

By: Senator(s) Parker

To: Accountability,  
Efficiency, Transparency

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2837

1 AN ACT TO REQUIRE TRANSPARENCY IN ALE, BEER AND MALT BEVERAGE  
2 AND MALT COOLER PRICING THROUGHOUT THE STATE IN ORDER TO PROTECT  
3 MISSISSIPPI CONSUMERS; TO PROHIBIT DISCRIMINATION AGAINST  
4 DISTRIBUTORS AND WHOLESALERS REGARDING FAVORABLE PRICING,  
5 ALLOWANCES, REBATES, REFUNDS, COMMISSIONS OR DISCOUNTS; TO REQUIRE  
6 THAT BEFORE ALES, BEERS AND MALT BEVERAGES AND MALT COOLERS CAN BE  
7 SOLD TO A DISTRIBUTOR OR WHOLESALER, THE BREWERY OR DOCK PRICE OF  
8 THE ALE, BEER OR OTHER MALT BEVERAGE AND MALT COOLER BY BRAND AND  
9 CONTAINER SIZE MUST BE FILED WITH THE ALCOHOLIC BEVERAGE CONTROL  
10 DIVISION OF THE DEPARTMENT OF REVENUE; TO PROVIDE PENALTIES FOR  
11 VIOLATIONS OF THIS SECTION; TO PROVIDE THAT THE ALCOHOLIC BEVERAGE  
12 CONTROL DIVISION OF THE DEPARTMENT OF REVENUE HAS THE AUTHORITY TO  
13 OVERSEE AND PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE  
14 PROVISIONS OF THIS SECTION; TO AMEND SECTION 67-1-37, MISSISSIPPI  
15 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** (1) As used in this section, "discriminate"  
18 means the granting of a more favorable price, allowance, rebate,  
19 refund, commission or discount to one (1) or a few Mississippi  
20 distributors or wholesalers and not offering the same favorable  
21 price, allowance, rebate, refund, commission or discount to other  
22 Mississippi distributors or wholesalers within a same or similar  
23 situation and timeframe.

24 (2) It is unlawful for:



25           (a) A brewer, manufacturer or other person, firm or  
26 corporation engaging in the business of selling ales, beer or  
27 other malt beverages or malt coolers to a distributor or  
28 wholesaler, to discriminate in price, allowance, price, rebate,  
29 refund, commission or discount between distributors or wholesalers  
30 licensed in Mississippi; or

31           (b) A brewer, manufacturer or other person, firm or  
32 corporation engaging in the business of selling ales, beer or  
33 other malt beverages or malt coolers to a distributor or  
34 wholesaler, to sell or deliver ales, beers or other malt beverages  
35 and malt coolers to a licensed distributor or wholesaler, unless  
36 the brewer, manufacturer, person, firm or corporation files the  
37 brewery or dock price of the ale, beer or other malt beverage and  
38 malt cooler by brand and container size with the Alcoholic  
39 Beverage Control Division of the Department of Revenue.

40           (i) A brewery or dock price schedule increase  
41 shall not take effect until fourteen (14) days after receipt of  
42 the brewery or dock price schedule by the Alcoholic and Beverage  
43 Control Division.

44           (ii) A brewery or dock price schedule decrease  
45 shall not take effect until two (2) days after receipt of the  
46 brewery or dock price schedule by the Alcoholic and Beverage  
47 Control Division.

48           (3) A violation of this section by a brewer, manufacturer or  
49 other person, firm or corporation engaging in the business of



50 selling ale, beer or other malt beverages or malt coolers to a  
51 distributor or wholesaler, is grounds for denial or suspension of  
52 the license of the brewer, manufacturer or other person, firm or  
53 corporation engaging in the business of selling ale, beer or other  
54 malt beverage or malt cooler to a distributor or wholesaler.

55 (4) The Alcoholic Beverage Control Division of the  
56 Department of Revenue shall have the authority to oversee and  
57 promulgate rules and regulations to implement the requirements of  
58 this section.

