

By: Representatives Willis, DeLano, Wilson,
Zuber, Aguirre, Sykes, Barker, Reynolds,
Holland, Hines, Karriem

To: Ways and Means

HOUSE BILL NO. 1322
(As Sent to Governor)

1 AN ACT TO CREATE NEW SECTION 67-3-48, MISSISSIPPI CODE OF
2 1972, TO AUTHORIZE SMALL CRAFT BREWERIES LOCATED IN MISSISSIPPI
3 THAT PRODUCE NOT MORE THAN 60,000 BARRELS OF LIGHT WINE OR BEER
4 ANNUALLY TO SELL ON THE PREMISES OF THE BREWERY LIGHT WINE OR BEER
5 PRODUCED AT SUCH BREWERY FOR CONSUMPTION ON OR OFF THE PREMISES OF
6 THE BREWERY; TO CREATE NEW SECTION 67-3-48.1, MISSISSIPPI CODE OF
7 1972, TO AUTHORIZE A SMALL CRAFT BREWERY THAT IS ACQUIRED BY AN
8 ENTITY THAT MANUFACTURES LIGHT WINE OR BEER THAT DOES NOT FALL
9 WITHIN THE DEFINITION OF THE TERM "SMALL CRAFT BREWERY" TO
10 CONTINUE TO OPERATE AS A SMALL CRAFT BREWERY UNDER CERTAIN
11 CIRCUMSTANCES; TO AUTHORIZE A SMALL CRAFT BREWERY THAT ACQUIRES
12 AN ENTITY THAT MANUFACTURES LIGHT WINE OR BEER THAT DOES NOT FALL
13 WITHIN THE DEFINITION OF THE TERM "SMALL CRAFT BREWERY" TO
14 CONTINUE TO OPERATE AS A SMALL CRAFT BREWERY UNDER CERTAIN
15 CIRCUMSTANCES; TO AMEND SECTION 67-3-22, MISSISSIPPI CODE OF 1972,
16 TO REVISE THE BEER PRODUCTION LIMITS THAT APPLY TO BREWPUBS AND TO
17 AUTHORIZE BREWPUBS TO SELL LIGHT WINE OR BEER PRODUCED AT THE
18 BREWPUB FOR CONSUMPTION OFF THE PREMISES OF THE BREWPUB IN CERTAIN
19 CONTAINERS; TO AMEND SECTIONS 67-3-3, 67-3-53, 67-3-55 AND
20 67-3-69, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND
21 SECTIONS 27-71-301, 27-71-307, 27-71-311 AND 27-71-331,
22 MISSISSIPPI CODE OF 1972, TO IMPOSE AN EXCISE OR PRIVILEGE TAX ON
23 LIGHT WINE OR BEER PROVIDED BY SMALL CRAFT BREWERIES FOR RETAIL
24 SALE BY SUCH BREWERIES AND UPON BEER PROVIDED FOR TASTING OR
25 SAMPLING; AND FOR RELATED PURPOSES.

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

27 **SECTION 1.** The following shall be codified as Section
28 67-3-48, Mississippi Code of 1972:



29 67-3-48. (1) A small craft brewery may sell at retail light
30 wine or beer produced at its brewery for consumption on the
31 premises of the brewery and consumption off the premises of the
32 brewery if the sales are made on the premises of the brewery and
33 the light wine or beer products offered for sale are also made
34 available for sale to wholesalers.

35 (2) (a) A small craft brewery shall not sell at retail more
36 than ten percent (10%) of the light wine or beer produced annually
37 at its brewery or more than one thousand five hundred (1,500)
38 barrels of light wine or beer produced at the brewery annually,
39 whichever is the lesser amount. For purposes of this subsection,
40 contract-brewed beer shall not be included in the amount of beer
41 produced annually at the brewery. The light wine or beer must be
42 sold at a price approximating retail prices generally charged for
43 identical beverages in the county where the brewery is located.

44 (b) A small craft brewery shall not make retail sales
45 of more than five hundred seventy-six (576) ounces, in the
46 aggregate, of light wine or beer to any one (1) individual for
47 consumption off the premises of the brewery within a
48 twenty-four-hour period.

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

51 (3) A small craft brewery shall take commercially reasonable
52 steps to ensure that light wine or beer products sold for
53 consumption off the premises of the brewery are being sold for



54 personal use and not for resale and are not being sold to anyone
55 holding a retail permit for the purpose of resale in their
56 establishment.

57 (4) A small craft brewery shall not make retail sales of
58 contract-brewed beer.

