

By: Senator(s) Woodfield

To: Judiciary

## SENATE BILL NO. 2299

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.