59 **SECTION 2.** Section 67-1-37, Mississippi Code of 1972, is  
60 amended as follows:

61 67-1-37. The Department of Revenue, under its duties and  
62 powers with respect to the Alcoholic Beverage Control Division  
63 therein, shall have the following powers, functions and duties:

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

68 (b) To revoke, suspend or cancel, for violation of or  
69 noncompliance with the provisions of this article, or the law  
70 governing the production and sale of native wines or native  
71 spirits, or any lawful rules and regulations of the department  
72 issued hereunder, or for other sufficient cause, any permit issued  
73 by it under the provisions of this article. The department shall  
74 also be authorized to suspend the permit of any permit holder for



75 being out of compliance with an order for support, as defined in  
76 Section 93-11-153. The procedure for suspension of a permit for  
77 being out of compliance with an order for support, and the  
78 procedure for the reissuance or reinstatement of a permit  
79 suspended for that purpose, and the payment of any fees for the  
80 reissuance or reinstatement of a permit suspended for that  
81 purpose, shall be governed by Section 93-11-157 or Section  
82 93-11-163, as the case may be. If there is any conflict between  
83 any provision of Section 93-11-157 or Section 93-11-163 and any  
84 provision of this article, the provisions of Section 93-11-157 or  
85 Section 93-11-163, as the case may be, shall control.

86 (c) To prescribe forms of permits and applications for  
87 permits and of all reports which it deems necessary in  
88 administering this article.

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

93 (e) To issue rules regulating the advertising of  
94 alcoholic beverages in the state in any class of media and  
95 permitting advertising of the retail price of alcoholic beverages.

96 (f) To issue reasonable rules and regulations, not  
97 inconsistent with the federal laws or regulations, requiring  
98 informative labeling of all alcoholic beverages offered for sale  
99 within this state and providing for the standards of fill and



100 shapes of retail containers of alcoholic beverages; however, such  
101 containers shall not contain less than fifty (50) milliliters by  
102 liquid measure.

103           (g) Subject to the provisions of subsection (3) of  
104 Section 67-1-51, to issue rules and regulations governing the  
105 issuance of retail permits for premises located near or around  
106 schools, colleges, universities, churches and other public  
107 institutions, and specifying the distances therefrom within which  
108 no such permit shall be issued. The Alcoholic Beverage Control  
109 Division shall not issue a package retailer's or on-premises  
110 retailer's permit for the sale or consumption of alcoholic  
111 beverages in or on the campus of any public school. The Alcoholic  
112 Beverage Control Division shall not issue a package retailer's  
113 permit for the sale of alcoholic beverages in or on the campus of  
114 any community or junior college, college or university.

115           (h) To adopt and promulgate, repeal and amend, such  
116 rules, regulations, standards, requirements and orders, not  
117 inconsistent with this article or any law of this state or of the  
118 United States, as it deems necessary to control the manufacture,  
119 importation, transportation, distribution, delivery and sale of  
120 alcoholic liquor, whether intended for beverage or nonbeverage use  
121 in a manner not inconsistent with the provisions of this article  
122 or any other statute, including the native wine and native spirit  
123 laws.



124           (i) To call upon other administrative departments of  
125 the state, county and municipal governments, county and city  
126 police departments and upon prosecuting officers for such  
127 information and assistance as it may deem necessary in the  
128 performance of its duties.

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

135           (k) To inspect, or cause to be inspected, any premises  
136 where alcoholic liquors intended for sale are manufactured,  
137 stored, distributed or sold, and to examine or cause to be  
138 examined all books and records pertaining to the business  
139 conducted therein.

140           (l) To investigate the administration of laws in  
141 relation to alcoholic liquors in this and other states and any  
142 foreign countries, and to recommend from time-to-time to the  
143 Governor and through him to the Legislature of this state such  
144 amendments to this article, if any, as it may think desirable.

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



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

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

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

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

(r) The Alcoholic Beverage Control Division shall have the authority to oversee and promulgate rules and regulations to implement the requirements of Section 1 of this act.

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



172           **SECTION 3.** This act shall take effect and be in force from  
173 and after July 1, 2025, and shall stand repealed on June 30, 2025.