59 (5) A small craft brewery shall not mail or ship light wine
60 or beer to a consumer.

61 **SECTION 2.** The following shall be codified as Section
62 67-3-48.1, Mississippi Code of 1972:

63 67-3-48.1 (1) In the event a small craft brewery is
64 acquired by an entity that manufactures light wine or beer that
65 does not fall within the definition of the term "small craft
66 brewery," the entity that acquired small craft brewery may
67 continue to operate the brewery as a small craft brewery for as
68 long as the acquired facility meets the definition of the term
69 "small craft brewery"; however, the limit in Section 67-3-3 on the
70 amount of barrels of light wine or beer that a small craft brewery
71 may produce shall not apply to light wine or beer that is not
72 produced by the acquired small craft brewery.

73 (2) In the event a small craft brewery acquires an entity
74 that manufactures light wine or beer that does not fall within the
75 definition of the term "small craft brewery," the small craft
76 brewery that acquired the entity may continue to operate as a
77 small craft brewery for as long as the brewery meets the
78 definition of the term "small craft brewery." The light wine or



79 beer produced by the entity that is acquired by a small craft
80 brewery shall not apply to the limit in Section 67-3-3 on the
81 amount of light wine or beer that the small craft brewery may
82 produce.

83 (3) A small craft brewery described in subsections (1) and
84 (2) of this section may continue to sell at retail brands the
85 small craft brewery produces on its premises at all locations at
86 which it was selling the brands at retail at the time of the
87 acquisition; however, the small craft brewery may not sell at
88 retail brands produced by the entity that acquired it or by the
89 entity it acquires, as the case may be.

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

92 67-3-22. (1) The production limits for a brewpub shall be
93 based upon production as determined by the * * * Department of
94 Revenue pursuant to Section 27-71-307, Mississippi Code of 1972,
95 and * * * a brewpub shall not manufacture more than * * *
96 seventy-five thousand (75,000) gallons of light wine or beer per
97 calendar year.

98 * * *

99 (2) Light wine or beer produced at a brewpub shall not be
100 sold at a price less than it cost to manufacture such light wine
101 or beer.

102 (3) Except as otherwise provided in this subsection, light
103 wine or beer manufactured by a brewpub shall not be sold away from



104 the premises of such brewpub (as defined in Section 27-71-301,
105 Mississippi Code of 1972) and shall not be packaged in any form
106 that it may be carried away from the premises; * * *
107 however, * * * the final one hundred (100) gallons of beer within
108 a fermenting tank may be placed in kegs for sale on the premises
109 to facilitate transition from one fermenting tank to another. A
110 brewpub may sell light wine or beer manufactured by it for
111 consumption off the premises of the brewpub if the light wine or
112 beer so sold is contained in a growler.

113 (4) A brewpub shall be required to offer for sale light wine
114 or beer that is normally carried on the inventory of wholesalers
115 or distributors of light wine or beer.

116 * * *

117 **SECTION 4.** Section 67-3-3, Mississippi Code of 1972, is
118 amended as follows:

119 67-3-3. When used in this chapter, unless the context
120 indicates otherwise:

121 (a) "Commissioner" means the Commissioner of Revenue of
122 the Department of Revenue of the State of Mississippi, and his
123 authorized agents and employees * * *.

124 (b) "Person" means one or more persons, a company, a
125 corporation, a partnership, a syndicate or an association * * *.

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



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

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

134 (f) "Small craft brewery" means a person having a
135 permit under this chapter to manufacture or brew light wine or
136 beer in this state and who manufactures or brews not more than
137 sixty thousand (60,000) barrels of light wine or beer at all
138 breweries that such person or its affiliates, subsidiary or parent
139 company owns or controls or with whom such person contracts with
140 for the manufacture of light wine or beer. For purposes of this
141 paragraph, contract-brewed beer manufactured by a person having a
142 permit under this chapter to manufacture or brew light wine or
143 beer shall be included in the sixty-thousand-barrel limitation.

144 (g) "Growler" means a sealed container that holds not
145 more than one hundred twenty-eight (128) ounces of light wine or
146 beer. A growler must have a label on it stating what it contains.

