MISSISSIPPI LEGISLATURE REGULAR SESSION 2014

By: Senator(s) Moran To: Tourism

SENATE BILL NO. 2721

AN ACT TO PROVIDE THAT A HOLDER OF A PERMIT TO MANUFACTURE BEER WHO OPERATES A BREWERY IN THIS STATE THAT HAS ANNUAL SALES OF 200,000 BARRELS OR LESS MAY SELL LIMITED AMOUNTS OF BEER ON THE PREMISES OF THE BREWERY; TO PROVIDE THAT BEER PROVIDED FOR SALE MUST BE MANUFACTURED IN THIS STATE; TO PROVIDE THAT BEER SALES AUTHORIZED IN THIS ACT MAY BE MADE ONLY TO PERSONS ON THE PREMISES OF A BREWERY DURING BREWERY TOUR HOURS; TO LIMIT THE AMOUNT OF BEER THAT MAY BE SOLD; TO AMEND SECTIONS 67-3-45 AND 67-3-55, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) A person having a permit to manufacture or brew beer under this chapter and who operates a brewery that has annual sales of two hundred thousand (200,000) barrels or less may offer for sale and sell limited amounts of beer on the premises of the brewery subject to the following conditions:

(a) The beer provided for sale must be manufactured in the State of Mississippi;

(b) The beer may not be sold to an individual under twenty-one (21) years of age, and a sign indicating such shall be placed in a visible location at the entrance to the area where the sale of beer will be conducted;

(c) Not more than three (3) gallons of beer may be sold to an individual within a twenty-four-hour period;

(d) The beer may not be sold for less than the average price for the sale of the same beer in the area in which the brewery is located;

(e) Sales made on the brewery premises during a year by the holder of a license may not exceed ten thousand (10,000) barrels a year;

(f) All beer sold for off-premises consumption and contained in a bottle or can shall not be artificially chilled;

(g) Sales made on the brewery premises must be offered during brewery tour hours; and

(h) The holder of the license operating the brewery shall keep an accurate accounting of the various beers sold under this subsection.

(2) For the purposes of this section, the term "brewery" means and has the same definition as that term has in 26 USCS 5402.

SECTION 2. Section 67-3-45, Mississippi Code of 1972, is amended as follows:

67-3-45. (1) No manufacturer, distributor or wholesale dealer to whom or to which this chapter applies shall:

(a) Make any loan, directly or indirectly, or furnish any fixtures of any kind, directly or indirectly, to any retail dealer in light wines and/or beer;

(b) Have any interest, direct or indirect, in the business of or in the furnishings or fixtures or in the premises used by any such retail dealer in connection with his or its business;

(c) Have any lien on any such property of any such retail dealer; or

(d) Sell light wines and/or beer to any such retail dealer on credit.

(2) This section shall not apply to:

(a) A brewpub licensed pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972 *** * ***; or

(b) The activity allowed under Section 1 of this act.

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

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

(2) It shall be unlawful for any wholesaler to possess for purpose of sale, to sell, or to offer to sell any light wine or beer which was not purchased from a manufacturer or importer of a

foreign manufacturer authorized to sell such light wine or beer in this state.

(3) This section shall not apply to beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47.

(4) This section shall not apply to beer offered for sale under Section 1 of this act.

SECTION 4. This act shall take effect and be in force from and after July 1, 2014.