

By: Representatives Powell, Aguirre, Hulum

To: State Affairs

HOUSE BILL NO. 777
(As Passed the House)

1 AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO
2 RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE 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, 67-1-65, 67-1-85, 67-1-91, 67-1-101,
8 67-3-9, 67-9-1, 27-71-15, 27-71-31 AND 97-31-47, MISSISSIPPI CODE
9 OF 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS 67-1-11, 67-1-13
10 AND 67-1-14, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO AND
11 TO REVISE HOW OFTEN A COUNTY OR MUNICIPALITY MAY HOLD AN ELECTION
12 ON THE QUESTION OF INSTITUTION PROHIBITION; AND FOR RELATED
13 PURPOSES.

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

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

17 67-1-3. From and after January 1, 2025, the policy of this
18 state is * * * declared to be a renunciation of prohibition in
19 favor of the legal manufacture, sale, distribution, and
20 transportation of alcoholic beverages * * * in this state, except
21 in such counties that vote to institute prohibition after holding
22 an election on the matter. The purpose and intent of this article
23 is to * * * provide the laws under which alcoholic beverages may



24 be legally sold, manufactured and distributed in this state.

25 However, from and after January 1, 2021, prohibition is renounced
26 as to the possession of alcoholic beverages. It shall thereafter
27 be lawful to possess alcoholic beverages throughout the state,
28 unless otherwise prohibited in this article. Nothing herein shall
29 be construed to make lawful the possession of alcoholic beverages
30 with the intent to sell except as authorized under this article.

31 All laws and parts of laws in conflict with this article are
32 repealed only to the extent of such conflict; however, except as
33 is provided in this article, all laws prohibiting the manufacture,
34 sale, and distribution of alcoholic beverages, which are not in
35 conflict with this article shall remain in full force and
36 effect * * * in counties and municipalities wherein * * * a
37 prohibition on manufacture, sale, and distribution of alcoholic
38 beverages * * * shall hereafter be authorized as a result of an
39 election held * * * after January 1, 2025, as * * * provided in
40 this article.

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

43 67-1-5. For the purposes of this article and unless
44 otherwise required by the context:

45 (a) "Alcoholic beverage" means any alcoholic liquid,
46 including wines of more than five percent (5%) of alcohol by
47 weight, capable of being consumed as a beverage by a human being,
48 but shall not include light wine, light spirit product and beer,



49 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
50 include native wines and native spirits. The words "alcoholic
51 beverage" shall not include ethyl alcohol manufactured or
52 distilled solely for fuel purposes or beer of an alcoholic content
53 of more than eight percent (8%) by weight if the beer is legally
54 manufactured in this state for sale in another state.

55 (b) "Alcohol" means the product of distillation of any
56 fermented liquid, whatever the origin thereof, and includes
57 synthetic ethyl alcohol, but does not include denatured alcohol or
58 wood alcohol.

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

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

67 (e) "Person" means and includes any individual,
68 partnership, corporation, association or other legal entity
69 whatsoever.

70 (f) "Manufacturer" means any person engaged in
71 manufacturing, distilling, rectifying, blending or bottling any
72 alcoholic beverage.



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

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

80 (i) "State Tax Commission," "commission" or
81 "department" means the Department of Revenue of the State of
82 Mississippi, which shall create a division in its organization to
83 be known as the Alcoholic Beverage Control Division. Any
84 reference to the commission or the department hereafter means the
85 powers and duties of the Department of Revenue with reference to
86 supervision of the Alcoholic Beverage Control Division.

87 (j) "Division" means the Alcoholic Beverage Control
88 Division of the Department of Revenue.

89 (k) "Municipality" means any incorporated city or town
90 of this state.

91 (l) "Hotel" means an establishment within a
92 municipality, or within a qualified resort area approved as such
93 by the department, where, in consideration of payment, food and
94 lodging are habitually furnished to travelers and wherein are
95 located at least twenty (20) adequately furnished and completely
96 separate sleeping rooms with adequate facilities that persons
97 usually apply for and receive as overnight accommodations. Hotels



98 in towns or cities of more than twenty-five thousand (25,000)
99 population are similarly defined except that they must have fifty
100 (50) or more sleeping rooms. Any such establishment described in
101 this paragraph with less than fifty (50) beds shall operate one or
102 more regular dining rooms designed to be constantly frequented by
103 customers each day. When used in this article, the word "hotel"
104 shall also be construed to include any establishment that meets
105 the definition of "bed and breakfast inn" as provided in this
106 section.

107 (m) "Restaurant" means:

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



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

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

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

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



146 (iii) Maintained by its members through the
147 payment of annual dues;

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

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

156 (vi) No member, officer, agent or employee of
157 which is paid, or directly or indirectly receives, in the form of
158 a salary or other compensation any profit from the distribution or
159 sale of alcoholic beverages to the club or to members or guests of
160 the club beyond such salary or compensation as may be fixed and
161 voted at a proper meeting by the board of directors or other
162 governing body out of the general revenues of the club.

163 The department may, in its discretion, waive the five-year
164 provision of this paragraph. In order to qualify under this
165 paragraph, a club must file with the department, at the time of
166 its application for a license under this article, two (2) copies
167 of a list of the names and residences of its members and similarly
168 file, within ten (10) days after the election of any additional
169 member, his name and address. Each club applying for a license
170 shall also file with the department at the time of the application



171 a copy of its articles of association, charter of incorporation,
172 bylaws or other instruments governing the business and affairs
173 thereof.

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

194 (i) The department may approve an area or
195 locality * * * that is in the process of being developed as a



196 qualified resort area if such area or locality, when developed,
197 can reasonably be expected to meet the requisites of the
198 definition of the term "qualified resort area." In such a case,
199 the status of qualified resort area shall not take effect until
200 completion of the development.

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

209 (iii) The term includes:

210 1. The clubhouses associated with the state
211 park golf courses at the Lefleur's Bluff State Park, the John Kyle
212 State Park, the Percy Quin State Park and the Hugh White State
213 Park;

214 2. The clubhouse and associated golf course,
215 tennis courts and related facilities and swimming pool and related
216 facilities where the golf course, tennis courts and related
217 facilities and swimming pool and related facilities are adjacent
218 to one or more planned residential developments and the golf
219 course and all such developments collectively include at least



220 seven hundred fifty (750) acres and at least four hundred (400)
221 residential units;

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

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

231 5. Any facility that is located in a
232 municipality that is bordered by the Pearl River, traversed by
233 Mississippi Highway 25, adjacent to the boundaries of the Jackson
234 International Airport and is located in a county which has voted
235 before January 1, 2025, against coming out from under the dry law
236 as such law existed before January 1, 2025; however, any such
237 facility may only be located in areas designated by the governing
238 authorities of such municipality;

239 6. Any municipality with a population in
240 excess of ten thousand (10,000) according to the latest federal
241 decennial census that is located in a county that is bordered by
242 the Pearl River and is not traversed by Interstate Highway 20,
243 with a population in excess of forty-five thousand (45,000)
244 according to the latest federal decennial census;



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

247 8. a. Land that is located in any county in
248 which Mississippi Highway 43 and Mississippi Highway 25 intersect
249 and:

250 A. Owned by the Pearl River Valley
251 Water Supply District, and/or

252 B. Located within the Reservoir
253 Community District, zoned commercial, east of Old Fannin Road,
254 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
255 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
256 Drive and/or Lake Vista Place, and/or

257 C. Located within the Reservoir
258 Community District, zoned commercial, west of Old Fannin Road,
259 south of Spillway Road and extending to the boundary of the
260 corporate limits of the City of Flowood, Mississippi;

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

264 A. Specify the hours of operation
265 of facilities that offer alcoholic beverages for sale,

266 B. Specify the percentage of
267 revenue that facilities that offer alcoholic beverages for sale
268 must derive from the preparation, cooking and serving of meals and
269 not from the sale of beverages, and



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

272 9. Any facility located on property that is a
273 game reserve with restricted access that consists of at least
274 eight hundred (800) contiguous acres with no public roads, that
275 offers as a service hunts for a fee to overnight guests of the
276 facility, and has accommodations for at least fifty (50) overnight
277 guests;

278 10. Any facility that:

279 a. Consists of at least six thousand
280 (6,000) square feet being heated and cooled along with an
281 additional adjacent area that consists of at least two thousand
282 two hundred (2,200) square feet regardless of whether heated and
283 cooled,

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

286 c. Provides lodging accommodations
287 regardless of whether part of the facility and/or located adjacent
288 to or in close proximity to the facility, and

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

291 11. Any facility and related property:

292 a. Located on property that consists of
293 at least one hundred twenty-five (125) contiguous acres and
294 consisting of an eighteen-hole golf course, and/or located in a



295 facility that consists of at least eight thousand (8,000) square
296 feet being heated and cooled,

297 b. Used for the purpose of providing
298 meals and hosting events, and

299 c. Used for the purpose of teaching
300 culinary arts courses and/or turf management and grounds keeping
301 courses, and/or outdoor recreation and leadership courses;

302 12. Any facility and related property that:

303 a. Consist of at least eight thousand
304 (8,000) square feet being heated and cooled,

305 b. For a fee is used to host events,

306 c. Is used for the purpose of culinary
307 arts courses, and/or live entertainment courses and art
308 performances, and/or outdoor recreation and leadership courses;

309 13. The clubhouse and associated golf course

310 where the golf course is adjacent to one or more residential

311 developments and the golf course and all such developments

312 collectively include at least two hundred (200) acres and at least

313 one hundred fifty (150) residential units and are located a. in a

314 county that has voted before January 1, 2025, against coming out

315 from under the dry law as such law existed before January 1, 2025;

316 and b. outside of but in close proximity to a municipality in such

317 county which has voted under Section 67-1-14, after January 1,

318 2013, to come out from under the dry law as such law existed

319 before January 1, 2025;



320 14. The clubhouse and associated
321 eighteen-hole golf course located in a municipality traversed by
322 Interstate Highway 55 and U.S. Highway 51 that has voted before
323 January 1, 2025, to come out from under the dry law as such law
324 existed before January 1, 2025;

325 15. a. Land that is planned for mixed-use
326 development and consists of at least two hundred (200) contiguous
327 acres with one or more planned residential developments
328 collectively planned to include at least two hundred (200)
329 residential units when completed, and also including a facility
330 that consists of at least four thousand (4,000) square feet that
331 is not part of such land but is located adjacent to or in close
332 proximity thereto, and which land is located:

333 A. In a county that has voted
334 before January 1, 2025, to come out from under the dry law as such
335 law existed before January 1, 2025,

336 B. Outside the corporate limits of
337 any municipality in such county and adjacent to or in close
338 proximity to a golf course located in a municipality in such
339 county, and

340 C. Within one (1) mile of a state
341 institution of higher learning;

342 b. The board of supervisors of such
343 county may by resolution or other order:



344 A. Specify the hours of operation
345 of facilities that offer alcoholic beverages for sale,

346 B. Specify the percentage of
347 revenue that facilities that offer alcoholic beverages for sale
348 must derive from the preparation, cooking and serving of meals and
349 not from the sale of beverages, and

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

352 16. Any facility with a capacity of five
353 hundred (500) people or more, to be used as a venue for private
354 events, on a tract of land in the Southwest Quarter of Section 33,
355 Township 2 South, Range 7 East, of a county where U.S. Highway 45
356 and U.S. Highway 72 intersect and that has not voted before
357 January 1, 2025, to come out from under the dry law as such law
358 existed before January 1, 2025;

359 17. One hundred five (105) contiguous acres,
360 more or less, located in Hinds County, Mississippi, and in the
361 City of Jackson, Mississippi, whereon are constructed a variety of
362 buildings, improvements, grounds or objects for the purpose of
363 holding events thereon to promote agricultural and industrial
364 development in Mississippi;

365 18. Land that is owned by a state institution
366 of higher learning, and:

367 a. Located entirely within a county that
368 has elected by majority vote before January 1, 2025, not to permit



369 the transportation, storage, sale, distribution, receipt and/or
370 manufacture of light wine and beer pursuant to Section 67-3-7, and

371 b. Adjacent to but outside the
372 incorporated limits of a municipality that has elected by majority
373 vote before January 1, 2025, to permit the sale, receipt, storage
374 and transportation of light wine and beer pursuant to Section
375 67-3-9.

376 If any portion of the land described in this item 18 has been
377 declared a qualified resort area by the department before July 1,
378 2020, then that qualified resort area shall be incorporated into
379 the qualified resort area created by this item 18;

380 19. Any facility and related property:

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

386 b. Located in a county that has not
387 voted before January 1, 2025, to come out from under the dry law
388 as such law existed before January 1, 2025, and outside of but in
389 close proximity to a municipality located in such county and which
390 municipality has voted before January 1, 2025, to come out from
391 under the dry law as such law existed before January 1, 2025;

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



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

396 a. A county traversed by Interstate 55
397 and Interstate 20, and

398 b. A judicial district that has not
399 voted before January 1, 2025, to come out from under the dry law
400 as such law existed before January 1, 2025;

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

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

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

416 a. Specify the hours of operation of
417 facilities that offer alcoholic beverages for sale;



418 b. Specify the percentage of revenue
419 that facilities that offer alcoholic beverages for sale must
420 derive from the preparation, cooking and serving of meals and not
421 from the sale of beverages; and

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

424 24. A municipality in which Mississippi
425 Highway 27 and Mississippi Highway 28 intersect;

426 25. A municipality through which run
427 Mississippi Highway 35 and Interstate 20;

428 26. A municipality in which Mississippi
429 Highway 16 and Mississippi Highway 35 intersect;

430 27. A municipality in which U.S. Highway 82
431 and Old Highway 61 intersect;

432 28. A municipality in which Mississippi
433 Highway 8 meets Mississippi Highway 1;

434 29. A municipality in which U.S. Highway 82
435 and Mississippi Highway 1 intersect;

436 30. A municipality in which Mississippi
437 Highway 50 meets Mississippi Highway 9;

438 31. An area bounded on the north by Pearl
439 Street, on the east by West Street, on the south by Court Street
440 and on the west by Farish Street, within a municipality bordered
441 on the east by the Pearl River and through which run Interstate 20
442 and Interstate 55;



443 32. Any facility and related property that:
444 a. Is contracted for mixed-use
445 development improvements consisting of office and residential
446 space and a restaurant and lounge, partially occupying the
447 renovated space of a four-story commercial building which
448 previously served as a financial institution; and adjacent
449 property to the west consisting of a single-story office building
450 that was originally occupied by the Brotherhood of Carpenters and
451 Joiners of American Local Number 569; and

452 b. Is situated on a tract of land
453 consisting of approximately one and one-tenth (1.10) acres, and
454 the adjacent property to the west consisting of approximately 0.5
455 acres, located in a municipality which is the seat of county
456 government, situated south of Interstate 10, traversed by U.S.
457 Highway 90, partially bordered on one (1) side by the Pascagoula
458 River and having its most southern boundary bordered by the Gulf
459 of Mexico, with a population greater than twenty-two thousand
460 (22,000) according to the 2010 federal decennial census; however,
461 the governing authorities of such a municipality may by ordinance:

462 A. Specify the hours of operation
463 of facilities that offer alcoholic beverages for sale;

464 B. Specify the percentage of
465 revenue that facilities that offer alcoholic beverages for sale
466 must derive from the preparation, cooking and serving of meals and
467 not from the sale of beverages; and



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

470 33. Any facility with a maximum capacity of
471 one hundred twenty (120) people that consists of at least three
472 thousand (3,000) square feet being heated and cooled, has a
473 commercial kitchen, has a pavilion that consists of at least nine
474 thousand (9,000) square feet and is located on land more
475 particularly described as follows:

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

480 ALSO,

481 The Northeast 38 acres of the Southwest Quarter of Section
482 21, Township 7 South, Range 4 East, Union County, Mississippi.