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

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



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

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

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

160 **SECTION 5.** Section 67-3-53, Mississippi Code of 1972, is
161 amended as follows:

162 67-3-53. In addition to any act declared to be unlawful by
163 this chapter, or by Sections 27-71-301 through 27-71-347, and
164 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be
165 unlawful for the holder of a permit authorizing the sale of beer
166 or light wine at retail or a small craft brewery selling light
167 wine or beer at retail pursuant to Section 67-3-48 or for the
168 employee of the holder of such a permit or the employee of such a
169 brewery:

170 (a) To sell or give to be consumed in or upon any
171 licensed premises or in or upon the premises of a small craft
172 brewery any beer or light wine between the hours of midnight and
173 seven o'clock the following morning or during any time the
174 licensed premises may be required to be closed by municipal
175 ordinance or order of the board of supervisors; however, in areas



176 where the sale of alcoholic beverages is legal under the
177 provisions of the Local Option Alcoholic Beverage Control Law and
178 the hours for selling those alcoholic beverages have been extended
179 beyond midnight for on-premises permittees under Section 67-1-37,
180 the hours for selling beer or light wines are likewise extended in
181 areas where the sale of beer and light wines is legal in
182 accordance with the provisions of this chapter.

183 (b) To sell, give or furnish any beer or light wine to
184 any person visibly or noticeably intoxicated, or to any habitual
185 drunkard, or to any person under the age of twenty-one (21) years.

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

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

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

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

199 (g) To receive, possess or sell on the licensed
200 premises or, except as otherwise authorized by this chapter, on



201 the premises of the small craft brewery any beverage of any kind
202 or character containing more than five percent (5%) of alcohol by
203 weight except any beer containing not more than eight percent (8%)
204 of alcohol by weight, unless the licensee also possesses an
205 on-premises or manufacturer's permit under the Local Option
206 Alcoholic Beverage Control Law.

207 (h) To accept as full or partial payment for any
208 product any coupons that are redeemed directly or indirectly from
209 a manufacturer, wholesaler or distributor of light wine or beer.

210 **SECTION 6.** Section 67-3-55, Mississippi Code of 1972, is
211 amended as follows:

212 67-3-55. (1) It shall be unlawful for any retailer to
213 possess for purpose of sale, to sell, or to offer to sell any
214 light wine or beer which was not purchased from a wholesaler in
215 this state who has a permit to sell such light wine or beer,
216 except for beer or light wine that was brewed on the premises of
217 the retailer who holds a permit as a brewpub pursuant to Article
218 3, Chapter 71, Title 27, Mississippi Code of 1972.

219 (2) It shall be unlawful for any wholesaler to possess for
220 purpose of sale, to sell, or to offer to sell any light wine or
221 beer which was not purchased from a manufacturer or importer of a
222 foreign manufacturer authorized to sell such light wine or beer in
223 this state.

224 (3) This section shall not apply to:



225 (a) Beer offered and provided on the premises of a
226 brewery for the purpose of tasting or sampling as authorized in
227 Section 67-3-47 * * *; or

228 (b) Light wine or beer sold on the premises of a small
229 craft brewery as authorized in Section 67-3-48.

230 **SECTION 7.** Section 67-3-69, Mississippi Code of 1972, is
231 amended as follows:

232 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,
233 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of
234 this chapter or of any rule or regulation of the commissioner,
235 shall be a misdemeanor and, where the punishment therefor is not
236 elsewhere prescribed in this section, shall be punished by a fine
237 of not more than Five Hundred Dollars (\$500.00) or imprisonment
238 for not more than six (6) months, or both, in the discretion of
239 the court. If any person so convicted shall be the holder of any
240 permit or license issued by the commissioner under authority of
241 this chapter, the permit or license shall from and after the date
242 of such conviction be void and the holder thereof shall not
243 thereafter, for a period of one (1) year from the date of such
244 conviction, be entitled to any permit or license for any purpose
245 authorized by this chapter. Upon conviction of the holder of any
246 permit or license, the appropriate law enforcement officer shall
247 seize the permit or license and transmit it to the commissioner.

248 (2) (a) Any person who shall violate any provision of
249 Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a



250 misdemeanor, and upon conviction thereof shall be punished by a
251 fine of not more than Five Hundred Dollars (\$500.00) or by
252 imprisonment in the county jail for not more than six (6) months,
253 or by both such fine and imprisonment, in the discretion of the
254 court.

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

265 (3) If the holder of a permit, or the employee of the holder
266 of a permit, shall be convicted of selling any beer or wine to
267 anyone who is visibly intoxicated from the licensed premises or to
268 any person under the age of twenty-one (21) years from the
269 licensed premises in violation of Section 67-3-53(b), then, in
270 addition to any other penalty provided for by law, the
271 commissioner may impose the following penalties against the holder
272 of a permit:

273 (a) For the first offense on the licensed premises, by
274 a fine of not less than Five Hundred Dollars (\$500.00) nor more



275 than One Thousand Dollars (\$1,000.00) and/or suspension of the
276 permit for not more than three (3) months.

