

By: Representative Busby

To: Ways and Means

HOUSE BILL NO. 98

1 AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF A WINE
2 MANUFACTURER'S PERMIT IN THIS STATE, OR WHO IS LICENSED OR
3 PERMITTED OUTSIDE OF THE STATE TO ENGAGE IN THE ACTIVITY OF
4 MANUFACTURING, SUPPLYING, IMPORTING, DISTRIBUTING, WHOLESALING OR
5 RETAILING WINE, TO SELL AND SHIP WINE DIRECTLY TO RESIDENTS IN
6 THIS STATE, IF THE PERSON OBTAINS A DIRECT WINE SHIPPER'S PERMIT
7 FROM THE DEPARTMENT OF REVENUE; TO PROVIDE FOR THE ISSUANCE OF
8 DIRECT WINE SHIPPER'S PERMITS; TO REQUIRE THE HOLDER OF A DIRECT
9 WINE SHIPPER'S PERMIT TO KEEP CERTAIN RECORDS; TO PROHIBIT THE
10 HOLDER OF A DIRECT WINE SHIPPER'S PERMIT FROM SELLING OR SHIPPING
11 LIGHT WINE OR BEER OR ANY ALCOHOLIC BEVERAGE OTHER THAN WINE; TO
12 LIMIT THE AMOUNT OF WINE THAT A HOLDER OF A DIRECT WINE SHIPPER'S
13 PERMIT MAY SELL OR SHIP TO AN INDIVIDUAL EACH YEAR; TO PROVIDE FOR
14 THE ANNUAL RENEWAL OF DIRECT WINE SHIPPER'S PERMITS; TO PROVIDE
15 THAT PERSONS PURCHASING OR RECEIVING A DIRECT SHIPMENT OF WINE
16 FROM A DIRECT WINE SHIPPER MUST BE AT LEAST TWENTY-ONE YEARS OF
17 AGE; TO PROVIDE THAT PERSONS RECEIVING A DIRECT SHIPMENT OF WINE
18 FROM A DIRECT WINE SHIPPER SHALL USE THE WINE FOR PERSONAL
19 CONSUMPTION ONLY AND MAY NOT RESELL IT; TO AUTHORIZE THE
20 COMMISSIONER OF REVENUE TO ADOPT ANY RULES OR REGULATIONS AS
21 NECESSARY TO CARRY OUT THIS ACT; TO PROVIDE PENALTIES FOR
22 VIOLATIONS OF THIS ACT; TO AMEND SECTIONS 27-71-5, 27-71-7,
23 27-71-15 AND 27-71-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THE
24 PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A DIRECT WINE SHIPPER'S
25 PERMIT; TO LEVY A TAX UPON THE SALES AND SHIPMENTS OF WINE MADE BY
26 A DIRECT WINE SHIPPER; TO REQUIRE A CERTAIN AMOUNT OF THE TAXES
27 LEVIED TO BE DEPOSITED INTO THE MENTAL HEALTH PROGRAMS FUND; TO
28 AMEND SECTIONS 67-1-41, 67-1-45, 67-1-51, 67-1-53, 67-1-55,
29 67-1-57, 67-1-73, 97-31-47 AND 97-31-49, MISSISSIPPI CODE OF 1972,
30 IN CONFORMITY TO THE FOREGOING PROVISIONS OF THIS ACT; AND FOR
31 RELATED PURPOSES.

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



33 **SECTION 1.** As used in Sections 1 through 9 of this act, the
34 following words shall have the meanings as defined in this section
35 unless the context otherwise requires:

36 (a) "Department" means the Department of Revenue.

37 (b) "Direct wine shipper" means the holder of a direct
38 wine shipper's permit issued by the department under Sections 1
39 through 9 of this act.

40 (c) "Permit" means a direct wine shipper's permit
41 issued by the department under Sections 1 through 9 of this act.

42 (d) "Wine" means any product obtained from the
43 alcoholic fermentation of the juice of sound, ripe grapes, fruits
44 or berries, made in accordance with the revenue laws of the United
45 States, and containing more than five percent (5%) of alcohol by
46 weight.

47 In addition, the definitions in Section 67-1-5 shall be
48 applicable to the terms used in Sections 1 through 9 of this act
49 unless the context otherwise requires.

50 **SECTION 2.** A person must hold a permit as a direct wine
51 shipper issued by the department before the person may engage in
52 selling and shipping wine directly to a resident in this state. A
53 direct wine shipper may sell and ship wine directly to residents
54 in this state without being required to transact the sale and
55 shipment through the Alcoholic Beverage Control Division of the
56 department.

57 **SECTION 3.** To qualify for a permit, an applicant shall be:



58 (a) A holder of a Class 2 manufacturer's permit issued
59 in accordance with Section 67-1-51; or

60 (b) A person licensed or permitted outside of this
61 state to engage in the activity of manufacturing, supplying,
62 importing, distributing, wholesaling or retailing wine.

63 **SECTION 4.** (1) An applicant for a permit shall:

64 (a) Submit to the department a completed application on
65 a form provided by the department, containing all information that
66 is required by the department;

67 (b) Provide to the department a copy of the applicant's
68 current license or permit to engage in the activity of
69 manufacturing, supplying, importing, distributing, wholesaling or
70 retailing wine issued in this or any other state; and

71 (c) Pay to the department the tax prescribed in Section
72 27-71-5.

73 (2) After a person complies with the provisions of
74 subsection (1) of this section, the department may conduct any
75 investigation as it considers necessary regarding the issuance of
76 a permit, and the department shall issue a permit to the applicant
77 if the requirements of Sections 1 through 9 of this act are met.

78 **SECTION 5.** (1) A direct wine shipper shall:

79 (a) Ensure that all containers of wine sold and shipped
80 directly to a resident in this state are conspicuously labeled
81 with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21
82 YEARS OR OLDER REQUIRED FOR DELIVERY";



83 (b) Report to the department annually the total amount
84 of wine, by type, sold and shipped into or within the state the
85 preceding calendar year;

86 (c) Maintain for at least three (3) years all records
87 that allow the department to ascertain the truthfulness of the
88 information filed under Sections 1 through 9 of this act;

89 (d) Allow the department to perform an audit of the
90 direct wine shipper's records upon request; and

91 (e) Be deemed to have consented to the jurisdiction of
92 the department or any other state agency and the state courts
93 concerning enforcement of Sections 1 through 9 of this act and any
94 related laws, rules or regulations.

95 (2) A direct wine shipper may not:

96 (a) Sell or ship any light wine or beer that is
97 regulated under Section 67-3-1 et seq. or any alcoholic beverage
98 other than wine;

99 (b) Sell or ship more than twenty-four (24) nine-liter
100 cases of wine annually to any one (1) individual; or

101 (c) Ship wine to an address in a county that has not
102 voted in favor of coming out from under the dry law.

103 **SECTION 6.** A direct wine shipper may annually renew his or
104 her permit, if the direct wine shipper:

105 (a) Is otherwise entitled to receive a permit;

106 (b) Provides to the department a copy of his or her
107 current license or permit to engage in the activity of



108 manufacturing, supplying, importing, distributing, wholesaling or
109 retailing wine issued in this or any other state; and

110 (c) Pays to the department a renewal fee as prescribed
111 in Section 27-71-5.

