

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 801**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

21           **SECTION 1.** Section 67-1-51, Mississippi Code of 1972, is  
22 amended as follows:

23           67-1-51. (1) Permits which may be issued by the department  
24 shall be as follows:

25                   (a) **Manufacturer's permit.** A manufacturer's permit  
26 shall permit the manufacture, importation in bulk, bottling and  
27 storage of alcoholic liquor and its distribution and sale to  
28 manufacturers holding permits under this chapter in this state and  
29 to persons outside the state who are authorized by law to purchase  
30 the same, and to sell exclusively to the department.



31 Manufacturer's permits shall be of the following classes:

32 Class 1. Distiller's and/or rectifier's permit, which shall  
33 authorize the holder thereof to operate a distillery for the  
34 production of distilled spirits by distillation or redistillation  
35 and/or to operate a rectifying plant for the purifying, refining,  
36 mixing, blending, flavoring or reducing in proof of distilled  
37 spirits and alcohol.

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

41 Class 3. Native wine producer's permit, which shall  
42 authorize the holder thereof to produce, bottle, store and sell  
43 native wines.

44 (b) **Package retailer's permit.** Except as otherwise  
45 provided in this paragraph and Section 2 of this act, a package  
46 retailer's permit shall authorize the holder thereof to operate a  
47 store exclusively for the sale at retail in original sealed and  
48 unopened packages of alcoholic beverages, including native wines,  
49 not to be consumed on the premises where sold. Alcoholic  
50 beverages shall not be sold by any retailer in any package or  
51 container containing less than fifty (50) milliliters by liquid  
52 measure. A package retailer's permit, with prior approval from  
53 the department, shall authorize the holder thereof to sample new  
54 product furnished by a manufacturer's representative or his  
55 employees at the permitted place of business so long as the



56 sampling otherwise complies with this chapter and applicable  
57 department regulations. Such samples may not be provided to  
58 customers at the permitted place of business. In addition to the  
59 sale at retail of packages of alcoholic beverages, the holder of a  
60 package retailer's permit is authorized to sell at retail  
61 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
62 other beverages commonly used to mix with alcoholic beverages.  
63 Nonalcoholic beverages sold by the holder of a package retailer's  
64 permit shall not be consumed on the premises where sold.

65 (c) **On-premises retailer's permit.** An on-premises  
66 retailer's permit shall authorize the sale of alcoholic beverages,  
67 including native wines, for consumption on the licensed premises  
68 only; however, a patron of the permit holder may remove one (1)  
69 bottle of wine from the licensed premises if: (i) the patron  
70 consumed a portion of the bottle of wine in the course of  
71 consuming a meal purchased on the licensed premises; (ii) the  
72 permit holder securely reseals the bottle; (iii) the bottle is  
73 placed in a bag that is secured in a manner so that it will be  
74 visibly apparent if the bag is opened; and (iv) a dated receipt  
75 for the wine and the meal is available. Such a permit shall issue  
76 only to qualified hotels, restaurants and clubs, and to common  
77 carriers with adequate facilities for serving passengers. In  
78 resort areas, whether inside or outside of a municipality, the  
79 department, in its discretion, may issue on-premises retailer's  
80 permits to such establishments as it deems proper. An on-premises



81 retailer's permit when issued to a common carrier shall authorize  
82 the sale and serving of alcoholic beverages aboard any licensed  
83 vehicle while moving through any county of the state; however, the  
84 sale of such alcoholic beverages shall not be permitted while such  
85 vehicle is stopped in a county that has not legalized such sales.

86 (d) **Solicitor's permit.** A solicitor's permit shall  
87 authorize the holder thereof to act as salesman for a manufacturer  
88 or wholesaler holding a proper permit, to solicit on behalf of his  
89 employer orders for alcoholic beverages, and to otherwise promote  
90 his employer's products in a legitimate manner. Such a permit  
91 shall authorize the representation of and employment by one (1)  
92 principal only. However, the permittee may also, in the  
93 discretion of the department, be issued additional permits to  
94 represent other principals. No such permittee shall buy or sell  
95 alcoholic beverages for his own account, and no such beverage  
96 shall be brought into this state in pursuance of the exercise of  
97 such permit otherwise than through a permit issued to a wholesaler  
98 or manufacturer in the state.

