

By: Representatives Smith, Sykes

To: Ways and Means

HOUSE BILL NO. 995
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE TEMPORARY WINE CHARITABLE AUCTION PERMIT AUTHORIZED
3 UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL TO CHANGE THE
4 PERMIT TO A TEMPORARY ALCOHOLIC BEVERAGES AUCTION PERMIT; TO
5 AUTHORIZE THE ISSUANCE OF DISTILLERY RETAILER'S PERMITS UNDER THE
6 LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO PROVIDE THAT A
7 DISTILLERY RETAILER'S PERMIT MAY BE ISSUED TO THE HOLDER OF A
8 CLASS 1 MANUFACTURER'S PERMIT; TO PROVIDE THAT SUCH A PERMIT SHALL
9 AUTHORIZE THE HOLDER TO SELL AT RETAIL ALCOHOLIC BEVERAGES BY THE
10 BOTTLE FROM A RETAIL LOCATION AT THE DISTILLERY FOR OFF-PREMISES
11 CONSUMPTION; TO PROVIDE THAT THE HOURS OF SALE SHALL BE THE SAME
12 AS THOSE HOURS FOR PACKAGE RETAILERS UNDER THE LOCAL OPTION
13 ALCOHOLIC BEVERAGE CONTROL LAW; TO PROVIDE THAT THE HOLDER OF A
14 DISTILLERY RETAILER'S PERMIT IS NOT REQUIRED TO PURCHASE THE
15 ALCOHOLIC BEVERAGES AUTHORIZED TO BE SOLD BY THIS ACT FROM THE
16 DEPARTMENT'S LIQUOR DISTRIBUTION WAREHOUSE; TO PROVIDE THAT THE
17 HOLDER OF SUCH A PERMIT SHALL PAY TO THE DEPARTMENT ALL APPLICABLE
18 TAXES; TO PROVIDE THAT THE HOLDER OF A DISTILLERY RETAILER'S
19 PERMIT ALSO MAY SELL PROMOTIONAL PRODUCTS FROM THE SAME RETAIL
20 LOCATION, INCLUDING SHIRTS, HATS, GLASSES, AND OTHER PROMOTIONAL
21 PRODUCTS CUSTOMARILY SOLD BY ALCOHOLIC BEVERAGE MANUFACTURERS; TO
22 AMEND SECTION 67-1-77, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A
23 DISTILLER, WINE MANUFACTURER, RECTIFIER, BLENDER OR BOTTLER MAY
24 HAVE A FINANCIAL INTEREST IN AND POSSESS A DISTILLERY RETAILER'S
25 PERMIT; TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO
26 PROVIDE THE PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A
27 DISTILLERY RETAILER'S PERMIT; TO AMEND SECTION 67-1-41,
28 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
29 PURPOSES.

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



31 **SECTION 1.** Section 67-1-51, Mississippi Code of 1972, as
32 amended by House Bill No. 840, 2018 Regular Session, is amended as
33 follows:

34 **[Through June 30, 2018, this section shall read as follows:]**

35 67-1-51. (1) Permits which may be issued by the department
36 shall be as follows:

37 (a) **Manufacturer's permit.** A manufacturer's permit
38 shall permit the manufacture, importation in bulk, bottling and
39 storage of alcoholic liquor and its distribution and sale to
40 manufacturers holding permits under this chapter in this state and
41 to persons outside the state who are authorized by law to purchase
42 the same, and to sell exclusively to the department.

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

44 Class 1. Distiller's and/or rectifier's permit, which shall
45 authorize the holder thereof to operate a distillery for the
46 production of distilled spirits by distillation or redistillation
47 and/or to operate a rectifying plant for the purifying, refining,
48 mixing, blending, flavoring or reducing in proof of distilled
49 spirits and alcohol.

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

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



56 (b) **Package retailer's permit.** Except as otherwise
57 provided in this paragraph and Section 67-1-52, a package
58 retailer's permit shall authorize the holder thereof to operate a
59 store exclusively for the sale at retail in original sealed and
60 unopened packages of alcoholic beverages, including native wines,
61 not to be consumed on the premises where sold. Alcoholic
62 beverages shall not be sold by any retailer in any package or
63 container containing less than fifty (50) milliliters by liquid
64 measure. A package retailer's permit, with prior approval from
65 the department, shall authorize the holder thereof to sample new
66 product furnished by a manufacturer's representative or his
67 employees at the permitted place of business so long as the
68 sampling otherwise complies with this chapter and applicable
69 department regulations. Such samples may not be provided to
70 customers at the permitted place of business. In addition to the
71 sale at retail of packages of alcoholic beverages, the holder of a
72 package retailer's permit is authorized to sell at retail
73 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
74 other beverages commonly used to mix with alcoholic beverages.
75 Nonalcoholic beverages sold by the holder of a package retailer's
76 permit shall not be consumed on the premises where sold.

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



81 only; however, a patron of the permit holder may remove one (1)
82 bottle of wine from the licensed premises if: (i) the patron
83 consumed a portion of the bottle of wine in the course of
84 consuming a meal purchased on the licensed premises; (ii) the
85 permit holder securely reseals the bottle; (iii) the bottle is
86 placed in a bag that is secured in a manner so that it will be
87 visibly apparent if the bag is opened; and (iv) a dated receipt
88 for the wine and the meal is available. Such a permit shall be
89 issued only to qualified hotels, restaurants and clubs, and to
90 common carriers with adequate facilities for serving passengers.
91 In resort areas, whether inside or outside of a municipality, the
92 department, in its discretion, may issue on-premises retailer's
93 permits to such establishments as it deems proper. An on-premises
94 retailer's permit when issued to a common carrier shall authorize
95 the sale and serving of alcoholic beverages aboard any licensed
96 vehicle while moving through any county of the state; however, the
97 sale of such alcoholic beverages shall not be permitted while such
98 vehicle is stopped in a county that has not legalized such sales.

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



106 discretion of the department, be issued additional permits to
107 represent other principals. No such permittee shall buy or sell
108 alcoholic beverages for his own account, and no such beverage
109 shall be brought into this state in pursuance of the exercise of
110 such permit otherwise than through a permit issued to a wholesaler
111 or manufacturer in the state.

112 (e) **Native wine retailer's permit.** Except as otherwise
113 provided in subsection (5) of this section, a native wine
114 retailer's permit shall be issued only to a holder of a Class 3
115 manufacturer's permit, and shall authorize the holder thereof to
116 make retail sales of native wines to consumers for on-premises
117 consumption or to consumers in originally sealed and unopened
118 containers at an establishment located on the premises of or in
119 the immediate vicinity of a native winery.

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

125 Temporary retailer's permits shall be of the following
126 classes:

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



131 only. Class 1 permits may be issued only to applicants
132 demonstrating to the department, by a statement signed under
133 penalty of perjury submitted ten (10) days prior to the proposed
134 date or such other time as the department may determine, that they
135 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
136 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
137 Class 1 permittees shall obtain all alcoholic beverages from
138 package retailers located in the county in which the temporary
139 permit is issued. Alcoholic beverages remaining in stock upon
140 expiration of the temporary permit may be returned by the
141 permittee to the package retailer for a refund of the purchase
142 price upon consent of the package retailer or may be kept by the
143 permittee exclusively for personal use and consumption, subject to
144 all laws pertaining to the illegal sale and possession of
145 alcoholic beverages. The department, following review of the
146 statement provided by the applicant and the requirements of the
147 applicable statutes and regulations, may issue the permit.