112 **SECTION 7.** (1) To purchase and receive a direct shipment of
113 wine from a direct wine shipper, a resident of this state must be
114 at least twenty-one (21) years of age, and a person who is at
115 least twenty-one (21) years of age must sign for any wine shipped
116 from a direct wine shipper.

117 (2) A shipment of wine may be ordered or purchased from a
118 direct wine shipper through a computer network.

119 (3) A person who receives a direct shipment of wine from a
120 direct wine shipper shall use the wine for personal consumption
121 only and may not resell it.

122 **SECTION 8.** The Commissioner of Revenue of the department may
123 adopt any rules or regulations as necessary to carry out Sections
124 1 through 9 of this act. All of the enforcement provisions of
125 Section 67-1-1 et seq. that are not in conflict with Sections 1
126 through 9 of this act may be used by the department to enforce the
127 provisions of Sections 1 through 9 of this act.

128 **SECTION 9.** (1) Any person who makes, participates in,
129 transports, imports or receives a sale or shipment of wine in
130 violation of Sections 1 through 9 of this act is guilty of a
131 misdemeanor and, upon conviction thereof, shall be punished by a
132 fine not exceeding One Thousand Dollars (\$1,000.00) or



133 imprisonment in the county jail for not more than six (6) months,
134 or both. Each sale or shipment in violation of Sections 1 through
135 9 of this act shall constitute a separate offense.

136 (2) If any holder of a direct wine shipper's permit violates
137 any provision of Sections 1 through 9 of this act, the department
138 may suspend or revoke the permit and impose civil penalties as
139 authorized under Section 67-1-1 et seq.

140 **SECTION 10.** Section 27-71-5, Mississippi Code of 1972, is
141 amended as follows:

142 27-71-5. (1) Upon each person approved for a permit under
143 the provisions of the Alcoholic Beverage Control Law and
144 amendments thereto, there is levied and imposed for each location
145 for the privilege of engaging and continuing in this state in the
146 business authorized by such permit, an annual privilege license
147 tax in the amount provided in the following schedule:

- 148 (a) Except as otherwise provided in this subsection
149 (1), manufacturer's permit, Class 1, distiller's and/or
150 rectifier's.....\$4,500.00
151 (b) Manufacturer's permit, Class 2, wine
152 manufacturer.....\$1,800.00
153 (c) Manufacturer's permit, Class 3, native wine
154 manufacturer per ten thousand (10,000) gallons or part thereof
155 produced.....\$ 10.00
156 (d) Native wine retailer's permit.....\$ 50.00
157 (e) Package retailer's permit, each.....\$ 900.00



158	(f) On-premises retailer's permit, except for clubs and	
159	common carriers, each.....	\$ 450.00
160	(g) On-premises retailer's permit for wine of more than	
161	five percent (5%) alcohol by weight, but not more than twenty-one	
162	percent (21%) alcohol by weight, each.....	\$ 225.00
163	(h) On-premises retailer's permit for clubs...	\$ 225.00
164	(i) On-premises retailer's permit for common carriers,	
165	per car, plane, or other vehicle.....	\$ 120.00
166	(j) Solicitor's permit, regardless of any other	
167	provision of law, solicitor's permits shall be issued only in the	
168	discretion of the department.....	\$ 100.00
169	(k) Filing fee for each application except for an	
170	employee identification card.....	\$ 25.00
171	(l) Temporary permit, Class 1, each.....	\$ 10.00
172	(m) Temporary permit, Class 2, each.....	\$ 50.00
173	(n) (i) Caterer's permit.....	\$ 600.00
174	(ii) Caterer's permit for holders of on-premises	
175	retailer's permit.....	\$ 150.00
176	(o) Research permit.....	\$ 100.00
177	(p) Temporary permit, Class 3 (wine only)....	\$ 10.00
178	(q) Special service permit.....	\$ 225.00
179	(r) Merchant permit.....	\$ 225.00
180	(s) Temporary wine charitable auction permit..	\$ 10.00
181	(t) Event venue retailer's permit.....	\$ 225.00
182	(u) Temporary theatre permit, each.....	\$ 10.00



183 (v) Charter ship operator's permit.....\$ 100.00

184 (w) Direct wine shipper's permit.....\$ 100.00

185 If a person approved for a manufacturer's permit, Class 1,
186 distiller's permit produces a product with at least fifty-one
187 percent (51%) of the finished product by volume being obtained
188 from alcoholic fermentation of grapes, fruits, berries, honey
189 and/or vegetables grown and produced in Mississippi, and produces
190 all of the product by using not more than one (1) still having a
191 maximum capacity of one hundred fifty (150) liters, the annual
192 privilege license tax for such a permit shall be Ten Dollars
193 (\$10.00) per ten thousand (10,000) gallons or part thereof
194 produced. Bulk, concentrated or fortified ingredients used for
195 blending may be produced outside this state and used in producing
196 such a product.

197 In addition to the filing fee imposed by paragraph (k) of
198 this subsection, a fee to be determined by the Department of
199 Revenue may be charged to defray costs incurred to process
200 applications. The additional fees shall be paid into the State
201 Treasury to the credit of a special fund account, which is hereby
202 created, and expenditures therefrom shall be made only to defray
203 the costs incurred by the Department of Revenue in processing
204 alcoholic beverage applications. Any unencumbered balance
205 remaining in the special fund account on June 30 of any fiscal
206 year shall lapse into the State General Fund.



207 All privilege taxes imposed by this section shall be paid in
208 advance of doing business. The additional privilege tax imposed
209 for an on-premises retailer's permit based upon purchases shall be
210 due and payable on demand.

211 (2) (a) There is imposed and shall be collected from each
212 permittee, except a common carrier, solicitor, holder of a direct
213 wine shipper's permit or a temporary permittee, by the department,
214 an additional license tax equal to the amounts imposed under
215 subsection (1) of this section for the privilege of doing business
216 within any municipality or county in which the licensee is
217 located.

218 (b) (i) In addition to the tax imposed in paragraph
219 (a) of this subsection, there is imposed and shall be collected by
220 the department from each permittee described in subsection (1)(f),
221 (g), (h), (m) and (t) of this section, an additional license tax
222 for the privilege of doing business within any municipality or
223 county in which the licensee is located in the amount of Two
224 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
225 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
226 (\$225.00) for each additional purchase of Five Thousand Dollars
227 (\$5,000.00), or fraction thereof.

228 (ii) In addition to the tax imposed in paragraph
229 (a) of this subsection, there is imposed and shall be collected by
230 the department from each permittee described in subsection (1)(n)
231 and (r) of this section, an additional license tax for the



232 privilege of doing business within any municipality or county in
233 which the licensee is located in the amount of Two Hundred Fifty
234 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
235 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
236 additional purchase of Five Thousand Dollars (\$5,000.00), or
237 fraction thereof.

238 (iii) Any person who has paid the additional
239 privilege license tax imposed by this paragraph, and whose permit
240 is renewed, may add any unused fraction of Five Thousand Dollars
241 (\$5,000.00) purchases to the first Five Thousand Dollars
242 (\$5,000.00) purchases authorized by the renewal permit, and no
243 additional license tax will be required until purchases exceed the
244 sum of the two (2) figures.

