

By: Representative Powell

To: State Affairs

HOUSE BILL NO. 671

1 AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO
 2 RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE IN FAVOR OF THE
 3 LEGAL MANUFACTURE, SALE, DISTRIBUTION AND TRANSPORTATION OF
 4 ALCOHOLIC BEVERAGES, EXCEPT IN COUNTIES THAT VOTE TO INSTITUTE
 5 PROHIBITION AFTER HOLDING AN ELECTION ON THE MATTER; TO AMEND
 6 SECTIONS 67-1-5, 67-1-7, 67-1-9, 67-1-15, 67-1-16, 67-1-17,
 7 67-1-37, 67-1-51, 67-1-57, 67-1-85, 67-1-91, 67-1-101, 67-9-1,
 8 27-71-15, 27-71-31 AND 97-31-47, MISSISSIPPI CODE OF 1972, IN
 9 CONFORMITY THERETO; TO AMEND SECTIONS 67-1-11, 67-1-13 AND
 10 67-1-14, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO AND TO
 11 REVISE HOW OFTEN A COUNTY OR MUNICIPALITY MAY HOLD AN ELECTION ON
 12 THE QUESTION OF INSTITUTION PROHIBITION; TO AMEND SECTION
 13 67-1-51.1, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS
 14 RELATING TO RESPONSIBILITIES OF PACKAGE RETAILERS THAT CONTRACT
 15 WITH DELIVERY SERVICE PERMITTEES FOR DELIVERY OF ALCOHOLIC
 16 BEVERAGES OR BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCT; TO BRING
 17 FORWARD SECTION 67-3-9, MISSISSIPPI CODE OF 1972, WHICH IS A
 18 SECTION OF LAW REGULATING THE MANUFACTURE, SALE, TRANSPORTATION
 19 AND DISTRIBUTION OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER, FOR
 20 THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

24 67-1-3. From and after January 1, 2027, the policy of this
 25 state is * * * declared to be a renunciation of prohibition in
 26 favor of the legal manufacture, sale, distribution, and
 27 transportation of alcoholic beverages * * * in this state, except



28 in such counties that vote to institute prohibition after holding
29 an election on the matter. The purpose and intent of this article
30 is to * * * provide the laws under which alcoholic beverages may
31 be legally sold, manufactured and distributed in this state.

32 However, from and after January 1, 2021, prohibition is renounced
33 as to the possession of alcoholic beverages. It shall thereafter
34 be lawful to possess alcoholic beverages throughout the state,
35 unless otherwise prohibited in this article. Nothing herein shall
36 be construed to make lawful the possession of alcoholic beverages
37 with the intent to sell except as authorized under this article.

38 All laws and parts of laws in conflict with this article are
39 repealed only to the extent of such conflict; however, except as
40 is provided in this article, all laws prohibiting the manufacture,
41 sale, and distribution of alcoholic beverages, which are not in
42 conflict with this article shall remain in full force and
43 effect * * * in counties and municipalities wherein * * * a
44 prohibition on manufacture, sale, and distribution of alcoholic
45 beverages * * * shall hereafter be authorized as a result of an
46 election held * * * after January 1, 2027, as * * * provided in
47 this article.

48 **SECTION 2.** Section 67-1-5, Mississippi Code of 1972, is
49 amended as follows:

50 67-1-5. For the purposes of this article and unless
51 otherwise required by the context:



52 (a) "Alcoholic beverage" means any alcoholic liquid,
53 including wines of more than five percent (5%) of alcohol by
54 weight, capable of being consumed as a beverage by a human being,
55 but shall not include light wine, light spirit product and beer,
56 as defined in Section 67-3-3, but shall include native wines,
57 native spirits, and craft spirits. The words "alcoholic beverage"
58 shall not include ethyl alcohol manufactured or distilled solely
59 for fuel purposes or beer of an alcoholic content of more than
60 eight percent (8%) by weight if the beer is legally manufactured
61 in this state for sale in another state.

62 (b) "Alcohol" means the product of distillation of any
63 fermented liquid, whatever the origin thereof, and includes
64 synthetic ethyl alcohol, but does not include denatured alcohol or
65 wood alcohol.

66 (c) "Distilled spirits" means any beverage containing
67 more than six percent (6%) of alcohol by weight produced by
68 distillation of fermented grain, starch, molasses or sugar,
69 including dilutions and mixtures of these beverages.

70 (d) "Wine" or "vinous liquor" means any product
71 obtained from the alcoholic fermentation of the juice of sound,
72 ripe grapes, fruits, honey or berries and made in accordance with
73 the revenue laws of the United States.

74 (e) "Person" means and includes any individual,
75 partnership, corporation, association or other legal entity
76 whatsoever.



77 (f) "Manufacturer" means any person engaged in
78 manufacturing, distilling, rectifying, blending or bottling any
79 alcoholic beverage.

80 (g) "Wholesaler" means any person, other than a
81 manufacturer, engaged in distributing or selling any alcoholic
82 beverage at wholesale for delivery within or without this state
83 when such sale is for the purpose of resale by the purchaser.

84 (h) "Retailer" means any person who sells, distributes,
85 or offers for sale or distribution, any alcoholic beverage for use
86 or consumption by the purchaser and not for resale.

87 (i) "State Tax Commission," "commission" or
88 "department" means the Department of Revenue of the State of
89 Mississippi, which shall create a division in its organization to
90 be known as the Alcoholic Beverage Control Division. Any
91 reference to the commission or the department hereafter means the
92 powers and duties of the Department of Revenue with reference to
93 supervision of the Alcoholic Beverage Control Division.

94 (j) "Division" means the Alcoholic Beverage Control
95 Division of the Department of Revenue.

96 (k) "Municipality" means any incorporated city or town
97 of this state.

98 (l) "Hotel" means an establishment within a
99 municipality, or within a qualified resort area approved as such
100 by the department, where, in consideration of payment, food and
101 lodging are habitually furnished to travelers and wherein are



102 located at least twenty (20) adequately furnished and completely
103 separate sleeping rooms with adequate facilities that persons
104 usually apply for and receive as overnight accommodations. Hotels
105 in towns or cities of more than twenty-five thousand (25,000)
106 population are similarly defined except that they must have fifty
107 (50) or more sleeping rooms. Any such establishment described in
108 this paragraph with less than fifty (50) beds shall operate one or
109 more regular dining rooms designed to be constantly frequented by
110 customers each day. When used in this article, the word "hotel"
111 shall also be construed to include any establishment that meets
112 the definition of "bed and breakfast inn" as provided in this
113 section.

114 (m) "Restaurant" means:

115 (i) A place which is regularly and in a bona fide
116 manner used and kept open for the serving of meals to guests for
117 compensation, which has suitable seating facilities for guests,
118 and which has suitable kitchen facilities connected therewith for
119 cooking an assortment of foods and meals commonly ordered at
120 various hours of the day; the service of such food as sandwiches
121 and salads only shall not be deemed in compliance with this
122 requirement. Except as otherwise provided in this paragraph, no
123 place shall qualify as a restaurant under this article unless
124 twenty-five percent (25%) or more of the revenue derived from such
125 place shall be from the preparation, cooking and serving of meals
126 and not from the sale of beverages, or unless the value of food



127 given to and consumed by customers is equal to twenty-five percent
128 (25%) or more of total revenue; or

129 (ii) Any privately owned business located in a
130 building in a historic district where the district is listed in
131 the National Register of Historic Places, where the building has a
132 total occupancy rating of not less than one thousand (1,000) and
133 where the business regularly utilizes ten thousand (10,000) square
134 feet or more in the building for live entertainment, including not
135 only the stage, lobby or area where the audience sits and/or
136 stands, but also any other portion of the building necessary for
137 the operation of the business, including any kitchen area, bar
138 area, storage area and office space, but excluding any area for
139 parking. In addition to the other requirements of this
140 subparagraph, the business must also serve food to guests for
141 compensation within the building and derive the majority of its
142 revenue from event-related fees, including, but not limited to,
143 admission fees or ticket sales to live entertainment in the
144 building, and from the rental of all or part of the facilities of
145 the business in the building to another party for a specific event
146 or function.

147 (n) "Club" means an association or a corporation:

148 (i) Organized or created under the laws of this
149 state for a period of five (5) years prior to July 1, 1966;



150 (ii) Organized not primarily for pecuniary profit
151 but for the promotion of some common object other than the sale or
152 consumption of alcoholic beverages;

153 (iii) Maintained by its members through the
154 payment of annual dues;

155 (iv) Owning, hiring or leasing a building or space
156 in a building of such extent and character as may be suitable and
157 adequate for the reasonable and comfortable use and accommodation
158 of its members and their guests;

159 (v) The affairs and management of which are
160 conducted by a board of directors, board of governors, executive
161 committee, or similar governing body chosen by the members at a
162 regular meeting held at some periodic interval; and

163 (vi) No member, officer, agent or employee of
164 which is paid, or directly or indirectly receives, in the form of
165 a salary or other compensation any profit from the distribution or
166 sale of alcoholic beverages to the club or to members or guests of
167 the club beyond such salary or compensation as may be fixed and
168 voted at a proper meeting by the board of directors or other
169 governing body out of the general revenues of the club.

170 The department may, in its discretion, waive the five-year
171 provision of this paragraph. In order to qualify under this
172 paragraph, a club must file with the department, at the time of
173 its application for a license under this article, two (2) copies
174 of a list of the names and residences of its members and similarly



175 file, within ten (10) days after the election of any additional
176 member, his name and address. Each club applying for a license
177 shall also file with the department at the time of the application
178 a copy of its articles of association, charter of incorporation,
179 bylaws or other instruments governing the business and affairs
180 thereof.

181 (o) "Qualified resort area" means any area or locality
182 outside of the limits of incorporated municipalities in this state
183 commonly known and accepted as a place which regularly and
184 customarily attracts tourists, vacationists and other transients
185 because of its historical, scenic or recreational facilities or
186 attractions, or because of other attributes which regularly and
187 customarily appeal to and attract tourists, vacationists and other
188 transients in substantial numbers; however, no area or locality
189 shall so qualify as a resort area until it has been duly and
190 properly approved as such by the department. The department may
191 not approve an area as a qualified resort area after July 1, 2018,
192 if any portion of such proposed area is located within two (2)
193 miles of a convent or monastery that is located in a county
194 traversed by Interstate 55 and U.S. Highway 98. A convent or
195 monastery may waive such distance restrictions in favor of
196 allowing approval by the department of an area as a qualified
197 resort area. Such waiver shall be in written form from the owner,
198 the governing body, or the appropriate officer of the convent or
199 monastery having the authority to execute such a waiver, and the



200 waiver shall be filed with and verified by the department before
201 becoming effective.

202 (i) The department may approve an area or
203 locality * * * that is in the process of being developed as a
204 qualified resort area if such area or locality, when developed,
205 can reasonably be expected to meet the requisites of the
206 definition of the term "qualified resort area." In such a case,
207 the status of qualified resort area shall not take effect until
208 completion of the development.

209 (ii) The term includes any state park which is
210 declared a resort area by the department; however, such
211 declaration may only be initiated in a written request for resort
212 area status made to the department by the Executive Director of
213 the Department of Wildlife, Fisheries and Parks, and no permit for
214 the sale of any alcoholic beverage, as defined in this article,
215 except an on-premises retailer's permit, shall be issued for a
216 hotel, restaurant or bed and breakfast inn in such park.

217 (iii) The term includes:

218 1. The clubhouses associated with the state
219 park golf courses at the Lefleur's Bluff State Park, the John Kyle
220 State Park, the Percy Quin State Park and the Hugh White State
221 Park;

222 2. The clubhouse and associated golf course,
223 tennis courts and related facilities and swimming pool and related
224 facilities where the golf course, tennis courts and related



225 facilities and swimming pool and related facilities are adjacent
226 to one or more planned residential developments and the golf
227 course and all such developments collectively include at least
228 seven hundred fifty (750) acres and at least four hundred (400)
229 residential units;

230 3. Any facility located on property that is a
231 game reserve with restricted access that consists of at least
232 three thousand (3,000) contiguous acres with no public roads and
233 that offers as a service hunts for a fee to overnight guests of
234 the facility;

235 4. Any facility located on federal property
236 surrounding a lake and designated as a recreational area by the
237 United States Army Corps of Engineers that consists of at least
238 one thousand five hundred (1,500) acres;

239 5. Any facility that is located in a
240 municipality that is bordered by the Pearl River, traversed by
241 Mississippi Highway 25, adjacent to the boundaries of the Jackson
242 International Airport and is located in a county which has voted
243 against coming out from under the dry law as such law existed
244 before January 1, 2027; however, any such facility may only be
245 located in areas designated by the governing authorities of such
246 municipality;

247 6. Any municipality with a population in
248 excess of ten thousand (10,000) according to the latest federal
249 decennial census that is located in a county that is bordered by



250 the Pearl River and is not traversed by Interstate Highway 20,
251 with a population in excess of forty-five thousand (45,000)
252 according to the latest federal decennial census;

253 7. The West Pearl Restaurant Tax District as
254 defined in Chapter 912, Local and Private Laws of 2007;

255 8. a. Land that is located in any county in
256 which Mississippi Highway 43 and Mississippi Highway 25 intersect
257 and:

258 A. Owned by the Pearl River Valley
259 Water Supply District, and/or

260 B. Located within the Reservoir
261 Community District, zoned commercial, east of Old Fannin Road,
262 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
263 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
264 Drive and/or Lake Vista Place, and/or

265 C. Located within the Reservoir
266 Community District, zoned commercial, west of Old Fannin Road,
267 south of Spillway Road and extending to the boundary of the
268 corporate limits of the City of Flowood, Mississippi;

269 b. The board of supervisors of such
270 county, with respect to B and C of item 8.a., may by resolution or
271 other order:

272 A. Specify the hours of operation
273 of facilities that offer alcoholic beverages for sale,



274 B. Specify the percentage of
275 revenue that facilities that offer alcoholic beverages for sale
276 must derive from the preparation, cooking and serving of meals and
277 not from the sale of beverages, and

278 C. Designate the areas in which
279 facilities that offer alcoholic beverages for sale may be located;

280 9. Any facility located on property that is a
281 game reserve with restricted access that consists of at least
282 eight hundred (800) contiguous acres with no public roads, that
283 offers as a service hunts for a fee to overnight guests of the
284 facility, and has accommodations for at least fifty (50) overnight
285 guests;

286 10. Any facility that:

287 a. Consists of at least six thousand
288 (6,000) square feet being heated and cooled along with an
289 additional adjacent area that consists of at least two thousand
290 two hundred (2,200) square feet regardless of whether heated and
291 cooled,

292 b. For a fee is used to host events such
293 as weddings, reunions and conventions,

294 c. Provides lodging accommodations
295 regardless of whether part of the facility and/or located adjacent
296 to or in close proximity to the facility, and

297 d. Is located on property that consists
298 of at least thirty (30) contiguous acres;



299 11. Any facility and related property:
300 a. Located on property that consists of
301 at least one hundred twenty-five (125) contiguous acres and
302 consisting of an eighteen-hole golf course, and/or located in a
303 facility that consists of at least eight thousand (8,000) square
304 feet being heated and cooled,
305 b. Used for the purpose of providing
306 meals and hosting events, and
307 c. Used for the purpose of teaching
308 culinary arts courses and/or turf management and grounds keeping
309 courses, and/or outdoor recreation and leadership courses;
310 12. Any facility and related property that:
311 a. Consist of at least eight thousand
312 (8,000) square feet being heated and cooled,
313 b. For a fee is used to host events,
314 c. Is used for the purpose of culinary
315 arts courses, and/or live entertainment courses and art
316 performances, and/or outdoor recreation and leadership courses;
317 13. The clubhouse and associated golf course
318 where the golf course is adjacent to one or more residential
319 developments and the golf course and all such developments
320 collectively include at least two hundred (200) acres and at least
321 one hundred fifty (150) residential units and are located a. in a
322 county that has voted against coming out from under the dry law as
323 such law existed before January 1, 2027; and b. outside of but in



324 close proximity to a municipality in such county which has voted
325 under Section 67-1-14, after January 1, 2013, to come out from
326 under the dry law as such law existed before January 1, 2027;

327 14. The clubhouse and associated
328 eighteen-hole golf course located in a municipality traversed by
329 Interstate Highway 55 and U.S. Highway 51 that has voted to come
330 out from under the dry law as such law existed before January 1,
331 2027;

332 15. a. Land that is planned for mixed-use
333 development and consists of at least two hundred (200) contiguous
334 acres with one or more planned residential developments
335 collectively planned to include at least two hundred (200)
336 residential units when completed, and also including a facility
337 that consists of at least four thousand (4,000) square feet that
338 is not part of such land but is located adjacent to or in close
339 proximity thereto, and in addition, also including land located
340 and beginning outside of and adjacent to the south boundary of the
341 corporate limits of a municipality on South Montgomery Street and
342 running approximately one (1) mile west outside of and along such
343 corporate limits, then running in a straight line parallel to
344 South Montgomery Street south to Poor House Road, then running
345 east along Poor House Road to South Montgomery Street, and then
346 running north along South Montgomery Street back to the point of
347 beginning, and which land is located:



348 A. In a county that has voted to
349 come out from under the dry law as such law existed before January
350 1, 2027,

351 B. Outside the corporate limits of
352 any municipality in such county and adjacent to or in close
353 proximity to a golf course located in a municipality in such
354 county, and

355 C. Within one (1) mile of a state
356 institution of higher learning;

357 b. The board of supervisors of such
358 county may by resolution or other order:

359 A. Specify the hours of operation
360 of facilities that offer alcoholic beverages for sale,

361 B. Specify the percentage of
362 revenue that facilities that offer alcoholic beverages for sale
363 must derive from the preparation, cooking and serving of meals and
364 not from the sale of beverages, and

365 C. Designate the areas in which
366 facilities that offer alcoholic beverages for sale may be located;

367 16. Any facility with a capacity of five
368 hundred (500) people or more, to be used as a venue for private
369 events, on a tract of land in the Southwest Quarter of Section 33,
370 Township 2 South, Range 7 East, of a county where U.S. Highway 45
371 and U.S. Highway 72 intersect and that has not voted to come out
372 from under the dry law as such law existed before January 1, 2027;



373 17. One hundred five (105) contiguous acres,
374 more or less, located in Hinds County, Mississippi, and in the
375 City of Jackson, Mississippi, whereon are constructed a variety of
376 buildings, improvements, grounds or objects for the purpose of
377 holding events thereon to promote agricultural and industrial
378 development in Mississippi;

379 18. Land that is owned by a state institution
380 of higher learning, land that is owned by an entity that is bound
381 by an affiliation agreement with a state institution of higher
382 learning, or land that is owned by one or more other entities so
383 long as such other entities are solely owned, either directly or
384 through additional entities, by an institution of higher learning
385 and/or one or more entities bound by affiliation agreements with
386 such institution, and:

387 a. Located entirely within a county that
388 has elected by majority vote before January 1, 2027, not to permit
389 the transportation, storage, sale, distribution, receipt and/or
390 manufacture of light wine and beer pursuant to Section 67-3-7; and

391 b. A. Located adjacent to but outside
392 the incorporated limits of a municipality that has elected by
393 majority vote before January 1, 2027, to permit the sale, receipt,
394 storage and transportation of light wine and beer pursuant to
395 Section 67-3-9; or

396 B. Located in an area bounded on
397 the north by College View Drive, on the east by Mississippi



398 Highway 12 East, on the south by Mississippi Highway 12 East, on
399 the west by Mill Street, on the north by Russell Street, then on
400 the west by Colonel Muldrow Avenue, on the north by University
401 Drive, on the west by Adkerson Way within a municipality through
402 which run Mississippi Highway 25, Mississippi Highway 12 and U.S.
403 Highway 82.