483 ALSO,

484 The South 81 1/2 acres of the Southwest Quarter of Section
485 21, Township 7 South, Range 4 East, Union County, Mississippi;

486 34. A municipality in which U.S. Highway 51
487 and Mississippi Highway 16 intersect;

488 35. A municipality in which Interstate 20
489 passes over Mississippi Highway 15;

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



493 voted before January 1, 2025, against coming out from under the
494 dry law as such law existed before January 1, 2025;

495 37. A municipality in which Mississippi
496 Highway 28 and Mississippi Highway 29 North intersect;

497 38. An area bounded as follows within a
498 municipality through which run Interstate 22 and Mississippi
499 Highway 15: Beginning at a point at the intersection of Bankhead
500 Street and Tallahatchie Trails; then running to a point at the
501 intersection of Tallahatchie Trails and Interstate 22; then
502 running to a point at the intersection of Interstate 22 and Carter
503 Avenue; then running to a point at the intersection of Carter
504 Avenue and Camp Avenue; then running to a point at the
505 intersection of Camp Avenue and King Street; then running to a
506 point at the intersection of King Street and E. Main Street; then
507 running to a point at the intersection of E. Main Street and Camp
508 Avenue; then running to a point at the intersection of Camp Avenue
509 and Highland Street; then running to a point at the intersection
510 of Highland Street and Adams Street; then running to a point at
511 the intersection of Adams Street and Cleveland Street; then
512 running to a point at the intersection of Cleveland Street and N.
513 Railroad Avenue; then running to a point at the intersection of N.
514 Railroad Avenue and McGill Street; then running to a point at the
515 intersection of McGill Street and Snyder Street; then running to a
516 point at the intersection of Snyder Street and Bankhead Street;



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

519 39. A municipality through which run
520 Mississippi Highway 43 and U.S. Highway 80;

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

523 41. A piece of property on the northeast
524 corner of the T-intersection where Builders Square Drive meets
525 Mississippi Highway 471;

526 42. The clubhouse and associated golf course,
527 tennis courts and related facilities and swimming pool and related
528 facilities located on Oaks Country Club Road less than one-half
529 (1/2) mile to the east of Mississippi Highway 15;

530 43. Any facility located on land more
531 particularly described as follows:

532 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
533 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
534 Southwest Corner of the Southwest Quarter (SW 1/4) of the
535 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
536 East, running 210 feet east and west and 840 feet running north
537 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
538 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
539 Rankin County, Mississippi;

540 44. Any facility located on land more
541 particularly described as follows:



542 Beginning at a point 1915 feet west and 2171 feet north of
543 southeast corner, Section 11, Township 24 North, Range 2 West,
544 Second Judicial District, Tallahatchie County, Mississippi, which
545 point is the southwest corner of J.C. Section Lot mentioned in
546 deed recorded in Book 50, page 34, in the records of the Chancery
547 Clerk's Office at Sumner, in said District of said County; thence
548 South 80° West, 19 feet to the east boundary of United States
549 Highway 49-E, thence East along the east boundary of said Highway
550 270 feet to point of beginning of Lot to be conveyed; thence
551 southeast along the east boundary of said Highway 204 feet to a
552 concrete post at the intersection of the east boundary of said
553 Highway with the west boundary of gravel road from Sumner to Webb,
554 known as Oil Mill Road, thence Northwest along west boundary of
555 said Oil Mill Road 194 feet to center of driveway running
556 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
557 South 66° West along center of said driveway 128 feet to point of
558 beginning, being situated in Northwest Quarter of Southeast
559 Quarter of Section 11, together with all improvements situated
560 thereon;

561 45. Any facility that:

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



566 part of the facility and/or located adjacent to or in close
567 proximity to the facility;

568 b. Includes a caterer's kitchen and
569 green room for entertainment preparation;

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

571 d. Is located adjacent to or in close
572 proximity to an approximately nine (9) acre lake on property that
573 consists of at least one hundred twenty (120) acres in a county
574 traversed by Mississippi Highway 15 and U.S. Highway 278;

575 46. Any municipality with a population in
576 excess of one thousand (1,000) according to the 2010 federal
577 decennial census and which is located in a county that is
578 traversed by U.S. Highways 84 and 98 and has not voted before
579 January 1, 2025, to come out from under the dry law as such law
580 existed before January 1, 2025;

581 47. The clubhouse and associated nine-hole
582 golf course, tennis courts and related facilities and swimming
583 pool and related facilities located on or near U.S. Highway 82
584 between Mississippi Highway 15 and Mississippi Highway 9;

585 48. The downtown square area bound by East
586 Service Drive, Commerce Street, Second Street and Court Street and
587 adjacent properties in a municipality through which run Interstate
588 55, U.S. Highway 51 and Mississippi Highway 306;

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



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

593 50. Any facility used by a soccer club and
594 located on Old Highway 11 between one-tenth (0.1) and two-tenths
595 (0.2) of a mile from its intersection with Oak Grove Road, in a
596 county in which U.S. Highway 98 and Mississippi Highway 589
597 intersect;

598 51. Any municipality in which U.S. Highway 49
599 and Mississippi Highway 469 intersect;

600 52. Any facility that is:

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

604 b. Used by such organization for its
605 headquarters and other organization related purposes; and

606 c. Located outside of a municipality in
607 a county that has not voted before January 1, 2025, to come out
608 from under the dry law as such law existed before January 1, 2025;

609 53. The following within a municipality in
610 which U.S. Highway 49 and U.S. 61 Highway intersect and through
611 which flows the Sunflower River:

612 a. An area bounded as follows: Starting
613 at the southern point of the intersection of Sunflower Avenue and
614 1st Street and going south along said avenue on its eastern side
615 to 8th Street, then going east along said street on its northern



616 side to West Tallahatchie Street, then going north along said
617 street on its western side to 4th Street/Martin Luther King
618 Boulevard, then going east along said street/boulevard on its
619 northern side to Desoto Avenue, then going north along said avenue
620 on its western side to 1st Street, then going west along said
621 street on its southern side to the point of beginning along the
622 southern side of Court Street;

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

626 c. Any facility located on the west side
627 of Sunflower Avenue to the Sunflower River between the southern
628 side of 6th Street and the northern side of 8th Street and which
629 is operated as and/or was operated as a hotel or lodging facility,
630 in consideration of payment, regardless of whether the facility
631 meets the criteria for the definition of the term "hotel" in
632 paragraph (1) of this section; and

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

638 54. Any municipality in which Mississippi
639 Highway 340 meets Mississippi Highway 15;



640 55. Any municipality in which Mississippi
641 Highway 540 and Mississippi Highway 149 intersect;

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

644 57. The property and structures thereon at
645 the following locations within a municipality through which run
646 U.S. Highway 45 and Mississippi Highway 145 and in which
647 Mississippi Highway 370 and Mississippi Highway 145 intersect:
648 104 West Main Street, 106 West Main Street, 108 West Main Street,
649 110 West Main Street and 112 West Main Street;

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

653 59. Any municipality in which Interstate 22
654 passes over Mississippi Highway 9;

655 60. Any facility located on land more
656 particularly described as follows:

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

661 Commence at an existing 1/2" iron pin marking the
662 Southwest corner of the aforesaid Southeast 1/4 of the
663 Northeast 1/4 of Section 9, T3N-R3E and run thence North
664 00 degrees 06 minutes 13 seconds East along the East



665 line of the Southeast 1/4 of the Northeast 1/4 for a
666 distance of 33.18 feet to an existing 1/2" iron pin;
667 leaving said East line of the Southeast 1/4 of the
668 Northeast 1/4, run thence South 89 degrees 53 minutes 47
669 seconds East for a distance of 2.08 feet to an existing
670 1/2" iron pin; run thence North 00 degrees 22 minutes 19
671 seconds East for a distance of 561.90 feet to an
672 existing 1/2" iron pin; run thence North 00 degrees 16
673 minutes 18 seconds East for a distance of 76.42 feet to
674 a set 1/2" iron pin marking the POINT OF BEGINNING of
675 the parcel of land herein described; from said POINT OF
676 BEGINNING, continue thence North 00 degrees 16 minutes
677 18 seconds East along an existing fence for a distance
678 of 493.27 feet to an existing 1/2" iron pin; run thence
679 North 03 degrees 08 minutes 15 seconds East for a
680 distance of 170.22 feet to an existing 1/2" iron pin on
681 the North line of the aforesaid Southeast 1/4 of the
682 Northeast 1/4 of Section 9; run thence North 89 degrees
683 46 minutes 45 seconds East along said North line of the
684 Southeast 1/4 of the Northeast 1/4 of Section 9 for a
685 distance of 1,305.51 feet to an existing 1/2" iron pin
686 marking Northeast corner thereof; leaving said North
687 line of the Southeast 1/4 of the Northeast 1/4 of
688 Section 9, run thence South 00 degrees 08 minutes 35
689 seconds West along the East line of said Southeast 1/4



690 of the Northeast 1/4 of Section 9 for a distance of
691 663.19 feet to a set 1/2" iron pin; leaving said East
692 line of the Southeast 1/4 of the Northeast 1/4 of
693 Section 9, run thence South 89 degrees 46 minutes 45
694 seconds West for a distance of 1,315.51 feet to the
695 POINT OF BEGINNING, containing 20.00 acres, more or
696 less.

697 And Also: An easement for the purpose of ingress
698 and egress being situated in the Southeast 1/4 of the
699 Northeast 1/4 and in the Northeast 1/4 of the Southeast
700 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi,
701 and being more particularly described as follows:
702 Begin at an existing 1/2" iron pin marking the Southwest
703 corner of the aforesaid Southeast 1/4 of the Northeast
704 1/4 of Section 9, T3N-R3E and run thence North 00
705 degrees 06 minutes 13 seconds East along the East line
706 of the Southeast 1/4 of the Northeast 1/4 for a distance
707 of 33.18 feet to an existing 1/2" iron pin; leaving said
708 East line of the Southeast 1/4 of the Northeast 1/4, run
709 thence South 89 degrees 53 minutes 47 seconds East for a
710 distance of 2.08 feet to an existing 1/2" iron pin; run
711 thence North 00 degrees 22 minutes 19 seconds East for a
712 distance of 561.90 feet to an existing 1/2" iron pin;
713 run thence North 00 degrees 16 minutes 18 seconds East
714 for a distance of 76.42 feet to a set 1/2" iron pin; run



715 thence North 89 degrees 46 minutes 45 seconds East for a
716 distance of 25.00 feet to a set 1/2" iron pin; run
717 thence South 00 degrees 16 minutes 18 seconds West for a
718 distance of 76.66 feet to a set 1/2" iron pin; run
719 thence South 00 degrees 22 minutes 19 seconds West for a
720 distance of 619.81 feet to a set 1/2" iron pin; run
721 thence South 89 degrees 43 minutes 01 seconds West for a
722 distance of 26.81 feet to a set 1/2" iron pin; run
723 thence North 00 degrees 06 minutes 13 seconds East along
724 the West line of the aforesaid Northeast 1/4 of the
725 Southeast 1/4 of Section 9 for a distance of 25.00 feet
726 to the POINT OF BEGINNING, containing 17,525.4 square
727 feet, more or less.

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

730 62. The property and structures thereon
731 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201
732 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969
733 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original
734 town square in any municipality with a population in excess of one
735 thousand five hundred (1,500) according to the latest federal
736 decennial census and which is located in:

737 a. A county traversed by Interstate 55
738 and Interstate 20, and



739 b. A judicial district that has not
740 voted before January 1, 2025, to come out from under the dry law
741 as such law existed before January 1, 2025;

742 63. Any municipality in which Mississippi
743 Highway 12 meets Mississippi Highway 17;

744 64. Any municipality in which U.S. Highway 49
745 and Mississippi Highway 469 intersect;

746 65. The clubhouse and associated nine-hole
747 golf course and related facilities located on or near the eastern
748 corner of the point at which Golf Course Road meets Athens Road,
749 in a county in which Mississippi Highway 13 and Mississippi
750 Highway 28 intersect, with GPS coordinates of approximately
751 31.900370078041004, -89.7928067652611;

752 66. Any facility located at the
753 south-to-southwest corner of the intersection of Madison Street
754 and Bolton Brownsville Road, in a municipality in which Bolton
755 Brownsville Road passes over Interstate 20, with GPS coordinates
756 of approximately 32.349067271758955, -90.4596221146197;

757 67. Any facility located at the northwest
758 corner of the intersection of Depot Street and Madison Street, in
759 a municipality in which Bolton Brownsville Road passes over
760 Interstate 20, with GPS coordinates of approximately
761 32.34903152971068, -90.46047660172901;

762 68. Any facility located on Hinds Boulevard
763 approximately three-tenths (0.3) of a mile south of the point at



764 which Hinds Boulevard diverges from Clinton Road, in a
765 municipality whose northern boundary partially consists of Snake
766 Creek Road, and whose southern boundary partially consists of
767 Mississippi Highway 18, with GPS coordinates of approximately
768 32.26384517526713, -90.41586570183475;

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

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

779 71. Any facility located on Raj Road
780 approximately three-tenths (0.3) of a mile south of Mississippi
781 Highway 57/63, with GPS coordinates of approximately
782 31.139553708288418, -88.53411203512971; and

783 72. Any facility located on Raj Road
784 approximately one-tenth (0.1) of a mile south of Mississippi
785 Highway 57/63, with GPS coordinates of approximately
786 31.14184097577295, -88.53287700849411;

787 The status of these municipalities, districts, clubhouses,
788 facilities, golf courses and areas described in this paragraph



789 (o) (iii) as qualified resort areas does not require any
790 declaration of same by the department. In addition, the status of
791 these municipalities, districts, clubhouses, facilities, golf
792 courses, restaurants and areas described in this paragraph
793 (o) (iii) as qualified resort areas shall not be affected by the
794 institution of prohibition by a county or municipality.

