

By: Senator(s) Simmons (13th)

To: Finance

SENATE BILL NO. 2385

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
 2 DEFINE THE TERM "RETAIL FOOD STORE"; TO AMEND SECTION 67-1-51,
 3 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE
 4 TO ISSUE RETAIL FOOD STORE WINE ONLY RETAILER'S PERMIT THAT
 5 AUTHORIZES THE HOLDER THEREOF TO SELL WINE AT RETAIL AT A RETAIL
 6 FOOD STORE IN ORIGINAL SEALED AND UNOPENED PACKAGES NOT TO BE
 7 CONSUMED ON THE PREMISES WHERE SOLD; TO PROVIDE THAT THE HOLDER OF
 8 A PACKAGE RETAILER'S PERMIT MAY SELL OTHER PRODUCTS AND
 9 MERCHANDISE, EXCEPT BEER, BUT MUST DERIVE AT LEAST 50% OF THE
 10 REVENUE OF THE LICENSED PREMISES FROM THE RETAIL SALE OF ALCOHOLIC
 11 BEVERAGES IN ORIGINAL SEALED AND UNOPENED PACKAGES NOT TO BE
 12 CONSUMED ON THE LICENSED PREMISES; TO AUTHORIZE A PERSON TO OWN OR
 13 CONTROL ANY INTEREST IN MORE THAN SIX PACKAGE RETAILER'S PERMITS;
 14 TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THE
 15 LICENSE TAX REQUIRED FOR RETAIL FOOD STORE WINE ONLY RETAILER'S
 16 PERMITS; TO AMEND SECTIONS 67-1-41, 67-1-75, 67-1-83 AND 67-1-85,
 17 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
 18 PURPOSES.

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

20 **SECTION 1.** Section 67-1-5, Mississippi Code of 1972, is
 21 amended as follows:

22 67-1-5. For the purposes of this chapter and unless
 23 otherwise required by the context:

24 (a) "Alcoholic beverage" means any alcoholic liquid,
 25 including wines of more than five percent (5%) of alcohol by
 26 weight, capable of being consumed as a beverage by a human being,



27 but shall not include light wine and beer, as defined in Section
28 67-3-3, Mississippi Code of 1972, but shall include native wines.
29 The words "alcoholic beverage" shall not include ethyl alcohol
30 manufactured or distilled solely for fuel purposes or beer of an
31 alcoholic content of more than eight percent (8%) by weight if the
32 beer is legally manufactured in this state for sale in another
33 state.

34 (b) "Alcohol" means the product of distillation of any
35 fermented liquid, whatever the origin thereof, and includes
36 synthetic ethyl alcohol, but does not include denatured alcohol or
37 wood alcohol.

38 (c) "Distilled spirits" means any beverage containing
39 more than four percent (4%) of alcohol by weight produced by
40 distillation of fermented grain, starch, molasses or sugar,
41 including dilutions and mixtures of these beverages.

42 (d) "Wine" or "vinous liquor" means any product
43 obtained from the alcoholic fermentation of the juice of sound,
44 ripe grapes, fruits or berries and made in accordance with the
45 revenue laws of the United States.

46 (e) "Person" means and includes any individual,
47 partnership, corporation, association or other legal entity
48 whatsoever.

49 (f) "Manufacturer" means any person engaged in
50 manufacturing, distilling, rectifying, blending or bottling any
51 alcoholic beverage.



52 (g) "Wholesaler" means any person, other than a
53 manufacturer, engaged in distributing or selling any alcoholic
54 beverage at wholesale for delivery within or without this state
55 when such sale is for the purpose of resale by the purchaser.

56 (h) "Retailer" means any person who sells, distributes,
57 or offers for sale or distribution, any alcoholic beverage for use
58 or consumption by the purchaser and not for resale.

59 (i) "State Tax Commission," "commission" or
60 "department" means the Department of Revenue of the State of
61 Mississippi, which shall create a division in its organization to
62 be known as the Alcoholic Beverage Control Division. Any
63 reference to the commission or the department hereafter means the
64 powers and duties of the Department of Revenue with reference to
65 supervision of the Alcoholic Beverage Control Division.

66 (j) "Division" means the Alcoholic Beverage Control
67 Division of the Department of Revenue.

68 (k) "Municipality" means any incorporated city or town
69 of this state.

70 (l) "Hotel" means an establishment within a
71 municipality, or within a qualified resort area approved as such
72 by the department, where, in consideration of payment, food and
73 lodging are habitually furnished to travelers and wherein are
74 located at least twenty (20) adequately furnished and completely
75 separate sleeping rooms with adequate facilities that persons
76 usually apply for and receive as overnight accommodations. Hotels



77 in towns or cities of more than twenty-five thousand (25,000)
78 population are similarly defined except that they must have fifty
79 (50) or more sleeping rooms. Any such establishment described in
80 this paragraph with less than fifty (50) beds shall operate one or
81 more regular dining rooms designed to be constantly frequented by
82 customers each day. When used in this chapter, the word "hotel"
83 shall also be construed to include any establishment that meets
84 the definition of "bed and breakfast inn" as provided in this
85 section.

86 (m) "Restaurant" means:

87 (i) A place which is regularly and in a bona fide
88 manner used and kept open for the serving of meals to guests for
89 compensation, which has suitable seating facilities for guests,
90 and which has suitable kitchen facilities connected therewith for
91 cooking an assortment of foods and meals commonly ordered at
92 various hours of the day; the service of such food as sandwiches
93 and salads only shall not be deemed in compliance with this
94 requirement. Except as otherwise provided in this paragraph, no
95 place shall qualify as a restaurant under this chapter unless
96 twenty-five percent (25%) or more of the revenue derived from such
97 place shall be from the preparation, cooking and serving of meals
98 and not from the sale of beverages, or unless the value of food
99 given to and consumed by customers is equal to twenty-five percent
100 (25%) or more of total revenue; or



101 (ii) Any privately owned business located in a
102 building in a historic district where the district is listed in
103 the National Register of Historic Places, where the building has a
104 total occupancy rating of not less than one thousand (1,000) and
105 where the business regularly utilizes ten thousand (10,000) square
106 feet or more in the building for live entertainment, including not
107 only the stage, lobby or area where the audience sits and/or
108 stands, but also any other portion of the building necessary for
109 the operation of the business, including any kitchen area, bar
110 area, storage area and office space, but excluding any area for
111 parking. In addition to the other requirements of this
112 subparagraph, the business must also serve food to guests for
113 compensation within the building and derive the majority of its
114 revenue from event-related fees, including, but not limited to,
115 admission fees or ticket sales to live entertainment in the
116 building, and from the rental of all or part of the facilities of
117 the business in the building to another party for a specific event
118 or function.

