

By: Representative DeLano

To: Ways and Means

HOUSE BILL NO. 1344

1 AN ACT TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, TO
 2 AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE RULES AND
 3 REGULATIONS UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW
 4 TO AUTHORIZE HOLDERS OF ON-PREMISES RETAILER'S PERMITS AND HOLDERS
 5 OF PACKAGE RETAILER'S PERMITS TO PURCHASE ALCOHOLIC BEVERAGES FROM
 6 MANUFACTURERS AND DISTRIBUTORS OF ALCOHOLIC BEVERAGES AND TO HAVE
 7 SUCH PURCHASES SHIPPED DIRECTLY TO A PERMIT HOLDER'S PERMITTED
 8 LOCATION; TO BRING FORWARD SECTIONS 67-1-43, 67-1-45, 67-1-51,
 9 67-1-53, 67-1-55, 67-1-57, 67-1-73 AND 67-1-79, MISSISSIPPI CODE
 10 OF 1972, WHICH ARE SECTIONS OF THE LOCAL OPTION ALCOHOLIC BEVERAGE
 11 CONTROL LAW, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO BRING
 12 FORWARD SECTIONS 27-71-5, 27-71-7, 27-71-15 AND 27-71-29,
 13 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE LEVY OF PRIVILEGE
 14 TAXES ON HOLDERS OF PERMITS ISSUED UNDER THE LOCAL OPTION
 15 ALCOHOLIC BEVERAGE CONTROL LAW, EXCISE TAXES ON SALES OF ALCOHOL
 16 UNDER SUCH LAW AND RESTRICTIONS ON THE TRANSPORTATION OF ALCOHOLIC
 17 BEVERAGES THROUGH COUNTIES THAT HAVE NOT AUTHORIZED THE SALE OF
 18 ALCOHOLIC BEVERAGES, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO
 19 BRING FORWARD SECTIONS 97-31-47 AND 93-31-49, MISSISSIPPI CODE OF
 20 1972, WHICH PROVIDE FOR CRIMES RELATED TO THE UNLAWFUL
 21 TRANSPORTATION AND SOLICITATION OF ORDERS OF LIQUOR, FOR THE
 22 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** Section 67-1-41, Mississippi Code of 1972, is
 25 amended as follows:

26 67-1-41. (1) The * * * Department of Revenue is hereby
 27 created a wholesale distributor and seller of alcoholic beverages,
 28 not including malt liquors, within the State of Mississippi. It



29 is granted the sole right to import and sell intoxicating liquors
30 at wholesale within the state, and no person who is granted the
31 right to sell, distribute or receive intoxicating liquors at
32 retail shall purchase any intoxicating liquors from any source
33 other than the * * * department except as authorized in
34 subsections (4) and (9). The * * * department may establish
35 warehouses, purchase intoxicating liquors in such quantities and
36 from such sources as it may deem desirable and sell the
37 intoxicating liquors to authorized permittees within the state
38 including, at the discretion of the * * * department, any retail
39 distributors operating within any military post or qualified
40 resort areas within the boundaries of the state, keeping a correct
41 and accurate record of all such transactions and exercising such
42 control over the distribution of alcoholic beverages as seem right
43 and proper in keeping with the provisions or purposes of this
44 chapter.

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

51 (3) No alcoholic beverage intended for sale or resale shall
52 be imported, shipped or brought into this state for delivery to



53 any person other than as provided in this chapter, or as otherwise
54 provided by law for native wines.

55 (4) (a) The * * * department may promulgate rules and
56 regulations which authorize on-premises retailers to purchase
57 limited amounts of alcoholic beverages from package retailers and
58 for package retailers to purchase limited amounts of alcoholic
59 beverages from other package retailers. The * * * department
60 shall develop and provide forms to be completed by the on-premises
61 retailers and the package retailers verifying the transaction.
62 The completed forms shall be forwarded to the * * * department
63 within a period of time prescribed by the * * * department.

64 (b) The department may promulgate rules and regulations
65 that authorize holders of on-premises retailer's permits and
66 holders of package retailer's permits to purchase alcoholic
67 beverages from manufacturers and distributors of alcoholic
68 beverages and to have such purchases shipped directly to a permit
69 holder's permitted location.

70 (5) The * * * department may promulgate rules which
71 authorize the holder of a package retailer's permit to permit
72 individual retail purchasers of packages of alcoholic beverages to
73 return, for exchange, credit or refund, limited amounts of
74 original sealed and unopened packages of alcoholic beverages
75 purchased by the individual from the package retailer.



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

79 (7) The * * * department may promulgate rules which
80 authorize the manufacturer of an alcoholic beverage or wine to
81 import, transport and furnish or give a sample of alcoholic
82 beverages or wines to the holders of package retailer's permits,
83 on-premises retailer's permits, native wine retailer's permits and
84 temporary retailer's permits who have not previously purchased the
85 brand of that manufacturer from the * * * department. For each
86 holder of the designated permits, the manufacturer may furnish not
87 more than five hundred (500) milliliters of any brand of alcoholic
88 beverage and not more than three (3) liters of any brand of wine.

89 (8) The * * * department may promulgate rules disallowing
90 open product sampling of alcoholic beverages or wines by the
91 holders of package retailer's permits and permitting open product
92 sampling of alcoholic beverages by the holders of on-premises
93 retailer's permits. Permitted sample products shall be plainly
94 identified "sample" and the actual sampling must occur in the
95 presence of the manufacturer's representatives during the legal
96 operating hours of on-premises retailers.

97 (9) The * * * department may promulgate rules and
98 regulations that authorize the holder of a research permit to
99 import and purchase limited amounts of alcoholic beverages from
100 importers, wineries and distillers of alcoholic beverages or from



101 the * * * department. The * * * department shall develop and
102 provide forms to be completed by the research permittee verifying
103 each transaction. The completed forms shall be forwarded to
104 the * * * department within a period of time prescribed by
105 the * * * department. The records and inventory of alcoholic
106 beverages shall be open to inspection at any time by the Director
107 of the Alcoholic Beverage Control Division or any duly authorized
108 agent.