795 The governing authorities of a municipality described, in
796 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
797 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 58, 59, 61, 63,
798 64, 66, 67 or 68 of this paragraph (o) (iii) may by ordinance, with
799 respect to the qualified resort area described in the same item:
800 specify the hours of operation of facilities offering alcoholic
801 beverages for sale; specify the percentage of revenue that
802 facilities offering alcoholic beverages for sale must derive from
803 the preparation, cooking and serving of meals and not from the
804 sale of beverages; and designate the areas in which facilities
805 offering alcoholic beverages for sale may be located.

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



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

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

822 (r) "Bed and breakfast inn" means an establishment
823 within a municipality where in consideration of payment, breakfast
824 and lodging are habitually furnished to travelers and wherein are
825 located not less than eight (8) and not more than nineteen (19)
826 adequately furnished and completely separate sleeping rooms with
827 adequate facilities, that persons usually apply for and receive as
828 overnight accommodations; however, such restriction on the minimum
829 number of sleeping rooms shall not apply to establishments on the
830 National Register of Historic Places. No place shall qualify as a
831 bed and breakfast inn under this article unless on the date of the
832 initial application for a license under this article more than
833 fifty percent (50%) of the sleeping rooms are located in a
834 structure formerly used as a residence.

835 (s) "Board" shall refer to the Board of Tax Appeals of
836 the State of Mississippi.

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



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

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

846 (v) "Cooking school" means an establishment within a
847 municipality or qualified resort area and owned by a nationally
848 recognized company that offers an established culinary education
849 curriculum and program where, in consideration of payment, patrons
850 are given scheduled professional group instruction on culinary
851 techniques. For purposes of this paragraph, the definition of
852 cooking school shall not include schools or classes offered by
853 grocery stores, convenience stores or drugstores.

854 (w) "Campus" means property owned by a public school
855 district, community or junior college, college or university in
856 this state where educational courses are taught, school functions
857 are held, tests and examinations are administered or academic
858 course credits are awarded; however, the term shall not include
859 any "restaurant" or "hotel" that is located on property owned by a
860 community or junior college, college or university in this state,
861 and is operated by a third party who receives all revenue
862 generated from food and alcoholic beverage sales.



863 (x) "Native spirit" shall mean any beverage, produced
864 in Mississippi for sale, manufactured primarily by the
865 distillation of fermented grain, starch, molasses or sugar
866 produced in Mississippi, including dilutions and mixtures of these
867 beverages. In order to be classified as "native spirit" under the
868 provisions of this article, at least fifty-one percent (51%) of
869 the finished product by volume shall have been obtained from
870 distillation of fermented grain, starch, molasses or sugar grown
871 and produced in Mississippi.

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

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

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

879 67-1-7. (1) Except * * * in those counties that hold an
880 election pursuant to this article and vote to institute
881 prohibition, and subject to all of the provisions and restrictions
882 contained in this article, the manufacture, sale, distribution,
883 and transportation of alcoholic beverages shall be lawful * * *.

884 Beginning on April 16, 2021, except as otherwise provided in
885 Section 67-1-51 for holders of a caterer's permit, the
886 manufacture, sale and distribution of alcoholic beverages shall
887 not be permissible or lawful in counties except in (a)



888 incorporated municipalities located within such counties, (b)
889 qualified resort areas within such counties approved as such by
890 the department, or (c) clubs within such counties, whether within
891 a municipality or not. However, any permits issued by the
892 department between July 1, 2020, and April 15, 2021, for the
893 manufacture, sale and distribution of alcoholic beverages, whether
894 or not issued to permittees in such municipalities, qualified
895 resort areas or clubs, shall be eligible for renewal on or after
896 April 16, 2021.

897 The manufacture, sale, distribution and possession of native
898 wines or native spirits shall be lawful in any location within any
899 such county except those locations where the manufacture, sale or
900 distribution is prohibited by law other than this section or by
901 regulations of the department.

902 (2) Notwithstanding the foregoing, within any state park or
903 any state park facility that has been declared a qualified resort
904 area by the department, and within any qualified resort area as
905 defined under Section 67-1-5(o)(iii), an on-premises retailer's
906 permit may be issued for the qualified resort area, and the
907 permittee may lawfully sell alcoholic beverages for consumption on
908 his licensed premises regardless of whether or not the
909 county * * * in which the qualified resort area is located has
910 voted in favor of * * * instituting prohibition, and it shall be
911 lawful to receive, store, sell, possess and consume alcoholic
912 beverages on the licensed premises, and to sell, distribute and



913 transport alcoholic beverages to the licensed premises. Moreover,
914 the governing authorities of a municipality in which a qualified
915 resort area defined under Section 67-1-5(o)(iii)5, 7, 21 or 46 is
916 located, the Pearl River Valley Water Supply District Board which
917 governs the qualified resort area defined under Section
918 67-1-5(o)(iii)8.a.A, the board of supervisors of the county in
919 which the qualified resort area defined under Section
920 67-1-5(o)(iii)8.a.B and C is located, and the board of supervisors
921 of the county in which the qualified resort area defined under
922 Section 67-1-5(o)(iii)44 is located, may, by ordinance or
923 resolution, provide that package retailer's permits may be issued
924 in the applicable qualified resort area, and that it shall be
925 lawful to receive, store, sell, possess and distribute alcoholic
926 beverages in accordance with such package retailer's permits.

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

929 67-1-9. (1) It shall be * * * lawful for any person to
930 manufacture, distill, brew, sell, import into this state, * * *
931 transport, distribute, warehouse, store, solicit, take order for,
932 bottle, rectify, blend, treat, mix or process any alcoholic
933 beverage * * * as authorized in this article. * * * Nothing
934 contained herein shall prevent importers, wineries and distillers
935 of alcoholic beverages from storing such alcoholic beverages in
936 private bonded warehouses located within the State of Mississippi
937 for the ultimate use and benefit of the Department of Revenue as



938 provided in Section 67-1-41. The department is hereby authorized
939 to promulgate rules and regulations for the establishment of such
940 private bonded warehouses and for the control of alcoholic
941 beverages stored in such warehouses. Additionally, nothing herein
942 contained shall prevent any duly licensed practicing physician or
943 dentist from possessing or using alcoholic liquor in the strict
944 practice of his profession, or prevent any hospital or other
945 institution caring for sick and diseased persons, from possessing
946 and using alcoholic liquor for the treatment of bona fide patients
947 of such hospital or other institution. Any drugstore employing a
948 licensed pharmacist may possess and use alcoholic liquors in the
949 combination of prescriptions of duly licensed physicians. The
950 possession and dispensation of wine by an authorized
951 representative of any church for the purpose of conducting any
952 bona fide rite or religious ceremony conducted by such church
953 shall not be prohibited by this article.

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

956 (a) By a fine of not less than One Hundred Dollars
957 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by
958 imprisonment in the county jail not less than one (1) week nor
959 more than three (3) months, or both, for the first conviction
960 under this section.

961 (b) By a fine of not less than One Hundred Dollars
962 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by



963 imprisonment in the county jail not less than sixty (60) days, nor
964 more than six (6) months, or both fine and imprisonment, for the
965 second conviction for violating this section.

966 (c) By a fine of not less than One Hundred Dollars
967 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
968 imprisonment in the State Penitentiary not less than one (1) year,
969 nor more than five (5) years, or both fine and imprisonment, for
970 conviction the third time under this section for the violation
971 thereof after having been twice convicted of its violation.

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

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

978 67-1-11. (1) From and after January 1, 2025,
979 notwithstanding any provision of this article, * * * a county may
980 hold an election to determine whether to institute prohibition and
981 make the sale, manufacture and distribution of alcoholic beverages
982 illegal.

983 (2) Upon presentation and filing of a proper petition
984 requesting same signed by at least twenty percent (20%) or fifteen
985 hundred (1,500), whichever number is the lesser, of the qualified
986 electors of the county, it shall be the duty of the board of
987 supervisors to call an election at which there shall be submitted



988 to the qualified electors of the county the question of whether or
989 not the sale, * * * distribution and manufacture of alcoholic
990 beverages shall be * * * prohibited in such county as provided in
991 this article. Such election shall be held and conducted by the
992 county election commissioners on a date fixed by the order of the
993 board of supervisors, which date shall not be more than sixty (60)
994 days from the date of the filing of said petition. Notice thereof
995 shall be given by publishing such notice once each week for at
996 least three (3) consecutive weeks in some newspaper published in
997 said county or, if no newspaper be published therein, by such
998 publication in a newspaper in an adjoining county and having a
999 general circulation in the county involved. The election shall be
1000 held not earlier than fifteen (15) days from the first publication
1001 of such notice.

1002 (3) Said election shall be held and conducted as far as may
1003 be possible in the same manner as is provided by law for the
1004 holding of general elections. The ballots used thereat shall
1005 contain a brief statement of the proposition submitted and, on
1006 separate lines, the words "I vote FOR * * * prohibiting alcoholic
1007 beverages and making _____ County a dry county ()" "I vote
1008 AGAINST * * * prohibiting alcoholic beverages and making _____
1009 County a dry county ()" with appropriate boxes in which the
1010 voters may express their choice. All qualified electors may vote
1011 by marking the ballot with a cross (x) or check (√) mark opposite
1012 the words of their choice.



1013 (4) The election commissioners shall canvass and determine
1014 the results of said election, and shall certify same to the board
1015 of supervisors which shall adopt and spread upon its minutes an
1016 order declaring such results. If, in such election, a majority of
1017 the qualified electors participating therein shall vote in favor
1018 of the proposition, * * * the manufacture, sale and distribution
1019 of alcoholic beverages * * * in such county shall be * * *
1020 unlawful to the extent and in the manner * * * prohibited hereby.
1021 If, on the other hand, a majority of the qualified electors
1022 participating in the election shall vote against the
1023 proposition, * * * the manufacture, sale and distribution of
1024 alcoholic beverages shall remain lawful to the extent and in the
1025 manner permitted hereby. In either case, no further election
1026 shall be held in said county under the provisions of this article
1027 for a period of * * * four (4) years from the date of the prior
1028 election and then only upon the filing of a petition requesting
1029 same signed by at least twenty percent (20%) or fifteen hundred
1030 (1,500), whichever number is the lesser, of the qualified electors
1031 of the county as is otherwise provided herein.

1032 (5) If a majority of the qualified electors participating in
1033 the election vote for the proposition, all alcohol permits issued
1034 to locations within the county shall expire thirty (30) days from
1035 the date the official recapitulation on the election is executed
1036 by the county. However, notwithstanding an election instituting
1037 the prohibition laws in a county, the manufacture, sale and



1038 distribution of alcoholic beverages shall be lawful in a
1039 municipality located in such county if the manufacture, sale and
1040 distribution of alcoholic beverages was lawful in such
1041 municipality before January 1, 2025, and the municipality has not
1042 voted after January 1, 2025, for instituting prohibition. In
1043 addition, notwithstanding an election instituting the prohibition
1044 laws in a county, the holder of a native wine producer's permit or
1045 a native wine retailer's permit is allowed to continue to operate
1046 under such permits and to renew such permits. Possession of
1047 native wines and personal property related to the activities of
1048 the native wine permit holder which would otherwise be unlawful
1049 under prohibition shall be allowed subject to regulations of the
1050 Alcoholic Beverage Control Division.

1051 **SECTION 6.** Section 67-1-13, Mississippi Code of 1972, is
1052 amended as follows:

1053 67-1-13. (1) When * * * a county has voted to institute
1054 prohibition as a result of an election called and held as provided
1055 in Section 67-1-11, the same may be made ineffective and
1056 inapplicable therein by an election called and held upon a
1057 petition filed with the board of supervisors requesting same
1058 signed by at least twenty percent (20%) or fifteen hundred (1500),
1059 whichever number is the lesser, of the qualified electors of the
1060 county as is otherwise provided in Section 67-1-11, all of the
1061 provisions of which shall be fully applicable thereto. However,
1062 nothing herein shall authorize or permit the calling and holding



1063 of any election under this chapter in any county more often than
1064 once every * * * four (4) years. If in such election, a majority
1065 of the qualified electors participating therein shall vote * * *
1066 for legalizing the sale, distribution and manufacturing of
1067 alcoholic beverages, then the prohibition laws of the State of
1068 Mississippi * * * shall become * * * inapplicable in said county.

1069 (2) Notwithstanding an election reinstating the prohibition
1070 laws in a political subdivision, the holder of a native wine or
1071 native spirit producer's permit or a native wine or native spirit
1072 retailer's permit is allowed to continue to operate under such
1073 permits and to renew such permits. Possession of native wines or
1074 native spirits and personal property related to the activities of
1075 the native wine permit or native spirit permit holder which would
1076 otherwise be unlawful under prohibition shall be allowed subject
1077 to regulations of the Alcoholic Beverage Control Division.

1078 **SECTION 7.** Section 67-1-14, Mississippi Code of 1972, is
1079 amended as follows:

1080 67-1-14. (1) The legalizing provisions of this article may
1081 be effective, applicable and operative in any municipality located
1082 in a county which has voted * * * for instituting prohibition if a
1083 local option election shall be called and held in such
1084 municipality in the manner and with the results hereinafter
1085 provided. However, notwithstanding any other provision of this
1086 section, the manufacture, sale and distribution of alcoholic
1087 beverages shall be lawful in a municipality located in such county



1088 if the manufacture, sale and distribution of alcoholic beverages
1089 was lawful in such municipality before January 1, 2025, and the
1090 municipality has not voted after January 1, 2025, for instituting
1091 prohibition.