119 (n) "Club" means an association or a corporation:

120 (i) Organized or created under the laws of this
121 state for a period of five (5) years prior to July 1, 1966;

122 (ii) Organized not primarily for pecuniary profit
123 but for the promotion of some common object other than the sale or
124 consumption of alcoholic beverages;



125 (iii) Maintained by its members through the
126 payment of annual dues;

127 (iv) Owning, hiring or leasing a building or space
128 in a building of such extent and character as may be suitable and
129 adequate for the reasonable and comfortable use and accommodation
130 of its members and their guests;

131 (v) The affairs and management of which are
132 conducted by a board of directors, board of governors, executive
133 committee, or similar governing body chosen by the members at a
134 regular meeting held at some periodic interval; and

135 (vi) No member, officer, agent or employee of
136 which is paid, or directly or indirectly receives, in the form of
137 a salary or other compensation any profit from the distribution or
138 sale of alcoholic beverages to the club or to members or guests of
139 the club beyond such salary or compensation as may be fixed and
140 voted at a proper meeting by the board of directors or other
141 governing body out of the general revenues of the club.

142 The department may, in its discretion, waive the five-year
143 provision of this paragraph. In order to qualify under this
144 paragraph, a club must file with the department, at the time of
145 its application for a license under this chapter, two (2) copies
146 of a list of the names and residences of its members and similarly
147 file, within ten (10) days after the election of any additional
148 member, his name and address. Each club applying for a license
149 shall also file with the department at the time of the application



150 a copy of its articles of association, charter of incorporation,
151 bylaws or other instruments governing the business and affairs
152 thereof.

153 (o) "Qualified resort area" means any area or locality
154 outside of the limits of incorporated municipalities in this state
155 commonly known and accepted as a place which regularly and
156 customarily attracts tourists, vacationists and other transients
157 because of its historical, scenic or recreational facilities or
158 attractions, or because of other attributes which regularly and
159 customarily appeal to and attract tourists, vacationists and other
160 transients in substantial numbers; however, no area or locality
161 shall so qualify as a resort area until it has been duly and
162 properly approved as such by the department.

163 (i) The department may approve an area or locality
164 outside of the limits of an incorporated municipality that is in
165 the process of being developed as a qualified resort area if such
166 area or locality, when developed, can reasonably be expected to
167 meet the requisites of the definition of the term "qualified
168 resort area." In such a case, the status of qualified resort area
169 shall not take effect until completion of the development.

170 (ii) The term includes any state park which is
171 declared a resort area by the department; however, such
172 declaration may only be initiated in a written request for resort
173 area status made to the department by the Executive Director of
174 the Department of Wildlife, Fisheries and Parks, and no permit for



175 the sale of any alcoholic beverage, as defined in this chapter,
176 except an on-premises retailer's permit, shall be issued for a
177 hotel, restaurant or bed and breakfast inn in such park.

178 (iii) The term includes:

179 1. The clubhouses associated with the state
180 park golf courses at the Lefleur's Bluff State Park, the John Kyle
181 State Park, the Percy Quin State Park and the Hugh White State
182 Park;

183 2. The clubhouse and associated golf course
184 where the golf course is adjacent to one or more planned
185 residential developments and the golf course and all such
186 developments collectively include at least seven hundred fifty
187 (750) acres and at least four hundred (400) residential units;

188 3. Any facility located on property that is a
189 game reserve with restricted access that consists of at least
190 three thousand (3,000) contiguous acres with no public roads and
191 that offers as a service hunts for a fee to overnight guests of
192 the facility;

193 4. Any facility located on federal property
194 surrounding a lake and designated as a recreational area by the
195 United States Army Corps of Engineers that consists of at least
196 one thousand five hundred (1,500) acres;

197 5. Any facility that is located in a
198 municipality that is bordered by the Pearl River, traversed by
199 Mississippi Highway 25, adjacent to the boundaries of the Jackson



200 International Airport and is located in a county which has voted
201 against coming out from under the dry law; however, any such
202 facility may only be located in areas designated by the governing
203 authorities of such municipality;

204 6. Any municipality with a population in
205 excess of ten thousand (10,000) according to the latest federal
206 decennial census that is located in a county that is bordered by
207 the Pearl River and is not traversed by Interstate Highway 20,
208 with a population in excess of forty-five thousand (45,000)
209 according to the latest federal decennial census; however, the
210 governing authorities of such a municipality may by ordinance:

211 a. Specify the hours of operation of
212 facilities that offer alcoholic beverages for sale;

213 b. Specify the percentage of revenue
214 that facilities that offer alcoholic beverages for sale must
215 derive from the preparation, cooking and serving of meals and not
216 from the sale of beverages;

217 c. Designate the areas in which
218 facilities that offer alcoholic beverages for sale may be located;

219 7. The West Pearl Restaurant Tax District as
220 defined in Chapter 912, Local and Private Laws of 2007;

221 8. Land that is located in any county in
222 which Mississippi Highway 43 and Mississippi Highway 25 intersect
223 and:



224 a. Owned by the Pearl River Valley Water
225 Supply District, and/or

226 b. Located within the Reservoir
227 Community District, zoned commercial, east of Old Fannin Road,
228 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
229 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
230 Drive and/or Lake Vista Place;

231 9. Any facility located on property that is a
232 game reserve with restricted access that consists of at least
233 eight hundred (800) contiguous acres with no public roads, that
234 offers as a service hunts for a fee to overnight guests of the
235 facility, and has accommodations for at least fifty (50) overnight
236 guests;

237 10. Any facility that:

238 a. Consists of at least six thousand
239 (6,000) square feet being heated and cooled along with an
240 additional adjacent area that consists of at least two thousand
241 two hundred (2,200) square feet regardless of whether heated and
242 cooled,

243 b. For a fee is used to host events such
244 as weddings, reunions and conventions,

245 c. Provides lodging accommodations
246 regardless of whether part of the facility and/or located adjacent
247 to or in close proximity to the facility, and



248 d. Is located on property that consists
249 of at least thirty (30) contiguous acres;

250 11. Any facility and related property:

251 a. Located on property that consists of
252 at least one hundred twenty-five (125) contiguous acres and
253 consisting of an eighteen (18) hole golf course, and/or located in
254 a facility that consists of at least eight thousand (8,000) square
255 feet being heated and cooled,

256 b. Used for the purpose of providing
257 meals and hosting events, and

258 c. Used for the purpose of teaching
259 culinary arts courses and/or turf management and grounds keeping
260 courses, and/or outdoor recreation and leadership courses;

261 12. Any facility and related property that:

262 a. Consist of at least eight thousand
263 (8,000) square feet being heated and cooled,

264 b. For a fee is used to host events,

265 c. Is located on property on or near a
266 bayou or other waterway,

267 d. Is used for the purpose of culinary
268 arts courses, and/or outdoor recreation and leadership courses;

269 13. The clubhouse and associated golf course
270 where the golf course is adjacent to one or more residential
271 developments and the golf course and all such developments
272 collectively include at least two hundred (200) acres and at least



273 one hundred fifty (150) residential units and are located a. in a
274 county that has voted against coming out from under the dry law;
275 and b. outside of but in close proximity to a municipality in such
276 county which has voted under Section 67-1-14, after January 1,
277 2013, to come out from under the dry law.

278 The status of these municipalities, districts, clubhouses,
279 facilities, golf courses and areas described in subparagraph (iii)
280 of this paragraph (o) as qualified resort areas does not require
281 any declaration of same by the department.

282 (p) "Native wine" means any product, produced in
283 Mississippi for sale, having an alcohol content not to exceed
284 twenty-one percent (21%) by weight and made in accordance with
285 revenue laws of the United States, which shall be obtained
286 primarily from the alcoholic fermentation of the juice of ripe
287 grapes, fruits, berries or vegetables grown and produced in
288 Mississippi; provided that bulk, concentrated or fortified wines
289 used for blending may be produced without this state and used in
290 producing native wines. The department shall adopt and promulgate
291 rules and regulations to permit a producer to import such bulk
292 and/or fortified wines into this state for use in blending with
293 native wines without payment of any excise tax that would
294 otherwise accrue thereon.

295 (q) "Native winery" means any place or establishment
296 within the State of Mississippi where native wine is produced, in
297 whole or in part, for sale.



298 (r) "Bed and breakfast inn" means an establishment
299 within a municipality where in consideration of payment, breakfast
300 and lodging are habitually furnished to travelers and wherein are
301 located not less than eight (8) and not more than nineteen (19)
302 adequately furnished and completely separate sleeping rooms with
303 adequate facilities, that persons usually apply for and receive as
304 overnight accommodations; however, such restriction on the minimum
305 number of sleeping rooms shall not apply to establishments on the
306 National Register of Historic Places. No place shall qualify as a
307 bed and breakfast inn under this chapter unless on the date of the
308 initial application for a license under this chapter more than
309 fifty percent (50%) of the sleeping rooms are located in a
310 structure formerly used as a residence.

311 (s) "Board" shall refer to the Board of Tax Appeals of
312 the State of Mississippi.

313 (t) "Spa facility" means an establishment within a
314 municipality or qualified resort area and owned by a hotel where,
315 in consideration of payment, patrons receive from licensed
316 professionals a variety of private personal care treatments such
317 as massages, facials, waxes, exfoliation and hairstyling.

318 (u) "Art studio or gallery" means an establishment
319 within a municipality or qualified resort area that is in the sole
320 business of allowing patrons to view and/or purchase paintings and
321 other creative artwork.



322 (v) "Cooking school" means an establishment within a
323 municipality or qualified resort area and owned by a nationally
324 recognized company that offers an established culinary education
325 curriculum and program where, in consideration of payment, patrons
326 are given scheduled professional group instruction on culinary
327 techniques. For purposes of this paragraph, the definition of
328 cooking school shall not include schools or classes offered by
329 grocery stores, convenience stores or drugstores.

330 (w) "Retail food store" means a retail establishment
331 that is open to the public that derives at least twenty percent
332 (20%) of its sales from the retail sale of unprepared food for
333 human consumption and ingredients for such food, and has retail
334 floor space of at least ten thousand (10,000) square feet.

335 **SECTION 2.** Section 67-1-51, Mississippi Code of 1972, is
336 amended as follows:

337 67-1-51. (1) Permits which may be issued by the department
338 shall be as follows:

339 (a) **Manufacturer's permit.** A manufacturer's permit
340 shall permit the manufacture, importation in bulk, bottling and
341 storage of alcoholic liquor and its distribution and sale to
342 manufacturers holding permits under this chapter in this state and
343 to persons outside the state who are authorized by law to purchase
344 the same, and to sell exclusively to the department.

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



346 Class 1. Distiller's and/or rectifier's permit, which shall
347 authorize the holder thereof to operate a distillery for the
348 production of distilled spirits by distillation or redistillation
349 and/or to operate a rectifying plant for the purifying, refining,
350 mixing, blending, flavoring or reducing in proof of distilled
351 spirits and alcohol.

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

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

358 (b) **Package retailer's permit.** Except as otherwise
359 provided in this paragraph and Section 67-1-52, a package
360 retailer's permit shall authorize the holder thereof to operate a
361 store * * * for the sale at retail in original sealed and unopened
362 packages of alcoholic beverages, including native wines, not to be
363 consumed on the premises where sold. Alcoholic beverages shall
364 not be sold by any retailer in any package or container containing
365 less than fifty (50) milliliters by liquid measure. A package
366 retailer's permit, with prior approval from the department, shall
367 authorize the holder thereof to sample new product furnished by a
368 manufacturer's representative or his employees at the permitted
369 place of business so long as the sampling otherwise complies with
370 this chapter and applicable department regulations. Such samples



371 may not be provided to customers at the permitted place of
372 business. In addition to the sale at retail of packages of
373 alcoholic beverages, the holder of a package retailer's permit is
374 authorized to sell at retail * * * other products and merchandise,
375 except beer, provided that at least fifty percent (50%) of the
376 revenue of the licensed premises is derived from the retail sale
377 in original sealed and unopened packages of alcoholic beverages,
378 including native wines, not to be consumed on the premises where
379 sold. Nonalcoholic beverages sold by the holder of a package
380 retailer's permit shall not be consumed on the premises where
381 sold.

