

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.



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.

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.

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.

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

154 (o) To enforce the provisions made unlawful by Chapter
155 3, Title 67 and Section 97-5-49.

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

167 The Alcoholic Beverage Control Division shall not issue any
168 permit which would conflict with any zoning ordinance legally
169 adopted by the governing authorities of any municipality or rule
170 or regulation of any board of supervisors of any county as set
171 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.