245 (c) If the licensee is located within a municipality,
246 the department shall pay the amount of additional license tax
247 collected under this section to the municipality, and if outside a
248 municipality the department shall pay the additional license tax
249 to the county in which the licensee is located. Payments by the
250 department to the respective local government subdivisions shall
251 be made once each month for any collections during the preceding
252 month.

253 (3) When an application for any permit, other than for
254 renewal of a permit, has been rejected by the department, such
255 decision shall be final. Appeal may be made in the manner
256 provided by Section 67-1-39. Another application from an



257 applicant who has been denied a permit shall not be reconsidered
258 within a twelve-month period.

259 (4) The number of permits issued by the department shall not
260 be restricted or limited on a population basis; however, the
261 foregoing limitation shall not be construed to preclude the right
262 of the department to refuse to issue a permit because of the
263 undesirability of the proposed location.

264 (5) If any person shall engage or continue in any business
265 which is taxable under this section without having paid the tax as
266 provided in this section, the person shall be liable for the full
267 amount of the tax plus a penalty thereon equal to the amount
268 thereof, and, in addition, shall be punished by a fine of not more
269 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
270 county jail for a term of not more than six (6) months, or by both
271 such fine and imprisonment, in the discretion of the court.

272 (6) It shall be unlawful for any person to consume alcoholic
273 beverages on the premises of any hotel restaurant, restaurant,
274 club or the interior of any public place defined in Chapter 1,
275 Title 67, Mississippi Code of 1972, when the owner or manager
276 thereof displays in several conspicuous places inside the
277 establishment and at the entrances of establishment a sign
278 containing the following language: NO ALCOHOLIC BEVERAGES
279 ALLOWED.

280 **SECTION 11.** Section 27-71-7, Mississippi Code of 1972, is
281 amended as follows:



282 27-71-7. (1) There is hereby levied and assessed an excise
283 tax upon each case of alcoholic beverages sold by the * * *
284 department to be collected from each retail licensee at the time
285 of sale in accordance with the following schedule:

- 286 (a) Distilled spirits.....\$2.50 per gallon
- 287 (b) Sparkling wine and champagne.....\$1.00 per gallon
- 288 (c) Other wines, including native
289 wines \$.35 per gallon

290 (2) (a) In addition to the tax levied by subsection (1) of
291 this section, and in addition to any other markup collected, the
292 Alcoholic Beverage Control Division shall collect a markup of
293 three percent (3%) on all alcoholic beverages, as defined in
294 Section 67-1-5, Mississippi Code of 1972, which are sold by the
295 division. The proceeds of the markup shall be collected by the
296 division from each purchaser at the time of purchase.

297 (b) Until June 30, 1987, the revenue derived from this
298 three percent (3%) markup shall be deposited by the division in
299 the State Treasury to the credit of the "Alcoholism Treatment and
300 Rehabilitation Fund," a special fund which is hereby created in
301 the State Treasury, and shall be used by the Division of Alcohol
302 and Drug Abuse of the State Department of Mental Health and public
303 or private centers or organizations solely for funding of
304 treatment and rehabilitation programs for alcoholics and alcohol
305 abusers which are sponsored by the division or public or private
306 centers or organizations in such amounts as the Legislature may



307 appropriate to the division for use by the division or public or
308 private centers or organizations for such programs. Any tax
309 revenue in the fund which is not encumbered at the end of the
310 fiscal year shall lapse to the General Fund. It is the intent of
311 the Legislature that the State Department of Mental Health shall
312 continue to seek funds from other sources and shall use the funds
313 appropriated for the purposes of this section and Section 27-71-29
314 to match all federal funds which may be available for alcoholism
315 treatment and rehabilitation.

316 From and after July 1, 1987, the revenue derived from this
317 three percent (3%) markup shall be deposited by the division in
318 the State Treasury to the credit of the "Mental Health Programs
319 Fund," a special fund which is hereby created in the State
320 Treasury and shall be used by the State Department of Mental
321 Health for the service programs of the department. Any revenue in
322 the "Alcoholism Treatment and Rehabilitation Fund" which is not
323 encumbered at the end of Fiscal Year 1987 shall be deposited to
324 the credit of the "Mental Health Programs Fund."

325 (3) There is levied and assessed upon the holder of a direct
326 wine shipper's permit, a tax in the amount of thirty-four percent
327 (34%) of the sales price of each sale and shipment of wine made to
328 a resident in this state. The holder of a direct wine shipper's
329 permit shall file a monthly report with the department along with
330 a copy of the invoice for each sale and shipment of wine and remit
331 any taxes due; however, no report shall be required for months in



332 which no sales or shipments were made into this state. The
333 report, together with copies of the invoices and the payment of
334 all taxes, shall be filed with the department not later than the
335 twentieth day of the month following the month in which the
336 shipment was made. Permittees who fail to timely file and pay
337 taxes as required by this subsection shall pay a late fee in the
338 amount of Fifty Dollars (\$50.00), in addition to any other penalty
339 authorized by this article.

340 **SECTION 12.** Section 27-71-15, Mississippi Code of 1972, is
341 amended as follows:

342 27-71-15. Except as otherwise provided in Section 67-9-1 for
343 the transportation of limited amounts of alcoholic beverages for
344 the use of an alcohol processing permittee, and in Sections 1
345 through 9 of this act for the sale and shipment of wine by the
346 holder of a direct wine shipper's permit, if transportation
347 requires passage through a county which has not authorized the
348 sale of alcoholic beverages, such transportation shall be by a
349 sealed vehicle. Such seal shall remain unbroken until the vehicle
350 shall reach the place of business operated by the permittee. The
351 operator of any vehicle transporting alcoholic beverages shall
352 have in his possession an invoice issued by the * * * department
353 at the time of the wholesale sale covering the merchandise
354 transported by the vehicle. The * * * department is authorized to
355 issue regulations controlling the transportation of alcoholic
356 beverages.



357 When the restrictions imposed by this section and by the
358 regulation of the * * * department have not been violated, the
359 person transporting alcoholic beverages through a county wherein
360 the sale of alcoholic beverages is prohibited shall not be guilty
361 of unlawful possession and such merchandise shall be immune from
362 seizure.

363 **SECTION 13.** Section 27-71-29, Mississippi Code of 1972, is
364 amended as follows:

365 27-71-29. (1) All taxes levied by this article shall be
366 paid to the * * * department in cash or by personal check,
367 cashier's check, bank exchange, post office money order or express
368 money order and shall be deposited by the * * * department in the
369 State Treasury on the same day collected, but no remittances other
370 than cash shall be a final discharge of liability for the tax
371 herein imposed and levied unless and until it has been paid in
372 cash to the * * * department.

373 (2) All taxes levied under Section 27-71-7(1) and received
374 by the * * * department under this article shall be paid into the
375 General Fund, and the three percent (3%) levied under Section
376 27-71-7(2) and received by the * * * department under this article
377 shall be paid into the special fund in the State Treasury
378 designated as the "Alcoholism Treatment and Rehabilitation Fund"
379 as required by law. Any funds derived from the sale of alcoholic
380 beverages in excess of inventory requirements shall be paid not
381 less often than annually into the General Fund.