382 (c) **On-premises retailer's permit.** Except as otherwise
383 provided in subsection (5) of this section, an on-premises
384 retailer's permit shall authorize the sale of alcoholic beverages,
385 including native wines, for consumption on the licensed premises
386 only; however, a patron of the permit holder may remove one (1)
387 bottle of wine from the licensed premises if: (i) the patron
388 consumed a portion of the bottle of wine in the course of
389 consuming a meal purchased on the licensed premises; (ii) the
390 permit holder securely reseals the bottle; (iii) the bottle is
391 placed in a bag that is secured in a manner so that it will be
392 visibly apparent if the bag is opened; and (iv) a dated receipt
393 for the wine and the meal is available. Such a permit shall be
394 issued only to qualified hotels, restaurants and clubs, and to
395 common carriers with adequate facilities for serving passengers.



396 In resort areas, whether inside or outside of a municipality, the
397 department, in its discretion, may issue on-premises retailer's
398 permits to such establishments as it deems proper. An on-premises
399 retailer's permit when issued to a common carrier shall authorize
400 the sale and serving of alcoholic beverages aboard any licensed
401 vehicle while moving through any county of the state; however, the
402 sale of such alcoholic beverages shall not be permitted while such
403 vehicle is stopped in a county that has not legalized such sales.

404 (d) **Solicitor's permit.** A solicitor's permit shall
405 authorize the holder thereof to act as salesman for a manufacturer
406 or wholesaler holding a proper permit, to solicit on behalf of his
407 employer orders for alcoholic beverages, and to otherwise promote
408 his employer's products in a legitimate manner. Such a permit
409 shall authorize the representation of and employment by one (1)
410 principal only. However, the permittee may also, in the
411 discretion of the department, be issued additional permits to
412 represent other principals. No such permittee shall buy or sell
413 alcoholic beverages for his own account, and no such beverage
414 shall be brought into this state in pursuance of the exercise of
415 such permit otherwise than through a permit issued to a wholesaler
416 or manufacturer in the state.

417 (e) **Native wine retailer's permit.** Except as otherwise
418 provided in subsection (5) of this section, a native wine
419 retailer's permit shall be issued only to a holder of a Class 3
420 manufacturer's permit, and shall authorize the holder thereof to



421 make retail sales of native wines to consumers for on-premises
422 consumption or to consumers in originally sealed and unopened
423 containers at an establishment located on the premises of or in
424 the immediate vicinity of a native winery.

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

430 Temporary retailer's permits shall be of the following
431 classes:

432 Class 1. A temporary one-day permit may be issued to bona
433 fide nonprofit civic or charitable organizations authorizing the
434 sale of alcoholic beverages, including native wine, for
435 consumption on the premises described in the temporary permit
436 only. Class 1 permits may be issued only to applicants
437 demonstrating to the department, by a statement signed under
438 penalty of perjury submitted ten (10) days prior to the proposed
439 date or such other time as the department may determine, that they
440 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
441 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
442 Class 1 permittees shall obtain all alcoholic beverages from
443 package retailers located in the county in which the temporary
444 permit is issued. Alcoholic beverages remaining in stock upon
445 expiration of the temporary permit may be returned by the



446 permittee to the package retailer for a refund of the purchase
447 price upon consent of the package retailer or may be kept by the
448 permittee exclusively for personal use and consumption, subject to
449 all laws pertaining to the illegal sale and possession of
450 alcoholic beverages. The department, following review of the
451 statement provided by the applicant and the requirements of the
452 applicable statutes and regulations, may issue the permit.

453 Class 2. A temporary permit, not to exceed seventy (70)
454 days, may be issued to prospective permittees seeking to transfer
455 a permit authorized in paragraph (b) or (c) of this subsection. A
456 Class 2 permit may be issued only to applicants demonstrating to
457 the department, by a statement signed under the penalty of
458 perjury, that they meet the qualifications of Sections 67-1-5(1),
459 (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55,
460 67-1-57 and 67-1-59. The department, following a preliminary
461 review of the statement provided by the applicant and the
462 requirements of the applicable statutes and regulations, may issue
463 the permit.

464 Class 2 temporary permittees must purchase their alcoholic
465 beverages directly from the department or, with approval of the
466 department, purchase the remaining stock of the previous
467 permittee. If the proposed applicant of a Class 1 or Class 2
468 temporary permit falsifies information contained in the
469 application or statement, the applicant shall never again be



470 eligible for a retail alcohol beverage permit and shall be subject
471 to prosecution for perjury.

472 Class 3. A temporary one-day permit may be issued to a
473 retail establishment authorizing the complimentary distribution of
474 wine, including native wine, to patrons of the retail
475 establishment at an open house or promotional event, for
476 consumption only on the premises described in the temporary
477 permit. A Class 3 permit may be issued only to an applicant
478 demonstrating to the department, by a statement signed under
479 penalty of perjury submitted ten (10) days before the proposed
480 date or such other time as the department may determine, that it
481 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
482 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
483 A Class 3 permit holder shall obtain all alcoholic beverages from
484 the holder(s) of a package retailer's permit located in the county
485 in which the temporary permit is issued. Wine remaining in stock
486 upon expiration of the temporary permit may be returned by the
487 Class 3 temporary permit holder to the package retailer for a
488 refund of the purchase price, with consent of the package
489 retailer, or may be kept by the Class 3 temporary permit holder
490 exclusively for personal use and consumption, subject to all laws
491 pertaining to the illegal sale and possession of alcoholic
492 beverages. The department, following review of the statement
493 provided by the applicant and the requirements of the applicable
494 statutes and regulations, may issue the permit. No retailer may



495 receive more than twelve (12) Class 3 temporary permits in a
496 calendar year. A Class 3 temporary permit shall not be issued to
497 a retail establishment that either holds a merchant permit issued
498 under paragraph (1) of this subsection, or holds a permit issued
499 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
500 the holder to engage in the business of a retailer of light wine
501 or beer.

