

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.

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



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.



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

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

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.

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

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.

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

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.