382 (3) All taxes levied under Section 27-71-7(3) and received
383 by the department under this article shall be paid into the
384 General Fund, except for an amount equivalent to the three percent
385 (3%) levied under Section 27-71-7(2), which shall be paid into the
386 special fund in the State Treasury designated as the "Mental
387 Health Programs Fund" as required by law.

388 **SECTION 14.** Section 67-1-41, Mississippi Code of 1972, is
389 amended as follows:

390 67-1-41. (1) The * * * Department of Revenue is hereby
391 created a wholesale distributor and seller of alcoholic beverages,
392 not including malt liquors, within the State of Mississippi. It
393 is granted the sole right to import and sell intoxicating liquors
394 at wholesale within the state, and no person who is granted the
395 right to sell, distribute or receive intoxicating liquors at
396 retail shall purchase any intoxicating liquors from any source
397 other than the * * * department except as authorized in
398 subsections (4) and (9) of this section and Sections 1 through 9
399 of this act. The * * * department may establish warehouses,
400 purchase intoxicating liquors in such quantities and from such
401 sources as it may deem desirable and sell the intoxicating liquors
402 to authorized permittees within the state including, at the
403 discretion of the * * * department, any retail distributors
404 operating within any military post or qualified resort areas
405 within the boundaries of the state, keeping a correct and accurate
406 record of all such transactions and exercising such control over



407 the distribution of alcoholic beverages as seem right and proper
408 in keeping with the provisions or purposes of this chapter.

409 (2) No person for the purpose of sale shall manufacture,
410 distill, brew, sell, possess, export, transport, distribute,
411 warehouse, store, solicit, take orders for, bottle, rectify,
412 blend, treat, mix or process any alcoholic beverage except in
413 accordance with authority granted under this chapter, or as
414 otherwise provided by law for native wines.

415 (3) No alcoholic beverage intended for sale or resale shall
416 be imported, shipped or brought into this state for delivery to
417 any person other than as provided in this chapter, or as otherwise
418 provided by law for native wines.

419 (4) The * * * department may promulgate rules and
420 regulations which authorize on-premises retailers to purchase
421 limited amounts of alcoholic beverages from package retailers and
422 for package retailers to purchase limited amounts of alcoholic
423 beverages from other package retailers. The * * * department
424 shall develop and provide forms to be completed by the on-premises
425 retailers and the package retailers verifying the transaction.
426 The completed forms shall be forwarded to the commission within a
427 period of time prescribed by the * * * department.

428 (5) The * * * department may promulgate rules which
429 authorize the holder of a package retailer's permit to permit
430 individual retail purchasers of packages of alcoholic beverages to
431 return, for exchange, credit or refund, limited amounts of



432 original sealed and unopened packages of alcoholic beverages
433 purchased by the individual from the package retailer.

434 (6) The * * * department shall maintain all forms to be
435 completed by applicants necessary for licensure by the * * *
436 department at all district offices of the * * * department.

437 (7) The * * * department may promulgate rules which
438 authorize the manufacturer of an alcoholic beverage or wine to
439 import, transport and furnish or give a sample of alcoholic
440 beverages or wines to the holders of package retailer's permits,
441 on-premises retailer's permits, native wine retailer's permits and
442 temporary retailer's permits who have not previously purchased the
443 brand of that manufacturer from the * * * department. For each
444 holder of the designated permits, the manufacturer may furnish not
445 more than five hundred (500) milliliters of any brand of alcoholic
446 beverage and not more than three (3) liters of any brand of wine.

447 (8) The * * * department may promulgate rules disallowing
448 open product sampling of alcoholic beverages or wines by the
449 holders of package retailer's permits and permitting open product
450 sampling of alcoholic beverages by the holders of on-premises
451 retailer's permits. Permitted sample products shall be plainly
452 identified "sample" and the actual sampling must occur in the
453 presence of the manufacturer's representatives during the legal
454 operating hours of on-premises retailers.

455 (9) The * * * department may promulgate rules and
456 regulations that authorize the holder of a research permit to



457 import and purchase limited amounts of alcoholic beverages from
458 importers, wineries and distillers of alcoholic beverages or from
459 the * * * department. The * * * department shall develop and
460 provide forms to be completed by the research permittee verifying
461 each transaction. The completed forms shall be forwarded to
462 the * * * department within a period of time prescribed by
463 the * * * department. The records and inventory of alcoholic
464 beverages shall be open to inspection at any time by the Director
465 of the Alcoholic Beverage Control Division or any duly authorized
466 agent.

467 **SECTION 15.** Section 67-1-45, Mississippi Code of 1972, is
468 amended as follows:

469 67-1-45. No manufacturer, rectifier or distiller of
470 intoxicating liquor shall sell or attempt to sell any such
471 intoxicating liquor, except malt liquor, within the State of
472 Mississippi, except to the * * * department, or to the holder of a
473 research permit as provided in Section 67-1-41. A producer of
474 native wine may sell native wines to the * * * department or to
475 consumers at the location of the native winery or its immediate
476 vicinity. The holder of a direct wine shipper's permit may sell
477 wines directly to residents in this state as authorized by
478 Sections 1 through 9 of this act.

479 Any violation of this section by any manufacturer, rectifier
480 or distiller shall be punished by a fine of not less than Five
481 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars



482 (\$2,000.00), to which may be added imprisonment in the county jail
483 not to exceed six (6) months.

484 **SECTION 16.** Section 67-1-51, Mississippi Code of 1972, is
485 amended as follows:

486 67-1-51. (1) Permits which may be issued by the department
487 shall be as follows:

488 (a) **Manufacturer's permit.** A manufacturer's permit
489 shall permit the manufacture, importation in bulk, bottling and
490 storage of alcoholic liquor and its distribution and sale to
491 manufacturers holding permits under this chapter in this state and
492 to persons outside the state who are authorized by law to purchase
493 the same, and to sell exclusively to the department.

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

495 Class 1. Distiller's and/or rectifier's permit, which shall
496 authorize the holder thereof to operate a distillery for the
497 production of distilled spirits by distillation or redistillation
498 and/or to operate a rectifying plant for the purifying, refining,
499 mixing, blending, flavoring or reducing in proof of distilled
500 spirits and alcohol.

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

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



507 (b) **Package retailer's permit.** Except as otherwise
508 provided in this paragraph and Section 67-1-52, a package
509 retailer's permit shall authorize the holder thereof to operate a
510 store exclusively for the sale at retail in original sealed and
511 unopened packages of alcoholic beverages, including native wines,
512 not to be consumed on the premises where sold. Alcoholic
513 beverages shall not be sold by any retailer in any package or
514 container containing less than fifty (50) milliliters by liquid
515 measure. A package retailer's permit, with prior approval from
516 the department, shall authorize the holder thereof to sample new
517 product furnished by a manufacturer's representative or his
518 employees at the permitted place of business so long as the
519 sampling otherwise complies with this chapter and applicable
520 department regulations. Such samples may not be provided to
521 customers at the permitted place of business. In addition to the
522 sale at retail of packages of alcoholic beverages, the holder of a
523 package retailer's permit is authorized to sell at retail
524 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
525 other beverages commonly used to mix with alcoholic beverages.
526 Nonalcoholic beverages sold by the holder of a package retailer's
527 permit shall not be consumed on the premises where sold.