502 (g) **Caterer's permit.** A caterer's permit shall permit
503 the purchase of alcoholic beverages by a person engaging in
504 business as a caterer and the resale of alcoholic beverages by
505 such person in conjunction with such catering business. No person
506 shall qualify as a caterer unless forty percent (40%) or more of
507 the revenue derived from such catering business shall be from the
508 serving of prepared food and not from the sale of alcoholic
509 beverages and unless such person has obtained a permit for such
510 business from the Department of Health. A caterer's permit shall
511 not authorize the sale of alcoholic beverages on the premises of
512 the person engaging in business as a caterer; however, the holder
513 of an on-premises retailer's permit may hold a caterer's permit.
514 When the holder of an on-premises retailer's permit or an
515 affiliated entity of the holder also holds a caterer's permit, the
516 caterer's permit shall not authorize the service of alcoholic
517 beverages on a consistent, recurring basis at a separate, fixed
518 location owned or operated by the caterer, on-premises retailer or
519 affiliated entity and an on-premises retailer's permit shall be



520 required for the separate location. All sales of alcoholic
521 beverages by holders of a caterer's permit shall be made at the
522 location being catered by the caterer, and, except as otherwise
523 provided in subsection (5) of this section, such sales may be made
524 only for consumption at the catered location. The location being
525 catered may be anywhere within a county or judicial district that
526 has voted to come out from under the dry laws or in which the
527 sale, distribution and possession of alcoholic beverages is
528 otherwise authorized by law. Such sales shall be made pursuant to
529 any other conditions and restrictions which apply to sales made by
530 on-premises retail permittees. The holder of a caterer's permit
531 or his employees shall remain at the catered location as long as
532 alcoholic beverages are being sold pursuant to the permit issued
533 under this paragraph (g), and the permittee shall have at the
534 location the identification card issued by the Alcoholic Beverage
535 Control Division of the department. No unsold alcoholic beverages
536 may be left at the catered location by the permittee upon the
537 conclusion of his business at that location. Appropriate law
538 enforcement officers and Alcoholic Beverage Control Division
539 personnel may enter a catered location on private property in
540 order to enforce laws governing the sale or serving of alcoholic
541 beverages.

542 (h) **Research permit.** A research permit shall authorize
543 the holder thereof to operate a research facility for the
544 professional research of alcoholic beverages. Such permit shall



545 authorize the holder of the permit to import and purchase limited
546 amounts of alcoholic beverages from the department or from
547 importers, wineries and distillers of alcoholic beverages for
548 professional research.

549 (i) **Alcohol processing permit.** An alcohol processing
550 permit shall authorize the holder thereof to purchase, transport
551 and possess alcoholic beverages for the exclusive use in cooking,
552 processing or manufacturing products which contain alcoholic
553 beverages as an integral ingredient. An alcohol processing permit
554 shall not authorize the sale of alcoholic beverages on the
555 premises of the person engaging in the business of cooking,
556 processing or manufacturing products which contain alcoholic
557 beverages. The amounts of alcoholic beverages allowed under an
558 alcohol processing permit shall be set by the department.

559 (j) **Hospitality cart permit.** A hospitality cart permit
560 shall authorize the sale of alcoholic beverages from a mobile cart
561 on a golf course that is the holder of an on-premises retailer's
562 permit. The alcoholic beverages sold from the cart must be
563 consumed within the boundaries of the golf course.

564 (k) **Special service permit.** A special service permit
565 shall authorize the holder to sell commercially sealed alcoholic
566 beverages to the operator of a commercial or private aircraft for
567 en route consumption only by passengers. A special service permit
568 shall be issued only to a fixed-base operator who contracts with



569 an airport facility to provide fueling and other associated
570 services to commercial and private aircraft.

571 (1) **Merchant permit.** Except as otherwise provided in
572 subsection (5) of this section, a merchant permit shall be issued
573 only to the owner of a spa facility, an art studio or gallery, or
574 a cooking school, and shall authorize the holder to serve
575 complimentary by the glass wine only, including native wine, at
576 the holder's spa facility, art studio or gallery, or cooking
577 school. A merchant permit holder shall obtain all wine from the
578 holder of a package retailer's permit.

579 (m) **Temporary wine charitable auction permit.** A
580 temporary permit, not to exceed five (5) days, may be issued to a
581 qualifying charitable nonprofit organization that is exempt from
582 taxation under Section 501(c)(3) or (4) of the Internal Revenue
583 Code of 1986. The permit shall authorize the holder to sell wine
584 for the limited purpose of raising funds for the organization
585 during a live or silent auction that is conducted by the
586 organization and that meets the following requirements: (i) the
587 auction is conducted in an area of the state where the sale of
588 wine is authorized; (ii) if the auction is conducted on the
589 premises of an on-premises retailer's permit holder, then the wine
590 to be auctioned must be stored separately from the wine sold,
591 stored or served on the premises, must be removed from the
592 premises immediately following the auction, and may not be
593 consumed on the premises; (iii) the permit holder may not conduct



594 more than two (2) auctions during a calendar year; (iv) the permit
595 holder may not pay a commission or promotional fee to any person
596 to arrange or conduct the auction.

597 (n) **Event venue retailer's permit.** An event venue
598 retailer's permit shall authorize the holder thereof to purchase
599 and resell alcoholic beverages, including native wines, for
600 consumption on the premises during legal hours during events held
601 on the licensed premises if food is being served at the event by a
602 caterer who is not affiliated with or related to the permittee.
603 The caterer must serve at least three (3) entrees. The permit may
604 only be issued for venues that can accommodate two hundred (200)
605 persons or more. The number of persons a venue may accommodate
606 shall be determined by the local fire department and such
607 determination shall be provided in writing and submitted along
608 with all other documents required to be provided for an
609 on-premises retailer's permit. The permittee must derive the
610 majority of its revenue from event-related fees, including, but
611 not limited to, admission fees or ticket sales for live
612 entertainment in the building. "Event-related fees" do not
613 include alcohol, beer or light wine sales or any fee which may be
614 construed to cover the cost of alcohol, beer or light wine. This
615 determination shall be made on a per event basis. An event may
616 not last longer than two (2) consecutive days per week.

617 (o) **Temporary theatre permit.** A temporary theatre
618 permit, not to exceed five (5) days, may be issued to a charitable



619 nonprofit organization that is exempt from taxation under Section
620 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
621 a theatre facility that features plays and other theatrical
622 performances and productions. Except as otherwise provided in
623 subsection (5) of this section, the permit shall authorize the
624 holder to sell alcoholic beverages, including native wines, to
625 patrons of the theatre during performances and productions at the
626 theatre facility for consumption during such performances and
627 productions on the premises of the facility described in the
628 permit. A temporary theatre permit holder shall obtain all
629 alcoholic beverages from package retailers located in the county
630 in which the permit is issued. Alcoholic beverages remaining in
631 stock upon expiration of the temporary theatre permit may be
632 returned by the permittee to the package retailer for a refund of
633 the purchase price upon consent of the package retailer or may be
634 kept by the permittee exclusively for personal use and
635 consumption, subject to all laws pertaining to the illegal sale
636 and possession of alcoholic beverages.

