



# MISSISSIPPI DEPARTMENT OF REVENUE

Sales and Use Tax Bureau

Notice 72-17-003

April 10, 2017

## UPDATED-NOTICE TO BEER AND LIGHT WINE PERMITTEES

Per Section 67-3-25 of the Mississippi Beer Tax Law, a permit authorizing the sale of light wine and /or malt beverage products for consumption shall be construed to authorize the sale of such light wine and/or beer by the bottle (can), by the glass or by draught, and in or from the original package. Sales from other than the original bottle or barrel (or other containers including cans, pouches, kegs, pigs, pins & firkins) are prohibited by Section 67-3-51.

It is, therefore, unlawful for holders or employees of the holders of permits authorizing the sale of light wine and/or malt beverage products at retail to pour or load light wine and/or malt beverage products from open containers (bottles or cans) into frozen drink machines ("slushy" or similar machines) to produce and dispense frozen malt beverage or light wine drinks to consumers.

The use of frozen drink machines, defined below, to dispense frozen light wine and/or malt beverage products is not, however, prohibited by the Mississippi Beer Tax Law if the following requirements are met:

- The light wine and/or malt beverage products are supplied to the machine via a draft line connected to the original keg, barrel or other large container.
- The kegs, barrels or other large containers of light wine and/or malt beverage have been purchased from licensed beer wholesalers in this state.
- Each end of the keg, barrel or other large container has a label or stamp which clearly lists complete name of the manufacturer of the contents therein.
- Multiple brands of light wine and/or malt beverage products are not combined or mixed before, during or after being supplied to or dispensed from a frozen drink machine.
- Fruits, vegetables, meats or other ingredients or flavorings may not be added to or infused into any light wine or malt beverage products by wholesale or retail beer permit holders.

A frozen drink machines shall be defined and regulated as follows:

- A frozen drink machine shall be defined as a secondary device that is part of a sealed draft system which draws malt beverage and/or light wine products from a keg, barrel or other large container for the cooling or freezing of said products before same is dispensed to the consumer.

- The draft line connected to the frozen drink machine shall be a fixed connection between the machine's reservoir, a pump or pumping system and a keg, barrel or other large container.
- The reservoir connected to the frozen drink machine shall be sealed by a lock, cable or other security devise and only opened for cleaning or maintenance.
- If a retailer operates multiple frozen drink machines, each machine must be supplied by a separate draft line connected to a separate pump or pumping system dedicated to that machine. However, if a multi-line pump or pumping system is in use, each machine must have a dedicated draft line to prohibit the combining or mixing multiple brands of light wine and/or malt beverage products before, during or after being supplied to or dispensed from a frozen drink machine.
- No light wine and/or malt beverage products frozen or otherwise may be re-kegged or drawn into an independent serving vessels for re-service to consumers. However, sales to consumers in on-premises pitchers and in sealed growlers are acceptable.
- It is the responsibility of each retailer to ensure that no light wine and/or malt beverage products are sold or served on your premises to individuals under the age of 21. Sale of light wine and/or malt beverage to a minor is punishable by fines and permit suspensions.

Please contact the Sales and Use Tax Bureau at 601-923-7177 or ABC Enforcement Division at 601-856-1320 should you need additional information.