528 (c) **On-premises retailer's permit.** Except as otherwise
529 provided in subsection (5) of this section, an on-premises
530 retailer's permit shall authorize the sale of alcoholic beverages,
531 including native wines, for consumption on the licensed premises



532 only; however, a patron of the permit holder may remove one (1)
533 bottle of wine from the licensed premises if: (i) the patron
534 consumed a portion of the bottle of wine in the course of
535 consuming a meal purchased on the licensed premises; (ii) the
536 permit holder securely reseals the bottle; (iii) the bottle is
537 placed in a bag that is secured in a manner so that it will be
538 visibly apparent if the bag is opened; and (iv) a dated receipt
539 for the wine and the meal is available. Such a permit shall be
540 issued only to qualified hotels, restaurants and clubs, and to
541 common carriers with adequate facilities for serving passengers.
542 In resort areas, whether inside or outside of a municipality, the
543 department, in its discretion, may issue on-premises retailer's
544 permits to such establishments as it deems proper. An on-premises
545 retailer's permit when issued to a common carrier shall authorize
546 the sale and serving of alcoholic beverages aboard any licensed
547 vehicle while moving through any county of the state; however, the
548 sale of such alcoholic beverages shall not be permitted while such
549 vehicle is stopped in a county that has not legalized such sales.

550 (d) **Solicitor's permit.** A solicitor's permit shall
551 authorize the holder thereof to act as salesman for a manufacturer
552 or wholesaler holding a proper permit, to solicit on behalf of his
553 employer orders for alcoholic beverages, and to otherwise promote
554 his employer's products in a legitimate manner. Such a permit
555 shall authorize the representation of and employment by one (1)
556 principal only. However, the permittee may also, in the



557 discretion of the department, be issued additional permits to
558 represent other principals. No such permittee shall buy or sell
559 alcoholic beverages for his own account, and no such beverage
560 shall be brought into this state in pursuance of the exercise of
561 such permit otherwise than through a permit issued to a wholesaler
562 or manufacturer in the state.

563 (e) **Native wine retailer's permit.** Except as otherwise
564 provided in subsection (5) of this section, a native wine
565 retailer's permit shall be issued only to a holder of a Class 3
566 manufacturer's permit, and shall authorize the holder thereof to
567 make retail sales of native wines to consumers for on-premises
568 consumption or to consumers in originally sealed and unopened
569 containers at an establishment located on the premises of or in
570 the immediate vicinity of a native winery.

571 (f) **Temporary retailer's permit.** Except as otherwise
572 provided in subsection (5) of this section, a temporary retailer's
573 permit shall permit the purchase and resale of alcoholic
574 beverages, including native wines, during legal hours on the
575 premises described in the temporary permit only.

576 Temporary retailer's permits shall be of the following
577 classes:

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



582 only. Class 1 permits may be issued only to applicants
583 demonstrating to the department, by a statement signed under
584 penalty of perjury submitted ten (10) days prior to the proposed
585 date or such other time as the department may determine, that they
586 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
587 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
588 Class 1 permittees shall obtain all alcoholic beverages from
589 package retailers located in the county in which the temporary
590 permit is issued. Alcoholic beverages remaining in stock upon
591 expiration of the temporary permit may be returned by the
592 permittee to the package retailer for a refund of the purchase
593 price upon consent of the package retailer or may be kept by the
594 permittee exclusively for personal use and consumption, subject to
595 all laws pertaining to the illegal sale and possession of
596 alcoholic beverages. The department, following review of the
597 statement provided by the applicant and the requirements of the
598 applicable statutes and regulations, may issue the permit.

599 Class 2. A temporary permit, not to exceed seventy (70)
600 days, may be issued to prospective permittees seeking to transfer
601 a permit authorized in paragraph (c) of this subsection. A Class
602 2 permit may be issued only to applicants demonstrating to the
603 department, by a statement signed under the penalty of perjury,
604 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
605 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
606 67-1-59. The department, following a preliminary review of the



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

609 Class 2 temporary permittees must purchase their alcoholic
610 beverages directly from the department or, with approval of the
611 department, purchase the remaining stock of the previous
612 permittee. If the proposed applicant of a Class 1 or Class 2
613 temporary permit falsifies information contained in the
614 application or statement, the applicant shall never again be
615 eligible for a retail alcohol beverage permit and shall be subject
616 to prosecution for perjury.

617 Class 3. A temporary one-day permit may be issued to a
618 retail establishment authorizing the complimentary distribution of
619 wine, including native wine, to patrons of the retail
620 establishment at an open house or promotional event, for
621 consumption only on the premises described in the temporary
622 permit. A Class 3 permit may be issued only to an applicant
623 demonstrating to the department, by a statement signed under
624 penalty of perjury submitted ten (10) days before the proposed
625 date or such other time as the department may determine, that it
626 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
627 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
628 A Class 3 permit holder shall obtain all alcoholic beverages from
629 the holder(s) of a package retailer's permit located in the county
630 in which the temporary permit is issued. Wine remaining in stock
631 upon expiration of the temporary permit may be returned by the



632 Class 3 temporary permit holder to the package retailer for a
633 refund of the purchase price, with consent of the package
634 retailer, or may be kept by the Class 3 temporary permit holder
635 exclusively for personal use and consumption, subject to all laws
636 pertaining to the illegal sale and possession of alcoholic
637 beverages. The department, following review of the statement
638 provided by the applicant and the requirements of the applicable
639 statutes and regulations, may issue the permit. No retailer may
640 receive more than twelve (12) Class 3 temporary permits in a
641 calendar year. A Class 3 temporary permit shall not be issued to
642 a retail establishment that either holds a merchant permit issued
643 under paragraph (1) of this subsection, or holds a permit issued
644 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
645 the holder to engage in the business of a retailer of light wine
646 or beer.