148 Class 2. A temporary permit, not to exceed seventy (70)
149 days, may be issued to prospective permittees seeking to transfer
150 a permit authorized in paragraph (c) of this subsection. A Class
151 2 permit may be issued only to applicants demonstrating to the
152 department, by a statement signed under the penalty of perjury,
153 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
154 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
155 67-1-59. The department, following a preliminary review of the



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

158 Class 2 temporary permittees must purchase their alcoholic
159 beverages directly from the department or, with approval of the
160 department, purchase the remaining stock of the previous
161 permittee. If the proposed applicant of a Class 1 or Class 2
162 temporary permit falsifies information contained in the
163 application or statement, the applicant shall never again be
164 eligible for a retail alcohol beverage permit and shall be subject
165 to prosecution for perjury.

166 Class 3. A temporary one-day permit may be issued to a
167 retail establishment authorizing the complimentary distribution of
168 wine, including native wine, to patrons of the retail
169 establishment at an open house or promotional event, for
170 consumption only on the premises described in the temporary
171 permit. A Class 3 permit may be issued only to an applicant
172 demonstrating to the department, by a statement signed under
173 penalty of perjury submitted ten (10) days before the proposed
174 date or such other time as the department may determine, that it
175 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
176 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
177 A Class 3 permit holder shall obtain all alcoholic beverages from
178 the holder(s) of a package retailer's permit located in the county
179 in which the temporary permit is issued. Wine remaining in stock
180 upon expiration of the temporary permit may be returned by the



181 Class 3 temporary permit holder to the package retailer for a
182 refund of the purchase price, with consent of the package
183 retailer, or may be kept by the Class 3 temporary permit holder
184 exclusively for personal use and consumption, subject to all laws
185 pertaining to the illegal sale and possession of alcoholic
186 beverages. The department, following review of the statement
187 provided by the applicant and the requirements of the applicable
188 statutes and regulations, may issue the permit. No retailer may
189 receive more than twelve (12) Class 3 temporary permits in a
190 calendar year. A Class 3 temporary permit shall not be issued to
191 a retail establishment that either holds a merchant permit issued
192 under paragraph (1) of this subsection, or holds a permit issued
193 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
194 the holder to engage in the business of a retailer of light wine
195 or beer.

196 (g) **Caterer's permit.** A caterer's permit shall permit
197 the purchase of alcoholic beverages by a person engaging in
198 business as a caterer and the resale of alcoholic beverages by
199 such person in conjunction with such catering business. No person
200 shall qualify as a caterer unless forty percent (40%) or more of
201 the revenue derived from such catering business shall be from the
202 serving of prepared food and not from the sale of alcoholic
203 beverages and unless such person has obtained a permit for such
204 business from the Department of Health. A caterer's permit shall
205 not authorize the sale of alcoholic beverages on the premises of



206 the person engaging in business as a caterer; however, the holder
207 of an on-premises retailer's permit may hold a caterer's permit.
208 When the holder of an on-premises retailer's permit or an
209 affiliated entity of the holder also holds a caterer's permit, the
210 caterer's permit shall not authorize the service of alcoholic
211 beverages on a consistent, recurring basis at a separate, fixed
212 location owned or operated by the caterer, on-premises retailer or
213 affiliated entity and an on-premises retailer's permit shall be
214 required for the separate location. All sales of alcoholic
215 beverages by holders of a caterer's permit shall be made at the
216 location being catered by the caterer, and, except as otherwise
217 provided in subsection (5) of this section, such sales may be made
218 only for consumption at the catered location. The location being
219 catered may be anywhere within a county or judicial district that
220 has voted to come out from under the dry laws or in which the
221 sale, distribution and possession of alcoholic beverages is
222 otherwise authorized by law. Such sales shall be made pursuant to
223 any other conditions and restrictions which apply to sales made by
224 on-premises retail permittees. The holder of a caterer's permit
225 or his employees shall remain at the catered location as long as
226 alcoholic beverages are being sold pursuant to the permit issued
227 under this paragraph (g), and the permittee shall have at the
228 location the identification card issued by the Alcoholic Beverage
229 Control Division of the department. No unsold alcoholic beverages
230 may be left at the catered location by the permittee upon the



231 conclusion of his business at that location. Appropriate law
232 enforcement officers and Alcoholic Beverage Control Division
233 personnel may enter a catered location on private property in
234 order to enforce laws governing the sale or serving of alcoholic
235 beverages.

236 (h) **Research permit.** A research permit shall authorize
237 the holder thereof to operate a research facility for the
238 professional research of alcoholic beverages. Such permit shall
239 authorize the holder of the permit to import and purchase limited
240 amounts of alcoholic beverages from the department or from
241 importers, wineries and distillers of alcoholic beverages for
242 professional research.

243 (i) **Alcohol processing permit.** An alcohol processing
244 permit shall authorize the holder thereof to purchase, transport
245 and possess alcoholic beverages for the exclusive use in cooking,
246 processing or manufacturing products which contain alcoholic
247 beverages as an integral ingredient. An alcohol processing permit
248 shall not authorize the sale of alcoholic beverages on the
249 premises of the person engaging in the business of cooking,
250 processing or manufacturing products which contain alcoholic
251 beverages. The amounts of alcoholic beverages allowed under an
252 alcohol processing permit shall be set by the department.

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



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

258 (k) **Special service permit.** A special service permit
259 shall authorize the holder to sell commercially sealed alcoholic
260 beverages to the operator of a commercial or private aircraft for
261 en route consumption only by passengers. A special service permit
262 shall be issued only to a fixed-base operator who contracts with
263 an airport facility to provide fueling and other associated
264 services to commercial and private aircraft.

265 (l) **Merchant permit.** Except as otherwise provided in
266 subsection (5) of this section, a merchant permit shall be issued
267 only to the owner of a spa facility, an art studio or gallery, or
268 a cooking school, and shall authorize the holder to serve
269 complimentary by the glass wine only, including native wine, at
270 the holder's spa facility, art studio or gallery, or cooking
271 school. A merchant permit holder shall obtain all wine from the
272 holder of a package retailer's permit.

273 (m) **Temporary * * * alcoholic beverages charitable**
274 **auction permit.** A temporary permit, not to exceed five (5) days,
275 may be issued to a qualifying charitable nonprofit organization
276 that is exempt from taxation under Section 501(c)(3) or (4) of the
277 Internal Revenue Code of 1986. The permit shall authorize the
278 holder to sell * * * alcoholic beverages for the limited purpose
279 of raising funds for the organization during a live or silent
280 auction that is conducted by the organization and that meets the



281 following requirements: (i) the auction is conducted in an area
282 of the state where the sale of * * * alcoholic beverages is
283 authorized; (ii) if the auction is conducted on the premises of an
284 on-premises retailer's permit holder, then the * * * alcoholic
285 beverages to be auctioned must be stored separately from the * * *
286 alcoholic beverages sold, stored or served on the premises, must
287 be removed from the premises immediately following the auction,
288 and may not be consumed on the premises; (iii) the permit holder
289 may not conduct more than two (2) auctions during a calendar year;
290 (iv) the permit holder may not pay a commission or promotional fee
291 to any person to arrange or conduct the auction.

292 (n) **Event venue retailer's permit.** An event venue
293 retailer's permit shall authorize the holder thereof to purchase
294 and resell alcoholic beverages, including native wines, for
295 consumption on the premises during legal hours during events held
296 on the licensed premises if food is being served at the event by a
297 caterer who is not affiliated with or related to the permittee.
298 The caterer must serve at least three (3) entrees. The permit may
299 only be issued for venues that can accommodate two hundred (200)
300 persons or more. The number of persons a venue may accommodate
301 shall be determined by the local fire department and such
302 determination shall be provided in writing and submitted along
303 with all other documents required to be provided for an
304 on-premises retailer's permit. The permittee must derive the
305 majority of its revenue from event-related fees, including, but



306 not limited to, admission fees or ticket sales for live
307 entertainment in the building. "Event-related fees" do not
308 include alcohol, beer or light wine sales or any fee which may be
309 construed to cover the cost of alcohol, beer or light wine. This
310 determination shall be made on a per event basis. An event may
311 not last longer than two (2) consecutive days per week.