109 **SECTION 2.** Section 67-1-43, Mississippi Code of 1972, is
110 brought forward as follows:

111 67-1-43. Any authorized retail distributor who shall
112 purchase or receive intoxicating liquor from any source except
113 from the commission, unless authorized by rules and regulations of
114 the commission promulgated under subsection (4) of Section
115 67-1-41, shall be guilty of a misdemeanor and upon conviction
116 thereof shall be punished by a fine of not less than Five Hundred
117 Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00),
118 to which may be added imprisonment in the county jail for not more
119 than six (6) months. Any authorization of such person to sell
120 intoxicating beverages may be revoked as provided by law.

121 **SECTION 3.** Section 67-1-45, Mississippi Code of 1972, is
122 brought forward as follows:

123 67-1-45. No manufacturer, rectifier or distiller of
124 intoxicating liquor shall sell or attempt to sell any such
125 intoxicating liquor, except malt liquor, within the State of



126 Mississippi, except to the commission, or to the holder of a
127 research permit as provided in Section 67-1-41. A producer of
128 native wine may sell native wines to the commission or to
129 consumers at the location of the native winery or its immediate
130 vicinity.

131 Any violation of this section by any manufacturer, rectifier
132 or distiller shall be punished by a fine of not less than Five
133 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
134 (\$2,000.00), to which may be added imprisonment in the county jail
135 not to exceed six (6) months.

136 **SECTION 4.** Section 67-1-51, Mississippi Code of 1972, is
137 brought forward as follows:

138 67-1-51. (1) Permits which may be issued by the department
139 shall be as follows:

140 (a) **Manufacturer's permit.** A manufacturer's permit
141 shall permit the manufacture, importation in bulk, bottling and
142 storage of alcoholic liquor and its distribution and sale to
143 manufacturers holding permits under this chapter in this state and
144 to persons outside the state who are authorized by law to purchase
145 the same, and to sell exclusively to the department.

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

147 Class 1. Distiller's and/or rectifier's permit, which shall
148 authorize the holder thereof to operate a distillery for the
149 production of distilled spirits by distillation or redistillation
150 and/or to operate a rectifying plant for the purifying, refining,



151 mixing, blending, flavoring or reducing in proof of distilled
152 spirits and alcohol.

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

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

159 (b) **Package retailer's permit.** Except as otherwise
160 provided in this paragraph and Section 67-1-52, a package
161 retailer's permit shall authorize the holder thereof to operate a
162 store exclusively for the sale at retail in original sealed and
163 unopened packages of alcoholic beverages, including native wines,
164 not to be consumed on the premises where sold. Alcoholic
165 beverages shall not be sold by any retailer in any package or
166 container containing less than fifty (50) milliliters by liquid
167 measure. A package retailer's permit, with prior approval from
168 the department, shall authorize the holder thereof to sample new
169 product furnished by a manufacturer's representative or his
170 employees at the permitted place of business so long as the
171 sampling otherwise complies with this chapter and applicable
172 department regulations. Such samples may not be provided to
173 customers at the permitted place of business. In addition to the
174 sale at retail of packages of alcoholic beverages, the holder of a
175 package retailer's permit is authorized to sell at retail



176 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
177 other beverages commonly used to mix with alcoholic beverages.
178 Nonalcoholic beverages sold by the holder of a package retailer's
179 permit shall not be consumed on the premises where sold.

180 (c) **On-premises retailer's permit.** Except as otherwise
181 provided in subsection (5) of this section, an on-premises
182 retailer's permit shall authorize the sale of alcoholic beverages,
183 including native wines, for consumption on the licensed premises
184 only; however, a patron of the permit holder may remove one (1)
185 bottle of wine from the licensed premises if: (i) the patron
186 consumed a portion of the bottle of wine in the course of
187 consuming a meal purchased on the licensed premises; (ii) the
188 permit holder securely reseals the bottle; (iii) the bottle is
189 placed in a bag that is secured in a manner so that it will be
190 visibly apparent if the bag is opened; and (iv) a dated receipt
191 for the wine and the meal is available. Such a permit shall be
192 issued only to qualified hotels, restaurants and clubs, and to
193 common carriers with adequate facilities for serving passengers.
194 In resort areas, whether inside or outside of a municipality, the
195 department, in its discretion, may issue on-premises retailer's
196 permits to such establishments as it deems proper. An on-premises
197 retailer's permit when issued to a common carrier shall authorize
198 the sale and serving of alcoholic beverages aboard any licensed
199 vehicle while moving through any county of the state; however, the



200 sale of such alcoholic beverages shall not be permitted while such
201 vehicle is stopped in a county that has not legalized such sales.

202 (d) **Solicitor's permit.** A solicitor's permit shall
203 authorize the holder thereof to act as salesman for a manufacturer
204 or wholesaler holding a proper permit, to solicit on behalf of his
205 employer orders for alcoholic beverages, and to otherwise promote
206 his employer's products in a legitimate manner. Such a permit
207 shall authorize the representation of and employment by one (1)
208 principal only. However, the permittee may also, in the
209 discretion of the department, be issued additional permits to
210 represent other principals. No such permittee shall buy or sell
211 alcoholic beverages for his own account, and no such beverage
212 shall be brought into this state in pursuance of the exercise of
213 such permit otherwise than through a permit issued to a wholesaler
214 or manufacturer in the state.

215 (e) **Native wine retailer's permit.** Except as otherwise
216 provided in subsection (5) of this section, a native wine
217 retailer's permit shall be issued only to a holder of a Class 3
218 manufacturer's permit, and shall authorize the holder thereof to
219 make retail sales of native wines to consumers for on-premises
220 consumption or to consumers in originally sealed and unopened
221 containers at an establishment located on the premises of or in
222 the immediate vicinity of a native winery.