99 (e) **Native wine retailer's permit.** A native wine  
100 retailer's permit shall be issued only to a holder of a Class 3  
101 manufacturer's permit, and shall authorize the holder thereof to  
102 make retail sales of native wines to consumers for on-premises  
103 consumption or to consumers in originally sealed and unopened  
104 containers at an establishment located on the premises of or in  
105 the immediate vicinity of a native winery.



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

110 Temporary retailer's permits shall be of the following  
111 classes:

112 Class 1. A temporary one-day permit may be issued to bona  
113 fide nonprofit civic or charitable organizations authorizing the  
114 sale of alcoholic beverages, including native wine, for  
115 consumption on the premises described in the temporary permit  
116 only. Class 1 permits may be issued only to applicants  
117 demonstrating to the department, by a statement signed under  
118 penalty of perjury submitted ten (10) days prior to the proposed  
119 date or such other time as the department may determine, that they  
120 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
121 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
122 Class 1 permittees shall obtain all alcoholic beverages from  
123 package retailers located in the county in which the temporary  
124 permit is issued. Alcoholic beverages remaining in stock upon  
125 expiration of the temporary permit may be returned by the  
126 permittee to the package retailer for a refund of the purchase  
127 price upon consent of the package retailer or may be kept by the  
128 permittee exclusively for personal use and consumption, subject to  
129 all laws pertaining to the illegal sale and possession of  
130 alcoholic beverages. The department, following review of the



131 statement provided by the applicant and the requirements of the  
132 applicable statutes and regulations, may issue the permit.

133       Class 2. A temporary permit, not to exceed seventy (70)  
134 days, may be issued to prospective permittees seeking to transfer  
135 a permit authorized in paragraph (c) of this subsection. A Class  
136 2 permit may be issued only to applicants demonstrating to the  
137 department, by a statement signed under the penalty of perjury,  
138 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
139 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
140 67-1-59. The department, following a preliminary review of the  
141 statement provided by the applicant and the requirements of the  
142 applicable statutes and regulations, may issue the permit.

143       Class 2 temporary permittees must purchase their alcoholic  
144 beverages directly from the department or, with approval of the  
145 department, purchase the remaining stock of the previous  
146 permittee. If the proposed applicant of a Class 1 or Class 2  
147 temporary permit falsifies information contained in the  
148 application or statement, the applicant shall never again be  
149 eligible for a retail alcohol beverage permit and shall be subject  
150 to prosecution for perjury.

151       Class 3. A temporary one-day permit may be issued to a  
152 retail establishment authorizing the complimentary distribution of  
153 wine, including native wine, to patrons of the retail  
154 establishment at an open house or promotional event, for  
155 consumption only on the premises described in the temporary



156 permit. A Class 3 permit may be issued only to an applicant  
157 demonstrating to the department, by a statement signed under  
158 penalty of perjury submitted ten (10) days before the proposed  
159 date or such other time as the department may determine, that it  
160 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
161 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
162 A Class 3 permit holder shall obtain all alcoholic beverages from  
163 the holder(s) of a package retailer's permit located in the county  
164 in which the temporary permit is issued. Wine remaining in stock  
165 upon expiration of the temporary permit may be returned by the  
166 Class 3 temporary permit holder to the package retailer for a  
167 refund of the purchase price, with consent of the package  
168 retailer, or may be kept by the Class 3 temporary permit holder  
169 exclusively for personal use and consumption, subject to all laws  
170 pertaining to the illegal sale and possession of alcoholic  
171 beverages. The department, following review of the statement  
172 provided by the applicant and the requirements of the applicable  
173 statutes and regulations, may issue the permit. No retailer may  
174 receive more than twelve (12) Class 3 temporary permits in a  
175 calendar year. A Class 3 temporary permit shall not be issued to  
176 a retail establishment that either holds a merchant permit issued  
177 under paragraph (1) of this subsection, or holds a permit issued  
178 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
179 the holder to engage in the business of a retailer of light wine  
180 or beer.