404 If any portion of the land described in this item 18 has been
405 declared a qualified resort area by the department before July 1,
406 2020, then that qualified resort area shall be incorporated into
407 the qualified resort area created by this item 18;

408 19. Any facility and related property:

409 a. Used as a flea market or similar
410 venue during a weekend (Saturday and Sunday) immediately preceding
411 the first Monday of a month and having an annual average of at
412 least one thousand (1,000) visitors for each such weekend and five
413 hundred (500) vendors for Saturday of each such weekend, and

414 b. Located in a county that has not
415 voted to come out from under the dry law as such law existed
416 before January 1, 2027, and outside of but in close proximity to a
417 municipality located in such county and which municipality has
418 voted to come out from under the dry law as such law existed
419 before January 1, 2027;

420 20. Blocks 1, 2 and 3 of the original town
421 square in any municipality with a population in excess of one



422 thousand five hundred (1,500) according to the latest federal
423 decennial census and which is located in:

424 a. A county traversed by Interstate 55
425 and Interstate 20, and

426 b. A judicial district that has not
427 voted to come out from under the dry law as such law existed
428 before January 1, 2027;

429 21. Any municipality with a population in
430 excess of two thousand (2,000) according to the latest federal
431 decennial census and in which is located a part of White's Creek
432 Lake and in which U.S. Highway 82 intersects with Mississippi
433 Highway 9 and located in a county that is partially bordered on
434 one (1) side by the Big Black River;

435 22. A restaurant located on a two-acre tract
436 adjacent to a five-hundred-fifty-acre lake in the northeast corner
437 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

438 23. Any tracts of land in Oktibbeha County,
439 situated north of Bailey Howell Drive, Lee Boulevard and Old
440 Mayhew Road, east of George Perry Street and south of Mississippi
441 Highway 182, and not located on the property of a state
442 institution of higher learning; however, the board of supervisors
443 of such county may by resolution or other order:

444 a. Specify the hours of operation of
445 facilities that offer alcoholic beverages for sale;



446 b. Specify the percentage of revenue
447 that facilities that offer alcoholic beverages for sale must
448 derive from the preparation, cooking and serving of meals and not
449 from the sale of beverages; and

450 c. Designate the areas in which
451 facilities that offer alcoholic beverages for sale may be located;

452 24. A municipality in which Mississippi
453 Highway 27 and Mississippi Highway 28 intersect;

454 25. A municipality through which run
455 Mississippi Highway 35 and Interstate 20;

456 26. A municipality in which Mississippi
457 Highway 16 and Mississippi Highway 35 intersect;

458 27. A municipality in which U.S. Highway 82
459 and Old Highway 61 intersect;

460 28. A municipality in which Mississippi
461 Highway 8 meets Mississippi Highway 1;

462 29. A municipality in which U.S. Highway 82
463 and Mississippi Highway 1 intersect;

464 30. A municipality in which Mississippi
465 Highway 50 meets Mississippi Highway 9;

466 31. An area bounded on the north by Pearl
467 Street, on the east by West Street, on the south by Court Street
468 and on the west by Farish Street, within a municipality bordered
469 on the east by the Pearl River and through which run Interstate 20
470 and Interstate 55;



471 32. Any facility and related property that:

472 a. Is contracted for mixed-use
473 development improvements consisting of office and residential
474 space and a restaurant and lounge, partially occupying the
475 renovated space of a four-story commercial building which
476 previously served as a financial institution; and adjacent
477 property to the west consisting of a single-story office building
478 that was originally occupied by the Brotherhood of Carpenters and
479 Joiners of American Local Number 569; and

480 b. Is situated on a tract of land
481 consisting of approximately one and one-tenth (1.10) acres, and
482 the adjacent property to the west consisting of approximately 0.5
483 acres, located in a municipality which is the seat of county
484 government, situated south of Interstate 10, traversed by U.S.
485 Highway 90, partially bordered on one (1) side by the Pascagoula
486 River and having its most southern boundary bordered by the Gulf
487 of Mexico, with a population greater than twenty-two thousand
488 (22,000) according to the 2010 federal decennial census; however,
489 the governing authorities of such a municipality may by ordinance:

490 A. Specify the hours of operation
491 of facilities that offer alcoholic beverages for sale;

492 B. Specify the percentage of
493 revenue that facilities that offer alcoholic beverages for sale
494 must derive from the preparation, cooking and serving of meals and
495 not from the sale of beverages; and



496 C. Designate the areas within the
497 facilities in which alcoholic beverages may be offered for sale;

498 33. Any facility with a maximum capacity of
499 one hundred twenty (120) people that consists of at least three
500 thousand (3,000) square feet being heated and cooled, has a
501 commercial kitchen, has a pavilion that consists of at least nine
502 thousand (9,000) square feet and is located on land more
503 particularly described as follows:

504 All that part of the East Half of the Northwest Quarter of
505 Section 21, Township 7 South, Range 4 East, Union County,
506 Mississippi, that lies South of Mississippi State Highway 348
507 right-of-way and containing 19.48 acres, more or less.

508 ALSO,

509 The Northeast 38 acres of the Southwest Quarter of Section
510 21, Township 7 South, Range 4 East, Union County, Mississippi.

511 ALSO,

512 The South 81 1/2 acres of the Southwest Quarter of Section
513 21, Township 7 South, Range 4 East, Union County, Mississippi;

514 34. A municipality in which U.S. Highway 51
515 and Mississippi Highway 16 intersect;

516 35. A municipality in which Interstate 20
517 passes over Mississippi Highway 15;

518 36. Any municipality that is bordered in its
519 northwestern boundary by the Pearl River, traversed by U.S.
520 Highway 49 and Interstate 20, and is located in a county which has



521 voted against coming out from under the dry law as such law
522 existed before January 1, 2027;

523 37. A municipality in which Mississippi
524 Highway 28 and Mississippi Highway 29 North intersect;

525 38. An area bounded as follows within a
526 municipality through which run Interstate 22 and Mississippi
527 Highway 15: Beginning at a point at the intersection of Bankhead
528 Street and Tallahatchie Trails; then running to a point at the
529 intersection of Tallahatchie Trails and Interstate 22; then
530 running to a point at the intersection of Interstate 22 and Carter
531 Avenue; then running to a point at the intersection of Carter
532 Avenue and Camp Avenue; then running to a point at the
533 intersection of Camp Avenue and King Street; then running to a
534 point at the intersection of King Street and E. Main Street; then
535 running to a point at the intersection of E. Main Street and Camp
536 Avenue; then running to a point at the intersection of Camp Avenue
537 and Highland Street; then running to a point at the intersection
538 of Highland Street and Adams Street; then running to a point at
539 the intersection of Adams Street and Cleveland Street; then
540 running to a point at the intersection of Cleveland Street and N.
541 Railroad Avenue; then running to a point at the intersection of N.
542 Railroad Avenue and McGill Street; then running to a point at the
543 intersection of McGill Street and Snyder Street; then running to a
544 point at the intersection of Snyder Street and Bankhead Street;



545 then running to a point at the intersection of Bankhead Street and
546 Tallahatchie Trails and the point of the beginning;

547 39. A municipality through which run
548 Mississippi Highway 43 and U.S. Highway 80;

549 40. The coliseum in a municipality in which
550 U.S. Highway 72 passes over U.S. Highway 45;

551 41. A piece of property on the northeast
552 corner of the T-intersection where Builders Square Drive meets
553 Mississippi Highway 471;

554 42. The clubhouse and associated golf course,
555 tennis courts and related facilities and swimming pool and related
556 facilities located on Oaks Country Club Road less than one-half
557 (1/2) mile to the east of Mississippi Highway 15;

558 43. Any facility located on land more
559 particularly described as follows:

560 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
561 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
562 Southwest Corner of the Southwest Quarter (SW 1/4) of the
563 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
564 East, running 210 feet east and west and 840 feet running north
565 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
566 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
567 Rankin County, Mississippi;

568 44. Any facility located on land more
569 particularly described as follows:



570 Beginning at a point 1915 feet west and 2171 feet north of
571 southeast corner, Section 11, Township 24 North, Range 2 West,
572 Second Judicial District, Tallahatchie County, Mississippi, which
573 point is the southwest corner of J.C. Section Lot mentioned in
574 deed recorded in Book 50, page 34, in the records of the Chancery
575 Clerk's Office at Sumner, in said District of said County; thence
576 South 80° West, 19 feet to the east boundary of United States
577 Highway 49-E, thence East along the east boundary of said Highway
578 270 feet to point of beginning of Lot to be conveyed; thence
579 southeast along the east boundary of said Highway 204 feet to a
580 concrete post at the intersection of the east boundary of said
581 Highway with the west boundary of gravel road from Sumner to Webb,
582 known as Oil Mill Road, thence Northwest along west boundary of
583 said Oil Mill Road 194 feet to center of driveway running
584 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
585 South 66° West along center of said driveway 128 feet to point of
586 beginning, being situated in Northwest Quarter of Southeast
587 Quarter of Section 11, together with all improvements situated
588 thereon;

589 45. Any facility that:

590 a. Consists of at least five thousand
591 six hundred (5,600) square feet being heated and cooled along with
592 a lakeside patio that consists of at least two thousand two
593 hundred (2,200) square feet, regardless of whether such patio is



594 part of the facility and/or located adjacent to or in close
595 proximity to the facility;

596 b. Includes a caterer's kitchen and
597 green room for entertainment preparation;

598 c. For a fee is used to host events; and

599 d. Is located adjacent to or in close
600 proximity to an approximately nine-acre lake on property that
601 consists of at least one hundred twenty (120) acres in a county
602 traversed by Mississippi Highway 15 and U.S. Highway 278;

603 46. Any municipality with a population in
604 excess of one thousand (1,000) according to the 2010 federal
605 decennial census and which is located in a county that is
606 traversed by U.S. Highways 84 and 98 and has not voted to come out
607 from under the dry law as such law existed before January 1, 2027;

608 47. The clubhouse and associated nine-hole
609 golf course, tennis courts and related facilities and swimming
610 pool and related facilities located on or near U.S. Highway 82
611 between Mississippi Highway 15 and Mississippi Highway 9;

612 48. The downtown square area bound by East
613 Service Drive, Commerce Street, Second Street and Court Street and
614 adjacent properties in a municipality through which run Interstate
615 55, U.S. Highway 51 and Mississippi Highway 306;

616 49. All parcels zoned for mixed-use
617 development located west of Mississippi Highway 589, more than



618 four hundred (400) feet north of Old Highway 24, east of
619 Parkers Creek and Black Creek, and south of J M Burge Road;

620 50. Any facility used by a soccer club and
621 located on Old Highway 11 between one-tenth (0.1) and two-tenths
622 (0.2) of a mile from its intersection with Oak Grove Road, in a
623 county in which U.S. Highway 98 and Mississippi Highway 589
624 intersect;

625 51. Any municipality in which U.S. Highway 49
626 and Mississippi Highway 469 intersect;

627 52. Any facility that is:

628 a. Owned by a Veterans of Foreign Wars
629 (VFW) organization that is a nonprofit corporation and registered
630 with the Mississippi Secretary of State;

631 b. Used by such organization for its
632 headquarters and other organization related purposes; and

633 c. Located outside of a municipality in
634 a county that has not voted to come out from under the dry law as
635 such law existed before January 1, 2027;

636 53. The following within a municipality in
637 which U.S. Highway 49 and U.S. 61 Highway intersect and through
638 which flows the Sunflower River:

639 a. An area bounded as follows: Starting
640 at the southern point of the intersection of Sunflower Avenue and
641 1st Street and going south along said avenue on its eastern side
642 to 8th Street, then going east along said street on its northern



643 side to West Tallahatchie Street, then going north along said
644 street on its western side to 4th Street/Martin Luther King
645 Boulevard, then going east along said street/boulevard on its
646 northern side to Desoto Avenue, then going north along said avenue
647 on its western side to 1st Street, then going west along said
648 street on its southern side to the point of beginning along the
649 southern side of Court Street;

650 b. Lots located at or near the
651 intersection of Madison Avenue, Walnut Street, and Riverside
652 Avenue that are in a commercial zone; and

653 c. Any facility located on the west side
654 of Sunflower Avenue to the Sunflower River between the southern
655 side of 6th Street and the northern side of 8th Street and which
656 is operated as and/or was operated as a hotel or lodging facility,
657 in consideration of payment, regardless of whether the facility
658 meets the criteria for the definition of the term "hotel" in
659 paragraph (1) of this section; and

660 d. Any facility located on the west side
661 of Sunflower Avenue to the Sunflower River between the southern
662 side of 3rd Street and the northern side of 4th Street/Martin
663 Luther King Boulevard and which is operated as and/or was operated
664 as a musical venue, in consideration of payment;

665 54. Any municipality in which Mississippi
666 Highway 340 meets Mississippi Highway 15;



667 55. Any municipality in which Mississippi
668 Highway 540 and Mississippi Highway 149 intersect;

669 56. Any municipality in which Mississippi
670 Highway 15 and Mississippi Highway 345/Main Street intersect;

671 57. The property and structures thereon at
672 the following locations within a municipality through which run
673 U.S. Highway 45 and Mississippi Highway 145 and in which
674 Mississippi Highway 370 and Mississippi Highway 145 intersect:
675 104 West Main Street, 106 West Main Street, 108 West Main Street,
676 110 West Main Street and 112 West Main Street;

677 58. Any municipality in which U.S. Highway 11
678 and Main Street intersect and which is located in a county having
679 two (2) judicial districts;

680 59. Any municipality in which Interstate 22
681 passes over Mississippi Highway 9;

682 60. Any facility located on land more
683 particularly described as follows:

684 A certain parcel of land being situated in the Southeast 1/4
685 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County,
686 Mississippi, and being more particularly described as follows:

687 Commence at an existing 1/2" iron pin marking the Southwest
688 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of
689 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13
690 seconds East along the East line of the Southeast 1/4 of the
691 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"



692 iron pin; leaving said East line of the Southeast 1/4 of the
693 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds
694 East for a distance of 2.08 feet to an existing 1/2" iron pin; run
695 thence North 00 degrees 22 minutes 19 seconds East for a distance
696 of 561.90 feet to an existing 1/2" iron pin; run thence North 00
697 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to
698 a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel
699 of land herein described; from said POINT OF BEGINNING, continue
700 thence North 00 degrees 16 minutes 18 seconds East along an
701 existing fence for a distance of 493.27 feet to an existing 1/2"
702 iron pin; run thence North 03 degrees 08 minutes 15 seconds East
703 for a distance of 170.22 feet to an existing 1/2" iron pin on the
704 North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of
705 Section 9; run thence North 89 degrees 46 minutes 45 seconds East
706 along said North line of the Southeast 1/4 of the Northeast 1/4 of
707 Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron
708 pin marking Northeast corner thereof; leaving said North line of
709 the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence
710 South 00 degrees 08 minutes 35 seconds West along the East line of
711 said Southeast 1/4 of the Northeast 1/4 of Section 9 for a
712 distance of 663.19 feet to a set 1/2" iron pin; leaving said East
713 line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run
714 thence South 89 degrees 46 minutes 45 seconds West for a distance
715 of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00
716 acres, more or less.



717 And Also: An easement for the purpose of ingress and egress
718 being situated in the Southeast 1/4 of the Northeast 1/4 and in
719 the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E,
720 Rankin County, Mississippi, and being more particularly described
721 as follows:

722 Begin at an existing 1/2" iron pin marking the Southwest
723 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of
724 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13
725 seconds East along the East line of the Southeast 1/4 of the
726 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"
727 iron pin; leaving said East line of the Southeast 1/4 of the
728 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds
729 East for a distance of 2.08 feet to an existing 1/2" iron pin; run
730 thence North 00 degrees 22 minutes 19 seconds East for a distance
731 of 561.90 feet to an existing 1/2" iron pin; run thence North 00
732 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to
733 a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45
734 seconds East for a distance of 25.00 feet to a set 1/2" iron pin;
735 run thence South 00 degrees 16 minutes 18 seconds West for a
736 distance of 76.66 feet to a set 1/2" iron pin; run thence South 00
737 degrees 22 minutes 19 seconds West for a distance of 619.81 feet
738 to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01
739 seconds West for a distance of 26.81 feet to a set 1/2" iron pin;
740 run thence North 00 degrees 06 minutes 13 seconds East along the
741 West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of



742 Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING,
743 containing 17,525.4 square feet, more or less.

744 61. Any municipality bordered on the east by
745 the Pascagoula River and on the south by the Mississippi Sound;

746 62. The property and structures thereon
747 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201
748 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969
749 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original
750 town square in any municipality with a population in excess of one
751 thousand five hundred (1,500) according to the latest federal
752 decennial census and which is located in:

753 a. A county traversed by Interstate 55
754 and Interstate 20, and

755 b. A judicial district that has not
756 voted to come out from under the dry law as such law existed
757 before January 1, 2027;

758 63. Any municipality in which Mississippi
759 Highway 12 meets Mississippi Highway 17;

760 64. Any municipality in which U.S. Highway 49
761 and Mississippi Highway 469 intersect;

762 65. The clubhouse and associated nine-hole
763 golf course and related facilities located on or near the eastern
764 corner of the point at which Golf Course Road meets Athens Road,
765 in a county in which Mississippi Highway 13 and Mississippi



766 Highway 28 intersect, with GPS coordinates of approximately
767 31.900370078041004, -89.7928067652611;

768 66. Any facility located at the
769 south-to-southwest corner of the intersection of Madison Street
770 and Bolton Brownsville Road, in a municipality in which Bolton
771 Brownsville Road passes over Interstate 20, with GPS coordinates
772 of approximately 32.349067271758955, -90.4596221146197;

773 67. Any facility located at the northwest
774 corner of the intersection of Depot Street and Madison Street, in
775 a municipality in which Bolton Brownsville Road passes over
776 Interstate 20, with GPS coordinates of approximately
777 32.34903152971068, -90.46047660172901;

778 68. Any facility located on Hinds Boulevard
779 approximately three-tenths (0.3) of a mile south of the point at
780 which Hinds Boulevard diverges from Clinton Road, in a
781 municipality whose northern boundary partially consists of Snake
782 Creek Road, and whose southern boundary partially consists of
783 Mississippi Highway 18, with GPS coordinates of approximately
784 32.26384517526713, -90.41586570183475;

785 69. Any facility located on Pleasant Grove
786 Drive approximately one and three-tenths (1.3) miles southeast of
787 its intersection with Harmony Drive, in a county through which run
788 Interstate 55 and U.S. Highway 84, with GPS coordinates of
789 approximately 31.512043770371907, -90.2506094382595;



790 70. Any facility located immediately north of
791 the intersection of two roads, both named Mason Clark Drive,
792 located between two-tenths (0.2) and three-tenths (0.3) of a mile
793 southwest of Mississippi Highway 57/63, with GPS coordinates of
794 approximately 31.135950529733048, -88.53068674585575;

795 71. Any facility located on Raj Road
796 approximately three-tenths (0.3) of a mile south of Mississippi
797 Highway 57/63, with GPS coordinates of approximately
798 31.139553708288418, -88.53411203512971;

799 72. Any facility located on Raj Road
800 approximately one-tenth (0.1) of a mile south of Mississippi
801 Highway 57/63, with GPS coordinates of approximately
802 31.14184097577295, -88.53287700849411;

803 73. Any municipality through which run U.S.
804 Highway 45 and Mississippi Highway 145 and in which Mississippi
805 Highway 370 and Mississippi Highway 145 intersect; however, this
806 designation as a qualified resort area shall only apply to the
807 portion of such municipality which is located in a county that has
808 not voted to come out from under the dry law as such law existed
809 before January 1, 2027;

810 74. A municipality through which runs a
811 portion of the Tanglefoot Trail and in which Mississippi Highway
812 32 and East Front Street intersect;

813 75. Lot Three (3) in Block One Hundred
814 Seventy-eight (178) of the D.H. McInnis First Survey, sometimes



815 referred to as D.H. McInnis Railroad Addition, to the City of
816 Hattiesburg, the said lot having a frontage of thirty (30) feet on
817 the Eastern side of Front Street and extending back between
818 parallel lines ninety (90) feet to an alley, and being located in
819 the Northwest Quarter of Section 10, Township 4 North, Range 13
820 West, Forrest County, Mississippi;

821 76. An area of land in George County of
822 approximately eight and five hundredths (8.05) acres, bordered on
823 the east and northeast by Brushy Creek, on the northwest by Brushy
824 Creek Road, on the west by Beaver Creek Road, and on the south by
825 a property boundary running east and west;

