner
2002 of Section 34, Township 6 South, Range 3 East, Union County,
2003 Mississippi, thence run South 00 degrees 31 minutes 39 seconds
2004 East, along the Section line, a distance of 149.33 feet to the



2005 point of beginning; thence North 88 degrees 20 minutes 48 seconds
2006 West a distance of 1231.46 feet to a point, thence South 09
2007 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a
2008 point, thence North 84 degrees 18 minutes 01 seconds West a
2009 distance of 221.82 feet to a point on the centerline of Union
2010 County Road #137, said tract lying in the Northeast Quarter of
2011 Section 34, Township 6 South, Range 3 East.

2012 82. The clubhouse at a country club located:

2013 a. In a county in which Mississippi
2014 Highway 15 and Mississippi Highway 16 intersect and which county
2015 has not voted to come out from under the dry law, and

2016 b. Outside the corporate limits of any
2017 municipality in such county and within one (1) mile of the
2018 corporate limits of a municipality that is the county seat of such
2019 county;

2020 83. Any facility located on North Jackson
2021 Street in a municipality through which run Mississippi Highway 8
2022 and Mississippi Highway 15, with GPS coordinates of approximately
2023 33.913692, -89.005219;

2024 84. Any facility located on North Jackson
2025 Street in a municipality through which run Mississippi Highway 8
2026 and Mississippi Highway 15, with GPS coordinates of approximately
2027 33.905581, -89.00200;

2028 85. Any facility located on land more
2029 particularly described as follows:



2030 Commencing at the Southeast corner of Section 4, Township 6
2031 South, Range 18 West, Pearl River County, Mississippi; thence
2032 West 1310.00 feet to a T-bar; thence North 745.84 feet; thence
2033 East 132.00 feet to a 1" iron pipe; thence North 83.61 feet
2034 for the Point of Beginning; thence South 79 degrees 02 minutes
2035 61 seconds West 248.28 feet; thence West 76.35 feet; thence
2036 North 20 degrees 00 minutes 00 seconds West 185.54 feet;
2037 thence North 52 degrees 43 minutes 14 seconds East 365.98 feet
2038 to a 1" iron pipe on the West margin of Henry Smith Road, a
2039 gravel/paved, public road; thence along said margin South 17
2040 degrees 59 minutes 13 seconds East 299.09 feet; thence South
2041 64.39 feet to the Point of Beginning. This parcel containing
2042 2.19 acres and being a part of the East 1/2 of Section 4,
2043 Township 6 South, Range 18 West, Pearl River County,
2044 Mississippi.

2045 INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4,
2046 TOWNSHIP 6 SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY,
2047 MISSISSIPPI;

2048 86. Any facility located on land in a county
2049 through which run Mississippi Highway 25 and U.S. Highway 82 and
2050 more particularly described as follows: Beginning at a point with
2051 GPS coordinates of approximately 33.331869, -88.715054; then
2052 running in a straight line to a point with GPS coordinates of
2053 approximately 33.336207, -88.713453; then running in a straight
2054 line to a point with GPS coordinates of approximately 33.335369,



2055 -88.709835; then running in a straight line to a point with GPS
2056 coordinates of approximately 33.330870, -88.711496; then running
2057 in a straight line to a point with GPS coordinates of
2058 approximately 33.331869, -88.715054 and the point of the
2059 beginning;

2060 87. Any facility located on land that is
2061 owned by a community college that is located in a county through
2062 which run U.S. Highway 51 and Mississippi Highway 4;

2063 88. Any facility located on Mississippi
2064 Highway 23/178 in a municipality in which Mississippi Highway
2065 23/178 and Stone Drive intersect, with GPS coordinates of
2066 approximately 34.235269, -88.262409;

2067 89. Any facility located on U.S. Highway 51
2068 in a municipality through which run Interstate 55, U.S. Highway 51
2069 and the Natchez Trace Parkway, with GPS coordinates of
2070 approximately 32.42042°N, 90.13473°W;

2071 90. Any facility located on Mullican Road in
2072 a county through which run U.S. Highway 84 and Interstate 59,
2073 with GPS coordinates of approximately 31.73395N, 89.18186W;

2074 91. Any facility located on land in a county
2075 through which run Mississippi Highway 25 and U.S. Highway 82 and
2076 more particularly described as follows: Beginning at a point with
2077 GPS coordinates of approximately 33.37391, -88.80645; then running
2078 in a straight line to a point with GPS coordinates of
2079 approximately 33.37391, -88.79972; then running in a straight line



2080 to a point with GPS coordinates of approximately 33.36672,
2081 -88.80644; then running in a straight line to a point with GPS
2082 coordinates of approximately 33.36674, -88.79971; then running in
2083 a straight line to a point with GPS coordinates of approximately
2084 33.37391, -88.80645 and the point of the beginning;

2085 92. Any facility located on land more
2086 particularly described as follows:

2087 All that part of the South half (S 1/2) of the SE 1/4 of NE 1/4 of
2088 Section 14, Township 4 North, Range 15 West, lying and being West
2089 of State Highway No. 589, containing one (1) acre, more or less.

2090 LESS AND EXCEPT:

2091 Begin at the point of intersection of the North line of the South
2092 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14,
2093 Township 4 North, Range 15 West with the present Southwesterly
2094 right-of-way line of Mississippi Highway No. 589, said point is
2095 also the Northeast corner of grantor property; said point is 50.6
2096 feet West of Station 7 + 59.27 on the centerline of survey of
2097 Mississippi Highway No. 589 as shown on the plans for State
2098 Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence
2099 South 08°57' East along said present Southwesterly right-of-way
2100 line, a distance of 37.1 feet to a point that is perpendicular to
2101 and 50 feet Southwesterly of Station 7 + 30 on the centerline of
2102 survey of Mississippi Highway 589 as shown on the plans for said
2103 project; run thence South 81°03' West, a distance of 35.7 feet to
2104 the West line of the South 1/2 of the Southeast 1/4 of the



2105 Northeast 1/4 of said Section 14 and the West line of grantors
2106 property; run thence North along said West property line, a
2107 distance of 42.2 feet to the Northwest corner of the South 1/2 of
2108 the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the
2109 Northwest corner of grantors property; run thence East along
2110 grantors North property line, a distance of 29.5 feet to the POINT
2111 OF BEGINNING containing 0.03 acres, more or less, and all being
2112 situated in and a part of the South 1/2 of the Southeast 1/4 of
2113 the Northeast 1/4 of Section 14, Township 4 North, Range 15 West,
2114 Lamar County, Mississippi.

2115 LESS AND EXCEPT:

2116 A part of the South one-half of the Southeast 1/4 of Northeast
2117 1/4, Northerly of a certain fence and West of Mississippi State
2118 Highway 589, in Section 14, Township 4 North, Range 15 West, Lamar
2119 County, Mississippi and more particularly described as commencing
2120 at a pine (lighter) stake being used as the Southwest corner of
2121 the Northeast 1/4 of Southeast 1/4 of the above said Section 14,
2122 thence North and along the West line of the East 1/4 of the above
2123 said Section 14 1638.8 feet to the POINT OF BEGINNING. Thence
2124 continue North and along the West line of the East 1/4 of the
2125 above said Section 14, 278.5 feet to the Southerly line of the
2126 property Bobby G. Aultman and Marilyn S. Aultman previously sold
2127 to the Mississippi State Highway Department; thence North 81°03'
2128 East and along the above said Southerly property line for 35.7
2129 feet more or less to the Westerly right-of-way line of Mississippi



2130 State Highway 589; thence Southeasterly and along the above said
2131 Westerly right-of-way line 232.7 feet to a concrete right-of-way
2132 marker; thence South 51°39' West and along the Northerly line of a
2133 wooden fence 88 feet to the POINT OF BEGINNING.

2134 AND ALSO:

2135 A parcel of land in a part of the Southeast 1/4 of Northwest 1/4
2136 and a part of the Southwest 1/4, Section 14, Township 4 North,
2137 Range 15 West, Lamar County, Mississippi, and more particularly
2138 described as beginning at a point where the Southerly right-of-way
2139 line of U.S. Highway 98 intersects the West line of the above said
2140 Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along
2141 the Southerly right-of-way line of said highway 208.75 feet;
2142 thence South 208.75 feet; thence South 67°34' West 208.75 feet;
2143 thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to
2144 the centerline of Parkers Creek; thence Northerly and along the
2145 centerline of said creek for the next three (3) calls: North
2146 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North
2147 09°51'30" West 64.3 feet to the Southerly right-of-way line of
2148 U.S. Highway 98; thence North 67°34' East and along the Southerly
2149 right-of-way line of said highway 327.85 feet to the POINT OF
2150 BEGINNING. The above described area contains 3.02 acres.

2151 AND ALSO:

2152 Commencing at the Southwest corner of the Southwest 1/4 of the
2153 Northeast 1/4 of Section 14, Township 4 North, Range 15 West,
2154 Lamar County, Mississippi, run South 88°05'27" East 310.00 feet,



2155 thence South 0°53'16" West 60.50 feet to a point on a fence line,
2156 thence run along fence line South 88°05'27" East 718.93 feet to
2157 the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to
2158 a point on the South right-of-way line of Highway No. 98, thence
2159 along said right-of-way along a curve to the right with a delta
2160 angle of 02°04'26" having a radius of 5603.58 feet and an arc
2161 length of 202.84 feet, with a chord bearing a distance of North
2162 71°53'47" East 202.83 feet to a Concrete Highway right-of-way
2163 marker, thence South 20°09'13" East 328.13 feet, thence South
2164 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet
2165 to a Point on Possession Line fence, thence along said fence North
2166 88°05'27" West 299.23 feet back to the POINT OF BEGINNING,
2167 containing 5.0885 acres, more or less and being situated in the SW
2168 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14,
2169 together with all improvements and appurtenances thereunto
2170 belonging.

2171 AND ALSO:

2172 PARCEL NUMBER ONE: That part of the Northwest Quarter of the
2173 Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section
2174 14, Township 4 North, Range 15 West, of Lamar County, Mississippi,
2175 being located and situated East of the center thread of Mill Creek
2176 as the same presently runs through and bisects said 40-acre tract,
2177 and comprising 10.9 acres, more or less, and all being part of the
2178 Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the



2179 Southwest 1/4) of said Section, Township and Range, Lamar County,
2180 Mississippi.

2181 AND ALSO:

2182 PARCEL NUMBER TWO: A part of the Southeast Quarter of the
2183 Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of
2184 the Northeast Quarter of the Southwest (Northeast 1/4 of the
2185 Southwest 1/4) all in Section 14, Township 4 North, Range 15 West,
2186 Lamar County, Mississippi, being more particularly described as
2187 follows, to wit:

2188 Beginning at a point where the South margin of State Highway 98
2189 intersects the West margin of the Southeast 1/4 of the Northwest
2190 1/4 of Section 14, Township 4 North, Range 15 West, and run
2191 Easterly along the South margin of said highway right-of-way
2192 208.75 feet; thence South 208.75 feet; thence Westerly parallel
2193 with the South margin of said highway right-of-way 208.75 feet to
2194 the West forty line; thence North 208.75 feet to the POINT OF
2195 BEGINNING, containing 1 acre, more or less.

2196 LESS AND EXCEPT:

2197 Begin at the point of intersection of an Easterly line of grantors
2198 property with the present Southerly right-of-way line of U.S.
2199 Highway 98 as shown on the plans for State Project No.
2200 97-0014-02-044-10; from said POINT OF BEGINNING run thence South
2201 02°56' West along said Easterly property line, a distance of 127.6
2202 feet; thence run South 69°11' West, a distance of 52.9 feet;
2203 thence run South 67°13' West, a distance of 492.7 feet to the



2204 Westerly line of grantors property and the center of a creek;
2205 thence run Northerly along said Westerly property line and said
2206 center of creek, a distance of 122.8 feet to said present
2207 Southerly right-of-way line; thence run North 67°13' East along
2208 said present Southerly right-of-way line, a distance of 553.4 feet
2209 to the POINT OF BEGINNING, containing 1.43 acres, more or less,
2210 and being situated in and a part of the North 1/2 of the Southwest
2211 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County,
2212 Mississippi.

2213 LESS AND EXCEPT:

2214 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4
2215 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST
2216 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE
2217 POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.
2218 FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH 11°19'49 "
2219 EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40 °11'01" EAST
2220 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 179.15
2221 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S. HIGHWAY 98;
2222 THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF SAID HIGHWAY AS
2223 FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN IRON PIN; THENCE
2224 SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE RIGHT-OF-WAY MARKER;
2225 THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN IRON PIN; THENCE
2226 LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST 667.21 FEET TO AN
2227 IRON PIN; THENCE NORTH 67°35'21" EAST 491.91 FEET TO AN IRON PIN;



2228 THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN IRON PIN; THENCE
2229 NORTH 67°35'21" EAST 629.48 FEET BACK TO THE POINT OF BEGINNING.
2230 SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE SE 1/4
2231 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART IN THE
2232 NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH, RANGE
2233 15 WEST, LAMAR COUNTY, MISSISSIPPI.

2234 The status of these municipalities, districts, clubhouses,
2235 facilities, golf courses and areas described in this paragraph
2236 (o)(iii) as qualified resort areas does not require any
2237 declaration of same by the department.

2238 The governing authorities of a municipality described, in
2239 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
2240 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 56, 58, 59, 61,
2241 63, 64, 66, 67, 68, 73, 74, 83 or 84 of this paragraph (o)(iii)
2242 may by ordinance, with respect to the qualified resort area
2243 described in the same item: specify the hours of operation of
2244 facilities offering alcoholic beverages for sale; specify the
2245 percentage of revenue that facilities offering alcoholic beverages
2246 for sale must derive from the preparation, cooking and serving of
2247 meals and not from the sale of beverages; and designate the areas
2248 in which facilities offering alcoholic beverages for sale may be
2249 located.

2250 (p) "Native wine" means any product, produced in
2251 Mississippi for sale, having an alcohol content not to exceed
2252 twenty-one percent (21%) by weight and made in accordance with



2253 revenue laws of the United States, which shall be obtained
2254 primarily from the alcoholic fermentation of the juice of ripe
2255 grapes, fruits, berries, honey or vegetables grown and produced in
2256 Mississippi; provided that bulk, concentrated or fortified wines
2257 used for blending may be produced without this state and used in
2258 producing native wines. The department shall adopt and promulgate
2259 rules and regulations to permit a producer to import such bulk
2260 and/or fortified wines into this state for use in blending with
2261 native wines without payment of any excise tax that would
2262 otherwise accrue thereon.

2263 (q) "Native winery" means any place or establishment
2264 within the State of Mississippi where native wine is produced, in
2265 whole or in part, for sale.

2266 (r) "Bed and breakfast inn" means an establishment
2267 within a municipality where in consideration of payment, breakfast
2268 and lodging are habitually furnished to travelers and wherein are
2269 located not less than eight (8) and not more than nineteen (19)
2270 adequately furnished and completely separate sleeping rooms with
2271 adequate facilities, that persons usually apply for and receive as
2272 overnight accommodations; however, such restriction on the minimum
2273 number of sleeping rooms shall not apply to establishments on the
2274 National Register of Historic Places. No place shall qualify as a
2275 bed and breakfast inn under this article unless on the date of the
2276 initial application for a license under this article more than



2277 fifty percent (50%) of the sleeping rooms are located in a
2278 structure formerly used as a residence.

2279 (s) "Board" shall refer to the Board of Tax Appeals of
2280 the State of Mississippi.

2281 (t) "Spa facility" means an establishment within a
2282 municipality or qualified resort area and owned by a hotel where,
2283 in consideration of payment, patrons receive from licensed
2284 professionals a variety of private personal care treatments such
2285 as massages, facials, waxes, exfoliation and hairstyling.

2286 (u) "Art studio or gallery" means an establishment
2287 within a municipality or qualified resort area that is in the sole
2288 business of allowing patrons to view and/or purchase paintings and
2289 other creative artwork.

2290 (v) "Cooking school" means an establishment within a
2291 municipality or qualified resort area and owned by a nationally
2292 recognized company that offers an established culinary education
2293 curriculum and program where, in consideration of payment, patrons
2294 are given scheduled professional group instruction on culinary
2295 techniques. For purposes of this paragraph, the definition of
2296 cooking school shall not include schools or classes offered by
2297 grocery stores, convenience stores or drugstores.

2298 (w) "Campus" means property owned by a public school
2299 district, community or junior college, college or university in
2300 this state where educational courses are taught, school functions
2301 are held, tests and examinations are administered or academic



course credits are awarded; however, the term shall not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state, and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales.

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

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

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

(aa) "Light intoxicating beverage" has the meaning ascribed in Section 67-3-3.

SECTION 37. Section 67-1-18, Mississippi Code of 1972, is amended as follows:

67-1-18. (1) Any alcoholic beverage, light * * * intoxicating beverage or raw material seized under the authority



2327 of this article, Chapter 3 of Title 67, or Chapter 31 of Title 97,
2328 Mississippi Code of 1972, shall be submitted to the custody of
2329 the * * * department * * * for disposition.

2330 (2) (a) Except as otherwise provided in this paragraph, the
2331 department shall not dispose of any alcoholic beverage,
2332 light * * * intoxicating beverage or raw material without first
2333 providing reasonable notice to all individuals having an interest
2334 in the property and an opportunity for them to appear and
2335 establish their right or claim to the property. If no hearing is
2336 requested by the passage of the appropriate deadline, the
2337 department shall require the alcoholic beverages, light * * *
2338 intoxicating beverages or raw materials to be sold for the benefit
2339 of the state or destroyed.

2340 (b) The provisions of paragraph (a) of this subsection
2341 shall not apply in cases in which the owner or possessor of the
2342 alcoholic beverage, light * * * intoxicating beverage or raw
2343 material is convicted of selling or possessing alcoholic
2344 beverages, * * * light intoxicating beverages or raw materials in
2345 a manner or location prohibited by law, or convicted of a
2346 violation of Section 67-1-81(2) or 67-3-70. In such cases, the
2347 alcoholic beverage, light * * * intoxicating beverage or raw
2348 materials seized in connection with the violation may be disposed
2349 of in the manner prescribed by the department.

2350 (3) (a) If the department orders the property, other than
2351 alcoholic beverages, sold, then the property shall be sold to the



2352 highest bidder, the bidder being any person, firm or government
2353 agency. The offer for sale shall be made to not less than three
2354 (3) qualified prospective buyers, by mailing them an invitation to
2355 bid, which shall describe the property, terms of sale, method of
2356 delivery, manner of bidding and fixing a time of not more than
2357 fifteen (15) days from the date of invitation for opening of bids
2358 received by the department.

2359 (b) All bids and payment shall be made in the manner as
2360 prescribed by the department. Bids, after opening, shall be
2361 subject to public inspection.

2362 (4) If the department orders the sale of seized alcoholic
2363 beverages, it may place the alcoholic beverages in the state
2364 inventory to be sold to authorized retailers in the same manner as
2365 other alcoholic beverages in the state inventory are sold.

2366 (5) Any appeal from a seizure and disposal made under this
2367 section shall be made pursuant to Section 67-1-72.

2368 **SECTION 38.** Section 67-1-51, Mississippi Code of 1972, is
2369 amended as follows:

2370 67-1-51. (1) Permits which may be issued by the department
2371 shall be as follows:

2372 (a) **Manufacturer's permit.** A manufacturer's permit
2373 shall permit the manufacture, importation in bulk, bottling and
2374 storage of alcoholic liquor and its distribution and sale to
2375 manufacturers holding permits under this article in this state and



2376 to persons outside the state who are authorized by law to purchase
2377 the same, and to sell as provided by this article.