312 (o) **Temporary theatre permit.** A temporary theatre
313 permit, not to exceed five (5) days, may be issued to a charitable
314 nonprofit organization that is exempt from taxation under Section
315 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
316 a theatre facility that features plays and other theatrical
317 performances and productions. Except as otherwise provided in
318 subsection (5) of this section, the permit shall authorize the
319 holder to sell alcoholic beverages, including native wines, to
320 patrons of the theatre during performances and productions at the
321 theatre facility for consumption during such performances and
322 productions on the premises of the facility described in the
323 permit. A temporary theatre permit holder shall obtain all
324 alcoholic beverages from package retailers located in the county
325 in which the permit is issued. Alcoholic beverages remaining in
326 stock upon expiration of the temporary theatre permit may be
327 returned by the permittee to the package retailer for a refund of
328 the purchase price upon consent of the package retailer or may be
329 kept by the permittee exclusively for personal use and



330 consumption, subject to all laws pertaining to the illegal sale
331 and possession of alcoholic beverages.

332 (p) **Charter ship operator's permit.** Subject to the
333 provisions of this paragraph (p), a charter ship operator's permit
334 shall authorize the holder thereof and its employees to serve,
335 monitor, store and otherwise control the serving and availability
336 of alcoholic beverages to customers of the permit holder during
337 private charters under contract provided by the permit holder. A
338 charter ship operator's permit shall authorize such action by the
339 permit holder and its employees only as to alcoholic beverages
340 brought onto the permit holder's ship by customers of the permit
341 holder as part of such a private charter. All such alcoholic
342 beverages must be removed from the charter ship at the conclusion
343 of each private charter. A charter ship operator's permit shall
344 not authorize the permit holder to sell, charge for or otherwise
345 supply alcoholic beverages to customers, except as authorized in
346 this paragraph (p). For the purposes of this paragraph (p),
347 "charter ship operator" means a common carrier that (i) is
348 certified to carry at least one hundred fifty (150) passengers
349 and/or provide overnight accommodations for at least fifty (50)
350 passengers, (ii) operates only in the waters within the State of
351 Mississippi, which lie adjacent to the State of Mississippi south
352 of the three (3) most southern counties in the State of
353 Mississippi, and (iii) provides charters under contract for tours
354 and trips in such waters.



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

358 (3) Except as otherwise provided in this subsection, no
359 authority shall be granted to any person to manufacture, sell or
360 store for sale any intoxicating liquor as specified in this
361 chapter within four hundred (400) feet of any church, school,
362 kindergarten or funeral home. However, within an area zoned
363 commercial or business, such minimum distance shall be not less
364 than one hundred (100) feet.

365 A church or funeral home may waive the distance restrictions
366 imposed in this subsection in favor of allowing issuance by the
367 department of a permit, pursuant to subsection (1) of this
368 section, to authorize activity relating to the manufacturing, sale
369 or storage of alcoholic beverages which would otherwise be
370 prohibited under the minimum distance criterion. Such waiver
371 shall be in written form from the owner, the governing body, or
372 the appropriate officer of the church or funeral home having the
373 authority to execute such a waiver, and the waiver shall be filed
374 with and verified by the department before becoming effective.

375 The distance restrictions imposed in this subsection shall
376 not apply to the sale or storage of alcoholic beverages at a bed
377 and breakfast inn listed in the National Register of Historic
378 Places or to the sale or storage of alcoholic beverages in a
379 historic district that is listed in the National Register of



380 Historic Places, is a qualified resort area and is located in a
381 municipality having a population greater than one hundred thousand
382 (100,000) according to the latest federal decennial census.

383 (4) No person, either individually or as a member of a firm,
384 partnership, limited liability company or association, or as a
385 stockholder, officer or director in a corporation, shall own or
386 control any interest in more than one (1) package retailer's
387 permit, nor shall such person's spouse, if living in the same
388 household of such person, any relative of such person, if living
389 in the same household of such person, or any other person living
390 in the same household with such person own any interest in any
391 other package retailer's permit.

392 (5) (a) In addition to any other authority granted under
393 this section, the holder of a permit issued under subsection
394 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
395 sell or otherwise provide alcoholic beverages and/or wine to a
396 patron of the permit holder in the manner authorized in the permit
397 and the patron may remove an open glass, cup or other container of
398 the alcoholic beverage and/or wine from the licensed premises and
399 may possess and consume the alcoholic beverage or wine outside of
400 the licensed premises if: (i) the licensed premises is located
401 within a leisure and recreation district created under Section
402 67-1-101 and (ii) the patron remains within the boundaries of the
403 leisure and recreation district while in possession of the
404 alcoholic beverage or wine.



405 (b) Nothing in this subsection shall be construed to
406 allow a person to bring any alcoholic beverages into a permitted
407 premises except to the extent otherwise authorized by this
408 chapter.

409 **[From and after July 1, 2018, this section shall read as**
410 **follows:]**

411 67-1-51. (1) Permits which may be issued by the department
412 shall be as follows:

413 (a) **Manufacturer's permit.** A manufacturer's permit
414 shall permit the manufacture, importation in bulk, bottling and
415 storage of alcoholic liquor and its distribution and sale to
416 manufacturers holding permits under this chapter in this state and
417 to persons outside the state who are authorized by law to purchase
418 the same, and to sell exclusively to the department.

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

420 Class 1. Distiller's and/or rectifier's permit, which shall
421 authorize the holder thereof to operate a distillery for the
422 production of distilled spirits by distillation or redistillation
423 and/or to operate a rectifying plant for the purifying, refining,
424 mixing, blending, flavoring or reducing in proof of distilled
425 spirits and alcohol.

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



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

432 (b) **Package retailer's permit.** Except as otherwise
433 provided in this paragraph and Section 67-1-52, a package
434 retailer's permit shall authorize the holder thereof to operate a
435 store exclusively for the sale at retail in original sealed and
436 unopened packages of alcoholic beverages, including native wines,
437 not to be consumed on the premises where sold. Alcoholic
438 beverages shall not be sold by any retailer in any package or
439 container containing less than fifty (50) milliliters by liquid
440 measure. A package retailer's permit, with prior approval from
441 the department, shall authorize the holder thereof to sample new
442 product furnished by a manufacturer's representative or his
443 employees at the permitted place of business so long as the
444 sampling otherwise complies with this chapter and applicable
445 department regulations. Such samples may not be provided to
446 customers at the permitted place of business. In addition to the
447 sale at retail of packages of alcoholic beverages, the holder of a
448 package retailer's permit is authorized to sell at retail
449 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
450 other beverages commonly used to mix with alcoholic beverages.
451 Nonalcoholic beverages sold by the holder of a package retailer's
452 permit shall not be consumed on the premises where sold.



453 (c) **On-premises retailer's permit.** Except as otherwise
454 provided in subsection (5) of this section, an on-premises
455 retailer's permit shall authorize the sale of alcoholic beverages,
456 including native wines, for consumption on the licensed premises
457 only; however, a patron of the permit holder may remove one (1)
458 bottle of wine from the licensed premises if: (i) the patron
459 consumed a portion of the bottle of wine in the course of
460 consuming a meal purchased on the licensed premises; (ii) the
461 permit holder securely reseals the bottle; (iii) the bottle is
462 placed in a bag that is secured in a manner so that it will be
463 visibly apparent if the bag is opened; and (iv) a dated receipt
464 for the wine and the meal is available. Such a permit shall be
465 issued only to qualified hotels, restaurants and clubs, and to
466 common carriers with adequate facilities for serving passengers.
467 In resort areas, whether inside or outside of a municipality, the
468 department, in its discretion, may issue on-premises retailer's
469 permits to such establishments as it deems proper. An on-premises
470 retailer's permit when issued to a common carrier shall authorize
471 the sale and serving of alcoholic beverages aboard any licensed
472 vehicle while moving through any county of the state; however, the
473 sale of such alcoholic beverages shall not be permitted while such
474 vehicle is stopped in a county that has not legalized such sales.
475 If an on-premises retailer's permit is applied for by a common
476 carrier operating solely in the water, such common carrier must,
477 along with all other qualifications for a permit, (i) be certified



478 to carry at least one hundred fifty (150) passengers and/or
479 provide overnight accommodations for at least fifty (50)
480 passengers and (ii) operate primarily in the waters within the
481 State of Mississippi which lie adjacent to the State of
482 Mississippi south of the three (3) most southern counties in the
483 State of Mississippi and/or on the Mississippi River or navigable
484 waters within any county bordering on the Mississippi River.