223 (f) **Temporary retailer's permit.** Except as otherwise
224 provided in subsection (5) of this section, a temporary retailer's



225 permit shall permit the purchase and resale of alcoholic
226 beverages, including native wines, during legal hours on the
227 premises described in the temporary permit only.

228 Temporary retailer's permits shall be of the following
229 classes:

230 Class 1. A temporary one-day permit may be issued to bona
231 fide nonprofit civic or charitable organizations authorizing the
232 sale of alcoholic beverages, including native wine, for
233 consumption on the premises described in the temporary permit
234 only. Class 1 permits may be issued only to applicants
235 demonstrating to the department, by a statement signed under
236 penalty of perjury submitted ten (10) days prior to the proposed
237 date or such other time as the department may determine, that they
238 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
239 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
240 Class 1 permittees shall obtain all alcoholic beverages from
241 package retailers located in the county in which the temporary
242 permit is issued. Alcoholic beverages remaining in stock upon
243 expiration of the temporary permit may be returned by the
244 permittee to the package retailer for a refund of the purchase
245 price upon consent of the package retailer or may be kept by the
246 permittee exclusively for personal use and consumption, subject to
247 all laws pertaining to the illegal sale and possession of
248 alcoholic beverages. The department, following review of the



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

251 Class 2. A temporary permit, not to exceed seventy (70)
252 days, may be issued to prospective permittees seeking to transfer
253 a permit authorized in paragraph (c) of this subsection. A Class
254 2 permit may be issued only to applicants demonstrating to the
255 department, by a statement signed under the penalty of perjury,
256 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
257 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
258 67-1-59. The department, following a preliminary review of the
259 statement provided by the applicant and the requirements of the
260 applicable statutes and regulations, may issue the permit.

261 Class 2 temporary permittees must purchase their alcoholic
262 beverages directly from the department or, with approval of the
263 department, purchase the remaining stock of the previous
264 permittee. If the proposed applicant of a Class 1 or Class 2
265 temporary permit falsifies information contained in the
266 application or statement, the applicant shall never again be
267 eligible for a retail alcohol beverage permit and shall be subject
268 to prosecution for perjury.

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



274 permit. A Class 3 permit may be issued only to an applicant
275 demonstrating to the department, by a statement signed under
276 penalty of perjury submitted ten (10) days before the proposed
277 date or such other time as the department may determine, that it
278 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
279 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
280 A Class 3 permit holder shall obtain all alcoholic beverages from
281 the holder(s) of a package retailer's permit located in the county
282 in which the temporary permit is issued. Wine remaining in stock
283 upon expiration of the temporary permit may be returned by the
284 Class 3 temporary permit holder to the package retailer for a
285 refund of the purchase price, with consent of the package
286 retailer, or may be kept by the Class 3 temporary permit holder
287 exclusively for personal use and consumption, subject to all laws
288 pertaining to the illegal sale and possession of alcoholic
289 beverages. The department, following review of the statement
290 provided by the applicant and the requirements of the applicable
291 statutes and regulations, may issue the permit. No retailer may
292 receive more than twelve (12) Class 3 temporary permits in a
293 calendar year. A Class 3 temporary permit shall not be issued to
294 a retail establishment that either holds a merchant permit issued
295 under paragraph (1) of this subsection, or holds a permit issued
296 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
297 the holder to engage in the business of a retailer of light wine
298 or beer.



299 (g) **Caterer's permit.** A caterer's permit shall permit
300 the purchase of alcoholic beverages by a person engaging in
301 business as a caterer and the resale of alcoholic beverages by
302 such person in conjunction with such catering business. No person
303 shall qualify as a caterer unless forty percent (40%) or more of
304 the revenue derived from such catering business shall be from the
305 serving of prepared food and not from the sale of alcoholic
306 beverages and unless such person has obtained a permit for such
307 business from the Department of Health. A caterer's permit shall
308 not authorize the sale of alcoholic beverages on the premises of
309 the person engaging in business as a caterer; however, the holder
310 of an on-premises retailer's permit may hold a caterer's permit.
311 When the holder of an on-premises retailer's permit or an
312 affiliated entity of the holder also holds a caterer's permit, the
313 caterer's permit shall not authorize the service of alcoholic
314 beverages on a consistent, recurring basis at a separate, fixed
315 location owned or operated by the caterer, on-premises retailer or
316 affiliated entity and an on-premises retailer's permit shall be
317 required for the separate location. All sales of alcoholic
318 beverages by holders of a caterer's permit shall be made at the
319 location being catered by the caterer, and, except as otherwise
320 provided in subsection (5) of this section, such sales may be made
321 only for consumption at the catered location. The location being
322 catered may be anywhere within a county or judicial district that
323 has voted to come out from under the dry laws or in which the



324 sale, distribution and possession of alcoholic beverages is
325 otherwise authorized by law. Such sales shall be made pursuant to
326 any other conditions and restrictions which apply to sales made by
327 on-premises retail permittees. The holder of a caterer's permit
328 or his employees shall remain at the catered location as long as
329 alcoholic beverages are being sold pursuant to the permit issued
330 under this paragraph (g), and the permittee shall have at the
331 location the identification card issued by the Alcoholic Beverage
332 Control Division of the department. No unsold alcoholic beverages
333 may be left at the catered location by the permittee upon the
334 conclusion of his business at that location. Appropriate law
335 enforcement officers and Alcoholic Beverage Control Division
336 personnel may enter a catered location on private property in
337 order to enforce laws governing the sale or serving of alcoholic
338 beverages.

339 (h) **Research permit.** A research permit shall authorize
340 the holder thereof to operate a research facility for the
341 professional research of alcoholic beverages. Such permit shall
342 authorize the holder of the permit to import and purchase limited
343 amounts of alcoholic beverages from the department or from
344 importers, wineries and distillers of alcoholic beverages for
345 professional research.