2378 Manufacturer's permits shall be of the following classes:

2379 Class 1. Distiller's and/or rectifier's permit, which shall
2380 authorize the holder thereof to operate a distillery for the
2381 production of distilled spirits by distillation or redistillation
2382 and/or to operate a rectifying plant for the purifying, refining,
2383 mixing, blending, flavoring or reducing in proof of distilled
2384 spirits and alcohol.

2385 Class 2. Wine manufacturer's permit, which shall authorize
2386 the holder thereof to manufacture, import in bulk, bottle and
2387 store wine or vinous liquor.

2388 Class 3. Native wine producer's permit, which shall
2389 authorize the holder thereof to produce, bottle, store and sell
2390 native wines.

2391 Class 4. Native spirit producer's permit, which shall
2392 authorize the holder thereof to produce, bottle, store and sell
2393 native spirits.

2394 (b) **Package retailer's permit.** Except as otherwise
2395 provided in this paragraph and Section 67-1-52, a package
2396 retailer's permit shall authorize the holder thereof to operate a
2397 store exclusively for the sale at retail in original sealed and
2398 unopened packages of alcoholic beverages, including native wines,
2399 native spirits and edibles, not to be consumed on the premises
2400 where sold. Alcoholic beverages shall not be sold by any retailer



2401 in any package or container containing less than fifty (50)
2402 milliliters by liquid measure. A package retailer's permit, with
2403 prior approval from the department, shall authorize the holder
2404 thereof to sample new product furnished by a manufacturer's
2405 representative or his employees at the permitted place of business
2406 so long as the sampling otherwise complies with this article and
2407 applicable department regulations. Such samples may not be
2408 provided to customers at the permitted place of business. In
2409 addition to the sale at retail of packages of alcoholic beverages,
2410 the holder of a package retailer's permit is authorized to sell at
2411 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
2412 other beverages commonly used to mix with alcoholic beverages, and
2413 fruits and foods that have been submerged in alcohol and are
2414 commonly referred to as edibles. Nonalcoholic beverages sold by
2415 the holder of a package retailer's permit shall not be consumed on
2416 the premises where sold.

2417 (c) **On-premises retailer's permit.** Except as otherwise
2418 provided in subsection (5) of this section, an on-premises
2419 retailer's permit shall authorize the sale of alcoholic beverages,
2420 including native wines and native spirits, for consumption on the
2421 licensed premises only; however, a patron of the permit holder may
2422 remove one (1) bottle of wine from the licensed premises if: (i)
2423 the patron consumed a portion of the bottle of wine in the course
2424 of consuming a meal purchased on the licensed premises; (ii) the
2425 permit holder securely reseals the bottle; (iii) the bottle is



2426 placed in a bag that is secured in a manner so that it will be
2427 visibly apparent if the bag is opened; and (iv) a dated receipt
2428 for the wine and the meal is available. Additionally, as part of
2429 a carryout order, a permit holder may sell one (1) bottle of wine
2430 to be removed from the licensed premises for every two (2) entrees
2431 ordered. In addition, an on-premises retailer's permittee at a
2432 permitted premises located on Jefferson Davis Avenue within
2433 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
2434 beverages by the glass to a patron in a vehicle using a
2435 drive-through method of delivery if the permitted premises is
2436 located in a leisure and recreation district established under
2437 Section 67-1-101. Such a sale will be considered to be made on
2438 the permitted premises. An on-premises retailer's permit shall be
2439 issued only to qualified hotels, restaurants and clubs, small
2440 craft breweries, microbreweries, and to common carriers with
2441 adequate facilities for serving passengers. In resort areas,
2442 however, whether inside or outside of a municipality, the
2443 department, in its discretion, may issue on-premises retailer's
2444 permits to any establishments located therein as it deems proper.
2445 An on-premises retailer's permit when issued to a common carrier
2446 shall authorize the sale and serving of alcoholic beverages aboard
2447 any licensed vehicle while moving through any county of the state;
2448 however, the sale of such alcoholic beverages shall not be
2449 permitted while such vehicle is stopped in a county that has not
2450 legalized such sales. If an on-premises retailer's permit is



2451 applied for by a common carrier operating solely in the water,
2452 such common carrier must, along with all other qualifications for
2453 a permit, (i) be certified to carry at least one hundred fifty
2454 (150) passengers and/or provide overnight accommodations for at
2455 least fifty (50) passengers and (ii) operate primarily in the
2456 waters within the State of Mississippi which lie adjacent to the
2457 State of Mississippi south of the three (3) most southern counties
2458 in the State of Mississippi and/or on the Mississippi River or
2459 navigable waters within any county bordering on the Mississippi
2460 River.

2461 (d) **Solicitor's permit.** A solicitor's permit shall
2462 authorize the holder thereof to act as salesman for a manufacturer
2463 or wholesaler holding a proper permit, to solicit on behalf of his
2464 employer orders for alcoholic beverages, and to otherwise promote
2465 his employer's products in a legitimate manner. Such a permit
2466 shall authorize the representation of and employment by one (1)
2467 principal only. However, the permittee may also, in the
2468 discretion of the department, be issued additional permits to
2469 represent other principals. No such permittee shall buy or sell
2470 alcoholic beverages for his own account, and no such beverage
2471 shall be brought into this state in pursuance of the exercise of
2472 such permit otherwise than through a permit issued to a wholesaler
2473 or manufacturer in the state.

2474 (e) **Native wine retailer's permit.** Except as otherwise
2475 provided in subsection (5) of this section, a native wine



2476 retailer's permit shall be issued only to a holder of a Class 3
2477 manufacturer's permit, and shall authorize the holder thereof to
2478 make retail sales of native wines to consumers for on-premises
2479 consumption or to consumers in originally sealed and unopened
2480 containers at an establishment located on the premises of or in
2481 the immediate vicinity of a native winery. When selling to
2482 consumers for on-premises consumption, a holder of a native wine
2483 retailer's permit may add to the native wine alcoholic beverages
2484 not produced on the premises, so long as the total volume of
2485 foreign beverage components does not exceed twenty percent (20%)
2486 of the mixed beverage. Hours of sale shall be the same as those
2487 authorized for on-premises permittees in the city or county in
2488 which the native wine retailer is located.

2489 (f) **Temporary retailer's permit.** Except as otherwise
2490 provided in subsection (5) of this section, a temporary retailer's
2491 permit shall permit the purchase and resale of alcoholic
2492 beverages, including native wines and native spirits, during legal
2493 hours on the premises described in the temporary permit only.

2494 Temporary retailer's permits shall be of the following
2495 classes:

2496 Class 1. A temporary one-day permit may be issued to bona
2497 fide nonprofit civic or charitable organizations authorizing the
2498 sale of alcoholic beverages, including native wine and native
2499 spirit, for consumption on the premises described in the temporary
2500 permit only. Class 1 permits may be issued only to applicants



2501 demonstrating to the department, by a statement signed under
2502 penalty of perjury submitted ten (10) days prior to the proposed
2503 date or such other time as the department may determine, that they
2504 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
2505 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
2506 Class 1 permittees shall obtain all alcoholic beverages from
2507 package retailers located in the county in which the temporary
2508 permit is issued. Alcoholic beverages remaining in stock upon
2509 expiration of the temporary permit may be returned by the
2510 permittee to the package retailer for a refund of the purchase
2511 price upon consent of the package retailer or may be kept by the
2512 permittee exclusively for personal use and consumption, subject to
2513 all laws pertaining to the illegal sale and possession of
2514 alcoholic beverages. The department, following review of the
2515 statement provided by the applicant and the requirements of the
2516 applicable statutes and regulations, may issue the permit.

2517 Class 2. A temporary permit, not to exceed seventy (70)
2518 days, may be issued to prospective permittees seeking to transfer
2519 a permit authorized in paragraph (c) of this subsection. A Class
2520 2 permit may be issued only to applicants demonstrating to the
2521 department, by a statement signed under the penalty of perjury,
2522 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
2523 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
2524 67-1-59. The department, following a preliminary review of the



2525 statement provided by the applicant and the requirements of the
2526 applicable statutes and regulations, may issue the permit.

2527 Class 2 temporary permittees must purchase their alcoholic
2528 beverages directly from the department or, with approval of the
2529 department, purchase the remaining stock of the previous
2530 permittee. If the proposed applicant of a Class 1 or Class 2
2531 temporary permit falsifies information contained in the
2532 application or statement, the applicant shall never again be
2533 eligible for a retail alcohol beverage permit and shall be subject
2534 to prosecution for perjury.

2535 Class 3. A temporary one-day permit may be issued to a
2536 retail establishment authorizing the complimentary distribution of
2537 wine, including native wine, to patrons of the retail
2538 establishment at an open house or promotional event, for
2539 consumption only on the premises described in the temporary
2540 permit. A Class 3 permit may be issued only to an applicant
2541 demonstrating to the department, by a statement signed under
2542 penalty of perjury submitted ten (10) days before the proposed
2543 date or such other time as the department may determine, that it
2544 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
2545 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
2546 A Class 3 permit holder shall obtain all alcoholic beverages from
2547 the holder(s) of a package retailer's permit located in the county
2548 in which the temporary permit is issued. Wine remaining in stock
2549 upon expiration of the temporary permit may be returned by the



2550 Class 3 temporary permit holder to the package retailer for a
2551 refund of the purchase price, with consent of the package
2552 retailer, or may be kept by the Class 3 temporary permit holder
2553 exclusively for personal use and consumption, subject to all laws
2554 pertaining to the illegal sale and possession of alcoholic
2555 beverages. The department, following review of the statement
2556 provided by the applicant and the requirements of the applicable
2557 statutes and regulations, may issue the permit. No retailer may
2558 receive more than twelve (12) Class 3 temporary permits in a
2559 calendar year. A Class 3 temporary permit shall not be issued to
2560 a retail establishment that either holds a merchant permit issued
2561 under paragraph (1) of this subsection, or holds a permit issued
2562 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
2563 the holder to engage in the business of a retailer of light * * *
2564 intoxicating beverages.

2565 (g) **Caterer's permit.** A caterer's permit shall permit
2566 the purchase of alcoholic beverages by a person engaging in
2567 business as a caterer and the resale of alcoholic beverages by
2568 such person in conjunction with such catering business. No person
2569 shall qualify as a caterer unless forty percent (40%) or more of
2570 the revenue derived from such catering business shall be from the
2571 serving of prepared food and not from the sale of alcoholic
2572 beverages and unless such person has obtained a permit for such
2573 business from the Department of Health. A caterer's permit shall
2574 not authorize the sale of alcoholic beverages on the premises of



2575 the person engaging in business as a caterer; however, the holder
2576 of an on-premises retailer's permit may hold a caterer's permit.
2577 When the holder of an on-premises retailer's permit or an
2578 affiliated entity of the holder also holds a caterer's permit, the
2579 caterer's permit shall not authorize the service of alcoholic
2580 beverages on a consistent, recurring basis at a separate, fixed
2581 location owned or operated by the caterer, on-premises retailer or
2582 affiliated entity and an on-premises retailer's permit shall be
2583 required for the separate location. All sales of alcoholic
2584 beverages by holders of a caterer's permit shall be made at the
2585 location being catered by the caterer, and, except as otherwise
2586 provided in subsection (5) of this section, such sales may be made
2587 only for consumption at the catered location. The location being
2588 catered may be anywhere within a county or judicial district that
2589 has voted to come out from under the dry laws or in which the sale
2590 and distribution of alcoholic beverages is otherwise authorized by
2591 law. Such sales shall be made pursuant to any other conditions
2592 and restrictions which apply to sales made by on-premises retail
2593 permittees. The holder of a caterer's permit or his employees
2594 shall remain at the catered location as long as alcoholic
2595 beverages are being sold pursuant to the permit issued under this
2596 paragraph (g), and the permittee shall have at the location the
2597 identification card issued by the Alcoholic Beverage Control
2598 Division of the department. No unsold alcoholic beverages may be
2599 left at the catered location by the permittee upon the conclusion



2600 of his business at that location. Appropriate law enforcement
2601 officers and Alcoholic Beverage Control Division personnel may
2602 enter a catered location on private property in order to enforce
2603 laws governing the sale or serving of alcoholic beverages.

2604 (h) **Research permit.** A research permit shall authorize
2605 the holder thereof to operate a research facility for the
2606 professional research of alcoholic beverages. Such permit shall
2607 authorize the holder of the permit to import and purchase limited
2608 amounts of alcoholic beverages from the department or from
2609 importers, wineries and distillers of alcoholic beverages for
2610 professional research.

2611 (i) **Alcohol processing permit.** An alcohol processing
2612 permit shall authorize the holder thereof to purchase, transport
2613 and possess alcoholic beverages for the exclusive use in cooking,
2614 processing or manufacturing products which contain alcoholic
2615 beverages as an integral ingredient. An alcohol processing permit
2616 shall not authorize the sale of alcoholic beverages on the
2617 premises of the person engaging in the business of cooking,
2618 processing or manufacturing products which contain alcoholic
2619 beverages. The amounts of alcoholic beverages allowed under an
2620 alcohol processing permit shall be set by the department.

2621 (j) **Hospitality cart permit.** A hospitality cart permit
2622 shall authorize the sale of alcoholic beverages from a mobile cart
2623 on a golf course that is the holder of an on-premises retailer's



2624 permit. The alcoholic beverages sold from the cart must be
2625 consumed within the boundaries of the golf course.

2626 (k) **Special service permit.** A special service permit
2627 shall authorize the holder to sell commercially sealed alcoholic
2628 beverages to the operator of a commercial or private aircraft for
2629 en route consumption only by passengers. A special service permit
2630 shall be issued only to a fixed-base operator who contracts with
2631 an airport facility to provide fueling and other associated
2632 services to commercial and private aircraft.

2633 (l) **Merchant permit.** Except as otherwise provided in
2634 subsection (5) of this section, a merchant permit shall be issued
2635 only to the owner of a spa facility, an art studio or gallery, or
2636 a cooking school, and shall authorize the holder to serve
2637 complimentary by the glass wine only, including native wine, at
2638 the holder's spa facility, art studio or gallery, or cooking
2639 school. A merchant permit holder shall obtain all wine from the
2640 holder of a package retailer's permit.

2641 (m) **Temporary alcoholic beverages charitable auction**
2642 **permit.** A temporary permit, not to exceed five (5) days, may be
2643 issued to a qualifying charitable nonprofit organization that is
2644 exempt from taxation under Section 501(c)(3) or (4) of the
2645 Internal Revenue Code of 1986. The permit shall authorize the
2646 holder to sell alcoholic beverages for the limited purpose of
2647 raising funds for the organization during a live or silent auction
2648 that is conducted by the organization and that meets the following



2649 requirements: (i) the auction is conducted in an area of the
2650 state where the sale of alcoholic beverages is authorized; (ii) if
2651 the auction is conducted on the premises of an on-premises
2652 retailer's permit holder, then the alcoholic beverages to be
2653 auctioned must be stored separately from the alcoholic beverages
2654 sold, stored or served on the premises, must be removed from the
2655 premises immediately following the auction, and may not be
2656 consumed on the premises; (iii) the permit holder may not conduct
2657 more than two (2) auctions during a calendar year; (iv) the permit
2658 holder may not pay a commission or promotional fee to any person
2659 to arrange or conduct the auction.

2660 (n) **Event venue retailer's permit.** An event venue
2661 retailer's permit shall authorize the holder thereof to purchase
2662 and resell alcoholic beverages, including native wines and native
2663 spirits, for consumption on the premises during legal hours during
2664 events held on the licensed premises if food is being served at
2665 the event by a caterer who is not affiliated with or related to
2666 the permittee. The caterer must serve at least three (3) entrees.
2667 The permit may only be issued for venues that can accommodate two
2668 hundred (200) persons or more. The number of persons a venue may
2669 accommodate shall be determined by the local fire department and
2670 such determination shall be provided in writing and submitted
2671 along with all other documents required to be provided for an
2672 on-premises retailer's permit. The permittee must derive the
2673 majority of its revenue from event-related fees, including, but



2674 not limited to, admission fees or ticket sales for live
2675 entertainment in the building. "Event-related fees" do not
2676 include * * * alcoholic beverage or light intoxicating beverage
2677 sales or any fee which may be construed to cover the cost of * * *
2678 alcoholic beverages or light intoxicating beverages. This
2679 determination shall be made on a per event basis. An event may
2680 not last longer than two (2) consecutive days per week.

2681 (o) **Temporary theatre permit.** A temporary theatre
2682 permit, not to exceed five (5) days, may be issued to a charitable
2683 nonprofit organization that is exempt from taxation under Section
2684 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
2685 a theatre facility that features plays and other theatrical
2686 performances and productions. Except as otherwise provided in
2687 subsection (5) of this section, the permit shall authorize the
2688 holder to sell alcoholic beverages, including native wines and
2689 native spirits, to patrons of the theatre during performances and
2690 productions at the theatre facility for consumption during such
2691 performances and productions on the premises of the facility
2692 described in the permit. A temporary theatre permit holder shall
2693 obtain all alcoholic beverages from package retailers located in
2694 the county in which the permit is issued. Alcoholic beverages
2695 remaining in stock upon expiration of the temporary theatre permit
2696 may be returned by the permittee to the package retailer for a
2697 refund of the purchase price upon consent of the package retailer
2698 or may be kept by the permittee exclusively for personal use and



2699 consumption, subject to all laws pertaining to the illegal sale
2700 and possession of alcoholic beverages.

2701 (p) **Charter ship operator's permit.** Subject to the
2702 provisions of this paragraph (p), a charter ship operator's permit
2703 shall authorize the holder thereof and its employees to serve,
2704 monitor, store and otherwise control the serving and availability
2705 of alcoholic beverages to customers of the permit holder during
2706 private charters under contract provided by the permit holder. A
2707 charter ship operator's permit shall authorize such action by the
2708 permit holder and its employees only as to alcoholic beverages
2709 brought onto the permit holder's ship by customers of the permit
2710 holder as part of such a private charter. All such alcoholic
2711 beverages must be removed from the charter ship at the conclusion
2712 of each private charter. A charter ship operator's permit shall
2713 not authorize the permit holder to sell, charge for or otherwise
2714 supply alcoholic beverages to customers, except as authorized in
2715 this paragraph (p). For the purposes of this paragraph (p),
2716 "charter ship operator" means a common carrier that (i) is
2717 certified to carry at least one hundred fifty (150) passengers
2718 and/or provide overnight accommodations for at least fifty (50)
2719 passengers, (ii) operates only in the waters within the State of
2720 Mississippi, which lie adjacent to the State of Mississippi south
2721 of the three (3) most southern counties in the State of
2722 Mississippi, and (iii) provides charters under contract for tours
2723 and trips in such waters.



2724 (q) **Distillery retailer's permit.** The holder of a
2725 Class 1 manufacturer's permit may obtain a distillery retailer's
2726 permit. A distillery retailer's permit shall authorize the holder
2727 thereof to sell at retail alcoholic beverages to consumers for
2728 on-premises consumption, or to consumers by the sealed and
2729 unopened bottle from a retail location at the distillery for
2730 off-premises consumption. The holder may only sell product
2731 manufactured by the manufacturer at the distillery described in
2732 the permit. However, when selling to consumers for on-premises
2733 consumption, a holder of a distillery retailer's permit may add
2734 other beverages, alcoholic or not, so long as the total volume of
2735 other beverage components containing alcohol does not exceed
2736 twenty percent (20%). Hours of sale shall be the same as those
2737 authorized for on-premises permittees in the city or county in
2738 which the distillery retailer is located.