826 77. A municipality in which Mississippi
827 Highway 15 intersects with Webster Street, and in which Webster
828 Street splits into Mill Street and Maben Starkville Road;

829 78. A municipality in which Mississippi
830 Highway 492 meets Mississippi Highway 35;

831 79. A facility operating as an event venue
832 and located on Mississippi Highway 589, with GPS coordinates of
833 approximately 31.36730, -89.50548;

834 80. An area situated in the SW 1/4 of Section
835 12, T7N-R2E, Madison County, Mississippi, and commencing at the
836 point on the Ross Barnett Reservoir directly east of the
837 intersection of North Natchez Street and Louisiana Street, then go
838 west on Louisiana Street to the intersection of Louisiana Street
839 and Andrew Jackson Street, then west on Andrew Jackson Street to



840 the intersection of Andrew Jackson Street and Choctaw Street, then
841 north on Choctaw Street to the intersection of Choctaw Street and
842 Republic Street, then west on Republic Street to the intersection
843 of Republic Street and Port Street, then north on Port Street to
844 the Natchez Trace right-of-way, then east on the Natchez Trace
845 right-of-way to the Ross Barnett Reservoir, then following the
846 Ross Barnett Reservoir south back to the point of beginning;

847 81. Any facility located on land more
848 particularly described as follows:

849 Commencing at a fence corner at the Northeast corner of
850 Section 34, Township 6 South, Range 3 East, Union County,
851 Mississippi, for the point of beginning; thence run South 00
852 degrees 31 minutes 39 seconds East, along the Section line, a
853 distance of 161.83 feet to a one-half inch iron pin, thence North
854 88 degrees 20 minutes 48 seconds West, along a fence, a distance
855 of 1221.09 feet to a one-half iron pin, thence South 09 degrees 45
856 minutes 37 seconds West, along a fence, a distance of 61.49 feet
857 to a one-half inch iron pin, thence North 84 degrees 18 minutes 01
858 seconds West, along a fence, (passing through a one-half inch iron
859 pin at 196.83 feet) a distance of 234.62 feet to a mag-nail on the
860 centerline of Union County Road No. 137, thence North 11 degrees
861 00 minutes 29 seconds East a distance of 187.87 feet to a one-half
862 inch iron pin on the West edge of said road, thence North 29
863 degrees 41 minutes 28 seconds East a distance of 59.28 feet to a
864 point on the centerline of said road, thence South 89 degrees 13



865 minutes 02 seconds East (passing through a one-half inch iron pin
866 at 30.0 feet) along the South line of the Bernard Whiteside
867 property as recorded in Deed Book 117, Pages 517-518 and Deed Book
868 214, page 109, a distance of 646.07 feet to a concrete monument,
869 thence South 89 degrees 13 minutes 02 seconds East a distance of
870 751.31 feet to a one-half inch iron pin, thence South 00 degrees
871 31 minutes 39 seconds East, along the aforesaid Section line, a
872 distance of 52.93 feet to the point of beginning, said tract lying
873 in the Southeast Quarter of Section 27, and the Northeast Quarter
874 of Section 34, Township 6 South, Range 3 East and containing 6.99
875 acres.

876 Subject to a perpetual all purpose non-exclusive easement for
877 ingress, egress and public utilities together the right to enter
878 upon the above described property and do any and all work
879 necessary to build, repair and maintain a roadway or well or
880 install public utilities all over upon and across the following
881 described property:

882 A 25.0 foot easement for ingress and egress, being 12.5 feet
883 to the right and 12.5 feet to the left of the following described
884 centerline: Commencing at a fence corner at the Northeast corner
885 of Section 34, Township 6 South, Range 3 East, Union County,
886 Mississippi, thence run South 00 degrees 31 minutes 39 seconds
887 East, along the Section line, a distance of 149.33 feet to the
888 point of beginning; thence North 88 degrees 20 minutes 48 seconds
889 West a distance of 1231.46 feet to a point, thence South 09



890 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a
891 point, thence North 84 degrees 18 minutes 01 seconds West a
892 distance of 221.82 feet to a point on the centerline of Union
893 County Road #137, said tract lying in the Northeast Quarter of
894 Section 34, Township 6 South, Range 3 East;

895 82. A country club located:

896 a. In a county in which Mississippi
897 Highway 15 and Mississippi Highway 16 intersect and which county
898 has not voted to come out from under the dry law as such law
899 existed before January 1, 2027, and

900 b. Outside the corporate limits of any
901 municipality in such county and within one (1) mile of the
902 corporate limits of a municipality that is the county seat of such
903 county;

904 83. Any facility located on North Jackson
905 Street in a municipality through which run Mississippi Highway 8
906 and Mississippi Highway 15, with GPS coordinates of approximately
907 33.913692, -89.005219;

908 84. Any facility located on North Jackson
909 Street in a municipality through which run Mississippi Highway 8
910 and Mississippi Highway 15, with GPS coordinates of approximately
911 33.905581, -89.00200;

912 85. Any facility located on land more
913 particularly described as follows:



914 Commencing at the Southeast corner of Section 4, Township
915 6 South, Range 18 West, Pearl River County, Mississippi;
916 thence West 1310.00 feet to a T-bar; thence North 745.84 feet;
917 thence East 132.00 feet to a 1" iron pipe; thence North 83.61
918 feet for the Point of Beginning; thence South 79 degrees 02
919 minutes 61 seconds West 248.28 feet; thence West 76.35 feet;
920 thence North 20 degrees 00 minutes 00 seconds West 185.54
921 feet; thence North 52 degrees 43 minutes 14 seconds East 365.98
922 feet to a 1" iron pipe on the West margin of Henry Smith Road,
923 a gravel/paved, public road; thence along said margin South 17
924 degrees 59 minutes 13 seconds East 299.09 feet; thence South
925 64.39 feet to the Point of Beginning. This parcel containing
926 2.19 acres and being a part of the East 1/2 of Section 4,
927 Township 6 South, Range 18 West, Pearl River County,
928 Mississippi.

929 INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4,
930 TOWNSHIP 6 SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY,
931 MISSISSIPPI;

932 86. Any facility located on land in a county
933 through which run Mississippi Highway 25 and U.S. Highway 82 and
934 more particularly described as follows: Beginning at a point with
935 GPS coordinates of approximately 33.331869, -88.715054; then
936 running in a straight line to a point with GPS coordinates of
937 approximately 33.336207, -88.713453; then running in a straight
938 line to a point with GPS coordinates of approximately 33.335369,



939 -88.709835; then running in a straight line to a point with GPS
940 coordinates of approximately 33.330870, -88.711496; then running
941 in a straight line to a point with GPS coordinates of
942 approximately 33.331869, -88.715054 and the point of the
943 beginning;

944 87. Any facility located on land that is
945 owned by a community college that is located in a county through
946 which run U.S. Highway 51 and Mississippi Highway 4;

947 88. Any facility located on Mississippi
948 Highway 23/178 in a municipality in which Mississippi Highway
949 23/178 and Stone Drive intersect, with GPS coordinates of
950 approximately 34.235269, -88.262409;

951 89. Any facility located on U.S. Highway 51
952 in a municipality through which run Interstate 55, U.S. Highway 51
953 and the Natchez Trace Parkway, with GPS coordinates of
954 approximately 32.42042°N, 90.13473°W;

955 90. Any facility located on Mullican Road in
956 a county through which run U.S. Highway 84 and Interstate 59,
957 with GPS coordinates of approximately 31.73395N, 89.18186W;

958 91. Any facility located on land in a county
959 through which run Mississippi Highway 25 and U.S. Highway 82 and
960 more particularly described as follows: Beginning at a point with
961 GPS coordinates of approximately 33.37391, -88.80645; then running
962 in a straight line to a point with GPS coordinates of
963 approximately 33.37391, -88.79972; then running in a straight line



964 to a point with GPS coordinates of approximately 33.36672,
965 -88.80644; then running in a straight line to a point with GPS
966 coordinates of approximately 33.36674, -88.79971; then running in
967 a straight line to a point with GPS coordinates of approximately
968 33.37391, -88.80645 and the point of the beginning;

969 92. Any facility located on land more
970 particularly described as follows:

971 All that part of the South half (S 1/2) of the SE 1/4 of NE
972 1/4 of Section 14, Township 4 North, Range 15 West, lying and
973 being West of State Highway No. 589, containing one (1) acre, more
974 or less.

975 LESS AND EXCEPT:

976 Begin at the point of intersection of the North line of the
977 South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14,
978 Township 4 North, Range 15 West with the present Southwesterly
979 right-of-way line of Mississippi Highway No. 589, said point is
980 also the Northeast corner of grantor property; said point is 50.6
981 feet West of Station 7 + 59.27 on the centerline of survey of
982 Mississippi Highway No. 589 as shown on the plans for State
983 Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence
984 South 08°57' East along said present Southwesterly right-of-way
985 line, a distance of 37.1 feet to a point that is perpendicular to
986 and 50 feet Southwesterly of Station 7 + 30 on the centerline of
987 survey of Mississippi Highway 589 as shown on the plans for said
988 project; run thence South 81°03' West, a distance of 35.7 feet to



989 the West line of the South 1/2 of the Southeast 1/4 of the
990 Northeast 1/4 of said Section 14 and the West line of grantors
991 property; run thence North along said West property line, a
992 distance of 42.2 feet to the Northwest corner of the South 1/2 of
993 the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the
994 Northwest corner of grantors property; run thence East along
995 grantors North property line, a distance of 29.5 feet to the POINT
996 OF BEGINNING containing 0.03 acres, more or less, and all being
997 situated in and a part of the South 1/2 of the Southeast 1/4 of
998 the Northeast 1/4 of Section 14, Township 4 North, Range 15 West,
999 Lamar County, Mississippi.

1000 LESS AND EXCEPT:

1001 A part of the South one-half of the Southeast 1/4 of
1002 Northeast 1/4, Northerly of a certain fence and West of
1003 Mississippi State Highway 589, in Section 14, Township 4 North,
1004 Range 15 West, Lamar County, Mississippi and more particularly
1005 described as commencing at a pine (lighter) stake being used as
1006 the Southwest corner of the Northeast 1/4 of Southeast 1/4 of the
1007 above said Section 14, thence North and along the West line of the
1008 East 1/4 of the above said Section 14 1638.8 feet to the POINT OF
1009 BEGINNING. Thence continue North and along the West line of the
1010 East 1/4 of the above said Section 14, 278.5 feet to the Southerly
1011 line of the property Bobby G. Aultman and Marilyn S. Aultman
1012 previously sold to the Mississippi State Highway Department;
1013 thence North 81°03' East and along the above said Southerly



1014 property line for 35.7 feet more or less to the Westerly
1015 right-of-way line of Mississippi State Highway 589; thence
1016 Southeasterly and along the above said Westerly right-of-way line
1017 232.7 feet to a concrete right-of-way marker; thence South 51°39'
1018 West and along the Northerly line of a wooden fence 88 feet to the
1019 POINT OF BEGINNING.

1020 AND ALSO:

1021 A parcel of land in a part of the Southeast 1/4 of Northwest
1022 1/4 and a part of the Southwest 1/4, Section 14, Township 4 North,
1023 Range 15 West, Lamar County, Mississippi, and more particularly
1024 described as beginning at a point where the Southerly right-of-way
1025 line of U.S. Highway 98 intersects the West line of the above said
1026 Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along
1027 the Southerly right-of-way line of said highway 208.75 feet;
1028 thence South 208.75 feet; thence South 67°34' West 208.75 feet;
1029 thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to
1030 the centerline of Parkers Creek; thence Northerly and along the
1031 centerline of said creek for the next three (3) calls: North
1032 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North
1033 09°51'30" West 64.3 feet to the Southerly right-of-way line of
1034 U.S. Highway 98; thence North 67°34' East and along the Southerly
1035 right-of-way line of said highway 327.85 feet to the POINT OF
1036 BEGINNING. The above described area contains 3.02 acres.

1037 AND ALSO:



1038 Commencing at the Southwest corner of the Southwest 1/4 of
1039 the Northeast 1/4 of Section 14, Township 4 North, Range 15 West,
1040 Lamar County, Mississippi, run South 88°05'27" East 310.00 feet,
1041 thence South 0°53'16" West 60.50 feet to a point on a fence line,
1042 thence run along fence line South 88°05'27" East 718.93 feet to
1043 the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to
1044 a point on the South right-of-way line of Highway No. 98, thence
1045 along said right-of-way along a curve to the right with a delta
1046 angle of 02°04'26" having a radius of 5603.58 feet and an arc
1047 length of 202.84 feet, with a chord bearing a distance of North
1048 71°53'47" East 202.83 feet to a Concrete Highway right-of-way
1049 marker, thence South 20°09'13" East 328.13 feet, thence South
1050 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet
1051 to a Point on Possession Line fence, thence along said fence North
1052 88°05'27" West 299.23 feet back to the POINT OF BEGINNING,
1053 containing 5.0885 acres, more or less and being situated in the SW
1054 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14,
1055 together with all improvements and appurtenances thereunto
1056 belonging.

1057 AND ALSO:

1058 PARCEL NUMBER ONE: That part of the Northwest Quarter of the
1059 Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section
1060 14, Township 4 North, Range 15 West, of Lamar County, Mississippi,
1061 being located and situated East of the center thread of Mill Creek
1062 as the same presently runs through and bisects said 40-acre tract,



1063 and comprising 10.9 acres, more or less, and all being part of the
1064 Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the
1065 Southwest 1/4) of said Section, Township and Range, Lamar County,
1066 Mississippi.

1067 AND ALSO:

1068 PARCEL NUMBER TWO: A part of the Southeast Quarter of the
1069 Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of
1070 the Northeast Quarter of the Southwest (Northeast 1/4 of the
1071 Southwest 1/4) all in Section 14, Township 4 North, Range 15 West,
1072 Lamar County, Mississippi, being more particularly described as
1073 follows, to wit:

1074 Beginning at a point where the South margin of State Highway
1075 98 intersects the West margin of the Southeast 1/4 of the
1076 Northwest 1/4 of Section 14, Township 4 North, Range 15 West, and
1077 run Easterly along the South margin of said highway right-of-way
1078 208.75 feet; thence South 208.75 feet; thence Westerly parallel
1079 with the South margin of said highway right-of-way 208.75 feet to
1080 the West forty line; thence North 208.75 feet to the POINT OF
1081 BEGINNING, containing 1 acre, more or less.

1082 LESS AND EXCEPT:

1083 Begin at the point of intersection of an Easterly line of
1084 grantors property with the present Southerly right-of-way line of
1085 U.S. Highway 98 as shown on the plans for State Project No.
1086 97-0014-02-044-10; from said POINT OF BEGINNING run thence South
1087 02°56' West along said Easterly property line, a distance of 127.6



1088 feet; thence run South 69°11' West, a distance of 52.9 feet;
1089 thence run South 67°13' West, a distance of 492.7 feet to the
1090 Westerly line of grantors property and the center of a creek;
1091 thence run Northerly along said Westerly property line and said
1092 center of creek, a distance of 122.8 feet to said present
1093 Southerly right-of-way line; thence run North 67°13' East along
1094 said present Southerly right-of-way line, a distance of 553.4 feet
1095 to the POINT OF BEGINNING, containing 1.43 acres, more or less,
1096 and being situated in and a part of the North 1/2 of the Southwest
1097 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County,
1098 Mississippi.

1099 LESS AND EXCEPT:

1100 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4
1101 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST
1102 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE
1103 POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

1104 FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH
1105 11°19'49" EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40°11'01"
1106 EAST 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST
1107 179.15 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S.
1108 HIGHWAY 98; THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF
1109 SAID HIGHWAY AS FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN
1110 IRON PIN; THENCE SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE
1111 RIGHT-OF-WAY MARKER; THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN
1112 IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST



1113 667.21 FEET TO AN IRON PIN; THENCE NORTH 67°35'21" EAST 491.91
1114 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN
1115 IRON PIN; THENCE NORTH 67°35'21" EAST 629.48 FEET BACK TO THE
1116 POINT OF BEGINNING.

1117 SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE
1118 SE 1/4 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART
1119 IN THE NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH,
1120 RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI;

1121 93. The clubhouse and associated golf course,
1122 tennis courts, swimming pools and related facilities located at
1123 333 Fairway Drive, Pontotoc, Mississippi;

1124 94. Any facility located on land more
1125 particularly described as follows:

1126 A 4.16 acre parcel being situated in the SE 1/4 of SE 1/4 of
1127 Section 31, T3N-R1E, Rankin County, Mississippi, and being more
1128 particularly described as follows:

1129 Commencing at the SE corner of said Section 31, run thence
1130 WEST - 643.33 feet to a point on the mean high water line of the
1131 Pearl River; thence North 10 degrees 50 minutes 51 seconds West -
1132 444.38 feet along said mean high water line; thence North 11
1133 degrees 58 minutes 08 seconds West - 58.90 feet along said mean
1134 high water line to the POINT OF BEGINNING: run thence North 11
1135 degrees 58 minutes 08 seconds West - 326.63 feet along said mean
1136 high water line; thence North 19 degrees 52 minutes 24 seconds
1137 West - 74.80 feet along said mean high water line; thence North 78



1138 degrees 01 minutes 52 seconds East - 464.81 feet; thence South 07
1139 degrees 25 minutes 10 seconds East - 39.75 feet; thence South 11
1140 degrees 58 minutes 08 seconds East - 361.10 feet; thence South 78
1141 degrees 01 minutes 52 seconds West - 451.31 feet to the POINT OF
1142 BEGINNING.

1143 TOGETHER WITH a 30 foot wide access easement being situated
1144 in the SE 1/4 of Section 31, T3N, R1E, Rankin County, Mississippi;
1145 being 15 feet either side of a centerline and being more
1146 particularly described as follows:

1147 Commencing at the SE corner of said Section, run thence North
1148 - 380.22 feet to a point on the northerly right-of-way of Moncure
1149 Road; thence North 86 degrees 39 minutes 56 seconds West - 257.25
1150 feet along said road to the POINT OF BEGINNING; run thence North
1151 11 degrees 58 minutes 08 seconds West - 557.86 feet to the POINT
1152 OF TERMINUS;

1153 95. Any municipality in which Mississippi
1154 Highway 26 and U.S. Highway 11 intersect and a public community
1155 college is located;

1156 96. Any municipality in which Mississippi
1157 Highway 15 meets U.S. Highway 82;

1158 97. Any facility and/or venue and related
1159 property at 305 South Monroe Street, Houston, Mississippi.

1160 The status of these municipalities, districts, clubhouses,
1161 facilities, golf courses and areas described in this paragraph
1162 (o) (iii) as qualified resort areas does not require any



1163 declaration of same by the department. In addition, the status of
1164 these municipalities, districts, clubhouses, facilities, golf
1165 courses, restaurants and areas described in this paragraph
1166 (o)(iii) as qualified resort areas shall not be affected by the
1167 institution of prohibition by a county or municipality.

1168 The governing authorities of a municipality or county
1169 described, in whole or in part, in item 6, 21, 24, 25, 26, 27, 28,
1170 29, 30, 31, 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 56,
1171 58, 59, 61, 63, 64, 66, 67, 68, 73, 74, 83, 84, 93, 94, 95, 96, or
1172 97 of this paragraph (o)(iii) may by ordinance, with respect to
1173 the qualified resort area described in the same item: specify the
1174 hours of operation of facilities offering alcoholic beverages for
1175 sale; specify the percentage of revenue that facilities offering
1176 alcoholic beverages for sale must derive from the preparation,
1177 cooking and serving of meals and not from the sale of beverages;
1178 and designate the areas in which facilities offering alcoholic
1179 beverages for sale may be located.

1180 (p) "Native wine" means any product, produced in
1181 Mississippi for sale, having an alcohol content not to exceed
1182 twenty-one percent (21%) by weight and made in accordance with
1183 revenue laws of the United States, which shall be obtained
1184 primarily from the alcoholic fermentation of the juice of ripe
1185 grapes, fruits, berries, honey or vegetables grown and produced in
1186 Mississippi; provided that bulk, concentrated or fortified wines
1187 used for blending may be produced without this state and used in



1188 producing native wines. The department shall adopt and promulgate
1189 rules and regulations to permit a producer to import such bulk
1190 and/or fortified wines into this state for use in blending with
1191 native wines without payment of any excise tax that would
1192 otherwise accrue thereon.

