

By: Representatives Busby, Aguirre, Barton,  
Bell (65th), Brown, Criswell, DeLano,  
Eubanks, Eure, Holloway, Hudson, Kinkade,  
McLeod, Powell, Zuber

To: Ways and Means

## HOUSE BILL NO. 708

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

(2) A direct wine shipper may not:

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

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

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

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

(a) Is otherwise entitled to receive a permit;

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



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

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

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

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

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

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

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



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

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

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

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

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



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



183	(u) Temporary theatre permit, each.....	\$ 10.00
184	(v) Charter ship operator's permit.....	\$ 100.00
185	(w) Distillery retailer's permit.....	\$ 450.00
186	(x) <u>Direct wine shipper's permit.....</u>	<u>\$ 100.00</u>

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

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



remaining in the special fund account on June 30 of any fiscal year shall lapse into the State General Fund.

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

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

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

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



the department from each permittee described in subsection (1)(n) and (r) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Fifty Dollars (\$250.00) on purchases exceeding Five Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each additional purchase of Five Thousand Dollars (\$5,000.00), or fraction thereof.

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

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

(3) When an application for any permit, other than for renewal of a permit, has been rejected by the department, such



257 decision shall be final. Appeal may be made in the manner  
258 provided by Section 67-1-39. Another application from an  
259 applicant who has been denied a permit shall not be reconsidered  
260 within a twelve-month period.

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

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

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



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

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

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

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

(b) Until June 30, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in the State Treasury to the credit of the "Alcoholism Treatment and Rehabilitation Fund," a special fund which is hereby created in the State Treasury, and shall be used by the Division of Alcohol and Drug Abuse of the State Department of Mental Health and public or private centers or organizations solely for funding of treatment and rehabilitation programs for alcoholics and alcohol



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

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

327 (3) There is levied and assessed upon the holder of a direct  
328 wine shipper's permit, a tax in the amount of thirty-four percent  
329 (34%) of the sales price of each sale and shipment of wine made to  
330 a resident in this state. The holder of a direct wine shipper's  
331 permit shall file a monthly report with the department along with



a copy of the invoice for each sale and shipment of wine and remit  
any taxes due; however, no report shall be required for months in  
which no sales or shipments were made into this state. The  
report, together with copies of the invoices and the payment of  
all taxes, shall be filed with the department not later than the  
twentieth day of the month following the month in which the  
shipment was made. Permittees who fail to timely file and pay  
taxes as required by this subsection shall pay a late fee in the  
amount of Fifty Dollars (\$50.00), in addition to any other penalty  
authorized by this article.

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

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



issue regulations controlling the transportation of alcoholic beverages.

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

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

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

(2) All taxes levied under Section 27-71-7(1) and received by the \* \* \* department under this article shall be paid into the General Fund, and the three percent (3%) levied under Section 27-71-7(2) and received by the \* \* \* department under this article shall be paid into the special fund in the State Treasury designated as the "Alcoholism Treatment and Rehabilitation Fund" as required by law. Any funds derived from the sale of alcoholic



beverages in excess of inventory requirements shall be paid not less often than annually into the General Fund.

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

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

67-1-41. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the sole right to import and sell intoxicating liquors at wholesale within the state, and no person who is granted the right to sell, distribute or receive intoxicating liquors at retail shall purchase any intoxicating liquors from any source other than the department except as authorized in subsections (4) and (9) of this section and Sections 1 through 9 of this act. The department may establish warehouses, purchase intoxicating liquors in such quantities and from such sources as it may deem desirable and sell the intoxicating liquors to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct



407 and accurate record of all such transactions and exercising such  
408 control over the distribution of alcoholic beverages as seem right  
409 and proper in keeping with the provisions or purposes of this  
410 chapter.

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

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

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

430 (5) The department may promulgate rules which authorize the  
431 holder of a package retailer's permit to permit individual retail



432 purchasers of packages of alcoholic beverages to return, for  
433 exchange, credit or refund, limited amounts of original sealed and  
434 unopened packages of alcoholic beverages purchased by the  
435 individual from the package retailer.