2739 The holder shall not sell at retail more than ten percent
2740 (10%) of the alcoholic beverages produced annually at its
2741 distillery. The holder shall not make retail sales of more than
2742 two and twenty-five one-hundredths (2.25) liters, in the
2743 aggregate, of the alcoholic beverages produced at its distillery
2744 to any one (1) individual for consumption off the premises of the
2745 distillery within a twenty-four-hour period. The hours of sale
2746 shall be the same as those hours for package retailers under this
2747 article. The holder of a distillery retailer's permit is not
2748 required to purchase the alcoholic beverages authorized to be sold



2749 by this paragraph from the department's liquor distribution
2750 warehouse; however, if the holder does not purchase the alcoholic
2751 beverages from the department's liquor distribution warehouse, the
2752 holder shall pay to the department all taxes, fees and surcharges
2753 on the alcoholic beverages that are imposed upon the sale of
2754 alcoholic beverages shipped by the department or its warehouse
2755 operator. In addition to alcoholic beverages, the holder of a
2756 distillery retailer's permit may sell at retail promotional
2757 products from the same retail location, including shirts, hats,
2758 glasses, and other promotional products customarily sold by
2759 alcoholic beverage manufacturers.

2760 (r) **Festival Wine Permit.** Any wine manufacturer or
2761 native wine producer permitted by Mississippi or any other state
2762 is eligible to obtain a Festival Wine Permit. This permit
2763 authorizes the entity to transport product manufactured by it to
2764 festivals held within the State of Mississippi and sell sealed,
2765 unopened bottles to festival participants. The holder of this
2766 permit may provide samples at no charge to participants.

2767 "Festival" means any event at which three (3) or more vendors are
2768 present at a location for the sale or distribution of goods. The
2769 holder of a Festival Wine Permit is not required to purchase the
2770 alcoholic beverages authorized to be sold by this paragraph from
2771 the department's liquor distribution warehouse. However, if the
2772 holder does not purchase the alcoholic beverages from the
2773 department's liquor distribution warehouse, the holder of this



2774 permit shall pay to the department all taxes, fees and surcharges
2775 on the alcoholic beverages sold at such festivals that are imposed
2776 upon the sale of alcoholic beverages shipped by the Alcoholic
2777 Beverage Control Division of the Department of Revenue.
2778 Additionally, the entity shall file all applicable reports and
2779 returns as prescribed by the department. This permit is issued
2780 per festival and provides authority to sell for two (2)
2781 consecutive days during the hours authorized for on-premises
2782 permittees' sales in that county or city. The holder of the
2783 permit shall be required to maintain all requirements set by Local
2784 Option Law for the service and sale of alcoholic beverages. This
2785 permit may be issued to entities participating in festivals at
2786 which a Class 1 temporary permit is in effect.

2787 This paragraph (r) shall stand repealed from and after July
2788 1, 2026.

2789 (s) **Charter vessel operator's permit.** Subject to the
2790 provisions of this paragraph (s), a charter vessel operator's
2791 permit shall authorize the holder thereof and its employees to
2792 sell and serve alcoholic beverages to passengers of the permit
2793 holder during public tours, historical tours, ecological tours and
2794 sunset cruises provided by the permit holder. The permit shall
2795 authorize the holder to only sell alcoholic beverages, including
2796 native wines, to passengers of the charter vessel operator during
2797 public tours, historical tours, ecological tours and sunset
2798 cruises provided by the permit holder aboard the charter vessel



2799 operator for consumption during such tours and cruises on the
2800 premises of the charter vessel operator described in the permit.
2801 For the purposes of this paragraph (s), "charter vessel operator"
2802 means a common carrier that (i) is certified to carry at least
2803 forty-nine (49) passengers, (ii) operates only in the waters
2804 within the State of Mississippi, which lie south of Interstate 10
2805 in the three (3) most southern counties in the State of
2806 Mississippi, and lie adjacent to the State of Mississippi south of
2807 the three (3) most southern counties in the State of Mississippi,
2808 extending not further than one (1) mile south of such counties,
2809 and (iii) provides vessel services for tours and cruises in such
2810 waters as provided in this paragraph(s).

2811 (t) **Native spirit retailer's permit.** Except as
2812 otherwise provided in subsection (5) of this section, a native
2813 spirit retailer's permit shall be issued only to a holder of a
2814 Class 4 manufacturer's permit, and shall authorize the holder
2815 thereof to make retail sales of native spirits to consumers for
2816 on-premises consumption or to consumers in originally sealed and
2817 unopened containers at an establishment located on the premises of
2818 or in the immediate vicinity of a native distillery. When selling
2819 to consumers for on-premises consumption, a holder of a native
2820 spirit retailer's permit may add to the native spirit alcoholic
2821 beverages not produced on the premises, so long as the total
2822 volume of foreign beverage components does not exceed twenty
2823 percent (20%) of the mixed beverage. Hours of sale shall be the



2824 same as those authorized for on-premises permittees in the city or
2825 county in which the native spirit retailer is located.

2826 (u) **Delivery service permit.** Any individual, limited
2827 liability company, corporation or partnership registered to do
2828 business in this state is eligible to obtain a delivery service
2829 permit. Subject to the provisions of Section 67-1-51.1, this
2830 permit authorizes the permittee, or its employee or an independent
2831 contractor acting on its behalf, to deliver alcoholic
2832 beverages * * * and light intoxicating beverages from a licensed
2833 retailer to a person in this state who is at least twenty-one (21)
2834 years of age for the individual's use and not for resale. This
2835 permit does not authorize the delivery of alcoholic
2836 beverages * * * or light intoxicating beverages to the premises of
2837 a location with a permit for the manufacture, distribution or
2838 retail sale of alcoholic beverages * * * or light intoxicating
2839 beverages. The holder of a package retailer's permit or an
2840 on-premises retailer's permit under Section 67-1-51 or of a * * *
2841 light intoxicating beverage permit under Section 67-3-19 is
2842 authorized to apply for a delivery service permit as a privilege
2843 separate from its existing retail permit.

2844 (v) **Food truck permit.** A food truck permit shall
2845 authorize the holder of an on-premises retailer's permit to use a
2846 food truck to sell alcoholic beverages off its premises to guests
2847 who must consume the beverages in open containers. For the
2848 purposes of this paragraph (v), "food truck" means a fully encased



2849 food service establishment on a motor vehicle or on a trailer that
2850 a motor vehicle pulls to transport, and from which a vendor,
2851 standing within the frame of the establishment, prepares, cooks,
2852 sells and serves food for immediate human consumption. The term
2853 "food truck" does not include a food cart that is not motorized.
2854 Food trucks shall maintain such distance requirements from
2855 schools, churches, kindergartens and funeral homes as are required
2856 for on-premises retailer's permittees under this article, and all
2857 sales must be made within a valid leisure and recreation district
2858 established under Section 67-1-101. Food trucks cannot sell or
2859 serve alcoholic beverages unless also offering food prepared and
2860 cooked within the food truck, and permittees must maintain a
2861 twenty-five percent (25%) food sale revenue requirement based on
2862 the food sold from the food truck alone. The hours allowed for
2863 sale shall be the same as those for on-premises retailer's
2864 permittees in the location. This permit will not be required for
2865 the holder of a caterer's permit issued under this article to
2866 cater an event as allowed by law. Permittees must provide notice
2867 of not less than forty-eight (48) hours to the department of each
2868 location at which alcoholic beverages will be sold.

2869 (w) **On-premises tobacco permit.** An on-premises tobacco
2870 permit shall authorize the permittee to sell alcoholic beverages
2871 for consumption on the licensed premises. In addition to all
2872 other requirements to obtain an alcoholic beverage permit, the
2873 permittee must obtain and maintain a tobacco permit issued by the



2874 State of Mississippi, and have a capital investment of not less
2875 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
2876 for which the permit is issued. In addition to alcoholic
2877 beverages, the permittee is authorized to sell only cigars,
2878 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
2879 Additionally, seventy-five percent (75%) of the permittee's annual
2880 gross revenue must be derived from the sale of cigars, cheroots,
2881 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
2882 be required, but food may be sold on the premises. The issuance
2883 of this permit does not remove any obligation a permittee may have
2884 to follow local ordinances or actions prohibiting the use of
2885 tobacco products.

2886 (2) Except as otherwise provided in subsection (4) of this
2887 section, retail permittees may hold more than one (1) retail
2888 permit, at the discretion of the department.

2889 (3) (a) Except as otherwise provided in this subsection, no
2890 authority shall be granted to any person to manufacture, sell or
2891 store for sale any intoxicating liquor as specified in this
2892 article within four hundred (400) feet of any church, school
2893 (excluding any community college, junior college, college or
2894 university), kindergarten or funeral home. However, within an
2895 area zoned commercial or business, such minimum distance shall be
2896 not less than one hundred (100) feet.

2897 (b) A church or funeral home may waive the distance
2898 restrictions imposed in this subsection in favor of allowing



2899 issuance by the department of a permit, pursuant to subsection (1)
2900 of this section, to authorize activity relating to the
2901 manufacturing, sale or storage of alcoholic beverages which would
2902 otherwise be prohibited under the minimum distance criterion.
2903 Such waiver shall be in written form from the owner, the governing
2904 body, or the appropriate officer of the church or funeral home
2905 having the authority to execute such a waiver, and the waiver
2906 shall be filed with and verified by the department before becoming
2907 effective.

2908 (c) The distance restrictions imposed in this
2909 subsection shall not apply to the sale or storage of alcoholic
2910 beverages at a bed and breakfast inn listed in the National
2911 Register of Historic Places or to the sale or storage of alcoholic
2912 beverages in a historic district that is listed in the National
2913 Register of Historic Places, is a qualified resort area and is
2914 located in a municipality having a population greater than one
2915 hundred thousand (100,000) according to the latest federal
2916 decennial census.

2917 (d) The distance restrictions imposed in this
2918 subsection shall not apply to the sale or storage of alcoholic
2919 beverages at a qualified resort area as defined in Section
2920 67-1-5(o)(iii)32.

2921 (e) The distance restrictions imposed in this
2922 subsection shall not apply to the sale or storage of alcoholic
2923 beverages at a licensed premises in a building formerly owned by a



2924 municipality and formerly leased by the municipality to a
2925 municipal school district and used by the municipal school
2926 district as a district bus shop facility.

2927 (f) The distance restrictions imposed in this
2928 subsection shall not apply to the sale or storage of alcoholic
2929 beverages at a licensed premises in a building consisting of at
2930 least five thousand (5,000) square feet and located approximately
2931 six hundred (600) feet from the intersection of Mississippi
2932 Highway 15 and Mississippi Highway 4.

2933 (g) The distance restrictions imposed in this
2934 subsection shall not apply to the sale or storage of alcoholic
2935 beverages at a licensed premises in a building located at or near
2936 the intersection of Ward and Tate Streets and adjacent properties
2937 in the City of Senatobia, Mississippi.

2938 (h) The distance restrictions imposed in this
2939 subsection shall not apply to the sale or storage of alcoholic
2940 beverages at a theatre facility that features plays and other
2941 theatrical performances and productions and (i) is capable of
2942 seating more than seven hundred fifty (750) people, (ii) is owned
2943 by a municipality which has a population greater than ten thousand
2944 (10,000) according to the latest federal decennial census, (iii)
2945 was constructed prior to 1930, (iv) is on the National Register of
2946 Historic Places, and (v) is located in a historic district.

2947 (i) The distance restrictions imposed in this
2948 subsection shall not apply to the sale or storage of alcoholic



2949 beverages at a licensed premises in a building located
2950 approximately one and six-tenths (1.6) miles north of the
2951 intersection of Mississippi Highway 15 and Mississippi Highway 4
2952 on the west side of Mississippi Highway 15.

2953 (4) No person, either individually or as a member of a firm,
2954 partnership, limited liability company or association, or as a
2955 stockholder, officer or director in a corporation, shall own or
2956 control any interest in more than one (1) package retailer's
2957 permit, nor shall such person's spouse, if living in the same
2958 household of such person, any relative of such person, if living
2959 in the same household of such person, or any other person living
2960 in the same household with such person own any interest in any
2961 other package retailer's permit; however, in the case of a person
2962 holding a package retailer's permit issued before July 1, 2024,
2963 such a person may own one (1) additional package retailer's permit
2964 if the additional permit is issued for a premises with a minimum
2965 capital investment of Twenty Million Dollars (\$20,000,000.00) that
2966 is part of a major retail development project and located in one
2967 (1) of the three (3) most southern counties in the State of
2968 Mississippi, and not within one hundred (100) miles of another
2969 location in the State of Mississippi, for which the permittee
2970 holds such a permit.

2971 (5) (a) In addition to any other authority granted under
2972 this section, the holder of a permit issued under subsection
2973 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may



2974 sell or otherwise provide alcoholic beverages and/or wine to a
2975 patron of the permit holder in the manner authorized in the permit
2976 and the patron may remove an open glass, cup or other container of
2977 the alcoholic beverage and/or wine from the licensed premises and
2978 may possess and consume the alcoholic beverage or wine outside of
2979 the licensed premises if: (i) the licensed premises is located
2980 within a leisure and recreation district created under Section
2981 67-1-101 and (ii) the patron remains within the boundaries of the
2982 leisure and recreation district while in possession of the
2983 alcoholic beverage or wine.

2984 (b) Nothing in this subsection shall be construed to
2985 allow a person to bring any alcoholic beverages into a permitted
2986 premises except to the extent otherwise authorized by this
2987 article.

2988 **SECTION 39.** Section 67-1-51.1, Mississippi Code of 1972, is
2989 amended as follows:

2990 67-1-51.1. (1) The holder of a delivery service permit
2991 under Section 67-1-51:

2992 (a) May contract with the holder of a package
2993 retailer's permit or an on-premises retailer's permit under
2994 Section 67-1-51 or the holder of a * * * light intoxicating
2995 beverage retail permit under Section 67-3-19 for the purpose of
2996 intrastate delivery of alcoholic beverages or * * * light
2997 intoxicating beverages, as authorized to be sold under the
2998 respective permits;



2999 (b) May deliver alcoholic beverages or * * * light
3000 intoxicating beverages without a delivery contract, if the
3001 permittee holds a package retailer's permit or an on-premises
3002 retailer's permit under Section 67-1-51 or a * * * light
3003 intoxicating beverage retail permit under Section 67-3-19,
3004 respectively;

3005 (c) May use its own employees or independent
3006 contractors who are at least twenty-one (21) years of age to
3007 deliver such alcoholic beverages * * * or light intoxicating
3008 beverages under this section, provided all delivery agents are
3009 trained and certified consistent with the training program
3010 submitted to the division as required by subsection (2) (d) of this
3011 section. If independent contractors are used, the delivery
3012 service permittee must enter into a contract with the retailer as
3013 required by subsection (2) (c) of this section;

3014 (d) May facilitate orders by telephone, internet or
3015 other electronic means for the sale and delivery of alcoholic
3016 beverages * * * or light intoxicating beverages under this
3017 section. The full amount of each order must be handled in a
3018 manner that gives the retail permittee control over the ultimate
3019 receipt of payment from the consumer. The retail permittee shall
3020 remain responsible for the proper remittance of all applicable
3021 taxes on the sale of the product;



3022 (e) May deliver only sealed containers of alcoholic
3023 beverages * * * or light intoxicating beverages to an individual
3024 in Mississippi;

3025 (f) Shall obtain from the customer a confirmation that
3026 he or she is at least twenty-one (21) years of age at the time the
3027 order is placed;

3028 (g) Shall place a stamp, print or label on the outside
3029 of the sealed package to indicate that the sealed package contains
3030 alcoholic beverages * * * or light intoxicating beverages;

3031 (h) Shall require the recipient, at the time of
3032 delivery, to provide valid photo identification verifying he or
3033 she is at least twenty-one (21) years of age and to sign for the
3034 delivery;

3035 (i) Shall possess identification scanning software
3036 technology or a state-of-the-art alternative at the point of
3037 delivery to verify the recipient is at least twenty-one (21) years
3038 of age and to collect the recipient's name and date of birth.
3039 Records relating to this verification shall be maintained for at
3040 least ninety (90) days and shall be subject to review by the
3041 division;

3042 (j) Shall return all alcoholic beverages * * * or light
3043 intoxicating beverages to the retailer if the recipient is under
3044 the age of twenty-one (21) years, appears intoxicated, fails to
3045 provide proof of identification, fails or refuses to sign for
3046 delivery, fails to complete the identification verification



3047 process or declines to accept delivery, or if any circumstances in
3048 the delivery environment indicate illegal conduct, overconsumption
3049 of alcohol, or an otherwise unsafe environment for the consumption
3050 of alcohol;

3051 (k) May not deliver any alcoholic beverage * * * or
3052 light intoxicating beverage to any person located within a
3053 jurisdiction that is dry for that product, as provided by the
3054 division's wet-dry map;

3055 (l) May not deliver any alcoholic beverage * * * or
3056 light intoxicating beverage in a jurisdiction during times
3057 prohibited for lawful sale in that jurisdiction;

3058 (m) May not deliver any alcoholic beverage * * * or
3059 light intoxicating beverage more than thirty (30) miles from the
3060 retailer's licensed premises;

3061 (n) Shall permit the division to perform an audit of
3062 the licensee's records upon request and with sufficient
3063 notification; and

3064 (o) Shall be deemed to have consented to the
3065 jurisdiction of the division or any law enforcement agency and the
3066 Mississippi courts concerning enforcement of this section and any
3067 related laws or rules.

3068 (2) In order to receive a delivery service permit, an
3069 applicant shall:

3070 (a) File an application with the division;



3071 (b) Pay the privilege license tax of Five Hundred
3072 Dollars (\$500.00) as provided in Section 27-71-5;

3073 (c) Provide to the division a sample contract that the
3074 applicant intends to enter into with a retailer for the delivery
3075 of alcoholic beverages * * * or light intoxicating beverages,
3076 unless the applicant is the retailer;

3077 (d) Submit to the division an outline of an internal or
3078 external training and certification program for delivery service
3079 personnel that addresses topics such as identifying underage
3080 persons, intoxicated persons, and fake or altered identification;

3081 (e) Provide an attestation that the applicant is at
3082 least twenty-one (21) years of age and has not been convicted of a
3083 felony in any state or federal courts;

3084 (f) Shall provide proof of a general liability
3085 insurance policy in an amount not less than One Million Dollars
3086 (\$1,000,000.00) per occurrence; and

3087 (g) Shall be properly registered to conduct business in
3088 Mississippi.

3089 (3) Nothing in this section shall be construed to require a
3090 technology services company to obtain a delivery service permit if
3091 the company does not employ or contract with delivery agents but
3092 merely provides software or a digital network application that
3093 connects consumers and licensed retailers for the delivery of
3094 alcoholic beverages from the licensed retailer. However, the act



3095 of connecting consumers to licensed retailers shall serve to grant
3096 jurisdiction to the State of Mississippi.

3097 (4) The division may enforce the requirements of this
3098 section by the same administrative proceedings that apply to other
3099 alcoholic beverage licenses or permits, including, without
3100 limitation, any disciplinary action applicable to the package
3101 retailer's permittee, on-premises retailer's permittee, retail
3102 permittee for * * * light intoxicating beverages, or delivery
3103 service permittee resulting from any unlawful sale to a minor.

3104 (5) The division may enforce the requirements of this
3105 section against the package retailer's permittee, on-premises
3106 retailer's permittee, retail permittee for * * * light
3107 intoxicating beverages, or delivery service permittee, and any
3108 employee or independent contractor of such permittee. If a
3109 package retailer permittee, an on-premises retailer's permittee,
3110 or a retail permittee for * * * light intoxicating beverages is
3111 also a delivery permittee, a violation of alcohol law by its
3112 employee or independent contractor during delivery will subject
3113 both the retailer permit and the delivery service permit to
3114 disciplinary action for the violation. Delivery to a minor shall
3115 be treated as furnishing to a minor and shall result in any
3116 applicable disciplinary action.

3117 (6) Nothing in this section shall be construed to limit or
3118 otherwise diminish the ability of the division to enforce the
3119 provisions of Chapters 1 and 3, Title 67, Mississippi Code of



3120 1972, with respect to the liability of any package retailer's
3121 permittee, on-premises retailer's permittee, retail permittee
3122 for * * * light intoxicating beverages, or delivery service
3123 permittee engaging in delivery activity authorized by this
3124 section.