346 (i) **Alcohol processing permit.** An alcohol processing
347 permit shall authorize the holder thereof to purchase, transport
348 and possess alcoholic beverages for the exclusive use in cooking,



349 processing or manufacturing products which contain alcoholic
350 beverages as an integral ingredient. An alcohol processing permit
351 shall not authorize the sale of alcoholic beverages on the
352 premises of the person engaging in the business of cooking,
353 processing or manufacturing products which contain alcoholic
354 beverages. The amounts of alcoholic beverages allowed under an
355 alcohol processing permit shall be set by the department.

356 (j) **Hospitality cart permit.** A hospitality cart permit
357 shall authorize the sale of alcoholic beverages from a mobile cart
358 on a golf course that is the holder of an on-premises retailer's
359 permit. The alcoholic beverages sold from the cart must be
360 consumed within the boundaries of the golf course.

361 (k) **Special service permit.** A special service permit
362 shall authorize the holder to sell commercially sealed alcoholic
363 beverages to the operator of a commercial or private aircraft for
364 en route consumption only by passengers. A special service permit
365 shall be issued only to a fixed-base operator who contracts with
366 an airport facility to provide fueling and other associated
367 services to commercial and private aircraft.

368 (l) **Merchant permit.** Except as otherwise provided in
369 subsection (5) of this section, a merchant permit shall be issued
370 only to the owner of a spa facility, an art studio or gallery, or
371 a cooking school, and shall authorize the holder to serve
372 complimentary by the glass wine only, including native wine, at
373 the holder's spa facility, art studio or gallery, or cooking



374 school. A merchant permit holder shall obtain all wine from the
375 holder of a package retailer's permit.

376 (m) **Temporary wine charitable auction permit.** A
377 temporary permit, not to exceed five (5) days, may be issued to a
378 qualifying charitable nonprofit organization that is exempt from
379 taxation under Section 501(c)(3) or (4) of the Internal Revenue
380 Code of 1986. The permit shall authorize the holder to sell wine
381 for the limited purpose of raising funds for the organization
382 during a live or silent auction that is conducted by the
383 organization and that meets the following requirements: (i) the
384 auction is conducted in an area of the state where the sale of
385 wine is authorized; (ii) if the auction is conducted on the
386 premises of an on-premises retailer's permit holder, then the wine
387 to be auctioned must be stored separately from the wine sold,
388 stored or served on the premises, must be removed from the
389 premises immediately following the auction, and may not be
390 consumed on the premises; (iii) the permit holder may not conduct
391 more than two (2) auctions during a calendar year; (iv) the permit
392 holder may not pay a commission or promotional fee to any person
393 to arrange or conduct the auction.

394 (n) **Event venue retailer's permit.** An event venue
395 retailer's permit shall authorize the holder thereof to purchase
396 and resell alcoholic beverages, including native wines, for
397 consumption on the premises during legal hours during events held
398 on the licensed premises if food is being served at the event by a



399 caterer who is not affiliated with or related to the permittee.
400 The caterer must serve at least three (3) entrees. The permit may
401 only be issued for venues that can accommodate two hundred (200)
402 persons or more. The number of persons a venue may accommodate
403 shall be determined by the local fire department and such
404 determination shall be provided in writing and submitted along
405 with all other documents required to be provided for an
406 on-premises retailer's permit. The permittee must derive the
407 majority of its revenue from event-related fees, including, but
408 not limited to, admission fees or ticket sales for live
409 entertainment in the building. "Event-related fees" do not
410 include alcohol, beer or light wine sales or any fee which may be
411 construed to cover the cost of alcohol, beer or light wine. This
412 determination shall be made on a per event basis. An event may
413 not last longer than two (2) consecutive days per week.

414 (o) **Temporary theatre permit.** A temporary theatre
415 permit, not to exceed five (5) days, may be issued to a charitable
416 nonprofit organization that is exempt from taxation under Section
417 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
418 a theatre facility that features plays and other theatrical
419 performances and productions. Except as otherwise provided in
420 subsection (5) of this section, the permit shall authorize the
421 holder to sell alcoholic beverages, including native wines, to
422 patrons of the theatre during performances and productions at the
423 theatre facility for consumption during such performances and



424 productions on the premises of the facility described in the
425 permit. A temporary theatre permit holder shall obtain all
426 alcoholic beverages from package retailers located in the county
427 in which the permit is issued. Alcoholic beverages remaining in
428 stock upon expiration of the temporary theatre permit may be
429 returned by the permittee to the package retailer for a refund of
430 the purchase price upon consent of the package retailer or may be
431 kept by the permittee exclusively for personal use and
432 consumption, subject to all laws pertaining to the illegal sale
433 and possession of alcoholic beverages.

434 (p) **Charter ship operator's permit.** Subject to the
435 provisions of this paragraph (p), a charter ship operator's permit
436 shall authorize the holder thereof and its employees to serve,
437 monitor, store and otherwise control the serving and availability
438 of alcoholic beverages to customers of the permit holder during
439 private charters under contract provided by the permit holder. A
440 charter ship operator's permit shall authorize such action by the
441 permit holder and its employees only as to alcoholic beverages
442 brought onto the permit holder's ship by customers of the permit
443 holder as part of such a private charter. All such alcoholic
444 beverages must be removed from the charter ship at the conclusion
445 of each private charter. A charter ship operator's permit shall
446 not authorize the permit holder to sell, charge for or otherwise
447 supply alcoholic beverages to customers, except as authorized in
448 this paragraph (p). For the purposes of this paragraph (p),



449 "charter ship operator" means a common carrier that (i) is
450 certified to carry at least one hundred fifty (150) passengers
451 and/or provide overnight accommodations for at least fifty (50)
452 passengers, (ii) operates only in the waters within the State of
453 Mississippi, which lie adjacent to the State of Mississippi south
454 of the three (3) most southern counties in the State of
455 Mississippi, and (iii) provides charters under contract for tours
456 and trips in such waters.