637 (p) **Charter ship operator's permit.** Subject to the
638 provisions of this paragraph (p), a charter ship operator's permit
639 shall authorize the holder thereof and its employees to serve,
640 monitor, store and otherwise control the serving and availability
641 of alcoholic beverages to customers of the permit holder during
642 private charters under contract provided by the permit holder. A
643 charter ship operator's permit shall authorize such action by the



644 permit holder and its employees only as to alcoholic beverages
645 brought onto the permit holder's ship by customers of the permit
646 holder as part of such a private charter. All such alcoholic
647 beverages must be removed from the charter ship at the conclusion
648 of each private charter. A charter ship operator's permit shall
649 not authorize the permit holder to sell, charge for or otherwise
650 supply alcoholic beverages to customers, except as authorized in
651 this paragraph (p). For the purposes of this paragraph (p),
652 "charter ship operator" means a common carrier that (i) is
653 certified to carry at least one hundred fifty (150) passengers
654 and/or provide overnight accommodations for at least fifty (50)
655 passengers, (ii) operates only in the waters within the State of
656 Mississippi, which lie adjacent to the State of Mississippi south
657 of the three (3) most southern counties in the State of
658 Mississippi, and (iii) provides charters under contract for tours
659 and trips in such waters.

660 (q) Retail food store wine only retailer's permit.

661 Except as otherwise provided in this paragraph (q), a retail food
662 store wine only retailer's permit shall authorize the holder
663 thereof to sell wine at retail at a retail food store in original
664 sealed and unopened packages not to be consumed on the premises
665 where sold. Wine shall not be sold by any retail food store in
666 any package or container containing less than fifty (50)
667 milliliters by liquid measure. A retail food store wine only
668 retailer's permit, with prior approval from the department, shall



669 authorize the holder thereof to sample the new product furnished
670 by a manufacturer's representative or his employees at the
671 permitted place of business so long as the sampling otherwise
672 complies with this chapter and applicable department regulations.
673 Such samples may not be provided to customers at the permitted
674 place of business. Permits authorized under this paragraph (q)
675 shall not be issued prior to July 1, 2019, and shall not be issued
676 to a retail food store that is located within five hundred (500)
677 feet of an establishment holding a package retailer's permit prior
678 to July 1, 2019.

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

682 (3) Except as otherwise provided in this subsection, no
683 authority shall be granted to any person to manufacture, sell or
684 store for sale any intoxicating liquor as specified in this
685 chapter within four hundred (400) feet of any church, school,
686 kindergarten or funeral home. However, within an area zoned
687 commercial or business, such minimum distance shall be not less
688 than one hundred (100) feet.

689 A church or funeral home may waive the distance restrictions
690 imposed in this subsection in favor of allowing issuance by the
691 department of a permit, pursuant to subsection (1) of this
692 section, to authorize activity relating to the manufacturing, sale
693 or storage of alcoholic beverages which would otherwise be



694 prohibited under the minimum distance criterion. Such waiver
695 shall be in written form from the owner, the governing body, or
696 the appropriate officer of the church or funeral home having the
697 authority to execute such a waiver, and the waiver shall be filed
698 with and verified by the department before becoming effective.

699 The distance restrictions imposed in this subsection shall
700 not apply to the sale or storage of alcoholic beverages at a bed
701 and breakfast inn listed in the National Register of Historic
702 Places or to the sale or storage of alcoholic beverages in a
703 historic district that is listed in the National Register of
704 Historic Places, is a qualified resort area and is located in a
705 municipality having a population greater than one hundred thousand
706 (100,000) according to the latest federal decennial census.

707 (4) No person, either individually or as a member of a firm,
708 partnership, limited liability company or association, or as a
709 stockholder, officer or director in a corporation, shall own or
710 control any interest in more than * * * six (6) package retailer's
711 permits, nor shall such person's spouse, if living in the same
712 household of such person, any relative of such person, if living
713 in the same household of such person, or any other person living
714 in the same household with such person own any interest in any
715 other package retailer's permit which, when combined with the
716 number of package retailer's permits owned by the person or in
717 which the person has a controlling interest, would total more than
718 six (6) package retailer's permits.



719 (5) (a) In addition to any other authority granted under
720 this section, the holder of a permit issued under subsection
721 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
722 sell or otherwise provide alcoholic beverages and/or wine to a
723 patron of the permit holder in the manner authorized in the permit
724 and the patron may remove an open glass, cup or other container of
725 the alcoholic beverage and/or wine from the licensed premises and
726 may possess and consume the alcoholic beverage or wine outside of
727 the licensed premises if: (i) the licensed premises is located
728 within a leisure and recreation district created under Section
729 67-1-101 and (ii) the patron remains within the boundaries of the
730 leisure and recreation district while in possession of the
731 alcoholic beverage or wine.

732 (b) Nothing in this subsection shall be construed to
733 allow a person to bring any alcoholic beverages into a permitted
734 premises except to the extent otherwise authorized by this
735 chapter.

736 **SECTION 3.** Section 27-71-5, Mississippi Code of 1972, is
737 amended as follows:

738 27-71-5. (1) Upon each person approved for a permit under
739 the provisions of the Alcoholic Beverage Control Law and
740 amendments thereto, there is levied and imposed for each location
741 for the privilege of engaging and continuing in this state in the
742 business authorized by such permit, an annual privilege license
743 tax in the amount provided in the following schedule:



744	(a) Except as otherwise provided in this subsection	
745	(1), manufacturer's permit, Class 1, distiller's and/or	
746	rectifier's.....	\$4,500.00
747	(b) Manufacturer's permit, Class 2, wine	
748	manufacturer.....	\$1,800.00
749	(c) Manufacturer's permit, Class 3, native wine	
750	manufacturer per ten thousand (10,000) gallons or part thereof	
751	produced.....	\$ 10.00
752	(d) Native wine retailer's permit.....	\$ 50.00
753	(e) Package retailer's permit, each.....	\$ 900.00
754	(f) On-premises retailer's permit, except for clubs and	
755	common carriers, each.....	\$ 450.00
756	(g) On-premises retailer's permit for wine of more than	
757	five percent (5%) alcohol by weight, but not more than twenty-one	
758	percent (21%) alcohol by weight, each.....	\$ 225.00
759	(h) On-premises retailer's permit for clubs...	\$ 225.00
760	(i) On-premises retailer's permit for common carriers,	
761	per car, plane, or other vehicle.....	\$ 120.00
762	(j) Solicitor's permit, regardless of any other	
763	provision of law, solicitor's permits shall be issued only in the	
764	discretion of the department.....	\$ 100.00
765	(k) Filing fee for each application except for an	
766	employee identification card.....	\$ 25.00
767	(l) Temporary permit, Class 1, each.....	\$ 10.00
768	(m) Temporary permit, Class 2, each.....	\$ 50.00