3125 (7) Nothing in this section shall be construed to authorize
3126 the direct shipment of alcoholic beverages * * * or light
3127 intoxicating beverages from any manufacturer or distributor
3128 holding a permit under this article, or under Title 67, Chapter 3,
3129 Mississippi Code of 1972, to consumers in this state.

3130 **SECTION 40.** Section 67-1-72, Mississippi Code of 1972, is
3131 amended as follows:

3132 67-1-72. (1) Except as otherwise provided in this article,
3133 any applicant or holder of a permit issued under this article
3134 which is aggrieved by an action of the department * * * to deny
3135 his application for a permit, to deny the renewal of his permit or
3136 to revoke or suspend his permit shall be allowed to appeal to the
3137 Board of Tax Appeals from this action. This appeal is to be filed
3138 by the aggrieved person with the Executive Director of the Board
3139 of Tax Appeals, with a copy being sent to the department * * *,
3140 within fifteen (15) days from the date that person received notice
3141 of the action of the department being aggrieved. If the person
3142 aggrieved fails to appeal within this fifteen-day period, the
3143 action of the department * * * shall take effect as set out in the
3144 notice. The department * * * retains the authority to change at



3145 any time the action aggrieved to in an appeal under this
3146 subsection. The applicant or holder of any permit issued under
3147 this article may waive his right to notice and opportunity to a
3148 hearing as provided by this subsection and agree to the action
3149 being taken by the department. The inability of the
3150 department * * * to issue or renew a permit due to an incomplete
3151 application or due to the failure of the applicant to pay the
3152 annual privilege taxes and fees provided by Section 27-71-5 and/or
3153 the failure of the applicant to post or deposit the bond, cash or
3154 securities as required by Section 27-71-21 shall not constitute a
3155 denial for purposes of this subsection.

3156 (2) Any applicant for approval as a manager of an
3157 establishment operating under a permit issued under this article
3158 or who holds the designation of an approved manager of an
3159 establishment operating under a permit issued under this article
3160 and who is aggrieved by an action of the department * * * to deny
3161 his application for approval as a manager or to revoke or suspend
3162 his designation as an approved manager shall be allowed to appeal
3163 to the Board of Tax Appeals from this action. This appeal is to
3164 be filed by the aggrieved person with the Executive Director of
3165 the Board of Tax Appeals, with a copy being sent to the
3166 department * * *, within fifteen (15) days from the date that
3167 person received notice of the action of the department being
3168 aggrieved. If the person aggrieved fails to appeal within this
3169 fifteen-day period, the action of the department * * * shall take



3170 effect as set out in the notice. The department * * * retains the
3171 authority to change at any time the action aggrieved to in an
3172 appeal under this subsection. The applicant or holder of an
3173 approved manager designation may waive his right to notice and
3174 opportunity to a hearing as provided by this subsection and agree
3175 to the action being taken by the department. The inability of the
3176 department * * * to consider an application for approval of an
3177 applicant as a manager due to an incomplete application shall not
3178 constitute a denial of the application for purposes of this
3179 subsection.

3180 (3) Any applicant for approval of an area or locality as a
3181 qualified resort area under this article who is aggrieved by the
3182 decision of the department * * * to deny the qualified resort area
3183 as requested and any county or municipality wherein the proposed
3184 qualified resort area is located may appeal to the Board of Tax
3185 Appeals from such decision. This appeal is to be filed by the
3186 aggrieved applicant or by the affected county or municipality with
3187 the Executive Director of the Board of Tax Appeals, with a copy
3188 being sent to the department * * *, within fifteen (15) days from
3189 the date that the person or entity filing the appeal received
3190 notice of the decision of the department * * * to deny the
3191 qualified resort area. If an appeal is not filed within this
3192 fifteen-day period, the decision of the department * * * shall
3193 become final. The Department * * * retains the authority to
3194 change at any time the decision aggrieved to in an appeal under



3195 this subsection. The inability of the department * * * to
3196 consider an application for the approval of an area or locality as
3197 a qualified resort area due to an incomplete application shall not
3198 constitute a denial of that application for purposes of this
3199 subsection.

3200 (4) Any person, including any county or municipality in
3201 which the qualified resort area is located, who is aggrieved by
3202 the decision of the department * * * to revoke the approval of an
3203 area or locality as a qualified resort area may appeal to the
3204 Board of Tax Appeals from such decision. This appeal is to be
3205 filed by the aggrieved person with the Executive Director of the
3206 Board of Tax Appeals, with a copy being sent to the
3207 department * * *, within fifteen (15) days from the date that the
3208 person or entity filing the appeal received notice of the decision
3209 of the department to revoke approval of the qualified resort area.
3210 At the discretion of the department * * *, in addition to any
3211 other notice to be provided under this subsection, the department
3212 may provide notice of its decision to revoke approval of the
3213 qualified resort area by publication in the same manner as
3214 provided by regulation when approval of a qualified resort area is
3215 sought. In regard to such publication, the fifteen-day period
3216 provided herein will begin on the date that notice is first
3217 published. If an appeal is not filed within this fifteen-day
3218 period, the decision of the department * * * shall become final.



3219 The department * * * retains the authority to change at any time
3220 the decision aggrieved to in an appeal under this subsection.

3221 (5) Any person objecting to an application for the issuance
3222 or transfer of a permit, other than a temporary retailer's permit,
3223 issued under this article and who timely requests in writing a
3224 hearing on his objection shall be given a hearing before the Board
3225 of Tax Appeals unless the permit is denied by the department * * *
3226 and an appeal is not taken by the applicant to the Board of Tax
3227 Appeals from that denial or the applicant withdraws his
3228 application. Any written request for a hearing on an objection
3229 must be filed with the department * * * within fifteen (15) days
3230 from the first date of publication of the notice of such
3231 application under Section 67-1-53. If the department determines
3232 that the permit should be denied, notice will be provided to the
3233 applicant as set out in subsection (1) of this section, and if the
3234 applicant timely requests a hearing on the denial as provided by
3235 this subsection (5), the department will advise the Executive
3236 Director of the Board of Tax Appeals and the applicant of the
3237 written request for a hearing on an objection to the permit. The
3238 hearing on the objection to the permit and the hearing on the
3239 appeal by the applicant from the denial of the department of the
3240 application shall be consolidated and heard by the Board of Tax
3241 Appeals at the same time. If the department determines that the
3242 permit should be issued, the department will advise the applicant
3243 and the Executive Director of the Board of Tax Appeals of the



3244 timely written request for a hearing on an objection to the
3245 application and a hearing will be set before the Board of Tax
3246 Appeals on this objection. If prior to the hearing, either the
3247 person requesting the hearing withdraws his request or the
3248 applicant withdraws his application, the hearing will be cancelled
3249 and the objection proceedings before the Board of Tax Appeals on
3250 the application will be dismissed as moot. In the case of such
3251 withdrawals, the Board of Tax Appeals is authorized to assess to
3252 either or both parties any costs incurred by it prior to such
3253 withdrawal. The department * * * retains authority to issue the
3254 permit to the applicant where the person objecting to the
3255 application withdraws his request for a hearing.

3256 (6) Any person objecting to an application for approval by
3257 the department * * * of * * * an area or locality as a qualified
3258 resort area under this article and who timely requests in writing
3259 a hearing on his objection shall be given a hearing before the
3260 Board of Tax Appeals unless approval of the application is denied
3261 by the department * * * and an appeal is not taken by the
3262 applicant or the county or municipality in which the proposed
3263 qualified resort area is located to the Board of Tax Appeals from
3264 that denial or the applicant withdraws his application. Any
3265 written request for a hearing on an objection must be filed with
3266 the department * * * within fifteen (15) days from the first date
3267 of publication of the notice of such application as provided by
3268 regulation. If the department determines that the application for



3269 approval of the proposed area or locality as a qualified resort
3270 area should be denied, the department will proceed with denial of
3271 such application as set out in subsection (3) of this section, and
3272 if the applicant or the county or municipality in which the
3273 proposed qualified resort area is located timely requests a
3274 hearing on the denial as provided by subsection (3) of this
3275 section, the department will advise the Executive Director of the
3276 Board of Tax Appeals and the applicant of the written request for
3277 a hearing on an objection to the application. The hearing on the
3278 objection to approval of the proposed qualified resort area and
3279 the hearing on the appeal from the denial of the department of the
3280 application for such approval shall be consolidated and heard by
3281 the Board of Tax Appeals at the same time. If the department
3282 determines that the proposed qualified resort area should be
3283 approved, the department will advise the applicant and the
3284 Executive Director of the Board of Tax Appeals of the timely
3285 written request for a hearing on an objection to the application
3286 and a hearing will be set before the Board of Tax Appeals on this
3287 objection. If prior to the hearing, either the person requesting
3288 the hearing withdraws his request or the applicant withdraws his
3289 application, the hearing will be cancelled and the objection
3290 proceedings before the Board of Tax Appeals on the application
3291 will be dismissed as moot. In the case of such withdrawals, the
3292 Board of Tax Appeals is authorized to assess to either or both
3293 parties any costs incurred by it prior to such withdrawal. The



department * * * retains authority to approve the proposed area or locality as a qualified resort area where the person objecting to the application withdraws his request for a hearing.

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

(8) Upon receipt of a written request for hearing or appeal as set out above, the executive director shall schedule a hearing before the Board of Tax Appeals on this request or appeal. A notice of the hearing shall be mailed to all persons or entities having an interest in the matter being heard which shall always include the person or entity filing the request or appeal for which the hearing is being set, the applicant or holder of any permit, approved manager status or qualified resort area status in issue, any person who filed a written request for a hearing on an



3319 objection to any application in issue and the department * * *.
3320 This notice shall provide the date, time and location of the
3321 hearing. Mailing to the attorney representing a person or entity
3322 in the matter being heard shall be the same as mailing to the
3323 person or entity the attorney represents. Failure of the person
3324 or entity on whose request or appeal the matter was set for
3325 hearing to appear personally or through his designated
3326 representative at the hearing shall constitute an involuntary
3327 withdrawal of his request or appeal. Upon such withdrawal, the
3328 Board of Tax Appeals shall note on the record the failure of the
3329 person or entity to appear at the hearing and shall dismiss the
3330 request or appeal and remand the matter back to the
3331 department * * * for appropriate action.

3332 (9) At any hearing before the Board of Tax Appeals on an
3333 appeal or hearing request as set out above, two (2) members of the
3334 Board of Tax Appeals shall constitute a quorum. At the hearing,
3335 the Board of Tax Appeals shall try the issues presented according
3336 to law and the facts and pursuant to any guidelines established by
3337 regulation. The rules of evidence shall be relaxed at the hearing
3338 and the hearing shall be recorded by a court reporter. After
3339 reaching a decision on the issues presented, the Board of Tax
3340 Appeals shall enter an order setting forth its findings and
3341 decision in the matter. A copy of the order of the Board of Tax
3342 Appeals shall be mailed to the person or entity filing the request
3343 or appeal which was heard, the applicant or holder of any permit,



3344 approved manager status or qualified resort area status in issue,
3345 any person who filed a written request for a hearing on an
3346 objection to any application in issue and the department * * * to
3347 notify them of the findings and decision of the Board of Tax
3348 Appeals.

3349 **SECTION 41.** Section 67-7-3, Mississippi Code of 1972, is
3350 amended as follows:

3351 67-7-3. The legislative purpose of this chapter is to
3352 provide a structure for the business relations between a
3353 wholesaler and a supplier of light wine, light spirit
3354 product * * *, beer or hemp beverages. Regulation in this area is
3355 considered necessary for the following reasons:

3356 (a) To maintain stability and healthy competition in
3357 the light wine, light spirit product * * *, beer * * * and hemp
3358 beverage industries in this state.

3359 (b) To promote and maintain a sound, stable and viable
3360 system of distribution of light * * * intoxicating beverages to
3361 the public.

3362 (c) To provide for the private settlement of disputes
3363 between wholesalers and suppliers of light * * * intoxicating
3364 beverages as an alternative to civil litigation which consumes the
3365 time and resources of the parties and the judicial system.

3366 (d) To promote the public health, safety and welfare.

3367 **SECTION 42.** Section 67-7-5, Mississippi Code of 1972, is
3368 amended as follows:



3369 67-7-5. As used in this chapter, the following words or
3370 phrases, or the plural thereof, whenever they appear in this
3371 chapter, unless the context clearly requires otherwise, shall have
3372 the meaning ascribed to them in this section.

3373 (a) "Agreement" means any agreement between a
3374 wholesaler and a supplier, whether oral or written, whereby a
3375 wholesaler is granted the right to purchase and sell a brand or
3376 brands of * * * light intoxicating beverages sold by a supplier.

3377 (b) "Ancillary business" means a business owned by the
3378 wholesaler, by a substantial stockholder of a wholesaler, or by a
3379 substantial partner of a wholesaler, the primary business of which
3380 is directly related to the transporting, storing or marketing of
3381 the brand or brands of light * * * intoxicating beverages of a
3382 supplier with whom the wholesaler has an agreement; or a business
3383 owned by a wholesaler, a substantial stockholder of a wholesaler.

3384 (c) "Commission" or "department" means the Department
3385 of Revenue of the State of Mississippi.

3386 (d) "Commissioner" means the Commissioner of Revenue of
3387 the Department of Revenue.

3388 (e) "Designated member" means the spouse, child,
3389 grandchild, parent, brother or sister of a deceased individual who
3390 owned an interest, including a controlling interest, in a
3391 wholesaler, or any person who inherits under the deceased
3392 individual's will, or under the laws of intestate succession of
3393 this state; or any person who or entity which has otherwise,



3394 through a valid testamentary device by the deceased individual,
3395 succeeded the deceased individual in the wholesaler's business, or
3396 has succeeded to the deceased individual's ownership interest in
3397 the wholesaler pursuant to a written contract or instrument which
3398 has been previously approved by the supplier; "designated member"
3399 includes the appointed and qualified personal representative and
3400 the testamentary trustee of a deceased individual owning an
3401 ownership interest in a wholesaler, and it includes the person
3402 appointed by a court as the guardian or conservator of the
3403 property of an incapacitated individual owning an ownership
3404 interest in a wholesaler.

3405 (f) "Establish" means to adjust or regulate, to provide
3406 for and uphold.

3407 (g) "Good faith" means honesty in fact and observance
3408 of reasonable commercial standards of fair dealing in the trade,
3409 as defined in and interpreted under the Uniform Commercial Code.

3410 (h) "Reasonable qualifications" means the standard of
3411 the reasonable criteria established and consistently used by the
3412 respective supplier for similarly situated wholesalers that
3413 entered into, continued or renewed an agreement with the supplier
3414 during a period of twenty-four (24) months before the proposed
3415 transfer of the wholesaler's business, or for similarly situated
3416 wholesalers who have changed managers or designated managers,
3417 under the agreement, during a period of twenty-four (24) months



3418 before the proposed change in the manager or successor manager of
3419 the wholesaler's business.

3420 (i) "Retaliatory action" means the refusal to continue
3421 an agreement, or a material reduction in the quality of service or
3422 quantity of products available to a wholesaler under an agreement,
3423 which refusal or reduction is not made in good faith.

3424 (j) "Sales territory" means a primary area of sales
3425 responsibility for the brand or brands of light * * * intoxicating
3426 beverages sold by a supplier as designated by an agreement.

3427 (k) "Substantial stockholder or substantial partner"
3428 means a stockholder of or partner in the wholesaler who owns an
3429 interest of ten percent (10%) or more of the partnership or of the
3430 capital stock of a corporate wholesaler.

3431 (l) "Successor" means a person who replaces a supplier
3432 with regard to the right to manufacture, sell, distribute or
3433 import a brand or brands of light * * * intoxicating beverages.

3434 (m) "Supplier" means a manufacturer or importer of
3435 light * * * intoxicating beverages as regulated by the department
3436 under Sections 67-3-1 through 67-3-73.

3437 (n) "Transfer of wholesaler's business" means the
3438 voluntary sale, assignment or other transfer of ten percent (10%)
3439 or more of control of the business or all or substantially all of
3440 the assets of the wholesaler, or ten percent (10%) or more of
3441 control of the capital stocks of the wholesaler, including without
3442 limitation the sale or other transfer of capital stock or assets



3443 by merger, consolidation or dissolution, or of the capital stock
3444 of the parent corporation, or of the capital stock or beneficial
3445 ownership of any other entity owning or controlling the
3446 wholesaler.

3447 (o) "Wholesaler" means a wholesaler of light * * *
3448 intoxicating beverages as regulated by the department under
3449 Sections 67-3-1 through 67-3-73.

3450 (p) "Similarly situated wholesalers" means wholesalers
3451 of a supplier that are of a generally comparable size and operate
3452 in markets in Mississippi and adjoining states with similar
3453 demographic characteristics, including population size, density,
3454 distribution and vital statistics, as well as reasonably similar
3455 economic and geographic conditions.

3456 (q) "Light * * * intoxicating beverage" has the meaning
3457 ascribed * * * in Section 67-3-3.

3458 **SECTION 43.** Section 67-7-7, Mississippi Code of 1972, is
3459 amended as follows:

3460 67-7-7. A supplier shall not do the following:

3461 (a) Fail to provide each wholesaler of the supplier's
3462 brand or brands with a written agreement which contains in total
3463 the supplier's agreement with each wholesaler, and designates a
3464 specific sales territory. Any agreement which is in existence on
3465 April 7, 1995, shall be renewed consistent with this chapter,
3466 provided that this chapter may be incorporated by reference in the
3467 agreement. Nothing contained herein shall prevent a supplier from



3468 appointing, one (1) time for a period not to exceed ninety (90)
3469 days, a wholesaler to service temporarily a sales territory not
3470 designated to another wholesaler, until such time as a wholesaler
3471 is appointed by the supplier; and such wholesaler who is
3472 designated to service the sales territory during this period of
3473 temporary service shall not be in violation of the chapter, and,
3474 with respect to the temporary service territory, shall not have
3475 any of the rights provided under Sections 67-7-11 and 67-7-15.

3476 (b) Fix, maintain or establish the price at which a
3477 wholesaler shall sell any light * * * intoxicating beverage.

3478 (c) Enter into an additional agreement with any other
3479 wholesaler for, or to sell to any other wholesaler, the same brand
3480 or brands of light * * * intoxicating beverages in the same
3481 territory or any portion thereof, or to sell directly to any
3482 retailer in this state.

3483 (d) Require any wholesaler to accept delivery of any
3484 light * * * intoxicating beverage or other commodity which has not
3485 been ordered by the wholesaler, except that a supplier may impose
3486 reasonable inventory requirements upon a wholesaler if the
3487 requirements are made in good faith and are generally applied to
3488 other similarly situated wholesalers who have an agreement with
3489 the supplier.

3490 (e) Require any wholesaler to accept delivery of any
3491 light * * * intoxicating beverage or other commodity ordered by a



3492 wholesaler if the order was properly cancelled by the wholesaler
3493 in accordance with the supplier's procedure.

3494 (f) Require any wholesaler to do any illegal act or to
3495 violate any law or regulation by threatening to amend, modify,
3496 cancel, terminate or refuse to renew any agreement existing
3497 between the supplier and wholesaler.

3498 (g) Require a wholesaler to assent to any condition,
3499 stipulation or provision limiting the wholesaler's right to sell
3500 the brand or brands of light * * * intoxicating beverages of any
3501 other supplier unless the acquisition of the brand or brands of
3502 another supplier would materially impair or adversely affect the
3503 wholesaler's quality of service, sales or ability to compete
3504 effectively in representing the brand or brands of the supplier
3505 presently being sold by the wholesaler, except that in any action
3506 challenging a supplier's position, the supplier shall have the
3507 burden of providing that such acquisition of such other brand or
3508 brands would have such effect.