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

460 (3) Except as otherwise provided in this subsection, no
461 authority shall be granted to any person to manufacture, sell or
462 store for sale any intoxicating liquor as specified in this
463 chapter within four hundred (400) feet of any church, school,
464 kindergarten or funeral home. However, within an area zoned
465 commercial or business, such minimum distance shall be not less
466 than one hundred (100) feet.

467 A church or funeral home may waive the distance restrictions
468 imposed in this subsection in favor of allowing issuance by the
469 department of a permit, pursuant to subsection (1) of this
470 section, to authorize activity relating to the manufacturing, sale
471 or storage of alcoholic beverages which would otherwise be
472 prohibited under the minimum distance criterion. Such waiver
473 shall be in written form from the owner, the governing body, or



474 the appropriate officer of the church or funeral home having the
475 authority to execute such a waiver, and the waiver shall be filed
476 with and verified by the department before becoming effective.

477 The distance restrictions imposed in this subsection shall
478 not apply to the sale or storage of alcoholic beverages at a bed
479 and breakfast inn listed in the National Register of Historic
480 Places or to the sale or storage of alcoholic beverages in a
481 historic district that is listed in the National Register of
482 Historic Places, is a qualified resort area and is located in a
483 municipality having a population greater than one hundred thousand
484 (100,000) according to the latest federal decennial census.

485 (4) No person, either individually or as a member of a firm,
486 partnership, limited liability company or association, or as a
487 stockholder, officer or director in a corporation, shall own or
488 control any interest in more than one (1) package retailer's
489 permit, nor shall such person's spouse, if living in the same
490 household of such person, any relative of such person, if living
491 in the same household of such person, or any other person living
492 in the same household with such person own any interest in any
493 other package retailer's permit.

494 (5) (a) In addition to any other authority granted under
495 this section, the holder of a permit issued under subsection
496 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
497 sell or otherwise provide alcoholic beverages and/or wine to a
498 patron of the permit holder in the manner authorized in the permit



499 and the patron may remove an open glass, cup or other container of
500 the alcoholic beverage and/or wine from the licensed premises and
501 may possess and consume the alcoholic beverage or wine outside of
502 the licensed premises if: (i) the licensed premises is located
503 within a leisure and recreation district created under Section
504 67-1-101 and (ii) the patron remains within the boundaries of the
505 leisure and recreation district while in possession of the
506 alcoholic beverage or wine.

507 (b) Nothing in this subsection shall be construed to
508 allow a person to bring any alcoholic beverages into a permitted
509 premises except to the extent otherwise authorized by this
510 chapter.

511 **SECTION 5.** Section 67-1-53, Mississippi Code of 1972, is
512 brought forward as follows:

513 67-1-53. (1) Application for permits shall be in such form
514 and shall contain such information as shall be required by the
515 regulations of the commission; however, no regulation of the
516 commission shall require personal financial information from any
517 officer of a corporation applying for an on-premises retailer's
518 permit to sell alcoholic beverages unless such officer owns ten
519 percent (10%) or more of the stock of such corporation.

520 (2) Every applicant for each type of permit authorized by
521 Section 67-1-51 shall give notice of such application by
522 publication for two (2) consecutive issues in a newspaper of
523 general circulation published in the city or town in which



524 applicant's place of business is located. However, in instances
525 where no newspaper is published in the city or town, then the
526 notice shall be published in a newspaper of general circulation
527 published in the county where the applicant's business is located.
528 If no newspaper is published in the county, the notice shall be
529 published in a qualified newspaper which is published in the
530 closest neighboring county and circulated in the county of
531 applicant's residence. The notice shall be printed in ten-point
532 black face type and shall set forth the type of permit to be
533 applied for, the exact location of the place of business, the name
534 of the owner or owners thereof, and if operating under an assumed
535 name, the trade name together with the names of all owners, and if
536 a corporation, the names and titles of all officers. The cost of
537 such notice shall be borne by the applicant.

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

541 **SECTION 6.** Section 67-1-55, Mississippi Code of 1972, is
542 brought forward as follows:

543 67-1-55. No permit of any type shall be issued by the
544 commission until the applicant has first filed with the commission
545 a sworn statement disclosing all persons who are financially
546 involved in the operation of the business for which the permit is
547 sought. If an applicant is an individual, he will swear that he
548 owns one hundred percent (100%) of the business for which he is



549 seeking a permit. If the applicant is a partnership, all partners
550 and their addresses shall be disclosed and the extent of their
551 interest in the partnership shall be disclosed. If the applicant
552 is a corporation, the total stock in the corporation shall be
553 disclosed and each shareholder and his address and the amount of
554 stock in the corporation owned by him shall be disclosed. If the
555 applicant is a limited liability company, each member and their
556 addresses shall be disclosed and the extent of their interest in
557 the limited liability company shall be disclosed. If the
558 applicant is a trust, the trustee and all beneficiaries and their
559 addresses shall be disclosed. If the applicant is a combination
560 of any of the above, all information required to be disclosed
561 above shall be required.

562 All the disclosures shall be in writing and kept on file at
563 the commission's office and shall be available to the public.

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

567 Any person who willfully fails to fully disclose the
568 information required by this section, or who gives false
569 information, shall be guilty of a misdemeanor and, upon conviction
570 thereof, shall be fined a sum not to exceed Five Hundred Dollars
571 (\$500.00) or imprisoned for not more than one (1) year, or both,
572 and the person or applicant shall never again be eligible for any
573 permit pertaining to alcoholic beverages.



574 **SECTION 7.** Section 67-1-57, Mississippi Code of 1972, is
575 brought forward as follows:

576 67-1-57. Before a permit is issued the department shall
577 satisfy itself:

578 (a) That the applicant, if an individual, or if a
579 partnership, each of the members of the partnership, or if a
580 corporation, each of its principal officers and directors, or if a
581 limited liability company, each member of the limited liability
582 company, is of good moral character and, in addition, enjoys a
583 reputation of being a peaceable, law-abiding citizen of the
584 community in which he resides, and is generally fit for the trust
585 to be reposed in him, is not less than twenty-one (21) years of
586 age, and has not been convicted of a felony in any state or
587 federal court.