769	(n) (i) Caterer's permit.....	\$ 600.00
770	(ii) Caterer's permit for holders of on-premises	
771	retailer's permit.....	\$ 150.00
772	(o) Research permit.....	\$ 100.00
773	(p) Temporary permit, Class 3 (wine only).....	\$ 10.00
774	(q) Special service permit.....	\$ 225.00
775	(r) Merchant permit.....	\$ 225.00
776	(s) Temporary wine charitable auction permit..	\$ 10.00
777	(t) Event venue retailer's permit.....	\$ 225.00
778	(u) Temporary theatre permit, each.....	\$ 10.00
779	(v) Charter ship operator's permit.....	\$ 100.00
780	(w) <u>Retail food store wine only retailer's permit,</u>	
781	<u>each location</u>	<u>\$ 900.00</u>

782 If a person approved for a manufacturer's permit, Class 1,
783 distiller's permit produces a product with at least fifty-one
784 percent (51%) of the finished product by volume being obtained
785 from alcoholic fermentation of grapes, fruits, berries, honey
786 and/or vegetables grown and produced in Mississippi, and produces
787 all of the product by using not more than one (1) still having a
788 maximum capacity of one hundred fifty (150) liters, the annual
789 privilege license tax for such a permit shall be Ten Dollars
790 (\$10.00) per ten thousand (10,000) gallons or part thereof
791 produced. Bulk, concentrated or fortified ingredients used for
792 blending may be produced outside this state and used in producing
793 such a product.



794 In addition to the filing fee imposed by paragraph (k) of
795 this subsection, a fee to be determined by the Department of
796 Revenue may be charged to defray costs incurred to process
797 applications. The additional fees shall be paid into the State
798 Treasury to the credit of a special fund account, which is hereby
799 created, and expenditures therefrom shall be made only to defray
800 the costs incurred by the Department of Revenue in processing
801 alcoholic beverage applications. Any unencumbered balance
802 remaining in the special fund account on June 30 of any fiscal
803 year shall lapse into the State General Fund.

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

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

814 (b) (i) In addition to the tax imposed in paragraph
815 (a) of this subsection, there is imposed and shall be collected by
816 the department from each permittee described in subsection (1)(f),
817 (g), (h), (m) and (t) of this section, an additional license tax
818 for the privilege of doing business within any municipality or



819 county in which the licensee is located in the amount of Two
820 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
821 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
822 (\$225.00) for each additional purchase of Five Thousand Dollars
823 (\$5,000.00), or fraction thereof.

824 (ii) In addition to the tax imposed in paragraph
825 (a) of this subsection, there is imposed and shall be collected by
826 the department from each permittee described in subsection (1)(n)
827 and (r) of this section, an additional license tax for the
828 privilege of doing business within any municipality or county in
829 which the licensee is located in the amount of Two Hundred Fifty
830 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
831 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
832 additional purchase of Five Thousand Dollars (\$5,000.00), or
833 fraction thereof.

834 (iii) Any person who has paid the additional
835 privilege license tax imposed by this paragraph, and whose permit
836 is renewed, may add any unused fraction of Five Thousand Dollars
837 (\$5,000.00) purchases to the first Five Thousand Dollars
838 (\$5,000.00) purchases authorized by the renewal permit, and no
839 additional license tax will be required until purchases exceed the
840 sum of the two (2) figures.

841 (c) If the licensee is located within a municipality,
842 the department shall pay the amount of additional license tax
843 collected under this section to the municipality, and if outside a



844 municipality the department shall pay the additional license tax
845 to the county in which the licensee is located. Payments by the
846 department to the respective local government subdivisions shall
847 be made once each month for any collections during the preceding
848 month.

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

855 (4) The number of permits issued by the department shall not
856 be restricted or limited on a population basis; however, the
857 foregoing limitation shall not be construed to preclude the right
858 of the department to refuse to issue a permit because of the
859 undesirability of the proposed location.

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



868 (6) It shall be unlawful for any person to consume alcoholic
869 beverages on the premises of any hotel restaurant, restaurant,
870 club or the interior of any public place defined in Chapter 1,
871 Title 67, Mississippi Code of 1972, when the owner or manager
872 thereof displays in several conspicuous places inside the
873 establishment and at the entrances of establishment a sign
874 containing the following language: NO ALCOHOLIC BEVERAGES
875 ALLOWED.

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

878 67-1-41. (1) The * * * Department of Revenue is hereby
879 created a wholesale distributor and seller of alcoholic beverages,
880 not including malt liquors, within the State of Mississippi. It
881 is granted the sole right to import and sell intoxicating liquors
882 at wholesale within the state, and no person who is granted the
883 right to sell, distribute or receive intoxicating liquors at
884 retail shall purchase any intoxicating liquors from any source
885 other than the * * * department except as authorized in
886 subsections (4) and (9). The * * * department may establish
887 warehouses, purchase intoxicating liquors in such quantities and
888 from such sources as it may deem desirable and sell the
889 intoxicating liquors to authorized permittees within the state
890 including, at the discretion of the * * * department, any retail
891 distributors operating within any military post or qualified
892 resort areas within the boundaries of the state, keeping a correct



893 and accurate record of all such transactions and exercising such
894 control over the distribution of alcoholic beverages as seem right
895 and proper in keeping with the provisions or purposes of this
896 chapter.

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

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

907 (4) The * * * department may promulgate rules and
908 regulations which authorize on-premises retailers to purchase
909 limited amounts of alcoholic beverages from package retailers and
910 for package retailers to purchase limited amounts of alcoholic
911 beverages from other package retailers. The * * * department
912 shall develop and provide forms to be completed by the on-premises
913 retailers and the package retailers verifying the transaction.
914 The completed forms shall be forwarded to the * * * department
915 within a period of time prescribed by the * * * department.