3509 (h) Require a wholesaler to purchase one or more brands
3510 of light * * * intoxicating beverages in order for the wholesaler
3511 to purchase another brand or brands of light * * * intoxicating
3512 beverages for any reason, except that a wholesaler that has agreed
3513 to distribute a brand or brands before April 7, 1995, shall
3514 continue to distribute the brand or brands in conformance with
3515 this chapter.



3516 (i) Require a wholesaler to submit audited profit and
3517 loss statements, balance sheets or financial records as a
3518 condition of renewal or continuation of an agreement, except that
3519 a supplier may require reasonable proof of a wholesaler's
3520 financial condition prior to extending credit terms to a
3521 wholesaler.

3522 (j) Withhold delivery of light * * * intoxicating
3523 beverages ordered by wholesaler, or change a wholesaler's quota of
3524 a brand or brands if the withholding or change is not made in good
3525 faith.

3526 (k) Require a wholesaler by any means directly to
3527 participate in or contribute to any local or national advertising
3528 fund controlled directly or indirectly by a supplier.

3529 (l) Take any retaliatory action against a wholesaler
3530 that files a complaint in good faith regarding an alleged
3531 violation by the supplier of federal, state or local law or an
3532 administrative rule as a result of that complaint.

3533 (m) Require or prohibit any change in the manager or
3534 successor manager of any wholesaler who has been approved by the
3535 supplier as of or after April 7, 1995, unless the supplier acts in
3536 good faith. Should a wholesaler change an approved manager or
3537 successor manager, a supplier shall not require or prohibit the
3538 change unless the person selected by the wholesaler fails to meet
3539 the nondiscriminatory, material and reasonable standards and
3540 qualifications for managers consistently applied to similarly



3541 situated wholesalers by the supplier, except that, in any action
3542 challenging a supplier's decision, the supplier shall have the
3543 burden of proving that such person fails to meet such standards
3544 and qualifications.

3545 (n) Upon written notice of intent to transfer the
3546 wholesaler's business, interfere with, prevent or unreasonably
3547 delay (not to exceed thirty (30) days) the transfer of the
3548 wholesaler's business if the proposed transferee is a designated
3549 member.

3550 (o) Upon written notice of intent to transfer the
3551 wholesaler's business other than to a designated member, withhold
3552 consent to or approval of, or unreasonably delay (not to exceed
3553 thirty (30) days after receipt of all material information
3554 reasonably requested) a response to a request by the wholesaler
3555 for any transfer of a wholesaler's business if the proposed
3556 transferee meets the nondiscriminatory material and reasonable
3557 qualifications and standards required by the supplier for
3558 similarly situated wholesalers.

3559 (p) Restrict or inhibit the right of free association
3560 among wholesalers for any lawful purpose.

3561 (q) Threaten to cancel or withhold credit, or to reduce
3562 the time period normally given the wholesaler to make payment on a
3563 delivery from the supplier as a means of compelling the wholesaler
3564 to meet certain standards of performance in any area of business
3565 not directly related to credit.



3566 **SECTION 44.** Section 67-7-9, Mississippi Code of 1972, is
3567 amended as follows:

3568 67-7-9. A wholesaler shall not do any of the following:

3569 (a) Fail to devote such efforts and resources to the
3570 sale and distribution of all the supplier's brands of light * * *
3571 intoxicating beverages which the wholesaler has been granted the
3572 right to sell or distribute as are required in the wholesaler's
3573 agreement with the supplier.

3574 (b) Sell or deliver light * * * intoxicating beverages
3575 to a retail licensee located outside the sales territory
3576 designated to the wholesaler by the supplier of a particular brand
3577 or brands of light * * * intoxicating beverages, except that
3578 during periods of temporary service interruptions impacting a
3579 particular sales territory, a supplier may appoint another
3580 wholesaler to service the sales territory during the period of
3581 temporary service interruption. A wholesaler who is designated to
3582 service the impacted sales territory during the period of
3583 temporary service interruption shall not be in violation of this
3584 chapter and shall not have any of the rights provided under
3585 Sections 67-7-11 and 67-7-15 with respect to the temporary service
3586 territory.

3587 (c) Transfer the wholesaler's business without giving
3588 the supplier written notice of intent to transfer the wholesaler's
3589 business and, where required by this chapter, receiving the
3590 supplier's written approval for the proposed transfer, except that



3591 the consent or approval of the supplier shall not be required of
3592 any transfer of the wholesaler's business to a designated member,
3593 or of any transfer of less than ten percent (10%) of the
3594 wholesaler's business unless such transfer results in a change in
3595 control. The wholesaler shall give the supplier written notice of
3596 any change in ownership of the wholesaler.

3597 **SECTION 45.** Section 67-7-11, Mississippi Code of 1972, is
3598 amended as follows:

3599 67-7-11. (1) Except as otherwise provided for in this
3600 chapter, a supplier shall not amend or modify an agreement; cause
3601 a wholesaler to resign from an agreement; or cancel, terminate,
3602 fail to renew or refuse to continue under an agreement, unless the
3603 supplier has complied with all of the following:

3604 (a) Has satisfied the applicable notice requirements of
3605 this section.

3606 (b) Has acted in good faith.

3607 (c) Has good cause for the amendment, modification,
3608 cancellation, termination, nonrenewal, discontinuance or forced
3609 resignation.

3610 (2) In any action challenging such amendment, modification,
3611 termination, cancellation, nonrenewal or discontinuance, the
3612 supplier shall have the burden of proving that it has acted in
3613 good faith, that the notice requirements under this section have
3614 been complied with, and that there was good cause for the



3615 amendment, modification, termination, cancellation, nonrenewal or
3616 discontinuance.

3617 (3) Except as otherwise provided in this section, and in
3618 addition to the time limits set forth in subsection (4)(d) of this
3619 section, the supplier shall furnish written notice of the
3620 amendment, modification, termination, cancellation, nonrenewal or
3621 discontinuance of an agreement to the wholesaler not less than
3622 thirty (30) days before the effective date of the amendment,
3623 modification, termination, cancellation, nonrenewal or
3624 discontinuance. The notice shall be by certified mail and shall
3625 contain all of the following:

3626 (a) A statement of intention to amend, modify,
3627 terminate, cancel, nonrenew or discontinue the agreement.

3628 (b) A statement of the reason for the amendment,
3629 modification, termination, cancellation, nonrenewal or
3630 discontinuance.

3631 (c) The date on which the amendment, modification,
3632 termination, cancellation, nonrenewal or discontinuance takes
3633 effect.

3634 (4) Good cause shall exist for the purposes of a
3635 termination, cancellation, nonrenewal or discontinuance under
3636 subsection (1)(c) of this section when all of the following occur:

3637 (a) There is a failure by the wholesaler to comply with
3638 a provision of the agreement which is both reasonable and of



3639 material significance to the business relationship between the
3640 wholesaler and the supplier.

3641 (b) The supplier first acquired knowledge of the
3642 failure described in * * * paragraph (a) not more than twenty-four
3643 (24) months before the date notification was given pursuant to
3644 subsection (3) of this section.

3645 (c) The wholesaler was given notice by the supplier of
3646 failure to comply with this agreement.

3647 (d) The wholesaler has been afforded thirty (30) days
3648 in which to submit a plan of corrective action to comply with the
3649 agreement and an additional ninety (90) days to cure such
3650 noncompliance in accordance with the plan.

3651 (5) Notwithstanding subsections (1) and (3) of this section,
3652 a supplier may terminate, cancel, fail to renew or discontinue an
3653 agreement immediately upon written notice given in the manner and
3654 containing the information required by subsection (3)(a), (b) and
3655 (c) of this section if any of the following occur:

3656 (a) Insolvency of the wholesaler, the filing of any
3657 petition by or against the wholesaler under any bankruptcy or
3658 receivership law or the assignment for the benefit of creditors or
3659 dissolution or liquidation of the wholesaler which materially
3660 affects the wholesaler's ability to remain in business.

3661 (b) Revocation or suspension of the wholesaler's state
3662 or federal license by the appropriate regulatory agency whereby



3663 the wholesaler cannot service the wholesaler's sales territory for
3664 more than thirty-one (31) days.

3665 (c) The wholesaler, or a partner or an individual who
3666 owns ten percent (10%) or more of the partnership or stock of a
3667 corporate wholesaler, has been convicted of a felony under the
3668 United States Code or the laws of any state which reasonably may
3669 adversely affect the good will or interest of the wholesaler or
3670 supplier. However, an existing stockholder or stockholders, or
3671 partner or partners, or a designated member or members, shall
3672 have, subject to the provisions of this chapter, the right to
3673 purchase the partnership interest or the stock of the offending
3674 partner or stockholder prior to the conviction of the offending
3675 partner or stockholder, and if the sale is completed prior to
3676 conviction the provisions of this * * * paragraph shall not apply.

3677 (d) There was fraudulent conduct relating to a material
3678 matter on the part of the wholesaler in dealings with the supplier
3679 or its product, except that the supplier shall have the burden of
3680 proving fraudulent conduct relating to a material matter on the
3681 part of the wholesaler in any legal action challenging such
3682 termination.

3683 (e) The wholesaler failed to confine to the designated
3684 sales territory its sales of a brand or brands to retailers except
3685 that this subsection does not apply if there is a dispute between
3686 two (2) or more wholesalers as to the boundaries of the assigned
3687 territory, and the boundaries cannot be determined by a reading of



3688 the description contained in the agreements between the supplier
3689 and the wholesalers.

3690 (f) A wholesaler has failed to pay for light * * *
3691 intoxicating beverages ordered and delivered in accordance with
3692 established terms and the wholesaler fails to make full payment
3693 within five (5) business days after receipt of written notice of
3694 the delinquency and demand for immediate payment from the
3695 supplier.

3696 (g) A wholesaler intentionally has made a transfer of
3697 wholesaler's business, other than a transfer to a designated
3698 member without prior written notice to the supplier.

3699 (h) A wholesaler intentionally has made a transfer of
3700 wholesaler's business, other than a transfer to a designated
3701 member, although the wholesaler has prior to said transfer
3702 received from supplier a timely notice of disapproval of said
3703 transfer in accordance with this chapter.

3704 (i) The wholesaler intentionally ceases to carry on
3705 business with respect to any of supplier's brand or brands
3706 previously serviced by wholesaler in its territory designated by
3707 the supplier, unless such cessation is due to force majeure or to
3708 labor dispute and the wholesaler has made good faith efforts to
3709 overcome such events. Provided, however, this shall affect only
3710 that brand or brands with respect to which the wholesaler ceased
3711 to carry on business.



3712 (6) Notwithstanding subsections (1), (3) and (5) of this
3713 section, a supplier may terminate, cancel, not renew or
3714 discontinue an agreement upon not less than thirty (30) days prior
3715 written notice if the supplier discontinues production or
3716 discontinues distribution in this state of all the brands sold by
3717 the supplier to the wholesaler, except that nothing in this
3718 section shall prohibit a supplier from: (a) upon not less than
3719 thirty (30) days notice, discontinuing the distribution of any
3720 particular brand or package of light * * * intoxicating beverage;
3721 or (b) conducting test marketing of a new brand of light * * *
3722 intoxicating beverage which is not currently being sold in this
3723 state, except that the supplier has notified the department in
3724 writing of its plans to test market, which notice shall describe
3725 the market area in which the test shall be conducted; the name or
3726 names of the wholesaler or wholesalers who will be selling the
3727 light * * * intoxicating beverage; the name or names of the brand
3728 of light * * * intoxicating beverage being tested; and the period
3729 of time, not to exceed eighteen (18) months, during which the
3730 testing will take place.

3731 **SECTION 46.** Section 67-9-1, Mississippi Code of 1972, is
3732 amended as follows:

3733 67-9-1. Notwithstanding the provisions of any section of
3734 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
3735 any person holding an alcohol processing permit to transport and
3736 possess alcoholic beverages * * * and light intoxicating



3737 beverages, in any part of the state, for his or her use in
3738 cooking, processing or manufacturing products which contain
3739 alcoholic beverages as an integral ingredient, in amounts as
3740 limited by the Alcoholic Beverage Control Division of the
3741 Department of Revenue. The authority to transport and possess
3742 alcoholic beverages * * * and light intoxicating beverages under
3743 this section exists regardless of whether (a) the county or
3744 municipality in which the transportation or possession takes place
3745 has voted for or against coming out from under the dry law, or (b)
3746 the transportation, storage, sale, distribution, receipt or
3747 manufacture of light * * * intoxicating beverages otherwise is
3748 prohibited.

3749 The provisions of this section shall not be construed as
3750 amending, repealing or otherwise affecting any statute or any
3751 lawfully adopted ordinance, rule or regulation that prohibits or
3752 restricts the location at which, or the premises upon which,
3753 alcoholic beverages * * * or light intoxicating beverages may be
3754 sold or consumed.

3755 The term "alcoholic beverages" has the meaning as defined in
3756 Section 67-1-5, and the term "light intoxicating beverages" has
3757 the meaning as defined in Section 67-3-3.

3758 **SECTION 47.** Section 27-65-241, Mississippi Code of 1972, is
3759 amended as follows:



3760 27-65-241. (1) As used in this section, the following terms
3761 shall have the meanings ascribed to them in this section unless
3762 otherwise clearly indicated by the context in which they are used:

3763 (a) "Hotel" or "motel" means and includes a place of
3764 lodging that at any one time will accommodate transient guests on
3765 a daily or weekly basis and that is known to the trade as such.
3766 Such terms shall not include a place of lodging with ten (10) or
3767 less rental units.

3768 (b) "Municipality" means any municipality in the State
3769 of Mississippi with a population of one hundred fifty thousand
3770 (150,000) or more according to the most recent federal decennial
3771 census.

3772 (c) "Restaurant" means and includes all places where
3773 prepared food is sold and whose annual gross proceeds of sales or
3774 gross income for the preceding calendar year equals or exceeds One
3775 Hundred Thousand Dollars (\$100,000.00). The term "restaurant"
3776 shall not include any nonprofit organization that is exempt from
3777 federal income taxation under Section 501(c)(3) of the Internal
3778 Revenue Code. For the purpose of calculating gross proceeds of
3779 sales or gross income, the sales or income of all establishments
3780 owned, operated or controlled by the same person, persons or
3781 corporation shall be aggregated.

3782 (2) (a) Subject to the provisions of this section, the
3783 governing authorities of a municipality may impose upon all
3784 persons as a privilege for engaging or continuing in business or



3785 doing business within such municipality, a special sales tax at
3786 the rate of not more than one percent (1%) of the gross proceeds
3787 of sales or gross income of the business, as the case may be,
3788 derived from any of the activities taxed at the rate of seven
3789 percent (7%) or more under the Mississippi Sales Tax Law, Section
3790 27-65-1 et seq.

3791 (b) The tax levied under this section shall apply to
3792 every person making sales of tangible personal property or
3793 services within the municipality but shall not apply to:

3794 (i) Sales exempted by Sections 27-65-19,
3795 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and
3796 27-65-111 of the Mississippi Sales Tax Law;

3797 (ii) Gross proceeds of sales or gross income of
3798 restaurants derived from the sale of food and beverages;

3799 (iii) Gross proceeds of sales or gross income of
3800 hotels and motels derived from the sale of hotel rooms and motel
3801 rooms for lodging purposes;

3802 (iv) Retail sales of food for human consumption
3803 not purchased with food stamps issued by the United States
3804 Department of Agriculture, or other federal agency, but which
3805 would be exempt under Section 27-65-111(o) from the taxes imposed
3806 by this chapter if the food items were purchased with food stamps;

3807 (v) Gross income of businesses engaging or
3808 continuing in the business of TV cable systems, subscription TV



3809 services, and other similar activities, including, but not limited
3810 to, cable Internet services;

3811 (vi) Wholesale sales of food and drink for human
3812 consumption sold to full service vending machine operators; and

3813 (vii) Wholesale sales of light * * * intoxicating
3814 beverages, as defined in Section 67-3-3, and alcoholic beverages,
3815 as defined in Section 67-1-5.

3816 (3) (a) Before any tax authorized under this section may be
3817 imposed, the governing authorities of the municipality shall adopt
3818 a resolution declaring its intention to levy the tax, setting
3819 forth the amount of the tax to be imposed, the purposes for which
3820 the revenue collected pursuant to the tax levy may be used and
3821 expended, the date upon which the tax shall become effective, the
3822 date upon which the tax shall be repealed, and calling for an
3823 election to be held on the question. The date of the election
3824 shall be set in the resolution. Notice of the election shall be
3825 published once each week for at least three (3) consecutive weeks
3826 in a newspaper published or having a general circulation in the
3827 municipality, with the first publication of the notice to be made
3828 not less than twenty-one (21) days before the date fixed in the
3829 resolution for the election and the last publication to be made
3830 not more than seven (7) days before the election. At the
3831 election, all qualified electors of the municipality may vote.
3832 The ballots used at the election shall have printed thereon a
3833 brief description of the sales tax, the amount of the sales tax



3834 levy, a description of the purposes for which the tax revenue may
3835 be used and expended and the words "FOR THE LOCAL SALES TAX" and
3836 "AGAINST THE LOCAL SALES TAX" and the voter shall vote by placing
3837 a cross (X) or check mark (✓) opposite his choice on the
3838 proposition. When the results of the election have been canvassed
3839 by the election commissioners of the municipality and certified by
3840 them to the governing authorities, it shall be the duty of such
3841 governing authorities to determine and adjudicate whether at least
3842 three-fifths (3/5) of the qualified electors who voted in the
3843 election voted in favor of the tax. If at least three-fifths
3844 (3/5) of the qualified electors who voted in the election voted in
3845 favor of the tax, the governing authorities shall adopt a
3846 resolution declaring the levy and collection of the tax provided
3847 in this section and shall set the first day of the second month
3848 following the date of such adoption as the effective date of the
3849 tax levy. A certified copy of this resolution, together with the
3850 result of the election, shall be furnished to the Department of
3851 Revenue not less than thirty (30) days before the effective date
3852 of the levy.

3853 (b) A municipality shall not hold more than two (2)
3854 elections under this subsection.

3855 (4) The revenue collected pursuant to the tax levy imposed
3856 under this section may be expended to pay the cost of road and
3857 street repair, reconstruction and resurfacing projects based on
3858 traffic patterns, need and usage, and to pay the costs of water,



3859 sewer and drainage projects in accordance with a master plan
3860 adopted by the commission established pursuant to subsection (7).

3861 (5) (a) The special sales tax authorized by this section
3862 shall be collected by the Department of Revenue, shall be
3863 accounted for separately from the amount of sales tax collected
3864 for the state in the municipality and shall be paid to the
3865 municipality. The Department of Revenue may retain one percent
3866 (1%) of the proceeds of such tax for the purpose of defraying the
3867 costs incurred by the department in the collection of the tax.
3868 Payments to the municipality shall be made by the Department of
3869 Revenue on or before the fifteenth day of the month following the
3870 month in which the tax was collected. However, if a municipality
3871 fails to comply with the audit, reporting and/or report filing
3872 requirements of paragraph (b) of this subsection and does not
3873 remedy such noncompliance within thirty (30) days after receiving
3874 written notice of noncompliance, the Department of Revenue shall
3875 withhold payments otherwise payable to the municipality under this
3876 paragraph (a) until the department receives written notice that
3877 the municipality has complied with such requirements.