647 (g) **Caterer's permit.** A caterer's permit shall permit
648 the purchase of alcoholic beverages by a person engaging in
649 business as a caterer and the resale of alcoholic beverages by
650 such person in conjunction with such catering business. No person
651 shall qualify as a caterer unless forty percent (40%) or more of
652 the revenue derived from such catering business shall be from the
653 serving of prepared food and not from the sale of alcoholic
654 beverages and unless such person has obtained a permit for such
655 business from the Department of Health. A caterer's permit shall
656 not authorize the sale of alcoholic beverages on the premises of



657 the person engaging in business as a caterer; however, the holder
658 of an on-premises retailer's permit may hold a caterer's permit.
659 When the holder of an on-premises retailer's permit or an
660 affiliated entity of the holder also holds a caterer's permit, the
661 caterer's permit shall not authorize the service of alcoholic
662 beverages on a consistent, recurring basis at a separate, fixed
663 location owned or operated by the caterer, on-premises retailer or
664 affiliated entity and an on-premises retailer's permit shall be
665 required for the separate location. All sales of alcoholic
666 beverages by holders of a caterer's permit shall be made at the
667 location being catered by the caterer, and, except as otherwise
668 provided in subsection (5) of this section, such sales may be made
669 only for consumption at the catered location. The location being
670 catered may be anywhere within a county or judicial district that
671 has voted to come out from under the dry laws or in which the
672 sale, distribution and possession of alcoholic beverages is
673 otherwise authorized by law. Such sales shall be made pursuant to
674 any other conditions and restrictions which apply to sales made by
675 on-premises retail permittees. The holder of a caterer's permit
676 or his employees shall remain at the catered location as long as
677 alcoholic beverages are being sold pursuant to the permit issued
678 under this paragraph (g), and the permittee shall have at the
679 location the identification card issued by the Alcoholic Beverage
680 Control Division of the department. No unsold alcoholic beverages
681 may be left at the catered location by the permittee upon the



682 conclusion of his business at that location. Appropriate law
683 enforcement officers and Alcoholic Beverage Control Division
684 personnel may enter a catered location on private property in
685 order to enforce laws governing the sale or serving of alcoholic
686 beverages.

687 (h) **Research permit.** A research permit shall authorize
688 the holder thereof to operate a research facility for the
689 professional research of alcoholic beverages. Such permit shall
690 authorize the holder of the permit to import and purchase limited
691 amounts of alcoholic beverages from the department or from
692 importers, wineries and distillers of alcoholic beverages for
693 professional research.

694 (i) **Alcohol processing permit.** An alcohol processing
695 permit shall authorize the holder thereof to purchase, transport
696 and possess alcoholic beverages for the exclusive use in cooking,
697 processing or manufacturing products which contain alcoholic
698 beverages as an integral ingredient. An alcohol processing permit
699 shall not authorize the sale of alcoholic beverages on the
700 premises of the person engaging in the business of cooking,
701 processing or manufacturing products which contain alcoholic
702 beverages. The amounts of alcoholic beverages allowed under an
703 alcohol processing permit shall be set by the department.

704 (j) **Hospitality cart permit.** A hospitality cart permit
705 shall authorize the sale of alcoholic beverages from a mobile cart
706 on a golf course that is the holder of an on-premises retailer's



707 permit. The alcoholic beverages sold from the cart must be
708 consumed within the boundaries of the golf course.

709 (k) **Special service permit.** A special service permit
710 shall authorize the holder to sell commercially sealed alcoholic
711 beverages to the operator of a commercial or private aircraft for
712 en route consumption only by passengers. A special service permit
713 shall be issued only to a fixed-base operator who contracts with
714 an airport facility to provide fueling and other associated
715 services to commercial and private aircraft.

716 (l) **Merchant permit.** Except as otherwise provided in
717 subsection (5) of this section, a merchant permit shall be issued
718 only to the owner of a spa facility, an art studio or gallery, or
719 a cooking school, and shall authorize the holder to serve
720 complimentary by the glass wine only, including native wine, at
721 the holder's spa facility, art studio or gallery, or cooking
722 school. A merchant permit holder shall obtain all wine from the
723 holder of a package retailer's permit.

724 (m) **Temporary wine charitable auction permit.** A
725 temporary permit, not to exceed five (5) days, may be issued to a
726 qualifying charitable nonprofit organization that is exempt from
727 taxation under Section 501(c)(3) or (4) of the Internal Revenue
728 Code of 1986. The permit shall authorize the holder to sell wine
729 for the limited purpose of raising funds for the organization
730 during a live or silent auction that is conducted by the
731 organization and that meets the following requirements: (i) the



732 auction is conducted in an area of the state where the sale of
733 wine is authorized; (ii) if the auction is conducted on the
734 premises of an on-premises retailer's permit holder, then the wine
735 to be auctioned must be stored separately from the wine sold,
736 stored or served on the premises, must be removed from the
737 premises immediately following the auction, and may not be
738 consumed on the premises; (iii) the permit holder may not conduct
739 more than two (2) auctions during a calendar year; (iv) the permit
740 holder may not pay a commission or promotional fee to any person
741 to arrange or conduct the auction.

742 (n) **Event venue retailer's permit.** An event venue
743 retailer's permit shall authorize the holder thereof to purchase
744 and resell alcoholic beverages, including native wines, for
745 consumption on the premises during legal hours during events held
746 on the licensed premises if food is being served at the event by a
747 caterer who is not affiliated with or related to the permittee.
748 The caterer must serve at least three (3) entrees. The permit may
749 only be issued for venues that can accommodate two hundred (200)
750 persons or more. The number of persons a venue may accommodate
751 shall be determined by the local fire department and such
752 determination shall be provided in writing and submitted along
753 with all other documents required to be provided for an
754 on-premises retailer's permit. The permittee must derive the
755 majority of its revenue from event-related fees, including, but
756 not limited to, admission fees or ticket sales for live



757 entertainment in the building. "Event-related fees" do not
758 include alcohol, beer or light wine sales or any fee which may be
759 construed to cover the cost of alcohol, beer or light wine. This
760 determination shall be made on a per event basis. An event may
761 not last longer than two (2) consecutive days per week.

762 (o) **Temporary theatre permit.** A temporary theatre
763 permit, not to exceed five (5) days, may be issued to a charitable
764 nonprofit organization that is exempt from taxation under Section
765 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
766 a theatre facility that features plays and other theatrical
767 performances and productions. Except as otherwise provided in
768 subsection (5) of this section, the permit shall authorize the
769 holder to sell alcoholic beverages, including native wines, to
770 patrons of the theatre during performances and productions at the
771 theatre facility for consumption during such performances and
772 productions on the premises of the facility described in the
773 permit. A temporary theatre permit holder shall obtain all
774 alcoholic beverages from package retailers located in the county
775 in which the permit is issued. Alcoholic beverages remaining in
776 stock upon expiration of the temporary theatre permit may be
777 returned by the permittee to the package retailer for a refund of
778 the purchase price upon consent of the package retailer or may be
779 kept by the permittee exclusively for personal use and
780 consumption, subject to all laws pertaining to the illegal sale
781 and possession of alcoholic beverages.



782 (p) **Charter ship operator's permit.** Subject to the
783 provisions of this paragraph (p), a charter ship operator's permit
784 shall authorize the holder thereof and its employees to serve,
785 monitor, store and otherwise control the serving and availability
786 of alcoholic beverages to customers of the permit holder during
787 private charters under contract provided by the permit holder. A
788 charter ship operator's permit shall authorize such action by the
789 permit holder and its employees only as to alcoholic beverages
790 brought onto the permit holder's ship by customers of the permit
791 holder as part of such a private charter. All such alcoholic
792 beverages must be removed from the charter ship at the conclusion
793 of each private charter. A charter ship operator's permit shall
794 not authorize the permit holder to sell, charge for or otherwise
795 supply alcoholic beverages to customers, except as authorized in
796 this paragraph (p). For the purposes of this paragraph (p),
797 "charter ship operator" means a common carrier that (i) is
798 certified to carry at least one hundred fifty (150) passengers
799 and/or provide overnight accommodations for at least fifty (50)
800 passengers, (ii) operates only in the waters within the State of
801 Mississippi, which lie adjacent to the State of Mississippi south
802 of the three (3) most southern counties in the State of
803 Mississippi, and (iii) provides charters under contract for tours
804 and trips in such waters.