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

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

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



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

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

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

67-1-45. No manufacturer, rectifier or distiller of intoxicating liquor shall sell or attempt to sell any such intoxicating liquor, except malt liquor, within the State of Mississippi, except to the \* \* \* department, or to the holder of a research permit as provided in Section 67-1-41. A producer of native wine may sell native wines to the \* \* \* department or to consumers at the location of the native winery or its immediate vicinity. The holder of a direct wine shipper's permit may sell



wines directly to residents in this state as authorized by  
Sections 1 through 9 of this act.

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

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

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

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

Manufacturer's permits shall be of the following classes:

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



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

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

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



Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Such a permit shall be issued only to qualified hotels, restaurants and clubs, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common



555 carrier operating solely in the water, such common carrier must,  
556 along with all other qualifications for a permit, (i) be certified  
557 to carry at least one hundred fifty (150) passengers and/or  
558 provide overnight accommodations for at least fifty (50)  
559 passengers and (ii) operate primarily in the waters within the  
560 State of Mississippi which lie adjacent to the State of  
561 Mississippi south of the three (3) most southern counties in the  
562 State of Mississippi and/or on the Mississippi River or navigable  
563 waters within any county bordering on the Mississippi River.

564           (d) **Solicitor's permit.** A solicitor's permit shall  
565 authorize the holder thereof to act as salesman for a manufacturer  
566 or wholesaler holding a proper permit, to solicit on behalf of his  
567 employer orders for alcoholic beverages, and to otherwise promote  
568 his employer's products in a legitimate manner. Such a permit  
569 shall authorize the representation of and employment by one (1)  
570 principal only. However, the permittee may also, in the  
571 discretion of the department, be issued additional permits to  
572 represent other principals. No such permittee shall buy or sell  
573 alcoholic beverages for his own account, and no such beverage  
574 shall be brought into this state in pursuance of the exercise of  
575 such permit otherwise than through a permit issued to a wholesaler  
576 or manufacturer in the state.

577           (e) **Native wine retailer's permit.** Except as otherwise  
578 provided in subsection (5) of this section, a native wine  
579 retailer's permit shall be issued only to a holder of a Class 3



manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery.

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

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

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



605 expiration of the temporary permit may be returned by the  
606 permittee to the package retailer for a refund of the purchase  
607 price upon consent of the package retailer or may be kept by the  
608 permittee exclusively for personal use and consumption, subject to  
609 all laws pertaining to the illegal sale and possession of  
610 alcoholic beverages. The department, following review of the  
611 statement provided by the applicant and the requirements of the  
612 applicable statutes and regulations, may issue the permit.

613       Class 2. A temporary permit, not to exceed seventy (70)  
614 days, may be issued to prospective permittees seeking to transfer  
615 a permit authorized in paragraph (c) of this subsection. A Class  
616 2 permit may be issued only to applicants demonstrating to the  
617 department, by a statement signed under the penalty of perjury,  
618 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
619 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
620 67-1-59. The department, following a preliminary review of the  
621 statement provided by the applicant and the requirements of the  
622 applicable statutes and regulations, may issue the permit.

623       Class 2 temporary permittees must purchase their alcoholic  
624 beverages directly from the department or, with approval of the  
625 department, purchase the remaining stock of the previous  
626 permittee. If the proposed applicant of a Class 1 or Class 2  
627 temporary permit falsifies information contained in the  
628 application or statement, the applicant shall never again be



629 eligible for a retail alcohol beverage permit and shall be subject  
630 to prosecution for perjury.

631       Class 3. A temporary one-day permit may be issued to a  
632 retail establishment authorizing the complimentary distribution of  
633 wine, including native wine, to patrons of the retail  
634 establishment at an open house or promotional event, for  
635 consumption only on the premises described in the temporary  
636 permit. A Class 3 permit may be issued only to an applicant  
637 demonstrating to the department, by a statement signed under  
638 penalty of perjury submitted ten (10) days before the proposed  
639 date or such other time as the department may determine, that it  
640 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
641 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
642 A Class 3 permit holder shall obtain all alcoholic beverages from  
643 the holder(s) of a package retailer's permit located in the county  
644 in which the temporary permit is issued. Wine remaining in stock  
645 upon expiration of the temporary permit may be returned by the  
646 Class 3 temporary permit holder to the package retailer for a  
647 refund of the purchase price, with consent of the package  
648 retailer, or may be kept by the Class 3 temporary permit holder  
649 exclusively for personal use and consumption, subject to all laws  
650 pertaining to the illegal sale and possession of alcoholic  
651 beverages. The department, following review of the statement  
652 provided by the applicant and the requirements of the applicable  
653 statutes and regulations, may issue the permit. No retailer may



654 receive more than twelve (12) Class 3 temporary permits in a  
655 calendar year. A Class 3 temporary permit shall not be issued to  
656 a retail establishment that either holds a merchant permit issued  
657 under paragraph (1) of this subsection, or holds a permit issued  
658 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
659 the holder to engage in the business of a retailer of light wine  
660 or beer.

