

By: Representative Lamar

To: Ways and Means

HOUSE BILL NO. 1087
(As Passed the House)

1 AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO
2 RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE AS TO THE
3 POSSESSION OF ALCOHOLIC BEVERAGES; TO AMEND SECTIONS 67-1-7,
4 67-1-9, 67-1-11, 67-1-14 AND 67-1-51, MISSISSIPPI CODE OF 1972, IN
5 CONFORMITY THERETO; TO AMEND SECTIONS 67-3-7, 67-3-11 AND 67-3-13,
6 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE POSSESSION OF BEER AND
7 LIGHT WINE THROUGHOUT THE STATE; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 67-1-3, Mississippi Code of 1972, is
10 amended as follows:

11 67-1-3. The policy of this state is reannounced in favor of
12 prohibition of the manufacture, sale, distribution, * * * and
13 transportation of * * * alcoholic beverages; and the provisions
14 against such manufacture, sale, distribution, * * * and
15 transportation of * * * alcoholic beverages, as contained in
16 Chapter 31 of Title 97, Mississippi Code of 1972 and elsewhere,
17 are hereby redeclared the law of this state. The purpose and
18 intent of this chapter is to vigorously enforce the prohibition
19 laws throughout the state, except in those counties and
20 municipalities voting themselves out from under the prohibition



21 law in accordance with the provisions of this chapter, and, in
22 those counties and municipalities, to require strict regulation
23 and supervision of the manufacture, sale, distribution, * * * and
24 transportation of intoxicating liquor under a system of state
25 licensing of manufacturers, wholesalers and retailers, which
26 licenses shall be subject to revocation for violations of this
27 chapter. However, from and after January 1, 2021, prohibition is
28 renounced as to the possession of alcoholic beverages. It shall
29 thereafter be lawful to possess alcoholic beverages throughout the
30 state, unless otherwise prohibited in this chapter. Nothing
31 herein shall be construed to make lawful the possession of
32 alcoholic beverages with the intent to sell except as authorized
33 under this chapter.

34 All laws and parts of laws in conflict with this chapter are
35 repealed only to the extent of such conflict; however, except as
36 is provided in this chapter, all laws prohibiting the manufacture,
37 sale, and distribution * * * of alcoholic beverages, which are not
38 in conflict with this chapter shall remain in full force and
39 effect, and all such laws shall remain in full force and effect in
40 counties and municipalities wherein the manufacture, sale, and
41 distribution * * * of alcoholic beverages has not been authorized
42 as a result of an election held under Section 67-1-11 or Section
43 67-1-14, Mississippi Code of 1972, or as otherwise provided in
44 this chapter.



45 **SECTION 2.** Section 67-1-7, Mississippi Code of 1972, is
46 amended as follows:

47 67-1-7. (1) Except as otherwise provided in Section 67-9-1
48 for the transportation and possession of limited amounts of
49 alcoholic beverages for the use of an alcohol processing
50 permittee, and subject to all of the provisions and restrictions
51 contained in this chapter, the manufacture, sale,
52 distribution, * * * and transportation of alcoholic beverages
53 shall be lawful, subject to the restrictions hereinafter imposed,
54 in those counties and municipalities of this state in which, at a
55 local option election called and held for that purpose under the
56 provisions of this chapter, a majority of the qualified electors
57 voting in such election shall vote in favor thereof. * * * The
58 manufacture, sale, distribution and possession of native wines
59 shall be lawful in any location within any such county except
60 those locations where the manufacture, sale or distribution is
61 prohibited by law other than this section or by regulations of
62 the * * * department.

63 (2) Notwithstanding the foregoing, within any state park or
64 any state park facility that has been declared a qualified resort
65 area by the commission, and within any qualified resort area as
66 defined under Section 67-1-5(o)(iii), an on-premises retailer's
67 permit may be issued for the qualified resort area, and the
68 permittee may lawfully sell alcoholic beverages for consumption on
69 his licensed premises regardless of whether or not the county or



70 municipality in which the qualified resort area is located has
71 voted in favor of coming out from under the dry law, and it shall
72 be lawful to receive, store, sell, possess and consume alcoholic
73 beverages on the licensed premises, and to sell, distribute and
74 transport alcoholic beverages to the licensed premises.

75 **SECTION 3.** Section 67-1-9, Mississippi Code of 1972, is
76 amended as follows:

77 67-1-9. (1) It shall be unlawful for any person to
78 manufacture, distill, brew, sell, * * * import into this state,
79 export from the state, transport, distribute, warehouse, store,
80 solicit, take order for, bottle, rectify, blend, treat, mix or
81 process any alcoholic beverage except as authorized in this
82 chapter. However, nothing contained herein shall prevent
83 importers, wineries and distillers of alcoholic beverages from
84 storing such alcoholic beverages in private bonded warehouses
85 located within the State of Mississippi for the ultimate use and
86 benefit of the Department of Revenue as provided in Section
87 67-1-41. The department is hereby authorized to promulgate rules
88 and regulations for the establishment of such private bonded
89 warehouses and for the control of alcoholic beverages stored in
90 such warehouses. Additionally, nothing herein contained shall
91 prevent any duly licensed practicing physician or dentist from
92 possessing or using alcoholic liquor in the strict practice of his
93 profession, or prevent any hospital or other institution caring
94 for sick and diseased persons, from possessing and using alcoholic



95 liquor for the treatment of bona fide patients of such hospital or
96 other institution. Any drugstore employing a licensed pharmacist
97 may possess and use alcoholic liquors in the combination of
98 prescriptions of duly licensed physicians. The possession and
99 dispensation of wine by an authorized representative of any church
100 for the purpose of conducting any bona fide rite or religious
101 ceremony conducted by such church shall not be prohibited by this
102 chapter.