485 (d) **Solicitor's permit.** A solicitor's permit shall
486 authorize the holder thereof to act as salesman for a manufacturer
487 or wholesaler holding a proper permit, to solicit on behalf of his
488 employer orders for alcoholic beverages, and to otherwise promote
489 his employer's products in a legitimate manner. Such a permit
490 shall authorize the representation of and employment by one (1)
491 principal only. However, the permittee may also, in the
492 discretion of the department, be issued additional permits to
493 represent other principals. No such permittee shall buy or sell
494 alcoholic beverages for his own account, and no such beverage
495 shall be brought into this state in pursuance of the exercise of
496 such permit otherwise than through a permit issued to a wholesaler
497 or manufacturer in the state.

498 (e) **Native wine retailer's permit.** Except as otherwise
499 provided in subsection (5) of this section, a native wine
500 retailer's permit shall be issued only to a holder of a Class 3
501 manufacturer's permit, and shall authorize the holder thereof to
502 make retail sales of native wines to consumers for on-premises



503 consumption or to consumers in originally sealed and unopened
504 containers at an establishment located on the premises of or in
505 the immediate vicinity of a native winery.

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

511 Temporary retailer's permits shall be of the following
512 classes:

513 Class 1. A temporary one-day permit may be issued to bona
514 fide nonprofit civic or charitable organizations authorizing the
515 sale of alcoholic beverages, including native wine, for
516 consumption on the premises described in the temporary permit
517 only. Class 1 permits may be issued only to applicants
518 demonstrating to the department, by a statement signed under
519 penalty of perjury submitted ten (10) days prior to the proposed
520 date or such other time as the department may determine, that they
521 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
522 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
523 Class 1 permittees shall obtain all alcoholic beverages from
524 package retailers located in the county in which the temporary
525 permit is issued. Alcoholic beverages remaining in stock upon
526 expiration of the temporary permit may be returned by the
527 permittee to the package retailer for a refund of the purchase



528 price upon consent of the package retailer or may be kept by the
529 permittee exclusively for personal use and consumption, subject to
530 all laws pertaining to the illegal sale and possession of
531 alcoholic beverages. The department, following review of the
532 statement provided by the applicant and the requirements of the
533 applicable statutes and regulations, may issue the permit.

534 Class 2. A temporary permit, not to exceed seventy (70)
535 days, may be issued to prospective permittees seeking to transfer
536 a permit authorized in paragraph (c) of this subsection. A Class
537 2 permit may be issued only to applicants demonstrating to the
538 department, by a statement signed under the penalty of perjury,
539 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
540 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
541 67-1-59. The department, following a preliminary review of the
542 statement provided by the applicant and the requirements of the
543 applicable statutes and regulations, may issue the permit.

544 Class 2 temporary permittees must purchase their alcoholic
545 beverages directly from the department or, with approval of the
546 department, purchase the remaining stock of the previous
547 permittee. If the proposed applicant of a Class 1 or Class 2
548 temporary permit falsifies information contained in the
549 application or statement, the applicant shall never again be
550 eligible for a retail alcohol beverage permit and shall be subject
551 to prosecution for perjury.



552 Class 3. A temporary one-day permit may be issued to a
553 retail establishment authorizing the complimentary distribution of
554 wine, including native wine, to patrons of the retail
555 establishment at an open house or promotional event, for
556 consumption only on the premises described in the temporary
557 permit. A Class 3 permit may be issued only to an applicant
558 demonstrating to the department, by a statement signed under
559 penalty of perjury submitted ten (10) days before the proposed
560 date or such other time as the department may determine, that it
561 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
562 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
563 A Class 3 permit holder shall obtain all alcoholic beverages from
564 the holder(s) of a package retailer's permit located in the county
565 in which the temporary permit is issued. Wine remaining in stock
566 upon expiration of the temporary permit may be returned by the
567 Class 3 temporary permit holder to the package retailer for a
568 refund of the purchase price, with consent of the package
569 retailer, or may be kept by the Class 3 temporary permit holder
570 exclusively for personal use and consumption, subject to all laws
571 pertaining to the illegal sale and possession of alcoholic
572 beverages. The department, following review of the statement
573 provided by the applicant and the requirements of the applicable
574 statutes and regulations, may issue the permit. No retailer may
575 receive more than twelve (12) Class 3 temporary permits in a
576 calendar year. A Class 3 temporary permit shall not be issued to



577 a retail establishment that either holds a merchant permit issued
578 under paragraph (1) of this subsection, or holds a permit issued
579 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
580 the holder to engage in the business of a retailer of light wine
581 or beer.

582 (g) **Caterer's permit.** A caterer's permit shall permit
583 the purchase of alcoholic beverages by a person engaging in
584 business as a caterer and the resale of alcoholic beverages by
585 such person in conjunction with such catering business. No person
586 shall qualify as a caterer unless forty percent (40%) or more of
587 the revenue derived from such catering business shall be from the
588 serving of prepared food and not from the sale of alcoholic
589 beverages and unless such person has obtained a permit for such
590 business from the Department of Health. A caterer's permit shall
591 not authorize the sale of alcoholic beverages on the premises of
592 the person engaging in business as a caterer; however, the holder
593 of an on-premises retailer's permit may hold a caterer's permit.
594 When the holder of an on-premises retailer's permit or an
595 affiliated entity of the holder also holds a caterer's permit, the
596 caterer's permit shall not authorize the service of alcoholic
597 beverages on a consistent, recurring basis at a separate, fixed
598 location owned or operated by the caterer, on-premises retailer or
599 affiliated entity and an on-premises retailer's permit shall be
600 required for the separate location. All sales of alcoholic
601 beverages by holders of a caterer's permit shall be made at the



602 location being catered by the caterer, and, except as otherwise
603 provided in subsection (5) of this section, such sales may be made
604 only for consumption at the catered location. The location being
605 catered may be anywhere within a county or judicial district that
606 has voted to come out from under the dry laws or in which the
607 sale, distribution and possession of alcoholic beverages is
608 otherwise authorized by law. Such sales shall be made pursuant to
609 any other conditions and restrictions which apply to sales made by
610 on-premises retail permittees. The holder of a caterer's permit
611 or his employees shall remain at the catered location as long as
612 alcoholic beverages are being sold pursuant to the permit issued
613 under this paragraph (g), and the permittee shall have at the
614 location the identification card issued by the Alcoholic Beverage
615 Control Division of the department. No unsold alcoholic beverages
616 may be left at the catered location by the permittee upon the
617 conclusion of his business at that location. Appropriate law
618 enforcement officers and Alcoholic Beverage Control Division
619 personnel may enter a catered location on private property in
620 order to enforce laws governing the sale or serving of alcoholic
621 beverages.

622 (h) **Research permit.** A research permit shall authorize
623 the holder thereof to operate a research facility for the
624 professional research of alcoholic beverages. Such permit shall
625 authorize the holder of the permit to import and purchase limited
626 amounts of alcoholic beverages from the department or from



627 importers, wineries and distillers of alcoholic beverages for
628 professional research.