1193 (q) "Native winery" means any place or establishment
1194 within the State of Mississippi where native wine is produced, in
1195 whole or in part, for sale.

1196 (r) "Bed and breakfast inn" means an establishment
1197 within a municipality where in consideration of payment, breakfast
1198 and lodging are habitually furnished to travelers and wherein are
1199 located not less than eight (8) and not more than nineteen (19)
1200 adequately furnished and completely separate sleeping rooms with
1201 adequate facilities, that persons usually apply for and receive as
1202 overnight accommodations; however, such restriction on the minimum
1203 number of sleeping rooms shall not apply to establishments on the
1204 National Register of Historic Places. No place shall qualify as a
1205 bed and breakfast inn under this article unless on the date of the
1206 initial application for a license under this article more than
1207 fifty percent (50%) of the sleeping rooms are located in a
1208 structure formerly used as a residence.

1209 (s) "Board" shall refer to the Board of Tax Appeals of
1210 the State of Mississippi.

1211 (t) "Spa facility" means an establishment within a
1212 municipality or qualified resort area and owned by a hotel where,



1213 in consideration of payment, patrons receive from licensed
1214 professionals a variety of private personal care treatments such
1215 as massages, facials, waxes, exfoliation and hairstyling.

1216 (u) "Art studio or gallery" means an establishment
1217 within a municipality or qualified resort area that is in the sole
1218 business of allowing patrons to view and/or purchase paintings and
1219 other creative artwork.

1220 (v) "Cooking school" means an establishment within a
1221 municipality or qualified resort area and owned by a nationally
1222 recognized company that offers an established culinary education
1223 curriculum and program where, in consideration of payment, patrons
1224 are given scheduled professional group instruction on culinary
1225 techniques. For purposes of this paragraph, the definition of
1226 cooking school shall not include schools or classes offered by
1227 grocery stores, convenience stores or drugstores.

1228 (w) "Campus" means property owned by a public school
1229 district, community or junior college, college or university in
1230 this state where educational courses are taught, school functions
1231 are held, tests and examinations are administered or academic
1232 course credits are awarded; however, the term shall not include
1233 any "restaurant" or "hotel" that is located on property owned by a
1234 community or junior college, college or university in this state,
1235 and is operated by a third party who receives all revenue
1236 generated from food and alcoholic beverage sales.



1237 (x) "Native spirit" shall mean any beverage, produced
1238 in Mississippi for sale, manufactured primarily by the
1239 distillation of fermented grain, starch, molasses or sugar
1240 produced in Mississippi, including dilutions and mixtures of these
1241 beverages. In order to be classified as "native spirit" under the
1242 provisions of this article, at least fifty-one percent (51%) of
1243 the finished product by volume shall have been obtained from
1244 distillation of fermented grain, starch, molasses or sugar grown
1245 and produced in Mississippi.

1246 (y) "Native distillery" shall mean any place or
1247 establishment within this state where native spirit is produced in
1248 whole or in part for sale.

1249 (z) "Warehouse operator" shall have the meaning
1250 ascribed in Section 67-1-201.

1251 (aa) "Craft spirit" shall mean any alcoholic beverage
1252 produced, in whole or in part, in Mississippi by a distillery
1253 created under the laws of Mississippi at a location within
1254 Mississippi.

1255 (bb) "Craft distillery" shall mean any place or
1256 establishment within this state where craft spirit is produced in
1257 whole or in part.

1258 **SECTION 3.** Section 67-1-7, Mississippi Code of 1972, is
1259 amended as follows:

1260 67-1-7. (1) Except * * * in those counties that hold an
1261 election pursuant to this article and vote to institute



1262 prohibition, and subject to all of the provisions and restrictions
1263 contained in this article, the manufacture, sale, distribution,
1264 and transportation of alcoholic beverages shall be lawful * * *.

1265 Beginning on April 16, 2021, except as otherwise provided in
1266 Section 67-1-51 for holders of a caterer's permit, the
1267 manufacture, sale and distribution of alcoholic beverages shall
1268 not be permissible or lawful in counties except in (a)
1269 incorporated municipalities located within such counties, (b)
1270 qualified resort areas within such counties approved as such by
1271 the department, or (c) clubs within such counties, whether within
1272 a municipality or not. However, any permits issued by the
1273 department between July 1, 2020, and April 15, 2021, for the
1274 manufacture, sale and distribution of alcoholic beverages, whether
1275 or not issued to permittees in such municipalities, qualified
1276 resort areas or clubs, shall be eligible for renewal on or after
1277 April 16, 2021.

1278 The manufacture, sale, distribution and possession of native
1279 wines, native spirits or craft spirits shall be lawful in any
1280 location within any such county except those locations where the
1281 manufacture, sale or distribution is prohibited by law other than
1282 this section or by regulations of the department. However,
1283 notwithstanding this provision, municipalities * * * may enforce
1284 such proper rules and regulations for fixing zones and territories
1285 to promote public health, morals, and safety, as they may by
1286 ordinance provide. The board of supervisors of any county * * *



1287 may make such rules and regulations as to territory outside of
1288 municipalities as are herein provided for municipalities.

1289 Notwithstanding the provisions of any other law,
1290 municipalities may enforce such proper location of package
1291 retailer stores within the municipality by application of a
1292 properly adopted zoning ordinance.

1293 (2) Notwithstanding the foregoing, within any state park or
1294 any state park facility that has been declared a qualified resort
1295 area by the department, and within any qualified resort area as
1296 defined under Section 67-1-5(o)(iii), an on-premises retailer's
1297 permit may be issued for the qualified resort area, and the
1298 permittee may lawfully sell alcoholic beverages for consumption on
1299 his licensed premises regardless of whether or not the county or
1300 municipality in which the qualified resort area is located has
1301 voted in favor of * * * instituting prohibition, and it shall be
1302 lawful to receive, store, sell, possess and consume alcoholic
1303 beverages on the licensed premises, and to sell, distribute and
1304 transport alcoholic beverages to the licensed premises. Moreover,
1305 the governing authorities of a municipality in which a qualified
1306 resort area defined under Section 67-1-5(o)(iii)5, 7, 21, 39 or 46
1307 is located, the Pearl River Valley Water Supply District Board
1308 which governs the qualified resort area defined under Section
1309 67-1-5(o)(iii)8.a.A, the board of supervisors of the county in
1310 which qualified resort area defined under Section
1311 67-1-5(o)(iii)8.a.B and C is located, and the board of supervisors



1312 of a county in which a qualified resort area defined under Section
1313 67-1-5(o) (iii)44 or 80 is located, may, by ordinance or
1314 resolution, provide that package retailer's permits may be issued
1315 in the applicable qualified resort area, and that it shall be
1316 lawful to receive, store, sell, possess and distribute alcoholic
1317 beverages in accordance with such package retailer's permits.

1318 **SECTION 4.** Section 67-1-9, Mississippi Code of 1972, is
1319 amended as follows:

1320 67-1-9. (1) It shall be * * * lawful for any person to
1321 manufacture, distill, brew, sell, import into this state, * * *
1322 transport, distribute, warehouse, store, solicit, take order for,
1323 bottle, rectify, blend, treat, mix or process any alcoholic
1324 beverage * * * as authorized in this article. * * * Nothing
1325 contained herein shall prevent importers, wineries and distillers
1326 of alcoholic beverages from storing such alcoholic beverages in
1327 private bonded warehouses located within the State of Mississippi
1328 for the ultimate use and benefit of the Department of Revenue as
1329 provided in Section 67-1-41. The department is hereby authorized
1330 to promulgate rules and regulations for the establishment of such
1331 private bonded warehouses and for the control of alcoholic
1332 beverages stored in such warehouses. Additionally, nothing herein
1333 contained shall prevent any duly licensed practicing physician or
1334 dentist from possessing or using alcoholic liquor in the strict
1335 practice of his profession, or prevent any hospital or other
1336 institution caring for sick and diseased persons, from possessing



1337 and using alcoholic liquor for the treatment of bona fide patients
1338 of such hospital or other institution. Any drugstore employing a
1339 licensed pharmacist may possess and use alcoholic liquors in the
1340 combination of prescriptions of duly licensed physicians. The
1341 possession and dispensation of wine by an authorized
1342 representative of any church for the purpose of conducting any
1343 bona fide rite or religious ceremony conducted by such church
1344 shall not be prohibited by this article.

1345 (2) Any person, upon conviction of any provision of this
1346 section, shall be punished as follows:

1347 (a) By a fine of not less than One Hundred Dollars
1348 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by
1349 imprisonment in the county jail not less than one (1) week nor
1350 more than three (3) months, or both, for the first conviction
1351 under this section.

1352 (b) By a fine of not less than One Hundred Dollars
1353 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
1354 imprisonment in the county jail not less than sixty (60) days, nor
1355 more than six (6) months, or both fine and imprisonment, for the
1356 second conviction for violating this section.

1357 (c) By a fine of not less than One Hundred Dollars
1358 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
1359 imprisonment in the State Penitentiary not less than one (1) year,
1360 nor more than five (5) years, or both fine and imprisonment, for



1361 conviction the third time under this section for the violation
1362 thereof after having been twice convicted of its violation.

1363 (3) Nothing in this section shall make it unlawful to
1364 transport bottles or containers of alcoholic beverages that are
1365 legally purchased in this state if the bottles or containers are
1366 unopened and are being transported on state or federal highway.

1367 **SECTION 5.** Section 67-1-11, Mississippi Code of 1972, is
1368 amended as follows:

1369 67-1-11. (1) From and after January 1, 2027,
1370 notwithstanding any provision of this article, * * * a county may
1371 hold an election to determine whether to institute prohibition and
1372 make the sale, manufacture and distribution of alcoholic beverages
1373 illegal.

1374 (2) Upon presentation and filing of a proper petition
1375 requesting same signed by at least twenty percent (20%) or fifteen
1376 hundred (1,500), whichever number is the lesser, of the qualified
1377 electors of the county, it shall be the duty of the board of
1378 supervisors to call an election at which there shall be submitted
1379 to the qualified electors of the county the question of whether or
1380 not the sale, * * * distribution and manufacture of alcoholic
1381 beverages shall be * * * prohibited in such county as provided in
1382 this article. Such election shall be held and conducted by the
1383 county election commissioners on a date fixed by the order of the
1384 board of supervisors, which date shall not be more than sixty (60)
1385 days from the date of the filing of said petition. Notice thereof



1386 shall be given by publishing such notice once each week for at
1387 least three (3) consecutive weeks in some newspaper published in
1388 said county or, if no newspaper be published therein, by such
1389 publication in a newspaper in an adjoining county and having a
1390 general circulation in the county involved. The election shall be
1391 held not earlier than fifteen (15) days from the first publication
1392 of such notice.

1393 (3) Said election shall be held and conducted as far as may
1394 be possible in the same manner as is provided by law for the
1395 holding of general elections. The ballots used thereat shall
1396 contain a brief statement of the proposition submitted and, on
1397 separate lines, the words "I vote FOR * * * prohibiting alcoholic
1398 beverages and making _____ County a dry county ()" "I vote
1399 AGAINST * * * prohibiting alcoholic beverages and making _____
1400 County a dry county ()" with appropriate boxes in which the
1401 voters may express their choice. All qualified electors may vote
1402 by marking the ballot with a cross (x) or check (✓) mark opposite
1403 the words of their choice.

1404 (4) The election commissioners shall canvass and determine
1405 the results of said election, and shall certify same to the board
1406 of supervisors which shall adopt and spread upon its minutes an
1407 order declaring such results. If, in such election, a majority of
1408 the qualified electors participating therein shall vote in favor
1409 of the proposition, * * * the manufacture, sale and distribution
1410 of alcoholic beverages * * * in such county shall be * * *



1411 unlawful to the extent and in the manner * * * prohibited hereby.
1412 If, on the other hand, a majority of the qualified electors
1413 participating in the election shall vote against the
1414 proposition, * * * the manufacture, sale and distribution of
1415 alcoholic beverages shall remain lawful to the extent and in the
1416 manner permitted hereby. In either case, no further election
1417 shall be held in said county under the provisions of this article
1418 for a period of * * * four (4) years from the date of the prior
1419 election and then only upon the filing of a petition requesting
1420 same signed by at least twenty percent (20%) or fifteen hundred
1421 (1,500), whichever number is the lesser, of the qualified electors
1422 of the county as is otherwise provided herein.

1423 (5) If a majority of the qualified electors participating in
1424 the election vote for the proposition, all alcohol permits issued
1425 to locations within the county shall expire thirty (30) days from
1426 the date the official recapitulation on the election is executed
1427 by the county. However, notwithstanding an election instituting
1428 the prohibition laws in a county, the manufacture, sale and
1429 distribution of alcoholic beverages shall be lawful in a
1430 municipality located in such county if the manufacture, sale and
1431 distribution of alcoholic beverages was lawful in such
1432 municipality before January 1, 2027, and the municipality has not
1433 voted after January 1, 2027, for instituting prohibition. In
1434 addition, notwithstanding an election instituting the prohibition
1435 laws in a county, the holder of a native wine producer's permit or



1436 a native wine retailer's permit is allowed to continue to operate
1437 under such permits and to renew such permits. Possession of
1438 native wines and personal property related to the activities of
1439 the native wine permit holder which would otherwise be unlawful
1440 under prohibition shall be allowed subject to regulations of the
1441 Alcoholic Beverage Control Division.

1442 **SECTION 6.** Section 67-1-13, Mississippi Code of 1972, is
1443 amended as follows:

1444 67-1-13. (1) When * * * a county has voted to institute
1445 prohibition as a result of an election called and held as provided
1446 in Section 67-1-11, the same may be made ineffective and
1447 inapplicable therein by an election called and held upon a
1448 petition filed with the board of supervisors requesting same
1449 signed by at least twenty percent (20%) or fifteen hundred (1500),
1450 whichever number is the lesser, of the qualified electors of the
1451 county as is otherwise provided in Section 67-1-11, all of the
1452 provisions of which shall be fully applicable thereto. However,
1453 nothing herein shall authorize or permit the calling and holding
1454 of any election under this chapter in any county more often than
1455 once every * * * four (4) years. If in such election, a majority
1456 of the qualified electors participating therein shall vote * * *
1457 for legalizing the sale, distribution and manufacturing of
1458 alcoholic beverages, then the prohibition laws of the State of
1459 Mississippi * * * shall become * * * inapplicable in said county.



1460 (2) Notwithstanding an election reinstating the prohibition
1461 laws in a political subdivision, the holder of a native wine,
1462 native spirit, or craft spirit producer's permit or a native wine,
1463 native spirit, or craft spirit retailer's permit is allowed to
1464 continue to operate under such permits and to renew such permits.
1465 Possession of native wines, native spirits, or craft spirits and
1466 personal property related to the activities of the native wine
1467 permit, native spirit permit, or craft spirit permit holder which
1468 would otherwise be unlawful under prohibition shall be allowed
1469 subject to regulations of the Alcoholic Beverage Control Division.

1470 **SECTION 7.** Section 67-1-14, Mississippi Code of 1972, is
1471 amended as follows:

1472 67-1-14. (1) The legalizing provisions of this article may
1473 be effective, applicable and operative in any municipality located
1474 in a county which has voted * * * for instituting prohibition if a
1475 local option election shall be called and held in such
1476 municipality in the manner and with the results hereinafter
1477 provided. However, notwithstanding any other provision of this
1478 section, the manufacture, sale and distribution of alcoholic
1479 beverages shall be lawful in a municipality located in such county
1480 if the manufacture, sale and distribution of alcoholic beverages
1481 was lawful in such municipality before January 1, 2027, and the
1482 municipality has not voted after January 1, 2027, for instituting
1483 prohibition.



1484 (2) (a) Any municipality in this state that is located in a
1485 county which has voted * * * for instituting prohibition may, at
1486 an election held for the purpose under the election laws
1487 applicable to such municipality, either prohibit or permit, except
1488 as otherwise provided under Section 67-9-1, the sale of alcoholic
1489 beverages. An election to determine whether such sale shall be
1490 permitted in municipalities wherein its sale is prohibited by law
1491 shall be ordered by the municipal governing authorities upon the
1492 presentation of a petition to such governing authorities
1493 containing the names of at least twenty percent (20%) of the duly
1494 qualified voters of such municipality asking for such election.
1495 In like manner, an election to determine whether such sale shall
1496 be prohibited in municipalities wherein its sale is permitted by
1497 law shall be ordered by the municipal governing authorities upon
1498 the presentation of a petition to such governing authorities
1499 containing the names of at least twenty percent (20%) of the duly
1500 qualified voters of such municipality asking for such election.
1501 No election on either question shall be held by any one (1)
1502 municipality more often than once in * * * four (4) years.

1503 Thirty (30) days' notice shall be given to the qualified
1504 electors of such municipality, in the manner prescribed by law,
1505 upon the question of either permitting or prohibiting such sale,
1506 such notice to contain a statement of the question to be voted on
1507 at the election. The ballots to be used in the election shall
1508 have the following words printed thereon: "For the legal sale of



1509 alcoholic beverages" and the words "Against the legal sale of
1510 alcoholic beverages" next below. In marking his ballot the voter
1511 shall make a cross (X) opposite the words of his choice.

1512 If in the election a majority of the qualified electors
1513 voting in the election shall vote "for the legal sale of alcoholic
1514 beverages," then the municipal governing authorities shall pass
1515 the necessary order permitting the legal sale of such alcoholic
1516 beverages in such municipality. If in the election a majority of
1517 the qualified electors voting in the election shall vote "against
1518 the legal sale of alcoholic beverages," then the municipal
1519 governing authorities shall pass the necessary order prohibiting
1520 the sale of alcoholic beverages in such municipality.

1521 (b) The provisions of this subsection shall also apply
1522 to any municipality, a portion of which is located in a county
1523 which has voted * * * for instituting prohibition and a portion of
1524 which is located in a county which has not voted * * * in favor of
1525 instituting prohibition. The petition to hold the election
1526 authorized in this subsection shall be ordered by the municipal
1527 governing authorities upon the presentation of a petition to such
1528 governing authorities containing the names of at least twenty
1529 percent (20%) of the duly qualified voters of such municipality
1530 who reside in that portion of the municipality located in a county
1531 which has voted * * * for instituting prohibition and the election
1532 shall be held only in that portion of the municipality. In all
1533 other respects, the authority for the holding of elections and the



1534 manner in which such elections shall be conducted shall be as
1535 prescribed in paragraph (a) of this subsection; and, after proper
1536 certification of election results, the municipal governing
1537 authorities shall pass the appropriate order to permit or prohibit
1538 the legal sale of alcoholic beverages in that portion of the
1539 municipality located in a county which has voted * * * for
1540 instituting prohibition.

1541 (3) The governing authorities of a municipality that has
1542 voted to * * * allow the legal sale, manufacture and distribution
1543 of alcoholic beverages may, by ordinance, provide that alcoholic
1544 beverages may be sold in the municipality only by the holder of an
1545 on-premises retailer's permit.

1546 **SECTION 8.** Section 67-1-15, Mississippi Code of 1972, is
1547 amended as follows:

1548 67-1-15. In any county having two (2) judicial districts,
1549 each such judicial district shall be construed to be a political
1550 subdivision or subdivision of government on the same basis as a
1551 county, and as such, a judicial district will be entitled to all
1552 of the rights, privileges, and immunities as a county for the
1553 purposes of * * * instituting prohibition therein under the
1554 provisions of this article.

