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Chapter No. 569  
12/SS02/R786SG  
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***SENATE BILL NO. 2600***

Originated in Senate *Greg Welch* Secretary

SENATE BILL NO. 2600

AN ACT TO PROVIDE THAT A HOLDER OF A PERMIT TO MANUFACTURE BEER WHO OPERATES A BREWERY MAY PROVIDE LIMITED AMOUNTS OF BEER ON THE PREMISES OF THE BREWERY FOR TASTING OR SAMPLING; TO PROVIDE THAT BEER PROVIDED FOR TASTING OR SAMPLING MUST BE MANUFACTURED IN THIS STATE BY THE HOLDER OF THE PERMIT; TO PROVIDE THAT BEER SAMPLES MAY BE PROVIDED ONLY TO PERSONS ON THE PREMISES OF A BREWERY AT NO COST AND FOR CONSUMPTION ON THE PREMISES OF THE BREWERY; TO PROVIDE THE TIMES DURING WHICH BEER SAMPLES MAY BE PROVIDED AND THAT THE SAMPLES MUST BE PROVIDED IN CONJUNCTION WITH A TOUR OF THE BREWERY; TO LIMIT THE AMOUNT OF BEER SAMPLES THAT MAY BE PROVIDED TO AN INDIVIDUAL WITHIN A TWENTY-FOUR-HOUR PERIOD; TO AMEND SECTIONS 67-3-51, 67-3-55 AND 27-71-301, 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 may offer and provide limited amounts of beer on the premises of the brewery for the purpose of tasting or sampling, subject to the following conditions:

(a) The beer provided for tasting or sampling must be manufactured in the State of Mississippi by the holder of the permit;

(b) The beer may be provided only to persons on the premises of the brewery at no cost and for consumption on the premises of the brewery;

(c) The beer may be provided for tasting or sampling between the hours of 8:00 a.m. and 10:00 p.m. on the same day and only in conjunction with a structured tour of the brewery and related facilities which must include the entire manufacturing and brewing processes and methods used at the brewery;

(d) No one under twenty-one (21) years of age may participate in the tasting or sampling, and a sign indicating that prohibition shall be placed in a visible location at the entrance to the area where the tasting or sampling will be conducted;

(e) An individual size sample of beer shall not exceed six (6) ounces, and no more than six (6) samples of beer may be provided to an individual within a twenty-four-hour period; and

(f) The holder of the license operating the brewery shall keep an accurate accounting of the various beers provided and consumed as samples.

(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 67-3-51, Mississippi Code of 1972, is amended as follows:

67-3-51. (1) It shall be unlawful for any person to sell, or offer to sell, or keep for sale any bottled beer or bottled light wine except the same be in the original bottle or in the original package containing bottles, each of which bottles shall bear the original label and the full name of the brewer or manufacturer of the contents of such bottle, both on the label and on the cap or cork of such bottle in the case of beer, and on the label only in the case of light wine.

(2) It shall be unlawful for any person to sell, or offer for sale, or keep for sale any beer or light wine in the original package or packages unless each such original package (whether barrel or other container, and whether containing liquor in bottles or otherwise) shall have plainly stamped on the container or label for each such container the full name of the manufacturer of the liquor therein contained.

(3) It shall be unlawful for any person to sell on draught any beer or light wine except the same be drawn from the original barrel or other container, which such container shall have plainly

stamped on each end thereof the full name of the manufacturer of such liquor.

(4) 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 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 1 of this act.

**SECTION 4.** Section 27-71-301, Mississippi Code of 1972, is amended as follows:

27-71-301. When used in this article the words and terms hereafter mentioned shall have the following definitions:

(a) "State Auditor" means the State Auditor of Public Accounts of the State of Mississippi or any legally appointed deputy, clerk or agent.

(b) "Person" includes all natural persons or corporations, a partnership, an association, a joint venture, an estate, a trust, or any other group or combination acting as a unit and shall include the plural as well as the singular unless

an intention to give another meaning thereto is disclosed in the context.

(c) "Consumer" means a person who comes into the possession of beer or light wine, the sale of which is authorized by Chapter 3 of Title 67, Mississippi Code of 1972, for the purpose of consuming it, giving it away or otherwise disposing of it in any manner except by sale, barter or exchange.

(d) "Retailer" means any person who comes into the possession of such light wines or beer for the purpose of selling it to the consumer, or giving it away, or exposing it where it may be taken or purchased or acquired in any other manner by the consumer; however, the term "retailer" shall not include a person who offers and provides beer on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 1 of this act.

(e) "Wholesaler" means any person who comes into possession of such light wine or beer for the purpose of selling, distributing, or giving it away to retailers or other wholesalers or dealers inside or outside of this state.

(f) "Commissioner" means the Commissioner of Revenue of the Department of Revenue or his duly appointed agents or employees.

(g) "Sale" includes the exchange of such light wines or beer for money, or giving away or distributing any such light wines or beer for anything of value; however, the term "sale" shall not include beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 1 of this act.

(h) "Light wines or beer" means beer and light wines legalized for sale by the provisions of Chapter 3 of Title 67, Mississippi Code of 1972.

(i) "Distributor" includes every person who receives either from within or from without this state, from a brewery, a

winery or any other source, light wines or beer as defined in Chapter 3 of Title 67, Mississippi Code of 1972, for the purpose of distributing or otherwise disposing of such light wines or beer to a wholesaler or retailer of such light wines or beer.

(j) "Brewpub" means the premises of any restaurant, as defined in Section 67-1-5, Mississippi Code of 1972, in which light wine or beer is manufactured or brewed, subject to the production limitation imposed in Section 67-3-22, for consumption exclusively on the premises. "Premises," for the purpose of this paragraph (j) for a brewpub operated by a hospitality operator, means only those areas immediately adjacent and connected to the brewing facility where food is normally sold and consumed. "Premises," for the purposes of this paragraph (j) for a brewpub not operated by a hospitality operator, means those areas normally used by the brewpub to conduct business and shall include the selling areas, brewing areas and storage areas. For purposes of this paragraph (j), hospitality operator shall have the meaning ascribed to such term in Section 67-33-22.

(k) "Hospitality cart" means a mobile cart from which alcoholic beverages and light wine and beer are sold on a golf course and for which a hospitality cart permit has been issued under Section 67-1-51.

**SECTION 5.** Section 1 of this act shall be codified as a separate section in Chapter 3, Title 67, Mississippi Code of 1972.

SECTION 6. This act shall take effect and be in force from  
and after July 1, 2012.

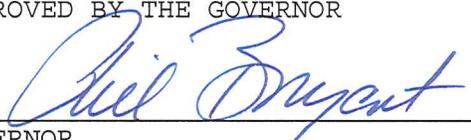
PASSED BY THE SENATE  
May 1, 2012

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 28, 2012

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

5-23-12

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