661           (g) **Caterer's permit.** A caterer's permit shall permit  
662 the purchase of alcoholic beverages by a person engaging in  
663 business as a caterer and the resale of alcoholic beverages by  
664 such person in conjunction with such catering business. No person  
665 shall qualify as a caterer unless forty percent (40%) or more of  
666 the revenue derived from such catering business shall be from the  
667 serving of prepared food and not from the sale of alcoholic  
668 beverages and unless such person has obtained a permit for such  
669 business from the Department of Health. A caterer's permit shall  
670 not authorize the sale of alcoholic beverages on the premises of  
671 the person engaging in business as a caterer; however, the holder  
672 of an on-premises retailer's permit may hold a caterer's permit.  
673 When the holder of an on-premises retailer's permit or an  
674 affiliated entity of the holder also holds a caterer's permit, the  
675 caterer's permit shall not authorize the service of alcoholic  
676 beverages on a consistent, recurring basis at a separate, fixed  
677 location owned or operated by the caterer, on-premises retailer or  
678 affiliated entity and an on-premises retailer's permit shall be



679 required for the separate location. All sales of alcoholic  
680 beverages by holders of a caterer's permit shall be made at the  
681 location being catered by the caterer, and, except as otherwise  
682 provided in subsection (5) of this section, such sales may be made  
683 only for consumption at the catered location. The location being  
684 catered may be anywhere within a county or judicial district that  
685 has voted to come out from under the dry laws or in which the  
686 sale, distribution and possession of alcoholic beverages is  
687 otherwise authorized by law. Such sales shall be made pursuant to  
688 any other conditions and restrictions which apply to sales made by  
689 on-premises retail permittees. The holder of a caterer's permit  
690 or his employees shall remain at the catered location as long as  
691 alcoholic beverages are being sold pursuant to the permit issued  
692 under this paragraph (g), and the permittee shall have at the  
693 location the identification card issued by the Alcoholic Beverage  
694 Control Division of the department. No unsold alcoholic beverages  
695 may be left at the catered location by the permittee upon the  
696 conclusion of his business at that location. Appropriate law  
697 enforcement officers and Alcoholic Beverage Control Division  
698 personnel may enter a catered location on private property in  
699 order to enforce laws governing the sale or serving of alcoholic  
700 beverages.

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



704 authorize the holder of the permit to import and purchase limited  
705 amounts of alcoholic beverages from the department or from  
706 importers, wineries and distillers of alcoholic beverages for  
707 professional research.

708           (i) **Alcohol processing permit.** An alcohol processing  
709 permit shall authorize the holder thereof to purchase, transport  
710 and possess alcoholic beverages for the exclusive use in cooking,  
711 processing or manufacturing products which contain alcoholic  
712 beverages as an integral ingredient. An alcohol processing permit  
713 shall not authorize the sale of alcoholic beverages on the  
714 premises of the person engaging in the business of cooking,  
715 processing or manufacturing products which contain alcoholic  
716 beverages. The amounts of alcoholic beverages allowed under an  
717 alcohol processing permit shall be set by the department.

718           (j) **Hospitality cart permit.** A hospitality cart permit  
719 shall authorize the sale of alcoholic beverages from a mobile cart  
720 on a golf course that is the holder of an on-premises retailer's  
721 permit. The alcoholic beverages sold from the cart must be  
722 consumed within the boundaries of the golf course.