588 (b) That, except in the case of an application for a
589 solicitor's permit, the applicant is the true and actual owner of
590 the business for which the permit is desired, and that he intends
591 to carry on the business authorized for himself and not as the
592 agent of any other person, and that he intends to superintend in
593 person the management of the business or that he will designate a
594 manager to manage the business for him. All managers must be
595 approved by the department prior to completing any managerial
596 tasks on behalf of the permittee and must possess all of the
597 qualifications required of a permittee; however, a felony
598 conviction, other than a crime of violence, does not automatically



599 disqualify a person from being approved as a manager if the person
600 was released from incarceration at least three (3) years prior to
601 application for approval as a manager. A felony conviction, other
602 than a crime of violence, may be considered by the department in
603 determining whether all other qualifications are met.

604 (c) That the applicant for a package retailer's permit,
605 if an individual, is a resident of the State of Mississippi. If
606 the applicant is a partnership, each member of the partnership
607 must be a resident of the state. If the applicant is a limited
608 liability company, each member of the limited liability company
609 must be a resident of the state. If the applicant is a
610 corporation, the designated manager of the corporation must be a
611 resident of the state.

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

615 (e) That the place for which the permit is to be issued
616 is within the corporate limits of an incorporated municipality or
617 qualified resort area or club which comes within the provisions of
618 this chapter.

619 (f) That the applicant is not indebted to the state for
620 any taxes, fees or payment of penalties imposed by any law of the
621 State of Mississippi or by any rule or regulation of the
622 commission.



623 (g) That the applicant is not in the habit of using
624 alcoholic beverages to excess and is not physically or mentally
625 incapacitated, and that the applicant has the ability to read and
626 write the English language.

627 (h) That the commission does not believe and has no
628 reason to believe that the applicant will sell or knowingly permit
629 any agent, servant or employee to unlawfully sell liquor in a dry
630 area or in any other manner contrary to law.

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

635 (j) That the commission has not, in the exercise of its
636 discretion which is reserved and preserved to it, refused to grant
637 permits under the restrictions of this section, as well as under
638 any other pertinent provision of this chapter.

639 (k) That there are not sufficient legal reasons to deny
640 a permit on the ground that the premises for which the permit is
641 sought has previously been operated, used or frequented for any
642 purpose or in any manner that is lewd, immoral or offensive to
643 public decency. In the granting or withholding of any permit to
644 sell alcoholic beverages at retail, the commission in forming its
645 conclusions may give consideration to any recommendations made in
646 writing by the district or county attorney or county, circuit or
647 chancery judge of the county, or the sheriff of the county, or the



648 mayor or chief of police of an incorporated city or town wherein
649 the applicant proposes to conduct his business and to any
650 recommendations made by representatives of the commission.

651 (1) That the applicant and the applicant's key
652 employees, as determined by the commission, do not have a
653 disqualifying criminal record. In order to obtain a criminal
654 record history check, the applicant shall submit to the commission
655 a set of fingerprints from any local law enforcement agency for
656 each person for whom the records check is required. The
657 commission shall forward the fingerprints to the Mississippi
658 Department of Public Safety. If no disqualifying record is
659 identified at the state level, the Department of Public Safety
660 shall forward the fingerprints to the Federal Bureau of
661 Investigation for a national criminal history record check. Costs
662 for processing the set or sets of fingerprints shall be borne by
663 the applicant. The commission shall not deny employment to an
664 employee of the applicant prior to the identification of a
665 disqualifying record or other disqualifying information.

666 **SECTION 8.** Section 67-1-73, Mississippi Code of 1972, is
667 brought forward as follows:

668 67-1-73. Every manufacturer, including native wine
669 producers, within or without the state, and every other shipper of
670 alcoholic beverages who sells any alcoholic beverage, including
671 native wine, within the state, shall, at the time of making such
672 sale, file with the commission a copy of the invoice of such sale



673 showing in detail the kind of alcoholic beverage sold, the
674 quantities of each, the size of the container and the weight of
675 the contents, the alcoholic content, and the name and address of
676 the person to whom sold.

677 Every person transporting alcoholic beverages, including
678 native wine, within this state to a point within this state,
679 whether such transportation originates within or without this
680 state, shall, within five (5) days after delivery of such
681 shipment, furnish the commission a copy of the bill of lading or
682 receipt, showing the name or consignor or consignee, date, place
683 received, destination, and quantity of alcoholic beverages
684 delivered. Upon failure to comply with the provisions of this
685 section, such person shall be deemed guilty of a misdemeanor and,
686 upon conviction thereof shall be fined in the sum of Fifty Dollars
687 (\$50.00) for each offense.

688 **SECTION 9.** Section 67-1-79, Mississippi Code of 1972, is
689 brought forward as follows:

690 67-1-79. No alcoholic beverage shall be sold by any
691 wholesaler to any retailer, nor shall any retailer purchase any
692 alcoholic beverage, except for cash. Each delivery of any
693 alcoholic beverage to a retail permittee shall be accompanied by
694 an invoice of sale or delivery slip which shall bear as its date
695 the date of delivery of such alcoholic beverage.