103 (2) Any person, upon conviction of any provision of this
104 section, shall be punished as follows:

105 (a) By a fine of not less than One Hundred Dollars
106 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by
107 imprisonment in the county jail not less than one (1) week nor
108 more than three (3) months, or both, for the first conviction
109 under this section.

110 (b) By a fine of not less than One Hundred Dollars
111 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
112 imprisonment in the county jail not less than sixty (60) days, nor
113 more than six (6) months, or both fine and imprisonment, for the
114 second conviction for violating this section.

115 (c) By a fine of not less than One Hundred Dollars
116 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
117 imprisonment in the State Penitentiary not less than one (1) year,
118 nor more than five (5) years, or both fine and imprisonment, for



119 conviction the third time under this section for the violation
120 thereof after having been twice convicted of its violation.

121 (3) Nothing in this section shall make it unlawful to
122 transport bottles or containers of alcoholic beverages that are
123 legally purchased in this state if the bottles or containers are
124 unopened and are being transported on state or federal highway.

125 **SECTION 4.** Section 67-1-11, Mississippi Code of 1972, is
126 amended as follows:

127 67-1-11. (1) Notwithstanding any provision of this chapter,
128 the legalizing provisions of this chapter, except as authorized
129 under Section 67-9-1 and Section 67-1-7(2), shall not be
130 effective, applicable or operative in any county unless and until
131 a local option election shall be called and held in such county in
132 the manner and with the results hereinafter provided.

133 (2) Upon presentation and filing of a proper petition
134 requesting same signed by at least twenty percent (20%) or fifteen
135 hundred (1,500), whichever number is the lesser, of the qualified
136 electors of the county, it shall be the duty of the board of
137 supervisors to call an election at which there shall be submitted
138 to the qualified electors of the county the question of whether or
139 not the sale * * * and distribution * * * of alcoholic * * *
140 beverages shall be permitted in such county as provided in this
141 chapter. Such election shall be held and conducted by the county
142 election commissioners on a date fixed by the order of the board
143 of supervisors, which date shall not be more than sixty (60) days



144 from the date of the filing of said petition. Notice thereof
145 shall be given by publishing such notice once each week for at
146 least three (3) consecutive weeks in some newspaper published in
147 said county or, if no newspaper be published therein, by such
148 publication in a newspaper in an adjoining county and having a
149 general circulation in the county involved. The election shall be
150 held not earlier than fifteen (15) days from the first publication
151 of such notice.

152 (3) Said election shall be held and conducted as far as may
153 be possible in the same manner as is provided by law for the
154 holding of general elections. The ballots used thereat shall
155 contain a brief statement of the proposition submitted and, on
156 separate lines, the words "I vote FOR coming out from under the
157 dry law in _____ County ()" "I vote AGAINST coming out from
158 under the dry law in _____ County ()" with appropriate boxes
159 in which the voters may express their choice. All qualified
160 electors may vote by marking the ballot with a cross (x) or check
161 (√) mark opposite the words of their choice.

162 (4) The election commissioners shall canvass and determine
163 the results of said election, and shall certify same to the board
164 of supervisors which shall adopt and spread upon its minutes an
165 order declaring such results. If, in such election, a majority of
166 the qualified electors participating therein shall vote in favor
167 of the proposition, this chapter shall become applicable and
168 operative in such county and the manufacture, sale, and



169 distribution * * * of alcoholic beverages therein shall be lawful
170 to the extent and in the manner permitted hereby. If, on the
171 other hand, a majority of the qualified electors participating in
172 the election shall vote against the proposition, this chapter,
173 except for Section 67-9-1 and 67-1-7(2), shall not become
174 effective and operative in such county and, except as otherwise
175 provided under Section 67-9-1 and 67-1-7(2), all laws prohibiting
176 and regulating the manufacture, sale, and distribution * * *
177 of * * * alcoholic beverages shall remain in full force and effect
178 and be administered and vigorously prosecuted therein. In either
179 case, no further election shall be held in said county under the
180 provisions of this chapter for a period of two (2) years from the
181 date of the prior election and then only upon the filing of a
182 petition requesting same signed by at least twenty percent (20%)
183 or fifteen hundred (1,500), whichever number is the lesser, of the
184 qualified electors of the county as is otherwise provided herein.

185 **SECTION 5.** Section 67-1-14, Mississippi Code of 1972, is
186 amended as follows:

187 67-1-14. (1) The legalizing provisions of this chapter may
188 be effective, applicable and operative in any municipality located
189 in a county which has voted against coming out from under the dry
190 law if a local option election shall be called and held in such
191 municipality in the manner and with the results hereinafter
192 provided.