3878 (b) The proceeds of the special sales tax shall be
3879 placed into a special municipal fund apart from the municipal
3880 general fund and any other funds of the municipality, and shall be
3881 expended by the municipality solely for the purposes authorized in
3882 subsection (4) of this section. The records reflecting the
3883 receipts and expenditures of the revenue from the special sales



3884 tax shall be provided in detail to the members of the commission
3885 monthly, to include the name of the vendor and the project, and
3886 the dates and amounts received and paid, and shall also be audited
3887 annually by an independent certified public accountant. The
3888 accountant shall make a report of his findings to the governing
3889 authorities of the municipality and file a copy of his report with
3890 the Secretary of the Senate and the Clerk of the House of
3891 Representatives and the commission members. The audit shall be
3892 made and completed as soon as practical after the close of the
3893 fiscal year of the municipality, and expenses of the audit shall
3894 be paid from the funds derived by the municipality pursuant to
3895 this section.

3896 (c) Any expenditure from the special municipal fund
3897 defined in paragraph (b) above that was not for a project approved
3898 by the commission, or was in excess of the amount approved by the
3899 commission, shall be reimbursed by the city to the special fund.

3900 (d) All provisions of the Mississippi Sales Tax Law
3901 applicable to filing of returns, discounts to the taxpayer,
3902 remittances to the Department of Revenue, enforced collection,
3903 rights of taxpayers, recovery of improper taxes, refunds of
3904 overpaid taxes or other provisions of law providing for imposition
3905 and collection of the state sales tax shall apply to the special
3906 sales tax authorized by this section, except where there is a
3907 conflict, in which case the provisions of this section shall
3908 control. Any damages, penalties or interest collected for the



3909 nonpayment of taxes imposed under this section, or for
3910 noncompliance with the provisions of this section, shall be paid
3911 to the municipality on the same basis and in the same manner as
3912 the tax proceeds. Any overpayment of tax for any reason that has
3913 been disbursed to a municipality or any payment of the tax to a
3914 municipality in error may be adjusted by the Department of Revenue
3915 on any subsequent payment to the municipality pursuant to the
3916 provisions of the Mississippi Sales Tax Law. The Department of
3917 Revenue may, from time to time, make such rules and regulations
3918 not inconsistent with this section as may be deemed necessary to
3919 carry out the provisions of this section, and such rules and
3920 regulations shall have the full force and effect of law.

3921 (6) If a municipality expands its corporate boundaries, the
3922 governing authorities of the municipality may not impose the
3923 special sales tax in the annexed area unless the tax is approved
3924 at an election conducted, as far as is practicable, in the manner
3925 provided in subsection (3) of this section, except that only
3926 qualified electors in the annexed area may vote in the election.

3927 (7) (a) Any municipality that levies the special sales tax
3928 authorized under this section shall establish a commission as
3929 provided for in this section. Expenditures of revenue from the
3930 special sales tax authorized by this section shall be in
3931 accordance with a master plan adopted by the commission pursuant
3932 to this subsection.



3933 (b) The commission shall be composed of ten (10) voting
3934 members who shall be known as commissioners appointed as follows:

3935 (i) Four (4) members representing the business
3936 community in the municipality appointed by the local chamber of
3937 commerce for initial terms of one (1), two (2), four (4) and five
3938 (5) years respectively. The members appointed pursuant to this
3939 paragraph shall be persons who represent businesses located within
3940 the city limits of the municipality.

3941 (ii) Three (3) members shall be appointed at large
3942 by the mayor of the municipality, with the advice and consent of
3943 the legislative body of the municipality, for initial terms of two
3944 (2), three (3) and four (4) years respectively. All appointments
3945 made by the mayor pursuant to this paragraph shall be residents of
3946 the municipality.

3947 (iii) One (1) member shall be appointed at large
3948 by the Governor for an initial term of four (4) years. All
3949 appointments made by the Governor pursuant to this paragraph shall
3950 be residents of the municipality.

3951 (iv) One (1) member shall be appointed at large by
3952 the Lieutenant Governor for an initial term of four (4) years.
3953 All appointments made by the Lieutenant Governor pursuant to this
3954 paragraph shall be residents of the municipality.

3955 (v) One (1) member shall be appointed at large by
3956 the Speaker of the House of Representatives for a term of four (4)
3957 years. All appointments made by the Speaker of the House of



3958 Representatives pursuant to this paragraph shall be residents of
3959 the municipality.

3960 (c) The terms of all appointments made subsequent to
3961 the initial appointment shall be made for five (5) years. Any
3962 vacancy which may occur shall be filled in the same manner as the
3963 original appointment and shall be made for the unexpired term.

3964 (d) The mayor of the municipality shall designate a
3965 chairman of the commission from among the membership of the
3966 commission. The vice chairman and secretary shall be elected by
3967 the commission from among the membership of the commission for a
3968 term of two (2) years. The vice chairman and secretary may be
3969 reelected, and the chairman may be reappointed.

3970 (e) The commissioners shall serve without compensation.

3971 (f) Any commissioner shall be disqualified and shall be
3972 removed from office for either of the following reasons:

3973 (i) Conviction of a felony in any state court or
3974 in federal court; or

3975 (ii) Failure to attend three (3) consecutive
3976 meetings without just cause.

3977 If a commissioner is removed for any of the above reasons,
3978 the vacancy shall be filled in the manner prescribed in this
3979 section and shall be made for the unexpired term.

3980 (g) A quorum shall consist of six (6) voting members of
3981 the commission. The commission shall adopt such rules and



3982 regulations as may govern the time and place for holding meetings,
3983 regular and special.

3984 (h) The commission shall, with input from the
3985 municipality, establish a master plan for road and street repair,
3986 reconstruction and resurfacing projects based on traffic patterns,
3987 need and usage, and for water, sewer and drainage projects.
3988 Expenditures of the revenue from the tax authorized to be imposed
3989 pursuant to this section shall be made at the discretion of the
3990 governing authorities of the municipality if the expenditures
3991 comply with the master plan. The commission shall monitor the
3992 compliance of the municipality with the master plan.

3993 (8) The governing authorities of any municipality that
3994 levies the special sales tax authorized under this section are
3995 authorized to incur debt, including bonds, notes or other
3996 evidences of indebtedness, for the purpose of paying the costs of
3997 road and street repair, reconstruction and resurfacing projects
3998 based on traffic patterns, need and usage, and to pay the costs of
3999 water, sewer and drainage projects in accordance with a master
4000 plan adopted by the commission established pursuant to subsection
4001 (7) of this section. Any bonds or notes issued to pay such costs
4002 may be secured by the proceeds of the special sales tax levied
4003 pursuant to this section or may be general obligations of the
4004 municipality and shall satisfy the requirements for the issuance
4005 of debt provided by Sections 21-33-313 through 21-33-323.



4006 (9) This section shall stand repealed from and after July 1,
4007 2035.

4008 **SECTION 48.** Section 27-71-301, Mississippi Code of 1972, is
4009 amended as follows:

4010 27-71-301. When used in this article the words and terms
4011 hereafter mentioned shall have the following definitions:

4012 (a) "State Auditor" means the State Auditor of Public
4013 Accounts of the State of Mississippi or any legally appointed
4014 deputy, clerk or agent.

4015 (b) "Person" includes all natural persons or
4016 corporations, a partnership, an association, a joint venture, an
4017 estate, a trust, or any other group or combination acting as a
4018 unit and shall include the plural as well as the singular unless
4019 an intention to give another meaning thereto is disclosed in the
4020 context.

4021 (c) "Consumer" means a person who comes into the
4022 possession of * * * any light intoxicating beverage for the
4023 purpose of consuming it, giving it away or otherwise disposing of
4024 it in any manner except by sale, barter or exchange.

4025 (d) "Retailer" means any person who comes into the
4026 possession of such light * * * intoxicating beverage for the
4027 purpose of selling it to the consumer, or giving it away, or
4028 exposing it where it may be taken or purchased or acquired in any
4029 other manner by the consumer. The term "retailer" shall include
4030 small craft breweries and microbreweries; however, the term



4031 "retailer" shall not include a person who offers and provides beer
4032 on the premises of a brewery for the purpose of tasting or
4033 sampling as authorized in Section 67-3-47.

4034 (e) "Wholesaler" means any person who comes into
4035 possession of such light * * * intoxicating beverage for the
4036 purpose of selling, distributing, or giving it away to retailers
4037 or other wholesalers or dealers inside or outside of this state.

4038 (f) "Commissioner" means the Commissioner of Revenue of
4039 the Department of Revenue or his duly appointed agents or
4040 employees.

4041 (g) "Sale" includes the exchange of such light * * *
4042 intoxicating beverages for money, or giving away or distributing
4043 any such light * * * intoxicating beverages for anything of value;
4044 however, the term "sale" shall not include beer offered and
4045 provided on the premises of a brewery for the purpose of tasting
4046 or sampling as authorized in Section 67-3-47.

4047 (h) * * * "Beer," "light wine," "light spirit product,"
4048 "hemp beverage," and "light intoxicating beverage" have the
4049 meanings as defined in Section 67-3-3.

4050 (i) "Distributor" includes every person who receives,
4051 either from within or from without this state, from a brewery, a
4052 winery or any other source, light * * * intoxicating beverages for
4053 the purpose of distributing or otherwise disposing of such
4054 light * * * intoxicating beverages to a wholesaler or retailer of
4055 such light * * * intoxicating beverages.



4056 (j) "Brewpub" means the premises of any location in
4057 which any light * * * intoxicating beverage is manufactured or
4058 brewed, for retail sale if the total amount of light * * *
4059 intoxicating beverage produced on the premises does not exceed the
4060 production limitation imposed in Section 67-3-22, and the
4061 light * * * intoxicating beverage is produced for consumption on
4062 the premises, although without prohibition on sales for
4063 off-premises consumption.

4064 (k) "Hospitality cart" means a mobile cart from which
4065 alcoholic beverages and light * * * intoxicating beverages are
4066 sold on a golf course and for which a hospitality cart permit has
4067 been issued under Section 67-1-51.

4068 (l) "Small craft brewery" shall have the meaning
4069 ascribed to such term in Section 67-3-3.

4070 (m) "Manufacturer" means a person who brews beer at a
4071 brewery; however, the term does not include "brewpubs."

4072 (n) "Microbrewery" shall have the meaning ascribed to
4073 such term in Section 67-3-3.

4074 **SECTION 49.** Section 27-71-303, Mississippi Code of 1972, is
4075 amended as follows:

4076 27-71-303. (1) Upon each person approved for a permit to
4077 engage in the business of selling light wines, light spirit
4078 products or beer, there is * * * imposed, levied and assessed, to
4079 be collected and paid as herein provided, annual privilege taxes
4080 in the following amounts:



4081 (a) Retailers--for each place of
4082 business.....\$ * * * 150.00
4083 (b) Wholesalers or distributors--for each * * *
4084 location.....\$ * * * 2,000.00
4085 (c) Manufacturers--for each place of
4086 business.....\$ * * * 2,000.00
4087 (d) Brewpubs--for each place of
4088 business.....\$ * * * 2,000.00
4089 (e) Microbrewery--for each place of
4090 business.....\$ * * * 2,000.00
4091 (f) Small craft brewery--for each
4092 place of business\$ * * * 2,000.00
4093 (2) Upon each person approved to engage in the business of
4094 selling hemp beverages, there is imposed, levied and assessed, to
4095 be collected and paid as herein provided, separate annual
4096 privilege taxes in the same amounts as provided in subsection (1)
4097 of this section for each category of business.
4098 (3) Upon each person operating an airline, bus, boat or
4099 railroad car upon which light * * * intoxicating beverages may be
4100 sold, there is * * * imposed, levied and assessed, to be collected
4101 and paid, annual privilege taxes of Thirty Dollars (\$30.00) for
4102 each airplane, bus, boat or railroad car so operated in this
4103 state.
4104 (4) * * * The amount of the privilege tax to be paid for a
4105 permit issued for a period of less than twelve (12) months shall



4106 be that proportionate amount of the annual privilege tax that the
4107 number of months, or part of a month, remaining until its
4108 expiration date bears to twelve (12) months, but in no case shall
4109 the privilege tax be less than Ten Dollars (\$10.00).

4110 **SECTION 50.** Section 27-71-307, Mississippi Code of 1972, is
4111 amended as follows:

4112 27-71-307. (1) (a) In addition to the specific tax imposed
4113 in Section 27-71-303, there is * * * imposed, levied, assessed and
4114 shall be collected, as hereinafter provided, an excise or
4115 privilege tax upon each person engaged or continuing in the
4116 business of wholesaler or distributor of light * * * intoxicating
4117 beverages equivalent to Forty-two and Sixty-eight One-hundredths
4118 Cents (42.68¢) per gallon upon all light * * * intoxicating
4119 beverages acquired for sale or distribution in this state. The
4120 excise or privilege tax is also imposed at the same rate upon each
4121 gallon of light * * * intoxicating beverages manufactured by
4122 brewpubs, each of which shall accurately and reliably measure the
4123 quantity of light * * * intoxicating beverages produced by using a
4124 measuring device such as a meter or gauge glass or any other
4125 suitable method approved by the commissioner. The excise or
4126 privilege tax is also imposed at the same rate upon each gallon of
4127 light * * * intoxicating beverages provided by a small craft
4128 brewery or microbrewery for sale as authorized under Section
4129 67-3-48 and upon each gallon of light * * * intoxicating beverages
4130 provided for tasting or sampling under Section 67-3-47. The tax



4131 is * * * imposed as an additional tax for the privilege of
4132 engaging or continuing in business.

4133 (b) The excise tax imposed in this section shall be
4134 paid to the department * * * monthly on or before the fifteenth
4135 day of the month following the month in which the * * * light
4136 intoxicating beverage was manufactured or received in this state.
4137 Monthly report forms shall be furnished by the commissioner to the
4138 wholesalers, distributors, brewpubs, microbreweries and small
4139 craft breweries.

4140 (c) * * * Persons operating a railroad dining car, club
4141 car or other car in interstate commerce upon which light * * *
4142 intoxicating beverages may be sold and who are licensed under the
4143 provisions of Section 67-3-27 and any other law relating to the
4144 sale of such beverages shall keep such records of the sales of
4145 such light * * * intoxicating beverages in this state as the
4146 commissioner shall prescribe and shall submit monthly reports of
4147 such sales to the commissioner within fifteen (15) days after the
4148 end of each month on a form prescribed therefor by the
4149 commissioner, and shall pay the tax due under the provisions of
4150 this section at the time such reports are filed.

4151 No official crowns, lids, labels or stamps with the word
4152 "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of
4153 tax payment is required by this section, or may be required under
4154 rule or regulation promulgated by the commissioner, to be affixed
4155 on or to any part of a * * * light intoxicating beverage or malt



4156 cooler bottle, can or other light * * * intoxicating beverage or
4157 malt cooler container. For purposes of this section, malt cooler
4158 products shall be defined as a flavored malt beverage made from a
4159 base of malt beverage and flavored with fruit juices, aromatics
4160 and essences of other flavoring in quantities and proportions such
4161 that the resulting product possesses a character and flavor
4162 distinctive from the base malt beverage and distinguishable from
4163 other malt beverages.

4164 (2) A licensed wholesaler or distributor of * * * light
4165 intoxicating beverages may not import * * * light intoxicating
4166 beverages from any source other than a brewer or importer
4167 authorized by the commissioner to sell such * * * light
4168 intoxicating beverages in Mississippi. Any person who violates
4169 the provisions of this subsection, upon conviction thereof, shall
4170 be punished by a fine of not more than One Thousand Dollars
4171 (\$1,000.00) or by imprisonment in the county jail for not more
4172 than six (6) months, or by both such fine and imprisonment, in the
4173 discretion of the court and shall be subject to license forfeiture
4174 following an appropriate hearing before the Department of Revenue.

4175 (3) The wholesaler, distributor, microbrewery or small craft
4176 brewery shall be allowed credit for tax paid on * * * any light
4177 intoxicating beverage which is no longer marketable and which is
4178 destroyed by same when such destruction is witnessed by an agent
4179 of the commissioner and when the amount of the excise tax exceeds
4180 One Hundred Dollars (\$100.00). No other loss will be allowed.



4181 A brewpub shall be allowed credit for any light * * *
4182 intoxicating beverage which has passed through the meter, gauge
4183 glass or other approved measuring device and which has been soured
4184 or damaged. The brewpub shall record the removal of sour or
4185 damaged light * * * intoxicating beverages and may take credit
4186 after the destruction is witnessed by an agent of the commissioner
4187 and when the amount of excise tax exceeds Twenty-five Dollars
4188 (\$25.00). No other loss shall be allowed.

4189 (4) All manufacturers, brewers and importers of * * *
4190 intoxicating beverages shall file monthly reports as prescribed by
4191 the commissioner listing sales to each wholesaler or distributor
4192 by date, invoice number, quantity and container size, and any
4193 other information deemed necessary.

4194 (5) All small craft breweries and microbreweries shall file
4195 monthly reports as prescribed by the commissioner regarding the
4196 sale of light * * * intoxicating beverages authorized under
4197 Section 67-3-48.

4198 (6) Manufacturers who offer and provide limited amounts of
4199 beer for tasting or sampling under Section 67-3-47 shall file
4200 monthly reports as prescribed by the commissioner regarding the
4201 beer provided for such tasting or sampling.

4202 (7) All administrative provisions of the Mississippi Sales
4203 Tax Law, including those which fix damages, penalties and interest
4204 for nonpayment of taxes and for noncompliance with the provisions
4205 of such chapter, and all other requirements and duties imposed



4206 upon taxpayers, shall apply to all persons liable for taxes under
4207 the provisions of this chapter, and the commissioner shall
4208 exercise all the power and authority and perform all the duties
4209 with respect to taxpayers under this chapter as are provided in
4210 the sales tax law except where there is conflict, then the
4211 provisions of this chapter shall control.

4212 **SECTION 51.** Section 27-71-311, Mississippi Code of 1972, is
4213 amended as follows:

4214 27-71-311. Before any person shall engage in the business of
4215 manufacturing light * * * intoxicating beverages, in the business
4216 of wholesaler or distributor of light * * * intoxicating
4217 beverages, or in the business of a brewpub, he shall be required
4218 to enter into a good and sufficient bond. The bond shall be made
4219 payable to the State of Mississippi, in a sum of not less than
4220 Five Thousand Dollars (\$5,000.00) nor more than Two Hundred
4221 Thousand Dollars (\$200,000.00), the amount to be determined by the
4222 department * * *. The bond of a wholesaler, distributor or
4223 brewpub shall not exceed the amount of excise tax estimated to be
4224 owed by such wholesaler, distributor or brewpub for any sixty-day
4225 period. If a manufacturer is operating a small craft brewery and
4226 is distributing light * * * intoxicating beverages for sale as
4227 authorized under Section 67-3-48, the manufacturer, in addition to
4228 any other required bond, shall enter into a bond not to exceed the
4229 amount of excise tax estimated to be owed by such manufacturer for
4230 any sixty-day period. The bond shall be conditioned that he will



4231 conduct his business strictly in accordance with the laws of the
4232 State of Mississippi, and that he will comply with the rules and
4233 regulations prescribed by the commissioner, and pay the taxes
4234 imposed under the provisions of this article for the privilege of
4235 engaging or continuing in such business. Such bond shall be made
4236 in a surety company authorized to do business in the State of
4237 Mississippi, and shall be approved by the commissioner. The
4238 commissioner shall be authorized to institute suit in the proper
4239 court on said bond for any violation of the conditions of said
4240 bond.

4241 **SECTION 52.** Section 27-71-315, Mississippi Code of 1972, is
4242 amended as follows:

4243 27-71-315. Except as otherwise provided in Section 67-9-1
4244 for the transportation of limited amounts of alcoholic beverages
4245 for the use of an alcohol processing permittee, it shall be
4246 unlawful for any person to transport from any point outside of
4247 this state to any point within this state, any light * * *
4248 intoxicating beverage except for delivery to a licensed wholesaler
4249 or distributor in this state; and except by common carrier. The
4250 commissioner may, however, upon application of a licensed
4251 wholesaler or distributor in this state, and under rules and
4252 regulations duly promulgated by him, issue a permit for the
4253 transportation by a licensed wholesaler or distributor of
4254 light * * * intoxicating beverages in trucks owned by such
4255 licensee, from without the state to the place of business of such



4256 licensee within the state, for distribution by said licensee.
4257 Such permit shall be granted for a specified period, not to exceed
4258 one (1) year.