1092 (2) (a) Any municipality in this state having a population
1093 of not less than five thousand (5,000) according to the latest
1094 federal census and which is located in a county which has
1095 voted * * * for instituting prohibition, or any municipality that
1096 is a county seat and which is located in a county which has
1097 voted * * * for instituting prohibition, may, at an election held
1098 for the purpose under the election laws applicable to such
1099 municipality, either prohibit or permit, except as otherwise
1100 provided under Section 67-9-1, the sale of alcoholic beverages.
1101 An election to determine whether such sale shall be permitted in
1102 municipalities wherein its sale is prohibited by law shall be
1103 ordered by the municipal governing authorities upon the
1104 presentation of a petition to such governing authorities
1105 containing the names of at least twenty percent (20%) of the duly
1106 qualified voters of such municipality asking for such election.
1107 In like manner, an election to determine whether such sale shall
1108 be prohibited in municipalities wherein its sale is permitted by
1109 law shall be ordered by the municipal governing authorities upon
1110 the presentation of a petition to such governing authorities
1111 containing the names of at least twenty percent (20%) of the duly
1112 qualified voters of such municipality asking for such election.



1113 No election on either question shall be held by any one (1)
1114 municipality more often than once in * * * four (4) years.

1115 Thirty (30) days' notice shall be given to the qualified
1116 electors of such municipality, in the manner prescribed by law,
1117 upon the question of either permitting or prohibiting such sale,
1118 such notice to contain a statement of the question to be voted on
1119 at the election. The ballots to be used in the election shall
1120 have the following words printed thereon: "For the legal sale of
1121 alcoholic beverages" and the words "Against the legal sale of
1122 alcoholic beverages" next below. In marking his ballot the voter
1123 shall make a cross (X) opposite the words of his choice.

1124 If in the election a majority of the qualified electors
1125 voting in the election shall vote "for the legal sale of alcoholic
1126 beverages," then the municipal governing authorities shall pass
1127 the necessary order permitting the legal sale of such alcoholic
1128 beverages in such municipality. If in the election a majority of
1129 the qualified electors voting in the election shall vote "against
1130 the legal sale of alcoholic beverages," then the municipal
1131 governing authorities shall pass the necessary order prohibiting
1132 the sale of alcoholic beverages in such municipality.

1133 (b) The provisions of this subsection shall also apply
1134 to any municipality having a population of not less than six
1135 thousand (6,000) according to the latest federal census, a portion
1136 of which is located in a county which has voted before January 1,
1137 2025, against coming out from under the dry law as such law



1138 existed before January 1, 2025, and a portion of which is located
1139 in a county which has voted before January 1, 2025, in favor of
1140 coming out from under the dry law as such law existed before
1141 January 1, 2025. For the purpose of determining whether or not
1142 such a municipality meets the threshold population of six thousand
1143 (6,000) which will qualify the municipality to hold an election
1144 under this subsection, the entire population of the municipality
1145 shall be considered; however, the petition to hold the election
1146 authorized in this subsection shall be ordered by the municipal
1147 governing authorities upon the presentation of a petition to such
1148 governing authorities containing the names of at least twenty
1149 percent (20%) of the duly qualified voters of such municipality
1150 who reside in that portion of the municipality located in a county
1151 which has voted before January 1, 2025, against coming out from
1152 under the dry law as such law existed before January 1, 2025, and
1153 the election shall be held only in that portion of the
1154 municipality. In all other respects, the authority for the holding
1155 of elections and the manner in which such elections shall be
1156 conducted shall be as prescribed in paragraph (a) of this
1157 subsection; and, after proper certification of election results,
1158 the municipal governing authorities shall pass the appropriate
1159 order to permit or prohibit the legal sale of alcoholic beverages
1160 in that portion of the municipality located in a county which has
1161 voted against coming out from under the dry law.



1162 (3) The governing authorities of a municipality that has
1163 voted to * * * allow the legal sale, manufacture and distribution
1164 of alcoholic beverages may, by ordinance, provide that alcoholic
1165 beverages may be sold in the municipality only by the holder of an
1166 on-premises retailer's permit.

1167 **SECTION 8.** Section 67-1-15, Mississippi Code of 1972, is
1168 amended as follows:

1169 67-1-15. In any county having two (2) judicial districts,
1170 each such judicial district shall be construed to be a political
1171 subdivision or subdivision of government on the same basis as a
1172 county, and as such, a judicial district will be entitled to all
1173 of the rights, privileges, and immunities as a county for the
1174 purposes of * * * instituting prohibition therein under the
1175 provisions of this article.

1176 **SECTION 9.** Section 67-1-16, Mississippi Code of 1972, is
1177 amended as follows:

1178 67-1-16. (1) (a) Before an area may be designated by the
1179 governing authorities of a municipality as an area in which
1180 facilities which are defined as qualified resort areas in Section
1181 67-1-5(o)(iii)5 may be located, an election shall be held, under
1182 the election laws applicable to the municipality, on the question
1183 of whether qualified resort areas shall be allowed in the
1184 municipality. An election to determine whether qualified resort
1185 areas shall be allowed in the municipality shall be ordered by the
1186 municipal governing authorities, upon presentation to the



1187 governing authorities of a petition containing the names of at
1188 least twenty percent (20%) of the duly qualified voters of the
1189 municipality asking for the election. An election on the question
1190 may not be held by the municipality more often than once each
1191 year.

1192 (b) Thirty (30) days' notice shall be given to the
1193 qualified electors of the municipality, in the manner prescribed
1194 by law, on the question of allowing qualified resort areas to be
1195 established. The notice shall contain a statement of the question
1196 to be voted on at the election. The ballots used in the election
1197 shall have the following words printed thereon: "FOR THE
1198 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST
1199 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his
1200 ballot, the voter shall make a cross (X) opposite the words of his
1201 choice.

1202 (c) Qualified resort areas may be established if a
1203 majority of the qualified electors voting in the election vote for
1204 such establishment. A qualified resort area may not be
1205 established if a majority of the qualified electors voting in the
1206 election vote against such establishment.

1207 (2) (a) Before a municipality may be designated as a
1208 qualified resort area as defined in Section 67-1-5(o)(iii)6, an
1209 election shall be held, under the election laws applicable to the
1210 municipality, on the question of whether the municipality shall be
1211 a qualified resort area. An election to determine whether the



1212 municipality shall be a qualified resort area shall be ordered by
1213 the municipal governing authorities, upon presentation to the
1214 governing authorities of a petition containing the names of at
1215 least twenty percent (20%) of the duly qualified voters of the
1216 municipality asking for the election. An election on the question
1217 may not be held by the municipality more often than once each
1218 year.

1219 (b) Thirty (30) days' notice shall be given to the
1220 qualified electors of the municipality, in the manner prescribed
1221 by law, on the question of allowing qualified resort areas to be
1222 established. The notice shall contain a statement of the question
1223 to be voted on at the election. The ballots used in the election
1224 shall have the following words printed thereon: "FOR THE
1225 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1226 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
1227 marking his ballot, the voter shall make a cross (X) opposite the
1228 words of his choice.

1229 (c) The municipality may be established as a qualified
1230 resort area if a majority of the qualified electors voting in the
1231 election vote for such establishment. A qualified resort area may
1232 not be established if a majority of the qualified electors voting
1233 in the election vote against such establishment.

1234 (3) (a) Before an area may be designated a qualified resort
1235 area as defined in Section 67-1-5(o)(iii)7, an election shall be
1236 held in the municipality in which the area is located under the



1237 election laws applicable to the municipality, on the question of
1238 whether the area shall be a qualified resort area. An election to
1239 determine whether the area shall be a qualified resort area shall
1240 be ordered by the municipal governing authorities, upon
1241 presentation to the governing authorities of a petition containing
1242 the names of at least twenty percent (20%) of the duly qualified
1243 voters of the municipality asking for the election. An election
1244 on the question may not be held by the municipality more often
1245 than once each year.

1246 (b) Thirty (30) days' notice shall be given to the
1247 qualified electors of the municipality, in the manner prescribed
1248 by law, on the question of allowing qualified resort areas to be
1249 established. The notice shall contain a statement of the question
1250 to be voted on at the election. The ballots used in the election
1251 shall have the following words printed thereon: "FOR THE
1252 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1253 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
1254 marking his ballot, the voter shall make a cross (X) opposite the
1255 words of his choice.

1256 (c) The area may be established as a qualified resort
1257 area if a majority of the qualified electors voting in the
1258 election vote for such establishment. A qualified resort area may
1259 not be established if a majority of the qualified electors voting
1260 in the election vote against such establishment.



1261 (4) (a) Before a municipality may be designated as a
1262 qualified resort area as defined in item 21, 35, 36 or 51 of
1263 Section 67-1-5(o)(iii), an election shall be held, under the
1264 election laws applicable to the municipality, on the question of
1265 whether the municipality shall be a qualified resort area. An
1266 election to determine whether the municipality shall be a
1267 qualified resort area shall be ordered by the municipal governing
1268 authorities. An election on the question may not be held by the
1269 municipality more often than once each year.

1270 (b) Thirty (30) days' notice shall be given to the
1271 qualified electors of the municipality, in the manner prescribed
1272 by law, on the question of allowing qualified resort areas to be
1273 established. The notice shall contain a statement of the question
1274 to be voted on at the election. The ballots used in the election
1275 shall have the following words printed thereon: "FOR THE
1276 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1277 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
1278 marking his ballot, the voter shall make a cross (X) opposite the
1279 words of his choice.

1280 (c) The municipality may be established as a qualified
1281 resort area if a majority of the qualified electors voting in the
1282 election vote for such establishment. A qualified resort area may
1283 not be established if a majority of the qualified electors voting
1284 in the election vote against such establishment.



1285 (5) No election shall be held under this section after
1286 December 31, 2024, relating to the designation or establishment of
1287 a qualified resort area.

1288 **SECTION 10.** Section 67-1-17, Mississippi Code of 1972, is
1289 amended as follows:

1290 67-1-17. (1) It shall be unlawful for any person to have or
1291 possess either alcoholic beverages or personal property intended
1292 for use in violating the provisions of this article, or
1293 regulations prescribed under this article, or Chapter 31 of Title
1294 97, Mississippi Code of 1972. No property rights shall exist in
1295 any such personal property or alcoholic beverages. All such
1296 personal property and alcoholic beverages shall be considered
1297 contraband and shall be seized and forfeited to the State of
1298 Mississippi.

1299 (2) The following are subject to forfeiture:

1300 (a) All alcoholic beverages which have been
1301 manufactured, distilled, distributed, dispensed or acquired in
1302 violation of this article or Chapter 31 of Title 97, Mississippi
1303 Code of 1972;

1304 (b) All raw materials, products and equipment of any
1305 kind which are used, or intended for use, in manufacturing,
1306 compounding, processing, delivering, importing or exporting any
1307 alcoholic beverage in violation of this article or Chapter 31 of
1308 Title 97, Mississippi Code of 1972;



1309 (c) All property which is used, or intended for use, as
1310 a container for property described in items (a) or (b) of this
1311 subsection;

1312 (d) All conveyances, including aircraft, vehicles or
1313 vessels, which are used, or intended for use, to transport, or in
1314 any manner to facilitate the transportation, for the purpose of
1315 sale or receipt, possession or concealment, of property described
1316 in item (a) of this subsection which is in excess of six (6)
1317 gallons or of property described in item (b) of this subsection;
1318 however,

1319 (i) No conveyance used by any person as a common
1320 carrier in the transaction of business as a common carrier is
1321 subject to forfeiture under this section unless it appears that
1322 the owner or other person in charge of the conveyance is a
1323 consenting party or privy to a violation of this article or
1324 Chapter 31 of Title 97, Mississippi Code of 1972;

1325 (ii) No conveyance is subject to forfeiture under
1326 this section by reason of any act or omission proved by the owner
1327 thereof to have been committed or omitted without his knowledge or
1328 consent; if the confiscating authority has reason to believe that
1329 the conveyance is a leased or rented conveyance, then the
1330 confiscating authority shall notify the owner of the conveyance
1331 within five (5) days of the confiscation; and

1332 (iii) A forfeiture of a conveyance encumbered by a
1333 bona fide security interest is subject to the interest of the



1334 secured party if he neither had knowledge of nor consented to the
1335 act or omission;

1336 (e) All money, deadly weapons, books, records and
1337 research products and materials, including formulas, microfilm,
1338 tapes and data which are used, or intended for use, in violation
1339 of this article or Chapter 31 of Title 97, Mississippi Code of
1340 1972.

1341 (3) Property subject to forfeiture may be seized by the
1342 Alcoholic Beverage Control Division and its agents, local law
1343 enforcement officers, Mississippi Highway Patrol officers and
1344 other law enforcement personnel charged by Section 67-1-91, with
1345 enforcing the provisions of this article upon process issued by
1346 any appropriate court having jurisdiction over the property.
1347 Seizure without process may be made if:

1348 (a) The seizure is incident to an arrest or a search
1349 under a search warrant or an administrative inspection under
1350 Section 67-1-37(k);

1351 (b) The property subject to seizure has been the
1352 subject of a prior judgment in favor of the state in a criminal
1353 injunction or forfeiture proceeding based upon this article or
1354 Chapter 31 of Article 97, Mississippi Code of 1972; or

1355 (c) The Alcoholic Beverage Control Division of
1356 the * * * Department of Revenue and other law enforcement
1357 personnel described in this subsection have probable cause to
1358 believe that the property was used or is intended to be used in



1359 violation of this article or Chapter 31 of Article 97, Mississippi
1360 Code of 1972.

1361 (4) Alcoholic beverages and raw materials seized or detained
1362 under the authority of this article or Chapter 31 of Title 97,
1363 Mississippi Code of 1972, is deemed to be in the custody of the
1364 agent or agency so seizing the property and subject only to the
1365 orders and decrees of the court having jurisdiction over the
1366 property. When such property is seized it may be retained as
1367 evidence until final disposition of the cause in which such
1368 property is involved, and then the agent or agency so seizing the
1369 property shall physically transfer such alcoholic beverage or raw
1370 material to the Director of the Alcoholic Beverage Control
1371 Division of the * * * Department of Revenue together with an
1372 appropriate inventory of the items seized. Alcoholic beverages
1373 and raw materials seized or detained under the authority of this
1374 section shall be disposed of in accordance with the provisions of
1375 Section 67-1-18.