193 (2) (a) Any municipality in this state having a population
194 of not less than five thousand (5,000) according to the latest
195 federal census and which is located in a county which has voted
196 against coming out from under the dry law, or any municipality
197 that is a county seat and which is located in a county which has
198 voted against coming out from under the dry law, may, at an
199 election held for the purpose under the election laws applicable
200 to such municipality, either prohibit or permit, except as
201 otherwise provided under Section 67-9-1, the sale * * * of
202 alcoholic beverages. An election to determine whether such
203 sale * * * shall be permitted in municipalities wherein its
204 sale * * * is prohibited by law shall be ordered by the municipal
205 governing authorities upon the presentation of a petition to such
206 governing authorities containing the names of at least twenty
207 percent (20%) of the duly qualified voters of such municipality
208 asking for such election. In like manner, an election to
209 determine whether such sale * * * shall be prohibited in
210 municipalities wherein its sale is permitted by law shall be
211 ordered by the municipal governing authorities upon the
212 presentation of a petition to such governing authorities
213 containing the names of at least twenty percent (20%) of the duly
214 qualified voters of such municipality asking for such election.
215 No election on either question shall be held by any one (1)
216 municipality more often than once in two (2) years.



217 Thirty (30) days' notice shall be given to the qualified
218 electors of such municipality, in the manner prescribed by law,
219 upon the question of either permitting or prohibiting such
220 sale * * *, such notice to contain a statement of the question to
221 be voted on at the election. The ballots to be used in the
222 election shall have the following words printed thereon: "For the
223 legal sale of alcoholic * * * beverages" and the words "Against
224 the legal sale of alcoholic * * * beverages" next below. In
225 marking his ballot the voter shall make a cross (X) opposite the
226 words of his choice.

227 If in the election a majority of the qualified electors
228 voting in the election shall vote "for the legal sale of
229 alcoholic * * * beverages," then the municipal governing
230 authorities shall pass the necessary order permitting the legal
231 sale of such alcoholic beverages in such municipality. If in the
232 election a majority of the qualified electors voting in the
233 election shall vote "against the legal sale of alcoholic * * *
234 beverages," then the municipal governing authorities shall pass
235 the necessary order prohibiting the sale of alcoholic beverages in
236 such municipality.

237 (b) The provisions of this subsection shall also apply
238 to any municipality having a population of not less than six
239 thousand (6,000) according to the latest federal census, a portion
240 of which is located in a county which has voted against coming out
241 from under the dry law and a portion of which is located in a



242 county which has voted in favor of coming out from under the dry
243 law. For the purpose of determining whether or not such a
244 municipality meets the threshold population of six thousand
245 (6,000) which will qualify the municipality to hold an election
246 under this subsection, the entire population of the municipality
247 shall be considered; however, the petition to hold the election
248 authorized in this subsection shall be ordered by the municipal
249 governing authorities upon the presentation of a petition to such
250 governing authorities containing the names of at least twenty
251 percent (20%) of the duly qualified voters of such municipality
252 who reside in that portion of the municipality located in a county
253 which has voted against coming out from under the dry law and the
254 election shall be held only in that portion of the municipality.
255 In all other respects, the authority for the holding of elections
256 and the manner in which such elections shall be conducted shall be
257 as prescribed in paragraph (a) of this subsection; and, after
258 proper certification of election results, the municipal governing
259 authorities shall pass the appropriate order to permit or prohibit
260 the legal sale of alcoholic beverages in that portion of the
261 municipality located in a county which has voted against coming
262 out from under the dry law.

263 (3) The governing authorities of a municipality that has
264 voted to come out from under the dry * * * law after August 23,
265 2012, may, by ordinance, provide that alcoholic beverages may be



266 sold in the municipality only by the holder of an on-premises
267 retailer's permit.

268 **SECTION 6.** Section 67-1-51, Mississippi Code of 1972, is
269 amended as follows:

270 67-1-51. (1) Permits which may be issued by the department
271 shall be as follows:

272 (a) **Manufacturer's permit.** A manufacturer's permit
273 shall permit the manufacture, importation in bulk, bottling and
274 storage of alcoholic liquor and its distribution and sale to
275 manufacturers holding permits under this chapter in this state and
276 to persons outside the state who are authorized by law to purchase
277 the same, and to sell exclusively to the department.

278 Manufacturer's permits shall be of the following classes:

279 Class 1. Distiller's and/or rectifier's permit, which shall
280 authorize the holder thereof to operate a distillery for the
281 production of distilled spirits by distillation or redistillation
282 and/or to operate a rectifying plant for the purifying, refining,
283 mixing, blending, flavoring or reducing in proof of distilled
284 spirits and alcohol.

285 Class 2. Wine manufacturer's permit, which shall authorize
286 the holder thereof to manufacture, import in bulk, bottle and
287 store wine or vinous liquor.

288 Class 3. Native wine producer's permit, which shall
289 authorize the holder thereof to produce, bottle, store and sell
290 native wines.