805 (q) Direct wine shipper's permit. A direct shipper's
806 permit shall authorize the holder to sell and ship a limited



807 amount of wine directly to residents in this state in accordance
808 with the provisions of Sections 1 through 9 of this act, without
809 being required to transact the sale and shipment of those wines
810 through the Alcoholic Beverage Control Division of the department.

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

814 (3) Except as otherwise provided in this subsection, no
815 authority shall be granted to any person to manufacture, sell or
816 store for sale any intoxicating liquor as specified in this
817 chapter within four hundred (400) feet of any church, school,
818 kindergarten or funeral home. However, within an area zoned
819 commercial or business, such minimum distance shall be not less
820 than one hundred (100) feet.

821 A church or funeral home may waive the distance restrictions
822 imposed in this subsection in favor of allowing issuance by the
823 department of a permit, pursuant to subsection (1) of this
824 section, to authorize activity relating to the manufacturing, sale
825 or storage of alcoholic beverages which would otherwise be
826 prohibited under the minimum distance criterion. Such waiver
827 shall be in written form from the owner, the governing body, or
828 the appropriate officer of the church or funeral home having the
829 authority to execute such a waiver, and the waiver shall be filed
830 with and verified by the department before becoming effective.



831 The distance restrictions imposed in this subsection shall
832 not apply to the sale or storage of alcoholic beverages at a bed
833 and breakfast inn listed in the National Register of Historic
834 Places or to the sale or storage of alcoholic beverages in a
835 historic district that is listed in the National Register of
836 Historic Places, is a qualified resort area and is located in a
837 municipality having a population greater than one hundred thousand
838 (100,000) according to the latest federal decennial census.

839 (4) No person, either individually or as a member of a firm,
840 partnership, limited liability company or association, or as a
841 stockholder, officer or director in a corporation, shall own or
842 control any interest in more than one (1) package retailer's
843 permit, nor shall such person's spouse, if living in the same
844 household of such person, any relative of such person, if living
845 in the same household of such person, or any other person living
846 in the same household with such person own any interest in any
847 other package retailer's permit.

848 (5) (a) In addition to any other authority granted under
849 this section, the holder of a permit issued under subsection
850 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
851 sell or otherwise provide alcoholic beverages and/or wine to a
852 patron of the permit holder in the manner authorized in the permit
853 and the patron may remove an open glass, cup or other container of
854 the alcoholic beverage and/or wine from the licensed premises and
855 may possess and consume the alcoholic beverage or wine outside of



856 the licensed premises if: (i) the licensed premises is located
857 within a leisure and recreation district created under Section
858 67-1-101 and (ii) the patron remains within the boundaries of the
859 leisure and recreation district while in possession of the
860 alcoholic beverage or wine.

861 (b) Nothing in this subsection shall be construed to
862 allow a person to bring any alcoholic beverages into a permitted
863 premises except to the extent otherwise authorized by this
864 chapter.

865 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is
866 amended as follows:

867 67-1-53. (1) Application for permits shall be in such form
868 and shall contain such information as shall be required by the
869 regulations of the * * * department; however, no regulation of
870 the * * * department shall require personal financial information
871 from any officer of a corporation applying for an on-premises
872 retailer's permit to sell alcoholic beverages unless such officer
873 owns ten percent (10%) or more of the stock of such corporation.

874 (2) Every applicant for each type of permit authorized by
875 Section 67-1-51 shall give notice of such application by
876 publication for two (2) consecutive issues in a newspaper of
877 general circulation published in the city or town in which
878 applicant's place of business is located. However, in instances
879 where no newspaper is published in the city or town, then the
880 notice shall be published in a newspaper of general circulation



881 published in the county where the applicant's business is located.
882 If no newspaper is published in the county, the notice shall be
883 published in a qualified newspaper which is published in the
884 closest neighboring county and circulated in the county of
885 applicant's residence. The notice shall be printed in ten-point
886 black face type and shall set forth the type of permit to be
887 applied for, the exact location of the place of business, the name
888 of the owner or owners thereof, and if operating under an assumed
889 name, the trade name together with the names of all owners, and if
890 a corporation, the names and titles of all officers. The cost of
891 such notice shall be borne by the applicant. The provisions of
892 this subsection (2) shall not apply to applicants for a direct
893 wine shipper's permit under Sections 1 through 9 of this act.

894 (3) Each application or filing made under this section shall
895 include the social security number(s) of the applicant in
896 accordance with Section 93-11-64, Mississippi Code of 1972.

897 **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is
898 amended as follows:

899 67-1-55. No permit of any type shall be issued by the * * *
900 department until the applicant has first filed with the * * *
901 department a sworn statement disclosing all persons who are
902 financially involved in the operation of the business for which
903 the permit is sought. If an applicant is an individual, he will
904 swear that he owns one hundred percent (100%) of the business for
905 which he is seeking a permit. If the applicant is a partnership,



906 all partners and their addresses shall be disclosed and the extent
907 of their interest in the partnership shall be disclosed. If the
908 applicant is a corporation, the total stock in the corporation
909 shall be disclosed and each shareholder and his address and the
910 amount of stock in the corporation owned by him shall be
911 disclosed. If the applicant is a limited liability company, each
912 member and their addresses shall be disclosed and the extent of
913 their interest in the limited liability company shall be
914 disclosed. If the applicant is a trust, the trustee and all
915 beneficiaries and their addresses shall be disclosed. If the
916 applicant is a combination of any of the above, all information
917 required to be disclosed above shall be required.

918 All the disclosures shall be in writing and kept on file at
919 the * * * department and shall be available to the public.

920 Every applicant must, when applying for a renewal of his
921 permit, disclose any change in the ownership of the business or
922 any change in the beneficiaries of the income from the business.

923 Any person who willfully fails to fully disclose the
924 information required by this section, or who gives false
925 information, shall be guilty of a misdemeanor and, upon conviction
926 thereof, shall be fined a sum not to exceed Five Hundred Dollars
927 (\$500.00) or imprisoned for not more than one (1) year, or both,
928 and the person or applicant shall never again be eligible for any
929 permit pertaining to alcoholic beverages.



930 The provisions of this section shall not apply to persons
931 applying for a direct wine shipper's permit under Sections 1
932 through 9 of this act.

933 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is
934 amended as follows:

935 67-1-57. Before a permit is issued the department shall
936 satisfy itself:

937 (a) That the applicant, if an individual, or if a
938 partnership, each of the members of the partnership, or if a
939 corporation, each of its principal officers and directors, or if a
940 limited liability company, each member of the limited liability
941 company, is of good moral character and, in addition, enjoys a
942 reputation of being a peaceable, law-abiding citizen of the
943 community in which he resides, and is generally fit for the trust
944 to be reposed in him, is not less than twenty-one (21) years of
945 age, and has not been convicted of a felony in any state or
946 federal court.