1376 (5) Any property other than alcoholic beverages and raw
1377 materials seized or detained pursuant to this article or Chapter
1378 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in
1379 the custody of the agent or agency so seizing the property and
1380 subject only to the orders and decrees of the court having
1381 jurisdiction over the property. When such property is seized it
1382 may be retained as evidence until the final disposition of the
1383 cause in which such property is involved. Property seized or



1384 detained other than alcoholic beverages or raw materials shall be
1385 disposed of in accordance with the provisions of Sections 67-1-93,
1386 67-1-95 and 67-1-97.

1387 **SECTION 11.** Section 67-1-37, Mississippi Code of 1972, is
1388 amended as follows:

1389 67-1-37. The Department of Revenue, under its duties and
1390 powers with respect to the Alcoholic Beverage Control Division
1391 therein, shall have the following powers, functions and duties:

1392 (a) To issue or refuse to issue any permit provided for
1393 by this article, or to extend the permit or remit in whole or any
1394 part of the permit monies when the permit cannot be used due to a
1395 natural disaster or act of God.

1396 (b) To revoke, suspend or cancel, for violation of or
1397 noncompliance with the provisions of this article, or the law
1398 governing the production and sale of native wines or native
1399 spirits, or any lawful rules and regulations of the department
1400 issued hereunder, or for other sufficient cause, any permit issued
1401 by it under the provisions of this article. The department shall
1402 also be authorized to suspend the permit of any permit holder for
1403 being out of compliance with an order for support, as defined in
1404 Section 93-11-153. The procedure for suspension of a permit for
1405 being out of compliance with an order for support, and the
1406 procedure for the reissuance or reinstatement of a permit
1407 suspended for that purpose, and the payment of any fees for the
1408 reissuance or reinstatement of a permit suspended for that



1409 purpose, shall be governed by Section 93-11-157 or Section
1410 93-11-163, as the case may be. If there is any conflict between
1411 any provision of Section 93-11-157 or Section 93-11-163 and any
1412 provision of this article, the provisions of Section 93-11-157 or
1413 Section 93-11-163, as the case may be, shall control.

1414 (c) To prescribe forms of permits and applications for
1415 permits and of all reports which it deems necessary in
1416 administering this article.

1417 (d) To fix standards, not in conflict with those
1418 prescribed by any law of this state or of the United States, to
1419 secure the use of proper ingredients and methods of manufacture of
1420 alcoholic beverages.

1421 (e) To issue rules regulating the advertising of
1422 alcoholic beverages in the state in any class of media and
1423 permitting advertising of the retail price of alcoholic beverages.

1424 (f) To issue reasonable rules and regulations, not
1425 inconsistent with the federal laws or regulations, requiring
1426 informative labeling of all alcoholic beverages offered for sale
1427 within this state and providing for the standards of fill and
1428 shapes of retail containers of alcoholic beverages; however, such
1429 containers shall not contain less than fifty (50) milliliters by
1430 liquid measure.

1431 (g) Subject to the provisions of subsection (3) of
1432 Section 67-1-51, to issue rules and regulations governing the
1433 issuance of retail permits for premises located near or around



1434 schools, colleges, universities, churches and other public
1435 institutions, and specifying the distances therefrom within which
1436 no such permit shall be issued. The Alcoholic Beverage Control
1437 Division shall not issue a package retailer's or on-premises
1438 retailer's permit for the sale or consumption of alcoholic
1439 beverages in or on the campus of any public school, community or
1440 junior college, college or university.

1441 (h) To adopt and promulgate, repeal and amend, such
1442 rules, regulations, standards, requirements and orders, not
1443 inconsistent with this article or any law of this state or of the
1444 United States, as it deems necessary to control the manufacture,
1445 importation, transportation, distribution, delivery and sale of
1446 alcoholic liquor, whether intended for beverage or nonbeverage use
1447 in a manner not inconsistent with the provisions of this article
1448 or any other statute, including the native wine and native spirit
1449 laws.

1450 (i) To call upon other administrative departments of
1451 the state, county and municipal governments, county and city
1452 police departments and upon prosecuting officers for such
1453 information and assistance as it may deem necessary in the
1454 performance of its duties.

1455 (j) To prepare and submit to the Governor during the
1456 month of January of each year a detailed report of its official
1457 acts during the preceding fiscal year ending June 30, including
1458 such recommendations as it may see fit to make, and to transmit a



1459 like report to each member of the Legislature of this state upon
1460 the convening thereof at its next regular session.

1461 (k) To inspect, or cause to be inspected, any premises
1462 where alcoholic * * * beverages intended for sale are
1463 manufactured, stored, distributed or sold, and to examine or cause
1464 to be examined all books and records pertaining to the business
1465 conducted therein.

1466 (l) To investigate the administration of laws in
1467 relation to alcoholic * * * beverages in this and other states and
1468 any foreign countries, and to recommend from time to time to the
1469 Governor and through him to the Legislature of this state such
1470 amendments to this article, if any, as it may think desirable.

1471 (m) To designate hours and days when alcoholic
1472 beverages may be sold in different localities in the state which
1473 permit such sale.

1474 (n) To assign employees to posts of duty at locations
1475 where they will be most beneficial for the control of alcoholic
1476 beverages and to take any other action concerning persons employed
1477 under this article as authorized by law and taken in accordance
1478 with the rules, regulations and procedures of the State Personnel
1479 Board.

1480 (o) To enforce the provisions made unlawful by Chapter
1481 3, Title 67 and Section 97-5-49.



1482 (p) To delegate its authority under this article to the
1483 Alcoholic Beverage Control Division, its director or any other
1484 officer or employee of the department that it deems appropriate.

1485 (q) To prescribe and charge a fee to defray the costs
1486 of shipping alcoholic beverages, provided that such fee is
1487 determined in a manner provided by the department by rules and/or
1488 regulations adopted in accordance with the Mississippi
1489 Administrative Procedures Law.

1490 **SECTION 12.** Section 67-1-51, Mississippi Code of 1972, is
1491 amended as follows:

1492 67-1-51. (1) Permits which may be issued by the department
1493 shall be as follows:

1494 (a) **Manufacturer's permit.** It shall be illegal to
1495 sell, manufacture, bottle or distribute alcoholic beverages
1496 without first obtaining an applicable permit authorizing such
1497 activity. A manufacturer's permit shall permit the manufacture,
1498 importation in bulk, bottling and storage of alcoholic liquor and
1499 its distribution and sale to manufacturers holding permits under
1500 this article in this state and to persons outside the state who
1501 are authorized by law to purchase the same, and to sell as
1502 provided by this article.

1503 Manufacturer's permits shall be of the following classes:

1504 Class 1. Distiller's and/or rectifier's permit, which shall
1505 authorize the holder thereof to operate a distillery for the
1506 production of distilled spirits by distillation or redistillation



1507 and/or to operate a rectifying plant for the purifying, refining,
1508 mixing, blending, flavoring or reducing in proof of distilled
1509 spirits and alcohol.

1510 Class 2. Wine manufacturer's permit, which shall authorize
1511 the holder thereof to manufacture, import in bulk, bottle and
1512 store wine or vinous liquor.

1513 Class 3. Native wine producer's permit, which shall
1514 authorize the holder thereof to produce, bottle, store and sell
1515 native wines.

1516 Class 4. Native spirit producer's permit, which shall
1517 authorize the holder thereof to produce, bottle, store and sell
1518 native spirits.

1519 (b) **Package retailer's permit.** Except as otherwise
1520 provided in this paragraph and Section 67-1-52, a package
1521 retailer's permit shall authorize the holder thereof to operate a
1522 store exclusively for the sale at retail in original sealed and
1523 unopened packages of alcoholic beverages, including native wines,
1524 native spirits and edibles, not to be consumed on the premises
1525 where sold. Alcoholic beverages shall not be sold by any retailer
1526 in any package or container containing less than fifty (50)
1527 milliliters by liquid measure. A package retailer's permit, with
1528 prior approval from the department, shall authorize the holder
1529 thereof to sample new product furnished by a manufacturer's
1530 representative or his employees at the permitted place of business
1531 so long as the sampling otherwise complies with this article and



1532 applicable department regulations. Such samples may not be
1533 provided to customers at the permitted place of business. In
1534 addition to the sale at retail of packages of alcoholic beverages,
1535 the holder of a package retailer's permit is authorized to sell at
1536 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
1537 other beverages commonly used to mix with alcoholic beverages, and
1538 fruits and foods that have been submerged in alcohol and are
1539 commonly referred to as edibles. Nonalcoholic beverages sold by
1540 the holder of a package retailer's permit shall not be consumed on
1541 the premises where sold.

1542 (c) **On-premises retailer's permit.** Except as otherwise
1543 provided in subsection (5) of this section, an on-premises
1544 retailer's permit shall authorize the sale of alcoholic beverages,
1545 including native wines and native spirits, for consumption on the
1546 licensed premises only; however, a patron of the permit holder may
1547 remove one (1) bottle of wine from the licensed premises if: (i)
1548 the patron consumed a portion of the bottle of wine in the course
1549 of consuming a meal purchased on the licensed premises; (ii) the
1550 permit holder securely reseals the bottle; (iii) the bottle is
1551 placed in a bag that is secured in a manner so that it will be
1552 visibly apparent if the bag is opened; and (iv) a dated receipt
1553 for the wine and the meal is available. Additionally, as part of
1554 a carryout order, a permit holder may sell one (1) bottle of wine
1555 to be removed from the licensed premises for every two (2) entrees
1556 ordered. In addition, an on-premises retailer's permittee at a



1557 permitted premises located on Jefferson Davis Avenue within
1558 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
1559 beverages by the glass to a patron in a vehicle using a
1560 drive-through method of delivery if the permitted premises is
1561 located in a leisure and recreation district established under
1562 Section 67-1-101. Such a sale will be considered to be made on
1563 the permitted premises. An on-premises retailer's permit shall be
1564 issued only to qualified hotels, restaurants and clubs, small
1565 craft breweries, microbreweries, and to common carriers with
1566 adequate facilities for serving passengers. In resort areas,
1567 whether inside or outside of a municipality, the department, in
1568 its discretion, may issue on-premises retailer's permits to such
1569 establishments as it deems proper. An on-premises retailer's
1570 permit when issued to a common carrier shall authorize the sale
1571 and serving of alcoholic beverages aboard any licensed vehicle
1572 while moving through any county of the state; however, the sale of
1573 such alcoholic beverages shall not be permitted while such vehicle
1574 is stopped in a county that has * * * voted to institute
1575 prohibition, unless the vehicle is located in a municipality
1576 wherein the sale of alcoholic beverages is legal. If an
1577 on-premises retailer's permit is applied for by a common carrier
1578 operating solely in the water, such common carrier must, along
1579 with all other qualifications for a permit, (i) be certified to
1580 carry at least one hundred fifty (150) passengers and/or provide
1581 overnight accommodations for at least fifty (50) passengers and



1582 (ii) operate primarily in the waters within the State of
1583 Mississippi which lie adjacent to the State of Mississippi south
1584 of the three (3) most southern counties in the State of
1585 Mississippi and/or on the Mississippi River or navigable waters
1586 within any county bordering on the Mississippi River.

1587 (d) **Solicitor's permit.** A solicitor's permit shall
1588 authorize the holder thereof to act as salesman for a manufacturer
1589 or wholesaler holding a proper permit, to solicit on behalf of his
1590 employer orders for alcoholic beverages, and to otherwise promote
1591 his employer's products in a legitimate manner. Such a permit
1592 shall authorize the representation of and employment by one (1)
1593 principal only. However, the permittee may also, in the
1594 discretion of the department, be issued additional permits to
1595 represent other principals. No such permittee shall buy or sell
1596 alcoholic beverages for his own account, and no such beverage
1597 shall be brought into this state in pursuance of the exercise of
1598 such permit otherwise than through a permit issued to a wholesaler
1599 or manufacturer in the state.

1600 (e) **Native wine retailer's permit.** Except as otherwise
1601 provided in subsection (5) of this section, a native wine
1602 retailer's permit shall be issued only to a holder of a Class 3
1603 manufacturer's permit, and shall authorize the holder thereof to
1604 make retail sales of native wines to consumers for on-premises
1605 consumption or to consumers in originally sealed and unopened
1606 containers at an establishment located on the premises of or in



1607 the immediate vicinity of a native winery. When selling to
1608 consumers for on-premises consumption, a holder of a native wine
1609 retailer's permit may add to the native wine alcoholic beverages
1610 not produced on the premises, so long as the total volume of
1611 foreign beverage components does not exceed twenty percent (20%)
1612 of the mixed beverage. Hours of sale shall be the same as those
1613 authorized for on-premises permittees in the city or county in
1614 which the native wine retailer is located.

1615 (f) **Temporary retailer's permit.** Except as otherwise
1616 provided in subsection (5) of this section, a temporary retailer's
1617 permit shall permit the purchase and resale of alcoholic
1618 beverages, including native wines and native spirits, during legal
1619 hours on the premises described in the temporary permit only.

1620 Temporary retailer's permits shall be of the following
1621 classes:

1622 Class 1. A temporary one-day permit may be issued to bona
1623 fide nonprofit civic or charitable organizations authorizing the
1624 sale of alcoholic beverages, including native wine and native
1625 spirit, for consumption on the premises described in the temporary
1626 permit only. Class 1 permits may be issued only to applicants
1627 demonstrating to the department, by a statement signed under
1628 penalty of perjury submitted ten (10) days prior to the proposed
1629 date or such other time as the department may determine, that they
1630 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1631 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.



1632 Class 1 permittees shall obtain all alcoholic beverages from
1633 package retailers located in the county in which the temporary
1634 permit is issued. Alcoholic beverages remaining in stock upon
1635 expiration of the temporary permit may be returned by the
1636 permittee to the package retailer for a refund of the purchase
1637 price upon consent of the package retailer or may be kept by the
1638 permittee exclusively for personal use and consumption, subject to
1639 all laws pertaining to the illegal sale and possession of
1640 alcoholic beverages. The department, following review of the
1641 statement provided by the applicant and the requirements of the
1642 applicable statutes and regulations, may issue the permit.