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

282 (c) For a third offense occurring on the licensed
283 premises within twelve (12) months of the first, by a fine of not
284 less than Two Thousand Dollars (\$2,000.00) nor more than Five
285 Thousand Dollars (\$5,000.00) and/or suspension or revocation of
286 the permit to sell beer or light wine.

287 (d) For a fourth or subsequent offense occurring on the
288 licensed premises within twelve (12) months of the first, by a
289 fine of not less than Two Thousand Dollars (\$2,000.00) nor more
290 than Five Thousand Dollars (\$5,000.00) and/or suspension or
291 revocation of the permit to sell beer or light wine.

292 (4) A person who sells any beer or wine to a person under
293 the age of twenty-one (21) years shall not be guilty of a
294 violation of Section 67-3-53(b) if the person under the age of
295 twenty-one (21) years represents himself to be twenty-one (21)
296 years of age or older by displaying an apparently valid
297 Mississippi driver's license containing a physical description
298 consistent with his appearance or by displaying some other
299 apparently valid identification document containing a picture and



300 physical description consistent with his appearance for the
301 purpose of inducing the person to sell beer or wine to him.

302 (5) If the holder of a permit to operate a brewpub is
303 convicted of violating the provisions of Section 67-3-22(3), then,
304 in addition to any other provision provided for by law, the holder
305 of the permit shall be punished as follows:

306 (a) For the first offense, the holder of a permit to
307 operate a brewpub may be fined in an amount not to exceed Five
308 Hundred Dollars (\$500.00).

309 (b) For a second offense occurring within twelve (12)
310 months of the first offense, the holder of a permit to operate a
311 brewpub may be fined an amount not to exceed One Thousand Dollars
312 (\$1,000.00).

313 (c) For a third or subsequent offense occurring within
314 twelve (12) months of the first offense, the holder of a permit to
315 operate a brewpub may be fined an amount not to exceed Five
316 Thousand Dollars (\$5,000.00) and the permit to operate a brewpub
317 shall be suspended for thirty (30) days.

318 (6) If a small craft brewery is convicted of violating the
319 provisions of Section 67-3-48, then, in addition to any other
320 provision provided for by law, the small craft brewery shall be
321 punished as follows:

322 (a) For the first offense, the small craft brewery may
323 be fined in an amount not to exceed Five Hundred Dollars
324 (\$500.00).



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

328 (c) For a third or subsequent offense occurring within
329 twelve (12) months of the first offense, the small craft brewery
330 may be fined an amount not to exceed Five Thousand Dollars
331 (\$5,000.00) and the permit to operate as a manufacturer shall be
332 suspended for thirty (30) days.

333 **SECTION 8.** Section 27-71-301, Mississippi Code of 1972, is
334 amended as follows:

335 27-71-301. When used in this article the words and terms
336 hereafter mentioned shall have the following definitions:

337 (a) "State Auditor" means the State Auditor of Public
338 Accounts of the State of Mississippi or any legally appointed
339 deputy, clerk or agent.

340 (b) "Person" includes all natural persons or
341 corporations, a partnership, an association, a joint venture, an
342 estate, a trust, or any other group or combination acting as a
343 unit and shall include the plural as well as the singular unless
344 an intention to give another meaning thereto is disclosed in the
345 context.

346 (c) "Consumer" means a person who comes into the
347 possession of beer or light wine, the sale of which is authorized
348 by Chapter 3 of Title 67, Mississippi Code of 1972, for the



349 purpose of consuming it, giving it away or otherwise disposing of
350 it in any manner except by sale, barter or exchange.

351 (d) "Retailer" means any person who comes into the
352 possession of such light wines or beer for the purpose of selling
353 it to the consumer, or giving it away, or exposing it where it may
354 be taken or purchased or acquired in any other manner by the
355 consumer; however, the term "retailer" shall not include a person
356 who offers and provides beer on the premises of a brewery for the
357 purpose of tasting or sampling as authorized in Section 67-3-47.

358 (e) "Wholesaler" means any person who comes into
359 possession of such light wine or beer for the purpose of selling,
360 distributing, or giving it away to retailers or other wholesalers
361 or dealers inside or outside of this state.

362 (f) "Commissioner" means the Commissioner of Revenue of
363 the Department of Revenue or his duly appointed agents or
364 employees.