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



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

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

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



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

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



777                   (o) **Temporary theatre permit.** A temporary theatre  
778 permit, not to exceed five (5) days, may be issued to a charitable  
779 nonprofit organization that is exempt from taxation under Section  
780 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
781 a theatre facility that features plays and other theatrical  
782 performances and productions. Except as otherwise provided in  
783 subsection (5) of this section, the permit shall authorize the  
784 holder to sell alcoholic beverages, including native wines, to  
785 patrons of the theatre during performances and productions at the  
786 theatre facility for consumption during such performances and  
787 productions on the premises of the facility described in the  
788 permit. A temporary theatre permit holder shall obtain all  
789 alcoholic beverages from package retailers located in the county  
790 in which the permit is issued. Alcoholic beverages remaining in  
791 stock upon expiration of the temporary theatre permit may be  
792 returned by the permittee to the package retailer for a refund of  
793 the purchase price upon consent of the package retailer or may be  
794 kept by the permittee exclusively for personal use and  
795 consumption, subject to all laws pertaining to the illegal sale  
796 and possession of alcoholic beverages.

797                   (p) **Charter ship operator's permit.** Subject to the  
798 provisions of this paragraph (p), a charter ship operator's permit  
799 shall authorize the holder thereof and its employees to serve,  
800 monitor, store and otherwise control the serving and availability  
801 of alcoholic beverages to customers of the permit holder during



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

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in



the permit. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(r) **Direct wine shipper's permit.** A direct shipper's permit shall authorize the holder to sell and ship a limited amount of wine directly to residents in this state in accordance with the provisions of Sections 1 through 9 of this act, without



852 being required to transact the sale and shipment of those wines  
853 through the Alcoholic Beverage Control Division of the department.

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

857 (3) Except as otherwise provided in this subsection, no  
858 authority shall be granted to any person to manufacture, sell or  
859 store for sale any intoxicating liquor as specified in this  
860 chapter within four hundred (400) feet of any church, school,  
861 kindergarten or funeral home. However, within an area zoned  
862 commercial or business, such minimum distance shall be not less  
863 than one hundred (100) feet.

864 A church or funeral home may waive the distance restrictions  
865 imposed in this subsection in favor of allowing issuance by the  
866 department of a permit, pursuant to subsection (1) of this  
867 section, to authorize activity relating to the manufacturing, sale  
868 or storage of alcoholic beverages which would otherwise be  
869 prohibited under the minimum distance criterion. Such waiver  
870 shall be in written form from the owner, the governing body, or  
871 the appropriate officer of the church or funeral home having the  
872 authority to execute such a waiver, and the waiver shall be filed  
873 with and verified by the department before becoming effective.

874 The distance restrictions imposed in this subsection shall  
875 not apply to the sale or storage of alcoholic beverages at a bed  
876 and breakfast inn listed in the National Register of Historic



877 Places or to the sale or storage of alcoholic beverages in a  
878 historic district that is listed in the National Register of  
879 Historic Places, is a qualified resort area and is located in a  
880 municipality having a population greater than one hundred thousand  
881 (100,000) according to the latest federal decennial census.

882 (4) No person, either individually or as a member of a firm,  
883 partnership, limited liability company or association, or as a  
884 stockholder, officer or director in a corporation, shall own or  
885 control any interest in more than one (1) package retailer's  
886 permit, nor shall such person's spouse, if living in the same  
887 household of such person, any relative of such person, if living  
888 in the same household of such person, or any other person living  
889 in the same household with such person own any interest in any  
890 other package retailer's permit.

891 (5) (a) In addition to any other authority granted under  
892 this section, the holder of a permit issued under subsection  
893 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
894 sell or otherwise provide alcoholic beverages and/or wine to a  
895 patron of the permit holder in the manner authorized in the permit  
896 and the patron may remove an open glass, cup or other container of  
897 the alcoholic beverage and/or wine from the licensed premises and  
898 may possess and consume the alcoholic beverage or wine outside of  
899 the licensed premises if: (i) the licensed premises is located  
900 within a leisure and recreation district created under Section  
901 67-1-101 and (ii) the patron remains within the boundaries of the



leisure and recreation district while in possession of the  
alcoholic beverage or wine.

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

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

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

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



927 closest neighboring county and circulated in the county of  
928 applicant's residence. The notice shall be printed in ten-point  
929 black face type and shall set forth the type of permit to be  
930 applied for, the exact location of the place of business, the name  
931 of the owner or owners thereof, and if operating under an assumed  
932 name, the trade name together with the names of all owners, and if  
933 a corporation, the names and titles of all officers. The cost of  
934 such notice shall be borne by the applicant. The provisions of  
935 this subsection (2) shall not apply to applicants for a direct  
936 wine shipper's permit under Sections 1 through 9 of this act.