1643 Class 2. A temporary permit, not to exceed seventy (70)
1644 days, may be issued to prospective permittees seeking to transfer
1645 a permit authorized in paragraph (c) of this subsection. A Class
1646 2 permit may be issued only to applicants demonstrating to the
1647 department, by a statement signed under the penalty of perjury,
1648 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1649 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1650 67-1-59. The department, following a preliminary review of the
1651 statement provided by the applicant and the requirements of the
1652 applicable statutes and regulations, may issue the permit.

1653 Class 2 temporary permittees must purchase their alcoholic
1654 beverages directly from the department or, with approval of the
1655 department, purchase the remaining stock of the previous
1656 permittee. If the proposed applicant of a Class 1 or Class 2



1657 temporary permit falsifies information contained in the
1658 application or statement, the applicant shall never again be
1659 eligible for a retail alcohol beverage permit and shall be subject
1660 to prosecution for perjury.

1661 Class 3. A temporary one-day permit may be issued to a
1662 retail establishment authorizing the complimentary distribution of
1663 wine, including native wine, to patrons of the retail
1664 establishment at an open house or promotional event, for
1665 consumption only on the premises described in the temporary
1666 permit. A Class 3 permit may be issued only to an applicant
1667 demonstrating to the department, by a statement signed under
1668 penalty of perjury submitted ten (10) days before the proposed
1669 date or such other time as the department may determine, that it
1670 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1671 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1672 A Class 3 permit holder shall obtain all alcoholic beverages from
1673 the holder(s) of a package retailer's permit located in the county
1674 in which the temporary permit is issued. Wine remaining in stock
1675 upon expiration of the temporary permit may be returned by the
1676 Class 3 temporary permit holder to the package retailer for a
1677 refund of the purchase price, with consent of the package
1678 retailer, or may be kept by the Class 3 temporary permit holder
1679 exclusively for personal use and consumption, subject to all laws
1680 pertaining to the illegal sale and possession of alcoholic
1681 beverages. The department, following review of the statement



1682 provided by the applicant and the requirements of the applicable
1683 statutes and regulations, may issue the permit. No retailer may
1684 receive more than twelve (12) Class 3 temporary permits in a
1685 calendar year. A Class 3 temporary permit shall not be issued to
1686 a retail establishment that either holds a merchant permit issued
1687 under paragraph (1) of this subsection, or holds a permit issued
1688 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1689 the holder to engage in the business of a retailer of light wine
1690 or beer.

1691 (g) **Caterer's permit.** A caterer's permit shall permit
1692 the purchase of alcoholic beverages by a person engaging in
1693 business as a caterer and the resale of alcoholic beverages by
1694 such person in conjunction with such catering business. No person
1695 shall qualify as a caterer unless forty percent (40%) or more of
1696 the revenue derived from such catering business shall be from the
1697 serving of prepared food and not from the sale of alcoholic
1698 beverages and unless such person has obtained a permit for such
1699 business from the Department of Health. A caterer's permit shall
1700 not authorize the sale of alcoholic beverages on the premises of
1701 the person engaging in business as a caterer; however, the holder
1702 of an on-premises retailer's permit may hold a caterer's permit.
1703 When the holder of an on-premises retailer's permit or an
1704 affiliated entity of the holder also holds a caterer's permit, the
1705 caterer's permit shall not authorize the service of alcoholic
1706 beverages on a consistent, recurring basis at a separate, fixed



1707 location owned or operated by the caterer, on-premises retailer or
1708 affiliated entity and an on-premises retailer's permit shall be
1709 required for the separate location. All sales of alcoholic
1710 beverages by holders of a caterer's permit shall be made at the
1711 location being catered by the caterer, and, except as otherwise
1712 provided in subsection (5) of this section, such sales may be made
1713 only for consumption at the catered location. The location being
1714 catered may be anywhere within a county or judicial district * * *
1715 except in a county or judicial district where prohibition has been
1716 instituted and the sale or distribution of alcoholic beverages is
1717 illegal. Such sales shall be made pursuant to any other
1718 conditions and restrictions which apply to sales made by
1719 on-premises retail permittees. The holder of a caterer's permit
1720 or his employees shall remain at the catered location as long as
1721 alcoholic beverages are being sold pursuant to the permit issued
1722 under this paragraph (g), and the permittee shall have at the
1723 location the identification card issued by the Alcoholic Beverage
1724 Control Division of the department. No unsold alcoholic beverages
1725 may be left at the catered location by the permittee upon the
1726 conclusion of his business at that location. Appropriate law
1727 enforcement officers and Alcoholic Beverage Control Division
1728 personnel may enter a catered location on private property in
1729 order to enforce laws governing the sale or serving of alcoholic
1730 beverages.



1731 (h) **Research permit.** A research permit shall authorize
1732 the holder thereof to operate a research facility for the
1733 professional research of alcoholic beverages. Such permit shall
1734 authorize the holder of the permit to import and purchase limited
1735 amounts of alcoholic beverages from the department or from
1736 importers, wineries and distillers of alcoholic beverages for
1737 professional research.

1738 (i) **Alcohol processing permit.** An alcohol processing
1739 permit shall authorize the holder thereof to purchase, transport
1740 and possess alcoholic beverages for the exclusive use in cooking,
1741 processing or manufacturing products which contain alcoholic
1742 beverages as an integral ingredient. An alcohol processing permit
1743 shall not authorize the sale of alcoholic beverages on the
1744 premises of the person engaging in the business of cooking,
1745 processing or manufacturing products which contain alcoholic
1746 beverages. The amounts of alcoholic beverages allowed under an
1747 alcohol processing permit shall be set by the department.

1748 (j) **Hospitality cart permit.** A hospitality cart permit
1749 shall authorize the sale of alcoholic beverages from a mobile cart
1750 on a golf course that is the holder of an on-premises retailer's
1751 permit. The alcoholic beverages sold from the cart must be
1752 consumed within the boundaries of the golf course.

1753 (k) **Special service permit.** A special service permit
1754 shall authorize the holder to sell commercially sealed alcoholic
1755 beverages to the operator of a commercial or private aircraft for



1756 en route consumption only by passengers. A special service permit
1757 shall be issued only to a fixed-base operator who contracts with
1758 an airport facility to provide fueling and other associated
1759 services to commercial and private aircraft.

1760 (1) **Merchant permit.** Except as otherwise provided in
1761 subsection (5) of this section, a merchant permit shall be issued
1762 only to the owner of a spa facility, an art studio or gallery, or
1763 a cooking school, and shall authorize the holder to serve
1764 complimentary by the glass wine only, including native wine, at
1765 the holder's spa facility, art studio or gallery, or cooking
1766 school. A merchant permit holder shall obtain all wine from the
1767 holder of a package retailer's permit.

1768 (m) **Temporary alcoholic beverages charitable auction**
1769 **permit.** A temporary permit, not to exceed five (5) days, may be
1770 issued to a qualifying charitable nonprofit organization that is
1771 exempt from taxation under Section 501(c)(3) or (4) of the
1772 Internal Revenue Code of 1986. The permit shall authorize the
1773 holder to sell alcoholic beverages for the limited purpose of
1774 raising funds for the organization during a live or silent auction
1775 that is conducted by the organization and that meets the following
1776 requirements: (i) the auction is conducted in an area of the
1777 state where the sale of alcoholic beverages is authorized; (ii) if
1778 the auction is conducted on the premises of an on-premises
1779 retailer's permit holder, then the alcoholic beverages to be
1780 auctioned must be stored separately from the alcoholic beverages



1781 sold, stored or served on the premises, must be removed from the
1782 premises immediately following the auction, and may not be
1783 consumed on the premises; (iii) the permit holder may not conduct
1784 more than two (2) auctions during a calendar year; (iv) the permit
1785 holder may not pay a commission or promotional fee to any person
1786 to arrange or conduct the auction.

1787 (n) **Event venue retailer's permit.** An event venue
1788 retailer's permit shall authorize the holder thereof to purchase
1789 and resell alcoholic beverages, including native wines and native
1790 spirits, for consumption on the premises during legal hours during
1791 events held on the licensed premises if food is being served at
1792 the event by a caterer who is not affiliated with or related to
1793 the permittee. The caterer must serve at least three (3) entrees.
1794 The permit may only be issued for venues that can accommodate two
1795 hundred (200) persons or more. The number of persons a venue may
1796 accommodate shall be determined by the local fire department and
1797 such determination shall be provided in writing and submitted
1798 along with all other documents required to be provided for an
1799 on-premises retailer's permit. The permittee must derive the
1800 majority of its revenue from event-related fees, including, but
1801 not limited to, admission fees or ticket sales for live
1802 entertainment in the building. "Event-related fees" do not
1803 include alcohol, beer or light wine sales or any fee which may be
1804 construed to cover the cost of alcohol, beer or light wine. This



1805 determination shall be made on a per event basis. An event may
1806 not last longer than two (2) consecutive days per week.

1807 (o) **Temporary theatre permit.** A temporary theatre
1808 permit, not to exceed five (5) days, may be issued to a charitable
1809 nonprofit organization that is exempt from taxation under Section
1810 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
1811 a theatre facility that features plays and other theatrical
1812 performances and productions. Except as otherwise provided in
1813 subsection (5) of this section, the permit shall authorize the
1814 holder to sell alcoholic beverages, including native wines and
1815 native spirits, to patrons of the theatre during performances and
1816 productions at the theatre facility for consumption during such
1817 performances and productions on the premises of the facility
1818 described in the permit. A temporary theatre permit holder shall
1819 obtain all alcoholic beverages from package retailers located in
1820 the county in which the permit is issued. Alcoholic beverages
1821 remaining in stock upon expiration of the temporary theatre permit
1822 may be returned by the permittee to the package retailer for a
1823 refund of the purchase price upon consent of the package retailer
1824 or may be kept by the permittee exclusively for personal use and
1825 consumption, subject to all laws pertaining to the illegal sale
1826 and possession of alcoholic beverages.

1827 (p) **Charter ship operator's permit.** Subject to the
1828 provisions of this paragraph (p), a charter ship operator's permit
1829 shall authorize the holder thereof and its employees to serve,



1830 monitor, store and otherwise control the serving and availability
1831 of alcoholic beverages to customers of the permit holder during
1832 private charters under contract provided by the permit holder. A
1833 charter ship operator's permit shall authorize such action by the
1834 permit holder and its employees only as to alcoholic beverages
1835 brought onto the permit holder's ship by customers of the permit
1836 holder as part of such a private charter. All such alcoholic
1837 beverages must be removed from the charter ship at the conclusion
1838 of each private charter. A charter ship operator's permit shall
1839 not authorize the permit holder to sell, charge for or otherwise
1840 supply alcoholic beverages to customers, except as authorized in
1841 this paragraph (p). For the purposes of this paragraph (p),
1842 "charter ship operator" means a common carrier that (i) is
1843 certified to carry at least one hundred fifty (150) passengers
1844 and/or provide overnight accommodations for at least fifty (50)
1845 passengers, (ii) operates only in the waters within the State of
1846 Mississippi, which lie adjacent to the State of Mississippi south
1847 of the three (3) most southern counties in the State of
1848 Mississippi, and (iii) provides charters under contract for tours
1849 and trips in such waters.

1850 (q) **Distillery retailer's permit.** The holder of a
1851 Class 1 manufacturer's permit may obtain a distillery retailer's
1852 permit. A distillery retailer's permit shall authorize the holder
1853 thereof to sell at retail alcoholic beverages to consumers for
1854 on-premises consumption, or to consumers by the sealed and



1855 unopened bottle from a retail location at the distillery for
1856 off-premises consumption. The holder may only sell product
1857 manufactured by the manufacturer at the distillery described in
1858 the permit. However, when selling to consumers for on-premises
1859 consumption, a holder of a distillery retailer's permit may add
1860 other beverages, alcoholic or not, so long as the total volume of
1861 other beverage components containing alcohol does not exceed
1862 twenty percent (20%). Hours of sale shall be the same as those
1863 authorized for on-premises permittees in the city or county in
1864 which the distillery retailer is located.

1865 The holder shall not sell at retail more than ten percent
1866 (10%) of the alcoholic beverages produced annually at its
1867 distillery. The holder shall not make retail sales of more than
1868 two and twenty-five one-hundredths (2.25) liters, in the
1869 aggregate, of the alcoholic beverages produced at its distillery
1870 to any one (1) individual for consumption off the premises of the
1871 distillery within a twenty-four-hour period. The hours of sale
1872 shall be the same as those hours for package retailers under this
1873 article. The holder of a distillery retailer's permit is not
1874 required to purchase the alcoholic beverages authorized to be sold
1875 by this paragraph from the department's liquor distribution
1876 warehouse; however, if the holder does not purchase the alcoholic
1877 beverages from the department's liquor distribution warehouse, the
1878 holder shall pay to the department all taxes, fees and surcharges
1879 on the alcoholic beverages that are imposed upon the sale of



1880 alcoholic beverages shipped by the department or its warehouse
1881 operator. In addition to alcoholic beverages, the holder of a
1882 distillery retailer's permit may sell at retail promotional
1883 products from the same retail location, including shirts, hats,
1884 glasses, and other promotional products customarily sold by
1885 alcoholic beverage manufacturers.

1886 (r) **Festival Wine Permit.** Any wine manufacturer or
1887 native wine producer permitted by Mississippi or any other state
1888 is eligible to obtain a Festival Wine Permit. This permit
1889 authorizes the entity to transport product manufactured by it to
1890 festivals held within the State of Mississippi and sell sealed,
1891 unopened bottles to festival participants. The holder of this
1892 permit may provide samples at no charge to participants.
1893 "Festival" means any event at which three (3) or more vendors are
1894 present at a location for the sale or distribution of goods. The
1895 holder of a Festival Wine Permit is not required to purchase the
1896 alcoholic beverages authorized to be sold by this paragraph from
1897 the department's liquor distribution warehouse. However, if the
1898 holder does not purchase the alcoholic beverages from the
1899 department's liquor distribution warehouse, the holder of this
1900 permit shall pay to the department all taxes, fees and surcharges
1901 on the alcoholic beverages sold at such festivals that are imposed
1902 upon the sale of alcoholic beverages shipped by the Alcoholic
1903 Beverage Control Division of the Department of Revenue.
1904 Additionally, the entity shall file all applicable reports and



1905 returns as prescribed by the department. This permit is issued
1906 per festival and provides authority to sell for two (2)
1907 consecutive days during the hours authorized for on-premises
1908 permittees' sales in that county or city. The holder of the
1909 permit shall be required to maintain all requirements set by Local
1910 Option Law for the service and sale of alcoholic beverages. This
1911 permit may be issued to entities participating in festivals at
1912 which a Class 1 temporary permit is in effect.