365 (g) "Sale" includes the exchange of such light wines or
366 beer for money, or giving away or distributing any such light
367 wines or beer for anything of value; however, the term "sale"
368 shall not include beer offered and provided on the premises of a
369 brewery for the purpose of tasting or sampling as authorized in
370 Section 67-3-47.

371 (h) "Light wines or beer" means beer and light wines
372 legalized for sale by the provisions of Chapter 3 of Title 67,
373 Mississippi Code of 1972.



374 (i) "Distributor" includes every person who receives
375 either from within or from without this state, from a brewery, a
376 winery or any other source, light wines or beer as defined in
377 Chapter 3 of Title 67, Mississippi Code of 1972, for the purpose
378 of distributing or otherwise disposing of such light wines or beer
379 to a wholesaler or retailer of such light wines or beer.

380 (j) "Brewpub" means the premises of any * * * location
381 in which light wine or beer is manufactured or brewed, * * * for
382 retail sale if the total amount of light wine or beer produced on
383 the premises does not exceed the production limitation imposed in
384 Section 67-3-22, and the light wine or beer is produced for
385 consumption * * * on the premises * * * or off the premises as
386 authorized in Section 67-3-22(3).

387 (k) "Hospitality cart" means a mobile cart from which
388 alcoholic beverages and light wine and beer are sold on a golf
389 course and for which a hospitality cart permit has been issued
390 under Section 67-1-51.

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

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

395 **SECTION 9.** Section 27-71-307, Mississippi Code of 1972, is
396 amended as follows:

397 27-71-307. (1) (a) In addition to the specific tax imposed
398 in Section 27-71-303, there is hereby imposed, levied, assessed



399 and shall be collected, as hereinafter provided, an excise or
400 privilege tax upon each person engaged or continuing in the
401 business of wholesaler or distributor of light wines or beer
402 equivalent to Forty-two and Sixty-eight One-hundredths Cents
403 (42.68¢) per gallon upon all light wines and beer acquired for
404 sale or distribution in this state. * * * The excise or privilege
405 tax is also imposed at the same rate upon each gallon of light
406 wine or beer manufactured by brewpubs, each of which shall
407 accurately and reliably measure the quantity of light wine and
408 beer produced by using a measuring device such as a meter or gauge
409 glass or any other suitable method approved by the commissioner.
410 The excise or privilege tax is also imposed at the same rate upon
411 each gallon of light wine or beer provided by a small craft
412 brewery for sale as authorized under Section 67-3-48 and upon each
413 gallon of light wine or beer provided for tasting or sampling
414 under Section 67-3-47. * * * The tax is hereby imposed as an
415 additional tax for the privilege of engaging or continuing in
416 business.

417 (b) The excise tax imposed in this section shall be
418 paid to the * * * Department of Revenue monthly on or before the
419 fifteenth day of the month following the month in which the beer
420 or light wine was manufactured or received in this state. Monthly
421 report forms shall be furnished by the commissioner to the
422 wholesalers, distributors * * *, brewpubs and small craft
423 breweries.



424 (c) Provided that persons operating a railroad dining
425 car, club car or other car in interstate commerce upon which light
426 wines or beer may be sold and who are licensed under the
427 provisions of Section 67-3-27 and any other law relating to the
428 sale of such beverages shall keep such records of the sales of
429 such light wines and beer in this state as the commissioner shall
430 prescribe and shall submit monthly reports of such sales to the
431 commissioner within fifteen (15) days after the end of each month
432 on a form prescribed therefor by the commissioner, and shall pay
433 the tax due under the provisions of this section at the time such
434 reports are filed.

435 No official crowns, lids, labels or stamps with the word
436 "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of
437 tax payment is required by this section, or may be required under
438 rule or regulation promulgated by the commissioner, to be affixed
439 on or to any part of a beer, light wine or malt cooler bottle, can
440 or other light wine or malt cooler container. For purposes of
441 this section, malt cooler products shall be defined as a flavored
442 malt beverage made from a base of malt beverage and flavored with
443 fruit juices, aromatics and essences of other flavoring in
444 quantities and proportions such that the resulting product
445 possesses a character and flavor distinctive from the base malt
446 beverage and distinguishable from other malt beverages.