181           (g) **Caterer's permit.** A caterer's permit shall permit  
182 the purchase of alcoholic beverages by a person engaging in  
183 business as a caterer and the resale of alcoholic beverages by  
184 such person in conjunction with such catering business. No person  
185 shall qualify as a caterer unless forty percent (40%) or more of  
186 the revenue derived from such catering business shall be from the  
187 serving of prepared food and not from the sale of alcoholic  
188 beverages and unless such person has obtained a permit for such  
189 business from the Department of Health. A caterer's permit shall  
190 not authorize the sale of alcoholic beverages on the premises of  
191 the person engaging in business as a caterer; however, the holder  
192 of an on-premises retailer's permit may hold a caterer's permit.  
193 When the holder of an on-premises retailer's permit or an  
194 affiliated entity of the holder also holds a caterer's permit, the  
195 caterer's permit shall not authorize the service of alcoholic  
196 beverages on a consistent, recurring basis at a separate, fixed  
197 location owned or operated by the caterer, on-premises retailer or  
198 affiliated entity and an on-premises retailer's permit shall be  
199 required for the separate location. All sales of alcoholic  
200 beverages by holders of a caterer's permit shall be made at the  
201 location being catered by the caterer, and such sales may be made  
202 only for consumption at the catered location. The location being  
203 catered may be anywhere within a county or judicial district that  
204 has voted to come out from under the dry laws or in which the  
205 sale, distribution and possession of alcoholic beverages is





206 otherwise authorized by law. Such sales shall be made pursuant to  
207 any other conditions and restrictions which apply to sales made by  
208 on-premises retail permittees. The holder of a caterer's permit  
209 or his employees shall remain at the catered location as long as  
210 alcoholic beverages are being sold pursuant to the permit issued  
211 under this paragraph (g), and the permittee shall have at the  
212 location the identification card issued by the Alcoholic Beverage  
213 Control Division of the department. No unsold alcoholic beverages  
214 may be left at the catered location by the permittee upon the  
215 conclusion of his business at that location. Appropriate law  
216 enforcement officers and Alcoholic Beverage Control Division  
217 personnel may enter a catered location on private property in  
218 order to enforce laws governing the sale or serving of alcoholic  
219 beverages.

220 (h) **Research permit.** A research permit shall authorize  
221 the holder thereof to operate a research facility for the  
222 professional research of alcoholic beverages. Such permit shall  
223 authorize the holder of the permit to import and purchase limited  
224 amounts of alcoholic beverages from the department or from  
225 importers, wineries and distillers of alcoholic beverages for  
226 professional research.

227 (i) **Alcohol processing permit.** An alcohol processing  
228 permit shall authorize the holder thereof to purchase, transport  
229 and possess alcoholic beverages for the exclusive use in cooking,  
230 processing or manufacturing products which contain alcoholic



231 beverages as an integral ingredient. An alcohol processing permit  
232 shall not authorize the sale of alcoholic beverages on the  
233 premises of the person engaging in the business of cooking,  
234 processing or manufacturing products which contain alcoholic  
235 beverages. The amounts of alcoholic beverages allowed under an  
236 alcohol processing permit shall be set by the department.

237           (j) **Hospitality cart permit.** A hospitality cart permit  
238 shall authorize the sale of alcoholic beverages from a mobile cart  
239 on a golf course that is the holder of an on-premises retailer's  
240 permit. The alcoholic beverages sold from the cart must be  
241 consumed within the boundaries of the golf course.

242           (k) **Special service permit.** A special service permit  
243 shall authorize the holder to sell commercially sealed alcoholic  
244 beverages to the operator of a commercial or private aircraft for  
245 en route consumption only by passengers. A special service permit  
246 shall be issued only to a fixed-base operator who contracts with  
247 an airport facility to provide fueling and other associated  
248 services to commercial and private aircraft.

249           (l) **Merchant permit.** A merchant permit shall be issued  
250 only to the owner of a spa facility, an art studio or gallery, or  
251 a cooking school, and shall authorize the holder to serve  
252 complimentary by the glass wine only, including native wine, at  
253 the holder's spa facility, art studio or gallery, or cooking  
254 school. A merchant permit holder shall obtain all wine from the  
255 holder of a package retailer's permit.