696 **SECTION 10.** Section 27-71-5, Mississippi Code of 1972, is
697 brought forward as follows:



698 27-71-5. (1) Upon each person approved for a permit under
699 the provisions of the Alcoholic Beverage Control Law and
700 amendments thereto, there is levied and imposed for each location
701 for the privilege of engaging and continuing in this state in the
702 business authorized by such permit, an annual privilege license
703 tax in the amount provided in the following schedule:

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

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

709 (c) Manufacturer's permit, Class 3, native wine
710 manufacturer per ten thousand (10,000) gallons or part thereof
711 produced.....\$ 10.00

712 (d) Native wine retailer's permit.....\$ 50.00

713 (e) Package retailer's permit, each.....\$ 900.00

714 (f) On-premises retailer's permit, except for clubs and
715 common carriers, each.....\$ 450.00

716 (g) On-premises retailer's permit for wine of more than
717 five percent (5%) alcohol by weight, but not more than twenty-one
718 percent (21%) alcohol by weight, each.....\$ 225.00

719 (h) On-premises retailer's permit for clubs...\$ 225.00

720 (i) On-premises retailer's permit for common carriers,
721 per car, plane, or other vehicle.....\$ 120.00



722	(j) Solicitor's permit, regardless of any other	
723	provision of law, solicitor's permits shall be issued only in the	
724	discretion of the department.....	\$ 100.00
725	(k) Filing fee for each application except for an	
726	employee identification card.....	\$ 25.00
727	(l) Temporary permit, Class 1, each.....	\$ 10.00
728	(m) Temporary permit, Class 2, each.....	\$ 50.00
729	(n) (i) Caterer's permit.....	\$ 600.00
730	(ii) Caterer's permit for holders of on-premises	
731	retailer's permit.....	\$ 150.00
732	(o) Research permit.....	\$ 100.00
733	(p) Temporary permit, Class 3 (wine only).....	\$ 10.00
734	(q) Special service permit.....	\$ 225.00
735	(r) Merchant permit.....	\$ 225.00
736	(s) Temporary wine charitable auction permit..	\$ 10.00
737	(t) Event venue retailer's permit.....	\$ 225.00
738	(u) Temporary theatre permit, each.....	\$ 10.00
739	(v) Charter ship operator's permit.....	\$ 100.00

740 If a person approved for a manufacturer's permit, Class 1,
741 distiller's permit produces a product with at least fifty-one
742 percent (51%) of the finished product by volume being obtained
743 from alcoholic fermentation of grapes, fruits, berries, honey
744 and/or vegetables grown and produced in Mississippi, and produces
745 all of the product by using not more than one (1) still having a
746 maximum capacity of one hundred fifty (150) liters, the annual



747 privilege license tax for such a permit shall be Ten Dollars
748 (\$10.00) per ten thousand (10,000) gallons or part thereof
749 produced. Bulk, concentrated or fortified ingredients used for
750 blending may be produced outside this state and used in producing
751 such a product.

752 In addition to the filing fee imposed by paragraph (k) of
753 this subsection, a fee to be determined by the Department of
754 Revenue may be charged to defray costs incurred to process
755 applications. The additional fees shall be paid into the State
756 Treasury to the credit of a special fund account, which is hereby
757 created, and expenditures therefrom shall be made only to defray
758 the costs incurred by the Department of Revenue in processing
759 alcoholic beverage applications. Any unencumbered balance
760 remaining in the special fund account on June 30 of any fiscal
761 year shall lapse into the State General Fund.

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

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



772 (b) (i) In addition to the tax imposed in paragraph
773 (a) of this subsection, there is imposed and shall be collected by
774 the department from each permittee described in subsection (1)(f),
775 (g), (h), (m) and (t) of this section, an additional license tax
776 for the privilege of doing business within any municipality or
777 county in which the licensee is located in the amount of Two
778 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
779 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
780 (\$225.00) for each additional purchase of Five Thousand Dollars
781 (\$5,000.00), or fraction thereof.

782 (ii) In addition to the tax imposed in paragraph
783 (a) of this subsection, there is imposed and shall be collected by
784 the department from each permittee described in subsection (1)(n)
785 and (r) of this section, an additional license tax for the
786 privilege of doing business within any municipality or county in
787 which the licensee is located in the amount of Two Hundred Fifty
788 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
789 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
790 additional purchase of Five Thousand Dollars (\$5,000.00), or
791 fraction thereof.

792 (iii) Any person who has paid the additional
793 privilege license tax imposed by this paragraph, and whose permit
794 is renewed, may add any unused fraction of Five Thousand Dollars
795 (\$5,000.00) purchases to the first Five Thousand Dollars
796 (\$5,000.00) purchases authorized by the renewal permit, and no



797 additional license tax will be required until purchases exceed the
798 sum of the two (2) figures.

799 (c) If the licensee is located within a municipality,
800 the department shall pay the amount of additional license tax
801 collected under this section to the municipality, and if outside a
802 municipality the department shall pay the additional license tax
803 to the county in which the licensee is located. Payments by the
804 department to the respective local government subdivisions shall
805 be made once each month for any collections during the preceding
806 month.

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

813 (4) The number of permits issued by the department shall not
814 be restricted or limited on a population basis; however, the
815 foregoing limitation shall not be construed to preclude the right
816 of the department to refuse to issue a permit because of the
817 undesirability of the proposed location.

818 (5) If any person shall engage or continue in any business
819 which is taxable under this section without having paid the tax as
820 provided in this section, the person shall be liable for the full
821 amount of the tax plus a penalty thereon equal to the amount



822 thereof, and, in addition, shall be punished by a fine of not more
823 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
824 county jail for a term of not more than six (6) months, or by both
825 such fine and imprisonment, in the discretion of the court.

826 (6) It shall be unlawful for any person to consume alcoholic
827 beverages on the premises of any hotel restaurant, restaurant,
828 club or the interior of any public place defined in Chapter 1,
829 Title 67, Mississippi Code of 1972, when the owner or manager
830 thereof displays in several conspicuous places inside the
831 establishment and at the entrances of establishment a sign
832 containing the following language: NO ALCOHOLIC BEVERAGES
833 ALLOWED.