447 (2) A licensed wholesaler or distributor of beer or light
448 wine may not import beer or light wine from any source other than



449 a brewer or importer authorized by the commissioner to sell such
450 beer or light wine in Mississippi. Any person who violates the
451 provisions of this subsection, upon conviction thereof, shall be
452 punished by a fine of not more than One Thousand Dollars
453 (\$1,000.00) or by imprisonment in the county jail for not more
454 than six (6) months, or by both such fine and imprisonment, in the
455 discretion of the court and shall be subject to license forfeiture
456 following an appropriate hearing before the * * * Department of
457 Revenue.

458 (3) The wholesaler * * *, distributor or small craft brewery
459 shall be allowed credit for tax paid on beer or light wine which
460 is no longer marketable and which is destroyed by same when such
461 destruction is witnessed by an agent of the commissioner and when
462 the amount of the excise tax exceeds One Hundred Dollars
463 (\$100.00). No other loss will be allowed.

464 A brewpub shall be allowed credit for light wine or beer
465 which has passed through the meter, gauge glass or other approved
466 measuring device and which has been soured or damaged. The
467 brewpub shall record the removal of sour or damaged light wine or
468 beer and may take credit after the destruction is witnessed by an
469 agent of the commissioner and when the amount of excise tax
470 exceeds Twenty-five Dollars (\$25.00). No other loss shall be
471 allowed.

472 (4) All manufacturers, brewers and importers of beer or
473 light wine shall file monthly reports as prescribed by the



474 commissioner listing sales to each wholesaler or distributor by
475 date, invoice number, quantity and container size, and any other
476 information deemed necessary.

477 (5) All small craft breweries shall file monthly reports as
478 prescribed by the commissioner regarding the sale of light wine or
479 beer authorized under Section 67-3-48.

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

484 (* * *7) All administrative provisions of the Mississippi
485 Sales Tax Law, including those which fix damages, penalties and
486 interest for nonpayment of taxes and for noncompliance with the
487 provisions of such chapter, and all other requirements and duties
488 imposed upon taxpayers, shall apply to all persons liable for
489 taxes under the provisions of this chapter, and the commissioner
490 shall exercise all the power and authority and perform all the
491 duties with respect to taxpayers under this chapter as are
492 provided in the sales tax law except where there is conflict, then
493 the provisions of this chapter shall control.

494 **SECTION 10.** Section 27-71-311, Mississippi Code of 1972, is
495 amended as follows:

496 27-71-311. Before any person shall engage in the business of
497 manufacturing light wines or beer, in the business of wholesaler
498 or distributor of light wines or beer, or in the business of a



499 brewpub, he shall be required to enter into a good and sufficient
500 bond. The bond shall be made payable to the State of Mississippi,
501 in a sum of not less than Five Thousand Dollars (\$5,000.00) nor
502 more than Two Hundred Thousand Dollars (\$200,000.00), the amount
503 to be determined by the commission. The bond of a wholesaler,
504 distributor or brewpub shall not exceed the amount of excise tax
505 estimated to be owed by such wholesaler, distributor or brewpub
506 for any sixty-day period. If a manufacturer is operating a small
507 craft brewery and is distributing light wine or beer for sale as
508 authorized under Section 67-3-48, the manufacturer, in addition to
509 any other required bond, shall enter into a bond not to exceed the
510 amount of excise tax estimated to be owed by such manufacturer for
511 any sixty-day period. The bond shall be conditioned that he will
512 conduct his business strictly in accordance with the laws of the
513 State of Mississippi, and that he will comply with the rules and
514 regulations prescribed by the commissioner, and pay the taxes
515 imposed under the provisions of this article for the privilege of
516 engaging or continuing in such business. Such bond shall be made
517 in a surety company authorized to do business in the State of
518 Mississippi, and shall be approved by the commissioner. The
519 commissioner shall be authorized to institute suit in the proper
520 court on said bond for any violation of the conditions of said
521 bond.

522 **SECTION 11.** Section 27-71-331, Mississippi Code of 1972, is
523 amended as follows:



524 27-71-331. If any manufacturer, wholesaler,
525 distributor * * *, brewpub or small craft brewery, subject to the
526 provisions of this article, shall fail to pay any tax due under
527 the provisions of this article, within the time, and in the
528 manner, herein provided, the commissioner is authorized to assess,
529 and collect, such tax, together with interest thereon from the
530 date such tax became due at the rate of one percent (1%) per
531 month, and in addition to the amount of the tax due and the
532 interest accrued thereon, the commissioner may, in his discretion,
533 assess and collect, from such delinquent taxpayer, a penalty equal
534 to the amount of the tax found to be due.

535 **SECTION 12.** This act shall take effect and be in force from
536 and after July 1, 2017.