629 (i) **Alcohol processing permit.** An alcohol processing
630 permit shall authorize the holder thereof to purchase, transport
631 and possess alcoholic beverages for the exclusive use in cooking,
632 processing or manufacturing products which contain alcoholic
633 beverages as an integral ingredient. An alcohol processing permit
634 shall not authorize the sale of alcoholic beverages on the
635 premises of the person engaging in the business of cooking,
636 processing or manufacturing products which contain alcoholic
637 beverages. The amounts of alcoholic beverages allowed under an
638 alcohol processing permit shall be set by the department.

639 (j) **Hospitality cart permit.** A hospitality cart permit
640 shall authorize the sale of alcoholic beverages from a mobile cart
641 on a golf course that is the holder of an on-premises retailer's
642 permit. The alcoholic beverages sold from the cart must be
643 consumed within the boundaries of the golf course.

644 (k) **Special service permit.** A special service permit
645 shall authorize the holder to sell commercially sealed alcoholic
646 beverages to the operator of a commercial or private aircraft for
647 en route consumption only by passengers. A special service permit
648 shall be issued only to a fixed-base operator who contracts with
649 an airport facility to provide fueling and other associated
650 services to commercial and private aircraft.



651 (1) **Merchant permit.** Except as otherwise provided in
652 subsection (5) of this section, a merchant permit shall be issued
653 only to the owner of a spa facility, an art studio or gallery, or
654 a cooking school, and shall authorize the holder to serve
655 complimentary by the glass wine only, including native wine, at
656 the holder's spa facility, art studio or gallery, or cooking
657 school. A merchant permit holder shall obtain all wine from the
658 holder of a package retailer's permit.

659 (m) **Temporary alcoholic beverages charitable auction**
660 **permit.** A temporary permit, not to exceed five (5) days, may be
661 issued to a qualifying charitable nonprofit organization that is
662 exempt from taxation under Section 501(c)(3) or (4) of the
663 Internal Revenue Code of 1986. The permit shall authorize the
664 holder to sell alcoholic beverages for the limited purpose of
665 raising funds for the organization during a live or silent auction
666 that is conducted by the organization and that meets the following
667 requirements: (i) the auction is conducted in an area of the
668 state where the sale of alcoholic beverages is authorized; (ii) if
669 the auction is conducted on the premises of an on-premises
670 retailer's permit holder, then the alcoholic beverages to be
671 auctioned must be stored separately from the alcoholic beverages
672 sold, stored or served on the premises, must be removed from the
673 premises immediately following the auction, and may not be
674 consumed on the premises; (iii) the permit holder may not conduct
675 more than two (2) auctions during a calendar year; (iv) the permit



676 holder may not pay a commission or promotional fee to any person
677 to arrange or conduct the auction.

678 (n) **Event venue retailer's permit.** An event venue
679 retailer's permit shall authorize the holder thereof to purchase
680 and resell alcoholic beverages, including native wines, for
681 consumption on the premises during legal hours during events held
682 on the licensed premises if food is being served at the event by a
683 caterer who is not affiliated with or related to the permittee.
684 The caterer must serve at least three (3) entrees. The permit may
685 only be issued for venues that can accommodate two hundred (200)
686 persons or more. The number of persons a venue may accommodate
687 shall be determined by the local fire department and such
688 determination shall be provided in writing and submitted along
689 with all other documents required to be provided for an
690 on-premises retailer's permit. The permittee must derive the
691 majority of its revenue from event-related fees, including, but
692 not limited to, admission fees or ticket sales for live
693 entertainment in the building. "Event-related fees" do not
694 include alcohol, beer or light wine sales or any fee which may be
695 construed to cover the cost of alcohol, beer or light wine. This
696 determination shall be made on a per event basis. An event may
697 not last longer than two (2) consecutive days per week.

698 (o) **Temporary theatre permit.** A temporary theatre
699 permit, not to exceed five (5) days, may be issued to a charitable
700 nonprofit organization that is exempt from taxation under Section



701 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
702 a theatre facility that features plays and other theatrical
703 performances and productions. Except as otherwise provided in
704 subsection (5) of this section, the permit shall authorize the
705 holder to sell alcoholic beverages, including native wines, to
706 patrons of the theatre during performances and productions at the
707 theatre facility for consumption during such performances and
708 productions on the premises of the facility described in the
709 permit. A temporary theatre permit holder shall obtain all
710 alcoholic beverages from package retailers located in the county
711 in which the permit is issued. Alcoholic beverages remaining in
712 stock upon expiration of the temporary theatre permit may be
713 returned by the permittee to the package retailer for a refund of
714 the purchase price upon consent of the package retailer or may be
715 kept by the permittee exclusively for personal use and
716 consumption, subject to all laws pertaining to the illegal sale
717 and possession of alcoholic beverages.

718 (p) **Charter ship operator's permit.** Subject to the
719 provisions of this paragraph (p), a charter ship operator's permit
720 shall authorize the holder thereof and its employees to serve,
721 monitor, store and otherwise control the serving and availability
722 of alcoholic beverages to customers of the permit holder during
723 private charters under contract provided by the permit holder. A
724 charter ship operator's permit shall authorize such action by the
725 permit holder and its employees only as to alcoholic beverages



726 brought onto the permit holder's ship by customers of the permit
727 holder as part of such a private charter. All such alcoholic
728 beverages must be removed from the charter ship at the conclusion
729 of each private charter. A charter ship operator's permit shall
730 not authorize the permit holder to sell, charge for or otherwise
731 supply alcoholic beverages to customers, except as authorized in
732 this paragraph (p). For the purposes of this paragraph (p),
733 "charter ship operator" means a common carrier that (i) is
734 certified to carry at least one hundred fifty (150) passengers
735 and/or provide overnight accommodations for at least fifty (50)
736 passengers, (ii) operates only in the waters within the State of
737 Mississippi, which lie adjacent to the State of Mississippi south
738 of the three (3) most southern counties in the State of
739 Mississippi, and (iii) provides charters under contract for tours
740 and trips in such waters.

741 (q) **Distillery retailer's permit.** The holder of a
742 Class 1 manufacturer's permit may obtain a distillery retailer's
743 permit. A distillery retailer's permit shall authorize the holder
744 thereof to sell at retail alcoholic beverages by the sealed and
745 unopened bottle from a retail location at the distillery for
746 off-premises consumption. The holder may only sell product
747 manufactured by the manufacturer at the distillery described in
748 the permit. The holder shall not sell at retail more than ten
749 percent (10%) of the alcoholic beverages produced annually at its
750 distillery. The holder shall not make retail sales of more than



751 two and twenty-five one-hundredths (2.25) liters, in the
752 aggregate, of the alcoholic beverages produced at its distillery
753 to any one (1) individual for consumption off the premises of the
754 distillery within a twenty-four-hour period. The hours of sale
755 shall be the same as those hours for package retailers under this
756 chapter. The holder of a distillery retailer's permit is not
757 required to purchase the alcoholic beverages authorized to be sold
758 by this paragraph from the department's liquor distribution
759 warehouse; however, if the holder does not purchase the alcoholic
760 beverages from the department's liquor distribution warehouse, the
761 holder shall pay to the department all taxes, fees and surcharges
762 on the alcoholic beverages that are imposed upon the sale of
763 alcoholic beverages shipped by the Alcoholic Beverage Control
764 Division of the Department of Revenue. In addition to alcoholic
765 beverages, the holder of a distillery retailer's permit may sell
766 at retail promotional products from the same retail location,
767 including shirts, hats, glasses, and other promotional products
768 customarily sold by alcoholic beverage manufacturers.

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

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



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

779 A church or funeral home may waive the distance restrictions
780 imposed in this subsection in favor of allowing issuance by the
781 department of a permit, pursuant to subsection (1) of this
782 section, to authorize activity relating to the manufacturing, sale
783 or storage of alcoholic beverages which would otherwise be
784 prohibited under the minimum distance criterion. Such waiver
785 shall be in written form from the owner, the governing body, or
786 the appropriate officer of the church or funeral home having the
787 authority to execute such a waiver, and the waiver shall be filed
788 with and verified by the department before becoming effective.