916 (5) The * * * department may promulgate rules which
917 authorize the holder of a package retailer's permit or retail food



918 store wine only retailer's permit to permit individual retail
919 purchasers of packages of alcoholic beverages to return, for
920 exchange, credit or refund, limited amounts of original sealed and
921 unopened packages of alcoholic beverages purchased by the
922 individual from the package retailer or retail food store.

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

926 (7) The * * * department may promulgate rules which
927 authorize the manufacturer of an alcoholic beverage or wine to
928 import, transport and furnish or give a sample of alcoholic
929 beverages or wines to the holders of package retailer's permits,
930 on-premises retailer's permits, native wine retailer's
931 permits * * *, temporary retailer's permits and retail food store
932 wine only retailer's permits who have not previously purchased the
933 brand of that manufacturer from the * * * department. For each
934 holder of the designated permits, the manufacturer may furnish not
935 more than five hundred (500) milliliters of any brand of alcoholic
936 beverage and not more than three (3) liters of any brand of wine.

937 (8) The * * * department may promulgate rules disallowing
938 open product sampling of alcoholic beverages or wines by the
939 holders of package retailer's permits and permitting open product
940 sampling of alcoholic beverages by the holders of on-premises
941 retailer's permits. Permitted sample products shall be plainly
942 identified "sample" and the actual sampling must occur in the



943 presence of the manufacturer's representatives during the legal
944 operating hours of on-premises retailers.

945 (9) The * * * department may promulgate rules and
946 regulations that authorize the holder of a research permit to
947 import and purchase limited amounts of alcoholic beverages from
948 importers, wineries and distillers of alcoholic beverages or from
949 the * * * department. The * * * department shall develop and
950 provide forms to be completed by the research permittee verifying
951 each transaction. The completed forms shall be forwarded to
952 the * * * department within a period of time prescribed by
953 the * * * department. The records and inventory of alcoholic
954 beverages shall be open to inspection at any time by the Director
955 of the Alcoholic Beverage Control Division or any duly authorized
956 agent.

957 **SECTION 5.** Section 67-1-75, Mississippi Code of 1972, is
958 amended as follows:

959 67-1-75. If the holder of a package retailer's permit or a
960 retail food store wine only permit, or any employee thereof:

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

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



967 (c) Shall sell, offer for sale or permit the sale in,
968 on or about the premises of alcoholic beverages in any package or
969 container containing less than fifty (50) milliliters by liquid
970 measure; then such person or employee shall be guilty of a
971 misdemeanor and, upon conviction, shall be punished by a fine of
972 not more than One Thousand Dollars (\$1,000.00) or by imprisonment
973 in the county jail for a term of not more than one (1) year, or by
974 both such fine and imprisonment, in the discretion of the court.
975 In addition, in the case of the commission of any of such offenses
976 by the holder of a permit, it shall be the duty of the * * *
977 department forthwith to revoke the permit held by such person and
978 conviction of the criminal offense shall not be a condition
979 precedent to such revocation.

980 **SECTION 6.** Section 67-1-83, Mississippi Code of 1972, is
981 amended as follows:

982 67-1-83. (1) It shall be unlawful for any permittee or
983 other person to sell or furnish any alcoholic beverage to any
984 person who is visibly intoxicated, or to any person who is known
985 to habitually drink alcoholic beverages to excess, or to any
986 person who is known to be an habitual user of narcotics or other
987 habit-forming drugs. It shall also be unlawful for the holder of
988 any package retailer's permit or retail food store wine only
989 retailer's permit to sell any alcoholic beverages except by
990 delivery in person to the purchaser at the place of business of
991 the permittee.



992 (2) It shall be unlawful for any permittee or other person
993 to sell or furnish any alcoholic beverage to any person to whom
994 the * * * department has, after investigation, decided to prohibit
995 the sale of those beverages because of an appeal to the * * *
996 department so to do by the husband, wife, father, mother, brother,
997 sister, child, or employer of the person. The interdiction in
998 those cases shall last until removed by the * * * department, but
999 no person shall be held to have violated this subsection unless he
1000 has been informed by the * * * department, by registered letter,
1001 that it is forbidden to sell to that individual or unless that
1002 fact is otherwise known to the permittee or other person.

1003 (3) It shall be unlawful for any holder of a package
1004 retailer's permit or a retail food store wine only retailer's
1005 permit, or any employee or agent thereof, * * * to sell or furnish
1006 any alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or
1007 to sell alcoholic beverages on Sunday and Christmas Day.

1008 (4) Any person who violates any of the provisions of this
1009 section shall be guilty of a misdemeanor and, upon conviction,
1010 shall be punished by a fine of not more than Five Hundred Dollars
1011 (\$500.00) or by imprisonment in the county jail for a term of not
1012 more than six (6) months, or by both that fine and imprisonment,
1013 in the discretion of the court. In addition, the * * * department
1014 shall immediately revoke the permit of any permittee who violates
1015 the provisions of this section.



1016 **SECTION 7.** Section 67-1-85, Mississippi Code of 1972, is
1017 amended as follows:

1018 67-1-85. (1) The holder of a package retailer's permit or
1019 retail food store wine only retailer's permit may have signs,
1020 lighted or otherwise, on the outside of the premises covered by
1021 his permit which advertise, announce or advise of the sale of
1022 alcoholic beverages in or on * * * the premises. Wherever the
1023 sign is located on the premises, the name of the business shall
1024 also include the permit number thereof, preceded by the words
1025 "A.B.C. Permit No."

1026 (2) It shall be lawful to advertise alcoholic beverages by
1027 means of signs, billboards or displays on or along any road,
1028 highway, street or building.

1029 (3) It shall be lawful for publishers, broadcasters and
1030 other kinds, types or forms of public and private advertising
1031 media to advertise alcoholic beverages; however, no alcoholic
1032 beverages may be advertised during, or within five (5) minutes
1033 preceding or following, any television broadcast which consists
1034 primarily of animated material intended for viewing by young
1035 children.

1036 (4) Notwithstanding the provisions of this section to the
1037 contrary, it shall be unlawful to advertise alcoholic beverages by
1038 means of signs, billboards or displays in any municipality, county
1039 or judicial district which has not voted pursuant to the



1040 provisions of this chapter to legalize the sale of alcoholic
1041 beverages.

1042 **SECTION 8.** This act shall take effect and be in force from
1043 and after July 1, 2018.