291 (b) **Package retailer's permit.** Except as otherwise
292 provided in this paragraph and Section 67-1-52, a package
293 retailer's permit shall authorize the holder thereof to operate a
294 store exclusively for the sale at retail in original sealed and
295 unopened packages of alcoholic beverages, including native wines,
296 not to be consumed on the premises where sold. Alcoholic
297 beverages shall not be sold by any retailer in any package or
298 container containing less than fifty (50) milliliters by liquid
299 measure. A package retailer's permit, with prior approval from
300 the department, shall authorize the holder thereof to sample new
301 product furnished by a manufacturer's representative or his
302 employees at the permitted place of business so long as the
303 sampling otherwise complies with this chapter and applicable
304 department regulations. Such samples may not be provided to
305 customers at the permitted place of business. In addition to the
306 sale at retail of packages of alcoholic beverages, the holder of a
307 package retailer's permit is authorized to sell at retail
308 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
309 other beverages commonly used to mix with alcoholic beverages.
310 Nonalcoholic beverages sold by the holder of a package retailer's
311 permit shall not be consumed on the premises where sold.

312 (c) **On-premises retailer's permit.** Except as otherwise
313 provided in subsection (5) of this section, an on-premises
314 retailer's permit shall authorize the sale of alcoholic beverages,
315 including native wines, for consumption on the licensed premises



316 only; however, a patron of the permit holder may remove one (1)
317 bottle of wine from the licensed premises if: (i) the patron
318 consumed a portion of the bottle of wine in the course of
319 consuming a meal purchased on the licensed premises; (ii) the
320 permit holder securely reseals the bottle; (iii) the bottle is
321 placed in a bag that is secured in a manner so that it will be
322 visibly apparent if the bag is opened; and (iv) a dated receipt
323 for the wine and the meal is available. Such a permit shall be
324 issued only to qualified hotels, restaurants and clubs, and to
325 common carriers with adequate facilities for serving passengers.
326 In resort areas, whether inside or outside of a municipality, the
327 department, in its discretion, may issue on-premises retailer's
328 permits to such establishments as it deems proper. An on-premises
329 retailer's permit when issued to a common carrier shall authorize
330 the sale and serving of alcoholic beverages aboard any licensed
331 vehicle while moving through any county of the state; however, the
332 sale of such alcoholic beverages shall not be permitted while such
333 vehicle is stopped in a county that has not legalized such sales.
334 If an on-premises retailer's permit is applied for by a common
335 carrier operating solely in the water, such common carrier must,
336 along with all other qualifications for a permit, (i) be certified
337 to carry at least one hundred fifty (150) passengers and/or
338 provide overnight accommodations for at least fifty (50)
339 passengers and (ii) operate primarily in the waters within the
340 State of Mississippi which lie adjacent to the State of



341 Mississippi south of the three (3) most southern counties in the
342 State of Mississippi and/or on the Mississippi River or navigable
343 waters within any county bordering on the Mississippi River.

344 (d) **Solicitor's permit.** A solicitor's permit shall
345 authorize the holder thereof to act as salesman for a manufacturer
346 or wholesaler holding a proper permit, to solicit on behalf of his
347 employer orders for alcoholic beverages, and to otherwise promote
348 his employer's products in a legitimate manner. Such a permit
349 shall authorize the representation of and employment by one (1)
350 principal only. However, the permittee may also, in the
351 discretion of the department, be issued additional permits to
352 represent other principals. No such permittee shall buy or sell
353 alcoholic beverages for his own account, and no such beverage
354 shall be brought into this state in pursuance of the exercise of
355 such permit otherwise than through a permit issued to a wholesaler
356 or manufacturer in the state.

357 (e) **Native wine retailer's permit.** Except as otherwise
358 provided in subsection (5) of this section, a native wine
359 retailer's permit shall be issued only to a holder of a Class 3
360 manufacturer's permit, and shall authorize the holder thereof to
361 make retail sales of native wines to consumers for on-premises
362 consumption or to consumers in originally sealed and unopened
363 containers at an establishment located on the premises of or in
364 the immediate vicinity of a native winery.



365 (f) **Temporary retailer's permit.** Except as otherwise
366 provided in subsection (5) of this section, a temporary retailer's
367 permit shall permit the purchase and resale of alcoholic
368 beverages, including native wines, during legal hours on the
369 premises described in the temporary permit only.

370 Temporary retailer's permits shall be of the following
371 classes:

372 Class 1. A temporary one-day permit may be issued to bona
373 fide nonprofit civic or charitable organizations authorizing the
374 sale of alcoholic beverages, including native wine, for
375 consumption on the premises described in the temporary permit
376 only. Class 1 permits may be issued only to applicants
377 demonstrating to the department, by a statement signed under
378 penalty of perjury submitted ten (10) days prior to the proposed
379 date or such other time as the department may determine, that they
380 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
381 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
382 Class 1 permittees shall obtain all alcoholic beverages from
383 package retailers located in the county in which the temporary
384 permit is issued. Alcoholic beverages remaining in stock upon
385 expiration of the temporary permit may be returned by the
386 permittee to the package retailer for a refund of the purchase
387 price upon consent of the package retailer or may be kept by the
388 permittee exclusively for personal use and consumption, subject to
389 all laws pertaining to the illegal sale and possession of



390 alcoholic beverages. The department, following review of the
391 statement provided by the applicant and the requirements of the
392 applicable statutes and regulations, may issue the permit.