789 The distance restrictions imposed in this subsection shall
790 not apply to the sale or storage of alcoholic beverages at a bed
791 and breakfast inn listed in the National Register of Historic
792 Places or to the sale or storage of alcoholic beverages in a
793 historic district that is listed in the National Register of
794 Historic Places, is a qualified resort area and is located in a
795 municipality having a population greater than one hundred thousand
796 (100,000) according to the latest federal decennial census.

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



801 permit, nor shall such person's spouse, if living in the same
802 household of such person, any relative of such person, if living
803 in the same household of such person, or any other person living
804 in the same household with such person own any interest in any
805 other package retailer's permit.

806 (5) (a) In addition to any other authority granted under
807 this section, the holder of a permit issued under subsection
808 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
809 sell or otherwise provide alcoholic beverages and/or wine to a
810 patron of the permit holder in the manner authorized in the permit
811 and the patron may remove an open glass, cup or other container of
812 the alcoholic beverage and/or wine from the licensed premises and
813 may possess and consume the alcoholic beverage or wine outside of
814 the licensed premises if: (i) the licensed premises is located
815 within a leisure and recreation district created under Section
816 67-1-101 and (ii) the patron remains within the boundaries of the
817 leisure and recreation district while in possession of the
818 alcoholic beverage or wine.

819 (b) Nothing in this subsection shall be construed to
820 allow a person to bring any alcoholic beverages into a permitted
821 premises except to the extent otherwise authorized by this
822 chapter.

823 **SECTION 2.** Section 67-1-77, Mississippi Code of 1972, is
824 amended as follows:



825 67-1-77. (1) It shall be unlawful for the holder of a
826 manufacturer's or wholesaler's permit, or anyone connected with
827 the business of such holder, or for any other distiller, wine
828 manufacturer, * * * rectifier, blender or bottler, to have any
829 financial interest in any premises upon which any alcoholic
830 beverage is sold at retail by any permittee, or in the business
831 conducted by such permittee, except that:

832 (a) The holder of a manufacturer's or wholesaler's
833 permit may contract for the service of a representative in the
834 area of governmental affairs on a part-time basis with a holder of
835 an on-premises permit.

836 (b) A distiller, wine manufacturer, * * * rectifier,
837 blender or bottler may have a financial interest in a premises
838 upon which alcoholic beverages are sold at retail by a permittee,
839 or in the business conducted by a permittee, if the permittee does
840 not sell or serve any alcoholic beverages that are distilled,
841 manufactured, * * * rectified, blended or bottled by the
842 distiller, wine manufacturer, * * * rectifier, blender or bottler
843 having the financial interest in the premises or in the business
844 conducted by a permittee.

845 (c) A distiller, wine manufacturer, rectifier, blender
846 or bottler may have a financial interest in and possess a
847 distillery retailer's permit.

848 (2) It shall also be unlawful for any such person, or anyone
849 connected with his, its, or their business to lend any money or



850 make any gift or offer any gratuity, to any retail permittee,
851 except as authorized by regulations of the commission, to the
852 holder of any retail permit issued under the provisions of this
853 chapter. Except as above provided, no retail permittee shall
854 accept, receive, or make use of any money or gift furnished by any
855 such person, or become indebted to such person except for the
856 purchase of alcoholic beverages.

857 (3) The commission shall not prohibit the furnishing of
858 advertising specialties, printed materials, or other things having
859 nominal value to a retail permittee. This section shall not be
860 construed to prohibit the possession by any person of advertising
861 specialties, printed materials, or other things having nominal
862 value furnished by a retail permittee.

863 (4) Any person violating the provisions of this section
864 shall, upon conviction, be punished by a fine of not more than
865 Five Thousand Dollars (\$5,000.00) or by imprisonment for not more
866 than two (2) years, or by both such fine and imprisonment, in the
867 discretion of the court.

868 **SECTION 3.** Section 27-71-5, Mississippi Code of 1972, as
869 amended by House Bill No. 840, 2018 Regular Session, is amended as
870 follows:

871 **[Through June 30, 2018, this section shall read as follows:]**

872 27-71-5. (1) Upon each person approved for a permit under
873 the provisions of the Alcoholic Beverage Control Law and
874 amendments thereto, there is levied and imposed for each location



875 for the privilege of engaging and continuing in this state in the
876 business authorized by such permit, an annual privilege license
877 tax in the amount provided in the following schedule:

- 878 (a) Except as otherwise provided in this subsection
879 (1), manufacturer's permit, Class 1, distiller's and/or
880 rectifier's.....\$4,500.00
- 881 (b) Manufacturer's permit, Class 2, wine
882 manufacturer.....\$1,800.00
- 883 (c) Manufacturer's permit, Class 3, native wine
884 manufacturer per ten thousand (10,000) gallons or part thereof
885 produced.....\$ 10.00
- 886 (d) Native wine retailer's permit.....\$ 50.00
- 887 (e) Package retailer's permit, each.....\$ 900.00
- 888 (f) On-premises retailer's permit, except for clubs and
889 common carriers, each.....\$ 450.00
- 890 (g) On-premises retailer's permit for wine of more than
891 five percent (5%) alcohol by weight, but not more than twenty-one
892 percent (21%) alcohol by weight, each.....\$ 225.00
- 893 (h) On-premises retailer's permit for clubs...\$ 225.00
- 894 (i) On-premises retailer's permit for common carriers,
895 per car, plane, or other vehicle.....\$ 120.00
- 896 (j) Solicitor's permit, regardless of any other
897 provision of law, solicitor's permits shall be issued only in the
898 discretion of the department.....\$ 100.00



899	(k)	Filing fee for each application except for an	
900		employee identification card.....	\$ 25.00
901	(l)	Temporary permit, Class 1, each.....	\$ 10.00
902	(m)	Temporary permit, Class 2, each.....	\$ 50.00
903	(n)	(i) Caterer's permit.....	\$ 600.00
904		(ii) Caterer's permit for holders of on-premises	
905		retailer's permit.....	\$ 150.00
906	(o)	Research permit.....	\$ 100.00
907	(p)	Temporary permit, Class 3 (wine only).....	\$ 10.00
908	(q)	Special service permit.....	\$ 225.00
909	(r)	Merchant permit.....	\$ 225.00
910	(s)	Temporary * * * <u>alcoholic beverages</u> charitable	
911		auction permit.....	\$ 10.00
912	(t)	Event venue retailer's permit.....	\$ 225.00
913	(u)	Temporary theatre permit, each.....	\$ 10.00
914	(v)	Charter ship operator's permit.....	\$ 100.00

915 If a person approved for a manufacturer's permit, Class 1,
916 distiller's permit produces a product with at least fifty-one
917 percent (51%) of the finished product by volume being obtained
918 from alcoholic fermentation of grapes, fruits, berries, honey
919 and/or vegetables grown and produced in Mississippi, and produces
920 all of the product by using not more than one (1) still having a
921 maximum capacity of one hundred fifty (150) liters, the annual
922 privilege license tax for such a permit shall be Ten Dollars
923 (\$10.00) per ten thousand (10,000) gallons or part thereof



924 produced. Bulk, concentrated or fortified ingredients used for
925 blending may be produced outside this state and used in producing
926 such a product.

927 In addition to the filing fee imposed by paragraph (k) of
928 this subsection, a fee to be determined by the Department of
929 Revenue may be charged to defray costs incurred to process
930 applications. The additional fees shall be paid into the State
931 Treasury to the credit of a special fund account, which is hereby
932 created, and expenditures therefrom shall be made only to defray
933 the costs incurred by the Department of Revenue in processing
934 alcoholic beverage applications. Any unencumbered balance
935 remaining in the special fund account on June 30 of any fiscal
936 year shall lapse into the State General Fund.