256 (m) **Temporary wine charitable auction permit.** A  
257 temporary permit, not to exceed five (5) days, may be issued to a  
258 qualifying charitable nonprofit organization that is exempt from  
259 taxation under Section 501(c)(3) or (4) of the Internal Revenue  
260 Code of 1986. The permit shall authorize the holder to sell wine  
261 for the limited purpose of raising funds for the organization  
262 during a live or silent auction that is conducted by the  
263 organization and that meets the following requirements: (i) the  
264 auction is conducted in an area of the state where the sale of  
265 wine is authorized; (ii) if the auction is conducted on the  
266 premises of an on-premises retailer's permit holder, then the wine  
267 to be auctioned must be stored separately from the wine sold,  
268 stored or served on the premises, must be removed from the  
269 premises immediately following the auction, and may not be  
270 consumed on the premises; (iii) the permit holder may not conduct  
271 more than two (2) auctions during a calendar year; (iv) the permit  
272 holder may not pay a commission or promotional fee to any person  
273 to arrange or conduct the auction.

274 (2) Except as otherwise provided in subsection (4) of this  
275 section, retail permittees may hold more than one (1) retail  
276 permit, at the discretion of the department.

277 (3) Except as otherwise provided in this subsection, no  
278 authority shall be granted to any person to manufacture, sell or  
279 store for sale any intoxicating liquor as specified in this  
280 chapter within four hundred (400) feet of any church, school,



281 kindergarten or funeral home. However, within an area zoned  
282 commercial or business, such minimum distance shall be not less  
283 than one hundred (100) feet.

284 A church or funeral home may waive the distance restrictions  
285 imposed in this subsection in favor of allowing issuance by the  
286 department of a permit, pursuant to subsection (1) of this  
287 section, to authorize activity relating to the manufacturing, sale  
288 or storage of alcoholic beverages which would otherwise be  
289 prohibited under the minimum distance criterion. Such waiver  
290 shall be in written form from the owner, the governing body, or  
291 the appropriate officer of the church or funeral home having the  
292 authority to execute such a waiver, and the waiver shall be filed  
293 with and verified by the department before becoming effective.

294 The distance restrictions imposed in this subsection shall  
295 not apply to the sale or storage of alcoholic beverages at a bed  
296 and breakfast inn listed in the National Register of Historic  
297 Places or to the sale or storage of alcoholic beverages in a  
298 historic district that is listed in the National Register of  
299 Historic Places, is a qualified resort area and is located in a  
300 municipality having a population greater than one hundred thousand  
301 (100,000) according to the latest federal decennial census.

302 (4) No person, either individually or as a member of a firm,  
303 partnership, limited liability company or association, or as a  
304 stockholder, officer or director in a corporation, shall own or  
305 control any interest in more than one (1) package retailer's



306 permit, nor shall such person's spouse, if living in the same  
307 household of such person, any relative of such person, if living  
308 in the same household of such person, or any other person living  
309 in the same household with such person own any interest in any  
310 other package retailer's permit.

311       **SECTION 2.** A package retailer's permit issued under Section  
312 67-1-51(b) shall, with prior written approval from the department,  
313 authorize tasting or sampling events to be conducted at the  
314 package retailer's permitted place of business during which tastes  
315 or samples of alcoholic beverages may be offered or served to  
316 consumers at no cost. During a tasting or sampling event  
317 authorized by this section, limited amounts of alcoholic beverages  
318 may be consumed on the permitted place of business. A tasting or  
319 sampling event shall not authorize the sale of alcoholic beverages  
320 for consumption on the permitted place of business, but shall only  
321 authorize the limited consumption of alcoholic beverages at the  
322 permitted place of business for the sole purpose of tasting or  
323 sampling various alcoholic beverages. A tasting or sampling event  
324 shall be conducted completely within an area that is cordoned off  
325 by barriers clearly separating the event from the point of sale of  
326 any alcoholic beverage and may last not longer than four (4)  
327 hours. No one under twenty-one (21) years of age may participate  
328 in a tasting or sampling event and a sign indicating this shall be  
329 placed in a clearly visible location at the entrance to the area  
330 where the tasting or sampling event will be conducted. No food