393 Class 2. A temporary permit, not to exceed seventy (70)
394 days, may be issued to prospective permittees seeking to transfer
395 a permit authorized in paragraph (c) of this subsection. A Class
396 2 permit may be issued only to applicants demonstrating to the
397 department, by a statement signed under the penalty of perjury,
398 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
399 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
400 67-1-59. The department, following a preliminary review of the
401 statement provided by the applicant and the requirements of the
402 applicable statutes and regulations, may issue the permit.

403 Class 2 temporary permittees must purchase their alcoholic
404 beverages directly from the department or, with approval of the
405 department, purchase the remaining stock of the previous
406 permittee. If the proposed applicant of a Class 1 or Class 2
407 temporary permit falsifies information contained in the
408 application or statement, the applicant shall never again be
409 eligible for a retail alcohol beverage permit and shall be subject
410 to prosecution for perjury.

411 Class 3. A temporary one-day permit may be issued to a
412 retail establishment authorizing the complimentary distribution of
413 wine, including native wine, to patrons of the retail
414 establishment at an open house or promotional event, for



415 consumption only on the premises described in the temporary
416 permit. A Class 3 permit may be issued only to an applicant
417 demonstrating to the department, by a statement signed under
418 penalty of perjury submitted ten (10) days before the proposed
419 date or such other time as the department may determine, that it
420 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
421 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
422 A Class 3 permit holder shall obtain all alcoholic beverages from
423 the holder(s) of a package retailer's permit located in the county
424 in which the temporary permit is issued. Wine remaining in stock
425 upon expiration of the temporary permit may be returned by the
426 Class 3 temporary permit holder to the package retailer for a
427 refund of the purchase price, with consent of the package
428 retailer, or may be kept by the Class 3 temporary permit holder
429 exclusively for personal use and consumption, subject to all laws
430 pertaining to the illegal sale and possession of alcoholic
431 beverages. The department, following review of the statement
432 provided by the applicant and the requirements of the applicable
433 statutes and regulations, may issue the permit. No retailer may
434 receive more than twelve (12) Class 3 temporary permits in a
435 calendar year. A Class 3 temporary permit shall not be issued to
436 a retail establishment that either holds a merchant permit issued
437 under paragraph (1) of this subsection, or holds a permit issued
438 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing



439 the holder to engage in the business of a retailer of light wine
440 or beer.

441 (g) **Caterer's permit.** A caterer's permit shall permit
442 the purchase of alcoholic beverages by a person engaging in
443 business as a caterer and the resale of alcoholic beverages by
444 such person in conjunction with such catering business. No person
445 shall qualify as a caterer unless forty percent (40%) or more of
446 the revenue derived from such catering business shall be from the
447 serving of prepared food and not from the sale of alcoholic
448 beverages and unless such person has obtained a permit for such
449 business from the Department of Health. A caterer's permit shall
450 not authorize the sale of alcoholic beverages on the premises of
451 the person engaging in business as a caterer; however, the holder
452 of an on-premises retailer's permit may hold a caterer's permit.
453 When the holder of an on-premises retailer's permit or an
454 affiliated entity of the holder also holds a caterer's permit, the
455 caterer's permit shall not authorize the service of alcoholic
456 beverages on a consistent, recurring basis at a separate, fixed
457 location owned or operated by the caterer, on-premises retailer or
458 affiliated entity and an on-premises retailer's permit shall be
459 required for the separate location. All sales of alcoholic
460 beverages by holders of a caterer's permit shall be made at the
461 location being catered by the caterer, and, except as otherwise
462 provided in subsection (5) of this section, such sales may be made
463 only for consumption at the catered location. The location being



464 catered may be anywhere within a county or judicial district that
465 has voted to come out from under the dry laws or in which the
466 sale * * * and distribution * * * of alcoholic beverages is
467 otherwise authorized by law. Such sales shall be made pursuant to
468 any other conditions and restrictions which apply to sales made by
469 on-premises retail permittees. The holder of a caterer's permit
470 or his employees shall remain at the catered location as long as
471 alcoholic beverages are being sold pursuant to the permit issued
472 under this paragraph (g), and the permittee shall have at the
473 location the identification card issued by the Alcoholic Beverage
474 Control Division of the department. No unsold alcoholic beverages
475 may be left at the catered location by the permittee upon the
476 conclusion of his business at that location. Appropriate law
477 enforcement officers and Alcoholic Beverage Control Division
478 personnel may enter a catered location on private property in
479 order to enforce laws governing the sale or serving of alcoholic
480 beverages.

481 (h) **Research permit.** A research permit shall authorize
482 the holder thereof to operate a research facility for the
483 professional research of alcoholic beverages. Such permit shall
484 authorize the holder of the permit to import and purchase limited
485 amounts of alcoholic beverages from the department or from
486 importers, wineries and distillers of alcoholic beverages for
487 professional research.



488 (i) **Alcohol processing permit.** An alcohol processing
489 permit shall authorize the holder thereof to purchase, transport
490 and possess alcoholic beverages for the exclusive use in cooking,
491 processing or manufacturing products which contain alcoholic
492 beverages as an integral ingredient. An alcohol processing permit
493 shall not authorize the sale of alcoholic beverages on the
494 premises of the person engaging in the business of cooking,
495 processing or manufacturing products which contain alcoholic
496 beverages. The amounts of alcoholic beverages allowed under an
497 alcohol processing permit shall be set by the department.