1913 This paragraph (r) shall stand repealed from and after July
1914 1, 2026.

1915 (s) **Charter vessel operator's permit.** Subject to the
1916 provisions of this paragraph (s), a charter vessel operator's
1917 permit shall authorize the holder thereof and its employees to
1918 sell and serve alcoholic beverages to passengers of the permit
1919 holder during public tours, historical tours, ecological tours and
1920 sunset cruises provided by the permit holder. The permit shall
1921 authorize the holder to only sell alcoholic beverages, including
1922 native wines, to passengers of the charter vessel operator during
1923 public tours, historical tours, ecological tours and sunset
1924 cruises provided by the permit holder aboard the charter vessel
1925 operator for consumption during such tours and cruises on the
1926 premises of the charter vessel operator described in the permit.
1927 For the purposes of this paragraph (s), "charter vessel operator"
1928 means a common carrier that (i) is certified to carry at least
1929 forty-nine (49) passengers, (ii) operates only in the waters



1930 within the State of Mississippi, which lie south of Interstate 10
1931 in the three (3) most southern counties in the State of
1932 Mississippi, and lie adjacent to the State of Mississippi south of
1933 the three (3) most southern counties in the State of Mississippi,
1934 extending not further than one (1) mile south of such counties,
1935 and (iii) provides vessel services for tours and cruises in such
1936 waters as provided in this paragraph(s).

1937 (t) **Native spirit retailer's permit.** Except as
1938 otherwise provided in subsection (5) of this section, a native
1939 spirit retailer's permit shall be issued only to a holder of a
1940 Class 4 manufacturer's permit, and shall authorize the holder
1941 thereof to make retail sales of native spirits to consumers for
1942 on-premises consumption or to consumers in originally sealed and
1943 unopened containers at an establishment located on the premises of
1944 or in the immediate vicinity of a native distillery. When selling
1945 to consumers for on-premises consumption, a holder of a native
1946 spirit retailer's permit may add to the native spirit alcoholic
1947 beverages not produced on the premises, so long as the total
1948 volume of foreign beverage components does not exceed twenty
1949 percent (20%) of the mixed beverage. Hours of sale shall be the
1950 same as those authorized for on-premises permittees in the city or
1951 county in which the native spirit retailer is located.

1952 (u) **Delivery service permit.** Any individual, limited
1953 liability company, corporation or partnership registered to do
1954 business in this state is eligible to obtain a delivery service



1955 permit. Subject to the provisions of Section 67-1-51.1, this
1956 permit authorizes the permittee, or its employee or an independent
1957 contractor acting on its behalf, to deliver alcoholic beverages,
1958 beer, light wine and light spirit product from a licensed retailer
1959 to a person in this state who is at least twenty-one (21) years of
1960 age for the individual's use and not for resale. This permit does
1961 not authorize the delivery of alcoholic beverages, beer, light
1962 wine or light spirit product to the premises of a location with a
1963 permit for the manufacture, distribution or retail sale of
1964 alcoholic beverages, beer, light wine or light spirit product.
1965 The holder of a package retailer's permit or an on-premises
1966 retailer's permit under Section 67-1-51 or of a beer, light wine
1967 and light spirit product permit under Section 67-3-19 is
1968 authorized to apply for a delivery service permit as a privilege
1969 separate from its existing retail permit.

1970 (v) **Food truck permit.** A food truck permit shall
1971 authorize the holder of an on-premises retailer's permit to use a
1972 food truck to sell alcoholic beverages off its premises to guests
1973 who must consume the beverages in open containers. For the
1974 purposes of this paragraph (v), "food truck" means a fully encased
1975 food service establishment on a motor vehicle or on a trailer that
1976 a motor vehicle pulls to transport, and from which a vendor,
1977 standing within the frame of the establishment, prepares, cooks,
1978 sells and serves food for immediate human consumption. The term
1979 "food truck" does not include a food cart that is not motorized.



1980 Food trucks shall maintain such distance requirements from
1981 schools, churches, kindergartens and funeral homes as are required
1982 for on-premises retailer's permittees under this article, and all
1983 sales must be made within a valid leisure and recreation district
1984 established under Section 67-1-101. Food trucks cannot sell or
1985 serve alcoholic beverages unless also offering food prepared and
1986 cooked within the food truck, and permittees must maintain a
1987 twenty-five percent (25%) food sale revenue requirement based on
1988 the food sold from the food truck alone. The hours allowed for
1989 sale shall be the same as those for on-premises retailer's
1990 permittees in the location. This permit will not be required for
1991 the holder of a caterer's permit issued under this article to
1992 cater an event as allowed by law. Permittees must provide notice
1993 of not less than forty-eight (48) hours to the department of each
1994 location at which alcoholic beverages will be sold.

1995 (2) Except as otherwise provided in subsection (4) of this
1996 section, retail permittees may hold more than one (1) retail
1997 permit, at the discretion of the department.

1998 (3) (a) Except as otherwise provided in this subsection, no
1999 authority shall be granted to any person to manufacture, sell or
2000 store for sale any intoxicating liquor as specified in this
2001 article within four hundred (400) feet of any church, school,
2002 kindergarten or funeral home. However, within an area zoned
2003 commercial or business, such minimum distance shall be not less
2004 than one hundred (100) feet.



2005 (b) A church or funeral home may waive the distance
2006 restrictions imposed in this subsection in favor of allowing
2007 issuance by the department of a permit, pursuant to subsection (1)
2008 of this section, to authorize activity relating to the
2009 manufacturing, sale or storage of alcoholic beverages which would
2010 otherwise be prohibited under the minimum distance criterion.
2011 Such waiver shall be in written form from the owner, the governing
2012 body, or the appropriate officer of the church or funeral home
2013 having the authority to execute such a waiver, and the waiver
2014 shall be filed with and verified by the department before becoming
2015 effective.

2016 (c) The distance restrictions imposed in this
2017 subsection shall not apply to the sale or storage of alcoholic
2018 beverages at a bed and breakfast inn listed in the National
2019 Register of Historic Places or to the sale or storage of alcoholic
2020 beverages in a historic district that is listed in the National
2021 Register of Historic Places, is a qualified resort area and is
2022 located in a municipality having a population greater than one
2023 hundred thousand (100,000) according to the latest federal
2024 decennial census.

2025 (d) The distance restrictions imposed in this
2026 subsection shall not apply to the sale or storage of alcoholic
2027 beverages at a qualified resort area as defined in Section
2028 67-1-5(o)(iii)32.



2029 (e) The distance restrictions imposed in this
2030 subsection shall not apply to the sale or storage of alcoholic
2031 beverages at a licensed premises in a building formerly owned by a
2032 municipality and formerly leased by the municipality to a
2033 municipal school district and used by the municipal school
2034 district as a district bus shop facility.

2035 (f) The distance restrictions imposed in this
2036 subsection shall not apply to the sale or storage of alcoholic
2037 beverages at a licensed premises in a building consisting of at
2038 least five thousand (5,000) square feet and located approximately
2039 six hundred (600) feet from the intersection of Mississippi
2040 Highway 15 and Mississippi Highway 4.

2041 (g) The distance restrictions imposed in this
2042 subsection shall not apply to the sale or storage of alcoholic
2043 beverages at a licensed premises in a building located at or near
2044 the intersection of Ward and Tate Streets and adjacent properties
2045 in the City of Senatobia, Mississippi.

2046 (h) The distance restrictions imposed in this
2047 subsection shall not apply to the sale or storage of alcoholic
2048 beverages at a theatre facility that features plays and other
2049 theatrical performances and productions and (i) is capable of
2050 seating more than seven hundred fifty (750) people, (ii) is owned
2051 by a municipality which has a population greater than ten thousand
2052 (10,000) according to the latest federal decennial census, (iii)



2053 was constructed prior to 1930, (iv) is on the National Register of
2054 Historic Places, and (v) is located in a historic district.

2055 (i) The distance restrictions imposed in this
2056 subsection shall not apply to the sale or storage of alcoholic
2057 beverages at a licensed premises in a building located
2058 approximately one and six-tenths (1.6) miles north of the
2059 intersection of Mississippi Highway 15 and Mississippi Highway 4
2060 on the west side of Mississippi Highway 15.

2061 (4) No person, either individually or as a member of a firm,
2062 partnership, limited liability company or association, or as a
2063 stockholder, officer or director in a corporation, shall own or
2064 control any interest in more than one (1) package retailer's
2065 permit, nor shall such person's spouse, if living in the same
2066 household of such person, any relative of such person, if living
2067 in the same household of such person, or any other person living
2068 in the same household with such person own any interest in any
2069 other package retailer's permit.

2070 (5) (a) In addition to any other authority granted under
2071 this section, the holder of a permit issued under subsection
2072 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
2073 sell or otherwise provide alcoholic beverages and/or wine to a
2074 patron of the permit holder in the manner authorized in the permit
2075 and the patron may remove an open glass, cup or other container of
2076 the alcoholic beverage and/or wine from the licensed premises and
2077 may possess and consume the alcoholic beverage or wine outside of



2078 the licensed premises if: (i) the licensed premises is located
2079 within a leisure and recreation district created under Section
2080 67-1-101 and (ii) the patron remains within the boundaries of the
2081 leisure and recreation district while in possession of the
2082 alcoholic beverage or wine.

2083 (b) Nothing in this subsection shall be construed to
2084 allow a person to bring any alcoholic beverages into a permitted
2085 premises except to the extent otherwise authorized by this
2086 article.

2087 **SECTION 13.** Section 67-1-57, Mississippi Code of 1972, is
2088 amended as follows:

2089 67-1-57. Before a permit is issued the department shall
2090 satisfy itself:

2091 (a) That the applicant, if an individual, or if a
2092 partnership, each of the members of the partnership, or if a
2093 corporation, each of its principal officers and directors, or if a
2094 limited liability company, each member of the limited liability
2095 company, is of good moral character and, in addition, enjoys a
2096 reputation of being a peaceable, law-abiding citizen of the
2097 community in which he resides, and is generally fit for the trust
2098 to be reposed in him, is not less than twenty-one (21) years of
2099 age, and has not been convicted of a felony in any state or
2100 federal court.

2101 (b) That, except in the case of an application for a
2102 solicitor's permit, the applicant is the true and actual owner of



2103 the business for which the permit is desired, and that he intends
2104 to carry on the business authorized for himself and not as the
2105 agent of any other person, and that he intends to superintend in
2106 person the management of the business or that he will designate a
2107 manager to manage the business for him. All managers must be
2108 approved by the department prior to completing any managerial
2109 tasks on behalf of the permittee and must possess all of the
2110 qualifications required of a permittee; however, a felony
2111 conviction, other than a crime of violence, does not automatically
2112 disqualify a person from being approved as a manager if the person
2113 was released from incarceration at least three (3) years prior to
2114 application for approval as a manager. A felony conviction, other
2115 than a crime of violence, may be considered by the department in
2116 determining whether all other qualifications are met.

2117 (c) That the applicant for a package retailer's permit,
2118 if an individual, is a resident of the State of Mississippi. If
2119 the applicant is a partnership, each member of the partnership
2120 must be a resident of the state. If the applicant is a limited
2121 liability company, each member of the limited liability company
2122 must be a resident of the state. If the applicant is a
2123 corporation, the designated manager of the corporation must be a
2124 resident of the state.

2125 (d) That the place for which the permit is to be issued
2126 is an appropriate one considering the character of the premises
2127 and the surrounding neighborhood.



2128 (e) That the place for which the permit is to be issued
2129 is within the corporate limits of an incorporated municipality or
2130 qualified resort area or club which comes within the provisions of
2131 this article.

2132 (f) That the applicant is not indebted to the state for
2133 any taxes, fees or payment of penalties imposed by any law of the
2134 State of Mississippi or by any rule or regulation of the * * *
2135 department.

2136 (g) That the applicant is not in the habit of using
2137 alcoholic beverages to excess and is not physically or mentally
2138 incapacitated, and that the applicant has the ability to read and
2139 write the English language.

2140 (h) That the * * * department does not believe and has
2141 no reason to believe that the applicant will sell or knowingly
2142 permit any agent, servant or employee to unlawfully sell * * *
2143 alcoholic beverages in * * * an area in which prohibition is
2144 instituted or in any other manner contrary to law.

2145 (i) That the applicant is not residentially domiciled
2146 with any person whose permit or license has been cancelled for
2147 cause within the twelve (12) months next preceding the date of the
2148 present application for a permit.

2149 (j) That the * * * department has not, in the exercise
2150 of its discretion which is reserved and preserved to it, refused
2151 to grant permits under the restrictions of this section, as well
2152 as under any other pertinent provision of this article.



2153 (k) That there are not sufficient legal reasons to deny
2154 a permit on the ground that the premises for which the permit is
2155 sought has previously been operated, used or frequented for any
2156 purpose or in any manner that is lewd, immoral or offensive to
2157 public decency. In the granting or withholding of any permit to
2158 sell alcoholic beverages at retail, the * * * department in
2159 forming its conclusions may give consideration to any
2160 recommendations made in writing by the district or county attorney
2161 or county, circuit or chancery judge of the county, or the sheriff
2162 of the county, or the mayor or chief of police of an incorporated
2163 city or town wherein the applicant proposes to conduct his
2164 business and to any recommendations made by representatives of
2165 the * * * department.

2166 (1) That the applicant and the applicant's key
2167 employees, as determined by the * * * department, do not have a
2168 disqualifying criminal record. In order to obtain a criminal
2169 record history check, the applicant shall submit to the * * *
2170 department a set of fingerprints from any local law enforcement
2171 agency for each person for whom the records check is required.
2172 The * * * department shall forward the fingerprints to the
2173 Mississippi Department of Public Safety. If no disqualifying
2174 record is identified at the state level, the Department of Public
2175 Safety shall forward the fingerprints to the Federal Bureau of
2176 Investigation for a national criminal history record check. Costs
2177 for processing the set or sets of fingerprints shall be borne by



2178 the applicant. The * * * department shall not deny employment to
2179 an employee of the applicant prior to the identification of a
2180 disqualifying record or other disqualifying information.