947 (b) That, except in the case of an application for a
948 solicitor's permit, the applicant is the true and actual owner of
949 the business for which the permit is desired, and that he intends
950 to carry on the business authorized for himself and not as the
951 agent of any other person, and that he intends to superintend in
952 person the management of the business or that he will designate a
953 manager to manage the business for him. Except for managers
954 employed by the holder of a direct wine shipper's permit, all



955 managers must be approved by the department prior to completing
956 any managerial tasks on behalf of the permittee and must possess
957 all of the qualifications required of a permittee; however, a
958 felony conviction, other than a crime of violence, does not
959 automatically disqualify a person from being approved as a manager
960 if the person was released from incarceration at least three (3)
961 years prior to application for approval as a manager. A felony
962 conviction, other than a crime of violence, may be considered by
963 the department in determining whether all other qualifications are
964 met.

965 (c) That the applicant for a package retailer's permit,
966 if an individual, is a resident of the State of Mississippi. If
967 the applicant is a partnership, each member of the partnership
968 must be a resident of the state. If the applicant is a limited
969 liability company, each member of the limited liability company
970 must be a resident of the state. If the applicant is a
971 corporation, the designated manager of the corporation must be a
972 resident of the state.

973 (d) That the place for which the permit is to be issued
974 is an appropriate one considering the character of the premises
975 and the surrounding neighborhood.

976 (e) That the place for which the permit is to be issued
977 is within the corporate limits of an incorporated municipality or
978 qualified resort area or club which comes within the provisions of
979 this chapter.



980 (f) That the applicant is not indebted to the state for
981 any taxes, fees or payment of penalties imposed by any law of the
982 State of Mississippi or by any rule or regulation of the * * *
983 department.

984 (g) That the applicant is not in the habit of using
985 alcoholic beverages to excess and is not physically or mentally
986 incapacitated, and that the applicant has the ability to read and
987 write the English language.

988 (h) That the * * * department does not believe and has
989 no reason to believe that the applicant will sell or knowingly
990 permit any agent, servant or employee to unlawfully sell liquor in
991 a dry area or in any other manner contrary to law.

992 (i) That the applicant is not residentially domiciled
993 with any person whose permit or license has been cancelled for
994 cause within the twelve (12) months next preceding the date of the
995 present application for a permit.

996 (j) That the * * * department has not, in the exercise
997 of its discretion which is reserved and preserved to it, refused
998 to grant permits under the restrictions of this section, as well
999 as under any other pertinent provision of this chapter.

1000 (k) That there are not sufficient legal reasons to deny
1001 a permit on the ground that the premises for which the permit is
1002 sought has previously been operated, used or frequented for any
1003 purpose or in any manner that is lewd, immoral or offensive to
1004 public decency. In the granting or withholding of any permit to



1005 sell alcoholic beverages at retail, the * * * department in
1006 forming its conclusions may give consideration to any
1007 recommendations made in writing by the district or county attorney
1008 or county, circuit or chancery judge of the county, or the sheriff
1009 of the county, or the mayor or chief of police of an incorporated
1010 city or town wherein the applicant proposes to conduct his
1011 business and to any recommendations made by representatives of the
1012 commission.

1013 (1) That the applicant and the applicant's key
1014 employees, as determined by the * * * department, do not have a
1015 disqualifying criminal record. In order to obtain a criminal
1016 record history check, the applicant shall submit to the commission
1017 a set of fingerprints from any local law enforcement agency for
1018 each person for whom the records check is required. The * * *
1019 department shall forward the fingerprints to the Mississippi
1020 Department of Public Safety. If no disqualifying record is
1021 identified at the state level, the Department of Public Safety
1022 shall forward the fingerprints to the Federal Bureau of
1023 Investigation for a national criminal history record check. Costs
1024 for processing the set or sets of fingerprints shall be borne by
1025 the applicant. The department may waive the fingerprint
1026 requirement in the case of an applicant for a direct wine
1027 shipper's permit. The * * * department shall not deny employment
1028 to an employee of the applicant prior to the identification of a
1029 disqualifying record or other disqualifying information.



1030 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is
1031 amended as follows:

1032 67-1-73. (1) Except as otherwise provided in subsection (3)
1033 of this section, every manufacturer, including native wine
1034 producers, within or without the state, and every other shipper of
1035 alcoholic beverages who sells any alcoholic beverage, including
1036 native wine, within the state, shall, at the time of making such
1037 sale, file with the * * * department a copy of the invoice of such
1038 sale showing in detail the kind of alcoholic beverage sold, the
1039 quantities of each, the size of the container and the weight of
1040 the contents, the alcoholic content, and the name and address of
1041 the person to whom sold.

1042 (2) Except as otherwise provided in subsection (3) of this
1043 section, every person transporting alcoholic beverages, including
1044 native wine, within this state to a point within this state,
1045 whether such transportation originates within or without this
1046 state, shall, within five (5) days after delivery of such
1047 shipment, furnish the * * * department a copy of the bill of
1048 lading or receipt, showing the name or consignor or consignee,
1049 date, place received, destination, and quantity of alcoholic
1050 beverages delivered. Upon failure to comply with the provisions
1051 of this section, such person shall be deemed guilty of a
1052 misdemeanor and, upon conviction, thereof shall be fined in the
1053 sum of Fifty Dollars (\$50.00) for each offense.



1054 (3) Information regarding the sales, shipment, delivery and
1055 transportation of wine in this state by the holder of a direct
1056 wine shipper's permit under Sections 1 through 9 of this act shall
1057 be in such form and content as prescribed by the department.

1058 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is
1059 amended as follows:

1060 97-31-47. It shall be unlawful for any transportation
1061 company, or any agent, employee, or officer of such company, or
1062 any other person, or corporation to transport into or deliver in
1063 this state in any manner or by any means any spirituous, vinous,
1064 malt, or other intoxicating liquors or drinks, or for any such
1065 person, company, or corporation to transport any spirituous, malt,
1066 vinous, or intoxicating liquors or drinks from one place within
1067 this state to another place within the state, or from one (1)
1068 point within this state to any point without the state, except in
1069 cases where this chapter, * * * Section 67-9-1, or Sections 1
1070 through 9 of this act authorizes the transportation.

1071 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is
1072 amended as follows:

1073 97-31-49. Except as otherwise provided in Sections 1 through
1074 9 of this act, it shall be unlawful for any person, firm or
1075 corporation in this state, in person, by letter, circular, or
1076 other printed or written matter, or in any other manner, to
1077 solicit or take order in this state for any liquors, bitters or
1078 drinks prohibited by the laws of this state to be sold, bartered,



1079 or otherwise disposed of. The inhibition of this section shall
1080 apply to such liquors, bitters and drinks, whether the parties
1081 intend that the same shall be shipped into this state from outside
1082 of the state, or from one point in this state to another point in
1083 this state. If such order be in writing, parol evidence thereof
1084 is admissible without producing or accounting for the absence of
1085 the original; and the taking or soliciting of such orders is
1086 within the inhibition of this section, although the orders are
1087 subject to approval by some other person, and no part of the price
1088 is paid, nor any part of the goods is delivered when the order is
1089 taken.

1090 **SECTION 23.** This act shall take effect and be in force from
1091 and after July 1, 2018.