498 (j) **Hospitality cart permit.** A hospitality cart permit
499 shall authorize the sale of alcoholic beverages from a mobile cart
500 on a golf course that is the holder of an on-premises retailer's
501 permit. The alcoholic beverages sold from the cart must be
502 consumed within the boundaries of the golf course.

503 (k) **Special service permit.** A special service permit
504 shall authorize the holder to sell commercially sealed alcoholic
505 beverages to the operator of a commercial or private aircraft for
506 en route consumption only by passengers. A special service permit
507 shall be issued only to a fixed-base operator who contracts with
508 an airport facility to provide fueling and other associated
509 services to commercial and private aircraft.

510 (l) **Merchant permit.** Except as otherwise provided in
511 subsection (5) of this section, a merchant permit shall be issued
512 only to the owner of a spa facility, an art studio or gallery, or



513 a cooking school, and shall authorize the holder to serve
514 complimentary by the glass wine only, including native wine, at
515 the holder's spa facility, art studio or gallery, or cooking
516 school. A merchant permit holder shall obtain all wine from the
517 holder of a package retailer's permit.

518 (m) **Temporary alcoholic beverages charitable auction**
519 **permit.** A temporary permit, not to exceed five (5) days, may be
520 issued to a qualifying charitable nonprofit organization that is
521 exempt from taxation under Section 501(c)(3) or (4) of the
522 Internal Revenue Code of 1986. The permit shall authorize the
523 holder to sell alcoholic beverages for the limited purpose of
524 raising funds for the organization during a live or silent auction
525 that is conducted by the organization and that meets the following
526 requirements: (i) the auction is conducted in an area of the
527 state where the sale of alcoholic beverages is authorized; (ii) if
528 the auction is conducted on the premises of an on-premises
529 retailer's permit holder, then the alcoholic beverages to be
530 auctioned must be stored separately from the alcoholic beverages
531 sold, stored or served on the premises, must be removed from the
532 premises immediately following the auction, and may not be
533 consumed on the premises; (iii) the permit holder may not conduct
534 more than two (2) auctions during a calendar year; (iv) the permit
535 holder may not pay a commission or promotional fee to any person
536 to arrange or conduct the auction.



537 (n) **Event venue retailer's permit.** An event venue
538 retailer's permit shall authorize the holder thereof to purchase
539 and resell alcoholic beverages, including native wines, for
540 consumption on the premises during legal hours during events held
541 on the licensed premises if food is being served at the event by a
542 caterer who is not affiliated with or related to the permittee.
543 The caterer must serve at least three (3) entrees. The permit may
544 only be issued for venues that can accommodate two hundred (200)
545 persons or more. The number of persons a venue may accommodate
546 shall be determined by the local fire department and such
547 determination shall be provided in writing and submitted along
548 with all other documents required to be provided for an
549 on-premises retailer's permit. The permittee must derive the
550 majority of its revenue from event-related fees, including, but
551 not limited to, admission fees or ticket sales for live
552 entertainment in the building. "Event-related fees" do not
553 include alcohol, beer or light wine sales or any fee which may be
554 construed to cover the cost of alcohol, beer or light wine. This
555 determination shall be made on a per event basis. An event may
556 not last longer than two (2) consecutive days per week.

557 (o) **Temporary theatre permit.** A temporary theatre
558 permit, not to exceed five (5) days, may be issued to a charitable
559 nonprofit organization that is exempt from taxation under Section
560 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
561 a theatre facility that features plays and other theatrical



562 performances and productions. Except as otherwise provided in
563 subsection (5) of this section, the permit shall authorize the
564 holder to sell alcoholic beverages, including native wines, to
565 patrons of the theatre during performances and productions at the
566 theatre facility for consumption during such performances and
567 productions on the premises of the facility described in the
568 permit. A temporary theatre permit holder shall obtain all
569 alcoholic beverages from package retailers located in the county
570 in which the permit is issued. Alcoholic beverages remaining in
571 stock upon expiration of the temporary theatre permit may be
572 returned by the permittee to the package retailer for a refund of
573 the purchase price upon consent of the package retailer or may be
574 kept by the permittee exclusively for personal use and
575 consumption, subject to all laws pertaining to the illegal sale
576 and possession of alcoholic beverages.

577 (p) **Charter ship operator's permit.** Subject to the
578 provisions of this paragraph (p), a charter ship operator's permit
579 shall authorize the holder thereof and its employees to serve,
580 monitor, store and otherwise control the serving and availability
581 of alcoholic beverages to customers of the permit holder during
582 private charters under contract provided by the permit holder. A
583 charter ship operator's permit shall authorize such action by the
584 permit holder and its employees only as to alcoholic beverages
585 brought onto the permit holder's ship by customers of the permit
586 holder as part of such a private charter. All such alcoholic



587 beverages must be removed from the charter ship at the conclusion
588 of each private charter. A charter ship operator's permit shall
589 not authorize the permit holder to sell, charge for or otherwise
590 supply alcoholic beverages to customers, except as authorized in
591 this paragraph (p). For the purposes of this paragraph (p),
592 "charter ship operator" means a common carrier that (i) is
593 certified to carry at least one hundred fifty (150) passengers
594 and/or provide overnight accommodations for at least fifty (50)
595 passengers, (ii) operates only in the waters within the State of
596 Mississippi, which lie adjacent to the State of Mississippi south
597 of the three (3) most southern counties in the State of
598 Mississippi, and (iii) provides charters under contract for tours
599 and trips in such waters.