4259 Any person engaged in transporting any light * * *
4260 intoxicating beverage from any point outside of this state to any
4261 point within this state, shall have in his possession during the
4262 entire time he is engaged in transporting such light * * *
4263 intoxicating beverage, an invoice, bill of sale, or bill of
4264 lading, showing the true name and address of the consignor, and
4265 also the true name and address of the licensed wholesaler or
4266 distributor to whom such light * * * intoxicating beverage is to
4267 be delivered, and the quantity of such light * * * intoxicating
4268 beverage, unless such common carrier maintains a permanent office
4269 within this state where complete records of all light * * *
4270 intoxicating beverages transported from without this state to
4271 points within this state are kept, and open to inspection by the
4272 commissioner or his duly authorized agent, at all reasonable
4273 times.

4274 It is * * * made the duty of all common carriers, and
4275 licensed wholesalers and distributors, transporting light * * *
4276 intoxicating beverages from without the State of Mississippi into
4277 the State of Mississippi, to furnish the commissioner on or before
4278 the fifteenth day of each month, a report showing the amount of
4279 beer transported within the state during the preceding month, the



4280 consignor, the consignee, and the quantity of light * * *
4281 intoxicating beverages so transported.

4282 **SECTION 53.** Section 27-71-317, Mississippi Code of 1972, is
4283 amended as follows:

4284 27-71-317. It shall be unlawful for any person to transport
4285 from any point within this state to another point within this
4286 state, any light * * * intoxicating beverage on which the tax
4287 imposed in Section 27-71-307 of this article has not been paid,
4288 except for immediate delivery to a licensed wholesaler or
4289 distributor in this state. And any person engaged in transporting
4290 any light * * * intoxicating beverage on which the tax imposed in
4291 Section 27-71-307 of this article has not been paid, from any
4292 point within this state to another point within this state shall
4293 have in his possession during the entire time he is engaged in
4294 transporting such light * * * intoxicating beverage an invoice,
4295 bill of sale, or bill of lading showing the true name and address
4296 of the consignor, and also the true name and address of the
4297 licensed wholesaler or distributor to whom such light * * *
4298 intoxicating beverage is to be delivered and the quantity of such
4299 light * * * intoxicating beverage.

4300 **SECTION 54.** Section 27-71-325, Mississippi Code of 1972, is
4301 amended as follows:

4302 27-71-325. It shall be the duty of every wholesaler or
4303 distributor of light * * * intoxicating beverages licensed under
4304 the provisions of Section 67-3-27 * * * to file with the



4305 commissioner, on or before the fifteenth day of each month, a
4306 report covering all sales of such light * * * intoxicating
4307 beverages during the preceding month. Such report shall show the
4308 names and post-office addresses of all persons to whom such
4309 light * * * intoxicating beverages have been sold or delivered and
4310 the quantities and invoice prices of the light * * * intoxicating
4311 beverages thus sold or delivered.

4312 It shall be the duty of each retail dealer in such
4313 light * * * intoxicating beverages to procure from the distributor
4314 or wholesaler from whom such light * * * intoxicating beverages
4315 were purchased or acquired, invoices showing the quantity of the
4316 light * * * intoxicating beverages purchased or acquired, and the
4317 date of each delivery thereof. Such invoices shall be preserved
4318 by the retailer and shall be open for inspection by the
4319 commissioner or his duly authorized agent for a period of two (2)
4320 years. It shall likewise be the duty of such retail dealer to
4321 file with the commissioner, on or before the fifteenth day of each
4322 calendar month, a report showing all purchases of such light * * *
4323 intoxicating beverages made by him during the preceding month.
4324 Such report shall disclose the names and addresses of all persons
4325 from whom such light * * * intoxicating beverages have been
4326 purchased or received by him during the preceding month and the
4327 quantities thus purchased or received.

4328 **SECTION 55.** Section 27-71-327, Mississippi Code of 1972, is
4329 amended as follows:



4330 27-71-327. Any person engaged in the business of
4331 manufacturer, distributor, wholesaler or retailer of light * * *
4332 intoxicating beverages and any brewpub shall keep such additional
4333 records and make such additional reports with respect to the
4334 manufacture, receipt, distribution and sale of such light * * *
4335 intoxicating beverages as the commissioner may require. It shall
4336 be the duty of the commissioner to prescribe and promulgate
4337 uniform rules and regulations for keeping such records and making
4338 such reports.

4339 **SECTION 56.** Section 27-71-333, Mississippi Code of 1972, is
4340 amended as follows:

4341 27-71-333. Whenever it shall be determined by the
4342 commissioner that any wholesaler or distributor having in his
4343 possession, or engaging in the sale or distribution of light * * *
4344 intoxicating beverages, has failed to pay the tax, as provided
4345 herein, the commissioner shall compute the correct amount of tax
4346 due and unpaid and shall notify the taxpayer of the amount as
4347 being actually due and unpaid, and penalties, and interest and
4348 shall state in what manner this article is violated. The taxpayer
4349 so notified shall be given a period of ten (10) days in which to
4350 make objection and show cause why the additional tax, and
4351 penalties, and interest, should not be paid. On petition of the
4352 taxpayer, a hearing before the commissioner shall be granted, a
4353 final decision thereon shall be rendered, and the taxpayer
4354 notified as early as practicable. Any tax or deficiency in tax



4355 shall be assessed and paid, together with penalties and interest,
4356 if any, applicable thereto, within ten (10) days after notice and
4357 demand by the commissioner.

4358 If no objection be made to the finding of the commissioner,
4359 and no hearing be had before the commissioner within the time
4360 herein specified, the findings of the commissioner shall be final.
4361 If a hearing be had, and the amount of tax due and unpaid be
4362 determined, notice of the amount of such tax, penalties and
4363 interest shall be mailed to the taxpayer, and, if not paid within
4364 ten (10) days thereafter, the commissioner shall forthwith issue a
4365 warrant under official seal directed to the sheriff of any county
4366 of the state commanding him to levy upon and sell the real and
4367 personal property of the person owing the tax, found within his
4368 county, for the payment of the amount thereof, with added damages,
4369 interest and cost of executing the warrant, and to return such
4370 warrant to the commissioner and pay to him money collected by
4371 virtue thereof by a time to be therein specified not more than
4372 sixty (60) days from the date of the warrant. The sheriff shall,
4373 within five (5) days after the receipt of the warrant, file with
4374 the circuit clerk of his county a copy thereof, and thereupon the
4375 circuit clerk shall enter in the judgment roll, in the column for
4376 judgment debtors, the name of the taxpayer mentioned in the
4377 warrant, and in appropriate columns, the amount of the tax, or
4378 portion thereof and damages for which the warrant is issued, and
4379 the date when such copy is filed; and thereupon the amount of such



warrant or warrants so docketed shall become a lien upon the title to and interest in the real and personal property, including choses in action, of the person against whom it is issued in the same manner as a judgment duly enrolled in the office of such clerk. The sheriff thereupon shall proceed upon the same in all respects, with like effect, and in the same manner prescribed by law in respect to executions issued against property upon judgment or attachment proceedings of a court of record; and he shall be entitled to the same fee for his service in executing the warrant as now allowed by law for like service, to be collected in the same manner as provided by law for like service.

SECTION 57. Section 27-71-335, Mississippi Code of 1972, is amended as follows:

27-71-335. Any light * * * intoxicating beverage found at any point within this state which has been in the possession of any wholesaler or distributor for a period of more than forty-eight (48) hours and any light * * * intoxicating beverage transported into this state from a point outside this state, or from point-to-point within this state in violation of the provisions of this article, or any light * * * intoxicating beverage held or possessed by any person within this state on which the legal and proper tax has not been paid when due, whether such person be a wholesaler, retailer or distributor, or individual, and whether the light * * * intoxicating beverages be for sale or storage or individual use, except light * * *



4405 intoxicating beverages in possession of a licensed wholesaler or
4406 distributor for a period of time less than forty-eight (48) hours
4407 after receipt of the light * * * intoxicating beverages within
4408 this state, and light * * * intoxicating beverages held in storage
4409 by licensed manufacturers or producers, are * * * declared to be
4410 contraband goods, and there is * * * imposed and assessed, as tax
4411 and penalty, to be collected by the commissioner, an amount equal
4412 to the amount of the excise tax otherwise imposed under the
4413 Mississippi Wine and Beer Tax Law, plus a penalty of one hundred
4414 percent (100%) of the amount of the tax; or, at the option of the
4415 commissioner, the light * * * intoxicating beverages may be seized
4416 by the commissioner or his agents or any sheriff, or other lawful
4417 officer, and shall be dealt with in the same manner as provided
4418 for in Section 67-1-18 for alcoholic beverages.

4419 **SECTION 58.** Section 27-71-345, Mississippi Code of 1972, is
4420 amended as follows:

4421 27-71-345. Any municipality, in which any business licensed
4422 under * * * Section 67-3-27 * * * may be carried on, shall have
4423 the right to impose upon persons engaged in such business an
4424 annual privilege tax of not more than fifty percent (50%) of the
4425 tax imposed by Section 27-71-303 of this article, and any county,
4426 in which any business licensed under * * * Section 67-3-27 * * *
4427 may be carried on outside of the territory taxed by
4428 municipalities, shall have the right to impose upon persons
4429 engaged in such business an annual privilege tax of not more than



4430 fifty percent (50%) of the tax imposed by Section 27-71-303 of
4431 this article; provided, however, that no person engaged in the
4432 business of manufacturer, brewpub, wholesaler or distributor of
4433 light * * * intoxicating beverages shall be taxed by any
4434 municipality other than that in which the warehouse or plant of
4435 such wholesaler or distributor, or the premises of such brewpub,
4436 is located, nor shall any county impose any such tax upon such
4437 manufacturer, brewpub, wholesaler or distributor of light * * *
4438 intoxicating beverages if the place of business is located within
4439 the jurisdiction of any municipality.

4440 **SECTION 59.** Section 27-71-349, Mississippi Code of 1972, is
4441 amended as follows:

4442 27-71-349. (1) Every manufacturer or importer of
4443 light * * * intoxicating beverages shall designate sales
4444 territories for each of its brands sold in Mississippi and shall
4445 name one (1) licensed light * * * intoxicating beverage wholesaler
4446 in each territory who, within such territory, shall be the
4447 licensed wholesaler for the brand or brands assigned by the
4448 manufacturer or importer. If the manufacturer or importer
4449 supplies more than one (1) brand, sales territories may be granted
4450 to a different wholesaler for the sale of each brand. No licensed
4451 wholesaler shall distribute the specified brand or brands of
4452 light * * * intoxicating beverages outside his assigned territory,
4453 nor shall he knowingly sell to a retailer whose licensed retail
4454 establishment is located outside his assigned territory.



4455 (2) A licensed wholesaler designated as the licensed
4456 wholesaler for light * * * intoxicating beverages within a
4457 designated sales territory shall present that light * * *
4458 intoxicating beverage for sale to all licensed retailers within
4459 the designated sales territory without discrimination in service.
4460 A licensed wholesaler shall not sell, supply or deliver, either
4461 directly or indirectly through a third party, any light * * *
4462 intoxicating beverage to a licensed retailer outside of the
4463 designated sales territory of the designated wholesaler, nor to
4464 any person the licensed wholesaler has reason to believe will sell
4465 or supply any quantity of the light * * * intoxicating beverage to
4466 any retail location outside of the designated sales territory of
4467 the licensed wholesaler.

4468 (3) All light * * * intoxicating beverages shall be
4469 transported only by a marked conveyance owned or leased by the
4470 licensed wholesaler and operated by the licensed wholesaler or an
4471 employee of the wholesaler for the products of a manufacturer or
4472 importer within the designated sales territory to the address and
4473 location of a licensed retail dealer within that designated sales
4474 territory.

4475 (4) Any light * * * intoxicating beverage sold by the
4476 licensed wholesaler shall not be delivered to, received by or
4477 stored at any place other than the address and location of the
4478 licensed retailer for which the required licenses and permits have
4479 been issued.



4480 (5) With the approval of the designated manufacturer, a
4481 licensed wholesaler may sell the designated brands to a licensed
4482 retailer located in a designated sales territory of another
4483 licensed wholesaler if the former licensed wholesaler is unable
4484 temporarily for any reason to provide the designated brands of the
4485 designated manufacturer within its designated sales territory.

4486 (6) All light * * * intoxicating beverages purchased by a
4487 licensed wholesaler for resale in this state shall come into the
4488 physical possession of the licensed wholesaler and be unloaded in
4489 and distributed from the warehouse of the licensed wholesaler
4490 located in this state before being resold in this state.

4491 (7) As used in this section, the term "sales territory"
4492 shall have the meaning ascribed to such term in Section 67-7-5.

4493 **SECTION 60.** Section 27-71-509, Mississippi Code of 1972, is
4494 amended as follows:

4495 27-71-509. It shall be unlawful for any brewer,
4496 manufacturer, wholesaler, distributor or retailer of light * * *
4497 intoxicating beverages to whom a permit has been issued
4498 under * * * Sections 67-3-15 and 67-3-23 * * * to write or print
4499 on any label or container of either of the above-named commodities
4500 any matter relating to the alcoholic or THC content of such
4501 beverage or beverages, except a statement * * * to the effect that
4502 the contents of the vessel or container in which light wine shall
4503 be sold does not contain alcohol in excess of five percent (5%) of
4504 the contents thereof, by weight, that the contents of the vessel



4505 or container in which light spirit product shall be sold does not
4506 contain alcohol in excess of six percent (6%) of the contents
4507 thereof, by weight, * * * that the contents of the vessel or
4508 container in which beer shall be sold does not contain alcohol in
4509 excess of eight percent (8%) of the contents thereof, by weight,
4510 and that the contents of the vessel or container in which hemp
4511 beverage shall be sold does not contain THC in excess of
4512 three-tenths percent (0.3%) of the contents thereof. It shall be
4513 unlawful for any such brewer, manufacturer, wholesaler,
4514 distributor or retailer to sell any such commodity with any
4515 statement in conflict with the provisions of this section, with
4516 reference to the alcoholic content of such beverage or beverages,
4517 except that a statement of alcoholic content may be expressed on
4518 any light wine, light spirit product or beer label in terms of
4519 volume or weight, at the manufacturer's option; and such
4520 statement, if by volume, shall be subject to the same permitted
4521 tolerance allowed for wine containing fourteen percent (14%)
4522 alcohol by volume or less by Section 4.36(b)(1) of the Federal
4523 Labeling Requirements for Wine, 27 CFR Part 4, subpart D, and
4524 Section 7.71(c) 27 CFR Part 7, subpart G, and, if by weight, shall
4525 be subject to an equivalent permitted tolerance, determined in
4526 terms of alcohol by weight.

4527 The terms "light intoxicating beverage," "light wine," "light
4528 spirit product," "beer," and "hemp beverage" have the meanings as
4529 defined in Section 67-3-3.



4530 **SECTION 61.** Section 45-9-101, Mississippi Code of 1972, is
4531 amended as follows:

4532 45-9-101. (1) (a) Except as otherwise provided, the
4533 Department of Public Safety is authorized to issue licenses to
4534 carry stun guns, concealed pistols or revolvers to persons
4535 qualified as provided in this section. Such licenses shall be
4536 valid throughout the state for a period of five (5) years from the
4537 date of issuance, except as provided in subsection (25) of this
4538 section. Any person possessing a valid license issued pursuant to
4539 this section may carry a stun gun, concealed pistol or concealed
4540 revolver.

4541 (b) The licensee must carry the license, together with
4542 valid identification, at all times in which the licensee is
4543 carrying a stun gun, concealed pistol or revolver and must display
4544 both the license and proper identification upon demand by a law
4545 enforcement officer. A violation of the provisions of this
4546 paragraph (b) shall constitute a noncriminal violation with a
4547 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
4548 by summons.

4549 (2) The Department of Public Safety shall issue a license if
4550 the applicant:

4551 (a) Is a resident of the state. However, this
4552 residency requirement may be waived if the applicant possesses a
4553 valid permit from another state, is a member of any active or
4554 reserve component branch of the United States of America Armed



4555 Forces stationed in Mississippi, is the spouse of a member of any
4556 active or reserve component branch of the United States of America
4557 Armed Forces stationed in Mississippi, or is a retired law
4558 enforcement officer establishing residency in the state;

4559 (b) (i) Is twenty-one (21) years of age or older; or

4560 (ii) Is at least eighteen (18) years of age but
4561 not yet twenty-one (21) years of age and the applicant:

4562 1. Is a member or veteran of the United
4563 States Armed Forces, including National Guard or Reserve; and

4564 2. Holds a valid Mississippi driver's license
4565 or identification card issued by the Department of Public Safety
4566 or a valid and current tribal identification card issued by a
4567 federally recognized Indian tribe containing a photograph of the
4568 holder;

4569 (c) Does not suffer from a physical infirmity which
4570 prevents the safe handling of a stun gun, pistol or revolver;

4571 (d) Is not ineligible to possess a firearm by virtue of
4572 having been convicted of a felony in a court of this state, of any
4573 other state, or of the United States without having been pardoned
4574 or without having been expunged for same;

4575 (e) Does not chronically or habitually abuse controlled
4576 substances to the extent that his normal faculties are impaired.
4577 It shall be presumed that an applicant chronically and habitually
4578 uses controlled substances to the extent that his faculties are
4579 impaired if the applicant has been voluntarily or involuntarily



4580 committed to a treatment facility for the abuse of a controlled
4581 substance or been found guilty of a crime under the provisions of
4582 the Uniform Controlled Substances Law or similar laws of any other
4583 state or the United States relating to controlled substances
4584 within a three-year period immediately preceding the date on which
4585 the application is submitted;

4586 (f) Does not chronically and habitually use alcoholic
4587 beverages to the extent that his normal faculties are impaired.
4588 It shall be presumed that an applicant chronically and habitually
4589 uses alcoholic beverages to the extent that his normal faculties
4590 are impaired if the applicant has been voluntarily or
4591 involuntarily committed as an alcoholic to a treatment facility or
4592 has been convicted of two (2) or more offenses related to the use
4593 of alcohol under the laws of this state or similar laws of any
4594 other state or the United States within the three-year period
4595 immediately preceding the date on which the application is
4596 submitted;

4597 (g) Desires a legal means to carry a stun gun,
4598 concealed pistol or revolver to defend himself;

4599 (h) Has not been adjudicated mentally incompetent, or
4600 has waited five (5) years from the date of his restoration to
4601 capacity by court order;

4602 (i) Has not been voluntarily or involuntarily committed
4603 to a mental institution or mental health treatment facility unless
4604 he possesses a certificate from a psychiatrist licensed in this



4605 state that he has not suffered from disability for a period of
4606 five (5) years;

4607 (j) Has not had adjudication of guilt withheld or
4608 imposition of sentence suspended on any felony unless three (3)
4609 years have elapsed since probation or any other conditions set by
4610 the court have been fulfilled;

4611 (k) Is not a fugitive from justice; and

4612 (l) Is not disqualified to possess a weapon based on
4613 federal law.