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

941 (2) (a) There is imposed and shall be collected from each
942 permittee, except a common carrier, solicitor or a temporary
943 permittee, by the department, an additional license tax equal to
944 the amounts imposed under subsection (1) of this section for the
945 privilege of doing business within any municipality or county in
946 which the licensee is located.

947 (b) (i) In addition to the tax imposed in paragraph
948 (a) of this subsection, there is imposed and shall be collected by



949 the department from each permittee described in subsection (1)(f),
950 (g), (h), (m) and (t) of this section, an additional license tax
951 for the privilege of doing business within any municipality or
952 county in which the licensee is located in the amount of Two
953 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
954 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
955 (\$225.00) for each additional purchase of Five Thousand Dollars
956 (\$5,000.00), or fraction thereof.

957 (ii) In addition to the tax imposed in paragraph
958 (a) of this subsection, there is imposed and shall be collected by
959 the department from each permittee described in subsection (1)(n)
960 and (r) of this section, an additional license tax for the
961 privilege of doing business within any municipality or county in
962 which the licensee is located in the amount of Two Hundred Fifty
963 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
964 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
965 additional purchase of Five Thousand Dollars (\$5,000.00), or
966 fraction thereof.

967 (iii) Any person who has paid the additional
968 privilege license tax imposed by this paragraph, and whose permit
969 is renewed, may add any unused fraction of Five Thousand Dollars
970 (\$5,000.00) purchases to the first Five Thousand Dollars
971 (\$5,000.00) purchases authorized by the renewal permit, and no
972 additional license tax will be required until purchases exceed the
973 sum of the two (2) figures.



974 (c) If the licensee is located within a municipality,
975 the department shall pay the amount of additional license tax
976 collected under this section to the municipality, and if outside a
977 municipality the department shall pay the additional license tax
978 to the county in which the licensee is located. Payments by the
979 department to the respective local government subdivisions shall
980 be made once each month for any collections during the preceding
981 month.

982 (3) When an application for any permit, other than for
983 renewal of a permit, has been rejected by the department, such
984 decision shall be final. Appeal may be made in the manner
985 provided by Section 67-1-39. Another application from an
986 applicant who has been denied a permit shall not be reconsidered
987 within a twelve-month period.

988 (4) The number of permits issued by the department shall not
989 be restricted or limited on a population basis; however, the
990 foregoing limitation shall not be construed to preclude the right
991 of the department to refuse to issue a permit because of the
992 undesirability of the proposed location.

993 (5) If any person shall engage or continue in any business
994 which is taxable under this section without having paid the tax as
995 provided in this section, the person shall be liable for the full
996 amount of the tax plus a penalty thereon equal to the amount
997 thereof, and, in addition, shall be punished by a fine of not more
998 than One Thousand Dollars (\$1,000.00), or by imprisonment in the



999 county jail for a term of not more than six (6) months, or by both
1000 such fine and imprisonment, in the discretion of the court.

1001 (6) It shall be unlawful for any person to consume alcoholic
1002 beverages on the premises of any hotel restaurant, restaurant,
1003 club or the interior of any public place defined in Chapter 1,
1004 Title 67, Mississippi Code of 1972, when the owner or manager
1005 thereof displays in several conspicuous places inside the
1006 establishment and at the entrances of establishment a sign
1007 containing the following language: NO ALCOHOLIC BEVERAGES
1008 ALLOWED.

1009 **[From and after July 1, 2018, this section shall read as**
1010 **follows:]**

1011 27-71-5. (1) Upon each person approved for a permit under
1012 the provisions of the Alcoholic Beverage Control Law and
1013 amendments thereto, there is levied and imposed for each location
1014 for the privilege of engaging and continuing in this state in the
1015 business authorized by such permit, an annual privilege license
1016 tax in the amount provided in the following schedule:

1017 (a) Except as otherwise provided in this subsection
1018 (1), manufacturer's permit, Class 1, distiller's and/or
1019 rectifier's.....\$4,500.00

1020 (b) Manufacturer's permit, Class 2, wine
1021 manufacturer.....\$1,800.00

1022 (c) Manufacturer's permit, Class 3, native wine



1023	manufacturer per ten thousand (10,000) gallons or part thereof	
1024	produced.....	\$ 10.00
1025	(d) Native wine retailer's permit.....	\$ 50.00
1026	(e) Package retailer's permit, each.....	\$ 900.00
1027	(f) On-premises retailer's permit, except for clubs and	
1028	common carriers, each.....	\$ 450.00
1029	(g) On-premises retailer's permit for wine of more than	
1030	five percent (5%) alcohol by weight, but not more than twenty-one	
1031	percent (21%) alcohol by weight, each.....	\$ 225.00
1032	(h) On-premises retailer's permit for clubs....	\$ 225.00
1033	(i) On-premises retailer's permit for common carriers,	
1034	per car, plane, or other vehicle.....	\$ 120.00
1035	(j) Solicitor's permit, regardless of any other	
1036	provision of law, solicitor's permits shall be issued only in the	
1037	discretion of the department.....	\$ 100.00
1038	(k) Filing fee for each application except for an	
1039	employee identification card.....	\$ 25.00
1040	(l) Temporary permit, Class 1, each.....	\$ 10.00
1041	(m) Temporary permit, Class 2, each.....	\$ 50.00
1042	(n) (i) Caterer's permit.....	\$ 600.00
1043	(ii) Caterer's permit for holders of on-premises	
1044	retailer's permit.....	\$ 150.00
1045	(o) Research permit.....	\$ 100.00
1046	(p) Temporary permit, Class 3 (wine only).....	\$ 10.00
1047	(q) Special service permit.....	\$ 225.00



1048	(r) Merchant permit.....	\$ 225.00
1049	(s) Temporary alcoholic beverages charitable auction	
1050	permit.....	\$ 10.00
1051	(t) Event venue retailer's permit.....	\$ 225.00
1052	(u) Temporary theatre permit, each.....	\$ 10.00
1053	(v) Charter ship operator's permit.....	\$ 100.00
1054	<u>(w) Distillery retailer's permit.....</u>	<u>\$ 450.00</u>

1055 If a person approved for a manufacturer's permit, Class 1,
1056 distiller's permit produces a product with at least fifty-one
1057 percent (51%) of the finished product by volume being obtained
1058 from alcoholic fermentation of grapes, fruits, berries, honey
1059 and/or vegetables grown and produced in Mississippi, and produces
1060 all of the product by using not more than one (1) still having a
1061 maximum capacity of one hundred fifty (150) liters, the annual
1062 privilege license tax for such a permit shall be Ten Dollars
1063 (\$10.00) per ten thousand (10,000) gallons or part thereof
1064 produced. Bulk, concentrated or fortified ingredients used for
1065 blending may be produced outside this state and used in producing
1066 such a product.

1067 In addition to the filing fee imposed by paragraph (k) of
1068 this subsection, a fee to be determined by the Department of
1069 Revenue may be charged to defray costs incurred to process
1070 applications. The additional fees shall be paid into the State
1071 Treasury to the credit of a special fund account, which is hereby
1072 created, and expenditures therefrom shall be made only to defray



1073 the costs incurred by the Department of Revenue in processing
1074 alcoholic beverage applications. Any unencumbered balance
1075 remaining in the special fund account on June 30 of any fiscal
1076 year shall lapse into the State General Fund.

1077 All privilege taxes imposed by this section shall be paid in
1078 advance of doing business. The additional privilege tax imposed
1079 for an on-premises retailer's permit based upon purchases shall be
1080 due and payable on demand.

1081 (2) (a) There is imposed and shall be collected from each
1082 permittee, except a common carrier, solicitor or a temporary
1083 permittee, by the department, an additional license tax equal to
1084 the amounts imposed under subsection (1) of this section for the
1085 privilege of doing business within any municipality or county in
1086 which the licensee is located.