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

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

942 67-1-55. No permit of any type shall be issued by the \* \* \*  
943 department until the applicant has first filed with the \* \* \*  
944 department a sworn statement disclosing all persons who are  
945 financially involved in the operation of the business for which  
946 the permit is sought. If an applicant is an individual, he will  
947 swear that he owns one hundred percent (100%) of the business for  
948 which he is seeking a permit. If the applicant is a partnership,  
949 all partners and their addresses shall be disclosed and the extent  
950 of their interest in the partnership shall be disclosed. If the  
951 applicant is a corporation, the total stock in the corporation



shall be disclosed and each shareholder and his address and the amount of stock in the corporation owned by him shall be disclosed. If the applicant is a limited liability company, each member and their addresses shall be disclosed and the extent of their interest in the limited liability company shall be disclosed. If the applicant is a trust, the trustee and all beneficiaries and their addresses shall be disclosed. If the applicant is a combination of any of the above, all information required to be disclosed above shall be required.

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

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

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

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



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

978           67-1-57. Before a permit is issued the department shall  
979 satisfy itself:

980           (a) That the applicant, if an individual, or if a  
981 partnership, each of the members of the partnership, or if a  
982 corporation, each of its principal officers and directors, or if a  
983 limited liability company, each member of the limited liability  
984 company, is of good moral character and, in addition, enjoys a  
985 reputation of being a peaceable, law-abiding citizen of the  
986 community in which he resides, and is generally fit for the trust  
987 to be reposed in him, is not less than twenty-one (21) years of  
988 age, and has not been convicted of a felony in any state or  
989 federal court.

990           (b) That, except in the case of an application for a  
991 solicitor's permit, the applicant is the true and actual owner of  
992 the business for which the permit is desired, and that he intends  
993 to carry on the business authorized for himself and not as the  
994 agent of any other person, and that he intends to superintend in  
995 person the management of the business or that he will designate a  
996 manager to manage the business for him. Except for managers  
997 employed by the holder of a direct wine shipper's permit, all  
998 managers must be approved by the department prior to completing  
999 any managerial tasks on behalf of the permittee and must possess  
1000 all of the qualifications required of a permittee; however, a



1001 felony conviction, other than a crime of violence, does not  
1002 automatically disqualify a person from being approved as a manager  
1003 if the person was released from incarceration at least three (3)  
1004 years prior to application for approval as a manager. A felony  
1005 conviction, other than a crime of violence, may be considered by  
1006 the department in determining whether all other qualifications are  
1007 met.

1008           (c) That the applicant for a package retailer's permit,  
1009 if an individual, is a resident of the State of Mississippi. If  
1010 the applicant is a partnership, each member of the partnership  
1011 must be a resident of the state. If the applicant is a limited  
1012 liability company, each member of the limited liability company  
1013 must be a resident of the state. If the applicant is a  
1014 corporation, the designated manager of the corporation must be a  
1015 resident of the state.

1016           (d) That the place for which the permit is to be issued  
1017 is an appropriate one considering the character of the premises  
1018 and the surrounding neighborhood.

1019           (e) That the place for which the permit is to be issued  
1020 is within the corporate limits of an incorporated municipality or  
1021 qualified resort area or club which comes within the provisions of  
1022 this chapter.

1023           (f) That the applicant is not indebted to the state for  
1024 any taxes, fees or payment of penalties imposed by any law of the



1025 State of Mississippi or by any rule or regulation of the \* \* \*  
1026 department.

1027 (g) That the applicant is not in the habit of using  
1028 alcoholic beverages to excess and is not physically or mentally  
1029 incapacitated, and that the applicant has the ability to read and  
1030 write the English language.

1031 (h) That the \* \* \* department does not believe and has  
1032 no reason to believe that the applicant will sell or knowingly  
1033 permit any agent, servant or employee to unlawfully sell liquor in  
1034 a dry area or in any other manner contrary to law.

1035 (i) That the applicant is not residentially domiciled  
1036 with any person whose permit or license has been cancelled for  
1037 cause within the twelve (12) months next preceding the date of the  
1038 present application for a permit.