4614 (3) The Department of Public Safety may deny a license if
4615 the applicant has been found guilty of one or more crimes of
4616 violence constituting a misdemeanor unless three (3) years have
4617 elapsed since probation or any other conditions set by the court
4618 have been fulfilled or expunction has occurred prior to the date
4619 on which the application is submitted, or may revoke a license if
4620 the licensee has been found guilty of one or more crimes of
4621 violence within the preceding three (3) years. The department
4622 shall, upon notification by a law enforcement agency or a court
4623 and subsequent written verification, suspend a license or the
4624 processing of an application for a license if the licensee or
4625 applicant is arrested or formally charged with a crime which would
4626 disqualify such person from having a license under this section,
4627 until final disposition of the case. The provisions of subsection
4628 (7) of this section shall apply to any suspension or revocation of
4629 a license pursuant to the provisions of this section.



4630 (4) The application shall be completed, under oath, on a
4631 form promulgated by the Department of Public Safety and shall
4632 include only:

4633 (a) The name, address, place and date of birth, race,
4634 sex and occupation of the applicant;

4635 (b) The driver's license number or social security
4636 number of applicant;

4637 (c) Any previous address of the applicant for the two
4638 (2) years preceding the date of the application;

4639 (d) A statement that the applicant is in compliance
4640 with criteria contained within subsections (2) and (3) of this
4641 section;

4642 (e) A statement that the applicant has been furnished a
4643 copy of this section and is knowledgeable of its provisions;

4644 (f) A conspicuous warning that the application is
4645 executed under oath and that a knowingly false answer to any
4646 question, or the knowing submission of any false document by the
4647 applicant, subjects the applicant to criminal prosecution; and

4648 (g) A statement that the applicant desires a legal
4649 means to carry a stun gun, concealed pistol or revolver to defend
4650 himself.

4651 (5) The applicant shall submit only the following to the
4652 Department of Public Safety:

4653 (a) A completed application as described in subsection
4654 (4) of this section;



4655 (b) A full-face photograph of the applicant taken
4656 within the preceding thirty (30) days in which the head, including
4657 hair, in a size as determined by the Department of Public Safety,
4658 except that an applicant who is younger than twenty-one (21) years
4659 of age must submit a photograph in profile of the applicant;

4660 (c) A nonrefundable license fee of Eighty Dollars
4661 (\$80.00). Costs for processing the set of fingerprints as
4662 required in paragraph (d) of this subsection shall be borne by the
4663 applicant. Honorably retired law enforcement officers, disabled
4664 veterans and active duty members of the Armed Forces of the United
4665 States, and law enforcement officers employed with a law
4666 enforcement agency of a municipality, county or state at the time
4667 of application for the license, shall be exempt from the payment
4668 of the license fee;

4669 (d) A full set of fingerprints of the applicant
4670 administered by the Department of Public Safety; and

4671 (e) A waiver authorizing the Department of Public
4672 Safety access to any records concerning commitments of the
4673 applicant to any of the treatment facilities or institutions
4674 referred to in subsection (2) of this section and permitting
4675 access to all the applicant's criminal records.

4676 (6) (a) The Department of Public Safety, upon receipt of
4677 the items listed in subsection (5) of this section, shall forward
4678 the full set of fingerprints of the applicant to the appropriate
4679 agencies for state and federal processing.



4680 (b) The Department of Public Safety shall forward a
4681 copy of the applicant's application to the sheriff of the
4682 applicant's county of residence and, if applicable, the police
4683 chief of the applicant's municipality of residence. The sheriff
4684 of the applicant's county of residence, and, if applicable, the
4685 police chief of the applicant's municipality of residence may, at
4686 his discretion, participate in the process by submitting a
4687 voluntary report to the Department of Public Safety containing any
4688 readily discoverable prior information that he feels may be
4689 pertinent to the licensing of any applicant. The reporting shall
4690 be made within thirty (30) days after the date he receives the
4691 copy of the application. Upon receipt of a response from a
4692 sheriff or police chief, such sheriff or police chief shall be
4693 reimbursed at a rate set by the department.

4694 (c) The Department of Public Safety shall, within
4695 forty-five (45) days after the date of receipt of the items listed
4696 in subsection (5) of this section:

4697 (i) Issue the license;

4698 (ii) Deny the application based solely on the
4699 ground that the applicant fails to qualify under the criteria
4700 listed in subsections (2) and (3) of this section. If the
4701 Department of Public Safety denies the application, it shall
4702 notify the applicant in writing, stating the ground for denial,
4703 and the denial shall be subject to the appeal process set forth in
4704 subsection (7); or



4705 (iii) Notify the applicant that the department is
4706 unable to make a determination regarding the issuance or denial of
4707 a license within the forty-five-day period prescribed by this
4708 subsection, and provide an estimate of the amount of time the
4709 department will need to make the determination.

4710 (d) In the event a legible set of fingerprints, as
4711 determined by the Department of Public Safety and the Federal
4712 Bureau of Investigation, cannot be obtained after a minimum of two
4713 (2) attempts, the Department of Public Safety shall determine
4714 eligibility based upon a name check by the Mississippi Highway
4715 Safety Patrol and a Federal Bureau of Investigation name check
4716 conducted by the Mississippi Highway Safety Patrol at the request
4717 of the Department of Public Safety.

4718 (7) (a) If the Department of Public Safety denies the
4719 issuance of a license, or suspends or revokes a license, the party
4720 aggrieved may appeal such denial, suspension or revocation to the
4721 Commissioner of Public Safety, or his authorized agent, within
4722 thirty (30) days after the aggrieved party receives written notice
4723 of such denial, suspension or revocation. The Commissioner of
4724 Public Safety, or his duly authorized agent, shall rule upon such
4725 appeal within thirty (30) days after the appeal is filed and
4726 failure to rule within this thirty-day period shall constitute
4727 sustaining such denial, suspension or revocation. Such review
4728 shall be conducted pursuant to such reasonable rules and
4729 regulations as the Commissioner of Public Safety may adopt.



4730 (b) If the revocation, suspension or denial of issuance
4731 is sustained by the Commissioner of Public Safety, or his duly
4732 authorized agent pursuant to paragraph (a) of this subsection, the
4733 aggrieved party may file within ten (10) days after the rendition
4734 of such decision a petition in the circuit or county court of his
4735 residence for review of such decision. A hearing for review shall
4736 be held and shall proceed before the court without a jury upon the
4737 record made at the hearing before the Commissioner of Public
4738 Safety or his duly authorized agent. No such party shall be
4739 allowed to carry a stun gun, concealed pistol or revolver pursuant
4740 to the provisions of this section while any such appeal is
4741 pending.

4742 (8) The Department of Public Safety shall maintain an
4743 automated listing of license holders and such information shall be
4744 available online, upon request, at all times, to all law
4745 enforcement agencies through the Mississippi Crime Information
4746 Center. However, the records of the department relating to
4747 applications for licenses to carry stun guns, concealed pistols or
4748 revolvers and records relating to license holders shall be exempt
4749 from the provisions of the Mississippi Public Records Act of 1983,
4750 and shall be released only upon order of a court having proper
4751 jurisdiction over a petition for release of the record or records.

4752 (9) Within thirty (30) days after the changing of a
4753 permanent address, or within thirty (30) days after having a
4754 license lost or destroyed, the licensee shall notify the



4755 Department of Public Safety in writing of such change or loss.
4756 Failure to notify the Department of Public Safety pursuant to the
4757 provisions of this subsection shall constitute a noncriminal
4758 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
4759 be enforceable by a summons.

4760 (10) In the event that a stun gun, concealed pistol or
4761 revolver license is lost or destroyed, the person to whom the
4762 license was issued shall comply with the provisions of subsection
4763 (9) of this section and may obtain a duplicate, or substitute
4764 thereof, upon payment of Fifteen Dollars (\$15.00) to the
4765 Department of Public Safety, and furnishing a notarized statement
4766 to the department that such license has been lost or destroyed.

4767 (11) A license issued under this section shall be revoked if
4768 the licensee becomes ineligible under the criteria set forth in
4769 subsection (2) of this section.

4770 (12) (a) Except as provided in subsection (25) of this
4771 section, no less than ninety (90) days prior to the expiration
4772 date of the license, the Department of Public Safety shall send to
4773 each licensee a written notice of the expiration and a renewal
4774 form prescribed by the department. The licensee must renew his
4775 license on or before the expiration date by filing with the
4776 department the renewal form, a notarized affidavit stating that
4777 the licensee remains qualified pursuant to the criteria specified
4778 in subsections (2) and (3) of this section if necessary, and a
4779 full set of fingerprints administered by the Department of Public



4780 Safety or the sheriff of the county of residence of the licensee.
4781 The first renewal may be processed by mail "or other means as
4782 determined by the Department" and the subsequent renewal must be
4783 made in person. Thereafter every other renewal may be processed
4784 by mail to assure that the applicant must appear in person every
4785 ten (10) years for the purpose of obtaining a new photograph.

4786 (i) Except as provided in this subsection, a
4787 renewal fee of Forty Dollars (\$40.00) shall also be submitted
4788 along with costs for processing the fingerprints;

4789 (ii) Honorably retired law enforcement officers,
4790 disabled veterans, active duty members of the Armed Forces of the
4791 United States and law enforcement officers employed with a law
4792 enforcement agency of a municipality, county or state at the time
4793 of renewal, shall be exempt from the renewal fee; and

4794 (iii) The renewal fee for a Mississippi resident
4795 aged sixty-five (65) years of age or older shall be Twenty Dollars
4796 (\$20.00).

4797 (b) The Department of Public Safety shall forward the
4798 full set of fingerprints of the applicant to the appropriate
4799 agencies for state and federal processing. The license shall be
4800 renewed upon receipt of the completed renewal application and
4801 appropriate payment of fees.

4802 (c) A licensee who fails to file a renewal application
4803 on or before its expiration date must renew his license by paying
4804 a late fee of Fifteen Dollars (\$15.00). No license shall be



4805 renewed six (6) months or more after its expiration date, and such
4806 license shall be deemed to be permanently expired. A person whose
4807 license has been permanently expired may reapply for licensure;
4808 however, an application for licensure and fees pursuant to
4809 subsection (5) of this section must be submitted, and a background
4810 investigation shall be conducted pursuant to the provisions of
4811 this section.

4812 (13) No license issued pursuant to this section shall
4813 authorize any person, except a law enforcement officer as defined
4814 in Section 45-6-3 with a distinct license authorized by the
4815 Department of Public Safety, to carry a stun gun, concealed pistol
4816 or revolver into any place of nuisance as defined in Section
4817 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
4818 patrol station; any detention facility, prison or jail; any
4819 courthouse; any courtroom, except that nothing in this section
4820 shall preclude a judge from carrying a concealed weapon or
4821 determining who will carry a concealed weapon in his courtroom;
4822 any polling place; any meeting place of the governing body of any
4823 governmental entity; any meeting of the Legislature or a committee
4824 thereof; any school, college or professional athletic event not
4825 related to firearms; any portion of an establishment, licensed to
4826 dispense alcoholic beverages for consumption on the premises, that
4827 is primarily devoted to dispensing alcoholic beverages; any
4828 portion of an establishment in which * * * light intoxicating
4829 beverages, as defined in Section 67-3-3, are consumed on the



4830 premises, that is primarily devoted to such purpose; any
4831 elementary or secondary school facility; any junior college,
4832 community college, college or university facility unless for the
4833 purpose of participating in any authorized firearms-related
4834 activity; inside the passenger terminal of any airport, except
4835 that no person shall be prohibited from carrying any legal firearm
4836 into the terminal if the firearm is encased for shipment, for
4837 purposes of checking such firearm as baggage to be lawfully
4838 transported on any aircraft; any church or other place of worship,
4839 except as provided in Section 45-9-171; or any place where the
4840 carrying of firearms is prohibited by federal law. In addition to
4841 the places enumerated in this subsection, the carrying of a stun
4842 gun, concealed pistol or revolver may be disallowed in any place
4843 in the discretion of the person or entity exercising control over
4844 the physical location of such place by the placing of a written
4845 notice clearly readable at a distance of not less than ten (10)
4846 feet that the "carrying of a pistol or revolver is prohibited."
4847 No license issued pursuant to this section shall authorize the
4848 participants in a parade or demonstration for which a permit is
4849 required to carry a stun gun, concealed pistol or revolver.

4850 (14) A law enforcement officer as defined in Section 45-6-3,
4851 chiefs of police, sheriffs and persons licensed as professional
4852 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
4853 1972, shall be exempt from the licensing requirements of this
4854 section.



4855 (a) The Commissioner of Public Safety shall promulgate
4856 rules and regulations to provide licenses to law enforcement
4857 officers as defined in Section 45-6-3 who choose to obtain a
4858 license under the provisions of this section, which shall include
4859 a distinction that the officer is an "active duty" law enforcement
4860 officer and an endorsement that such officer is authorized to
4861 carry in the locations listed in subsection (13). A law
4862 enforcement officer shall provide the following information to
4863 receive the license described in this subsection: (i) a letter,
4864 with the official letterhead of the agency or department for which
4865 the officer is employed at the time of application and (ii) a
4866 letter with the official letterhead of the agency or department,
4867 which explains that such officer has completed a certified law
4868 enforcement training academy.

4869 (b) The licensing requirements of this section do not
4870 apply to the carrying by any person of a stun gun, pistol or
4871 revolver, knife, or other deadly weapon that is not concealed as
4872 defined in Section 97-37-1.

4873 (15) Any person who knowingly submits a false answer to any
4874 question on an application for a license issued pursuant to this
4875 section, or who knowingly submits a false document when applying
4876 for a license issued pursuant to this section, shall, upon
4877 conviction, be guilty of a misdemeanor and shall be punished as
4878 provided in Section 99-19-31, Mississippi Code of 1972.



4879 (16) All fees collected by the Department of Public Safety
4880 pursuant to this section shall be deposited into a special fund
4881 hereby created in the State Treasury and shall be used for
4882 implementation and administration of this section. After the
4883 close of each fiscal year, the balance in this fund shall be
4884 certified to the Legislature and then may be used by the
4885 Department of Public Safety as directed by the Legislature.

4886 (17) All funds received by a sheriff or police chief
4887 pursuant to the provisions of this section shall be deposited into
4888 the general fund of the county or municipality, as appropriate,
4889 and shall be budgeted to the sheriff's office or police department
4890 as appropriate.

4891 (18) Nothing in this section shall be construed to require
4892 or allow the registration, documentation or providing of serial
4893 numbers with regard to any stun gun or firearm.

4894 (19) Any person holding a valid unrevoked and unexpired
4895 license to carry stun guns, concealed pistols or revolvers issued
4896 in another state shall have such license recognized by this state
4897 to carry stun guns, concealed pistols or revolvers. The
4898 Department of Public Safety is authorized to enter into a
4899 reciprocal agreement with another state if that state requires a
4900 written agreement in order to recognize licenses to carry stun
4901 guns, concealed pistols or revolvers issued by this state.

4902 (20) The provisions of this section shall be under the
4903 supervision of the Commissioner of Public Safety. The



4904 commissioner is authorized to promulgate reasonable rules and
4905 regulations to carry out the provisions of this section.

4906 (21) For the purposes of this section, the term "stun gun"
4907 means a portable device or weapon from which an electric current,
4908 impulse, wave or beam may be directed, which current, impulse,
4909 wave or beam is designed to incapacitate temporarily, injure,
4910 momentarily stun, knock out, cause mental disorientation or
4911 paralyze.

4912 (22) (a) From and after January 1, 2016, the Commissioner
4913 of Public Safety shall promulgate rules and regulations which
4914 provide that licenses authorized by this section for honorably
4915 retired law enforcement officers and honorably retired
4916 correctional officers from the Mississippi Department of
4917 Corrections shall (i) include the words "retired law enforcement
4918 officer" on the front of the license, and (ii) unless the licensee
4919 chooses to have this license combined with a driver's license or
4920 identification card under subsection (25) of this section, that
4921 the license itself have a red background to distinguish it from
4922 other licenses issued under this section.

4923 (b) An honorably retired law enforcement officer and
4924 honorably retired correctional officer shall provide the following
4925 information to receive the license described in this section: (i)
4926 a letter, with the official letterhead of the agency or department
4927 from which such officer is retiring, which explains that such
4928 officer is honorably retired, and (ii) a letter with the official



4929 letterhead of the agency or department, which explains that such
4930 officer has completed a certified law enforcement training
4931 academy.

4932 (23) A disabled veteran who seeks to qualify for an
4933 exemption under this section shall be required to provide a
4934 veterans health services identification card issued by the United
4935 States Department of Veterans Affairs indicating a
4936 service-connected disability, which shall be sufficient proof of
4937 such service-connected disability.

4938 (24) A license under this section is not required for a
4939 loaded or unloaded pistol or revolver to be carried upon the
4940 person in a sheath, belt holster or shoulder holster or in a
4941 purse, handbag, satchel, other similar bag or briefcase or fully
4942 enclosed case if the person is not engaged in criminal activity
4943 other than a misdemeanor traffic offense, is not otherwise
4944 prohibited from possessing a pistol or revolver under state or
4945 federal law, and is not in a location prohibited under subsection
4946 (13) of this section. However, the medical use of medical
4947 cannabis by a cardholder who is a registered qualifying patient
4948 which is lawful under the provisions of the Mississippi Medical
4949 Cannabis Act and in compliance with rules and regulations adopted
4950 thereunder shall not disqualify a person under this subsection
4951 (24) solely because the person is prohibited from possessing a
4952 firearm under 18 USCS Section 922(g)(3) due to such medical use of
4953 medical cannabis.



4954 (25) An applicant for a license under this section shall
4955 have the option of, instead of being issued a separate card for
4956 the license, having the license appear as a notation on the
4957 individual's driver's license or identification card. If the
4958 applicant chooses this option, the license issued under this
4959 section shall have the same expiration date as the driver's
4960 license or identification card, and renewal shall take place at
4961 the same time and place as renewal of the driver's license or
4962 identification card. The Commissioner of Public Safety shall have
4963 the authority to promulgate rules and regulations which may be
4964 necessary to ensure the effectiveness of the concurrent
4965 application and renewal processes.

4966 **SECTION 62.** Section 97-5-49, Mississippi Code of 1972, is
4967 amended as follows:

4968 97-5-49. (1) As used in this section:

4969 (a) "Adult" means a person over the age of twenty-one
4970 (21) years.

4971 (b) "Alcoholic beverage" has the meaning as defined in
4972 Section 67-1-5.

4973 * * *

4974 (* * *c) "Minor" means a person under the age of
4975 twenty-one (21) years.

4976 (* * *d) "Party" means a gathering or event at which a
4977 group of two (2) or more persons assembles for a social occasion
4978 or activity at a private residence or a private premises.



4979 (* * *e) "Private premises" means privately owned
4980 land, including any appurtenances or improvements on the land.

4981 (* * *f) "Private residence" means the place where a
4982 person actually lives or has his or her home.

4983 * * *

4984 (* * *g) "Light * * * intoxicating beverage" has the
4985 meaning as defined in Section 67-3-3.

4986 (2) No adult who owns or leases a private residence or
4987 private premises shall knowingly allow a party to take place or
4988 continue at the residence or premises if a minor at the party
4989 obtains, possesses or consumes any alcoholic beverage * * * or
4990 light intoxicating beverage if the adult knows that the minor has
4991 obtained, possesses or is consuming alcoholic beverages * * * or
4992 light intoxicating beverages.

4993 (3) This section shall not apply to legally protected
4994 religious activities or gatherings of family members or to any of
4995 the exemptions set forth in Section 67-3-54.

4996 (4) Each incident in violation of subsection (2) of this
4997 section or any part of subsection (2) constitutes a separate
4998 offense.

4999 (5) Any person who violates subsection (2) of this section
5000 shall be guilty of a misdemeanor and, upon conviction thereof,
5001 shall be punished by a fine of One Thousand Dollars (\$1,000.00) or
5002 by imprisonment in the county jail for not more than six (6)



5003 months, or by both the fine and imprisonment, in the discretion of
5004 the court.

5005 **SECTION 63.** This act shall take effect and be in force from
5006 and after July 1, 2025.

