

By: Representative Lamar

To: Ways and Means

HOUSE BILL NO. 1087
(As Sent to Governor)

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,
7 LIGHT SPIRIT PRODUCT AND LIGHT WINE THROUGHOUT THE STATE; AND FOR
8 RELATED PURPOSES.

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

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

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



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

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36 repealed only to the extent of such conflict; however, except as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



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

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

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



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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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



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

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

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



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



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

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

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



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

264 (3) The governing authorities of a municipality that has
265 voted to come out from under the dry * * * law after August 23,
266 2012, may, by ordinance, provide that alcoholic beverages may be



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

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

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

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

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

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

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

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



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

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



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



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

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

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



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

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

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



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

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

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

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



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



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

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



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

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



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

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

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

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



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

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



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

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



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

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



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

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



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

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

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



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

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

649 The distance restrictions imposed in this subsection shall
650 not apply to the sale or storage of alcoholic beverages at a bed
651 and breakfast inn listed in the National Register of Historic
652 Places or to the sale or storage of alcoholic beverages in a
653 historic district that is listed in the National Register of
654 Historic Places, is a qualified resort area and is located in a
655 municipality having a population greater than one hundred thousand
656 (100,000) according to the latest federal decennial census.

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



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

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

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

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

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



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

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



711 this question can be ordered more often than once in five (5)
712 years.

713 (2) Nothing in this section shall make it unlawful to
714 possess beer, light spirit product or light wine, as defined
715 herein * * *.

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

717 * * *

718 (* * *a) Sell, distribute and transport light wine, light spirit product
719 light spirit product or beer to a qualified resort area as defined
720 in Section 67-1-5;

721 (* * *b) Sell light wine, light spirit product or beer
722 at a qualified resort area as defined in Section 67-1-5 if such
723 light wine, light spirit product or beer is sold by a person with
724 a permit to engage in the business as a retailer of light wine, light spirit product
725 light spirit product or beer;

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

729 (* * *d) Transport legally purchased light wine, light spirit product
730 spirit product or beer in unopened containers * * *; however, this
731 paragraph shall not apply to a retailer unless the retailer has
732 purchased the light wine, light spirit product or beer from a
733 wholesaler or distributor for the designated sales territory in
734 which the retailer is located and the retailer has in his



735 possession an invoice from the wholesaler or distributor for the
736 light wine, light spirit product or beer; or

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

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

741 67-3-11. (1) Every person shall have the right to make
742 homemade wine for domestic or household uses only, free of all
743 restraint by this chapter or otherwise, and no such election as
744 provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive
745 any person of the right to make homemade wine for domestic or
746 household uses only.

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

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

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

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



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

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

768 67-3-13. (1) * * * It shall be lawful to possess beer,
769 light spirit product and light wine throughout the state, unless
770 otherwise prohibited by this chapter. However, nothing herein
771 shall be construed to make lawful the possession of beer, light
772 spirit product or light wine with the intent to sell except as
773 authorized by this chapter.

774 (2) * * * In any county or municipality in which the
775 transportation, storage, sale, distribution, receipt and/or
776 manufacture of light wine, light spirit product and beer is
777 prohibited, it shall not be unlawful for a permitted wholesaler or
778 distributor to possess light wine, light spirit product and beer
779 when such light wine, light spirit product and beer is held
780 therein solely for the purpose of storage and for distribution to
781 other counties and municipalities in which * * * transportation,
782 storage, sale, distribution, receipt and/or manufacture is lawful.



783 (3) Notwithstanding the provisions of subsections (1) and
784 (2) of this section, in any county in which transportation,
785 storage, sale, distribution, receipt and/or manufacture of light
786 wine, light spirit product and beer is prohibited, it shall not be
787 unlawful:

788 (a) To receive * * * or store * * * light wine, light
789 spirit product or beer at a resort area as defined in Section
790 67-1-5;

791 (b) To distribute and transport light wine, light
792 spirit product or beer to a resort area as defined in Section
793 67-1-5;

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

797 (d) To transport legally purchased light wine, light
798 spirit product or beer in unopened containers if it is being
799 transported on a state or federal highway; however, this paragraph
800 shall not apply to a retailer unless the retailer has purchased
801 the light wine, light spirit product or beer from a wholesaler or
802 distributor for the designated sales territory in which the
803 retailer is located and the retailer has in his possession an
804 invoice from the wholesaler or distributor for the light wine,
805 light spirit product or beer; or

806 (e) To transport homemade beer as authorized in Section
807 67-3-11.



808 (4) Any light wine, light spirit product or beer found in
809 possession of, or sold by, a person in violation of this section
810 shall be seized and disposed of in the manner provided for in
811 Section 67-1-18.

812 **SECTION 10.** This act shall take effect and be in force from
813 and after July 1, 2020.