600 (q) **Distillery retailer's permit.** The holder of a
601 Class 1 manufacturer's permit may obtain a distillery retailer's
602 permit. A distillery retailer's permit shall authorize the holder
603 thereof to sell at retail alcoholic beverages by the sealed and
604 unopened bottle from a retail location at the distillery for
605 off-premises consumption. The holder may only sell product
606 manufactured by the manufacturer at the distillery described in
607 the permit. The holder shall not sell at retail more than ten
608 percent (10%) of the alcoholic beverages produced annually at its
609 distillery. The holder shall not make retail sales of more than
610 two and twenty-five one-hundredths (2.25) liters, in the
611 aggregate, of the alcoholic beverages produced at its distillery



612 to any one (1) individual for consumption off the premises of the
613 distillery within a twenty-four-hour period. The hours of sale
614 shall be the same as those hours for package retailers under this
615 chapter. The holder of a distillery retailer's permit is not
616 required to purchase the alcoholic beverages authorized to be sold
617 by this paragraph from the department's liquor distribution
618 warehouse; however, if the holder does not purchase the alcoholic
619 beverages from the department's liquor distribution warehouse, the
620 holder shall pay to the department all taxes, fees and surcharges
621 on the alcoholic beverages that are imposed upon the sale of
622 alcoholic beverages shipped by the Alcoholic Beverage Control
623 Division of the Department of Revenue. In addition to alcoholic
624 beverages, the holder of a distillery retailer's permit may sell
625 at retail promotional products from the same retail location,
626 including shirts, hats, glasses, and other promotional products
627 customarily sold by alcoholic beverage manufacturers.

628 (2) Except as otherwise provided in subsection (4) of this
629 section, retail permittees may hold more than one (1) retail
630 permit, at the discretion of the department.

631 (3) Except as otherwise provided in this subsection, no
632 authority shall be granted to any person to manufacture, sell or
633 store for sale any intoxicating liquor as specified in this
634 chapter within four hundred (400) feet of any church, school,
635 kindergarten or funeral home. However, within an area zoned



636 commercial or business, such minimum distance shall be not less
637 than one hundred (100) feet.

638 A church or funeral home may waive the distance restrictions
639 imposed in this subsection in favor of allowing issuance by the
640 department of a permit, pursuant to subsection (1) of this
641 section, to authorize activity relating to the manufacturing, sale
642 or storage of alcoholic beverages which would otherwise be
643 prohibited under the minimum distance criterion. Such waiver
644 shall be in written form from the owner, the governing body, or
645 the appropriate officer of the church or funeral home having the
646 authority to execute such a waiver, and the waiver shall be filed
647 with and verified by the department before becoming effective.

648 The distance restrictions imposed in this subsection shall
649 not apply to the sale or storage of alcoholic beverages at a bed
650 and breakfast inn listed in the National Register of Historic
651 Places or to the sale or storage of alcoholic beverages in a
652 historic district that is listed in the National Register of
653 Historic Places, is a qualified resort area and is located in a
654 municipality having a population greater than one hundred thousand
655 (100,000) according to the latest federal decennial census.

656 (4) No person, either individually or as a member of a firm,
657 partnership, limited liability company or association, or as a
658 stockholder, officer or director in a corporation, shall own or
659 control any interest in more than one (1) package retailer's
660 permit, nor shall such person's spouse, if living in the same



661 household of such person, any relative of such person, if living
662 in the same household of such person, or any other person living
663 in the same household with such person own any interest in any
664 other package retailer's permit.

665 (5) (a) In addition to any other authority granted under
666 this section, the holder of a permit issued under subsection
667 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
668 sell or otherwise provide alcoholic beverages and/or wine to a
669 patron of the permit holder in the manner authorized in the permit
670 and the patron may remove an open glass, cup or other container of
671 the alcoholic beverage and/or wine from the licensed premises and
672 may possess and consume the alcoholic beverage or wine outside of
673 the licensed premises if: (i) the licensed premises is located
674 within a leisure and recreation district created under Section
675 67-1-101 and (ii) the patron remains within the boundaries of the
676 leisure and recreation district while in possession of the
677 alcoholic beverage or wine.

678 (b) Nothing in this subsection shall be construed to
679 allow a person to bring any alcoholic beverages into a permitted
680 premises except to the extent otherwise authorized by this
681 chapter.

682 **SECTION 7.** Section 67-3-7, Mississippi Code of 1972, is
683 amended as follows:

684 67-3-7. (1) If any county, at an election held for the
685 purpose under the election laws of the state, shall by a majority



686 vote of the duly qualified electors voting in the election
687 determine that the transportation, storage, sale, distribution,
688 receipt and/or manufacture of wine and beer shall not be permitted
689 in such county, then the same shall not be permitted therein
690 except as authorized under Section 67-9-1 and as may be otherwise
691 authorized in this section. An election to determine whether such
692 transportation, storage, sale, distribution, receipt and/or
693 manufacture of such beverages shall be excluded from any county in
694 the state, shall, on a petition of twenty percent (20%) of the
695 duly qualified electors of such county, be ordered by the board of
696 supervisors of the county, for such county only. No election on
697 the question shall be held in any one (1) county more often than
698 once in five (5) years.