2181 **SECTION 14.** Section 67-1-65, Mississippi Code of 1972, is
2182 amended as follows:

2183 67-1-65. In any county having heretofore voted, or which
2184 hereafter votes before January 1, 2025, to come out from under the
2185 prohibition law as such law existed before January 1, 2025, in
2186 which there is not located an incorporated municipality within
2187 such county, the * * * Department of Revenue may issue package
2188 retailer's permits in such county.

2189 **SECTION 15.** Section 67-1-85, Mississippi Code of 1972, is
2190 amended as follows:

2191 67-1-85. (1) The holder of a package retailer's permit may
2192 have signs, lighted or otherwise, on the outside of the premises
2193 covered by his permit which advertise, announce or advise of the
2194 sale of alcoholic beverages in or on said premises. Wherever the
2195 sign is located on the premises, the name of the business shall
2196 also include the permit number thereof, preceded by the words
2197 "A.B.C. Permit No."

2198 (2) It shall be lawful to advertise alcoholic beverages by
2199 means of signs, billboards or displays on or along any road,
2200 highway, street or building.

2201 (3) It shall be lawful for publishers, broadcasters and
2202 other kinds, types or forms of public and private advertising



2203 media to advertise alcoholic beverages; however, no alcoholic
2204 beverages may be advertised during, or within five (5) minutes
2205 preceding or following, any television broadcast which consists
2206 primarily of animated material intended for viewing by young
2207 children.

2208 (4) Notwithstanding the provisions of this section to the
2209 contrary, it shall be unlawful to advertise alcoholic beverages by
2210 means of signs, billboards or displays in any municipality, county
2211 or judicial district * * * that has voted to institute
2212 prohibition.

2213 **SECTION 16.** Section 67-1-91, Mississippi Code of 1972, is
2214 amended as follows:

2215 67-1-91. (1) It is hereby made the duty of every police and
2216 peace officer and every district and county attorney and the
2217 Alcoholic Beverage Control Division of the * * * Department of
2218 Revenue to enforce the provisions of this article and to inform
2219 against and diligently prosecute persons whom they have reasonable
2220 cause to believe to be offenders against the provisions thereof.
2221 Every such officer refusing or neglecting to do so shall be guilty
2222 of a misdemeanor, and the court, in addition to imposing the
2223 penalty therefor, shall adjudge forfeiture of his office.

2224 (2) In any county or municipality where it is readily
2225 apparent that local law enforcement authorities in cooperation
2226 with the agents and inspectors provided by the * * * department
2227 cannot control the illegal sale of alcoholic beverages, the * * *



2228 department shall request such assistance as it may deem necessary
2229 from the Mississippi Highway Safety Patrol; and it shall be the
2230 duty of the Governor of the State of Mississippi to see that the
2231 laws of the state are properly enforced by use of the additional
2232 authority as herein provided.

2233 (3) The officers, agents and representatives of the * * *
2234 Department of Revenue and the Alcoholic Beverage Control Division
2235 thereof are authorized and directed to strictly enforce the * * *
2236 provisions of this article and any other provisions of law
2237 regulating the proper sale, distribution and transportation of
2238 alcoholic beverages, and, in such counties that vote to institute
2239 prohibition, enforce such prohibition on the sale, distribution
2240 and transportation, except as provided herein, of alcoholic
2241 beverages within the boundaries of such counties. The State
2242 Highway Patrol, sheriffs, police departments, constables, and all
2243 peace officers, and prosecuting attorneys, the Attorney General's
2244 office, district attorneys, county attorneys, city attorneys, and
2245 all others charged with upholding the law, as well as the
2246 citizenry of this state, are hereby urged and directed to uphold
2247 the dignity of the law, to foster public respect therefor and to
2248 strictly enforce the laws against * * * alcoholic beverages in all
2249 cases while operating a motor vehicle on the streets and highways
2250 of this state, and to enforce the law and prosecute against the
2251 wrongful use of * * * alcoholic beverages in any county or
2252 municipality by a permit holder or licensee or anyone else under



2253 such circumstances and conditions as would lead to a breakdown in
2254 public law or is violative of the public sense of common decency,
2255 as well as to enforce the law against gambling, organized crime,
2256 or social vice and corruption.

2257 **SECTION 17.** Section 67-1-101, Mississippi Code of 1972, is
2258 amended as follows:

2259 67-1-101. (1) For the purposes of this section, the
2260 following words shall have the following meanings ascribed in this
2261 section, unless the context clearly otherwise requires:

2262 (a) "Municipality" means any incorporated city, town or
2263 village that has not voted in favor of * * * instituting
2264 prohibition or is in a county that has not voted in favor of * * *
2265 instituting prohibition.

2266 (b) "Leisure and recreation district" means an area
2267 officially designated by ordinance or resolution of the governing
2268 authorities of a municipality or county as a leisure and
2269 recreation district.

2270 (c) "County" means any county that has not voted in
2271 favor of * * * instituting prohibition.

2272 (2) (a) Subject to the provisions of this section, the
2273 governing authorities of a municipality, by ordinance, may
2274 establish one or more leisure and recreation districts within the
2275 corporate boundaries of the municipality and designate the
2276 geographic area or areas to be included within a district. The
2277 governing authorities of a municipality, by ordinance, may modify



2278 the boundaries of a leisure and recreation district. In addition,
2279 the boundaries of a leisure and recreation district may extend
2280 from within the municipality into the unincorporated area of the
2281 county in which the municipality is located if the county consents
2282 to the extension and has not voted in favor of * * * instituting
2283 prohibition.

2284 (b) Subject to the provisions of this section, the
2285 board of Supervisors of a county, by resolution, may establish one
2286 or more leisure and recreation districts within the county that
2287 are outside the corporate limits of any municipality in the county
2288 and designate the geographic area or areas to be included within
2289 the districts.

2290 (c) The designation or modification of the geographic
2291 area or areas as a leisure and recreation district shall include a
2292 detailed description of the area or areas within the district,
2293 boundaries of the district and a georeferenced map of the
2294 district. In addition to any other matters addressed in an
2295 ordinance or resolution establishing or modifying a leisure and
2296 recreation district, a municipality or county, as the case may be,
2297 must describe the manner in which the municipality or county, as
2298 the case may be, will provide for adequate law enforcement and
2299 other public safety measures and services within the district.
2300 Following the establishment and/or modification of a leisure and
2301 recreation district, the municipality or county, as the case may
2302 be, shall provide the Department of Revenue with (i) a copy of any



2303 ordinance or resolution relating to the establishment or
2304 modification of the district, (ii) verification from the municipal
2305 police department and/or applicable sheriff's department
2306 indicating how such department will provide adequate law
2307 enforcement and other public safety measures and services within
2308 the district, and (iii) a list of persons or other entities that
2309 hold permits issued under Section 67-1-51(c), (e), (f), (g), (l),
2310 (n) or (o) and are located and/or doing business under such
2311 permits in the district at the time the district is established.

2312 **SECTION 18.** Section 67-3-9, Mississippi Code of 1972, is
2313 amended as follows:

2314 67-3-9. Any city in this state, having a population of not
2315 less than two thousand five hundred (2,500) according to the
2316 latest federal decennial census; or any city in this state having
2317 a population of not less than one thousand five hundred (1,500)
2318 according to the latest federal decennial census and located
2319 within three (3) miles of a city or county that permits the sale,
2320 receipt, storage and transportation for the purpose of sale of
2321 beer, light spirit product or light wine; or any city or town in
2322 this state having a population of not less than one thousand
2323 (1,000) according to the latest federal decennial census and
2324 located in a county that has no city or town with a population of
2325 more than two thousand five hundred (2,500); or any city, town or
2326 village that is a county seat and has voted before January 1,
2327 2025, to come out from under the dry law, as such law existed



2328 before January 1, 2025, under Section 67-1-14; at an election held
2329 for the purpose, under the election laws applicable to such city,
2330 may either prohibit or permit, except as otherwise provided under
2331 Section 67-9-1, the sale and the receipt, storage and
2332 transportation for the purpose of sale of beer, light spirit
2333 product and light wine. An election to determine whether such
2334 sale shall be permitted in cities wherein its sale is prohibited
2335 by law shall be ordered by the city or town council or mayor and
2336 board of aldermen or other governing body of such city or town for
2337 such city or town only, upon the presentation of a petition for
2338 such city or town to such governing board containing the names of
2339 twenty percent (20%) or fifteen hundred (1,500), whichever number
2340 is the lesser, of the duly qualified voters of such city or town
2341 asking for such election. In like manner, an election to
2342 determine whether such sale shall be prohibited in cities wherein
2343 its sale is permitted by law shall be ordered by the city council
2344 or mayor and board of aldermen or other governing board of such
2345 city for such city only, upon the presentation of a petition to
2346 such governing board containing the names of twenty percent (20%)
2347 of the duly qualified voters of such city asking for such
2348 election. No election on either question shall be held by any one
2349 (1) city more often than once in five (5) years.

2350 Thirty (30) days' notice shall be given to the qualified
2351 electors of such city or town in the manner prescribed by law upon
2352 the question of either permitting or prohibiting such sale, and



2353 the notice shall contain a statement of the question to be voted
2354 on at the election. The tickets to be used in the election shall
2355 have the following words printed thereon: "For the legal sale of
2356 light wine of an alcoholic content of not more than five percent
2357 (5%) by weight, light spirit product of an alcoholic content of
2358 not more than six percent (6%) by weight, and beer of an alcoholic
2359 content of not more than eight percent (8%) by weight"; and the
2360 words "Against the legal sale of light wine of an alcoholic
2361 content of not more than five percent (5%) by weight, light spirit
2362 product of an alcoholic content of not more than six percent (6%)
2363 by weight, and beer of an alcoholic content of not more than eight
2364 percent (8%) by weight," next below. In making up his or her
2365 ticket the voter shall make a cross (X) opposite the words of his
2366 choice.

2367 If in the election a majority of the qualified electors
2368 voting in the election shall vote "For the legal sale of light
2369 wine of an alcoholic content of not more than five percent (5%) by
2370 weight, light spirit product of an alcoholic content of not more
2371 than six percent (6%) by weight, and beer of an alcoholic content
2372 of not more than eight percent (8%) by weight," then the city or
2373 town council or mayor and board of aldermen or other governing
2374 body shall pass the necessary order permitting the legal sale of
2375 such light wine, light spirit product and beer in such city or
2376 town. If in the election a majority of the qualified electors
2377 voting in the election shall vote "Against the legal sale of light



2378 wine of an alcoholic content of not more than five percent (5%) by
2379 weight, light spirit product of an alcoholic content of not more
2380 than six percent (6%) by weight, and beer of an alcoholic content
2381 of not more than eight percent (8%) by weight," then the city
2382 council or mayor and board of aldermen or other governing body
2383 shall pass the necessary order prohibiting the sale of such light
2384 wine, light spirit product and beer in such city.

2385 All laws or parts of laws in conflict with this section are
2386 hereby repealed to the extent of such conflict only, this section
2387 being cumulative and supplementary.

2388 **SECTION 19.** Section 67-9-1, Mississippi Code of 1972, is
2389 amended as follows:

2390 67-9-1. Notwithstanding the provisions of any section of
2391 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
2392 any person holding an alcohol processing permit to transport and
2393 possess alcoholic beverages, light wine, light spirit product and
2394 beer, in any part of the state, for his or her use in cooking,
2395 processing or manufacturing products which contain alcoholic
2396 beverages as an integral ingredient, in amounts as limited by the
2397 Alcoholic Beverage Control Division of the * * * Department of
2398 Revenue. The authority to transport and possess alcoholic
2399 beverages, light wine, light spirit product and beer under this
2400 section exists regardless of whether (a) the county or
2401 municipality in which the transportation or possession takes place
2402 has voted for * * * instituting prohibition, or (b) the



2403 transportation, storage, sale, distribution, receipt or
2404 manufacture of light wine, light spirit product and beer otherwise
2405 is prohibited.

2406 The provisions of this section shall not be construed as
2407 amending, repealing or otherwise affecting any statute or any
2408 lawfully adopted ordinance, rule or regulation that prohibits or
2409 restricts the location at which, or the premises upon which,
2410 alcoholic beverages, light wine, light spirit product or beer may
2411 be sold or consumed.

2412 **SECTION 20.** Section 27-71-15, Mississippi Code of 1972, is
2413 amended as follows:

2414 27-71-15. Except as otherwise provided in Section 67-9-1 for
2415 the transportation of limited amounts of alcoholic beverages for
2416 the use of an alcohol processing permittee, if transportation
2417 requires passage through a county which has * * * voted to
2418 institute prohibition, such transportation shall be by a sealed
2419 vehicle. Such seal shall remain unbroken until the vehicle shall
2420 reach the place of business operated by the permittee. The
2421 operator of any vehicle transporting alcoholic beverages shall
2422 have in his possession an invoice issued by the * * * department
2423 at the time of the wholesale sale covering the merchandise
2424 transported by the vehicle. The * * * department is authorized to
2425 issue regulations controlling the transportation of alcoholic
2426 beverages.



2427 When the restrictions imposed by this section and by the
2428 regulation of the * * * department have not been violated, the
2429 person transporting alcoholic beverages through a county wherein
2430 the sale of alcoholic beverages is prohibited shall not be guilty
2431 of unlawful possession and such merchandise shall be immune from
2432 seizure.

2433 **SECTION 21.** Section 27-71-31, Mississippi Code of 1972, is
2434 amended as follows:

2435 27-71-31. Nothing herein shall be construed to make * * *
2436 unlawful the sale, * * * distribution or transportation of
2437 alcoholic beverages in this state, except to the extent, in the
2438 manner and in the localities that same shall be made * * *
2439 unlawful by the institution of prohibition.

2440 **SECTION 22.** Section 97-31-47, Mississippi Code of 1972, is
2441 amended as follows:

2442 97-31-47. It shall be unlawful for any transportation
2443 company, or any agent, employee, or officer of such company, or
2444 any other person, or corporation to transport into or deliver in
2445 this state in any manner or by any means any spirituous, vinous,
2446 malt, or other intoxicating liquors or drinks, or for any such
2447 person, company, or corporation to transport any spirituous, malt,
2448 vinous, or intoxicating liquors or drinks from one place within
2449 this state to another place within the state, or from one (1)
2450 point within this state to any point without the state, except in
2451 cases where this chapter * * *, Title 27, Mississippi Code of



2452 1972, or Title 67, Mississippi Code of 1972, authorizes the
2453 transportation.

2454 **SECTION 23.** This act shall take effect and be in force from
2455 and after January 1, 2025.