834 **SECTION 11.** Section 27-71-7, Mississippi Code of 1972, is
835 brought forward as follows:

836 27-71-7. (1) There is hereby levied and assessed an excise
837 tax upon each case of alcoholic beverages sold by the commission
838 to be collected from each retail licensee at the time of sale in
839 accordance with the following schedule:

- 840 (a) Distilled spirits.....\$2.50 per gallon
- 841 (b) Sparkling wine and champagne.....\$1.00 per gallon
- 842 (c) Other wines, including native
843 wines.....\$.35 per gallon

844 (2) (a) In addition to the tax levied by subsection (1) of
845 this section, and in addition to any other markup collected, the
846 Alcoholic Beverage Control Division shall collect a markup of



847 three percent (3%) on all alcoholic beverages, as defined in
848 Section 67-1-5, Mississippi Code of 1972, which are sold by the
849 division. The proceeds of the markup shall be collected by the
850 division from each purchaser at the time of purchase.

851 (b) Until June 30, 1987, the revenue derived from this
852 three percent (3%) markup shall be deposited by the division in
853 the State Treasury to the credit of the "Alcoholism Treatment and
854 Rehabilitation Fund," a special fund which is hereby created in
855 the State Treasury, and shall be used by the Division of Alcohol
856 and Drug Abuse of the State Department of Mental Health and public
857 or private centers or organizations solely for funding of
858 treatment and rehabilitation programs for alcoholics and alcohol
859 abusers which are sponsored by the division or public or private
860 centers or organizations in such amounts as the Legislature may
861 appropriate to the division for use by the division or public or
862 private centers or organizations for such programs. Any tax
863 revenue in the fund which is not encumbered at the end of the
864 fiscal year shall lapse to the General Fund. It is the intent of
865 the Legislature that the State Department of Mental Health shall
866 continue to seek funds from other sources and shall use the funds
867 appropriated for the purposes of this section and Section 27-71-29
868 to match all federal funds which may be available for alcoholism
869 treatment and rehabilitation.

870 From and after July 1, 1987, the revenue derived from this
871 three percent (3%) markup shall be deposited by the division in



872 the State Treasury to the credit of the "Mental Health Programs
873 Fund," a special fund which is hereby created in the State
874 Treasury and shall be used by the State Department of Mental
875 Health for the service programs of the department. Any revenue in
876 the "Alcoholism Treatment and Rehabilitation Fund" which is not
877 encumbered at the end of Fiscal Year 1987 shall be deposited to
878 the credit of the "Mental Health Programs Fund."

879 **SECTION 12.** Section 27-71-15, Mississippi Code of 1972, is
880 brought forward as follows:

881 27-71-15. Except as otherwise provided in Section 67-9-1 for
882 the transportation of limited amounts of alcoholic beverages for
883 the use of an alcohol processing permittee, if transportation
884 requires passage through a county which has not authorized the
885 sale of alcoholic beverages, such transportation shall be by a
886 sealed vehicle. Such seal shall remain unbroken until the vehicle
887 shall reach the place of business operated by the permittee. The
888 operator of any vehicle transporting alcoholic beverages shall
889 have in his possession an invoice issued by the commission at the
890 time of the wholesale sale covering the merchandise transported by
891 the vehicle. The commission is authorized to issue regulations
892 controlling the transportation of alcoholic beverages.

893 When the restrictions imposed by this section and by the
894 regulation of the commission have not been violated, the person
895 transporting alcoholic beverages through a county wherein the sale
896 of alcoholic beverages is prohibited shall not be guilty of



897 unlawful possession and such merchandise shall be immune from
898 seizure.

899 **SECTION 13.** Section 27-71-29, Mississippi Code of 1972, is
900 brought forward as follows:

901 27-71-29. All taxes levied by this article shall be paid to
902 the State Tax Commission in cash or by personal check, cashier's
903 check, bank exchange, post office money order or express money
904 order and shall be deposited by the commission in the State
905 Treasury on the same day collected, but no remittances other than
906 cash shall be a final discharge of liability for the tax herein
907 imposed and levied unless and until it has been paid in cash to
908 the State Tax Commission.

909 All taxes levied under Section 27-71-7(1) and received by the
910 commission under this article shall be paid into the General Fund,
911 and the three percent (3%) levied under Section 27-71-7(2) and
912 received by the commission under this article shall be paid into
913 the special fund in the State Treasury designated as the
914 "Alcoholism Treatment and Rehabilitation Fund" as required by law.
915 Any funds derived from the sale of alcoholic beverages in excess
916 of inventory requirements shall be paid not less often than
917 annually into the General Fund.

918 **SECTION 14.** Section 97-31-47, Mississippi Code of 1972, is
919 brought forward as follows:

920 97-31-47. It shall be unlawful for any transportation
921 company, or any agent, employee, or officer of such company, or



922 any other person, or corporation to transport into or deliver in
923 this state in any manner or by any means any spirituous, vinous,
924 malt, or other intoxicating liquors or drinks, or for any such
925 person, company, or corporation to transport any spirituous, malt,
926 vinous, or intoxicating liquors or drinks from one place within
927 this state to another place within the state, or from one (1)
928 point within this state to any point without the state, except in
929 cases where this chapter or Section 67-9-1 authorizes the
930 transportation.

931 **SECTION 15.** Section 97-31-49, Mississippi Code of 1972, is
932 brought forward as follows:

933 97-31-49. It shall be unlawful for any person, firm or
934 corporation in this state, in person, by letter, circular, or
935 other printed or written matter, or in any other manner, to
936 solicit or take order in this state for any liquors, bitters or
937 drinks prohibited by the laws of this state to be sold, bartered,
938 or otherwise disposed of. The inhibition of this section shall
939 apply to such liquors, bitters and drinks, whether the parties
940 intend that the same shall be shipped into this state from outside
941 of the state, or from one point in this state to another point in
942 this state. If such order be in writing, parol evidence thereof
943 is admissible without producing or accounting for the absence of
944 the original; and the taking or soliciting of such orders is
945 within the inhibition of this section, although the orders are
946 subject to approval by some other person, and no part of the price



947 is paid, nor any part of the goods is delivered when the order is
948 taken.

949 **SECTION 16.** This act shall take effect and be in force from
950 and after July 1, 2018.