1555 **SECTION 9.** Section 67-1-16, Mississippi Code of 1972, is
1556 amended as follows:

1557 67-1-16. (1) (a) Before an area may be designated by the
1558 governing authorities of a municipality as an area in which



1559 facilities which are defined as qualified resort areas in Section
1560 67-1-5(o)(iii)5 may be located, an election shall be held, under
1561 the election laws applicable to the municipality, on the question
1562 of whether qualified resort areas shall be allowed in the
1563 municipality. An election to determine whether qualified resort
1564 areas shall be allowed in the municipality shall be ordered by the
1565 municipal governing authorities, upon presentation to the
1566 governing authorities of a petition containing the names of at
1567 least twenty percent (20%) of the duly qualified voters of the
1568 municipality asking for the election. An election on the question
1569 may not be held by the municipality more often than once each
1570 year.

1571 (b) Thirty (30) days' notice shall be given to the
1572 qualified electors of the municipality, in the manner prescribed
1573 by law, on the question of allowing qualified resort areas to be
1574 established. The notice shall contain a statement of the question
1575 to be voted on at the election. The ballots used in the election
1576 shall have the following words printed thereon: "FOR THE
1577 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST
1578 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his
1579 ballot, the voter shall make a cross (X) opposite the words of his
1580 choice.

1581 (c) Qualified resort areas may be established if a
1582 majority of the qualified electors voting in the election vote for
1583 such establishment. A qualified resort area may not be



1584 established if a majority of the qualified electors voting in the
1585 election vote against such establishment.

1586 (2) (a) Before a municipality may be designated as a
1587 qualified resort area as defined in Section 67-1-5(o)(iii)6, an
1588 election shall be held, under the election laws applicable to the
1589 municipality, on the question of whether the municipality shall be
1590 a qualified resort area. An election to determine whether the
1591 municipality shall be a qualified resort area shall be ordered by
1592 the municipal governing authorities, upon presentation to the
1593 governing authorities of a petition containing the names of at
1594 least twenty percent (20%) of the duly qualified voters of the
1595 municipality asking for the election. An election on the question
1596 may not be held by the municipality more often than once each
1597 year.

1598 (b) Thirty (30) days' notice shall be given to the
1599 qualified electors of the municipality, in the manner prescribed
1600 by law, on the question of allowing qualified resort areas to be
1601 established. The notice shall contain a statement of the question
1602 to be voted on at the election. The ballots used in the election
1603 shall have the following words printed thereon: "FOR THE
1604 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1605 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
1606 marking his ballot, the voter shall make a cross (X) opposite the
1607 words of his choice.



1608 (c) The municipality may be established as a qualified
1609 resort area if a majority of the qualified electors voting in the
1610 election vote for such establishment. A qualified resort area may
1611 not be established if a majority of the qualified electors voting
1612 in the election vote against such establishment.

1613 (3) (a) Before an area may be designated a qualified resort
1614 area as defined in Section 67-1-5(o)(iii)7, an election shall be
1615 held in the municipality in which the area is located under the
1616 election laws applicable to the municipality, on the question of
1617 whether the area shall be a qualified resort area. An election to
1618 determine whether the area shall be a qualified resort area shall
1619 be ordered by the municipal governing authorities, upon
1620 presentation to the governing authorities of a petition containing
1621 the names of at least twenty percent (20%) of the duly qualified
1622 voters of the municipality asking for the election. An election
1623 on the question may not be held by the municipality more often
1624 than once each year.

1625 (b) Thirty (30) days' notice shall be given to the
1626 qualified electors of the municipality, in the manner prescribed
1627 by law, on the question of allowing qualified resort areas to be
1628 established. The notice shall contain a statement of the question
1629 to be voted on at the election. The ballots used in the election
1630 shall have the following words printed thereon: "FOR THE
1631 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1632 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In



1633 marking his ballot, the voter shall make a cross (X) opposite the
1634 words of his choice.

1635 (c) The area may be established as a qualified resort
1636 area if a majority of the qualified electors voting in the
1637 election vote for such establishment. A qualified resort area may
1638 not be established if a majority of the qualified electors voting
1639 in the election vote against such establishment.

1640 (4) (a) Before a municipality may be designated as a
1641 qualified resort area as defined in item 21, 35, 36 or 51 of
1642 Section 67-1-5(o)(iii), an election shall be held, under the
1643 election laws applicable to the municipality, on the question of
1644 whether the municipality shall be a qualified resort area. An
1645 election to determine whether the municipality shall be a
1646 qualified resort area shall be ordered by the municipal governing
1647 authorities. An election on the question may not be held by the
1648 municipality more often than once each year.

1649 (b) Thirty (30) days' notice shall be given to the
1650 qualified electors of the municipality, in the manner prescribed
1651 by law, on the question of allowing qualified resort areas to be
1652 established. The notice shall contain a statement of the question
1653 to be voted on at the election. The ballots used in the election
1654 shall have the following words printed thereon: "FOR THE
1655 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1656 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In



1657 marking his ballot, the voter shall make a cross (X) opposite the
1658 words of his choice.

1659 (c) The municipality may be established as a qualified
1660 resort area if a majority of the qualified electors voting in the
1661 election vote for such establishment. A qualified resort area may
1662 not be established if a majority of the qualified electors voting
1663 in the election vote against such establishment.

1664 (5) No election shall be held under this section after
1665 December 31, 2026, relating to the designation or establishment of
1666 a qualified resort area.

1667 **SECTION 10.** Section 67-1-17, Mississippi Code of 1972, is
1668 amended as follows:

1669 67-1-17. (1) It shall be unlawful for any person to have or
1670 possess either alcoholic beverages or personal property intended
1671 for use in violating the provisions of this article, or
1672 regulations prescribed under this article, or Chapter 31 of Title
1673 97, Mississippi Code of 1972. No property rights shall exist in
1674 any such personal property or alcoholic beverages. All such
1675 personal property and alcoholic beverages shall be considered
1676 contraband and shall be seized and forfeited to the State of
1677 Mississippi.

1678 (2) The following are subject to forfeiture:

1679 (a) All alcoholic beverages which have been
1680 manufactured, distilled, distributed, dispensed or acquired in



1681 violation of this article or Chapter 31 of Title 97, Mississippi
1682 Code of 1972;

1683 (b) All raw materials, products and equipment of any
1684 kind which are used, or intended for use, in manufacturing,
1685 compounding, processing, delivering, importing or exporting any
1686 alcoholic beverage in violation of this article or Chapter 31 of
1687 Title 97, Mississippi Code of 1972;

1688 (c) All property which is used, or intended for use, as
1689 a container for property described in items (a) or (b) of this
1690 subsection;

1691 (d) All conveyances, including aircraft, vehicles or
1692 vessels, which are used, or intended for use, to transport, or in
1693 any manner to facilitate the transportation, for the purpose of
1694 sale or receipt, possession or concealment, of property described
1695 in item (a) of this subsection which is in excess of six (6)
1696 gallons or of property described in item (b) of this subsection;
1697 however,

1698 (i) No conveyance used by any person as a common
1699 carrier in the transaction of business as a common carrier is
1700 subject to forfeiture under this section unless it appears that
1701 the owner or other person in charge of the conveyance is a
1702 consenting party or privy to a violation of this article or
1703 Chapter 31 of Title 97, Mississippi Code of 1972;

1704 (ii) No conveyance is subject to forfeiture under
1705 this section by reason of any act or omission proved by the owner



1706 thereof to have been committed or omitted without his knowledge or
1707 consent; if the confiscating authority has reason to believe that
1708 the conveyance is a leased or rented conveyance, then the
1709 confiscating authority shall notify the owner of the conveyance
1710 within five (5) days of the confiscation; and

1711 (iii) A forfeiture of a conveyance encumbered by a
1712 bona fide security interest is subject to the interest of the
1713 secured party if he neither had knowledge of nor consented to the
1714 act or omission;

1715 (e) All money, deadly weapons, books, records and
1716 research products and materials, including formulas, microfilm,
1717 tapes and data which are used, or intended for use, in violation
1718 of this article or Chapter 31 of Title 97, Mississippi Code of
1719 1972.

1720 (3) Property subject to forfeiture may be seized by the
1721 Alcoholic Beverage Control Division and its agents, local law
1722 enforcement officers, Mississippi Highway Patrol officers and
1723 other law enforcement personnel charged by Section 67-1-91, with
1724 enforcing the provisions of this article upon process issued by
1725 any appropriate court having jurisdiction over the property.
1726 Seizure without process may be made if:

1727 (a) The seizure is incident to an arrest or a search
1728 under a search warrant or an administrative inspection under
1729 Section 67-1-37(k);



1730 (b) The property subject to seizure has been the
1731 subject of a prior judgment in favor of the state in a criminal
1732 injunction or forfeiture proceeding based upon this article or
1733 Chapter 31 of Article 97, Mississippi Code of 1972; or

1734 (c) The Alcoholic Beverage Control Division of
1735 the * * * Department of Revenue and other law enforcement
1736 personnel described in this subsection have probable cause to
1737 believe that the property was used or is intended to be used in
1738 violation of this article or Chapter 31 of Article 97, Mississippi
1739 Code of 1972.

1740 (4) Alcoholic beverages and raw materials seized or detained
1741 under the authority of this article or Chapter 31 of Title 97,
1742 Mississippi Code of 1972, is deemed to be in the custody of the
1743 agent or agency so seizing the property and subject only to the
1744 orders and decrees of the court having jurisdiction over the
1745 property. When such property is seized it may be retained as
1746 evidence until final disposition of the cause in which such
1747 property is involved, and then the agent or agency so seizing the
1748 property shall physically transfer such alcoholic beverage or raw
1749 material to the Director of the Alcoholic Beverage Control
1750 Division of the * * * Department of Revenue together with an
1751 appropriate inventory of the items seized. Alcoholic beverages
1752 and raw materials seized or detained under the authority of this
1753 section shall be disposed of in accordance with the provisions of
1754 Section 67-1-18.



1755 (5) Any property other than alcoholic beverages and raw
1756 materials seized or detained pursuant to this article or Chapter
1757 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in
1758 the custody of the agent or agency so seizing the property and
1759 subject only to the orders and decrees of the court having
1760 jurisdiction over the property. When such property is seized it
1761 may be retained as evidence until the final disposition of the
1762 cause in which such property is involved. Property seized or
1763 detained other than alcoholic beverages or raw materials shall be
1764 disposed of in accordance with the provisions of Sections 67-1-93,
1765 67-1-95 and 67-1-97.

1766 **SECTION 11.** Section 67-1-37, Mississippi Code of 1972, is
1767 amended as follows:

1768 67-1-37. The Department of Revenue, under its duties and
1769 powers with respect to the Alcoholic Beverage Control Division
1770 therein, shall have the following powers, functions and duties:

1771 (a) To issue or refuse to issue any permit provided for
1772 by this article, or to extend the permit or remit in whole or any
1773 part of the permit monies when the permit cannot be used due to a
1774 natural disaster or act of God.

1775 (b) To revoke, suspend or cancel, for violation of or
1776 noncompliance with the provisions of this article, or the law
1777 governing the production and sale of native wines, native spirits,
1778 or craft spirits, or any lawful rules and regulations of the
1779 department issued hereunder, or for other sufficient cause, any



1780 permit issued by it under the provisions of this article. The
1781 department shall also be authorized to suspend the permit of any
1782 permit holder for being out of compliance with an order for
1783 support, as defined in Section 93-11-153. The procedure for
1784 suspension of a permit for being out of compliance with an order
1785 for support, and the procedure for the reissuance or reinstatement
1786 of a permit suspended for that purpose, and the payment of any
1787 fees for the reissuance or reinstatement of a permit suspended for
1788 that purpose, shall be governed by Section 93-11-157 or Section
1789 93-11-163, as the case may be. If there is any conflict between
1790 any provision of Section 93-11-157 or Section 93-11-163 and any
1791 provision of this article, the provisions of Section 93-11-157 or
1792 Section 93-11-163, as the case may be, shall control.

1793 (c) To prescribe forms of permits and applications for
1794 permits and of all reports which it deems necessary in
1795 administering this article.

1796 (d) To fix standards, not in conflict with those
1797 prescribed by any law of this state or of the United States, to
1798 secure the use of proper ingredients and methods of manufacture of
1799 alcoholic beverages.

1800 (e) To issue rules regulating the advertising of
1801 alcoholic beverages in the state in any class of media and
1802 permitting advertising of the retail price of alcoholic beverages.

1803 (f) To issue reasonable rules and regulations, not
1804 inconsistent with the federal laws or regulations, requiring



1805 informative labeling of all alcoholic beverages offered for sale
1806 within this state and providing for the standards of fill and
1807 shapes of retail containers of alcoholic beverages; however, such
1808 containers shall not contain less than fifty (50) milliliters by
1809 liquid measure.

1810 (g) Subject to the provisions of subsection (3) of
1811 Section 67-1-51, to issue rules and regulations governing the
1812 issuance of retail permits for premises located near or around
1813 schools, colleges, universities, churches and other public
1814 institutions, and specifying the distances therefrom within which
1815 no such permit shall be issued. The Alcoholic Beverage Control
1816 Division shall not issue a package retailer's or on-premises
1817 retailer's permit for the sale or consumption of alcoholic
1818 beverages in or on the campus of any public school. The Alcoholic
1819 Beverage Control Division shall not issue a package retailer's
1820 permit for the sale of alcoholic beverages in or on the campus of
1821 any community or junior college, college or university.

1822 (h) To adopt and promulgate, repeal and amend, such
1823 rules, regulations, standards, requirements and orders, not
1824 inconsistent with this article or any law of this state or of the
1825 United States, as it deems necessary to control the manufacture,
1826 importation, transportation, distribution, delivery and sale of
1827 alcoholic liquor, whether intended for beverage or nonbeverage use
1828 in a manner not inconsistent with the provisions of this article



1829 or any other statute, including the native wine, native spirit,
1830 and craft spirit laws.

1831 (i) To call upon other administrative departments of
1832 the state, county and municipal governments, county and city
1833 police departments and upon prosecuting officers for such
1834 information and assistance as it may deem necessary in the
1835 performance of its duties.

1836 (j) To prepare and submit to the Governor during the
1837 month of January of each year a detailed report of its official
1838 acts during the preceding fiscal year ending June 30, including
1839 such recommendations as it may see fit to make, and to transmit a
1840 like report to each member of the Legislature of this state upon
1841 the convening thereof at its next regular session.

1842 (k) To inspect, or cause to be inspected, any premises
1843 where alcoholic * * * beverages intended for sale are
1844 manufactured, stored, distributed or sold, and to examine or cause
1845 to be examined all books and records pertaining to the business
1846 conducted therein.

1847 (l) To investigate the administration of laws in
1848 relation to alcoholic * * * beverages in this and other states and
1849 any foreign countries, and to recommend from time to time to the
1850 Governor and through him to the Legislature of this state such
1851 amendments to this article, if any, as it may think desirable.



1852 (m) To designate hours and days when alcoholic
1853 beverages may be sold in different localities in the state which
1854 permit such sale.

1855 (n) To assign employees to posts of duty at locations
1856 where they will be most beneficial for the control of alcoholic
1857 beverages and to take any other action concerning persons employed
1858 under this article as authorized by law and taken in accordance
1859 with the rules, regulations and procedures of the State Personnel
1860 Board.

1861 (o) To enforce the provisions made unlawful by Chapter
1862 3, Title 67 and Section 97-5-49.

1863 (p) To delegate its authority under this article to the
1864 Alcoholic Beverage Control Division, its director or any other
1865 officer or employee of the department that it deems appropriate.

1866 (q) To prescribe and charge a fee to defray the costs
1867 of shipping alcoholic beverages, provided that such fee is
1868 determined in a manner provided by the department by rules and/or
1869 regulations adopted in accordance with the Mississippi
1870 Administrative Procedures Law.

1871 The Alcoholic Beverage Control Division shall not issue any
1872 permit which would conflict with any zoning ordinance legally
1873 adopted by the governing authorities of any municipality or rule
1874 or regulation of any board of supervisors of any county as set
1875 forth in Section 67-1-7(1).



1876 **SECTION 12.** Section 67-1-51, Mississippi Code of 1972, is
1877 amended as follows:

1878 67-1-51. (1) Permits which may be issued by the department
1879 shall be as follows:

1880 (a) **Manufacturer's permit.** It shall be illegal to
1881 sell, manufacture, bottle or distribute alcoholic beverages
1882 without first obtaining an applicable permit authorizing such
1883 activity. A manufacturer's permit shall permit the manufacture,
1884 importation in bulk, bottling and storage of alcoholic liquor and
1885 its distribution and sale to manufacturers holding permits under
1886 this article in this state and to persons outside the state who
1887 are authorized by law to purchase the same, and to sell as
1888 provided by this article.

1889 Manufacturer's permits shall be of the following classes:

1890 Class 1. Distiller's and/or rectifier's permit, which shall
1891 authorize the holder thereof to operate a distillery for the
1892 production of distilled spirits by distillation or redistillation
1893 and/or to operate a rectifying plant for the purifying, refining,
1894 mixing, blending, flavoring or reducing in proof of distilled
1895 spirits and alcohol.

1896 Class 2. Wine manufacturer's permit, which shall authorize
1897 the holder thereof to manufacture, import in bulk, bottle and
1898 store wine or vinous liquor.



1899 Class 3. Native wine producer's permit, which shall
1900 authorize the holder thereof to produce, bottle, store and sell
1901 native wines.

1902 Class 4. Native spirit producer's permit, which shall
1903 authorize the holder thereof to produce, bottle, store and sell
1904 native spirits.

1905 Class 5. Craft spirit producer's permit, which shall
1906 authorize the holder thereof to perform any act or thing in the
1907 process of making craft spirit, including the manufacture,
1908 importation, bottling, and storage of alcoholic liquor and its
1909 sale.

1910 (b) **Package retailer's permit.** Except as otherwise
1911 provided in this paragraph and Section 67-1-52, a package
1912 retailer's permit shall authorize the holder thereof to operate a
1913 store exclusively for the sale at retail in original sealed and
1914 unopened packages of alcoholic beverages, including native wines,
1915 native spirits, craft spirits, and edibles, not to be consumed on
1916 the premises where sold. Alcoholic beverages shall not be sold by
1917 any retailer in any package or container containing less than
1918 fifty (50) milliliters by liquid measure. A package retailer's
1919 permit, with prior approval from the department, shall authorize
1920 the holder thereof to sample new product furnished by a
1921 manufacturer's representative or his employees at the permitted
1922 place of business so long as the sampling otherwise complies with
1923 this article and applicable department regulations. Such samples



1924 may not be provided to customers at the permitted place of
1925 business. In addition to the sale at retail of packages of
1926 alcoholic beverages, the holder of a package retailer's permit is
1927 authorized to sell at retail corkscrews, wine glasses, soft
1928 drinks, ice, juices, mixers, other beverages commonly used to mix
1929 with alcoholic beverages, and fruits and foods that have been
1930 submerged in alcohol and are commonly referred to as edibles.
1931 Nonalcoholic beverages sold by the holder of a package retailer's
1932 permit shall not be consumed on the premises where sold.