699 In counties which have elected, or may elect by a majority
700 vote of the duly qualified electors voting in the election, that
701 the transportation, storage, sale, distribution, receipt and/or
702 manufacture of wine or beer shall not be permitted in the county,
703 an election may be held in the same manner as the election
704 hereinabove provided on the question of whether or not the
705 transportation, storage, sale, distribution, receipt and/or
706 manufacture of said beverages shall be permitted in such county.
707 Such election shall be ordered by the board of supervisors of such
708 county on a petition of twenty percent (20%) of the duly qualified
709 electors of such county. No election on this question can be
710 ordered more often than once in five (5) years.



711 (2) Nothing in this section shall make it unlawful to
712 possess beer or light wine, as defined herein * * *.

713 (3) Nothing in this section shall make it unlawful to:

714 * * *

715 (* * *a) Sell, distribute and transport light wine or
716 beer to a qualified resort area as defined in Section 67-1-5;

717 (* * *b) Sell light wine or beer at a qualified resort
718 area as defined in Section 67-1-5 if such light wine or beer is
719 sold by a person with a permit to engage in the business as a
720 retailer of light wine or beer;

721 (* * *c) Transport beer of an alcoholic content of
722 more than eight percent (8%) by weight if it is being transported
723 to another state for legal sale in that state;

724 (* * *d) Transport legally purchased light wine or
725 beer in unopened containers * * *; however, this paragraph shall
726 not apply to a retailer unless the retailer has purchased the
727 light wine or beer from a wholesaler or distributor for the
728 designated sales territory in which the retailer is located and
729 the retailer has in his possession an invoice from the wholesaler
730 or distributor for the light wine or beer; or

731 (* * *e) Transport homemade beer as authorized in
732 Section 67-3-11.

733 **SECTION 8.** Section 67-3-11, Mississippi Code of 1972, is
734 amended as follows:



735 67-3-11. (1) Every person shall have the right to make
736 homemade wine for domestic or household uses only, free of all
737 restraint by this chapter or otherwise, and no such election as
738 provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive
739 any person of the right to make homemade wine for domestic or
740 household uses only.

741 (2) (a) Every person twenty-one (21) years of age or older
742 shall have the right to make homemade beer for personal, family,
743 domestic or household uses without restraint by this chapter or
744 otherwise * * *.

745 (b) The maximum amount of homemade beer that a person
746 may make in a calendar year shall not exceed:

747 (i) One hundred (100) gallons if there is only one
748 (1) person over the age of twenty-one (21) years of age residing
749 in the household; and

750 (ii) Two hundred (200) gallons if there are two
751 (2) or more persons over the age of twenty-one (21) years residing
752 in the household.

753 (c) A person who makes homemade beer as authorized in
754 this section may remove the beer from the premises of the
755 household where it is made and transport the beer only for the
756 purpose of participating in a bona fide exhibition, contest or
757 competition where homemade beer is being tasted and judged;
758 however, homemade beer may not be sold or offered for sale under
759 any circumstances.



760 **SECTION 9.** Section 67-3-13, Mississippi Code of 1972, is
761 amended as follows:

762 67-3-13. (1) * * * It shall be lawful to possess beer and
763 light wine throughout the state, unless otherwise prohibited by
764 this chapter. However, nothing herein shall be construed to make
765 lawful the possession of beer or light wine with the intent to
766 sell except as authorized by this chapter.

767 (2) * * * In any county or municipality in which the
768 transportation, storage, sale, distribution, receipt and/or
769 manufacture of light wine and beer is prohibited, it shall not be
770 unlawful for a permitted wholesaler or distributor to possess
771 light wine and beer when such light wine and beer is held therein
772 solely for the purpose of storage and for distribution to other
773 counties and municipalities in which * * * transportation,
774 storage, sale, distribution, receipt and/or manufacture is lawful.

775 (3) Notwithstanding the provisions of subsections (1) and
776 (2) of this section, in any county in which transportation,
777 storage, sale, distribution, receipt and/or manufacture of light
778 wine and beer is prohibited, it shall not be unlawful:

779 (a) To receive * * * or store * * * light wine or beer
780 at a resort area as defined in Section 67-1-5;

781 (b) To distribute and transport light wine or beer to a
782 resort area as defined in Section 67-1-5;



783 (c) To transport beer of an alcoholic content of more
784 than eight percent (8%) by weight if it is being transported to
785 another state for legal sale in that state;

786 (d) To transport legally purchased light wine or beer
787 in unopened containers if it is being transported on a state or
788 federal highway; however, this paragraph shall not apply to a
789 retailer unless the retailer has purchased the light wine or beer
790 from a wholesaler or distributor for the designated sales
791 territory in which the retailer is located and the retailer has in
792 his possession an invoice from the wholesaler or distributor for
793 the light wine or beer; or

794 (e) To transport homemade beer as authorized in Section
795 67-3-11.

796 (4) Any light wine or beer found in possession of, or sold
797 by, a person in violation of this section shall be seized and
798 disposed of in the manner provided for in Section 67-1-18.

799 **SECTION 10.** This act shall take effect and be in force from
800 and after January 1, 2021.