1087 (b) (i) In addition to the tax imposed in paragraph
1088 (a) of this subsection, there is imposed and shall be collected by
1089 the department from each permittee described in subsection (1)(f),
1090 (g), (h), (m) and (t) of this section, an additional license tax
1091 for the privilege of doing business within any municipality or
1092 county in which the licensee is located in the amount of Two
1093 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
1094 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
1095 (\$225.00) for each additional purchase of Five Thousand Dollars
1096 (\$5,000.00), or fraction thereof.



1097 (ii) In addition to the tax imposed in paragraph
1098 (a) of this subsection, there is imposed and shall be collected by
1099 the department from each permittee described in subsection (1)(n)
1100 and (r) of this section, an additional license tax for the
1101 privilege of doing business within any municipality or county in
1102 which the licensee is located in the amount of Two Hundred Fifty
1103 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
1104 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
1105 additional purchase of Five Thousand Dollars (\$5,000.00), or
1106 fraction thereof.

1107 (iii) Any person who has paid the additional
1108 privilege license tax imposed by this paragraph, and whose permit
1109 is renewed, may add any unused fraction of Five Thousand Dollars
1110 (\$5,000.00) purchases to the first Five Thousand Dollars
1111 (\$5,000.00) purchases authorized by the renewal permit, and no
1112 additional license tax will be required until purchases exceed the
1113 sum of the two (2) figures.

1114 (c) If the licensee is located within a municipality,
1115 the department shall pay the amount of additional license tax
1116 collected under this section to the municipality, and if outside a
1117 municipality the department shall pay the additional license tax
1118 to the county in which the licensee is located. Payments by the
1119 department to the respective local government subdivisions shall
1120 be made once each month for any collections during the preceding
1121 month.



1122 (3) When an application for any permit, other than for
1123 renewal of a permit, has been rejected by the department, such
1124 decision shall be final. Appeal may be made in the manner
1125 provided by Section 67-1-39. Another application from an
1126 applicant who has been denied a permit shall not be reconsidered
1127 within a twelve-month period.

1128 (4) The number of permits issued by the department shall not
1129 be restricted or limited on a population basis; however, the
1130 foregoing limitation shall not be construed to preclude the right
1131 of the department to refuse to issue a permit because of the
1132 undesirability of the proposed location.

1133 (5) If any person shall engage or continue in any business
1134 which is taxable under this section without having paid the tax as
1135 provided in this section, the person shall be liable for the full
1136 amount of the tax plus a penalty thereon equal to the amount
1137 thereof, and, in addition, shall be punished by a fine of not more
1138 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
1139 county jail for a term of not more than six (6) months, or by both
1140 such fine and imprisonment, in the discretion of the court.

1141 (6) It shall be unlawful for any person to consume alcoholic
1142 beverages on the premises of any hotel restaurant, restaurant,
1143 club or the interior of any public place defined in Chapter 1,
1144 Title 67, Mississippi Code of 1972, when the owner or manager
1145 thereof displays in several conspicuous places inside the
1146 establishment and at the entrances of establishment a sign



1147 containing the following language: NO ALCOHOLIC BEVERAGES
1148 ALLOWED.

1149 **SECTION 4.** Section 67-1-41, Mississippi Code of 1972, is
1150 amended as follows:

1151 67-1-41. (1) The * * * department is hereby created a
1152 wholesale distributor and seller of alcoholic beverages, not
1153 including malt liquors, within the State of Mississippi. It is
1154 granted the sole right to import and sell intoxicating liquors at
1155 wholesale within the state, and no person who is granted the right
1156 to sell, distribute or receive intoxicating liquors at retail
1157 shall purchase any intoxicating liquors from any source other than
1158 the * * * department except as authorized in subsections (4) and
1159 (9). The * * * department may establish warehouses, purchase
1160 intoxicating liquors in such quantities and from such sources as
1161 it may deem desirable and sell the intoxicating liquors to
1162 authorized permittees within the state including, at the
1163 discretion of the * * * department, any retail distributors
1164 operating within any military post or qualified resort areas
1165 within the boundaries of the state, keeping a correct and accurate
1166 record of all such transactions and exercising such control over
1167 the distribution of alcoholic beverages as seem right and proper
1168 in keeping with the provisions or purposes of this chapter.

1169 (2) No person for the purpose of sale shall manufacture,
1170 distill, brew, sell, possess, export, transport, distribute,
1171 warehouse, store, solicit, take orders for, bottle, rectify,



1172 blend, treat, mix or process any alcoholic beverage except in
1173 accordance with authority granted under this chapter, or as
1174 otherwise provided by law for native wines.

1175 (3) No alcoholic beverage intended for sale or resale shall
1176 be imported, shipped or brought into this state for delivery to
1177 any person other than as provided in this chapter, or as otherwise
1178 provided by law for native wines.

1179 (4) The * * * department may promulgate rules and
1180 regulations which authorize on-premises retailers to purchase
1181 limited amounts of alcoholic beverages from package retailers and
1182 for package retailers to purchase limited amounts of alcoholic
1183 beverages from other package retailers. The * * * department
1184 shall develop and provide forms to be completed by the on-premises
1185 retailers and the package retailers verifying the transaction.
1186 The completed forms shall be forwarded to the * * * department
1187 within a period of time prescribed by the * * * department.

1188 (5) The * * * department may promulgate rules which
1189 authorize the holder of a package retailer's permit to permit
1190 individual retail purchasers of packages of alcoholic beverages to
1191 return, for exchange, credit or refund, limited amounts of
1192 original sealed and unopened packages of alcoholic beverages
1193 purchased by the individual from the package retailer.

1194 (6) The * * * department shall maintain all forms to be
1195 completed by applicants necessary for licensure by the * * *
1196 department at all district offices of the * * * department.



1197 (7) The * * * department may promulgate rules which
1198 authorize the manufacturer of an alcoholic beverage or wine to
1199 import, transport and furnish or give a sample of alcoholic
1200 beverages or wines to the holders of package retailer's permits,
1201 on-premises retailer's permits, native wine retailer's permits and
1202 temporary retailer's permits who have not previously purchased the
1203 brand of that manufacturer from the * * * department. For each
1204 holder of the designated permits, the manufacturer may furnish not
1205 more than five hundred (500) milliliters of any brand of alcoholic
1206 beverage and not more than three (3) liters of any brand of wine.

1207 (8) The * * * department may promulgate rules disallowing
1208 open product sampling of alcoholic beverages or wines by the
1209 holders of package retailer's permits and permitting open product
1210 sampling of alcoholic beverages by the holders of on-premises
1211 retailer's permits. Permitted sample products shall be plainly
1212 identified "sample" and the actual sampling must occur in the
1213 presence of the manufacturer's representatives during the legal
1214 operating hours of on-premises retailers.

1215 (9) The * * * department may promulgate rules and
1216 regulations that authorize the holder of a research permit to
1217 import and purchase limited amounts of alcoholic beverages from
1218 importers, wineries and distillers of alcoholic beverages or from
1219 the * * * department. The * * * department shall develop and
1220 provide forms to be completed by the research permittee verifying
1221 each transaction. The completed forms shall be forwarded to



1222 the * * * department within a period of time prescribed by
1223 the * * * department. The records and inventory of alcoholic
1224 beverages shall be open to inspection at any time by the Director
1225 of the Alcoholic Beverage Control Division or any duly authorized
1226 agent.

1227 (10) This section shall not apply to alcoholic beverages
1228 authorized to be sold by the holder of a distillery retailer's
1229 permit.

1230 **SECTION 5.** Sections 1 and 3 of this act shall take effect
1231 and be in force from and after the passage of this act, and the
1232 remainder of this act shall take effect and be in force from and
1233 after July 1, 2018.