331 may be served or sold at a tasting or sampling event. Each sample  
332 of wine served at the event shall not exceed one and one-fourth  
333 (1-1/4) ounces and no more than a cumulative total of five (5)  
334 ounces of wine may be dispensed to any one (1) person during a  
335 tasting or sampling event. Each sample of a distilled spirit  
336 served at the event shall not exceed one-fourth (1/4) of an ounce  
337 and no more than a cumulative total of one (1) ounce of distilled  
338 spirits may be dispensed to any one (1) person during a tasting or  
339 sampling event. All product tasted or sampled at the event must  
340 be provided by the package retailer from its inventory. Such  
341 product cannot be sample product provided by a manufacturer and  
342 must have been purchased from the department warehouse or from a  
343 licensed wholesaler. Only employees of the package retailer may  
344 serve any product for tasting or sampling at the event. Tickets  
345 for a tasting or sampling event may be sold in the permitted place  
346 of business. The holder of a tasting or sampling event shall keep  
347 an accurate accounting of the various alcoholic beverages and  
348 amounts consumed at each tasting or sampling event and must  
349 provide a copy of the accounting to the department within ten (10)  
350 days of completion of the event. The holder of a package  
351 retailer's permit may conduct not more than twelve (12) events in  
352 a calendar year.

353       **SECTION 3.** Section 67-1-75, Mississippi Code of 1972, is  
354 amended as follows:



355           67-1-75. If the holder of a package retailer's permit, or  
356 any employee thereof:

357           (a) Shall sell, offer for sale or permit to be sold in,  
358 on or about the premises covered by such permit any alcoholic  
359 beverages except in the original sealed and unopened packages; or

360           (b) Shall permit the drinking or consumption of any  
361 alcoholic beverages in, on or about the premises covered by such  
362 permit except as may be otherwise authorized by this chapter; or

363           (c) Shall sell, offer for sale or permit the sale in,  
364 on or about the premises of alcoholic beverages in any package or  
365 container containing less than fifty (50) milliliters by liquid  
366 measure; then such person or employee shall be guilty of a  
367 misdemeanor and, upon conviction, shall be punished by a fine of  
368 not more than One Thousand Dollars (\$1,000.00) or by imprisonment  
369 in the county jail for a term of not more than one (1) year, or by  
370 both such fine and imprisonment, in the discretion of the court.

371 In addition, in the case of the commission of any of such offenses  
372 by the holder of a permit, it shall be the duty of the commission  
373 forthwith to revoke the permit held by such person and conviction  
374 of the criminal offense shall not be a condition precedent to such  
375 revocation.

376           **SECTION 4.** This act shall take effect and be in force from  
377 and after July 1, 2014, and shall be repealed from and after June  
378 30, 2014.



**Further, amend by striking the title in its entirety and inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972,  
2 RELATING TO THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW, TO  
3 PROVIDE THAT A PACKAGE RETAILER'S PERMIT SHALL AUTHORIZE THE  
4 HOLDER TO SAMPLE NEW PRODUCT FURNISHED BY A MANUFACTURER'S  
5 REPRESENTATIVE OR HIS EMPLOYEES AT THE PERMITTED PLACE OF  
6 BUSINESS; TO PROVIDE THAT SUCH SAMPLES MAY NOT BE PROVIDED TO  
7 CUSTOMERS AT THE PERMITTED PLACE OF BUSINESS; TO PROVIDE THAT A  
8 PACKAGE RETAILER'S PERMIT SHALL AUTHORIZE TASTING OR SAMPLING  
9 EVENTS TO BE CONDUCTED AT THE PACKAGE RETAILER'S PERMITTED PLACE  
10 OF BUSINESS DURING WHICH TASTES OR SAMPLES OF ALCOHOLIC BEVERAGES  
11 MAY BE OFFERED OR SERVED TO CONSUMERS AT NO COST; TO LIMIT THE  
12 DURATION OF TASTING OR SAMPLING EVENTS AND THE AMOUNT OF ALCOHOLIC  
13 BEVERAGE THAT MAY BE SERVED TO ANY ONE PERSON AT SUCH EVENTS; TO  
14 PROVIDE THAT THE PRODUCT TASTED OR SAMPLED AT SUCH EVENTS MUST BE  
15 PRODUCT THAT IS IN THE INVENTORY OF THE PACKAGE RETAILER  
16 CONDUCTING THE EVENT; TO PROVIDE THAT A PACKAGE RETAILER MAY  
17 CONDUCT NOT MORE THAN TWELVE EVENTS DURING A CALENDAR YEAR; TO  
18 AMEND SECTION 67-1-75, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
19 THERETO; AND FOR RELATED PURPOSES.

