

By: Representative Guice

To: Banks and Banking;
Ways and Means

HOUSE BILL NO. 919

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE HOLDER OF A PACKAGE RETAILER'S PERMIT TO CASH CHECKS
3 FOR THEIR FACE VALUE WITHOUT CHARGING A FEE, OR TO CASH CHECKS
4 FROM TIME TO TIME AS AN INCIDENT TO A RETAIL SALE OR INDEPENDENTLY
5 OF A RETAIL SALE FOR A FEE; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 67-1-51, Mississippi Code of 1972, is
8 amended as follows:

9 67-1-51. (1) Permits which may be issued by the commission
10 shall be as follows:

11 (a) **Manufacturer's permit.** A manufacturer's permit
12 shall permit the manufacture, importation in bulk, bottling and
13 storage of alcoholic liquor and its distribution and sale to
14 manufacturers holding permits under this chapter in this state and
15 to persons outside the state who are authorized by law to purchase
16 the same, and to sell exclusively to the commission.

17 **Manufacturer's permits shall be of the following classes:**

18 Class 1. Distiller's and/or rectifier's permit, which shall
19 authorize the holder thereof to operate a distillery for the
20 production of distilled spirits by distillation or redistillation
21 and/or to operate a rectifying plant for the purifying, refining,
22 mixing, blending, flavoring or reducing in proof of distilled
23 spirits and alcohol.

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

27 Class 3. Native wine producer's permit, which shall

28 authorize the holder thereof to produce, bottle, store and sell
29 native wines.

30 (b) **Package retailer's permit.** Except as otherwise
31 provided in this paragraph, a package retailer's permit shall
32 authorize the holder thereof to operate a store exclusively for
33 the sale at retail in original sealed and unopened packages of
34 alcoholic beverages, including native wines, not to be consumed on
35 the premises where sold. Alcoholic beverages shall not be sold by
36 any retailer in any package or container containing less than
37 fifty (50) milliliters by liquid measure. In addition to the sale
38 at retail of packages of alcoholic beverages, the holder of a
39 package retailer's permit is authorized to sell at retail
40 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
41 other beverages commonly used to mix with alcoholic beverages.
42 Nonalcoholic beverages sold by the holder of a package retailer's
43 permit shall not be consumed on the premises where sold. In
44 addition to the sale at retail of packages of alcoholic beverages,
45 the holder of a package retailer's permit is authorized to cash
46 checks for their face value without charging a fee, or to cash
47 checks from time to time as an incident to a retail sale or
48 independently of a retail sale for a fee in accordance with
49 Section 75-67-507(c).

50 (c) **On-premises retailer's permit.** An on-premises
51 retailer's permit shall authorize the sale of alcoholic beverages,
52 including native wines, for consumption on the licensed premises
53 only. Such a permit shall issue only to qualified hotels,
54 restaurants and clubs, and to common carriers with adequate
55 facilities for serving passengers. In resort areas, whether
56 inside or outside of a municipality, the commission may, in its
57 discretion, issue on-premises retailer's permits to such
58 establishments as it deems proper. An on-premises retailer's
59 permit when issued to a common carrier shall authorize the sale
60 and serving of alcoholic beverages aboard any licensed vehicle

61 while moving through any county of the state; however, the sale of
62 such alcoholic beverages shall not be permitted while such vehicle
63 is stopped in a county that has not legalized such sales.

64 (d) **Solicitor's permit.** A solicitor's permit shall
65 authorize the holder thereof to act as salesman for a manufacturer
66 or wholesaler holding a proper permit, to solicit on behalf of his
67 employer orders for alcoholic beverages, and to otherwise promote
68 his employer's products in a legitimate manner. Such a permit
69 shall authorize the representation of and employment by one (1)
70 principal only. However, the permittee may also, in the
71 discretion of the commission, be issued additional permits to
72 represent other principals. No such permittee shall buy or sell
73 alcoholic beverages for his own account, and no such beverage
74 shall be brought into this state in pursuance of the exercise of
75 such permit otherwise than through a permit issued to a wholesaler
76 or manufacturer in the state.

77 (e) **Native wine retailer's permit.** A native wine
78 retailer's permit shall be issued only to a holder of a Class 3
79 manufacturer's permit, and shall authorize the holder thereof to
80 make retail sales of native wines to consumers for on-premises
81 consumption or to consumers in originally sealed and unopened
82 containers at an establishment located on the premises of or in
83 the immediate vicinity of a native winery.

84 (f) **Temporary retailer's permit.** A temporary
85 retailer's permit shall permit the purchase and resale of
86 alcoholic beverages, including native wines, during legal hours on
87 the premises described in the temporary permit only.

88 **Temporary retailer's permits shall be of the following**
89 **classes:**

90 Class 1. A temporary one-day permit may be issued to bona
91 fide nonprofit civic or charitable organizations authorizing the
92 sale of alcoholic beverages, including native wine, for
93 consumption on the premises described in the temporary permit

94 only. Class 1 permits may be issued only to applicants
95 demonstrating to the commission, by affidavit submitted ten (10)
96 days prior to the proposed date or such other time as the
97 commission may determine, that they meet the qualifications of
98 Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57
99 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall
100 obtain all alcoholic beverages from package retailers located in
101 the county in which the temporary permit is issued. Alcoholic
102 beverages remaining in stock upon expiration of the temporary
103 permit may be returned by the permittee to the package retailer
104 for a refund of the purchase price upon consent of the package
105 retailer or may be kept by the permittee exclusively for personal
106 use and consumption, subject to all laws pertaining to the illegal
107 sale and possession of alcoholic beverages. The commission,
108 following review of the affidavit and the requirements of the
109 applicable statutes and regulations, may issue the permit.