1933 (c) **On-premises retailer's permit.** Except as otherwise
1934 provided in subsection (5) of this section, an on-premises
1935 retailer's permit shall authorize the sale of alcoholic beverages,
1936 including native wines, native spirits, and craft spirits, for
1937 consumption on the licensed premises only; however, a patron of
1938 the permit holder may remove one (1) bottle of wine from the
1939 licensed premises if: (i) the patron consumed a portion of the
1940 bottle of wine in the course of consuming a meal purchased on the
1941 licensed premises; (ii) the permit holder securely reseals the
1942 bottle; (iii) the bottle is placed in a bag that is secured in a
1943 manner so that it will be visibly apparent if the bag is opened;
1944 and (iv) a dated receipt for the wine and the meal is available.
1945 Additionally, as part of a carryout order, a permit holder may
1946 sell one (1) bottle of wine to be removed from the licensed
1947 premises for every two (2) entrees ordered. In addition, an
1948 on-premises retailer's permittee at a permitted premises located



1949 on Jefferson Davis Avenue within one-half (1/2) mile north of U.S.
1950 Highway 90 may serve alcoholic beverages by the glass to a patron
1951 in a vehicle using a drive-through method of delivery if the
1952 permitted premises is located in a leisure and recreation district
1953 established under Section 67-1-101. Such a sale will be
1954 considered to be made on the permitted premises. An on-premises
1955 retailer's permit shall be issued only to qualified hotels,
1956 restaurants and clubs, small craft breweries, microbreweries, and
1957 to common carriers with adequate facilities for serving
1958 passengers. In resort areas, however, whether inside or outside
1959 of a municipality, the department, in its discretion, may issue
1960 on-premises retailer's permits to any establishments located
1961 therein as it deems proper. An on-premises retailer's permit when
1962 issued to a common carrier shall authorize the sale and serving of
1963 alcoholic beverages aboard any licensed vehicle while moving
1964 through any county of the state; however, the sale of such
1965 alcoholic beverages shall not be permitted while such vehicle is
1966 stopped in a county that has * * * voted to institute prohibition,
1967 unless the vehicle is located in a municipality wherein the sale
1968 of alcoholic beverages is legal. If an on-premises retailer's
1969 permit is applied for by a common carrier operating solely in the
1970 water, such common carrier must, along with all other
1971 qualifications for a permit, (i) be certified to carry at least
1972 one hundred fifty (150) passengers and/or provide overnight
1973 accommodations for at least fifty (50) passengers and (ii) operate



1974 primarily in the waters within the State of Mississippi which lie
1975 adjacent to the State of Mississippi south of the three (3) most
1976 southern counties in the State of Mississippi and/or on the
1977 Mississippi River or navigable waters within any county bordering
1978 on the Mississippi River.

1979 (d) **Solicitor's permit.** A solicitor's permit shall
1980 authorize the holder thereof to act as salesman for a manufacturer
1981 or wholesaler holding a proper permit, to solicit on behalf of his
1982 employer orders for alcoholic beverages, and to otherwise promote
1983 his employer's products in a legitimate manner. Such a permit
1984 shall authorize the representation of and employment by one (1)
1985 principal only. However, the permittee may also, in the
1986 discretion of the department, be issued additional permits to
1987 represent other principals. No such permittee shall buy or sell
1988 alcoholic beverages for his own account, and no such beverage
1989 shall be brought into this state in pursuance of the exercise of
1990 such permit otherwise than through a permit issued to a wholesaler
1991 or manufacturer in the state.

1992 (e) **Native wine retailer's permit.** Except as otherwise
1993 provided in subsection (5) of this section, a native wine
1994 retailer's permit shall be issued only to a holder of a Class 3
1995 manufacturer's permit, and shall authorize the holder thereof to
1996 make retail sales of native wines to consumers for on-premises
1997 consumption or to consumers in originally sealed and unopened
1998 containers at an establishment located on the premises of or in



1999 the immediate vicinity of a native winery. When selling to
2000 consumers for on-premises consumption, a holder of a native wine
2001 retailer's permit may add to the native wine alcoholic beverages
2002 not produced on the premises, so long as the total volume of
2003 foreign beverage components does not exceed twenty percent (20%)
2004 of the mixed beverage. Hours of sale shall be the same as those
2005 authorized for on-premises permittees in the city or county in
2006 which the native wine retailer is located.

2007 (f) **Temporary retailer's permit.** Except as otherwise
2008 provided in subsection (5) of this section, a temporary retailer's
2009 permit shall permit the purchase and resale of alcoholic
2010 beverages, including native wines and native spirits, during legal
2011 hours on the premises described in the temporary permit only.

2012 Temporary retailer's permits shall be of the following
2013 classes:

2014 Class 1. A temporary one-day permit may be issued to bona
2015 fide nonprofit civic or charitable organizations authorizing the
2016 sale of alcoholic beverages, including native wine, native
2017 spirits, and craft spirits, for consumption on the premises
2018 described in the temporary permit only. Class 1 permits may be
2019 issued only to applicants demonstrating to the department, by a
2020 statement signed under penalty of perjury submitted ten (10) days
2021 prior to the proposed date or such other time as the department
2022 may determine, that they meet the qualifications of Sections
2023 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding



2024 paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all
2025 alcoholic beverages from package retailers located in the county
2026 in which the temporary permit is issued. Alcoholic beverages
2027 remaining in stock upon expiration of the temporary permit may be
2028 returned by the permittee to the package retailer for a refund of
2029 the purchase price upon consent of the package retailer or may be
2030 kept by the permittee exclusively for personal use and
2031 consumption, subject to all laws pertaining to the illegal sale
2032 and possession of alcoholic beverages. The department, following
2033 review of the statement provided by the applicant and the
2034 requirements of the applicable statutes and regulations, may issue
2035 the permit.

2036 Class 2. A temporary permit, not to exceed seventy (70)
2037 days, may be issued to prospective permittees seeking to transfer
2038 a permit authorized in paragraph (c) of this subsection. A Class
2039 2 permit may be issued only to applicants demonstrating to the
2040 department, by a statement signed under the penalty of perjury,
2041 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
2042 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
2043 67-1-59. The department, following a preliminary review of the
2044 statement provided by the applicant and the requirements of the
2045 applicable statutes and regulations, may issue the permit.

2046 Class 2 temporary permittees must purchase their alcoholic
2047 beverages directly from the department or, with approval of the
2048 department, purchase the remaining stock of the previous



2049 permittee. If the proposed applicant of a Class 1 or Class 2
2050 temporary permit falsifies information contained in the
2051 application or statement, the applicant shall never again be
2052 eligible for a retail alcohol beverage permit and shall be subject
2053 to prosecution for perjury.

2054 Class 3. A temporary one-day permit may be issued to a
2055 retail establishment authorizing the complimentary distribution of
2056 wine, including native wine, to patrons of the retail
2057 establishment at an open house or promotional event, for
2058 consumption only on the premises described in the temporary
2059 permit. A Class 3 permit may be issued only to an applicant
2060 demonstrating to the department, by a statement signed under
2061 penalty of perjury submitted ten (10) days before the proposed
2062 date or such other time as the department may determine, that it
2063 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
2064 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
2065 A Class 3 permit holder shall obtain all alcoholic beverages from
2066 the holder(s) of a package retailer's permit located in the county
2067 in which the temporary permit is issued. Wine remaining in stock
2068 upon expiration of the temporary permit may be returned by the
2069 Class 3 temporary permit holder to the package retailer for a
2070 refund of the purchase price, with consent of the package
2071 retailer, or may be kept by the Class 3 temporary permit holder
2072 exclusively for personal use and consumption, subject to all laws
2073 pertaining to the illegal sale and possession of alcoholic



2074 beverages. The department, following review of the statement
2075 provided by the applicant and the requirements of the applicable
2076 statutes and regulations, may issue the permit. No retailer may
2077 receive more than twelve (12) Class 3 temporary permits in a
2078 calendar year. A Class 3 temporary permit shall not be issued to
2079 a retail establishment that either holds a merchant permit issued
2080 under paragraph (1) of this subsection, or holds a permit issued
2081 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
2082 the holder to engage in the business of a retailer of light wine
2083 or beer.

2084 (g) **Caterer's permit.** A caterer's permit shall permit
2085 the purchase of alcoholic beverages by a person engaging in
2086 business as a caterer and the resale of alcoholic beverages by
2087 such person in conjunction with such catering business. No person
2088 shall qualify as a caterer unless forty percent (40%) or more of
2089 the revenue derived from such catering business shall be from the
2090 serving of prepared food and not from the sale of alcoholic
2091 beverages and unless such person has obtained a permit for such
2092 business from the Department of Health. A caterer's permit shall
2093 not authorize the sale of alcoholic beverages on the premises of
2094 the person engaging in business as a caterer; however, the holder
2095 of an on-premises retailer's permit may hold a caterer's permit.
2096 When the holder of an on-premises retailer's permit or an
2097 affiliated entity of the holder also holds a caterer's permit, the
2098 caterer's permit shall not authorize the service of alcoholic



2099 beverages on a consistent, recurring basis at a separate, fixed
2100 location owned or operated by the caterer, on-premises retailer or
2101 affiliated entity and an on-premises retailer's permit shall be
2102 required for the separate location. All sales of alcoholic
2103 beverages by holders of a caterer's permit shall be made at the
2104 location being catered by the caterer, and, except as otherwise
2105 provided in subsection (5) of this section, such sales may be made
2106 only for consumption at the catered location. The location being
2107 catered may be anywhere within a county or judicial district * * *
2108 except in a county or judicial district where prohibition has been
2109 instituted and the sale or distribution of alcoholic beverages is
2110 illegal. Such sales shall be made pursuant to any other
2111 conditions and restrictions which apply to sales made by
2112 on-premises retail permittees. The holder of a caterer's permit
2113 or his employees shall remain at the catered location as long as
2114 alcoholic beverages are being sold pursuant to the permit issued
2115 under this paragraph (g), and the permittee shall have at the
2116 location the identification card issued by the division. No
2117 unsold alcoholic beverages may be left at the catered location by
2118 the permittee upon the conclusion of his business at that
2119 location. Appropriate law enforcement officers and division
2120 personnel may enter a catered location on private property in
2121 order to enforce laws governing the sale or serving of alcoholic
2122 beverages.



2123 (h) **Research permit.** A research permit shall authorize
2124 the holder thereof to operate a research facility for the
2125 professional research of alcoholic beverages. Such permit shall
2126 authorize the holder of the permit to import and purchase limited
2127 amounts of alcoholic beverages from the department or from
2128 importers, wineries and distillers of alcoholic beverages for
2129 professional research.

2130 (i) **Alcohol processing permit.** An alcohol processing
2131 permit shall authorize the holder thereof to purchase, transport
2132 and possess alcoholic beverages for the exclusive use in cooking,
2133 processing or manufacturing products which contain alcoholic
2134 beverages as an integral ingredient. An alcohol processing permit
2135 shall not authorize the sale of alcoholic beverages on the
2136 premises of the person engaging in the business of cooking,
2137 processing or manufacturing products which contain alcoholic
2138 beverages. The amounts of alcoholic beverages allowed under an
2139 alcohol processing permit shall be set by the department.

2140 (j) **Hospitality cart permit.** A hospitality cart permit
2141 shall authorize the sale of alcoholic beverages from a mobile cart
2142 on a golf course that is the holder of an on-premises retailer's
2143 permit. The alcoholic beverages sold from the cart must be
2144 consumed within the boundaries of the golf course.

2145 (k) **Special service permit.** A special service permit
2146 shall authorize the holder to sell commercially sealed alcoholic
2147 beverages to the operator of a commercial or private aircraft for



2148 en route consumption only by passengers. A special service permit
2149 shall be issued only to a fixed-base operator who contracts with
2150 an airport facility to provide fueling and other associated
2151 services to commercial and private aircraft.

2152 (1) **Merchant permit.** Except as otherwise provided in
2153 subsection (5) of this section, a merchant permit shall be issued
2154 only to the owner of a spa facility, an art studio or gallery, or
2155 a cooking school, and shall authorize the holder to serve
2156 complimentary by the glass wine only, including native wine, at
2157 the holder's spa facility, art studio or gallery, or cooking
2158 school. A merchant permit holder shall obtain all wine from the
2159 holder of a package retailer's permit.

2160 (m) **Temporary alcoholic beverages charitable auction**
2161 **permit.** A temporary permit, not to exceed five (5) days, may be
2162 issued to a qualifying charitable nonprofit organization that is
2163 exempt from taxation under Section 501(c)(3) or (4) of the
2164 Internal Revenue Code of 1986. The permit shall authorize the
2165 holder to sell alcoholic beverages for the limited purpose of
2166 raising funds for the organization during a live or silent auction
2167 that is conducted by the organization and that meets the following
2168 requirements: (i) the auction is conducted in an area of the
2169 state where the sale of alcoholic beverages is authorized; (ii) if
2170 the auction is conducted on the premises of an on-premises
2171 retailer's permit holder, then the alcoholic beverages to be
2172 auctioned must be stored separately from the alcoholic beverages



2173 sold, stored or served on the premises, must be removed from the
2174 premises immediately following the auction, and may not be
2175 consumed on the premises; (iii) the permit holder may not conduct
2176 more than two (2) auctions during a calendar year; (iv) the permit
2177 holder may not pay a commission or promotional fee to any person
2178 to arrange or conduct the auction.

2179 (n) **Event venue retailer's permit.** An event venue
2180 retailer's permit shall authorize the holder thereof to purchase
2181 and resell alcoholic beverages, including native wines, native
2182 spirits, and craft spirits, for consumption on the premises during
2183 legal hours during events held on the licensed premises if food is
2184 being served at the event by a caterer who is not affiliated with
2185 or related to the permittee. The caterer must serve at least
2186 three (3) entrees. The permit may only be issued for venues that
2187 can accommodate two hundred (200) persons or more. The number of
2188 persons a venue may accommodate shall be determined by the local
2189 fire department and such determination shall be provided in
2190 writing and submitted along with all other documents required to
2191 be provided for an on-premises retailer's permit. The permittee
2192 must derive the majority of its revenue from event-related fees,
2193 including, but not limited to, admission fees or ticket sales for
2194 live entertainment in the building. "Event-related fees" do not
2195 include alcohol, beer or light wine sales or any fee which may be
2196 construed to cover the cost of alcohol, beer or light wine. This



2197 determination shall be made on a per event basis. An event may
2198 not last longer than two (2) consecutive days per week.

2199 (o) **Temporary theatre permit.** A temporary theatre
2200 permit, not to exceed five (5) days, may be issued to a charitable
2201 nonprofit organization that is exempt from taxation under Section
2202 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
2203 a theatre facility that features plays and other theatrical
2204 performances and productions. Except as otherwise provided in
2205 subsection (5) of this section, the permit shall authorize the
2206 holder to sell alcoholic beverages, including native wines, native
2207 spirits, and craft spirits, to patrons of the theatre during
2208 performances and productions at the theatre facility for
2209 consumption during such performances and productions on the
2210 premises of the facility described in the permit. A temporary
2211 theatre permit holder shall obtain all alcoholic beverages from
2212 package retailers located in the county in which the permit is
2213 issued. Alcoholic beverages remaining in stock upon expiration of
2214 the temporary theatre permit may be returned by the permittee to
2215 the package retailer for a refund of the purchase price upon
2216 consent of the package retailer or may be kept by the permittee
2217 exclusively for personal use and consumption, subject to all laws
2218 pertaining to the illegal sale and possession of alcoholic
2219 beverages.

2220 (p) **Charter ship operator's permit.** Subject to the
2221 provisions of this paragraph (p), a charter ship operator's permit



2222 shall authorize the holder thereof and its employees to serve,
2223 monitor, store and otherwise control the serving and availability
2224 of alcoholic beverages to customers of the permit holder during
2225 private charters under contract provided by the permit holder. A
2226 charter ship operator's permit shall authorize such action by the
2227 permit holder and its employees only as to alcoholic beverages
2228 brought onto the permit holder's ship by customers of the permit
2229 holder as part of such a private charter. All such alcoholic
2230 beverages must be removed from the charter ship at the conclusion
2231 of each private charter. A charter ship operator's permit shall
2232 not authorize the permit holder to sell, charge for or otherwise
2233 supply alcoholic beverages to customers, except as authorized in
2234 this paragraph (p). For the purposes of this paragraph (p),
2235 "charter ship operator" means a common carrier that (i) is
2236 certified to carry at least one hundred fifty (150) passengers
2237 and/or provide overnight accommodations for at least fifty (50)
2238 passengers, (ii) operates only in the waters within the State of
2239 Mississippi, which lie adjacent to the State of Mississippi south
2240 of the three (3) most southern counties in the State of
2241 Mississippi, and (iii) provides charters under contract for tours
2242 and trips in such waters.

2243 (q) **Distillery retailer's permit.** The holder of a
2244 Class 1 manufacturer's permit may obtain a distillery retailer's
2245 permit. A distillery retailer's permit shall authorize the holder
2246 thereof to sell at retail alcoholic beverages to consumers for



2247 on-premises consumption, or to consumers by the sealed and
2248 unopened bottle from a retail location at the distillery for
2249 off-premises consumption. The holder may only sell product
2250 manufactured by the manufacturer at the distillery described in
2251 the permit. However, when selling to consumers for on-premises
2252 consumption, a holder of a distillery retailer's permit may add
2253 other beverages, alcoholic or not, so long as the total volume of
2254 other beverage components containing alcohol does not exceed
2255 twenty percent (20%). Hours of sale shall be the same as those
2256 authorized for on-premises permittees in the city or county in
2257 which the distillery retailer is located.

2258 The holder shall not sell at retail more than ten percent
2259 (10%) of the alcoholic beverages produced annually at its
2260 distillery. The holder shall not make retail sales of more than
2261 two and twenty-five one-hundredths (2.25) liters, in the
2262 aggregate, of the alcoholic beverages produced at its distillery
2263 to any one (1) individual for consumption off the premises of the
2264 distillery within a twenty-four-hour period. The hours of sale
2265 shall be the same as those hours for package retailers under this
2266 article. The holder of a distillery retailer's permit is not
2267 required to purchase the alcoholic beverages authorized to be sold
2268 by this paragraph from the department's liquor distribution
2269 warehouse; however, if the holder does not purchase the alcoholic
2270 beverages from the department's liquor distribution warehouse, the
2271 holder shall pay to the department all taxes, fees and surcharges



2272 on the alcoholic beverages that are imposed upon the sale of
2273 alcoholic beverages shipped by the department or its warehouse
2274 operator. In addition to alcoholic beverages, the holder of a
2275 distillery retailer's permit may sell at retail promotional
2276 products from the same retail location, including shirts, hats,
2277 glasses, and other promotional products customarily sold by
2278 alcoholic beverage manufacturers.

2279 (r) **Festival Permit.** Any wine manufacturer, native
2280 wine producer, native spirit producer, craft spirit producer, or
2281 distilled spirit manufacturer permitted by Mississippi or any
2282 other state is eligible to obtain a Festival Permit. This permit
2283 authorizes the entity to transport product manufactured by it to
2284 festivals held within the State of Mississippi and sell sealed,
2285 unopened bottles to festival participants. The holder of this
2286 permit may provide samples at no charge to participants.
2287 "Festival" means any event at which three (3) or more vendors are
2288 present at a location for the sale or distribution of goods. The
2289 holder of a Festival Permit is not required to purchase the
2290 alcoholic beverages authorized to be sold by this paragraph from
2291 the department's liquor distribution warehouse. However, if the
2292 holder does not purchase the alcoholic beverages from the
2293 department's liquor distribution warehouse, the holder of this
2294 permit shall pay to the department all taxes, fees and surcharges
2295 on the alcoholic beverages sold at such festivals that are imposed
2296 upon the sale of alcoholic beverages shipped by the division.



2297 Additionally, the entity shall file all applicable reports and
2298 returns as prescribed by the department. This permit is issued
2299 per festival and provides authority to sell for three (3)
2300 consecutive days during the hours authorized for on-premises
2301 permittees' sales in that county or city. The holder of the
2302 permit shall be required to maintain all requirements set by Local
2303 Option Law for the service and sale of alcoholic beverages. This
2304 permit may be issued to entities participating in festivals at
2305 which a Class 1 temporary permit is in effect.

2306 This paragraph (r) shall stand repealed from and after July
2307 1, 2026.

2308 (s) **Charter vessel operator's permit.** Subject to the
2309 provisions of this paragraph (s), a charter vessel operator's
2310 permit shall authorize the holder thereof and its employees to
2311 sell and serve alcoholic beverages to passengers of the permit
2312 holder during public tours, historical tours, ecological tours and
2313 sunset cruises provided by the permit holder. The permit shall
2314 authorize the holder to only sell alcoholic beverages, including
2315 native wines, to passengers of the charter vessel operator during
2316 public tours, historical tours, ecological tours and sunset
2317 cruises provided by the permit holder aboard the charter vessel
2318 operator for consumption during such tours and cruises on the
2319 premises of the charter vessel operator described in the permit.
2320 For the purposes of this paragraph (s), "charter vessel operator"
2321 means a common carrier that (i) is certified to carry at least



2322 forty-nine (49) passengers, (ii) operates only in the waters
2323 within the State of Mississippi, which lie south of Interstate 10
2324 in the three (3) most southern counties in the State of
2325 Mississippi, and lie adjacent to the State of Mississippi south of
2326 the three (3) most southern counties in the State of Mississippi,
2327 extending not further than one (1) mile south of such counties,
2328 and (iii) provides vessel services for tours and cruises in such
2329 waters as provided in this paragraph(s).