1039 (j) That the \* \* \* department has not, in the exercise  
1040 of its discretion which is reserved and preserved to it, refused  
1041 to grant permits under the restrictions of this section, as well  
1042 as under any other pertinent provision of this chapter.

1043 (k) That there are not sufficient legal reasons to deny  
1044 a permit on the ground that the premises for which the permit is  
1045 sought has previously been operated, used or frequented for any  
1046 purpose or in any manner that is lewd, immoral or offensive to  
1047 public decency. In the granting or withholding of any permit to  
1048 sell alcoholic beverages at retail, the \* \* \* department in  
1049 forming its conclusions may give consideration to any



recommendations made in writing by the district or county attorney or county, circuit or chancery judge of the county, or the sheriff of the county, or the mayor or chief of police of an incorporated city or town wherein the applicant proposes to conduct his business and to any recommendations made by representatives of the commission.

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

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



1075           67-1-73.   (1) Except as otherwise provided in subsection (3)  
1076 of this section, every manufacturer, including native wine  
1077 producers, within or without the state, and every other shipper of  
1078 alcoholic beverages who sells any alcoholic beverage, including  
1079 native wine, within the state, shall, at the time of making such  
1080 sale, file with the \* \* \* department a copy of the invoice of such  
1081 sale showing in detail the kind of alcoholic beverage sold, the  
1082 quantities of each, the size of the container and the weight of  
1083 the contents, the alcoholic content, and the name and address of  
1084 the person to whom sold.

1085           (2) Except as otherwise provided in subsection (3) of this  
1086 section, every person transporting alcoholic beverages, including  
1087 native wine, within this state to a point within this state,  
1088 whether such transportation originates within or without this  
1089 state, shall, within five (5) days after delivery of such  
1090 shipment, furnish the \* \* \* department a copy of the bill of  
1091 lading or receipt, showing the name or consignor or consignee,  
1092 date, place received, destination, and quantity of alcoholic  
1093 beverages delivered. Upon failure to comply with the provisions  
1094 of this section, such person shall be deemed guilty of a  
1095 misdemeanor and, upon conviction, thereof shall be fined in the  
1096 sum of Fifty Dollars (\$50.00) for each offense.

1097           (3) Information regarding the sales, shipment, delivery and  
1098 transportation of wine in this state by the holder of a direct



1099 wine shipper's permit under Sections 1 through 9 of this act shall  
1100 be in such form and content as prescribed by the department.

1101       **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is  
1102 amended as follows:

1103       97-31-47. It shall be unlawful for any transportation  
1104 company, or any agent, employee, or officer of such company, or  
1105 any other person, or corporation to transport into or deliver in  
1106 this state in any manner or by any means any spirituous, vinous,  
1107 malt, or other intoxicating liquors or drinks, or for any such  
1108 person, company, or corporation to transport any spirituous, malt,  
1109 vinous, or intoxicating liquors or drinks from one place within  
1110 this state to another place within the state, or from one (1)  
1111 point within this state to any point without the state, except in  
1112 cases where this chapter, \* \* \* Section 67-9-1, or Sections 1  
1113 through 9 of this act authorizes the transportation.

1114       **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is  
1115 amended as follows:

1116       97-31-49. Except as otherwise provided in Sections 1 through  
1117 9 of this act, it shall be unlawful for any person, firm or  
1118 corporation in this state, in person, by letter, circular, or  
1119 other printed or written matter, or in any other manner, to  
1120 solicit or take order in this state for any liquors, bitters or  
1121 drinks prohibited by the laws of this state to be sold, bartered,  
1122 or otherwise disposed of. The inhibition of this section shall  
1123 apply to such liquors, bitters and drinks, whether the parties



1124 intend that the same shall be shipped into this state from outside  
1125 of the state, or from one (1) point in this state to another point  
1126 in this state. If such order be in writing, parol evidence  
1127 thereof is admissible without producing or accounting for the  
1128 absence of the original; and the taking or soliciting of such  
1129 orders is within the inhibition of this section, although the  
1130 orders are subject to approval by some other person, and no part  
1131 of the price is paid, nor any part of the goods is delivered when  
1132 the order is taken.

1133       **SECTION 23.** This act shall take effect and be in force from  
1134 and after July 1, 2019.