110 Class 2. A temporary permit, not to exceed seventy (70)
111 days, may be issued to prospective permittees seeking to transfer
112 a permit authorized in either paragraph (b) or (c) of this
113 section. A Class 2 permit may be issued only to applicants
114 demonstrating to the commission, by affidavit, that they meet the
115 qualifications of Sections 67-1-5(1), (m), (n), (o), (p) or (q),
116 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The
117 commission, following a preliminary review of the affidavit and
118 the requirements of the applicable statutes and regulations, may
119 issue the permit.

120 Class 2 temporary permittees must purchase their alcoholic
121 beverages directly from the commission or, with approval of the
122 commission, purchase the remaining stock of the previous
123 permittee.

124 If the proposed applicant of a Class 1 or Class 2 temporary
125 permit falsifies information contained in the application or
126 affidavit, the applicant shall never again be eligible for a

127 retail alcohol beverage permit and shall be subject to prosecution
128 for perjury.

129 (g) **Caterer's permit.** A caterer's permit shall permit
130 the purchase of alcoholic beverages by a person engaging in
131 business as a caterer and the resale of alcoholic beverages by
132 such person in conjunction with such catering business. No person
133 shall qualify as a caterer unless forty percent (40%) or more of
134 the revenue derived from such catering business shall be from the
135 serving of prepared food and not from the sale of alcoholic
136 beverages and unless such person has obtained a permit for such
137 business from the Department of Health. A caterer's permit shall
138 not authorize the sale of alcoholic beverages on the premises of
139 the person engaging in business as a caterer; however, the holder
140 of an on-premises retailer's permit may hold a caterer's permit.
141 All sales of alcoholic beverages by holders of a caterer's permit
142 shall be made at the location being catered by the caterer, and
143 such sales may be made only for consumption at the catered
144 location. Such sales shall be made pursuant to any other
145 conditions and restrictions which apply to sales made by
146 on-premises retail permittees. The holder of a caterer's permit
147 or his employees shall remain at the catered location as long as
148 alcoholic beverages are being sold pursuant to the permit issued
149 under this paragraph (g), and the permittee and employees at such
150 location shall each have personal identification cards issued by
151 the Alcoholic Beverage Control Division of the commission. No
152 unsold alcoholic beverages may be left at the catered location by
153 the permittee upon the conclusion of his business at that
154 location. Appropriate law enforcement officers and Alcoholic
155 Beverage Control Division personnel may enter a catered location
156 on private property in order to enforce laws governing the sale or
157 serving of alcoholic beverages.

158 (h) **Research Permit.** A research permit shall authorize
159 the holder thereof to operate a research facility for the

160 professional research of alcoholic beverages. Such permit shall
161 authorize the holder of the permit to import and purchase limited
162 amounts of alcoholic beverages from the commission or from
163 importers, wineries and distillers of alcoholic beverages for
164 professional research.

165 (i) **Alcohol processing permit.** An alcohol processing
166 permit shall authorize the holder thereof to purchase, transport
167 and possess alcoholic beverages for the exclusive use in cooking,
168 processing or manufacturing products which contain alcoholic
169 beverages as an integral ingredient. An alcohol processing permit
170 shall not authorize the sale of alcoholic beverages on the
171 premises of the person engaging in the business of cooking,
172 processing or manufacturing products which contain alcoholic
173 beverages. The amounts of alcoholic beverages allowed under an
174 alcohol processing permit shall be set by the commission.

175 (2) Retail permittees may hold more than one (1) retail
176 permit, at the discretion of the commission.

177 (3) Except as otherwise provided in this subsection, no
178 authority shall be granted to any person to manufacture, sell or
179 store for sale any intoxicating liquor as specified in this
180 chapter within four hundred (400) feet of any church, school,
181 kindergarten or funeral home. However, within an area zoned
182 commercial or business, such minimum distance shall be not less
183 than one hundred (100) feet.

184 A church or funeral home may waive the distance restrictions
185 imposed in this subsection in favor of allowing issuance by the
186 commission of a permit, pursuant to subsection (1) of this
187 section, to authorize activity relating to the manufacturing, sale
188 or storage of alcoholic beverages which would otherwise be
189 prohibited under the minimum distance criterion. Such waiver
190 shall be in written form from the owner, the governing body, or
191 the appropriate officer of the church or funeral home having the
192 authority to execute such a waiver, and the waiver shall be filed

193 with and verified by the commission before becoming effective.

194 The distance restrictions imposed in this subsection shall
195 not apply to the sale or storage of alcoholic beverages at a bed
196 and breakfast inn listed in the National Register of Historic
197 Places.

198 SECTION 2. This act shall take effect and be in force from
199 and after its passage.