2330 (t) **Native spirit retailer's permit.** Except as
2331 otherwise provided in subsection (5) of this section, a native
2332 spirit retailer's permit shall be issued only to a holder of a
2333 Class 4 manufacturer's permit, and shall authorize the holder
2334 thereof to make retail sales of native spirits to consumers for
2335 on-premises consumption or to consumers in originally sealed and
2336 unopened containers at an establishment located on the premises of
2337 the distillery, or at any tasting room location or locations
2338 within five (5) miles of the native distillery. Further, every
2339 native distillery is authorized to have one (1) permanent
2340 satellite tasting room sales location in any other location in the
2341 state that otherwise allows the sale of alcoholic beverages. When
2342 selling to consumers for on-premises consumption, a holder of a
2343 native spirit retailer's permit may sell alcoholic beverages
2344 produced by other suppliers. Hours of sale shall be the same as
2345 those authorized for on-premises permittees in the city or county
2346 in which the native spirit retailer is located.



2347 (u) **Delivery service permit.** Any individual, limited
2348 liability company, corporation or partnership registered to do
2349 business in this state is eligible to obtain a delivery service
2350 permit. Subject to the provisions of Section 67-1-51.1, this
2351 permit authorizes the permittee, or its employee or an independent
2352 contractor acting on its behalf, to deliver alcoholic beverages,
2353 beer, light wine and light spirit product from a licensed retailer
2354 to a person in this state who is at least twenty-one (21) years of
2355 age for the individual's use and not for resale. This permit does
2356 not authorize the delivery of alcoholic beverages, beer, light
2357 wine or light spirit product to the premises of a location with a
2358 permit for the manufacture, distribution or retail sale of
2359 alcoholic beverages, beer, light wine or light spirit product.
2360 The holder of a package retailer's permit or an on-premises
2361 retailer's permit under Section 67-1-51 or of a beer, light wine
2362 and light spirit product permit under Section 67-3-19 is
2363 authorized to apply for a delivery service permit as a privilege
2364 separate from its existing retail permit.

2365 (v) **Food truck permit.** A food truck permit shall
2366 authorize the holder of an on-premises retailer's permit to use a
2367 food truck to sell alcoholic beverages off its premises to guests
2368 who must consume the beverages in open containers. For the
2369 purposes of this paragraph (v), "food truck" means a fully encased
2370 food service establishment on a motor vehicle or on a trailer that
2371 a motor vehicle pulls to transport, and from which a vendor,



2372 standing within the frame of the establishment, prepares, cooks,
2373 sells and serves food for immediate human consumption. The term
2374 "food truck" does not include a food cart that is not motorized.
2375 Food trucks shall maintain such distance requirements from
2376 schools, churches, kindergartens and funeral homes as are required
2377 for on-premises retailer's permittees under this article, and all
2378 sales must be made within a valid leisure and recreation district
2379 established under Section 67-1-101. Food trucks cannot sell or
2380 serve alcoholic beverages unless also offering food prepared and
2381 cooked within the food truck, and permittees must maintain a
2382 twenty-five percent (25%) food sale revenue requirement based on
2383 the food sold from the food truck alone. The hours allowed for
2384 sale shall be the same as those for on-premises retailer's
2385 permittees in the location. This permit will not be required for
2386 the holder of a caterer's permit issued under this article to
2387 cater an event as allowed by law. Permittees must provide notice
2388 of not less than forty-eight (48) hours to the department of each
2389 location at which alcoholic beverages will be sold.

2390 (w) **On-premises tobacco permit.** An on-premises tobacco
2391 permit shall authorize the permittee to sell alcoholic beverages
2392 for consumption on the licensed premises. In addition to all
2393 other requirements to obtain an alcoholic beverage permit, the
2394 permittee must obtain and maintain a tobacco permit issued by the
2395 State of Mississippi, and have a capital investment of not less
2396 than Five Hundred Thousand Dollars (\$500,000.00) in the premises



2397 for which the permit is issued. In addition to alcoholic
2398 beverages, the permittee is authorized to sell only cigars,
2399 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
2400 Additionally, seventy-five percent (75%) of the permittee's annual
2401 gross revenue must be derived from the sale of cigars, cheroots,
2402 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
2403 be required, but food may be sold on the premises. The issuance
2404 of this permit does not remove any obligation a permittee may have
2405 to follow local ordinances or actions prohibiting the use of
2406 tobacco products.

2407 (x) **Direct wine shipper's permit.** A direct wine
2408 shipper's permit shall authorize the holder to sell and ship a
2409 limited amount of wine directly to residents in this state in
2410 accordance with the provisions of Sections 67-1-301 to 67-1-317,
2411 without being required to transact the sale and shipment of those
2412 wines through the division.

2413 (y) **Craft spirit retailer's permit.** Except as
2414 otherwise provided in subsection (5) of this section, a craft
2415 spirit retailer's permit shall be issued only to a holder of a
2416 Class 5 manufacturer's permit, and shall authorize the holder
2417 thereof to make retail sales of craft spirits to consumers for
2418 on-premises consumption or to consumers in originally sealed and
2419 unopened containers at an establishment located on the premises of
2420 the distillery or at any tasting room location or locations within
2421 five (5) miles of the craft distillery. Further, every craft



2422 distillery is authorized to have one (1) permanent satellite
2423 tasting room sales location in any other location in the state
2424 that otherwise allows the sale of alcoholic beverages. When
2425 selling to consumers for on-premises consumption, a holder of a
2426 craft spirit retailer's permit may sell alcoholic beverages
2427 produced by other suppliers. Hours of sale shall be the same as
2428 those authorized for on-premises permittees in the city or county
2429 in which the craft spirit retailer is located.

2430 (2) Except as otherwise provided in subsection (4) of this
2431 section, retail permittees may hold more than one (1) retail
2432 permit, at the discretion of the department.

2433 (3) (a) Except as otherwise provided in this subsection, no
2434 authority shall be granted to any person to manufacture, sell or
2435 store for sale any intoxicating liquor as specified in this
2436 article within four hundred (400) feet of any church, school
2437 (excluding any community college, junior college, college or
2438 university), kindergarten or funeral home. However, within an
2439 area zoned commercial or business, such minimum distance shall be
2440 not less than one hundred (100) feet.

2441 (b) A church or funeral home may waive the distance
2442 restrictions imposed in this subsection in favor of allowing
2443 issuance by the department of a permit, pursuant to subsection (1)
2444 of this section, to authorize activity relating to the
2445 manufacturing, sale or storage of alcoholic beverages which would
2446 otherwise be prohibited under the minimum distance criterion.



2447 Such waiver shall be in written form from the owner, the governing
2448 body, or the appropriate officer of the church or funeral home
2449 having the authority to execute such a waiver, and the waiver
2450 shall be filed with and verified by the department before becoming
2451 effective.

2452 (c) The distance restrictions imposed in this
2453 subsection shall not apply to the sale or storage of alcoholic
2454 beverages at a bed and breakfast inn listed in the National
2455 Register of Historic Places or to the sale or storage of alcoholic
2456 beverages in a historic district that is listed in the National
2457 Register of Historic Places, is a qualified resort area and is
2458 located (i) in a municipality having a population greater than one
2459 hundred thousand (100,000) according to the latest federal
2460 decennial census, or (ii) in a municipality in which Mississippi
2461 Highways 1 and 8 intersect.

2462 (d) The distance restrictions imposed in this
2463 subsection shall not apply to the sale or storage of alcoholic
2464 beverages at a qualified resort area as defined in Section
2465 67-1-5(o)(iii)32.

2466 (e) The distance restrictions imposed in this
2467 subsection shall not apply to the sale or storage of alcoholic
2468 beverages at a licensed premises in a building formerly owned by a
2469 municipality and formerly leased by the municipality to a
2470 municipal school district and used by the municipal school
2471 district as a district bus shop facility.



2472 (f) The distance restrictions imposed in this
2473 subsection shall not apply to the sale or storage of alcoholic
2474 beverages at a licensed premises in a building consisting of at
2475 least five thousand (5,000) square feet and located approximately
2476 six hundred (600) feet from the intersection of Mississippi
2477 Highway 15 and Mississippi Highway 4.

2478 (g) The distance restrictions imposed in this
2479 subsection shall not apply to the sale or storage of alcoholic
2480 beverages at a licensed premises in a building located at or near
2481 the intersection of Ward and Tate Streets and adjacent properties
2482 in the City of Senatobia, Mississippi.

2483 (h) The distance restrictions imposed in this
2484 subsection shall not apply to the sale or storage of alcoholic
2485 beverages at a theatre facility that features plays and other
2486 theatrical performances and productions and (i) is capable of
2487 seating more than seven hundred fifty (750) people, (ii) is owned
2488 by a municipality which has a population greater than ten thousand
2489 (10,000) according to the latest federal decennial census, (iii)
2490 was constructed prior to 1930, (iv) is on the National Register of
2491 Historic Places, and (v) is located in a historic district.

2492 (i) The distance restrictions imposed in this
2493 subsection shall not apply to the sale or storage of alcoholic
2494 beverages at a licensed premises in a building located
2495 approximately one and six-tenths (1.6) miles north of the



2496 intersection of Mississippi Highway 15 and Mississippi Highway 4
2497 on the west side of Mississippi Highway 15.

2498 (j) The distance restrictions imposed in this
2499 subsection shall not apply to the sale or storage of alcoholic
2500 beverages at a qualified resort area as defined in Section
2501 67-1-5(o)(iii)83.

2502 (k) The distance restrictions imposed in this
2503 subsection shall not apply to the sale or storage of alcoholic
2504 beverages at a qualified resort area as defined in Section
2505 67-1-5(o)(iii)84.

2506 (4) No person, either individually or as a member of a firm,
2507 partnership, limited liability company or association, or as a
2508 stockholder, officer or director in a corporation, shall own or
2509 control any interest in more than one (1) package retailer's
2510 permit, nor shall such person's spouse, if living in the same
2511 household of such person, any relative of such person, if living
2512 in the same household of such person, or any other person living
2513 in the same household with such person own any interest in any
2514 other package retailer's permit; however, in the case of a person
2515 holding a package retailer's permit issued before July 1, 2024,
2516 such a person may own one (1) additional package retailer's permit
2517 if the additional permit is issued for a premises with a minimum
2518 capital investment of Twenty Million Dollars (\$20,000,000.00) that
2519 is part of a major retail development project and located in one
2520 (1) of the three (3) most southern counties in the State of



2521 Mississippi, and not within one hundred (100) miles of another
2522 location in the State of Mississippi, for which the permittee
2523 holds such a permit.

2524 (5) (a) In addition to any other authority granted under
2525 this section, the holder of a permit issued under subsection
2526 (1)(c), (e), (f), (g), (l), (n), (o), (q), (t) and (y) of this
2527 section may sell or otherwise provide alcoholic beverages and/or
2528 wine to a patron of the permit holder in the manner authorized in
2529 the permit and the patron may remove an open glass, cup or other
2530 container of the alcoholic beverage and/or wine from the licensed
2531 premises and may possess and consume the alcoholic beverage or
2532 wine outside of the licensed premises if: (i) the licensed
2533 premises is located within a leisure and recreation district
2534 created under Section 67-1-101 and (ii) the patron remains within
2535 the boundaries of the leisure and recreation district while in
2536 possession of the alcoholic beverage or wine.

2537 (b) Nothing in this subsection shall be construed to
2538 allow a person to bring any alcoholic beverages into a permitted
2539 premises except to the extent otherwise authorized by this
2540 article.

2541 (c) Where a permit is issued under subsection (1)(c) to
2542 an establishment located in a resort area created by Section
2543 67-1-5(o)(iii)(18), persons in the permitted premises are allowed
2544 to bring alcoholic beverages into the permitted premises and to



2545 possess, store and consume those alcoholic beverages in the
2546 permitted premises.

2547 **SECTION 13.** Section 67-1-57, Mississippi Code of 1972, is
2548 amended as follows:

2549 67-1-57. Before a permit is issued the department shall
2550 satisfy itself:

2551 (a) That the applicant, if an individual, or if a
2552 partnership, each of the members of the partnership, or if a
2553 corporation, each of its principal officers and directors, or if a
2554 limited liability company, each member of the limited liability
2555 company, is of good moral character and, in addition, enjoys a
2556 reputation of being a peaceable, law-abiding citizen of the
2557 community in which he resides, and is generally fit for the trust
2558 to be reposed in him, is not less than twenty-one (21) years of
2559 age, and has not been convicted of a felony in any state or
2560 federal court. However, a felony conviction, other than a crime
2561 of violence or a violation of state or federal controlled
2562 substance laws, does not automatically disqualify a person from
2563 being approved for a permit. If at least ten (10) years have
2564 elapsed since conviction, the department may consider such felony
2565 convictions in determining whether all other qualifications are
2566 met.

2567 (b) That, except in the case of an application for a
2568 solicitor's permit, the applicant is the true and actual owner of
2569 the business for which the permit is desired, and that he intends



2570 to carry on the business authorized for himself and not as the
2571 agent of any other person, and that he intends to superintend in
2572 person the management of the business or that he will designate a
2573 manager to manage the business for him. Except for managers
2574 employed by the holder of a direct wine shipper's permit, all
2575 managers must be approved by the department prior to completing
2576 any managerial tasks on behalf of the permittee and must possess
2577 all of the qualifications required of a permittee; however, a
2578 felony conviction, other than a crime of violence, does not
2579 automatically disqualify a person from being approved as a manager
2580 if the person was released from incarceration at least three (3)
2581 years prior to application for approval as a manager. A felony
2582 conviction, other than a crime of violence, may be considered by
2583 the department in determining whether all other qualifications are
2584 met.

2585 (c) That the applicant for a package retailer's permit,
2586 if an individual, is a resident of the State of Mississippi. If
2587 the applicant is a partnership, each member of the partnership
2588 must be a resident of the state. If the applicant is a limited
2589 liability company, each member of the limited liability company
2590 must be a resident of the state. If the applicant is a
2591 corporation, the designated manager of the corporation must be a
2592 resident of the state.



2593 (d) That the place for which the permit is to be issued
2594 is an appropriate one considering the character of the premises
2595 and the surrounding neighborhood.

2596 (e) That the place for which the permit is to be issued
2597 is within the corporate limits of an incorporated municipality or
2598 qualified resort area or club which comes within the provisions of
2599 this article.

2600 (f) That the applicant is not indebted to the state for
2601 any taxes, fees or payment of penalties imposed by any law of the
2602 State of Mississippi or by any rule or regulation of the
2603 department.

2604 (g) That the applicant is not in the habit of using
2605 alcoholic beverages to excess and is not physically or mentally
2606 incapacitated, and that the applicant has the ability to read and
2607 write the English language.

2608 (h) That the department does not believe and has no
2609 reason to believe that the applicant will sell or knowingly permit
2610 any agent, servant or employee to unlawfully sell * * * alcoholic
2611 beverages in * * * an area in which prohibition is instituted or
2612 in any other manner contrary to law.

2613 (i) That the applicant is not residentially domiciled
2614 with any person whose permit or license has been cancelled for
2615 cause within the twelve (12) months next preceding the date of the
2616 present application for a permit.



2617 (j) That the department has not, in the exercise of its
2618 discretion which is reserved and preserved to it, refused to grant
2619 permits under the restrictions of this section, as well as under
2620 any other pertinent provision of this article.

2621 (k) That there are not sufficient legal reasons to deny
2622 a permit on the ground that the premises for which the permit is
2623 sought has previously been operated, used or frequented for any
2624 purpose or in any manner that is lewd, immoral or offensive to
2625 public decency. In the granting or withholding of any permit to
2626 sell alcoholic beverages at retail, the department in forming its
2627 conclusions may give consideration to any recommendations made in
2628 writing by the district or county attorney or county, circuit or
2629 chancery judge of the county, or the sheriff of the county, or the
2630 mayor or chief of police of an incorporated city or town wherein
2631 the applicant proposes to conduct his business and to any
2632 recommendations made by representatives of the department.

2633 (l) That the applicant and the applicant's key
2634 employees, as determined by the department, do not have a
2635 disqualifying criminal record. In order to obtain a criminal
2636 record history check, the applicant shall submit to the department
2637 a set of fingerprints from any local law enforcement agency for
2638 each person for whom the records check is required. The
2639 department shall forward the fingerprints to the Mississippi
2640 Department of Public Safety. If no disqualifying record is
2641 identified at the state level, the Department of Public Safety



2642 shall forward the fingerprints to the Federal Bureau of
2643 Investigation for a national criminal history record check. Costs
2644 for processing the set or sets of fingerprints shall be borne by
2645 the applicant. The department may waive the fingerprint
2646 requirement in the case of an applicant for a direct wine
2647 shipper's permit. The department shall not deny employment to an
2648 employee of the applicant prior to the identification of a
2649 disqualifying record or other disqualifying information.

2650 **SECTION 14.** Section 67-1-85, Mississippi Code of 1972, is
2651 amended as follows:

2652 67-1-85. (1) The holder of a package retailer's permit may
2653 have signs, lighted or otherwise, on the outside of the premises
2654 covered by his permit which advertise, announce or advise of the
2655 sale of alcoholic beverages in or on said premises. Wherever the
2656 sign is located on the premises, the name of the business shall
2657 also include the permit number thereof, preceded by the words
2658 "A.B.C. Permit No."

2659 (2) It shall be lawful to advertise alcoholic beverages by
2660 means of signs, billboards or displays on or along any road,
2661 highway, street or building.

2662 (3) It shall be lawful for publishers, broadcasters and
2663 other kinds, types or forms of public and private advertising
2664 media to advertise alcoholic beverages; however, no alcoholic
2665 beverages may be advertised during, or within five (5) minutes
2666 preceding or following, any television broadcast which consists



2667 primarily of animated material intended for viewing by young
2668 children.

2669 (4) Notwithstanding the provisions of this section to the
2670 contrary, it shall be unlawful to advertise alcoholic beverages by
2671 means of signs, billboards or displays in any municipality, county
2672 or judicial district * * * that has voted to institute
2673 prohibition.

2674 **SECTION 15.** Section 67-1-91, Mississippi Code of 1972, is
2675 amended as follows:

2676 67-1-91. (1) It is hereby made the duty of every police and
2677 peace officer and every district and county attorney and the
2678 Alcoholic Beverage Control Division of the * * * Department of
2679 Revenue to enforce the provisions of this article and to inform
2680 against and diligently prosecute persons whom they have reasonable
2681 cause to believe to be offenders against the provisions thereof.
2682 Every such officer refusing or neglecting to do so shall be guilty
2683 of a misdemeanor, and the court, in addition to imposing the
2684 penalty therefor, shall adjudge forfeiture of his office.

2685 (2) In any county or municipality where it is readily
2686 apparent that local law enforcement authorities in cooperation
2687 with the agents and inspectors provided by the * * * department
2688 cannot control the illegal sale of alcoholic beverages, the * * *
2689 department shall request such assistance as it may deem necessary
2690 from the Mississippi Highway Safety Patrol; and it shall be the
2691 duty of the Governor of the State of Mississippi to see that the



2692 laws of the state are properly enforced by use of the additional
2693 authority as herein provided.

2694 (3) The officers, agents and representatives of the * * *
2695 Department of Revenue and the Alcoholic Beverage Control Division
2696 thereof are authorized and directed to strictly enforce the * * *
2697 provisions of this article and any other provisions of law
2698 regulating the proper sale, distribution and transportation of
2699 alcoholic beverages, and, in such counties that vote to institute
2700 prohibition, enforce such prohibition on the sale, distribution
2701 and transportation, except as provided herein, of alcoholic
2702 beverages within the boundaries of such counties. The State
2703 Highway Patrol, sheriffs, police departments, constables, and all
2704 peace officers, and prosecuting attorneys, the Attorney General's
2705 office, district attorneys, county attorneys, city attorneys, and
2706 all others charged with upholding the law, as well as the
2707 citizenry of this state, are hereby urged and directed to uphold
2708 the dignity of the law, to foster public respect therefor and to
2709 strictly enforce the laws against * * * alcoholic beverages in all
2710 cases while operating a motor vehicle on the streets and highways
2711 of this state, and to enforce the law and prosecute against the
2712 wrongful use of * * * alcoholic beverages in any county or
2713 municipality by a permit holder or licensee or anyone else under
2714 such circumstances and conditions as would lead to a breakdown in
2715 public law or is violative of the public sense of common decency,



2716 as well as to enforce the law against gambling, organized crime,
2717 or social vice and corruption.

