

By: Senator(s) Parker

To: Accountability,
Efficiency, Transparency

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
6 REQUIRE THAT BEFORE ALES, BEERS AND MALT BEVERAGES AND MALT
7 COOLERS CAN BE SOLD TO A DISTRIBUTOR OR WHOLESALER, THE BREWERY OR
8 DOCK PRICE OF THE ALE, BEER OR OTHER MALT BEVERAGE AND MALT COOLER
9 BY BRAND AND CONTAINER SIZE MUST BE FILED WITH THE ALCOHOLIC
10 BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE; TO PROVIDE
11 PENALTIES FOR VIOLATIONS OF THIS SECTION; TO PROVIDE THAT THE
12 ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE
13 HAS THE AUTHORITY TO OVERSEE AND PROMULGATE RULES AND REGULATIONS
14 TO IMPLEMENT THE PROVISIONS OF THIS SECTION; TO AMEND SECTION
15 67-1-37, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
16 PURPOSES.

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

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

25 (2) It is unlawful for:

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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



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

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

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

155 (o) To enforce the provisions made unlawful by Chapter
156 3, Title 67 and Section 97-5-49.

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

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

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

173 **SECTION 3.** This act shall take effect and be in force from
174 and after July 1, 2025.