2718 **SECTION 16.** Section 67-1-101, Mississippi Code of 1972, is
2719 amended as follows:

2720 67-1-101. (1) For the purposes of this section, the
2721 following words shall have the following meanings ascribed in this
2722 section, unless the context clearly otherwise requires:

2723 (a) "Municipality" means any incorporated city, town or
2724 village that (i) has not voted in favor of * * * instituting
2725 prohibition, (ii) is in a county that has not voted in favor
2726 of * * * instituting prohibition, or (iii) is in a county that has
2727 voted in favor of instituting prohibition but such municipality
2728 has voted to permit the sale of alcoholic beverages.

2729 (b) "Leisure and recreation district" means an area
2730 officially designated by ordinance or resolution of the governing
2731 authorities of a municipality or county as a leisure and
2732 recreation district.

2733 (c) "County" means any county that has not voted in
2734 favor of * * * instituting prohibition.

2735 (2) (a) Subject to the provisions of this section, the
2736 governing authorities of a municipality, by ordinance, may
2737 establish one or more leisure and recreation districts within the
2738 corporate boundaries of the municipality and designate the
2739 geographic area or areas to be included within a district. The
2740 governing authorities of a municipality, by ordinance, may modify



2741 the boundaries of a leisure and recreation district. In addition,
2742 the boundaries of a leisure and recreation district may extend
2743 from within the municipality into the unincorporated area of the
2744 county in which the municipality is located if the county consents
2745 to the extension and has not voted in favor of * * * instituting
2746 prohibition.

2747 (b) Subject to the provisions of this section, the
2748 board of Supervisors of a county, by resolution, may establish one
2749 or more leisure and recreation districts within the county that
2750 are outside the corporate limits of any municipality in the county
2751 and designate the geographic area or areas to be included within
2752 the districts.

2753 (c) The designation or modification of the geographic
2754 area or areas as a leisure and recreation district shall include a
2755 detailed description of the area or areas within the district,
2756 boundaries of the district and a georeferenced map of the
2757 district. In addition to any other matters addressed in an
2758 ordinance or resolution establishing or modifying a leisure and
2759 recreation district, a municipality or county, as the case may be,
2760 must describe the manner in which the municipality or county, as
2761 the case may be, will provide for adequate law enforcement and
2762 other public safety measures and services within the district.
2763 Following the establishment and/or modification of a leisure and
2764 recreation district, the municipality or county, as the case may
2765 be, shall provide the Department of Revenue with (i) a copy of any



2766 ordinance or resolution relating to the establishment or
2767 modification of the district, (ii) verification from the municipal
2768 police department and/or applicable sheriff's department
2769 indicating how such department will provide adequate law
2770 enforcement and other public safety measures and services within
2771 the district, and (iii) a list of persons or other entities that
2772 hold permits issued under Section 67-1-51(c), (e), (f), (g), (l),
2773 (n) or (o) and are located and/or doing business under such
2774 permits in the district at the time the district is established.

2775 **SECTION 17.** Section 67-9-1, Mississippi Code of 1972, is
2776 amended as follows:

2777 67-9-1. Notwithstanding the provisions of any section of
2778 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
2779 any person holding an alcohol processing permit to transport and
2780 possess alcoholic beverages, light wine, light spirit product and
2781 beer, in any part of the state, for his or her use in cooking,
2782 processing or manufacturing products which contain alcoholic
2783 beverages as an integral ingredient, in amounts as limited by the
2784 Alcoholic Beverage Control Division of the * * * Department of
2785 Revenue. The authority to transport and possess alcoholic
2786 beverages, light wine, light spirit product and beer under this
2787 section exists regardless of whether (a) the county or
2788 municipality in which the transportation or possession takes place
2789 has voted for * * * instituting prohibition, or (b) the
2790 transportation, storage, sale, distribution, receipt or



2791 manufacture of light wine, light spirit product and beer otherwise
2792 is prohibited.

2793 The provisions of this section shall not be construed as
2794 amending, repealing or otherwise affecting any statute or any
2795 lawfully adopted ordinance, rule or regulation that prohibits or
2796 restricts the location at which, or the premises upon which,
2797 alcoholic beverages, light wine, light spirit product or beer may
2798 be sold or consumed.

2799 **SECTION 18.** Section 27-71-15, Mississippi Code of 1972, is
2800 amended as follows:

2801 27-71-15. Except as otherwise provided in Section 67-9-1 for
2802 the transportation of limited amounts of alcoholic beverages for
2803 the use of an alcohol processing permittee, and in Sections
2804 67-1-301 to 67-1-317 for the sale and shipment of wine by the
2805 holder of a direct wine shipper's permit, if transportation
2806 requires passage through a county which has * * * voted to
2807 institute prohibition, such transportation shall be by a sealed
2808 vehicle. Such seal shall remain unbroken until the vehicle shall
2809 reach the place of business operated by the permittee. The
2810 operator of any vehicle transporting alcoholic beverages shall
2811 have in his possession an invoice issued by the department at the
2812 time of the wholesale sale covering the merchandise transported by
2813 the vehicle. The department is authorized to issue regulations
2814 controlling the transportation of alcoholic beverages.



2815 When the restrictions imposed by this section and by the
2816 regulation of the department have not been violated, the person
2817 transporting alcoholic beverages through a county wherein the sale
2818 of alcoholic beverages is prohibited shall not be guilty of
2819 unlawful possession and such merchandise shall be immune from
2820 seizure.

2821 **SECTION 19.** Section 27-71-31, Mississippi Code of 1972, is
2822 amended as follows:

2823 27-71-31. Nothing herein shall be construed to make * * *
2824 unlawful the sale, * * * distribution or transportation of
2825 alcoholic beverages in this state, except to the extent, in the
2826 manner and in the localities that same shall be made * * *
2827 unlawful by the institution of prohibition.

2828 **SECTION 20.** Section 97-31-47, Mississippi Code of 1972, is
2829 amended as follows:

2830 97-31-47. It shall be unlawful for any transportation
2831 company, or any agent, employee, or officer of such company, or
2832 any other person, or corporation to transport into or deliver in
2833 this state in any manner or by any means any spirituous, vinous,
2834 malt, or other intoxicating liquors or drinks, or for any such
2835 person, company, or corporation to transport any spirituous, malt,
2836 vinous, or intoxicating liquors or drinks from one place within
2837 this state to another place within the state, or from one (1)
2838 point within this state to any point without the state, except in
2839 cases where this chapter, * * * Title 27, Mississippi Code of



2840 1972, or Title 67, Mississippi Code of 1972, authorizes the
2841 transportation.

2842 **SECTION 21.** Section 67-1-51.1, Mississippi Code of 1972, is
2843 amended as follows:

2844 67-1-51.1. (1) The holder of a delivery service permit
2845 under Section 67-1-51:

2846 (a) May contract with the holder of a package
2847 retailer's permit or an on-premises retailer's permit under
2848 Section 67-1-51 or the holder of a beer, light wine and light
2849 spirit product retail permit under Section 67-3-19 for the purpose
2850 of intrastate delivery of alcoholic beverages or beer, light wine
2851 and light spirit product, as authorized to be sold under the
2852 respective permits;

2853 (b) May deliver alcoholic beverages or beer, light wine
2854 and light spirit product without a delivery contract, if the
2855 permittee holds a package retailer's permit or an on-premises
2856 retailer's permit under Section 67-1-51 or a beer, light wine and
2857 light spirit product retail permit under Section 67-3-19,
2858 respectively;

2859 (c) May use its own employees or independent
2860 contractors who are at least twenty-one (21) years of age to
2861 deliver such alcoholic beverages, beer, light wine or light spirit
2862 product under this section, provided all delivery agents are
2863 trained and certified consistent with the training program
2864 submitted to the division as required by subsection (2) (d) of this



2865 section. If independent contractors are used, the delivery
2866 service permittee must enter into a contract with the retailer as
2867 required by subsection (2)(c) of this section;

2868 (d) May facilitate orders by telephone, Internet or
2869 other electronic means for the sale and delivery of alcoholic
2870 beverages, beer, light wine or light spirit product under this
2871 section. The full amount of each order must be handled in a
2872 manner that gives the retail permittee control over the ultimate
2873 receipt of payment from the consumer. The retail permittee shall
2874 remain responsible for the proper remittance of all applicable
2875 taxes on the sale of the product;

2876 (e) May deliver only sealed containers of alcoholic
2877 beverages, beer, light wine or light spirit product to an
2878 individual in Mississippi;

2879 (f) Shall obtain from the customer a confirmation that
2880 he or she is at least twenty-one (21) years of age at the time the
2881 order is placed;

2882 (g) Shall place a stamp, print or label on the outside
2883 of the sealed package to indicate that the sealed package contains
2884 alcoholic beverages, beer, light wine or light spirit product;

2885 (h) Shall require the recipient, at the time of
2886 delivery, to provide valid photo identification verifying he or
2887 she is at least twenty-one (21) years of age and to sign for the
2888 delivery;



2889 (i) Shall possess identification scanning software
2890 technology or a state-of-the-art alternative at the point of
2891 delivery to verify the recipient is at least twenty-one (21) years
2892 of age and to collect the recipient's name and date of birth.
2893 Records relating to this verification shall be maintained for at
2894 least ninety (90) days and shall be subject to review by the
2895 division;

2896 (j) Shall return all alcoholic beverages, beer, light
2897 wine or light spirit product to the retailer if the recipient is
2898 under the age of twenty-one (21) years, appears intoxicated, fails
2899 to provide proof of identification, fails or refuses to sign for
2900 delivery, fails to complete the identification verification
2901 process or declines to accept delivery, or if any circumstances in
2902 the delivery environment indicate illegal conduct, overconsumption
2903 of alcohol, or an otherwise unsafe environment for the consumption
2904 of alcohol;

2905 (k) May not deliver any alcoholic beverage, beer, light
2906 wine or light spirit product to any person located within a
2907 jurisdiction that is dry for that product, as provided by the
2908 division's wet-dry map;

2909 (l) May not deliver any alcoholic beverage, beer, light
2910 wine or light spirit product in a jurisdiction during times
2911 prohibited for lawful sale in that jurisdiction;



2912 (m) May not deliver any alcoholic beverage, beer, light
2913 wine or light spirit product more than thirty (30) miles from the
2914 retailer's licensed premises;

2915 (n) Shall permit the division to perform an audit of
2916 the licensee's records upon request and with sufficient
2917 notification; and

2918 (o) Shall be deemed to have consented to the
2919 jurisdiction of the division or any law enforcement agency and the
2920 Mississippi courts concerning enforcement of this section and any
2921 related laws or rules.

2922 (2) In order to receive a delivery service permit, an
2923 applicant shall:

2924 (a) File an application with the division;

2925 (b) Pay the privilege license tax of Five Hundred
2926 Dollars (\$500.00) as provided in Section 27-71-5;

2927 (c) Provide to the division a sample contract that the
2928 applicant intends to enter into with a retailer for the delivery
2929 of alcoholic beverages, beer, light wine or light spirit product,
2930 unless the applicant is the retailer;

2931 (d) Submit to the division an outline of an internal or
2932 external training and certification program for delivery service
2933 personnel that addresses topics such as identifying underage
2934 persons, intoxicated persons, and fake or altered identification;



2935 (e) Provide an attestation that the applicant is at
2936 least twenty-one (21) years of age and has not been convicted of a
2937 felony in any state or federal courts;

2938 (f) Shall provide proof of a general liability
2939 insurance policy in an amount not less than One Million Dollars
2940 (\$1,000,000.00) per occurrence; and

2941 (g) Shall be properly registered to conduct business in
2942 Mississippi.

2943 (3) Nothing in this section shall be construed to require a
2944 technology services company to obtain a delivery service permit if
2945 the company does not employ or contract with delivery agents but
2946 merely provides software or a digital network application that
2947 connects consumers and licensed retailers for the delivery of
2948 alcoholic beverages from the licensed retailer. However, the act
2949 of connecting consumers to licensed retailers shall serve to grant
2950 jurisdiction to the State of Mississippi.

2951 (4) The division may enforce the requirements of this
2952 section by the same administrative proceedings that apply to other
2953 alcoholic beverage licenses or permits, including * * * any
2954 disciplinary action applicable to the package retailer's
2955 permittee, on-premises retailer's permittee, retail permittee for
2956 beer, light wine or light spirit product, or delivery service
2957 permittee resulting from any unlawful sale to a minor, except as
2958 provided in subsections (8) and (9) of this section.



2959 (5) The division may enforce the requirements of this
2960 section against the package retailer's permittee, on-premises
2961 retailer's permittee, retail permittee for beer, light wine or
2962 light spirit product, or delivery service permittee, and any
2963 employee or independent contractor of such permittee, except as
2964 provided in subsections (8) and (9) of this section. If a package
2965 retailer permittee, an on-premises retailer's permittee, or a
2966 retail permittee for beer, light wine or light spirit product is
2967 also a delivery permittee, a violation of alcohol law by its
2968 employee or independent contractor during delivery will subject
2969 both the retailer permit and the delivery service permit to
2970 disciplinary action for the violation. Delivery to a minor shall
2971 be treated as furnishing to a minor and shall result in any
2972 applicable disciplinary action, except as provided in subsections
2973 (8) and (9) of this section.

2974 (6) Nothing in this section shall be construed to limit or
2975 otherwise diminish the ability of the division to enforce the
2976 provisions of Chapters 1 and 3, Title 67, Mississippi Code of
2977 1972, with respect to the liability of any package retailer's
2978 permittee, on-premises retailer's permittee, retail permittee for
2979 beer, light wine or light spirit product, or delivery service
2980 permittee engaging in delivery activity authorized by this
2981 section, except as provided in subsections (8) and (9) of this
2982 section.



2983 (7) Nothing in this section shall be construed to authorize
2984 the direct shipment of alcoholic beverages, light wine, beer or
2985 light spirit product from any manufacturer or distributor holding
2986 a permit under this article, or under Title 67, Chapter 3,
2987 Mississippi Code of 1972, to consumers in this state.

2988 (8) (a) A package retailer's responsibilities under this
2989 section regarding delivery of an alcoholic beverage to an ultimate
2990 consumer are considered satisfied at the time the package retailer
2991 transfers possession of an alcoholic beverage to the delivery
2992 service permittee or a delivery driver employed by, contracted
2993 with, or acting on behalf of the holder of a delivery service
2994 permit.

2995 (b) An action by a delivery service permittee or by a
2996 delivery driver is not attributable to the package retailer with
2997 regard to:

2998 (i) Providing, selling, or serving alcohol to a
2999 minor or to an intoxicated individual;

3000 (ii) The delivery of alcohol in a dry or otherwise
3001 illegal area; or

3002 (iii) Any other provision of this section or any
3003 other provision of Section 67-1-1 et seq.

3004 (c) A package retailer:

3005 (i) Is not required to verify that the delivery
3006 service permittee or the delivery driver has received delivery
3007 driver training under subsection (2) (d) of this section; and



3008 (ii) May not be held responsible for any reason
3009 under statutory or common law for the actions of a delivery
3010 service permittee or a delivery driver acting on behalf of a
3011 delivery service permittee.

3012 (9) Nothing in this section shall be construed to authorize
3013 the division to subject a package retailer permittee to any
3014 administrative proceedings or disciplinary action due to any
3015 actions of a delivery service permittee or a delivery driver
3016 acting on behalf of a delivery service permittee.

3017 **SECTION 22.** Section 67-3-9, Mississippi Code of 1972, is
3018 brought forward as follows:

3019 67-3-9. Any city in this state, having a population of not
3020 less than two thousand five hundred (2,500) according to the
3021 latest federal decennial census; or any city in this state having
3022 a population of not less than one thousand five hundred (1,500)
3023 according to the latest federal decennial census and located
3024 within three (3) miles of a city or county that permits the sale,
3025 receipt, storage and transportation for the purpose of sale of
3026 beer, light spirit product or light wine; or any city or town in
3027 this state having a population of not less than one thousand
3028 (1,000) according to the latest federal decennial census and
3029 located in a county that has no city or town with a population of
3030 more than two thousand five hundred (2,500); or any city, town or
3031 village that is a county seat and has voted to come out from under
3032 the dry law under Section 67-1-14; at an election held for the



3033 purpose, under the election laws applicable to such city, may
3034 either prohibit or permit, except as otherwise provided under
3035 Section 67-9-1, the sale and the receipt, storage and
3036 transportation for the purpose of sale of beer, light spirit
3037 product and light wine. An election to determine whether such
3038 sale shall be permitted in cities wherein its sale is prohibited
3039 by law shall be ordered by the city or town council or mayor and
3040 board of aldermen or other governing body of such city or town for
3041 such city or town only, upon the presentation of a petition for
3042 such city or town to such governing board containing the names of
3043 twenty percent (20%) or fifteen hundred (1,500), whichever number
3044 is the lesser, of the duly qualified voters of such city or town
3045 asking for such election. In like manner, an election to
3046 determine whether such sale shall be prohibited in cities wherein
3047 its sale is permitted by law shall be ordered by the city council
3048 or mayor and board of aldermen or other governing board of such
3049 city for such city only, upon the presentation of a petition to
3050 such governing board containing the names of twenty percent (20%)
3051 of the duly qualified voters of such city asking for such
3052 election. No election on either question shall be held by any one
3053 (1) city more often than once in five (5) years.

3054 Thirty (30) days' notice shall be given to the qualified
3055 electors of such city or town in the manner prescribed by law upon
3056 the question of either permitting or prohibiting such sale, and
3057 the notice shall contain a statement of the question to be voted



3058 on at the election. The tickets to be used in the election shall
3059 have the following words printed thereon: "For the legal sale of
3060 light wine of an alcoholic content of not more than five percent
3061 (5%) by weight, light spirit product of an alcoholic content of
3062 not more than six percent (6%) by weight, and beer of an alcoholic
3063 content of not more than eight percent (8%) by weight"; and the
3064 words "Against the legal sale of light wine of an alcoholic
3065 content of not more than five percent (5%) by weight, light spirit
3066 product of an alcoholic content of not more than six percent (6%)
3067 by weight, and beer of an alcoholic content of not more than eight
3068 percent (8%) by weight," next below. In making up his or her
3069 ticket the voter shall make a cross (X) opposite the words of his
3070 choice.

3071 If in the election a majority of the qualified electors
3072 voting in the election shall vote "For the legal sale of light
3073 wine of an alcoholic content of not more than five percent (5%) by
3074 weight, light spirit product of an alcoholic content of not more
3075 than six percent (6%) by weight, and beer of an alcoholic content
3076 of not more than eight percent (8%) by weight," then the city or
3077 town council or mayor and board of aldermen or other governing
3078 body shall pass the necessary order permitting the legal sale of
3079 such light wine, light spirit product and beer in such city or
3080 town. If in the election a majority of the qualified electors
3081 voting in the election shall vote "Against the legal sale of light
3082 wine of an alcoholic content of not more than five percent (5%) by



3083 weight, light spirit product of an alcoholic content of not more
3084 than six percent (6%) by weight, and beer of an alcoholic content
3085 of not more than eight percent (8%) by weight," then the city
3086 council or mayor and board of aldermen or other governing body
3087 shall pass the necessary order prohibiting the sale of such light
3088 wine, light spirit product and beer in such city.

3089 All laws or parts of laws in conflict with this section are
3090 hereby repealed to the extent of such conflict only, this section
3091 being cumulative and supplementary.

3092 **SECTION 23.** Section 21 of this act shall take effect and be
3093 in force from and after July 1, 2026, and the remaining sections
3094 of this act shall take effect and be in force from and after
3095 January 1, 2027.

